

## 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.
- Lao PDR should clear anti-personnel mines in areas under its jurisdiction or control as soon as possible, consonant with its obligations under international human rights law.
- 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. This process might benefit from the establishment of a technical working group specifically for landmines.
- 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.
- The NRA should facilitate the development, together with inclusive participation from all operators and other relevant mine action stakeholders, of a new Safe Path Forward III strategy for the sector for 2021–30.

## 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.<sup>1</sup>

A Humanity and Inclusion (formerly Handicap International, HI) survey in 1997 found mines in all 15 provinces it surveyed, contaminating 214 villages.<sup>2</sup> As at March 2021, HI had identified 46 suspected minefields in 20 villages, in Houamuang district of Houaphanh province, where it is currently operating.<sup>3</sup> Anti-personnel mines discovered

included United States (US)-manufactured M7, M16, and M14 mines, Vietnamese MBV-78A1 mines, and Soviet POMZ mines.<sup>4</sup> 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.<sup>5</sup>

The remote location of many mined areas means that mines have little impact and are not a clearance priority. Of 92,299 items of explosive ordnance destroyed in 2019, only 32 (less than 0.04%) were mines.<sup>6</sup> The NRA, however, has observed that “with a steady expansion of land use ‘mined areas’ will become areas for growing concern.”<sup>7</sup>

## 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.<sup>8</sup> 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.<sup>9</sup>

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 the implementation of the national strategy nationwide, as well as NRA planning and coordination functions at the provincial and district levels.<sup>10</sup> A new Director of the NRA was appointed in June 2019.<sup>11</sup>

The main focus of the NRA is on addressing the massive contamination from CMR and other ERW. However, responsibility for the clearance of mined areas in Lao PDR is also led by the NRA.<sup>12</sup>

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.<sup>13</sup> Further capacity development in information management (IM), quality management (QM), and operations support, is provided primarily to UXO Lao, and to a lesser extent the NRA, through a US-funded contractor, Tetra Tech.<sup>14</sup>

In 2020, the Geneva International Centre for Humanitarian Demining (GICHD) was supporting the development of Lao's new national strategy, as well as mine action IM and risk management.<sup>15</sup> Norwegian People's Aid (NPA) provided capacity development to the NRA, primarily on IM, under the United Kingdom's Foreign and Commonwealth Development Office (FCDO, previously the Department for International Development (DFID)) project, until the project's conclusion at the end of March 2020.<sup>16</sup> HI provides capacity development support to the provincial NRA in Houaphanh province.

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## GENDER AND DIVERSITY

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

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## INFORMATION MANAGEMENT AND REPORTING

In November 2019, Lao PDR stated at the Fourth Review Conference of the APMB in Oslo, that it was in the process of preparing a voluntary APMB Article 7 report.<sup>17</sup> However, as at 1 August 2021, a voluntary report had yet to be submitted. The only voluntary Article 7 report submitted previously by Lao PDR, was in 2011.

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## 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.<sup>18</sup> There is a corresponding multi-year work plan 2016–20 for implementation of the Safe Path Forward II strategy,<sup>19</sup> but both Safe Path Forward II and the corresponding work plan predominantly focus on CMR and other ERW, and do not include a strategy or plans for addressing mined areas. However, discovery of mines during CMRS will impede CMR survey and clearance operations.<sup>20</sup>

A new national strategic plan for the UXO Sector is being elaborated for 10 years, in line with SDG 18 under the 2030 SDG agenda.<sup>21</sup> A GICHD-facilitated strategy stakeholder workshop, planned for March 2020 in Vientiane, unfortunately had to be postponed due to the COVID-19 outbreak. A GICHD-led online/hybrid strategy stakeholder workshop was scheduled for November 2020, but was cancelled at the last minute by the NRA.<sup>22</sup>

Lao PDR said in November 2020 that it planned to adopt the new National Strategy for the UXO Sector (2021–30),

"The Safe Path Forward III", in 2021.<sup>23</sup> As of early 2021, UNDP was supporting the development of Safe Path Forward III, and had informed operators that an initial draft would be developed by June 2021.<sup>24</sup> As at June 2021, the NRA reported that the new strategy was in the process of being drafted.<sup>25</sup> On 23 July 2021, the NRA convened an online consultation meeting on SPF III with national and international operators.<sup>26</sup> Through its funding of the 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."<sup>27</sup> The HALO Trust, Mines Advisory Group (MAG), NPA, and the US Embassy met with UNDP in March 2021 to discuss sector priorities.<sup>28</sup>

It is not known to what extent the new "Safe Path Forward III", which was being elaborated during 2021, will include addressing anti-personnel (and anti-vehicle) mine contamination.

