

Right Hon. David Lange

NEW ZEALAND NUCLEAR FREE ZONE, DISARMAMENT, AND ARMS CONTROL

ANALYSIS

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A BILL INTITULED

An Act to establish in New Zealand a Nuclear Free Zone, to promote and encourage an active and effective contribution by New Zealand to the essential process of disarmament and international arms control, and to implement in New Zealand the following treaties:

5

No. 00—1

- (a) **The South Pacific Nuclear Free Zone Treaty of 6 August 1985 (the text of which is set out in the First Schedule to this Act):**
- (b) **The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water of 5 August 1963 (the text of which is set out in the Second Schedule to this Act):** 5
- (c) **The Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968 (the text of which is set out in the Third Schedule to this Act):** 10
- (d) **The Treaty on the Non-Proliferation of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Seafloor and in the Subsoil Thereof of 11 February 1971 (the text of which is set out in the Fourth Schedule to this Act):** 15
- (e) **The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction of 10 April 1972 (the text of which is set out in the Fifth Schedule to this Act):** 20

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 25

1. Short Title—This Act may be cited as the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1985.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Biological weapon” means any microbial or biological agent or toxin designed for use as a weapon in armed conflict or for other hostile purposes; and includes equipment designed to facilitate such use: 30

“Distress” includes *force majeure*, emergencies, or extreme weather conditions: 35

“Foreign military aircraft” means any aircraft, as defined in section 2 of the Defence Act 1971, which is for the time being engaged in the service of or subject to the authority or direction of the military authorities of any state other than New Zealand: 40

“Foreign warship” means any ship, as defined in section 2 of the Defence Act 1971, which—

(a) Belongs to the armed forces of a state other than New Zealand; and

5 (b) Bears the external marks that distinguishes ships of that state’s nationality; and

(c) Is under the command of an officer duly commissioned by the Government of that state; and

10 (d) Is manned by a crew under regular armed forces discipline:

“Internal waters of New Zealand” means the internal waters of New Zealand as defined by section 4 of the Territorial Sea and Exclusive Economic Zone Act 1977:

15 “Nuclear explosive device” means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used, whether assembled, partly assembled, or unassembled; but does not include the means of transport or delivery of such a weapon or device if

20 separable from and not an indivisible part of it:
“Passage” means continuous and expeditious navigation without stopping or anchoring except in as much as these are incidental to ordinary navigation or are rendered necessary by distress or for the purpose of rendering assistance to persons, ships, or aircraft in

25 distress:
“Territorial sea of New Zealand” means the territorial sea of New Zealand as defined by section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977.

30 **3. Act to bind the Crown**—This Act shall bind the Crown.

4. New Zealand Nuclear Free Zone—There is hereby established the New Zealand Nuclear Free Zone, which shall comprise:

35 (a) All of the land, territory, and inland waters within the territorial limits of New Zealand; and

(b) The internal waters of New Zealand; and

(c) The territorial sea of New Zealand; and

(d) The airspace above the areas specified in paragraphs (a) to (c) of this section.

Prohibitions in Relation to Nuclear Explosive Devices and Biological Weapons

5. Prohibition on acquisition of nuclear explosive devices—(1) No person, who is a New Zealand citizen or a person ordinarily resident in New Zealand, shall, within the New Zealand Nuclear Free Zone,— 5

- (a) Manufacture, acquire, or possess, or have control over, any nuclear explosive device; or
- (b) Aid, assist, or abet any person to manufacture, acquire, possess, or have control over any nuclear explosive device. 10

(2) No person, who is a New Zealand citizen or a person ordinarily resident in New Zealand, and who is a servant or agent of the Crown, shall, beyond the New Zealand Nuclear Free Zone,— 15

- (a) Manufacture, acquire, or possess, or have control over, any nuclear explosive device; or
- (b) Aid, assist, or abet any person to manufacture, acquire, possess, or have control over any nuclear explosive device. 20

6. Prohibition on stationing of nuclear explosive devices—No person shall emplant, emplace, transport on land or inland waters, stockpile, store, install, or deploy any nuclear explosive device in the New Zealand Nuclear Free Zone.

7. Prohibition on testing of nuclear explosive devices— 25
No person shall test any nuclear explosive device in the New Zealand Nuclear Free Zone.

8. Prohibition of biological weapons—No person shall manufacture, station, acquire, or possess, or have control over any biological weapon in the New Zealand Nuclear Free Zone. 30

9. Entry into internal waters of New Zealand—(1) When the Prime Minister is considering whether to grant approval to the entry of foreign warships into the internal waters of New Zealand, the Prime Minister shall have regard to all relevant information and advice that may be available to the Prime Minister including information and advice concerning the strategic and security interests of New Zealand. 35

(2) The Prime Minister may only grant approval for the entry into the internal waters of New Zealand by foreign warships if the Prime Minister is satisfied that the warships will not be carrying any nuclear explosive device upon their entry into the internal waters of New Zealand.

10. Landing in New Zealand—(1) When the Prime Minister is considering whether to grant approval to the landing in New Zealand of foreign military aircraft, the Prime Minister shall have regard to all relevant information and advice that may be available to the Prime Minister including information and advice concerning the strategic and security interests of New Zealand.

