



# VIETNAM

<b>PROGRAMME PERFORMANCE</b>	2016	2015
Problem understood	5	5
Target date for completion of cluster munition clearance	4	4
Targeted clearance	5	5
Efficient clearance	6	5
National funding of programme	6	7
Timely clearance	5	5
Land release system in place	6	6
National mine action standards	5	5
Reporting on progress	3	3
Improving performance	5	6
<b>PERFORMANCE SCORE: AVERAGE</b>	<b>5.0</b>	<b>5.1</b>

## PERFORMANCE COMMENTARY

International operators showed continuing and significant improvements in productivity but Vietnam's army engineers and affiliated companies constitute by far the greatest capacity and the inability of the Ministry of Defence or Army Engineering Command to report on their activities in 2016 reflected persistent weaknesses in management of the sector.

## RECOMMENDATIONS FOR ACTION

- Vietnam should accede to the Convention on Cluster Munitions as a matter of priority.
- Vietnam should prepare a strategic plan giving priority to clearance of CMR and widening application of the survey methodology applied in Quang Tri province.
- Vietnam should accelerate development of a national database and make data available to operators on a timely basis.
- Vietnam should publish comprehensive annual reports on the results of survey and clearance by all operators, national and international.

## CONTAMINATION

Vietnam is massively contaminated by CMR but no accurate estimate exists, even to the nearest hundred square kilometres. The United States (US) dropped 413,130 tons of submunitions over Vietnam between 1965 and 1973, striking 55 provinces and cities, including Haiphong, Hanoi, Ho Chi Minh City, Hue, and Vinh. Vietnam's Military Engineering Command has recorded finding 15 types of US-made submunition.<sup>1</sup> Most types used by the US were air-dropped, but artillery-delivered submunitions were also used in central Quang Binh and provinces to the south of it.<sup>2</sup>

The Military Engineering Command said in 2011 it had encountered substantial amounts of cluster munitions abandoned by the US military, notably at or around old US air bases, including eight underground bunkers found in 2009, one of them reportedly covering an area of 4,000m<sup>2</sup> and containing some 25 tons of munitions.<sup>3</sup> These abandoned cluster munitions are believed to have been destroyed.

### Other Explosive Remnants of War and Landmines

Vietnam has huge UXO contamination and a serious, but as yet unquantified, mine problem.

## PROGRAMME MANAGEMENT

Vietnam's mine action programme has moved from military management to civilian oversight but operations continue to depend largely on the armed forces. A Prime Minister's Decision in 2006 assigned the Ministry of National Defence to oversee mine action at the national level with clearance undertaken by the Army Engineering Corps of the People's Army of Vietnam (PAVN).<sup>4</sup> BOMICEN, part of the Ministry of National Defence, has acted as a central coordinating body for clearance and survey by national operators.<sup>5</sup>

In 2013, Vietnam announced a Prime Minister's decision to establish a national mine action centre (VNMAC) to strengthen the direction of mine action and provide a focal point for mine action operations.<sup>6</sup> A decree issued in 2014 gave VNMAC responsibility to propose policy, draw up plans, serve as the focal point for international cooperation, lead fundraising, and "preside over" mine action information management. It is also responsible for organising and implementing quality assurance.<sup>7</sup> VNMAC has four departments (Planning, Coordination, Technical Affairs and Finance) and three subordinate centres (Training, National Database, and Consulting Centre for Quality Monitoring and Management). The government appointed VNMAC's director and two deputy directors in 2014 and the centre became officially operational in February 2015.<sup>8</sup>

Although VNMAC reports to the Prime Minister's office, the decision assigned responsibility for managing and coordinating the national mine action programme to the Ministry of Defence. Provincial authorities also work with a high level of autonomy in managing local mine action activities. In 2016, VNMAC and government ministries worked on a decree intended to clarify its mandate and define the role of all state agencies involved in mine action to eliminate overlap. The decree has been submitted to the Prime Minister's Office for consideration.<sup>9</sup>

### Strategic Planning

Vietnam does not have a strategy specifically targeting cluster munitions. Decision 504 approved by the Prime Minister in April 2010 set out a National Mine Action Plan for 2010 to 2025. The plan aimed to "mobilize domestic and international resources in making efforts to minimize and finally create impact-free environment for social economic development". It called for clearance of 8,000km<sup>2</sup> of explosive remnants of war (ERW) contamination between 2016 and 2025.<sup>10</sup>

## Operators

Most clearance in Vietnam is conducted by the Army Engineering Corps. Its current strength and deployment are unknown. Officials have previously reported that it had 250 mine and battle area clearance teams, including around 50 military companies.<sup>11</sup>

International operators conclude agreements to work in Vietnam with the People's Aid Coordinating Committee but negotiate their programme of operations separately with the authorities of each province. International operators active in 2016 included Danish Demining Group (DDG, in Quang Nam province), Mines Advisory Group (MAG, in Quang Binh and Quang Tri provinces), and Norwegian People's Aid (NPA, in Quang Tri and Thu Thie Hue provinces). PeaceTrees Vietnam reportedly worked in Vietnam in 2016 but did not provide information on its activities.