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## 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."<sup>29</sup> As such, the National Standard on UXO clearance only relates to UXO clearance operations and not to mine clearance operations.<sup>30</sup> 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).

NRA has said that the national standards related to anti-personnel mines are being reviewed.<sup>31</sup>

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.”<sup>32</sup>

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.”<sup>33</sup>

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.<sup>34</sup> Landmines have been a regular topic of discussion in subsequent technical working group meetings, and HI believed it would be useful to have a technical working group with the NRA and interested operators, specifically for landmines, as had been suggested by the NRA at one point.<sup>35</sup>

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”,<sup>36</sup> 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.”<sup>37</sup>

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.”<sup>38</sup>

Non-governmental organisation (NGO) clearance operators in Lao are not currently accredited for mine clearance,<sup>39</sup> and national standards would need revising in order for NGO to conduct mine clearance.<sup>40</sup>

While the current national standards do already allow for mine clearance and set parameters for safe distances and other relevant issues, there is a need to strengthen national institutional knowledge on mine clearance, including in relation to quality assurance (QA) and training.<sup>41</sup>

The HALO Trust Laos programme continues to raise concerns over the mine threat in Savannakhet province with the NRA. HALO has drafted a mine clearance standing operating procedure (SOP) and submitted for approval to the NRA.<sup>42</sup>

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.<sup>43</sup> HI said that it had been working on a concept note with UNDP, Lao People’s Army humanitarian demining unit (Unit 58), and NRA for a project that, if approved, would include mine clearance in 2021.<sup>44</sup>

## LAND RELEASE

The NRA reported to Mine Action Review that planned clearance of a number of mined areas was conducted during 2020, led by the NRA.<sup>45</sup> However, no additional details were provided except that 32 mines were destroyed<sup>46</sup> from a total of 92,299 items of explosive ordnance.<sup>47</sup> This compares to 40 mines in 101,512 items of UXO destroyed in 2019.<sup>48</sup>

According to data reported to Mine Action Review by clearance operators, a total of 21 anti-personnel mines and 2 anti-vehicle mines were cleared in 2021. A further nine anti-personnel mines and one anti-vehicle mine that had not been emplaced were also discovered (see Table 1).

**Table 1: Mines discovered in 2020 (based on operator data)<sup>49</sup>**

Clearance operator	Emplaced anti-personnel mines	Emplaced anti-vehicle mines	Comments
HALO Trust	2	0	
HI	13	1	A further 8 anti-personnel mines and 1 anti-vehicle mine were discovered which had been excavated and moved by villagers
MAG	0	0	1 non-emplaced anti-personnel mine
NPA	5	1	
UXO Lao	7	0	
<b>Totals</b>	<b>27</b>	<b>2</b>	

While the NRA reported that the 32 mines destroyed during 2020 were anti-personnel mines,<sup>50</sup> data from HI and NPA showed they each destroyed one anti-vehicle mine in 2021.<sup>51</sup> As yet, no distinction is made in the IMSMA database in the NRA between anti-personnel mines and anti-vehicle mines.<sup>52</sup> Data in the "NRA Annual Project Progress Report to UNDP for 2020 reporting period" regarding the number of mines discovered and destroyed during 2020<sup>53</sup> also varied slightly from the data reported directly by The HALO Trust, HI, MAG, NPA, and UXO Lao (see details in Table 1 and below).

In 2020, The HALO Trust discovered and destroyed two anti-personnel mines in Savannakhet province, one in Vilabouly district and the other in Xonbuly district. The mine in Vilabouly district was found during CMRS and the mine in Xonbuly district during an explosive ordnance disposal (EOD) call-out.<sup>54</sup> HALO Trust had planned to start mine clearance operations in 2020 in Phalanxai district,<sup>55</sup> subject to accreditation and necessary amendments being made to the National Standards, but due to COVID-19 this has been delayed to 2021.<sup>56</sup>

In 2020, HI discovered and destroyed 13 emplaced anti-personnel mines and 1 anti-vehicle mine during CMR clearance operations in Houaphanh province and a further eight anti-personnel mines and one anti-vehicle mine which had been excavated and moved by villagers.<sup>57</sup> 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.<sup>58</sup> 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.<sup>59</sup>

