Written Statement of the Government of Australia

REQUEST FOR AN ADVISORY OPINION BY THE WORLD HEALTH ORGANIZATION

ORDER OF THE INTERNATIONAL COURT OF JUSTICE OF 13 SEPTEMBER 1993

WRITTEN STATEMENT OF THE GOVERNMENT OF AUSTRALIA

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1. In resolution WHA46.40, adopted on 14 May 1993, the World Health Assembly decided to request the International Court of Justice to give an advisory opinion on the following question:

> 'In view of the health and environmental effects, would the use of nuclear weapons by a State in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?'

The following observations are submitted by the Government of Australia in response to the Order of the Court of 13 September 1993 fixing the time-limit within which written statements relating to the question may be submitted to the Court by the World Health Organization and those of its member states who are entitled to appear before the Court.

2. Australia is a non-nuclear weapon state that is completely committed to nuclear disarmament and non-proliferation. Australia is amongst the most active states internationally in promoting these objectives. Apart from its strong support and encouragement for nuclear disarmament negotiations (including the unilateral and bilateral arrangements of the recent past between the United States of America and the former Soviet Union and Russia), the Australian Government strongly supports indefinite extension of the Nuclear Non-Proliferation Treaty (NPT) and the strengthening of the Treaty's operations. It has long taken a leading role in the conclusion of a Comprehensive Test Ban Treaty (CTBT). The Australian Government supports current negotiations on arrangements which seek to limit to the greatest extent possible the use of nuclear weapons (Negative Security Assurances) and on the conclusion of a Convention providing for the cut-off of the production of fissionable material for weapons purposes.

3. Given its strong commitment to nuclear disarmament, evidenced by its promotion of these practical measures, the Australian Government understands very well the motivation of the proponents calling for an advisory opinion on the legality of the use of nuclear weapons. However, the Australian Government has grave concerns that the giving of an advisory opinion by the Court on this question would have an adverse, rather than a positive, effect on these efforts to advance the process of nuclear disarmament. It submits that a number of considerations lead inevitably to the conclusion that there are major reasons why the Court should, in the exercise of its discretion, find that it is inappropriate to give an opinion (Part A below). The Australian Government also submits that the Court should consider and decide issues of jurisdiction and appropriateness prior to and separate from any proceedings related to the substance of the question (Part B below). This is particularly desirable in this matter given the strong arguments related to appropriateness and the fact that submissions from other states may also have raised significant jurisdictional arguments. Such a procedure is consistent with the Statute and Rules of Court.

4. The Australian Government therefore makes no submissions in relation to the substance of the question. On this aspect Australia reserves its position.

A. JUDICIAL DISCRETION

5. Article 65 of the Statute of the Court confers on the Court a discretion as to whether it should give an advisory opinion on any legal question, even if it is lawfully requested by a body authorised by or in accordance with the Charter of the United Nations to make such a request (Interpretation of Peace Treaties with Bulgaria, Hungary and Romania (First Phase), Advisory Opinion, ICJ Reports 1950, p. 65, at p. 72; Judgments of the Administrative Tribunal of the ILO upon Complaints Made against UNESCO, Advisory Opinion, ICJ Reports 1956, p. 77, at pp. 86, 111-112 (sep. op. Judge Klaestad); Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion, ICJ Reports 1962, p. 151, at p. 155; Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, ICJ Reports 1971, p. 16 (hereafter 'the Namibia Advisory Opinion'), at p.27). In the Western Sahara Advisory Opinion, the Court said:

'Article 65, paragraph 1, of the Statute, which establishes the power of the Court to give an advisory opinion, is permissive and, under it, that power is of a discretionary character. In exercising this discretion, the International Court of Justice, like the Permanent Court of International Justice, has always been guided by the principle that, as a judicial body, it is bound to remain faithful to the requirements of its judicial character even in giving advisory opinions. If the question is a legal one which the Court is undoubtedly competent to answer, it may none the less decline to do so. As this Court has said in previous Opinions, the permissive character of Article 65, paragraph 1, gives it the power to examine whether the circumstances of the case are of such a character as should lead it to decline to answer the request.' (*ICJ Reports 1975, p. 12 at* p. 21).

