



COMMONWEALTH OF AUSTRALIA

JOINT STANDING COMMITTEE ON TREATIES

Reference: Protocols II and IV to the Inhumane Weapons Convention

CANBERRA

Monday, 2 December 1996

OFFICIAL HANSARD REPORT

CANBERRA

JOINT STANDING COMMITTEE ON TREATIES

Members:

Mr Taylor (Chairman)
Mr McClelland (Deputy Chairman)

Senator Abetz	Mr Adams
Senator Bourne	Mr Bartlett
Senator Carr	Mr Laurie Ferguson
Senator Denman	Mr Hardgrave
Senator Ellison	Mr Tony Smith
Senator Neal	Mr Truss
Senator O'Chee	Mr Tuckey

For inquiry into and report on:

Protocols II and IV to the Inhumane Weapons Convention.

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Present

Mr Taylor (Chair)

Senator Abetz

Mr Bartlett

Mr Laurie Ferguson

Mr Tony Smith

The committee met at 9.06 a.m.

Mr Taylor took the chair

CHAIR—Ladies and gentlemen, I welcome you all to this public hearing into the so-called Protocol II to the Inhumane Weapons Convention. It is one of a number of treaties tabled in both houses on 15 and 29 October. Later on today I will be tabling the result of those inquiries, with the exception of Protocol II and Protocol IV, which deals with blinding laser weapons.

This morning we are going to deal with Protocol II specifically in terms of landmines. It would be fair to say that a consensus exists right across the nation in relation to landmines. My government took initiatives, very early this year, to at least move down the right path. I hope you agree with me on that. Undoubtedly, as we will hear in evidence, you would like to see us move a lot further and a lot faster. Nevertheless, we have to walk before we can run.

We are here this morning to take evidence from you as members of non-government organisations with a particular interest in the landmine issue. We thank you for your time and the effort that you have undoubtedly put into preparing to give evidence. I should tell you that tomorrow morning, at the scheduled meeting of the committee, we will be taking evidence from Dr Maley of the Defence Force Academy and from Mr Austin of the Commonwealth secretariat. On Friday, a number of us will be visiting the Moorebank school of army engineering to have a look at the situation on the ground. As I have indicated to the Minister for Foreign Affairs, we expect to table our report on protocols II and IV very early in the first session next year. We thank you for being here.

BOAS, Mr Gideon John, International Humanitarian Law Officer, Australian Red Cross, 159 Clarence Street, Sydney, New South Wales 2000

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CHAIR—I invite those who would like to make a short opening statement to do so.

Ms Hunt—I will make one on behalf of the ACFOA agencies present. First of all, we would like to acknowledge that there has been a shift in the government's policy position on landmines—that is, the operational suspension. We will say something more about that in a moment. We also acknowledge the active participation of the Australian government in the whole review process.

As you hinted, we would like to see the government go further. We would like to see the government adopt a ban on any use of antipersonnel landmines, with the exception of their use for mine clearance training. We would suggest that, for that purpose and that purpose alone, they should be using mines which are based on the new technologies only. In that case they need to abolish the existing stockpile.

You mentioned that at this hearing today you are not considering Protocol IV, but we would like to mention that we would like to see Protocol IV ratified as well. We certainly urge the government to go ahead and ratify Protocol II. But we do think that this is just a first step. We do not want the government to lose sight of the long-term goal, which is still a total ban. As you said, it is very widely supported within the Australian community. There were over 300,000 signatures last year from people all around Australia supporting a total ban. This is certainly what the Australian community wants very, very strongly and it is also what ACFOA member agencies, and also their partners in the field, want.

I am sure we do not have to really remind you why that is. There is an

overwhelming presence of landmines in many of the countries in which our member agencies work—and Austcare and Caritas are here today. That has a devastating impact, not only for the victim and their family and the community, but for the land on which the community depends for sustenance, on livestock, on water supplies and on physical infrastructure. In fact, on the whole economy it has a devastating effect. They are, in many countries, the single greatest impediment to development. Eric Ellem might later want to talk about the impact of landmines for refugees, displaced people and the like as well.

On Protocol II, specifically, you will be aware that among the many people in the international campaign who want to ban landmines, there is some reluctance in their support for this amended document. We acknowledge that it is the only international legal instrument on the table at the moment. It is a stronger version than its predecessor but it is far from adequate. We would strongly urge the government to very actively participate in the Canadian initiative to co-sponsor the general assembly resolution calling for the total ban, to consider working with other governments in this region to hold a regional conference in this region in the near future and also to continue, and indeed to strengthen, its support for landmine clearance, landmine awareness and victim assistance.

On the Australian stockpiles and uses of antipersonnel landmines under the protocol, again we are unhappy about the situation where the government has announced that it may use antipersonnel landmines if circumstances change. We do not think that is an adequate position. We also note that existing stockpiles do not have all the required metal content or the necessary selfdestruct mechanisms to comply with the amended protocol.

We would just like to really reiterate that antipersonnel landmines are indiscriminate weapons. Whether or not they selfdestruct or are detectable or are mapped or are marked, they carry the same danger for civilians and their livelihoods. They absolutely should be totally banned because that is, in fact, the only outcome which can be truly verified.

Finally, I would just mention that, in relation to Protocol IV, a number of our member agencies work specifically on blindness issues in relation to development. I would specifically mention Christian Blind Mission International, which is a very large organisation, both in Australia and internationally. They are very strongly opposing any possibility of blinding laser weapons being able to be developed. So they are supporting very strongly Protocol IV, and we would support them in that.

CHAIR—Thank you.

Ms Hoyt—May I also make a small statement. The ICRC is pleased to have the opportunity to support Australia in its intention to ratify Protocol IV and amended Protocol II of the Inhumane Weapons Convention. Firstly, on Protocol IV, banning the use and transfer of blinding laser weapons: the ICRC worked hard to promote this new

protocol and welcomes it as a landmark achievement for international humanitarian law. This is the first time since exploding bullets were prohibited in 1868 that a weapon has been banned as a preventative measure before it has been used on the battlefield to tragic effect. Disappointingly, however, the scope does not extend to internal conflicts and the ICRC is encouraging all states to declare when adhering to the protocol that they consider it to apply at all times.

On amended Protocol II, the landmines protocol: while encouraging ratification, the ICRC's enthusiasm is necessarily muted. The increased restrictions are welcome but we consider this protocol to still be woefully inadequate. Positive measures include extension to non-international conflicts, clear assignment of responsibility for mine clearance to those who lay them, improved recording requirements and improved protection for humanitarian workers. However, the limitations in this protocol on the use of landmines are very modest. Regulations covering detectability and selfdestruction are weak and overly complex and there is an extended phase-in period.

Furthermore, the ICRC is concerned that measures have been adopted which will implicitly promote the use of a new generation of mines, the so-called smart mines, which will have virtually the same effects, at least in the short term. Dealing daily with the victims, we are necessarily impatient to push on towards a total ban. Every day Red Cross nurses and doctors have to face patients writhing in pain from mangled limbs. If a person steps on a landmine his or her foot or leg is blown off; the force of the blast drives the earth, the vaporised mine case and portions of the victim's shoe and foot upward and into the tissues of the other leg, the body and sometimes even the eyes. Even if the wounded person is lucky enough to have appropriate care, they face severe disability with all the social, psychological and economic implications of being an amputee. Would not most people describe this injury as superfluous and excessive to military need?

It is this simple perspective that leads us to argue that, important though it is, ratification of Protocol II can only be a step along the way. The goal must be the total stigmatisation and elimination of antipersonnel mines. The action plan outlined at the recent Ottawa conference points the way for the concerted effort required and, as part of this effort, we very much welcome the Canadian initiative to put forward a new treaty for signing at the end of 1997 banning antipersonnel mines. If a critical mass of ban-supporting countries join in this treaty, it can be hoped that this is one way in which the momentum towards a ban will be spread.

CHAIR—Thank you.

Mr Ellem—Supporting the two previous speakers, I would just like to add the personal aspect of the effect of the landmines. We are working with our partners in Mozambique and Cambodia and we have had first-hand experience of the effect of the landmines and the work that is needed. With limited funds, that is taking away from the general development of those countries because of the amount of resources that have to be

put into the landmine clearance and also then the treatment and rehabilitation of people who have been affected by landmines.

I was in Vietnam last year, I think, or the year before, and I understand that in the area around the demilitarised zone in central Vietnam last year there were about 70-odd people killed from unexploded landmines that go back 20 years. I think that is just an indication that we are looking 20 years down the track or more at the effect of these things. We have had numerous calls for assistance to Afghanistan, Angola; but unfortunately we have not got the resources to put into those. If we are going to send refugees back—and the goal is to get people to return to their country after the ceasing of hostilities—unless we can give them some sort of security to return to their homes in safety, then that is going to put back quite a bit of the work that is being done. Because of our involvement, we do support the total ban of landmines and we see this as only the first step towards that goal.

CHAIR—Thank you.

Mr Halloran—I would just like to pick up on a point made by my colleague from Austcare. I witnessed a report just recently where people are still finding mines from the Second World War in a number of countries, so they hang around for a long time. Caritas and its partners, Caritas Mozambique and Caritas Cambodia, support a total ban. Like Austcare, we are involved in those countries with our partners but we are unable to go ahead with development activities because of the presence still of mines and the effect of mines.

We support a total ban. However, at the same time we appreciate the moves, as Janet said earlier, by the Australian government towards a total ban and we too acknowledge the shift in policy. We also note your comments, Mr Chairman, about the concerns in Australia and we feel that that was borne out last year by the 240,000 petitions that were put to the government at the time in support of a total ban. We are prepared to support the signing of Protocol II but as a first step because we have a view that there are a number of shortcomings in that document. We hope that Australia will take a lead in pointing out those shortcomings and we hope it will move eventually towards achieving a total ban.

We also are aware of the impact of mines on people, on the development of agriculture and on development generally. Handicapped as they are, they restrict people from returning to their own lands and taking up their lives as formerly. We would also stress that landmines are indiscriminate, they do not pick and choose whose leg they blow off. I do not know whether they have blown any legs of parliamentarians over the years but I am sure they do not discriminate.

