

XV USE OF FORCE AND WAR

Use of force – deployment of the Australian Defence Force – role of the Australian Parliament – constitutional position

On 20 February 1991 the Attorney-General provided the following written answer to a question on notice (Sen Deb 1991, p 978):

There is no requirement under section 68 of the Constitution for Parliamentary consensus in relation to a decision to deploy the Defence Force. Section 68 of the Constitution provides that:

The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen's representative.

The current legal position with respect to section 68 is summarised at page 346 of the Final Report of the Constitutional Commission as:

It is clear beyond doubt that whatever powers the Governor-General may exercise pursuant to this section, these powers are ones that are exercisable only on the advice of the responsible Minister.

Ministerial responsibility for the Defence Force has been recognised by Parliament in section 8 of the Defence Act 1903 which provides that the Minister for Defence shall have the general control and administration of the Defence Force.

It follows from the answer to Q.1 that there is no requirement for the Government to consult with the Governor-General before making a decision in respect of the Defence Force.

Accountability to Parliament for the decision to deploy the Defence Force is maintained through Ministerial responsibility to the Parliament. A citizen who feels that his or her rights have been affected by the decision to deploy elements of the Defence Force to the Persian Gulf can take political action through his or her Parliamentary representative.

Use of force – Iraqi invasion of Kuwait on 2 August 1990 – holding of foreign hostages – Australian response – support for United Nations Security Council resolutions – deployment of Australian ships – United Nations Charter, Article 51

On 21 August 1990 the Prime Minister, Mr Hawke, moved the following motion in the House of Representatives (HR Deb 1990, Vol 172, p 1118). (After debate, the motion was adopted: *ibid*, p 1194.)

That this House:

- (1) condemns –
 - (a) the invasion of Kuwait by Iraq as contrary to international law and morality;

- (b) the threat posed to the territorial integrity of Saudi Arabia by Iraq's deployment of massive armed forces on the borders of Saudi Arabia; and
- (c) the outrage to the norms of international law, international conduct and human decency of detaining foreign nationals – including Australians – against their will, and in particular the contemptible practice of placing them as human shields to protect Iraq's aggressive military capabilities;
- (2) calls upon Iraq to –
 - (a) withdraw all its forces unconditionally from Kuwait;
 - (b) facilitate the restoration of the legal government of Kuwait; and
 - (c) respect the rights of foreign nationals;
- (3) affirms –
 - (a) the fundamental importance of the United Nations Charter as the basis for the conduct of international relations and the preservation of peace; and
 - (b) in particular, the vital principle of the sanctity of international borders;
- (4) welcomes the United Nation's prompt and unprecedented action in condemning Iraq's invasion of Kuwait and in adopting mandatory and comprehensive sanctions against Iraq to force it to comply with the UN's decisions;
- (5) supports –
 - (a) the Australian Government's prompt action to implement UN sanctions;
 - (b) the Government's decision to send ships of the RAN to the Middle East to assist – by means of identification, contact, interrogation and warning – in enforcing UN sanctions against Iraq under Article 51 of the UN Charter;
 - (c) the Australian Government's continuing diplomatic efforts at the UN and elsewhere –
 - (i) to bring the enforcement of sanctions under explicit UN control through further appropriate resolutions of the Security Council; and
 - (ii) to find a speedy and peaceful resolution to the crisis; and
- (6) expresses concern for the welfare of Australians held in Iraq and Kuwait against their will, and sympathy for the apprehensions of their families and loved ones about their welfare.

In moving the motion the Prime Minister said, in part (*ibid*, 1119–20):

We find ourselves looking again to the United Nations to uphold the rule of law as the principle of international relations over the rule of force. The Cold War often made the United Nations look impotent and irrelevant. As the Cold War fades the United Nations has moved back to the position its founders intended for it.

In drafting the United Nations Charter the founders of the United Nations drew on their vivid and bitter experience of a world sliding into chaos – the failure of the League of Nations in Manchuria and Abyssinia, the appeasement of facism in Europe and the catastrophe that followed. The world has changed a lot since 1945 but I think that the lessons of the 1930s which underpin the United Nations Charter still hold true today: that international disputes must not be settled by force; that national borders must be respected; and that those who use force must not be permitted to prevail. Those lessons establish principles that engage our real tangible interests, not just our sense of right and wrong. The security and prosperity of the world and the security and prosperity of Australia will depend in the years ahead on the strength of those principles. The strength of those principles in the years ahead depends absolutely on the support we give them today. ...

I turn now to review the steps taken by Australia and by the world community to meet the challenge posed by Iraq's actions. The Government has condemned the invasion of Kuwait by Iraq in the most direct terms. The Opposition has done that also and I welcome that. I hope that this House, speaking as it does in a very special way for all Australians, will express its condemnation through the motion that we are proposing.

Referring to the mandatory sanctions imposed by the United Nations Security Council (for details taken by Australia, see under **Part VIII – International Economic Law** above), the Prime Minister continued (*ibid*, pp 1120–22):

Australia is committed to implementing those sanctions with full vigour. As I have said, that will not be without cost. Iraq has been a major export market for Australia. But we have no choice. Economic sanctions are an essential element of the international effort to restore peace and stability to the Middle East. ...

I want now to describe the decision my Government has taken in deploying ships of the Royal Australian Navy to the Gulf region. ...

Australia values its alliances but we recognise that increasingly we will have to look to our own security. As a self-reliant country, in the years ahead we may need to depend more and more on the principles of the United Nations Charter to protect our interests. We are not sending ships to the Gulf region to serve our allies; we are going to protect the international rule of law which will be vital to our security however our alliances may develop in the future.

After carefully assessing Australia's interests, the nature of the job to be done and our ability to do it, the Government decided to deploy two guided missile frigates and one replenishment oiler to participate in the enforcement of the United Nations embargo against Iraq. Many other nations have reached or are considering the same decision. So far the United States, the United Kingdom, France, Canada and the Netherlands have announced that they will deploy ships to act in support of the embargo against Iraq, while

Italy, the Federal Republic of Germany, Greece, Spain, Belgium and Portugal are considering what role they can play.

In joining this group, Australia is acting within the United Nations Charter to assist Kuwait, at its specific request, to exercise its right of self-defence under Article 51 through the implementation of United Nations economic sanctions. Like most members of the group, Australia believes that the establishment of a United Nations force acting under the United Nations flag, as provided explicitly by Article 42 of the United Nations Charter, would be the best framework for the enforcement of the United Nations economic sanctions, and we are working hard to achieve that. ...

Our ships are being sent to the Gulf region with a clear mission – to assist in enforcing economic sanctions. The Government has defined the way in which our ships will operate in fulfilling that mission – as I have said, identification, contact, interrogation and warning. Discussions are now under way with other participants to establish coordination procedures and areas of operations. The operational role of our ships will be reviewed if necessary to ensure that they meet the aim of the deployment but our discussions so far have confirmed that their current roles will allow them to fulfil their mission with a sensible minimum of force. ...

I should make it clear here that our ships are not being sent to the Gulf region to attack Iraq. They will engage Iraqi armed forces only in self-defence. Our ships are well suited to the role we are asking them to fulfil. They are the most modern ships in our fleet, equipped with state of the art weapons and sensor systems, and they are manned by crews as good as any in the world. ...

Apart from this deployment in support of the United Nations sanctions, the Government will continue to pursue diplomatic approaches to the problems in the Gulf. ...

... we are all appalled by the action of Iraq's Government in detaining foreign nationals, including Australians, against their will, and, in particular, the contemptible practice of placing them as human shields around Iraq's arsenal of offensive weapons. In the language of the motion that I have put to the House, this is an outrage against all the norms of international law, international conduct and human decency. Any mistreatment of these people will be a stain on Iraq's Government forever.

About 150 Australians are among those being held in Iraq and Kuwait against their will. ...

The only solution to the crisis created by Iraq's invasion of Kuwait is for Iraq to withdraw from Kuwait and to release all foreign nationals. ...

Before concluding, I want to make it plain that we do not condemn the people of Iraq; we condemn the actions of their Government. The peoples of Australia and Iraq are not inherently hostile to each other.

On 11 September 1990 the Minister for Defence, Senator Robert Ray, said in answer to a question without notice (Sen Deb 1990, p 2224):

When the Government previously announced the operational roles that had been assigned to the ships, it indicated that they may be subject to change. As its meeting on 30 August 1990, Cabinet noted that there may be some variation arising out of the naval conference of participating nations. That conference has now been held. Consequently, and following appropriate consultation, which included the Leader of the Opposition, our ships have now been sent revised rules of engagement.

Whilst I am not able to reveal precise details, I can indicate that the variations go to the circumstances under which our ships may engage in halting, boarding and verification of any vessels suspected of breaking the United Nations sanctions. The Australian operational roles have been coordinated with, and understood by, the other participating navies.

On the same day Senator Ray said in answer to a further question without notice (*ibid*, p 2229):

There is no intention to commit Australian ground forces to the Middle East. A few Australian exchange personnel have been permitted to deploy with the United States and United Kingdom units to the Middle East for the sake of operational effectiveness of those units. There is no way that their presence could be construed as an Australian commitment of ground forces.

On 12 September 1990 the Prime Minister, Mr Hawke, said in answer to a question without notice (HR Deb 1990, Vol 172, pp 1669–70):

The decision to extend the operational roles of our ships was taken by Senator Evans, Senator Ray and me following a Cabinet decision of 30 August which authorised us to take this step if it became apparent that a broader role was necessary in order for Australian ships to contribute effectively to the enforcement of the United Nations embargo. ...

The United Nations Security Council Resolution 665, which called on members to use such measures as may be necessary to enforce the embargo, was also, of course, a factor in the Government's decision.

On 13 September 1990 the Minister for Defence, Senator Robert Ray, said in answer to a question without notice (Sen Deb 1990, p 2283):

One of the three extra operational stages that I said the Australian frigates could go to involves halting. Under the international understanding of halting, that requires a use of force. It requires, obviously, without being too specific, radio contact with the ship concerned and warnings. There is no desire in any of this to see any human life lost. If an Australian frigate were to fire at a ship, it would be required to warn which part of the ship it would fire at so that it should be cleared. The chain of command for such an order at the moment is that the maritime commander and the Chief of the Defence Force are those to whom Cabinet has given responsibility to make that decision, although the CDF has said that he intends, on all available

opportunities, to contact me as Minister. If for some reason I am unable to be contacted the decision to fire will be made by the Chief of the Defence Force.

On 15 September 1990 the Minister for Defence, Senator Robert Ray, issued the following news release:

Following the firing of warning shots by HMAS Darwin, in company with a US frigate, Australian and American boarding parties have boarded an Iraqi tanker.

At about midnight Australian Eastern Standard Time (AEST), HMAS Darwin in co-operation with the USS Brewton, commenced procedures to identify and interrogate the tanker, Al Fao, in the Gulf of Oman. Following the Al Fao's failure to obey repeated calls to stop, at about 12.40am AEST, the USS Brewton fired the first warning shots using its .50 calibre machine guns.

HMAS Darwin fired further warning shots, also using .50 calibre machine guns, about ten minutes later. The Al Fao then stopped and boarding parties were dispatched from both warships. Before they could board, the Al Fao got underway again.

HMAS Adelaide in company with a British Destroyer joined in the operation and shortly after 1 am AEST the tanker was halted and boarded. The Al Fao was permitted to proceed to its destination at about 5 am AEST.

The Al Fao, of 41,400 tons, had reported that it was bound for Basrah. It was not carrying any cargo. Perusal of her papers and a search of the Al Fao indicated that the tanker was not acting in breach of the UN sanctions.

When announcing details of the incident, the Defence Minister Senator Robert Ray said, "The successful completion of this operation is a clear indication that the Navy's procedures for enforcement of the sanctions, and for co-operative arrangements with other Navies in the region are working successfully."

On 15 November 1990 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in part in answer to a question without notice (Sen Deb 1990, pp 4254-5):

As to the first question, Australia has of course consistently supported a peaceful resolution of the Gulf crisis. If, however, as the Prime Minister and I and the Minister for Defence have said, the sanctions strategy and associated diplomacy do not achieve the objectives to which the international community is committed, we have to be prepared to contemplate military action, if that is the only course left which will ensure Iraq's withdrawal from Kuwait. ...

There is no reason for assuming that a further explicit United Nations Security Council resolution would be strictly necessary to confer legitimacy, as Senator Vallentine described it, for the conduct of military action against Iraq. Article 51 of the Charter, which, it will be recalled, was specifically affirmed by the original resolution 661, makes it very clear that the United

Nations Charter does contemplate military action in response to such circumstances as the Iraqi invasion of Kuwait. ...

As to the second question, there is no joint command for the multinational naval force (MNF). There are well established procedures for coordination among the participants in the MNF, but I should stress again that Australian naval deployment in the Gulf is under Australian national command. ...

Finally, the Australian Government will not consider withdrawing its support for the multinational naval force. That operation and Australian involvement in it is in full conformity with the United Nations Charter. The MNF is acting legitimately and fully in accordance with binding resolutions of the Security Council.

On 4 December 1990 the Prime Minister, Mr Hawke, said in the course of a statement on the Middle East (HR Deb 1990, Vol 172, pp 4319-23):

Honourable members will know that on 29 November the Security Council of the United Nations passed an extremely grave resolution. That resolution is momentous, and in some respects it is quite unprecedented. Resolution 678 authorises member states of the United Nations, from 15 January 1991, to use all necessary means to uphold and implement the Security Council's previous resolutions on the Gulf crisis. Essentially, those previous resolutions call on Iraq to withdraw unconditionally from Kuwait, and to release all hostages. The resolution also requests all states to provide appropriate support for actions taken under the resolution.

The words "all necessary means" carry a clear meaning in this resolution: they encompass the use of armed force to compel compliance with the Security Council's resolutions. The United Nations has often authorised the deployment of military forces to prevent conflict; but only once before has it authorised the use of armed force to compel compliance with its resolutions - in Korea, 40 years ago. Korea is in that respect a precedent for the action which the Security Council has now taken. But in other respects, and in very important respects, this resolution is quite unprecedented. ...

Resolution 678 offers the best prospect of a just and peaceful resolution of the crisis. In passing resolution 678 the Security Council is not seeking war. On the contrary, the resolution, while explicitly contemplating the use of force if necessary, is founded on the hope that a clear statement of that preparedness will in fact avoid war. ...

Iraq's seizure of Kuwait was an act of pure aggression, motivated solely by the desire of Iraq's leaders to increase their territory, their wealth and their power. I would ask anyone who is inclined to credit Saddam Hussein's claims of a wider mission on behalf of the Arab people to explain the incorporation of Kuwait as the nineteenth province of Iraq. I would ask them to explain the plundering of Kuwaiti property and the persecution of its residents. And I would ask them to explain away the testimony before the

Security Council last week by people who have fled from Kuwait. Even allowing for the exaggeration common in such circumstances, this testimony was indeed shocking.

... Australia has an interest in the establishment and maintenance of an international order based on the charter of the United Nations. This has been from the outset, and remains, the Government's guiding principle in this crisis. Our highest priority is to uphold the principles of the United Nations: that international disputes must not be settled by force; that national borders must be respected; and that aggressors must not be permitted to prevail. ...

The strength of those principles in the years ahead depends absolutely on the support we give them today. To put it bluntly: if we or our neighbours were subject to aggression in the future, we would want, and we may need, the support of the United Nations. That support must include our recognition that the United Nations should be willing to defend its principles with armed force if necessary. ...

For all of these reasons, the Government unreservedly supports the United Nations Security Council Resolution 678. Our support for the resolution imposes on us an obligation to respond to the request in its third paragraph for all nations to provide appropriate support for actions taken under the resolution. I emphasise that the resolution not only authorises all necessary means; it explicitly requests that member states provide support. ...

I therefore inform the House that Australia is prepared to make our naval task force available to serve with allied forces in operations authorised by Resolution 678, should that become necessary. Accordingly, if conflict occurs of a kind which is contemplated and authorised by the resolution, our ships would be available to participate in action with the allied fleet in the Gulf, where they would be in a position to make an important contribution to its air defence capabilities.

The Government will now authorise the Australian Defence Force (ADF) to deploy ships of our task force from the Gulf of Oman into the Persian Gulf to exercise and operate with allied naval forces in preparation for that role. The ADF will also now participate in allied military planning. These steps need to be taken now because they are essential to ensuring that our ships are fully prepared to operate as safely and effectively as possible should conflict erupt. They do not formally commit Australian forces to any action; ADF units will remain at all times under Australian national command.

