

LAO PDR NATIONAL UXO/MINE ACTION
STANDARDS (NS)



Chapter two
Accreditation of UXO/Mine Action
Organisations

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

8 January 2009

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Accreditation of UXO/Mine Action Organisations

1. Introduction

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 operating within Lao PDR have the necessary capabilities to safely, effectively and efficiently conduct UXO/mine action activities. This is achieved through accreditation of UXO/mine action organisations.

Accreditation is the process used to establish and confirm the quality of UXO/mine action organisations and to formally recognise them as competent to plan, manage and conduct UXO/mine action activities in accordance with the Lao PDR National UXO/Mine Action Standards (NS). Accreditation provides credibility to UXO/mine action organisations and gives confidence in the capabilities of these organisations to funding agencies, the NRA and the beneficiaries of UXO/mine action.

2. Scope

This chapter describes the process and requirements for gaining and maintaining accreditation to plan, manage and conduct UXO/mine action activities in Lao PDR.

3. Statutory Requirements

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*' provides the framework for the establishment of the NRA with the responsibility for the accreditation and oversight of all UXO/mine action operators in Lao PDR.

In addition, Article 2 of the Lao PDR Prime Minister's decree 33/PM of 17/3/2004 on the establishment of the NRA for the UXO Programme in Lao PDR states:

"The National Regulatory Authority will have the following responsibilities:

3. The accreditation, and oversight of all UXO/Mine Action operators."

Note: The term 'licensing' has since been removed from the activity, with the function of approval and authorization being retained within the meaning of the accreditation process.

4. Authority for Accreditation

Accreditation for UXO/mine action in Lao PDR is to be carried out solely by the NRA and separate to any other approval processes required by the Government of Lao PDR (GOL) or the NRA. Such other processes include those to obtain Memoranda of Understanding (MOU) business licences or other formal agreements that may exist to work in Lao PDR.¹

For new organisations seeking to operate in Lao PDR, provisional accreditation in accordance with these NS will be a prerequisite to the NRA supporting any applications for MOUs, business licenses or other formal agreements to operate in Lao PDR.

1. The rationale for this is that there is such a diversity of organisations and procedures involved in the GOL approval processes that to try and include accreditation with these would just complicate the accreditation process.

4.1. Organisations Requiring Accreditation

The following organisations require accreditation in accordance with these NS for any UXO/mine action activities they intend to carry out in Lao PDR:

- a. GOL organisations, for example UXO LAO, and the Lao PDR Army when they are engaged in humanitarian or development UXO/mine action.
- b. International and Lao non-government organisations and not-for-profit associations.
- c. Commercial organisations operating or intending to operate under their own business licence.
- d. Commercial organisations operating or intending to operate in a joint venture or other formal partnership with another organisation, and work under the business licence or existing GOL formal agreement of the partner organisation.
- e. Commercial organisations intending to carry out UXO/mine action as a sub-contractor for a prime contractor operating under a business licence or other formal agreement with the GOL.

All organisations seeking to carry out UXO/mine action operations in Lao PDR are to submit an application for accreditation in accordance with these NS to the NRA.

Except in exceptional circumstances, as determined by the NRA, no UXO/mine action operations are to commence until accreditation has been granted.

4.2. UXO/Mine Action Operations to be Accredited

UXO/mine action organisations are to be accredited for each of the types of UXO/mine action operations that they intend to carry out. UXO/mine action operations to be covered are UXO clearance, mine clearance, survey (if conducted as a standalone activity), mechanical operations, Explosive Detection Dog (EDD) operations, UXO/Mine Risk Education (UXO/MRE) and UXO/mine Victim Assistance (VA), and quality assurance and quality control (if conducted as a standalone activity).

Note: Accreditation is only required when the UXO/mine action is carried out as a stand-alone or principal activity. When aspects of mine action are carried out as a sub-set of other mine action, and the sub-set element is part of the organisation for the principal activity, and is covered by the same operating procedures, separate accreditation is not required for the subordinate component.

For mechanical and EDD operations each different mechanical asset type or EDD team will be accredited separately.

Headquarters and other support facilities that are integral to the safe and effective conduct of the operations being accredited will also be checked during the accreditation process.

5. General Obligations of the NRA as the Accreditation Body

The general obligations of the NRA as the accreditation body are described below.

5.1. Independence, Impartiality and Integrity

The NRA will take all reasonable steps to ensure that its personnel engaged in the accreditation of UXO/mine action organisations are free from any commercial, financial or other pressures that might affect their judgement.

