RECOMMENDATIONS FOR ACTION

- The Democratic Republic of Congo (DRC) should ratify the Convention on Cluster Munitions (CCM) as a matter of priority.

- DRC should comply with its obligations under international human rights law to clear cluster munition remnants (CMR) on territory under its jurisdiction or control as soon as possible.

- The DRC should prioritise completing clearance of the newly identified CMR-contaminated areas on its territory. Far greater efforts should also be made to ensure the accuracy of survey by national operators, with precise reporting of the type of devices identified along with the size of suspected hazardous areas (SHAs) and confirmed hazardous areas (CHAs).

- Significant efforts should be made to ensure the national mine action database is accurate, up to date, and effectively managed and resourced by the national authorities. Updated information should be regularly shared with all mine action stakeholders.

- Mine action data should be recorded and reported according to International Mine Action Standards (IMAS) land release terminology.

- The national mine action authority, the Centre Congolais de Lutte Antimines (CCLAM), should enhance collaboration with, and support for the work of, international mine action organisations.

UNDERSTANDING OF CONTAMINATION

According to CCLAM, at the start of 2019, six CHAs in the DRC contained CMR, covering a total size of just over 81,000m². CCLAM reported that these areas were newly recorded in the national database in 2018 and early 2019.1

Table 1: CMR contamination by province (at end 2018)2

<table>
<thead>
<tr>
<th>Province</th>
<th>Territory</th>
<th>CHAs</th>
<th>Area (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ituri</td>
<td>Aru</td>
<td>3</td>
<td>40,750</td>
</tr>
<tr>
<td>South-Kivu</td>
<td>Shabunda</td>
<td>1</td>
<td>719</td>
</tr>
<tr>
<td>Tanganyika</td>
<td>Kalemie</td>
<td>1</td>
<td>37,000</td>
</tr>
<tr>
<td>Tshopo</td>
<td>Bangelema</td>
<td>1</td>
<td>3,015</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td><strong>6</strong></td>
<td><strong>81,484</strong></td>
</tr>
</tbody>
</table>

Mine Action Review, however, believes that at least three of these areas, amounting to more than half of estimated total contamination, have already been cleared.

The CCLAM reported that a national survey of CMR was carried out in tandem with a survey of anti-personnel mine contamination in 2013–14, with the exception of Aru, a territory in Ituri province, and Dungu, a territory in Haut Uele province. In both cases, security concerns prevented the survey covering these two territories.

At the end of the survey, five areas were confirmed as containing CMR, with a size of 17,590m² in Equateur and Tanganyika provinces. Of these, all four CHAs in Equateur province were cleared. The area identified in Kalemie territory, Tanganyika province originally thought to have a size of 5,250m² was underestimated and later increased to 40,800m²; however according to CCLAM, clearance of the area was suspended after just 3,800m² by Mines Advisory Group (MAG) due to lack of funding. As at June 2019, the CCLAM reported that the 37,000m² remaining had still to be addressed.3

In April 2018, the United Nations Mine Action Service (UNMAS) reported that four PM-1 submunitions had been found in a previously unrecorded hazardous area in Shabunda in South Kivu province. Evidence from eyewitnesses and past experiences of cluster munition contamination in the DRC indicated these came from a cluster munition strike in the 1980s.4
Despite this, UNMAS said there were no plans to conduct a specific survey of CMR contamination in 2018, though it also informed Mine Action Review that “the discovery of CM [cluster munitions] in a location previously thought to be not contaminated would lead UNMAS to believe that the CM hazard is still present”. At the end of June 2018, UNMAS reported that technical survey of the area was being carried out to determine the footprint and size of the area of contamination. It further stated, however, that it did not have sufficient resources to conduct clearance of the area following completion of technical survey.

In June 2019, UNMAS informed Mine Action Review that the area identified in Shabunda territory was cleared in early 2019. UNMAS stated that it was planning to start clearance activities in the confirmed hazardous area in Kalemie territory in the second half of 2019.

