



Minutes taken at the *UXO Sector Working Group* September 2009

Held at:
Lang Xang Hotel, Vientiane

September 10th, 2009

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Agenda Item 1: Opening Remarks

Presenters: *Dr Maligna Saignavongs, Director of NRA, Mr Somnuk Vorasarn, Deputy Director of NRA and Madame Sonam Yangchen Rana, UNDP Resident Representative*

- Mr Somnuk: opens proceedings and welcomes key dignitaries and all participants.
- Notes that three local companies seeking UXO accreditation, the first three to do so, have representatives present today and remarks on the important step forward for the sector this represents.
- Mr Somnuk Hands over to Dr. Maligna, NRA Director.
- Dr Maligna welcomes all present.
- Also acknowledges the attendance of companies seeking accreditation and makes mention of a PM Decree stating all private companies need to go through NRA for UXO accreditation.
- Acknowledges the presence of a Lao Army Representative.
- Mentions UXO National Standards and reiterates the importance that they will be universally understood and applied.
- Notes that since the last meeting, there have been many achievements in the UXO sector
- The UXO sector strategy has been revised and will be main subject of today's meeting.
- NRA played a major role in the Oslo Treaty Process and this will be discussed later.
- Hands over to Madam Sonam.
- The UXO sector is so important as a cross-cutting development sector.
- Reinforces the importance of a revised Safe Path Forward to reflect new developments and challenges in the sector and to encourage its integration into other strategies and development plans. Sector Review revealed importance of having understanding of the sector, defining concrete goals, and ensuring key tasks of sector are identified.
- Highlights need to have a final version of SPF II for Round Table Meeting in November.
- Mentions that the International community is eager for transition of activities to national ownership.
- But Donors and development partners also need to cooperate more and systemise activities in support of transition to full national ownership in UXO.
- Mentions Lao will be holding 1MSP and that this should be a key topic for discussion today.
- Lao support groups starting to meet in Geneva and this is first steps towards hosting.
- Overseas Development Aid is harder to come by in light of GFC. Everyone needs to focus on smart resource mobilisation, but also output efficiency.
- UN will be offering full and continued support to the sector, which it sees as critical to the overall development of Laos.
- Acknowledges Dr. Maligna's leadership, work of NRA, and Tim Horner's personal dedication.

Agenda Item 2: Review of SWG Terms of Reference (TOR)

Dr Maligna asks in the interest of time that any comments about the TOR be fed to the NRA at a later time. These will then be considered for a TOR revision (if necessary).

Agenda Item 3: Review of Previous SWG Minutes (November 2008)

Dr Maligna asks in the interest of time that any comments about the previous Minutes be fed to the NRA at a later time.

Agenda Item 4: UXO Sector Progress Report (January – July 2009)

Presenters: *Dr Maligna Saignavongs, Director of NRA*

Dr Maligna commences going through a PowerPoint presentation outlining progress in the sector (January to July 2009) – **please refer to presentation; available for download at www.nra.gov.la**

Points of Note on Presentation:

- Dr Maligna welcomes newcomers to the clearance sector, NPA and SODI.
- Mentions that FSD have completed clearance activities but will be remaining in the sector.
- Publicly welcomes participation of Lao army and looks forward to strengthening those ties.
- Provides a brief overview of accreditation progress and mentions the transfer of LXML activities over to MMG.
- Re-mentions the importance of three local companies applying for accreditation and how positive such an event is for the evolution of sector.
- Hopes that by early 2010 all operators will be fully accredited.
- Mentioned that the National Training Standards have been finalised and will be distributed in the near future.
- National training centre – agreement with Japan to help fund redevelopment of national training centre.
- Funding overview shows declining resource contribution into the sector.
- New opportunity within QA/QC area – a project has been agreed between FSD and NRA for FSD to provide mobile QA/QC team - explained in brief and more details will follow as the project plan is finalised.
- SPF 2 introduced in brief – more detail to follow in next session.

Comments from the floor:

Tim Horner, NRA – financial information from the sector is hard to come by. If NRA does not have funding and clearance information, then it makes it very difficult to fulfil its mandate as regulator and information repository. There needs to be a commitment to regular reporting and in a clear and harmonious way.

Stephane Vigie, UNDP – the demonstrated funding decline is disappointing in light of the role Laos played in the CCM process. However, it is very positive to see increases in efficiency.

- Question 1: what factors are leading to increased output?
- Question 2: could accreditation be further explained i.e. why is it that some long-standing groups are such as UXO Lao not further progressed and new organisations like NPA already licensed?

Answer: Tim Horner, NRA – technology, better training, and new techniques all contributed and constant review and innovation keeps producing further increased outputs.

- **John Dingley, UXO Lao** – increased training and introduction of new technology that can speed up the detection process have been important. The potential with new technology is great but it is also represents a huge challenge in so much as it requires learning how to use additional systems training, computer programs, and analysis tools that accompany the technology.
- **David Hayter, MAG** – MAG increased productivity by 90% this year, in large part due to result increased number of detectors and more appropriate detectors. Increased training of staff, and increased investment in management capacity of Lao Nationals have also increased competency.
- **Mr. Pouviengsavanh Keosouphan, Senior Explosive Ordnance Officer, NRA** – Long-standing organisations are after permanent accreditation and not provisional licences. Thus they are happy to be patient in the process and all parties are still working out issues, this is ongoing.