We are also very supportive of the support given by the Australian government to demining activities and the training of deminers, a very dangerous occupation. However,

we feel there is an inconsistency between setting aside funds for that activity and more or less allowing mines to be made and laid around the globe. That seems to us to be a little bit inconsistent. Thank you.

CHAIR—Thank you very much. Just before we ask a few questions may I make a couple of comments. I can give you every assurance that the present government is moving down the path that you are suggesting albeit, as I indicated in my opening comments, not as fast as most would want. Today we are dealing with this particular protocol, and I will deal just with Protocol II in terms of the landmines.

I thank you for your comments on Protocol IV. It is an opportunity to enter into some sort of treaty arrangement, convention, protocol arrangement which pre-empt, as I think Red Cross indicated, before the thing has been developed because there is not really a weapon and it is an initiative that we should all welcome.

In terms of the landmine situation, when the two ministers for Foreign Affairs and Defence announced the government's policy intentions back in April, I was in Istanbul leading an Interparliamentary Union delegation. In fact, Australia was to the fore in relation to that initiative. I was able, thankfully, to announce the initiative by the Australian government on the floor of that plenary session and I was able to support, unfortunately unsuccessfully because of another broader resolution in relation to terrorism around the globe, a United Kingdom initiative which was also supported by Austria, Sweden, Canada and a number of other countries.

We are in the vanguard of initiatives in this area but there are a few things that have to be done before we get to the stage of totally endorsing what the Canadians are hoping to put before the General Assembly. I am sure that the present government is working to that end. Nevertheless, and I repeat what I said in my opening remarks, we have to walk before we can run. It is an unfortunate pun when you are dealing with landmines, but that is part of the human tragedy that exists around the globe.

Specifically, in relation to the Protocol II framework, are there any initiatives that you would see Australia taking within the framework of that protocol, to move down the path that you are suggesting? Would anybody like to make a comment about that? What other initiatives could Australia—unilaterally or in conjunction with other states—take in the context of that framework?

Mr Boas—Two obvious points come to mind. One is that Australia does not utilise the nine-year integration period to move towards new mine technologies which are self-destructive and self-deactivating, as required by the amended protocol. The other point is obviously to encourage its regional neighbours to adhere to the convention itself and, of course, the amended protocol too. That is probably the main thing Australia can do under amended Protocol II.

CHAIR—Are there any of our regional neighbours who need to be criticised for their attitude in relation to landmines? It is a subject that is very much on the public agenda, and I think it is appropriate that in this sort of hearing we should hear your views, irrespective of the diplomatic niceties of that consideration.

Mr Halloran—I have a problem with the word ‘criticise’. It seems to me that, in the case of one particular country, criticising is not particularly helpful. It seems to me that we could influence our neighbours to take a more positive attitude and perhaps a more supportive attitude. And we could encourage support, rather than be critical of them: that would be a line that I would be keen about.

Ms Hunt—There could be a number of initiatives. Firstly, one would be with ASEAN. I do not think all the ASEANS are in fact signatories, so it would be helpful to get them all signed up. Secondly, the three major countries regionally who are strongest in their opposition towards a total ban are China, India and Pakistan, and so bilateral discussions with each of those countries would be extremely important. Fairly active bilateral discussions might, I realise, be difficult with China at the moment; but we could start with India and Pakistan, perhaps. I would support what Gideon said; and, otherwise, those are the main things that Australia could do.

Ms Hoyt—Perhaps I could also mention something that has already been raised in some of your former hearings. There is an initiative, which I believe the Australian government has already expressed interest in, to hold a conference in our near region in 1997. The ICRC has put forward plans for various conferences in regional areas, one being in Asia and another in the Pacific, but there is a plan under way to have a conference held in Manilla in 1997. As I said, there have already been talks with the Australian government on this; but we should include these areas—in particular, the South-East Asian region—in discussions on the progress towards a ban, particularly looking at the question of the military versus the humanitarian argument. I believe that it is foreshadowed that there would be an emphasis on military and strategic circles being invited to this conference.

Mr LAURIE FERGUSON—Initially, just for my own parochial interest, because I am getting a few phone calls on this, has Canada, besides adopting their negotiating position, also unilaterally done other things?

Mr Boas—Yes. They have declared a unilateral ban, which includes the destruction of stockpiles, which is a step further than the position that the Australian government has expressed.

Mr LAURIE FERGUSON—Right. There is reference to internal conflicts; apparently there are provisions that they are not covered. You might not know this but who has led the thrust against that, in negotiations?

Ms Hoyt—This was only Protocol IV, yes.

Mr LAURIE FERGUSON—Do you know much about that anyway?

Ms Hoyt—I believe that, in the case of Protocol IV, in the initial negotiations there was general agreement on the fact that this should be extended to internal conflicts as well as international conflicts, but at the final stage one country, on the basis of principle, the general principle of sovereignty—

Mr LAURIE FERGUSON—Who was that?

Ms Hoyt—Was unable to go along with that. I believe that was India.

Mr LAURIE FERGUSON—I think it was you who talked about the too technical nature of decommissioning, I think that was the phrase you used. Do you want to develop that a bit more; what the problems are that you see?

Ms Hoyt—You might be referring in particular to the question relating to, as it were, the new generation of mines that they describe as ‘smart’ mines. These are the mines that are either self-destructing or self-deactivating or self-neutralising. The ICRC is not satisfied that this technology is sufficiently advanced and reliable and we are very much of the view that initiating a whole new generation, if you like, of landmines has disadvantages as well as advantages, given that there is still a failure rate, and no doubt always will be, in this new mine technology. We feel that it in no way solves the problem.

Mr LAURIE FERGUSON—I could be wrong, but it does not sound like the point you made on the way through. I thought your phrase was something to do with the actual process of decommissioning being too technical in the agreement. That does not quite sound like the same point.

Ms Hoyt—It may be that you are also considering that what we were saying is that the restrictions and regulations that cover the implementation, the phase-in period and the nature of this new technology are complex and, as with the protocol as a whole, verification remains an outstanding problem.

Mr LAURIE FERGUSON—And, finally, which ASEAN countries specifically are not quite keen on this matter?

Ms Hunt—I would have to go back to the list of those that have ratified, but I am pretty sure they have not all done so.

Mr LAURIE FERGUSON—Thank you.

Mr Boas—Perhaps if I could just make a further point on the point raised by

Shaun in relation to the development of new technology. As Shaun mentioned, the ICRC is concerned, as is the Australian Red Cross, that the technologies are not there to match the technical requirements under the amended protocol. And also, there is a concern which I believe was raised during the review conferences leading up to the amended protocol: that to implement requirements and develop new mine technologies would require governments to spend massive amounts of money on the production of new mines and then to come back five years later at a review conference and ask them to wipe out all stockpiles whatsoever would be a disincentive for them to move ahead towards that goal. And that is part of the reason why we are strongly supportive of moving towards a total ban at the soonest possible time.

Ms Hunt—Sister Pak Poy has just told me that none, except Malaysia and the Philippines, are actually signatories. I thought two or three were.

Mr BARTLETT—How realistic is it to think that we will ever get to the point of a total ban? I know that is what is desirable, but is that realistic? Ms Hoyt, you mentioned a critical mass, in your introductory comments. How many countries do you see as being necessary to achieve that critical mass before we can actually start to place effective pressure on the other countries to comply?

Ms Hoyt—It is obviously a hard question to pinpoint, but perhaps it is worth saying that a mere few years ago there were very few countries that had openly declared themselves in favour of a general ban. As of a couple of months ago, I believe the figure that we had was 43 states who had supported the notion of a total ban. I think the figure is 50 states that were party to the Ottawa Declaration. So we feel that, if you look over the course of just a few short years, the momentum has actually been extraordinary and I have to say the ICC feels extremely optimistic about it. We had not anticipated that things would move at this pace. The Ottawa conference itself clearly had a significant impact on the number of states that were prepared to show their hand as ban supporting states. Even in that short period of time, between the holding of the Ottawa conference and the end of the review of the convention earlier in the year, a significant number of states moved forward, including, I should add, Australia.

Mr BARTLETT—The momentum is accelerating, then. It would seem to me that one problem is that, given the pressures of national defence and the desperation that some countries would face in that position, so long as there is one country in the world that is still willing to produce and export landmines, then other countries under dire situations would be willing to purchase them.

Mr Boas—It becomes more difficult, is the main point. The more countries that support a total ban—and this is one of the important aspects of this protocol on the actual transfer, as well as production and transfer of landmines—the more difficult it makes it to actually import new mines. You can do it through the black market but obviously you cannot do it in the kind of numbers that you can do it if it is perfectly allowable and legal

under international laws.

Mr BARTLETT—Do you think we would ever get to the point that there would be effective means of coercion in addition to moral persuasion, if you had enough members who had ratified the treaty?

Mr Boas—If you look at the chemical weapons convention there is some evidence of success in that area. It took from 1925 to 1993 to achieve a ban on transfer and verification procedures. The normative influence of the international community, including some of the conduct of the security council in relation to various usages, or alleged usages, of chemical weapons shows that there can be a normative influence at the international level, as well as enforcement procedures undertaken by the security council where required.

Senator ABETZ—This question may have been asked, but Digger James is of the view that our stockpile in fact ought to be kept in the event of self-defence—if we had our backs against the wall, we are a large island et cetera—so there is some commonsense in retaining our stockpile. What is the response to that?

Mr Boas—There is a military utility study which was commissioned by the International Committee of the Red Cross, which has the broad support of a number of current serving military officers as well as retired military officers, including Norman Schwarzkopf. The study concluded that there was no circumstance in the usage of landmines known in history where landmines have actually stopped the advance of an army, that there are other alternatives to the usage of landmines and that, indeed, the humanitarian devastation caused by landmines far outweighs military utility. So it would be suggested that to move towards a destruction of our own stockpiles, which is consistent with the action of a number of major states around the world, would not be disadvantageous to our military position.