The NRA will ensure that its staff involved in the accreditation of UXO/mine action organisations do not engage in any activities that may conflict with their independence of judgement and integrity in relation to their inspection, evaluation or monitoring activities. In particular, staff involved in accreditation will be prohibited from becoming directly involved in organisations that design, manufacture, supply, install, use or maintain services or equipment for UXO/mine action organisations operating, or intending to operate, in Lao PDR.

All interested UXO/mine action organisations have the right to seek accreditation to conduct UXO/mine action activities in Lao PDR. The NRA will ensure that this accreditation is conducted in an impartial, independent and non-discriminatory manner.

5.2. Confidentiality

The NRA will ensure the confidentiality of information obtained in the course of its accreditation of UXO/mine action organisations. Proprietary rights will be protected. The NRA will only release details of accreditation proceedings to those parties directly involved in requesting, processing and monitoring accreditation.

5.3. Maintenance of Records

The NRA will prepare and maintain records of all assessments and inspections and share these with the organisation involved. All records will be safely stored for a period of at least ten years, held secure and in confidence to the applicant.

5.4. Qualifications of Accreditation Personnel

The NRA will ensure that all personnel carrying out assessments for accreditation have qualifications and experience relevant to the type of accreditation being sought.

Such experience must include practical work within Lao PDR in the sub sector concerned, UXO/mine clearance, UXO/Mine Risk Education (UXO/MRE) or UXO/mine Victim Assistance (VA).

In addition, teams carrying out on-site assessments on clearance organisations are to have available within the team one person with a Level 4 EOD qualification in accordance with Chapter 8 of NS, 'Explosive Ordnance Disposal (EOD)'.

6. Basic Considerations for Granting and Retaining Accreditation

The basic considerations for granting and retaining accreditation to conduct UXO/mine action activities within Lao PDR are that:

- a. The applicant shall be competent to apply the relevant provisions of NS.
- b. Accreditation will only be retained by a UXO/mine action organisation so long as it remains in conformity with NS.
- c. Accreditation will be granted on the basis that the UXO/mine action activities for which accreditation is granted do not change beyond the scope of the original accreditation.

7. The Accreditation Process

Two levels of accreditation may be applied for UXO/mine action in Lao PDR. These are described below.

7.1. Provisional Accreditation

Provisional accreditation may be granted in the following circumstances:

- a. To permit an organisation that has applied for full accreditation and satisfied the requirements of desk accreditation, to commence work in order that an on-site assessment may be carried out.
- b. To new organisations intending to operate in Lao PDR, to allow them to establish their management systems and operational procedures.

Provisional accreditation may include certain restrictions and limitations imposed on an organisation by the NRA.

The granting of provisional accreditation will in no way guarantee that an organisation will receive full accreditation.

7.1.1. Provisional Accreditation for UXO/Mine Action Organisations to Lao PDR

Provisional accreditation will only be granted to UXO/mine action organisations that have a credible record in the UXO/mine action field and have management and technical staff with an appropriate level of qualifications and experience. Accreditation will be granted on the basis of a desk assessment of documentary evidence presented by the applicant organisation.

Provisional accreditation of UXO/mine action organisations will be granted for a 6 month period. At least one month prior to the expiry of the period of provisional accreditation, the organisation will be expected to apply for full accreditation. The application for full accreditation will require the submission of a new application for accreditation and the provision of documentation not provided with the initial application.

Following a satisfactory desk assessment for full accreditation the new organisation may be given further provisional accreditation to permit it to develop its operations prior to an on-site assessment, or it may be granted full accreditation without having to undergo an on-site assessment. See section 7.2 below.

7.2. Full Accreditation

Full accreditation will be granted to UXO/mine action organisations that satisfactorily meet all requirements for accreditation in accordance with these NS.

Except for accreditation of Explosive Detection Dog (EDD) teams, which is valid for 6 months, full accreditation will be valid for as long as a UXO/mine action organisation continues to operate in Lao PDR, and provided that the organisation remains in conformity with the requirements of section 6 above. The NRA retains the right to suspend or terminate an accreditation in accordance with the provisions of this chapter of NS.

Full accreditation may include certain restrictions and limitation imposed on an organisation by the NRA.

Full accreditation will normally be carried out in two stages:

- a. A desk assessment of documentary evidence presented by the organisation.
- b. An on-site assessment(s) to confirm that UXO/mine action activities are being carried out in accordance with approved procedures.

Any decision on whether on-site assessment is to be carried out will be made by the NRA based on the results of the desk assessment and factors such as the organisation's reputation and work record (internationally and nationally), qualifications and experience of management and technical staff, type of UXO/mine action activity to be carried out etc.