Agenda Item 5: Safe Path Forward 2 – Latest Version Open for Consideration

Presenters: *Mr Somnuk Vorasarn, Deputy Director of NRA and Mr Tim Horner, Senior TA, NRA*

- Tim opens the discussion and gives a brief overview of the process hereto date.
- Explains the process ahead of discussing the SPF 2 in dual languages (Lao and English), and invites contributions, comments, and questions as the document is being reviewed.
- Explains that once the strategy is finalised, it will be adopted by the board and issued by decree.
- Mr. Somnuk mentions the timing of the strategy and that the timing was right for a review considering developments within the sector.
- Tim starts to go through the strategy section by section.

Points of note in each section:

Introduction; Sections 1-3

- All relatively straightforward and known information.

Section 4

- The figure within pertaining to 21,814 Ha of cleared land from 1996 to 2009 is a best estimate for not all the information has been made available to the NRA. For example some 1000 army records were just received, thus the figure is incomplete, but the most accurate it can be with existing data.

Section 5

- Highlight that certain sector developments have required this revision and that it has been an extensive consultative process.
- Mr. Somnuk– introduction is an attempt to give overview of the sector conditions and required solutions. And one of the most crucial elements is to make the strategy consistent with the NSED.

References; Section 6-7

- All relevant strategies and treaties have been cited as reference documents.

Vision: Section 8

- Tim reads aloud the 'Vision' and explains the attempt to include in the wording as much of the feedback from previous meetings as possible.
- Mr Somnuk highlights that the 'Vision' focuses on communities and individuals.

Strategic goal: Section 10

- Tim: the time frame is 10 years. And the Strategy will increase activities and planned outputs; it will scale up sector work over 10 years. It will also work on long term, sustainable capacity of the country.
- Mr. Somnuk: the goal is to reduce UXO threat. To do this we need to improve resources whilst also focusing on residual capacity development.

Challenges and opportunities; Sections 11- 14

- Mr. Somnuk and Mr Tim go through each of these:
- Number 11 – elaborates on size of problem in spite the data being incomplete. The scope of the contamination is continually being redefined, although this will never be 100% accurate, and this strategy recognises that the problem is huge despite incomplete information.
- Number 12 – Information collection is crucial and with the successful implementation and use of IMSMA this is helping (information allows policy to be developed).
- 13 and 14 - discusses gender equality and aid effectiveness in line with Vientiane declaration.

Strategic Objectives and Enabling Activities

Reduce number of victims to less than 75 per year; Section 15

- Tim: this is heavily MRE focused in its indicators but in-fact a multi-dimensional approach is required to achieve this.
- Mr. Somnuk review team in 2008 recommended a victim based target. To achieve this we need a range of activities, including increased roving responsiveness.
- Tim: section 15.2.d, the 7 day response indicator to UXO reports; was a contentious issue in consultation process of strategy writing – Is it realistic in practise? If it needs to be reviewed it can be.
- Mr. Somnuk– The intention is to increase enforcement of indicators outlined in the strategy and specifically 7 day response period (if it is adopted).

Comment: John Dingley, UXO Lao - highlights the word 'response' and that it can mean many things, it is a broad term; the appropriate response might be a plan to respond rather than an action itself. It is a flexible term.

Ensure that medical and rehabilitation needs of all victims are met in line with treaty obligations; Section 16

- Tim: wording is an attempt to reflect all treaty requirements.
- Mr Somnuk: we need to identify gaps in overall VA strategy and develop appropriate responses.
- Tim notes that six pillars of VA are being thoroughly developed right now and are in the position paper stage. These 6 key areas still need a lot of work to define and then implement, but VA going in the right direction.

Release priority land and clear UXO in accordance with national standards and treaty obligations; section 17

- Tim: the aim should not be to chase clearance of large amounts of land. The aim is prioritise valuable and usable land and release/clear these.
- Clearance is last resort; survey, risk management, data analysis, should first be used to release land free of contamination.
- Releasing land through analysis is preferable as it very much more cost effective (clearance is expensive)
- Clearance should be the last option considered.
- Targets should be smart and collectively agreed– 17.2 d and 17.2.e refer to ‘annual increases’ in priority land realised and UXO cleared by roving response. The figures implied need to be defined in a collaborative manner when drawing up an annual work plan (annual work plan that new strategy asks to be produced).

Question: John Dingley, UXO Lao – the original SPF contained hard figures/targets that quickly became outdated. How do we establish the baseline targets to be used to measure ‘Annual increases’ and how do we ensure they remain relevant? For example, throughout the life of the strategy targeted land might be more inaccessible which will impact target setting?

Answer: Tim – ambitious targets are needed as a fundamental goal of the strategy is to scale up activities. But they need to be realistic also. The process of annualised targets setting should help offset complications

Comment: John Dingley, UXO Lao - targets can be reviewed down year to year if the reality of sector dictates that; a benefit of annualised work plan.

Comment: Mr Somnuk – target setting will be consensus driven and democratic process, so no arbitrary figures will need to be followed by clearance operators.

Question: David Hayter, MAG – is there flexibility in the meaning of ‘prioritisation’?

Answer: Tim Horner NRA – priority system will be based on community development plans (national, provincial, district). We don’t have clear indicators like previous strategy. This needs further input in TWG’s and if we can develop priority system there, then it will be considered for use.

Ensure effective coordination and implementation of the national programme; Section 18.

- Mr. Somnuk: 18.2.b Reporting in-line with national standards is crucially important so that progress can be measured.

Question: Akiko Tomita, Embassy of Japan – Japanese Government is concerned about the strategy asking for more untied aid. Japanese Government has a bilateral donor relationship with distinct funding parameters. Will this strategy does recognise the Japanese preference?

