

## 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 Congolese Mine Action Coordination Centre (CCLAM) should specify what arrangements it is making for the long-delayed survey of Aru and Dungu territories.
- The DRC should submit a detailed work plan, including a timeline for survey and/or clearance of all remaining CMR contamination and prompt, regular, and comprehensive reports on the progress of survey and clearance.
- The DRC should detail its plans for sustainable capacity to tackle previously unidentified hazards.

## UNDERSTANDING OF CMR CONTAMINATION

The DRC has a small amount of contamination by CMR but has not produced an up-to-date estimate and the precise extent remaining is not known. CCLAM reported in mid-2019 that DRC had six areas of confirmed CMR contamination in four provinces and covering a total of 81,484m<sup>2</sup> (see Table 1).<sup>1</sup> Mine Action Review believes at least three of these areas have already been cleared, but has received no further information from CCLAM in this regard.

The first estimate of CMR contamination came from a national survey that CCLAM said was carried out in tandem with a survey of anti-personnel mine contamination in 2013–14. Five confirmed hazardous areas covering 17,590m<sup>2</sup> were found to contain CMR, all of which have since been cleared. The survey did not, however, cover Aru, a territory in Ituri province, and Dungu, a territory in Haut Uele province, where insecurity prevented access by survey teams. The DRC's most recent National Mine Action Strategy 2018–19, prepared with support from the Geneva International Centre for Humanitarian Demining (GICHD) and finalised in November 2017, said that in addition to mines and explosive remnants of war (ERW), "some areas contaminated by submunitions have also been reported but the areas affected remain negligible".<sup>2</sup>

Table 1: Cluster munition-contaminated area by province (at end 2018)<sup>3</sup>

Province	Territory	CHAs	Area (m <sup>2</sup> )
Ituri	Aru	3	40,750
South Kivu	Shabunda	1	719
Tanganyika	Kalemie	1	37,000
Tshopo	Bangelema	1	3,015
<b>Totals</b>		<b>6</b>	<b>81,484</b>

## NATIONAL OWNERSHIP AND PROGRAMME MANAGEMENT

The mine action sector is overseen by the Commission Nationale de Lutte Antimines (CNLAM), a multi-sectoral body which is supposed to meet twice a year and is composed of deputies from both parliamentary chambers, officials from four ministries, and representatives of five civil society organisations linked to mine action.<sup>4</sup>

Management of the sector is under CCLAM, which was established in 2012 with support from the United Nations Mine Action Coordination Centre (UNMACC) and the UN Mine Action Service (UNMAS).<sup>5</sup> It is responsible for setting strategy, accrediting operators, information management, budgeting, and resource mobilisation. Law 11/007 of 9 July 2011 underpins the national mine action programme.<sup>6</sup> CCLAM took over from UNMAS as the national focal point for demining in early 2016 overseeing accreditation, issuing task orders, conducting quality assurance (QA)/quality control (QC) and managing the national database but lack of capacity remained a concern for operators.<sup>7</sup> The government has provided funding for CCLAM's operating expenses, amounting to US\$530,000 in 2018, but has not provided funding for operations.<sup>8</sup>

UNMACC, established in 2002 by UNMAS, previously coordinated mine action 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 2014, in accordance with Security Council Resolution 2147 (2014), humanitarian mine action was removed from MONUSCO's mandate.<sup>9</sup> UNMAS, working in 2019 with 18 international and 18 national staff, continues to support CCLAM in planning and implementing CCLAM's 2018–19 mine action strategy and building CCLAM's capacity on information management.<sup>10</sup>

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## GENDER AND DIVERSITY

The national mine action strategy for 2018–19 stipulated that all mine action activities, particularly those related to risk education and victim assistance, must reflect the different needs of individuals according to age and gender, in a non-discriminatory manner. It also stated 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.<sup>11</sup>

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 the employment roles appropriate for women. CCLAM reported that mine action survey teams are gender balanced and that efforts are undertaken to ensure that all community groups, including women and children, are consulted. It also noted, however, the need to continue raising awareness on gender equality in certain communities as local customs can discriminate against women undertaking certain categories of work.<sup>12</sup>

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## INFORMATION MANAGEMENT AND REPORTING

