

## KEY DEVELOPMENTS

Vietnam's national programme is in the process of developing its legal framework, structure, policies, and standards. With the adoption of a new national mine action decree in 2019, followed up with a more detailed Guiding Circular in February 2020, the Vietnam National Mine Action Centre (VNMAC) has now been officially empowered to start coordinating mine action in Vietnam. Progress is being made towards establishing a fully functioning national information management database and quality management (QM) capacity, and there were plans to update national mine action standards in 2020 to bring them more in line with the international mine action standards (IMAS).

However, VNMAC's primary focus is on cluster munition remnants (CMR) and other explosive remnants of war (ERW), and there is a lack of clarity as to what extent mine clearance will benefit from the mine action structures and systems being established in Vietnam.

## RECOMMENDATIONS FOR ACTION

- Vietnam 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, Vietnam has obligations under international human rights law to clear anti-personnel mines in areas under its jurisdiction or control as soon as possible.
- Vietnam should elaborate up a strategic plan for addressing anti-personnel mine contamination.
- Vietnam should publish a detailed assessment of remaining mined areas.
- Vietnam should publish annual reports on its progress in the survey and clearance of mined areas.
- National Technical Regulations (QCVNs) and National Mine Action Standards (TCVNs) should be updated in line with IMAS, including with regards to addressing anti-personnel mine contamination.

## UNDERSTANDING OF AP MINE CONTAMINATION

Vietnam's mine problem is certainly small compared with contamination from ERW, though the full extent of its mined area is unknown. A survey published in 2018 reported the presence of anti-personnel mines in 26 of 63 cities and provinces but gave no further details.<sup>1</sup>

Most mines were left by conflicts in the 1970s with neighbouring Cambodia and China, and affect areas close to its borders with those countries.<sup>2</sup> Clearance had been reported by Vietnam along its northern border with China in the 1990s and since 2004, but mined areas further inland are believed to persist.<sup>3</sup> It was reported in 2013 by Vietnam's Military Engineering Command that clearance had been completed in the Cambodia border areas.<sup>4</sup> Many ports and river deltas were mined extensively during the armed conflict with the United States and were not completely cleared when it ended. A number of sea mines have been found on the coast.<sup>5</sup> Some mines have also been found around former US military installations.<sup>6</sup>

Vietnam also has extensive contamination from CMR and other ERW (see Mine Action Review's *Clearing Cluster Munition Remnants* report on Vietnam for further information).

## NATIONAL OWNERSHIP AND PROGRAMME MANAGEMENT

VNMAC was established in 2014 by Prime Ministerial decision (No. 738 of 2013) to strengthen the direction of mine action and provide a focal point for mine action operations, although management and operations continued to depend largely on the Armed Forces.

In a positive development, Vietnam's mine action programme is now undergoing significant restructuring, following the Decree on the Management and Implementation of Mine Action Activities, issued in February 2019 (Decree No. 18) and subsequent approval of a Guiding Circular which came into effect in February 2020 (Guiding Circular No. 195).<sup>7</sup>

Under Decree No. 18, while the Ministry of National Defence (MoD) will continue to elaborate and preside over the national mine action programme, as the lead authority, in coordination with other relevant ministries and sectors,<sup>8</sup> VNMAC will, under the direction of the Prime Minister and management of the MoD, "monitor, coordinate and implement mine action tasks".<sup>9</sup> Guiding Circular No. 195, which details a number of articles and methods regarding implementation of the Decree, also officially appoints VNMAC as the national coordinator of mine action activities in Vietnam.<sup>10</sup> Therefore, this is an important period for VNMAC, as the national programme develops its legal framework, structure, policies, and standards.

Mines Advisory Group (MAG), Norwegian People's Aid (NPA), the United Nations Development Programme (UNDP), PeaceTrees Vietnam (PTVN), and Golden West all provide capacity development support in Vietnam (see Mine Action Review's *Clearing Cluster Munition Remnants 2020* report on Vietnam for more details).<sup>11</sup>

While there is still a need for greater transparency from VNMAC, international mine action organisations reported that their coordination and collaboration with VNMAC improved throughout 2019, most notably with VNMAC's engagement with the Landmine Working Group (LWG). The LWG, which is co-chaired by NPA and the International Centre (IC), is a platform for humanitarian mine action stakeholders in Vietnam to meet quarterly to share and discuss updates that impact the sector, although in 2019 the LWC only met twice and the first LWC meeting of 2020 took place in July.

