

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

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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

This decree established the Government of Lao PDR's (GOL's) Trust Fund for UXO Clearance in Lao PDR.

This decree remained in force until 2010 when a decision was made by the Prime Minister's (PM) Office for the establishment of a UNDP Trust Fund for support to the full implementation of the Convention on Cluster Munitions (CCM) in the Lao PDR. The Terms of Reference for this Trust Fund were signed between the GOL and UNDP on 5 Mar 10.

3.2. Prime Minister's (PM) Decree 406 – 08 Nov 11

PM Decree 406 dated 08 Nov 11 details the composition and the roles and responsibilities of the NRA Board. This decree replaced two previous decrees:

- a. PM Decree 164 of 9 Jun 11 covering changes to the NRA Board.
- b. PM Decree 33 of 7 Mar 04 on the establishment of the NRA for the UXO Programme in Lao PDR. This decree formally established 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** outlined the approach of the GOL to address the UXO/mine problem in the period through to the end of 2013.

This document provided the framework for the establishment of the NRA, outlined the responsibilities of UXO/mine action organisations and allocated priorities for UXO/mine clearance in Lao PDR.

The UXO/mine action sector strategic plan is currently under review and this strategic plan should be superseded in the near future.

3.4. NRA Board Chairman's Decree 04/NRA – 8 Jan 09

This decree was on the approval and promulgation of National Standards (NS). The decree stated that NS applied to all UXO/mine action organisations operating in Lao PDR and assigned the NRA to monitor the application of NS and ensure that they are being followed correctly.

4. National Regulatory Authority (NRA)

The NRA is a GOL organisation operating under the authority of **PM's Decree 406**, 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 four distinct components:

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

5. NRA Board

The NRA Board is headed by His Excellency, Mr Asang Laoly, Deputy Prime Minister of Lao PDR.

5.1. Members

The NRA Board consists of 18 members. These are (by appointment only):

- a. Chairman of the National Committee for Rural Development and Poverty Eradication -NRA Board Chairman.
- b. ViceMinister of Foreign Affairs-NRA Board Vice Chairman.
- c. ViceMinister of Labour and Social Welfare-NRA Board Vice Chairman.
- d. Director General of the Engineering Corps, Ministry of National Defence(MND) - Member.
- e. DirectorGeneral of the Department of International Organisations, Ministry of Foreign Affairs-Member.

- f. DirectorGeneral of the Department of Mass Media, Ministry of Information, Culture and Tourism-Member.
- g. DirectorGeneral of the Department of Therapy, Ministry of Public Health - Member.
- h. DirectorGeneral of the Department of International Cooperation, Ministry of Planning and Investment-Member.
- i. DirectorGeneral of the Department of Budget, Ministry of Finance - Member.
- j. DirectorGeneral of the Department of Planning-Cooperation, Ministry of Public Works and Transportation - Member.
- k. DirectorGeneral of Department of Planting, Ministry of Agriculture and Forestry - Member.
- l. Department 106, Ministry of Public Security - Member.
- m. Deputy Permanent Secretary, Ministry of Education and Sport - Member
- n. Deputy DirectorGeneral of the Engineering Corps, MND -Member.
- o. Deputy Director-General, Department of Personnel, Lao Front for National Construction- Member.
- p. Director-General of Department of Training-Progression, Lao People's Revolutionary Youth Union-Member.
- q. Deputy Permanent Secretary, Lao Women's Union - Member.
- r. Director of the National Regulatory Authority for UXO/Mine Action - Member.

5.2. NRA Board Responsibilities

The responsibilities of the NRA Board are:

- a. The development, 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).
- h. To report on the conduct of UXO/mine action activities to the GOL.

- i. To coordinate with other relevant sectors at national and provincial levels, with donors and international organisations both within Lao PDR and abroad.

The NRA Board Chairman has the authority to issue regulations on the organisation and activities of the NRA at national and provincial levels. This is the authority to set National Standards.

5.3. Meetings

The NRA Board meets every 6 months, subject to the agreement from the Chairman, to review and comment on all reports and other documents from the previous 6 months, and to plan activities for the next 6 months. 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 the 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 and two Deputy Directors; one responsible for the Operations functions and the other responsible for the Support functions of the NRA. The organisation of the NRA Head Office is shown at **Annex A**.

