# LEGACIES OF WAR: UNEXPLODED ORDNANCE IN LAOS

## HEARING

BEFORE THE

SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

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# LEGACIES OF WAR: UNEXPLODED ORDNANCE IN LAOS

**THURSDAY, APRIL 22, 2010**

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA, THE PACIFIC
AND THE GLOBAL ENVIRONMENT,
COMMITTEE ON FOREIGN AFFAIRS,
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:08 p.m., in room 2172, Rayburn House Office Building, Hon. Eni F.H. Faleomavaega (chairman of the subcommittee) presiding.

Mr. FALEOMAVAEGA. The hearing will come to order. This is the hearing on the Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment. Today's particular hearing is on the subject of the legacies of war concerning unexploded ordnance in the country of Laos.

Unfortunately my ranking member is also under the weather, Congressman Manzullo from Illinois. I am extremely happy that I have one of my colleagues who traveled with me to Laos, Cambodia, Vietnam, and Japan recently, Congressman Mike Honda from California.

I am going to begin with an opening statement, and then we will proceed from there.

Ironically, 39 years ago to the day, in 1971, the late Senator Edward M. Kennedy, chairman of the Senate Judiciary Subcommittee on Investigative Problems, connected with Refugees and Escapees, held a hearing on April 21 and April 22 in 1971 to address war-related civilian problems in Indochina, which includes Laos.

Testifying before the subcommittee was the Honorable Paul McCloskey, a Representative in Congress from the State of California, who had just recently returned from a visit to Laos, where he and his colleague, Congressman Waldie, also of California, had obtained certain facts that totally contradicted testimony that had been submitted to the subcommittee by the Departments of State and Defense on May 7 of the previous year, which was 1970.

At issue was the causation of refugees and impact of U.S. Air Force bombing operations in Laos. The Departments of Defense and State suggested that U.S. bombing operations had been carefully directed and that very few inhabited villages were susceptible to being hit by U.S. air power.

But as Senator Kennedy learned that day, and as we now know, the Departments of State and Defense submitted testimony that was incorrect and misleading. The truth is, widespread bombing had taken place and Lao refugees were succinct in describing the

destruction of their homes, as well as the use of the CBU cluster bombs and white phosphorus.

How extensive were the U.S. bombing raids, was the question. According to the Congressional Research Service,

> "Laos has been characterized as the most heavily bombed country in history, on a per-capita basis. From 1964 through 1973, the United States flew 580,000 bombing runs over Laos and dropped more than 2 million tons of ordnance on the countryside, double the amount dropped on Germany during World War II. Estimates of the number of unexploded submunitions from cluster bombs, range from 8 million to 80 million, with less than ½ of 1 percent destroyed, and less than 1 percent of contaminated lands cleared."

To be clear about what this means, I want to display a map of the U.S. Air Force bombing data that I obtained from our U.S. Embassy in Laos 2 years ago. This map tells it all. Looking at this map, can anyone honestly believe that there was no impact on the civilian population?

What makes this so sickening is that cluster bombs and white phosphorus were used against a civilian population of a country against whom the United States was not at war. As Congressman McCloskey stated, "The bombing was done under the direction and control of the State Department, not the U.S. Air Force."

In fact, the bombing was directed and controlled by the U.S. Ambassador to Laos. "Both the extent of the bombing and its impact on the civilian population of Laos have been deliberately concealed by the State Department," Congressman McCloskey stated. And for historical purposes, I am submitting the complete text of the 1971 hearing record to be made a part of this record some 39 years later.

Some 39 years later, in my humble opinion, it is shameful that the U.S. State Department has not taken a more active role in making things right for the people of Laos. But for the first time in 39 years, I am hopeful that Secretary of State Hillary Clinton may be willing to champion their cause.

However, I am deeply disturbed that the State Department is planning to request lower amounts of unexploded ordnance removal in Laos for Fiscal Year 2011 than it spent in 2010. In my humble opinion, this is a totally unacceptable course of action.

During the Vietnam War, I served at the height of the Tet offensive. And for as long as I live, I will continue to do all I can to help the victims of Agent Orange as well as those who are and were affected by U.S. bombing operations in Laos.

Calling for an official public hearing is one way to draw more attention to the matter, but Vietnam and Laos deserve more than a hearing. These countries deserve a concerted effort on the part of the United States Government to help them rebuild, especially since their civilian populations were wrongfully targeted. Yes, we know that the U.S. bombing campaign in Laos was designed to cut off North Vietnamese supply lines that ran through Laos; but, no, the American people were not aware that the United States had undertaken, "the most protracted bombing of civilian targets in history," as Fred Branfman put it in his statement which was included in the 1971 hearing record.

To this day, America does not support the bombing of civilian targets. And after every war, America has always helped countries rebuild. Even after Japan attacked the United States, U.S. assistance to Japan from 1946 to 1952 was about $15.2 billion in 2005, of which 77 percent was in grants, 23 percent was in loans, according to the Congressional Research Service.

Also, according to the Congressional Research Service, from 2003 to 2006, the USA appropriated $35.7 billion for Iraq reconstruction. For Germany, "in constant 2005 dollars, the United States provided a total of $29.3 billion in assistance from 1946 to 1952, with 60 percent in economic grants and nearly 30 percent in economic loans, and the remainder in military aid."

What have we done for Laos as a government? For now, the United States has been contributing about $3 million per year since 1994 for unexploded ordnance clearance operations in that country. As every single one of us knows, this pittance is as disgraceful as the compensation we paid when the United States accidently bombed the Ban Long village in Laos in January 1968, which resulted in 54 persons killed. At the time, we compensated the village, or villagers, $55 for every person who had been killed.

Senator Kennedy found that to be distressing. I do too. So enough is enough. Justice demands that these wrongs be set right; yet our own State Department is planning to request lower amounts for unexploded ordnance removal in Laos for Fiscal Year 2011 than the meager amount barely spent in Fiscal Year 2010. This is unconscionable. Laos is one of the poorest countries in Southeast Asia and one of the smallest recipients of U.S. assistance. As a country founded on Judeo-Christian principles, we can and should do better.

I visited Laos again last year, and I can tell you I will not rest until the U.S. Government begins to take action and accepts moral and financial responsibility for the mess we left behind. Children in Laos are counting on us. And I want to especially recognize those who are being cared for at the COPE Center, and applaud the work of nongovernment organizations from around the world who are making a difference.

I thank our witnesses from Legacies of War, the Humpty Dumpty Institute, and the Mines Advisory Group for their leadership, and I assure them that they have the full support of this subcommittee as we work together to make this right.

I also want to commend His Excellency Phiane Philakone, the Ambassador of the Lao People's Democratic Republic, for the service he has rendered on behalf of his country. It is because of him that I was able to gain a firsthand understanding of how catastrophic U.S. Air Force bombing operations really were and are. To this very day, Thursday, April 22, 2010, these deadly unexploded ordnance continue to claim the lives of a people who are not and never were at war with us. And unless we rectify this now, the loss of life will go on and on tomorrow, the next day, and every day thereafter.

As a matter of record, I am including a statement prepared by Minister Counselor and Deputy Chief of Mission Mai Sayavongs of the Lao People's Democratic Republic to the United States. I recognize the historic nature of this statement, and I pledge to do all I

can to provide assistance for the unexploded ordnance clearance issue, mine awareness and victims assistance programs, which is an investment in the future of the lives of millions for the people of Laos.

Joining us today is the Honorable Scot Marciel, my dear friend and Deputy Assistant Secretary and Ambassador for ASEAN Affairs of the Bureau of East Asian and Pacific Affairs at the State Department. Hopefully, my good friend, Ambassador and Secretary Marciel, can explain to us why the Bureau is not increasing the money that is so clearly needed to clear up unexploded ordnance.

Scot Marciel has served in posts in Vietnam, the Philippines, Hong Kong, Brazil, Turkey, as well as with the Economic Bureau with the Office of Monetary Affairs. As the Deputy Assistant Secretary, he has done an excellent and remarkable job, and I sincerely hope that we will continue to work together on this issue and find resolution not only for the people of Laos, but for our Government.

Secretary Marciel is a graduate of the University of California-Davis and also from the Fletcher School of Law and Diplomacy. He is the father of two daughters, and I am very, very happy that we have the opportunity of having him testify this afternoon.

As I said earlier, I am very, very happy to have my good friend and colleague here, the gentleman from California, Congressman Mike Honda, who serves on the Committee on Appropriations, and who I would like at this time to give an opportunity for an opening statement if he has one.

[The prepared statement of Mr. Faleomavaega follows:]

**COMMITTEE ON FOREIGN AFFAIRS**
**U.S. HOUSE OF REPRESENTATIVES**
**WASHINGTON, D.C. 20515**

**STATEMENT OF**
**THE HONORABLE ENI F.H. FALEOMAVAEGA**
**CHAIRMAN**

**before the**
**SUBCOMMITTEE ON ASIA, THE PACIFIC, AND THE GLOBAL ENVIRONMENT**

**"Legacies of War: Unexploded Ordnance in Laos"**

**April 22, 2010**

Ironically, 39 years ago to the day in 1971, the late Senator Edward M. Kennedy, Chairman of the Senate Judiciary Subcommittee to Investigate Problems Connected with Refugees and Escapees, held a hearing on April 21 and April 22 to address war-related civilian problems in Indochina, including Laos.

Testifying before the Subcommittee was the Honorable Paul N. McCloskey, Jr., a representative in Congress from the State of California who had just recently returned from a visit to Laos where he and Congressman Waldie, also of California, had obtained certain facts that contradicted testimony that had been submitted to the subcommittee by the Departments of State and Defense on May 7 of the previous year.

At issue was the causation of refugees and the impact of U.S. Air Force bombing operations in Laos. The Departments of State and Defense suggested that U.S. bombing operations had been carefully directed and that very few inhabited villages were susceptible to being hit by U.S. airpower.

But as Senator Kennedy learned that day and as we now know, the Departments of State and Defense submitted testimony that was incorrect and misleading. The truth is widespread bombing had taken place and Laos refugees were succinct in describing the destruction of their homes as well as the use of CBU cluster bombs and white phosphorous.

How extensive were U.S. bombing raids? According to the Congressional Research Service, "Laos has been characterized as the most heavily bombed country in history, on a per capita basis. From 1964 through 1973, the United States flew 580,000 bombing runs over Laos and dropped more than 2 million tons of ordnance on the countryside, double the amount

dropped on Germany during World War II. Estimates of the number of unexploded submunitions from cluster bombs range from 8 million to 80 million, with less than one half of one percent destroyed, and less than 1% of contaminated lands cleared."

To be clear about what this means, I want to display a map of U.S. Air Force Bombing Data that I obtained from our U.S. Embassy while I was in Laos in 2008. This map shows and tells it all. Looking at this map, can anyone honestly believe that there was no impact on the civilian population?

What makes this so sickening is that "cluster bombs and white phosphorous were used against the civilian population of a country against whom the United States [was] not at war," as Congressman McCloskey stated, and "the bombing was done under the direction and control of the State Department, not the U.S. Air Force."

In fact, the bombing was directed and controlled by the U.S. Ambassador to Laos. "Both the extent of the bombing and its impact on the civilian population of Laos have been deliberately concealed by the State Department," Congressman McCloskey stated and, for historical purposes, I am submitting the complete text of the 1971 hearing record to be made a part of this record some 39 years later.

Some 39 years later, it is shameful that the U.S. State Department has not taken a more active role in making things right for the people of Laos but, for the first time in 39 years, I am hopeful that Secretary of State Hillary Clinton may be willing to champion their cause.

However, I am deeply disturbed that the State Department is planning to request lower amounts for UXO removal in Laos in FY11 than it spent in FY10. In my opinion, this is an unacceptable course of action.

During the Vietnam War, I served at the height of the Tet Offensive and, for as long as I live, I will continue to do all I can to help the victims of Agent Orange as well as those who are and were affected by U.S. bombing operations in Laos. Calling for an official public hearing is one way to draw more attention to the matter but Vietnam and Laos deserve more than a hearing. These countries deserve a concerted effort on the part of the U.S. government to help them rebuild, especially since their civilian populations were wrongly targeted.

Yes, we know that U.S. bombing campaign in Laos was designed to cut off North Vietnamese supply lines that ran through Laos but, no, the American public was not aware that the U.S. had undertaken "the most protracted bombing of civilian targets in history," as Fred Branfman put it in a statement which was included in the 1971 hearing record.

To this day, America does not support the bombing of civilian targets. And, after every war, America has always helped countries rebuild. Even after Japan attacked the U.S., U.S. assistance to Japan for 1946-1952 was about $15.2 billion in 2005 dollars, of which 77% was grants and 23% was loans," according to the Congressional Research Service.

Also, according to the Congressional Research Service, from 2003 to 2006, the U.S. appropriated $35.7 billion for Iraq reconstruction. For Germany, "in constant 2005 dollars, the United States provided a total of $29.3 billion in assistance from 1946-1952 with 60% in economic grants and nearly 30% in economic loans, and the remainder in military aid."

What have we done for Laos? For now, the U.S. has been contributing about $3 million per year since 1994 for UXO clearance operations. As every single one of us knows, this pittance is as disgraceful as the compensation we paid when the U.S. accidently bombed the Ban Long village in Laos in January 1968 which resulted in 54 persons killed. At the time, we compensated the village $55 for every person who had been killed. Senator Kennedy found that to be distressing. I do, too.

Enough is enough. Justice demands that these wrongs be set right. Yet our own State Department is planning to request lower amounts for UXO removal in Laos in FY11 than the meager amount it barely spent in FY10. This is unconscionable. Laos is one of the poorest countries in Southeast Asia and one of the smallest recipients of U.S. assistance. As a country founded on Judeo-Christian principles, we can and should do better.

I visited Laos again last year and, I tell you, I will not rest until the U.S. government begins to take action and accepts moral and financial responsibility for the mess we left behind. Children in Laos are counting on us and I want to especially recognize those who are being cared for at the COPE Center and applaud the good work of non-government organizations (NGO) from around the world who are making a difference.

I thank our witnesses from Legacies of War, the Humpty Dumpty Institute, and the Mines Advisory Group (MAG) for their leadership and I assure them that they have the full support of this Subcommittee as we work together to make this right.

I also want to commend His Excellency Phiane Philakone, Ambassador of the Lao People's Democratic Republic (PDR), for the service he has rendered on behalf of his country. It is because of him that I was able to gain a firsthand understanding of how catastrophic U.S. Air Force bombing operations really were and are. To this very day, Thursday, April 22, 2010, these deadly, unexploded ordnances continue to claim the lives of a people who are not and never were at war with us, and unless we rectify this now, the loss of life will go on and on, tomorrow, the next day, and every day thereafter.

As a matter of record, I am including a statement prepared by Minister Counselor and Deputy Chief of Mission Mai Sayavongs of the Lao PDR to the United States. I recognize the historic nature of this statement and I pledge to do all I can to provide assistance for UXO clearance, mine awareness and victim's assistance programs which is "an investment in the future of the lives of millions of Lao people," as the DCM has so eloquently stated.

Joining us today is the Honorable Scott Marciel, Deputy Assistant Secretary and Ambassador for ASEAN Affairs, of the Bureau of East Asian and Pacific Affairs at the U.S. Department of State. Hopefully, Ambassador Marciel can explain to us why the Bureau is

seeking to cut funding for UXO removal in Laos but similar cuts are not being proposed in other areas of the world.

Finally, I welcome my good friend, Congressman Mike Honda of California. Congressman Honda traveled with me to Laos and I appreciate that he is joining us on the panel today. Congressman Honda is a Member of the powerful House Committee on Appropriations and his presence at this hearing sends a strong signal that we are serious about holding the State Department accountable and setting this matter right for the Laotian people.

I now recognize Congressman Honda for any opening statement he may have.

Mr. HONDA. Thank you, Mr. Chairman, and I thank Secretary Marciel for being here.

I don't have too much to add to what Congressman Faleomavaega had shared, except to add my sentiments, one of shock, one of dismay and one of a sense we are not doing enough and we are not doing quickly enough. If we expect to be helpful in that country in terms of food security and its development, then we have to address first the issue of unexploded ordnance.

The fact that we allow ourselves to go daily, knowing full well what is out there and knowing full well that children are playing in those areas and knowing full well that there are families who want to convert a lot of this land into productive land for food, and still be exposed to these types of unexploded ordnance, is beyond belief.

We don't send anybody in this country to any worksite that is dangerous, and yet we know things are existing in other places where we are responsible, and it doesn't seem that the level of urgency is met with the same amount of effort in terms of providing the right resources to address it. So I will be very interested in hearing a report.

I just have to say one more thing. It appears that we are seeing that we are spending X amount of dollars per year, as if it were adequate, as if it were a favor. I am hoping that is a misreading of the print and not actually the sentiment or attitude that we have.

So thank you, Mr. Chairman, again for putting this hearing together.

[The prepared statement of Mr. Honda follows:]

**Statement for the Record**
**Congressman Mike Honda**

**House Committee on Foreign Affairs**
**Subcommittee on Asia, the Pacific and the Global Environment**
**April 22, 2010**
**"Legacies of War: Unexploded Ordnances in Laos"**

Earlier this year, I had the privilege of participating in a Congressional Delegation to Laos along with my colleagues, Chairman Eni Faleomavaega and Anh Cao. We were there to address U.S. foreign policy with respect to Laos on a number of different issues, one of which was in regards to the number unexploded ordinances in the country. What I learned during our visit shocked me.

As part of its efforts during the Vietnam War, the United States began a nine-year bombing campaign in Laos in 1964 that ultimately dropped 260 million cluster bombs on the country. That's over 2.5 million tons of munitions, more than what the U.S. dropped in WWII on Germany and Japan combined. On a per capita basis, Laos is the most heavily bombed country in history.

When the bombs hit the ground, many of these weapons did not blow up as designed, but instead remained hidden—waiting for an unsuspecting farmer or child. Up to 30 percent of the bombs dropped over Laos failed to detonate. It is estimated that there could be as many as 75 million bombs that failed to detonate. Less than 1 percent of these bombs have been cleared.

At least 25,000 people have been killed or injured by these bombs in the 35 years following the end of the bombing campaign. Today, an average of 300 Lao people are injured or killed by these weapons every year.

Beyond these devastating human casualties, the economy has become a casualty. Laos' economy is almost entirely based on agricultural production (rice in particular), yet one-third of the land remains littered with unexplored ordnance (UXO).

At the village level, many of the poorest cannot afford choice farm land. Despite contamination, many times farmers and their children will risk farming land that may have UXOs or deliberately seek out UXO for their scrap metal value. Clearance costs and security concerns continue to pose a barrier to farmers large and small, leaving fertile soil untilled and an agricultural economy underutilized.

During our meetings in Laos, we learned that today about 1,000 workers are destroying ordnance and leading education programs throughout the country. The bomb removal program in Laos is effective and efficient, called the "gold standard" by the State Department's own weapons removal and abatement office. The removal process works, but it is expensive—and more funding is needed now to prevent further casualties.

So far, the U.S. has contributed an average of about $3 million a year to bomb removal efforts in Laos. In contrast, the U.S. spent more than $2 million a day (about $17 million in today's dollars) dropping the bombs in the first place.

We have a moral obligation to fix this problem.

Currently the National Regulatory Authority (NRA), the agency within the government of Laos responsible for UXO issues, receives a total of $14 million a year for clearance from international donors, but estimates that it will need approximately $24 million a year to meet its ten year goals.

In the FY2010 Omnibus Appropriations bill, $5 million was set aside for UXO removal. To help NRA meet their goals, it is estimated that that $7 million needs to be allocated in FY2011 for UXO clearance in Laos, with substantial additional increases over the next 10 years. I will be fighting for this increase in Congress and I am encouraging my fellow colleagues will support the measure as well.

Just a small increase in U.S. funding would have a huge impact for the people suffering from the hidden remnants of the Vietnam War in Laos. During our visit, we committed to the government of Laos to assist the country in its bomb removal effort. It's time we followed through on that commitment, and solved this problem, once and for all.

Mr. FALEOMAVAEGA. I thank the gentleman from California for his comments and statement. I am just trying to figure it out. I am no expert on Air Force strategic military strategies and all of this, but I suspect that all of these red dots or all the—I think we had them on the screen there. Can we have that on the screen again? Could we have our red dots again?

I don't know what direction the bombing raids come from. I suspect either from China, or also from Guam, and you are talking about B–52s. And if you ever see how they go out there, and what happens if they bomb the north, going up to near Hanoi, then whatever amount of ordnance that is left, rather than bringing them back to the station, they just drop them off in Laos. That is exactly what they did.

And if they were going up north, fine. And if they find that they still had ordnance left and they were on their way down, they were on their way south, that is what happens.

If you look at the southern portion of where all those red dots are—they are literally obliterated with bombing operations. I cannot fathom or even to believe or suggest; and I am not one to be pointing fingers here, but 39 years later we find out that these people were devastated, literally, by the bombing operations that we conducted.

They never attacked us, they never declared war against the United States, but we did exactly what we felt like doing, and we did. The same thing also happened to Cambodia.

I know that Secretary Marciel is an excellent student of history, and maybe he could give me a better insight of what took place during the Nixon administration. It is known as Nixon's secret war, and the American people were never aware of it until years later.

But I would like to take this time now to give Secretary Marciel a chance for his opening statement.

## STATEMENT OF THE HONORABLE SCOT MARCIEL, DEPUTY ASSISTANT SECRETARY AND AMBASSADOR FOR ASEAN AFFAIRS, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE

Ambassador MARCIEL. Mr. Chairman, and Congressman Honda, members of the subcommittee, thank you very much for inviting me to testify today on the subject of unexploded ordnance in Laos. And, Mr. Chairman, thank you also for your leadership on this issue, which, as you stated, has not received enough attention.

If I could, I do have a slightly longer written statement I would like to submit for the record and then do a brief oral statement, if that is okay with you.

Mr. FALEOMAVAEGA. Without objection, your statement will be made part of the record.

Ambassador MARCIEL. Thank you. As Secretary Clinton observed last year, the United States is back in Southeast Asia. And our efforts to build the United States' relationship with Laos should be seen in the context of our efforts to deepen our engagement in the region. We are making important progress in the relationship with Laos, exchanging Defense attaches, upgrading our bilateral dialogue, and working together on a broader range of issues.

Our foreign assistance program in Laos is modest, but it has grown in both size and scope. Our efforts in terms of assistance are aimed at supporting economic reform and good governance, building a vibrant civil society, and improving health for the people of Laos.

One of the most important elements of our programmatic engagement is in supporting the removal of unexploded ordnance, or UXO. As you stated, Mr. Chairman, during the Vietnam War, over 2.5 million tons of U.S. munitions were dropped on Laos. This is more than was dropped on Germany and Japan combined in World War II. Up to 30 percent of the bombs dropped over Laos failed to detonate.

The U.S.-origin aerial weaponry accounts for a large proportion of the unexploded ordnance that is still a significant threat to public safety in Laos. The explosive remnants of war continue to impede development and cause hundreds of casualties a year.

While Laos also has a land mine problem, unexploded ordnance is a much greater threat to the population, especially because of the value of UXO scrap metal, the pursuit of which brings people into direct contact with the weapons. Population growth in rural areas and other socioeconomic trends are increasing demand to put UXO-contaminated land into production, a development that also increases human contact with all these dangerous remnants of the war.

With U.S. and international support, the Laos Government is creating a much-needed comprehensive national database to consolidate different data sets and accurate and up-to-date information on the scope of the contamination. Current statistics on contamination, clearance, and casualties are not always reliable, but efforts to refine the data are revealing the continued seriousness of the problem.

The effects of the contamination are pervasive. The U.N. Development Program has reported that, "UXO/mine action is the absolute precondition for the socioeconomic development of Lao PDR" and because of UXO, "economic opportunities in tourism, hydroelectric power, mining, forestry and many other areas of activity, considered the main engines of growth for the Lao PDR, are restrictive, complicated, and made more expensive." At the level of individual victims, of course, the consequences of death or maiming are catastrophic for entire families.

Despite the grim scope of the problem, it would be a mistake to be pessimistic about our ability to help resolve it. Our goal is not to remove the last bit of UXO from Laos, anymore than Western Europe has removed any of its explosive remnants from World War II, and even World War I. Instead, our goal is to help Laos become as impact-free of its explosive contamination as possible, and the country has made major strides in that direction.

For example, international support to the solid Lao effort amounted to about $15 million this year, resulting in the clearance of hundreds of thousands of explosive items from about 70 square kilometers of high-priority land. If international support continues at that same level for a decade, the results will be dramatic: Vastly reduced casualty levels and the clearance of virtually all of the country's highest-priority land areas.

To address this problem, the Department of State supports a variety of humanitarian demining and unexploded ordnance clearance projects with funding from the NADR appropriation account. One of the top goals of that program is to clear all high-priority areas, specifically agricultural land, health and education facilities. Another is to develop indigenous mine and UXO abatement capacity.

Although the bulk of U.S. NADR funds goes to UXO Lao, the Government of Laos' quasi-independent government agency charged with conducting clearance operations, we also fund NGOs that conduct independent clearance operations and run school-based campaigns to educate children about the dangers of tampering with UXO. We view our programs in Laos as successful overall and one in which the national authorities have established a credible and effective UXO action system.

The United States is the single largest donor to the UXO sector in Laos. From 1993 to 2009, U.S. assistance has totaled more than $25 million. In Fiscal Year 2009, our total assistance for Laos UXO projects was $3.7 million and in Fiscal Year 2010 we will provide $5 million in UXO funding for Laos.

In addition to this direct funding for UXO programs, the Department of Defense has provided technical and research assistance to aid in the clearance of unexploded ordnance. At the end of 2009, the Department of Defense provided UXO Lao with a searchable database known as the Combat Air Activities Southeast Asia Database, which is the most comprehensive collection of strike information from the Vietnam War. This information is critically important to the UXO sector for identifying contaminated areas and for planning and prioritizing clearance efforts.

Individual victims, who have been injured by UXO, also require both our compassion and our support. The U.S. Agency for International Development provides critical disabilities assistance to help those whose lives have been irrevocably altered by the explosive remnants of war through the Leahy War Victims Fund. To date, USAID has provided more than $8 million in support for programs for survivors.

We are now considering a program that would assist in the establishment of a UXO demining capacity in the Lao People's Army. The project would be phased in, and the initial activities would be to train two Lao People's Army UXO demining sections and fund initial operations in two provinces. The project would eventually include more advanced training, as well as expanding the number of Laos People's Army UXO demining sections to five.

This capacity building may eventually lead Laos to be able to contribute—not only in Laos but to international peacekeeping efforts in UXO clearing and demining operations.

The United States has worked closely with Laos on the issue of unexploded ordnance since 1993. Our aim has been to strengthen the clearance and capacity development of UXO institutions in Laos, along with providing victims assistance and risk-education programs in public schools.

Through these joint efforts, we hope to improve the ability of Lao authorities to protect the environment and promote public health for future generations. As we continue forward, we will work hard

to ensure U.S. Government assistance helps builds a safer society for the Laos people.

Mr. Chairman, thank you for giving me the opportunity to appear before you today, and I know from your opening remarks that you have some questions. I will do my best to try to answer them.

[The prepared statement of Ambassador Marciel follows:]

**Testimony of Scot Marciel**
**Deputy Assistant Secretary**
**Bureau of East Asian and Pacific Affairs**
**U.S. Department of State**

**Before the**

**House Foreign Affairs Committee**
**Subcommittee on Asia, the Pacific and the Global Environment**

**April 22, 2010**

**Legacies of War: Unexploded Ordnance in Laos**

Chairman Faleomavaega, Ranking Member Manzullo, and Members of the Subcommittee, thank you for inviting me to testify today on unexploded ordnance in Laos.

**Overall Relationship**

As Secretary Clinton observed last year, "the United States is back in Southeast Asia." We have held the first ever leaders-level meeting between the United States and ASEAN, signed the Treaty for Amity and Cooperation, committed to stationing our Ambassador to ASEAN in Jakarta, and launched the innovative Lower Mekong Initiative to raise the U.S. diplomatic profile in the Mekong sub-region.

Our efforts to build the United States' relationship with Laos should be seen in the context of our efforts to deepen our engagement in the region. Our efforts with Laos are making important progress. Last year, we exchanged defense attaches, the first time we have done so since the end of the Vietnam conflict. The Obama Administration also removed Laos -- one of the poorest countries in Asia -- from the list of "Marxist-Leninist economies" prohibited from benefiting from Export-Import Bank financing. Earlier this month, Assistant Secretary of State Kurt Campbell visited Vientiane for the third session of the U.S.-Laos Comprehensive Bilateral Dialogue in Laos. We have made significant gains in areas ranging from the accounting for Americans lost during the conflict to development of bilateral trade liberalization measures. Our success in recovering and accounting for 237 of the 578 Americans lost during the conflict is just one example of joint

collaborative efforts. Recently we have expanded our cooperation into new areas, including health, trade, and military-to-military relations.

Our foreign assistance program in Laos, carried out jointly by the Department of State and the U.S. Agency for International Development (USAID), is modest, but it is growing both in size and scope. Our efforts are aimed at supporting economic reform and good governance, building a vibrant civil society, and improving health for the people of Laos. Our assistance includes programs to address humanitarian needs, including avian influenza, HIV/AIDS treatment and prevention, and building food security. One of the most important elements of our programmatic engagement in Laos is in supporting the removal of unexploded ordnance, or UXO.

**Unexploded Ordnance in Laos**

During the Vietnam War, over 2.5 million tons of U.S. munitions were dropped on Laos. This is more than was dropped on Germany and Japan combined in the Second World War. On a per capita basis, Laos is the most heavily bombed country in history. Up to 30 percent of the bombs dropped over Laos failed to detonate. U.S. –origin aerial weaponry accounts for a large proportion of the unexploded ordnance that is still a significant threat to public safety in Laos. The explosive remnants of war continue to impede development and cause hundreds of casualties a year. While Laos also has a landmine problem, unexploded ordnance is a much greater threat to the population, especially because of the value of UXO scrap metal, the pursuit of which brings individuals into direct contact with the weapons. Explosive remnants of war from land battles constitute a significant third threat. Population growth in rural areas and other socio-economic trends are increasing demand to put UXO-contaminated land into production, a development that also increases human contact with all of these dangerous remnants of war.

With U.S. and other international support, the Lao People's Democratic Republic is creating a much-needed comprehensive national database to consolidate different data sets and generate accurate and up to date information on the scope of the contamination. Current statistics on contamination, clearance, and casualties are not always reliable, but efforts to refine the data are revealing the continued seriousness of the problem. For example, until a very recent systematic study, casualties per year were believed to average about 100 – we now know that they likely number closer to 300 per year. Similarly, while no one can guess the total number of explosive items contaminating Laos, extensive survey efforts continue

to refine our knowledge and help us direct our efforts at the ten out of seventeen provinces judged most affected.

The socio-economic effects of the contamination are pervasive. The UN Development Program has reported that "UXO/mine action is the absolute pre-condition for the socio-economic development of Lao PDR" and that because of UXO "economic opportunities in tourism, hydroelectric power, mining, forestry and many other areas of activity considered main engines of growth for the Lao PDR are restricted, complicated and made more expensive." At the level of individual victims, of course, the consequences of death or maiming are catastrophic for entire families.

Despite the grim scope of the problem, however, it would be a mistake to be pessimistic about our ability to help resolve it. Our goal, after all, is not to remove the last bit of UXO from Laos, any more than Western Europe has removed all of its explosive remnants of war from World War Two and even World War One. Instead, our goal is to help Laos become as "impact free" of its explosive contamination as possible – and the country has made major strides in that direction. For example, international support to the very solid Lao effort amounted to about $15 million this year, resulting in the clearance of hundreds of thousands of explosive items from about seventy square kilometers of high priority land. If international support continues at that same level for a decade, the results will be dramatic: vastly reduced casualty levels and the clearance of virtually all of the country's highest priority land areas. Much work would remain, of course, but the actual impact of the explosive remnants of war would be a fraction of what it is today. In short, this is not an insurmountable task.