In 2019, VNMAC participated and engaged in this forum, specifically calling on LWG members to help it develop Decree No. 18 and Guiding Circular No. 195.<sup>12</sup> During 2020, the LWG was due to be involved in the planned update to the national regulations and standards. International operators hope that VNMAC will use the LWG forum for collective discussions on continued improvements in coordination and collaboration of mine action in Vietnam.<sup>13</sup>

## GENDER AND DIVERSITY

As at June 2020, Vietnam had not provided information on whether it has a gender policy and implementation plan for mine action or on the proportion of female employees at VNMAC.

International operators Danish Demining Group (DDG), MAG, NPA, and PTVN all report having organisational gender and diversity policies and state that they consult both women and children during community liaison activities with male and female members of community liaison/survey teams. They say they provide equal opportunities during the recruitment process and are working towards gender-balanced employment.<sup>14</sup> For more information see Mine Action Review's *Clearing Cluster Munition Remnants* report for Vietnam.

## INFORMATION MANAGEMENT AND REPORTING

Data quality and accessibility continues to be a major challenge in Vietnam. VNMAC is responsible for national information management and uses the Information Management System for Mine Action (IMSMA). However, information is not currently shared with mine action operators.<sup>15</sup> The ERW impact survey report released in 2018 noted that "regulations on reporting demining activities have not been strictly followed". Authorities had, however, received clearance data for Ha Tinh and Quang Tri provinces, where international donors have supported operations.<sup>16</sup> VNMAC also receives data from the 2018–20 joint KV-MAP project, between VNMAC, the Korea International Cooperation Agency (KOICA), and UNDP in Binh Dinh and Quang Binh provinces.<sup>17</sup>

However, deficiencies in national-level information management are now starting to be addressed by VNMAC, made possible by Decree No. 18 and Guiding Circular No. 195, which makes clear that VNMAC is responsible for the management and development of the national mine action database. The Director General of VNMAC is responsible for regulating the scope, content, and nature of mine action data that is allowed to be shared and accessed by the information users. As at April 2020, VNMAC was in the process of determining how information management will be collected nationally and shared.<sup>18</sup>

A number of data collection forms are used in Vietnam by different mine action actors. However, following the adoption of Guiding Circular No. 195, it is expected that national regulations and standards will be updated to allow for the approval of one set of standardised data collection forms across Vietnam.<sup>19</sup>

NPA is working with VNMAC at the national level to establish information management units (IMUs) to collect and collate information from across Vietnam and give transparent access to available data. Throughout 2019, VNMAC's IMU worked to input historical data stored on other databases and available data from the provinces; a process which was expected to be completed in 2020.<sup>20</sup>

For details on information management at the provincial level, please see Mine Action Review *Clearing Cluster Munition Remnants* report for Vietnam.

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## PLANNING AND TASKING

Vietnam does not have a strategy specifically targeting anti-personnel mines. Decision 504, approved by the Prime Minister in April 2010, set out a National Mine Action Plan for 2010–25. 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 ERW clearance of 8,000km<sup>2</sup> between 2016 and 2025.<sup>21</sup>

As at June 2020, there was no national prioritisation system for mine clearance. For details on prioritisation at the provincial level, please see Mine Action Review *Clearing Cluster Munition Remnants* report for Vietnam.

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## LAND RELEASE SYSTEM

### STANDARDS AND LAND RELEASE EFFICIENCY

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Vietnam has both National Technical Regulations (QCVNs), which are legally binding and similar in content to standing operating procedures (SOPs), and National Mine Action Standards (TCVNs), which despite being standards are considered optional by VNMAC and the MoD.<sup>22</sup>

The existing QCVNs and TCVNs are outdated and not in line with IMAS.<sup>23</sup> According to NPA, the current QCVNs are drafted with the MoD in mind and without consideration of other operators' SOPs, equipment use, land release methods, or structure and composition of teams. There are issues with the terminology used in TCVNs; chapters contradict themselves; and they read as a combination of SOPs and standards.<sup>24</sup> However, in a positive development, VNMAC planned to update the QCVNs and TCVNs in 2020 to bring them in line with IMAS.<sup>25</sup> As part of this process, VNMAC will update the SOP on QM and the SOP on technical and non-technical survey, and although consideration was given as to whether to merge the QCVNs and TCVNs into one document,<sup>26</sup> as at August 2020 the QCVNs were being updated separately.<sup>27</sup> Work commenced in May 2020, with the aim to complete the required updates by the end of the year, but it will likely take longer to elaborate and approve the new circulars needed. Updates will reportedly be made in consultation with LWG members and the Geneva International Centre for Humanitarian Demining (GICHD).<sup>28</sup>

The QCVNs and TCVNs reportedly cover anti-personnel mine operations under the heading mines/ERW clearance, but more work is required in both documents with respect to addressing mined areas.