(2) The Prime Minister may only grant approval to the landing in New Zealand by any foreign military aircraft if the Prime Minister is satisfied that the foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand.

(3) Any such approval may relate to a category or class of foreign military aircraft and may be given for such period as is specified in the approval.

11. Visits by nuclear powered ships—Entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited.

Savings

12. Passage through territorial sea and straits—Nothing in this Act shall apply to or be interpreted as limiting the freedom of—

- (a) Any ship exercising the right of innocent passage (in accordance with international law) through the territorial sea of New Zealand; or
- (b) Any ship or aircraft exercising the right of transit passage (in accordance with international law) through or over any strait used for international navigation; or
- (c) Any ship or aircraft in distress.

13. Immunities—Nothing in this Act shall be interpreted as limiting the immunities of—

- (a) Any foreign warship or other government ship operated for non-commercial purposes; or
- (b) Any foreign military aircraft; or
- (c) Members of the crew of any ship or aircraft to which paragraph (a) or paragraph (b) of this section applies.

Offences

14. Offences and penalties—(1) Every person commits an offence against this Act who contravenes or fails to comply with any provision of **sections 5 to 8** of this Act.

(2) Every person who commits an offence against this Act is liable on conviction on indictment to imprisonment for a term not exceeding 10 years. 5

15. Consent of Attorney-General to proceedings in relation to offences—(1) No information shall be laid against any person for— 10

(a) An offence against this Act; or

(b) The offence of conspiring to commit an offence against this Act; or

(c) The offence of attempting to commit an offence against this Act,— 15

except with the consent of the Attorney-General:

Provided that a person alleged to have committed any offence mentioned in this subsection may be arrested, or a warrant for any such person's arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the laying of an information for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained. 20

(2) The Attorney-General may, before deciding whether or not to give consent under **subsection (1)** of this section, make such inquiries as the Attorney-General thinks fit. 25

Public Advisory Committee on Disarmament and Arms Control

16. Establishment of Public Advisory Committee on Disarmament and Arms Control—There is hereby established a committee to be called the Public Advisory Committee on Disarmament and Arms Control. 30

17. Functions and powers of Committee—(1) The functions of the Committee shall be—

(a) To advise the Minister of Foreign Affairs on such aspects of disarmament and arms control matters as it thinks fit: 35

(b) To advise the Prime Minister on the implementation of this Act:

(c) To publish from time to time public reports in relation to disarmament and arms control matters and on the implementation of this Act. 40

(2) The Committee shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.

18. Membership of Committee—(1) The Committee shall
5 consist of 7 members, of whom—

(a) One shall be the Minister for Disarmament and Arms Control, who shall be the Chairman; and

(b) One shall be the Secretary of Foreign Affairs or another
10 officer of the Ministry of Foreign Affairs nominated from time to time by the Secretary of Foreign Affairs; and

(c) One shall be the Secretary of Defence or another officer of the Ministry of Defence nominated from time to time by the Secretary of Defence; and

(d) Four shall be appointed by the Minister of Foreign Affairs.
15

(2) Each member of the Committee appointed under **subsection (1) (d)** of this section holds office at the pleasure of the Minister of Foreign Affairs.

(3) The functions and powers of the Committee shall not be
20 affected by any vacancy in its membership.

19. Procedure of Committee—Subject to any directives given by the Minister of Foreign Affairs, the Committee may regulate its procedure in such manner as it thinks fit.

20. Remuneration and travelling expenses—(1) The
25 Committee is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of the Committee, out of money appropriated by Parliament for the purpose, remuneration by way of fees or allowances, and travelling
30 allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

21. Money to be appropriated by Parliament for purposes of this Act—All fees, salaries, allowances, and other
35 expenditure payable or incurred under or in the administration of this Act shall be payable out of money to be appropriated by Parliament for the purpose.

Amendments to Other Acts

22. Amendments to Marine Pollution Act 1974—(1) The Marine Pollution Act 1974 is hereby amended by inserting, after section 21 (as enacted by section 4 of the Marine Pollution Amendment Act 1980), the following section: 5

“21A. Offence to dump radioactive waste—
(1) Notwithstanding anything to the contrary in this Act, the persons mentioned in **subsection (2)** of this section commit an offence if—

“(a) Any radioactive waste is taken on board any ship or aircraft in New Zealand or in New Zealand waters for the purpose of dumping; or 10

“(b) Any radioactive waste is dumped into New Zealand waters from any ship or aircraft to which this Part of this Act applies; or 15

“(c) Any radioactive waste is dumped into the sea from any offshore installation or fixed or floating platform or other artificial structure to which this Part of this Act applies; or

“(d) Any radioactive waste is dumped into the sea, other than in New Zealand waters, from any New Zealand ship or home-trade ship or New Zealand aircraft. 20

“(2) The persons who are guilty of an offence under **subsection (1)** of this section are as follows:

“(a) In any case to which **paragraph (a)**, or **paragraph (b)**, or **paragraph (d)** of that subsection applies, the owner and the master of the ship, or (as the case may be) the owner of the aircraft and the person in possession of the aircraft: 25

“(b) In any case to which **paragraph (c)** of that subsection applies, the owner of the offshore installation or fixed or floating platform or other artificial structure and the person having control of its operations. 30

“(3) For the purposes of this section, radioactive waste means material and substances of any kind, form, or description having a specific radioactivity exceeding 100 kilobecquerels per kilogram and a total radioactivity exceeding 3 kilobecquerels. 35

“(4) Every person who is guilty of an offence under this section—

“(a) Is liable on summary conviction to a fine not exceeding \$100,000; and 40

“(b) Is also liable to pay such amount as the Court may assess in respect of the expenses and costs that have been incurred or will be incurred in removing or cleaning up or dispersing the waste to which the offence relates.”