Our ships will operate principally with ships of the United States, Britain and Canada, under United States operational control. This is normal under such circumstances and will contribute both to the effectiveness and to the safety of our ships and men. Under these command arrangements, the roles and missions of our ships would be specified by the Chief of the Defence Force (CDF) in conformity with Government decisions. The task force commander would be responsible for ensuring that specific tasks

assigned to Australian ships conform to these specific roles and missions, and he would be required to refer any disagreements back to the CDF and the Government for decision. In all circumstances Australia will retain priority over the assignment of our ships. ...

Australia's naval task force will be maintained at the present level of two combat ships and a supply ship.

On 21 December 1991 the Minister for Defence, Senator Ray, issued a news release which read in part:

The return of HMA Ships *Adelaide* and *Darwin* to Australia marked a transitional phase in Australia's commitment to the multi-national naval forces in the Gulf, the Minister for Defence, Senator Robert Ray, said today. The focus of operations had moved from enforcement of the UN resolutions on sanctions to operations with the naval forces inside the Persian Gulf in support of UN resolution 678.

In praising the contribution of the two ships to the successful enforcement of the UN imposed sanctions, Senator Robert Ray noted that during the first deployment, more than 4400 merchant ships had been identified and interrogated by the multi-national naval forces, with over 500 boardings.

Nineteen merchant ships, of which 11 had initially refused to stop, had been diverted to other ports. Ten incidents involved the firing of warning shots, with RAN involvement in five cases.

On 17 January 1991 the Prime Minister, Mr Hawke, issued a news release which read in part:

You will recall that on 4 December last, I told Parliament that Australia was prepared to make our Naval Task Force available to serve with allied forces in operations authorised by Resolution 678 of the United Nations Security Council, should that become necessary.

You will also recall that Resolution 678 authorised member states of the United Nations, from 15 January 1991, to use all necessary means, including force, to uphold and implement the Security Council's previous resolutions - in essence, the unconditional withdrawal by Iraq from Kuwait.

With profound regret, I must now inform you that the necessity which I foreshadowed in the Parliament five weeks ago has come about.

As a consequence, therefore, the Australian Naval Task Force in the Gulf is now with other members of the United Nations co-operating in armed action to fulfil the United Nations resolutions to enforce the withdrawal of Iraq from Kuwait.

...

I must emphasise from the outset - and it cannot be repeated too often or stressed too strongly - that this tragic necessity has one cause, and one cause only.

And that is the invasion and occupation of the nation of Kuwait, a member-state of the United Nations, by Iraq on 2 August last year – more than five months ago.

That was the act of war – and since that time we have sought by means of peace to reverse that act of war.

Since that time, the world community, working through the United Nations, with a unanimity, a strength and unity of purpose without precedent in history, has demanded that the Government of Iraq withdraw unconditionally its armed forces from Kuwait.

Twelve separate resolutions of the United Nations have been aimed at achieving that result.

Since August, governments of the member-states of the United Nations have worked unremittingly to persuade Saddam Hussein to comply with the will of the world community and to end the crisis he alone provoked.

Literally at the eleventh hour, with the positive support of the allied nations and in particular the President of the United States, the Secretary-General of the United Nations went to Baghdad to make a last appeal for compliance, a last plea for peace.

Like every other initiative undertaken within the framework of the United Nations' resolutions, it was rejected with contempt, and met the same uncompromising refusal to do the one thing that the world community agrees he must do – give up the nation he has seized and crushed.

That is why Resolution 678 of the United Nations Security Council has come into effect.

And that is why I have directed the Australian Naval Task Force to participate in the operations authorised by that resolution.

Third, we have reached this decision only at the end of a process without precedent in history. There is no parallel for the restraint, the patience and the caution with which the world alliance against Saddam Hussein has sought by peaceful means to resolve this conflict.

Fourth, the decision has a clear and achievable goal – to end this aggression, as a necessary step towards establishing the conditions for peace and stability in the Middle East.

And finally, there is a wider purpose behind our decision. It is a purpose implicit in everything that has been done by the United Nations since last August.

That purpose is to further the great quest for a new world order of peace, security and freedom – to fulfil the hopes and opportunities springing from the end of the confrontation between the United States and the Soviet Union. Indeed, I believe that, at the bar of history, there will be no greater condemnation of Saddam Hussein, than that his aggression has plunged the

world into a terrible and needless crisis which threatens the world stability on which those splendid hopes depend.

On 18 January 1991 the Prime Minister, Mr Hawke, issued a news release which read in part:

The Australian Government condemns and deplores Iraq's missile attack on Israel.

The attack is entirely unprovoked. It confirms that Iraq's regime is not interested in limiting and shortening this tragic war, but in widening it.

We are particularly concerned that the nature of the attack indicates a deliberate Iraqi policy to attack civilian targets of no strategic significance.

...

We call on Saddam Hussein to avoid catastrophe for his nation by ceasing attacks on Israel, and immediately complying with UN demands to withdraw from Kuwait.

On 21 January 1991 the Prime Minister, Mr Hawke, moved the following motion in the House of Representatives, and spoke in part as follows (HR Deb 1991, pp 2-4):

That this House -

- (1) reaffirms its support for an on-going role for the United Nations in promoting world peace and the self determination of nations and in particular the resolutions of the Security Council directed to end the aggression of Iraq against Kuwait;
- (2) affirms its support for Australia's positive response to the request made by the United Nations Security Council in Resolution 678 for support in implementing that Resolution;
- (3) expresses its full confidence in, and support for, Australian forces serving with the UN-sanctioned multi-national forces in the Gulf;
- (4) deplores Iraq's widening of the conflict by its unprovoked attack upon Israel; and
- (5) recognises, as those with whom we are acting now in the Gulf have recognised, the need to intensify efforts to establish peace and stability in the Middle East, including a just resolution of the Palestinian issue and the continuing security of Israel, once the crisis in the Gulf is resolved.

On 2 August 1990, Iraq's armed forces assaulted, seized and subjugated Kuwait. Now, with the authority of the United Nations (UN), and only after Iraq had made it clear that it would defy the United Nations by remaining in Kuwait, Australia has joined a great coalition of nations in a military commitment to defeat that invasion and to restore Kuwait's sovereignty and independence.

The decision to commit Australian armed forces to combat is of course one that constitutionally is the prerogative of the Executive. ...

The passage of this motion will solemnly and forcefully underline – to Iraq, to the United Nations, to our partners in the multinational force, and to our fellow Australians serving in the Gulf – the strength of Australia's support for our armed forces there and for the role to which they have been committed under the authority of the United Nations. This is the most serious step any government can take, just as, indeed, war is the most serious action on which any nation can embark. ...

Australians should be willing to commit our forces to combat only in the highest cause, and only as a last resort. This Government believes, most fervently, that the cause which our forces now serve does embody nothing less than our highest aspirations and interests and that we have committed our forces to combat only as a last resort. Mr Speaker, those will be my themes today.

The decision to commit Australian forces to this war in the Gulf is without historical precedent. Never has Australian military action been undertaken with such global consent and within such a broad alliance.

During the debate that immediately followed, the Minister for Trade and Overseas Development, Dr Blewett, said in part (*ibid*, p 24):

Why do most Australians, including the great majority of the critics of the Government's policies, demand that Iraq withdraw from Kuwait?

One reason is the very blatancy of Iraq's actions. Kuwait has been a semi-independent nation since 1899, and an independent state since 1961 – a full sovereign state, a member of the United Nations, a full participant, along with Iraq, in the Arab League. This sovereign state was simply seized and turned into the nineteenth province of Kuwait. There were few of the difficulties and complexities here that have caused so many other dubious international interventions. The case of Vietnam, for example, was in essence the continuation of an anti-colonialist, nationalist struggle, complicated by a civil war. Here, there could be no United Nations endorsement of external intervention.

East Timor was no independent nation but the abandoned colony of a bankrupt empire. Here again the issue was complicated by an internal conflict. Whatever the rights or wrongs of Indonesian actions, there was little if any support for intervention to change the outcome within the immediate region. Contrast that with the situation relating to the invasion of Kuwait, where most of Iraq's neighbours – Saudi Arabia, the Gulf states, Syria and Egypt – have all participated in the United Nations multinational force to overturn the invasion of Kuwait. No doubt we could think of many other examples.

Also on 21 January 1991, in the Senate the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said during debate on the same motion (Sen Deb, p 24):

We all want peace, but we do not want peace on the terms of someone like Saddam Hussein. We want a credible basis for pursuing peace – not just a waiting for something to turn up and not just appeasing and hoping each time that a little bit more will be enough. There comes a time when patient diplomacy simply runs its course. The world was too patient when Japan invaded Manchuria in 1931. It was too patient when Italy attacked Abyssinia – now known as Ethiopia – in 1936. The world was too patient again when Hitler invaded the Rhineland in 1936, and it was too patient when he invaded Austria in March 1938 and too patient again, finally, when he invaded Czechoslovakia in September 1938.

The truth of the matter is that sanctions had run their course and diplomacy had run its course by 15 January. The choice the world faced, and the choice that Australia faced, was whether to follow the logic of our own intellectual and moral commitment to collective security or to turn our backs and let a monstrous precedent take its course.

On 22 January 1991 the Minister for Justice and Consumer Affairs, Senator Tate, said in answer to a question without notice (Sen Deb 1991, pp 142–3):

Iraqi actions from the time of the invasion to the present have been characterised by a flagrant disregard of the various principles of international law embodied in the United Nations Charter or in the Geneva conventions which are meant to be some civilising restraint on the conduct of the horrific war that is being undertaken. The initial Iraqi invasion of Kuwait contravened a fundamental obligation under article 2(4) of the United Nations Charter not to threaten or use force against the territorial integrity or political independence of any state.

Iraq's refusal to comply with numerous resolutions of the United Nations Security Council calling upon it to withdraw from Kuwait is also in clear breach of article 25 of the United Nations Charter, as we know from Daniel Ortega's remarks to Craxi, the leader of the Italian socialists, 'withdraw' is one word which Saddam Hussein would not utter, but, in not uttering it, he is in complete breach of his obligations under the United Nations Charter.

Iraq's action in holding foreign nationals as hostages, and using them to render strategic areas immune from potential attack was certainly contrary to the fourth Geneva Convention dealing with civilians. The torture, the rape, and the summary executions without trial which have been well documented by Amnesty International in Kuwait under the occupying forces are themselves certainly breaches of the fourth Geneva Convention. Under article 147 of that Convention, grave breaches – which have been so well documented by Amnesty International – include the emptying of the humidicribs in the maternity hospital so that 300 premature babies were left

to die on the cold tiles of the floor, the Red Crescent doctor himself testifying to the fact that he had buried 72 of those babies. Those horrific crimes against civilians – the brutal tortures, the summary executions – are all such grave breaches that those individually responsible and their superior officers will be held responsible at the conclusion of this conflict.

The treatment of prisoners of war by Iraq reported today – their parading and display – is itself contrary to the third Geneva Convention dealing with prisoners of war which stresses how humanely they must be treated. In particular, the use of prisoners of war as human shields by placing them at educational and scientific and other establishments, as has been threatened, is very clearly in breach of article 23 of the third Geneva Convention dealing with prisoners of war. That article reads:

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

There can be no more clear statement of the international law and the treatment of prisoners of war, and it is very clear that if the threats against prisoners of war taken by Saddam Hussein's forces are carried out in the way that he has alleged they will be, then Iraq is once again in clear breach of its international law obligations. This is only a catalogue of the most apparent breaches of international law, the clearest breaches. I believe it is totally in harmony with what one would expect of a regime which is nurtured on war, which has as its lifeblood the killing of others – as in the conflict with Iran where over a million died for no territorial gain whatsoever.

We know of his treatment of the Kurds, the horrific gassing of the civilian populations; we saw the huddled bodies of Kurdish villagers in the streets and alleyways of their various places of what should be peaceful habitation. These particular cruel treatments of the population of Kuwait and, now, of prisoners of war put Iraq in clear breach of international law and, at the end of this conflict, those responsible will be brought to justice.

On 12 February 1991 the Prime Minister, Mr Hawke, said in the course of an answer to a question without notice (HR Deb 1991, p 318):

Australia's ships have been continually involved in operations in the Gulf. *Success* has been replaced by *Westralia*, which is now replenishing allied ships in the Gulf. *Sydney* and *Brisbane* have spent most of their time with the *Midway* carrier group, but each has also undertaken other escort duties with ships from a number of allied navies. Our ships have not been directly attacked and have sustained no damage or casualties, but I remind the House that mines and air launched missiles remain a serious hazard.

On 15 February 1991 Australia's Permanent Representative to the Security Council, Dr Wilenski, spoke before the Security Council in part as follows:

No nation should ever resort to the use of force, however well justified under international law, except with the greatest reluctance. However the founders of the United Nations recognised that peace enforcement was a necessary, if regrettable, last resort. The system of collective security, enshrined in the UN Charter, relies on the ultimate recourse to the joint use of force under international sanction, when other means fail to deter aggression or compel aggressors to give up their conquests. In sanctioning the use of force to secure Iraq's withdrawal from Kuwait, the Security Council is working within the system carefully constructed by the founders of the United Nations.

The Security Council's handling of Iraq's invasion of Kuwait demonstrates a strengthening of the cooperative spirit in the international community, and indicates its desire to make more effective use of the mechanisms of the United Nations in dealing with threats to international peace and security.

On 19 February 1991 the Minister for Defence, Senator Ray, said in the course of an answer to a question without notice (Sen Deb 1991, pp 773-4):

All three Royal Australian Navy ships deployed in the Gulf region are operating in the Arabian Gulf supporting multinational force operations against Iraqi forces. The primary threat to shipping in the Gulf is from free-floating mines. In the northern Arabian Gulf the threat is further increased by minefields laid by Iraq to counter allied operations in the Kuwait area. The possibility of air launched missile attacks, mostly Exocet, cannot yet be discounted. The Iraqi surface naval threat has been neutralised. The HMAS *Brisbane* is located in the central Arabian Gulf conducting anti-aircraft warning support to the multinational force warships in the area, and HMAS *Sydney* is operating further to the north on search and rescue activities but outside the area of highest probability of Iraqi minefields.

The HMAS *Westralia* is conducting replenishment operations with the multinational force warships operating in the southern and central Arabian Gulf. A clearance diving team is training in the Bahrain area with United States Navy personnel. They are on stand-by for explosive ordnance disposal tasks and mine clearance tasks in the Arabian Gulf.

Also on 19 February 1991 the Minister for Justice and Consumer Affairs, Senator Tate, said in the course of debate on the Geneva Conventions Bill 1991 (Sen Deb 1991, pp 804-5):

It is important to mention that the protocol attempts to make it clear that while the civilian population and individual civilians enjoy general protection against dangers arising from military operations, it faces the reality of the waging of military operations. It deals with the unfortunate fact that may be necessary in the attaining of military objects to wage the conflict in a way that will affect civilian populations. But in that case there has to be a real assessment of the proportionality of the impact on civilian populations to the achieving of the military objective. A very stringent assessment of that balance has to be undertaken, but obviously in warfare great care has to be

taken to make sure that the loss of civilian life, injury to civilians, and damage to civilian objects are not excessive in relation to that concrete and direct military advantage which is anticipated. But the real object of this protocol is to ensure respect for and protection of the civilian population and civilian objects. ...

One relates to the question raised by Senator Bishop who referred to nuclear power stations in Iraq having been bombed. She asserts that in the light of article 56 of the protocol this would be banned. It is quite clear, according to information available to me, that the nuclear facilities attacked in Iraq were not nuclear electrical generating facilities and therefore did not attract the protection of the protocol. ...

Senator MacGibbon claimed that the Irish Republican Army terrorists responsible for the recent attack on No. 10 Downing Street would, if captured, be able to claim prisoner of war (POW) status under the terms of the protocol. That is not correct. Terrorist organisations are not able to claim the protection of the protocol, such as being regarded as combatants and acquiring POW status if captured. Article 1(4) limits the types of armed conflicts to which the protocol applies. A terrorist organisation is not a party to a conflict coming within the definition in article 1(4). It is clear that terrorist organisations cannot claim the protection of the protocol. The captured members are not POWs, but would be dealt with under the ordinary criminal law for their activities. The whole purpose of the protocol is to outlaw terrorist acts and never to condone them. I believe that Senator MacGibbon's misgivings in that respect are unfounded.