**Update on U.S. Government Activities**

To address the explosive remnants of war problem in Laos, the Department of State supports a variety of humanitarian demining and unexploded ordnance clearance projects, with funding from the Non-proliferation, Anti-terrorism, Demining and Related programs (NADR) appropriation account. One of the top goals of the program is to clear all high priority areas (specifically agricultural land, health and education facilities); another is to develop indigenous mine and UXO abatement capacity. These projects are selected and managed by the Office of Weapons Removal and Abatement in the Bureau of Political Military Affairs, in close coordination with the Bureau of East Asia and Pacific Affairs and our Embassy in Vientiane. Although the bulk of U.S. NADR funds for Laos goes to UXO Lao -- the Government of Laos' quasi-independent government agency

charged with conducting clearance operations -- we also fund NGOs that conduct independent clearance operations and run school-based campaigns to educate children about the dangers of tampering with UXO. Our funding supports work performed by Lao national entities (primarily UXO Lao) as well as by international NGOs such as the Mine Advisory Group, Norwegian People's AID, the Swiss Demining Foundation, and the World Education Consortium. We view our programs in Laos as very successful overall, and one in which the national authorities have established a credible and effective UXO action system.

The U.S. is the single largest donor to the UXO sector in Laos. Other major donors include Japan, the European Commission, Ireland, Switzerland, Luxembourg, Germany, and Australia. From 1993 through 2009, U.S. assistance has totaled more than $25 million.

In FY 2009, our total assistance for Laos UXO projects was $3.7 million. In FY 2010 we will provide $5 million on UXO funding for Laos.

In addition to the direct funding for UXO programs provided by the Department of State, Department of Defense has provided technical and research assistance to aid in the clearance of unexploded ordnance. At the end of 2009, the Department of Defense provided UXO Lao with a searchable database known as the Combat Air Activities Southeast Asia Database, which is the most comprehensive collection of strike information from the Vietnam War. This information is critically important to the UXO sector for identifying contaminated areas and for planning and prioritizing clearance efforts. Equally important, the data may help to identify areas where the risk of UXO contamination is low and development could proceed in Laos.

This database updates Department of Defense strike data from 1998, which provided information on U.S. Air Force bombing missions conducted during the war. Although the 1998 data provided the foundation upon which virtually all Lao UXO maps were developed, with the declassification of records and inclusion of more complete records the Department of Defense realized that there was an opportunity to provide more complete data. The Department of Defense continues to research records to make sure that the Lao government has the most current available information.

Individual victims who have been injured by UXO also require both our compassion and our support. USAID provides critical disabilities assistance to assist those whose lives have been altered irrevocably by explosive remnants of

war. Through the Leahy War Victims Fund, USAID has supported the Catholic Relief Services in Laos as part of a three-year grant that began in 2006 to improve and expand education and community support systems in three districts in Laos to assist in providing educational opportunities for disabled children. The Leahy War Victims Fund also supported a grant in 2004 and another in January 2009 to Handicap International to establish community-based rehabilitation programs in partnership with the Lao National Rehabilitation Center and to improve the quality of life of people, their families and communities and to bolster the employment and economic opportunities for people with disabilities, respectively.

Since the mid-1990s, USAID has worked with World Education to assist regions of Laos that have been heavily contaminated with UXO. In 1995, USAID began to use monies from the Leahy War Victims Fund to support World Education to upgrade the medical, surgical and emergency facilities and to promote mine/UXO awareness efforts in the northern Lao provinces of Xieng Khouang and Houaphan. In 2004, USAID renewed its support for World Education efforts to expand medical assistance in Laos, this time directing aid towards Lao's southern provinces of Saravane and Champasak, near the Ho Chi Minh Trail. The World Education project and the Ministry of Health have taken a two-pronged approach. First, they work to inform national policy on UXO survivor assistance and disabilities; second, they work to improve the quality of emergency, orthopedic, surgical and medical management care for survivors of trauma and people with disabilities.

To date, USAID has provided more than $8 million in support of programs for survivors.

**Future USG Activities**

In coordination with the National Regulatory Authority for UXO/Mine Action, UXO-Lao, the Ministry of Defense and the Lao People's Army, the U.S. Embassy and the U.S. Pacific Command are considering a program that would assist the establishment of a UXO/Demining capacity in the Lao People's Army. The project would be phased in and the initial activities would train two LPA UXO/Demining sections and fund initial operations in two provinces. The project would eventually include more advanced training, as well as expanding the number of LPA UXO/Demining sections to five. This capacity building may eventually lead to Laos being able to contribute to international peacekeeping efforts in UXO clearance and demining operations.

**Conclusion**

The United States has worked closely with Laos on the issue of unexploded ordnance since 1993. Our aim has been to strengthen the clearance and capacity development for UXO institutions in Laos, along with providing victims assistance and risk education programs in public schools. Through these joint efforts we hope to improve the ability of Lao authorities to protect the environment and promote public health for future generations. As we continue forward, we will work hard to ensure U.S. Government assistance helps build a safer society for the Lao people.

Thank you for giving me the opportunity to appear before you today. I welcome your questions.

Mr. FALEOMAVAEGA. Thank you, Mr. Secretary.

I am just curious, as you mentioned, that we didn't begin our assistance program in dealing with Laos until 1993. What happened between the span of 1960s and the 1970s and the 1980s, because that is when when we continued the bombing, I guess.

Would you care to comment on that?

Ambassador MARCIEL. Mr. Chairman, you gave me probably too much credit earlier for being an expert historian, and I am not sure I am in all of this period.

Certainly from 1975 and the end of the war, until I began working on Laos in 1990, relations were minimal; very limited until the late 1980s, and there was minimal interaction between our governments until the late eighties, really. But I would have to go back and get you a more authoritative answer as to when this was first looked at and discussed between our two governments.

Mr. FALEOMAVAEGA. Could you? I would appreciate that because there seems to be a void here.

Ambassador MARCIEL. I would be happy to do that, sir.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE SCOT MARCIEL TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE ENI F.H. FALEOMAVAEGA

Unlike Vietnam and Cambodia, diplomatic relations with the United States never were broken after the Lao People's Revolutionary Party assumed control in 1975. However diplomatic representation in Vientiane and Washington was reduced to the level of charge d'affaires, and the United States Agency for International Development and the United States Information Agency were forced to withdraw. Following the war, the Lao government was not receptive to the formerly large United States assistance program, which had supported the previous government. Western aid was replaced by assistance from Soviet bloc countries during the 1970s and 1980s.

Beginning in the late 1980s, the United States and Laos began to cooperate on accounting for persons classified as prisoner of war/missing in action (POW/MIA) and on counternarcotic issues. Diplomatic relations were restored reciprocally to the ambassadorial level in the summer of 1992. That same year, the U.S. Agency for International Development made a $1.3 million grant for a prosthetics project in Laos.

Mr. FALEOMAVAEGA Between our bombing raids and operations and then, all of a sudden, oh, yeah, we started our assistance program since 1993. And I am curious; the bombing went on in the 1960s and 1970s, and I was wondering why the lapse. Is there anything that we did that caused this problem or we may have just simply forgotten about this? You had mentioned other international organizations that are helping, addressing the problem.

As I understand these unexploded ordnance, do we have a record in terms of how many women, children, or even men, for that matter, die every year as a result of unexploded ordnance? Is there a record from the Lao people or the Lao Government?

Ambassador MARCIEL. Mr. Chairman, the information I have is that we think there are approximately 300 casualties from UXO in Laos every year. I am not sure that I have a number for deaths per year, but we will seek to get that as well as confirm the source of that information.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE SCOT MARCIEL TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE ENI F.H. FALEOMAVAEGA

In 2009 the National Regulatory Authority for UXO/Mine Action Sector in Lao PDR (the "NRA") published the National Survey of UXO Victims and Accidents. That report states that in recent years approximately 35 percent of UXO accident victims are killed, while approximately 65 percent are injured but survive. Using the same report's figure of approximately 300 victims per year would mean that as a result of UXO/mine accidents, roughly 100 persons die each year and another 200 are injured.

Mr. FALEOMAVAEGA. That was the figure that was given to me also. It was approximately 300 people die every year as a result of unexploded ordnance.

I know that this is also a very controversial issue when you talk about cluster bombs, and the nature of these cluster bombs is that it is like a canister, and when it opens up you have a little—they call them "bombies." It may end up with 30 or 50 at a time. And so it doesn't necessarily explode, but you could have these 30 to 50 bombies that explode in a wide range, catching everything and anything in its path. It is like a grenade, but smaller in scale. But this one is a big one. This one is a big one.

Have you had a chance to review the proposed budget for how much—that maybe we could afford a little more than $3 million a year in helping out with the unexploded ordnance? To me, I am sure our Government can do a lot better than this. We have got a $58 billion proposed budget in the State Department this coming year.

I didn't mean to put you on the spot, Mr. Secretary, but I think the bottom line here is that without the financial arm of people that could be given the opportunity to address these issues, that we are going to continue doing this for the next 100 years at $3 million a pop.

It is a tremendous injustice, in my humble opinion. I am just wondering if our good people there in the State Department have had a chance to reevaluate. In fact, it is being proposed that we even decrease the funding, less than $3 million. Whose bright idea was that? I talked to our Ambassador there in Laos. He wasn't very forthcoming and it was always like, well, we don't have enough information. I would kind of like to think that we are a lot better than that in addressing the issue. I have a couple more questions.

Mr. Honda.

Mr. HONDA. Thank you, Mr. Chairman. In our arsenal of technologies, do we have the ability to be able to detect metal from the air and metal or explosive kinds of chemicals that are on the ground by sweeping over the terrain?

Ambassador MARCIEL. Mr. Congressman, I am afraid I don't know the answer to that. I am not aware that we do, but I will certainly check and see if that is something—certainly if we had that technology it would be very useful for something like this. But I don't want to hazard a guess because I am probably the most technologically illiterate person in the room.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE SCOT MARCIEL TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE MIKE HONDA

No existing technology can reliably detect mines or UXO from the air.

Mr. HONDA. I must be, too. So I would appreciate it if somewhere along the line we could get some information on that. I saw your head nodding "no," but it seems to me we have all kinds of technology from satellites that we could pinpoint individuals in terms of body heat. It seems to me that with some work on programming, we would be able to detect metal objects on the ground.

The other question is, Do we know how much money we spend on food security to help Laos to sustain a level of—I guess, a source of food for their own country? Do we know how much we spend on that?

Ambassador MARCIEL. Thank you, Congressman. In response to the first question about the technology, I am told we do not have the technology from the air to do this. But if I could, I will take this question back and get you a definitive answer, the one on the technology.

In terms of economic and food security, I am just looking at the numbers here, we have been spending about $1 million a year on global health and child survival. That is , frankly, more health than it is food security. And then about—just several hundred thousand dollars on promoting economic growth; that is, again, less directed to food security and more on promoting, helping Laos get into WTO, the idea being that this will contribute to overall economic development.

I don't believe there is a specific budget for food security, but I will double-check and get back to you with that.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE SCOT MARCIEL TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE MIKE HONDA

The State Department does not provide food security assistance through the Global Hunger and Food Security Initiative. Since 2007, USDA has awarded three McGovern-Dole Food for Education Programs in Laos. The McGovern-Dole International Food for Education and Child Nutrition Program helps promote education, child development, and food security for some of the world's poorest children. It provides for donations of U.S. agricultural products, as well as financial and technical assistance, for school feeding and maternal and child nutrition projects in low-income countries.

In FY 2008 the World Food Programme (WFP) was awarded 540 metric tons (MT) of canned salmon, 1,250 MT of corn-soy blend, 4,890 MT of milled rice, and 330 MT of vegetable oil to implement a three year school feeding program in Laos. The total value of this program is approximately $10.3 million. Additionally, in FY 2008, a private voluntary organization (PVO) was awarded 170 MT of black turtle beans, 20 MT of canned salmon, 190 MT of corn-soy blend, 250 MT of milled rice, and 20 MT of vegetable oil to provide direct feeding and take-home rations to targeted beneficiaries. This two-year program was valued at approximately $3.8 million. In FY 2010 the PVO was awarded an additional $4.2 million to continue and expand its school feeding program. Donated commodities under FY 2010 funding will include 300 MT of beans, 40 MT of canned salmon, 140 MT of corn-soy blend, 460 MT of milled rice and 30 MT of vegetable oil.

Mr. HONDA. The petition given to the WTO, I would be curious, which arena does the country see themselves pursuing in terms of being involved and active in WTO? Perhaps somewhere along the line that question can be answered.

The reason I ask is because if we have that kind of a scattering of unexploded arsenals throughout that country, how is it that they are going to be able to become active in the world economy? I understand that we spent approximately $2 million a day dropping the bombs in Lao; that is, the value of the dollar at that time. In today's dollars it is about $17 million a day. And yet we are still talking about single digit.

I know that Congresswoman McCollum in 2004 secured $2.5 million for Laos for cluster munition removal. In 2007, 2008 and 2009, the Office of Weapons Removal and Abatement allocated less than $2 million for Laos. And then this year, Tim Reiser was able to request $5 million for Laos, yet only $1.9 million was spent.

I put in a request last year for $5 million, I think; and then this year, this coming budget, to put in $7 million to be added with the other countries' efforts. And I understand that we have to get to about $24 million for the next 10 years to have some sort of adequate program of removal.

I don't know what that means, because we don't talk about the rate at which we want to remove these unexploded ordnance.

It is curious that we are looking at the military to remove these unexploded ordnance, and perhaps the assumption is that they are better equipped to do this.

I wonder whether this is not an opportunity, if we want to create an economic development activity, that people will be engaged and taught how to use up-to-date technology to remove, detect and remove these unexploded ordnance and then also be able to enjoy the sale of those unexploded ordnance, either the metal—I understand there are some activities, economic activities around that. It seems to me that should be something that should be specifically done for the folks there, and it appears that there is plenty of work there.

But the issue is training and having the state-of-the-art equipment. And if food security is the issue, then we should be on a very fast track in training, removal, and then the sale of the metals, that all go back to the coffers of the people in Lao. I don't know whether you have a comment to that.

Ambassador MARCIEL. Thank you, Mr. Congressman. A couple of comments, if I could. In terms of the numbers, we have a breakdown of the amount that we have spent from State Department money on UXO removal since 1997. I won't read the whole list, but I am happy to submit it.

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE SCOT MARCIEL TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE ENI F.H. FALEOMAVAEGA

NADR bilateral lines for Laos are as follows:

FY97 = $1M
FY98 = $1.7M
FY99 = $1.8M
FY00 = $1.486M
FY01 = $993K
FY02 = $1.323M
FY03 = $1.2M
FY04 = $1.412M
FY05 = $2.5M
FY06 = $3.3M
FY07 = $2.55M
FY08 = $2.953M
FY09 = $3.7m (1.9m bilateral and an additional $1.8m Global NADR funds)
FY10 = $5M

Ambassador MARCIEL. But just for the last few years, Fiscal Year 2008 was just under $3 million; Fiscal Year 2009, $3.7 million. In that case we had $1.9 million that was actually a line item in the budget request, but an additional $1.8 million was pulled out of the global NADR fund, if you will, for this and spent in Laos. And then for Fiscal Year 2010, I have to say with a lot of help from people up here, $5 million being spent.

In terms of the second question about the military doing it versus civilians, it has been a civilian organization, the Lao UXO, quasi-governmental, as I mentioned, that has been doing the bulk of the work on this under the guidance of the Lao National Regulatory Authority. And we have been funding them, and I have gone there and met with them on a couple of occasions.

What we are talking about with the military is to supplement that; not to suggest that the military should take over, but we think the military might be able to play a helpful role supplementing it, and so the Defense Department is looking at that.

Mr. HONDA. If I may, to the chair, if we are looking at economic development, it seems to me that we should try to put that into the purview of the civilian sector rather than the military, and this is about creating technology and knowledge and skills among folks that we may be able to use in other parts of the world where these skills are needed. The comment about not completely eliminating or not completely eliminating the unexploded ordnance, this doesn't sit well with me. I think that we did it; we clean it. Our parents taught us that. Our parents taught us to leave a place better than you found it.

I think that should be incumbent upon us, even though in Western Europe they didn't do it. Well, that is there, this is here, and this is more of an undeveloped country that is more agricultural. And to leave even one behind, where a child or a person may become maimed or killed because of that, is not acceptable.

The fact that we talked about 2.5 million tons of ordnance that was dropped, 26–30 percent have not exploded, sort of speaks to the idea that we left behind on purpose this kind of a situation so that it creates some sort of a psychological edge for us in a land where we did not have those folks become our enemy combatants, but we were trying to nail down the Ho Chi Min Trail.

And I guess I wonder whether the practice of dumping the rest of the arsenal after they do the bomb run, there is that space in the middle where it is hardly any red dots, and then there is a mass of red dots where we dumped the rest of our ordnance. Whether that was a practice that was accepted by the military, or whether it was a practice so that you go back empty-handed so you can load up again and incur further costs. I just don't know what the rationale behind that is except that have it leaves it open to a lot of questions.

Thank you, Mr. Chairman.

Mr. FALEOMAVAEGA. I thank the gentleman for his questions.

I always try to remind myself, Mr. Secretary, you condemn the act but not the person. So, please, just look at my questions as the situation rather than any personal aspersion against you, my dear friend.

Question. It seems that members of the international community are more concerned about the unexploded ordnance than our own Government, as it is reflected by the fact they donate $15 million. I have met with some of those people, I think either from the European Commission and from the European community, and we are putting in a paltry $3 million; and yet we are the ones that caused the whole problem, we are the ones that caused the mess. It would have been nicer if we had suggested we were the ones putting in $15 million and the rest of the world committed and put in what they could; at least a lot better than in terms of how we have been able to do this.

I just cannot perceive that the most powerful Nation in the world can only afford $3 million to rectify or to clear this problem that has been in existence now for over 40 years, not of their doing. I don't know whether it is because we had displaced such a tremendous amount of arrogance on our part, thinking that we can beat anybody, we are the big kid on the block, and therefore that is all we can do.

But when I met with the children and the people that have been affected by these unexploded ordnance, I know the position of our Government is currently that we will not support any international convention to get rid of cluster bombs altogether. Am I correct on that?

Ambassador MARCIEL. Mr. Chairman, thank you.

Mr. FALEOMAVAEGA. I believe we are probably one or two of the only countries in the world that is not a subscriber or signer to the international cluster bomb elimination or prohibition or whatever we call it.

Ambassador MARCIEL. Mr. Chairman, it is true that the United States is not a party to the Convention on Cluster Munitions, that is true.

If I could just mention briefly a couple of other things, and also in response to Congressman Honda's points, first, I mean, I take your points and will take them back to the State Department and to the Secretary of State, particularly about the issue of cleaning up all the ordnance as opposed to a part of it or a good part of it, as well as the amount of money that we are spending.

As you know, you mentioned earlier our Ambassador in Laos, Mr. Chairman, and we are not supposed to talk about who suggested money and this sort of thing, but I can say with confidence that it is not our Ambassador in Laos who is suggesting we spend less.

Mr. FALEOMAVAEGA. It is the OMB. I know that.

Ambassador MARCIEL. He is very committed on this issue. And another point. If I could just mention the question of was it purposeful in some way to leave behind these munitions. Again, I was not involved in the 1960s and early 1970s in this, so I can't say with certainty, but I think the fact that about 30 percent of the munitions didn't explode was not intentional as far as I understand. But in the end, for the people who are living in Laos—and I have been there and I have seen people, you know, using these bombies and so on, I mean, actually using the shells to build fences and build houses. So for them it doesn't matter, to be honest,

whether it is intentional. It is still a threat to them. And so I very much share in your view to do everything we can to address it.

Mr. FALEOMAVAEGA. I believe the Humpty Dumpty Institute has been one that has been very, very actively engaged on this whole issue of getting rid of unexploded ordnance. It seems that there is always a passing-the-buck going on between the Department of Defense and the State Department. If we want to get something, "Oh, no, check with the DoD." And then we would get to DoD and they would say, "No, check with the State Department."

It gets to the point where playing this yo-yo game doesn't seem to make it any better, I suppose. We have used between 8–80 million cluster bombs, and according to the records that I have, less than 1 percent of the contaminated lands have been cleared. Yet I would say that a tremendous amount of economic development in this country lies in agriculture development.

Could you provide for the record, Mr. Secretary, what exactly is the status of the available agricultural land that has now been cleared as a result of this program of cleaning up the areas? I would appreciate it if we can provide that for the record.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE SCOT MARCIEL TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE ENI F.H. FALEOMAVAEGA

The 2009 Landmine Monitor Report states that all operators in Laos in 2008 cleared a total of over 54 square kilometers of land, most of which was for agriculture. This figure represents a 29 percent increase from 2007, and that increase is typical of what recent improvements in methodology have made possible. For example, UXO Lao (the largest clearance operator in the country) reports that from 1996 through 2008 it has cleared 145 square kilometers, of which 27 were cleared in 2008 alone.

Mr. FALEOMAVAEGA. Secondly, I would like to know if we have any experts in the Department of Defense that know how to dismantle these bombies so that perhaps something could come out of the Department of Defense to be of help in this effort.

With a $756 billion budget, I would hope that a couple million here or there should be sufficient—or even sending experts, demolition experts that know how to clear up these farmlands that are now contaminated simply because people are afraid to go there and to conduct any harvesting or any agricultural development because of the presence of these harmful munitions. What is your sense of the Department of Defense; they do not claim any responsibility for what has happened?

Ambassador MARCIEL. We actually do work and coordinate with the Department of Defense on this. As you suggested, the idea—they do have expertise, certainly. And as I mentioned earlier, there was the idea that we had been considering with the Department of Defense, of them providing training, capacity building, if you would, based on their own expertise. It is not a program that is in effect, but it is one that I know they were considering.

As I mentioned, it would be to train folks in the Lao military. As you know, in a similar—well, somewhat different situation, there was a lot of training done for Cambodians that was in mine removal. It has been very helpful in Cambodia, but actually now the Cambodians are actually clearing mines in Africa in a major

contribution under U.N. Auspices. So I think there is a potential here, certainly.

I will get back to you. I will check and see what information we have about, you know, land that has been cleared. I have a little bit of information about the pieces of ordnance, apparently 400,000—400,000 pieces of ordnance have been cleared over the last 3 years. That is the combined effort. It is hard to attribute just to the U.S. assistance because these programs have been combined.

But needless to say, there is a lot more still to do and I will see if I can find any information on the land.

Mr. FALEOMAVAEGA. Will the State Department be objecting to anything that we may want to request through the appropriations process, that perhaps a little increase on the funding that is needed to be part of this munitions clearance program could be better than what we have done now? So rather than decreasing the amount, we ought to be increasing the request in some way or form. I know that you are not in a position to tell me whether or not you agree with my assessment but, Mr. Secretary, I have got the record here.

And I just hate to see that when I am gone, another 39 years later the problem is still there. This is not the America that I know of. This is not the America that I know of, and its efforts to make or to correct the mistakes that we have made in the past. And I don't think it requires billions of dollars to do this but rather a little humanitarian view—and I realize that some policymakers, I am sure here in Washington, look at these people as backward and therefore have an attitude of who cares?

I remember when we were negotiating the issues dealing with the Micronesian countries. I believe it was Henry Kissinger who made a statement, "There is only 90,000 of them. Who gives a damn?" So that is the kind of attitude that I think that if he does it for these lowly Micronesians, I can imagine that that is the same attitude that prevails throughout major departments like the State Department and the DoD.

But these people are human beings. They may live on the other side of the world, but they have the same wants and desires and hopes for a better life, and for their children to get a better education, as all of us here will do.

I am not a pacifist, Mr. Secretary but, doggone it, I know our country can do a lot better than what we are doing now concerning this issue.

And I will appreciate if you could give me the best and the highest person at DoD that I can talk to, I think our Assistant Secretary for International Security—what is the gentleman's name? I am sure you know him; he is in the Department of Defense. I will definitely make contact with him concerning this issue.

With that, Mr. Secretary, thank you so much. And I deeply appreciate your taking the time to come and be with us this afternoon. We will follow up on this. There are more questions that other members will submit to you in writing. Thank you, we appreciate it.

We have our next panel. We have three more distinguished visitors here on our next panel: Channapha Khamvongsa, Dr. Robert Keeley, and Mr. Virgil Weibe.

Channapha Khamvongsa is the executive director of Legacies of War. It is an organization that seeks to address problems of unexploded cluster bombs in Laos, provide space for healing the wounds of war, and to create greater hope for the future of peace. She was previously appointed to the Seattle Women's Commission and served on the boards of the Refugee Women's Alliance Conference in Asia Pacific American Leadership; currently interim board chair of the Mines Advisory Group, USA. Ms. Channapha's father is from Luang Prabang and her mother is from Thakhek, both from Laos. She was born in Vientiane, came to the United States at the youthful age of 7; studied at George Mason University and also at Oxford. She received her master's in public policy from Georgetown University.

Doctor Keeley is a former British armed bomb disposal officer who has been working in humanitarian mine actions since 1991. His work has taken him to several countries, including Kuwait, Bosnia, Croatia, Mozambique, Cambodia, Vietnam, Laos, Afghanistan, Sudan, and Colombia. He was the first humanitarian deminer to be sent to the former Yugoslavia to help transition from the U.N. Peacekeeping mission, and was the head of the U.N. Mine Action Center in Croatia until 1997. Dr. Keeley conducted research and completed his doctorate from the Imperial College in London. His thesis was the economics of land mine clearance. His thesis has now been published in a book form and I hope to get one copy from Dr. Keeley soon. He is very, very actively engaged in the issues of land mines as well as unexploded ordnance.

Professor Virgil Weibe is from from Saint Thomas and received his doctorate from the New York University School of Law, LLM from Georgetown, Latin American studies. He has a master's in philosophy from Oxford, and a bachelor's from Kansas State University. Professor Weibe after law school clerked for Judge James Francis, a Federal magistrate judge in the Southern District of New York in 1999, when he joined the Center for Applied Legal Studies at Georgetown Law Center as an advocacy Fellow. He has been an active participant in the efforts to curb the use of land mines and cluster bombs in armed conflicts.

Gentlemen and lady, thank you so much for being here. With unanimous consent, your statements will be made part of the record.

I would like to begin by letting Channapha begin. We will go along in that sequence.

**STATEMENT OF MS. CHANNAPHA KHAMVONGSA, EXECUTIVE DIRECTOR, LEGACIES OF WAR**

Ms. KHAMVONGSA. I will be making a shorter statement, but I have a written statement we would like to submit for the record. So good afternoon, Chairman Faleomavaega, Congressman Honda, ladies and gentlemen. First of all, I would like to give my sincere thanks to Chairman Faleomavaega, the subcommittee, and its wonderful staff for organizing the historic hearing entitled, "Legacies of War: Unexploded Ordnance in Laos."

From what I understand, this is the first hearing on the scourge of unexploded ordnance, or UXO, in Laos, a legacy of the U.S. bombing of Laos during the Vietnam War. Tragically, more than

four decades after the end of the bombing, more than 300 Lao people, one-third of them children, continue to be killed or injured by UXO every year. Just this February, on February 22, eight children from Champassak Province came upon a cluster bomb similar to this one. They were in the rice paddies near their home. Like many bombs, these deadly weapons resembled a toy, and the children tossed it around in play. The bomb exploded. Two children survived. One was severely injured and five were killed. Beyond this terrible human toll, UXO continues to hamper economic development in one of the poorest countries in the world.

Today is also significant, as mentioned earlier, because 39 years ago this week, the Senate held a historic hearing on the status of refugees in Laos. This hearing, chaired by Senator Ted Kennedy on April 21 and 22 of 1971, helped to expose the secret bombing of Laos. The bombing had begun in 1964, and had displaced hundreds of thousands of civilians within Laos, but had never been disclosed to Congress or the American public.

The bombing finally ended in 1973. This was the same year I was born in Vientiane, the capital of Laos. When I was 6 years old, my family left Laos due to the country's political instability. We spent 1 year in a Thai refugee camp and eventually resettled here in Virginia. Many of the 400,000 Lao refugees who now reside in the United States have similar stories. We were fortunate to resettle in America, but were sad to leave behind family members and friends who we feared we might never see again.

Much has changed since then. Over the past 10 years, improved relations between the Lao and U.S. Governments have allowed me to travel back to Laos numerous times. Like thousands of other tourists who visit Laos every year, I feel a deep affection for the people, culture, and land that I barely remember from my childhood. Reconnecting with my Lao heritage included discovering the dark history and lingering effects of the secret war in Laos.

This discovery led me to establish Legacies of War, where I currently serve as executive director. Legacies is the only U.S.-based organization dedicated to raising awareness about the current devastation that has resulted from the Vietnam War-era bombing in Laos. Our mission is to advocate for the clearance of unexploded bombs and provide space for healing the wounds of war.

Since our founding in 2004, we have worked with Lao Americans, bombing survivors, veterans, artists, nongovernmental organizations, and others, to establish a credible voice for reconciliation and justice. As we know, Laos is the most bombed country per capita in history. U.S. bombings left Laos contaminated with vast quantities of unexploded ordnance. At least 20,000 people have been killed or injured by UXO in Laos since the bombings ceased.

I would like to share with you some other disturbing facts about the U.S. bombing of Laos and its tragic aftermath; 260,000 million cluster bombs were dropped in Laos during the Vietnam War. An estimated 75 million cluster bombs did not detonate, scattering throughout Lao villages, rice fields, school yards, pasture lands, and forest. During the bombing, the equivalent of a planeload of bombs was dropped every 8 minutes, 24 hours a day, for 9 years. About one-third—at least one-third of the land in Laos is littered with UXO.

So for more than 20 years after the war ended, Lao villagers struggled to survive among vast quantities of unexploded ordnance without any organized technical assistance or clearance program. The relationship between Laos and the United States was strained, and there were no humanitarian demining programs operational in the Lao NGO sector.

In the 15 years since the demining program began in 1994 with the help of the Mennonite Central Committee and the Mines Advisory Group, it has grown, employing Lao nationals in nine provinces. Undoubtedly, thousands of lives have been saved and injuries avoided as a result of this work. Yet fewer than 0.5 million of the estimated 75 million unexploded bomblets have been destroyed. As you mentioned, Chairman, less than 1 percent of the contaminated land has been cleared.

Initially I was surprised by the small percentage of land that has been cleared. Then, during a trip to Laos in 2008 as part of a Legacies of War delegation, I observed a clearance team working in the field. I witnessed the slow, dangerous, tedious process of surveying, detecting, and detonating UXO. I was humbled by the men and women we met during our trip who risk their lives daily to make the land safe for others.

Formal UXO clearance in Laos is now coordinated by the Lao Government's National Regulatory Authority, or NRA, with several dozen partner organizations and international donors that support the UXO clearance, victim assistance, and mine-risk education. The UXO clearance sector has built up a well-trained and experienced workforce. Through new, more effective equipment and careful planning, clearance teams have dramatically improved their efficiency.

An official of the State Department's Office of Weapons Removal and Abatement has called the National Regulatory Authority UXO program in Laos, "one of the best programs in the world. The gold standard."

The NRA's newly completed strategic plan over the next 10 years offers clear, achievable goals, including the reduction of UXO casualties from the current 300 to less than 75 per year, and ensuring that the medical and rehabilitation needs of all UXO survivors are met in line with obligations of the Convention on Cluster Munitions, an international agreement signed by 106 countries to ban the production, transfer, and sale of cluster munitions and to destroy current stockpiles.

