

RECOMMENDATIONS FOR ACTION

- The Lao People's Democratic Republic (Lao PDR) should accede to the Anti-Personnel Mine Ban Convention (APMBC) as a matter of priority.
- Despite not yet being a State Party to the APMBC, Lao PDR has obligations under international human rights law to clear landmines in areas under its jurisdiction or control as soon as possible.
- In light of the continuing reports by clearance operators of anti-personnel mines being encountered during cluster munition remnant survey (CMRS), the National Regulatory Authority (NRA) should consider convening a sector-wide meeting to discuss National Standards, accreditation, and procedures for addressing all mine (both anti-personnel and anti-vehicle) contamination.
- Lao PDR should ensure that its Information Management System for Mine Action (IMSMA) database disaggregates data on landmines, distinguishing anti-personnel mines from anti-vehicle mines.

UNDERSTANDING OF AP MINE CONTAMINATION

While by far the greatest contamination in Lao PDR is from explosive remnants of war (ERW), in particular cluster munition remnants (CMR) (see the *Clearing Cluster Munition Remnants* report on Lao PDR for further information), Lao PDR is also contaminated by anti-personnel and anti-vehicle mines. The extent of mine contamination is not known. During the Indochina conflict of the 1960s and 1970s, all sides in the war laid anti-personnel mines, particularly around military installations and patrol bases. Mined areas also exist in some border regions as a legacy of disputes or tensions with or within neighbouring countries.¹

A Humanity and Inclusion (formerly Handicap International, HI) survey in 1997 found mines in all 15 provinces it surveyed, contaminating 214 villages.² As at June 2020, HI had identified 44 suspected minefields in 19 villages, during non-technical survey in Houamuang district of Houaphanh province, where it is currently operating. Anti-personnel mines discovered included United States (US)-manufactured M7, M16, and M14 mines, Vietnamese MBV-78A1 mines, and Soviet POMZ mines.³ Across Lao PDR as a whole, the NRA has reported that "gravel mines" (US air-dropped anti-personnel mines) had all degraded, but remaining mine types included M14 anti-personnel blast mines, M16 bounding fragmentation mines, M18 claymore mines, and M15 and M19 anti-vehicle mines, Soviet or Chinese PMN anti-personnel blast mines, POMZ fragmentation stake mines, and TM41, TM46, and TM57 anti-vehicle mines.⁴

The remote location of many mined areas means that mines have little impact and are not a clearance priority. Of 101,512 items of explosive ordnance destroyed in 2019, only 40 (less than 0.04%) were mines.⁵ The NRA, however, has observed that "with a steady expansion of land use 'mined areas' will become areas for growing concern."⁶

NATIONAL OWNERSHIP AND PROGRAMME MANAGEMENT

The NRA, created by government decree in 2004 and active since mid 2006, has an interministerial board composed of representatives from government ministries and is chaired by the Minister of Labour and Social Welfare.⁷ The Prime Minister of Lao PDR approved a new decree, "On the Organisation and Operations of the National Regulatory Authority for UXO in Lao PDR", in February 2018. The decree defines the position, role, duties, rights, organisational structure, and the working principles and methods of the NRA.⁸

The NRA acts as the coordinator for national and international clearance operators and serves as the national focal point for the sector. This includes overall management and consideration of policy, planning, projects, and coordination of survey and clearance operations nationwide, as well as NRA planning and coordination functions at the provincial and district levels.⁹ While the NRA has the central role of UXO Sector coordination, increased coordination and collaboration between all stakeholders, including line ministries, local authorities, UXO operators, development partners, are essential for the NRA to fulfil its coordination role.¹⁰

The United Nations Development Programme (UNDP) provides programmatic and technical support to the NRA and UXO Lao, including with regard to information sharing and coordination, albeit at a reduced capacity compared to previous years.¹¹ Further capacity development in information management, quality management, and operations support, is provided primarily to UXO Lao, and to a lesser extent the NRA, through a US-funded grant manager, Tetra Tech.¹² The Geneva International Centre for Humanitarian Demining (GICHD) provide capacity development support on the development of Lao's new national strategy, information management, and risk management.¹³

GENDER AND DIVERSITY

For details regarding gender and diversity in Lao PDR's survey and clearance programme, please see the *Clearing Cluster Munition Remnants 2020* report on Lao PDR.