6.1. NRA Director

The NRA Director is the interface between the NRA Head Office and the NRA Board and other high level GOL agencies. The NRA Director advises on UXO sector policy and strategy and manages the day to day activities of the NRA through the Deputy Directors.

6.2. Operations Department

The Operations Department of the NRA is headed by the Deputy Director Operations and is responsible for all the operational functions of the UXO sector plus information management. The Operations Department is divided into four sections that work together under the direction of the Deputy Director to ensure the efficient and effective management and coordination of UXO/mine action activities. The four sections are:

- a. The Information Management Section manages all UXO/mine action related information on behalf of the NRA (and the UXO/mine action sector) using the Information Management System for Mine Action (IMSMA) database. IMSMA has been developed specifically for the management of UXO/mine action information.
- b. The Operations Section overseeing the operations of the UXO sub sectors; UXO/mine clearance, UXO/mine risk education and UXO/mine victim assistance. Each of the sub sectors are managed by specialist officers who facilitates regular working groups on sub sector activities.
- c. The Standards Section is responsible for maintaining National Standards and for the Quality Management (QM) functions of the NRA. QM includes accreditation of UXO/mine action organisations and the external Quality Assurance (QA) and Quality Control (QC) of UXO/mine action activities including training. QM also includes the conduct of Post Clearance Assessments (PCA). The Standards Section manages the NRA's external QM teams.
- d. The National Training Centre (NTC). The NTC is still in the process of being established under the management of the Operations Department. The NTC is/ responsible for overseeing all operational training for the UXO/mine action sector and for maintaining the Lao PDR Training Standards. The NTC is/will also be responsible for maintaining the:
 - (1) Training database of UXO/mine action qualified personnel.
 - (2) Technical database and library.
 - (3) UXO training aid library/museum.

6.3. Support Department

The Support Department of the NRA is headed by the Deputy Director Support and is responsible for all activities associated with supporting and maintaining the NRA Board and Office including the NRA's responsibilities towards international treaties. The Support Department is divided into two sections a Secretariat/Programme Section and a Support Section.

6.3.1. Secretariat/Programme Section

The Secretariat/Programme Section is responsible for:

- a. Support to the NRA Board for meetings and any other Board activities.
- b. Donor liaison including proposal writing, reporting and support to donor activities.
- c. Liaison and coordination with the UNDP.
- d. Support to international treaties or any activities in relation to international treaties through an International Treaty Support Unit (ITSU).
- e. Public Relations through a Public Relations Unit (PRU). The PRU's responsibilities include:
 - (1) Liaison and coordination with media organisations (radio, television, journalists), national and international.
 - (2) Facilitating visits to UXO clearance activities by international media.
 - (3) Maintaining the NRA website.
 - (4) The production and distribution of public information in relation to the work of the NRA and the UXO sector, for example annual work plans and reports.

The Secretariat/Programme Section is established with a core of staff that are capable of undertaking multiple responsibilities within the Secretariat/Programme function depending on current priorities.

6.3.2. Support Section

The Support Section is responsible for internal support to the NRA, (including the Board) for administration, finance and logistics. Through the administration function the Support Section manages human resources and the work of support staff such as executive assistants and cleaners. The logistics function oversees the transport support to the NRA.

The NRA Support Section is also responsible for any support to UXO/mine action organisations specified in project agreement documents; for example assistance with the importation and registration of equipment or arrangement of visas and other personal documents.

6.4. Military Liaison Officer (MLO)

The NRA has a Military Liaison Officer (MLO) attached to it from the MND. The MLO works directly to the NRA Director and is the interface between the NRA and the MND. The MLO is the point of contact for the supply of explosives, which are controlled by the Lao Army, and is also responsible for the registration of certain controlled equipment, such as metal detectors that are required to be registered with the Lao Army.