Perhaps the most curious matter that needs to be dealt with is the confusion by Senator Bishop and perhaps by other members of the Opposition between reprisals and retaliation and acting in self defence once attacked. Senator Bishop seemed to suggest that, for example, it would be impossible for a country which had been subjected to attack on its civilian populations to launch a counter-attack, an action in self defence – some retaliatory measure. That is not true. Reprisals are of a different character altogether. Reprisals are those actions which would normally be outlawed by humanitarian international law and by this particular protocol in that they involve the deliberate use of military force against, for example, civilian populations, not to achieve a military objective, but to punish and to cause such suffering that the government waging war might consider desisting from itself engaging in actions which breach the rules of humanitarian international law.

I do not believe that in accepting the protocol in relation to reprisals this Bill in any way will strip Australia of a properly exercised right of self-defence. It merely prevents that right of self-defence from encompassing the deliberate targeting of civilian populations, which simply adds to the horrors of warfare and is such that it should be outlawed.

...

A question that has constantly exercised senators' minds has been the question of interoperability – that is, whether if Australia were to ratify this protocol our acting in conjunction with our allies or the members of coalitions of armed forces put together would make those operations difficult or even impossible and frustrate the complex cooperative and collaborative effort that would need to be undertaken.

Current evidence in the Middle East is that the United States of America is operating quite effectively in a multinational force, the majority of whose members are either parties to or have signed the protocols. Indeed, the evidence strongly suggests that the operations of the task force are being carried out in compliance with the rules of the protocols; that is, in attempting to target military objectives only. It would appear that in the current conflict, I am advised, of the 29 members of the multinational task force 21 are parties to Protocol I; 19 are parties to Protocol II; and the remaining seven have signed both protocols but are not parties.

On 21 February 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1991, p 1024):

As to the recurring suggestions that the UN Secretary-General, Mr Perez de Cueller, somehow is seeking to claim that this is not a United Nations war, what he has said on a number of occasions when asked is that it is a war taking place under the authority of the United Nations Security Council within the United Nations framework, but is not being actually conducted by the United Nations or its Military Staff Committee – or any of the other particular pieces of specific machinery potentially available under article 7 of the UN Charter – which has never, of course, been strictly implemented. But Mr Perez de Cueller has made it abundantly clear on innumerable occasions that he is not seeking to argue that this is taking place in any way at odds with the principles or procedures of the United Nations. As I have just said, it is unquestionably taking place within a UN framework. In that sense it can properly be described as pursuing UN objectives.

Later in question time the Minister said in response to a further question (Sen Deb 1991, pp 1028–29):

The Security Council's 12 resolutions on the war clearly establish what must happen if there is to be a resolution of the conflict. It was the Security Council of the United Nations which ordered an immediate and unconditional withdrawal of Iraqi forces from Kuwait, and it was the Security Council of the United Nations which adopted Resolution 678 to enforce that order and requested all individual States to provide appropriate support to that end. Of course, that is precisely what the coalition is doing in the Gulf at this time – operating within Resolution 678 to secure Iraq's withdrawal from Kuwait.

... it is Iraq's failure to comply with the Security Council's resolutions which has brought about this war, and until there is irrefutable evidence that

Iraq is complying with those resolutions there can be no question of the withdrawal of coalition forces.

On 28 February 1991 the Prime Minister, Mr Hawke, issued a news release which read in part:

Ladies and gentlemen, Iraq's occupation of Kuwait has come to an end.

Military operations by the coalition forces, conducted under Resolution 678 of the United Nations Security Council, are being suspended at this moment.

Terms have been set down for a formal cease-fire, which we hope can be concluded without delay.

All that can prevent this suspension becoming permanent is a refusal by Saddam Hussein to comply with the totally reasonable conditions laid down by the allies.

On my instructions, the chief of the defence force has directed Australia's task force in the Gulf to suspend hostilities under the terms announced by President Bush this afternoon.

On 5 March 1991 the Prime Minister, Mr Hawke, said in the course of a Ministerial Statement on the Middle East (HR Deb 1991, pp 1265-6):

Honourable members will know that allied military operations under Resolution 678 have been outstandingly successful; they have achieved their objectives more quickly than expected, and with very few losses to allied forces. This is a cause for great relief.

Australia's task force in the Gulf played a significant role in these operations, in cooperation with the forces of many other nations. ...

This House has expressed its support for the United Nations position on the Gulf crisis in a series of debates and resolutions. The Government has been grateful for the support of the Opposition on this vital issue. A decision to deploy forces to combat is the hardest decision a government can take, and we are grateful for the intelligent, principled and conscientious support we have received from this Parliament.

In the last resort, this Parliament and this nation were prepared to meet the aggressor's challenge; we were willing to go to war, but only to preserve peace.

With the overwhelming support of their country behind them, ships and personnel of the Australian Defence Force (ADF) were sent to the Gulf to help enforce sanctions and, later, to participate in operations under Resolution 678 to expel Iraq from Kuwait.

The heart of our contribution to the multinational military effort in the Gulf has been a naval task group of three ships: initially HMAS *Adelaide*, *Darwin* and *Success*; now HMAS *Sydney*, *Brisbane* and *Westralia*. The task force has also included a clearance diving team to help deal with the threat from mines.

They have all acquitted themselves honourably. They have earned the respect of their coalition partners in the multinational force for their skills and capabilities. Make no mistake: although our ships have not been direct participants in offensive action, they have played their part in turning back Saddam Hussein. They have been operating, and continue to operate, in a dangerous environment, and we are very fortunate, and very grateful, that they have taken no casualties.

Elsewhere in the Gulf we have had service personnel serving on exchange with allied forces, and up to 40 medical personnel serving on the US hospital ship *Comfort*.

On 11 March 1991 the Minister for Defence Science and Personnel provided the following written answer, in part, in answer to a question on notice (Sen Deb 1991, p 1630):

As at 4 March 1991, 30 Australian Defence Force Personnel were serving on exchange with coalition forces stationed in the Persian Gulf. This figure fluctuates daily.

ADF personnel posted on exchange to United States or British units serving in the Persian Gulf area are fully integrated into the unit to which they are assigned and operate under the control of the national operational authority of that particular unit. Authorisation for ADF personnel on exchange service to deploy to the Gulf area with their assigned foreign unit is approved by the Department of Defence on a case by case basis.

On 20 March 1991 the Minister for Defence, Senator Ray, issued a news release which read in part:

The Minister for Defence, Senator Robert Ray, announced today that HMA Ships *Brisbane* and *Sydney* would leave the Gulf area on 22 March to return to Australia.

...

HMAS *Westralia* will remain on station in the Gulf area as part of the Multi National Force in conformity with provisions of relevant United Nations Security Council Resolutions. Its tour is scheduled to end in late May and a decision will be made before the end of April about precise departure arrangements.

...

Senator Ray said that the RAN Clearance Diving Team would stay in the Gulf until about the end of May. The team is currently engaged in the vital work of removing Iraqi mines around Kuwaiti ports and harbours.

On 9 April 1991 the Prime Minister, Mr Hawke, said in the course of an answer to a question without notice (HR Deb 1991, pp 2145-6):

The Government has been, as I would imagine all members of this House have been, appalled by the plight of the Kurdish people fleeing from the brutality which they fear – obviously with great justification – from the army

of Saddam Hussein. We support the United Nations Security Council resolution No 688, which condemns Iraq's repression of its citizens and calls on the United Nations and its member states to support humanitarian relief efforts. The resolution insists that Iraq allow access by humanitarian organisations to monitor the situation and it asks the Secretary-General to investigate and to report. ...

As some honourable members will have noted, suggestions have been made by President Ozal of Turkey and by Prime Minister Major of Great Britain that an internationally protected sanctuary for Kurds be established in Iraq. Quite clearly, a lot of issues would have to be resolved before the practicability of those sorts of proposals could be established. As an Australian government, we would certainly support any practical and internationally acceptable proposals to help the Kurds in their present desperate situation.

On 16 April 1991 the Prime Minister, Mr Hawke, said in the course of an answer to a question without notice (HR Deb 1991, pp 2662-3):

Last week the United Nations Security Council accepted Iraq's response to the Security Council cease-fire resolution 687. As a result, hostilities are now formally concluded. The terms of the cease-fire set out in resolution 687 are comprehensive. They require Iraq to accept and respect Kuwait's established borders, pay reparations, destroy its weapons of mass destruction and accept a demilitarised zone along the Iraq-Kuwaiti border.

The successful implementation and monitoring of the cease-fire is vital for the future peace of the region and for the authority of the United Nations. This is evidently a major and complex task. The United Nations is now setting out to establish the necessary machinery for that task to be discharged. Australia has been consulting its allies about how we could best contribute. In the light of our internationally recognised and respected expertise and commitment in the field of chemical disarmament, it has been agreed that the best contribution we could make would be in that field. We have therefore advised the United Nations that Australia is prepared to provide staff to the special commission set up under Resolution 687 to monitor and implement the destruction of Iraq's chemical weapons and other weapons of mass destruction.

We are prepared to provide experts in chemical weapons as well as administrative and logistic support for the commission. Our offer to the United Nations envisages that our contribution could comprise 20 to 25 people, and the work of the commission might last for some years. It is, of course, up to the United Nations to determine the final composition of the special commission and other organisations established under the cease-fire. I conclude by saying to the honourable member, who I know has a very sincere interest in this matter, that our offer reflects not only our unswerving support for the role that the United Nations has taken in the Gulf crisis, but

also, very importantly, our longstanding commitment to chemical weapons disarmament.

On 7 May 1991 the Minister for Defence, Senator Ray, issued a news release which read in part:

The Minister for Defence, Senator Robert Ray, today announced that HMAS *Westralia* will complete its deployment to the Gulf region on 28 May and is expected to arrive in Fremantle on 9 June.

...

A decision on the deployment of further Australian Navy ships to the Gulf region in support of United Nations sanctions against Iraq will be made after further assessments of the situation by the Federal government.

On 14 May 1991 the Minister for Defence, Senator Ray, issued a news release which read in part:

The Minister for Defence, Senator Robert Ray, today announced that HMAS *Darwin* would deploy to the Gulf region in support of Australia's continuing commitment to enforcement of UN sanctions against Iraq.

"Following assessment by Australian authorities, and discussion with the Multi-National Naval Forces (MNF), the Government has decided to send a third rotation to the gulf", Senator Ray said.

HMAS *Darwin*, currently on deployment in the South East Asian region after leaving Sydney on April 2, will depart Singapore on June 4, arriving in the area of operations on June 12.

Subject to UN resolutions, it is anticipated that *Darwin* will return to Australian waters in late September. The ship was formally advised of the pending deployment in mid-April. The rotation of the ship into the Gulf effectively increases her current period at sea by some eight weeks.

HMAS *Darwin* will replace HMAS *Westralia* which departs the region on May 28, having completed a four month deployment in the Area of Operations.

"Australia's contribution to the MNF will continue as long as the Naval Forces can play a useful role in enforcing the sanctions imposed under the terms of the UN Security Council 687, implementing the cease-fire in the Gulf", Senator Ray said.

International humanitarian law - 1949 Geneva Conventions and 1977 Protocols

On 22 August 1990 the Attorney-General, Mr Duffy, introduced the Geneva Conventions Amendment Bill 1990 into Parliament (HR Deb 1990, Vol 172, pp 1318-19), and explained the purpose of the Bill as follows:

The purpose of this Bill is to amend the Geneva Conventions Act 1957 so as to enable Australia to ratify Protocol I additional to the Geneva Conventions.

Protocol I is concerned with the protection of victims of international armed conflicts.

When Australia ratifies Protocol I it will, at the same time, ratify Protocol II which is concerned with the protection of victims of non-international armed conflicts. However, Protocol II does not require legislative action to enable its ratification. Protocol II applies to situations of non-international armed conflicts between the armed forces of a party and organised armed groups exercising some territorial control over territory of that party. It does not apply to internal tensions, or disturbances such as riots or sporadic acts of violence.

The application of humanitarian principles to international conflicts is, of course, an immensely difficult problem, especially where, as under the protocols, distinctions are sought to be made between the civilian population and combatants, and between civilian objectives and military objectives.

Although it is true that such distinctions can become blurred and indistinct, and ultimately may even cease to exist in conditions of total war, the reality remains that in the period of 44 years during which total war has been avoided, there have been many limited wars with grave humanitarian consequences. Sadly, further such wars can be expected to occur. It is in relation to conflicts such as these that the protocols are especially capable of having an important and beneficial impact.

While, for its part, Australia will continue to work tirelessly to achieve world peace, it must accept that limited wars are likely to continue and take appropriate action, such as is involved in the ratification of the protocols, to promote international adherence to the humanitarian principles embodied in the Geneva Conventions and in these protocols.

If limited armed conflicts cannot be avoided, it is to be hoped that they will at least be conducted with some regard for the rights of civilians, and that belligerent nations will treat prisoners of war and wounded in accordance with internationally agreed principles. I note in this regard the important protections provided by the protocols for particular categories of persons such as the wounded, sick and shipwrecked, and civilian medical and religious personnel. ...

The length and arduous nature of the process of development of the protocols reflects the great difficulties encountered in striking a balance between competing interests while maintaining the principle of absolute and unconditional respect for persons outside the conflict.

The frequent involvement of irregular forces in recent conflicts has made the process of obtaining support of some nations for the two protocols more difficult. Nevertheless, some 97 nations have now ratified Protocol I and 87 have ratified Protocol II. The full ramifications of Australia's becoming party to the protocols for the Australian Defence Force and for our civil defence arrangements have been exhaustively examined by the relevant

authorities. That examination has revealed no reason for Australia not to proceed to ratification. Indeed, there is every reason to ratify and to encourage other nations to do so.

I have already mentioned the work of the International Committee of the Red Cross in the development of the protocols. I should also like to take this opportunity to make special mention of the valuable contribution of the Australian Red Cross Society in this regard. A joint Government and Australian Red Cross Society Committee has been formed to discharge our obligations under the Geneva Conventions to disseminate information. The Committee will provide a vehicle for carrying out similar activities in relation to the protocols.

The Bill before the House amends the Geneva Conventions Act 1957, the principal Act, to give effect to Australia's obligations under Protocol I. I turn now to a brief examination of those clauses of the Bill dealing directly with individual articles of Protocol I.

Firstly, clause 5 of the Bill incorporates into the principal Act the "grave breaches" which, under the protocol, are required to be punished. These "grave breaches" are to be found in article 11 and in paragraphs (2), (3) and (4) of article 85 of the protocol. They include such acts as physical mutilations and medical experimentation involving prisoners of war or refugees and indiscriminate attacks involving excessive loss of life in the civilian population.

Clause 6 provides for a certificate under the hand of the Minister for Foreign Affairs and Trade certifying as to any relevant matter to be taken as *prima facie* evidence of that matter in any prosecution for a "grave breach". This restates the existing status of such a certificate. Clause 7 vests jurisdiction in State Supreme Courts to hear an application from a person who claims to be a prisoner of war for declaration of his or her status.

Finally, I wish to stress again the importance the Government places on Australia's ratification of these instruments. Despite their limitations, they do provide some measure of humanitarian protection for the victims of armed conflicts. Because the Government believes that this is a vital humanitarian law reform, it also believes that there should be bipartisan support for its passage through this Parliament. The Government therefore calls upon all parties to state their commitment to the protections afforded by the protocols and in particular to all the protections afforded to civilians caught up in the horrors of modern warfare.

On 12 February 1991 the Attorney-General, Mr Duffy, said in conclusion of debate on the Bill (HR Deb 1991, pp 380-4):

... the purpose of the Geneva Conventions Amendment Bill 1990 is to amend the Geneva Conventions Act 1957 so as to enable Australia to ratify Protocol I additional to the Geneva Conventions. As everyone has discussed tonight, Protocol I is concerned with the protection of victims in international armed

conflicts. When Australia ratifies Protocol I, it will at the same time ratify Protocol II which is concerned with the protection of victims of non-international armed conflicts. However, Protocol II does not require legislative action to enable its ratification. ...

The Australian defence forces have been actively involved in the whole process leading to the Australian Government's decision to ratify the protocols. ...