INFORMATION MANAGEMENT AND REPORTING

In November 2019, Lao PDR stated at the Fourth Review Conference of the APMBC in Oslo, that it was in the process of preparing a voluntary APMBC Article 7 report.¹⁴ However, as at 15 August 2020, a voluntary report had yet to be submitted. The only voluntary Article 7 report submitted previously by Lao PDR, was in 2011.¹⁵

PLANNING AND TASKING

The Lao Government's national strategy, "Safe Path Forward II, 2011–20", was reviewed in June 2015, when the NRA set a number of specific targets for the remaining five years up to 2020.¹⁶ There is a corresponding multi-year work plan 2016–20 for implementation of the Safe Path Forward II strategy,¹⁷ but both Safe Path Forward II and the corresponding work plan predominantly focus on CMR, and do not include a strategy or plans for addressing mined areas.

A multi-stakeholder workshop facilitated by the GICHD and planned to take place in Vientiane in March 2020, to discuss the elaboration of "Safe Path Forward III, 2021–2030", the new ten-year strategy, was postponed due to the COVID-19 outbreak.¹⁸ As at August 2020, the new strategy was being drafted.¹⁹ Through its US-funded agreement between Tetra

Tech and the NRA, the United States is continuing to "support the Lao Government as it formulates its 10-year National Strategic Plan for the UXO Sector, a plan that will map the path to achieving SDG 18 – the elimination of UXO as a barrier to national development by 2030."²⁰

Discovery of mines during CMRS will impede CMR survey and clearance operations.²¹ However, it is not known to what extent the new "Safe Path Forward III", which was being elaborated during 2020, will include addressing anti-personnel (and anti-vehicle) mine contamination.

According to an interview with the NRA in 2018, responsibility for clearance of mined areas in Lao PDR predominantly falls under the remit of the Lao armed forces.²²

LAND RELEASE SYSTEM

Lao PDR's National Standards make a clear distinction between UXO clearance (including CMR) and mine clearance, and for the purposes of the National Standards, "UXO does not include hand-laid mines but it may include disposal of 'one off' mines located during EOD roving tasks."²³ As such, the National Standard on UXO clearance only relates to UXO clearance operations and not to mine clearance operations.²⁴ Furthermore, while dated 2012, the National Standards are believed to have been drafted several years before, and are in need of being brought up to date in accordance with the latest International Mine Action Standards (IMAS).

According to Lao PDR's National Standard on Mine Clearance Operations (Chapter 12), "the systematic locating and clearing of hand laid mines in known or suspected mined areas, are not commonly conducted in Lao PDR. However, it is known that mined areas exist in Lao PDR and at some stage in the future these areas will have to be cleared."²⁵

According to Chapter 7 of the National Standards, if a mine is located during UXO clearance, work is immediately ceased and "the clearance supervisor should then assess the situation and determine if the mine is a random one or part of a mined area. If the mine is assessed as being part of a mined area, work on the site is to cease and the matter reported to the tasking authority. Details of mined areas are to be reported by the clearance organisation concerned to the NRA head office and the NRA provincial office."²⁶

However, in practice, determining whether a mine is part of a bigger mined area can prove challenging, especially if field-based personnel are not trained (or equipped) to address anti-personnel mine contamination. Therefore, at the July 2019 technical working group meeting on clearance, HI proposed an addendum to the standard to help address this.²⁷

HI further discussed this issue with the Director of the NRA during a visit to Houamuang district in March 2020 and recommended that the National Standards could be expanded to include the suggestion that, "if a landmine is found in undeveloped land it shall be assumed to be part of a minefield" and "if the landmine is found in well-developed land it can assumed to be a random one". HI also noted, however, that "additional information should be gathered to add weight to the conclusions; namely the location of wartime military bases and location of other landmine finds",²⁸ as well as whether mines discovered by members of the local community had been moved.