Ms Hunt—And failure to destroy our stockpiles would indicate that we were still willing to use antipersonnel landmines. We are arguing very strongly that there has to be a total ban; that, if there is any military utility, the humanitarian cost far outweighs any military utility, so we would argue that the stockpile does have to be destroyed. I think the point is this moral persuasion, the peer pressure argument, that if we still have a stockpile sitting there waiting that one day we might use it, it does not show a complete commitment to the goal of a total ban, and so it would mean that Australia would not have the same clout in the international community to bring pressure to bear on other states to actually support the total ban position.

Mr Halloran—That is a bit like the inconsistency I referred to after backing it both ways. In the Gulf War, the Iraqi's minefields did not stop the Americans coming through. So, with our coastline, it seems to me that you can easily come over the top of a

row of landmines.

Mr BARTLETT—Is there any estimate of the cost of replacement if we were to destroy our stockpile? Is there any estimate of the cost of replacing that stockpile with an alternative that is as effective?

Mr Boas—There is the difficulty of convincing the Australian defence force that there are suitable alternatives, and I should submit that there is some dispute about whether alternatives exist. The military utility studies suggest that there are, and that is published.

Mr BARTLETT—Does it suggest a cost?

Mr Boas—No, it does not, and it could not possibly. It would depend on each state, the stockpiles, the numbers in usage, how large its borders were and to what degree it would want to protect itself with other means.

Senator ABETZ—Can I just bounce back to what you were saying earlier, Gideon? Sure, we do not necessarily have proof that landmines provided the ultimate defence, but usually it is a mixture of defensive and attack weapons that provide the complete strategy. Just because you cannot say that landmines saved such and such a city, or such and such a country, of itself, is not necessarily an argument. What Second World War machine ultimately won the war? Was it machine guns, the air force, the navy, or the army? I would suggest to you that it was all of them put together and that you cannot just pinpoint one. It is similar with landmines, and that must make it more difficult. But can you foresee a time when, possibly, you might want to use it, terrible weapon though it is—

Mr Boas—There is no question that the use of landmines has been a successful form of self-defence and a defensive technique in combat in the past, and I do not think anybody disputes that. And, indeed, were it possible and were it the case that armies actually mapped the areas that they mined, and then removed the mines when they moved out, there would not be a problem. The reality is, and history has shown, as the statistics of 110 million landmines in the ground presently worldwide indicate, that armies do not lay landmines, map them, and then remove them when they move out. Indeed, the defence forces have the capabilities either to circumnavigate minefields, or to destroy them and move through them—and there are technologies available to the defence force to do that. The problem is that they walk away and leave them, and then people attempting to use arable land, to get access to their water and get on with their lives are then the victims.

Ms Hunt—I think that that is the key point. They are not like other weapons. They are indiscriminate, and they kill civilians long after the war is over. So that is the basis on which we find that even if one came down on the side—and I am not suggesting that ACFOA would—that there is military utility, it is so outweighed by the humanitarian cost

that one has to forgo that.

Senator ABETZ—Do you think that the Australian defence forces would use landmines in a different way than, let us say, they were used in Cambodia and in Bosnia and where the attitude of the warring factions to human life with the massacres, et cetera, seems to demonstrate a different approach? One would hope that the defence forces here might, in fact, map and be responsible.

Mr Boas—There is no suggestion that the Australian defence force has behaved irresponsibly in the past in relation to the usage and mapping of landmines. The point is that if you make them available and useable by one country, then all countries are going to use them. If you are going to achieve any effect upon the massive humanitarian disaster that these weapons of destruction have caused, there has to be a total ban. You cannot say that we use them responsibly, therefore, you cannot use them. If we use them and we use them legally, the Khmer Rouge can use them, and any dissident and a regular armed force can use them because they are readily available on the market. We have got to stop production, stockpiling and transfer. And that is a part of what this process is about.

CHAIR—Can I just come back to the question I asked before about initiatives within the umbrella of Protocol II? In Austcare's submission, there are suggestions of Australian initiatives in terms of the clearance of these. You made no mention of that as a response to my initial question. What can Australia do in terms of clearance to move it along?

Mr Ellem—The Australian government has provided a considerable amount of funding for landmine clearance. We are grateful for that. But there is a limit to the amount of money that you can supply for this landmine clearance. For example, in Mozambique, our partner agency is Norwegian People's Aid which has considerable resources from the Norwegian aid community. But it is a question of the numbers of mines and the slowness of clearing the land inch by inch virtually.

CHAIR—What I am getting at is, in the submission you talk about Australian inventors and the initiatives that can be provided to Australia. There is a lot of interest in that because Australia has become rather expert in the de-mining situation, albeit a drop in the ocean compared to what it is internationally. But what could government do to enhance that inventorship as far as Australia is concerned?

Mr Ellem—They could certainly support it. We are, at the moment, talking to a group of engineers who are trying to develop some sort of mine detection unit. If that is successful, we would be looking to AusAID to give us some financial support to develop that. I think then it would be taken up, if it is successful, by other governments. We would be looking to the Australian government to support the development of these detection units.

Mr BARTLETT—I notice that Australia has committed \$13 million since 1992. How do other countries compare with that commitment?

Ms Lee—I think that is reasonably generous. I cannot say what the total figures are. I have not got them in front of me, but we could certainly provide you with that information later on.

Ms Hunt—I think some of our hesitancy is that the mine clearance assistance that has been given is coming out of the aid budget and we are very concerned that the aid budget is a shrinking budget. There are many demands on that aid budget. Whilst we want to see mine clearance, mine awareness and victim assistance continue, we are probably hesitating a bit to argue for you to double or treble it, or anything like that, although the need is certainly there. That would mean other aspects of development assistance would have to suffer in a declining aid budget. It comes back to two things: can more of this be done through the Defence budget or through deploying Australian Defence Forces both in training as well as in mine awareness work? That would enable Australia to play a larger role in this, which we clearly can play—we have certainly got the ability to play it—without having to trade off one form of development assistance for another. That is something that we are reluctant to do at the moment given the current very low level of Australian assistance. But I think Mr Ellem has made the point about assisting in trying to develop better mine clearance technology because the process is so dreadfully slow and dangerous still that any application of Australian expertise to improving mine clearance technology would be a major contribution.

CHAIR—You talk about total destruction of the Australian stockpile. Surely if Australia is to continue to make a meaningful contribution in this area, at the very least, we have to maintain a training stockpile.

Ms Hunt—Yes.

CHAIR—You do not have any difficulty with that, do you?

Ms Hunt—No, I do not.

CHAIR—It is just the bulk stockpile that you are referring to?

Ms Hunt—Yes.

CHAIR—I think that is really enough. We understand what you are saying and I am sure others will be making the same points. Is there any final point that you would like to make before we move on?

Ms Hunt—I would just like to reinforce what the Red Cross has said about the way in which landmines are used. Even if Australian use were absolutely within all

international law, I do not think that is the point. The point is that, overwhelmingly, landmine use is not within that framework. Unless we forgo the use of antipersonnel landmines, we will not be able to develop the sort of moral force that is required internationally to prevent other countries using these weapons and they do not use them within the rules. I think that has to be said very strongly.

CHAIR—Thank you. Does anybody else have a final point?

Ms Hoyt—If I can just briefly pick up on Janet's last point, the question of moral force perhaps goes very much to the issue of a total ban, how achievable that is and how enforceable that is. What we feel is that overwhelmingly what is needed is a stigmatisation of landmines so that it becomes internationally unacceptable—if you like, morally unacceptable—to use them. Perhaps it is that focus which explains why we see the immediate push towards a ban as the only useful way to go, whether or not that ban initially encompasses all countries.

Mr Ellem—One final point I would like to make is that I think the pressure should be put on the countries that manufacture landmines more than those that use them, because if they are not available they cannot be used.

Mr Boas—We strongly recommend that the Australian government becomes strongly involved in the Brussels process, which is a scheduled meeting for June next year, and actively engage in the drafting process towards Ottawa in December next year.

CHAIR—And the March one in Japan, so in both March and June of next year Australia should become heavily involved?

Mr Boas—Yes.

CHAIR—Thank you very much for your evidence.

[9.54 a.m.]

BUCKLEY, Dr Ian Kenneth, ACT Coordinator, Medical Association for Prevention of War, c/- 56 Arthur Circle, Forrest, Australian Capital Territory 2603

WAREHAM, Dr Susan Jane, Vice-President, Medical Association for Prevention of War (Australia), 215 Brougham Place, North Adelaide, South Australia 5006

PAK POY, Sister Patricia Geraldine, National Coordinator, Australian Network, International Campaign to Ban Landmines, GPO Box 9830, Adelaide, South Australia 5001

CHAIR—Welcome. Is there anything you would like to add about the capacity in which you appear?

Dr Buckley—I am also the coordinator for the ACT Division of the Australian International Campaign to Ban Landmines.

Dr Wareham—I am also a regional vice-president of International Physicians for the Prevention of Nuclear War.

Sister Pak Poy—My personal association is with the Mercy and Jesuit Refugee Services.

CHAIR—Would you like to show the five-minute video first, before we go into the segment together? Are you happy with that? The five minutes is general?

Sister Pak Poy—It is general, yes.

CHAIR—Let us do that first.

A video was then shown—

CHAIR—Dr Buckley, would you like to make a short opening statement?

Dr Buckley—Do you want to hear about the association first or do you want the statement? I did not know whether you would want an explanation of what we, as an association, were all about.

Senator ABETZ—You could put it into context, if you could.

CHAIR—The name Medical Association for the Prevention of War may be reasonably self-explanatory, but you could just quickly run through that, if you would.

Dr Wareham—It is an organisation of approximately 400 medical practitioners throughout Australia and was formed in 1981 primarily to work for the abolition of all nuclear weapons. However, while we see that as an essential goal still, we also realise that the elimination of nuclear weapons is not going to protect civilian populations from other threats of large scale destruction, such as landmines and other weapons. We work for non-military approaches to conflict resolution. We work for a reduction in the trade in so-called conventional weapons. We are affiliated with International Physicians for the Prevention of Nuclear War which, in spite of its name, shares our broad goals and objectives and also works on this topic.