6. Australia considers that decisive and compelling reasons exist in this case why the Court should, in the exercise of its discretion, decline to give the opinion requested.

(a) The subject matter of the question is unsuitable for adjudication, as it clearly goes beyond a definable field of judicial enquiry and enters into the wider realms of policy and security doctrines of states.

7. The facts and issues of this case raise matters different from any previous request for an advisory opinion. The opinion does not relate to the powers of a United Nations organ or specialized agency or involve the construction of a constituent instrument. Nor does the request relate to the discharge of particular functions by the requesting organ or specialized agency. It is a request that is purely abstract and removed entirely from any factual or legal context which could give the Court any manageable framework in which to answer the question. The request does not relate to any actual use of nuclear weapons, nor does it arise from an imminent or perceived threat of their actual use. While an abstract question may lend itself to an advisory opinion (Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter), Advisory Opinion, ICJ Reports 1947-1948, p. 57, at p. 61; Effect of Awards of Compensation Made by the United Nations Administrative Tribunal, Advisory Opinion, ICJ Reports 1954, p. 47, at p. 51), it must be possible to appreciate the question asked in some particular factual or legal context, rather than in a situation where only speculative and hypothetical facts are

available to provide a context. The essence of the judicial function consists of the application of general principles and norms of law to specific situations. To determine the existence of a general norm of international law in the absence of even a hypothetical factual context, as the Court is asked to do in this case, is akin to a legislative function, and would be inconsistent with the judicial nature of the Court.

8. Furthermore, it would not be feasible for the Court to seek to ascertain the relevant facts, in order to give an advisory opinion in that context. The precise circumstances of any use of nuclear weapons are unknown, while the possibilities as to the manner of their use are many and very diverse. Unlike the Nuclear Tests case, ICJ Reports 1974, p. 253, where the declaration sought by Australia as to the legality of atmospheric nuclear tests clearly affected existing legal relations and concerned specific conduct in relation to which evidence was available, the present request does not relate to any actual or defined use of nuclear weapons in relation to which evidence is available and in relation to which the Court would be able to give an opinion compatible with its judicial character. The Court has recognised that the lack of adequate evidence is a reason of judicial propriety why it should decline to give an advisory opinion: Western Sahara Advisory Opinion, ICJ Reports 1975, p. 12 at p. 28. The question is framed in such a way that it transcends a definable field of judicial inquiry and enters into the wider realms of policy and security doctrines of states.

9. The question of the possession and use of nuclear weapons rests on a set of very complex strategic judgements which go beyond the traditional competence of a body such as the Court. This issue is one to be resolved by national security judgments rather than legal opinion. Most pertinent to these judgements are individual countries' assessments of their security position in the world, and the likely future shape of the international security system. With the end of the Cold War, many countries are in the process of reviewing their security strategies, including, in the case of some nuclear weapon states, their nuclear strategies.

(b) An advisory opinion on this question could adversely affect important disarmament negotiations. (Set out in the Annex is a summary of the most important of these negotiations.)

10. The international community is now engaged in an intensive process of developing security norms and frameworks, through the United Nations, regional dialogues and bilateral arrangements. In respect of nuclear arms control, there is a range of negotiations taking place currently. Encouraging progress is being made in the context of START, in the Conference on Disarmament and in a number of other multilateral and regional forums. An advisory opinion of the Court has not been a precondition for this progress. Rather, this progress has been made possible by fundamental changes in the global balance of power over the last five years.

11. The view of the Australian Government is that an advisory opinion could pre-empt the outcome of these important negotiations in which states are themselves developing norms on the development and possession of such weapons. The Australian Government, together with many other governments, considers the objective of such negotiations to be the reduction and eventual elimination of nuclear weapons, because of their abhorrent nature. Such negotiations take time, however, and require dialogue and the building of trust and confidence among all the parties concerned. A vital element of this process is the development and implementation of effective verification measures. An advisory opinion of the Court on the question of legality cannot substitute for this process and is likely to significantly complicate it.