In some cases full accreditation will be granted on the basis of the desk assessment only.

7.3. Application for Accreditation

The UXO/mine action organisation is to submit an application for accreditation to the NRA. The application is to state the type of accreditation applied for and include the required documentary evidence.

The form of the application for accreditation, and guidance on the documentary evidence to be provided with the application, are included in the NS Support Document '[UXO/Mine Action Accreditation Procedures for Lao PDR](#)'.

7.4. Assessment of the Application

The NRA will confirm receipt of the application and accompanying documentation from the UXO/mine action organisation within 5 working days and commence the assessment of the application. The NRA may request the applicant to provide additional information.

The assessment for full accreditation will, where applicable, cover **all** the key areas shown below. Those that are highlighted are those required for the provisional accreditation of a new UXO/mine action organisation to Lao PDR as covered in section 7.1.1 above:

- a. Current agreements to work in Lao PDR.
- b. Proposed organisational structure in Lao PDR, including arrangements for the use of sub-contractors and joint ventures.
- c. Formal qualifications and experience of key management and technical staff.
- d. Previous experience in UXO/mine action.
- e. Mechanical, EDD, UXO/MRE or UXO/mine VA capabilities of the organisation as applicable. When accreditation is for UXO/MRE or UXO/mine VA activities provide copies of any project plans.
- f. Standard Operating Procedures (SOP's) for UXO clearance operations. For provisional accreditation for a new organisation to Lao PDR, operational procedures from other comparable UXO/mine action projects that the organisation has carried out should be provided.
- g. Quality Management System (QMS).
- h. Information Management (IM) systems.
- i. Supporting headquarters and facilities to be established.
- j. Human resource management procedures, including an equal employment opportunities policy ensuring equitable employment regardless of age, gender, race, ethnicity, religion, disability or social status.

Note: When the safe and efficient conduct of a task requires certain minimum physical characteristics, then it is acceptable to include these minimum characteristics in any selection criteria for recruitment, training and promotion.

- k. Personnel development programmes, unless included in the human resource management procedures.
- l. Equipment capabilities and support arrangements (excluding mechanical, which should be covered under sub paragraph e above).
- m. Logistic management system.
- n. Occupational Safety and Health (OSH) policy.
- o. Insurance or other arrangements to ensure appropriate assistance and compensation to victims of occupational injuries and diseases.

Note: UXO/mine action organisations are as a minimum, to comply with the requirements laid down in Articles 55 and 56 of the Labour Law of Lao PDR, 27 December 2006 in respect to assistance and compensation to victims of occupational injuries and diseases.

- p. **Other UXO/mine action accreditation held by the organisation.**

Desk assessment of the application will be against an objective checklist, which is included in the NS Support Document '[UXO/Mine Action Accreditation Procedures for Lao PDR](#)'.

The results of the desk assessment will be notified to the UXO/mine action organisation concerned within:

- a. 10 working days for the provisional accreditation of a new UXO/mine action organisation to Lao PDR.
- b. 20 working days for a full accreditation.

If the desk assessment is satisfactory the NRA will either:

- a. Issue a letter of provisional accreditation for an organisation to establish itself in Lao PDR (in the case of an application for provisional accreditation).
- b. Issue a letter of provisional accreditation to permit an organisation to commence work pending an on-site assessment being carried out (in the case of an application for full accreditation).
- c. Issue a letter of full accreditation on the basis of the desk assessment only.

The letter of accreditation will include the terms and conditions of the accreditation.

If the NRA is not satisfied that all the requirements for accreditation have been met, the UXO/mine action organisation concerned will be formally notified of this within the same time periods indicated above. The reasons why an application is unsatisfactory will be provided and the applicant will be given the opportunity to take corrective action.

If the applicant is unable or unwilling to take the necessary corrective action within a reasonable timeframe, as determined by the NRA, the application will be terminated and the applicant informed that no further consideration will be given to the application.

7.5. On-Site Assessment

The purpose of the on-site assessment is to confirm that management practices and operational procedures proposed by the UXO/mine action organisation are being applied in a safe, effective and efficient manner.

The on-site assessment may be carried out by the NRA or a representative organisation acting on the NRA's behalf. The assessment may include:

- a. Visits to management, administrative and support offices or facilities.
- b. Observation of training.
- c. Practical testing of operational assets.
- d. Inspection of equipment.
- e. Observation of the field testing and evaluation of machines and EDD teams.
- f. Visits to worksites and observation of UXO/mine action activities.