So what is the funding required? According to the NRA, during each of the past 3 years, a total of $12–14 million was spent for clearance goals. Funding for clearance comes from international donors, including the U.S., but the NRA estimates that the UXO sector will need at least double the amount per year to meet its 10-year goals.

The problem for UXO clearance in Laos is the absence of a long-term funding commitment that matches the scale of the problem. In order to buy equipment and train and maintain adequate staffing, clearance organizations working in the field must have assurances of a continued, reliable stream of funding. Therefore, we recommend a U.S. commitment of $7 million to support UXO clearance in Laos in Fiscal Year 2011, a measured increase from this

year's allocation of $5 million. Thereafter, we recommend an annual U.S. commitment of $10 million over the next 10 years. This would strengthen and secure the UXO sector's capacity and bring its already effective programs to scale. This 10-year, $100 million commitment to UXO removal in Laos would total less than what the United States spent in 1 week bombing Laos.

I have focused primarily on UXO clearance in the statement, but I also want to address the related need for victim assistance. Close to 40 percent of UXO accidents result in death, leaving many families without the primary breadwinner or caregiver. For the 60 percent who survive, their lives will never be the same. Almost 14,000 injuries have resulted in the loss of one limb, while close to 3,000 victims have lost two limbs. There is a serious need for better emergency health care after accidents occur, as well as longer-term needs for prosthetics, physical rehabilitation, and vocational retraining.

According to the NRA, only $2.5 million a year currently goes toward victim assistance needs in Laos. Agency staff estimates that at least $5 million a year will be required to adequately help victims and their families.

So what is the current U.S. funding support? The United States has provided about $40–50 million in funding for UXO removal in Laos over the last 15 years. It averages about $2.7–3 million per year. Compare this to $7 million the United States spent each day for 9 years bombing Laos. In other words, the United States spent more in 3 days dropping bombs on Laos than it has spent in the last 15 years cleaning them up.

In Fiscal Year 2010, Congress designated $5 million specifically for UXO clearance in Laos, the largest amount allocated in any given year to date. Unfortunately, despite a specific congressional mandate for $5 million for bomb removal in Laos this year and in subsequent years, the Department of State is only requesting $1.9 million for next year.

The funding levels for UXO clearance in Laos have been disproportionate to the magnitude of the problem. There seems to be little regard for the level of contamination in the country or the source of the UXO. One-third of worldwide cluster munitions casualties occur in Laos, yet the funding doesn't reflect this stark reality.

It has been nearly 40 years since the secret U.S. bombing campaign in Laos was finally revealed to Congress and the American public, yet all of these years later massive quantities of UXO remain a dangerous threat to the daily lives of the people in Laos.

I would like to mention Mor. She is a 5-year-old girl from Thaijok Village in Xieng Khouang Province. Unlike hundreds of Lao children who have been killed or injured by cluster bombs each year, Mor is still alive and healthy. But she lives and plays among these deadly weapons every day. She has never known a bomb-free backyard. We must do what we can to protect children like Mor and clear the land so that when she walks to school or her family plows their fields, everyone returns home safely at the end of the day. We should want this for Mor and the generations that will follow her.

The problem of UXO in Laos has been allowed to persist far too long. Too many innocent lives have been lost. But it is not too late

to stop this senseless suffering. This is one of those rare problems, rare policy problems with a clear and effective solution. The United States has a responsibility to clean up the unexploded bombs it left behind in Laos and provide support for those harmed since the end of the war. It would require only a relatively modest increase in U.S. funding to dramatically improve clearance and victim assistance in Laos.

Clearing cluster bombs and supporting those injured by them is an act of humanity and decency. It is the right thing to do. The State Department must make a sustained commitment to solving this problem.

We recommend an allocation of at least $7 million next year, followed by a subsequent increase of $10 million per year over the next 10 years. Only with this kind of consistent support will the scourge of UXO in Laos finally come to an end.

Thank you, Chairman Faleomavaega, Congressman Honda, for the opportunity to offer our statement today. We appreciate the attention that you have brought to this important issue.

[The prepared statement of Ms. Khamvongsa follows:]

STATEMENT OF CHANNAPHA KHAMVONGSA, EXECUTIVE DIRECTOR, LEGACIES OF WAR
APRIL 22, 2010
HOUSE COMMITTEE ON FOREIGN AFFAIRS: SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT

Thank you Chairman Falcomavaega, Subcommittee Members, ladies and gentlemen. First of all, I would like to extend my sincere thanks to Chairman Falcomavaega, the Subcommittee and its wonderful staff for organizing this historic hearing entitled "Legacies of War: Unexploded Ordnances in Laos."

From what I understand, this is the first U.S. House of Representatives hearing on the scourge of unexploded ordnance (UXO) in Laos, a legacy of the U.S. bombing of Laos during the Vietnam War. Tragically, more than four decades after the end of the bombing, more than 300 Lao people, one third of them children, continue to be killed or injured by UXO every year.[i]

Just this year, on February 19, 2010, eight children from Champassak Province came upon a cluster bomb in the rice paddies near their home. Like many bombs this deadly weapon resembled a toy, and the children tossed it around in play. The bomb exploded; two children survived, one was severely injured, and five were killed. They lived in an area not identified as having been bombed; there had been no UXO risk education in their village and the children suffered for it.[ii] Beyond this terrible human toll, UXO continues to hamper economic development in one of the poorest countries in the world.

Today is also significant because exactly 39 years ago this week the U.S. Senate held an historic hearing on the status of refugees in Laos. This hearing, chaired by the late Senator Edward M. Kennedy on April 21 and 22, 1971, helped expose the U.S. secret bombing of Laos. The bombing had begun in 1964 and had displaced hundreds of thousands of civilians within Laos but had never been disclosed to Congress or the American public.[iii]

The 1971 hearing and a peace treaty between the U.S. and North Vietnam finally brought a halt to the bombings in Laos in 1973. This was the same year I was born in Vientiane, the capital of Laos. When I was six years old, my family left Laos due to the country's political instability. We spent a year in a Thai refugee camp and eventually resettled in Virginia. Many of the 400,000 Lao refugees who now reside in the U.S. have similar stories.[iv] We were fortunate to resettle in America, but were sad to leave behind family members and friends who we feared we might never see again.

Much has changed since then.

Over the past ten years, improved relations between the Lao and U.S. governments have allowed me to travel back to Laos numerous times. Like thousands of other tourists who visit Laos every year, I feel a deep affection for the people, culture and land that I barely remember from my childhood.

Reconnecting with my Lao heritage included discovering the dark history and lingering effects of what is often referred to as the Secret War in Laos. This discovery led me to establish **Legacies of War** ("Legacies"), where I currently serve as executive director. Legacies is the only U.S.-based organization dedicated to raising awareness about the current devastation that has resulted from the Vietnam War-era bombing in Laos. Our mission is to advocate for the clearance of unexploded bombs and provide space for healing the wounds of war. Since our founding in 2004, we have worked with Lao-Americans, bombing survivors, veterans, artists, non-governmental organizations and others to establish a credible voice for reconciliation and justice.

The 1971 Senate hearing began to expose the bombings in Laos, but it would be decades before declassified U.S military data revealed the true extent of the bombing and the ongoing devastation from UXO in Laos.

***Background***

We now know that Laos is the most heavily bombed country per capita in history. U.S. Vietnam War-era bombings from 1964 to 1973 left nearly half of Laos contaminated with vast quantities of unexploded ordnance. At least 25,000 people have been killed or injured by UXO in Laos since the bombing ceased.[v] I would like to share with you some other disturbing facts about the U.S. bombing of Laos and its tragic aftermath:

- 260 million cluster bombs were dropped on Laos during the Vietnam War[vi] (210 million more bombs than were dropped on Iraq in 1991, 1998 and 2006 combined).[vii]
- An estimated 75 million cluster bombs did not detonate, scattering throughout Lao villages, rice fields, schoolyards, pastureland and forests.[viii]
- During the bombing, the equivalent of a planeload of bombs was dropped every eight minutes, 24-hours a day for nine years.[ix]
- About one-third of the land in Laos is littered with UXO.[x]

[Map of Laos Bombing]

***The Clean Up So Far***

For more than 20 years after the war ended, Lao villagers struggled to survive among vast quantities of unexploded ordnance without any organized technical assistance or clearance program. The relationship between Laos and the U.S. was strained, and there were no humanitarian demining programs operational in the Lao NGO sector. In the 1970s and early 1980s, about 1,000 casualties from UXO occurred every year. This number declined slowly, and has remained at about 300 casualties per year through the 1990s and 2000s[xi].

The humanitarian demining program in Laos began in 1994 under the auspices of the Lao National Committee for Social and Veterans Affairs, as a result of an initiative from the

U.S.-based Mennonite Central Committee with technical support and training provided by the UK-based Mines Advisory Group. Each of these organizations has provided testimony to the Subcommittee today.

In the 15 years since the demining program began, it has grown, employing Lao nationals in nine Lao provinces. Undoubtedly, thousands of lives have been saved and injuries avoided as a result of this work. Yet fewer than 500,000 of the estimated 75 million unexploded bomblets remaining at the end of the war have been destroyed, and less than 1% of the contaminated land has been cleared.[xii]

Initially, I was surprised by the small percentage of land that has been cleared. Then, during a trip to Laos in 2008 as part of a Legacies of War delegation, I observed a clearance team working in the field. I witnessed the slow, dangerous, tedious process of surveying, detecting and detonating UXO. Over the last four decades, many of the cluster bomblets have become deeply embedded in the earth—waiting for an unsuspecting farmer to place a shovel in the earth or the Monsoon rains to uncover them. It often takes several visits to one village to detect and clear all the bomblets. I was humbled by the men and women we met during our visit to Laos, who risk their lives daily to make the land safe for others.

***Clear Problem, Effective Solution***

Formal UXO clearance work in Laos is now done under the auspices of the Lao government's National Regulatory Authority (NRA), with several dozen partner organizations and international donors that support the UXO clearance, victim assistance and risk education.

The UXO clearance sector has built up a well-trained and experienced work force. Through new, more effective equipment and careful planning, clearance teams have dramatically improved their efficiency. An official of the State Department's Office of Weapons Removal and Abatement (WRA) has called the National Regulatory Authority UXO program in Laos "one of the best programs in the world – the gold standard."[xiii]

The NRA's newly completed strategic plan, entitled *Safe Path Forward: 2010-2020*, offers clear, achievable goals:

1. *Reduce the number of UXO casualties from 300 to less than 75 per year*
2. *Ensure that the medical and rehabilitation needs of all UXO Survivors are met in line with treaty obligations*
3. *Release priority land and clear UXO in accordance with National Standards and treaty obligations*
4. *Ensure effective leadership, coordination and implementation of the national programme*
5. *Establish sustainable national capacity fully integrated into the regular set-up of the Government*
6. *Meet international treaty obligations*

In addition to its domestic leadership, Laos was one of the first nations to sign and ratify the Convention on Cluster Munitions, an international agreement signed by 106 countries to ban the production, transfer, and sale of cluster munitions and to destroy current stockpiles.[xiv] In addition, participating countries must clear cluster munitions from the land and provide victim assistance. The agreement emphasizes the need for increased international financial support to Laos.

The Convention enters into force in August of this year, and Laos will host the First Meeting of the State Parties in Vientiane in November to discuss implementation of the agreement. Laos' leadership in gaining international approval of the Convention and hosting the First Meeting of the State Parties signals its shift from mere victim of cluster munitions to key voice for their eradication.

***Funding Requirements***

According to the NRA, during each of the past three years, a total of $12 to $14 million was spent for clearance goals.[xv] Funding for clearance comes from international donors, including the U.S., but the NRA estimates that the UXO sector will need at least double that amount per year to meet its ten-year goals. As it always has been, the problem for UXO clearance in Laos is the absence of a consistent, long-term funding commitment that matches the scale of the problem. In order to buy equipment and train and maintain adequate staffing, clearance organizations working in the field must have assurances of a continued, reliable stream of funding.

Consistent, increased international support for clearance would dramatically reduce the impact of UXO in Laos. With this kind of consistent support, the casualty rate would fall from hundreds a year to dozens or less, and the highest priority clearance projects would all be accomplished.

We recommend a U.S. commitment of $7 million to support UXO clearance in Laos in FY11, a measured increase from this year's allocation of $5 million. Thereafter, we recommend an annual U.S. commitment of $10 million over the next 10 years to strengthen and secure the UXO sector's capacity and bring its already effective programs to scale. This ten-year $100 million commitment to UXO removal in Laos would total less than what the U.S. spent in one week bombing Laos.[xvi]

I have focused primarily on UXO clearance in this statement, but I also want to note the related need for victim assistance. Close to 40% of UXO accidents result in death, leaving many families without the primary breadwinner or caregiver. For the 60% who survive, their lives will never be the same. Almost 14,000 injuries have resulted in the loss of one limb, while close to 3,000 victims have lost two limbs. Many gave been blinded. In Laos, the vast majority of the population is dependent on subsistence farming. UXO accidents leave many farmers unable to work in their fields. There is a serious need for better emergency health care after accidents occur as well as longer term needs for prosthetics, physical rehabilitation and vocational retraining.[xvii]

According to the NRA, only $2.5 million a year currently goes towards victim assistance needs in Laos. Agency staff estimates that at least $5 million a year will be required to adequately help victims and their families.[xviii]

***Current U.S. Funding Support***

The U.S. spent $17 million a day (today's dollars) for nine years bombing Laos.[xix] However, the U.S. has provided on average only $2.7 million per year for clearance in Laos over the past 15 years. Put another way, the U.S. spent more in three days dropping bombs on Laos ($51 million in today's dollars) than they have spent in the last 15 years ($40 million)[xx] cleaning them up.

In Fiscal Year 2010, Congress designated $5 million specifically for UXO clearance in Laos, the largest amount allocated in any given year to date. According to the FY2010 Omnibus Appropriations Bill:

*"Not less than $5,000,000 shall be made available for unexploded ordnance removal in Laos, and that not less than $3,500,000 shall be made available for similar activities in Vietnam. The conferees further direct the Department of State to plan for similar or higher funding levels for these purposes in subsequent fiscal years, similar to that proposed by the Senate."*

We applaud this specific allocation. It represented a tremendous step forward – or so we thought. Unfortunately, despite a specific Congressional mandate for $5 million for bomb removal in Laos this year and in subsequent years, the Department of State is only requesting $1.9 million for next year (FY11).[xxi]

The funding levels for UXO clearance in Laos have always been disproportionate to the magnitude of the problem. For comparison, below we list what we understand to be the amounts proposed for FY11 and allocated for FY10 by the State Department's WRA for select countries:

| Country | Proposed for FY 2011 | Allocated for FY 2010 |
|---|---|---|
| **Afghanistan** | $15M | $15M |
| **Angola** | $6.5M | $6.5M |
| **Cambodia** | $2.94M | $2.94M |
| **Colombia** | $ 2.5M | $2M |
| **Iraq** | $18M | $18M |
| **Laos** | $1.9M | $5M |
| **Lebanon** | $2M | $2M |
| **Mozambique** | $2M | $2M |
| **Peru** | $2M | $2M |
| **Sudan** | $3.4M | $3.4M |
| **Vietnam** | $1.32M | $3.5M |

Source: U.S. State Department PM/WRA[xxii]

These examples demonstrate the stunning disparity in WRA funding for UXO clearance programs worldwide. There seems to be little regard for the level of contamination in each country or the source of the UXO. Fifty percent of the worldwide UXO casualties occur in Laos.[xxiii] In many cases, the U.S. had no involvement in the conflicts that created UXO contamination. On the other hand, in Laos the U.S. was directly responsible for much of the problem. It is not clear why two programs that fall within the responsibility of the Bureau of East Asian and Pacific Affairs (Laos and Vietnam) are proposed to be cut so dramatically in FY11. The combined funding for all three Southeast Asian countries, Laos, Cambodia and Vietnam, in FY11 is equivalent to the funding for Angola alone.

***Conclusion***

It has been nearly 40 years since the secret U.S. bombing campaign in Laos was finally revealed to Congress and the American public. Yet, all these years later, massive quantities of UXO remain a dangerous threat to the daily lives of the people in Laos.

[Photo of Moi] [xxiv]

This is Moi, a five-year-old Lao girl from Thajok Village in Xieng Khouang Province. Unlike hundreds of Lao children who have been killed or injured by cluster bombs each year, Moi is still alive and healthy. But she lives and plays among these deadly weapons every day. She has never known a bomb-free backyard. We must do what we can to protect children like Moi and clear the land so that when she walks to school, her family plows their fields, or her neighbor forages for bamboo in the forest, everyone returns home safely at the end of the day. We should want this for Moi and the generations that will follow her.

The problem of UXO in Laos has been allowed to persist far too long. Too many innocent lives have been lost. Too many farmers and children have been left disabled, their lives forever changed. But it is not too late to stop this senseless suffering. This is one of those rare tractable problems with a clear and effective solution. The U.S. has a responsibility to clean up the unexploded bombs it left behind in Laos and to provide support for those who have been harmed since the end of the war. It would require only a relatively modest increase in U.S. funding to dramatically improve clearance activities and victim assistance in Laos. If we had the cure for a disease, would we let people continue to suffer and die from it? Clearing cluster bombs in Laos and supporting those injured by them is an act of humanity and decency. It is the right thing to do.

The State Department must make a sustained commitment to solving this problem. We recommend an allocation of at least $7 million next year followed a subsequent increase to $10 million per year over the next 10 years. With this kind of consistent support, the casualty rate would fall from hundreds a year to dozens or less, and the highest priority clearance projects would all be accomplished.

Thank you Chairman Faleomavaega and Subcommittee Members for the opportunity to offer our statement today. We appreciate the attention you have brought to this important issue.

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[i] National Regulatory Authority of the Lao PDR, Presentation at Legacies of War, "A Peaceful Legacy Now: Briefing & Discussion on Cluster Bomb Removal and Assistance in Laos," Nov 2009

[ii] National Regulatory Authority of the Lao PDR

[iii] *War-Related Civilian Problems in Indochina*. Hearings of the Subcommittee on Refugees and Escapees, U.S. Senate Committee on the Judiciary, Hearings of April 21-22, 1971, *available at* http://www.clemson.edu/caah/history/facultypages/EdMoise/congref.html

[iv] SEARAC, *Southeast Asian Statistical Profile* (2004), *available at* http://www.seasite.niu.edu/lao/seastatprofilemay04.pdf

[v] National Regulatory Authority of the Lao PDR, Presentation at Legacies of War, "A Peaceful Legacy Now: Briefing & Discussion on Cluster Bomb Removal and Assistance in Laos," Nov 2009

[vi] U.S. Senate Congressional Record, May 14, 1975, pg. 14, 266

[vii] Handicap International, *Fatal Footprint: The Global Human Impact of Cluster Munitions*, Nov 2006

[viii] National Regulatory Authority of the Lao PDR, Presentation at Legacies of War, "A Peaceful Legacy Now: Briefing & Discussion on Cluster Bomb Removal and Assistance in Laos," Nov 2009

[ix] U.S. Senate Congressional Record, May 14, 1975, pg. 14, 266

[x] National Regulatory Authority of the Lao PDR, Presentation at Legacies of War, "A Peaceful Legacy Now: Briefing & Discussion on Cluster Bomb Removal and Assistance in Laos," Nov 2009

[xi] Mike Boddington, National Regulatory Authority of the Lao PDR, Presentation at Legacies of War, "A Peaceful Legacy Now: Briefing & Discussion on Cluster Bomb Removal and Assistance in Laos,", Nov 2009

[xii] Lao National Unexploded Ordnance Programme (http://www.uxolao.org/uxoproblem.html)

[xiii] Charles Stonecipher, U.S. Department of State, Presentation at Legacies of War, "A Peaceful Legacy Now: Briefing & Discussion on Cluster Bomb Removal and Assistance in Laos," Nov 2009

[xiv] Cluster Munition Coalition (http://www.stopclustermunitions.org/)

[xv] National Regulatory Authority of the Lao PDR, Presentation at Legacies of War, "A Peaceful Legacy Now: Briefing & Discussion on Cluster Bomb Removal and Assistance in Laos," Nov 2009

[xvi] U.S. Senate Congressional Record, May 14, 1975.

[xvii] Michael Boddington, National Regulatory Authority of the Lao PDR, Presentation at Legacies of War, "A Peaceful Legacy Now: Briefing & Discussion on Cluster Bomb Removal and Assistance in Laos," Nov 2009

[xviii] Ibid.

[xix] Senate Congressional Record, May 14, 1975

[xx] U.S. Department of State, *To Walk the Earth in Safety*, July 2009

[xxi] U.S. Department of State, Congressional Budget Justification Fiscal Year 2011, Foreign Operations, Annex: Regional Perspectives, p. 279, *available at* http://www.state.gov/documents/organization/137937.pdf

[xxii] Ibid.

[xxiii] Handicap International, *Fatal Footprint: The Global Human Impact of Cluster Munitions*, Nov 2006

[xxiv] Phil Borges (2007)

Mr. FALEOMAVAEGA. Thank you very much.
Dr. Keeley.

**STATEMENT OF ROBERT KEELEY, PH.D., COUNTRY PROGRAM MANAGER FOR LAOS, THE HUMPTY DUMPTY INSTITUTE**

Mr. KEELEY. Thank you very much. Can I start by saying it is quite an honor to be called to testify. I am quite grateful for the opportunity. I would like to say as well that my testimony, which is in full, obviously, and I will summarize it—but Ms. Khamvongasa and I have never met before today, but actually what you will hear is that although we have worked on this from a completely different angle, some of our conclusions are remarkably similar, which seems to triangulate some of our findings.

So as you mentioned, I studied life as a bomb disposal officer, so I have a technical perspective; but I am also an economist as well. So I am going to testify in both directions. There is one area, another perspective on this which you may consider helpful, which is when large unexploded aircraft bombs—they constitute a point hazard, but cluster munitions contaminate a whole area within their footprint.

I did a lot of work with the people in Laos 2 years ago on this map. What we did was we removed all of the aircraft bombs from the map and we looked at the points that represent cluster munitions. Basically, there is about 0.5 million hectares covered by cluster munitions on that map which translate into 1,930 square miles. So that is a way of conceptualizing the problem slightly differently from the way we have been talking, because when we clear weapons, we tend to think in how many square meters we clear a day. So it is worth scoping the problem in terms of area.

In the questions that you sent me, you asked me a question about the effects of these weapons on the economy. First of all, as has already been mentioned, most of the economy in Laos is based on agriculture production, and rice in particular. So it is possible to use the opportunity cost of the land that can't be used as a measure of the impact. I will talk about that more later.

Also, where there are infrastructure projects—road clearance, dams, hydroelectric power—the UXO clearance acts as a tax of about 30 or 40 cents per square meter. So any infrastructure project that is planned in Laos has to carry the cost of the UXO clearance as a line item, which obviously makes those projects more expensive.

But in the private sector there is an unseen impact. I am not talking about the village level, but the small to medium enterprise level. These costs can act as a barrier to entry, particularly in projects such as forestry or agribusiness where the cost of investing in a project becomes significantly higher because of the cost of the UXO. Unfortunately, we can't measure this because we don't know how many people have chosen not to invest in projects because of the cost of the UXO clearance.

For example, I was helping a Japanese agribusiness that had been looking at growing medicinal plants. And the startup cost was going to be significantly increased by the cost of the UXO clearance. I think they may have decided not to invest. At the village

level, most of the poorest people, as we have heard, they can't afford a choice. So they have to use this land as contaminated.

It should also be emphasized from an economic point of view that some of these families are forced to make the otherwise incomprehensible choice of sending their children out deliberately to look for these bombs. These children are kept out of school. They are given a $15 homemade metal detector and they go and look for scrap metal. There is a very strong correlation between the casualty rates, the price of scrap metal, and the price of food. I think it is quite clear that we can see as people need more food, they take more risks and go and look for this stuff. In fact, that is one of the major causes of the casualties today.

I would like to go now in the rest of my time to talk about answering the last question you gave us, which is about how much would it cost. As a bomb disposal officer and somebody committed to this subject, I would like to be clearing every last weapon there is in Laos, and that would take many years and cost billions of dollars. As an economist, I recognize we have scarce resources and we have to make some harsh choices. If we use the principle of cost-benefit analysis and look at the land that is potentially of the most value and remove the areas which are otherwise unusable—mountainous areas, for example, in Laos—we actually get down to about 78,000 hectares of the original 500,000, or 300 square miles. If we were able to use new techniques—and I will talk more about technology later—but if we were able to use new survey techniques, it is conceivable we could get the area down to 22,000 hectare, which would be 84 square miles. That is about 7.5 percent of the actual contamination, but it represents the most important land to be cleared.

When we did the calculations on this 2 years ago, it basically worked out at about $138 million, so it is very close to the number that you have come up with. That is $138 million spent over 16 years would be needed to clear the most impacted land. Now I know that sounds like a lot of money, but it is only 7.5 percent of the total contamination. I think we should remember, to put this into context, that the clearance of the Exxon Valdez cost $2 billion. So this is quite a small budget and it is quite justifiable by any criteria.

So, to summarize, there is a sound economic argument for increasing the budget for the UXO clearance, making longer-term commitments. And I completely agree that one of the problems is that the sector out there is constantly living on a hand-to-mouth situation. They can't budget properly. They don't know where next year's money is coming from. So whatever we do, it should be more long term and more measurable so the people can predict what they are going to have available next year. If we did that, we can actually measure the benefits to the economy as an investment. So this isn't a cost; this is a benefit. We can consider this an investment in the Laos economy.

I would like to say in support for the Office of Weapons Removal and Abatement, they already support a number of programs throughout the world. One of the things I am worried about is if we force them to just reallocate their existing budget from other countries to solve the Laos problem, we are simply robbing Peter

to pay Paul. So this really would need to be new money, as opposed to taking money out of their existing pocket and spending it somewhere else.

So I would just like to finish the answer to the question you asked about technology earlier. So I will put my bomb disposal hat back on. And I would like to speak on behalf of all the bomb disposal and land mine clearance organizations that can't be here today. We have been promised a lot from technology over the last 20 years or so since we have been doing this sort of work. It hasn't really delivered very much. In fact, the problem in Laos is comparatively simple. We don't need detectors from space. We really don't. And I am worried if we started spending money on the research, people would take the money, but we wouldn't actually get results. We can achieve the result in Laos with existing technology. There is room for improved techniques and improved efficiency. But it would be a false horizon, in my humble opinion, to start spending research dollars on this. We know what we need to do. We just need the budget.

I know that the American Army and the Special Forces Training Team have already committed a lot of effort in the past to providing the training. In fact, the core training in Laos was done in 1994, 1995, 1996 by the U.S. Army. So they have already contributed quite a lot. We probably don't need them back for the civilian program. In fact, quite humbly, some of the Laos guys I have worked with, they could probably teach me a few things. I am not sure we need to give them much technical training anymore. It is simply about the budget. And that is what I would like to say. Thank you.

[The prepared statement of Mr. Keeley follows:]

## House Foreign Affairs' Sub Committee on Asia, the Pacific and the Global Environment
## Legacies of War: Unexploded Ordnance in Laos

**22 April 2010**

**Testimony by Robert Keeley, PhD**
**Country Manager, the Humpty Dumpty Institute**

References:

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**Q. What is the current scope of the Unexploded Ordnance problem in Laos?**

Laos has the distinction of being, per capita, the most heavily bombed nation in the world. During the second Indochina conflict, Laos was the scene of extensive ground battles and intense aerial bombardment. More than half a million bombing missions were carried out between the years 1964 to 1973, during which more than two million tons of explosive ordnance was dropped. This includes approximately 270 million anti-personnel cluster munition bomblets or "bombies" released from cluster bombs, becoming in effect, de facto anti-personnel land mines. Apart from direct military activities, Laos also suffered from being used as a free drop zone where military planes were free to unload over Lao territory any unused ordnance that remained from air strikes over Vietnam or northern Laos. Over many years there has been an average of around 300 casualties per year from UXO in Laos[1].

Based on historical 'bomb damage assessment' conducted by the Luftwaffe in Spain after the Spanish Civil War, bomb disposal personnel commonly use a 10% 'rule of thumb' to estimate the number of bombs (or other explosive ordnance) that will remain unexploded after being dropped or fired. This is an empirical estimate of the *average* failure rate in operations, which is different to that achieved in testing in perfect conditions. Some sources place the failure rate of submunitions even higher.

Whilst unexploded large aircraft bombs present a localised, spot hazard, cluster munitions contaminate an area within their 'footprint'. Based on bombing data made available by the US government and using an average radius of 500m for each bombing point, the total extent of the contaminated area is approximately 500,000 Hectares or 1,930 square miles (see Reference A for details of this calculation). However, as will be discussed below, not all of this contamination poses a significant impact.

[1] This is compiled from a number of documentary sources available in the UXO sector in Laos. In particular the Lao National Regulatory Authority for UXO, and the UXO Lao websites are recommended. See http://www.nra.gov.la/ and http://www.uxolao.org/

**Q. The extent to which UXO prevents Laos developing its economy more fully?**

The UXO present a significant physical impediment on the development of the Laotian economy. This can be measured in two ways. Firstly, given that most of the current economy is based on agricultural production, and rice in particular, it is possible to measure the amount of land not in production that could be put into production, and use the foregone value of the agricultural production in that land as a measure of the damage to the economy. I will address this in more detail below.

Secondly, where there are infrastructure projects the cost of the UXO clearance acts as a 'tax' on the cost of the project, at a rate of approximately 30-40 cents per square metre of surface area. In some infrastructure projects, such as a number of hydro-electric power plant construction projects, this is borne as a line item charge to the total project budget.

In some other economic endeavours, especially those borne by the private sector, these costs can act as a barrier to entry and can in many cases result in the project not being carried out at all. For example, in agri-business projects such as managed forestry or the growing of medicinal plants, the cost of the UXO clearance might dissuade a potential investor from engaging in the project in the first place. It is almost impossible to measure the impact of such decisions as we simply don't know how many people have decided not to invest.

Of course, at a village level many of the poorest cannot afford a choice and farm land they know to be contaminated; sometimes they or their children even deliberately seek out UXO for their scrap metal value. Many of the 300 annual casualties are caused in this way.

**Q. Any impediments which UXO places on enhanced US-Lao relations?**

As a non-American citizen working in Laos I observe that relations between the US Embassy and the Lao government appear to be cordial. I know that the US Embassy takes the UXO issue very seriously.

**Q. Funding and other resources that the United States has committed to addressing the problem**

I am not in a position to answer this question fully. I would refer you to the State Department's office for Weapons Removal and Abatement for a fuller assessment of full US contributions so far. However, I can tell you about my current project:

> In addition to State Department Funding, the United States Department of Agriculture has made a substantial contribution toward easing this problem through its well known McGovern-Dole Food for Education Program. Over the course of three years (2006, 2008 and 2010) the organization I work for, the Humpty Dumpty Institute (HDI), has received a total of $9 million for a school feeding program now servicing up to 20,000 children every day in 150 villages in three of the most remote provinces in central Laos. Of the $9 million total, slightly over $3 million has and will be used to remove unexploded ordnance (UXO) in and around school sites and from agricultural land in these 150 villages.

**Q. Plans for future US contributions**

Again, I am not in a position to answer this.

**Q. How much in terms of total funding, manpower and other resources it would take to largely rid the country of its UXO problem.**

One could simply answer this question by multiplying the total surface area of the potentially contaminated area by the average aggregated cost of clearance per square metre. This would come to approximately $1.9 billion. Indeed, I believe a figure of this magnitude has been floated recently in this regard. However I do not believe it is necessary to clear all this area to substantially reduce the impact. I believe a realistic answer to be far lower than this. I will explain my findings below.

