

Convention on Cluster Munitions

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Consideration of requests submitted
under Article 3 and Article 4 of the Convention

Analysis of Lao People's Democratic Republic's request of deadline extension under Article 4 of the Convention on Cluster Munitions

**Submitted by the Analysis Group of Article 4 Extension Requests -
Peru, Sweden and the Netherlands**

I. Background

1. The Lao People's Democratic Republic (Lao PDR) signed the Convention on Cluster Munitions (CCM) on 3 December 2008 and ratified on 18 March 2009. It was among the first 30 ratifications that led to the Convention's entry into force on 1 August 2010. In Lao PDR's initial transparency report submitted on 25 January 2011, it reported to have an estimated cluster munition contaminated area of 87,000 km² though the exact sites were still being defined. In its 2012 annual transparency report submitted on 28 March 2013, Lao PDR reported that the estimated size of contaminated area had been updated to 8'470 km². Lao PDR reported to have begun clearance on 1 January 1996 and that clearance was ongoing. Under Article 4 of the Convention, Lao PDR was obliged to clear and destroy, or ensure the clearance and destruction of cluster munition remnants (CMR) located in cluster munition contaminated areas under its jurisdiction and control by 1 August 2020. At the Eighth Meeting of States Parties (8MSP) of the CCM, Lao PDR informed States Parties that it would be unable to fulfil its obligations under Article 4 by that date and of its intention to submit an extension request.

II. Consideration of the request

2. On 23 January 2019 Lao PDR submitted to the President of the Ninth Meeting of States Parties (9MSP), with a copy to the Implementation Support Unit (ISU), a request for a 5-year extension of its Article 4 deadline until 1 August 2025.

3. The ISU brought the request to the attention of the CCM Coordination Committee which created an Analysis Group to consider Lao PDR's extension request. In line with the Article 4 Extension Request Guidelines adopted at the 8MSP, the Analysis Group comprised of one of the Coordinators on Clearance and Risk Reduction Education (Sweden) and the Coordinators on International Cooperation and Assistance (the Netherlands and Peru). In accordance with the methodology adopted, Lao PDR, being the other Coordinator on Clearance and Risk Reduction Education, had to be excused from the



Analysis Group of its own request to avoid conflicts of interest in accordance with the methodology of the Analysis Group.

4. Being the first Analysis Group on Article 4 implementation under the Convention, a methodology was created and adopted by the Coordination Committee to be used for all subsequent extension requests, was employed in order to ensure a uniform approach to all requests. The methodology created will be incorporated into the Guidelines and presented to States Parties for adoption at the 9MSP.

5. On 17 January 2019, Lao PDR submitted a first draft to the ISU for an initial assessment. Thereafter, a formal submission was made on 23 January 2019 which was forwarded by the ISU to the Analysis Group for its consideration.

6. In preparation of the preliminary report, the Analysis Group with the support of the ISU held a consultative meeting on 30 January 2019 with three organizations that offer relevant expertise: the International Committee of the Red Cross (ICRC), the Cluster Munition Coalition (CMC), and the Geneva International Centre for Humanitarian Demining (GICHHD). Following the meeting, on 5 February 2019 the Analysis Group requested additional information and clarifications from Lao PDR to be included in the request.

7. On 8 February 2019, the Analysis Group held a meeting in Geneva with delegates from Lao PDR's National Regulatory Authority for the UXO/Mine Action Sector (NRA) with the aim to further improve the extension request. Thereafter, a second submission was made on 26 February 2019 that took into account the comments and observations made by the Analysis Group.

8. On behalf of the 9MSP President, the ISU on 26 February 2019 informed States Parties to the Convention that Lao PDR had submitted its extension request and that its request and accompanying annexes had been made available on the Convention's website.

9. Lao PDR's extension request indicates that it has the world's highest level of contamination by unexploded submunitions as a result of the Indochina War of 1964-1973. The request states that although Lao PDR does not yet have a reliable estimate of the extent of its CMR contamination, it believes that CMR contaminated land is approximately 8,470 km². It explains that a National UXO Socio-Economic Impact Survey was conducted in 1996-97 establishing that 15 out of 18 provinces in the country are contaminated. It also indicates that during the period from 2014-2018 Mine Action operators conducted Non-Technical Surveys (NTS) and Technical Surveys (TS) in 10 provinces contaminated with CMR, identifying 9,284 CHAs, equivalent to 85,829 ha, which have all been recorded into IMSMA. The request indicates that these CHAs still remain to be cleared and that the current clearance capacity is approximately 5,000 ha per year. The request further specifies that 41,088 ha of land has been cleared for productive use by all operators between 2010 and 2018 while a total of 518,368 cluster munition remnants have been destroyed.

10. The request highlights that an ongoing nationwide Cluster Munition Remnants Survey (CMRS) is helping define accurate Confirmed Hazardous Areas (CHAs) and should produce an evidence based assessment of the extent of cluster munitions remnants. The request indicates that the adoption by Lao PDR of this evidence-based methodology to survey and clear cluster munition remnants is a significant improvement on the request-based system used in the past and that its systematic implementation will increase the number of CHAs during the extension period.

11. The request specifies that there is a strong focus on survey during the period of the extension with the survey of six provinces to be completed as soon as possible, followed by the other remaining provinces. It highlights that clearance will take place simultaneously with survey activities to ensure safety of the Lao people.

12. The request indicates the following as impeding circumstances: the magnitude of cluster munition remnants contamination; the need for sustainable resources to implement the new Survey and Clearance procedures; the need to communicate to make sure that the new Survey and Clearance procedures are understood correctly by all partners; the new evidence-based approach to Survey and Clearance has allowed the identification of more

CHAs thereby increasing tasks to be prioritized and the need for increased sector coordination to address remaining challenges.

