



LAO PDR

RECOMMENDATIONS FOR ACTION

- Lao PDR should accede to the Anti-Personnel Mine Ban Convention (APMBC) as a matter of priority.

CONTAMINATION

While by far the greatest contamination in Lao PDR is from explosive remnants of war (ERW), including 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, but the extent 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 Handicap International survey in 1997 found mines in all 15 provinces it surveyed, contaminating 214 villages.² In the past clearance operators have estimated Lao PDR may have 1,000 mined areas.³

The remote location of many of these areas means that mines have little impact and are not a clearance priority. Of 115,554 items of UXO destroyed by operators in 2017, only 38 (0.03%) were mines.⁴ The National Regulatory Authority (NRA), however, has stated that anti-personnel and anti-vehicle mines were “used in abundance” and observed that “with a steady expansion of land use “mined areas” will become areas for growing concern.”⁵

The NRA reports that “gravel mines” had all degraded but remaining mine types included United States-manufactured 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.⁶

According to Norwegian People’s Aid (NPA), 12 of Lao PDR’s 17 provinces are believed to contain landmines, but the details and nature of the contamination are unknown, and international non-governmental organisations (NGOs) do not have access to mined areas.⁷

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.⁸ Until 2011, the NRA came under the supervision of the Ministry of Labour and Social Welfare. A decree issued in June 2011 appointed a minister in the Prime Minister's Office responsible for rural development and poverty reduction as Vice-Chair of the Board, together with the Vice-Minister of Foreign Affairs.⁹ A February 2015 decree expanded the NRA board to 22 members, which was chaired by the Minister in the Prime Minister's Office responsible for rural development, Bounheuang Douangphachanh, and with ministers of Defence, Foreign Affairs and Labour and Social Welfare as vice-chairmen.¹⁰

A parliamentary election in March 2016 led to leadership changes, including the retirement of Bounheuang Douangphachanh. In September 2016, the government transferred the NRA and the mine action sector back under the control of the Ministry of Labour and Social Welfare. This move was reportedly aimed at helping improve efficiency by distributing responsibility for committees across ministries, rather than too many committees falling under the responsibility of the Prime Minister's office.¹¹ It is said, however, to have resulted in confusion at provincial and district level about responsibilities. In 2018, there were moves to make the Director of UXO Lao a deputy director of the NRA, alongside two existing deputy directors, and with a responsibility for overseeing UXO Lao (the national operator).¹²

According to Lao PDR's national standards, "The Lao PDR National Regulatory Authority (NRA) is the authority responsible for the overall management of UXO/mine action within Lao PDR. This responsibility includes establishing requirements for mine clearance operations and ensuring that these requirements are met."¹³ According to the NRA itself, responsibility for clearance of mined areas in Lao PDR predominantly falls under the remit of the Lao armed forces, and if landmines are discovered the army is called to destroy them.¹⁴

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.¹⁵ 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 United States-funded grant manager, Sterling International. As part of its work, Sterling International has also provided training in both survey and data analysis and correction to UXO Lao and international clearance operators.¹⁶ In May 2018, it was announced that Tetra Tech had won the new tender for this role.

Legislation and Standards

Lao PDR's national standards make a clear distinction between UXO clearance 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."¹⁷ As such, the National Standard on UXO clearance, only relates to UXO clearance operations and not to mine clearance operations.¹⁸

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."¹⁹

According to Lao PDR's national standard on Mine Clearance Operations, "Mine clearance operations; 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."²⁰ 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."²¹

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."²²

LAND RELEASE

No planned or systematic mine clearance was conducted during 2017, though 38 mines, along with 90,160 CMR, 124 bombs, and 25,232 other UXO items, were reported to have been destroyed by operators in 2017, according to Lao PDR's transparency reporting under the Convention on Cluster Munitions and the Convention on Conventional Weapons.²³

In reporting to Mine Action Review, the NRA reported a slightly lower figure of 23 mines destroyed during clearance, technical survey, and roving/spot tasks in 2017 (three mines destroyed by the Lao armed forces; one by The HALO Trust; one by Mines Advisory Group (MAG); two by NPA; and sixteen by UXO Lao).²⁴