12. If the Court were to advise that the use of nuclear weapons was <u>legal</u> in some circumstances, this would have potential negative implications for the global non-proliferation norms. Such a finding could complicate the delicate process of extending the Nuclear Non-Proliferation Treaty in 1995. If, for example, the Court concluded that nuclear weapons could be used in self-defence against nuclear attack, this could lead to proliferating states claiming such an opinion as doctrinal support for a regional nuclear arms race.

13. If the Court were to advise that nuclear weapons could be used in response to a conventional attack, or even if there were a strong dissenting opinion to this effect, the future of the Conference on Disarmament (CD) negotiations on strengthening Negative Security Assurances (NSAs), and the potential contribution that they can make to non-proliferation, could be jeopardised.

14. Conversely, an opinion in which the Court concluded that all uses of nuclear weapons were <u>illegal</u> could create problems in the disarmament process, which will necessarily be negotiated carefully

by the nuclear weapon states in the context of their own security perceptions. In order to manage the possession but non-use of nuclear weapons until such disarmament is achieved, the Australian Government has supported the principle of stable deterrence - that is, a deterrence based on the perception that any first use of nuclear weapons would be met with a sufficiently large retaliation as to render unattractive such a first strike. Obviously, support for that principle is premised upon acquiescence to possession and the threat of use of nuclear weapons, provided that such possession and threat of its use is directed to the purpose of deterrence of the use of nuclear weapons by another state.

15. While supporting stable deterrence, Australia and many other countries do so only as an interim measure - ie. until a total ban on nuclear weapons, accompanied by substantial verification provisions, can be achieved. An advisory opinion that pre-empted this development and found all uses of nuclear weapons illegal would be in contradiction to the current stated doctrines of all existing nuclear weapon states and, as such, would be unlikely to have any effect in practice on their approaches to nuclear disarmament. This result would undermine the authority of the Court at a time when that authority has never been more badly needed.

(c) <u>An advisory opinion on this question would be 'devoid of object or purpose' within the meaning of the Western Sahara Advisory Opinion</u>

16. The Court has frequently affirmed that it must act as guardian of its judicial integrity. (See Northern Cameroons case, ICJ Reports 1963, p. 15, at pp. 29-30; Nuclear Tests case, ICJ Reports 1974, p. 253, at p. 271. See also Status of Eastern Carelia, Advisory Opinion, PCIJ Ser. B, No. 5 (1923), p. 29; Case of the Free Zones of Upper Savoy and the District of Gex, PCIJ Ser. A/B, No. 46 (1932), p. 161.) As a judicial body, the Court must 'remain faithful to the requirements of its judicial character even in giving advisory opinions' (Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization, Advisory Opinion, ICJ Reports 1960, p. 150, at p. 153; Northern Cameroons case, ICJ Reports 1963, p. 15, at p. 30; Application for Review of Judgment No. 158 of the United Nations Administrative Tribunal, ICJ Reports 1973, p. 166, at p. 175).

17. As was said in the Nuclear Tests case, the Court declines 'to allow the continuance of proceedings which it knows are bound to be fruitless' (ICJ Reports 1974, p. 253, at p.271). The same principle is applicable to advisory opinions. In the Western Sahara Advisory Opinion, ICJ Reports 1975, p.12, at p. 37, the Court described its advisory function to be 'to give an opinion based on law, once it has come to the conclusion that the questions put to it are relevant and have a practical and contemporary effect and, consequently, are not devoid of object or purpose'. (See also Northern Cameroons case, ICJ Reports 1963, p. 15, at p. 38.)