Answer: Tim Horner, NRA – predictability and more flexibility are goals of the strategy. It is understood that not all donors will be comfortable with increasing unties aid, but the point of doing so is to help allow allocation to be more dynamic, fluid and responsive, in line with spirit of Vientiane declaration. But the decision of donors as to how they structure their support will always be respected.

Promote long term sustainability of the national programme; Section 19

- Tim: these discussions were difficult and hard to yield hard figures and/or timeframes for transition.
- In 10 years time we need more national mechanisms and national resourcing. So the goal generally is to prepare the sector for full ownership and strong national capacity.

- Questions remain; who will do clearance? The Police, the Army? A specific model or domestic agency could not be identified, so the wording within talks about identifying those elements within the strategy timeframe.
- The term 'National authorities' within the document is generally referring to ministries, or the actioning/lead agencies for a particular sector function.
- Mr. Somnuk: formulation of appropriate domestic residual capacity model will require much input. We also have recommendations from 2008 UXO sector evaluation team. Within the lifetime of strategy the basic framework for sub-sector transition will be need to be created and that is a process starting now.
- Government funding should increase in line with increased national economic growth – strategy states government should contribute more funds as their own coffers grow.
- Hard figures cannot be identified so tying GoL contribution to growth trends more pragmatic.

Meet international treaty obligation; Section 20

- Realistically clearing 'all' land in Laos is unachievable, as is required by Oslo treaty, but through accurate and efficient reporting the particulars of Laos' situation can be communicated and accommodated.
- Annual transparency report will be a key obligation needing to be properly performed.
- Dr Maligna: commitments of convention can be renewed as an affected country and reiterates that the timelines set out in Oslo are untenable for Laos, but that is exactly why extension provisions were written into the treaty.

Question: Tim Horner, NRA – In relation to Ottawa, despite not being a signatory MOFA has talked about a voluntary transparency report on the landmine situation in Laos. Could the representative from MOFA elaborate on this?

Answer: Maythong Thammavongsa, UN Political & Security Affairs Division, MOFA - reiterates that GoL has confirmed it will be a party to the Ottawa convention at some point, as it has publicly stated, but that it needs to time to evaluate how well it can meet treaty obligations. The idea of a voluntary report cannot be decided here but is being discussed and will be further discussed.

Comment: Dr Maligna, NRA- although not a member of Ottawa and hence having no obligation, a voluntary report will prepare us well for eventual accession.

Question: Stephane Vigie, UNDP - Has it been decided that Lao will voluntary report under Ottawa? If so then perhaps the GoL should formally announce that as it can only be a positive; it will increase Laos' profile, demonstrate to the international community Laos' commitment to joining Ottawa and please donors.

Answer, Maythong Thammavongsa, MOFA –the intention is to report voluntarily in the spirit of the convention, but the wording and the mechanism needed still require additional time and effort.

LUNCH RECESS

Post-Lunch Questions and Comments from the floor pertaining to SPF 2 Run-through:

Question: Dulce Caradang-Simmanivong, AusAid -

- Question 1: Section 20.2.c refers to a trust to fund, is this to finance the CCM treaty or to be utilised for total sector-wide activity?
- Question2: How do you see management of resources needed for next year?

Answer: Stephane Vigie, UNDP – The entire SPF 2 Strategy is geared towards meeting treaty obligations and facilitating sector activities. They are one and the same objective.

- **Tim Horner, NRA** –If aid is untied it is more fluid and can be more effective. Donors who have strict requirements on spending priorities will not have to alter their positions according to this new strategy. The wording in the strategy aims to encapsulate the spirit of the Vientiane Declaration, which is a sector atmosphere of increasing aid effectiveness.

Program requirements; Section 25

- Tim: the strategy is fundamentally about scoping up the sector and adding more resources.
- Annual work plans and scoping the problem are important mechanisms to facilitate the strategy. The strategy will eventually need to be costed, but at a later time based on that work done to identify the size of the sector activities.
- Mr. Somnuk: a scoping exercise will allow us to better understand contamination and topography considerations that will determine our land release priority. At the moment it could take anywhere between 15-50 years to clear prioritised land, depending on what type of land and what prioritisation is in place. If we can add more resources, the appropriate types of resources and clearly prioritise then we can aim for more expedited timeframes.

Section 26

- Tim: it is not enough to talk about the sector in terms of land release figures alone, or only use 200,000ha of usable agricultural land to be cleared as the iconic statistic to be worked towards. Clearance need to think more holistically and account for victims rights, community development agendas, equality issues.

Questions and Comments from the floor

Question: Amy Delneuve, UNICEF – Fully supportive of a transition plan but wanting clarification of 19.1.b – implementation:

- Question 1: What exactly does implementation mean? Full transition?
- Question 2: What does a 'national authority' imply?
- Question 3: What happens to national database during transition?

Answer: Tim Horner, NRA – national authorities are any form of ministerial and governmental. National 'organisations' would be civic society (NGO, commercial, private sector).

Question: Amy Delneuve, UNICEF - could that include International NGO's?

Answer: Dr Maligna, NRA – the wording implies that local agencies will be the primary points for the activity, however, if there is still need for INGO support then that of course will be welcome.

Comment/Question: Mr. Sengmany, Deputy Director, NPI - multiple comments:

- In relation to the Sector Progress Report, the presentation should have been more detailed. Trends in each sub-sector should have been highlighted.
- In relation to the SPF 3. There is a difference between 'strategy' and 'strategic plan' that might have been lost in the translation. A strategic plan represents something more activity based with real, hard targets that can be measured. This seems to be lacking in the SPF 2.
- The SPF 2 needs a formulated approach to target setting. By using formulas to set targets activity trends can be predicted and these can then be used to guide the formation of expected outcome.
- Question: Why is there a lack of figures and real targets in the strategy and considering that is the case, how to will one establish targets for the initial work plan?

