



COMMONWEALTH OF AUSTRALIA

JOINT STANDING COMMITTEE ON TREATIES

Reference: Protocols II and IV to the Inhumane Weapons Convention

CANBERRA

Wednesday, 30 October 1996

OFFICIAL HANSARD REPORT

CANBERRA

JOINT STANDING COMMITTEE ON TREATIES

Members:

Mr Taylor (Chair)

Senator Abetz	Mr Adams
Senator Bourne	Mr Bartlett
Senator Cooney	Mr Laurie Ferguson
Senator Ellison	Mr Hardgrave
Senator Murphy	Mr McClelland
Senator Neal	Mr Tony Smith
Senator O'Chee	Mr Truss
	Mr Tuckey

For inquiry into and report on:

Protocols II and IV to the Inhumane Weapons Convention.

WITNESSES

BALKIN, Dr Rosalie, Acting Senior Government Counsel, Attorney-General's Department, Robert Garran Offices, Barton, Australian Capital Territory	3
BIGGS, Mr Ian, Executive Director, Treaties Secretariat, Department of Foreign Affairs and Trade, The R G Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221	3
BIRD, Ms Gillian, Assistant Secretary, Peace Arms Control and Disarmament Branch, Department of Foreign Affairs and Trade, The R G Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221	3
BUCKLEY, Mr Peter, Humanitarian Relief Section, Australian Agency for International Development, 62 Northbourne Avenue, Australian Capital Territory 2600	3
CARTLEDGE, Lieutenant Colonel Garth, Director of International Law, Department of Defence, Russell Offices, Canberra, Australian Capital Territory	3
COUSINS, Mr Ian, First Assistant Secretary, International Security Division, Department of Foreign Affairs and Trade, The R G Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221	3
FOX, Mr Henry, Executive Officer, Defence Policy Section, Department of Foreign Affairs and Trade, The R G Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221	3
GOTH, Ms Colleen, Assistant Director, Arms Control, Department of Defence, Russell Offices, Canberra, Australian Capital Territory	3
GRIFFIN, Mr John, Director, Conventional and Nuclear Disarmament Section, Department of Foreign Affairs and Trade, The R G Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221	3
GULBRANSEN, Mr Peter, Director, Import Policy, Australian Customs Service, 5 Constitution Avenue, Canberra, Australian Capital Territory 2601	3
JACKSON, Ms Adrienne, Assistant Secretary, Major Powers and Global Security Branch, Department of Defence, Russell Offices, Canberra, Australian Capital Territory	3
PEARCE, Colonel Geoff, Director, Engineer Centre, Department of Defence, Moorebank Avenue, Moorebank, New South Wales, 2174	3

JOINT STANDING COMMITTEE ON TREATIES

Protocols II and IV to the Inhumane Weapons Convention

CANBERRA

Wednesday, 30 October 1996

Present

Mr Taylor (Chair)

Senator Abetz

Mr Bartlett

Senator Bourne

Mr Laurie Ferguson

Senator Ellison

Mr McClelland

Mr Tony Smith

The committee met at 7.31 p.m.

Mr Taylor took the chair.

CHAIR—I declare open the first public hearing into Protocols II and IV to the Inhumane Weapons Convention. I should elaborate a little on the inquiry. This follows a statement in the parliament by the foreign minister on Tuesday 15 October. Whilst the committee recognises the broad consensus on some of these issues, we nevertheless felt it was imperative that we have separate hearings on these two protocols. There is significant community concern in both of these areas and it is for this reason that the committee has decided to report to the parliament separately on the proposed ratification of both these protocols.

We have already considered the treaties that were tabled on the 15th and yesterday, with the exception of these two. We will be reporting to the parliament, after the appropriate public hearings on these two protocols, perhaps as late as early next year—it may take us as long as that. I have written to the foreign minister today to point that out, and on 2 December we will be having another public hearing involving some of the non-government organisations—Sister Pak Poy and the RSL and one or two others. We will also be making a visit to Moorebank to have a look on the spot. I am told that we attempted to have some landmines brought into this parliament but we were not very successful. I apologise for that; nevertheless, it shows the security in the lead-up to President Clinton's visit.

With these two particular protocols, we will not be achieving the 15 sitting day rule that has been set down. I have to say that these will be the first two because, up until now, we have already recommended to the parliament the ratification of about 40 since we were set up at the end of May.

[7.31]

BALKIN, Dr Rosalie, Acting Senior Government Counsel, Attorney-General's Department, Robert Garran Offices, Barton, Australian Capital Territory

BIGGS, Mr Ian, Executive Director, Treaties Secretariat, Department of Foreign Affairs and Trade, The R G Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221

BIRD, Ms Gillian, Assistant Secretary, Peace Arms Control and Disarmament Branch, Department of Foreign Affairs and Trade, The R G Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221

BUCKLEY, Mr Peter, Humanitarian Relief Section, Australian Agency for International Development, 62 Northbourne Avenue, Australian Capital Territory 2600

CARTLEDGE, Lieutenant Colonel Garth, Director of International Law, Department of Defence, Russell Offices, Canberra, Australian Capital Territory

COUSINS, Mr Ian, First Assistant Secretary, International Security Division, Department of Foreign Affairs and Trade, The R G Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221

FOX, Mr Henry, Executive Officer, Defence Policy Section, Department of Foreign Affairs and Trade, The R G Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221

GOTH, Ms Colleen, Assistant Director, Arms Control, Department of Defence, Russell Offices, Canberra, Australian Capital Territory

GRIFFIN, Mr John, Director, Conventional and Nuclear Disarmament Section, Department of Foreign Affairs and Trade, The R G Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221

GULBRANSEN, Mr Peter, Director, Import Policy, Australian Customs Service, 5 Constitution Avenue, Canberra, Australian Capital Territory 2601

JACKSON, Ms Adrienne, Assistant Secretary, Major Powers and Global Security Branch, Department of Defence, Russell Offices, Canberra, Australian Capital Territory

PEARCE, Colonel Geoff, Director, Engineer Centre, Department of Defence, Moorebank Avenue, Moorebank, New South Wales, 2174

CHAIR—Welcome. I assume that DFAT and Defence both have—hopefully, short—opening statements. Over to you, please.

Mr Cousins—As you can see, at the table we have Defence, Foreign Affairs and AG's. In the back row we also have AusAID and Customs, should you have questions relating to their responsibilities.

Just to put the protocol in context as far as Department of Foreign Affairs and Trade portfolio goes, I can say that the indiscriminate use of anti-personnel landmines against civilians has increased in the past decade despite restrictions on landmine use under the Inhumane Weapons Convention which came into force in 1983.