18. In the Western Sahara Advisory Opinion, the Court rejected arguments that the advisory opinion that had been requested by the General Assembly would be devoid of purpose, in view of the responsibilities of the General Assembly under the United Nations Charter for issues of decolonisation and in view of the fact that the General Assembly had referred to its intention to continue discussion of the question of Western Sahara in the light of the Court's advisory opinion. By way of contrast, it can be seen that while the World Health Assembly may have authority to seek an advisory opinion on this question, and while the World Health Organization clearly has an interest in the health effects of the use of nuclear weapons, the question concerns in reality not health issues but peace and disarmament issues, for which the World Health Organization has no special responsibility. It is not evident how any purpose or object related to that interest could be served by seeking to answer the legal question submitted, apart from the fact that it might be hoped that an advisory opinion would contribute generally to the clarification and development of the rules of international law in a difficult and uncertain area.

19. However, as has been indicated above, any advisory opinion which the Court might give would not be likely to contribute positively to the development of applicable international rules in this area, and indeed, would have an adverse effect on the major disarmament and arms control negotiations at present taking place outside the World Health Organization. The issues involved go to the very heart of the security policies pursued by certain states which are carefully linked with similar policies of other states, such that the process of disarmament can only be advanced by a process of negotiation and agreement between states. For this reason, an advisory opinion of the Court is also unlikely to contribute to greater observance of or to clarification of the principles of humanitarian law applicable in any particular armed conflict. The differences of view on nuclear weapon matters

between many non-nuclear weapon states and the nuclear weapon states, for example in the context of the negotiation of the 1977 Additional Protocol to the Geneva Conventions (where the nuclear weapon states entered reservations on the applicability of humanitarian law to the use of nuclear weapons), attest to the unlikelihood that the Court would be able to give a categorical answer to this question, let alone that an answer could influence significantly the conduct of states in relation to such matters.

20. The fact that the opinion might afford moral satisfaction, or serve some demand from public opinion that states be seen to be doing something, does not amount to a basis for giving an effective legal opinion (Northern Cameroons case, ICJ Report 1963, p. 15, at p. 107 (sep. op. Sir Gerald Fitzmaurice)). The Australian Government therefore submits that an advisory opinion on this question would have no 'practical and contemporary effect' and would be 'devoid of object or purpose' (see paragraph 17 above).

21. That the provision of an advisory opinion on this question would be without object or purpose would be sufficient reason for the Court to conclude that it should exercise its discretion not to give an opinion, particularly in view of the fact that the World Health Organization has no responsibility for issues of nuclear weapons or disarmament. That the giving of an advisory opinion might actually have a detrimental effect on the negotiations being constructively carried out elsewhere in relevant forums and through bilateral arrangements should, in Australia's respectful submission, make this conclusion inevitable.

B. PROCEDURAL ASPECTS

22. In the exercise of its advisory functions the Court has the power to make questions relating to its jurisdiction and other questions of a preliminary nature the subject of independent preliminary proceedings.

23. Article 68 of the Statute of the Court provides that 'In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.'

24. Article 102 (2) of the Rules of Court provide that in the exercise of its advisory functions under Article 65 of the Statute, 'The Court shall also be guided by the provisions of the Statute and of these Rules

which apply in contentious cases to the extent to which it recognizes them to be applicable'.

25. In contentious cases, under Article 79 of the Rules of Court, the Court gives judgment on preliminary objections in separate proceedings before the oral proceedings on the merits of the case. Further proceedings are then only necessary if the Court rejects the preliminary objection, or declares that it does not possess an exclusively preliminary character.

26. In the Namibia Advisory Opinion, ICJ Reports 1971, p. 16, at p. 26, the Court indicated that the Rules of Court as then in force did not require the Court in the exercise of its advisory jurisdiction to adopt a procedure analogous to that followed in contentious procedure with respect to preliminary objections. Nevertheless, the Court tacitly acknowledged that in appropriate cases such a course might be taken, since it emphasised that the Rules were not intended to impair 'the flexibility which Articles 66, paragraph 4, and 68 of the Statute allow the Court so that it may adjust its procedure to the requirements of each particular case'.