Comment/Question: Nancy Jirasek, WEC - objective 19 relating to INGO's working towards sustainability, capacity building, and long-term transitioning out, for highlighting this in a formal strategy.

- Question: 19.2.d relating to sub-sector activities being implemented by ministries. Point of clarification: is this strategy indicator stating that the ministry will perform these functions rather than being partners with INGO's? For currently the situation exists that INGO's sign MOU's and partner with a ministry.

Comment/Question: Baykham Kathigna, Chief of Cabinet, MLSW - multiple comments:

- The format of the strategy seems to be one accustomed to the GoL. Perhaps NRA should reformat the strategy.. The strategy actually starts at section 14 and this is a strange format.
- The Vision is not comprehensive enough, what is the overall goal? It does not represent all facets of the UXO problem.

- There is no action plan; what are the activities within the strategy? If you have no action plan how can you measure the progress of the overall vision?
- The 'background' information (Introduction) is not thorough or detailed enough (for example it needs exact dates).
- Challenges and opportunities need to be listed clearly.
- The Word 'release' land does not translate well into Lao and should be reviewed to convey in the right Lao wording what is the meaning.
- Institutional arrangements – is this needed? Isn't this described in the NRA mandate?

Question: Akiko Tomita, Embassy of Japan – Section 20.2.c relating to an 'international trust fund' to be established for the UXO sector. Is this the UNDP trust fund?

- Is the document mandating that donors funnel their support through this fund?
- Japan has a policy against the use of such trust funds making it difficult to comply and no stipulation is mentioned in the Vientiane Declaration.

Comment/Question: Remy Duvien, SDC - - multiple comments:

- Thank you to the NRA for leading the strategy revision process.
- From a Donor perspective, there has been prior concern as to where the sector is headed, what was the role of the donor to become, and how long would donors need to support the sector?
- This draft is very good step in direction and helps to clarify some of these questions.
- However some of the document objectives are very vague. It is understand that it is hard to provide actual figures/targets due to the reasons outlined about continuing relevance, prioritisation systems and so on, but perhaps additional definition to some of the concepts in the objectives might be of use. For example, Objective 17: clearance, what does that actually mean (clearance versus release)?
- Most of the objectives we don't get a sense of what will be the final outcome in 10 years.
- Section 26, Program requirement and international cooperation; Donor wants specific requirement to be listed and how these will be programmed over the 10 years.
- Question: How far progressed is this document and the process of revision? Will there be opportunity for further input?

Question: David Hayter, MAG – The trust fund reference: does it refer to the entire UXO sector being able to use it (both donors and operators having access to it) or is it restricted to the government agencies, the NRA and UXO Lao?

Comments: Maythong Thammavongsa, MOFA - multiple comments:

- Opportunities and challenges needs to be improved.
- Wording on land release needs to in vision or goal.
- What is outlined in strategy is hard to achieve in 10 years. Fully self-sufficient in 10 years will be problematic and perhaps this is too ambitious.

Answer: Somnuk Vorasarn, NRA - multiple comments:

- Strategy deliberately kept brief for it would have become too long and unintelligible with all input.
- A swot analysis was used to help analyse the sector and guide the vision and objectives.
- A vision was identified through consensus and then further detail of the strategy flowed from there.

Answer: Tim Horner, NRA - multiple comments:

- In response to questions relating to Strategy and strategic plans: we have a strategy and then annual work plans; this is more pragmatic for a 10-year land as it maintains target relevance.
- We still don't know exactly how much land is contaminated, hence why we can't do a simple calculation to give an overall figure of the problem and overall target. A formula will not take into account variables from year to year e.g. technology, personnel that will impact overall sector targets and outputs.
- Additionally we can't provide long term targets for we can't guarantee resources in upcoming years that would underpin targets (but we know how much we have next year).

- Land release: if land is suspected of being contaminated, initially you can analyse and survey to be able determine if any contamination exists and if none it can be released. Clearance should be a last resort only once an area is proven to be contaminated.
- In relation to an action plan, we could accumulate individual operator work plans to help create an annual sector work plan.
- **Somnuk Vorasarn, NRA** – we will review document terminology in response to comments from NPI Representative.

Comment/Question: Remy Duvien, SDC - without real figures in this document it is going to be hard for donor to get perspective and to commit multi-year funding.

Response: Tim Horner, NRA – We can put a hard figure on clearance, but how do we arrive at that figure? There are so many variables that can render that figure redundant i.e. the figure needing to be revised either up or down.

Comments: Stephane Vigie, UNDP – lots of comments on terms and format of the document, which can be taken as a good sign that the content is good (tacit approval by the group).

- Also and lots of comments at either end of the same issue, which can be viewed as the right balance being struck within the document.
- The objective in this document are clear: clear the land, donors to keep supporting for 10 years, and for GoL to increase its capacity.
- There is commitment from all to this; from operators to be more efficient, GoL committed to develop more ownership of sector, donor commitment to commit more resources.
- Important to remember that this is a high-level strategy that captures critical direction, critical work and focus activities. The annual work plan will reflect reality of yearly activities and requirements.
- VA pitched at a very high level. The six pillars are very informative but could there a further narrowing of two or three key focus activities of VA.
- Trust fund: not meant to capture all UXO resources, it is meant to complement current sector mechanisms.
- Trust fund can be used to make un-earmarked donations and that is useful so donors can put money into one clear, accountable pot and allow GoL to make spending decision.
- Trust fund can help implement spirit of Vientiane declaration, i.e. aid effectiveness.