Secondly, there is the question of interoperability which appears, listening to the debate this evening, to be one of the main reasons for the coalition's stance. That seems to be a matter which has caused it a certain amount of difficulty. These difficulties, I think, are caused primarily by the protocol's emphasis on the protection of civilians and civilian objects. However, it must always be borne in mind for those who have those concerns that this emphasis is not at the expense of achieving proper military objectives; there is no intention of that at all. In short, what the protocols require is that there should be no targeting of purely civilian objectives – that is, for example, no carpet bombing of cities. However, civilian targets are not always out of bounds. It is not said anywhere in the protocols that that is the case. If a civilian object is also being used for military objectives, it can be targeted.

Article 52, which was discussed at various times during the debate, defines civilian objects by reference to military objectives and military objectives, in so far as civilian objectives are concerned, are limited to those which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralisation in the circumstances applying at the particular point in time offer a definite military advantage. Examples of that would be: should a house, normally a civilian dwelling, be destroyed simply because it is there? It may provide shelter if it is captured. If it is being used to make an effective contribution to military action, such as being used as a command post or a bunker, a tank hide or even as an observation post, then, of course, it may become a military object in those circumstances.

An assessment must also be made of the incidental loss of civilian life and of damages to civilian objects other than military objects. That always has to be weighed up against the concrete and direct military advantage anticipated. That is referred to quite clearly in article 51.

Additionally, the protocols do not require no civilian casualties. That is not in the game at all. The protocols do not say that in any clause. The protocols require the military leadership to assess whether or not civilian losses would be in proportion to the military objectives to be achieved by the attack in question. We all know that it is not always easy to get the right balance in these areas – that is accepted – but I think that it is just about being obtained here. It is certainly being done as well as it can be. ...

One other matter which was been raised and which I would like to touch on briefly is the claim that problems would be created by military commanders having to have lawyers with them at all times. In the minds of many people, and probably justifiably in some cases, that would create a problem for anyone placed in that position. But that is not the case because the Australian Defence Force's approach to this is that it would have lawyers involved in the planning and preparation of operation material and that it would have them available to commanders at strategic levels. In relation to the legal matters involved, that is where they would get their advice. ...

The Government is not making reservations, as he correctly said, but we may lodge certain declarations of understanding. We are doing this simply because what needs explanation is the meaning of certain provisions, but what we do not want is to resile from the basic principles of the protocol, which would occur if we lodged reservations to all of the articles mentioned by the honourable member for Kooyong, particularly in view of their number and scope. They are very wide ranging.

It is an essential principle of treaty interpretation under the Vienna Convention on the Law of Treaties between States and International Organisations that reservations be compatible with the objects and purpose of the treaty. This principle stands whether or not other treaty parties express their disapproval. The number and scope of reservations foreshadowed by the honourable member would in our opinion lead to an emasculation of the protocol. There were just too many proposals put forward in respect of reservations for them to be acceptable.

He called in particular for a reservation on the prohibition on reprisals contained in the protocol. A reservation on reprisals would not be accepted by some countries. A reservation would operate reciprocally between Australia and a future enemy also party to the protocol. If we did that, it would reduce the level of protection afforded by the protocol to Australian civilians and civilian objects.

None of the 99 countries which have become party to the protocol have seen the need to make such a reservation – not one of them. The prohibition on reprisals in the protocol is not a total prohibition. Reprisals are prohibited against civilians, cultural objects and places of worship, objects indispensable to the survival of the civilian population, the environment, dams, dykes and nuclear electrical generating stations containing dangerous forces. The prohibition on reprisals represents an important development in protection of civilians against the horrors of modern warfare. ...

One of the questions that he raised was how the ambiguities and operational complexities referred to in the letter from the Prime Minister (Mr Hawke) to President Reagan had been overcome. That can be answered. There are certain ambiguities in the provisions, and this is why the Government intends to lodge declarations at the time of ratification to clarify our understanding of the provisions.

The operational complexities in combined operations which the honourable member for Menzies referred to always exist and do not merely arise by becoming a party to the protocol. They are there anyway. They are constantly addressed by liaison, training, joint exercises and manuals. This will continue.

He then raised another issue, as to how articles 52.2 and 52.3 could be interpreted so as not to put our forces at risk. The simple answer to that is that the protection of civilians and civilian objects in the protocol is not at the expense of achieving legitimate military objectives. I dealt with that in some detail earlier. Such protection is not new. It is fundamental to humanitarian law.

In short, the protocol requires that there should be no targeting of purely civilian objects. As I mentioned earlier, an example of that is carpet bombing. However, as I said, civilian targets are not always out of bounds from attack, as I discussed a little earlier this evening.

Another matter about which the honourable member for Menzies expressed some concern was whether the language in article 56.1 was not in excess of an unnecessary restriction on our military – a matter which seems to concern many members opposite and, therefore, should be answered. I come back to the point that the protection against the attack on dams, dykes and things like that is not absolute.

The honourable member for Menzies omitted to mention – and the honourable member for Banks dealt with this – article 56.2 which provides for situations where the protection ceases. An example of that is that if a dam is used for other than its normal function and in regular, significant and direct support of military operations and if an attack is the only feasible way to terminate such support, it may be attacked. That is quite clear if one looks at article 56.2 and not just at article 56.1. The decision to attack clearly involves intelligence, weapons, capability and military assessments being drawn together in much the same way as they have been for centuries.

This situation arose in Operation Rolling Thunder conducted by the US forces in Vietnam. Apparently, anti-aircraft weapons were deployed on dyke walls and, if the walls had been breached, severe loss of civilian life would have followed. At the same time, the weapons posed a severe risk to US aircraft attacking their military targets. The decision was then taken to employ a weapons system which destroyed the anti-aircraft guns in placements while leaving the dyke walls intact. That is what happened in a classic case on the ground where this sort of issue had to be faced up to in the tragic war in Vietnam in Operation Rolling Thunder.

The Bill was assented to on 4 March 1991, as Act No. 27 of 1991, and came into operation on 28 March 1991. Australia ratified the Protocols on 21 June 1991. They entered into force for Australia on 21 December 1991.

International humanitarian law – occupied territories of the Middle East – deportation of civilians by Israel – breach of Article 49 of the Geneva Conventions

On 22 May 1991 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, today deplored Israel's deportation of four Palestinians from the Occupied Territories.

Senator Evans said that the deportations, which took place on 19 May, were the second occasion this year that Israel had expelled Palestinian residents of the Territories. The earlier deportations on 8 January represented a resumption of the practice after Israel had refrained from this form of punishment for over a year.

"We are aware that Israel has faced a difficult security environment in recent months, but that is not a justification for deportations in breach of international law", Senator Evans said.

"Such deportations represent a continuing violation of human rights in the Occupied Territories in spite of international criticisms of such action, including in United Nations Security Council Resolutions."

The practice was in contravention of Article 49 of the Fourth Geneva Convention, which prohibits the deportation of civilians under military occupation.

Senator Evans also noted that deportations to Lebanon, without the consent of that Government, were an infringement of that country's sovereignty.

International humanitarian law – Yugoslav army attacks on Croatia

On 8 October 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1991, p 1494):

On behalf of the Australian Government, I want to condemn in the strongest possible terms the air attack on Zagreb which was directed at the official residence of President Tudjman in the past 24 hours. It was only through very good fortune that President Tudjman, Federal President Mesic and also Prime Minister Markovic, I think, with whom he was talking at the time, were spared.

In response to the blockade of army installations by Croatia forces, the Yugoslav National Army has been attacking civilian targets throughout Croatia. That is quite contrary to the precepts of international humanitarian law. Moreover, it is the case that Serbian representatives are attempting to take full control of Federal institutions, such as the presidency and the Parliament, in a manner which does seem to be unconstitutional.

Use of force – Israeli occupation of territories – withdrawal – comparison with Iraqi occupation of Kuwait

On 21 December 1990 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, provided the following written answer in part to a question on notice (HR Deb 1990, Vol 174, p 5003):

Australia has opposed Israel's continuing occupation of the territories it occupied during the 1967 Arab/Israeli war. We support UN Security Council Resolution 242 calling for Israel's withdrawal from these territories. The circumstances of Israel's occupation of territory in 1967 were significantly different from the situation this year when Iraq invaded Kuwait. The Government rejects any linkage between the two issues.

Use of force – Israel bombing of Lebanon

On 6 June 1991 the Minister for Defence, Senator Ray, said in the course of an answer to a question without notice (Sen Deb 1991, p 4518):

The Government deplores the Israeli bombing raids into Lebanon which have taken place in recent days and which are reportedly among the heaviest in recent years. There have been three separate raids into Lebanon since Tuesday, 4 June by Israeli war planes. They have been directed against Palestinian bases in the vicinity of the city of Sidon in southern Lebanon. ...

These operations coincide with the coming into force of the treaty of fraternity, cooperation and coordination between Lebanon and Syria. Israel opposes this treaty because it believes that the treaty will be a vehicle for the extension of Syrian influence in Lebanon. Whatever the possible provocation, the raids represent a serious violation of Lebanon's integrity and sovereignty.

Weapons – exports of weapons from Australia – procedures

On 19 December 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, provided the following written answer, in part, to a question on notice (Sen Deb 1991, p 5181):

While there is no specific legislation in place which could control actual use of these weapons once exported, the Government does seek to determine the potential end use of these exports through the requirement for end user and non transfer certification.

Persons wishing to export defence or defence related goods specified on Schedule 13 of the Customs (Prohibited Exports) Regulations from Australia require approval for export from the Minister for Defence (or his/her delegate). The criteria covering the export of such goods are detailed in the Guidelines for Exporters published in 1989. These Guidelines identify a range of strategic, foreign policy and human rights issues which are taken into account by the Standing Interdepartmental Committee on Defence Exports in considering applications to export defence and related goods. Situations where these criteria might apply include those in which:

- Australia's foreign policy and trade interests could be adversely affected by the reactions of third countries;
- the proposed country of destination is involved in internal or external conflicts or there is a state of tension which indicates conflict is likely;
- the exports could potentially contribute to destabilisation in the region concerned; and
- the country is acquiring non-conventional weaponry in contravention of Australia's non-proliferation interests.

The Government will generally only approve the overseas sale of controlled goods listed under Parts 1 and 2 of Schedule 13 of the Customs (Prohibited Exports) Regulations to recognised governments who are required to provide an End Use and Non Transfer Certificate, which entails an undertaking that the goods will only be used for the purposes indicated.

In addition, depending on the circumstances, activities such as the use of weapons in civil war, where innocent civilians are killed or injured, or undertaking preparations for such use, could constitute an offence against the Crimes (Foreign Incursions and Recruitment) Act 1978. Possible offences include a person engaging in a hostile act in a foreign state, or accumulating or stockpiling weapons or giving goods or performing services in support of any person or body, for the purpose of assisting a person engaging in a hostile act in a foreign state.

Weapons – chemical weapons – precursor chemicals – Australian controls on export

On 20 December 1991 the Acting Minister for Foreign Affairs and Trade, Dr Blewett, issued a news release which read in part:

The Acting Minister for Foreign Affairs and Trade, Neal Blewett, announced in Canberra today that the Government had moved to extend its existing export controls over chemical weapons precursor chemicals to cover an additional nine chemicals.

Chemical weapons precursors are chemicals which are one or two stages removed from the poison gases used in chemical weapons.

"In the period before the completion of a comprehensive Chemical Weapons Convention export controls play an important part in the Government's approach to controlling the proliferation of chemical weapons", Dr Blewett said.

"While there is no evidence that Australian chemical companies have ever been involved in the production of chemical weapons, this change will help to ensure that this impressive record is maintained and that no Australian company inadvertently becomes associated with the chemical weapons programs of other countries", Dr Blewett said.

Australia now controls the export of 59 chemical weapons precursor chemicals. Dr Blewett said that the addition of these chemicals had taken place after thorough consultation with the Australian chemical industry which fully supports this action.

Authority for these export controls is provided under the Customs (Prohibited Exports) Regulations, Sub-regulation 13D, for which the Minister for Foreign Affairs and Trade is the responsible Minister. The chemical weapons precursor chemicals are listed in Schedule 15. The amendment to the regulations was notified in the Commonwealth Gazette of 12 December 1991. Copies of the amendment are available from Commonwealth Government Bookshops.

With effect from 12 December 1991, companies wishing to export these chemicals will need to obtain an export permit from the Department of Foreign Affairs and Trade.

Weapons - nuclear weapons - Australian opposition to their use

On 26 November 1990 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in part in answer to a question without notice (Sen Deb 1990, p 4396):

As to Australia's attitude on nuclear weapons, our position, of course, is perfectly clear: we do not support the use of nuclear weapons in any context whatsoever. It is difficult to believe that the situation in the Gulf could possibly be an exception to that. I do not think it necessarily follows from that position, however, that we would feel obliged to take a different view about the whole justification for the situation in Iraq and the appropriateness of an international response to it. It is a matter of evaluating that in view of all of the circumstances as they prevail at the time.

On 27 November 1990 Senator Evans said further on whether the Government supported "the use of nuclear weapons in any context whatsoever" (ibid, p 4538):

I am a little surprised by the question because I had thought that I had made the Government's position on this perfectly clear yesterday. In case I did not, the short answer is no.

Weapons - nuclear weapons - Nuclear Non-Proliferation Treaty - signatures by France, Tanzania and South Africa - adherence by Democratic People's Republic of Korea

On 4 June 1991 the Minister for Trade and Overseas Development, Dr Blewett, said in the course of an answer to a question without notice (HR Deb 1991, p 4630):

As honourable members know, yesterday President Mitterand made a comprehensive statement of France's approach to the control of weapons of mass destruction as well as conventional weapons. The President announced France's in-principle decision to sign the Nuclear Non-Proliferation Treaty and expressed the wish that all states adhere to it.

We in Australia very much welcome this decision, which is a further step in strengthening the international non-proliferation regime in the wake of the Gulf war. At both the prime ministerial and ministerial level, we have long urged France to sign the Non-Proliferation Treaty and to require full scope safeguards as a condition for new nuclear supply. Under the Non-Proliferation Treaty, nuclear weapon states undertake, by article 1, not to transfer nuclear weapons or other nuclear explosive devices or in any way assist other states to acquire them and, according to article 6, to pursue the negotiation for the cessation of the nuclear arms race and a treaty on general and complete disarmament.

The treaty does not require nuclear weapons states which are parties to it to cease nuclear tests. Australia's position on the urgent need for a comprehensive test ban and its position against French nuclear testing in the South Pacific remains unchanged. Nevertheless France's very welcome decision to adhere to the Non-Proliferation Treaty means that China remains the only nuclear weapons state that is outside the treaty. We hope that China will now also take the step which Australia has long urged China to do.

On 5 June 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, provided the following written answer, in part, in answer to a question on notice (Sen Deb 1991, p 4450):

Under Article III of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), each non-nuclear-weapon State Party undertakes to conclude an agreement with the International Atomic Energy Agency (IAEA) for the application of safeguards by the Agency on all of its present and future nuclear activities, in order to verify that its obligation not to develop or otherwise acquire nuclear weapons is being met. The IAEA is an autonomous intergovernmental organisation of the United Nations. IAEA safeguards inspections are conducted on the territory of the state concerned.

The DPRK adhered to the NPT in 1985. It has so far failed to conclude its obligatory safeguards agreement with the IAEA, due by mid 1987, despite persistent representations by Australia and other countries, both bilaterally and through multilateral action. Therefore, no inspection procedures have been agreed between the DPRK and the IAEA pursuant to that country's NPT obligations. IAEA safeguards inspectors conduct inspections on certain nuclear facilities under safeguards agreements concluded by the DPRK prior to its accession to the NPT, but the DPRK continues to undertake some nuclear activities not covered by IAEA safeguards.

The ROK adhered to the NPT and concluded its safeguards agreement with the IAEA in 1975, so that the IAEA regularly inspects all nuclear material there. The ROK has strictly abided by its obligations not to develop or otherwise acquire nuclear weapons or other explosive devices. In accordance with its longstanding policy, the United States neither confirms nor denies that it has nuclear weapons stationed in the ROK.

There have been persistent reports that the DPRK is developing a capability to produce nuclear weapons. Australia and other countries are deeply concerned about the regional security implications of such a move and the obstacle it would pose to the improvement of relations on the Korean Peninsula. They have urged the DPRK to fulfil its NPT safeguards obligations without further delay in order to dispel suspicions that it is developing a nuclear weapons capability. ...