In the answer to the first question I explained how we have previously calculated the total *extent* of the UXO contamination. In Chapter Three of the 2008 evaluation report we also attempted to measure the *impact* of this contamination. In principle it is possible to use standard environmental economic principles to determine the point where the cost of clearing the UXO equals the benefit of that clearance. In this case, as mentioned above, this can be done using the value of the agricultural output of the decontaminated land as the benchmark. In any such calculations one must make a number of assumptions and work within the time and resources available for the study, and in this case we looked at four possible scenarios, with alternative economic assumptions modelled in each case. The academic background for these calculations was researched in my PhD thesis at Reference B and has been tested in Afghanistan, Angola and Cambodia. As far as I know there have only been two attempts to quantify the problem in Laos, both during evaluations arranged by the United Nations Development Program (UNDP) in 2002, and 2008. I was responsible for both sets of calculations.

In Laos in 2008 we concentrated on the 47 poorest districts (which have already been identified as in need of special development by the Laotian government) and on the potential agricultural area within the proportion of the 500,000 Ha of contaminated land in those districts. This reduced the area to be cleared to just under 78,000 Ha (301 square miles). In discussion with stakeholders what was referred to as "Option B" became the most favoured option, as a compromise between the other alternatives measured in the process (although all of these alternatives are very conservative when compared to the cost of full clearance). In Option B, which assumes that some land can be released by survey and analytical processes, the area to be cleared in order to substantially reduce the impact of the contamination would be only approximately 22,000 Ha (84 square miles). Based on an average budget of approximately 12,500,000 per year over 16 years, the total budget would be just over $138,000,000. A summary of the calculations of all of the four options is included at Figure 1 below. Spending more money per year would allow the problem to be dealt with earlier.

This still sounds like a lot of money, however, this needs to be put in context. Firstly, it is only, at today's prices and techniques, approximately 7.25% of the total cost of clearing all of the areas believed to be potentially contaminated with UXO; this is achievable by concentrating on the highest priority areas and using survey techniques to release some of the land. Secondly, some money is already being donated, by the US and a number of other donors[2]. The problem is that the funding is insufficient and tends to be short-term, preventing optimum planning. Thirdly, it is a small cost compared to other environmental disasters. The cost of cleaning up after the Exxon Valdez was estimated at some $2 billion, not including the cost of the litigation or the punitive damages awarded[3].

I am not suggesting that the money is simply handed over in a cheque. It might be possible to establish some sort of investment mechanism to generate interest that could help pay for the clearance. There is also a need to establish a robust management mechanism to ensure that the funds are targeted effectively and efficiently.

[2] According to the National Regulatory Authority UXO/Mine Action Sector in Lao PDR UXO Sector Annual Report for 2007, approximately $12 million was provided for *humanitarian* clearance and related activities from all donors. However, it is understood that funding levels have since decreased.
[3] http://en.wikipedia.org/wiki/Exxon_Valdez_oil_spill

It should also be noted that there are three main outputs in mine action; area clearance, as discussed here in detail, is the most expensive, but there is also a quantifiable case for spending money on mobile Explosive Ordnance Disposal (EOD) teams (sometimes referred to as "bomb squads") to respond to reports of isolated UXO, including unexploded large aircraft bombs, and to focussed public health awareness programs which provide advice on what to do when people find bombs, including contact details for the mobile teams mentioned above (commonly called "mine risk education"). There is also a need for a sustained capacity to be left behind once the main tasks are finished. However, if the requirement was fully funded, it should be possible to cover the cost of these activities from this budget.

There is also a related need to provide medical and economic support to the casualties of UXO. This activity, commonly referred to as 'mine victim assistance' is sometimes a poor relation to the more technical mine action activities and there has been little quantitative work done to measure the impact of landmine and UXO contamination on the medical and social service sectors of contaminated countries. More quantitative research is needed to determine the extent of this need.

There is a sound, quantitative, economic argument for increasing the budget for the UXO sector in Laos, making longer term commitments so that investments can be made in new technology and equipment, and improving resource allocation decisions to ensure that any resources provided are spent effectively and efficiently. As stated above, the benefit of such improved funding can be measured and predicted. However, it must be said in defence of the office for Weapons Removal and Abatement that they already support a number of programs in many different countries; simply reallocating their existing budget from other countries to increase funding in Laos is simply "robbing Peter to pay Paul". If I could, I would ask for additional funding to be found so that this problem can be ameliorated without prejudice to the other projects already supported through the good work of the US Department of State.

Table 4: Summary of findings from CBA

| Ser | Option | Definition | Area (Ha) | Cost | | Time Required | Remarks |
|---|---|---|---|---|---|---|---|
| | | | | Annual | Total | | |
| (a) | (b) | (c) | (d) | (e) | (f) | (g) | (i) |
| 1 | Option A | Clearance of all potential Paddy and all potenbal Upland Rice | 77,587 | 8,564,847 | 299,769,862 | 35 | |
| 2 | Option B | Clearance of all potential Paddy and 20% of all potential Upland Rice, with the remaining 80% of potential upland rice being released by technical survey | 21,656 | 12,471,443 | 133,285,970 | 16 | 55,728 Ha of Upland rice area also released by cancellation. |
| 3 | Option C | Clearance of all potential Paddy and highest quality potential Upland Rice | 33,406 | 8,066,729 | 129,067,658 | 18 | |
| 4 | Option D | Clearance of all potential Paddy and 20% of highest quality potential Upland Rice, with the remaining 80% of potential high quality upland rice being released by technical survey | 13,023 | 10,000,724 | 70,005,068 | 7 | 20,382 Ha of Upland rice area also released by cancellation |

Note: assumptions in the modeling include:

- The availability of 26 area clearance teams
- Each clearance team is able to clear 8 Ha/month, working over an 11 month year
- The total cost of each square metre is $0.38/m2, based on full accounting using the MMAC Model version 1.3 (a copy of this model is available from the Evaluation Team).



**Figure 1. Extract from Reference A.**

Mr. FALEOMAVAEGA. Thank you, Dr. Keeley.
Professor Weibe.

**STATEMENT OF MR. VIRGIL WIEBE, MEMBER OF THE BOARD, MINES ADVISORY GROUP (MAG) AMERICA**

Mr. WEIBE. Thank you, Mr. Chairman and Congressman Honda. It is an honor to appear before you today, along with colleagues from Legacies of War and the Humpty Dumpty Institute, to discuss this important issue. The Mines Advisory Group, better known as MAG, is an international humanitarian organization that saves lives and builds futures by destroying weapons in conflict-affected countries. MAG is currently working in 35 countries across the globe helping communities to escape the poverty and devastation caused by conflict. I serve on the board of MAG's U.S. partner, MAG America.

In 1994, MAG established operations in Laos in cooperation with the Mennonite Central Committee and Laos National Committee. MAG thus became the first international NGO to begin clearing the country of its extensive UXO contamination. As we have heard from preceding testimony, Laos is one of the most heavily UXO-contaminated countries in the world. A thorough survey of the country has never been completed and much of the land along the eastern border is densely forested. The National Regulatory Authority in Laos is currently addressing this shortcoming by developing a national contamination database. And a clearer picture of the remaining amount of UXO will become available in the not-too-distant future.

A point that is indisputable and most important to note is that serious levels of UXO contamination in Laos continue to have an extremely detrimental and damaging impact on the country's people, its economy, and its future. Widespread contamination restricts economic growth by limiting the population's ability to grow cash crops thereby forcing individuals and families into subsistence farming. Those efforts at subsistence farming are themselves hampered by the presence of UXO.

Since the inception of MAG's program in 1994, our approach has not focused solely on finding and destroying UXO and cluster munitions. Rather, MAG's has seen its clearance activities as the first step in relieving the very problems I have just mentioned. Currently, MAG operates in Khammouan and Xiangkhoang provinces, two of the most contaminated provinces in the country, where our goal is to alleviate poverty through safe and effective UXO clearance.

MAG achieves this by linking its activities and strategies to the Laos national growth and poverty eradication strategy. UXO clearance is one of the three poverty-related programs outlined in this national strategy, and MAG is committed to achieving the clearance targets and priorities set forth in the government's plan.

MAG also partners with and clears land in support of development agencies such as the World Food Program, World Vision, and the Laos Red Cross. By linking directly with development projects, MAG contributes to improved food security and provides access to basic services and infrastructure to some of the poorest, most marginalized communities in Laos. This integrated approach en-

sures that our grassroots intervention makes an impact not only for our beneficiary communities, but also at the regional and national level.

An impact assessment that MAG completed in 2009 has proven that MAG's work results in much more than cleared land. Sixty-three percent of village groups interviewed in Khammouan and 83 percent in Xiangkhoang reported increased yield and productivity following clearance conducted by MAG. Some households reported that they could now plow their land more deeply because they were confident they would not be injured as a result, again, increasing agriculture productivity. As a result of increased crop yield, approximately three out of four respondents said their household income had increased.

In addition to eradicating poverty, MAG's work was proven to improve people's sense of security and self-respect by removing a sense of risk and hopelessness associated with UXO contamination. Ninety-seven percent of the people interviewed in Khammouan and 94 percent in Xiangkhoang reported feeling a restored sense of pride and a greater feeling of safety and security for themselves and their families.

MAG's program in Laos currently employs 235 individuals; 229 of which are national staff members. MAG also hires community members temporarily to cut vegetation in village-assisted clearance. For example, in the last quarter of 2009, nearly 1,000 community members were employed in such projects. By employing individuals from the local community, MAG builds a sustainable capacity and empowers them to play a key role in recovery from conflict. We recruit women and individuals who have been disabled for UXO accidents, as they are too often the most marginalized members of their community.

MAG has been able to achieve these results thanks to support from its donors, including the U.S. Department of State's U.S. Office of Weapons Removal and Abatement, the U.K. Department for International Development, the European Union, OZ Aid for Australia, and World Vision. Ongoing support from the State Department has resulted in the destruction of over 30,000 items of UXO.

In another project, over 2.6 million square meters of land was cleared for agricultural use, infrastructure development, access to water and schools, in a project funded by the Humpty Dumpty Institute and the U.S. Department of Agriculture in a space of a year, in 2008 and 2009.

Unfortunately, as has been mentioned by my colleagues, the investment, or, perhaps more aptly put, the disinvestment made in contaminating Laos with UXO has far outweighed the investment made in cleaning it up. UXO clearance assets currently deployed by MAG and other operators are not adequate to tackle the extensive challenge presented by such widespread contamination. With limited resources, MAG focuses on the poorest, most threatened communities and clearing enough land to enable them to grow crops and have a sustainable food source year round.

Additional support will enable MAG and other organizations to scale-up operations to address these urgent cases more quickly and then tackle other unmet demands, such as clearance of land for

larger-scale farming, commerce and trade, thereby increasing the multiplier effect of clearance on poverty eradication.

In closing, I would like to thank the U.S. Government, in particular, the Office of Weapons Removal and Abatement, for its ongoing support to MAG's Laos program. I would like to ask the U.S. Government to provide additional funding for UXO clearance in Laos. Without increased support, the men, women, and children will continued to be killed by the legacy of our secret war.

Thank you.

[The prepared statement of Mr. Wiebe follows:]

STATEMENT TO THE HOUSE FOREIGN AFFAIRS' SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT
HEARING ON LEGACIES OF WAR: UNEXPLODED ORDNANCES IN LAOS
APRIL 22, 2010

By Professor Virgil Wiebe[1]
Board Member
Mines Advisory Group America

[Check Against Delivery]

Thank you, Mr. Chairman and members of the subcommittee. It is an honor to appear before you today, along with my colleagues from Legacies of War and the Humpty Dumpty Institute, to discuss the important issue of unexploded ordnance in Laos.

The Mines Advisory Group, better known as MAG, is an international humanitarian organization that saves lives and builds future by destroying weapons in conflict-affected countries. MAG is currently working in 17 countries across the globe, helping communities to escape the poverty and devastation caused by conflict. I serve on the board of MAG's US partner, MAG America.

In 1994, MAG established operations in Laos in cooperation with the Mennonite Central Committee and the Lao National Committee for Social and Veterans Affairs. MAG thus became the first international NGO to begin clearing the country of its extensive UXO contamination. As we've heard from preceding testimony, Laos is one of the most heavily UXO contaminated countries in the world. Figures on the number of bombs that were dropped and failed to detonate in Laos can be disputed, and in fact we do not know how many items of UXO remain littered across the country today. A thorough survey of the whole country has never been completed and much of the land along the eastern border is densely forested. The National

[1] University of St. Thomas School of Law, Minneapolis, MN (For identification purposes only).

Regulatory Authority (NRA) in Laos is currently addressing this shortcoming by developing a national contamination database, and a clearer picture of the remaining amount of UXO will be available in the not too distant future.

The point that is indisputable and most important to note, however, is that serious levels of UXO contamination in Laos continue to have an extremely detrimental and damaging impact on the country's people, its economy, and its future. Widespread contamination restricts economic growth by limiting the population's ability to grow cash crops, thereby forcing many individuals and families into subsistence farming. Those efforts at subsistence farming are themselves hampered by the presence of unexploded ordnance.

Since the inception of MAG's program in 1994, our approach has not focused solely on finding and destroying UXO and cluster munitions. Rather, MAG has seen its clearance activities as the first step in relieving the very problems I've just mentioned. Currently MAG operates in Khammouane and Xieng Khoaung Provinces, two of the most contaminated provinces in the country, where our goal is to alleviate poverty through safe and effective UXO clearance. MAG achieves this by linking its activities and strategies to the Lao National Growth and Poverty Eradication Strategy. UXO clearance is one of the three poverty-related programs outlined in this national strategy, and MAG is committed to achieving the clearance targets and priorities set forth in the government's plan. MAG also partners with and clears land in support of development agencies, such as the World Food Program, World Vision and the Lao Red Cross. By linking directly with development projects, MAG contributes to improved food security and provides access to basic services and infrastructure to some of the poorest, most marginalized

communities in Laos. This integrated approach ensures that our grassroots interventions make an impact not only for our beneficiary communities, but also at the regional and national level.

An impact assessment that MAG completed in 2009 has proven that MAG's work results in much more than cleared land. 63% of village groups interviewed in Khammouane and 83% in Xieng Khouang reported increased yield in productivity following clearance conducted by MAG. Some households reported that they could now plow their land more deeply, because they were confident that they would not be injured as a result, again increasing agricultural productivity. As a result of increased crop yield, approximately 3 out of 4 respondents said that their household income had increased.

In addition to eradicating poverty, MAG's work was proven to improve people's sense of security and self respect. By removing a sense of risk and hopelessness associated with UXO contamination, 97% of people interviewed in Khammouane and 94% in Xieng Khouang reported feeling a restored sense of pride and a greater feeling of safety and security for themselves and their family.

MAG's program in Laos currently employs 235 individuals, 229 of which are national staff members. By employing individuals from the local community, MAG builds a sustainable capacity and empowers Laotians to play a key role in their recovery from conflict. We actively recruit women and individuals who have been disabled from UXO accidents, as they are too often the most marginalized members of their community.

MAG has been able to achieve these results thanks to support from its donors, including the US Department of State's Office of Weapons Removal and Abatement, the UK's Department of International Development, the European Union, Ausaid and World Vision. Ongoing support from the State Department has resulting in the destruction of over 30,000 items of UXO, and over 2,600,000 square meters of land were cleared for agricultural land, infrastructure development, access to water, and schools in 2008-2009 in a project funded by USDA and the Humpty Dumpty Institute.

Unfortunately, the investment (or, perhaps put more aptly, the disinvestment) made in contaminating Laos has far outweighed the investment made in cleaning it up. The UXO clearance assets currently deployed by MAG and other operators are not adequate to tackle the extensive challenge presented by such widespread contamination. With limited resources, MAG focuses on the poorest, most threatened communities and clearing enough land to enable them to grow crops and have a sustainable food source year round. Additional support would enable MAG and other organizations to scale-up their operations to address these urgent cases more quickly, and then tackle other unmet demands such as clearance of land for larger scale farming, commerce, and trade, thereby increasing the multiplier effect of clearance on poverty eradication.

In closing, I would like to thank the US Government, in particular the Department of State's Office of Weapons Removal and Abatement, for its ongoing support to MAG's Laos program. I would also like to urge the US government to provide additional funding for UXO clearance in Laos. Without increased support, the men, women, and children of Lao will continue to be killed, injured, and impoverished by the legacy of our secret war.

Mr. FALEOMAVAEGA. All three of you have had an opportunity to listen to the testimony from our Deputy Assistant Secretary Marciel from the State Department. Would you say that there is consensus not necessarily where we have to reinvent the wheel or get more organizations involved; we have enough organizations; it is just the resources that they need to really get the thing moving. Would there be agreement in that assessment? In other words, we don't have to go look for some more people to come in and help. We have the organizations, but they just need more resources like funding to increase their operations. Am I correct on this?

Mr. KEELEY. Yes, more or less. It is certainly not about new training. I don't really think it is about new technology, either. There is room for improvement in the planning and in the resource allocation processes in Laos, but the problem is, at the moment, management people spend most of their time running around looking for cash. It takes away their time they have got available to sit down and plan what they are going to do.

Mr. FALEOMAVAEGA. In other words, I don't need to be looking for 50 specialists from the Department of Defense to tell the Laotians how to demine these unexploded ordnance. Do you think we have the expertise now in place? Is it just a matter of getting more resources?

Mr. KEELEY. I have been doing this type of work since 1981, sir, and the Lao people can teach me stuff about these bombs because they have been doing this since 1994. So there is a lot of expertise in country, both in the organizations that are there and amongst the Laos people. So it is not a technical question, and I don't think we need much in the way of new technology either. It is really—we have a phrase in England, "Let the dogs see the rabbit." It is more about getting the money available.

Mr. FALEOMAVAEGA. Let the dogs see the rabbits.

Mr. KEELEY. It is a sporting term from the greyhound track.

Mr. FALEOMAVAEGA. I am just searching. Let's say we come up with an increase in funding. We don't need to depend on the Department of Defense for expertise to go down there and utilize the funds. That is what I am trying to get at.

Ms. Khamvongsa.

Ms. KHAMVONGSA. I would just like to add, I don't feel like we got clear answers today about the reduction in the State Department funding amount.

Mr. FALEOMAVAEGA. There are clear answers. It was very clear; the fact that they did reduce the funding.

Ms. KHAMVONGSA. Right.

Mr. FALEOMAVAEGA. So there is no ambiguity about that.

Ms. KHAMVONGSA. As to why that has happened. I think it still remains unclear to us, and baffling.

Mr. FALEOMAVAEGA. I will tell you why. Nobody pays any attention to the problems in Laos, Cambodia, Vietnam. That is the bottom line. I hate to say this, but sometimes when we visit our friends in these countries, we are so taken by so many voices, interests coming from other countries in the world or regions in the world, that sometimes they are not on the train.

I think Laos has been one of the classic examples, even though we have some 400,000 Laotians living here in America. I think this

is something that maybe we need to have more active members of our Laotian American community. This is the only way that Washington is going to turn. I wish there was a better way, but that is the bottom line for members to get their attention to any problems affecting—whether it be Laotian Americans or Laos itself, that is the reality that we are faced with.

I wish I could be kinder in saying that Laos is the very center of attention in our American foreign policy. I hate to say this, but we are not on the map yet. Why it has taken 39 years that all of a sudden a little subcommittee chairman thought this may be something we ought to look into; it is simply because this is unbelievable. But I am not surprised that things like this happen. Laos, Cambodia, Vietnam, just falls through the cracks. You can also talk about the Hmong people. We can talk about some of our Southeast Asian people who migrated to this country. Tremendous hardships. But we are not going to give up because of this.

I wanted to raise another additional question about let's say that we do get an increase in funding. I just want to get a sense from you. We currently have the current structure that can implement the program of clearing up the unexploded ordnance. Have we actually taken section by section of the country in terms of saying this is certified cleared? Go do the farming of whatever? Has there been any effort taken by the Laos Government to do this?

Mr. KEELEY. Sir, with the help of the international community, the National Regulatory Authority has quite an impressive database, not only of the contamination, but increasingly they are mapping the records of the clearance work that has been done. Now there are some historical legacy work that was done precomputer, which they are having trouble now putting into that database. So work that is being done today is being recorded, and the perimeter is being measured and recorded and included in a database.

Mr. FALEOMAVAEGA. This is something my staff will just have to follow up on to see where we are at right now.

Mr. KEELEY. The Swiss Government has been supporting the management and creation of this.

Mr. FALEOMAVAEGA. I hate to keep saying that 1 percent of the contaminated lands have been cleared. I don't want to keep saying this for the next 10 years. Have we done anything? I am totally not satisfied with the responses that I have been getting from the State Department, but we just have to move on.

I am going to withhold a couple of more questions. Congressman Honda, please.

Mr. HONDA. Thank you very much. Thank you for the clarification on technologies. The recommendation was 7 for 2011 and 10 for the next 10 years. Is that the optimum pace that we can go at?

Ms. KHAMVONGSA. I think that there is growing capacity, and I think the State Department, because of their doubling in funding from the previous year, I think is evidence that the capacity can be met. I would imagine that, with additional resources—I mean we are talking about 30 percent increase between last year and this year to $7 million. We hope that that will then allow for additional technicians, equipment, and more long-term planning, which I think is not possible at the current rate of funding.

Mr. HONDA. So at that rate of funding that you would expect, that you are recommending, we have folks on the ground that are prepared to be able to move everything forward and expend the resources as it comes? Are we ready to go?

Mr. KEELEY. More or less, yes, sir. The risk of spending more faster is that you would get inefficiencies, because there wouldn't be a capacity big enough to absorb it. The numbers that are being spoken about, I think it is reasonable. There is a need for a bit of institutional strength. I think there is a need for perhaps some better decisions on resource allocation. At the moment, they spend all their management time worrying about where next month's money is going to come from. And as a result, they never have the chance to draw a breath and step back and work out. If they had some consistency of funding, we would see better mechanisms so that they could make better resource allocation decisions.

Mr. HONDA. With the President's budget they allocated $5 million, and then the State Department only utilized $1.9. Is there anybody from the State Department here? Do you know why the State Department did not utilize the full 5?

VOICE. Actually, we will use the entire $5 million. The $1.9 million is what is being requested for Fiscal Year 2011. So it is going to drop back down in the State Department request. But the $5 million that Congress did put into the budget for Fiscal Year 2010 will be spent in Laos, all $5 million.

Mr. HONDA. The request will be put in for $7 million for 2011. Is there a reason why we would feel that the State Department would not spend the $7 million? And then it will be our plan to continue the increase to $10 million for the next 10 years. I guess if you need that sense of certainty, I think we can do it. Hopefully, with some sense of commitment, we will try and find the appropriate wording that will direct the spending in those areas.

Having said that, you are telling me that there are some organizational things that need to be done so that the allocation and distribution will be done appropriately so there is some accountability on that. And then the mapping and the way of looking at how it is going to be done in a systematic way so that folks can expect clearance of land in ways that will anticipate utilization of land in that manner, is that what I hear and understand?

Ms. KHAMVONGSA. Yes. Also, I think for our future record, it might be good to look into the strategic plan that the NRA has, which includes input from all the various donor partners as well as NGOs working in this sector. And that strategy then, I think, lays out specifically how the institutions will be strengthened; how they are going to build capacity over the next 10 years.

Mr. HONDA. Mr. Chairman, through the chair, would it be inappropriate to ask the group that would be involved how that cost breaks down in terms of best equipment to be purchased, the cost of training, and the other costs that need to be done in order to be able to execute the plan, so that we have an idea?

Mr. FALEOMAVAEGA. If the gentleman will yield, I believe the Laos Government does have a national commission specifically addressing the very issues that we are talking about—unexploded ordnance and that of cluster bombs—and they do have a commission or committee organized in such a way that many aspects of

the whole issue dealing with the unexploded ordnance and things, I am sure they would have the information. And I am sure they would be more than willing to cooperate with us if we needed more information. It will definitely be the intent of the chair to pursue this as a followup as a result of our hearing this afternoon, as well as with the State Department, and to see that there is absolutely no question.

The fear of lack of continuity is something that is common practice here in Washington, depending on who the new President is. The unfortunate thing with our foreign policies here in Washington is that we have become very inconsistent, simply because whoever is the new President changes the whole landscape of whether we are going to do anything to help that country and whether or not priorities are shifted to some other area or region. Just like $150 billion is being planned for Afghanistan, Pakistan, and Iraq. That has been the core central issues of our foreign policies right now, and that is where it is at—$150 billion-plus. So that is the reality that we are faced with here.

Mr. HONDA. Well, Mr. Chairman, if I may, I understand working through the government. As we know it, working with the government, there is always the need for partnership with the civilian section and oversight, so that there is transparency and a sense of a higher level of confidence that it is going in the right direction.

Mr. FALEOMAVAEGA. If the gentleman will yield, I definitely think we both agree on that line of thought in terms of how we can follow up with this.

Dr. Keeley.

Mr. KEELEY. Sir, thank you. Mr. Honda asked earlier the question about food security. Actually, one of the things that may be some good news—I kept quiet out of an unusual sense of modesty—but one of the areas where Humpty Dumpty has been able to tie into other funding that you haven't mentioned is we had a very generous grant from the U.S. Department of Agriculture over the last 3 to 4 years. In fact, we have received a total of $9 million for school feeding. I am looking at food security at 150 villages. By the time we are finished, we will be feeding up to 20,000 children and their families and their teachers. And of that, some $3 million is actually spent on UXO clearance.

We have had two phases of this so far, as Mike mentioned. We will be studying a third phase of this in September. So there are two point. First, we are looking at the question of food security. I know other money is also spent by the USDA through the World Food program. So there is that significant American contribution. And also it is another source of money not accounted for in the State Department or DoD budgets for UXO clearance.

Mr. HONDA. Mr. Chairman, if I may, this is off the subject, but as land becomes available, it would be of interest to me that the land that becomes available stays in the hands of the landowners, and not speculators or anything else, so that the ability to use the land for families or tribal clans or whatever, that that is where the basic control of the land should be. Not knowing Laos that well, I guess what I am trying to say is that it stays close to the community.

Mr. FALEOMAVAEGA. Thank you so much for making the effort to come and testify this afternoon. I promise you the chair is not going to finish here. We will continue to pursue this issue.

I believe my good friend, Secretary Clinton, I am sure she is not aware that all this has been going on in Laos. We have got to come up with the data and the evidence and the information to show that the good people of Laos need help. With your testimony and your expertise in this area, I do want to thank you very much for your coming here.

My staff definitely will be in touch with you respectively. I sincerely hope that we will come up with better results in just having a hearing. I sincerely hope that we will be able to do this.

Mr. HONDA. Mr. Chairman, before you drop the gavel, let me just say publicly that I really appreciate your focus on this. I remember you said that we have to have a public hearing when we were going through this in our trip to the countries.

And so just to let folks know that there is a true champion who won't tolerate double-talk and is very unabashed about how he feels. I just want to let you know that I appreciate that. They say the squeaky wheel gets the grease. I hope there is a lot of grease out there, because if there is not, I know you will squeak louder than hell. I do thank you, Mr. Chairman.

Mr. FALEOMAVAEGA. I thank the gentleman for his comments. This is not to suggest that I am some do-gooder out there. I am just proud of being an American. When you see things that need to be corrected, this is one of them. Like I said, I am sure that the general public out there throughout America has never heard of these things. I am willing to believe and I have complete faith in the willingness of the American people to come through and to make sure that our leaders here in Washington will pay attention to the problems of this country, a least developed country.

But we have 400,000 Laos people living in this country, so it is connected to America. I sincerely hope that those that get an education, that they will have an opportunity to go back to their homeland and be a contributing member of the community and to be of help. They are beautiful people. I just sincerely hope that part of the legacy of our great country here in America is that we will make every effort to correct our mistakes, as we have done in the past. Thank you very much.

The hearing is adjourned.

[Whereupon, at 3:57 p.m., the subcommittee was adjourned.]

# APPENDIX

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## Material Submitted for the Hearing Record

**SUBCOMMITTEE HEARING NOTICE**
**COMMITTEE ON FOREIGN AFFAIRS**
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

**SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT**
**Eni F.H. Faleomavaega (D-AS), Chairman**

April 15, 2010

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN hearing of the Subcommittee on Asia, the Pacific and the Global Environment, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hcfa.house.gov)**:

**DATE:** Thursday, April 22, 2010

**TIME:** 2:00 p.m.

**SUBJECT:** Legacies of War: Unexploded Ordnance in Laos

**WITNESSES:** **Panel I**
The Honorable Scot Marciel
Deputy Assistant Secretary and Ambassador for ASEAN Affairs
Bureau of East Asian and Pacific Affairs
U.S. Department of State

**Panel II**
Ms. Channapha Khamvongsa
Executive Director
Legacies of War

Robert Keeley, Ph.D.
Country Program Manager for Laos
The Humpty Dumpty Institute

Mr. Virgil Wiebe
Member of the Board
Mines Advisory Group (MAG) America

**By Direction of the Chairman**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*

## COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT

Day: Thursday

Date: April 22, 2010

Room: 2172 Rayburn House Office Bldg.

Start Time: 2:07 p.m.

End Time: 3:58 p.m.

Recesses:

Presiding Member(s): Chairman Eni F.H. Faleomavaega

*CHECK ALL OF THE FOLLOWING THAT APPLY:*

| | |
|---|---|
| Open Session | X |
| Executive (closed) Session | |
| Televised | X |
| Electronically Recorded (taped) | X |
| Stenographic Record | X |

TITLE OF HEARING: "Legacies of War: Unexploded Ordnance in Laos"

COMMITTEE MEMBERS PRESENT: Rep. Ingils

NONCOMMITTEE MEMBERS PRESENT: Rep. Michael Honda (CA)

WITNESSES: Same as meeting notice attached? Yes _X_ No ____ *(If "no", please list below and include title, agency, department, or organization.*

ACCOMPANYING WITNESSES: *(Include title, agency, department, or organization, and which witness the person accompanied.)* Charles Stonecipher, Program Manager, Office of Weapons Removal and Abatement, Department of State

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record)* Chairman Faleomavaega, Rep. Watson, Rep. Honda, Mr. Marciel (witness), Ms. Khamvongsa (witness), Dr. Keeley (witness), Professor Wiebe (witness)

Lisa Williams
Staff Director

# WAR-RELATED CIVILIAN PROBLEMS IN INDOCHINA

## PART II: LAOS AND CAMBODIA

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HEARINGS

BEFORE THE

SUBCOMMITTEE

TO INVESTIGATE PROBLEMS CONNECTED WITH REFUGEES AND ESCAPEES

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-SECOND CONGRESS

FIRST SESSION

APRIL 21 AND 22, 1971

U.S. GOVERNMENT PRINTING OFFICE

60-970 WASHINGTON : 1971

# WAR-RELATED CIVILIAN PROBLEMS IN INDOCHINA

## PART II: LAOS AND CAMBODIA

WEDNESDAY, APRIL 21, 1971

U.S. SENATE,
SUBCOMMITTEE ON REFUGEES AND ESCAPEES
OF THE COMMITTEE ON THE JUDICIARY,
*Washington, D.C.*

The subcommittee met, pursuant to call, at 2:50 p.m. in room 6226, New Senate Office Building, Senator Edward M. Kennedy (chairman) presiding.

Present: Senators Kennedy and Fong.

Also present: Dale S. de Haan, counsel, and Jerry M. Tinker, staff consultant.

Senator KENNEDY. The subcommittee will come to order.

The hearing this afternoon concerns Laos. We wish to welcome a Member of Congress who recently returned from the area, Hon. Paul N. McCloskey, from the 11th district of California. We want to welcome you, Congressman.