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“(5) Nothing in paragraphs (a), (b), and (d) of section 22 (1) of this Act or in paragraph (a) of section 22 (2) of this Act applies in respect of the dumping of radioactive waste.”

10 (2) Section 22B of the Marine Pollution Act 1974 (as enacted by section 4 of the Marine Pollution Amendment Act 1980) is hereby amended by inserting, after subsection (6), the following subsection:

15 “(6A) Notwithstanding anything in this Act, no permit shall authorise the dumping of radioactive waste (as defined in section 21A (3) of this Act).”

23. Amendment to Diplomatic Privileges and Immunities Act 1968—The Diplomatic Privileges and Immunities Act 1968 is hereby amended by inserting, after section 10, the following section:

20 “10A. **Privileges and immunities of international inspectors pursuant to disarmament treaties**—The Governor-General may, from time to time, by Order in Council, confer upon any persons who are appointed as inspectors pursuant to any international agreement on disarmament or
25 arms control all or any of the privileges and immunities specified in the Third Schedule to this Act.”

24. Amendment to Official Information Act 1982—The Official Information Act 1982 is hereby amended by inserting in the First Schedule, after the item relating to the Phosphate
30 Commission of New Zealand, the following item:

“Public Advisory Committee on Disarmament and Arms Control”.

SCHEDULES

FIRST SCHEDULE

TEXT OF SOUTH PACIFIC NUCLEAR FREE ZONE TREATY OF 6 AUGUST 1985

SOUTH PACIFIC NUCLEAR FREE ZONE TREATY

PREAMBLE

The Parties of this Treaty

UNITED in their commitment to a world at peace;

GRAVELY CONCERNED that the continuing nuclear arms race presents the risk of nuclear war which would have devastating consequences for all people;

CONVINCED that all countries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons, the terror which they hold for humankind and the threat which they pose to life on earth;

BELIEVING that regional arms control measures can contribute to global efforts to reverse the nuclear arms race and promote the national security of each country in the region and the common security of all;

DETERMINED to ensure, so far as lies within their power, that the bounty and beauty of the land and sea in their region shall remain the heritage of their peoples and their descendants in perpetuity to be enjoyed by all in peace;

REAFFIRMING the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing to world security;

NOTING, in particular, that Article VII of the NPT recognises the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories;

NOTING that the prohibitions of emplantation and emplacement of nuclear weapons on the seabed and the ocean floor and in the subsoil thereof contained in the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof apply in the South Pacific;

NOTING also that the prohibition of testing of nuclear weapons in the atmosphere or under water, including territorial waters or high seas, contained in the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water applies in the South Pacific;

DETERMINED to keep the region free of environmental pollution by radioactive wastes and other radioactive matter;

GUIDED by the decision of the Fifteenth South Pacific Forum at Tuvalu that a nuclear free zone should be established in the region at the earliest possible opportunity in accordance with the principles set out in the communique of that meeting;

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FIRST SCHEDULE—*continued*

HAVE AGREED as follows:

Article 1

USAGE OF TERMS

For the purposes of this Treaty and its Protocols:

- (a) “South Pacific Nuclear Free Zone” means the areas described in Annex 1 as illustrated by the map attached to that Annex;
- (b) “territory” means internal waters, territorial sea and archipelagic waters, the seabed and subsoil beneath, the land territory and the airspace above them;
- (c) “nuclear explosive device” means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;
- (d) “stationing” means emplanation, emplacement, transportation on land or inland waters, stockpiling, storage, installation and deployment.

Article 2

APPLICATION OF THE TREATY

(1) Except where otherwise specified, this Treaty and its Protocols shall apply to territory within the South Pacific Nuclear Free Zone.

(2) Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to freedom of the seas.

RENUNCIATION OF NUCLEAR EXPLOSIVE DEVICES

Each Party undertakes:

- (a) not to manufacture or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere inside or outside the South Pacific Nuclear Free Zone;
- (b) not to seek or receive any assistance in the manufacture or acquisition of any nuclear explosive device;
- (c) not to take any action to assist or encourage the manufacture or acquisition of any nuclear explosive device by any State.

Article 4

PEACEFUL NUCLEAR ACTIVITIES

Each Party undertakes:

- (a) not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to:
 - (i) any non-nuclear-weapon State unless subject to the safeguards required by Article III. 1 of the NPT, or

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FIRST SCHEDULE—*continued*

- (ii) any nuclear-weapon State unless subject to applicable safeguards agreements with the International Atomic Energy Agency (IAEA). Any such provision shall be in accordance with strict non-proliferation measures to provide assurance of exclusively peaceful non-explosive use;
- (b) to support the continued effectiveness of the international non-proliferation system based on the NPT and the IAEA safeguards system.