### OPERATORS AND OPERATIONAL TOOLS

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Most clearance in Vietnam is conducted by the Army Engineering Corps and military-owned commercial companies; coordination for which does not fall under the remit of VNMAC. Outside the central provinces, the current strength and deployment of military-related demining is unknown.

Engineering Command teams were, however, being deployed as part of the KV-MAP project, which was initiated in February 2018 and is being jointly implemented by KOICA, UNDP, and VNMAC in Binh Dinh and Quang Binh provinces.<sup>29</sup>

International operators active in 2019 included DDG, working in Quang Nam province; MAG, working in Quang Binh and Quang Tri provinces; NPA, working in Quang Tri and Thua Thien Hue provinces; and PTVN, who have been working in Quang Tri province since 1995. DDG ceased operations in Vietnam in January 2020, due to lack of funding.<sup>30</sup> Survey and clearance by the NGO operators are solely focused on contamination from CMR and other ERW, and not anti-personnel mines. For further details on survey and clearance capacity of humanitarian operators, please see Mine Action Review *Clearing Cluster Munition Remnants* report for Vietnam.

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## LAND RELEASE OUTPUTS AND PROGRESS TOWARDS COMPLETION

VNMAC has not shared any data on mine clearance activities in Vietnam in 2019 and operators did not report any anti-personnel mined area reduced or cancelled through survey or cleared in 2019.<sup>31</sup>

The Quang Tri Mine Action Centre (QTMAC, and previously known as the Legacy of War Coordination Centre), recorded destruction of nine anti-personnel mines in 2019: one during technical survey and eight during EOD responses. All of the mines discovered and destroyed by QTMAC were isolated mines and were not part of a minefield. This was a decrease compared to the 17 anti-personnel mines destroyed during EOD responses in 2018.<sup>32</sup>

MAG reported destroying one anti-personnel mine in 2019, during an emergency EOD task response in Quang Tri Province.<sup>33</sup>

A small number of anti-personnel mines were also found and destroyed during clearance operations in 2019, as part of the KV-MAP project.<sup>34</sup>

Vietnam has not set a deadline for completion of anti-personnel mine clearance. In its national mine action plan for 2010 to 2025 it called for the clearance of 8,000km<sup>2</sup> of ERW from 2016 to 2025<sup>35</sup> but did not specify how much of this, if any, should be mined area.

In the past, the challenge for VNMAC was identifying and implementing the legal framework that would allow mine action stakeholders to support the decision-making process,<sup>36</sup> but addressing this should now be possible under the Decree 85 and Guiding Circular 195. It is hoped that their adoption will enable VNMAC to put in place systems and practices to coordinate and strengthen mine action in Vietnam, bringing national standards relating to survey and clearance operations in line with IMAS, and establishing a national information management database accessible to all mine action stakeholders to more accurately determine the extent of CMR contamination; and to set national priorities for clearance.

VNMAC's focus however, is on CMR and ERW, and there is currently a lack of clarity as to what extent anti-personnel mines fall under VNMAC's responsibility.

### PLANNING FOR RESIDUAL RISK AFTER COMPLETION

Golden West is partnering with the GICHD in a Management of Residual Explosive Remnants of War project to study the ERW ageing; develop standards for the collection, cutting, and dissection of ERW; and to draw up and pilot a long-term risk management model.<sup>37</sup>