### STATEMENT OF HON. PAUL N. McCLOSKEY, JR., A REPRESENTATIVE IN CONGRESS FROM THE 11TH DISTRICT OF THE STATE OF CALIFORNIA

Mr. McCLOSKEY. Mr. Chairman, I would like to place before the subcommittee certain facts ascertained by Congressman Waldie of California and me on a brief visit to Laos last week. These facts relate to and supplement several aspects of the testimony offered to the subcommittee at its hearing on May 7 of last year, relating to the causation of refugees and the impact of U.S. Air Force bombing operations, directed and controlled by the U.S. Ambassador to Laos from the Embassy in Vientiane.

That testimony indicated first (pages 57–59, hearing record), that U.S. bombing operations in Laos had been carefully controlled by the Ambassador so that very few inhabited villages were susceptible to being hit by U.S. airpower, and second (pages 67 and 71, hearing record), that of the refugees generated during the past several years—bombing had been a relatively minor factor in their decision to leave their native villages. Third (pages 67–68, hearing record), the decision of the refugees to move to areas in western Laos controlled by the

Royal Lao Government had been voluntary in nature, and not as the result of orders from either Royal Lao or U.S. Government officials.

On our visit to Vientiane last week, Congressman Waldie and I were initially advised by Ambassador Godley and ranking members of his country team that these facts, presented to the subcommittee last year by the Departments of State and Defense, remained true and correct as of that date, April 13, 1971.

We later received evidence, however, both by way of oral testimony and official Government documents, indicating that not only was the foregoing testimony not correct as of April 13, 1971, but it also was known to be incorrect and to have created a misleading impression as early as August 1970, when the final documentation for the subcommittee's report was submitted by the Departments of State and Defense.

Two very serious issues are thus raised by these conflicts. First, I am concerned that a very real possibility exists that a State Department-controlled aerial bombardment of villages in Northern Laos has been the compelling reason for the 100,000-plus refugees generated during 1968 and 1969. Second, it appears probable that the State Department has pursued a deliberate policy of concealing this fact, as well as the facts of the bombing, from the Congress and people of the United States.

The facts we have ascertained in the past week which relate to these issues are set forth as follows:

1. Laos is a nation estimated to have some 9,400 small villages, approximately 3,500 of which, according to former Ambassador Sullivan, have been located in Pathet Lao or contested territory since the Geneva agreements of 1962.

2. An estimated 1 million people may have once lived in these villages; in the last 10 years perhaps 700,000 of these people have become refugees (page 31, hearing record) moving into the Western portions of Laos controlled by the Royal Lao Government.

3. Under the USAID programs for refugee relief, refugees are no longer considered refugees when they have raised two rice crops in their new location; thus, there are only somewhat over 250,000 "refugees" on USAID rolls today, living in refugee camps scattered through Western Laos.

I have brought this map of the locations of refugee camps in Northern Laos and Southern Laos as furnished to us by the USAID Mission in Vientiane last week.

4. At the Udorn Air Force Base in Thailand, headquarters of the 13th Air Force, we were told by an aerial reconnaissance pilot on April 13: "I have flown over a lot of river valleys in Northern Laos these past 4 months, Mr. Congressman, and I haven't seen any villages along LOCS (lines of communication)." An Air Force lieutenant colonel present stated: "There just aren't any villages in Northern Laos anymore, or in Southern North Vietnam either, for that matter."

5. Major General Andy Evans, commander of the 13th Air Force, told us that his pilots had not bombed any villages to his knowledge in the 7 months that he had been in command. General Evans further told us that all targets in Northern Laos had to be approved by the Ambassador in Vientiane, or by forward air controllers sta-

tioned in Vientiane and flying O-1's with a Laotian observer. Ambassador Godley later confirmed to us that no villages had been bombed without his consent, save in occasional circumstances of pilot error. Ambassador Sullivan stated to us that perhaps eight such errors had been reported to him during the 4½ years he served as Ambassador to Laos prior to his departure shortly after President Nixon took office.

6. While at Udorn, I circled eight villages on the map of North Central Laos, and asked to see aerial photographs of the villages. Two days later, General Evans showed me photographs of two of the areas involved, and conceded that the villages no longer existed. He stated that they had been unable to find photographs of the other six villages. He further stated that he saw no difficulty in giving me the two photographs in question, but that he would like to discuss my request for them with his boss, General Clay, in Saigon. In visiting General Clay's headquarters the following day, I was advised by General Ernest Hardin, Vice Commander of the 7th Air Force, that General Clay had decided that I should make a formal request for the photographs through the Department of Legislative Liaison at the Pentagon. Copies of that request and two earlier such requests are attached to this statement as exhibits A, B, and C.

7. On the evening of April 13, at a dinner at the home of Ambassador Godley, we were told by various ranking country team officials, in the presence of both the Ambassador and Deputy Chief of Mission Monteagle Stearns that: (1) No hard data was available on refugee attitudes; (2) no surveys of refugee attitudes had been attempted because of lack of staff; (3) bombing was certainly no more than one of the factors, and certainly not a major factor in causing refugees to leave their homes; and (4) bombing of civilian villages was very rare, and then only in cases of pilot error. One of the junior officers, Mr. Frank Albert, mentioned that some refugees had been questioned, but his comments were overweighed if not overwhelmed by the positive statements of a number of his more senior associates who repeatedly argued the four views mentioned earlier.

8. On the following morning, April 14, a young political officer at the Embassy admitted to me that a summary of refugee opinions had been prepared during June and July of 1970. He went with me to the office of Deputy Chief of Mission Stearns who I asked to see the document in question. Mr. Stearns picked a sheaf of papers off his desk, leafed through them, and finally handed them to me at my request. A copy of this document is appended as exhibit D to this statement, but it may be summarized at this point by stating that it summarizes the responses of over 200 refugees from 96 separate villages in the Plain of Jars area, with respect to the bombing of their homes. Quoting from pages 5 and 6 of that report, let me take three specific quotes:

> 75 percent of 190 respondents said their homes had been damaged by the bombing.
>
> 76 percent said the attacks took place in 1969.
>
> The bombing is clearly the most compelling reason for moving.

9. Both the facts stated and the conclusions in this report, addressed personally to Mr. Stearns by the U.S. Information Service

on July 10, 1970, are of course in square contradiction to this testimony furnished this subcommittee last year, and it is difficult for us to understand why the State Department, knowing of the Senate's interest, would not have voluntarily corrected the record by forwarding the report to the subcommittee long ago.

10. It is likewise clear that Mr. Stearnes deliberately intended to give Congressman Waldie and me a less than complete picture of refugee attitudes and bombing while we were in Laos. The Embassy prepared and gave to us, prior to the April 13 dinner discussions, what purported to be rather a careful briefing book on refugees. I have a copy of that briefing book here. It was given to us and a member of my staff. Three of the eight sections in the book were specifically titled as relating to Xieng Khouang Province. The refugee survey report of July 10, 1970, is entitled "Xieng Khouang Province Refugees in Vientiane Plain" and we accidentally learned from Mr. Albert on April 16 that Mr. Stearnes had called Mr. Albert into his office on the afternoon of the 13th (just prior to the dinner) and asked him if he was the one who had prepared the report in question. Bearing in mind that this report, and a shorter report of similar survey of refugees in a more northerly camp, which is appended as exhibit E to this statement, were the only such reports in the Embassy's possession on the impact of bombing on refugees, it is hard to escape the conclusion that the Embassy did not want inquiring Congressmen to learn anything about widespread bombing in 1969, directed and controlled by the U.S. Ambassador.

11. After finally obtaining possession of the reports in question at approximately 3 p.m. on the afternoon of April 14, we were able, on the morning of April 15, to visit one of the refugee camps, Ban Na Nga, located about 40 kilometers north of Vientiane. We were accompanied by four interpreters, including two, Reverend Roffe and Father Menger, who had been recommended by the Ambassador as unbiased. We talked to 16 separate individuals and various groups of refugees who had come to the camp from at least seven villages in Tasseng Kat, one of the administrative sectors of Xieng Khouang Province. That is located, incidentally, in the Plain of Jars area, which is bounded by the red line on the map. This map shows the location of the villages from which the refugees came and a general description of the camp to which they have come. The taped interviews of these refugees are presently being transcribed, and we will file them with the subcommittee upon completion.

The refugees were unanimous in describing the destruction of every single home in each of the seven villages where they had lived. They described both T-28 and jet aircraft, as well as the use of CBU cluster bombs and white phosphorous. In all but one of the villages, the refugees had seen people killed by the airstrikes, the most numerous being the village of Ba Phone Savan, a village of 35 homes where nine were killed and 14 wounded.

We personally observed and talked with a number of people bearing scars from CBU pellets of white phosphorous; the photograph of a 10-year-old boy, Ba Som Di, of Ban Thelin Village is offered for inclusion in the record at this point.

In all of the 16 interviews, save those interpreted exclusively by Father Menger, we were told that no Pathet Lao or North Vietnamese soldiers lived in the villages. In all cases but one, the Pathet Lao posts were at least 2 kilometers away; in the case of the one village, four Pathet Lao soldiers were stationed at a supply depot 500 meters away. (It should be noted at this point that both General Evans and Ambassador Godley told us that pilots were instructed to avoid bombing within 500 meters of an active village, an active village being defined as "one hut.")

The refugees commonly described the killing of their water buffalo, and the fact that they had to live in holes or caves, farming only at night when the bombing became so intensive in 1969. In only one of the seven villages had a refugee seen any visiting Pathet Lao soldiers killed by the bombing of his village. The soldiers were described as visiting the villages only occasionally or as passing through on the road.

At one interview, the Chief of Tasseng Kat, the administrative area where these villages had been located, volunteered the information that his Tasseng had been evacuated from the Plain of Jars in early 1970 because they were ordered to leave by the Province Governor. U.S. planes provided the airlift capability.

12. The Air Force briefings from General Evans and his staff conclusively demonstrated both the immense accuracy of targeting and bombing, and also the voluminous and comprehensive aerial reconnaissance photography which precedes and follows bombing strikes. It is clear that the Air Force is only following orders, and that all targets are cleared and approved by the State Department.

13. The total tonnage of bombs dropped in Laos in 1969 and 1970 is over twice the tonnage dropped in the 2 preceding years, 1967 and 1968, prior to the time President Nixon took office.

With reference to the facts set forth above, the significant and incontestible conclusion is that at least 76 percent of 96 small villages in Northern Laos were destroyed by bombing in 1969. Cluster bombs and white phosphorous were used against the civilian population of a country against whom the United States is not at war. The bombing was done under the direction and control of the State Department, not the U.S. Air Force. Both the extent of the bombing and its impact on the civilian population of Laos have been deliberately concealed by the State Department for at least the past 9 months which have elapsed since the July 10 report was submitted by the U.S. Information Service to Deputy Chief of Mission Stearns in Vientiane.

How many of the 3,500 villages behind Pathet Lao lines have been destroyed by American bombing after Ambassador Sullivan left in early 1969 is a matter which is still open to question. This question can be determined quite easily, however, by asking the Air Force to produce current photographs of these areas from its comprehensive files. If recent photos of any particular area are lacking, it should be a simple matter to bring the files up to date by reconnaissance missions conducted at an altitude which will not endanger the lives of the American pilots involved. I hope the subcommittee will pursue this issue until the matter is finally resolved as to how many of the 250,000 plus refugees presently receiving

USAID assistance were generated by American bombing practices in 1969. A specific list of nearly 200 villages suspected to have been destroyed in a single area of Laos is appended as exhibit F hereto, and I would respectfully request that the Air Force be asked to provide photographs of each of these villages at an early date.

Whatever may be the answer, I would be hopeful that a fully informed American people will insist on an immediate cessation of further bombing in inhabited areas of Laos, Cambodia, and Vietnam. There would seem to be no U.S. interest in any of these three countries which would justify the continued slaughter of noncombatant villagers by antipersonnel weapons such as the cluster bomb, napalm, white phosphorous, and helicopter gunship.

Senator KENNEDY. Thank you very much, Congressman. That is a very fine statement and a very current statement. I think you have packed a great deal of information into your comments before the committee today.

Now, as I understand, the American bombing in Laos has gone through four different phases. The first phase was between May 1964 and October of 1966; the second bombing phase was from the fall of 1966 to the early months of 1968; the third bombing phase began in 1968, shortly after the partial bombing halt over North Vietnam in March; and the fourth phase began in the fall of 1969, when the most significant bombing increase occurred.

You have made some comments about the fact that there is twice the quantity of bombs being dropped in this last phase. Is this your general understanding of the phases the bombing has gone through in Laos?

Mr. MCCLOSKEY. Yes, sir. There are classified figures that give the precise percentages of bombs; but the general common knowledge discussed with us was that the bombing in 1969 was double that of 1968, and while there was a slight reduction in 1970, the total of the 2 years, 1969 and 1970, is over twice that of the 2 preceding years.

Senator KENNEDY. We heard earlier today about the creation of refugees in South Vietnam, and tomorrow we are going to hear about the origin of the refugee problem in Laos and Cambodia. Usually, we hear from those officials working in the various refugee programs, that the creation of refugees is caused by the need to escape the Communists, or Communist troop activity, or action on the ground, or Communist terrorism—that they are driven into the hands of the friendly forces.

So, I think it is interesting, in terms of the Laos refugees, that by official statistics the creation of refugees is directly related to the increased bombing activity—directly related. There can't be, I don't think, any question but that the 300,000 refugees in Laos today, that their creation relates directly to the use of American air power.

I was wondering if you would have any comment on that?

Mr. MCCLOSKEY. Senator, what you have said has been the reasons described to you for the causation of refugees. Congressman Waldie and I spent 6 hours, from 8 o'clock until 2 o'clock in the morning the first night we were in Laos, at the home of the Ambassador. A number of men present sought to assure us repeatedly this was the case, that the people feared Pathet Lao, they didn't like being taxed, they didn't like carrying goods for the Pathet Lao. We were told

this repeatedly. It was only the next day on our demand that we were furnished the one report they had. Again, I can't stress it more clearly that this is their own report.

They have held it 9 months without releasing it. The conclusion is clear, and I quote:

"The bombing is clearly the most compelling reason for moving."

For the State Department to have their own report on this subject and not to correct their testimony before this committee, in my judgment, raises a very serious issue as to whether the Administration is competently informing the Congress of the United States on this matter.

I think we ought to ask for a survey of all the refugees in Laos in order to determine what were their precise reasons for moving. This report certainly bears out your statistics on this.

Senator KENNEDY. I think you have provided a great service in commenting on this refugee survey. As you pointed out, 97 percent of the people said they had seen a bombing attack, 32 percent as early as 1964, and 68 percent tabulated said they had seen someone injured by bombing. These aren't figures created by this committee or others—although I think generally the figures we have, as we saw this morning in terms of the total number of refugees in Vietnam, where we had more conservative figures than the Administration's own figures. But I think they are a very serious indictment of the present policy.

Now, let me ask you further: As we had our hearings last spring I asked Ambassador Sullivan at the time about whether there were reports of accidental bombings in Laos and, with the tremendous increase in the number of sorties, what procedures were being taken to try and remedy that situation.

Then after 3 months, after we requested the information, we received a comment from the Defense Department which we included in our hearings. It listed the various villages which had been accidentally bombed, and the interesting point—there are many interesting points—was that these were "friendly" villages. No mention was made of what constituted an "unfriendly" village.

It is interesting also that of the incidents they mention they have only worked out compensation with half the villagers. They have only been able to reach final settlement with only half of the different communities. I mentioned one this morning in January 1968, an accidental bombing of Ban Long which resulted in 54 persons killed, 32 wounded, compensation of 1,507,000 kip paid and other claims have not been processed by the Laos Ministry. That was in 1968, and still it hasn't been settled, and figuring 500 kip to the dollar, which is the official rate, that means we compensated them $55 for every person who had been killed. I don't know how they divided that, but if you just divide the amount compensated for that village they would have gotten $55 for each person killed. Does that distress you, Congressman?

Mr. MCCLOSKEY. Well, it seems a rather small value to put on a human life.

I would like to comment, Senator. In your questions last May, which appear on page 57, both you and Senator Fong queried Ambassador Sullivan very seriously about what steps were taken to

prevent this. I thought the Ambassador's responses indicated, and certainly nothing we found in Laos indicated he told anything but the truth—he insisted while he was there that photographs be taken after bombing strikes to make sure villages had not been hit by mistake, and in his testimony he stated during that 4½ years that formal inquiries were held in a great many instances at our request. And this continued while he was there, to be sure the rules were observed.

Senator Fong asked him how long he had been there and he said 4½ years. Later, in conversations with Ambassador Sullivan, he confirmed to me that about eight instances of those inquiries which had concerned bombing occurred behind the lines on so-called unfriendly villages.

His testimony is consistent with that of the refugees' testimony that the bombing of the villages really intensified in 1969, and this was the year of the tremendous destruction.

Senator KENNEDY. We asked further about what steps, if any, had been taken against any of the pilots for these kinds of accidental bombings. Were you able to get any response on this as well?

If my memory serves me correctly, they had a very junior officer reviewing all of this. We are going to talk to him a bit about this tomorrow.

Is there anything that you would like to say about the civilian war casualties in the terms of the——

Mr. MCCLOSKEY. No, I would rather wait and have the transcriptions of the actual interviews filed with the committee. But I can say that it appeared that from the testimony of all the refugees we interviewed, that somebody had been killed in all of the villages but one. It ought to be a fairly simple matter of canvassing all the refugees to determine the total number of people that have been killed by American air strikes. Each one of them seemed to know who had been killed and who had been wounded.

The report varied somewhat, and it is always difficult to determine with a Laotian interpretation that you are getting precise numbers. However, I think we could possibly determine how many people we have killed by a thorough canvass of all the 700,000 refugees.

Senator KENNEDY. Let me just ask you finally, Congressman, about the figures of these surveys; they show quite clearly that the creation of refugees is related to American air power.

These are figures which must be, I would think, exceedingly conservative. I just wonder what goes through a refugee's mind when he is down in a refugee camp, which is either under the control or at least under the jurisdiction of the friendly Laotians. When they ask him how he got there he probably doesn't say, "Well, you fellows are the guys who put me here." I would think if he were going to try and ingratiate himself to those who are now providing him with the tin roofing and the wheat or the little compensations that he might get, I would think he would be talking about those terrible Communist Pathet Lao that drove him here and that they are the bad guys. Instead, when surveyed you get an overwhelming response about bombing—that it is the air power that has made them move. I should think that this adds an additional degree of credibility to the observations you have made and were able to detect from your personal conversations with refugees.

[NOTE: The preceding document was not reprinted here in its entirety but the full document is available in committee records.]

# PROBLEMS OF WAR VICTIMS IN INDOCHINA

## Part II: CAMBODIA AND LAOS

## HEARING

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE PROBLEMS CONNECTED WITH REFUGEES AND ESCAPEES

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-SECOND CONGRESS

SECOND SESSION

MAY 9, 1972

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# PROBLEMS OF WAR VICTIMS IN INDOCHINA

## PART II: CAMBODIA AND LAOS

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TUESDAY, MAY 9, 1972

U.S. SENATE,
SUBCOMMITTEE ON REFUGEES AND ESCAPEES OF THE
COMMITTEE ON THE JUDICIARY,
WASHINGTON, D.C.

The subcommittee met, pursuant to recess, at 9:50 a.m., in room 2228, New Senate Office Building, Senator Edward M. Kennedy (chairman) presiding.

Present: Senators Kennedy and Fong.

Also present: Dale S. de Haan, counsel; Jerry M. Tinker, staff consultant; and Mrs. Dorothy Parker, assistant to Senator Fong.

Senator KENNEDY. The subcommittee will come to order.

If the decade of death and devastation we have brought to Vietnam has taught us any single lesson, it is that the road to peace is not the road of wider war.

And now, because President Nixon has once again so clearly failed to learn that lesson, the United States and the world community of nations have this morning entered a new and far more deadly and dangerous era in the Indochina war.

The mining of Haiphong Harbor is a senseless act of military desperation by a President incapable of finding the road to peace. Again and again in the tragic history of American involvement in Vietnam, President Lyndon Johnson wisely resisted the siren call of the military planners for the mining of Haiphong. Now, President Nixon has succumbed to that foolhardy proposal, and the mines are being dropped.

In a sense, the dropping of the mines is the most vivid demonstration we have yet had of the total failure of the President's plan to end the war in Indochina and the bankruptcy of his unfulfilled plan for peace. For years, we have known the vast international risks of mining Haiphong, and the negligible military benefit it can bring on the battlefields of South Vietnam.

What sense does it make to challenge the Soviet Union in the coastal waters of Indochina, when we ought to be challenging the North Vietnamese at the peace table in Paris?

What sense does it make to mine Haiphong in North Vietnam when weeks and months will pass before the action can have any possible effect on the current offensive in South Vietnam?

What sense does it make to adopt a military course of action on the war with a maximum of potential confrontation with the Soviet Union and a minimum potential gain in Indochina?

It was 4 years ago this spring that President Johnson began to implement the fragile decisions that had the first real possibility of leading us out of Vietnam. And now, by some cruel irony, in the fourth year of the Presidency of Richard Nixon, in spite of all the promises we have heard to end the war, we are witnessing one of the most drastic steps in the entire history of the escalation of the war. At this crucial time of crisis in Vietnam I believe that history and the American people will record that President Nixon has taken a terribly wrong and ill-conceived turn.

It never had to be this way. After tens of thousands of American lives have been lost and tens of billions of dollars have been spent, after hundreds of thousands of North and South Vietnamese have been killed, after millions of civilian victims have felt the awful horror of the war, the world is ready for peace in Indochina, and all the President can find to give us is more war.

The President who promised peace is bringing wider war. And now, because of his blindness on the war, more Americans and North and South Vietnamese troops will die, more innocent men and women and children will be killed and more American prisoners will be taken, and all our hopes for reconciliation with the Soviet Union are placed in jeopardy.

I yield to none in my condemnation of the invasion from the North. But I also know that the way to the peace table lies clearly at the entrance to the conference table in Paris, and not at the entrance to the harbor of Haiphong. So long as we have a President who is imprisoned by the war, so long as we have a President whose only reflex is the belligerance and aggression we heard last night, so long as we have a President whose only real goal is the pursuit of the phantom of military victory on the battlefield, we shall never have peace in Indochina.

The hearing today continues the subcommittee's public inquiry into the problems of the victims of the war in Indochina. Yesterday, we reviewed the fast deteriorating situation in Vietnam. Of special concern this morning, is the situation in Laos, Cambodia, and North Vietnam.

In early 1969, Laos became the principal target of a "no holds barred" air war over Indochina. Until recently, when the focus of the Indochina war again shifted to Vietnam, a rising number of refugees and civilian casualties told us of the intensity of the conflict—and the devastating impact the air war was having on the civilian population in Laos.

Although some limited progress is being made in meeting the needs of the Laotian war victims, there is, I feel, a continuing tendency on the part of our national leadership to underplay the serious dimensions of people problems throughout Indochina. We noted yesterday, for example, that it took 6 months for our Government to approve Saigon's request for little more than $1 million to help care for over 700,000 orphans in South Vietnam. And the casual approach of our Government to the needs and the impact of 1 million new refugees in that devastated country, is distressing to this subcommittee and all Americans.

But nowhere has our sense of national priorities overseas, and the traditional humanitarian concerns of the American people, been more

distorted than in Cambodia. Estimates put the number of Cambodian refugees, over the last 2 years, at more than 2 million. Civilian casualties have numbered in the thousands. The public record suggests that our Government has not only rejected all appeals for help, but that it is the policy of our Government not to become involved with the problem of civilian war victims in Cambodia. Given the vast amounts of military hardware we are pumping into that country—hardware which helps create these war victims—our policy towards the people problems of Cambodia defies understanding.

But the President has told us that the bloodbath will continue. He told us last evening that the peace long promised the American people is nowhere in sight. He told us that Vietnamization has failed. He told us that we will try, again, to do from the air what we could not do for the past decade from the ground. We will have more war because we have missed the opportunities for peace—because we continue to play great power games over the future of Indochina rather than allowing the peoples of the area to sort out their own future.

And so, as we meet this morning, Indochina's regional crisis of people escalates. Each day of war will bring another day of human suffering. More civilians become casualties or die. More children are maimed or orphaned. More refugees flee devastated villages and towns—in North and South Vietnam and in Laos and Cambodia.

And until this tragic war finally ends, this subcommittee will regrettably—but with determination—continue to make the case that the civilian population and the plight of war victims throughout the region must be a matter of vital concern to the United States.

Before welcoming our witnesses, I would like to recognize Senator Fong.

Senator FONG. Thank you, Mr. Chairman.

Since you have brought up the question of what President Nixon said last night, I want to say that the President had no alternative except to do what he did—to order the mining of the ports of North Vietnam and the interdiction of shipping to these ports for the purpose of denying the North Vietnamese the supplies needed for the waging of the war.

I have long advocated the mining of Haiphong. I think the President has done everything a President could do to bring this war to an honorable conclusion. But, with every proposal, he has been rebuffed, with insolence and intransigence. Imagine what would happen to the 17 million people of South Vietnam if North Vietnam conquered them. What a bloodbath we would see. Imagine what would happen to 65,000 American soldiers in South Vietnam if North Vietnam conquered South Vietnam and held them hostage. I do hope that the people of America will support the President in this move to protect our men, to curtail the war and to prevent a bloodbath in South Vietnam.

I want to welcome you, Mr. O'Connor and Ambassador Sullivan, and to thank you for taking the time at this critical period in world history and of crisis in Indochina to come here again to inform the members of this subcommittee and the public of the current situation in Laos and Cambodia.

As I have previously stated, with the massive six-pronged invasion by North Vietnam, using troops, tanks, armored vehicles, missiles,

and artillery, the mask of hypocrisy has been torn from the war in Vietnam.

Not only the people of South Vietnam, but the people in Laos and Cambodia have been the innocent and unfortunate victims of this horrendous aggression on the part of the North Vietnamese.

In Laos and Cambodia, as in South Vietnam, the people are fleeing from their homes. But for this North Vietnamese aggression, there would be no refugees in this area and no refugee problems with which the peoples of the world and this subcommittee would be concerned.

I am much impressed with the courage and determination of these people not to fall into the hands or control of the North Vietnamese. Some of these people have been forced to flee not once, but time and time again. Even after they had worked hard and were hopefully being resettled in what they prayed would be a safe area, they have again been faced with the ugly reality of the North Vietnamese Army closing in upon them.

I understand that there are approximately 100,000 North Vietnamese troops in Laos—aiding and abetting the Communist Pathet Lao. Or, are they now called the Lao Peoples Liberation Army?

I am much impressed with what our Government is doing to alleviate the suffering of the quarter of a million or so refugees generated by the North Vietnamese aggressors.

The follow-up review of the refugee relief program in Laos, prepared by the Comptroller General in response to Senator Kennedy's request, showed that AID has increased its pre-Nixon contribution for fiscal year 1969 of $8,423,000 to $16,284,000 for fiscal year 1972. That is almost double what AID contributed in fiscal year 1969 to alleviate refugee suffering, to help resettle the refugees, to educate them, and to develop their economy:

Public Law 480 commodity assistance has increased from $800,000 in fiscal year 1969 to $1,400,000 in fiscal year 1972. The contributions of other government agencies apparently have also been increased.

Especially in view of the vastness of the problem, I am most impressed with the GAO report as to the AID program.

The GAO report, at page 10, notes "the high priority assigned refugee affairs" by AID and credits AID for many improvements in the program since the previous GAO reports. I should like to hear from you, gentlemen, on your plans to further improve this program.

Incidentally, I find nothing in this report to substantiate newspaper reports that AID is financing any military activities. The GAO report points out that AID has financed some assistance such as food and medical services for military and paramilitary personnel and their dependents. These people, too, are victims of the North Vietnamese aggressors—they, too, need help.

I feel the only humane thing, the only moral thing, is to feed these people, too, and to see that they, too, receive much-needed medical services. Whether that assistance be with AID funds is not the most important consideration.

The vital thing is that these people, too, are human; these people, too, are hungry; these people, too, are sick and wounded—these people, too, need help. Whether that help comes from AID funds or DOD or CIA funds is a secondary consideration.

In any event, apparently the payment of this needed assistance is being taken over by the other agencies involved.

With respect to Cambodia, the refugee problem seems to be very different from that in South Vietnam or Laos. The North Vietnamese invasions have resulted in Cambodians fleeing from Communist controlled territory, and Cambodians fleeing from combat activity and air strikes. Apparently, the Cambodians return to their homes as soon as possible or are taken care of by their families.

The United States has no specific program for assisting refugees in Cambodia. That is solely in the control of the Cambodian Government.

I am, nonetheless, struck by the absence of hard data as to the number of refugees and of war related casualties. The GAO report cites data furnished by Cambodian Government officials, but concludes that the number of refugees in Cambodia is largely conjectural and that their investigators found no basis for assessing the reliability of any overall figures on refugees in Cambodia. Nonetheless, I feel the GAO report has served a useful purpose in describing the conditions of the refugee centers which were visited.

The Cambodian Government, according to the GAO report, indicates it is taking into account the Cambodian tradition of families caring for their own in time of need and not counting on government, strangers, or foreigners indefinitely to assume that burden.

This is an admirable tradition—so rarely found today in the so-called developed or modern parts of the globe.

As long as the size of the burden is not beyond the Cambodians' own capacity to deal with in a traditional manner, I feel we should not rush in and help destroy that admirable tradition of self-reliance. From everything we now know, families and friends do take care of the largest part of these displaced people. That group that cannot be handled in this manner whatever the reason might be, are apparently also receiving some individual assistance as a result of the Cambodian Government's efforts, in keeping with the general standard of living in Cambodia.

According to the GAO report, apparently the Cambodian Government had not as of October 1971 requested humanitarian assistance from the United States. While the Cambodian Government effort is not fully coordinated, I feel that unless requested by the Cambodian Government or the international organizations, we should not interfere with the operations of this independent government's activities.

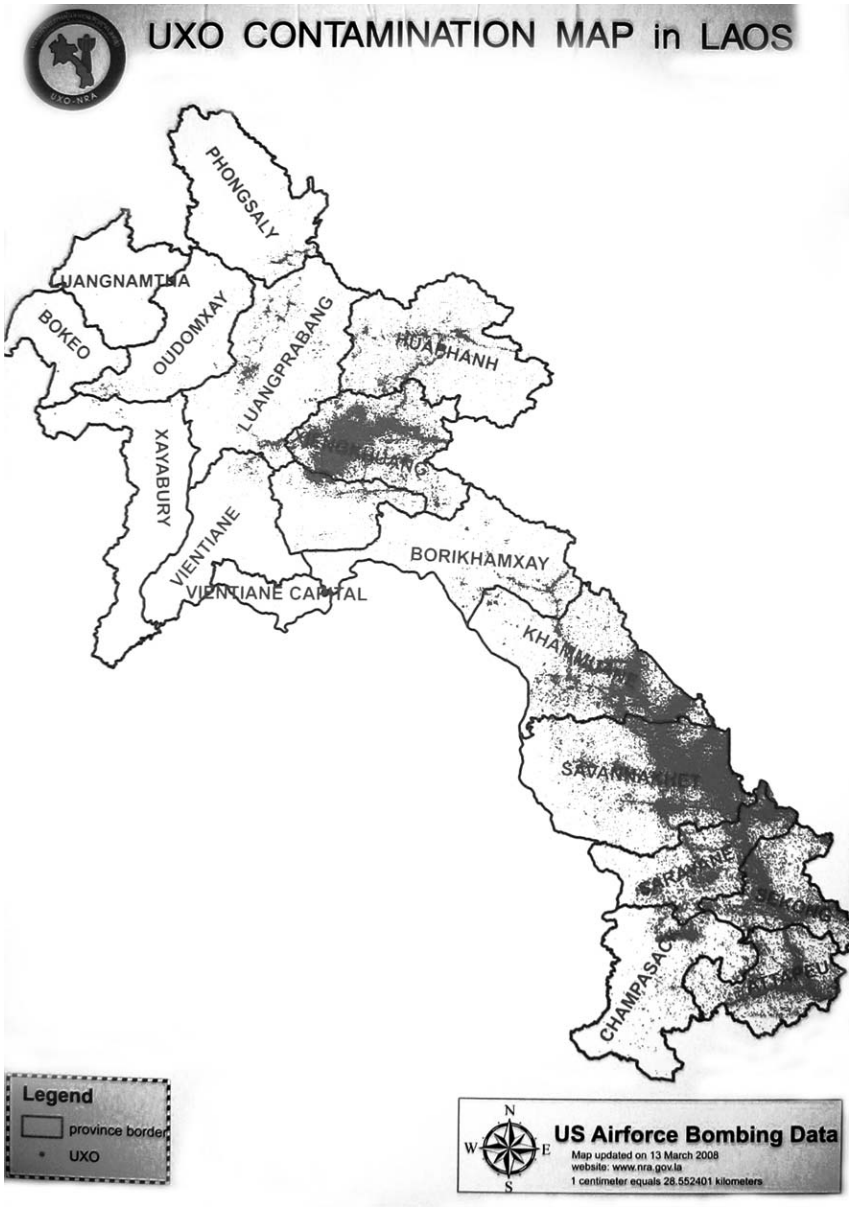
I see no reason for our having a guilt complex about the refugees—we have not created them. The United States is prepared to help these people meet their needs regardless of the fact that we did not cause the distress, but only when their government indicates such help would be useful and necessary.