Since World War II, an estimated 400 million antipersonnel landmines have been laid in various parts of the world. While many states have taken steps to minimise the risks to citizens—such as fencing off and signposting mine affected areas—the problem remains acute in Cambodia, Angola, Mozambique, Afghanistan, Zimbabwe, Iraq and the states of the former Yugoslavia. Countries where the problem is less acute, but still significant, are El Salvador, Georgia, Guatemala and Rwanda.

In such countries, anti-personnel landmines continue to maim and kill civilians long after hostilities have ceased. About 30 people are killed daily, and up to 60 a day are maimed. The deaths and injuries caused by landmines take place far from Australia but that does not lessen the human tragedy in any way. Of course, television and travel have brought home the appalling legacy to us all.

On coming to office in March this year, the government ordered a review of Australia's policy on antipersonnel landmines. On 15 April, it announced support for a global ban on anti-personnel landmine production, stockpiling, use and transfer. The government also decided to suspend the operational use of anti-personnel landmines by the Australian Defence Force. The suspension would be reviewed only in the case of a substantial deterioration in our strategic circumstances in which Australia's security was under threat and the denial of anti-personnel landmines' capability to the Australian Defence Force would result in additional Australian casualties and damage to vital infrastructure.

Australia took this new policy to a review conference of the Inhumane Weapons Convention in Geneva earlier this year. Regrettably, the conference, which operated by consensus, could not agree on a total ban. The review conference did, however, adopt an amended protocol to the Inhumane Weapons Convention which contains much stronger restrictions on landmines' use. This amended protocol provides greater protection for civilians and peacekeeping forces than the existing protocol to which Australia is already a party. The amended protocol prohibits and restricts the use and transfer of the most commonly misused antipersonnel mines—those which do not self-destruct within a given period or cannot be easily detected by existing mine clearance technology.

New transfer provisions in the amended protocol will control mine proliferation, including to non-state parties. The amended protocol will also apply to internal conflicts, thus addressing one of the most often cited gaps between the old protocol and the reality of mine misuse today. Other important gains include provisions for annual meetings of state parties and an enhanced review process, procedures which will provide a framework for the pursuit of stronger interim measures and ultimately a global ban.

While many non-government organisations were also deeply disappointed that a total ban was not achieved in Geneva, our understanding is that they support our ratification of the amended Protocol II as a step along the way. In the absence of a complete ban, Protocol II of the Inhumane Weapons Convention is the only international legal instrument governing the use and trade in landmines. Non-governmental organisations supporting ratification of amended Protocol II include the Australian Network for the International Campaign to Ban Landmines and the Australian Red Cross Society.

The amended protocol will not enter into force until six months after the 20th state party has notified the UN Secretary-General of its consent to be bound. As well as hoping to ratify early, Australia has been encouraging other countries to take similar action. Only once the amended protocol actually enters into force will the strengthened humanitarian provisions and the new review mechanisms come into effect, and the clock start ticking on the nine-year deferral option for states to comply with the improved technical requirements.

I have just a few comments on Protocol IV. Whereas Protocol II of the Inhumane Weapons Convention is about remedies, Protocol IV is about prevention—prevention by means of a blanket prohibition on the use and transfer of laser weapons specifically designed to cause permanent blindness to unenhanced vision. These weapons are still in the developmental stage and, to date, there is no record of blinding weapons being used in combat situations.

This new protocol is an eminently humane measure which will also contribute to the safety of our forces in combat situations. It is timely in that it will control such an abhorrent and excessively injurious weapon before it has become widely available on the international market. Ratification has the support again of the Australian Red Cross Society and other non-government organisations, including those representing blind Australians. Nothing in the protocol will affect anything the Australian Defence Force or Australian industry is doing or planning to do. We accordingly commend this protocol, along with the amended protocol, to the committee. That completes our statement.

CHAIR—Thank you. Defence?

Ms Jackson—Thank you very much, Mr Chairman. The Defence Organisation is pleased to have this opportunity to express support for Australia's ratification of revised Protocol II and the new Protocol IV of the Inhumane Weapons Convention. New Protocol

IV is particularly noteworthy in that, unlike most other international arms control mechanisms, it is designed to prevent a problem from happening rather than managing the consequence of a problem that has developed.

Through Protocol IV, the international community has confirmed its abhorrence for a particular category of weapons—that is, blinding laser weapons—and its desire to prevent such weapons from ever becoming a global humanitarian problem. The Australian Defence Force has never had any intention of acquiring these blinding laser weapons and applauds this very timely even prescient protocol.

Protocol II of the Inhumane Weapons Convention is the only international legal instrument in existence governing the use of antipersonnel landmines. The Australian Defence Force has experienced antipersonnel landmines in times of peace and war, but has always used antipersonnel landmines in strict conformity with Australia's international obligations. The last time the Australian Defence Force used anti-personnel landmines in operations was during the Vietnam war.

On 15 April this year, the Minister for Defence, Mr McLachlan, announced a unilateral suspension on the operational use of antipersonnel landmines by the Australian Defence Force. This suspension came into immediate effect. At that time, the minister made it quite clear that only in a case of substantial deterioration in our strategic circumstances in which Australia's security was under threat and the denial of an antipersonnel landmines capability to the Australian Defence Force would result in additional Australian casualties and damage to vital infrastructure would this suspension be reviewed.

Over the past 20 years, the Australian Defence Force's main experience of antipersonnel landmines has been in correcting the problems which their misuse has created. The gruesome legacy of antipersonnel landmines laid in a non-discriminatory manner has been only too apparent to Australian Defence Force personnel serving on United Nations missions in Cambodia, Afghanistan and Mozambique.

Antipersonnel landmines are cheap, easily available weapons and, regrettably, are likely to remain a popular weapon of choice for many countries which choose not to accept the constraints of Protocol II. Against this background, the first important step in the challenge to achieve a global consensus on the parameters for the responsible use of anti-personnel landmines is to obtain maximum international commitment to revise Protocol II.

Early Australian ratification would send a strong signal to the international community that revised Protocol II is the minimum acceptable standard for the responsible use of anti-personnel landmines. The revisions, which were agreed to earlier this year by the Inhumane Weapons Review Conference, represent important new agreed markers including: the extension of the scope of the treaty to cover internal conflicts—this is a

significant achievement as the worst abuse of antipersonnel landmines in the past decade has been seen during civil wars; new prohibitions on the use of non-detectable antipersonnel landmines and remotely delivered antipersonnel landmines—I would note that the Australian Defence Force does not have any remotely delivered anti-personnel landmines; obligations to impose individual penal sanctions on persons violating the protocol; stronger rules for the protection of peacekeeping missions; stronger restrictions on the use of all types of landmines; clear emphasis on the responsibility of those parties laying mines to clear or maintain their minefields.

Protocol II seeks to deal squarely with the actuality of antipersonnel landmines, the fact that they are attractive military hardware for many countries, and that they are, by their very nature, difficult to track in their distribution.

