

LAO PDR NATIONAL UXO/MINE ACTION
STANDARDS (NS)



Chapter One
Sector Structure, Organisations and
Responsibilities

**National Regulatory Authority for
the UXO/Mine Action Sector in Lao PDR**

8 January 2009

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Sector Structure, Organisations and Responsibilities

1. Introduction

All UXO/mine action organisations operating within Lao PDR should understand the structure of the sector that they are working within, know the organisation and responsibilities of the National Authority under whose control they come, and know their own general responsibilities.

The Lao PDR National Regulatory Authority (NRA), as the authority for the control and regulation of UXO/mine action within Lao PDR, is responsible for ensuring that UXO/mine action organisations have access to this information and for ensuring the UXO/mine action organisations comply with their general responsibilities.

2. Scope

This chapter describes the structure, organisations and responsibilities for the UXO/mine action sector in Lao PDR.

3. UXO/Mine Action Related Statutory Requirements

There are currently no laws that regulate the UXO/mine action sector in Lao PDR; however there are a number of other official documents (decrees, resolutions and decisions) that serve to regulate UXO/mine action in Lao PDR. These are discussed in this section.

3.1. Prime Minister's (PM) Decree 75 – 5 Jun 00

'[PM's Decree 75 of 5 Jun 00](#)' establishes the Government of Lao PDR's (GOL) permanent committee for the Trust Fund for UXO Clearance in Lao PDR. This decree assigns the members of the permanent committee and outlines the obligations, responsibilities, rights and duties of the committee.

3.2. Prime Minister's (PM) Decree 33 – 17 Mar 04

'[PM's Decree 33 of 17 Mar 04](#)' is a decree on the establishment of the NRA for the UXO Programme in Lao PDR. This decree formally establishes the NRA Board.

3.3. National Strategic Plan for the UXO Programme in the Lao PDR – 29 Apr 04

The document '[Resolutions of the Lao PDR Government on National Strategic Plan for the UXO Programme in the Lao People's Democratic Republic 2003 - 2013](#)' outlines the approach of the GOL to address the UXO/mine problem in the period through to the end of 2013.

This document provides the framework for the establishment of the NRA, outlines the responsibilities of UXO/mine action organisations and allocates priorities for UXO/mine clearance in Lao PDR. Much of the document focuses on the operations of the Lao National UXO Programme (UXO LAO) with details of UXO LAO's provincial team allocation, projected achievements for the duration of the plan (up to 2013) and UXO LAO's (and the NRA's) annual budget requirements.

The UXO/mine action sector strategic plan is currently under review and this strategic plan should be superseded in the near future.

3.4. Decision on the Organisation and Activities of the NRA – 12 Dec 05

The document '**Decision on the Organisation and Activities of the NRA**' defines the roles, responsibilities, general functions and structure of the NRA in regard to its activities to oversee UXO/mine action organisations and the use of funding for the UXO/mine action sector in Lao PDR. Much of the detail included in this document is covered under sections 4 to 7 below.

4. National Regulatory Authority (NRA)

The NRA is a public institution of the GOL, established by PM's Decree 33, responsible for providing policy direction for UXO/mine action in Lao PDR; and managing and coordinating UXO/mine action organisations (national and international) accredited to carry out UXO/mine action in Lao PDR.

The NRA also acts as the technical focal point for all matters relating to international conventions and treaties; and participates in international meetings and conferences related to UXO/mine action and Explosive Remnants of War (ERW) as assigned by the GOL.

The NRA is made up of three distinct components:

- a. The NRA inter-ministerial body, commonly called the 'NRA Board'.
- b. The NRA Head Office.
- c. The NRA Provincial Offices (NRAPOs).

5. NRA Board

5.1. Members

The NRA Board consists of 10 members. These are:

- a. Deputy Prime Minister of Lao PDR - Chairman.
- b. The Minister of Labour and Social Welfare - Vice-Chairman.
- c. A representative of the Ministry of Foreign Affairs - Member.
- d. A representative of the Ministry of Defence - Member.
- e. A representative of the Ministry of Security - Member.
- f. A representative of the Ministry of Education - Member.
- g. A representative of the Ministry of Information and Culture - Member.
- h. A representative of the Ministry of Health - Member.
- i. A representative of the Ministry of Agriculture and Forestry - Member.
- j. A representative of the Ministry for Planning and Investment - Member.