On-site assessment of the application will be against an objective checklist, which is included in the NS Support Document '[UXO/Mine Action Accreditation Procedures for Lao PDR](#)'.

If the NRA or its agent is not satisfied that all the requirements for accreditation have been met, the UXO/mine action organisation will be informed as soon as possible. Deficiencies will be identified and the remedial action discussed and agreed between the NRA and the applicant.

The applicant will then be required, within a reasonable time as determined by the NRA, to carry out the agreed remedial action and demonstrate its full compliance with the NRA requirements. If the applicant is unable or unwilling to do so, the application for accreditation will be terminated.

8. Appeal Process

Any UXO/mine action organisation requesting accreditation or operating under an existing accreditation has the right to appeal decisions made by the NRA. Any such appeal is to be submitted in writing to the Board of the NRA which governs the operation of the NRA.

The submission is to state the grounds for appeal and all evidence to support the appeal. All appeals will be considered on the basis of individual merit.

9. Accreditation of Specific Assets and Activities

Section 7 above describes the general assessment conducted as part of the accreditation process. However, the use of some specific UXO/mine action assets and the conduct of some specific UXO/mine action activities require additional assessment. These assets and activities are:

- a. Machines used for mechanical operations.
- b. EDD teams.
- c. UXO/MRE activities.

- d. UXO/mine VA activities.

9.1. Machines Used for Mechanical Operations

In addition to the assessment described in section 7 above, there will be assessment of the following elements for machines to be used on mechanical operations:

- a. The suitability of the machine in relation to its operating environment.
- b. For machines to be employed on mechanical UXO clearance, the performance of the machine in disrupting, destroying, detonating or otherwise removing UXO.
- c. The nature of the residual risk, in terms of hazardous items, remaining from the employment of the machine on mechanical UXO clearance and the means and manner of countering this residual risk.
- d. The safety of the machine; in terms of the operator, supervisors and other personnel required to be at the mechanical clearance worksite.
- e. The operational procedures for the employment of the machine; including management, supervisory, logistic and other support systems.
- f. The operational procedures for integrating the machine with other UXO clearance operations such as manual or EDD UXO clearance operations.

9.2. Explosive Detection Dog (EDD) Teams

In addition to the assessment described in section 7 above, there will be assessment of the following elements related to the employment of EDD teams:

- a. The qualifications and operational experience of individual EDD handlers.
- b. The performance of individual EDD on accreditation tests. Details of EDD accreditation testing are included in the '[UXO/Mine Action Accreditation Procedures for Lao PDR](#)'. A copy of these procedures is included with the NS Support Documents included with these NS.
- c. The operational procedures for employment of the EDD teams; including the management, supervisory and support systems.
- d. The systems for providing appropriate kennelling, veterinarian and other logistic support to the EDD team.
- e. The operational procedures for integrating the EDD teams with other UXO clearance operations such as manual UXO clearance and mechanical operations.

9.3. UXO/Mine Risk Education (UXO/MRE)

All UXO/MRE organisations are to be accredited to operate in Lao PDR. In addition to the assessment described in section 7 above, further assessment will be carried out on any project plans presented by the UXO/MRE organisation. Such assessment will be carried out to ensure that the plan conforms to the design and development criteria included in [Chapter 13 of NS, 'UXO and Mine Risk Education \(UXO/MRE\)'](#).

9.4. UXO/Mine Victim Assistance

All organisations intending to carry out UXO/mine VA in Lao PDR as a stand-alone project are to be accredited to operate in Lao PDR. In addition to the assessment described in section 7 above, further assessment will be carried out on any project plans presented by the UXO/mine VA organisation. Such assessment will be carried out to ensure that the plan conforms to the design and development criteria included in **Chapter 14 of NS, 'UXO and Mine Victim Assistance (VA)'**.

10. Review and Modification of an Existing Accreditation

There are three occurrences that will necessitate a review and, if necessary, a modification of an existing accreditation. These are:

- a. Significant changes to a UXO/mine action organisation's management structure to an extent that may impact on the organisation's capability to manage UXO/mine action activities.
- b. Significant modification to the operational procedures of one or more of the UXO/mine action activities that an organisation is currently accredited for.
- c. The establishment by a UXO/mine action organisation of a UXO/mine action capability not already covered by an existing accreditation.

All accredited UXO/mine action organisations are to notify the NRA as soon as practicable of any proposed changes to their management structure or operational procedures or any intention to establish a new UXO/mine action capability.