The standards also note that, "Some relatively small-scale mine clearance has been carried out by UXO Lao and by commercial operators in the past but mine clearance operations are not regularly carried out as a deliberate mine action activity in Lao PDR."²⁹

According to the National Standards, "Mine clearance operations are considerably more dangerous than UXO area clearance operations and the requirements and procedures for mine clearance are more stringent. When mine clearance operations are necessary, they are only to be carried out by accredited mine clearance organisations with personnel with the appropriate training and equipment and specific mine clearance operating procedures."³⁰

Non-governmental organisation (NGO) clearance operators in Lao are not currently accredited for mine clearance,³¹ and national standards would need revising in order for NGO to conduct mine clearance.³² In addition, HI believes that the NRA should coordinate and organise training, and adjust the standards accordingly, with regard to CMRS in areas also affected by mines. Demographic pressures regarding land will lead to people accessing remote places that could be mined. Action on locating and recording mined areas needs to occur before the older generations that know about the presence of landmines disappear.³³

LAND RELEASE OUTPUTS

No planned or systematic mine clearance was conducted during 2019, though 40 mines were reported to have been destroyed in 2019 out of a total of 101,512 items of explosive ordnance, according to Lao PDR's transparency reporting under the Convention on Cluster Munitions (CCM) and the Convention on Certain Conventional Weapons (CCW).³⁴ This compares to 28 mines in 91,468 items of UXO destroyed in 2018.³⁵ As yet, no distinction is made in IMSMA between anti-personnel mines and anti-vehicle mines.³⁶

However, according to the NRA's 2019 UXO Sector Annual Report, a total of 39 mines were destroyed during 2019: 4 by humanitarian clearance operators during clearance operations (3 by UXO Lao and 1 by HI); 1 by HALO Trust during technical survey operations; and 34 destroyed during roving tasks (10 by UXO Lao; 3 by HALO Trust; 4 by NPA; 2 by MAG; 17 by HI; and 2 by Army58).³⁷

Data reported by HALO Trust, HI, Mines Advisory Group (MAG), and Norwegian People's Aid (NPA) on the number of anti-personnel mines discovered and destroyed during cluster munition survey and clearance operations in 2019 varied from data in the NRA's 2019 UXO Sector Annual Report.³⁸

In 2019, HALO Trust discovered and destroyed four anti-personnel mines. Three were found during non-technical survey as part of CMRS operations in Sepon and Phalanxai districts in Savannakhet province and one anti-personnel mine during an explosive ordnance disposal (EOD) spot task.³⁹

In addition, as already included in last year's *Clearing the Mines 2019* report on Laos PDR, in July 2019, HALO Trust's EOD team leader responded to a call-out in Phalanxai district in Savannakhet province, near the site of an old US military base, during which a cache of M-16 mines, a couple of other laid M-16 mines, and a PMN mine were discovered. Villagers told HALO Trust that there had been accidents in the immediate area in the 1980s, but that the PMN had been discovered last year while ploughing the land and was moved to its current position. HALO did not destroy the mines discovered, but reported the mined area to the

NRA and withdrew from the area immediately.⁴⁰ The HALO Trust planned to start mine clearance operations in 2020 in Phalanxai district,⁴¹ subject to accreditation and necessary amendments being made to the National Standards.

In 2019, HI discovered and destroyed one anti-personnel mine during CMR clearance operations in Houaphan province and a further 15 anti-personnel mines during EOD spot tasks.⁴² With respect to spot tasks, HI will only destroy mines that are clearly identified in a spot task location where it can be accessed safely.⁴³ If mines are discovered during cluster munition remnant survey or clearance operations, the task is immediately suspended and the discovery reported to HI's Operations Manager, who then visits the site to assess the situation. If the discovered mine was not emplaced and was found in land used for agriculture it is destroyed. Additional information is obtained about the threat of mines from the landowner and a risk assessment conducted before deciding whether or not operations are allowed to resume. If the mine found is emplaced and is in an area which has not been developed, the task is halted, additional data collected, and external boundaries of the site are tentatively identified (historically safe tracks). A mine report is then submitted by HI to the NRA.⁴⁴