Comment: Akiko Tomita, Embassy of Japan - Japan wants to continue bi-lateral relationship with UXO Lao and INGOs. If sector strategy requires money to go into trust fund then Japan will have complying.

Response: Stephane Vigie, UNDP -There is no requirements to fund the sector via the trust fund. Donor specifications on how support is given will be respected.

- **Dr Maligna, NRA** - donors make decision appropriate for them and this is GoL position, there will be no constraints mandated by the strategy.
- **Maythong Thammavongsa, MOFA** – for sake of avoiding misunderstandings perhaps we need to change wording in strategy about the trust fund.

Question: David Hayter, MAG - is trust fund able to be accessed by all agents in the sector not just NRA and UXO LAO?

Answer: Stephane Vigie, UNDP – yes; there will be specific funding windows or time frame to fund specific groups.

Question: David Hayter, MAG - referring to money going out not coming in: can NGOs receive un-earmarked money?

Response: Stephane Vigie, UNDP – un-earmarked funds will be allocated via a decision committee but all sector agencies will be able to apply for funds and allocation based on meeting eligibility requirements.

Comment: Nancy Jirasek, WEC - advocating for greater emphasis in gender, minority, equality issues to be reflected in activities and indicators.

Response: Dr Maligna, NRA - gender equality is a government priority. There are also many great gender equality initiatives in the sector already, including MAG and UXO LAO all-female clearance teams.

Coffee Break

Agenda Item 6: Review of the Convention on Cluster Munitions

Presenters: *Dr. Maligna Saignavongs, Director of NRA*

- Dr Maligna gives a brief description of the history of the convention process and outlines the developments that will happen when convention becomes law.
- Confirms that an inter-ministerial committee has been established to oversee the organisation and planning of a First Member States Parties Conference to the Oslo Convention.
- The Committee has been formalised by Decree, but some ministries that are currently not represented would like to be so, such as Ministry of Information and Culture.
- A New decree recognising reshuffled committee needs to be issued.
- GoL taking active steps already to host the conference but there will be request made to the international community for support. GoL would be seeking resources, human capita and expertise, and technical capacity needed to host such a conference.
- Many areas of government will need to be involved.
- This is a major opportunity for Laos to showcase itself and promote the UXO issue on a global stage.

Comments: Stephane Vigie, UNDP - Highlights how effective SWG is and encourages its continued use.

- Current global financial situation makes resource mobilisation difficult, but Laos is in a better position than most to advance as a result of increasing efficiency and its prominence in the Oslo process.
- When CCM enters into force Laos will be in pole position to capitalise on international support for the issue.
- Strategy review today has heard criticisms of it being too specific and not specific enough; hence the balance is probably quite good.
- However we need to conclude this process so that we can start working on annual plan, the clear activities of the sector, and then cost the plan.
- Suggested action: submit any comments and suggestions on the draft in a written form within 1 week to the NRA. These will be considered and incorporated into the final draft that will be submitted to the NRA board.

Action: written comments about the strategy to be submitted to the NRA

Timing: 1 Week

Responsible: all participants invited to comment, NRA will be focal point

- Costing exercise will help alleviate donor's reservations about funding commitments.
- Finally the Trust fund is intended to be a complimentary vehicle which donors can easily contribute to the sector, especially for those non-resident donors. It is not seeking to replace current funding mechanisms.

Agenda Item 7: Closing Remarks

Dr Maligna Saignavongs, NRA

- Affirms comments by Stephane Vigie.
- Content of strategy is very good and generally agreed upon it appears from today's meeting.
- Possibly the format needs some revision. Reiterates a call for commentary to be submitted within 1 week.
- Priority of strategy is to integrate into NSEDP, positively contribute to the success of those 5-year plans, and ultimately to contribute to poverty eradication.
- UXO sector is heavily dependent on international assistance. The strategy itself is an attempt to come into line with both domestic policy/strategy but also international agendas – we need international assistance and document attempting to comply and harmonise across both domestic and international strategies.
- Dr Maligna acknowledges the valuable contributions from entire group and expresses his thanks for all that input. He highlights that today's dialogue reflects a range of people entering process at different stages; nonetheless all feedback has been valuable contribution and will be taken into account.
- Dr Maligna again thanks all participants for their contributions and officially closes the meeting.

Annex 1 - National Strategic Plan for the UXO Sector in the Lao People's Democratic Republic, 2010 – 2020 “The Safe Path Forward II” - Draft



Lao People's Democratic Republic Peace Independence Democracy Unity and Prosperity

National Strategic Plan for the UXO Sector in the Lao People's Democratic Republic 2010 – 2020 “The Safe Path Forward II”

INTRODUCTION

1. The Lao PDR is, per capita, the most heavily bombed nation in the world. During the Indochina conflict in the 1960s and 1970s, it was the scene of extensive ground battles and intensive aerial bombardments. Records indicate that over two million tons of bombs were used, including more than 270 million sub-munitions from cluster bombs, and that up to 30% of them failed to explode. Some 35 years after the war ended this unexploded ordnance (UXO)¹ still poses a threat to Lao PDR. As well as causing deaths and injuries, UXO impacts on the lives of Lao people across the country by contributing to food insecurity in limiting safe access to potentially rich agricultural land.² In addition the cost of implementing development projects is increased in UXO contaminated areas when land needs to be cleared causing delays; and in some cases, stops projects entirely.