CHAIR—Thank you, that is fine.

Dr Buckley—I just thought if we got out of sync on that we might never get back to give you an explanation. I will try to be as brief as I can with the opening statement. As most would agree, the present worldwide trading in and deployment of antipersonnel landmines, which cause death or hideous injury to a man, woman or child every 20 minutes, is an utterly abhorrent situation that any civilised nation will do its utmost to stop. As medical people we can, if you wish, illustrate the medical effects of landmine injuries but, at this stage, we would like to concentrate our remarks on international moves to solve the problem. One aspect of this is Australia's important role in the clearance of the world's presently deployed 100 million mines which, at present rates of clearance of 150,000 or less a year, will take several hundred years and cost in the order of \$33 billion.

Notwithstanding the importance of those efforts, it is easy to see that unless the five million new deployments which occur each year from commercial pressure to sell are stopped, then the problem can only get rapidly worse. So, despite the manufacturers' arguments for regulations which permit production to continue, it seems altogether vital that antipersonnel mines be stigmatised as totally unacceptable items of commerce. If we accept that viewpoint, fortunately there is already in international law a firm foundation of support. That is because, by their very victim-activation design, they can never distinguish between soldier or civilian, friend or foe, adult or child. Thus they are totally indiscriminate weapons and, as such, are totally prohibited under existing customary international humanitarian law to all states, irrespective of those states' treaty commitments.

So regarded, the antipersonnel landmine is not the sort of weapon which deserves to be regulated; it is one which should be done away with, relegated to the horror history books. Accordingly, the role of Australia and other nations which sincerely wish to solve the problem must be not only to redefine their own military practices but, through their promotion of appropriate international treaty agreements, to support and strengthen existing international humanitarian law. In that regard, since Australia is a state party to the amended second Protocol, it may seem appropriate that it ratify this agreement. However, we trust that this committee and the government are aware of the gross inadequacies of the amended protocol—inadequacies long noted by the ICRC, the UN

Secretary-General and UN agencies like UNICEF, DHA and UNHCR, as well as by many other NGOs.

What is most objectionable and totally inappropriate is that the new protocol actually promotes the continued use of antipersonnel landmines. Firstly, it encourages nations to use a new product line—that is, mines that self-destruct, self-inactivate and are detectable. It even provides that these new products may be aerially scattered, as we saw in the video. But, at the same time, it permits nations to continue to produce, sell, export and deploy as many long-lasting mines as they please, providing only that they and any non-state party they happen to be exporting to promise to follow certain rules for their deployment. All this, with nine-year deferment options and military exigency escape provisions that I am sure you are aware of as you have read the protocol. So all in all, the amended second Protocol, even when it takes effect in two years or so, holds out no hope for current and future victims of landmine attack.

However, as you are aware, Australia actively participated in October's Ottawa conference, the Canadian initiative aimed at total prohibition—a rapidly growing movement already having 50 nations behind it which, because of its humanitarian rather than trade orientation, has exciting prospects of success. It is most encouraging that this movement incorporates UN agencies and other NGOs as well as governments and that its unanimous final declaration concluded with a commitment to ensure the earliest possible legally binding international agreement to ban antipersonnel mines. MAPW wholeheartedly supports Australia's continued active involvement in this movement, including its participation in the follow-up conference in June in Belgium and especially the conference being hosted by Canada in December next year to consider the terms of an international treaty.

With regard to these terms, we would make the plea that to ensure full effectiveness the treaty should prohibit antipersonnel mine production, stockpiling, sale, transfer and deployment, and that it should provide for registers of current production plants—offshore as well as domestic—and of current stockpiles, for inspections, and sanctions in the event of breaches. Finally, we hope that there will be requirements that the manufacturers and national governments responsible for the 100 million mines presently deployed around the world will be obliged under the treaty to assist in and bear the cost of mine clearance. That is something that has not happened to date.

CHAIR—Thank you very much. Sister Pak Poy, would you like to make an opening statement at this stage?

Sister Pak Poy—If that does not cut across—

CHAIR—I think the two are complementary.

Sister Pak Poy—I have passed out a written submission which may be helpful to

you and I will speak to it. Included in that is a list of the organisations participating in the network. It is a wide range of humanitarian aid agencies, refugee groups, ethnic communities, churches, church groups, service groups, students, workers, the young and the old, and this is what has given the political will to the people to move on this call for a ban. The network is also part of the International Campaign to Ban Landmines. I want to establish that fact because we are part the movement that was referred to earlier as generating some of the momentum for a total ban and a global one.

With the International Campaign, the network calls for the total ban on the production, stockpiling, transfer and use of antipersonnel landmines. The Australian Network also calls on Australia to give generously to mine clearance and to programs for the assistance of victims. It acknowledges the development of the policy of the Australian government particularly after the policy review. It notes, however, that we still have the suspension of operational use except in extreme circumstances. I would like to say that the Network of course wants that suspension to be permanent.

The United Nations work for the amended protocol was a very long process, of two years, and I think you could add at least 14 weeks of discussions in conference. We have an amended protocol which does not give much joy to the people like the girl we saw in the video or to our friends like Asmun, Tun Channareth and Sok—people who are really having to live with this problem. I must say that whereas before we were disappointed, now there is a growing tendency for us to be outraged that the governments of this world cannot come to an agreement to put a stop to the kind of carnage we are seeing and the use of weapons that are unnecessarily cruel—and getting more and more sophisticatedly cruel into the bargain—and they are really not wanting to step out of the spiral of violence which this generates. As the amputee Tun Channareth said, this could be done so simply: we just have to stop using and stop making them.

I wish to speak about the two protocols. Though I know this hearing is on the landmines protocol, I would like to mention that Protocol IV, with its significance in banning a weapon before it is actually brought into production, should be ratified. The flaw is in its ambiguity in definition. They are talking about the production of weapons that are specifically designed to cause permanent blindness to unenhanced vision and I think that kind of very technical definition has got some room for interpretation and, therefore, for loopholes. There is another weakness in that we have no strict verification mechanism in that protocol. Nevertheless, it does put controls on blinding weapons and the use of blinding as a method of war, and so we would want to have this protocol ratified. A decisive step was taken to ban, but there was not such a decisive step for Protocol II.

We have heard about all the gains in the Amended Protocol, and I do want to acknowledge those. The protocol itself does give us tighter restrictions. It gives us better standards for mines, in that we want them to be detectable so that you can remove them. We want to put in some mechanisms to say that, once they are down, they need to be

removed. However, there are gross loopholes that render the protocol unsatisfactory in the long term, and it is this that has pushed many of the nations that favour a ban to go for a less rigid forum, as Canada has.

I would like to state those loopholes again, because my intention would be to say that we have really got to reconsider this and to move more quickly as a state and as state parties to the convention. The loopholes would be the nine-year deferral period for introducing the standards, and the ambiguous definition of mines. Because a mine is a weapon designed primarily to cause injuries, when you insert the word 'primarily' you leave all kinds of loopholes for secondary effects, and we really need to be looking at the effects. There are dubious exceptions, such as when we are talking about remotely delivered mines. The exception there is for anything under 500 metres, half a kilometre, and that is a fair way.

Another loophole is that there are conditions for marking fields and for the protection of the personnel of humanitarian organisations and so on, but we do find the phrase 'if feasible' in those conditions. I know that that has to be in and that we do have to make conditions, but the feasibility condition does tend to make the provisions weaker. The verification mechanism is weak, but it does at least call for consultations and an annual review. But even these exchanges of information may not give us many better controls or transparency; and, while penal sanctions are introduced, they are undetermined. So that is a bit of a problem, and it has implications for any attempt at litigation. However, in spite of all of that, we must say that, even with our dissatisfaction, we recognise that the UN instruments are agreements which are legally binding and, therefore, we would support the ratification.

If I may, I would like to make a comment on Australia's position here. The government policy has developed over the last two years. We have gone from a strong claim that these weapons are legitimate weapons of defence and that they are too efficient and too militarily useful to be taken out of our arsenal, and we have moved from there through the review to strong support for a total and global ban, albeit with a condition. This reservation, however, makes our position a compromise position and gives expression to the ambivalence which we have felt from government, but certainly not from the non-government campaigns.

There is within this position an internal contradiction in the reservation of the right to use, and I think that that is based on the premise that these weapons are still legitimate. The Geneva Conventions of 1949 and the additional protocols of 1977 certainly prohibit the use of weapons that cause superfluous injury and unnecessary suffering. They have indiscriminate effects, and I feel we will not need to go into any further detail about that. There is also a strong body of military opinion that holds that these weapons are not really as tactically or strategically useful as was believed earlier. I referred earlier to the open letter to President Clinton from the 14 generals and the study commissioned by the ICRC, as well as other studies done by the strategic analysis department in the United States.

What we are wanting now is to go beyond the discussion of all the technical points, to look also to the humanitarian effects which, I think, need to be the basis of the judgments that we make. We are talking here not about just one country, but 62 countries, and when we look at the global situation we want to take an ethical and principled stance on this. The APMs are indiscriminate and are used indiscriminately, and the human cost is disproportionate to the military gain.

Australia has taken a strong position in diplomatic negotiations preparatory to the review and even at the review itself. The coalition government's policy announced just prior to the review was welcomed by the Australian people and a petition of 243,000 signatures is one of the largest that we have presented to parliament, even though it was recognised that the compromise was still there.

Now, I think, events have overtaken us and the accusation of hypocrisy will stay until the Australian government, with the support of all parties—because I believe that this is not a partisan issue—moves for the total and unconditional global ban and, having called for it, moves in with some kind of action. We would be wanting to see that it matches the rhetoric with some actions, such as renunciation of the use of these weapons and a reduction in the stockpile not needed for training.