Prior to this, the last known recorded area containing CMR in the DRC, covering 3,900m², was cleared in May 2017. At the start of 2017, only two areas known to contain CMR remained to be addressed in Bolomba, Equateur province, in the north-west of the country. One SHA (of unrecorded size) was cancelled by Norwegian People’s Aid (NPA) in April 2017, while NPA completed clearance of the other area, with a size of 3,900m², on 12 May 2017, with the destruction of a total of 241 submunitions.

Throughout 2018, the DRC’s national mine action programme continued to be hampered by a lack of coordination between stakeholders and critical information management issues. Its ability to produce a clear and accurate estimate of remaining mines and ERW from the national database remained open to question. The DRC’s most recent National Mine Action Strategy 2018–2019, developed with the support of GICHD and finalised in November 2017, states that in addition to mines and ERW, “some areas contaminated by submunitions have also been reported but the areas affected remain negligible”. The Strategy included among its objectives completion of survey of mine and CMR contamination in Aru and Dungu by the middle of 2018. While this objective was not met, as at June 2019 survey was underway in Aru.

In 2018, NPA discussed with MAG and DanChurchAid (DCA) the possibility of a joint national resurvey of SHAs remaining in the country as reported by CCLAM. In May 2019, NPA reported that it had started the resurvey on its own, and that as at mid-June 2019, a total of 115,000m² had been cancelled in South Ubangi province. It considered this to be evidence that many of the remaining suspected hazardous areas will be either discredited or at least significantly reduced in size. However, NPA reported that it was likely that more explosive ordnance, potentially including CMR and landmines, would be found in the eastern parts of the country (including Bas Uele, Haut Uele, Ituri, North Kivu, and Lubero provinces) due to the intensity and duration of armed conflicts affecting those regions. As such, NPA stated that these areas would be priorities for operations on the basis of humanitarian impact, and that it was still attempting to secure resources for expanding the resurvey activities as at June 2019.

OTHER EXPLOSIVE REMNANTS OF WAR AND LANDMINES

DRC is affected by other ERW and a small number of landmines, as a result of years of conflict involving neighbouring states, militias, and rebel groups (see Mine Action Review’s Clearing the Mines report on the DRC for further information). Successive conflicts have also left the country with significant quantities of abandoned explosive ordnance.

NATIONAL OWNERSHIP AND PROGRAMME MANAGEMENT

CCLAM was established in 2012 with support from the UN Mine Action Coordination Centre (UNMACC) and UNMAS. Subsequently, UNMAS provided capacity-building support to CCLAM for its operations until the transfer of responsibility for coordinating mine action activities to CCLAM was completed in early 2016. In 2018, however, UNMAS continued to provide guidance and operational support to the CCLAM. Law 11/007 of 9 July 2011 underpins the national mine action programme.

Previously, UNMACC, established in 2002 by UNMAS, coordinated mine action operations through offices in the capital, Kinshasa, and in Goma, Kalemie, Kananga, Kisangani, and Mbandaka. UNMACC was part of the UN Stabilization Mission in the DR Congo (MONUSCO). In accordance with Security Council Resolution 2147 (2014), humanitarian mine action was removed from MONUSCO’s mandate. In 2018, UNMAS was assisting MONUSCO operations and mitigating the threat from ERW through explosive ordnance disposal (EOD) operations and risk education under MONUSCO’s Protection of Civilians mandate.
In 2018, operators and UNMAS reiterated concerns over a continuing decline in funding for mine action operations in the DRC. They reported that with the deteriorating political climate in the country, donors were reluctant to support mine action, prioritising instead support to address other higher-impact humanitarian crises such as cholera and yellow fever, flooding, and internally displaced persons. In 2019, this was compounded by new humanitarian crises from Ebola and continuing armed conflict.

GENDER

The DRC’s national mine action strategy for 2018–19 includes a section on gender. It stipulates that all activities of the mine action programme, particularly those related to risk education and victim assistance, must reflect the different needs of individuals according to age and gender groups, in a non-discriminatory manner. It also states that the principles of non-discrimination against women as set out in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and UN Security Council Resolution 1325 (2000) are to be respected, ensuring that women are involved in all essential stages of mine action (planning, implementation, monitoring, and evaluation), and that activities take into account the special needs of women and girls.