CCLAM took over responsibility for information management from UNMAS in 2016 but has lacked the capacity and resources to manage data and operate effectively the national Information Management System for Mine Action (IMSMA) database. The 2018–19 national strategy acknowledged a need to build staff capacity, improve data collection, update the database on a regular basis, and provide data disaggregated by age and gender.<sup>13</sup> Continuing issues in 2019 included gaps in data; lack of maintenance; reporting on land release that did not comply with international terminology; misreporting items of unexploded ordnance (UXO) as mines; and a lack of verification of incoming reports.<sup>14</sup>

UNMAS continued its long-running support to the database in 2019, assisting monthly updates of data to improve operational coordination, collaborating on developing an information management work plan, and providing a range of computer and digital hardware.<sup>15</sup> Norwegian People's Aid (NPA) has also provided refresher training for CCLAM staff in use of IMSMA and the associated Geographic Information System (GIS).<sup>16</sup>

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## PLANNING AND TASKING

The National Mine Action Strategy 2018–19, prepared with support from UNMAS and the GICHD, focused on seeking to fulfil the DRC's Anti-Personnel Mine Ban Convention's Article 5 obligations by 2020, one year ahead of its extended 2021 deadline.<sup>17</sup> The strategy also set out the objective of completing procedures for ratifying the Convention on Cluster Munitions by the end of 2018, a plan which has yet to be implemented.<sup>18</sup>

The strategy identified three strategic pillars: effective and efficient management of the explosive threat; ensuring the national programme had the capacity to manage residual contamination in a sustainable manner; and that the legal framework of the mine action programme was strengthened through the adoption of national laws and other implementing measures and adherence to relevant treaties.<sup>19</sup> None of these goals was met.

Tasking continues to be challenged by the remote location of many hazardous areas and database weaknesses, including misidentification of ERW as mine contamination and the addition of hazards to the database without robust evidence of the presence of explosive ordnance. Instead of prioritising tasks, NPA adopted a province-by-province approach as a more efficient way to deal with the logistical challenges and costs of tackling tasks separated by big distances.<sup>20</sup>

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## LAND RELEASE SYSTEM

### STANDARDS AND LAND RELEASE EFFICIENCY

The DRC has 24 national standards developed with support from the GICHD<sup>21</sup> and the national strategy for 2018–19 called for revision of the standards and awareness raising of their content through training.<sup>22</sup> CCLAM reported in June 2019 it had revised the National Technical Standards and Guidelines (NTSGs) during 2018, amending mainly the standards relating to demining techniques and safety of deminers.<sup>23</sup>

### OPERATORS AND OPERATIONAL TOOLS

The number of operators active in the DRC has fallen in the past two years to the point where DanChurchAid, NPA, and TDI were the only international organisations active in survey and clearance in 2019.

NPA operated with three teams conducting non-technical survey and manual mine clearance as well as explosive ordnance disposal (EOD) spot tasks in 2019.<sup>24</sup> NPA continued survey in early 2020, but operations ended in February 2020 and the programme officially closed at the end of March 2020.<sup>25</sup>

TDI continued operating in 2019 under contract to UNMAS, working with two teams and a total of twenty-four deminers. It carried out surveys in Ituri and Tanganyika provinces. It also conducted spot EOD and risk education in support of the UN peacekeeping operation, MONUSCO, working in the territories of Aru (Ituri province), Kalemie (Tanganyika province), and Shabunda town (South Kivu province).<sup>26</sup>

UNMAS contracted three national NGOs - Afrique pour la Lutte Antimines (AFRILAM), Bureau des Actions de Développement et des Urgences (BADU) and Groupe Africain de Déminage, Développement et Environnement (GADDE) to conduct non-technical survey and explosive ordnance risk education in Ituri (Irumu, Djugu, Aru), and South Kivu (Kabare, Shabunda), Tanganyika (Kalemie, Moba).<sup>27</sup>

## LAND RELEASE OUTPUTS AND PROGRESS TOWARDS COMPLETION

### LAND RELEASE OUTPUTS IN 2019

The DRC did not report outcomes of survey and clearance in 2019. In 2019, TDI, through two multi-task teams contracted by UNMAS, released a total of 174,315m<sup>2</sup> of battle area, including cluster munition-contaminated area. Of this total 107,194m<sup>2</sup> was released by clearance.<sup>28</sup>

### SURVEY IN 2019

Non-technical survey conducted by TDI's teams in 2019 cancelled 57,760m<sup>2</sup> of suspected hazardous area in Ituri province and reduced 9,045m<sup>2</sup> through technical survey. They reduced another 316m<sup>2</sup> in Tanganyika province.<sup>29</sup>