The negotiating process for revised Protocol II brought to the table many countries which had hitherto shown little inclination to admit the reality of the problems which can be caused by antipersonnel landmines. They became engaged in the debate. The tangible practical benefit of revised Protocol II is that it is likely to make it more difficult for irresponsible users to obtain mines. The Defence Organisation participated in the review conference process which devised the provisions to Protocol II and created the new Protocol IV.

The Australian Defence Force is already observing the principles enshrined in both protocols and stands ready to give formal implementation to the new provisions upon Australian ratification. The implementation of the revised Protocol II will not solve overnight the problems, which have been created by the misuse of antipersonnel landmines, but it will make a major humanitarian difference.

CHAIR—Thank you very much. Did the Attorney-General's Department have no opening comments? We might start with the easy one first. Senator Bourne, would you like to start with Protocol IV?

Senator BOURNE—Does anyone have an idea why only use and transfer of the weapons is included and not things like manufacturing and stockpiling? Can these things be manufactured halfway to create something that is not a deadly weapon? Or is it just that it is an oversight, and manufacture and stockpiling can still occur?

Mr Fox—It has to do with the context in which the negotiations took place. All the protocols of the Inhumane Weapons Convention deal with use primarily and it is that which provided the constraint. It was only with great difficulty that Protocol II was extended to transfer, although many parties wished to extend it to production and stockpiling. Similarly, with Protocol IV, it was extremely difficult to extend it beyond use only.

Senator BOURNE—So you got transfer in because it had been got into Protocol II?

Mr Fox—It was impossible to get to production and to stockpiling, although—

Senator BOURNE—Yes, but you think you only got transfer in because you got it into II as well. Is that right?

Mr Fox—Yes.

Senator BOURNE—I see. Possibly, if you can go past that in II, you will get past it in IV as well?

Mr Fox—It would depend very much on the type of negotiations that would occur in the future. You could have a conference that was solely devoted to Protocol IV and that might proceed by itself. But that would be unlikely.

Senator BOURNE—Thank you. Nobody knows of any Australians that are designing or testing?

Ms Jackson—No.

Senator BOURNE—That is great.

Mr McCLELLAND—There does not seem to be any controversy at all in any of the government departments or agencies that both treaties should be ratified. If anything they seem to be the minimal conditions. If we recommended to the parliament that they be ratified, there would seem to be no dissent anywhere in Australia to that proposition.

Mr Cousins—That is correct, there is no dissent. Of course, there is agreement that Protocol II does not go far enough.

Mr McCLELLAND—And that is something that negotiators will work on.

Mr Cousins—It will be further worked on.

CHAIR—The NGOs will take that view very strongly and we have already had some preliminary discussions with them. Just in relation to Protocol IV, what are the numbers of countries that have signed and/or ratified II at this stage?

Ms Bird—One country, Finland, has so far ratified Protocol IV. But a number of countries have it in train.

CHAIR—So there is only one ratifier?

Ms Bird—So far, but quite a few are at the same stage we are in the process of ratifying revised Protocol II.

CHAIR—What number is required?

Ms Bird—Twenty. It will come into force six months after 20.

Mr Cousins—Most countries have taken the view that it is easier to do them both at once through their governmental processes.

Senator ABETZ—Are we on track to get the 20?

Ms Bird—We think probably we should reach that 20 some time in the first half of next year, which would mean both of them would come into force by the end of next year. At least that is our best guess estimate.

Mr BARTLETT—What are the most significant omissions from an intention to ratify it—that is, those countries that are well on the way to developing these weapons and have shown no inclination at all to want to be involved in the treaty process?

Mr Cousins—I am not aware of any countries which have a real problem with Protocol IV because, as we said, we are getting in before the developmental stage. It is always much more difficult with arms control treaties to deal with weapons once they have been integrated into force structures.

Mr BARTLETT—So there is a fairly widespread feeling that this move will be prevented then?

Mr Cousins—Yes.

Senator ELLISON—I just wondered whether Defence could answer this: can you give us a brief summary of how this equipment works?

Lt Col. Cartledge—There have not been any produced as weapons themselves. There was one being advertised, a laser beam which is used to blind people.

Senator ELLISON—That would have to be fired directly in the eyes of the person concerned.

Lt Col. Cartledge—Yes.

Col. Pearce—Yes. It is a very narrow pencil beam of high energy. It actually has to impact on the eye. If it hits in the shoulder it has no effect.

Senator ELLISON—Only in the eye.

Col. Pearce—It has to hit you in the eye.

CHAIR—What about the verification mechanisms? What are the verification mechanisms for Protocol IV? We are just dealing with Protocol IV at the moment.

Mr Fox—A lot of the issues do flow over from Protocol II. Verification of compliance was a particularly contentious issue in the Protocol II context and, consequently, it is also contentious in Protocol IV. So, there are, in fact, no verification provisions at all.

There is an incipient mechanism, the annual meeting of state parties that also applies to Protocol II. Under that arrangement which comes into effect once the protocols are in force, state parties are able to raise any matters of concern with each other at this annual meeting. That is the beginning of a verification mechanism.

Mr Cousins—That is a very important element of both the protocols, and it is new. You can see that the time between the review conferences has been very long—it would still be five years. It provides an occasion when countries can be brought to account and asked to explain on an annual basis.

Senator ABETZ—With this laser weapon, how real a threat is it if nobody has actually developed it as yet—as I understand it—for weapons purposes? How realistically would it have been used? It seems an horrific weapon, but if you are into that sort of game where you needed pinpoint accuracy, why would you use it? Why would you not deal with a person in another way? I am just wondering whether this is a lot of breast beating about nothing, or whether this is a real issue within the world community that genuinely needs addressing to overcome a real potential evil. Is it just fighting shadows?

Col. Pearce—There are a couple of countries that we believe were in the process of developing a weapon of this nature. Its application on the—

CHAIR—Which countries?

Col. Pearce—I would rather not name them. Do I have to name them?

CHAIR—No.

Senator ABETZ—But are they in this process?

Col. Pearce—Yes, they are. That type of weapon used on the land battlefield has fairly limited application, as you suggested. You are more likely to get better effect with artillery and machine guns and things like that because it does not matter whether they hit you in the big toe or the shoulder—

Senator ABETZ—That was the point.

Col. Pearce—So the accuracy is not such a big deal. However, in air warfare, perhaps, and things like that, we might be looking at blinding pilots and having a dramatic effect that way, or they might be used against people aiming weapons and then you could have a more dramatic effect. I would not imagine that it would have widespread application as an antipersonnel weapon on the land battlefield.

CHAIR—Without naming the countries, of course, could you indicate whether they are in the Asia-Pacific region?

Col. Pearce—Yes, they are.

CHAIR—They are?

Col. Pearce—Yes.

CHAIR—There is talk of the ADF training on it. What does that entail?

