

RECOMMENDATIONS FOR ACTION

- Lao People's Democratic Republic (Lao PDR) 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.

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, 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

The remote location of many of these areas means that mines have little impact and are not a clearance priority. Of 91,468 items of unexploded ordnance (UXO) destroyed by operators in 2018, only 28 (0.03%) were mines.³ 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."⁴

The NRA reports that "gravel mines" had all degraded but remaining mine types included United States (US)-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.⁵

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.⁶

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.⁷

As at August 2019, Humanity and Inclusion (HI) had discovered the presence of M-16, M-14, MBV-78A1, and POMZ anti-personnel landmines in sixteen villages in Houamuang district, in Houaphanh province, in which it had conducted non-technical survey.⁸ This will have a significant impact on the methodology HI employs and will impede CMR land release operations. As at March 2019, HI planned to try to better determine the probable location of landmines to help reduce the probability of its teams operating in unknown mined areas. HI also planned to suggest a new standing operating procedure (SoP) to the NRA for a combined technical survey/area clearance.⁹

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.¹⁰ 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.¹¹

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 land release operations nationwide, as well as NRA planning and coordination functions at the provincial and district levels.¹² 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, and others are essential for the NRA to fulfil its coordination role.¹³

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 2020.¹⁴ There is a corresponding multi-year workplan 2016–20 for implementation of the Safe Path Forward II strategy,¹⁵ but both Safe Path Forward II and the corresponding workplan predominantly focus on CMR, and do not include a strategy or plans for addressing mined areas.

According to the NRA, responsibility for clearance of mined areas in Lao PDR predominantly falls under the remit of the Lao armed forces.¹⁶

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.¹⁷ In 2018, further capacity development in information management, quality management, and operations support, was provided primarily to UXO Lao, and to a lesser extent the NRA, through a US-funded grant manager, Janus Global Operations. As part of its work in 2018, Janus supported UXO Lao with survey and data analysis and correction as a follow-on to training they conducted in 2017.¹⁸ Effective 31 December 2018, Tetra Tech replaced Janus as the US-funded grant manager in Lao PDR.¹⁹

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."²⁰ As such, the National Standard on UXO clearance only relates to UXO clearance operations and not to mine clearance operations.²¹

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."²²

According to Lao PDR's national standard on 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."²³ 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 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.²⁴

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."²⁵

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."²⁶

LAND RELEASE OUTPUTS

No planned or systematic mine clearance was conducted during 2018, though 28 mines of 91,468 items of UXO were reported to have been destroyed by operators in 2018, according to Lao PDR's transparency reporting under the Convention on Cluster Munitions (CCM) and the Convention on Certain Conventional Weapons (CCW).²⁷

UXO Lao reported destroying five anti-personnel mines and one anti-vehicle mine during its operations in 2018.²⁸ The HALO Trust, HI, Mines Advisory Group (MAG), and NPA did not report destroying any mines in 2018.²⁹

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- 1 NRA website, "UXO types: Mines", undated but accessed 24 July 2019 at: bit.ly/2XZyv04.
- 2 Handicap International, "Living with UXO, National Survey on the Socio-Economic Impact of UXO in Lao PDR", Vientiane/Brussels, 1997, p. 7.
- 3 Convention on Certain Conventional Weapons (CCW) Protocol V Article 10 Report (for 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 Convention on Cluster Munitions (CCM) Article 7 Report (for 2018), Form F.
- 4 NRA website, "UXO types: Mines", 24 July 2019.
- 5 Ibid.
- 6 Email from Ulric Eriksson, Operations Manager, NPA, 1 May 2018.
- 7 Email from Miles Hawthorn, Deputy Programme Manager, HALO Trust, 20 August 2019.
- 8 Email from Julien Kempeneers, Humanitarian Mine Action Coordinator, HI, 27 August 2019.
- 9 Email from Julien Kempeneers, HI, 22 March 2019.
- 10 2019 Convention on Cluster Munitions (CCM) Article 4 deadline Extension Request, Part B, Detailed Narrative, p. 18.
- 11 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.
- 12 2019 Article 4 deadline Extension Request 2019, Part B, Detailed Narrative, p. 18.
- 13 Statement of Lao PDR on National Implementation Efforts, CCM Eighth Meeting of States Parties, Geneva, 3 September 2018.
- 14 Interview with Phoukhieo Chanthasomboune, NRA, Vientiane, 4 May 2016.
- 15 CCM Extension Request 2019, Part B, Detailed Narrative, p. 26.
- 16 Interview with Phoukhieo Chanthasomboune, NRA, Vientiane, 2 May 2018.
- 17 Interview with Olivier Bauduin, UNDP, Vientiane, 2 May 2018; and email, 10 July 2018.
- 18 Interview with Hugh Hosman and Marco Heuscher, Janus Global Operations, Vientiane, 2 May 2018.
- 19 Email from Nigel Orr, Technical Advisor Survey and Clearance, Tetra Tech, 14 June 2019.
- 20 Lao PDR National UXO/Mine Action Standards (NS), "Chapter 0: Introduction and Glossary", accessed on NRA website on 14 September 2018, p. xi.
- 21 Lao PDR National UXO/Mine Action Standards (NS), "Chapter 7: UXO Clearance Operations", accessed on NRA website on 14 September 2018, p. 5.
- 22 Ibid., p. 13.
- 23 Lao PDR National UXO/Mine Action Standards (NS), "Chapter 12: Mine Clearance Operations", accessed on NRA website on 14 September 2018, p. 5.
- 24 Email from Julien Kempeneers, HI, 27 August 2019.
- 25 Lao PDR National UXO/Mine Action Standards (NS), "Chapter 12: Mine Clearance Operations", p. 5, note 1.
- 26 Ibid., p. 5.
- 27 CCW Protocol V Article 10 Report (for 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 (for 2018), Form F.
- 28 Email from Saomany Manivong, Chief of Programme Office and Public Information, UXO Lao, 10 May 2019.
- 29 Emails from Fiona Kilpatrick, Programme Manager, HALO Trust, 29 March 2019; Julien Kempeneers, HI, 22 March 2019; Blossum Gilmour, Programme Manager, MAG, 21 March 2019; and Aubrey Sutherland, Country Director, NPA, 25 March 2019.