### CLEARANCE IN 2019

TDI teams cleared 107,194m<sup>2</sup> of battle area, including cluster munition-contaminated area, in three provinces in 2019 (see Table 2), a significant increase over the clearance of 43,000m<sup>2</sup> reported by CCLAM for the previous year. TDI destroyed 150 submunitions in 2019, most in the course of EOD spot tasks. A further 17,050m<sup>2</sup> was cleared between January and 14 March 2020.<sup>30</sup>

**Table 2: Battle area clearance by TDI in 2019<sup>31</sup>**

Province	Territory	Area cleared (m <sup>2</sup> )	Submunitions destroyed*	Total UXO destroyed
Ituri	Aru, Djugu, Irumu	30,617	12	63
South Kivu	Kabare, Shabunda	11,162	25	56
Tanganyika	Kalemie, Moba	65,415	113	272
<b>Totals</b>		<b>107,194</b>	<b>150</b>	<b>391</b>

\* Includes items destroyed in the course of EOD spot tasks.

## PROGRESS TOWARDS COMPLETION

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The battle area cleared by TDI in 2019 far exceeds the area thought to be contaminated by CMR, underscoring the need for CCLAM to provide an updated summary of CMR-contaminated areas that were cleared in the last three years, the confirmed CMR hazards still outstanding, and any areas that still require survey.

As a CCM signatory, DRC had set a target of ratifying the convention by the end of 2018 but has left that target unfulfilled and has provided no clarity on its plans for survey or clearance of CMR nor a timeline for completion.

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- 1 Email from Maître Sudi Alimasi Kimputu, Coordinator, CCLAM, 3 June 2019.
  - 2 "Stratégie Nationale de Lutte Antimines en République Démocratique du Congo 2018–2019", CCLAM, November 2017, p. 8.
  - 3 Ibid.
  - 4 Ibid., p. 11.
  - 5 Ibid.
  - 6 Email from Maître Sudi Alimasi Kimputu, Director, CCLAM, 3 June 2019.
  - 7 Emails from Jean-Denis Larsen, NPA, 5 March 2018; Bill Marsden, MAG, 11 May 2018; and Guillaume Zerr, Humanity and Inclusion, 24 May 2018.
  - 8 Email from Maître Sudi Alimasi Kimputu, CCLAM, 3 June 2019.
  - 9 UN Security Council Resolution 2147, 28 March 2014.
  - 10 Email from Aurelie Fabry, Programme Officer, UNMAS, 13 April 2020.
  - 11 "Stratégie Nationale de Lutte Antimines 2018–2019", November 2017, pp. 15–16.
  - 12 Email from Maître Sudi Alimasi Kimputu, CCLAM, 3 June 2019.
  - 13 "Stratégie Nationale de Lutte Antimines 2018–2019", November 2017, p. 14.
  - 14 Skype interview with Jean-Denis Larsen, NPA, 24 April 2019; and email, 24 May 2019.
  - 15 Email from Aurelie Fabry, UNMAS, 13 April 2020.
  - 16 Email from Jean-Denis Larsen, NPA, 24 May 2019.
  - 17 "Stratégie Nationale de Lutte Antimines 2018–2019", November 2017, p. 4.
  - 18 Ibid., p. 23.
  - 19 Ibid., p. 5.
  - 20 Skype interviews with Jean-Denis Larsen, NPA, 24 April 2019 and 16 May 2020; and email, 24 May 2019.
  - 21 Statement of DRC, APMBC Intersessional Meetings, 2 July 2020.
  - 22 "Stratégie Nationale de Lutte Antimines 2018–2019", November 2017, p. 34.
  - 23 Skype interview with Jean-Denis Larsen, NPA, 24 April 2019; and email, 24 May 2019.
  - 24 Ibid.
  - 25 Skype interview with Jean-Denis Larsen, NPA, 16 April 2020.
  - 26 Emails from Aurelie Fabry, UNMAS 20 June 2019 and 13 April 2020.
  - 27 Email from Sasha Bhatnagar, Associate Programme Officer, UNMAS, 14 August 2020.
  - 28 Email from Aurelie Fabry, UNMAS, 20 August 2020.
  - 29 Ibid.
  - 30 Emails from Aurelie Fabry, UNMAS, 20 and 21 August 2020.
  - 31 Email from Aurelie Fabry, UNMAS, 20 August 2020.