As at March 2021, HI had identified 46 suspected minefields in 20 villages, in Houamuang district, in Houaphanh province.<sup>60</sup> In addition, HI reported that it had received a report of a mine discovered since it stood down operations at the end of December 2020, while awaiting amendment of its memorandum of understanding (MOU). HI reported this to the provincial NRA, but the mine was not immediately destroyed and was reportedly moved by a villager a couple of weeks later before it could be destroyed. Assistance was again requested by the village to HI, who informed the provincial NRA. HI would like to be granted temporary accreditation to manage urgent requests such as these.<sup>61</sup>

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.<sup>62</sup>

MAG did not discover or destroy any emplaced mines in 2020, but it did find and destroy a non-emplaced anti-personnel mine in Phaivat village, Khoun district, Xiengkhouang province.<sup>63</sup>

In 2020, NPA discovered and destroyed a total of five anti-personnel mines, during roving spot tasks in Nongboua-Gnai village, Saravane district, Saravan province. In addition, one anti-vehicle mine was found as part of a roving task in Houayset village, Paksong district, Champasak province.<sup>64</sup>

UXO Lao, the oldest and largest clearance operator in Lao PDR, is a government organisation working under the Ministry of Labour and Social Welfare,<sup>65</sup> operating in nine provinces (Attapeu, Champasak, Houaphanh, Khammouane, Luang Prabang, Savannakhet, Saravan, Xekong, and Xiengkhouang).<sup>66</sup> UXO LAO found and destroyed seven anti-personnel mines in 2020, during cluster munition operations in Champasak, Xekong, Luang Prabang and Xiengkhouang provinces.<sup>67</sup>