Lt Col. Cartledge—That would be training in the legal obligations. First of all, we do not have them in the inventory. With regard to those sighting devices which use lasers, they are told that they cannot use them. That is the training that is involved. In relation to training of the use of the laser sighting equipment, I assume that the training is towards safety as well but I do not know. I cannot comment about that.

Mr TONY SMITH—Just in relation to which countries are involved, Mr Chairman, can they be written down on a piece of paper and shown to me?

CHAIR—I do not think so. There are security implications here. If need be, and I do not think it is absolutely necessary, we could go into camera but I quite honestly do not think that is necessary. As long as we know that there is a country or countries in our particular region, I think that is sufficient for our purposes.

Mr TONY SMITH—All right. With regard to those countries that there is concern about, have they indicated an unwillingness to sign the protocol?

Col. Pearce—They were involved in the discussions in Geneva and were part of the process of developing the wording in Protocol IV. I imagine that, on that basis, they will probably sign up.

Lt Col. Cartledge—In the negotiations themselves, they were happy with the consensus document when it was completed.

Mr TONY SMITH—Did they indicate whether they were continuing with their program?

Col. Pearce—No.

Mr TONY SMITH—Did they indicate that they were not continuing with it?

Col. Pearce—Our knowledge of this has been gained from just reading defence related publications—the *Pacific Defence Reporter* and documents like that. There is talk of it. There is no actual proof that those weapons exist, but there has been discussion in magazine articles and things like that.

Mr TONY SMITH—Did they make any admissions?

Col. Pearce—Not to us during the discussions.

Mr TONY SMITH—Did you seek any admissions?

Col. Pearce—No, we did not.

Mr TONY SMITH—Why not?

Col. Pearce—We are in the process of discussing it. Perhaps Foreign Affairs might like to help out here.

Mr Cousins—We are in the process of encouraging very wide adherence to both these protocols. So, in that sense, we will no doubt be talking to these countries. Once we have ratified the protocols, then we are in an even stronger position to do that.

CHAIR—Perhaps we will turn to Mr Gulbransen from Customs as there is a question in terms of the export regulations side of it. The NIA makes mention of the need to amend the prohibited export regulations. Does that also mean imports; how will that be controlled? But, first of all, let us deal with the exports.

Mr Gulbransen—Prohibited exports would be controlled the way that all other prohibited exports are controlled. The Customs electronic system for controlling exports is programmed so that it will bring to attention any attempted exportation of a prohibited export, provided it is declared as such. If it is not declared as to its true identity, then we would have to rely on intelligence before we would be able to pick it up and do anything about it. At the moment, I do not believe these particular goods are controlled because they have not been developed. But there is the clear intention that they will be covered in a review process that is going on at the moment.

CHAIR—What does that mean in terms of the regulations—just the inclusion of the item ‘blinding laser weapons’ within the regulations?

Mr Gulbransen—Yes. We would probably have to take advice from our

colleagues in Defence on exactly how we would describe it. But it would fall within the existing regulations that prohibit the export of defence goods.

CHAIR—But at this stage is it just a wait and see?

Mr Fox—No, we are taking action to have blinding laser weapons listed under the regulations on the expectation that they will become internationally illegal.

CHAIR—I see. What about the import side?

Mr Gulbransen—I imagine we will be asked to take the same type of control. I guess it is debatable whether we need the control if Australia has signed the treaty and therefore is unlikely to import them.

CHAIR—Yes, but there is no indication with the ADF that in any way—

Ms Jackson—No intention.

CHAIR—No intention at all.

Mr BARTLETT—What about the power to intercept weapons being transhipped through Australia; has that been considered?

Mr Gulbransen—It is being considered along with all other defence goods. It is a little unclear at the moment. There has just been a working party involving Defence, Foreign Affairs, Attorney-General's and Customs set up to clarify the situation. We believe there may need to be some strengthening of customs powers.

Perhaps as an example I could say that at the moment cargo that is transhipped—and in customs terms that means it is unloaded from one vessel to be loaded onto another vessel before continuing its journey—is certainly covered. However, cargo that is in transit, and the treaties tend to refer to transit rather than transshipment, does not even have to be reported to customs at the moment. By transit cargo, we refer to cargo that stays on board the vessel or is only unloaded to allow other cargo to be discharged and is then reloaded on the same vessel to continue its voyage.

Mr TONY SMITH—Which nations have agreed to sign or ratify the protocol; and are there any notable exceptions?

Ms Bird—It is still at an early stage. Most countries are going through the same sort of ratification process that we. One country has already accepted Protocol IV, and that is Finland. Most countries are doing what we are doing and looking at revised Protocol II along with Protocol IV, with the view of ratifying both at the same time.

Mr TONY SMITH—Do we have any indication of whether there are notable exceptions?

Ms Bird—Not at this stage, no.

CHAIR—How is the vexing problem of Taiwan handled in terms of IV? What are the indications on the DFAT net in terms of Taiwan?

Mr Cousins—Taiwan is not a state—

CHAIR—I know that.

Mr Cousins—That is the basic premise. They cannot sign or ratify the protocol. Taiwan is a problem for all the various forms of export controls. It is not a problem in terms of exercising your own controls in terms of exports; it is the question of encouraging Taiwan to adopt the same standards as states. That has been done more through cooperation. It has been the same position with Hong Kong which has not been a state. There has been a process of cooperation sharing of information which has gone on.

CHAIR—Does that degree of cooperation exist with, say, North Korea?

Mr Cousins—North Korea is a state and it is able to—

CHAIR—Yes, I know it is different. But what is its attitude to this particular protocol; do you have a feel for that?

Ms Bird—It is not a party to the Inhumane Weapons Convention.

CHAIR—It is not a party?

Ms Bird—Not yet at least. There are 62 parties and DPRK is not one of them. As part of our process in ratifying Protocols II and IV, we are also encouraging wider adherence to the convention as a whole to get the numbers up.

Mr Cousins—We have been doing that for some time; other countries have too. The numbers were in the low 50s even a year or two ago.

CHAIR—But are generally building?

Mr Cousins—There are 62 now. But there, of course, about 185 countries in the world.

Mr TONY SMITH—A moment ago someone said that there are published articles indicating countries that are likely to be interested in developing this facility; did I get that

right?

Col. Pearce—I beg your pardon?

Mr TONY SMITH—There are published articles or journals.

Col. Pearce—Yes, there are articles in defence related magazines such as *Pacific Defence Reporter* and *International Defence Review*—that sort of thing. So there are speculative articles about which countries might be working on this type of weapon.

Mr TONY SMITH—So we as a committee can access those speculative articles, but we cannot get the information from you direct?

Col. Pearce—Correct.

CHAIR—The bottom line is that it is speculation.

Mr TONY SMITH—But you believe it is more than speculation?