27. Commentators have also recognised that the Court may follow a formal preliminary objection procedure in the exercise of its advisory jurisdiction (see Dharma Pratap, The Advisory Jurisdiction of the International Court (1972), p. 121; Shabtai Rosenne, The Law and Practice of the International Court (second revised edition, 1985), pp. 727-728). Although the Court has never previously found it necessary to take this course, the appropriateness of such a procedure has been supported in some dissenting and separate opinions (see Namibia Advisory Opinion, ICJ Reports 1971, p. 12, at pp. 325-326 (diss. op. Judge Gros); Western Sahara Advisory Opinion, ICJ Reports 1975, p. 12, at pp. 104-105, 107, 111-112 (sep. op. Judge Petrén)).

28. It may often have been for largely practical reasons that the Court has so far declined to adopt such a procedure. It has been observed that in practice the Court usually has to render the opinion before the date of the next regular annual session of the United Nations General Assembly or other organ or organization concerned, in which case there would usually be insufficient time to hold two separate sets of proceedings which might thereby become necessary. (See Sir Gerald Fitzmaurice, The Law and Procedure of the International Court of Justice (1986), vol. 2, pp. 564-565, n. 6.) Thus, in the Western Sahara Advisory Opinion, one reason which the Court gave for not dealing first with certain issues in interlocutory proceedings was that this

'would have caused unwarranted delay in the discharge of the Court's functions and in its responding to the request of the General Assembly' (ICJ Reports 1975, p. 12, at p.17). However, this consideration would not appear to be compelling in the present case, since the World Health Assembly has already held a further annual session since requesting the advisory opinion. Furthermore, Australia observes that, whether or not two separate sets of proceedings are held, it does not seem likely that an advisory opinion could be delivered before the following annual session of the Assembly in May 1995.

29. One commentator has suggested that the question whether the Court in the exercise of its advisory jurisdiction should introduce a formal preliminary objection procedure should depend on the circumstances of the particular case. This writer has suggested that in cases where the preliminary question relates not to jurisdiction but to the propriety of the Court's giving the requested opinion, 'the solution is to be sought in the circumstances of the case itself, and not in the superficial nature of the objection' (Rosenne, op. cit., pp. 728-729).

30. The previous approach of the Court appears to be consistent with this observation. In the Namibia Advisory Opinion, the Court did not say that in principle a preliminary objection procedure would be inappropriate in the exercise of the Court's advisory functions. Rather, the Court observed that in that particular instance, adoption of such a procedure 'would not have dispensed with the need to decide on the request for the appointment of a judge ad hoc as a previous, independent decision, just as in contentious cases the question of judges ad hoc must be settled before any hearings on the preliminary objections may be proceeded with'. Furthermore, the Court found that in that particular instance the proposed preliminary decision under Article 82 of the Rules of Court as then in force would not necessarily have predetermined the decision which it was suggested should have been taken subsequently under Article 83. (ICJ Reports 1971, p. 12, at p. 26.) Similarly, in the Western Sahara Advisory Opinion, in which it was submitted that the Court should adopt a preliminary objection procedure in relation to certain issues, the Court found it 'impossible to accept' that these issues were 'of a purely preliminary character' (ICJ Reports 1975, p.12, at p. 17), suggesting that such a procedure might have been appropriate in the case of genuinely preliminary issues.

31. Australia submits that the correct conclusion is that the answer to the question whether a preliminary objections procedure should be

adopted by the Court when exercising its advisory jurisdiction will depend, as the Court said in the Namibia Advisory Opinion, on 'the requirements of each particular case' (ICJ Reports 1971, p.12, at p. 26).