As at June 2020, HI had identified 44 suspected minefields in 19 villages, in Houamuang district, in Houaphanh province.⁴⁵ During non-technical survey and risk education visits, HI interviews older generations to understand the village history during the war, including anti-aircraft gun and other military positions; often M16 and M14 mines were laid around defensive positions. HI also collects information on injuries sustained in the forest due to mines and on areas not developed or which are not accessed due to previous accidents or reports of injured animals, or mines being detonated by fires during "slash and burn" operations. In some instances, villagers had collected or moved mines they had discovered.⁴⁶

During non-technical survey in 2019, MAG found five emplaced anti-personnel mines in two separate suspected minefields in Gnommalath district, Khammouane province. For emplaced mines, basic information is gathered, a projected polygon produced electronically, and information immediately shared with the NRA. MAG reported, but did not destroy the emplaced mines, and its teams are not trained or authorised to deal with suspected minefields.⁴⁷ MAG did, however, also find a small number of abandoned or moved landmines and obtained specific permission for its EOD team to destroy these, with the support of MAG's international Technical Field Managers.⁴⁸

In 2019, NPA discovered and destroyed (in situ) a total of four anti-personnel mines. One mine was discovered in Laongarm district of Saravane province and the remaining three mines (types M14, M16, and M18) were discovered in Champasak province, in the districts of Bachiangchaleunsook, Paksong, and Pathoomphone.⁴⁹ NPA's survey teams in Champasak province received information on the presence of mines during non-technical survey in September 2019, and after this was confirmed by NPA, work was stopped in the area and NPA reported the suspected minefield to the NRA.⁵⁰

UXO Lao was operating in nine provinces in 2019: Attapeu, Champasak, Houaphanh, Khammouane, Luang Prabang, Savannakhet, Saravan, Xekong, and Xiengkhouang. UXO Lao did not report the total number of anti-personnel mines it destroyed, but did note that during its CMR clearance operations in 2019 it destroyed two anti-personnel mines, both in Xiengkhouang province. It also confirmed that no anti-vehicle mines were found or destroyed in 2019.⁵¹