On the other hand, I am most anxious to learn from you and the field representatives I understand you were to have here today, exactly what the refugee picture is in Laos and Cambodia as of this time.

Senator KENNEDY. Thank you very much, Senator Fong.

We welcome this morning the Honorable Roderic L. O'Connor, Coordinator for Supporting Assistance, Agency for International Development; the Honorable William H. Sullivan, Deputy Assistant Secretary of State for the Bureau of East Asian and Pacific Affairs,

[NOTE: The preceding document was not reprinted here in its entirety but the full document is available in committee records.]


UXO CONTAMINATION MAP in LAOS
UXO-NRA
PHONGSALY
LUANGNAMTHA
BOKEO
OUDOMXAY
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XAYABURY
VIENTIANE
VIENTIANE CAPITAL
BORIKHAMXAY
Legend
province border
UXO
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S
US Airforce Bombing Data
Map updated on 13 March 2008
website: www.nra.gov.la
1 centimeter equals 28.552401 kilometers

**LAO PEOPLE'S DEMOCRATIC REPUBLIC**
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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**Statement by**
**The Embassy of the Lao People's Democratic Republic to the United States**
**Before the Subcommittee on Asia, Pacific and Global Environment**
**House Committee on Foreign Affairs, United States House of Representatives**
**For the Hearing on Legacies of War: Unexploded Ordnances in Laos**
**April 22, 2010**

Mr. Chairman, Members of the Subcommittee, Ambassador Marciel, Ladies and Gentleman:

First we would like to express our sincere thanks to Chairman Falcomavaega and the Subcommittee for the opportunity to address the issue concerning the ongoing impacts of unexploded ordnances (UXO) in Laos. We would also like to commend Ms. Channapha Khamvongsa, Executive Director of Legacies of War, Mr. Robert Keeley, Lao Country Manager for Humpty Dumpty Institute and Mr. Virgil Wiebe, of the Mines Advisory Group and many other organizations represented here today, as well as those unable to attend today's hearing for the work they have done to address the impacts of UXO in Laos.

**Laos Today**

The Lao People's Democratic Republic is a small landlocked, mountainous nation bordered by China, Vietnam, Thailand, Myanmar and Cambodia. Situated at the crossroads between Southeast Asia and southern China and with a population of 6.8 million people, of which 80 percent live in rural areas, Laos is home to 49 officially recognized ethnic groups, many with their own distinct language or dialect and culture. Laos is classified by the United Nations as a 'least developed country'. Approximately 40 percent of the population is malnourished, just under half of the population does not have access to clean-water. The largest sector of our economy is agriculture, primarily subsistence level agriculture. Therefore clearing the millions of unexploded ordnance that litter the land in Laos is a top priority for our government.

**US – Laos Relations**

This year marks 55 years since the United States and Laos established diplomatic relations. Although our bilateral relations were downgraded after the war they were not severed and in 1992 we again exchanged ambassadors. Since 1992 bilateral relations have continued to strengthen with Normal Trade Relations status granted by the US in 2004 and the Bilateral Trade Agreement ratified in 2005, and recently President Obama lifting the restrictions on US Export-Import Bank financing for US companies wanting to do business in Laos. With such a small population in Laos, trade between our two countries is understandably small however it has been steadily increasing in the six years since NTR was granted.

**War Legacies Issues**

Even prior to re-establishing full diplomatic relations the US and Laos began to cooperate in the efforts to account for and recover the remains of US missing in action. Since 1985 Laos and the US have conducted over 100 joint investigations and recovery missions, resolving 231 out of the 341 US MIA cases.

But it is in the subject of addressing another legacy of war, the problem of unexploded ordnance (UXO) in Laos, that we deliver this statement today. 35 years since the end of the war, UXO continues to present a major humanitarian and socio-economic challenge to the country. As well as causing deaths and injuries, UXO contribute to food insecurity by limiting safe access to potentially rich agricultural land, and add to the cost of development projects when the land needs to be cleared. The ongoing impacts of UXO are significant obstacles to lifting Laos out of the list of Least Developed Countries by 2020, as well as to achieving the Millennium Development Goals of eradicating poverty and reducing hunger.

Mr. Chairman, the Lao government is pleased that after your visit to Laos earlier this year, where you met with our National Regulatory Agency for the UXO/Mine Action Centre, that you decided to hold this very important hearing.

As you learned in your visit, Laos has the distinction of being the most heavily bombed nation per capita in the world. From 1964 to 1973 the US conducted over 500,000 bombing sorties in Laos, equivalent to 1 sortie every 8 minutes for almost 10 years. 2 million tons of bombs were dropped over 33,000 square miles (87,000 hectares) in 14 out of 17 Lao provinces, affecting 37% of the country.

Defoliants and herbicides, including Agent Orange, were also used in large quantities during the conflict, often in the same areas that were heavily bombed. However, little is known about the full and on-going impact of Agent Orange/dioxin on civilian populations in Laos.

A recent survey of victims conducted by the National Regulatory Agency (NRA) found that since 1964 there have been over 50,000 casualtics of unexploded ordnance, sadly 26% of these casualties have been children under 18. Most of the casualties have been the result of unexploded cluster munitions. 270 million cluster munitions were dropped on Laos. With a failure rate of about 30% there are an estimated 80 million unexploded cluster munitions contaminating one third of the 10,000 villages in Laos.

These bombies, as we call them in Laos, have killed or maimed more than 22,000 people since the end of the war. As a result almost half of all victims of cluster munitions in the world are in the Lao PDR. Bombies, resembling small balls the size of an orange, are especially dangerous to children, about 60 percent of the victims of cluster munitions in Laos are children.

It is due to the fact that Laos has been so heavily impacted by cluster munitions that we were one of the first nations to sign and then ratify the Oslo Convention to ban the use, production, stockpiling, and transfer of cluster munitions. The Convention will enter into force August 1, 2010 and Laos will have the honour of hosting the First Meeting of the State Parties to the Convention at the end of this year in Vientiane.

**Impacts of UXO**

The burden of UXO falls heavily on the population that lives in remote, rural regions where subsistence agriculture is the primary means of livelihood. Moreover, Laos mountainous terrain means that only 4 to 5 per cent of the country's land area is suitable for intensive agriculture. Cluster munitions and other unexploded ordnance contaminate more than 50 per cent of the arable land. It is therefore not surprising that a recent report by the NRA found that there is a high correlation between UXO contamination and food insecurity. The survey also found that those who live at or below the poverty line live in the heaviest UXO impacted areas.

The work being done by the NRA shows that the greatest impact is felt by farmers and related occupations, who represent over 50 per cent of the casualties. When faced with food insecurity and low cash incomes, farmers are forced to take the risk of tilling the contaminated land, putting them and their families in danger of being injured or killed by UXO.

Adult males represent about 60 per cent of the casualties and boys a further 30 per cent. If not killed outright, the main breadwinner in the family is left debilitated and becomes a burden on the household and the community; boys, who are likely to become important sources of income in the future, may have their opportunities stripped from them at an early age. Often families have no choice but to use what few assets they have to help pay for the treatment needed to save the lives of their husbands, wives or children who fall victim to UXO.

The presence of UXO has direct impacts on the development of the Lao economy and infrastructure. A year ago the World Bank found that GDP growth in Laos is curtailed significantly by the presence of UXO. Economic opportunities in tourism, hydroelectric power, mining, forestry and many other areas of activity considered to be main engines of growth for the Lao PDR, are restricted, complicated and made more expensive.

Before any new agriculture, investment, infrastructure, or development project takes place in affected areas the unexploded ordnance must be removed adding tremendous costs to the already high cost of meeting the health, educational and socio-economic needs of the population in the rural villages. The need to clear the land also creates significant project delays.

Mr. Chairman,

In order to address this pressing issue, the Lao government with the assistance of the United Nations Development Programme and the international community established UXO Laos in 1996 to coordinate the UXO program nationwide and conduct surveys and clearance activities in 9 out of the 14 UXO contaminated provinces. The UXO program in Laos underwent an extensive evaluation process in 2002 after which a comprehensive strategic plan "The Safe Path Forward" was developed. In order to help implement the plan Laos established the National Regulatory Agency for the UXO/Mine Action Centre in 2004 in charge of coordinating all UXO activities including community awareness, victim assistance and survey and UXO clearance operations.

The Lao government is grateful that since 1998 the US government has contributed funding for clearance activities, victims assistance programs and mine awareness education. Other nations have also contributed to these efforts; in 2008 the funding for the entire UXO sector was approximately $21 million, of which $13 million was from overseas development assistance, including just over $3 million from the US government. US funding which totalled just under $3.5 million in FY2009, including that under the Leahy War Victims fund, has helped NGOs conduct victim assistance programs that have greatly improved the quality of the lives of the thousands of

survivors. It has also allowed organizations such as World Education/Consortium and Catholic Relief Services to conduct mine awareness programs educating hundreds of thousands of children and their families about the dangers of UXO.

In addition, international assistance has enabled Laos to begin to develop the institutional capacity at UXO Laos and now at the NRA to coordinate activities in the UXO sector conducted by NGOs, government agencies and commercial companies. This provides resources for humanitarian demining, mine awareness and victim assistance activities to be used effectively and efficiently.

However much more needs to be done. The funding in the area of UXO is small in comparison to the problem. There are still around 300 casualties a year, including more than 100 children. Clearance is a slow, dangerous and expensive process and as a result since 1996 UXO Laos has been able to clear just over 1 million UXO off of 234 square kilometres of land, less than ¼ of 1% of the UXO contaminated land.

In order to more effectively eradicate the impact of UXO, the government of the Lao PDR through a series of consultations with the various stakeholders has revised the national strategic plan for the UXO Sector. The *Safe Path Forward II* will be implemented over the next ten years with the guiding vision that:

> *The Lao PDR will be free from the threat of UXO, where individuals and communities live in a safe environment contributing to the development and where UXO victims are fully integrated into their societies and their needs are met.*

Working together with our development partners the Lao government aims 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. We believe that with increased support from the international community for clearance and mine awareness education that over the next decade we can greatly reduce the threat of UXO and lower the number of casualties to less than 75 per year. With adequate resources for humanitarian demining we can clear the villages and surrounding farm lands in the majority of the affected villages by 2020, starting with those provinces that are most highly affected. With the assistance and cooperation of the international community we can improve the national capacity, especially the technical capacity in Laos, to gradually increase national ownership of clearance activities and ensure that health care,

including emergency care, physical and psychological rehabilitation and social services is provided for the survivors.

Mr. Chairman

The donors, organizations and individuals involved in clearance and victim assistance work can claim credit in helping to improve infrastructure, increase access to services, and to ensure sustainable livelihoods and safe communities. Humanitarian projects around schools and villages have greatly reduced the number of casualties. The UXO clearance has helped to reduce poverty and hunger to the rural population as they have more safe land for agriculture farming and raising animals. Through UXO clearance activities, socio-economic development activities have also increased, more schools have been constructed, more roads have been built and development projects and health projects have been undertaken.

Although the Lao Government has done its utmost to addressing the UXO problems in the country since 1996, the challenges remain huge and one that requires increased support from the international donor community. Laos needs more land clearance for development. It needs more assistance to the victims. Therefore it requires concerted efforts and full assistance in various areas to guarantee the safety of our people, so that they can lead productive lives and contribute to the eradication of poverty by 2020. The Lao Government looks forward for greater partnership with the US government and the international donor community, the private sector and non-governmental organizations in overcoming the impact of UXO on the lives of the Lao people.

Mr. Chairman, we greatly appreciate the support of the Congress and government of the United States for their assistance in UXO clearance, mine awareness and victim's assistance programs in Laos which is an investment in the future of the lives of millions of Lao people. We look forward to strengthening this cooperation in the years to come. We look forward to continuing to work with the US government to achieve the "Safe Path Forward" in Laos so that children can play in their villages, that farmers can till their land, that wells can be dug, and roads, school and clinics built without the risk of ordinance dropped nearly four decades ago causing more victims of a war long over.

Thank you Mr. Chairman, Members of Congress, Ladies and gentlemen.

**Statement**
**Congresswoman Diane E. Watson**
**Subcommittee on Asia and Global Environment**
**Committee on Foreign Affairs**
**Thursday, April 22, 2010**
**2172 Rayburn House Office Building**
**2:00 p.m.**

***"Legacies of War: Unexploded Ordnances in Laos"***

Good afternoon and thank you Mr. Chairman for convening this very important hearing on the situation in Laos.

Laos is one of the poorest countries in Asia and has also been one of the most heavily bombed nations in the world. I want to commend the Obama Administration for removing Laos from the list of "Marxist- Leninist economics," encouraging Laos to benefit from Export-Import Bank financing. This step signals a change in our relationship with Laos and the importance of this region to the U.S.

One of the most important elements of our foreign assistance programs in Laos has been, and will remain, supporting the removal of unexploded ordnance, or U.X.O. Until very recently, casualties from UXO were believed to average 100 per year. A recent systematic study showed that closer to 300 Laotians per year become U.X.O. victims. In light of these new findings, I support the goal of the Administration to help Lao become as "impact free" of explosive contamination as possible.

Reducing U.X.O. will enable the people of Laos to increase usage of their agricultural lands, significantly increasing production and export capabilities and potentially improving the standard of living. Most importantly, it is time for the people of Laos to live free from the danger and fear of sudden injury or death while merely walking in their own land.

Thank you Mr. Chairman and I yield back the remainder of my time.

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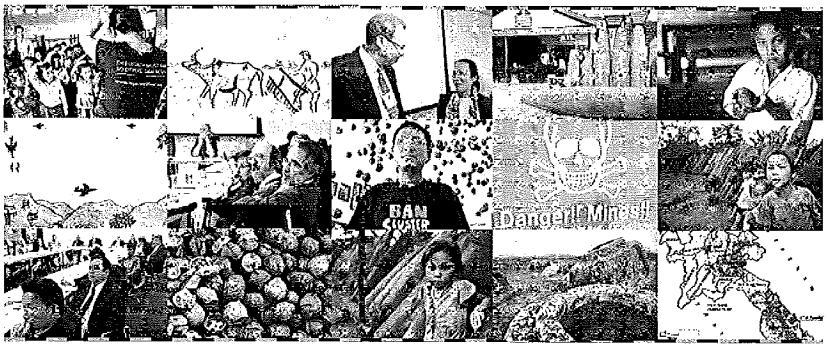
# A Peaceful Legacy Now:

## Briefing & Discussion on Cluster Bomb Removal and Assistance in Laos

November 5, 2009 · Washington, D.C.



Legacies of War (www.legaciesofwar.org) is a non-profit organization whose mission is to raise awareness about the history of the Vietnam War-era bombing in Laos and advocate for the clearance of unexploded bombs, to provide space for healing the wounds of war, and to create greater hope for a future of peace.

# Executive Summary

## Background

- A Dark History: Laos is the most heavily bombed country in history. Vietnam War-era bombings left nearly half of the country contaminated with vast quantities of unexploded ordnance (UXO). Today, cluster bombs litter forests, rice fields, villages, school grounds, roads, and other populated areas. Tens of thousands of people have been killed or injured by UXO since the bombing ceased; each year there continue to be more than 300 new casualties, most of whom are children. Nearly 40 years on, only a fraction of these munitions have been destroyed.

- An Historic Opportunity: On November 5, 2009, Legacies of War convened a meeting to focus on the status of cluster bomb clearance, victim assistance and risk education in Laos today. Given growing international attention to the issue of cluster bombs and improved U.S.-Laos relations, this meeting was an historic opportunity to bring together representatives from governments and the non-profit sector to finally address the long-term problem of UXO in Laos. Participants discussed opportunities for raising awareness, clearing UXO and supporting victims in the country. Speakers from Laos and the U.S. shared their perspectives on the possibilities for greater collaboration between the public and private sectors to address this enduring problem.

## Key Findings

- Global Role of Laos: The government of Laos is committed to eliminating the terrible human and economic costs of UXO contamination. Toward this goal, Laos was one of the first countries to sign and ratify the Convention on Cluster Munitions (CCM). Laos is set to host the First Meeting of the State Parties to the CCM sometime in 2010 once 30 countries have ratified the treaty.

- UXO Effect on Development in Laos: The United Nations has designated Laos as one of the Least Developed Countries in the world. Progress on UXO issues in Laos is essential for making Laos a safe place to live and lifting the economy out of poverty in accordance with the United Nations Millennium Development Goals.

- Effective UXO Sector in Laos: The UXO clearance sector in Laos has evolved into a highly efficient and effective sector, featuring effective government oversight and increasing capacity among government agencies, NGOs, and commercial operators working in the country. A representative of the U.S. State Department's Weapons Removal and Abatement (WRA) program called Laos the "gold standard" in the UXO clearance sector.

- Clear Plan for Future: The National Regulatory Authority (NRA), the agency within the government of Laos responsible for UXO issues, has outlined its UXO clearance goals in Safe Path Forward Strategic Plan (2010-2020). However, successful implementation of this plan will require substantial additional funding. The NRA currently receives about $14 million a year,

but estimates it will need around $24 million a year to meet its ten-year goals.

- Victim Assistance Needs: At present, victim assistance programs in Laos receive only half the necessary funding needed to adequately help victims and their families. Funding through NGOs and UNICEF is $2.5 million annually, which pays for data collection, medical care, physical and psychosocial rehabilitation, economic rehabilitation and vocational training, and advocacy.

- Alarming Decline in Funding: Despite the efficiency and effectiveness of UXO clearance in Laos, unfortunately there is a downward trend in funding. International funding for UXO in Laos declined by 22% from 2007 to 2008. Despite the continuing and clear needs in Laos, this follows the overall international trend of decreased funding for demining activities.

## Key Recommendations

- Increase in U.S. Funding: During the Vietnam War, the U.S. spent an average of $2 million per day for nine years bombing Laos. In recent years, the U.S. has spent approximately $2.7 million per year on UXO clearance in Laos; in 2009 Laos will receive a total of $3.5 million through different NGOs. This level of funding is not only inadequate, it is not commensurate with the moral responsibility of the U.S. for this issue. We recommend an immediate doubling of U.S. funding for UXO clearance in Laos, to $7 million per year, and substantial increases over the next ten years.

- Increase in International Funding: The Lao PDR has assumed a leadership role in garnering international support for the Convention on Cluster Munitions, further expanding its commitment to this effort by hosting the First Meeting of the State Parties to the Convention in 2010. The international community should support the Lao PDR with increased funding and other resources to help the country meet its Convention obligations.

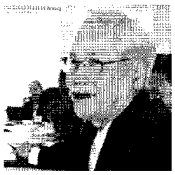
- Expand Open Dialogue and Collaboration: The extent of the UXO problem in Laos requires the coordinated efforts of governments, NGOs and private sector representatives. The Lao PDR's Convention obligations to expedite clearance and increase victim assistance will likely escalate current activities, requiring even greater coordination and collaboration. It will be important for all stakeholders, including donor countries, to share information on the challenges and opportunities over the next decade for the UXO sector in Laos.

# Full Report

On November 5, 2009 in Washington, D.C., Legacies of War convened a meeting to focus on the status of cluster bomb clearance, victim assistance and risk education in Laos today. Given growing international attention to the issue of cluster bombs and improved U.S.-Laos relations, this meeting was an historic opportunity to bring together representatives from governments and the non-profit sector to finally address the long-term problem of unexploded ordnance (UXO) in Laos. Participants discussed opportunities for raising awareness, clearing UXO, and supporting victims in the country. Speakers from Laos and the U.S. shared their perspectives on the possibilities for greater collaboration between the public and private sectors to address this enduring problem.

## Welcome and Introductions

Following introductory remarks from Brett Dakin, Chair, Board of Directors, Legacies of War, and Channapha Khamvongsa, Executive Director, Legacies of War, participants were addressed by H.E. Phiane Philakone, the Ambassador of the Lao PDR to the United States, Canada and Mexico.



Ambassador Philakone provided background on the United States' involvement in Laos during the Vietnam War, including the extent of U.S. bombings. From 1964 to 1973, the U.S. dropped more than 2 million tons of ordnance on Laos during 580,000 bombing missions. This equals a planeload of bombs every eight minutes, 24 hours a day, for nine years. Laos has the unfortunate distinction of being the most heavily bombed country in the history of the world.

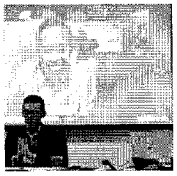
Ambassador Philakone also stated that up to 30% of the cluster bombs dropped by the United States in Laos – or 78 million bomblets – had failed to detonate, leaving extensive contamination from UXO in the countryside. Over one-third of the land in Laos is contaminated by UXO. More than 34,000 people have been maimed or killed since the war's end, and more innocent victims are claimed every day. About 40% of accidents result in death, and 60% of the victims are children. UXO remains a major barrier to the safety, health, livelihood, and food security of the people of Laos.

Ambassador Philakone expressed the optimism he felt due to warming relations between the U.S. and Lao governments since the end of the war. He hopes this will continue with the U.S. continuing to fund and increase support for UXO clearance, victim assistance and risk education in Laos.

## UXO Sector: Strategy, Research & Coordination

The first panel of the day was dedicated to a discussion of the UXO clearance sector in Laos, which has evolved into a highly efficient and effective sector, featuring effective government oversight and increasing capacity among government agencies, NGOs, and commercial operators working in the country.

### Safe Path Forward Strategic Plan



First, Dr. Maligna Saignavongs, Director, National Regulatory Authority (NRA), along with Tim Horner, United Nations Development Program advisor to the NRA, spoke in detail about the Lao government's Safe Path Forward Strategic Plan. Dr. Saignavongs detailed the extent of UXO contamination in Laos, the history of UXO clearance, and the role of the NRA in formulating a new plan for clearance.

The Safe Path Forward Strategic Plan II (2010 – 2020) was completed in September 2009 to update the national strategy for the entire UXO clearance sector (which includes seven non-profit operators and four commercial operators). Dr. Saignavongs stated that the goal of the Plan is for "The Lao PDR to be free from the threat of UXO, where individuals and communities live in a safe environment contributing to development and where UXO victims are fully integrated into their societies and their needs are met." One specific goal of the plan is to reduce casualties to 75 people per year within 10 years. In recent years the amount of UXO cleared has increased dramatically with new equipment and greater efficiency. On the other hand, donor contributions to humanitarian clearance have been declining.

> "Our goal is for the Lao PDR to be free from the threat of UXO, where individuals and communities live in a safe environment contributing to development and where UXO victims are fully integrated into their societies and their needs are met."
> — Dr. Maligna Saignavongs

Dr. Saignavongs concluded that the UXO sector under the NRA strategic plan is well structured to make significant progress with increased efficiency and effectiveness. However, the need for long-term financial support remains a significant problem.

## Victim Assistance & Rehabilitation

Dr. Saignavongs was followed by Mike Boddington, Technical Advisor, Victim Assistance, NRA and Executive Consultant, Cooperative Orthotic and Prosthetic Enterprise (COPE), who discussed the results of the NRA's comprehensive Victim Assistance & Rehabilitation – National Survey, conducted in 2008.

Boddington began by noting that the NRA's mandate for victim assistance is "to establish a national database of UXO victims, update it regularly, and factor the physical and socio-economic rehabilitation needs of survivors into all national and local public health initiatives." To this end, in 2008 the NRA completed a national survey in 17 of the 19 Lao provinces covering 9,066 villages (95% of total), and collected data on all casualties from 1964 through 2008.

The survey showed that casualties during and immediately after the war were very high, but gradually declined and have held steady at about 300 per year since the early 1990s. During the war cluster submunitions were responsible for 13% of the casualties, but since 1999 they have caused 29% of casualties along with close to another 5% from small and large bombs. There have been over 34,000 casualties since the end of the war in 1973. Presently, there are two people killed or injured every three days.

According to Boddington, the NRA is building on the survey information to develop papers on data collection and medical/rehabilitation service needs and advocacy in conjunction with government ministries and NGOs working to help victims. Of course, the biggest challenge is the lack of adequate funding for victim assistance. Currently, only about $2.5 million is available annually for data collection, medical care, physical and psychosocial rehabilitation, economic rehabilitation and vocational training, and advocacy. This funding comes through various NGOs and UNICEF. To meet the objectives of the Safe Path Forward Strategic Plan at least $4.85 million annually is needed.

## U.S. Assistance to Laos

Charles Stonecipher, program officer for Asia and the Pacific at the State Department's Office of Weapons Removal and Abatement (WRA), presented an overview of U.S. demining assistance and the history and future of funding in Laos.

Stonecipher began by providing an overview of U.S. demining assistance globally. Over the past 12 years, the U.S. has dispersed funds to about 50 countries for UXO clearance. In 2008, $78 million was spent, with half going to Iraq and Afghanistan. From the remaining funds, ten percent went to Laos. In 2009, Laos will receive a total of $3.5 million, dispersed through NGOs.

Stonecipher stated that it is difficult to strike a balance among funding for clearance, victim assistance, and risk education. Currently, most of the funding from WRA is for clearance-related work, with some small amounts of funding for victim assistance and risk education.

Stonecipher touched on progress related to the release of classified U.S. bombing data. Based on a request from the Lao government, the U.S. will be signing an agreement to provide

Office of Weapons Removal and Abatement
Bureau of Political-Military Affairs
U.S. Department of State

Congress provided $1,900,000 in the U.S.-Laos "bilateral line" of the Fiscal Year 2009 Nonproliferation, Anti-Terrorism, Demining (NADR) budget. PM/WRA was able to add an additional $1,798,000 from other parts of the NADR budget, which raised the total amount of FY-09 money spent in Laos of $3,498,000.

Mine/UXO Action assistance to Laos in Fiscal Year 2009:

Armor Group (assistance to UXO Lao and the NRA) $1,700,000

World Education (risk education and victims' assistance) 700,000

Mines Advisory Group (clearance) 650,000

Norwegian People's Aid (clearance) 400,000

Swiss Foundation for Mine Action (FSD) (capacity building, EOD training) 348,000

TOTAL $3,498,000

Source: Charles A. Stonecipher, PM/WRA, 202-663-0085, 5 November 2009

additional maps of strike data recently released from the Navy and Marines, where previous data was mostly from the Air Force. This will help to further identify contaminated lands.

The highlight of Mr. Stonecipher's presentation was his statement that "The NRA's UXO program in Laos has accomplished a great deal. It is one of the best programs in the world – the gold standard." He stressed that the program has improved efficiency significantly in recent years, stating that, "It spends money wisely and is a good partner."

Mr. Stonecipher went on to talk about the funding process and answered related questions. He spoke about the various levels of input that go into determining funding allocations, including the U.S. Embassy in Laos, WRA, and other offices within the State Department. He emphasized that WRA can make recommendations on funding, but ultimately Congress must allocate the money.

"The NRA's UXO program in Laos has accomplished a great deal. It is one of the best programs in the world – the gold standard."
— Charles Stonecipher

Generally, funding for UXO clearance is on a downward trend. In many countries UXO funding is being mainstreamed into general development rather than being maintained separately. One of the factors contributing to declining funding is the falling number of casualties, particularly in Vietnam and Cambodia. However, he stressed the exception of Laos, where cluster munitions have a longer life than land mines. Annual casualties in Laos have held steady through the 1990s and 2000s, while big declines have occurred in Cambodia and Vietnam.

WRA requested $3 to $3.5 million for Laos in FY2010. When asked to comment on the special $6 million allocation for the UXO sector in Laos proposed in the FY2010 Senate appropriation bill Stonecipher said in an ideal world, he would like to allocate $5 million a year to Laos – an amount he thinks can be spent wisely now, while more capacity for additional funding is developed. (Note: In December 2009 Congress passed the FY 2010 budget with a $5 million allocation for the UXO sector in Laos.)

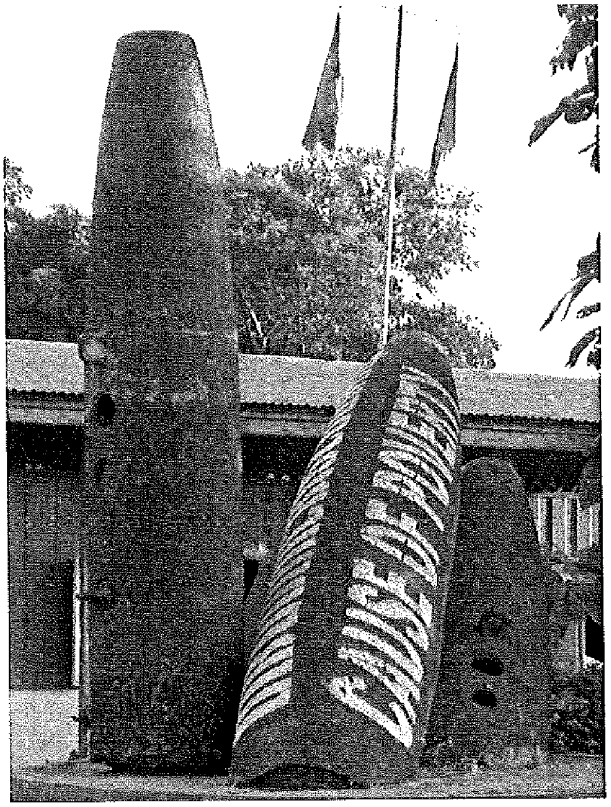
Stonecipher presented the key challenge for Laos: how to adapt its program for the long term – possibly training the army or local villagers in UXO clearance and medical trauma. Stonecipher concluded by underscoring the need for the UXO sector in Laos to start planning for ways to sustain its UXO clearance program once international funding ceases.



[NOTE: The preceding document was not reprinted here in its entirety but the full document is available in committee records.]

# UXO Sector Evaluation
# Lao PDR
# June-July 2008

## Final Report




**Robert Griffin**
**Robert Keeley**
**Phetdavanh Sayyasouk**

**July 2008**

# 1. Executive Summary

## Overview

This document reports the findings, conclusions and recommendation of an Evaluation of the UXO sector in Lao PDR carried out from 16 June to 18 July 2008. The evaluation was organized and funded by UNDP at the request of Government and concerned donors and operators. The four objectives of the evaluation were stated as follows:

1. Evaluate progress of the UXO Sector against the three objectives of the National Strategic Plan. Also examine the National Strategic Plan and make recommendations for revisions;

2. Evaluate whether the structure of the UXO Sector is correct and if the NRA is providing effective leadership, governance and coordination as stipulated in Part IV, Institutional Arrangements of the National Strategic Plan;

3. Evaluate the efficiency and effectiveness of UXO Lao and the progress achieved against its strategy; and

4. Review and assess the effectiveness of Government and donor support provided to the UXO Sector and the implementation of the National Strategic Plan.