32. The Court as a judicial body is bound, in the exercise of its advisory function, to remain faithful to the requirements of its judicial character (see paragraph 16 above). It could be seen as inconsistent with the judicial character of the Court for its processes to be used as a forum for the debate by states and organizations of a broad and abstract issue which the Court itself may then decline to answer, either on grounds of lack of jurisdiction or because of reasons of judicial appropriateness. This would be all the more so, if in the present instance a significant number of states were to raise arguments that the Court lacks jurisdiction or that for reasons of judicial appropriateness the Court should not answer the question. Because the question on which the opinion has been requested is of such an abstract nature, and removed entirely from any factual or legal context, this is not a case in which issues relating to substance may themselves be relevant in determining issues of jurisdiction and judicial appropriateness. The latter are genuinely preliminary. Unless there are particular reasons why questions of jurisdiction and appropriateness should be dealt with in the proceedings on the substance of the question, it is the respectful submission of the Government of Australia that a procedure analogous to the preliminary objections procedure in contentious cases should be adopted in this instance.

Annex

NUCLEAR DISARMAMENT AND NON-PROLIFERATION: ACHIEVEMENTS AFTER THE COLD WAR

With the end of the Cold War, bilateral arms control agreements between the United States of America and the former Soviet Union and Russia have created positive conditions for wider multilateral negotiations on nuclear disarmament and non-proliferation. These negotiations and recent agreements complement the numerous arms control agreements concluded during the Cold War, mostly between the United States of America and the USSR.

Members of the international community are currently involved in important multilateral negotiations, notably in the 38-nation Conference on Disarmament in Geneva, on nuclear disarmament and non-proliferation issues. Nuclear disarmament and non-proliferation issues are also subject to annual declarations and deliberative consideration by all states through relevant organs and bodies of the United Nations. There are also ongoing regional and bilateral negotiations that complement these multilateral efforts.

CURRENT NEGOTIATIONS

- **Nuclear Non-Proliferation Treaty:** preparatory meetings for the Conference of all parties to the NPT in May 1995 on extension of the Treaty. Australia, together with a number of countries, supports the Treaty's indefinite extension.

    - these negotiations have been bolstered by recent accession to the NPT by France and China as nuclear weapon states, and by accession to the NPT by Belarus and Kazakhstan as non-nuclear weapon states

- **Fissile Material for Weapons Purposes:** consultations in the Conference on Disarmament (CD) on a non-discriminatory, multilateral and effectively verifiable Treaty banning the production of fissile materials for nuclear weapons or other explosive nuclear devices

- **Security Assurances:**
  - existing negative security assurances by the nuclear weapon states
  - negotiations in the CD on the question of effective international arrangements to assure non-nuclear weapon states against the use or threat of use of nuclear weapons
  - Security Council Resolution (SC Res.255, 1968) provides positive assurances to the non-nuclear weapon states
- **Comprehensive Test Ban Treaty:** negotiations in the CD of a universal, multilaterally and effectively verifiable Comprehensive Test Ban Treaty (CTBT). Australia is committed to early conclusion of a CTBT.
- **Testing Moratoria:** a moratorium on nuclear testing is effectively being observed by four of the five nuclear weapon states, namely the United States, the Russian Federation, France and the United Kingdom. Australia, along with many other countries, has been urging China to join the other nuclear weapon states in declaring a testing moratorium.
- **African Nuclear Weapon Free Zone:** negotiations by regional countries on a draft Treaty to create a nuclear weapon free zone in Africa
- **South East Asian Nuclear Weapon Free Zone:** negotiations by regional countries to create a nuclear weapon free zone in South East Asia

CONCLUDED SINCE 1989

1991 **US-USSR Strategic Arms Reduction Talks (START I) Agreement:** to reduce numbers of nuclear weapons. (All parties have now ratified START, but the agreement will not enter into force until Ukraine accedes to the Nuclear Non-Proliferation Treaty (NPT).)

1991 **Cartagena Agreement** by the Andean Group of States: to renounce weapons of mass destruction.

1992 **Lisbon Protocol:** making Ukraine, Kazakhstan and Belarus parties to START I, and committing them to its ratification, as well as to accession to the NPT.

1993 **US-Russian START II Agreement:** to reduce the total number of strategic nuclear warheads on each side to between 3,000 and 3,500 and to eliminate land-based multiple-warhead missiles. (START II will not enter into force until the 1991 START Treaty enters into force.)