5.2. NRA Board Responsibilities

The responsibilities of the NRA Board are:

- a. The implementation and periodic review of the UXO/mine action sector strategic plan.
- b. The definition and provision of policy direction.
- c. The accreditation and oversight of all UXO/mine action organisations.
- d. The management of a UXO/mine action database and, as such, the prioritisation and related tasking of all UXO/mine action organisations.
- e. The coordination of all UXO/mine action activities throughout the country.
- f. The external Quality Assurance (QA) of all UXO/mine action activities.
- g. The conduct of Post Clearance Assessments (PCA).

The NRA Board also has the authority to issue regulations for UXO/mine action; and direct UXO/mine action organisations to comply with them.

5.3. Meetings

The NRA Board meets at least twice each year, subject to the agreement from the Chairman, to review and comment on all reports. and plan and confirm future activities. The NRA Board will also discuss other issues as required. The Chairman may also convene extra NRA Board meetings as and when required.

The quorum of the NRA Board is established at 5 members, plus either the Chairman or Vice-Chairman. UNDP and donors will be invited to NRA Board meeting as observers.

The NRA Board will make decisions based on a majority of votes of its members present. The vote of the Chairman counts double in cases of an equal number of votes. Minutes of NRA Board meetings will be taken and record details of all decisions made.

Subject to the approval of the PM's office and the Ministry of Foreign Affairs, the NRA may represent the GOL at international meetings related to UXO/mine action or Explosive Remnants of War (ERW) issues.

5.4. Approval of UXO/Mine Action Organisations and Activities

The NRA Board will act as the representative of the GOL in any contracts or agreements related to UXO/mine action activities within the country. The approval process for such contracts will follow standard GOL procedures. All outsourced UXO/mine action activities will be subject to a Memorandum of Understanding (MOU) between the NRA Board and the UXO/mine action organisation.

All documents related to funding agreements between donors and UXO/mine action organisations shall be deposited with NRA.

In order to implement the National Strategic Plan and to allow for the participation of the commercial sector in UXO/mine action, the NRA Board will be the legal technical approval body for commercial UXO/mine action companies who wish to operate in Lao PDR.

The NRA Board approval is required for any domestic or foreign investment businesses that intend to carry out UXO/mine clearance as part of their business.

5.5. Management of Assets

The NRA Board will be the legal holder of all assets transferred to the GOL by UXO/mine action donors as part any handover of UXO/mine action physical or financial resources. Management of assets will be carried out in accordance with the terms of any MOU or other formal agreements signed between donors and the GOL.

In cases where no MOU or formal agreement was signed between the donor and the GOL, or if no clause exists specifying the conditions relating to the disposal of assets at the end of a project, the donor and GOL representatives will negotiate and agree on the most suitable way to dispose of project assets.

6. NRA Head Office

The NRA Head Office has a Director, two Deputy Directors and two principal sections; the Policy, Administration and Standards Section, and the Operations Section.. The NRA Head Office also includes national administrative and technical staff and some international Technical Advisors as required for the work that the NRA Head Office carries out.

The Operations Section is divided into four units responsible for UXO/mine clearance, UXO/Mine Risk Education (MRE) and UXO/mine Victim Assistance (VA) and Information Management. These units each with an Officer in charge, manage the activities in the relevant sub-sectors including the regular Technical Working Groups (TWGs) organised by the NRA Head Office.

The organisation of the NRA Head Office is shown at [Annex A](#).

6.1. NRA Head Office Overall Responsibilities

The overall responsibilities of the NRA Head Office are shown below. Additional responsibilities of the NRA Head Office and its sections and sub-sections are detailed in various chapters of these NS. The overall responsibilities include:

- a. Acting as the secretariat of the NRA Board on all matters related to UXO/mine action in Lao PDR.
- b. Recommending to the NRA Board the relevant UXO/mine action-related policies, strategies, budgets and operational plans for comment, amendment and official adoption/promulgation.
- c. Defining, adapting and/or modifying the organisation of the NRA Head Office according to the needs and requirements for the management of UXO/mine action, in consultation with the NRA Board.
- d. The management, administration and accounting for all property of the NRA.
- e. Gathering, maintaining, analysing and disseminating UXO/mine action-related information.
- f. Representing the NRA Board in coordinating with UXO/mine action organisations, local authorities and all UXO/mine action stakeholders to facilitate the efficient and effective management of UXO/mine action in Lao PDR. This includes the issuing of appropriate regulations, determination or resolution of technical issues, raising the awareness of the impact of UXO on Lao PDR and the development of strategies and procedures to solve the UXO problem.