The Canadian initiative is for a second track of discussions and a less rigid forum. The NGO community would applaud that initiative and believes that it does give some promise to hastening the time for a total ban. We would want Australia to be in there working on the process because that has not yet been determined, though a draft of a possible treaty is being done. While we refrain because of the uncertainty of conditions, we have no capacity then to actually shape any of the processes.

There has also been a suggestion that the issue of landmines be put on the agenda of the Conference of Disarmament. The international campaign would want to say that that is all right, but we would not want the issue to be caught up into some of the CD processes because they are slow and the discussions can be confined to only the member parties.

As far as the region is concerned, I think that Australia has the potential and capacity to be a catalyst in this region. The Asia Pacific region has been under-represented in all the UN meetings and in Canada, and without a strong unequivocal commitment to a ban, we will not exercise that leadership. There needs to be universal accession, or as high a degree as we can get for the convention and the protocol. It may be that a new protocol would have been a more efficient way to go for a ban; however, this is what we have got, and this is what we will work with. For the long term, in order to make the ban a short-term thing, we want to urge the government to ratify these two protocols, but to see that ratification as only a step towards the movement for a total ban. We would also urge, if I may put it on record, a further review of the government's reservation of the right to use antipersonnel landmines and the premise on which that reservation is based.

We would urge the government to engage actively in participation in the process of the treaty as proposed by Canada; to honour the Ottawa Declaration, for example, and a reduction of a stockpile of antipersonnel mines; to act to honour the policy commitment to further the cause of a total ban in the region, and to have continued support for mine clearance and the assistance of the victims of landmines.

CHAIR—Thank you very much. Just before we discuss Protocol II in a little more detail, Dr Wareham, in terms of Protocol IV, did you have any comment to make? It is a potentially medically damaging issue. Do you have a comment on IV before we get onto II?

Dr Wareham—Dr Buckley might in a moment. I would say we may not have detailed comment, but we would certainly absolutely favour a ban on laser weapons. There is no doubt about that.

Dr Buckley—I think it should be supported, certainly. But it is weak in some areas. I believe it does not deal with the development of those. It does not prohibit development or stockpiling. I do not have the words in mind, but I think it relates to ‘transfer and use of’, so that means that all the technologically competent nations can develop these weapons and have them up their sleeves and it will still be within that law. And I think there is also this issue of verification that somebody mentioned this morning. There are weaknesses. And if there is an option or possibility of getting changes before ratification, it is worth pushing for those.

CHAIR—Could your organisation take it on notice and give us some written comments, as soon as you can, on Protocol IV. We want to concentrate on Protocol II here today, but it would assist us in the light of what Sister Pak Poy and others have said on that particular one. So could we leave that one with you?

Dr Wareham—Certainly.

CHAIR—I just go back to II. Sister Pak Poy, you mentioned some of the initiatives and some of the impetus that the Australian government could take in terms of II. How will your organisation be involved in the March and June scheduled conferences or meetings—the Japanese and the Belgian? Are you involved? Does that include NGOs?

Sister Pak Poy—The Belgian meeting should include NGOs again. Certainly, they are involved with the whole Canadian initiative. The decision of any one particular state to take a non-government person on the delegation is an individual state decision. However, at the meeting itself, the international campaign will certainly be there with its own delegation, I presume, as they were allowed last time.

CHAIR—And what about the Japanese meeting?

Sister Pak Poy—That is a more technical one on mine detection and clearance, I think. We certainly will be interested in what they are doing and would want to have some representatives there, but most of the NGOs also are limited in their resources.

CHAIR—The reason I asked was that, to speed up a little bit, before we finish, I want to bring in the DFAT representatives. Although in the new year we will be having DFAT and others back to talk about these issues in more detail, I just want to get on the record at this stage some comments about March and June just to give us something to think about over the break.

Mr BARTLETT—Perhaps if I could just follow up a question I asked earlier to the previous group. In terms of mine detection and clearance, how does Australia's commitment there compare to other countries that are already signatories?

Sister Pak Poy—My impression is that Australia has given relatively, when we take our population into account, quite generously to mine clearance, and we have had military personnel working in Cambodia, Afghanistan and Mozambique training local people for mine clearance. There have been efforts to promote mine detection and technology—probably not enough because there is a lot of initiative in Australia, but I do not think it has so much government support, except through the DSTO, of course.

Mr BARTLETT—The estimates of 100 million mines and \$33 billion to clear what is there already are rather frightening. How effectively are we convincing other countries of the need to take a greater commitment financially and in practical terms to do something about that?

Sister Pak Poy—I cannot really speak for the government initiatives on that. Maybe DFAT could tell you what actions they are taking.

Mr BARTLETT—Are you having any impact in terms of persuading other countries to put in a greater financial or manpower commitment?

Dr Wareham—I wonder, actually, if I could come back to your original question about how Australia rates. Perhaps we could compare Australia's commitment to landmine clearance not only with other countries but also with our defence budget generally, which is in the order of about \$9 or \$10 billion dollars and this strong argument from a number of sources that that defence budget could be reduced. The commitment that we give to landmine clearance, I do not know the figure—it is a small number of millions and I do not want to belittle that, but I think there is enormous scope for some of our defence budget to go to landmine clearance.

Mr BARTLETT—That may be right, but as a percentage of defence spending, wouldn't that amount that we have committed be higher than the percentage that other countries have committed?

Dr Wareham—I do not know, but overall I am saying worldwide it is a very, very tiny and quite disgraceful percentage.

Sister Pak Poy—What is the defence budget? I think Australia's commitment to date has been something like \$3.5 million with \$12 million promised over the next three years.

Mr BARTLETT—I thought that it was actually \$13 million over the past four years that has been spent.

Sister Pak Poy—That probably adds up to that over four years.

Dr Buckley—Yes, I have heard that figure, but you could say that I do not think it helps very much.

Dr Wareham—I think it was \$7.5 million from 1995 to 1996.

Dr Buckley—I do not think it helps very much to say, 'Are we keeping up with the Jones's?' It is like foreign aid: we are obviously behind some nations and we are ahead of others, but it is not a very exemplary position to take and, in relation to our defence budget, we could support more. One thing that came to mind is that there is a Fred Hollows initiated group called Red R that is a group of engineers that are into mine detection, and they no doubt could do with some support. One would hope that the government might give them some financial support and encouragement.

Mr BARTLETT—The intention of the question was not to excuse or to praise our position but rather to see whether we have got any sort of leadership or moral persuasion argument in terms of impacting on other countries and their performance and how effectively we might be doing that.

Dr Wareham—I do not know how we rate.

Dr Buckley—I do not know on the scale of relativity.

Sister Pak Poy—I think it would be a function of the influence that Australia has in the international community, and that always has in the past seemed to me quite significant.

Dr Buckley—But the real problem is that internationally we are going backwards. We are deploying five million a year—estimated—picking up 150,000, and we are going backwards fast. It will get worse if people get into aerial dispersal in a big way, which is what the Jane's study estimates. That is the Jane's study that is quoted by this publication—that is, the Red Cross. That is just a copy of the frontispiece; the ICRC publication that was referred to during the first session.

Brigadier Blagden and his military associates have drawn attention to the fact that mine technology is advancing fast and the people who are into mine production want it to be a high-tech business. They are very interested in short-lived mines and self-inactivation. The ability to scatter them, whether it is by rocket, shell or other aerial dispersal, is of great interest to them. These people forecast that that is a real growth industry. That sort of technology and that sort of industrial perspective means that the situation can only get worse, more chaotic. You can only hope it does not arrive on our doorstep.

CHAIR—You heard earlier that the initiatives that ICRC, ACFOA, Austcare and Caritas Australia are suggesting, perhaps the government can take in the short to medium term. Sister Pak Poy has reinforced one or two of those, as you have. Are there any other initiatives that have not been mentioned that perhaps the government could take up and lead the charge on?

Sister Pak Poy—Before the government came into office it raised the possibility of a mine-free Indochina. That was indicating some willingness to consider quite a leadership position in the region. In that statement, the present minister was suggesting that we would work with countries in the region and in cooperation with them to bring that about. The amount of money and the personnel that would be required to do that would be enormous. But if we were in a position to do so, we could exercise some leadership to do some of that work, even to bring it about in a slightly longer time. It would also raise the issue in an area where a lot of work still needs to be done if we are going to get a global ban. We do have to face it.

The international community is really not able to afford an amount of \$33 billion, just with what is in the ground already, and that is probably conservative. Already the United Nations Voluntary Trust Fund is far behind. In the first year, when the Secretary-General was calling for something like \$106 million, I think the donations added up to something like \$25 million to \$30 million. There needs to be a great international initiative to clear the mines in the priority areas. This particular initiative that was mooted earlier is one possibility.

CHAIR—So the March meeting scheduled for Japan is important. What about the ASEAN Regional Forum for a regional approach, to take up the point that you make? Would that be appropriate?

Sister Pak Poy—If it could be discussed there, that would be excellent. We had asked earlier that these issues be brought up at all the regional forums in which the government is participating because for many of them the non-government agencies will not have access. I think it has been raised, but maybe not as consistently as we would like. That is a possibility.

CHAIR—DFAT would have some views on the ASEAN Regional Forum and attitudes of ASEAN countries. What is your understanding of the attitudes to the issue

with ASEAN countries, just running through the ASEAN countries? Do you have a feel for how they see the issue?

Sister Pak Poy—There seems to be some standing back on it. The Philippines has come out over a ban and Malaysia would say they would support a ban. Singapore is a producer, so that is a problem for them. Thailand seems to be quite ambivalent about it at the moment, although they have sent delegates to observe. I do not really know what the official position of Indonesia is. From what we hear, it is not really going to come on-side with a ban yet. Who have I left out in there?

CHAIR—Brunei is, with due respect, an insignificant player, except in the purchase perhaps.

Sister Pak Poy—It has got the money.

CHAIR—What about Vietnam?

Sister Pak Poy—Vietnam has not considered the total ban as far as I know, but they are not always at the meetings.

