

THE NUCLEAR TESTS CASE
INTERNATIONAL COURT OF JUSTICE
Filed 1973

The Australian Government contends that the tests violate international law and the Charter of the United States and Australia's rights in the following respects:

(i) The right of Australia and its people, in common with other States and their peoples to be free from atmospheric nuclear weapon tests by any country is and will be violated;

(ii) The deposit of radio-active fall-out on the territory of Australia and its dispersion in Australia's airspace without Australia's consent:

(a) violates Australian sovereignty over its territory;

(b) impairs Australia's independent right to determine what acts shall take place within its territory and in particular whether Australia and its people shall be exposed to radiation from artificial sources;

(iii) The interference with ships and aircraft on the high seas and in the superjacent airspace, and the pollution of the high seas by radio-active fall-out, constitute infringements on the freedom of the high seas.

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