2. Today, UXO constitutes a significant obstacle to the achievement of the Millennium Development Goals (MDGS), as well as national plans to lift the country out of the list of Least Developed Countries by 2020. Studies demonstrate that there is a strong correlation between poverty and food insecurity on the one hand and the presence of UXO on the other.

3. National efforts to address UXO contamination were initiated in the mid 1970s. They started receiving international assistance in the 1990s, first through specialist Non Governmental Organisations (NGOs) and then through the United Nations. In 1996, the Government, with the support of UNDP and UNICEF, established a national capacity called UXO Lao. Eight years later, a strategic plan called “The Safe Path Forward, 2003 to 2013” was adopted for the sector and a National Regulatory Authority (NRA) was created to monitor its implementation and coordinate UXO activities in Lao PDR, becoming operational in 2006.

4. Operations in the UXO Sector are currently implemented by a number of Government agencies, NGOs and commercial companies, which are all working under the overall oversight of the NRA. International cooperation is facilitated through a Sector Working Group and three technical working groups that bring together all Government and Development Partners in the spirit of the Vientiane Declaration on Aid Effectiveness. Progress is monitored by the NRA Office which has consolidated records, of 21,814 hectares of high priority land cleared of UXO by national and international operators from 1996 to July 2009. It also has reports of over 1,000 hectares cleared by the Lao Army for infrastructure development in recent years.

¹ UXO is explosive ordnance that has been primed, fused, armed, or otherwise prepared for use and used in an armed conflict. It may have been fired, dropped, launched or projected and should have exploded but failed to do so. The work of the UXO sector in the Lao PDR is related to the entire range of what is termed **Explosive Remnants of War (ERW)** including **Abandoned Explosive Devices (AXO)**, but the term UXO is used following well-established custom

² WFP Lao PDR Comprehensive Food Security and Vulnerability Analysis. May 2008.

5. This new strategy has been formulated through a series of extensive consultations with sector stakeholders to replace the initial “Safe Path Forward” of 2003. The aim of the revision was to take into account several important developments that have taken place over the past five years as well as the findings of a sector evaluation undertaken in 2008³ and to ensure greater alignment with the National Socio-Economic Development Plan (NSEDP) of the Government.

REFERENCES

6. This strategy aims to contribute to the achievement of the Millennium Development Goals (MDGs) and the other development objectives captured in the NSEDP in accordance with the principles of the Vientiane Declaration on Aid Effectiveness. It also aims to guide the implementation of several important international conventions and declarations, including:

- The Convention on Cluster Munitions
- The Convention on the Rights of People with Disabilities
- The UNESCAP Declaration on the Decade of the Disabled

7. The strategy complements the following Government Decrees:

- Prime Ministers Decree 61, dated 16 March 2009 on the National Commission for Disabled People
- Prime Ministers Decree 33, dated 17 March 2004, on the National Regulatory Authority (NRA)
- Chairman of NRA Decree 001/NRA, dated 30 March 2005 on the Organisation and Activities of the NRA
- Chairman of NRA Decree 004/NRA, dated 8 January 2009 on the National Standards for UXO Mine Action in Lao PDR

VISION

8. The vision guiding this strategy is a Lao PDR free from the threat of UXO, where individuals and communities live in a safe environment contributing to development and where UXO victims⁴ are fully integrated into their societies and their needs are met.

STRATEGIC GOAL

9. The strategic goal of the Government and its development partners over the 2010 -2020 period is to reduce the humanitarian and socio-economic threats posed by UXO to the point where the residual contamination and challenges can be adequately addressed by a sustainable national capacity fully integrated into the regular institutional set-up of the Government.

CHALLENGES AND OPPORTUNITIES

10. Whilst clear progress has been made since the national UXO programme was established in 1996, this strategy recognises that key challenges remain that may affect the achievement of its goal and objectives. It also recognizes significant developments, foremost amongst which is the Convention on Cluster Munitions that offer new opportunities to mobilize national and international efforts and scale up the ongoing work.

³ UXO Sector Evaluation, Lao PDR, June/July 2008, Griffin, Keeley and Sayyasouk

⁴ The term ‘victims’ is defined by the Convention on Cluster Munitions as ‘All persons who have been killed or suffered physical or psychological injury, economic loss, social marginalisation or substantial impairment of the realisation of their rights caused by an accident with UXO. They include those persons directly impacted by an accident with UXO as well as their affected families and communities.’

11. The most daunting challenge remains the magnitude of the UXO problem in the Lao PDR. According to a 2008 survey, there have been over 20,000 UXO-related casualties⁵ since hostilities ceased. The number of UXO victims in Laos has been on average up to 300 a year over the past decade, which is up to three times more than previously estimated. Based on available data, this could mean that the Lao PDR accounts for more than half of all confirmed cluster sub-munitions casualties in the world.

12. While more and more accurate information on UXO contamination and its impact on communities is still a critical requirement, a national capacity to collect, manage and disseminate such information is now operational within the NRA Office. Further developing it and making sure that quality and timely data are accessible to those that need it will be a priority over the period of this strategy.

13. Current approaches in the sector do not sufficiently promote equitable participation. To a large degree, female voices in particular are still absent from the UXO action process. In addition, progress so far has been measured primarily in quantitative terms and post-clearance land use is not systematically monitored. Operators in the sector need to deliberately promote an inclusive approach to UXO action under the leadership of the NRA so that the sector can shift towards an approach centred on people and communities and measure the impact of its actions in terms of socio-economic outcomes leading to poverty reduction.