Dr Wareham—Could I just answer that. One of the problems that seems to have occurred in this whole process of trying to get a ban on landmines is that the victim nations tend not to be present, nor do they take a strong role in negotiations. We are not seeing this problem from the point of view of those who are affected by it. For example, those of us in this room who are not affected by it can perhaps see it a bit more dispassionately as we are not personally involved. I do not think Vietnam and Cambodia have had much of a role in negotiations. That is probably because of their own domestic problems; they have too many problems at home to be involved in international negotiations. That has been one of the tragedies all along—the victims are pretty well marginalised.

Senator ABETZ—Any weapon of war is something that makes the emotions run. If you have a look at those countries that do have a problem with them, they are not involved in the international discussions. We have some neighbours who are not involved. What responsibility do we owe to the Australian people to provide them with an appropriate defence? The only matter I am addressing is the question of the stockpile that we have. I can understand all the reasons—don't produce them, don't trade in them, et cetera. Does the Australian government have a responsibility when we know that there are close neighbours who do not necessarily agree or have not shown that they agree? If we busily disarm ourselves in that area, how is that going to be of assistance to the Australian people?

Dr Wareham—One question that arises here is: are we really protecting Australia by mining our own country? A lot of people would say, 'No, we don't want to protect our

own land by laying mines in it, which are probably going to be there in hundreds of years time.' The other question is: are these weapons really as militarily useful as it is stated? Very high-ranking military personnel have stated 'No, they are not as militarily essential as some have said.' The other question perhaps is more a moral one: what sort of Western ethical standards are we protecting by using these genocidal weapons?

CHAIR—I will just go back to the evidence given by the ICRC. They said that there is a lot of evidence to indicate that landmines are an important defence mechanism. They have acknowledged that. On the moral attitude, the ADF, for example—again, they were not criticised by the ICRC and others—has always been very careful and methodical in the way these things are mapped. So your comment is a little misleading. You say they will be in the ground forever. I know that we are dealing with a hypothetical scenario in terms of the defence of our land mass, but I would suggest to you that the ADF is very careful in terms of its mapping approach to landmine fields and they would not be there.

Dr Wareham—I would like to ask: has the ADF removed all the mines that were laid in Vietnam by the ADF? I do not know the answer to that.

CHAIR—I cannot answer that either. A lot of the problem is not of the making of the ADF. We can take that on notice. We will obviously ask the ADF about that when we come back in the new year, if, indeed, they will talk about it. It may be a classified issue, but we will wait and see. It is a valid question to ask; I acknowledge that.

Dr Buckley—I think the ADF's intention of following military doctrine is very clear. The argument brought up by the ICRC military experts is that in the heat of battle, it never works out that way. They are able to cite instances, not just in Vietnam but in Korea, where things got hopelessly mixed up and Canadian mines were injuring and killing American troops and so on. So it is never all that clear.

On the issue of whether or not we should retain landmines, I would say that, if we do, we do; but there should be a clear intention that, if international agreement is reached to prohibit them and there are provisions for down-scaling stockpiles, we should become a party to that agreement. If it cannot be done in one step, or if it cannot or will not be done as a unilateral initiative—and certain countries, such as Germany, have claimed that they have done away with their stockpiles, but I do not know whether to believe that claim, and nor do you, no doubt—there are different ways of playing it. The main thing is that our intentions are honest and straightforward and that we join the Ottawa movement and try to reach international agreement to do away with that system and do away with the trade.

Doing away with the trade is a much more important issue than trying to immediately say that countries cannot use landmines as a defence barrier for their borders. It is not as simple as that, because the ADF does not want to use them only for Australia's perimeter defence; it wants to be able to use them in field operations wherever

the ADF is operating. As General Baker has told us, he does not expect that that is going to be defending our borders. He thinks that, if there is such an eventuality, it is going to be somewhere 'over there', as it has been in the past. It may be somewhere in the Pacific, or in the Middle East, wherever we are asked to operate and collaborate with the US or some other ally.

Mr LAURIE FERGUSON—Dr Buckley, you mentioned just then the question of trade and, earlier, you used the expression 'stigmatisation'. On the way through, Sister Pak Poy mentioned Singapore as a producer. Who are the main manufacturers? Have any of you got knowledge of that? Secondly, of those major manufacturers, is there anywhere that a government-owned enterprise manufactures alone—or, alternatively, a diversified international corporation as opposed to a private company manufacturing alone?

Dr Buckley—It is hard to give a very short answer. Internationally, first of all, we understand that Singapore manufactures on behalf of Fiat, the main producer, which I think is an Italian government-owned company. The Italians grandly pronounced that they would prohibit the export of landmines from Italy, which they did; but, as Colonel Garth Cartledge has pointed out, they then put the whole operation offshore. He drew attention to the possibility that many other countries were doing that too. He mentioned Sweden; I do not know whether that is true. We do not have all this documented.

Mr LAURIE FERGUSON—Is there a document somewhere?

Dr Buckley—No. I am going to search for *Landmines: a deadly legacy*, which is an American book which has a lot of source material about manufacturers, but it is not up to date. I think that 1993 is the date on the book. We desperately need, of course, really up-to-date stuff. Perhaps DFAT people can help us with that.

Dr Wareham—The three main producers, I believe, would be Russia, China and Italy.

Dr Buckley—It goes far beyond that.

Sister Pak Poy—There are some 42 countries that were listed as producers back in 1993. The negotiations on the global ban have had some effect on some of those countries, and so they have moratoria on export and moratoria on production. The list needs to be kept up to date, and it would be a Human Rights Watch Arms Project that is monitoring that.

Dr Buckley—But we do not know how many of them are dinkum with their moratoria and how many are going offshore to manufacture—into Taiwan, South Korea and so on.

Mr TONY SMITH—Looking at it a bit philosophically, do you think our own

negotiating position is a little bit weakened by our ADF perspective on landmine use?

Dr Wareham—I personally found Mr Downer's statement earlier on quite weak, in that he started quite forcefully stating that Australia would favour a ban on these on these weapons and he indicated good ethical sorts of reasons and then he went on to state that, nevertheless, we would maintain our stockpiles, more or less, in case we ever needed them. That pretty well demolished what he said earlier and so, too, Australia's position.

Mr TONY SMITH—So really—

Dr Wareham—I mean, he really is quite weak in that respect.

Mr TONY SMITH—At a state level, by eliminating one's personal use and/or stockpile of these things, are you going to be a little bit stronger internationally in the future in negotiating that?

Dr Wareham—Yes. The accusation is that you want to have your cake and eat it too.

CHAIR—Could I just read into the record the actual comment? It was a joint statement, of course, not just one from the Minister for Foreign Affairs, but from the Minister for Defence, as well. In their release of 15 April that I have referred to in the opening remarks, they both said:

Mr McLachlan added that Australia did not produce and would not export landmines, and that ADF stocks of landmines would be used for training and research purposes only-

and I assume that none of you would have any objection to that if we are going to be of international assistance which indeed we have been. They go on to say:

Only in case—

if I can pick up the point Dr Wareham made—

of a substantial deterioration in our strategic circumstances, in which Australia's security was under threat and the denial of an APL capability to the ADF would result in additional Australian casualties and damage to vital infrastructure would the suspension be reviewed.

So there is a caveat there but later on the Minister for Foreign Affairs made it very clear in separate statements that Australia's policy aim is to move towards a total ban. That is what he said later.

Dr Wareham—But the words that McLachlan used could be used by Khmer Rouge and by anybody else, really. I mean, he is more or less stating that if we need to use them, then we will use them as a military weapon.

CHAIR—With due respect, there is one big difference in that the ADF is far more responsible than any Khmer Rouge force in terms of landmine laying and mapping. Perhaps, doctor, you might even take that up as an ex-ADF member yourself.

Dr Wareham—I agree, but the words he used were not reassuring that there would be much restraint in using them.

Dr Buckley—It just meant that there was an escape, if the circumstances were such as to require it. Can I just comment briefly—

Senator ABETZ—Would not the average Australian support that exemption mentioned by the minister if our own personnel were in danger and if there were a choice, let us say, between losing a dozen Australian servicemen or women, or planting a landmine to defend them? I think that the average Australian would say, ‘Much as we do not like it, we would prefer you to plant the landmine to save these dozen Australian personnel.’

Dr Buckley—That is if it works that way, but it does not always. In Vietnam there were perimeter mines around camps that the Viet Cong would move during the night. They had noted their placement; they knew where to go; they moved them, and then there were Australian casualties the next day because the Australians did not know. So, I am just saying that—

Senator ABETZ—But, with respect, that does not deal with the issue, does it?

Dr Buckley—Yes, it does. It is arguable and it is argued they are in—

Senator ABETZ—It is like saying that you ought to ban rifles in warfare because the enemy might booby trap them and next day when you take them up to shoot at the enemy, they would blow up in your face. So you would ban all weapons of war, taking your analogy of the Viet Cong moving landmines. With respect, it does not help us, does it?

Dr Buckley—This is a victim-activated weapon, unlike the command operated ones. So there is a chance element in it. On balance, some military people say, ‘Yes, they’re worth retaining,’ and other military people say, ‘No, they’re not.’ We are not military people, so we are not going to try to resolve that.

Dr Wareham—I would say the average Australian person does not know the nature and scope of the problem that we are dealing with. The average Australian person has not seen a landmine victim or a picture of one. It is a hideous sight, and that is what we are dealing with. I think the average Australian person would be in favour of a global ban if the nature and scope of the problem were known. Australia can strengthen its position to argue for that ban if we eliminate our stockpile.

Senator ABETZ—I can understand that, but it is a bit like saying that we ought to ban motor vehicles because there are some people who sit behind the wheel after drinking. Shouldn't we be saying, 'By all means, motor vehicles have a good useful purpose, but let's make sure that they are used responsibly and on the appropriate occasion'? Similarly with landmines. If you were to show people all the horrific injuries arising out of motor vehicle accidents, the chances are you could make a very strong argument to ban all motor vehicles.