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| <p>1 VNMAC, "Report on Explosive Remnants of War Contamination in Vietnam, Based on the Explosive Remnants of War Contamination Survey and Mapping – Phase 1", provided by VNMAC 19 April 2018, p. 38.</p> <p>2 Interview with Sr. Col. Phan Duc Tuan, Deputy Commander, Military Engineering Command, People's Army of Vietnam (PAVN), in Geneva, 30 June 2011.</p> <p>3 Information provided by Sr. Col. Phan Duc Tuan, PAVN, in email from Vietnam Veterans of America Foundation (VVAFA), Hanoi, 24 September 2012; and in interview in Geneva, 30 June 2011.</p> <p>4 Interview with Sr. Col. Nguyen Thanh Ban, Head of Bomb and Mine Department, Engineering Command, Hanoi, 18 June 2013.</p> <p>5 Landmine Action, <i>Explosive Remnants of War and Mines Other than Anti-personnel Mines</i>, London, March 2005, p. 181.</p> <p>6 Ibid.</p> <p>7 Email from Jan Erik Støa, NPA, 6 April 2020.</p> <p>8 Decree on Implementation and Management of Mine Action, No.18/2019/ND-CP, 1 February 2019.</p> <p>9 Draft Decree on the management and implementation of mine action activities, Hanoi, April 2018.</p> <p>10 Emails from Jan Erik Støa, NPA, 6 April 2020; and Helene Kuperman, MAG, 10 April 2020.</p> <p>11 For more information see Mine Action Review <i>Clearing Cluster Munition Remnants</i> report for Vietnam.</p> <p>12 Emails from Jan Erik Støa, NPA, 6 April 2020; and Helene Kuperman, MAG, 10 April 2020.</p> <p>13 Emails from Jan Erik Støa, NPA, 6 April 2020; and Helene Kuperman, MAG, 23 June 2020.</p> <p>14 For more information see Mine Action Review's <i>Clearing Cluster Munition Remnants</i> report for Vietnam.</p> <p>15 Emails from Resad Junuzagic, NPA, 6 May 2019; and Helene Kuperman, MAG, 10 April 2020.</p> <p>16 VNMAC, "Report on Explosive Remnants of War Contamination in Vietnam", Hanoi, 2018, pp. 36–37.</p> <p>17 Email from Nils Christensen, Chief Technical Advisor, UNDP, 20 August 2020.</p> | <p>18 Emails from Jan Erik Støa, NPA, 6 April 2020; and Helene Kuperman, MAG, 10 April 2020.</p> <p>19 Email from Jan Erik Støa, NPA, 6 April 2020.</p> <p>20 Ibid.</p> <p>21 Prime Minister, "Decision on Approval of the National Mine Action Plan Period 2010–2025", Hanoi, 21 April 2010.</p> <p>22 Email from Resad Junuzagic, NPA, 6 May 2019.</p> <p>23 Emails from Jan Erik Støa, NPA, 6 April 2020; and Helene Kuperman, MAG, 10 April 2020.</p> <p>24 Email from Resad Junuzagic, NPA, 6 May 2019.</p> <p>25 Emails from Jan Erik Støa, NPA, 6 April 2020; and Helene Kuperman, MAG, 10 April 2020.</p> <p>26 Emails from Helene Kuperman, MAG, 10 April and 23 June 2020; and Jan Erik Støa, NPA, 24 June 2020.</p> <p>27 Email from Nils Christensen, UNDP, 20 August 2020.</p> <p>28 Emails from Helene Kuperman, MAG, 10 April and 23 June 2020; and Jan Erik Støa, NPA, 24 June 2020.</p> <p>29 Email from Nils Christensen, UNDP, 20 August 2020.</p> <p>30 Email from Søren Adser Sørensen, Programme Specialist, DDG, 5 May 2020.</p> <p>31 Ibid.; and emails from Helene Kuperman, MAG, 10 April 2020; and Jan Erik Støa, NPA, 6 April 2020.</p> <p>32 Email from Dinh Ngoc Vu, Vice Director, Dinh Ngoc Vu, Vice Director, Quang Tri Provincial Mine Action Center (QTMAC), 31 August 2020.</p> <p>33 Email from Helene Kuperman, MAG, 10 April 2020.</p> <p>34 Email from Nils Christensen, UNDP, 20 August 2020.</p> <p>35 Prime Minister, "Decision on Approval of the National Mine Action Plan Period 2010–2025", Hanoi, 21 April 2010.</p> <p>36 Email from Resad Junuzagic, NPA, 6 May 2019.</p> <p>37 Emails from Lee Moroney, Vietnam Country Director, Golden West Humanitarian Foundation, 22 April 2018 and 22 June 2019; and Rob White, Adviser, Strategic Management and Residual Contamination, GICHD, 25 April 2018.</p> |
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