The two Koreas have remained in a state of armed truce since the end of the Korean War.

...

Australia also favours efforts to draw the DPRK out of its isolation, but progress will be impeded as long as there is uncertainty about the DPRK's nuclear intentions.

On 4 July 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release which read in part:

The decisions of South Africa and Tanzania to accede to the Nuclear Non-Proliferation Treaty were today commended by the Minister for Foreign Affairs and Trade, Senator Gareth Evans.

"I have urged the South African and Tanzanian Governments to take these decisions over many years and welcome them on behalf of the Australian Government", Senator Evans said.

"It is further evidence of the determination of the international community to strengthen the nuclear non-proliferation regime in the aftermath of the Gulf war, and the current non compliance by Iraq with UN Security Council Resolution 687 again underlines the need for this."

Accession to the Treaty by South Africa and Tanzania will make an important contribution to the goal of universal adherence to the Treaty.

Their decisions come soon after the accession to the NPT by Zambia in May and France's announcement in June of its in-principle decision to adhere to the Treaty, both of which have been welcomed by the Australian Government.

The NPT is the most widely adhered to arms control treaty in the world today, Senator Evans said. When South Africa and France sign, membership of the Treaty will be 146 States.

Weapons - nuclear weapons - nuclear weapon tests - French tests - Australian protests - comprehensive test ban treaty

On 8 May 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued the following news release:

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, today reiterated the Australian Government's continuing strong opposition to the French nuclear test program in French Polynesia.

The Australian Seismological Centre today advised that an underground nuclear explosion had taken place at Mururoa Atoll in French Polynesia at 1700 hours Universal Time on 7 May (0300 hours AEST on 8 May). The yield of the explosion was assessed as being within the range 0–10 kilotonnes of TNT.

The explosion was the first French nuclear test to take place in 1991. Six similar tests were detected in 1990: on 3 June, 8 June, 26 June, 5 July, 15 November and 22 November.

Senator Evans said it was deeply disappointing that the French nuclear tests program continued in 1991 in the face of the strong and widespread opposition of the states in the region.

On 15 May 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, provided the following written answer, in part, to a question on notice (Sen Deb 1991, p 3429):

Successive Australian governments have opposed French nuclear testing at Mururoa Atoll.

Particularly disappointing is the fact that France continues this testing in spite of the well-known opposition of South Pacific states. As a matter of principle, Australia will continue to protest against each test that takes place in French Polynesia and to make its opposition known at the highest levels. The Government will, in addition, use other opportunities, at the United Nations and other international meetings, to draw attention to the opposition in our region to such tests. France maintains that the nuclear tests it carries out are "absolutely safe" and that this removes one legitimate basis for regional complaints. Scientific evidence suggests, however, that while there may be no immediate dangers of contamination as a result of the tests, the longer term risks are real. Australia welcomes the fact that France has recently adopted a more transparent attitude to its nuclear testing practices.

... Australian uranium is supplied to France under bilateral safeguards agreements with France and the European Atomic Energy Community (Euratom). These include safeguards and peaceful non-explosive end use conditions which are fully consistent with Article IV of the Treaty of Rarotonga governing provision by any Party of nuclear material for peaceful purposes.

... Under Australia's bilateral safeguards agreements with France and Euratom, all Australian obligated uranium supplied to France is fully accounted for within the peaceful nuclear fuel cycle.

On 10 September 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, provided the following written answer, in part, in answer to a question on notice (Sen Deb 1991, p 1371):

It is particularly disappointing that France continues its nuclear tests program in spite of the well known opposition of South Pacific states. As a matter of

principle, Australia condemns each test that takes place in French Polynesia and has made its opposition known at the highest levels. ...

Australia is also working to achieve the early conclusion of a Comprehensive Nuclear Test Ban (CTBT) which would end all nuclear tests by all countries, in all environments, for all time.

Terrorism - collection of money in Australia for terrorist organisations - Irish Republican Army (IRA) - legislative prohibition

On 30 May 1990 Senator Button said, as Minister representing the Attorney-General, in part answer to a question without notice (Sen Deb 1990, Vol 139, p 1445):

... on the question of funds being transferred to support, for example, the IRA, the Australian law prohibits persons in Australia from giving money for the purposes of supporting hostile activities in other countries such as seeking to overthrow a foreign government or by the use of violence, causing the public in a foreign state to be in fear or suffering, death or injury.

Terrorist activity of the provisional IRA would clearly fall into this category.

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).
6 October 1988 Buenos Aires	Treaty on Extradition	15 February 1990	The Treaty entered into force 30 days after an exchange of Notes of 9 November 1989 and 5 January 1990 pursuant to Article 21.1. Terminated Treaty of 22 May 1889 (above). ATS 1990 No. 4; Rules 1989 No. 372.
30 August 1990 Buenos Aires	Treaty on Mutual Assistance in Criminal Matters		The Treaty will enter into force thirty days after an exchange of Notes pursuant to Article 22.1

Date and place of signature	Description	Entry into force	Notes and references to printed Text
20 October 1988 Vienna	<u>AUSTRIA</u> Treaty on Mutual Assistance in Criminal Matters	1 December 1990	The Treaty entered into force on the first day of the third month after an exchange of Notes of 25 July and 28 September 1990 pursuant to Article 13.1. ATS 1990 No. 36; Rules 1990 No. 311. The Agreement entered into effect provisionally on signature under arrangements between the Postal Administrations. Not Printed. Instrument of termination deposited for Australia at Dhaka on 11 December 1991 with effect from 11 December 1992 pursuant to Article 12(2).
15 September 1981 Dacca	<u>BANGLADESH</u> Agreement for Exchange of Money Orders	15 September 1981 (provisional effect)	The Treaty entered into force one month following an exchange of Notes of 31 January and 14 February 1990 pursuant to Article XX.I. ATS 1990 No. 11; Rules 1990 No. 22.
19 June 1989 Ottawa	<u>CANADA</u> Treaty on Mutual Assistance in Criminal Matters	14 March 1990	The Agreement entered into force when Notes were exchanged 24 July and 26 September 1990 pursuant to Article 7. ATS 1990 No. 37.
23 July 1990 Canberra	Films Co-Production Agreement	26 September 1990	

Date and place of signature	Description	Entry into force	Notes and references to printed Text
11 October 1990 Ottawa	Protocol amending the Reciprocal Agreement on Social Security of 4 July 1988	1 January 1992 (with effect from 1 September 1989)	The Protocol entered into force on the date specified in an exchange of Notes of 20–24 December 1991, with effect from the date on which Head Agreement entered into force, pursuant to Article 6. ATS 1992 No. 4; Act 1991 No. 69.
17 August – 15 October 1987 Beijing	<u>CHINA</u> Exchange of Notes constituting an Agreement to amend Article 3 of the Agreement on a Program of Technical Co-operation for Development of 2 October 1981	17 February 1987	The Agreement entered into force retrospectively from the date specified in the Notes. ATS 1990 No. 47.
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.
29 July 1991 Canberra	<u>CZECHOSLOVAKIA</u> Agreement on the Reciprocal Promotion and Protection of Investments		The Agreement will enter into force 30 days after an exchange of Notes pursuant to Article 14(1).

Date and place of signature	Description	Entry into force	Notes and references to printed Text
20 September 1880 Quito	<u>ECUADOR</u> Treaty (between Great Britain and Ecuador) for the Mutual Surrender of Fugitive Criminals	2 July 1886	Instruments of ratification exchanged 19 February 1886. Applied to Australia, including Norfolk Island. Hertslet 17 p. 380; SP 72 p. 137. See also supplementary Convention of 4 June 1934 (below). The Treaty, as supplemented, was terminated 1 August 1990 by treaty of 13 October 1988 (below).
4 June 1934 Quito	Supplementary Convention to the Treaty for the Mutual Surrender of Fugitive Criminals of 20 September 1880	8 November 1937	Signed on behalf of Australia 4 June 1934. Instruments of ratification exchanged 8 October 1937. UKTS 1937 No. 52 (Cmd. 5614); Cmd. 4700; SP 137 p. 777; LNTS 184 p. 437.
13 October 1988 Quito	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.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
15 October 1990 Canberra	<p><u>FIJI</u> Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income</p>	28 December 1990	<p>The Agreement entered into force when Notes were exchanged 28 December 1990 pursuant to Article 29. Also applies to Norfolk, Christmas and Cocos Islands, Ashmore and Cartier Islands, Heard and McDonald Islands and the Coral Sea Islands. ATS 1990 No. 44; Act 1990 No. 121.</p>
10 February 1947 Paris	<p><u>FINLAND</u> Treaty of Peace with Finland</p>	15 September 1947	<p>Concluded between the Allied and Associated Powers and Finland. Signed for Australia 10 February 1947. Instrument of ratification deposited for Australia 10 July 1948. Entry into force for Australia 10 July 1948. Also applies to Norfolk Island. ATS 1948 No. 2; UKTS 1948 No. 53 (Cmd. 7484); SP 148 p. 339; UNTS 48 p. 203; CTS 1947 No. 7. By decision of 21 September 1990 Finland stated that the stipulations of Part III have lost their meaning except for the ban on nuclear weapons.</p>

Date and place of signature	Description	Entry into force	Notes and references to printed Text
19 June 1989 Paris	<u>FRANCE</u> 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.
17 December 1990 Canberra	Agreement concerning Collaboration on Defence Research and Technology	17 December 1990	The Agreement entered into force on signature pursuant to Article 9. ATS 1990 No. 42.
28 February 1974 Berlin	<u>GERMAN DEMOCRATIC REPUBLIC</u> Trade Agreement, and Agreed Minute	28 February 1974	The Agreement entered into force on signature pursuant to Article 14. Not applicable to any Australian external territory. ATS 1974 No. 7. See also Protocol of 22 February 1977 (below). Expired 3 October 1990, as confirmed by Note from the Federal Republic of Germany of 13 September 1991.
22 February 1977 Berlin	Protocol to the Trade Agreement of 28 February 1974	22 February 1977	The Protocol entered into force on signature pursuant to Article 7. ATS 1977 No. 9. Expired 3 October 1990 pursuant to Article 7.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
27 April 1987 Berlin	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	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. Expired 3 October 1990, as confirmed by Note from the Federal Republic of Germany 13 September 1991. See Agreement with the Federal Republic of Germany of 5 March 1956.
8 July 1965 Bonn	<u>GERMANY</u> Agreement regarding the Exchange of Money Orders	8 July 1965	The Agreement entered into force on signature pursuant to Article 22. ATS 1965 No. 12; UNTS 543 p. 305. Instrument of termination deposited for Australia at Bonn 10 December 1991 with effect from 10 December 1992 pursuant to Article 22.
14 April 1987 Bonn	<u>GERMANY, FEDERAL REPUBLIC OF</u> Treaty concerning Extradition	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.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
24 September 1910 Athens	<u>GREECE</u> Treaty (between Great Britain and Greece) for the Mutual Surrender of Fugitive Criminals	26 February 1912	Instruments of ratification exchanged 30 December 1911. Applied to Australia, including Norfolk Island. UKTS 1912 No. 6 (Cd. 6074); Hertslet 26 p. 681; SP 103 p. 297. Terminated between Australia and Greece 5 July 1991 by Treaty of 13 April 1987 (below).
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.
13 April 1987 Athens	Treaty on Extradition	5 July 1991	The Treaty entered into force 30 days after an exchange of Notes of 12 April and 5 June 1991 pursuant to Article 16.1. Terminated Treaty of 24 September 1910 (above). ATS 1991 No. 27; Rules 1991 No. 94.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
22 April 1991 Hong Kong	<p><u>HONG KONG</u> Agreement concerning the Investigation of Drug Trafficking and the Confiscation of the Proceeds of Drug Trafficking</p>	3 June 1991	The Agreement entered into force when Notes were exchanged 22 April and 3 June 1991 pursuant to Article 13.2. ATS 1991 No. 33; Rules 1991 No. 95. Due to expire 2 June 1994 unless formally extended pursuant to Article 13.2
29 November 1990 Canberra	<p><u>HUNGARY</u> Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income</p>		The Agreement will enter into force when Notes are exchanged pursuant to Article 28(1).
15 August 1991 Budapest	<p>Agreement on the Reciprocal Promotion and Protection of Investments</p>		The Agreement will enter into force 30 days after an exchange of Notes pursuant to Article 15(1).
16 July – 5 November 1941 Melbourne – New Delhi	<p><u>INDIA</u> Agreement for the Exchange of Money Orders</p>	1 July 1941	Concluded between the Postal Administrations of Australia and India. The Agreement entered into force retrospectively from the date specified in Article XXVI. Not printed. Instrument of termination deposited for Australia at New Delhi 3 December 1991 with effect from 3 June 1992 pursuant to Article XXVI.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
25 October 1990 Canberra	Agreement on Development Co-operation	1 July 1990	The Agreement entered into force retrospectively from the date specified in Article 19.1. ATS 1990 No. 38.
25 July 1991 Canberra	Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income	30 December 1991	The Agreement entered into force when Notes were exchanged 30 December 1991 pursuant to Article 28(1). Also applies to Norfolk, Christmas and Cocos Islands, Ashmore and Cartier Islands, Heard and McDonald Islands and Coral Sea Islands. ATS 1991 No. 49; Act 1991 No. 214.
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)	9 February 1991	The Treaty entered into force 30 days following an exchange of Notes of 10 January 1991 pursuant to Article 32. ATS 1991 No. 9; Act 1990 No. 36; ILM 29 p. 469. Pursuant to Article 6, the Ministerial Council Meeting of 9 February 1991 amended Articles 4.4, 28.2, 44.1, 44.2, 45.1, 45.2 and 45.3 of the Petroleum Mining Code and Subsections 4.7, 7.3 and 7.9 of the Model Production Sharing Contract.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
<u>I N T E R N A T I O N A L O R G A N I S A T I O N S</u>			
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 Goatmeat 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.
1 November 1991 Geneva	Cooperation Agreement with the European Organisation for Nuclear Research (CERN) concerning the Further Development of Scientific and Technical Cooperation in the Research Projects of CERN	1 November 1991	The Agreement entered into force on signature pursuant to Article 12. ATS 1991 No. 45.
<u>I R E L A N D</u>			
10 April - 15 August 1935 Dublin - Melbourne	Agreement for the Exchange of Money Orders	1 June 1935	Concluded between the Postal Administrations of Australia and Ireland. The Agreement entered into force on the date specified in Article XXXIII. Not printed. Instrument of termination deposited for Australia at Dublin 4 December 1991 with effect from 4 June 1992 pursuant to Article XXXIII.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
8 April 1991 Canberra	Agreement on Social Security		The Agreement will enter into force on the first day of the second month following the exchange of instruments of ratification in Dublin pursuant to Article 19.2.
28 November 1973 Canberra	<u>ITALY</u> 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). The Treaty entered into force 30 days following an exchange of Notes of 2 July 1990 pursuant to Article 22.1. Terminated Treaty of 28 November 1973 (above). ATS 1990 No. 20; Rules 1990 No. 136.
26 August 1985 Milan	Treaty of Extradition	1 August 1990	The Agreement entered into force on the date specified in an exchange of Notes of 18 July 1961 pursuant to Article 13. ATS 1961 No. 13; UNTS 450 p. 343. Instrument of termination deposited for Australia at Tokyo 6 December 1991 with effect from 6 December 1992 pursuant to Article 13.2.
7 February 1961 Tokyo	<u>JAPAN</u> Agreement for the Exchange of International Money Orders	1 August 1961	