14. The UXO sector is well structured and can rely on a range of experienced agencies. Effective mechanisms are in place to coordinate international assistance under Government leadership. However, meeting the obligations of the Cluster Munitions Convention will require a significant scaling up of resources and capacities during the period covered by this strategy, with greater attention being given to the principles of the Vientiane Declaration on Aid Effectiveness. In the longer term, gradually reducing the current reliance on international support, and mainstreaming UXO action into broader socio-economic development strategies and programmes to ensure sustainability, is imperative.

STRATEGIC OBJECTIVES AND ENABLING ACTIVITIES

15. Reduce the number of victims to less than 75 per year

15.1. Major activities

- a. Deliver targeted risk education activities focusing on behaviour change within identified at-risk groups, awareness-raising in response to UXO accidents⁶, and classroom-based education for school children in contaminated area.
- b. Provide appropriate support to village volunteers who act as peer educators among at-risk groups.
- c. Promote a more coordinated and timely response to accident and UXO reports through mine risk education (MRE) and clearance.
- d. Develop and enforce legislation to regulate scrap metal trade and other high-risk activities.

15.2. Indicators of achievement

- a. Increased number of risk education activities in contaminated areas focusing on at-risk groups (as identified in the MRE Needs Assessment) and/or responding to UXO accidents.
- b. Increased knowledge, changed attitudes and safer practices of at-risk groups measured through Knowledge, Attitude and Practices (KAP) surveys.
- c. The performance of village volunteers and support is monitored and evaluated against agreed standards.
- d. All reports of UXO are responded to within 7 days.
- e. Effective legislation is in place to regulate scrap metal trade and other high-risk activities.

⁵ **Casualty:** A victim who was involved in a UXO accident and either died as a result or survived with injuries

⁶ **Accident:** the NRA defines a UXO accident is an explosive event involving a UXO and as a result of which at least one person is injured. UXO explosive events in which damage or injury was caused other than to people are not included

16. Ensure that the medical and rehabilitation needs of all UXO Victims are met in line with treaty obligations

16.1. Major activities

- a. Set up and maintain a Lao Victim Information System (LVIS).
- b. Using LVIS, collect, analyse and disseminate detailed data on UXO victims.
- c. Identify and address gaps in the six pillars of UXO victim support.⁷

16.2. Indicators of achievement

- a. UXO accident details collected and LVIS is comprehensive, up to date and serviced.
- b. Victims tracked through medical and rehabilitation processes and LVIS maintained with accurate and disaggregated data.
- c. Regular reports on needs produced and disseminated to stakeholders.
- d. Regular reports on services provided to UXO victims.

17. Release priority land and clear UXO in accordance with National Standards and treaty obligations

17.1. Major activities

- a. Identify priority land based on clear criteria and taking into account existing Village, District, Provincial and National Development Plans.
- b. Release priority land through a risk management approach using data analysis first, then general survey followed by technical survey, roving response and/or, finally, full clearance.
- c. Monitor clearance and land release programmes in terms of impact and cost.
- d. Ensure all operations comply with national standards.

17.2. Indicators of achievement

- a. Village, District, Provincial and National priorities identified on an annual basis and available at the NRA Office.
- b. Land to be released in each affected village is surveyed and prioritised prior to clearance operations taking place.
- c. All operators have Work-plans and priorities agreed with the NRA.
- d. Annual increases in the priority land released.
- e. Annual increases in UXO cleared by roving response.
- f. Indicators on socio-economic impact and cost of clearance operations are identified and used by the NRA and operators for programme monitoring.
- g. Compliance with National Standards achieved by all operators and monitored by the NRA.

18. Ensure effective coordination and implementation of the national programme

18.1. Major activities

- a. Maintain a national database of all information relevant to the UXO sector and make its information available to all stakeholders.
- b. Develop an estimated cost for the implementation of this strategy.
- c. Formulate an annual sector work plan to support the implementation of this strategy as well as the implementation of the recommendations from the 2008 assessment of gender perspectives into UXO action; the annual work plan will include sector-specific targets based on the Vientiane Declaration on Aid Effectiveness.
- d. Development partners increase the percentage of untied contributions to the sector.

⁷ The six pillars are: 1. Data collection; 2. Medical care for UXO victims; 3. Physical rehabilitation; 4. Psycho-social rehabilitation support; 5. Economic reintegration and vocational training; and 6. Advocacy for UXO victims' rights.

- e. Development partners provide multi-year commitments to UXO action.
- f. Develop an annual mission plan and increase joint missions through consultations within the Sector Working Group.

18.2. Indicators of achievement

- a. National database includes all UXO reports in accordance with national standards.
- b. All stakeholders receive requested reports from national database in a timely manner.
- c. Produce an estimated cost for the full implementation of the strategy.
- d. Annual work plan formulated for the sector with clear priorities and targets aligned with this strategy, including gender and aid effectiveness targets.
- e. Recommendations from the 2008 gender assessment are implemented.
- f. Percentage of untied contributions increased.
- g. Percentage of contributions provided through multi-year commitments increased.
- h. Annual mission plan available with increased percentage of joint missions.

19. Promote long-term sustainability of the national programme

19.1. Major activities

- a. Ensure socio-economic development strategies, plans and programmes, at all levels, take UXO funding and operational requirements into account.
- b. Prepare and implement plan for the transition of victim assistance and MRE activities to national authorities and organisations.
- c. Identify institutional and capacity requirements to deal with the long-term residual UXO threat; develop and implement a transition and capacity building plan accordingly.
- d. Formulate and implement long-term plan for technical assistance to the UXO sector.