- 1 NRA website, "UXO types: Mines", accessed 9 March 2020.
- 2 Handicap International, "Living with UXO, National Survey on the Socio-Economic Impact of UXO in Lao PDR", Vientiane/Brussels, 1997, p. 7.
- 3 Email from Julien Kempeneers, Humanitarian Mine Action Coordinator, on behalf of Yvon Le Chevanton, Technical Survey/Clearance Operations Manager, HI, 16 March 2021.
- 4 Emails from Julien Kempeneers, HI, 27 August 2019, and 25 March and 29 June 2020.
- 5 NRA website, "UXO types: Mines", 9 March 2020 (page no longer online).
- 6 Convention on Certain Conventional Weapons (CCW) Protocol V Article 10 Report (covering 2020), Form A; Convention on Cluster Munitions (CCM) Article 7 Report (covering 2020), Form F; and email from Chomyaeng Phengthongsawat, Director General, NRA, 21 June 2021.
- 7 NRA website, "UXO types: Mines", 9 March 2020 (page no longer online).
- 8 CCM Extension Request 2019, Part B, Detailed Narrative, p. 18.
- 9 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.
- 10 CCM Extension Request 2019, Part B, Detailed Narrative, p. 18.
- 11 Email from Olivier Bauduin, US PMWRA, 29 September 2020.
- 12 Email from Chomyaeng Phengthongsawat, NRA, 21 June 2021.
- 13 Interview with Olivier Bauduin, UNDP, Vientiane, 2 May 2018; and email, 10 July 2018.
- 14 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: <http://bit.ly/2LzmG8J>.
- 15 Email from Robert White, Advisor, Strategic Management & Residual Contamination, GICHD, 22 July 2020.
- 16 Email from Katherine Harrison, Program Coordinator, NPA, 19 June 2021.
- 17 Statement of Lao PDR, Fourth APMB Review Conference, Oslo, 29 November 2019.
- 18 Interview with Phoukhieo Chanthasomboune, NRA, Vientiane, 4 May 2016.
- 19 CCM Extension Request 2019, Part B, Detailed Narrative, p. 26.
- 20 Email from Julien Kempeneers, HI, 22 March 2019.
- 21 Email from Olivier Bauduin, US PMWRA, 29 September 2020.
- 22 Emails from Katherine Harrison, NPA, 22 March 2021; and Rebecca Letven, Country Director, MAG, 26 March 2021.
- 23 Statement of Lao PDR on National Implementation Measures, CCM Second Review Conference (Part 1, virtual meeting), 25–27 November 2020.
- 24 Email from Katherine Harrison, NPA, 22 March 2021.
- 25 Email from Chomyaeng Phengthongsawat, NRA, 21 June 2021.
- 26 Email from Rebecca Letven, MAG, 3 August 2021.
- 27 "US Renews Partnership with Lao PDR to Build Capacity in UXO Sector", US Embassy in Lao PDR, 31 January 2020.
- 28 Email from Katherine Harrison, NPA, 22 March 2021.
- 29 Lao PDR National UXO/Mine Action Standards (NS), "Chapter 0: Introduction and Glossary", accessed on NRA website on 29 July 2021, p. xi.
- 30 Lao PDR NS, "Chapter 7: UXO Clearance Operations", accessed on NRA website on 29 July 2021, p. 5.
- 31 Email from Chomyaeng Phengthongsawat, NRA, 21 June 2021.
- 32 Lao PDR NS, "Chapter 12: Mine Clearance Operations", accessed on NRA website on 29 July 2021, p. 5.
- 33 Lao PDR NS, "Chapter 7: UXO Clearance Operations", p. 13.
- 34 Email from Julien Kempeneers, HI, 27 August 2019.
- 35 Email from Julien Kempeneers, HI, 16 March 2021.
- 36 Emails from Julien Kempeneers, on behalf of Yvon Le Chevanton, HI, 25 March 2020; and Minla Nanthavong, HI, 2 August 2021.
- 37 Lao PDR NS, "Chapter 12: Mine Clearance Operations", accessed on NRA website on 29 July 2021, p. 5, note 1.
- 38 Lao PDR NS, "Chapter 12: Mine Clearance Operations", accessed on NRA website on 29 July 2021, p. 5.
- 39 Emails from Julien Kempeneers, HI, 25 March 2020; Cameron Imber, Programme Manager, HALO, 7 April 2020; Katherine Harrison, NPA, 6 May 2020; and Rebecca Letven, MAG, 26 March 2021.
- 40 Emails from Julien Kempeneers, HI, 25 March 2020; and Cameron Imber, HALO, 7 April 2020.
- 41 Email from Rebecca Letven, MAG, 26 March 2021.
- 42 Email from Cameron Imber, HALO, 14 March 2021.
- 43 Email from Julien Kempeneers, HI, 25 March 2020.
- 44 Emails from Julien Kempeneers, HI, 16 March 2021; and Minla Nanthavong, HI, 2 August 2021.
- 45 Email from Chomyaeng Phengthongsawat, NRA, 21 June 2021.
- 46 Ibid.
- 47 CCW Protocol V Article 10 Report (covering 2020), Form A; CCM Article 7 Report (covering 2020), Form F; and email from Chomyaeng Phengthongsawat, NRA, 21 June 2021.
- 48 CCW Protocol V Article 10 Report (covering 2019), Form A; and CCM Article 7 Report (covering 2019), Form F.
- 49 Emails from Cameron Imber, HALO, 14 March and 1 August 2021; Julien Kempeneers, on behalf of Yvon Le Chevanton, HI, 16 March 2021; Rebecca Letven, Programme Manager, MAG, 26 March 2021; Katherine Harrison, NPA, 22 March 2021; and Saomany Manivong, UXO Lao, 11 May 2021.
- 50 Email from Chomyaeng Phengthongsawat, NRA, 21 June 2021.
- 51 Emails from Julien Kempeneers, on behalf of Yvon Le Chevanton, HI, 16 March 2021; and Katherine Harrison, NPA, 22 March 2021.
- 52 Email from Mark Frankish, UNDP, 26 August 2020.
- 53 NRA Annual Project Progress Report to UNDP for 2020 reporting period, pp. 16 and 17. According to the annual progress report, a total of 32 mines were destroyed during clearance operations in 2020: 1 by Lao People's Army Unit 58; 11 by HI, 1 by MAG, 12 by NPA, and 7 by UXO Lao. In addition, one mine was reported as destroyed during technical survey in 2020, by HI.
- 54 Emails from Cameron Imber, HALO, 14 March and 1 August 2021.
- 55 Email from Cameron Imber, HALO, 7 April 2020.
- 56 Email from Cameron Imber, HALO, 1 August 2021.
- 57 Email from Julien Kempeneers, on behalf of Yvon Le Chevanton, HI, 16 March 2021.
- 58 Email from Julien Kempeneers, HI, 25 March 2020.
- 59 Email from Julien Kempeneers, on behalf of Yvon Le Chevanton, HI, 25 March 2020.
- 60 Email from Julien Kempeneers, on behalf of Yvon Le Chevanton, HI, 16 March 2021.
- 61 Ibid.
- 62 Email from Julien Kempeneers, on behalf of Yvon Le Chevanton, HI, 25 March 2020.
- 63 Email from Rebecca Letven, Programme Manager, MAG, 26 March 2021.
- 64 Email from Katherine Harrison, NPA, 22 March 2021.
- 65 Presentation by Saomany Manivong, UXO Lao, Vientiane, 2 May 2018.
- 66 Email from Saomany Manivong, UXO Lao, 11 May 2021.
- 67 Ibid.