Date and place of signature	Description	Entry into force	Notes and references to printed Text
27 July 1990 Canberra	Exchange of Notes constituting an Agreement to amend the Exchange of Letters constituting an Agreement establishing an Implementing Arrangement pursuant to the Agreement for Co-operation in the Peaceful Uses of Nuclear Energy of 5 March 1982.	27 July 1990	The Agreement entered into force in accordance with the provisions of the Notes. ATS 1990 No. 27. Head Agreement printed as Letters I and II in ATS 1982 No. 22.
8 August 1990 Canberra	Exchange of Letters constituting an Agreement concerning Co-operation on the Project for the Geostationary Meteorological Satellite-4 System	8 August 1990	The Agreement entered into force on the date of the Letter in reply. Supplemented Agreements of 7 July 1977, 22 September 1981 and 1 May 1985. ATS 1990 No. 28.
30 November 1990 Canberra	Subsidiary Agreement (to the Agreement of 17 October 1979) concerning Japanese Tuna Long-Line Fishing	30 November 1990	The Subsidiary Agreement entered into force on signature pursuant to Article IX. ATS 1990 No. 40. Due to expire 31 October 1991.
10 December 1991 Canberra	Subsidiary Agreement (to the Agreement of 17 October 1979) concerning Japanese Tuna Long-Line Fishing	10 December 1991	The Subsidiary Agreement entered into force on signature pursuant to Article IX. ATS 1991 No. 47. Due to expire 31 October 1992.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
25 March 1991 Canberra	<p><u>KIRIBATI</u> Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income</p>	28 June 1991	<p>The Agreement entered into force when Notes were exchanged 28 June 1991 pursuant to Article 27. Also applies to Norfolk, Christmas and Cocos Islands, Ashmore and Cartier Islands, Heard and McDonald Islands and Coral Sea Islands. ATS 1991 No. 34; Act 1991 No. 96.</p>
5 September 1990 Seoul	<p><u>KOREA, REPUBLIC OF</u> Treaty on Extradition</p>	16 January 1991	<p>The Treaty entered into force 30 days after an exchange of Notes of 24 October and 17 December 1990 pursuant to Article 19.1. ATS 1991 No. 3; Rules 1990 No. 374.</p>
31 October 1972 Sydney	<p><u>MALTA</u> Exchange of Letters constituting an Agreement relating to Portability of Pensions</p>	31 October 1972	<p>The Agreement entered into force on the date of the Letter in reply. Not printed. Superseded by Agreement of 15 August 1990 (below).</p>
26 June 1980 Valetta	<p>Agreement for the Exchange of Money Orders</p>	26 June 1980	<p>The Agreement entered into force on signature pursuant to Article 13. Terminated Convention of 26 October 1923. ATS 1981 No. 7. Instrument of termination deposited for Australia at Malta 19 December 1991 with effect from 19 December 1992 pursuant to Article 13(2).</p>

Date and place of signature	Description	Entry into force	Notes and references to printed Text
15 August 1990 Canberra	Agreement on Social Security	1 July 1991	The Agreement entered into force one month after an exchange of Notes of 1 June 1991 pursuant to Article 18.1. Superseded Agreement of 31 October 1972 (above). ATS 1991 No. 26; Act 1991 Nos. 6 and 116.
7 September 1886 Mexico	<u>MEXICO</u> Treaty (between Great Britain and Mexico) for the Mutual Surrender of Fugitive Criminals	19 April 1889	Instruments of ratification exchanged 22 January 1889. Applied to Australia, including Norfolk Island. Hertslet 18 p. 849; SP 77 p. 1253. By an exchange of Notes at Mexico City of 22 May 1987 (not printed), Australia and Mexico confirmed their understanding that the Treaty was in force between them. Terminated between Australia and Mexico 27 March 1991 by Treaty of 22 June 1990 (below).
22 June 1990 Canberra	Treaty on Extradition	27 March 1991	The treaty entered into force when Notes were exchanged 25 January and 27 March 1991 pursuant to Article 28.1. Terminated Treaty of 7 September 1886 (above). ATS 1991 No. 13; Rules 1991 No. 36.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
6 May 1991 Guadalajara	Treaty on Mutual Legal Assistance in Criminal Matters		The Treaty will enter into force when Notes are exchanged pursuant to Article 22.1.
17 December 1891 Paris	<u>MONACO</u> Treaty (between Great Britain and Monaco) for the Extradition of Criminals	23 May 1892	Instruments of ratification exchanged 17 March 1892. Applied to Australia, including Norfolk Island. Hertslet 19 p. 721; SP 83 p. 66. See also Convention of 27 November 1930 (below). The Treaty, as extended, was superseded 1 August 1990 by Treaty of 19 October 1988 (below). Concluded between Australia, the United Kingdom, New Zealand and South Africa, and Monaco. Ratification instruments exchanged 5 June 1931. UKTS 1931 No. 29 (Cmd. 3908); Cmd. 3782; SP 132 p. 387; LNTS 121 p. 39.
27 November 1930 Paris	Convention extending the Treaty for the Extradition of Criminals of 17 December 1891 to certain Protectorates and Mandated Territories	5 July 1931	
19 October 1988 Monaco	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.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
28 September – 27 October 1921 Melbourne – Nauru	<u>NAURU</u> Agreement for the Exchange of Money Orders	27 October 1921	Concluded between the Postal Administrations of Australia and Nauru. The Agreement entered into force on the date specified in Article 24. LNTS 23 p. 230. Instrument of termination deposited for Australia at Nauru 16 December 1991 with effect from 16 December 1992 pursuant to Article 24.
26 October 1988 Canberra	<u>NETHERLANDS</u> Treaty on Mutual Assistance in Criminal Matters	1 June 1991	The Treaty entered into force on the first day of the second month following an exchange of Notes of 15 February and 24 April 1991 pursuant to Article 22.1. ATS 1991 No. 20; Rules 1991 No. 69.
4 January 1991 The Hague	Agreement on Social Security		The Agreement will enter into force on the first day of the third month following the date of the Note in reply pursuant to Article 20.1. Act 1991 No. 115.
5 April 1991 Canberra	Agreement concerning the Provision of Medical Treatment	4 January 1992	Pursuant to Article 13, Notes dated 15 November and 3 December 1991 were exchanged – the latter Note was deposited 5 December 1991 and the Agreement entered into force 30 days later. ATS 1992 No. 3.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
<u>NEW CALEDONIA</u>			
27 October 1928 – 30 March 1929 Noumea – Melbourne	Convention for the Exchange of Money Orders	1 January 1929	Concluded between the Postal Administrations of Australia and New Caledonia. The Convention entered into force on the date specified in Article 20. Not printed. Instrument of termination deposited for Australia at Paris 11 December 1991 with effect from 11 December 1992 pursuant to Article 20.
<u>NEW ZEALAND</u>			
24 October – 9 November 1903 Melbourne – Wellington	Convention concerning the Exchange of Money Orders	1 November 1903	Concluded between the Postal Administrations of Australia and New Zealand. The Convention entered into force on the date specified in Article 17. Not printed. Instrument of termination deposited for Australia at Wellington 16 December 1991 with effect from 16 December 1992 pursuant to Article 17.
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. Annex B replaced by an Understanding of 21–30 June 1991 pursuant to Article 19(2).

Date and place of signature	Description	Entry into force	Notes and references to printed Text
13 July 1990 Canberra	Agreement concerning Royal New Zealand Air Force Skyhawk Aircraft involvement in Australian Defence Force Air Defence Support Flying	13 July 1990	Activity under the Agreement is based at Nowra, NSW. The Agreement entered into force on signature pursuant to Article 24. ATS 1990 No. 25. The day of arrival of the RNZAF detachment at NAS Nowra was confirmed as 1 March 1991 by an exchange of Notes at Canberra on 23-25 September 1991 pursuant to Article 24. Due to expire 1 March 1996.
11 April 1991 Wellington	Agreement concerning Cooperation in Defence Logistics Support	11 April 1991	The Agreement entered into force on signature pursuant to Article XVI. ATS 1991 No. 14.
30 October 1991 Canberra	Agreement concerning the Establishment of the Council of the Joint Accreditation System of Australia and New Zealand (JAS - ANZ)	30 October 1991	The Agreement entered into force on signature pursuant to Article 15. ATS 1991 No. 44.
27 March 1985 Melbourne	<u>NORWAY</u> Agreement for the Exchange of Money Orders	27 March 1985	The Agreement entered into force on signature pursuant to Article 13.1. Terminated Convention of 13 Dec 1909. ATS 1985 No. 11. Instrument of termination deposited for Australia at Copenhagen on 16 Dec 1991 with effect from 16 Dec 1992 pursuant to Article 13.2.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
12 July 1990 Canberra	<u>PAKISTAN</u> Trade Agreement	12 July 1990	The Agreement entered into force on signature pursuant to Article 7. ATS 1990 No. 24.
13 July 1991 Islamabad	Agreement on Development Co-operation	13 July 1991	The Agreement entered into force on signature pursuant to Article 19. ATS 1991 No. 35.
6 November 1976 Port Moresby	<u>PAPUA NEW GUINEA</u> Agreement on Trade and Commercial Relations (PATCRA I)	1 February 1977	The Agreement entered into force when Notes were exchanged 21 January and 1 February 1977 pursuant to Article 24.1. ATS 1977 No. 7; UNTS 1216 p. 183. See also Agreement of 17 February 1982 (below). Replaced 20 September 1991 by PATCRA II of 21 February 1991 (below).
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 of 6 November 1976	17 March 1982	The Agreement entered into force on the date of the Note in reply. ATS 1982 No. 6.
3 September 1990 Port Moresby	Agreement for the Promotion and Protection of Investments	20 October 1991	The Agreement entered into force 30 days after an exchange of Notes of 20 September 1991 pursuant to Article 18(1). ATS 1991 No. 38.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
21 February 1991 Canberra	Agreement on Trade and Commercial Relations (PATCRA II)	20 September 1991	The Agreement entered into force when Notes were exchanged 20 September 1991 pursuant to Article 24.1. Replaced PATCRA I of 6 November 1976 (above). ATS 1991 No. 37.
14 September 1981 Manila	<u>PHILIPPINES</u> Agreement for the Exchange of International Money Orders	1 July 1982	The Agreement entered into force on the date specified in an exchange of Notes of 3 and 19 June 1982 pursuant to Article 13(1). ATS 1982 No. 19. Instrument of termination deposited for Australia at Manila 13 December 1991 with effect from 13 December 1992 pursuant to Article 13(2).
7 March 1988 Manila	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.
7 May 1991 Canberra	<u>POLAND</u> Agreement on the Reciprocal Promotion and Protection of Investments		The Agreement will enter into force 30 days after an exchange of Notes pursuant to Article 16(1).
7 May 1991 Canberra	Treaty on Consular Relations		The Treaty will enter into force on the thirtieth day following an exchange of Notes pursuant to Article 57.1.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
7 May 1991 Canberra	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 instruments of ratification are exchanged at Warsaw pursuant to Article 28.2. Act 1991 No. 214.
	<u>PORTUGAL</u>		
30 April 1991 Lisbon	Agreement on Social Security		The Agreement will enter into force on the first day of the month following an exchange of Notes pursuant to Article 26.1.
	<u>SINGAPORE</u>		
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 January 1990 pursuant to Article 17.1. ATS 1990 No. 3; Act 1989 No. 165.
	<u>SPAIN</u>		
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.
10 February 1990 Canberra	Agreement on Social Security	3 June 1991	The Agreement entered into force one month following an exchange of Notes pursuant to Article 24.1. ATS 1991 No. 22; Act 1990 No. 56 and 1991 No. 46.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
18 January 1991 Madrid	Agreement on Cultural, Educational and Scientific Cooperation	15 April 1991	The Agreement entered into force when Notes were exchanged 18 March and 15 April 1991 pursuant to Article 12. ATS 1991 No. 17.
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	21 October 1991	The Agreement entered into force when Notes were exchanged 21 October 1991 pursuant to Article 27. Also applies to Christmas, Cocos and Norfolk Islands, Ashmore and Cartier Islands, Heard and McDonald Islands and the Coral Sea Islands. ATS 1991 No. 42; Act 1990 No. 121.
15 January 1991 Stockholm	<u>SWEDEN</u> Exchange of Notes constituting an Agreement concerning Arrangements applying to Certain (nuclear) Transfers between Sweden and Third Countries	15 January 1991	The Agreement entered into force on the date of the Note in reply. Replaced Exchange of Letters of 18 March 1981. ATS 1991 No. 10.
26 November 1880 Berne	<u>SWITZERLAND</u> Treaty (between Great Britain and Switzerland) for the Mutual Surrender of Fugitive Criminals	30 May 1881	Ratification instruments exchanged 15 Mar 1881. Applied to Australia, including Norfolk Island. Hertslet 15 p. 384; SP 71 p 54. See supplementary Conventions of 29 June 1904 and 19 Dec 1934 (below). The Treaty, was terminated 1 Jan 1991 by Treaty of 29 July 1988 (below).

Date and place of signature	Description	Entry into force	Notes and references to printed Text
29 June 1904 London	Convention supplementing Article XVIII of the Treaty for the Mutual Surrender of Fugitive Criminals of 26 November 1880	29 March 1905	Instruments of ratification exchanged between Great Britain and Switzerland 29 March 1905. Applied to Australia, including Norfolk Island. UKTS 1905 No. 16 (Cd. 2532); Hertslet 24 p. 1040; SP 97 p. 92.
19 December 1934 Berne	Convention supplementary to the Treaty for the Mutual Surrender of Fugitive Criminals of 26 November 1880	6 September 1935	Instruments of ratification exchanged between the United Kingdom and Switzerland 6 June 1935. Acceded to by Australia, including Norfolk Island, with effect from 3 January 1936. UKTS 1935 No. 29 (Cmd. 4975); Cmd. 4856; SP 137 p. 198; LNTS 163 p. 103.
6 June 1972 Berne	Agreement concerning the Exchange of Money Orders	6 June 1972	The Agreement entered into force on signature but did not have effect until 1 July 1972 by arrangement between the parties. ATS 1972 No. 5; UNTS 854 p. 97. Instrument of termination deposited for Australia at Berne 11 December 1991 with effect from 11 December 1992 pursuant to Article 25.

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.
17 October 1990 Canberra	Agreement relating to Air Services		The Agreement will enter into force when Notes are exchanged pursuant to Article XX.
25 November 1991 Berne	Treaty on Mutual Assistance in Criminal Matters		The Treaty will enter into force 180 days after an exchange of Notes pursuant to Article 22.1
6 August 1990 Bangkok	<u>THAILAND</u> Agreement on Economic Cooperation	6 August 1990	The Agreement entered into force on signature pursuant to Article VII.1. ATS 1990 No. 29.
21 October – 7 December 1905 Melbourne – Nukualofa	<u>TONGA</u> Convention concerning the Exchange of Money Orders	1 January 1906	Concluded between the Postal Administrations of Australia and Tonga. The Convention entered into force on the date specified in Article 18. Not printed. Instrument of termination deposited for Australia at Nuku'alofa 11 December 1991 with effect from 11 December 1992 pursuant to Article 18.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
2 May 1990 Tunis	<p><u>TUNISIA</u> Agreement concerning Commonwealth War Cemeteries, Graves and Memorials in Tunisia</p>	1 October 1991	<p>Concluded between Australia, Canada, India, New Zealand and the United Kingdom, and Tunisia. Signed definitively for Australia 2 May 1990. The Agreement entered into force on the first day of the month following Tunisian notice of completion of formalities of 2 September 1991, pursuant to Article 7.1. ATS 1991 No. 43; UKTS 1991 No. 91 (Cm 1721).</p>
4 November 1972 Canberra	<p><u>TURKEY</u> Exchange of Letters constituting an Agreement relating to Portability of Pensions</p>	4 November 1972	<p>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.</p>
21 December 1989 – 7 February 1990 Moscow	<p><u>UNION OF SOVIET SOCIALIST REPUBLICS</u> Exchange of Notes constituting an Agreement amending Article IV.3 of the Agreement on Co-operation in Agriculture of 20 November 1986</p>	7 February 1990	<p>The Agreement entered into force on the date of the Note in reply. ATS 1990 No. 46.</p>
15 February 1990 Canberra	<p>Agreement on Human Contacts and Humanitarian Co-operation, and Protocol</p>	15 February 1990	<p>The Agreement entered into force on signature pursuant to Article 13. The Protocol entered into force on the same date pursuant to Article 6. ATS 1990 No. 7.</p>