19.2. Indicators of achievement

- a. National, provincial, district, and villages socio-economic development plans and programmes include relevant UXO requirements.
- b. Development partners' plans and programmes include clear provisions on UXO action and funding.
- c. Ministries and other national entities that will become focal points for victim assistance and MRE identified and strengthened.
- d. All victim assistance and MRE activities are implemented through Ministries and other national entities.
- e. Transition plan to long-term residual capacity within Government formulated and implemented.
- f. Government funding to UXO programme increased in step with national economic growth.
- g. International technical assistance aligned with national plan and number of International Technical Advisors gradually decreased.

20. Meet international treaty obligations

20.1. Major activities

- a. Develop and enforce legislation to support implementation of treaty obligations.
- b. Provide an annual report to the Secretary-General of the United Nations under both article 7 of the Convention on Cluster Munitions and article 7 of the Convention on Anti-personnel Landmines⁸.
- c. Establish an international trust fund to support the full implementation of the Convention on Cluster Munitions in line with the principles of the Vientiane Declaration.

20.2. Indicators of achievement

- a. Legislation supporting the implementation of treaty obligations adopted and enforced.
- b. Annual reports to the United Nations under international conventions provided on time.

⁸ Transparency report details are outlined in the treaty text under Article 7.

- c. International trust fund established and increased international assistance is provided to UXO action over the period of this strategy.

INSTITUTIONAL AND COORDINATION ARRANGEMENTS

21. The NRA Board, chaired by the Deputy Prime Minister, is the highest institution overseeing the UXO sector. It is responsible for policy formulation, priority-setting, progress monitoring and coordination. As such, it will have overall responsibility for the implementation of this sector strategy.

22. The NRA Office is the operational arm of the NRA Board and acts as its Secretariat. Working in close coordination with the Ministry of Foreign Affairs, it is the focal point for all issues related to the Convention on Cluster Munitions and other relevant treaties. It will be responsible for coordinating the day-to-day implementation of this strategy and for supporting the NRA Board in its overall oversight function. It will prepare and submit an annual progress report on the implementation of the strategy to both the NRA Board and the UXO Sector Working Group, and organize an annual review meeting.

23. Within the framework of the round table process, the UXO Sector Working Group (SWG) brings together all Government and Development partners involved in the UXO sector to facilitate the coordination of international assistance in accordance with the Vientiane Declaration on Aid Effectiveness. It oversees three Technical Working Groups (TWG) that deal with; victim assistance, mine risk education and clearance. It will help ensure that international assistance is aligned with the Government's priorities captured in this strategy and the annual sector plans.

24. In order to help mobilize and manage international assistance for the full implementation of the Convention on Cluster Munitions in line with the Vientiane Declaration on Aid Effectiveness, the Government has decided to establish a Trust Fund to be administered by UNDP. The Trust Fund will operate under the framework of this strategy and the UXO policies approved by the NRA Board. It will be administered under the overall authority of a Steering Committee chaired by the Government and working in close consultation with the UXO Sector Working Group. The fund will complement other funding options available to donors, including direct funding to UXO operators.

PROGRAMME REQUIREMENTS AND INTERNATIONAL COOPERATION

25. While a comprehensive costing of the UXO sector has not been undertaken, the 2008 sector evaluation provides some useful insights into the costs and benefits of UXO action in the Lao PDR. Limiting its analysis to the 47 poorest districts of the Lao PDR, the study observed that out of a total contaminated area of some 500,000 ha, 200,000 ha corresponds to land useable for agriculture, which would take 50 years to clear at 2008 rates. It revealed that it would be economically beneficial to clear much of this land at 2008 market prices. Indeed, from a pure financial perspective, it would be cost effective to clear all potential paddy and 20% of potential upland rice fields, with the remaining 80% of potential upland rice fields being released through technical surveys. This could take around 16 years at 2008 resource levels.

26. A pure cost-benefit analysis is not the answer to the UXO challenge faced by the Lao PDR. In addition to discounting the legal treaty obligations of the country, it does not take into account other critical dimensions of UXO contamination, such as the fundamental rights of all communities, upland as well as lowland communities, to live free of fear and to develop their land. Nevertheless, the 2008 scoping analysis yields several interesting conclusions; in particular, it demonstrates that:

- a. the clearance of the most valuable land in Laos is worthwhile from an economic perspective;
- b. with appropriate resources, the clearance of this land and more can be achieved within the period of this strategy;
- c. the current programme needs to be significantly scaled up to keep pace with the objectives of the Government and its Development Partners captured in the NSEDP and this strategy.

27. In 2008, funding to the entire UXO sector in the Lao PDR was approximately US\$22 million, of which more than US\$5 million was financed through private sector investment projects, and about US\$17 million financed from Overseas Development Assistance (ODA). The full implementation of this strategy will require a significant increase in international assistance over its ten year period. At the same time, it will require renewed Government leadership and commitment to the agreed strategic goal.

MONITORING AND EVALUATION

28. An annual work plan for the UXO sector will be developed by the NRA Office to guide the implementation of this strategy. This work plan will identify annual priorities and specific targets against each indicator contained in this strategy.

29. Operators will provide annual reports to the NRA specifying the results of their activities and outlining the challenges faced as well as resources utilized against the annual sector plan. These reports will be used by the NRA for the preparation of an annual progress report for the sector presented to the NRA Board and the SWG. The NRA Office will then organize annual reviews of the strategy in consultation with the SWG. The conclusions and recommendations from each annual review will enable the Government and its Development Partners to prepare the sector plan for the following year and to update the strategy when required.

30. The strategy will be subject to a mid-term evaluation in 2015 and a final evaluation in 2020. The evaluations will aim to assess the achievements of the UXO sector against the objectives and indicators of the strategy. They will be conducted by an independent agent commissioned by the NRA.

Signatures