According to CCLAM, mine action survey teams in 2018 were gender balanced, and efforts were undertaken to ensure that all community groups, including women and children, were consulted. It also noted, however, the ongoing need for awareness-raising within certain communities on gender equality as local customs can discriminate against women undertaking certain categories of work. CCLAM reported that approximately 30% of operational staff in survey and clearance teams were female in 2019, but only around 7% of managerial or supervisory positions were held by women, reportedly due in part to barriers presented by local customs about women’s employment roles.

NPA’s demining staff were 50% female in 2018. It reported that it was able to hire five women in operational roles (four deminers and one medic) during the year, following an awareness-raising seminar on women’s opportunities in mine action and demining training. It offered flexible working hours for parents (especially female staff) and encouraged women to enrol in training programmes aimed at improving their chances for managerial positions. An internal women’s network was formed as a subset of the programme’s staff union, with a particular focus on women’s rights and gender, improving work-life balance, awareness-raising about parental rights, ensuring equal pay, and increasing maternity and paternity leave beyond the legal minimum requirements.

INFORMATION MANAGEMENT AND REPORTING

CCLAM assumed responsibility from UNMAS for information management in January 2016. Subsequently, despite many years of capacity-building support from UNMAS, and again from NPA in 2018, serious concerns persisted over the quality of the database and CCLAM’s capacity and resources to manage it. Gaps in the data, a lack of maintenance, a lack of capacity to extract and share information from the database, and the absence of coordination meetings with operators, all remained evident in 2018.

In 2019, NPA elaborated that ongoing information management issues included a lack of reporting according to land release terminology, the misreporting of items of unexploded ordnance (UXO) as mines (resulting in new areas of contamination being incorrectly added to the database as mined areas), and a lack of verification of incoming reports.

NPA held refresher training courses on information management and use of the Information Management System for Mine Action (IMSMA) database and geographic information system (GIS) for CCLAM staff during 2018. It reported that while CCLAM had competent technical staff, its limited administrative and financial resources continued to adversely affect its ability to maintain the database and that, as a consequence, a system of parallel reporting to CCLAM and UNMAS had developed.

In 2018 and the first half of 2019, UNMAS reported that, through extra budgetary funds, it provided assistance to CCLAM to develop a work plan on information management, including provision of IT equipment and support in assessing needs based on the DRC’s mine action strategic priorities.

In June 2019, the CCLAM informed Mine Action Review that while progress on information management had been achieved in recent years, the national programme still experienced difficulties in recording CMR separately from other types of ERW. It stated that additional capacity-building support for managing the national database would be welcomed.
PLANNING AND TASKING

The DRC’s national mine action strategy for 2018–19 focuses on fulfilling the DRC’s Anti-Personnel Mine Ban Convention (APMBC) Article 5 obligations by 2020, one year ahead of its extended 2021 deadline.33

The strategy contains the following three strategic pillars: effective and efficient management of the explosive threat; ensuring the national programme has the capacity to manage residual contamination in a sustainable manner; and that the legal framework of the mine action programme is strengthened through the adoption of national laws and other implementing measures and adherence to relevant treaties.34 The strategy does not contain specific provisions on or timeframes for the completion of clearance of CMR.35

DRC’s previous national mine action strategy for 2012–16 had set the goal of clearing all areas contaminated with anti-personnel mines or unexploded submunitions by the end of 2016.36 It failed to meet these goals.

LAND RELEASE SYSTEM

STANDARDS AND LAND RELEASE EFFICIENCY

In June 2019, CCLAM reported that DRC’s National Technical Standards and Guidelines (NTSGs) had been revised during 2018, with the main areas of revisions made to standards on demining techniques and safety of deminers in the workplace. It stated that the NTSGs contained specific provisions on the clearance of CMR.40

In 2018 and the first half of 2019, UNMAS reported providing technical and logistical support to CCLAM on monitoring, coordinating, and assessing quality of activities conducted by mine action implementing partners.41

OPERATORS

Four international operators carried out mine action operations in DRC in 2018: non-governmental organisations (NGOs) DCA, MAG, and NPA, and commercial operator, The Development Institute (TDI).42 A number of national operators also carried out non-technical survey and risk education activities during the year.