Col. Pearce—I read what I see in the articles and make my own judgment on that basis. The people who write these articles usually have some basis for writing those sorts of stories.

Mr TONY SMITH—I think my question has been answered.

Mr BARTLETT—The NIA indicates that there was fairly broad consultation, both with government and community groups. Did any of them express any reservations at all about our intention to ratify this treaty?

Mr Cousins—No, not to our knowledge.

CHAIR—If there are no further questions, we will move on to Protocol II, which I suspect might take a little longer.

Senator BOURNE—I want to ask about the Ottawa conference on landmines. Does anybody have any vague ideas about that?

Mr Cousins—I will ask Mr Griffin to respond.

CHAIR—Could you please tell us what position you hold?

Mr Griffin—I am the director of the Conventional and Nuclear Disarmament Section in DFAT, and I was the head of the Australian delegation to the Ottawa conference.

Senator BOURNE—Do you know what Australia intends to do so far as the five points that came out of the declaration stating that countries should encourage other countries to do the right thing, et cetera. Do you have it with you? I have it in my office but, unfortunately, I did not bring it with me.

Mr Griffin—Yes, I do have it. Are you referring to the commitment to work together, followed by the dash points?

Senator BOURNE—Yes, there are five.

Mr Griffin—As to the point relating to the earliest possible conclusion of a legally binding international agreement to ban anti-personnel mines, we are committed to doing that. There will be a resolution on the subject at this coming General Assembly. We have been encouraging discussion of it in the session of the United Nations Disarmament Commission next year. We want the Conference on Disarmament to take it up—the UN international arms control negotiating body. The annual meeting of states' parties and the review conferences of the Inhumane Weapons Convention itself will be a forum where we will continue to promote the idea of, firstly, further strengthening the convention and, secondly, moving towards a total ban.

On the point dealing with the progressive reductions in new deployments of anti-personnel mines, with the urgent objective of halting all new deployments of anti-personnel mines, I would defer to Defence, but you have heard that we have not deployed any since the Vietnam War. Support for an UNGA 51 resolution is being run by the United States, and we are looking at that at the moment.

The next point relates to regional and subregional activities in support of a global ban on anti-personnel mines. We are looking at what we can do in our region but, as the membership list of the convention indicates, it is not very fertile ground. It is not, I think, that countries in our region are hostile to the idea of this sort of thing; it is simply that it has not been an issue for a lot of them. It is an awareness raising business that we have to go through. The Philippines, in reporting to the Ottawa conference on regional activities, raised the possibility of activity in the ARF context, but that is just an idea which has been floated at this stage and, of course, the ARF has to work by consensus.

Similarly, the International Committee of the Red Cross talked at Ottawa about plans it has for a second track non-official type seminar hosted jointly with the Philippines government in Manila, possibly early next year. Through various think tanks and strategic studies institutes in the region, it would seek to engage regional policy makers in discussion of landmines, including their military utility, and moving towards a total ban. We have encouraged that sort of educational, consciousness raising activity because it is particularly appropriate to our region as opposed to other regions which are more advanced in terms of government awareness. The follow-on conference from Ottawa will be hosted by Belgium in 1997 and, travel budget permitting, we will be there.

Senator BOURNE—I am glad to hear it. Is that the follow-on conference that Canada wants to set up to try to put into place a completely different treaty?

Mr Griffin—The conference was divided on whether the best way to pursue a total ban would be to negotiate one in the Conference on Disarmament, which is the option that we strongly favour. For institutional reasons, the Conference on Disarmament is important. Once you start subtracting arms control negotiations from it, you damage the institution. But also in terms of having a meaningful ban, because in the Conference on Disarmament you get the more conservative countries on this issue engaged. The movement would be slower, but at the end of the day you would have a ban which meaningfully addressed the causes of the global landmines crisis.

Those in favour of going faster, quicker, with only those countries who are pro-ban now, who argued that case in Ottawa, were obviously motivated by humanitarian considerations. ‘The Conference on Disarmament is slow, people are dying out there, et cetera.’ We are fully sympathetic to that argument. Our reservations relate to the fact that it would not address the problem, because most of the countries in Ottawa—in fact the totality of them—are not responsible for the global landmines crisis. They could sign a treaty which would not, in any way, impact on what is happening in the field in countries like Cambodia. So that question is not addressed in the declaration because there was no agreement on it.

At the end of the conference, Canadian Foreign Minister Axworthy announced that he was issuing a challenge to the international community to do just that—the fast track option—and to negotiate the treaty to finality essentially in Brussels in June and to come to Ottawa in December next year to sign it. He said Canada would be in missionary mode on this issue for the next 12 months—a daunting prospect—and that he would be sending out a letter setting out exactly how he proposed to get from Ottawa to Ottawa in 12 months. That letter has not come yet. We remain interested in his proposal, but we will wait and see the details when it gets here.

Senator BOURNE—It is probably not fair to ask you this, but I will anyway. Do you believe that we would be prepared, if we were asked, to take what would be virtually unilateral action on it? We still have the stockpiles, of course.

Mr Cousins—It really is a subject for ministers, which they have not even addressed yet. The first step is getting more information on what the Canadians propose, to see how realistic it is. You have heard some of the things that Mr Griffin has said, so we do have questions about the value of that route. So we would be looking to see how the Canadian proposals would address those questions, but it is really too early to say and to offer an opinion when the departments involved have not had discussions and, obviously, we have not had discussions with ministers either.

Senator BOURNE—I have got to harass Alex; that is no problem.

CHAIR—I want to go back to the Downer-McLachlan joint statement in April. I happened to be leading a delegation in a parliamentary union in Istanbul when that announcement was made. I was able to move around the United Kingdom, Canada, Sweden and Austria. We attempted, as you may or may not know, to introduce a supplementary item onto the floor of the plenary session. Unfortunately, we were unsuccessful because there was a more pressing item on terrorism. Nevertheless, it was very well received and I think the United Kingdom followed very closely on that. New Zealand was also involved; they followed too, as I recall.

I think it is important for us to understand what that really means for the Australian Defence Force. Can we go through, step by step, what that joint statement means in terms of stock holding, training requirements, training usage or whatever?

Col. Pearce—That is probably a question for me, Mr Chairman.

CHAIR—I suspect so.

Col. Pearce—Firstly, it is a suspension on operational use. It does not mention the disposing of stockpiles; it does not restrict us in training. Our existing training abides by existing Protocol II. It already abides by training doctrine, and by revised Protocol II. In fact, in some ways, it goes even a little bit further in terms of protection of the civil community from the effects of landmines.

We have been looking at the impact of the change in policy and the impact of the changes incorporated in revised Protocol II. As you can imagine, it is a fairly complex issue. What we have done so far is to actually analyse in detail the impact it will have on our training. We have gone back and reviewed where, if the suspension were to be lifted under the dire circumstances that have been set out in the statement, we would be likely to use those types of weapons.