Article 5

PREVENTION OF STATIONING OF NUCLEAR
EXPLOSIVE DEVICES

- (1) Each Party undertakes to prevent in its territory the stationing of any nuclear explosive device.
- (2) Each Party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lanes passage or transit passage of straits.

PREVENTION OF TESTING OF NUCLEAR
EXPLOSIVE DEVICES

Each Party undertakes:

- (a) to prevent in its territory the testing of any nuclear explosive device;
- (b) not to take any action to assist or encourage the testing of any nuclear explosive device by any State.

Article 7

PREVENTION OF DUMPING

- (1) Each Party undertakes:
 - (a) not to dump radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;
 - (b) to prevent the dumping of radioactive wastes and other radioactive matter by anyone in its territorial sea;
 - (c) not to take any action to assist or encourage the dumping by anyone of radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;
 - (d) to support the conclusion as soon as possible of the proposed Convention relating to the protection of the natural resources and environment of the South Pacific region and its Protocol for the prevention of pollution of the South Pacific region by dumping, with the aim of precluding dumping at sea of radioactive wastes and other radioactive matter by anyone anywhere in the region.
- (2) Paragraph 1 (a) and 1 (b) of this Article shall not apply to areas of the South Pacific Nuclear Free Zone in respect of which such a Convention and Protocol have entered into force.

FIRST SCHEDULE—*continued*

Article 8

CONTROL SYSTEM

- (1) The Parties hereby establish a control system for the purpose of verifying compliance with their obligations under this Treaty.
- (2) The control system shall comprise:
 - (a) reports and exchange of information as provided for in Article 9;
 - (b) consultations as provided for in Article 10 and Annex 4 (1);
 - (c) the application to peaceful nuclear activities of safeguards by the IAEA as provided for in Annex 2;
 - (d) a complaints procedure as provided for in Annex 4.

Article 9

REPORTS AND EXCHANGES OF INFORMATION

- (1) Each Party shall report to the Director of the South Pacific Bureau for Economic Co-operation (the Director) as soon as possible any significant event within its jurisdiction affecting the implementation of this Treaty. The Director shall circulate such reports promptly to all Parties.
- (2) The Parties shall endeavour to keep each other informed on matters arising under or in relation to this Treaty. They may exchange information by communicating it to the Director, who shall circulate it to all Parties.
- (3) The Director shall report annually to the South Pacific Forum on the status of this Treaty and matters arising under or in relation to it, incorporating reports and communications made under paragraphs 1 and 2 of this Article and matters arising under Articles 8 (2)(d) and 10 and Annex 2 (4).

Article 10

CONSULTATIONS AND REVIEW

Without prejudice to the conduct of consultations among Parties by other means, the Director, at the request of any Party, shall convene a meeting of the Consultative Committee established by Annex 3 for consultation and co-operation on any matter arising in relation to this Treaty or for reviewing its operation.

Article 11

AMENDMENT

The Consultative Committee shall consider proposals for amendment of the provisions of this Treaty proposed by any Party and circulated by the Director to all Parties not less than three months prior to the convening of the Consultative Committee for this purpose. Any proposal agreed upon by consensus by the Consultative Committee shall be communicated to the Director who shall circulate it for acceptance to all Parties. An amendment shall enter into force thirty days after receipt by the depositary of acceptances from all Parties.

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FIRST SCHEDULE—*continued*

Article 12

SIGNATURE AND RATIFICATION

(1) This Treaty shall be open for signature by any Member of the South Pacific Forum.

(2) This Treaty shall be subject to ratification. Instruments of ratification shall be deposited with the Director who is hereby designated depositary of this Treaty and its Protocols.

(3) If a Member of the South Pacific Forum whose territory is outside the South Pacific Nuclear Free Zone becomes a Party to this Treaty, Annex 1 shall be deemed to be amended so far as required to enclose at least the territory of that Party within the boundaries of the South Pacific Nuclear Free Zone. The delineation of any area added pursuant to this paragraph shall be approved by the South Pacific Forum.

Article 13

WITHDRAWAL

(1) This Treaty is of a permanent nature and shall remain in force indefinitely, provided that in the event of a violation by any Party of a provision of this Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty, every other Party shall have the right to withdraw from the Treaty.

(2) Withdrawal shall be effected by giving notice twelve months in advance to the Director who shall circulate such notice to all other Parties.

Article 14

RESERVATIONS

This Treaty shall not be subject to reservations.

Article 15

ENTRY INTO FORCE

(1) This Treaty shall enter into force on the date of deposit of the eighth instrument of ratification.

(2) For a signatory which ratifies this Treaty after the date of deposit of the eighth instrument of ratification, the Treaty shall enter into force on the date of deposit of its instrument of ratification.