<p>1 NRA website, "UXO types: Mines", undated but accessed 9 March 2020 at: bit.ly/2XZyv04.</p> <p>2 Handicap International, "Living with UXO, National Survey on the Socio-Economic Impact of UXO in Lao PDR", Vientiane/Brussels, 1997, p. 7.</p> <p>3 Emails from Julien Kempeneers, Humanitarian Mine Action Coordinator, HI, 27 August 2019, and 25 March and 29 June 2020.</p> <p>4 NRA website, "UXO types: Mines", 9 March 2020.</p> <p>5 Convention on Certain Conventional Weapons (CCW) Protocol V Article 10 Report (covering 2019), Form A; and Convention on Cluster Munitions (CCM) Article 7 Report (covering 2019), Form F.</p> <p>6 NRA website, "UXO types: Mines", 9 March 2020.</p> <p>7 CCM Article 4 deadline Extension Request, Part B, Detailed Narrative, p. 18.</p> <p>8 Government Decree No. 67, dated 12 February 2018; CCM Extension Request 2019, Part B, Detailed Narrative, p. 17; and Statement of Lao PDR on National Implementation Efforts, CCM Eighth Meeting of States Parties, Geneva, 3 September 2018.</p> <p>9 2019 Article 4 deadline Extension Request 2019, Part B, Detailed Narrative, p. 18.</p> <p>10 Statement of Lao PDR on National Implementation Efforts, CCM Eighth Meeting of States Parties, Geneva, 3 September 2018.</p> <p>11 Interview with Olivier Bauduin, (then) UNDP, Vientiane, 2 May 2018; and email, 10 July 2018.</p> <p>12 Email from Nigel Orr, Technical Advisor Survey and Clearance, Tetra Tech, 14 June 2019; and "US Renews Partnership with Lao PDR to Build Capacity in UXO Sector", US Embassy in Lao PDR, 31 January 2020, at: bit.ly/2LzmG8J.</p> <p>13 Email from Robert White, Advisor, Strategic Management & Residual Contamination, GICHD, 22 July 2020.</p> <p>14 Statement of Lao PDR, Fourth APMBC Review Conference, Oslo, 29 November 2019.</p> <p>15 Ibid.</p> <p>16 Interview with Phoukheio Chanthasomboune, Director, NRA, Vientiane, 4 May 2016.</p> <p>17 CCM Extension Request 2019, Part B, Detailed Narrative, p. 26.</p> <p>18 Emails Katherine Harrison, Programme Coordinator, NPA, 21 July 2020; and Robert White, GICHD, 22 July 2020.</p> <p>19 Email from Mark Frankish, Chief Technical Advisor UXO Unit, UNDP, 26 August 2020.</p> <p>20 "US Renews Partnership with Lao PDR to Build Capacity in UXO Sector", US Embassy in Lao PDR, 31 January 2020.</p> <p>21 Email from Julien Kempeneers, HI, 22 March 2019.</p> <p>22 Interview with Phoukheio Chanthasomboune, NRA, Vientiane, 2 May 2018.</p> <p>23 Lao PDR National UXO/Mine Action Standards (NS), "Chapter 0: Introduction and Glossary", accessed on NRA website on 12 May 2020, p. xi.</p> <p>24 Lao PDR NS, "Chapter 7: UXO Clearance Operations", accessed on NRA website on 12 May 2020, p. 5.</p>	<p>25 Lao PDR NS, "Chapter 12: Mine Clearance Operations", accessed on NRA website on 12 May 2020, p. 5.</p> <p>26 Lao PDR NS, "Chapter 7: UXO Clearance Operations", p. 13.</p> <p>27 Email from Julien Kempeneers, HI, 27 August 2019.</p> <p>28 Email from Julien Kempeneers, on behalf of Yvon Le Chevanton, Technical Survey/Clearance Operations Manager, HI, 25 March 2020.</p> <p>29 Lao PDR NS, "Chapter 12: Mine Clearance Operations", accessed on NRA website on 12 May 2020, p. 5, note 1.</p> <p>30 Ibid., p. 5.</p> <p>31 Emails from Julien Kempeneers, HI, 25 March 2020; Cameron Imber, Programme Manager, HALO, 7 April 2020; Katherine Harrison, NPA, 6 May 2020; and Simon Rea, Regional Director, South and South East Asia, MAG, 17 June 2020.</p> <p>32 Emails from Julien Kempeneers, HI, 25 March 2020; and Cameron Imber, HALO, 7 April 2020.</p> <p>33 Email from Julien Kempeneers, HI, 25 March 2020.</p> <p>34 CCW Protocol V Article 10 Report (covering 2019), Form A; and CCM Article 7 Report (covering 2019), Form F.</p> <p>35 CCW Protocol V Article 10 Report (covering 2018), Form A. This is a slight discrepancy with the 97,624 items of UXO destroyed, of which 31 were mines, reported by Lao PDR in its CCM Article 7 Report (covering 2018), Form F.</p> <p>36 Email from Mark Frankish, UNDP, 26 August 2020.</p> <p>37 2019 UXO Sector Annual Report, NRA, undated, pp. 7 and 8.</p> <p>38 Emails from Julien Kempeneers, HI, 25 March 2020; Cameron Imber, HALO, 7 April 2020; and Katherine Harrison, NPA, 6 May 2020.</p> <p>39 Email from Cameron Imber, HALO, 7 April 2020.</p> <p>40 Email from Cameron Imber, HALO, 19 May 2020.</p> <p>41 Email from Cameron Imber, HALO, 7 April 2020.</p> <p>42 Email from Julien Kempeneers, HI, 25 March 2020.</p> <p>43 Ibid.</p> <p>44 Email from Julien Kempeneers, on behalf of Yvon Le Chevanton, HI, 25 March 2020.</p> <p>45 Email from Julien Kempeneers, HI, 29 June 2020.</p> <p>46 Email from Julien Kempeneers, on behalf of Yvon Le Chevanton, HI, 25 March 2020.</p> <p>47 Email from Simon Rea, MAG, 17 June 2020.</p> <p>48 Ibid.</p> <p>49 Email from Katherine Harrison, NPA, 6 May 2020.</p> <p>50 Ibid.</p> <p>51 Email from Saomany Manivong, Chief of Programme Office and Public Information, UXO Lao, 3 August 2020.</p>
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