In 2018, NPA’s teams focused on manual clearance, EOD spot tasks, non-technical survey, and risk education in partnership with a local organisation APPEI, and impact assessment in the north-west of DRC in North and South Ubangi provinces. It deployed three operational teams, which carried out clearance and EOD spot tasks.43

MAG ended its demining activities in the DRC in August 2018 following the completion of a Netherlands-funded clearance project under which it deployed two multi-task teams (MTTs) and two community liaison teams in North and South Ubangi provinces. MAG reported that while the clearance project had been successful, overcoming the many challenges and complexities of working in the DRC, combined with the lack of anti-personnel mines being discovered along with the low density of ERW, contributed to making further demining operations in the DRC a lower priority for the allocation of global resources. Following discussions with NPA and DCA, it was agreed that MAG would cease its demining operations, but that NPA would continue survey and clearance in the north and north-west of DRC, while DCA would continue to operate in the central-eastern areas.44

MAG informed Mine Action Review that it would continue to work together with CCLAM, NPA, DCA, and UNMAS to develop a strategy to address residual contamination in the DRC, and that it was committed to working closely with CCLAM and to finding resources to carry out any activities if deemed necessary.45

UNMAS continued to contract TDI in support of MONUSCO operations in 2018. It deployed three six-person MTTs to conduct EOD spot tasks in areas where MONUSCO was operational and also to carry out destruction of obsolete weapons and ammunition held by the Armed Forces of the DRC or Troop-/Police- Contributing Countries operating as part of MONUSCO. In 2018, through extra budgetary funds, UNMAS also contracted national organisations to conduct risk education in complement with TDI’s activities.46

OPERATIONAL TOOLS

Only manual clearance of ERW, including CMR, is conducted in the DRC.
LAND RELEASE OUTPUT AND ARTICLE 4 COMPLIANCE

LAND RELEASE OUTPUT IN 2018
According to CCLAM, a total of two areas of CMR contamination with a size of just over 43,000m² were cleared with the destruction of 44 submunitions in 2018.47

SURVEY IN 2018
According to CCLAM, TDI carried out non-technical survey operations in Ituri province in 2018, which as at June 2019 were still underway and the results yet to be reported.48 CCLAM also reported that a series of targeted surveys were conducted in Shabunda territory, South Kivu province. CCLAM stated that it had become clear as a result that the initial survey of CMR contamination in the DRC had "had many flaws and underestimated the size of certain areas".49 CCLAM also raised concerns to Mine Action Review about the level of knowledge and capacity of mine action operators on the ground to accurately identify CMR in survey operations.50

Previously in 2017, NPA cancelled one of the two areas of CMR contamination remaining to be addressed in Bolomba, Equateur province.51 NPA reported having offered assistance to CCLAM and the Congolese armed forces to conduct a survey to confirm and verify that all known and suspected CMR-contaminated areas have been addressed, in order to declare itself fully compliant with the obligations in Article 4 of the CCM.52 It reported, however, that as at June 2019, CCLAM and the Congolese armed forces had not responded to its offer of assistance and raised the possibility that additional CMR-contaminated areas might be found in the eastern parts of the country.53

As reported above, in the first half of 2019, NPA initiated resurvey activities on its own, and as at mid June, had cancelled a total of 115,000m² in South Ubangi province, in the north-west of DRC. It expected that many of remaining SHAs will be discredited or significantly reduced in size following new survey.54

CLEARANCE IN 2018
According to CCLAM, a total of two areas with a size of just over 43,000m² were cleared with the destruction of 44 submunitions and 5,631 items of UXO: clearance of 3,015m² of CMR contamination by DCA in Tshopo province, with the destruction of four submunitions; and clearance of 40,000m² by TDI with the destruction of 40 submunitions in Ituri province.55