Article 16

DEPOSITARY FUNCTIONS

The depositary shall register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations and shall transmit certified copies of the Treaty and its Protocols to all Members of the South Pacific Forum and all States eligible to become Party to the Protocols to the Treaty and shall notify them of signatures and ratifications of the Treaty and its Protocols.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Treaty.

DONE at Rarotonga, this sixth day of August, One thousand nine hundred and eighty-five, in a single original in the English language.

FIRST SCHEDULE—*continued*

Annex 1

SOUTH PACIFIC NUCLEAR FREE ZONE

A The area bounded by a line—

- (1) commencing at the point of intersection of the Equator by the maritime boundary between Indonesia and Papua New Guinea;
- (2) running thence northerly along that maritime boundary to its intersection by the outer limit of the Exclusive Economic Zone of Papua New Guinea;
- (3) thence generally north-easterly, easterly and south-easterly along that outer limit to its intersection by the Equator;
- (4) thence east along the Equator to its intersection by the meridian of Longitude 163 degrees East;
- (5) thence north along that meridian to its intersection by the parallel of Latitude 3 degrees North;
- (6) thence east along that parallel to its intersection by the meridian of Longitude 171 degrees East;
- (7) thence north along that meridian to its intersection by the parallel of Latitude 4 degrees North;
- (8) thence east along that parallel to its intersection by the meridian of Longitude 180 degrees East;
- (9) thence south along that meridian to its intersection by the Equator;
- (10) thence east along the Equator to its intersection by the meridian of Longitude 165 degrees West;
- (11) thence north along that meridian to its intersection by the parallel of Latitude 5 degrees 30 minutes North;
- (12) thence east along that parallel to its intersection by the meridian of Longitude 154 degrees West;
- (13) thence south along that meridian to its intersection by the Equator;
- (14) thence east along the Equator to its intersection by the meridian of Longitude 115 degrees West;
- (15) thence south along that meridian to its intersection by the parallel of Latitude 60 degrees South;
- (16) thence west along that parallel to its intersection by the meridian of Longitude 115 degrees East;
- (17) thence north along that meridian to its southernmost intersection by the outer limit of the territorial sea of Australia;
- (18) thence generally northerly and easterly along the outer limit of the territorial sea of Australia to its intersection by the meridian of Longitude 136 degrees 45 minutes East;
- (19) thence north-easterly along the geodesic to the point of Latitude 10 degrees 50 minutes South, Longitude 139 degrees 12 minutes East;
- (20) thence north-easterly along the maritime boundary between Indonesia and Papua New Guinea to where it joins the land border between those two countries;
- (21) thence generally northerly along that land border to where it joins the maritime boundary between Indonesia and Papua New Guinea, on the northern coastline of Papua New Guinea; and
- (22) thence generally northerly along that boundary to the point of commencement.

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FIRST SCHEDULE—*continued*

B The areas within the outer limits of the territorial seas of all Australian islands lying westward of the area described in paragraph A and north of Latitude 60 degrees South, provided that any such areas shall cease to be part of the South Pacific Nuclear Free Zone upon receipt by the depositary of written notice from the Government of Australia stating that the areas have become subject to another treaty having an object and purpose substantially the same as that of this Treaty.

Annex 2

IAEA SAFEGUARDS

- (1) The safeguards referred to in Article 8 shall in respect of each Party be applied by the IAEA as set forth in an agreement negotiated and concluded with the IAEA on all source or special fissionable material in all peaceful nuclear activities within the territory of the Part, under its jurisdiction or carried out under its control anywhere.
- (2) The agreement referred to in paragraph 1 shall be, or shall be equivalent in its scope and effect to, an agreement required in connection with the NPT on the basis of the material reproduced in document INFCIRC/153 (Corrected) of the IAEA. Each party shall take all appropriate steps to ensure that such an agreement is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.
- (3) For the purposes of this Treaty, the safeguards referred to in paragraph 1 shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices.
- (4) Each Party agrees upon the request of any other Party to transmit to that Party and to the Director for the information of all Parties a copy of the overall conclusions of the most recent report by the IAEA on its inspection activities in the territory of the Party concerned, and to advise the Director promptly of any subsequent findings of the Board of Governors of the IAEA in relation to those conclusions for the information of all Parties.