The NRA will determine whether a review of an existing accreditation is warranted. If a review is necessary, it may take the form of a desk assessment, an on-site assessment or both. If such a review is conducted, the NRA will further determine whether it is necessary to modify the existing 'letter of accreditation' for the UXO/mine action organisation concerned.

In addition, if the proposed change involves the establishment of a new UXO/mine action capability, the UXO/mine action agency is, where applicable, to provide the NRA with details of the following in relation to the new capability:

- a. Specific activities to be carried out.
- b. Organisational structure.
- c. Management and support requirements.
- d. Qualifications and experience of key staff.
- e. Operational procedures to be used.
- f. Training requirements.
- g. Results of any evaluations or assessments of the new capability.

10.1. Engagement of New or Replacement Professional or Technical Staff

The engagement of new or replacement professional or technical staff within certain occupational groups constitutes a significant change to an organisation's capability to manage UXO/mine action activities. Such occupational groups include:

- a. Personnel responsible for the manufacture and fitting of prosthetic and orthotic devices to UXO victims.
- b. Personnel responsible for the provision of professional medical care to UXO victims. These personnel include those responsible for providing:
 - (1) Surgical care, including amputation surgery.
 - (2) Continued medical care.
 - (3) Physiotherapy.
 - (4) Occupational therapy.
 - (5) Psychological counselling.
- c. Clearance technicians who were trained outside of Lao PDR and are to be employed in an EOD technical advisor's or EOD supervisory role where they will have direct control over EOD tasks.

When UXO/mine action organisations intend to engage new or replacement personnel in the occupational groups indicated above, the NRA is to be notified in accordance with the requirements of section 10 above.

11. Restrictions or Limitations on Accreditation

The NRA may apply restrictions or limitations on any accreditation of a UXO/mine action organisation that it considers necessary in the interests of safety or operational efficiency.

12. Suspension or Termination of Accreditation

The NRA has the authority to suspend or terminate the accreditation of a UXO/mine action organisation should it be warranted.

12.1. Suspension of Accreditation

In certain circumstances, the NRA may choose to suspend the accreditation of a UXO/mine action organisation or one or more of its sub-units for a limited period. Typical circumstances include:

- a. Monitoring identifies non-compliance with the requirements of the accreditation agreements which, while significant, is not sufficiently serious to warrant termination of the accreditation.
- b. Failure by the UXO/mine action organisation to disclose changes to management systems or operational procedures, or to notify the NRA about the establishment of a new UXO/mine action capability.

Any decision to suspend the accreditation of a UXO/mine action organisation, or one of its sub-units, will only be made if other efforts to resolve deficiencies are unsuccessful.

Suspension of accreditation will be formally notified to a UXO/mine action organisation by the issuing of a 'Notice of Suspension' by the NRA. The 'Notice of Suspension' will include:

- a. The scope of the suspension in terms of sub-units affected.

- b. The reasons for the suspension.
- c. The remedial action to be undertaken.
- d. The timeframe in which the remedial action is to be completed.
- e. The means by which the NRA will assess conformance with the required remedial action.

Whenever possible, the agreement of the UXO/mine action organisation concerned will be obtained as to the necessary remedial action and the timeframe for this action to be carried out.

During a suspension of accreditation a UXO/mine action organisations or sub-unit, depending on the scope of the suspension, will not be permitted to carry out any UXO/mine action activities in Lao PDR.

Once the NRA has confirmed that the required remedial action has been completed, it will formally notify the UXO/mine action organisation that the suspension has been removed.

Failure by the UXO/mine action organisation to complete the remedial action within the required timeframe may result in termination of the accreditation.

12.2. Termination of Accreditation

The NRA may terminate the accreditation of a UXO/mine action organisation if:

- a. The UXO/mine action organisation requests termination of the accreditation.
- b. The organisation goes out of business.
- c. The requirements of relevant Lao PDR standards or laws are changed and a UXO/mine action organisation is unable or unwilling to conform to these new standards or laws.
- d. A UXO/mine action organisation that has been issued with a 'Notice of Suspension' fails to complete the required remedial action.
- e. Repeated suspension of the accreditation of a UXO/mine action organisation.
- f. Monitoring reveals non-compliance with the accreditation agreement that is of a serious nature. Serious non-compliance includes:
 - (1) Violations of OSH requirements.
 - (2) Repeated failure to apply accredited operational procedures.
 - (3) Refusal to allow external inspections by the NRA or its representatives.
 - (4) Interference with external inspections by the NRA or its representatives.

Except when requested by the organisation concerned, the termination of an accreditation agreement will only be considered by the NRA in extreme circumstances and only when all other avenues to resolve a deficiency have been exhausted.