Dr Wareham—The scope of the problem is quite different; and the balance of advantages compared with disadvantages is totally different.

Sister Pak Poy—I think we are just talking about a weapon which is distinctive because of the indiscriminate nature of the weapon. I know that you can say, 'It is not the weapon. You cannot blame the weapon, you blame the person who is using it.' But having used it and put it down and left it there, it is an indiscriminate weapon and it has indiscriminate effects. That is why I think we would want to be looking very specifically at this ban on this particular weapon; because it is different.

Senator ABETZ—Aerial bombing, rockets—you name it—in warfare, do not kill only the soldiers, they kill the civilians that are around there as well. The aerial bombings, I think, in the Second World War tended to kill more civilians than soldiers.

CHAIR—To be fair, Eric, the precision approach these days is a little different.

Mr TONY SMITH—But aren't you saying also that aerial bombing and all of those things you can get out of the way of—you generally have some warning. With landmines, you do not have any warning. You can just stumble on one—bang!

Sister Pak Poy—Particularly because they are there long after the hostilities have ceased.

Senator ABETZ—But that, I suppose, comes back to the point that I accept, and that is, if they are left around like you are saying and used in an inappropriate way I have no argument with you. But if the ADF say that if they were to deploy them they would be mapping them and after the need for them has expired that they would then remove them and act responsibly. Then those arguments of civilians stumbling across them while gathering firewood et cetera just would not apply, would they?

Sister Pak Poy—If I could think that the men in the heat of battle would go back and pick up the ones that they had put down—

Senator ABETZ—No; after the heat of battle.

Sister Pak Poy—Yes, even after, if they could remember where they had put

them. Because it is not always they are put out in the old formation according to patterns and so forth. I do not think that that always happens in fact; not according to what a military man told me. He said, 'We left them there because the enemy was on our tail.'

Dr Wareham—Libyans are still dying from World War II, literally.

Dr Buckley—Yes, I am just trying to make the same point. Sister Pak Poy made a plea that there should be some arrangement made, internationally, if possible, to clear up—

Sister Pak Poy—Priority areas.

Dr Buckley—Yes, but did you use the term 'Indochina?'

Sister Pak Poy—I used that simply because that was the terminology that was used in the statement.

Dr Buckley—That is all right. I wanted to speak to that, but I was not sure whether that was what you had said.

Sister Pak Poy—I would not have used that term myself.

Dr Buckley—We know that this aerial scattering that I spoke of is not just today's new technology—it really started back in the 1970s. Huge numbers of mines were scattered over Laos, Cambodia and Vietnam. Those mines were never intended to be picked up, and they have not been picked up. They are still killing people. It would be a wonderful new initiative, if you wanted ideas about what Australia could do, if it could talk to its ally, the United States, and anybody else who was involved in Vietnam, and come to some arrangement to support programs for mine clearance.

Rae McGrath of the British Mines Advisory Group was rather dismissive of the idea that it would take 1,000 years to clear the existing mines. He said in the countries where he works, Cambodia and Afghanistan and so on, there are a lot of people willing; and given willing and trained teams, these mines could be cleared. They, after all, do not have the anti-disturbance mechanisms that we are so afraid of with today's new technology.

I know Australia was not involved in the aerial drops, but it would be a wonderful initiative, not just a gesture, to help to clear the mines. Maybe other nations then would take note, and maybe the Russians would help to clear Afghanistan. You will be talking to Bill Maley tomorrow; he might talk about that.

CHAIR—All right, I think we have canvassed the issues that were raised earlier this morning. Did any of you want to make a final comment before we move on to the

RSL?

Sister Pak Poy—Just to say that there is a copy of some information that is a little bit more up to date about which countries are still producing.

CHAIR—If you would like to table that, we will accept that into evidence and DFAT might have some more up-to-date information as well.

Sister Pak Poy—Yes, it would probably be more up to date from DFAT.

CHAIR—Do you want to make a final comment?

Dr Wareham—I would like to make a final comment and that is that this problem really is urgent and one of our major problems is that the treaty that is before us, the amended protocol, does not take account of that urgency. It talks in terms of nine or 10 years. Now, in the time that we have been here, probably there have been another three victims somewhere around the world.

CHAIR—So it would be fair to say, to summarise for both Sister Pak Poy and for the medical practitioners against war, that in fact you support the ratification of Protocol II, but that you would like to see things happen sooner and faster, and that you would like to see Australia come up with some initiatives to that end. Is that basically what you are all saying?

Sister Pak Poy—Yes, and I would also want to add that the actual ratification, while it is important at this point of time, is only one step towards a global ban and that we need to use all the avenues that we can because of the urgency.

CHAIR—Okay. Thank you very much for your very helpful evidence. Thank you.

Resolved (on motion by Senator Abetz, seconded by Mr Tony Smith):

That this committee authorises publication of submissions 2 and 3 and exhibit 42 given before it at public hearing this day.

[11.05 a.m.]

CLUNIES-ROSS, Major General Adrian, AO, MBE, Chairman, National Defence Committee, Returned and Services League of Australia, PO Box 303, Canberra, Australian Capital Territory 2601

CHAIR—Would you like to make a short opening statement?

Major Gen. Clunies-Ross—I would, Mr Chairman, if I may. Unfortunately, I will read it.

CHAIR—That is all right, that is fine.

Major Gen. Clunies-Ross—That is a boring way of doing it, but there is a bit of technical detail in it, so I thought it best to do it that way. First of all, thank you very much for the opportunity of appearing. The Returned and Services League of Australia is one of the few organisations in this country whose membership has personal experience of antipersonnel landmines. These experiences range from the use and handling of mines on military operations to being their unfortunate victims. It is for these reasons that the organisation collectively is more aware than most of the horrific nature of the injuries caused by these weapons. We also appreciate the difficulties involved in the formulation of a protocol which can have real practical application worldwide.

The RSL position, briefly, is that it condemns the careless and indiscriminate use of APL in many countries of the world, either by their own citizens and armed forces or by those personnel of other countries who intervene in armed conflict. Were it at all practical the RSL would support a total ban on the use of APL. We believe, however, that such a ban would be impossible to enforce and therefore, in a practical sense, meaningless. If at some future time it does become practical to enforce it I am sure the RSL will support it.

Consequently, the RSL supports current Australian government policy in relation to APL. We believe the government's suspension of the use of APL by the ADF is appropriate in the circumstances and it also takes account of the requirement to protect Australian service personnel. The retention of the right to review that policy is essential. Because of the possibility of a need to use APL in future, the ADF must maintain the skills to conduct mine warfare and anti-mine warfare. To achieve this successfully we must maintain stocks of mines sufficient for training and for initial use. We also need to remain abreast of the future development of APL. The policy acknowledges that there is significant difficulty in the practical use of APL, whoever uses them, and embraces substantially stricter principles than this particular protocol seems to envisage.

Turning to the protocol itself, the RSL supports the proposed protocol and notes that it will be the only international agreement that defines limitations on the use of APL.

However, it is a necessary interim measure pending more substantial future arrangements. The major flaw in the protocol is the significant delay in implementation of up to nine years which is possible through invocation of the deferred compliance provisions detailed in the technical annex. This aspect renders the protocol largely ineffective for a substantial period of time.

Article I of the protocol includes the provision that each party involved in an internal dispute shall be bound by it. In recent years this circumstance has arguably been the main source of the indiscriminate and irresponsible use of APL and is probably the current major source of injury to civilians both during and after the cessation of hostilities. While the effectiveness of this article in practice may be limited, it is a very necessary provision.

The requirement at paragraph 6 of article 3 that anti-handling devices become inactive when a mine self deactivates is essential. The failure of anti-handling devices to deactivate would entirely negate the protocol.

The prohibition on the use of APL which cannot be detected by commonly available technical mine detection equipment at article 4 is probably the single most important ingredient. This means that in the last resort when self-destruction or self-deactivation have not been implemented or have failed, the APL can, as a minimum, be located and marked or removed. However, countries which have subscribed to the protocol but invoked a deferred compliance clause may continue to place undetectable APL which can only result in continuing civilian casualties. That this situation will continue is to say the least lamentable.

By far the most important aspect of article 5 is that it only permits the use of self-destructing and self-deactivating landmines outside marked areas. In conjunction with the requirement for detectability, these further requirements have the capacity to substantially minimise civilian casualties. Unfortunately, the nine-year moratorium applies to this requirement also.

Article 5 also provides for the use of non self-destructing or self-deactivating APL, other than those remotely delivered, provided that they are placed within fenced and marked areas monitored by military personnel and cleared before the area is abandoned. It also addresses action required when these minefields are lost or gained in battle and these provisions are generally in accordance with ADF military doctrine.

Further to these provisions, paragraph 6 apparently addresses the use of M18A1 claymore and similar APL in non-marked, non-fenced areas. Again, these provisions seem acceptable and in accordance with current ADF practice. The restrictions related to mine recording and the self-destruction and self-deactivation of APL which are remotely delivered, detailed at article 6, are considered appropriate and necessary. However, the requirement for advance warning unless circumstances do not permit is, to say the least,

loose, as are the words 'to the extent feasible' in relation to the use of self-destruct mechanisms in relation to remotely delivered mines, and I note that Sister Pak Poy made the same point.

Article 7 provides for the use of booby traps and is considered appropriate—noting that other articles of the protocol address the use of booby traps in conjunction with mines. The subject of the transfer of mines, which is also noted, includes APL and is also of significant importance. Even though Australia does not manufacture mines, current extant legislation would control any attempt at export in the future.

It is pleasing to note that these provisions totally prevent the transfer of APL by a signatory country which does not conform to the requirements of detectability, self-destruction and self-deactivation, even though the country concerned may have invoked deferment through the deferred compliance clause. Transfers to countries that are not signatories to the protocol is also addressed, but it is a matter of conjecture whether those countries would honour this particular requirement.