Date and place of signature	Description	Entry into force	Notes and references to printed Text
15 February 1990 Canberra	Agreement relating to Co-operation in Fisheries.	15 February 1990	The Agreement entered into force on signature pursuant to Article XVII.1. ATS 1990 No. 8. Due to expire 14 February 1993.
15 February 1990 Canberra	Agreement on the Supply of Agricultural and Mineral Commodities from Australia to the Union of Soviet Socialist Republics	15 February 1990	The Agreement entered into force on signature pursuant to Article 8.1. ATS 1990 No. 9. Due to expire 14 February 1993.
15 February 1990 Canberra	Agreement on Co-operation in the Field of Protection and Enhancement of the Environment	15 February 1990	The Agreement entered into force on signature pursuant to Article X.I. ATS 1990 No. 10.
15 February 1990 Canberra	Agreement concerning the Peaceful Uses of Nuclear Energy	24 December 1990	The Agreement entered into force on the date specified in an exchange of Notes of 24 December 1990 pursuant to Article XV. ATS 1990 No. 43.
15 February 1990 Canberra	Treaty on Consular Relations		The Treaty will enter into force 30 days following an exchange of Notes pursuant to Article 54.1.
3 August 1988 Canberra	<u>UNITED KINGDOM</u> 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.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
12 June 1990 Canberra	Films Co-Production Agreement	27 August 1990	The Agreement entered into force when Notes were exchanged 27 August 1990 pursuant to Article 7. ATS 1991 No. 28; UKTS 1991 No 90 (Cm 1758); Cm 1143.
23 August 1990 Canberra	Agreement providing for the Reciprocal Recognition and Enforcement of Judgements in Civil and Commercial Matters		The Agreement will enter into force when Notes are exchanged pursuant to Article 9(1).
1 October 1990 London	Agreement on Social Security		The Agreement will enter into force on the date specified in an exchange of Notes pursuant to Article 25(1).
24 October 1912 – 12 February 1913, Melbourne – Washington	<u>UNITED STATES OF AMERICA</u> Convention for the exchange of Money Orders	1 July 1913	Concluded between the Postal Administrations of Australia and the USA. The Convention entered into force on the date specified in Article 20. Not printed. Instrument of termination deposited for Australia at Washington 9 Dec 1991 with effect from 9 Dec 1992 pursuant to Article 20.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
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)
17 January – 2 May 1990 Canberra	Exchange of Notes constituting an Agreement to amend and extend the Agreement concerning Space Vehicle Tracking and Communication Facilities of 29 May 1980	2 May 1990 (with effect from 26 February 1990)	The Agreement entered into force on the date of the Note in reply with effect from 26 February 1990. Superseded Amendment of 21 July 1981 (above). ATS 1990 No. 15. Extended Head Agreement to 26 February 2000.
9 March 1990 Washington	Exchange of Letters constituting an Agreement embodying an Arrangement concerning Trade in Certain Steel Products and a Framework for Arrangement on Steel Trade Liberalisation	9 March 1990 (with effect from 1 October 1989)	The Agreement entered into force on signature with retrospective effect from 1 October 1989 in accordance with the provisions of the Letters. Replaced Agreement of 16 January 1985. ATS 1990 No. 13. Due to expire 31 March 1992.
14 March 1990 Washington	Agreement concerning Cooperating Communications Networks	14 March 1990	Also known as Project Agreement Serial Number 88/102. The Agreement entered into force on signature pursuant to Article VIII. ATS 1990 No. 5. Due to expire 13 March 1995.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
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).
14 June 1990 Hanoi	Agreement on Trade and Economic Co-operation	14 June 1990	The Agreement entered into force on signature pursuant to Article XI.1. Terminated Agreement of 26 November 1974 (above). ATS 1990 No. 18.
5 March 1991 Canberra	Agreement on the Reciprocal Promotion and Protection of Investments	11 September 1991	The Agreement entered into force 30 days after an exchange of Notes of 15 July and 12 August 1991 pursuant to Article 15.1. ATS 1991 No. 36; ILM 30 p. 1064.
31 May 1972 Belgrade	<u>YUGOSLAVIA</u> Agreement concerning the Exchange of Money Orders	31 May 1972 (provisionally) 5 January 1973 (definitively)	The Agreement entered into force provisionally on signature and definitively when Notes were exchanged 5 January 1973 pursuant to Article 21. ATS 1973 No. 9; UNTS 904 p. 43. Instrument of termination deposited for Australia at Belgrade 16 December 1991 with effect from 16 December 1992 pursuant to Article 21.

Multilateral Treaties

Date and place of signature	Description	Entry into force	Notes and references to printed Text
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 Feb 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 Aust 30 Jan 1981. ATS 1981 No. 2; Act 1979 No. 98; UKTS 1968 No. 52 (Cmd. 3678); Cmd. 353. See also Protocol of amendment of 21 Dec 1979 (below). The Convention, as amended, was denounced by Australia 30 May 1990 effective 30 May 1991. Replaced by Convention of 19 Nov 1976.
18 March 1965 Washington	Convention on the Settlement of Investment Disputes between States and Nationals of other States (ICSID - under the auspices of IBRD)	14 October 1966	Signed for Australia 24 March 1975. Instrument of ratification, with notification pursuant to Articles 25 and 54(2) re constituent subdivisions and competent courts, deposited for Aust 2 May 1991. Entry into force for Aust 1 June 1991. ATS 1991 No. 23; Act 1990 No. 107; UKTS 1967 No. 25 (Cmd. 3255); Cmd. 2745; UNTS 575 p. 159; TIAS 6090; ILM 4 p. 532; NZTS 1980 No. 17.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
19 December 1966 New York	(First) Optional Protocol to the International Covenant on Civil and Political Rights of 19 December 1966	23 March 1976	Instrument of accession deposited for Australia 25 September 1991. Entry into force for Australia 25 December 1991. ATS 1991 No. 39; SD 10 p. 33; UNTS 999 p. 302; Cmnd. 3220; ILM 6 p. 383; CTS 1976 No. 47.
8 March 1974 Conakry	Agreement establishing the International Bauxite Association (IBA)	29 July 1975	Signed for Australia 17 September 1974. Instrument of ratification deposited for Australia 9 October 1974. ATS 1975 No. 38; UNTS 1021 p. 175; ILM 13 p. 1245. See also Protocol of 26 April 1976 and Amendment of 5 December 1977 (below). Instrument of withdrawal deposited for Australia 24 October 1991 with effect from 24 October 1992.
21 May 1974 Brussels	Convention relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite	25 August 1979	Instrument of accession deposited for Australia 26 July 1990. Entry into force for Australia 26 October 1990. ATS 1990 No. 30; SD 23 p. 56; ILM 13 p. 1444; UNTS 1144 p. 3.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
25 September 1975 Montreal	Additional Protocol No. 3 to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air of 12 October 1929, as amended		Signed for Australia, subject to ratification, 24 April 1991. SD 24 p. 41; Cmnd. 6482. The Protocol is not yet in force.
25 September 1975 Montreal	Additional Protocol No. 4 to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air of 12 October 1929, as amended		Signed for Australia, subject to ratification, 24 April 1991. SD 24 p. 46; Cmnd. 6483. The Protocol is not yet in force.
26 April 1976 Kingston	Protocol (relating to privileges and immunities) to the Agreement establishing the International Bauxite Association of 8 March 1974		Instrument of accession, with reservation to Articles V, XII(b), XIV(a) and XV, deposited for Australia 25 May 1979. SD 24 p. 55. The Protocol is not yet in force. Instrument of withdrawal deposited for Australia 24 October 1991 with effect from 24 October 1992.
12 June 1976 Apia (Western Samoa)	Convention on Conservation of Nature in the South Pacific	26 June 1990	Instrument of accession deposited for Australia 28 March 1990. Federal statement deposited for Australia 15 November 1990. ATS 1990 No. 41; SD 24 p. 103.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
19 November 1976 London	Convention on Limitation of Liability for Maritime Claims, 1976	1 December 1986	Instrument of accession, with declaration pursuant to Article 18.1 that Australia would not be bound by Article 2.1(d) and (e), deposited for Australia 20 February 1991. Entry into force for Australia 1 June 1991. Replaced, as between the parties, Convention of 10 October 1957 as amended (above). ATS 1991 No. 12; SD 24 p. 194; Act 1989 No. 151; UKTS 1990 No. 13 (Cm 955); Cmnd. 7035; ILM 16 p. 606.
8 June 1977 Geneva	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)	7 December 1978	Signed for Australia 7 December 1978. Instrument of ratification with declaration regarding Articles 5, 44 and 51-58, deposited for Australia 21 June 1991. Entry into force for Australia 21 December 1991. ATS 1991 No. 29; Act 1991 No. 27; UNTS 1125 p. 3; SD 25 Vol. I p. 65; Cmnd. 6927; ILM 16 p. 1391; CTS 1991 No. 2. The International Fact-Finding Commission was established 20 November 1990 pursuant to Article 90.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
8 June 1977 Geneva	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)	7 December 1978	Signed for Australia 7 December 1978. Instrument of ratification deposited for Australia 21 June 1991. Entry into force for Australia 21 December 1991. ATS 1991 No. 30; UNTS 1125 p. 609; SD 25 Vol. I p. 118; Cmnd. 6927; ILM 16 p. 1442; CTS 1991 No. 2.
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
14 March 1978 The Hague	Convention on Celebration and Recognition of the Validity of Marriages	1 May 1991	<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>Signed for Australia 9 July 1980. Instrument of ratification, with declaration that Convention shall not apply to Australia's external territories, except Norfolk Island, deposited for Australia 29 December 1987. ATS 1991 No. 16; Cmnd. 6830; SD 24 p. 159 (draft).</p>

Date and place of signature	Description	Entry into force	Notes and references to printed Text
23 June 1979 Bonn	Convention on the Conservation of Migratory Species of Wild Animals	1 November 1983	Instrument of accession, with federal statement, deposited for Australia 26 June 1991. Entry into force for Australia 1 September 1991. ATS 1991 No. 32; SD 27 Vol. II p. 28; ILM 19 p. 15.
28 September 1979 Geneva	Amendments to Articles 6, 7 and 8 of the Convention Establishing the World Intellectual Property Organization of 14 July 1967	25 May 1984	The Amendment changed the budgetary cycle from triennial to biennial. Instrument of acceptance deposited for Australia 13 November 1981. UKTS 1984 No. 65 (Cmd. 9335) p. 14.
17 December 1979 New York	International Convention against the Taking of Hostages	3 June 1983	Concluded under the auspices of the United Nations. Instrument of accession deposited for Australia 21 May 1990. Entry into force for Australia 20 June 1990. ATS 1990 No. 17; Act 1989 No. 26; SD 27 Vol II p. 106; UKTS 1983 No. 81 (Cmd. 9100); Cmd. 7893; ILM 18 p. 1456.
28 September 1979 Geneva	Amendments to Articles 13 and 14 of the Stockholm Act of 14 July 1967 of the Paris Convention for the Protection of Industrial Property	3 June 1984	The Amendment changed the budgetary cycle from triennial to biennial. Instrument of acceptance deposited for Australia 13 November 1981. UKTS 1984 No. 65 (Cmd. 9335) p. 15.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
28 September 1979 Geneva	Amendments to Articles 53 and 54 of the Patent Cooperation Treaty of 19 June 1970	3 May 1984	The Amendment changed the budgetary cycle from triennial to biennial. Instrument of acceptance deposited for Australia 13 November 1981. UKTS 1984 No. 65 (Cmnd. 9335) p. 15.
28 September 1979 Geneva	Amendments to Article 7 of the Strasbourg Agreement concerning the International Patent Classification of 24 March 1971	22 February 1982	The Amendment changed the budgetary cycle from triennial to biennial. Instrument of acceptance deposited for Australia 13 November 1981. UKTS 1983 No. 82 (Cmnd. 9107) p. 15.
28 September 1979 Geneva	Amendments to Article 5 of the Stockholm Act of 14 July 1967 and the Geneva Act of 13 May 1977 of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks	6 September 1982	The Amendment changed the budgetary cycle from triennial to biennial. Instrument of acceptance deposited for Australia 13 November 1981. UKTS 1983 No. 82 (Cmnd. 9107) p. 15.
28 November 1979 Rome	Revised Text of the International Plant Protection Convention of 6 December 1951	4 April 1991	Instrument of acceptance deposited for Australia 22 May 1981. ATS 1991 No. 50; Cmnd. 8108.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
27 June 1980 Geneva	Agreement establishing the Common Fund for Commodities	19 June 1989	Signed for Australia 20 May 1981. Instrument of ratification, with declaration that Australia's share payment procedures would be in accordance with Article 11.1(a), deposited for Australia 9 October 1981. ATS 1989 No. 16; SD 28 p. 59; Cmnd. 8192; NZTS 1983 No. 9. Letter of withdrawal of Australia from Agreement deposited at Amsterdam on 19 August 1991 with effect from 20 August 1992.
23 June 1981 Geneva	ILO Convention (No. 156) concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities	11 August 1983	Instrument of ratification deposited for Australia 30 March 1990. Entry into force for Australia 30 March 1991. ATS 1991 No. 7; SD 29 p. 14.
30 April 1983 Gaborone (Botswana)	Amendment to Article XXI of the Convention on International Trade in Endangered Species of Wild Fauna and Flora of 3 March 1973		The Amendment would provide for the accession of regional economic integration organisations to Head Convention. Instrument of acceptance deposited for Australia 13 November 1991. Cmnd. 9129. The Amendment is not yet in force.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
20 June 1983 Geneva	ILO Convention (No. 159) concerning Vocational Rehabilitation and Employment (Disabled Persons)	20 June 1985	Instrument of ratification registered with ILO for Australia 7 August 1990. Entry into force for Australia 7 August 1991. Cmd. 9417.
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	23 May 1990	The Amendment, adopted by FAO Council 3 November 1983, by which date it is sometimes cited, extended the definition of the region to include China. Instrument of acceptance deposited for Australia 24 October 1989. Replaced Amendment of 3 November 1967. ATS 1991 No. 24; SD 31 Vol. I p. 56; Cmnd. 9656.
25 May 1984 Rarotonga	Memorandum of Understanding to confer upon the Committee for Co-ordination of Joint Prospecting for Mineral Resources in South Pacific Offshore Areas (CCOP/SOPAC) status as an Intergovernmental Organisation	25 August 1984	Instrument of accession, with declaration regarding status of Memorandum, deposited for Australia 8 September 1986. Entry into force for Australia 8 October 1986. ATS 1986 No. 22. Terminated 18 November 1990 by Agreement of 10 October 1990 (below).

Date and place of signature	Description	Entry into force	Notes and references to printed Text
13 June 1985 Brussels	Protocol of Amendment to (Article 15.1 of) the International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences of 9 June 1977	27 July 1989	Instrument of acceptance deposited for Australia 30 May 1988. The Protocol was opened for acceptance until 31 December 1985 which was extended to 30 June 1989 by decision of the CCC. See also Amendment of June 1987 (below). ATS 1991 No. 21; UKTS 1991 No. 65 (Cm 1660).
1 July 1985 The Hague	Convention on the Law Applicable to Trusts and on their Recognition	1 January 1992	Signed, and instrument of ratification deposited, for Australia 17 October 1991. ATS 1992 No. 2; Act 1991 No. 50; ILM 23 p. 1389 and 25 p. 593; Cmnd. 9494; SD 33 p. 37.
4 December 1985 Bangkok	Asian-Pacific Postal Union (Fifth Congress): Constitution; General Regulations; Convention, and Final Protocol	1 July 1987	Signed for Australia 4 December 1985. Instrument of ratification deposited for Australia 30 January 1990. Entry into force for Australia 30 January 1990. Declaration regarding territorial application deposited for Australia 9 May 1990. ATS 1990 No. 14. See also APPU of 6 December 1990 (below).