- g. Follow up, monitoring, encouraging and supporting the implementation of the National Strategic Plan for UXO/mine action sector in Lao PDR and other related laws and regulations.
- h. Monitoring the activities of UXO/mine action organisations and relationships in terms of coordination within the Provinces and with other related sectors.
- i. Financial management within the NRA according to the budget approved by the NRA Board. The NRA Head Office is accountable for proper financial management in accordance with the laws of the Lao PDR.

6.2. Responsibilities of the Policy, Administration and Standards Section

The responsibilities of the Policy, Administration and Standards Section are shown below. Additional responsibilities of the Policy, Administration and Standards Section are detailed in various chapters of these NS. The responsibilities include:

- a. Internal administration of the NRA (personnel, finance, logistics, procurement, etc).
- b. Providing secretariat support and service to the NRA Board.
- c. Public Relations
- d. Programme Office support and coordination for external reporting both national and international; preparation of sector proposals and the coordination of resource mobilisation efforts.
- e. Quality Management (QM) of all UXO/mine action activities, including:
 - (1) Development and management of NS.
 - (2) Accreditation of UXO/mine action organisations.
 - (3) Conduct of external QM checks.

6.3. Responsibilities of the Operations Section

The responsibilities of the Operations Section are shown below. Additional responsibilities of the Operations Section are detailed in various chapters of these NS. The responsibilities include:

- a. Prioritisation of tasks for all UXO/mine action organisations.
- b. Coordination of UXO/mine action activities, through the sub-sector TWGs.
- c. Conduct of Post Clearance Assessments
- d. Compliance with IMAS, NS, and internationally recognised best practices.
- e. Preparation of the UXO/mine action sector's annual work plan, monitoring of the execution of this plan and the achievement of stated objectives.
- f. Management of the national database for UXO/mine action, analysis of database information, and dissemination of relevant information to organisations and other sectors (national or international) as appropriate. The database is to be used as a reference for prioritising and planning of UXO/mine action operation.

7. NRA Provincial Offices (NRAPOs)

The NRA has responsibility to ensure that UXO activities are adequately coordinated in the Provinces. Where possible these responsibilities will be carried out within the existing Provincial administrative structures. Where not possible the NRA may establish provincial offices (POs) or recruit and place additional staff in existing Provincial Government offices.

The POs will act as representatives of the NRA Head Office. They operate under operational control of the NRA Head Office but under the administrative control of the Province concerned. The NRAPOs report technical issues direct to the NRA Head Office with the acknowledgement of the Province.

NRA Provincial responsibilities are shown below. Further detailed responsibilities are also included in the various chapters of NS. NRAPOs are responsible for:

- a. Gathering, maintaining, analysing and disseminating UXO/mine action-related information at the provincial level.
- b. Follow up, monitoring, encouraging and supporting the implementation of the National Strategic Plan for UXO/Mine Action Sector in Lao PDR and other related laws and regulations.
- c. Coordinating with UXO/mine action organisations, local authorities and UXO/mine action stakeholders at the provincial level to facilitate the efficient and effective management of UXO/mine action within the province concerned. This includes raising the awareness of the impact of UXO on Lao PDR and the development of procedures to solve the UXO problem.
- d. Coordinating with provincial authorities and UXO/mine action organisations to collect UXO/mine action related data, prioritise and plan provincial activities and submitting work plans and periodic reports to the NRA Head Office. This includes ensuring that UXO/mine action priorities are in accordance with national and provincial development plans.

8. Central Training Facility

Detail to be added once a decision is made on how this is to be managed and what organisation it will have.

9. General Responsibilities of UXO/Mine Action Organisations

UXO/mine action organisations operating on Lao PDR are to:

- a. Obtain accreditation from the NRA for the UXO/mine action operations that they wish to conduct prior to commencing any UXO/mine action in Lao PDR.
- a. Conduct all UXO/mine action operations in accordance with the requirements specified in NS.
- b. Provide work plans and reports to the NRA as required by NS.
- c. Participate at NRA UXO/mine action sector and relevant sub-sector meetings and working groups as required.

Annex A Organisation of the National Regulatory Authority