In 2017, a total of 3,900m² of CMR contamination was cleared by NPA, and a total of 242 submunitions were destroyed.56 NPA completed clearance of the last remaining area of CMR contamination identified in Bolomba, Equateur province on 12 May 2017.57 It cleared a total of 3,900m², destroying 239 submunitions in the task area. It reported that the submunitions were of the type PTAB-1M, which it said are usually dispensed from a container that holds 268 submunitions. NPA found only submunitions, however, and not the container. It also destroyed an additional two submunitions in EOD spot tasks.58 It did not expect more CMR to be found in Equateur province.59

PROGRESS TOWARDS COMPLETION
As at June 2019, DRC was a signatory to the CCM. In addition to its obligations as a treaty signatory, it is bound by international human rights law to clear CMR as soon as possible.

DRC’s national mine action strategy for 2018–19 set a date for the completion of ratification of the CCM by the end of 2018 and for the development of a law on its implementation by 2019.60 As at June 2019, neither objective had been realised, and CCLAM informed Mine Action Review that as DRC was still not a state party to the CCM, no deadline for the completion of CMR clearance had been established.61
Email from Maître Sudi Alimasi Kimputu, Coordinator, CCLAM, 3 June 2019.

Ibid.

Ibid.

Emails from Steven Harrop, Chief of Operations, UNMAS, 23 April and 8 June 2018.

Ibid.

Email from Steven Harrop, UNMAS, 19 June 2018.

Email from Aurelie Fabry, Programme Officer, UNMAS, 20 June 2019.

Emails from Jean-Denis Larsen, Country Director, Norwegian People’s Aid (NPA), 19 May 2017; Matthieu Kayisa Ntumba, Operations Manager, NPA, 18 and 20 June 2017; Colin Williams, Chief of Operations, UNMAS, 12 June 2017; and Pehr Lodhammar, Programme Manager, UNMAS, 14 April 2017.

Emails from Jean-Denis Larsen, NPA, 23 May 2017; and Matthieu Kayisa Ntumba, NPA, 18 and 20 June 2017 and 14 June 2018. NPA reported that 239 submunitions were destroyed in the task area. The submunitions were type PTAB-1M, which are dispensed from a container that normally contains 268 submunitions. NPA reported that it only found individual submunitions and not the container itself. Two additional submunitions were found and destroyed as explosive ordnance disposal (EOD) spot tasks.


Ibid., pp. 18–19.

Email from Maître Sudi Alimasi Kimputu, CCLAM, 3 June 2019.

Skype interview with Jean-Denis Larsen, NPA, 24 April 2019; and emails, 24 May and 26 June 2019.

Response to Cluster Munition Monitor questionnaire by Michelle Healy, UNMACC, 29 April 2013.


Email from Maître Sudi Alimasi Kimputu, CCLAM, 3 June 2019.

UNMAS, "DRC Overview", updated August 2013.


Emails from Jean-Denis Larsen, NPA, 5 March 2018; Bill Marsden, Regional Director, East and Southern Africa, MAG, 11 May 2018; and Guillaume Zerr, Programme Director DR Congo, Humanity and Inclusion, (formerly Handicap International, HI), 24 May 2018.

Skype interview with Jean-Denis Larsen, NPA, 24 April 2019; and email, 24 May 2019.

Email from Maître Sudi Alimasi Kimputu, CCLAM, 3 June 2019.

Emails from Jean-Denis Larsen, NPA, 5 March 2018; Bill Marsden, MAG, 11 May 2018; Guillaume Zerr, HI, 24 May 2018; and Pehr Lodhammar, UNMAS, 5 April 2017.


Email from Maître Sudi Alimasi Kimputu, CCLAM, 3 June 2019.

Skype interview with Jean-Denis Larsen, NPA, 24 April 2019; and email, 24 May 2019.

Ibid.

Ibid.

Email from Jean-Denis Larsen, NPA, 18 April 2017.