We have looked at any changes that we would be looking at making with regard to training and doctrine that flow from that. We have looked at where we should incorporate changes to our training and our doctrine, and that is quite extensive. It goes all the way from junior officer training in our training establishments right down to the grassroots level of trying to explain to our soldiers the importance of being responsible and the fact that we do have a government position that sends us down a certain path and that we do have a protocol, too, that we are required to abide by. That process is going on and is being staffed around the department, and has been for about the past month or so.

CHAIR—On that particular matter, in another capacity I was in Townsville a few months ago, and it was pretty obvious that there is a practical difficulty in perhaps achieving that. There were all sorts of things put to us in the Joint Standing Committee on Foreign Affairs, Defence and Trade on that issue. What does it really mean? There is no suggestion, is there, that stocks will be destroyed, for example?

Col. Pearce—No, there is not.

CHAIR—Or that stocks will be maintained. It is just a question. And what was being said to us—and I would be interested if you would confirm it—is that there was a practical difficulty in getting approval for them even to exercise the practice situation.

Col. Pearce—The difficulty was associated with the use of live mines in training. We have other forms of training: we can use dummy mines and practice mines and things like that, but there is nothing quite like the real thing to get the adrenaline flowing, from a soldier's point of view. In the interest of—

CHAIR—That is why soldiers wear khaki! Sorry: that was on the record, too!

Col. Pearce—We are well aware of that. The main reason we use live mines in training, though, is to demonstrate their effect: the noise, the blast, the shock, the huge cloud of smoke and dust that is generated. People are generally not aware of the incredible power of explosives. Something the size of a boot polish tin, if you like, has a dramatic effect; and we have all seen from television and photographs the effect that it has on the human body.

In trying to get that image across to people in terms of mine awareness training and making them aware of the threat, and in training people so that they minimise the risk of losing our own soldier's lives, it is important that people are aware of that power, and that they know what to do in a mine incident situation, so that they react appropriately in terms of preserving their lives, either if they are under fire or if they are not under fire. There are difference circumstances in each case. In one case, you might choose to move quickly to get out of the way; and, in the other case, you would not move at all until you had made damned sure that where you were going to move to was very safe.

We are working at the moment on trying to change the way in which we do our mine awareness training, so that we can use safer and more appropriate methods: high speed cinematography, more use of simulation—those sorts of things—to come up with a total package that would probably run for about a day. It is widely applicable throughout the Defence Force for use, so that we can minimise the use of live mines in training.

CHAIR—But it would be reasonable to say that, in practical terms, the ADF is having a little difficulty in achieving the government guidelines, the government policy. Would it be reasonable to say that—in meeting your operational needs?

Col. Pearce—I do not think that is quite true, Mr Chairman. It requires a change in the way we have been doing business. There is nothing in the government policy that says we cannot use live mines for training. We can. But we believe that in the spirit of the change in government position it makes a lot of sense to try and minimise their use during training.

CHAIR—That is why we heard the difficulties that we heard?

Col. Pearce—That is right, yes. Engineer units which are skilled in the operational use, deployment, making safe and all that sort of stuff are still allowed to draw live mines for that purpose. They would be responsible for turning on demonstrations for, say, the infantry, the artillery or the other corps.

CHAIR—What are you going to do for this committee? Just so that we are prepared, that is all. Are we going to have a live demonstration?

Col. Pearce—On the 6th?

CHAIR—Yes.

Col. Pearce—There will be no live mines down there.

CHAIR—Aw shucks!

Col. Pearce—We could if you wish.

CHAIR—No.

Col. Pearce—We could turn on an explosion which had roughly the same volume, dust, smoke, et cetera, with a small stick of explosive which would give you the same impact, if you like, in terms of how big the bang is.

CHAIR—We would be happy with that.

Col. Pearce—From the point of view of the 6th, we think it is probably more appropriate that we demonstrate to you existing mine clearance technology and techniques, and the difficulties associated with mine clearance in terms of detecting those mines and the false alarm rates, so that you get a feel for just how small they are and how difficult the problem is. But it is not all doom and gloom. I would like to point out that there is tremendous progress being made in mine clearance technology. In Australia there is a company that is doing very well, thank you very much, in terms of producing a very effective mine detector.

CHAIR—In terms of our international commitment in the mine clearing area what impact is the government policy having?

Col. Pearce—We can still train people very effectively to go and do mine clearance training in Cambodia, Mozambique or wherever.

Mr TONY SMITH—I have a couple of questions. Do you know who is the

biggest manufacturer and exporter of antipersonnel mines?

Mr Cousins—It is difficult to get hard information across the world. Everybody has that difficulty. Mr Fox can make a few comments, I think.

Mr Fox—There are numerous different types of lists of producers and exporters. None of them is particularly reliable. They tend to be based on advertisements in defence magazines or on the results of mine clearing efforts—what you find out in the field. Given the spotlight that has been put on the issue in recent years, people are not particularly willing to own up to the fact that they produce and export. There is a lot of guesswork involved. But in terms of what is found in the field, a lot of them tend to be of former Soviet Union origin. There is always a time lag, of course, between current production and what you find in the field. So it is extremely difficult to say with any certainty.

Mr TONY SMITH—You would also add to that the countries who have exhibited resistance to signing the protocols. I noticed in the material somewhere that there had been considerable resistance from countries. Which countries were they?

Mr Fox—There are about 62 parties to the convention. There are 185 members of the UN. I do not think you can say that the balance of the countries are necessarily major producers. Countries that about five years ago were major producers, such as the United States, the Russian Federation and China, are all within the treaty.

Mr TONY SMITH—What about members of the Security Council?

Mr Cousins—Those three countries, of course, are on the Security Council.

Ms Bird—The five permanent members—the US, the UK, Russia, France, China—are all parties.

Mr TONY SMITH—Right. You cannot direct attention to a particular recalcitrant in this area?

Mr Cousins—There are different issues within the convention: whether you are talking about exports or production or stockpiles. Certain countries would have different difficulties with countries that have large stockpiles. Obviously we are looking very closely at what the stockpile obligation was.

Mr TONY SMITH—I am particularly interested in countries who are exporting to the Third World. Can you point to countries that are doing that?

Mr Fox—A country that automatically comes to mind is the DPRK, which is a producer and an exporter, and it would be exporting to developing countries. But I do not think it is a major exporter or major producer.

Mr TONY SMITH—There have been some recent media reports about the PNG defence force using mines in Bougainville. Are these reports accurate, and, if possible, can you identify the source of these weapons?

Ms Jackson—We do not have any evidence that antipersonnel landmines have been used in Bougainville.

Mr TONY SMITH—Did you have in mind some other device when you made that specific distinction?

Ms Jackson—There have been allegations about the use of claymores; I would have to defer to my military colleagues to explain the difference, but they are not antipersonnel landmines.