As a policy, the Australian Army has always recorded mined areas. The provisions of article 9 in this regard are consequently quite acceptable. The article also hints at the difficulties which might be encountered when, at the cessation of hostilities, parties in conflict are required to advise the former adversary of minefields and other locations. The actual removal of mines, article 10, laid by a party to a conflict in the area still under control, or at least in contention, should prove no real difficulty.

The RSL has no comment to make regarding article 11, which addresses technological cooperation and assistance, other than the cooperation and assistance envisaged seems appropriate, subject to security requirements.

Article 12, which relates to the protection and well-being of United Nations' forces and humanitarian and fact-finding personnel and humanitarian missions, requires that varying levels of protection and information on mines, booby traps and other devices be provided to them. The recipients of this protection and or information must refrain from any action which would compromise their neutrality. While this provision is appropriate, the likelihood of compliance is difficult to assess. Consultation by the parties to this protocol, which is covered at article 13, is an important aspect of the process of cooperation and will assist further progress in achieving more substantial provisions.

Article 14 requires the emplacement of legal and other measures to ensure compliance with the protocol. The training of military forces in the requirement of the protocol is included. Consultation between signatories to resolve difficulties with the protocol is also required, and these provisions appear to be adequate.

In conclusion, the most disappointing features of the protocol are the deferred compliance provisions that will permit death and injury to civilians to continue for a

further nine years. The repeal of these provisions should be high in the order of priority, if at all practical. Nevertheless, the protocol is a step in the right direction in controlling the irresponsible and criminal use of APL, and Australia should ratify it as early as possible. Do you wish me to go on to the other protocol?

CHAIR—Please.

Major Gen. Clunies-Ross—The RSL has no formal position in regard to this protocol; however, we have no reason to believe that the restrictions imposed by the protocol are not appropriate.

Senator ABETZ—Can I just interrupt? I am not sure that somebody reading *Hansard* would necessarily know that you are talking about Protocol IV.

Major Gen. Clunies-Ross—Sorry, I am talking about Protocol IV, blinding laser weapons. I will start again. The Returned and Services League has not formally adopted a position in regard to this protocol; however, we have no reason to believe that the restrictions imposed are not appropriate. We understand that the protocol will eliminate a potential threat to ADF personnel and at the same time reduce the need to develop adequate protection against the use of blinding lasers. We are also aware that other weapons and aspects of warfare are prohibited but still require precautionary protective measures to be maintained. Thank you, Mr Chairman.

CHAIR—Major General, you have heard earlier evidence—and there was some evidence, before you arrived, along similar lines—about the ADF and its professionalism and responsibility in terms of laying, mapping and removal. Without getting into any sort of potential breach of security, could you please give some sort of anecdotal response to those issues—to what extent the ADF does map when it lays, does remove, et cetera?

Major Gen. Clunies-Ross—It has always been documented, ever since I have been in the army—and it still is, I am quite sure—that you do not lay a minefield without recording it. You mark it, you record it and then you lift it when you have no further use for it. Quite clearly, there can be practical difficulties, and some people alluded to those before, but that is the doctrine and that is the practice. Certainly, in all circumstances where it is possible to, due to the situation, lift the minefield, that lifting would be done.

CHAIR—Can you comment on the Vietnam experience as to the effectiveness of the removal once we laid them—and perhaps we did not make it 100 per cent.

Major Gen. Clunies-Ross—I think it would be true to say that we did not really lay too many mines. We laid one major minefield, which is the subject of some controversy. Our allies, the South Vietnamese, did lay numerous mines, particularly around their static installations—and that was referred to by a previous speaker. The mines that were laid by the South Vietnamese were capable of being removed, and were

removed, by the opposition. But that was due to the fact that they were not properly secured. One thing about a minefield is that if you lay it, you have to secure it. In other words, you have to stop people pulling these things out and using them against you. With the major minefield that we had in Vietnam, that was a problem, but that was because the security was left to other people.

CHAIR—But can you say from personal experience that the ADF can reasonably put its hand on its heart and say that doctrine was complied with very substantially or less than substantially?

Major Gen. Clunies-Ross—I think that doctrine was complied with totally.

CHAIR—Totally?

Major Gen. Clunies-Ross—As far as I know. The fact that that minefield was not secured was the problem. But the intention was that it be secured and, therefore, to that extent, I suppose that doctrine was followed, even though it did not work out in practice. But, as far as I know, the doctrine was followed totally.

CHAIR—How do you react to comments about the total removal of the ADF stockpile and the residual needs in terms of training?

Major Gen. Clunies-Ross—I think the government's policy is a very sensible one. We have said we will not use them. The only time we would potentially use them is if we had a real threat. But, obviously, if you are going to use them at some future time, you have to train people on them and you have to retain the stockpile. Our stockpile, I would imagine, is fairly modest. I think we have only three types anyway. But I think it is a minimum essential requirement, unless you are prepared to say, 'Under no circumstances are we going to use mines in future.'

CHAIR—Yes, but you indicated in your opening statement that the RSL would support that if, indeed, that was the international view.

Major Gen. Clunies-Ross—If it became practical, yes. I think the other point is that if you are going to have people going out to remove mines, you have to have training. Unless you have something to train on, it seems to me to be very difficult to do that. So you have to retain technical capabilities.

CHAIR—Yes. Some of us have made the observation in the last few months from personal inspections that that is posing a bit of a problem within the ADF.

Major Gen. Clunies-Ross—Obtaining technical capabilities?

CHAIR—Technical capability as a result of policy decisions, which seems to be

moving through the department.

Mr BARTLETT—Is it not true, though, that, to a certain extent, that capability in location and deactivation could be done just as effectively on the field overseas where mines are laid thereby providing both the training and effectively helping in the process of demining? Doesn't that remove the need to have our own stockpile, at least from that training point of view?

Major Gen. Clunies-Ross—I don't think so. You mean you would actually train people on the job overseas?

Mr BARTLETT—It seems to me to be a bit of a circular argument saying that we need to have a stockpile so that we can lay them and then train people to remove them. To a certain extent, some of that training could be happening overseas where we would have troops in the field already being involved in demining activities that are going on.

Major Gen. Clunies-Ross—I do not see that as being a very practical way of doing it. It seems to me that if we are sending people overseas to train others to remove mines, we could hardly be training our own people at the same time.

Mr BARTLETT—Couldn't ours be trained under the leadership of experienced personnel already in the field doing that?

Major Gen. Clunies-Ross—But who are these experienced personnel? Are they someone else's or ours?

Mr BARTLETT—Ours or our allies.

Major Gen. Clunies-Ross—In this sort of arrangement, if we are going over to train people to remove mines, we would rather have control of our own capacity. We have to train our own people to our own standards, not to other people's standards, and there certainly are varying standards around the world as to how you do this. At the moment we would probably be in the top rank. To retain that capacity we have to have the requirement within our own capability. We have to do it ourselves. That is how I would see it, anyway. Indeed, if you send people overseas and you have to train them overseas it becomes far more expensive to do it that way than to do it in your own country.

CHAIR—Having listened to the issues that you have raised in your opening statement and your subsequent comments, are we right in assuming that the RSL's attitude is, 'Yes, we support the protocol in so far as it goes, albeit that we do have some concerns about the nine-year caveat, in particular'? Where you do diverge, perhaps, from other views we have heard this morning is that you do see a lot of merit, for operational or strategic or whatever reasons, in retaining the stockpile—in particular for continuation training and as an aid to providing and enhancing Australia's competency in those areas.

Major Gen. Clunies-Ross—Yes, that is generally the position. The nine-year provision seems to negate a lot of the protocol. If you say that for nine years no one really has to apply any of these provisions, what happens at the end of nine years? I do not know. It is hard to say. It also seems to us that there is very loose wording in some articles, which really would allow people to get away with doing virtually what they like. There are obviously practical difficulties when you try to negotiate a protocol of this type—getting people on board—but there are significant weaknesses. I suppose our opinion is that it is a step in the right direction, but it has a long way to go.

Mr BARTLETT—Could you just briefly outline the sort of situation where there would be a need for the use of landmines for our own defensive purposes, where such a need could not be filled by other military means?

Major Gen. Clunies-Ross—Generally, landmines provide an additional capability. They are only feasible, as far as I am concerned, in defensive situations; that is, when you can control them adequately, unless you are going to scatter them around by aerial means and various artillery and things like that, which we have certainly never done in the past and have not got the capacity to do anyway, as far as I know. They just provide you with additional capability and if you are in a situation where you are defending something or other you want all the capability you can get. You can argue quite easily that if you did away with mines altogether you would still be able to do it but you would have less capability and you may put your own people at risk.

Mr BARTLETT—So that is a capability that in your opinion could not be compensated for by alternative methods?

Major Gen. Clunies-Ross—It probably could be, but you would have to go into what the alternative methods were and how much resource you would have with everything else. In a military situation the training always is that you use everything you can. Certainly, you could get away without using mines in certain circumstances. But, I suppose that, again only in certain circumstances, you would be putting yourself at additional risk. You would be putting your own people at additional risk and therefore no commander would feel comfortable with doing that, if it came to the point. There are many situations in which a commander would not use mines. Clearly, they are a problem. Once you put them down they are a problem; there is no question about that.

CHAIR—Where you have an Australian inventor, and there is a lot of initiative going on around the country in terms of clearance—technological advances, et cetera—how would you react to the suggestion, which has been made on a number of occasions this morning, that rather than initiatives like that being borne by the aid funding, perhaps the Defence Department, as a tangible contribution, should financially contribute towards those sorts of initiatives?

Major Gen. Clunies-Ross—Initiatives for clearance?

CHAIR—Yes.

Major Gen. Clunies-Ross—That is fine. That is fair enough. Apart from having humanitarian aspect, they would also have a military aspect, it would seem to me.

CHAIR—Yes. It would cover both, wouldn't it?

Major Gen. Clunies-Ross—Yes, indeed. I have no problem with that.

CHAIR—Thank you very much General.

Resolved (on motion by Mr Bartlett):

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

CHAIR—Thank you. Thank you *Hansard*.

Committee adjourned at 11.27 a.m.