1994 **Agreements pursuant to START I:** agreements between the US, Russia and Ukraine requiring the transfer of all former Soviet weapons in Ukraine to Russia for dismantlement, the detargeting of Russian and US strategic nuclear missiles, and the provision of appropriate security guarantees to Ukraine once it becomes a party to the NPT as a non-nuclear weapon state.

1994 **UK-Russian Agreement:** on detargeting of nuclear strategic offensive missiles

CONCLUDED DURING THE COLD WAR

1957 **The International Atomic Energy Agency (IAEA)** was set up under its own statute, with the twin purposes of promoting the peaceful uses of atomic energy and ensuring that nuclear activities are not used to further any military purpose. Subsequently, the tasks of the IAEA were extended to include safeguard activities under the NPT.

1959 **Antarctic Treaty:** prohibiting, *inter alia*, nuclear explosions and disposal of radioactive waste in the Antarctic area. (Entered into force: 1961)

1963 **US-USSR "Hot Line Agreement":** to establish direct communications to reduce danger of accidental nuclear war. (Entered into force: 1963)

1963 **Partial Test Ban Treaty:** banning nuclear weapons tests in the atmosphere, outer space and under water. (Entered into force: 1963)

1967 **Outer Space Treaty:** prohibiting, *inter alia*, the emplacement of nuclear weapons in orbit around the earth and stationing of such weapons in outer space in any manner. (Entered into force: 1967)

1967 **Treaty of Tlatelolco:** establishing a nuclear weapon free zone in Latin America; subsequent accession to Protocol II by all five nuclear weapon states. (The Treaty is not completely in force, although states which have ratified it have waived article 28(1), thus bringing it into force for those states.)

1968 **Non-Proliferation Treaty (NPT):** to prevent the spread of nuclear weapons and calling for steps to end the nuclear arms race. (Entered into force: 1970)

1971 **Seabed Treaty**: banning the emplacement of nuclear weapons and other weapons of mass destruction (WMD) on the seabed. (Entered into force: 1972)

1971 **US-USSR Agreement on the Prevention of Accidental Nuclear War**, incorporating confidence building measures in 1973 to reduce the risk of nuclear war through accident or misunderstanding. (Similar agreements concluded between USSR and France (1976) and USSR and UK (1978).) (Entered into force: 1971)

1972 US-USSR **Anti-Ballistic Missile (ABM) Treaty**, limiting deployment of US and Soviet ABM systems. Agreed to as part of the Strategic Arms Limitation Talks (SALT) I. (Entered into force 1972).

1974 US-USSR **Threshold Test Ban Treaty**: limiting underground nuclear weapon tests to a yield of 150 kilotons. (Entered into force: 1990)

1976 US-USSR **Peaceful Nuclear Explosions Treaty**: limiting underground nuclear explosions for peaceful purposes to a yield of 150 kilotons. (Entered into force 1990)

1979 US-USSR **Strategic Arms Limitations Talks (SALT) II Agreement**: to impose a ceiling on strategic nuclear delivery vehicles and limit certain new ground-launched nuclear missiles. (SALT II was signed but not ratified and eventually overtaken by START negotiations.)

1980 **Convention on the Physical Protection of Nuclear Material**: establishing standard measures of physical protection for nuclear material transported between countries. (Entered into force: 1987)

1985 **Treaty of Rarotonga**: establishing a nuclear free zone in the South Pacific; subsequent accession to its Protocols II and III by China and the Russian Federation. (Entered into force: 1986)

1987 **Intermediate-range Nuclear Forces (INF) Treaty:** resulting in the elimination by 1991 of intermediate-range ground-launched nuclear missiles from the arsenals of the US and the former Soviet union. (Entered into force: 1988)

1987 **Agreement on Nuclear Risk Reduction Centres:** establishing two such centres in Washington and Moscow for improved communication and information exchange on nuclear missiles. (The centres were opened in 1988.)

1988 US-USSR **Agreement on Ballistic Missile Test Notification:** to provide for prior notification of such tests. (Entered into force: 1988)