The mine destroyed by MAG was an unfuzed M16 anti-personnel mine that was reported as having been found in a forest in Nonghet, Xiangkhouang province.²⁵

NPA confirmed that it did not destroy any anti-personnel mines in 2017 in Lao PDR, and it believes that the two mines reported to Mine Action Review by the NRA as having been destroyed by NPA in 2017 were in fact due to an NPA reporting error during database entry.²⁶

According to UXO Lao's own data, 34 anti-personnel mines were destroyed during its operations in 2017, of which 17 were destroyed during roving tasks/spot tasks, and the remainder during ERW survey and clearance.²⁷

ARTICLE 5 COMPLIANCE

Lao PDR is not a state party to the APMBC, but nonetheless has obligations under international human rights law to protect life, which requires the clearance of mines in areas under its jurisdiction or control as soon as possible.

- 1 NRA website, "UXO types: Mines", accessed 9 September 2018 at: <http://www.nra.gov.la/mines.html>.
- 2 Handicap International, "Living with UXO, National Survey on the Socio-Economic Impact of UXO in Lao PDR", Vientiane/Brussels, 1997, p. 7.
- 3 Interview with Michael Hayes, Programme Manager, Mines Advisory Group (MAG), Vientiane, 5 February 2004.
- 4 Convention on Certain Conventional Weapons (CCW) Protocol V Article 10 Report (for 2017), Form A; and Convention on Cluster Munitions (CCM) Article 7 Report (for 2017), Form F.
- 5 NRA website, "UXO types: Mines", 9 September 2018.
- 6 Ibid.
- 7 Email from Ulric Eriksson, Operations Manager, NPA, 1 May 2018.
- 8 NRA, "UXO Sector Annual Report 2009", Vientiane, May 2009, p. 14.
- 9 Prime Minister's Decree No. 164, 9 June 2011; NRA, "National Regulatory Authority for UXO/Mine Action Sector in Lao PDR Switches Ministries", October 2011.
- 10 "Announcement 93: UXO clearance for socio-economic development projects in the Lao PDR", NRA Board, 19 November 2012.
- 11 Email from Olivier Bauduin, UNDP, 10 July 2018.
- 12 Interview with Phoukhieo Chanthasomboune, NRA, Vientiane, 2 May 2018.
- 13 Lao PDR National UXO/Mine Action Standards (NS), "Chapter 12: Mine Clearance Operations", accessed on NRA website on 14 September 2018, p. 5.
- 14 Interview with Phoukhieo Chanthasomboune, NRA, Vientiane, 2 May 2018.
- 15 Interview with Olivier Bauduin, UNDP, Vientiane, 2 May 2018; and email, 10 July 2018.
- 16 Interview with Hugh Hosman and Marco Heuscher, Sterling International, Vientiane, 2 May 2018.
- 17 Lao PDR National UXO/Mine Action Standards (NS), "Chapter 0: Introduction and Glossary", accessed on NRA website on 14 September 2018, p. xi.
- 18 Lao PDR National UXO/Mine Action Standards (NS), "Chapter 7: UXO Clearance Operations", accessed on NRA website on 14 September 2018, p. 5.
- 19 Ibid., p. 13.
- 20 Lao PDR National UXO/Mine Action Standards (NS), "Chapter 12: Mine Clearance Operations", accessed on NRA website on 14 September 2018, p. 5.
- 21 Ibid., p. 5, note 1.
- 22 Ibid., p. 5.
- 23 CCW Protocol V Article 10 Report (for 2017), Form A; and CCM Article 7 Report (for 2017), Form F.
- 24 Email from Bouala Thongsavanh on behalf of Phoukhieo Chanthasomboune, NRA, 30 April 2018.
- 25 Email from Neil Arnold, Technical Operations Manager, MAG, 10 September 2018.
- 26 Email from Ulric Eriksson, NPA, 27 September 2018.
- 27 Email from Nigel Orr, Sterling International, 3 October 2018.