Annex 3

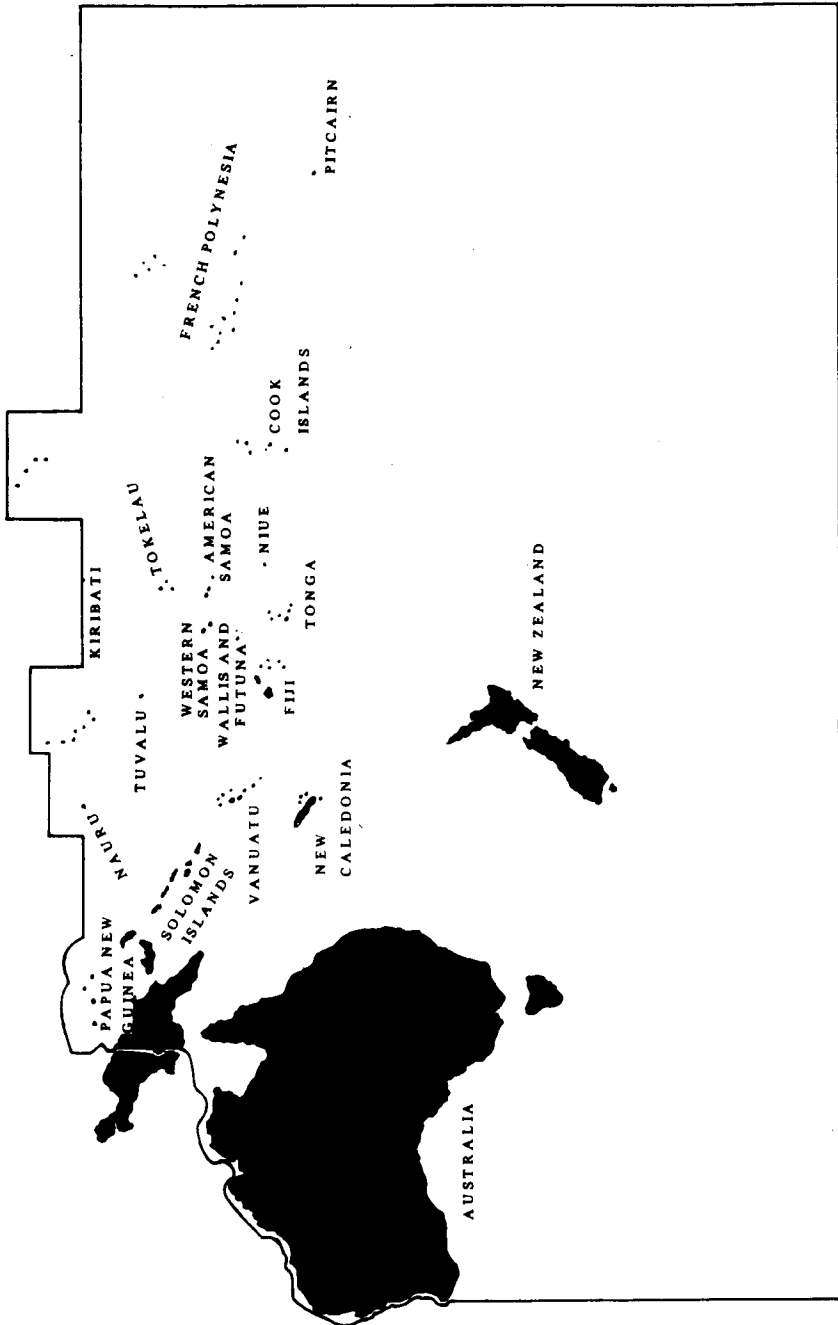
CONSULTATIVE COMMITTEE

- (1) There is hereby established a Consultative Committee which shall be convened by the Director from time to time pursuant to Articles 10 and 11 and Annex 4 (2). The Consultative Committee shall be constituted of representatives of the Parties, each Party being entitled to appoint one representative who may be accompanied by advisers. Unless otherwise agreed, the Consultative Committee shall be chaired at any given meeting by the representative of the Party which last hosted the meeting of Heads of Government of Members of the South Pacific Forum. A quorum shall be constituted by representatives of half the Parties. Subject to the provisions of Article 11, decisions of the Consultative Committee shall be taken by consensus or, failing consensus, by a two-thirds majority of those present and voting. The Consultative Committee shall adopt such other rules of procedure as it sees fit.

FIRST SCHEDULE—continued

ZONE OF APPLICATION OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

ATTACHMENT TO ANNEX 1 TO THE SOUTH PACIFIC NUCLEAR FREE ZONE TREATY . ILLUSTRATIVE MAP
(Australian islands in the Indian Ocean, which are also part of the South Pacific Nuclear Free Zone, are not shown)



FIRST SCHEDULE—*continued*

- (2) The costs of the Consultative Committee, including the costs of special inspections pursuant to Annex 4, shall be borne by the South Pacific Bureau for Economic Co-operation. It may seek special funding should this be required.

Annex 4

COMPLAINTS PROCEDURE

- (1) A Party which considers that there are grounds for a complaint that another Party is in breach of its obligations under this Treaty shall, before bringing such a complaint to the Director, bring the subject matter of the complaint to the attention of the Party complained of and shall allow the latter reasonable opportunity to provide it with an explanation and to resolve the matter.
- (2) If the matter is not so resolved, the complainant Party may bring the complaint to the Director with a request that the Consultative Committee be convened to consider it. Complaints shall be supported by an account of evidence of breach of obligations known to the complainant Party. Upon receipt of a complaint the Director shall convene the Consultative Committee as quickly as possible to consider it.
- (3) The Consultative Committee, taking account of efforts made under paragraph 1, shall afford the Party complained of a reasonable opportunity to provide it with an explanation of the matter.
- (4) If, after considering any explanation given to it by the representatives of the Party complained of, the Consultative Committee decides that there is sufficient substance in the complaint to warrant a special inspection in the territory of that Party or elsewhere, the Consultative Committee shall direct that such special inspection be made as quickly as possible by a special inspection team of three suitably qualified special inspectors appointed by the Consultative Committee in consultation with the complained of and complainant Parties, provided that no national of either Party shall serve on the special inspection team. If so requested by the Party complained of, the special inspection team shall be accompanied by representatives of that Party. Neither the right of consultation on the appointment of special inspectors, nor the right to accompany special inspectors, shall delay the work of the special inspection team.
- (5) In making a special inspection, special inspectors shall be subject to the direction only of the Consultative Committee and shall comply with such directives concerning tasks, objectives, confidentiality and procedures as may be decided upon by it. Directives shall take account of the legitimate interests of the Party complained of in complying with its other international obligations and commitments and shall not duplicate safeguards procedures to be undertaken by the IAEA pursuant to agreements referred to in Annex 2 (1). The special inspectors shall discharge their duties with due respect for the laws of the Party complained of.