Key findings, conclusions and recommendations are presented in the order the chapters of the report.

## Review of the UXO Problem in Laos

Population growth in rural areas and other socio economic trends are increasing the demand to put unused land into production thereby increasing human contact with UXO-contaminated land. In addition, mining, hydropower and plantation projects are being implemented in areas with UXO contamination. These activities coupled with tourism-related building are driving spending on construction. Construction requires iron re-enforcing bars (rebar). The demand for rebar has expanded the search for scrap metal, the primary ingredient in rebar. Bomb fragments and shrapnel are a major source of scrap metal. With rising prices and demand for scrap, the collection of scrap metal is likely to continue to contribute to informal and undocumented clearance of UXO.

Updating a study of agricultural land use carried out by JICA in 2001, the Evaluation Team has attempted a new estimate of contaminated, unused land whose productive value would make its UXO clearance worthwhile for agricultural development. The exercise, which used a number of generous assumptions, yielded the following results: 22,000 hectares of land are available, which at current rates of clearance, could be cleared in 16 years. A number of potential refinements to the calculations and adjustments to clearance capacity could reduce the time to 10 years.

## UXO Sector Performance

The objectives in the National Strategic Plan for the UXO Programme in Lao PDR for 2003-2013 are as follows:

a. Community Awareness: "UXO/Mine Risk Education (MRE) teams will visit and deliver MRE training to all impacted communities in Lao PDR (as identified in the 1997 National Impact Survey), and UXO/mine accidents will be reduced to a national accident rate not exceeding 100 persons/year";

b. Survey and Clearance: "All agricultural areas considered to be 'high priority' will be cleared, as well as a sizeable portion of other areas identified as 'medium priority' – for a total of no less than 18,000 hectares (180 square km) of land cleared by UXO Lao alone";

c. Victim Assistance: "A national database on Mine/UXO accidents (covering all 18 provinces) will be developed and updated regularly, to feed into the prioritisation of clearance and MRE tasks. The specific needs of survivors of UXO/mine accidents, in terms of both physical rehabilitation and socio-economic integration, will be factored in all national/local public health initiatives";

Progress towards these objectives was found to be as follows:

- Given that UXO Lao alone has conducted community awareness activities in 6,659 villages over the last ten years and that other operators also conduct risk education activities, it is likely that community awareness activities have reached the 2,861 villages identified in the National Impact Survey of 1997. However, there has not been any check off process to ensure that the villages where community awareness activities are conducted are indeed on the list of impacted villages.

- The NRA office currently estimates the number of UXO victims at 300 per year, far above the target of 100 persons per year. It should be noted, however, that the target in the Strategic Plan was set without the benefit of a credible accident and victim data baseline. As data has become available, it has become clear that the target in the Plan was unrealistic.

- The national database on UXO accidents, including historical data, should be fully operational by year-end.

- The needs of survivors of UXO accidents are incorporated into national and local public health, social welfare and vocational education initiatives. The concerned Government organizations accept full responsibility for the needs of survivors and do not discriminate against victims on the basis of cause of accident in the provision of health and social services.

- UXO Lao's area clearance target between 2003-2006 was 5542 Ha. Actual clearance during the period was 5798 Ha. At current rates of clearance, the target will be achieved by the end of 2013.

- No records have been kept in regard to the distribution of high and medium priority.

## The National Regulatory Authority

The Government created the NRA in 2004. With support from a UNDP-funded project approved in early 2006, the NRA and UNDP, often referred to as the NRA Board, have established the NRA office. Thus, the NRA office has been in operation for only a little over two years and is still a work in progress. At this writing, the basic organizational structure of the NRA office is in place to address the core functions of the NRA, Lao personnel have been hired for management and technical positions, and a core of six international technical advisors are on board – provided by various donor organizations - to provide technical guidance and build capacity. In general, the office has been established in an expeditious manner and its operations moving forward smoothly, if slowly.

At present, the NRA office is a temporary structure, the project implementation unit for the UNDP-funded project. All Lao personnel working at the NRA office are paid by from UNDP project funds. As a project, the NRA office is dependent on the donor funding arrangements that are likely to prove to be unpredictable.

The NRA office is leading a number of substantive initiatives in the sector. These include:

- Promotion within the Government of Lao PDR of accession to the cluster munitions treaty. Accession to this new convention may bring with it substantial new resources that could be used for additional UXO activities.
- Promotion of implementation and review of the current strategic plan, "The Safe Path Forward", which was approved before the creation of the NRA.
- Providing basic data and reports to stakeholders in Government and the international community on UXO activities and achievements against the national strategic plan.

In other areas, more needs to be done. The NRA and the NRA office have not been able to fully communicate the new role and functions of the NRA to all concerned parties. As yet, many in Government do not fully understand that UXO Lao and the NRA have become separate entities and the nature of the NRA's regulatory functions.

On another issue, NRA leadership on the mobilization of Government resources to support UXO institutions and programs has not been bold enough to satisfy some donors who regard Government financial contributions to NRA and UXO Lao as too low and as a sign of lack of Government commitment to the sector.

The NRA office has carried out some useful coordination work in the sector.

- The NRA office with strong donor support has organized sub-sector working groups of all interested stakeholders on UXO clearance, risk education, and victim assistance.
- A sector-level working group has been organized and held its first meeting in mid-July.

In regard to governance functions within the sector - accreditation, quality assurance and post clearance assessment - the office has been moving forward slowly.

## UXO Lao

In general, the findings of the evaluation on UXO Lao are reasonably positive. Since 2002, UXO Lao has gone through some significant changes in size and scope, and is now positioned as an 'operator' in the sector providing services in area clearance, roving clearance and community awareness. It is successfully meeting its clearance targets.

However, there are some detailed observations about the current structure and performance of UXO Lao that are still worth further attention.

Prioritization is the key issue in the context of the UXO sector. If UXO Lao's targets are not appropriate, the impact of its activities is unlikely to be optimum. The Evaluation Team finds that the prioritization process used by UXO Lao is complicated, unwieldy and, as a result, rather unresponsive. Another facet of the UXO Lao prioritization process that contributes to this unresponsiveness is the inflexibility of provincial work plans. Work plans are prepared for the year and it appears that new urgent tasks are not readily accommodated, because "they are not in the work plan".

Community awareness activities appear to have reached diminishing returns. A case study of Champassak Province suggests a weak relationship between the UXO accident rate and community awareness. The case study suggests that people who are able and willing to modify their behaviour have done so, and that we are now in a situation where provision of 'knowledge' about UXO is unlikely to make much of a difference; i.e. the community awareness activities are in a situation of diminishing marginal returns.

The main target established for UXO Lao in the National Strategic Plan is for area clearance. Roving tasks are not mentioned. As a result, UXO Lao managers are highly focussed on planning and managing area clearance. In addition, there is a prevalent sense of risk-averseness amongst UXO Lao managers about dealing with large aircraft bombs, resulting in a backlog of these roving tasks. As noted in Chapter 3, an increase in roving activities appears to be critical in order to address the problems of UXO accidents among the population of intentional risk takers.

A survey method that results in land being deemed free of UXO on the basis of a sampling procedure would greatly enhance the productivity of clearance activities. Unfortunately, no such method has been discovered. The "Enhanced Technical Survey" recently introduced by UXO Lao has a low level of statistical confidence and, in any event, does not result in savings of time or labor. Its apparent success is based on the fact that it has been applied on land with a low probability of contamination.

UXO Lao and the other area clearance operators lack a sound methodology for cost capture. Such a method is essential for sustainable operations and for "level playing field" tendering in a market where some operators are subsidized to varying degrees and others operate on a commercial basis. The report provides a standard methodology for full cost capture.

## Government and Donor Support

The Evaluation Mission's findings on Government and donor support to the UXO sector are reported in relation to key elements of the Vientiane Declaration. Key findings include:

- Numerous Government offices including the Office of the Prime Minister, the Ministry of Labor and Social Welfare, the Ministry of Health, the Ministry of Education, the Ministry of Foreign Affairs, and many provincial and district offices are actively participating in and making in-kind contributions to the UXO programme. Direct financial contributions have been negligible, however.

- While UXO operators have aligned their activities with the national UXO strategy, other development agencies have not fully integrated UXO issues into their plans.

- Unresolved systemic issues in regard to the efficacy of Government systems retard the use of Government systems and procedures.

- The sector is sufficiently well coordinated and programme-oriented under the mechanisms (working groups) that have been put in place.

- Given the dearth of direct Government funding, donors can take a great deal of credit for the successful implementation of the key aspects of the National Strategic Plan.

Despite clear evidence of Government commitment to the sector, many activities in the sector have the appearance of being donor-driven. Donor support for the sector has been generous, perhaps excessively so. The NRA office and UXO Lao have a total of 14 international technical advisors. With support and funding on this order of magnitude available, the Government has had little incentive to provide counterpart funding.

## Recommendations

The Evaluation Mission has provided 8 pages of detailed recommendations in Chapter 8. Chief among them are:

- Using the results of the scoping exercise to develop a time-bound programme for large scale clearance of UXO;

- Integrating UXO strategic planning with national socio-economic planning;

- Re-orient the sector to focus on two areas, accident prevention and area clearance;

- Targeting accident prevention on high risk groups – intentional risk takers – who are opening and farming contaminated land or engaged in the scrap metal trade;

- Expand roving teams to deal with spot UXO tasks and support accident prevention;

- Expanding the regulation and oversight of the NRA office to include large scale development and investment projects;

- Maintaining the status of the NRA office and UXO Lao as GOL-UNDP programmes;

- Encouraging MOFA to reform the cumbersome MOU process;
- Determining the locus for long-term bomb disposal capacity in Government and taking steps to create and institutionalize that capacity.

## 8. Recommendations for the Structure of the UXO Sector and the Next National Strategic Plan

The evaluation mission makes the following recommendations based on the findings and conclusions in the chapters above.

### Scoping

- A strong correlation exists between high levels of UXO contamination and the 47 poorest districts. The overall scope of the UXO clearance program should be based on the clearing of all potential paddy land likely to be contaminated and that a proportion of the potential upland cultivation should be cleared in the 47 poorest districts. With more resources, the 25 poor districts could be included as well.

- Where possible, other upland areas should be released by technical survey, if a credible survey process can be developed. Land released by survey would be faster and more cost-effective manner than achieved solely by full clearance.

- The scoping results initially indicated that the clearance of the land included above would require16 years at current rates of clearance. This period could be shortened by a number of years 1) with the provision of additional resources, 2) further improvement of survey and clearance techniques, and 3) further refinements in the definition of contaminated land, such as, removal of land in concession areas and land already cleared from the current estimate.

- The original JICA analysis appeared to have a more exacting method of identifying the highest-potential agricultural land. The NRA office should continue to research this and other relevant land use and land cover data, perhaps through an extension of its intern program.

- Given the dynamic nature of the situation (i.e. the potential for further changes in the values of the most sensitive inputs over time), the cost-benefit analysis model should be periodically re-run to identify the effect of changes in circumstances. The NRA office could undertake this work.

- There is some discussion in the sector that it's coverage should be expanded beyond the current nine provinces currently covered. The scoping and resource allocation models developed as part of this evaluation could help establish a means of quantifying the requirement.

### The UXO Sector

- Suggested Sector Themes. The structure of the UXO sector should be refined to focus on two thematic areas: 1) accident prevention and 2) area clearance of UXO.

- Accident prevention would emphasize targeted activities for groups at high risk of accidents, namely, people involved in scrap metal collection and processing and 2) people



[NOTE: The preceding document was not reprinted here in its entirety but the full document is available in committee records.]

STATEMENT SUBMITTED FOR THE RECORD TO THE HOUSE OF FOREIGN AFFAIRS COMMITTEE SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT

HEARING ON LEGACIES OF WAR: UNEXPLODED ORDNANCES IN LAOS

APRIL 22, 2010

Constance Woodberry

Senior Program Officer

World Education

Chairman Falcomavaega, thank you for taking the initiative to hold this historic hearing on Unexploded Ordnance in Laos. Thank you too for accepting my statement.

My name is Connie Woodberry. I am the Senior Program Officer of World Education, a U.S.-based NGO which has been working in Laos since 1992 and with UXO accident survivors since 1994. Over the past eighteen years World Education has worked to improve the lives of vulnerable children and adults through agriculture, education, health, and vocational programs in almost every province in Laos. World Education Laos staff work at the village, district, provincial and national level. Based on the results of projects, staff participate at the national level advocating for policy changes.

The impact of UXO in Laos is devastating. The highest concentration of UXO are found in poor and remote areas in Laos. There is no question that the priority for U.S. funding for Laos should be to systematically remove the UXO from Lao soil. In addition, U.S. funding should continue to support Survivor Assistance and Unexploded Ordnance Education and Awareness. The programs I briefly describe below have been funded primarily by USAID's Leahy War Victims Fund, U.S. Department of State/Bureau of Political Military Affairs/Office of Weapons Removal and Abatement, and UNICEF. Private foundations and donors also contribute to these projects.

**Unexploded Ordnance Education and Awareness in the schools**

Over the past ten years World Education has succeeded in making UXO Education and Awareness a part of the formal school curriculum in 40 districts in the nine provinces of Lao PDR which are most heavily impacted with UXO. World Education staff have developed the curriculum, trained over 560 Lao Ministry of Education principals and administrators, 6,700 teachers, and over 200,000 students in these nine provinces. From these schools along the old Ho Chi Minh trail, over 100 puppetry troupes use a traditional Lao form of entertainment to educate their fellow students and community members about the dangers of UXO, what the bombs look like, and what to do if they see them. Perhaps this sounds simplistic, but to a group of fun-loving children, who are attracted to these small, colorful, ball-shaped "bombies", it is

extremely important to hear this message over and over again. Measures of success have been primarily the stories students and teachers have told, such as, "I told my teacher about the bombie, rather than picking it up" or "Ang convinced his friends not to pick up the bombie." Last year a mother reported that, after her son attended a UXO Education class, he insisted that she not touch a "bombie" found in their backyard that she wanted to pick up and take to the authorities. World Education is presently advocating with the Ministry of Education to make UXO Education and Awareness a part of the national curriculum. UXO Education is essential until the land is safe.

**Improved Emergency Medical Care**

Health care in Laos, particularly in the rural areas where UXO are most commonly found, is inadequate to say the least. There is no running water or electricity. Often there are not enough drug supplies, equipment, or trained professionals to provide much more than first aid. At the district hospital there are doctors and nurses, and sometimes, there running water and electricity. At the provincial hospital there are surgeons, nurses, a lab and x-ray technician. However, until recently, emergency medical care, with sterile conditions, low post-operative infection rates, effective wound management, and appropriate follow-up care were not often seen. Now, after 15 years of World Education being on site and training surgery teams, lab and x-ray technicians, nurses, pharmacists, and hospital administrators, the emergency medical care in four provinces (Xieng Khoang, Houaphan, Salavan, and Champassak) has improved tremendously. The post-surgery infection rate has decreased, revolving drug funds have been set up to ensure the quantity and quality of appropriate drugs, medical funds are available to ensure payment of medical care for UXO survivors, and good pre-release plans are developed with the UXO survivor and his/her family. This training has all taken place in Laos. It is not perfect – the provincial hospitals maintain their higher standards, while the district and sub-district health systems can effectively handle only the simplest injuries for UXO accident victims and then transport the victims to the provincial hospital. There is still a lot of work to be done at the village level and in other provinces.

**UXO accident survivor assistance**

DOS/Bureau of Political-Military Affairs/Office of Weapons Removal and Abatement funds World Education to implement projects that assist UXO survivors and their families to improve their economic situation. After a UXO accident a Lao family, who already could barely can make ends meet, loses one productive member of their family, either from not physically being able to work or from needing to care for the injured family member. The psychological wounds from an accident often stop children from wanting to socialize and go to school or stop adults

from feeling as though they can lead a normal life. World Education has provided vocational training and start-up grants, appropriate to the needs of the UXO survivor, to over 250 families.

The descriptions of the above projects illustrate that while removal of UXO is the priority, it is essential to also alleviate the horrific psychological and physical wounds caused by these accidents. In Laos a small amount of funding makes a huge impact in people's lives. In FY 2010 Congress designated $5 million specifically to address the UXO proliferation in Laos and directed the Department of State "to plan for similar or higher funding levels for these purposes in subsequent fiscal years." The Department of State however is only requesting $1.9 million for next year (FY11). **This is immoral.** It will mean the termination and cutting back of UXO clearance and survivor assistance projects.

I have traveled to Laos twice a year for over 15 years. Each time I hear stories and I meet individuals and families whose lives have been ruined by a UXO accident.

Many UXO survivors suffer rejection by community and family in addition to their wounds. Mai, 21 years old, had just moved to a new village with her husband and 3-year-old daughter. She was cutting bamboo shoots in the forest when she stepped on a landmine. After the lower part of her right leg was amputated, her husband left her and her child.

Many UXO survivors suffer horrific wounds and need years of treatment and re-treatment. Another victim, Ye Yang, 22 years old, had just gotten married. He worked in the town dump where he was burning trash when a "bombie" buried in the ground, exploded in his face, through the burning trash pile into his face. He did not die but he received third-degree burns over his upper body and his face was totally disfigured. World Education was able to coordinate care with an Australian plastic surgery team in 2010, to reconstruct his eye lids, helping him keep his sight. He still will require repeated surgeries and skin grafts.

Many UXO survivors are children and innocent bystanders. I walked into one Vientiane hospital room to meet Bouakham, a young 10-year-old girl, whose father had been out hunting. He picked up odds and ends of metal he found in the woods and carried them back to his village in a sack, planning on selling the scrap metal. When he arrived home he threw the sack on the dirt floor. Unbeknownst to him, there was a "bombie" amongst the metal pieces and it exploded immediately, killing his brother and severely wounding his daughter, Bouakham. She received a severe open fracture of her arm, which could not be treated in Xieng Khouang Province so she had to be transferred to Vientiane for surgery. The accident also left her blind in one eye.

Many UXO survivors are injured while doing the same daily routine activities that they have done for years, until their lives are changed by one cluster bomb. Phim, 40 years old, was cooking the family's breakfast in Na Thong village, Salavan district, when a bomb which had been lying beneath the ground for more than 30 years exploded. Shrapnel shot into Phim's liver and spleen. She was unconscious and covered in blood. The village headman carried her on a wagon behind a tractor for an hour over the bumpy dirt road to the provincial hospital in Salavan

where she received emergency surgery to remove the shrapnel and a blood transfusion. She survived.

All of these people could have been devastated through these severe injuries. However, if UXO survivors receive appropriate medical assistance, as has been provided through funding from USAID and DOS/ WRA and private donors, they can restart their lives. All the above people received immediate medical funding through a fund co-managed by World Education and the Departments of Health in the concerned provinces, so the families were not bankrupted by the accident. World Education provided funding so Mai could study weaving to improve her skill and she is now earning money weaving and helping to teach weaving skills to other UXO survivors and women with disabilities. The costs of Ye Yang's treatments already exceed $6,000, a prohibitive sum for a poor Lao family. His medical costs were covered by a fund set up by DOS/PM/WRA and private funders.

Survival and return to a productive life have been possible for many UXO accident survivors because of the funding from the U.S. government.

**U.S. Government funding**

While this committee does not set the NADR budget, it does have influence with the committees that do. This committee can inform the Department of State about foreign affairs issues which are of priority concern to the U.S. Low and inconsistent U.S. funding for UXO action in Laos is certainly a priority concern.

Thank you Chairman Faleomavaega and Subcommittee members for your attention to this extremely important issue. I appreciate the chance to submit this testimony.

**4/22/2010: "LEGACIES OF WAR: UNEXPLODED ORDNANCE IN LAOS"**
**HOUSE FOREIGN AFFAIRS COMMITTEE**
**ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT**

**STATEMENT SUBMITTED FOR THE RECORD BY**
**HANDICAP INTERNATIONAL**

Handicap International would like to thank Chairman Faleomavaega and members of the Subcommittee for holding the April 22, 2010 hearing entitled, "Legacies of War: Unexploded Ordnance in Laos," which calls attention to the problem of cluster bomb contamination in Lao PDR left over from U.S. bombings (1964-1973) and U.S. obligations to assist in the funding of cluster bomb clearance activities. We are also grateful to Scott Marciel of the U.S. Department of State, Channapha Khamvongsa of Legacies of War, Robert Keeley of the Humpty Dumpty Institute, and Virgil Wiebe of the Mines Advisory Group for their testimony before the committee. Finally, we thank the subcommittee for the opportunity to submit additional information for the record.

Thirty-five years after the war, unexploded ordnance (UXO) in Laos continues to present major humanitarian and socio-economic challenges. The presence of UXO has had a detrimental impact on the poverty reduction efforts implemented by development agencies, such as Handicap International, as well as local initiatives to improve villagers' living conditions. Aside from the direct implications for victims, the presence of UXO prevents access to agricultural land, is a major threat to food security and causes increased pressure on the natural environment. Health care facilities in affected areas are also limited, and what little care is available is of low quality.

Handicap International is an international nongovernmental organization that works to improve the living conditions of people living in disabling situations in post-conflict or low-income countries around the world. Our programs reduce and address the consequences of disabling accidents and disease; clear landmines and prevent mine related accidents through education; respond fast and effectively to natural and civil disasters in order to limit serious and permanent injuries and assist survivors with social and economic reintegration; and advocate for the universal recognition of the rights of the disabled through national planning and advocacy. Handicap International is a co-founder of the Cluster Munition Coalition and the International Campaign to Ban Landmines, which was awarded the 1997 Nobel Peace Prize. Handicap International has taken a holistic approach in addressing the needs of UXO survivors, their families, people with disabilities and other vulnerable groups in Laos. Our intervention began in 1996 when Handicap International was selected by Laotian authorities to conduct a national survey on the effect of UXO in Laos. We have since focused our activities on clearance, risk education, road safety and the integration of people with disabilities into the community. We currently work in 30 villages in three districts (Nong, Villabuly and Xepon) of Savannakhet

province, which is the most affected province in Laos, accounting for more than 70 percent of all confirmed cluster submunition casualties from 1965 to 2007.

Despite the considerable efforts of both the Lao people and NGOs, the most daunting challenge remains the magnitude of contamination by unexploded ordnance. In its strategic plan for 2010 to 2020, the government of Laos states that, "The full implementation of this strategy will require a significant increase in international assistance over its ten year period." The United States has a unique responsibility to help create a UXO-risk free future for Laos given its widespread use of cluster munitions three decades ago. With additional financial and technical resources current clearance rates could be increased, the reach of risk education could broaden, and assistance to survivors and their families could be expanded to reach thousands more Lao families still suffering the consequences of a war fought more than three decades ago.

Handicap International calls on the United States to join both the 1997 Mine Ban Treaty and the 2008 Convention on Cluster Munitions, and to show increased support for clearance, risk education and victim assistance programs in Laos and throughout all UXO affected areas worldwide.

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STATEMENT SUBMITTED FOR THE RECORD TO THE HOUSE FOREIGN AFFAIRS' SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT
HEARING ON LEGACIES OF WAR: UNEXPLODED ORDNANCES IN LAOS
APRIL 22, 2010

By Titus Peachey
Director of Peace Education
Mennonite Central Committee U.S.

Let me begin by offering my sincere thanks to Chairman Faleomavaega, the subcommittee and staff for organizing this historic hearing "Legacies of War: Unexploded Ordnances in Laos." This hearing provides an opportunity to shine a light on a painful past and to focus on clear, achievable steps that our country can take to contribute to a positive future in the villages of Laos.

I write these reflections after 30 years of work on the tragedy of failed cluster munitions in Laos. My wife Linda and I first worked in Laos from 1980-1985 as co-directors of the Mennonite Central Committee[1] aid program. I returned for 6 months in 1994 to coordinate MCC's participation in the Bomb Removal Project and have made several working return trips, most recently in 2005.

**A Painful Past**

In the early years after the war, we only knew that the war had devastated Laos and seeded large portions of the land with deadly debris. We had no data. We didn't know that the U.S. had dropped a total of 260 million cluster bomblets. We didn't know that 30% of the bombs had failed to detonate and that some 75 million still lurked in the soil. There were no surveys, maps or demining teams. There was no mines risk education. It was simply Lao villagers on their own, struggling to survive on the land they loved.

The few brief stories below, representative of the many we encountered, help us understand the meaning and long-term impact of such a massive air war.

- In 1977, four years after the end of the bombing, MCC workers Linda and Murray Hiebert joined a western delegation to visit Laos' heavily bombed Xieng Khouang Province. A haunting image from their report is that of a bulldozer clearing an area for the construction of a school, with the students and teachers following along behind carefully picking up the exposed cluster bomblets left behind by the U.S. bombing.

  These were not the actions of careless or irresponsible people. To survive in the vast areas of Laos that had endured the air war, villagers had to deal with cluster bombs, even if it meant using their two bare hands.

- In April of 1981, my wife Linda met a family in the town of Muong Kham who had lost their mother the day before. This mother of 11 children had been hoeing in her garden, opening up new land for planting. Her hoe struck a bomblet which exploded, killing her. The woman's husband gave Linda the shattered hochead and urged her to tell the story back in the U.S., believing that it may help avert such tragedies elsewhere. Her hoe head remains with us, a grim reminder of the toll that war exacts on a people long after news of the war disappears from the headlines.

- In 1986 Phounsy, age 8 and her little cousin Pha, age 6 found a yellow cluster bomblet in the forest near their home. Their innocent play turned into tragedy when Pha lost his life after throwing the bomblet against a tree. To this day, when Phounsy retells the story, she relives the trauma

- On March 20, 1998 Mr. Phou Vieng was digging several small holes in the earthen floor of his home to stabilize his bedposts, when his digging tool hit a cluster bomb buried in the soil. He lost an arm and a leg in the explosion. The flying shrapnel hit a fuel barrel which ignited and burned down the house. Phou Vieng barely survived.

Perhaps the real tragedy of these stories is that they are not the least bit remarkable. In the immediate aftermath of the war cluster bombs were so commonplace that they had become a normal part of the natural landscape. Villagers showed us cluster bomblets on the hillsides, along village paths, in the stumps of trees, at the bottom of bomb craters, hidden in fence rows, on grazing land and in the rice paddy fields. They showed us the bomb containers, some of which still bore the names of the U.S. companies which had manufactured them. They showed us the wounds on their bodies and their crudely fashioned artificial limbs. They showed us the photos of family members lost.

For 20 years after the end of the war Lao villagers survived on their own without any technical assistance or organized humanitarian demining program. This means that a whole generation of Lao has grown up associating the United States with the bombs that threaten their lives on a daily basis. Indeed, no Lao person living in the affected areas who is under the age of 40-45 can remember a time when they did not live among the bombs.

Even after years of effective clearance work, the challenge remains great. A brief look at the village of Nanou in Xieng Khouang Province highlights the long and tedious nature of the ordnance problem.

Nanou was the first village to be cleared of ordnance in January of 1995. Only the ordnance found on the surface was destroyed, as subsurface clearance with metal detectors is too labor intensive to be used everywhere. In January of 2005, MCC workers made a return visit to chart the village's progress. During this visit, we learned that clearance teams had been called back to the village 26 times since 1995 as more ordnance became exposed due to erosion. Over this 10-year period nearly 1,500 cluster bomblets

were found and destroyed, an average of nearly 3 bombs a week. In addition, another 1,350 pieces of ordnance (grenades, mortar shells, etc.) were also found and destroyed.

The good news is that the villagers of Nanou were able to rely on the Bomb Removal Team to clear an area with metal detectors which they planned to use for a tree nursery. While this granted them a strong measure of safety, it came with a price tag. Indeed in the context of Laos' subsistence agricultural economy, cluster bomb clearance and rehabilitation for survivors places an enormous burden on everyone. Building a school or a clinic, digging an irrigation ditch or a post hole are all much more expensive because of the presence of unexploded ordnance (UXO). Cluster bomb clearance is crucial not only because it reduces the human pain caused by casualties, it is a critical component of long-term development efforts.

**A Positive Future**

At the end of the war in 1975, there were many obstacles that prevented the rapid cleanup of unexploded ordnance in Laos. Political relationships between Laos and the U.S. were severely strained. There were no non-governmental demining agencies in operation. Laos had been devastated by the war and lacked both the economic resources and technical expertise to deal with the vast quantities of unexploded ordnance

Much has changed in the past 15 years since the Bomb Removal Project has been in operation. There is a strong cadre of well-trained and experienced deminers who have greatly improved the efficiency of their work. The National Regulatory Authority has gained respect as a coordinating and monitoring body. The U.S. government has contributed an average of $2-$3 million dollars a year for clearance work in Laos. A spokesperson for the office on Weapons Removal and Abatement has characterized Laos' efforts as the "gold standard." Political relationships have warmed greatly and Laos achieved Normalized Trade Relations status with the U.S. in 2004.

Despite these positive developments, the U.S. contribution to the UXO sector in Laos remains weak and tentative. U.S. contributions have not begun to approach the scale of the problem, they have not matched the level of U.S. responsibility, and are a mere fraction of the nearly $3 million spent daily on the air war. In a context of devastation as great as any inflicted by the U.S. since WWII, the U.S. has provided charity rather than developing a comprehensive response to the problem. Less than 1% of the contaminated land has been cleared. Casualties remain at a level of 300 a year. Survivors have inadequate medical care, lack of support for the fitting and maintenance of prostheses and little attention to psychological care and trauma healing.

The stage is set for the U.S. to help create a new legacy, so that the fields and gardens of Laos can be planted and harvested in peace. The National Regulatory Authority's ten year plan (*Safe Path Forward: 2010-2020)* offers clear, achievable goals, including a reduction of casualties from the level of 300 a year to a maximum of 75 per year. A U.S. contribution of up to $10 million/year over a period of 10 years, coupled with the contributions from other international donors, would give Laos the support it needs to

significantly reduce the risk created by unexploded ordnance and address the many needs of victims.

The world will be gathering in Vientiane in November of 2010 to review the status of the Convention on Cluster Munitions. Government delegates from around the world and international media outlets will have a high level of interest in the status of cluster bomb clearance and victim assistance in Laos. Press coverage on the state of clearance work and victim assistance in Laos will be extensive.

This venue provides the U.S. government with a ready-made opportunity to announce a long-term commitment to clearance and victim assistance in Laos on a scale that is commensurate with the problem.

Significantly, today's hearing on April 22, 2010, is 39 years to the day that the Senate Subcommittee on Refugees held hearings on Laos in 1971. At that hearing, the Senate heard gripping testimony of the devastating bombing campaign and its displacement of entire villages over much of northern Laos. While the war ended several years later, the important follow-through on clearance and victim assistance remains unacceptably small in relation to the need. Let us ensure that the legacy of this hearing is one that will be clearly visible and positive for the people of Laos.

Once again, thank you Chairman Falcomavaega for the opportunity to present this written testimony.

Titus Peachey

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[i] Mennonite Central Committee (MCC), is a relief, development and peace-building agency of Mennonite and Brethren-in-Christ churches, which began working in Laos in 1975, just two years after the end of the U.S. bombing campaign. In 1994, MCC partnered with the Mines Advisory Group and the Lao National Committee for Social and Veterans Affairs to begin the Bomb Removal Project. This effort continues today under the direction of the National Regulatory Authority, with UXO Lao as the implementing agency.

