

COMMONWEALTH OF AUSTRALIA
ANTI-PERSONNEL MINES CONVENTION ACT 1998

Preamble

The following *Decision-Making Principles Governing the Retention of Anti-Personnel Mines by the Australian Defence Forces* are made under authority of subsection 8(3) of the *Anti-Personnel Mines Convention Act 1998* ('the Act') and were formulated following consultation with the Minister for Foreign Affairs in accordance with subsection 8(4) of the Act

Decision-Making Principles Governing the Retention of Anti-Personnel Mines by the Australian Defence Forces (ADF)

Pursuant to Australia's obligations as a State Party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (The Ottawa Convention) and in observing the *Anti-Personnel Mines Convention Act 1998*, the following decision making principles would apply when determining whether anti-personnel mines may be used by the ADF:

- The retention of anti-personnel mines within the ADF is to be limited to:
 - Maintaining a demining and countermine capability;
 - Maintaining a capability to demolish anti-personnel mines as part of demining, countermine, Explosive Ordnance Demolition (EOD) or Demolition of Malfunctioned Explosive Ordnance (DMEO) capabilities;
 - Demonstrating anti-personnel mines' effects as part of mine awareness and countermine training; and
 - Research into anti-personnel mines' effects on in-service and trial equipment.
- Within the ADF only those personnel and units likely to be involved in demining or countermine operations or training may deal with live mines.
- Defence Science and Technology Organisation and approved contracted research organisations may produce replica devices or otherwise acquire anti-personnel mines as required for testing, evaluation and research purposes in support of the ADF demining or countermine capability, strictly for research or training purposes.
- ADF personnel serving with coalition forces are to be governed by Australian Rules of Engagement and policy guidelines and will remain subject to Australian law.
- Any Australian Defence Force, Force Element participating in a coalition operation is not to engage in any activity prohibited by the Ottawa Convention and the *Anti-Personnel Mines Convention Act 1998* and the Declaration of Understanding deposited with Australia's instrument of ratification to the Convention, unless Australia has withdrawn from the Ottawa Convention and the relevant domestic legislation has been repealed. Mere participation by Australian forces or personnel in a coalition operation involving partners not party to the Ottawa Convention would not constitute a violation by those forces and personnel.
- Sufficient stock of anti-personnel mines is to be retained to allow training for demining and countermine operations, mine awareness training and for research purposes.

Dated this 6th day of FEBRUARY 2006

Dr Brendan Nelson
Minister for Defence