FIRST SCHEDULE—*continued*

- (6) Each Party shall give to special inspectors full and free access to all information and places within its territory which may be relevant to enable the special inspectors to implement the directives given to them by the Consultative Committee.
- (7) The Party complained of shall take all appropriate steps to facilitate the special inspection, and shall grant to special inspectors privileges and immunities necessary for the performance of their functions, including inviolability for all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken and written, for the purpose of the special inspection.
- (8) The special inspectors shall report in writing as quickly as possible to the Consultative Committee, outlining their activities, setting out relevant facts and information as ascertained by them, with supporting evidence and documentation as appropriate, and stating their conclusions. The Consultative Committee shall report fully to all Members of the South Pacific Forum, giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty.
- (9) If the Consultative Committee has decided that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, or at any time at the request of either the complainant or complained of Party, the Parties shall meet promptly at a meeting of the South Pacific Forum.

SECOND SCHEDULE

TEXT OF TREATY BANNING NUCLEAR WEAPON TESTS IN THE
ATMOSPHERE, IN OUTER SPACE AND UNDER WATER OF 5
AUGUST 1963

TREATY
banning nuclear weapon tests in
the atmosphere, in outer space and
under water

The Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the United States of America hereinafter referred to as the "Original Parties,"

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

SECOND SCHEDULE—*continued*

Have agreed as follows:

ARTICLE I

1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere; beyond its limits, including outer space; or underwater, including territorial waters or high seas; or

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

ARTICLE II

1. Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all of the Original Parties.

ARTICLE III

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Original Parties—the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the United States of America—which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all the Original Parties and the deposit of their instruments of ratification.

SECOND SCHEDULE—*continued*

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE IV

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

ARTICLE V

This Treaty, of which the English and Russian texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate at the city of Moscow the fifth day of August, one thousand nine hundred and sixty-three.

For the Government of
the United Kingdom
of Great Britain and
Northern Ireland

HOME

For the Government of
the Union of Soviet
Socialist Republics

A. ГРОМЫКО

For the Government of
the United States of
America

DEAN RUSK

—

THIRD SCHEDULE

TEXT OF TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS OF
1 JULY 1968

**TREATY
ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS**

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

THIRD SCHEDULE—*continued*

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

ARTICLE I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

ARTICLE II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

THIRD SCHEDULE—*continued*

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

ARTICLE V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

THIRD SCHEDULE—*continued*

ARTICLE VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

ARTICLE VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

THIRD SCHEDULE—*continued*

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositories of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

FOURTH SCHEDULE

TEXT OF TREATY ON THE PROHIBITION OF THE EMBLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEA-BED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF OF 11 FEBRUARY 1971

**TREATY
ON THE PROHIBITION OF THE
EMBLACEMENT OF NUCLEAR
WEAPONS AND OTHER
WEAPONS OF MASS
DESTRUCTION ON THE SEA-BED
AND THE OCEAN FLOOR AND IN
THE SUBSOIL THEREOF**

The States Parties to this Treaty,
Recognizing the common interest of mankind in the progress of the exploration and use of the sea-bed and the ocean floor for peaceful purposes,
Considering that the prevention of a nuclear arms race on the sea-bed and the ocean floor serves the interests of maintaining world peace, reduces international tensions and strengthens friendly relations among States,
Convinced that this Treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race,
Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,
Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,
Have agreed as follows:

ARTICLE I

1. The States Parties to this Treaty undertake not to emplant or emplace on the sea-bed and the ocean floor and in the subsoil thereof beyond the outer limit of a sea-bed zone, as defined in Article II, any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.
2. The undertakings of paragraph 1 of this Article shall also apply to the sea-bed zone referred to in the same paragraph, except that within such sea-bed zone, they shall not apply either to the coastal State or to the sea-bed beneath its territorial waters.
3. The States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this Article and not to participate in any other way in such actions.

ARTICLE II

For the purpose of this Treaty, the outer limit of the sea-bed zone referred to in Article I shall be coterminous with the twelve-mile outer limit of the zone referred to in Part II of the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on 29 April 1958, and shall be measured in accordance with the provisions of Part I, Section II, of that Convention and in accordance with international law.

FOURTH SCHEDULE—*continued*

ARTICLE III

1. In order to promote the objectives of and ensure compliance with the provisions of this Treaty, each State Party to the Treaty shall have the right to verify through observation the activities of other States Parties to the Treaty on the sea-bed and the ocean floor and in the subsoil thereof beyond the zone referred to in Article I, provided that observation does not interfere with such activities.