6.5. NRA Head Office Overall Responsibilities

The overall responsibilities of the NRA Head Office are shown below. More specific responsibilities are detailed in various chapters of National Standards. The overall responsibilities include:

- a. Identifying outcomes for UXO/mine action in order to meet the current priorities of the GOL; identifying priorities based on outcomes and then developing strategies and plans to achieve them.
- b. Presenting to the NRA Board the relevant UXO/mine action related policies, strategies and plans for comment, amendment and official adoption/promulgation.
- c. Management and coordination of UXO/mine action resources and activities to ensure that priorities are able to be addressed in all the required geographical areas. Project approval is integral to this.
- d. Monitoring work plan development and implementation to ensure that priorities are being addressed.
- e. Coordinating with UXO/mine action organisations, local authorities and UXO/mine action stakeholders to facilitate the safe, efficient and effective management of UXO/mine action.
- f. Evaluating the achievement of outcomes and if necessary, recommending changes to strategies and plans to the NRA Board.
- g. Integrating UXO/mine action with GOL ministries to ensure the eventual transition of UXO/mine action responsibilities to these ministries.
- h. Gathering, maintaining and disseminating UXO/mine action-related information and analysis results to UXO/mine action stakeholders to facilitate better management of UXO/mine action and associated development activities.
- i. Promoting and supporting initiatives to improve the safety or productivity of UXO/mine action.
- j. Acting as a focal point for UXO/mine action technical matters.
- k. Accrediting and monitoring UXO/mine action organisations to ensure that they are, and remain, competent to plan, manage and conduct UXO/mine action.
- l. Keeping the NRA Board informed on UXO/mine action matters.
- m. Acting as the secretariat of the NRA Board on all matters related to UXO/mine action in Lao PDR.
- n. Providing support to the GOL as part of its obligations under international treaties.

7. NRA Provincial Offices

NRA provincial offices are established in every province with significant UXO contamination to act as the focal point for UXO/mine action matters at a provincial level. The offices are staffed by the provincial government and come under the control of the Provincial Committee for Rural Development and Poverty Reduction.

NRA provincial offices have no standard organisational structure; the staffing is dependent on the UXO situation (contamination, UXO impact, UXO/mine action organisations etc) in each province.

The NRA provincial offices' responsibilities are shown below. More specific responsibilities are detailed in various chapters of National Standards. NRA provincial offices are responsible for:

- a. Providing provincial input into the identification of UXO/mine action outcomes, priorities and plans and the use of UXO/mine action resources at a provincial level (through the project approval process). At the provincial and district level this should take into account the needs of UXO affected communities, and provincial and district development plans.
- b. Coordinating with UXO/mine action organisations to develop work plans taking into account relevant priorities for UXO/mine action work.
- c. Monitoring the work of UXO/mine action organisations including progress against work plans.
- d. Facilitate regular meetings for UXO/mine action stakeholders to discuss matters relevant to the UXO/mine action being carried out within the province and to facilitate the efficient and effective management of UXO/mine action.
- e. Supporting and facilitating national, provincial and UXO/mine action organisation initiatives to improve safety and productivity or to gather UXO/mine action information at the provincial level.
- f. Establishing liaison with local authorities at provincial and district level to permit the transfer of UXO/mine action related information.
- g. Establishing systems and procedures at a provincial level for the collection and reporting of UXO/mine action information.
- h. Ensuring that UXO/mine action information received is acted on in a timely manner and in accordance with NS.
- i. Dissemination of UXO/mine action information to provincial authorities, the NRA Head Office, NRA district offices and UXO/mine action organisations as required.

8. NRA District Offices

NRA district offices are established exactly the same as for NRA provincial offices except at a district level. NRA district offices are responsible for:

- a. Providing district input into UXO/mine action outcomes, priorities and plans and the use of UXO/mine action resources.
- b. Working with the NRA provincial offices to develop work plans and to monitor the work of UXO/mine action organisations.
- c. Participating in UXO/mine action meetings organised at a provincial level.
- d. Supporting UXO/mine action initiatives at a district level.
- e. Establishing liaison with local authorities at a district level to permit the transfer of UXO/mine action related information.
- f. Ensuring that UXO/mine action information received is acted on in a timely manner.

- g. Passing UXO/mine action information to district authorities, the NRA provincial office and UXO/mine action organisations as required.

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