Quang Tri province, which includes the former demilitarised zone that separated North and South Vietnam and is one of the most heavily contaminated regions, approved the creation of a Legacy of War Coordination Centre (LWCC) in February 2015. The LWCC, established by the province's Department of Foreign Affairs with funding and technical support provided by NPA, is responsible for drawing up an annual workplan, coordinating operations of NPA and MAG.<sup>12</sup>

## Information Management

Quang Tri province has its own database unit, which was set up by NPA towards the end of 2013 and taken over by provincial authorities in 2016, who have installed it in the LWCC. The centre receives data from all operators in the province and uses it to task explosive ordnance disposal (EOD) and area clearance. Quang Binh has yet to establish a database unit and MAG maintains its own Information Management System for Mine Action (IMSMA)-compatible programme database. In Quang Nam province, which also lacks a database, DDG similarly maintains its own programme database.<sup>13</sup>

On a national level, data remains a challenge. Results of non-technical survey held in a BOMICEN database have proved inaccessible to international operators. VNMAC is in the process of setting up an information management unit intended to combine data on operations and victim assistance held by other national agencies. The project is supported by NPA, which provided software, hardware, and training in 2016. VNMAC also started drafting national legislation that would provide for the sharing of information and was revising the national standards for information management. Priority tasks in 2017 included populating the database with results of survey and other operations and getting the draft legislation approved.<sup>14</sup>

## LAND RELEASE

The total extent of land released through survey and clearance in 2016 is unknown. VNMAC provided no information on operations conducted by BOMICEN and the Army Engineering Corps which is the biggest operator. International NGOs cleared a total of almost 17.5km<sup>2</sup> of CMR-contaminated area.

### Survey in 2016

In Quang Tri, ranked as Vietnam's most heavily contaminated province, NPA continued to conduct CMR survey in a partnership with MAG, which clears the resulting confirmed hazardous areas (CHAs). In 2016, NPA confirmed 46.52km<sup>2</sup>, more than four times the area confirmed the previous year. Impact and evidence points are first assessed, that are then investigated by technical survey teams, which define CHAs for clearance.<sup>15</sup>

**Table 1: Cluster munition remnants survey<sup>16</sup>**

Operator	Province	Areas confirmed	Area confirmed (m <sup>2</sup> )
MAG	Quang Binh	423	5,465,996
NPA	Quang Tri	66	46,521,355
<b>Totals</b>		<b>489</b>	<b>51,987,351</b>

In Quang Binh province, MAG did not conduct technical survey but its community liaison teams collected GPS locations of submunitions cleared in earlier EOD roving tasks and used these in a system of evidence point mapping to plot "initial CHAs".<sup>17</sup>

DDG, working in Duy Xuyen and Dien Ban districts of Quang Nam province, conducted non-technical survey with two two-strong teams working from village to village to identify and prioritise hazardous areas before EOD or battle area clearance (BAC) teams conduct spot tasks or area clearance. In 2016, survey teams identified 33 suspected hazardous areas (SHAs) covering 161,567m<sup>2</sup>.<sup>18</sup>

### Clearance in 2016

Most clearance is undertaken by army engineers but VNMAC provided no information on results of operations. The amount of land cleared by international operators was 77% higher in 2016 than the previous year, reflecting in particular the progress of the US-funded collaboration in Quang Tri province between NPA, conducting technical survey, and MAG clearing the resulting polygons.

MAG's clearance of 13.4km<sup>2</sup> in Quang Tri in 2016 more than doubled the area it cleared in that province during the previous year. This was partly due to increasing capacity with the addition of another Mine Action Team, two vegetation cutting teams, and two EOD teams, but higher clearance rates per team also contributed to the improvement. In Quang Binh, a province with one of the highest levels of cluster munition contamination, MAG cleared 8% more area but over 30% more submunitions.<sup>19</sup>

**Table 2: Clearance of CMR in 2016**

Operator	Province	Areas cleared	Area cleared (m <sup>2</sup> )	Submunitions destroyed	Other UXO destroyed
DDG	Quang Nam	33	216,665	222	76
MAG	Quang Binh	31	3,217,822	3,372	143
	Quang Tri	112	13,413,461	5,936	4,554
NPA	Thua Thien Hue	28	557,940	417	323
<b>Totals</b>		<b>204</b>	<b>17,405,888</b>	<b>9,947</b>	<b>5,096</b>

DDG, which started BAC focused on cluster munitions in December 2015, accelerated operations to clear 0.2km<sup>2</sup> by the end of August, but had to suspend clearance and spot EOD operations for the last four months of the year due to bureaucratic delays. DDG had extended its Memorandum of Understanding (MoU) with Quang Nam provincial authorities for 28 months until the end of 2018, but could not conduct survey or clearance until it received approval for the extension from the prime minister's office.<sup>20</sup>