Date and place of signature	Description	Entry into force	Notes and references to printed Text
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. See also Protocols (two) of 25 November 1986 (below).
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 Emergencies 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.
3 June 1987 Regina (Canada)	Amendments to Articles 6 and 7 of the Convention on Wetlands of International Importance especially as Waterfowl Habitat of 2 February 1971, as amended		Instrument of acceptance deposited for Australia 25 July 1990. Cm 983. The Amendments are not yet in force.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
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 for Australia 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; UKTS 1990 No. 19 (Cm 977); Cm 283. ILM 26 p. 1550. Adjustments to Protocol, done at London on 29 June 1990, entered into force 7 March 1991 pursuant to Article 2.9(d) (SD 38 p. 82; UKTS 1991 No. 32 (Cm 1545); ILM 30 p. 539).
24 February 1988 Montreal	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation	6 August 1989	Instrument of accession deposited for Australia with the International Civil Aviation Organisation, Montreal, 23 October 1990. Entry into force for Australia 22 November 1990. Supplemented Convention of 23 September 1971. ATS 1990 No. 39; SD 36 p. 22; ILM 27 p. 627; Cm 378.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
31 May 1988 Paris	Amendments to the Convention relating to International Exhibitions of 22 November 1928, as amended		Instrument of acceptance deposited for Australia 29 January 1990. The Amendments are not yet in force.
22 June 1988 Brussels	Protocol of amendment to the International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences of 9 June 1977		The Protocol amends Article 18 of Head Convention. Instrument of acceptance deposited for Australia 24 December 1990. The Protocol is not yet in force.
1 July 1988 Paris	The International COSPAS-SARSAT Programme Agreement	30 August 1988	COSPAS = (in Russian) "Cosmicheskaya Sistyema Poiska Avariynich Sudov" = Space System for the Search of Vessels in Distress. SARSAT = Search and Rescue Satellite. Concluded among original contributors to space segment: Canada, France, USA, USSR. ATS 1991 No. 25 p. 12; CTS 1988 No. 44. See Australian Letter of Association of 23 May 1991 (below). COSPAS - SARSAT Programme is now part of the IMO Global Maritime Distress and Safety System - see SOLAS Convention of 1 November 1974.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
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.
3 November 1989 Geneva	International Agreement on Jute and Jute Products, 1989	12 April 1991 (provisionally)	Instrument of accession deposited for Australia 25 October 1991. Entry into force for Australia 25 October 1991. Replaced Agreement of 1 October 1982. ATS 1991 No. 41; Cm 1494. Due to expire 12 April 1996.
20 November 1989 New York	Convention on the Rights of the Child (under the auspices of the UN)	2 September 1990	Signed for Australia 22 August 1990. Instrument of ratification, with reservation to Article 37(c) regarding separate imprisonment, deposited for Australia 17 December 1990. Entry into force for Australia 16 January 1991. ATS 1991 No. 4; SD 37 p. 182; ILM 28 p. 1448.
24 November 1989 Wellington	Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific		Signed for Australia, subject to ratification, 2 February 1990. SD 37 p. 206. The Convention is not yet in force.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
12 December 1989 Rome	Amendment to Article 6(1) of the Statute of the International Institute for the Unification of Private Law (UNIDROIT) of 15 March 1940		The Amendment would increase the number of Council Members from 21 to 25. Instrument of acceptance deposited for Australia 10 January 1991. The Amendment is not yet in force.
15 December 1989 New York	Second Optional Protocol to the International Covenant on Civil and Political Rights (of 19 December 1966), Aiming at the Abolition of the Death Penalty	11 July 1991	Instrument of accession deposited for Australia 2 October 1990. ATS 1991 No. 19; SD 37 p. 222; ILM 29 p. 1464.
23 April 1990 Rome	Agreement to provide for the Accession of the Government of Australia to the Memorandum of Understanding for the Cooperative Support of the NATO Seasparrow Surface Missile System of 20 May 1977	23 April 1990	Signed definitively for Australia 23 April 1990. Signed by all other parties 23 April 1990 except Turkey 12 April 1990. Entry into force pursuant to Article IV. ATS 1990 No. 16; UNTS 1207 p. 101 (MOU).
3 May 1990 Nicosia	Amendments to the Commonwealth Telecommunications Organisation Financial Agreement of 30 March 1983	1 April 1990	The amendments, relating to Commonwealth preferential treatment, nullified Articles 2(c), 6 and 7(c), and cross-references in Article 9, of Head Agreement. Accepted for Australia by instrument of 1 December 1990. Entry into force retrospectively from the date specified in the Amendments. Not printed.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
29 May 1990 Paris	Agreement establishing the European Bank for Reconstruction and Development (EBRD)	28 March 1991	The Bank was established in London. Signed for Australia 29 May 1990. Instrument of ratification, with declaration pursuant to Article 53.7 regarding taxation of Bank officials, deposited for Australia 27 March 1991. ATS 1991 No. 15; Act 1990 No. 129; UKTS 1991 No. 70 (Cm 1670); Cm 1116.
28 June 1990 Washington	Third Amendment of the Articles of Agreement of the International Monetary Fund of 27 December 1945		Instrument of acceptance deposited for Australia 26 July 1991. Act 1991 No. 182; SD 38 p. 62; Cm 1344. The Amendment is not yet in force.
10 September 1990 Washington	Agreement concerning the Continuation of Marine Geoscientific Research and Mineral Resource Studies in the South Pacific Region (Tripartite Phase II Extended Agreement)	10 September 1990	The Agreement, concluded with New Zealand and the United States of America, was signed for Australia 10 September 1990 and entered into force on signature. Extended provisions of Phase II Agreement of 19 September 1984. ATS 1990 No. 35. Due to expire 9 September 1995.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
10 October 1990 Tarawa (Kiribati)	Agreement establishing the South Pacific Applied Geoscience Commission (SOPAC)	18 November 1990	Signed definitively for Australia 4 January 1991. Entry into force for Australia 3 February 1991. Terminated Memorandum of Understanding of 25 May 1984 (above). ATS 1991 No. 8.
6 December 1990 Rotorua	Final Acts of the Sixth Congress of the Asian-Pacific Postal Union (APPU)	22 June 1991	Signed for Australia, subject to ratification, 6 December 1990. The Acts are not yet in force.
23 May 1991 London	Letter of Notification of Association (of Australia) with the International COSPAS-SARSAT Programme as a Ground Segment Provider	22 June 1991	Letter deposited for Australia with IMO 23 May 1991 and entered into force 30 days later pursuant to paragraph 7.1. ATS 1991 No. 25; UKTS 1991 No. 17 (Cm 1444) (parallel text). See also Head Agreement of 1 July 1988 (above).
29 July 1991 Pohnpei (Micronesia)	Agreement establishing the South Pacific Forum Secretariat		Signed for Australia, subject to ratification, 29 July 1991. On entry into force will terminate SPEC Agreement of 17 April 1973, as amended. The Agreement is not yet in force.
4 October 1991 Madrid	Protocol on Environmental Protection to the Antarctic Treaty of 1 December 1959		Signed for Australia, subject to ratification, 4 October 1991. The Protocol is not yet in force.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
23 October 1991 Paris	Agreement on a Comprehensive Political Settlement of the Cambodia Conflict	23 October 1991	Annex 1 to the Agreement contains the mandate of the United Nations Transitional Authority in Cambodia (UNTAC). The Final Act of the Paris Peace Conference on Cambodia, to which this Agreement was attached, was signed definitively for Australia 23 October 1991. ATS 1991 No. 40; UKTS 1991 No. 111 (Cm 1786) (inc. Final Act). See also following entry.
23 October 1991 Paris	Agreement concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia	23 October 1991	The Final Act of the Paris Peace Conference on Cambodia, to which this Agreement was attached, was signed definitively for Australia 23 October 1991. ATS 1991 No. 40; UKTS 1991 No. 111 (Cm 1786) (inc Final Act). See also preceding entry.
22 June 1990 Washington	Agreement concerning Cooperative Development of the Digital Chart of the World	22 June 1990	The Agreement entered into force on signature pursuant to Article V.4. ATS 1990 No. 23. Due to expire 21 June 2005.
4 September 1990 Seoul (Korea)	Protocol amending the Treaty on Extradition of 14 May 1974		The Protocol will enter into force when Notes are exchanged pursuant to Article 17.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
13 – 16 December 1990 Canberra	Exchange of Notes constituting an Agreement to further extend the Agreement relating to Scientific and Technical Co-operation of 16 October 1968	16 December 1990 (with effect from 16 October 1990)	The Agreement entered into force on the date of the Note in reply with effect from the date specified in the Notes. ATS 1990 No. 48. Extended Head Agreement to 15 April 1991.
7 February 1991 Washington	Agreement concerning NAVSTAR Global Positioning System	7 February 1991	NAVSTAR = Navigation Satellite Timing and ranging. The Agreement entered into force on signature pursuant to Article X.5. ATS 1991 No. 11. Due to expire 6 February 2011.
14 June 1991 Washington	Project Agreement concerning Sensor Fusion System Development	14 June 1991	The Agreement entered into force on signature pursuant to Article 8.1. ATS 1991 No. 31. Due to expire 13 June 1996.
30 October 1991 Washington	Exchange of Notes constituting an Agreement concerning Meat Exports by Australia to the United States of America during 1991	30 October 1991	The Agreement entered into force on the date of the Note in reply. ATS 1991 No. 46.
16 December 1991 Washington	Exchange of Notes constituting an Agreement to bring International Obligation Exchanges under the Coverage of the Agreement concerning Peaceful Uses of Nuclear Energy, and Agreed Minute, of 5 July 1979	16 December 1991	The Agreement entered into force on the date of the Note in reply. ATS 1991 No. 48.

APPENDIX II

Legislation Concerning Matters of International Law Passed by the Australian Parliament during 1990 and 1991

Antarctic Mining Prohibition Act 1991 (Act No. 43, 1991)

An Act to prohibit mining activities in the Australian Antarctic Territory and Antarctica, and for related purposes

Carriage of Goods by Sea Act 1991 (Act No. 160, 1991)

An Act relating to the carriage of goods by sea, and for related purposes

Civil Aviation (Carriers' Liability) Amendment Act 1991 (Act No. 189, 1991)

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

Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990 (No. 97 of 1990)

An Act to make provision with respect to the traffic in narcotic drugs and psychotropic substances in accordance with the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988

European Bank for Reconstruction and Development Act 1990 (No. 129 of 1990)

An Act relating to the European Bank for Reconstruction and Development

Extradition Act 1988 -

Several regulations were made under this Act during 1990-91 to give effect to various of Australia's extradition treaty relationships

Foreign Judgements Act 1991 (Act No. 112, 1991)

An Act relating to the enforcement of foreign judgements in the Commonwealth, and for related purposes

Geneva Conventions Amendment Act 1991 (Act No. 27, 1991)

An Act to amend the **Geneva Conventions Act 1957** to give effect within Australia to Protocol I (1977) to the Geneva Conventions of 1949

ICSID Implementation Act 1990 (No. 107 of 1990)

An Act to amend the **International Arbitration Act 1974** and the **International Organizations (Privileges and Immunities) Act 1963** in order to fulfil Australia's obligations under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, 1965

Income Tax (International Agreements) Amendment Act 1991 (Act No. 96, 1991)

An Act to amend the **Income Tax (International Agreements) Act 1953** to give effect to double taxation treaties between Australia and Hungary and Kiribati

Income Tax (International Agreements) Amendment Act (No. 2) 1991 (Act No. 214, 1991)

An Act to amend the **Income Tax (International Agreements) Act 1953** to give effect to double taxation treaties between Australia and India and Poland

International Development Association (Further Payment) Act 1990 (No. 130 of 1990)

An Act relating to a further contribution by Australia to the International Development Association

International Monetary Fund (Quota Increase and Agreement Amendments) Act 1991 (Act No. 182, 1991)

An Act to make provisions relating to an increase in Australia's quota in the International Monetary Fund, and to amend the **International Monetary Agreements Act 1947** to implement certain amendments to the Articles of Agreement of the International Monetary Fund

International Organizations (Privileges and Immunities) Act 1963 -

Australia-Indonesia Zone of Cooperation (Privileges and Immunities) Regulations (Statutory Rules 1990 No. 228, and 1991 No. 444)

CAB International (Privileges and Immunities) Regulations (Statutory Rules 1990 No. 26)

International Centre for Settlement of Investment Disputes (Privileges and Immunities) Regulations (Statutory Rules 1991 No. 42)

International Cocoa Organization (Privileges and Immunities) Regulations (Repeal) (Statutory Rules 1991 No. 260)

International Coffee Organization (Privileges and Immunities) Regulations (Repeal) (Statutory Rules 1991 No. 259)

International Organization for Migration (Privileges and Immunities) Regulations (Statutory Rules 1990 No. 143)

International Tin Council (Privileges and Immunities) Regulations (Repeal) (Statutory Rules 1991 No. 261)

Specialized Agencies (Privileges and Immunities) Regulations (Amendment) (Statutory Rules 1991 No. 319)

Mutual Assistance in Criminal Matters Act 1987 –

Several regulations were made under this Act during 1990–91 to give effect to various of Australia's treaty relationships on the subject

Petroleum (Australia–Indonesia Zone of Cooperation) Act 1990 (No. 36 of 1990)

An Act relating to the Treaty between Australia and Indonesia on the Zone of Cooperation in an Area between the Indonesian Province of East Timor and Northern Australia, 1989

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

Taxation Laws Amendment (International Agreements) Act 1990 (No. 121 of 1990)

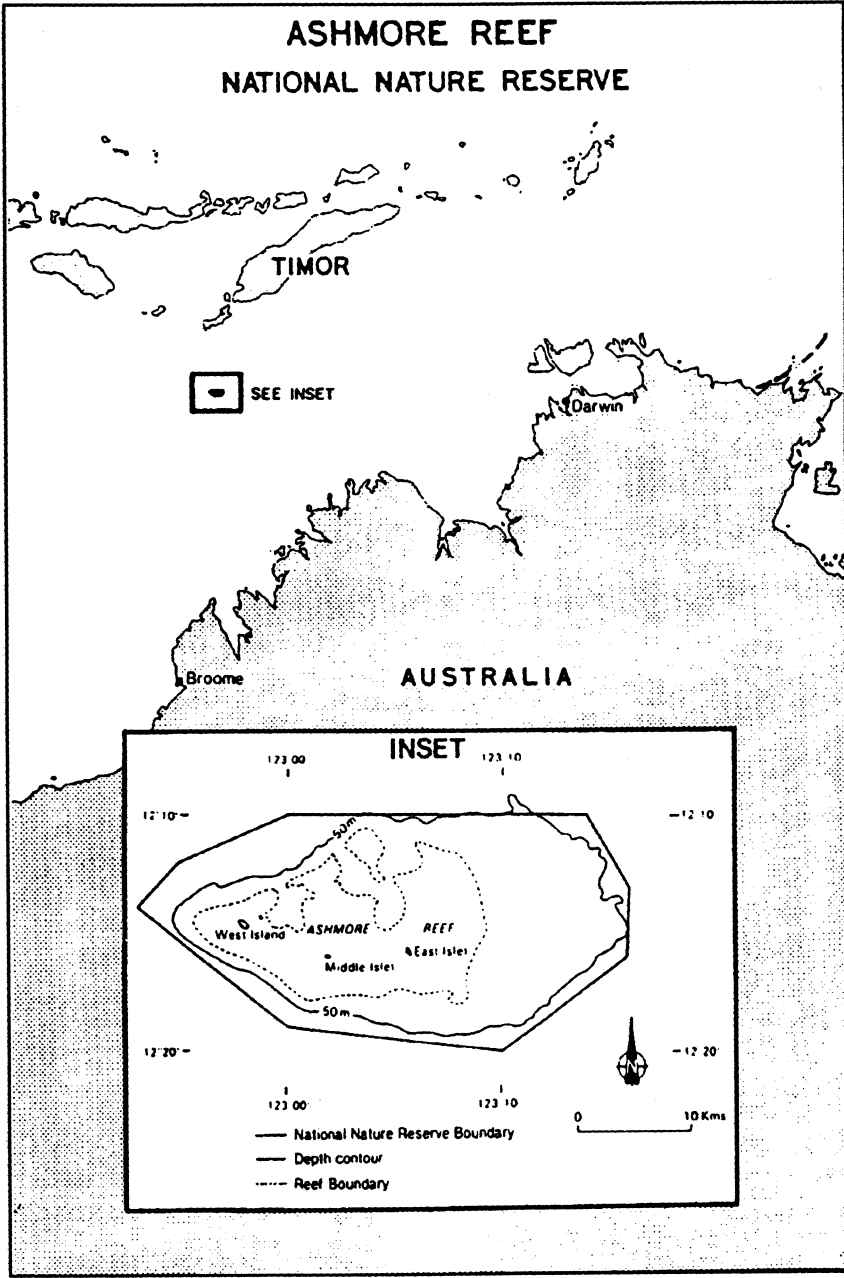
An Act to give effect to agreements for the avoidance of double taxation with China (1988), Fiji (1989) and Sri Lanka (1989)

Trusts (Hague Convention) Act 1991 (Act No. 50, 1991)

An Act to give effect to the Convention on the law applicable to trusts and on their recognition, and for related purposes

APPENDIX III

Map 1: Location



Map 2: Ashmore Reef National Nature Reserve