2. If after such observation reasonable doubts remain concerning the fulfilment of the obligations assumed under the Treaty, the State Party having such doubts and the State Party that is responsible for the activities giving rise to the doubts shall consult with a view to removing the doubts. If the doubts persist, the State Party having such doubts shall notify the other States Parties, and the Parties concerned shall co-operate on such further procedures for verification as may be agreed, including appropriate inspection of objects, structures, installations or other facilities that reasonably may be expected to be of a kind described in Article I. The Parties in the region of the activities, including any coastal State, and any other Party so requesting, shall be entitled to participate in such consultation and co-operation. After completion of the further procedures for verification, an appropriate report shall be circulated to other Parties by the Party that initiated such procedures.

3. If the State responsible for the activities giving rise to the reasonable doubts is not identifiable by observation of the object, structure, installation or other facility, the State Party having such doubts shall notify and make appropriate inquiries of States Parties in the region of the activities and of any other State Party. If it is ascertained through these inquiries that a particular State Party is responsible for the activities, that State Party shall consult and co-operate with other Parties as provided in paragraph 2 of this Article. If the identity of the State responsible for the activities cannot be ascertained through these inquiries, then further verification procedures, including inspection, may be undertaken by the inquiring State Party, which shall invite the participation of the Parties in the region of the activities, including any coastal State, and of any other Party desiring to co-operate.

4. If consultation and co-operation pursuant to paragraphs 2 and 3 of this Article have not removed the doubts concerning the activities and there remains a serious question concerning fulfilment of the obligations assumed under this Treaty, a State Party may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council, which may take action in accordance with the Charter.

5. Verification pursuant to this Article may be undertaken by any State Party using its own means, or with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

6. Verification activities pursuant to this Treaty shall not interfere with activities of other States Parties and shall be conducted with due regard for rights recognized under international law, including the freedoms of the high seas and the rights of coastal States with respect to the exploration and exploitation of their continental shelves.

FOURTH SCHEDULE—*continued*

ARTICLE IV

Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to existing international conventions, including the 1958 Convention on the Territorial Sea and the Contiguous Zone, or with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters of its coasts, including *inter alia*, territorial seas and contiguous zones, or to the sea-bed and the ocean floor, including continental shelves.

ARTICLE V

The Parties to this Treaty undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof.

ARTICLE VI

Any State Party may propose amendments to this Treaty. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and, thereafter, for each remaining State Party on the date of acceptance by it.

ARTICLE VII

Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realised. Such review shall take into account any relevant technological developments. The review conference shall determine, in accordance with the views of a majority of those Parties attending, whether and when an additional review conference shall be convened.

ARTICLE VIII

Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject-matter of this Treaty have jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardised its supreme interests.

ARTICLE IX

The provisions of this Treaty shall in no way affect the obligations assumed by States Parties to the Treaty under international instruments establishing zones free from nuclear weapons.

FOURTH SCHEDULE—*continued*

ARTICLE X

1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform the Governments of all signatory and acceding States of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

FIFTH SCHEDULE

TEXT OF CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION OF 10 APRIL 1972

**CONVENTION
ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION
AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL)
AND TOXIN WEAPONS AND ON THEIR DESTRUCTION**

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control,

Recognising the important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,

Reaffirming their adherence to the principles and objectives of that Protocol and calling upon all States to comply strictly with them,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of 17 June 1925,

Desiring to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,

Desiring also to contribute to the realisation of the purposes and principles of the Charter of the United Nations,

Convinced of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents,

Recognising that an agreement on the prohibition of bacteriological (biological) and toxin weapons represents a first possible step towards the achievement of agreement on effective measures also for the prohibition of the development, production and stockpiling of chemical weapons, and determined to continue negotiations to that end,

Determined for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,

Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimise this risk,

FIFTH SCHEDULE—*continued*

Have agreed as follows:

ARTICLE I

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

- (1) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
- (2) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

ARTICLE II

Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this Article all necessary safety precautions shall be observed to protect populations and the environment.

ARTICLE III

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organisations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention.

ARTICLE IV

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

ARTICLE V

The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and co-operation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

FIFTH SCHEDULE—*continued*

ARTICLE VI

(1) Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.

(2) Each State Party to this Convention undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

ARTICLE VII

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

ARTICLE VIII

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

ARTICLE IX

Each State Party to this Convention affirms the recognised objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.

ARTICLE X

(1) The State Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also co-operate in contributing individually or together with other States or international organisations to the further development and application of scientific discoveries in the field of bacteriology (biology) for the prevention of disease, or for other peaceful purposes.

(2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful

FIFTH SCHEDULE—*continued*

bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

ARTICLE XI

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the State Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

ARTICLE XII

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realised. Such review shall take into account any new scientific and technological developments relevant to the Convention.

ARTICLE XIII

(1) This Convention shall be of unlimited duration.

(2) Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

ARTICLE XIV

(1) This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

(2) This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

(3) This Convention shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositaries of the Convention.

(4) For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

FIFTH SCHEDULE—*continued*

(5) The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices.

(6) This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XV

This Convention, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.