NPA conducted only survey in Quang Tri province, where it works in partnership with MAG, but it carried out

clearance in Thua Thien Hue province in 2016 working on CHAs in two of seven districts in which it had conducted technical survey in 2014–15. With two clearance teams and a total of 20 deminers, NPA cleared 0.56km<sup>2</sup>, destroying 417 submunitions, nearly 10 times the number destroyed in the previous year.<sup>21</sup>

The number of roving tasks conducted by international NGOs was 21% lower in 2016 than the previous year yet the number of submunitions and other ERW destroyed still rose, mainly as a result of MAG's operations in Quang Binh, where teams encountered a number of tasks with large numbers of items located in a small area.<sup>22</sup>

**Table 3: Spot/Roving Clearance and EOD in 2016<sup>23</sup>**

Operator	Province	Roving tasks	Submunitions destroyed	Other UXO destroyed
DDG	Quang Nam	251	1	603
MAG	Quang Binh	3,321	1,528	8,283
	Quang Tri	1,693	110	2,602
NPA	Quang Tri	1,608	184	3,918
	Thua Thien Hue	106	102	472
<b>Totals</b>		<b>6,979</b>	<b>1,925</b>	<b>15,878</b>

## Deminer Safety

In May 2016, an NPA searcher died in an incident during technical survey operations which injured a second deminer. Internal and external investigations of the incident could not determine any error on their part. NPA assessed that the submunition's time-delay fuse might have been activated by exposure to heat when it was uncovered, causing the gel controlling its time delay mechanism to melt, releasing the trigger. The injured deminer made a full recovery.<sup>24</sup>

## ARTICLE 4 COMPLIANCE

Vietnam is neither a state party nor a signatory to the CCM and therefore does not have a specific clearance deadline under Article 4. Nonetheless, it has obligations under international human rights law to clear CMR as soon as possible.

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- 1 "Vietnam mine/ERW (including cluster munitions) contamination, impacts and clearance requirements", Presentation by Sr. Col. Phan Duc Tuan, People's Army of Vietnam (PAVN), in Geneva, 30 June 2011.
  - 2 Handicap International, *Fatal Footprint, the Global Human Impact of Cluster Munitions*, Brussels, November 2006, p. 15.
  - 3 Interview with Sr. Col. Phan Duc Tuan, PAVN, in Geneva, 30 June 2011.
  - 4 Prime Minister's Decision No. 96/2006/QD-TTg, 4 May 2006.
  - 5 Email from Col. Nguyen Trong Dac, Ministry of National Defense, 6 August 2006.
  - 6 Interview with Maj.-Gen. Pham Quang Xuan, Director, VNMAC, in Geneva, 31 March 2014.
  - 7 Prime Minister's Decision 319/QD-TTg, 4 March 2014.
  - 8 Information provided by Do Van Nhan, Deputy Director General, VNMAC, received by email from Vietnam Veterans of America Foundation (VVAF), 19 June 2015.
  - 9 Interview with Dang Van Dong, Deputy Director General, VNMAC, in Geneva, 7 February 2017.
  - 10 Prime Minister, "Decision on Approval of the National Mine Action Plan Period 2010–2025", Hanoi, 21 April 2010.
  - 11 Interview with Sr. Col. Nguyen Thanh Ban, Engineering Command, Hanoi, 18 June 2013; and email from Executive Office of the National Steering Committee, 6 August 2012.
  - 12 LWCC website, at: <http://lwcc-dbu-quangtri.vn/en-us/INTRODUCTION/Project-Establishment>; and email from Le Nah Thu, Project Officer, MAG, 9 May 2016.
  - 13 Emails from Resad Junuzagic, Country Director, NPA, 7 April 2017; Simon Rea, Country Director, MAG, 11 April 2017; and Clinton Smith, Country Director –Vietnam, DDG, 23 March 2017.
  - 14 Interview with Dang Van Dong, VNMAC, in Geneva, 7 February 2017; and email from Resad Junuzagic, NPA, 7 April 2017.
  - 15 Email from Resad Junuzagic, NPA, 7 April 2017.
  - 16 Ibid.; and email from Simon Rea, MAG, 11 April 2017.
  - 17 Email from Simon Rea, MAG, 11 April 2017.
  - 18 Email from Clinton Smith, DDG, 23 March 2017.
  - 19 Email from Simon Rea, MAG, 11 April 2017.
  - 20 Email from Clinton Smith, DDG, 23 March 2017.
  - 21 Email from Resad Junuzagic, NPA, 7 April 2017.
  - 22 Email from Simon Rea, MAG, 11 April 2017.
  - 23 Emails from Resad Junuzagic, NPA, 7 April 2017; Simon Rea, MAG, 11 April 2017; and Clinton Smith, DDG, 23 March 2017.
  - 24 Email from Resad Junuzagic, NPA, 7 April 2017.