Col. Pearce—I can tell you about claymores, Mr Chairman. I am not aware of any dealings that PNG has—that is outside my sphere. A claymore mine is a device about the size of a book, for example, that book there. It is a little bit narrower that way, if you like. It is a directional munition; it has explosive in the back; it has a whole stack of ball bearings in the front sides; it sits on a little stand; you set it up, you aim it, you then take back an electrical lead with an exploder device on the end of it. When you are threatened or when you are in the arc of fire, if you like, you press the button and it throws all the ball bearings out and kills or wounds people out to a range of probably 50 to 100 metres.

It is a defensive weapon; it is sometimes used in ambushes, but it is certainly very effective for close in self-protection. I should add one thing: when used in that mode, of course—the command detonated mode—it does not meet the definition of a landmine, in the sense that it is not target actuated.

Mr BARTLETT—Could you elaborate a bit further on the degree of international support for this treaty, particularly in terms of stockpiling, and comment on the effectiveness of the treaty in light of the omissions of countries not willing to ratify it?

Ms Bird—There are 62 states who are members of the Inhumane Weapons Convention, and, of those, 60 have ratified Protocol II, which is the landmines protocol. That is a number that really should be increased. As Mr Cousins mentioned, you have over 185 countries, we think, out there—

Mr BARTLETT—Who are stockpiling?

Ms Bird—No, 185 countries, globally. Desirably, we would like this to be a universal treaty and get as many of those 180 odd countries to be parties to the convention as possible.

Mr BARTLETT—What are the chances of that happening?

Ms Bird—The numbers are increasing. This review process started back in October 1993 when the existing states parties wrote to the Secretary-General and asked that a review be set up. There were only 39 states parties back then, and we have now got to 62, so the numbers are getting up. Part of it is the increased international awareness of this problem. We are certainly involved in a lobbying effort to increase the number of states party, as are quite a few other countries, so I expect that number to continue to go upwards.

Mr BARTLETT—Is it fair to say, though, that the countries in the Third World or the developing world who are more threatened are the ones who are still stockpiling?

Ms Bird—No, there are a number of countries who have very large armies. Stockpiles can also be very old; we are talking about some quite old landmines in a number of situations. In terms of the parties to the convention, there is a balance of developing and developed industrialised countries. There is still a lot of work to be done in increasing that. Particularly in our own region we have been very active to try and encourage countries to become parties. It is an ongoing task. But the awareness is increasing and events like the revision of the protocol, events like the Ottawa landmines conference, focus attention on it and help the lobbying efforts.

Mr BARTLETT—Could you comment on the extent to which demining operations are needed? How many countries have a significant number deployed?

Ms Jackson—In the list that Mr Cousins read out at the beginning where there are international problems, they are obviously the major countries. Australia has been active in the past and continues to be active in trying to assist with our ADF expertise.

Mr BARTLETT—Sorry, I did not hear that list. I came in late.

Mr Cousins—The problem remains acute in Cambodia, Angola, Mozambique, Afghanistan, Zimbabwe, Iraq and the states of the former Yugoslavia. It is less acute but still significant in El Salvador, Georgia, Guatemala and Rwanda. Even that is not an exhaustive list. I think the western desert has still got problems—

CHAIR—Can I just come back to the NIA and the ratification process. The NIA indicates that there is no legislation required as a result of ratification. What has been suggested to us, and I suspect will again be suggested when we meet with the NGOs, is that there should be some sort of domestic legislation to this effect. How does DFAT, for example, react to that?

Mr Cousins—As with all treaties, we seek to have the means to implement it. If we confine the means to implement it in existing legislation then we do not go ahead and create new legislation, but of course we rely on Attorney-General's advice.

Dr Balkin—Perhaps I could just endorse that, Mr Chairman. With all international treaties, the policy has been over many years to introduce new legislation if it is required. So we examine the treaty when it is being negotiated to see whether existing legislation is sufficient or whether new legislation is required. The actual compliance requirements are listed in article 14 of the convention itself, and they are divided into requirements for legislation and other types of implementation measures. Article 14(1) requires that:

Each contracting party shall take all appropriate steps—

That is a fairly vague word—

including legislative and other measures, to prevent and suppress violations of the protocol by persons or on territory under its jurisdiction and control.

So it gives a fairly wide discretion to contracting parties to decide whether they want or need legislation or whether they can implement parts of the protocol by other methods, for example, by the defence force simply not using landmines in its operations. It was assessed that we did not need legislation for that part of the protocol. Then paragraph 2 of article 14 says:

Measures envisaged in paragraph (1) include appropriate measures to ensure the imposition of penal sanctions against persons who in relation to an armed conflict and contrary to the provisions of this protocol wilfully kill or cause serious injury to civilians, and to bring such persons to justice.

Our department has looked at this particular provision. We cannot see how you could implement the imposition of penal sanctions without legislation. The penal sanctions would have to be in relation to wilful killing or causing serious injury.

We believe that the present legislation covers this. For example, within Australia, we have the ordinary criminal law. It is not Commonwealth legislation; it is state and territory legislation. There are always measures to cover murder and grievous bodily harm or assault. There are different mechanisms in each state. The legislation covers adequately those actions taken within Australia because they are not specific to the type of weapons used; murder is murder irrespective of whether you use a weapon. So it would cover murder via landmines. It is the same with assault or grievous bodily harm. So we believe that the legislation within Australia is sufficient. There is also the Defence Force Discipline Act, which covers members of the Defence Force. Members of the Defence Force can also be tried under ordinary criminal law.

As far as measures taken abroad are concerned, we have had a look at the protocol. The requirement is to cover persons who are either on our territory—that is, within Australia—or subject to Australian jurisdiction and control. Not all Australian civilians abroad would be subject to Australian government control. Sometimes they would be, but most of them would not. One exception would be members of the Defence Force deployed abroad. They would be subject to our jurisdiction, although they are not within our

territory. We believe that the existing legislation covers that.

We have some acts with an extraterritorial reach that might cover things in certain situations. One is the Geneva Conventions Act. Section 7 of that act deals with a person who, in Australia or elsewhere, commits, aids, abets or procures the commission by another person of a grave breach of one of the Geneva Conventions. This would really be convention IV. That has an extraterritorial reach and covers acts within Australia. But it only covers grave breaches of the Geneva Conventions, which include wilful killing and injury. We do not believe that that would cover the field. The Geneva Conventions allow for the defence of military necessity. Protocol II does not have such an exemption. So it would cover some situations, but not all.

Other bits of legislation cover certain activities. An example is the Crimes (Foreign Incursions and Recruitment) Act, which proscribes and makes a criminal offence of engaging in a hostile activity in a foreign state. They are fairly specific. A lot of these acts cover specific activities abroad.