13. The request provides comprehensive information on specific national laws and National UXO/Mine Action Standards in place that take into account the International Mine Action Standards (IMAS).

14. The request outlines a short work plan which indicates in the form of two tables that Lao PDR plans to conduct NTS in 1,463 villages with 25 teams and TS in 2,873 villages with 76 teams during the extension period which will require financial support of USD 42.5 million. The request provides a breakdown per province and Mine Action operator in its Annex 10.

15. The request gives general information in the form of three tables on the financial, technical, material and personnel needs per year. It provides three different 5-year projections of clearance rates of CHAs and the funds needed to achieve each scenario.

16. The request indicates that Lao PDR's resource mobilization strategy will build on the implementation of effective survey and clearance methodologies and much better identified CHAs to maintain the support of current donors and attract those that have left. It also explains that Lao PDR will strive to diversify its sources of funding by reaching out to new donors and exploring new approaches such as engaging with the private sector and foundations.

III. Conclusions

17. The Analysis Group is fully aware of the challenges that Lao PDR faces in implementing Article 4 through clearing land contaminated with explosive sub-munitions. This is an effort that is likely to continue over many years. Therefore, it will be valuable to improve the understanding of which areas are contaminated and the Analysis Group therefore strongly supports the increased efforts described in the work plan to carry out NTS and TS. At the end of the new requested deadline, there should be an improved understanding of the scope of CMR contamination in Lao PDR.

18. The Analysis Group noted that Lao PDR does not yet have a reliable estimate of the extent of its CMR contamination. It is therefore commendable that Lao PDR has sought the input of all relevant stakeholders to provide a work plan for its extension request that is flexible and can incorporate the further development and implementation of an evidence-based methodology to survey and clear cluster munition remnants. The Group also notes that the plan's success is contingent upon stable funding and retaining strong partnerships with international stakeholders, among other factors needed, to create an environment conducive to increase the capacity and efficiency of clearance activities. In this context, the Analysis Group recommends the establishment of a country coalition in Lao PDR to enhance coordination in implementing the work plan included in its extension request.

19. The Analysis Group notes that the Convention would benefit from Lao PDR reporting annually through its Article 7 reports and at Meetings of States Parties or Review Conferences the following:

(a) Progress made relative to the commitments contained in Lao PDR's work plan during the extension period.

(b) Updated information on remaining contamination disaggregated in a manner consistent with the International Mine Action Standards (IMAS), including land release standards.

(c) Updated detailed annual plans for the implementation of its extension request based on new information gathered from survey activities.

(d) Resource mobilization efforts and external financing received and resources made available by the Government of Lao PDR to support implementation efforts.

(e) Information on Lao PDR's efforts to ensure that UXO and explosive submunitions clearance and support victims is considered within national development plans and other relevant plans which may benefit Lao PDR's resource mobilization efforts.

(f) Other relevant information.

20. The Analysis Group notes the importance of, in addition to Lao PDR reporting to the States Parties as noted above, keeping the States Parties regularly apprised of other pertinent developments as necessary.

IV. Draft Decision on the Article 4 Extension Request submitted by Lao PDR

21. The Meeting assessed the request submitted by Lao PDR for an extension of its deadline for completing the clearance and destruction of cluster munition remnants in accordance with Article 4.1 of the Convention, agreeing to grant the request for an extension until 1 August 2025.

22. In granting the request, the Meeting noted that, even with consistent and sizeable efforts having been undertaken, Lao PDR still faces significant remaining challenges in order to fulfil its obligations under Article 4.

23. In granting the request, the Meeting noted that, while Lao PDR does not yet have a reliable estimate of the extent of its CMR contamination, it is commendable that Lao PDR has sought the input of all relevant parties to develop and implement an evidence-based methodology to survey and clear cluster munition remnants.

24. Also in granting the request, the Meeting further noted that Lao PDR's commitment to carrying out and gradually expanding its Cluster Munition Remnants Survey (CMRS) to all provinces should produce an evidence-based assessment of the extent of CMR contamination nationwide.

25. In granting the request, the Meeting noted Lao PDR's commitment to regularly report on progress in carrying out the CMRS, sharing its outcomes and to provide to the States Parties with a revised work plan, schedule and budget. In addition, the Meeting noted that all would benefit from progressively clearer information being used by Lao PDR to develop a single national clearance plan that takes into account the proficiencies and strengths of all the stakeholders.

26. Also in granting the request, the Meeting commends Lao PDR for its comprehensive national laws and National UXO/Mine Action Standards in place that take into account the International Mine Action Standards (IMAS).

27. In granting the request, the Meeting noted that Lao PDR highlighted a number of challenges to which several strategies have been outlined.

28. In this regard, the Meeting noted that the Convention would benefit from Lao PDR reporting annually through Article 7 reports and at Meetings of States Parties or Review Conferences on the following:

(a) Progress made relative to the commitments contained in Lao PDR's work plan during the extension period.

(b) Updated information on remaining contamination disaggregated in a manner consistent with the IMAS, including land release standards.

(c) Updated detailed annual plans for the implementation of its extension request based on new information gathered from survey activities.

(d) Resource mobilization efforts and external financing received and resources made available by the Government of Lao PDR to support implementation efforts.

(e) Information on Lao PDR's efforts to ensure that UXO and sub-munitions clearance and support victims is considered within national development plans and other relevant plans which may benefit Lao PDR's resource mobilization efforts.

(f) Other relevant information.

29. In addition to reporting as requested above, the Meeting noted the importance of Lao PDR keeping the States Parties regularly apprised of other pertinent developments regarding the implementation of Article 4 during the period covered by the request and other commitments made in the request at Meetings of States Parties or Review Conferences as well as through its Article 7 reports due before 30 April every year.