4/22/2010: "LEGACIES OF WAR: UNEXPLODED ORDNANCE IN LAOS"
HOUSE FOREIGN AFFAIRS COMMITTEE
ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT

STATEMENT SUBMITTED FOR THE RECORD
BY MR. ZACH HUDSON, COORDINATOR,
U.S. CAMPAIGN TO BAN LANDMINES AND CLUSTER BOMBS

On behalf of the United States Campaign to Ban Landmines and Cluster Bombs (USCBL), I would like to thank Chairman Faleomavaega and members of the Subcommittee for holding the April 22, 2010, hearing entitled, "Legacies of War: Unexploded Ordnance in Laos," — which calls attention to the problem of cluster bomb contamination in Lao PDR left over from U.S. bombings (1964-1973), as well as the U.S. funding of cluster bomb clearance activities in Lao PDR. I also acknowledge Scott Marciel of the U.S. Department of State; Channapha Khamvongsa of Legacies of War; Robert Keeley of the Humpty Dumpty Institute; and Virgil Wiebe of the Mines Advisory Group for their testimony before the committee. I also thank the subcommittee for the opportunity to submit additional information for the record.

The U.S. Campaign to Ban Landmines and Cluster Bombs, currently coordinated by Handicap International, is a coalition of thousands of people and U.S. nongovernmental organizations working to: (1) ensure there is no U.S. use, production or transfer of antipersonnel landmines and cluster munitions; (2) encourage the U.S. to join the 1997 Mine Ban Treaty and the 2008 Convention on Cluster Munitions; and (3) secure high levels of U.S. government support for clearance and assistance programs for victims of landmines, cluster munitions and other explosive remnants of war. The USCBL is the U.S. affiliate of the International Campaign to Ban Landmines (ICBL) — the co-laureate of the 1997 Nobel Peace Prize — and the Cluster Munition Coalition, an international coalition working to protect civilians from the effects of cluster munitions by promoting universal adherence to and full implementation of the Convention on Cluster Munitions.

The USCBL would like to offer some additional input on: (1) the level of contamination in Lao PDR; (2) the impact of this contamination on casualty rates and land release; (3) current and future U.S. funding levels for clearance activities in general — and for Lao PDR in particular; and (4) the U.S. position as regards the 2008 Convention on Cluster Munitions and future prohibitions on the production, export, stockpiling, and use of cluster munitions.

The USCBL believes that the U.S. should increase funding levels for clearance activities in Lao PDR to $7 million in FY2011, and to $10 million annually for 10 years thereafter. We also believe that there should be a specific amount designated for humanitarian mine action (HMA) — clearance of cluster bombs and landmines — in the FY2011 budget, and an increase of the combined International Trust Fund (ITF) and HMA amount within the *Conventional Weapons Destruction* nearing $109 million. Finally, we believe the U.S. should join the 2008 Convention on Cluster Munitions as soon as possible.

The level of ERW/UXO contamination in Lao PDR is extensive. The ICBL's *Landmine Monitor Report 2009* states, "***Lao PDR has the world's worst contamination from unexploded submunitions*** [and] it also has extensive air-dropped and ground-fired UXO as well as anti-vehicle and antipersonnel mines. The cluster munition remnants date back to the Indochina War of the 1960s and 1970s when Lao PDR experienced the heaviest aerial bombardment in history. ***The United States dropped more than 2 million tons (2 billion kg) of bombs between 1964 and 1973, including more than 270 million submunitions."*** This amount was 210 million more tons than have been dropped in Iraq. The intensity of the bombing equates to a planeload of bombs dropped every eight minutes, 24 hours a day for nine years. ***An estimated 78 million of these bombs did not detonate on impact and now remain as explosive remnants of war.*** The Report also states, "Lao's National Regulatory Agency (NRA) says that 10 of Lao PDR's 17 provinces are 'severely contaminated' by ERW, affecting up to a quarter of all villages. A 2002 evaluation by the Japan International Cooperation Agency estimated that 236.8km$^2$ of potential agricultural land was contaminated by UXO."

The impact of this contamination for the Lao people has cost the loss of many lives; permanent disabilities inflicted, and precious acres of land made inaccessible for farming, schools or post-conflict rebuilding. The casualties have been vast. According to Handicap International, ***more than one-third of all confirmed cluster munitions casualties in the world have occurred in Lao PDR.*** In total, more than 50,000 casualties have been recorded since 1964. Since the last cluster bomb was dropped on Lao PDR in 1973, the International Committee of the Red Cross estimates that 11,000 Laotian civilians, many of whom were not born when the bombs were dropped, have been killed or injured by an unexploded cluster dud. In fact, the Lao National Survey of UXO Victims and Accidents (conducted in 2008) found a total of 2,184 casualties in the last 10 years alone. Legacies of War reports that each year there continues to be close to 300 new casualties in Lao PDR. About 40 percent of the accidents result in death, while 60 percent of the victims are children. Contamination also means that land cannot be used for farming to feed communities; for constructing schools to educate students; and for rebuilding homes, roads, hospitals and other crucial infrastructure.

While the U.S. government spent more than $2 million ***a day*** for nine years (the equivalent of $17 million a day in 2010) to bomb Lao PDR, it has contributed on average only $2.7 million a year over the past 15 years toward UXO clearance programs. The USCBL was pleased to see that the designated amount for clearance funds in Lao PDR increased to $5 million in FY2010. However, we were concerned to see that this proposed allocation for FY2011 is only $1.9 million.

This reflects an overall disturbing decrease in funding for humanitarian mine action in general. We note with concern that in the State Department's FY2011 foreign operations budget request, funds for humanitarian demining have been consolidated with funds for small arms and light weapons under a heading of *Conventional Weapons Destruction* in the combined amount of $138 million. For the first time within this budget for *Conventional Weapons Destruction,* no specific line item amount for HMA exists. In FY2010, the combined *Conventional Weapons Destruction* heading amount was budgeted for $150 million — of which an estimated half was designated for demining and survivor assistance ($74 million for HMA

specifically). Even if half of the $138 million will also be used for HMA in the FY2011 cycle, that would still only yield $69 million — reduced from $97 million appropriated for HMA in the FY2009 cycle. Furthermore, the $12 million consistently appropriated for the International Trust Fund (ITF) in recent years has been reduced in the FY2011 budget to $7 million. Combining the *Conventional Weapons Destruction* line item amount with the ITF line item amount would mean that the total HMA budget — even if half of the general *Conventional Weapons Destruction* line item were to be reserved for HMA in FY2011 — would have dropped from $109 million in FY2009 to $96 million in FY2010 to $81 million in FY2011.

The U.S. has consistently been the world's strongest supporter of humanitarian mine action. Providing more than $1.5 billion in mine-related foreign assistance since 1993, U.S. efforts to help countries clear cluster bombs and landmines, and to provide aid to survivors is commendable. We ask Congress to maintain U.S. leadership in this area and show support for strategic clearance plans by designating a specific line item for HMA in the FY2011 budget and increasing the combined ITF and HMA amount within the *Conventional Weapons Destruction* heading to $109 million.

We also agree with Legacies of War's recommended commitment of $7 million to support UXO clearance in Lao PDR in particular for FY2011, and an annual U.S. commitment of $10 million for Lao PDR thereafter over the next 10 years "to strengthen and secure the UXO sector's capacity and bring its already effective programs to scale."

Lao PDR has signed and ratified the 2008 Convention on Cluster Munitions. This treaty (which opened for signature in Oslo in December 2008, achieved its 30th ratification in February 2010, and will enter into force in August 2010) has now been signed by 106 countries. The treaty bans the use, production, stockpiling and transfer of cluster munitions and places obligations on countries to clear affected areas, assist victims and destroy stockpiles. Like the Mine Ban Treaty, this new treaty has already had the powerful effect of stigmatizing cluster bombs, so that even those countries that have not yet signed the treaty will be unable to use these weapons without being subject to significant international condemnation. As a States Party to this treaty, Lao is now obligated by this commitment to clear all cluster munitions from Lao PDR within 10 years of the treaty's entry into force.

The USCBL asks that the United States also join the 2008 Convention on Cluster Munitions. From the devastating impact demonstrated by the U.S. bombing of Lao—then and now, it is clear that the use of these weapons causes unacceptable harm to innocent men, women and children. We must ensure that these weapons are never used again. As great of a crisis as was created by the use of landmines in the latter half of the 20th century, those casualty rates would be nothing compared with the devastation that would be caused if cluster munitions were to be used as frequently, or on as great a scale, as landmines were used.

Cluster bombs also affect our own U.S. soldiers. USCBL spokesperson Lynn Bradach joined the campaign after her son was killed by a cluster bomb in July 2003. Lynn's son, Cpl. Travis Bradach-Nall, was sent to Kuwait in January 2003 and then on to Iraq in March with one of the first groups of Marines deployed that year. In May, when the immediate conflict ended. Lynn was jubilant that her son would be returning home,

but the celebration was to be delayed. She received a call from Travis telling her that he and several of his fellow Marines had volunteered to stay to clear unexploded cluster munitions and other ERW, delaying their homecoming until September. On July 2, 2003, in Karbala, Travis was killed and two of his fellow soldiers were badly injured when a fellow Marine accidentally detonated a cluster bomb dud. Describing her experience, Lynn says, "The perfect world of Lynn Bradach had come to an end. My new reality became a world where war does exist, a world where you can't protect the people you know and love from being seriously injured or killed. So my mission became to raise awareness about cluster munitions and their victims. It was important for me to help citizens of the U.S. realize what it means, in real terms, when our troops are sent into a country to wage war — the cost not only to our troops but also the cost to the civilian population of these countries. Are we aware of the weapons used in our name? Do we truly understand the pain and suffering experienced by innocent civilian men, women and children as a result of these weapons?"

This Friday, April 23, marks 100 days until the entry into force of the Convention on Cluster Munitions. Sadly, as the rest of the world celebrates this historic moment, the U.S. will be missing from the treaty signatory list. In November, the treaty's First Meeting of States Parties will take place. Appropriately, Vientiane will be the site of this first treaty conference. As Lao PDR hosts this event and the world turns its attention to the devastation caused by cluster bombs, we hope the U.S. will also be in attendance to join the ban against these weapons. Lao PDR is the example of the horrific short-term and long-term impact of cluster bomb use. With every bomb dropped, scattering dozens or hundreds of explosive submunitions over an area the size of a football field — and with up to 30 percent of these submunitions failing to explode on impact and remaining behind as *de facto* landmines, the civilian casualty rates exacted by these weapons are enormous.

We ask Congress as soon as possible to pass domestic legislation, like HR 981, that significantly restricts the use of cluster bombs. We call on Chairman Faleomavaega and all Members concerned with the long-term suffering and land denial caused by these weapons to co-sponsor this bill. We also ask that in the near future, Congress adds its voice to the call on the U.S. to unite with the rest of the world community — both affected countries and countries that have historically stockpiled and used cluster bombs — by joining the Convention on Cluster Munitions and ending the use of this barbaric weapon once and for all.

April 22, 2010

HOUSE FOREIGN AFFAIRS' SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT STATEMENT FOR THE RECORD SUBMITTED BY DORI SHIMODA, FOUNDER, GIVE CHILDREN A CHOICE.

Chairman Faleomavaega, Ranking Member Manzullo, and Members of the House Foreign Relations Subcommittee

Thank you for the opportunity to submit a written testimony to the House Foreign Affairs' Committee Subcommittee on Asia, the Pacific and the Global Environment.

**Introduction**

I was asked to testify at the Subcommittee Hearing on April 22nd, but was not available to attend. On that day, I visited our two new preschool construction sites in Xieng Khouang Province, one of the most bombed provinces by the USA in Laos. As well, I visited Mine Advisory Group's office to review their UXO clearance results of our preschool grounds.

I am recommending to this committee to not only appropriate substantially more funds than the existing 2010 $5MM to support UXO clearance activities in Laos, but also to appropriate funds for more aggressive and innovative strategies for UXO clearance.

My testimony provides texture and richness in understanding the challenges and dangers Lao villagers face, especially the children, living on UXO littered land. I suggest strategies for accelerating the UXO clearance and for emergency response to UXO accidents, risk education, and post-accident UXO victim rehabilitation. UXO sustains poverty at all levels and must be addressed as a complete package. It challenges Lao PDR's plans to exit Least Developed Country status in 2020 and its UN Millennium Development Goals.

**Background**

Professionally, I was a SVP at JP Morgan Chase, Metavante Corporation and Citibank. My jobs focused on creating innovative operating strategies to accelerate revenue generation, to reduce operating costs, and to improve customer service.

I founded a USA NGO Give Children A Choice, whose mission is to build and fill preschools with children in 2002. Building preschools give children, living in poor mountainous, remote villages in Laos, an education head start. Filling preschools focus on removing barriers to school attendance, including children's health.

We completed 30 preschools in Laos. We completed 20 health fairs, focused on health, hygiene and nutrition education. We are distributing daily multivitamins to all 24,000 preschool children in Xieng Khouang. During my two-dozen visits to Laos since 2000, I met thousands of villagers, village leaders, Lao government officials, Lao diplomats and staff. I met UXO victims and their family members.

I learned much about Lao people and their culture, which is rich, diverse and very community-oriented. They are humble, non-confrontational people. Deeply set in their

culture is to hold in negative feelings, pain, sorrow and anger. They frown upon and shy away from negative behavior. Surviving parents, who lost their children from UXO accidents, keep to themselves their deep private and secrets pains. I don't know how they do it. Culture is often times stronger than logic.

**UXO Victim Stories**

I met a grandmother Mrs. Ya, whose 5-year old grandson and his friends were killed by a UXO in 2006. She calmly told her story. She later said she was angry with me, when she learned I was an American. She later thanked me for allowing her to release the pent up pain and anger, held in since her grandson's death.

Ms. Thao is a 25-year-old mother of two. She recalled her 5-year-old child's death from the same UXO explosion. It was a sunny day. After eating lunch that day, he and his friends were playing in the grassy hills that surround the village. She heard an explosion. She ran to where the explosion took place. She found three 5-year-old boys, including her son, dead. A bombie killed them.

Five years later, Ms. Thao stares catatonically into the distance. She speaks listlessly. After learning that I build preschools, she lamented, "I am angry at myself for her son's death. I hate America. My son would be alive, if there was a preschool five years ago." There is her silent pain that is so unspeakable.

Mrs. Pia and Mrs. Lee spoke about their lost sons in a UXO accident in 2005. The elderly Mrs. Pai recounted the accident; Mrs. Lee would not speak. Their 15- and 19-years old sons were working together to clear new land to grow rice. The younger boy hit a bombie. Both died. She recapped her 19-year old son's funeral. She lamented that the 15-year old did not have a funeral. I turned and asked Mrs. Lee, "Why?" Staring in the distance, she said that her son was in so many pieces that her custom dictated that she just bury him without the customary multi-day funeral. She never had closure.

I write on behalf of the dozens of UXO victims I've met and the thousands I have not met. I write on behalf of the parents, whose children's deaths were caused by their accidental but deadly UXO encounters.

Adult victims have pride and do not want handouts. Even though they have lost their God-given abilities to lead productive lives, they want to provide for their wife and children, and enable their children to grow, learn and prosper. Being a UXO victim hinders them from leading a normal life.

Mr. Lee was clearing new land to grow more food for his growing family. He hit a bombie, while planting corn. His feet and fingers were blown off. His neighbors took over three hours to retrieve him and carry him back home. Ten hours later, he was admitted to the provincial Friendship Hospital in Phonsavan, the Xieng Khouang capital. We met him for the first time two weeks after his accident on August 18, 2008.

We met Mr. Lee again on April 24, 2010 at this home in Yodt Phaer Village. He lives in a small two-room hut, whose packed dirt floor is uneven and rocky. There is no

electricity. His home is set on a hill that overlooks his village. It was raining. The dirt path from the main road to his home was steep, eroded and slippery.

He was given poorly fitted prostheses, a wheelchair and a crutch. He was depressed and expressed his desire to take his own life because he could not be the family breadwinner. He felt trapped in his wheelchair and with feetless limbs. It pained him to see his petite wife and 2 older children walk miles to work the fields, where he was injured.

Mr. Lee cannot maneuver his wheelchair around, in, out or around his house. He cannot use his wheelchair in the village. He attended a seminar on how to raise pigs and fish. He was given 700,000 LAK (approximately $90 USD) to buy a pig to raise and sell. He is in a quandary. In order to raise pigs, he must grow corn and potatoes to feed them. He is back to the same rut; he was in the first place. Victim assistance programs designed to equip him and empower him fall short of its goals for him to be independent.

My registered nurse wife Barbara made adjustments to Mr. Lee's prostheses. He put them on, stood up, and beamed with a big smile. Excited, Mr. Lee wanted to show me, where he would build a fishpond. We walked on the very land of his accident. He explained he needed capital to build a fishpond. Prior to his accident, he said he made $6 a month. With such a meager income, saving money is impossible. An enhanced victim assistance, financing program would help him capitalize a small fish business.

**UXO Sustains Poverty**

In Xieng Khouang prior to the 1960s, a key measure of wealth was the land and buffalo owned. Most buffalo were destroyed by the bombings. Wealth is still measured this way in remote villages and will take generations to regain.

I was first exposed to the American War in Laos, when I visited a poor village in 2003. The children were "dredging" through the bottom of a pond, and separating the long worms from the early stage pollywogs for dinner. The village grandparents were maimed by the USA bombings during the 1960s. We built a preschool in Nongbia Village (aka the handicapped village) in 2004.

In 2003, we built a preschool in Nong Khiew Village, where we saw our first bomb crater. Villagers shared stories about the "days of continuous black rain" (aka bombies) that killed their friends, as children, ran for cover and ran home.

We completed 21 preschools from 2003 to the present in Luang Prabang Province. We decided to build preschools in Xieng Khouang in 2008. It was during this time, when I learned detailed horrors of the Secret War. As I learned about how UXO are affecting people today, I decided to help the people of Xieng Khouang Province, just as I decided to help the Lao children in poor villages ten years ago.

Please. My writings should not be misconstrued as criticisms, but a hopeful call to action for the USA to do more. I believe that the USA has a moral obligation to do more and want to do more for the Lao children and their future. Many villagers live in fear, as they walked out the front door of their home, fearing that a hidden UXO could blow up at any instant. No one on this God-giving earth deserves to live this way.

The most persistent and long-term problems for the villagers with UXO are bombies. Bombies were dropped indiscriminately and pervasively on the Xieng Khouang plains and mountain regions during the American War. One would argue that the mountain regions seem remote and uninhabited by local villagers when, in fact, they are used as agricultural land for growing foods for their family, as remote as they may seem.

I spoke with a farmer's daughter during a visit to her home in Yodt Phaer Village in Xieng Khouang. We met her mother and siblings. We asked where her Dad was. She said, "In the rice field." We asked how far away it was, thinking we might wait to meet him. She said, "Not far." We asked, "How far?" She said, "Two hours away." She further noted that some families' rice fields were 4 to 5 hours away by foot.

**The Numbers**

260 million bombies were dropped in Laos. The average failure rate for these bombies was 30%. It is estimated that there are 80 million live bombies in Laos.

One-half million bombies have been removed through regulated UXO removal activities over the last 16 years. At the current rate of removal, funded mainly by international community, it will take 2 to 3,000 years to clear all UXO in Laos. It's unfathomable.

On the unregulated side, children and adults earn finder's fees for delivering shrapnel and UXO including bombies to 16 foundries in Laos and others across the Vietnam border. USA-made UXO and shrapnel are made of high-quality metal, are in high demand, and are used to make construction bar wire or household tools. The finder's fees provide for families' day-to-day expenses in a country where income for many is less a $1 per day. This is dangerous for the untrained, particularly the children.

While the specific number can be debated, the order of magnitude is what's important. Unsuspecting children and adults are getting killed and maimed, where they are playing, working in their rice/corn fields, or foraging the jungles for foods. Are we willing to allow this to happen to innocent people for the next hundreds or thousands of years?

Sadly, in Laos, finding a live bombie, learning about a bombie accident is commonplace, commonplace for the last 40 years. In September 2008, I received an email, stating that 96 bombies were found on a village school grounds. It barely hit the local news.

The challenge that faces the Lao government is prioritizing the limited available funds towards clearing land for living, clearing school grounds or clearing agricultural land. Which would you clear first, if you had to choose, for your son, daughter or grandchildren? It is a tough question. But, in Laos, it is a real decision with real lives.

The USA spent about $2 million per day or $10 billion during the air bombardment in Laos. In today's dollars, this means $17 million per day or $60 billion, respectively. For UXO cleanup, the USA spent $40 million for UXO cleanup, UXO risk education and victim assistance between 1993 and 2009. For 2010, $5 million was appropriated.

Each affected province has its own set of progress with UXO removal. Overall, less than 1% of the contaminated areas in Laos have been cleared after 15 years of clearance activity. In Xieng Khouang Province, after 15 years of UXO clearance operations, 0.2% of the land has been cleared, as of March 31, 2010. 276,514 items have been removed or detonated, including 169,567 bombies.

What would it take to clear the remaining UXO in Xieng Khouang Province alone? Average cost per hectare (one hectare equals 2.49 acres) to remove UXO is $2,500. 3,877 hectares or 0.20% of the 1,685,000 hectares of land in Xieng Khouang has been cleared. Much of the remaining 1,681,630 hectares or 99.80% of the land that must be surveyed and cleared would cost $4.2 billion. Extrapolate figure to include the other affected provinces and the number becomes very large.

These figures beg for alternative, more aggressive strategies to accelerate UXO clearance; risk education and victim assistance. It begs for a more aggressive way of creating capital to fund the UXO clearance, UXO risk education and victim assistance.

**Five-Year Operating Strategies**

Xieng Khouang village leaders shared how they handle newfound UXO. Some spray paint the bombie bright colors. Some put a fence around it. Some report the find; some don't. Some report accidents; some don't. One village leader dispatched a roving UXO clearance team to remove a bombie. The roving team could not find it. The leader learned the children foolishly moved the bombie, "so it would not be taken away."

Village leaders have the authority over the day-to-day governance of a village. They know everything that is going on in a village and with its people. Empower them and employ their villagers to be responsible for the well being of their village, their families and their children. Giving them responsibility for UXO removal can achieve scale and sustainability. Knowledge retention would be deeper.

There are approximately 4,000 villages in the UXO contaminated areas in Laos. Employ 4 to 5 villagers in each village as UXO operatives, responsible for UXO activities for that village, including village and agricultural land. Equip and train them with best practices UXO surveying techniques, superior quality metal detection tools, best practices UXO defusing or dismantling skills, and comprehensive monitoring and reporting tools.

Let's go back to Mr. Lee's situation. To grow more food for his family, he asked the village leader for a new piece of land. He cut the trees down. He cleared the brush. He began to plant corn. It was at this point, when he hit the bombie. The new process would be enhanced, where just before he cleared and tilled the land, the village UXO operatives would survey his land and remove any UXO. Mr. Lee would then clear and till the land without worries of hitting a bombie.

During the rollout, villagers not yet benefiting from this new proposed strategy would continue to clear the land, as they do today. As well, as the new strategy rolls out, existing UXO removal teams would focus on accelerating efforts to clear school grounds.

This proposed strategy suggests building a village-based trauma response capability. Leverage the existing Village Health Volunteer Network. Equip them with superior quality communications equipment to respond quickly to UXO accidents.

District hospitals and health centers should be equipped to provide second and third-level immediate support for UXO victims. The provincial health department created a network of public health facilities to extend its reach to the remote villages. As an example, in Xieng Khouang Province, there is the provincial Friendship Hospital in the capital city. Each of the province's eight districts has a district hospital. Each district has a network of outreach health centers.

The proposed strategy focuses on an empowerment model for UXO clearance and emergency response to UXO accidents.

While the specific budgets would require additional work, a gross estimate for this proposed strategy might be $15-20 million annually for 4 to 5 years. This is the cost to set up and roll out this program countrywide.

Finally, I suggest for the USA to increase funds appropriation for risk education, particularly for the children. In addition, appropriate additional funds for improving its physical rehabilitation, psychological and social rehabilitation, and economic rehabilitation programs. Let's go back to Mr. Lee.

He and others need all three services. What is offered today is a good start, but far from adequate for a man whose feet were blown up because of a bombie dropped by the USA 30-40 years ago. He deserves more than training to grow fish. Economic rehabilitation (e.g., loan) programs should be offered.

We visited him on April 24th. He has considered taken his life, being trapped in a wheel chair, sitting in the dark of his house, while his petite wife worked in the fields. He should be the breadwinner, working the field and bringing home the harvest. His pride is crushed. He needs psychological and social rehabilitation help.

In summary, introduce and take 4-5 years to implement an empowerment strategy to accelerate UXO clearance. Continue supporting the existing UXO clearance infrastructure to accelerate the survey all school grounds for UXO during this period. Invest in an annuity-based business to sustain the UXO clearance and related programs with profits versus total dependency upon the international donor community.

What happens after five years? While I feel the USA has a moral obligation to help the future of the Lao children, this obligation is not forever. Following are two strategies that would create an annuity stream to sustain the above UXO clearance proposal. These strategies deliver sustainability, greater independence from the international donor community, and an annual source of cash to sustain the UXO clearance program.

Strategy 1 leverages the existing foundry industry, where finder's fee income would be directed towards the UXO clearance program. Strategy 2 secures a grant to invest in a business opportunity, where profits would be directed towards UXO clearance program.

**Strategy 1 – Leveraging the Foundry Industry**

Strategy 1 is powerful and compelling because it empowers villagers ability to take charge of their future. It leverages an existing foundry industry trade flows.

Villagers are highly motivated to transform their land to be free of UXO. They learn, live and work on the land. Their families and neighbors are the victims of UXO accidents. They are most motivated to create a clean and safe community forever.

Strategy 1 leverages an established scrap metal industry, involving scrap metal collection and compensation. Foundry agents tour the villages on a regular basis, collecting scrap metal, delivering the metal to the foundry owner. The foundry owner delivers the scrap metal to manufacturers in need for raw metal to manufacture recycled metal products.

Villagers are familiar with the income producing aspect of scavenging UXO, shrapnel and other metal to local foundries. Selected village UXO operatives are trained and equipped to manage village UXO clearance activities. A call-in service is required to dispatch a roving team UXO disarming team and to credit the scrap value to the village. The foundry would make monthly payments to the UXO clearance program treasury on behalf of the villages.

Strategy 1's start-up costs is estimated at $8-9 million with an ongoing $2-4 million expense. It would eliminate ongoing capital expenditures, required to support the UXO clearance program. It would keep the cash flows within the system proposed with fewer opportunities for leakage. It would train and employ the Lao villagers.

In summary, Strategy 1 leverages the power of empowerment and motivation by employing villagers to accelerate the removal of UXO in Laos.

**Strategy 2 – Business and Development**

Strategy 2 makes available to the UXO clearance program needed capital and expense monies for the next 30 years and beyond, while reducing the Lao government's ongoing dependence on the international donor community.

Businesses and businessmen around the world are executing on their social responsibility to support the global communities in need. Support may be not-for-profit, where effective programs involve delivering tools, education and training that empowers and delivers sustainable outcomes. As an example, hospitals, medical equipment, schools, publishing equipment, drugs manufacturing equipment are tools that help a country's physical and mental well-being.

Support may be for-profit, e.g., cross-border, money transfer firms provide convenient and cost-effective service for families to transfer funds from the USA or Europe to their families in developing countries. Funds are used to help their receiving family members' financial well-being.

New for-profit disciplines are being developed and tested around the world. Micro-financing models that source cash from private equity to capitalize microloans for purchasing livestock, goods and materials to sell in the local markets is another example.

Strategy 2 focuses on a USA NGO investing in a for-profit enterprise, where the profits are specifically directed towards a non-for-profit UXO clearance program. Strategy 2 was based on a model currently being tested, where the USA provided a grant to a USA NGO, who, in turn, funded a SE Asian NGO to remove mines.

As background, Laos is considered the battery of South East Asia, i.e., a net exporter of electricity and a source of foreign currency. The country has capacity to produce tremendous amounts of hydroelectric power. It is estimated its capacity ranges from 23 to 30+ gigawatts. Current in country consumption is less than 500 megawatts.

I will highlight Strategy 2's model. The USA would provide a grant to a USA NGO to invest in a hydroelectric power generation plant. The USA NGO would direct the funds as an investment in an enterprise. An international development bank, e.g., the World Bank IFC would provide the enterprise loan facility. After a 4-year build, operations begin and guaranteed revenue begins to flow. Expenses would include a nominal operating cost, debt-carrying cost, and debt. Internal rate of return exceeds 40%.

Strategy 2 would self-sustain the UXO clearance program capital and operating expense needs for 30 years and beyond with minimal additional grant monies. In addition, USA would demonstrate its leadership role in the Greening of the Developing World.

Strategies 1 and 2 are necessary and decrease the dependency on the international donor community for UXO clearance. International donors who invested in developing and executing the initial five-year strategies described above should continue to govern the post five-year strategies to ensure focused execution and success.

**Conclusion**

I want to thank two gentlemen for providing me expert inputs, as I prepared this testimony. I want to recognize journalist and historian Mr. Fred Branfman of Santa Barbara, California for his knowledge and analytical support. I want to recognize Laos UXO expert Mr. Mike Boddington, Technical Advisor for the National Regulation Agency, Vientiane, Laos for his inputs on strategies to accelerate UXO clearance.

I want to thank the subcommittee members and distinguished leaders for the opportunity to share my perspectives. I hope that my testimony is helpful in giving you a better understanding of the UXO situation in Laos. I hope that after your careful review, you appropriate the additional funds for UXO clearance, risk education and victim assistance.

APRIL 22, 2010
HOUSE FOREIGN AFFAIRS' SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT
STATEMENT FOR THE RECORD SUBMITTED BY:

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April 22, 2010: Legacies of War: Unexploded Ordnance in Laos

Dear Representative Faleomavaega,

Thank you for the opportunity to contribute to the hearings on the USG UXO Program in Laos.

The US has actively supported work to address the problem of UXO in Laos for over 15 years both in UXO clearance and in education.

I would like to urge the Congress to continue and to increase support for UXO education to help reduce and to help prevent UXO accidents in Laos.

From the year 2000 until 2008, my Lao staff and I worked closely with the Lao Ministry of Education to develop Province, District and village capacity in formal education for Primary teachers and students to reduce and prevent accidents from UXO. We were funded by the US Government through a contract with World Education. The Program had started in 1965 in Xieng Khouang, one of the most severely contaminated provinces and by 2008 we were working in 37 Districts of 9 Provinces. We were providing year-round training to over 5000 teachers using activity-based, student-centered, teaching and learning techniques in order to give students the responsibility for avoiding accidents and for encouraging students to guide their peers and their communities in reducing accidents from UXO by building awareness in :

what UXO is, what it looks like, where it is, how and when accidents happen, and why UXO scrap collection and sale is so dangerous.

Representative Faleomavaega, the education program must be expanded to all other provinces and districts where contamination is severe.

Teacher training in-service workshops must be continued for present teachers and for new teachers.

Revision and publication of materials must continue in order to improve visual aids for classrooms and community information areas and to provide updated teaching and learning materials for teachers and students.

Program activities must be expanded beyond the Primary level to the Secondary level, to the Teacher Training College level and to all local Government administrative and technical offices in remote areas including military bases and police barracks.

Renewed support must be found to alleviate poverty. The main reason for many deaths and accidents is that people are collecting scrap and UXO to sell to increase their incomes.

Renewed funding must be found to continue the training of medical personnel and upgrading district hospitals and village health stations where many victims are brought at first for injections against tetanus and the treatment of wounds due to UXO accidents.

Survey and clearance operations must continue for decades to come in order to make fields, streams, and forests safe for agro-forestry preservation and the development of food production and non-timber forest products for home use and for sale.

Representative Faleomavaega, TALOFA !

With best wishes,
Arthur G. Crisfield
Vientiane, Laos