CHAIR—The bottom line is that, whilst the answer is really no at the moment, you are keeping it under review?

Dr Balkin—That is right. If we discovered any gap in the legislation, we would simply take steps to enact the necessary legislation by way of amendment of an act or the introduction of a new one.

Senator BOURNE—What are we doing at the UN at the moment? You mentioned that we were looking at the US resolution.

Mr Griffin—It is getting to crunch time, when the resolutions are starting to come out. The minister will be deciding in the next few days.

Senator BOURNE—In the next few days? I should have mentioned this to him.

Mr Griffin—Action begins on the resolutions on 8 November. They will have to be tabled and ready for voting or adoption by other means by that date. On landmines, there is a Swedish draft resolution that concentrates on the Inhumane Weapons Convention. We have tried to inject into that some additional language calling for the early ratification of Protocol II. We are also calling on countries to not take up the nine-year deferral option, which is an unfortunate element of the new protocol. We have co-sponsored that, and it should go through by consensus.

There is the standard annual resolution on assistance with de-mining which is being run by the EU—Ireland has the EU presidency this year. That also should be consensus, and we co-sponsored that as well.

As announced by President Clinton in May, there is a US draft resolution, which is the first time that a resolution has been put on the table in New York, actually calling on states to stand up and be counted behind the notion of negotiating a global ban. It is in very general terms because it is meant to maximise support. It is not yet in its final form, as far as I know, but we will certainly be looking very favourably at that. It is meant to be an important benchmark of international support for the question of a global ban.

Senator BOURNE—Yes, exactly. That is more than has been done in the past.

Mr Griffin—In the past there has been the annual resolution on de-mining and the US used to run a resolution solely on export moratoria, but following President Clinton's announcement in May they have moved onto this more elaborate resolution and folded export and other moratoria into it.

Senator BOURNE—Yes, so it is being stepped up.

Mr Griffin—Yes, there is visible momentum, and the Ottawa exercise was quite useful in that regard, demonstrating the gathering momentum on this issue.

CHAIR—Could you say something about the review and verification aspects of the protocol and, in particular, whether NGOs and/or non-state parties are going to be involved in those processes?

Mr Fox—The review processes apply to the convention as a whole and all of its protocols, not just particular facets of it. This last review conference agreed on a number of mechanisms, the first being to hold another review conference not later than the year 2001, so they have generally adopted a five-year timetable for review conferences. The other important mechanism is the annual meeting of states parties.

CHAIR—That is only states parties.

Mr Fox—Yes. Generally speaking, these meetings are open as well to observer states, states that are interested, states that have signed but not ratified. In the review process, of the numbers of states participating, half would be full states parties and half would be observers, countries that had signed. So there would be a balance of people inside and people outside the treaty.

CHAIR—And in that annual process, will Australia plan to have NGOs involved in that?

Mr Fox—We were unique in the review process in that we had an NGO representative on our delegation and I imagine it would be our intention to continue that tradition.

Senator BOURNE—That was Sister Patricia Pak Poy.

Mr Fox—Yes.

Mr Griffin—Who was also a member of our delegation in Ottawa.

Senator BOURNE—Yes, it is good the way we do it. It is really impressive.

Mr BARTLETT—What sort of assistance are we giving to other countries to help in de-mining operations?

Mr Buckley—Australia has been quite a generous supporter of de-mining programs and mine awareness and rehabilitation programs for a number of years. Last financial year we contributed in the order of \$7.4 million to five countries, if you include unexploded ordnances in that category. The total amount of money that we provided in the last five years was \$13.7 million. It has been steadily growing. Last year was our biggest year and we expect that to continue.

Mr BARTLETT—How does that compare with the contribution of other developed countries that have ratified this treaty?

Mr Buckley—There has been a general upswing in contributions from other countries. They are certainly following the same profile as Australia is following in that they are increasing as they go along. I can undertake to find out as much information as I can on other countries.

Mr BARTLETT—So you would conclude then that we are fulfilling our international obligations in that respect?

Mr Buckley—In terms of development and cooperation, certainly.

Mr TONY SMITH—There is a big difference between unexploded ordnance and antipersonnel mines. How much is expended on antipersonnel mines, of that figure of 7.4?

Mr Buckley—All of it is spent on antipersonnel mines except for a contribution to Laos where the minister agreed this year to provide \$900,000 over three years.

Mr TONY SMITH—For unexploded ordnance?

Mr Buckley—Yes. So it is \$300,000 a year.

CHAIR—What I am about to ask is probably classified but, in terms of stockholding of antipersonnel mines, are you able to say on the open record, in general terms if you want to, the extent to which those stockpiles exist and when will the

replenishment, if any, have to take place?

Ms Jackson—I am afraid the answer to the first question is classified for military operational reasons. We have no plans to replenish.

Col. Pearce—We are only too happy to advise what type of mines we have, the nature of them. The M14 blast antipersonnel mine is a small mine, about as big as a boot polish tin. The M16 jumping fragmentation mine has a very high metal content and when trodden on or tripped with a trip wire—if it is set up with a trip wire—leaps into the air and explodes and casts ball bearings, once again, out to a lethal radius of about 40 or 50 metres.

CHAIR—Will we see these types when we come to Moorebank?

Col. Pearce—Yes, you will. We only have a very old World War II vintage antitank mine of British origin. The mark 5 antitank mine is about the same size as a metal biscuit tin, but very old in technology. It is effective against light armoured vehicles but it would be quite ineffective against a modern tank, for example.

Senator BOURNE—We do not expect any modern tanks to land in Australia in the near future; do we?

Col. Pearce—Hopefully not, no. But, of course, the protocol does cover both antitank and antipersonnel mines.

CHAIR—Again, in terms of the transshipment with Protocol II, do the same principles apply?

Mr Gulbransen—Yes.

Senator BOURNE—Which countries are we helping with de-mining at the moment?

Ms Jackson—We are in Cambodia and Mozambique. We were for a long time in Afghanistan but that program is now finished.

Col. Pearce—We also made some contribution in Rwanda and Somalia while forces were there.

Senator BOURNE—Yes. At the moment, we are training locals, are we not?

Col. Pearce—We are training the trainers in Cambodia and Mozambique.

CHAIR—Is there anything with any country under DCP that involves the purchase

of landmines?

Ms Jackson—I am not aware of anything. Demining activities in Cambodia are actually under the DCP.

Senator BOURNE—But that is all right.

Ms Jackson—Yes.

CHAIR—I particularly wanted to know about Bougainville.

Ms Jackson—I am not aware of anything. It is not my geographic area.

CHAIR—Could you take that on notice and, if possible—it may not be for security reasons—give us a response. If it is not possible, please tell us.

Ms Jackson—Thank you.

Resolved (on motion by Mr Bartlett):

That this committee authorises publication of the evidence given before it this day.

Committee adjourned at 8.50 p.m.