

DEMOCRATIC REPUBLIC OF CONGO

MINE
ACTION
REVIEW

CLEARING CLUSTER
MUNITION REMNANTS
2022

KEY DATA

CLUSTER MUNITION CONTAMINATION:

**BELIEVED TO BE LIGHT BUT NO
NATIONAL BASELINE ESTIMATE**

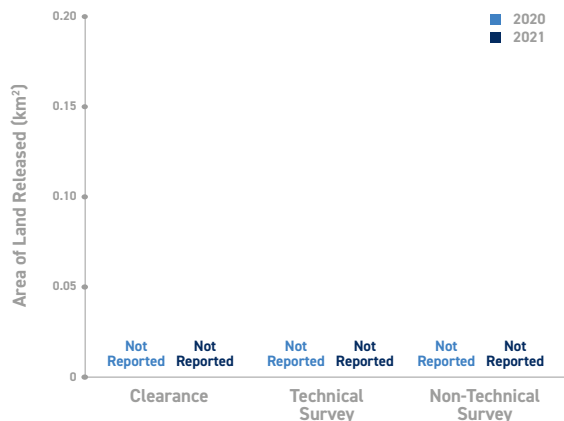
SUBMUNITION
CLEARANCE IN 2021

0 km²

SUBMUNITIONS
DESTROYED IN 2021

0

LAND RELEASE OUTPUT



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 submit annual reports on mine action sector developments and engage proactively with the international mine action community.
- 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.
- CCLAM should specify what arrangements it is making for the long-delayed survey of Aru and Dungu territories.
- The DRC should detail its plans for sustainable capacity to tackle previously unidentified hazards.

CLUSTER MUNITION SURVEY AND CLEARANCE CAPACITY

MANAGEMENT

- Commission Nationale de Lutte Antimines (CNLAM)
- Centre Congolais de Lutte Antimines (CCLAM)

NATIONAL OPERATORS

- Forces Armées de la République Démocratique du Congo
- Police Nationale Congolaise
- Afrique pour la Lutte Antimines (AFRILAM)

INTERNATIONAL OPERATORS

- DanChurchAid

OTHER ACTORS

- United Nations Mine Action Service (UNMAS)

UNDERSTANDING OF CMR CONTAMINATION

The DRC has a small amount of CMR contamination but the precise extent is not known. An Article 7 report submitted voluntarily at the end of May 2022, the first in eight years, recorded six confirmed hazardous areas (CHAs) containing CMR in four provinces affecting a total of 161,523m², almost double the area recorded in the previous Article 7 report submitted in 2014 (see Table 1).¹

Table 1: Cluster munition-contaminated area by province (at end 2021)²

Province	Territory	CHAs	Area (m ²)
Ituri	Aru	3	3,406
South Kivu	Shabunda	1	719
Tanganyika	Kalemie	1	37,000
Equator	Bolomba	1	120,398
Totals		6	161,523

The main change since the DRC's previous Article 7 report in 2014 was the addition of a CHA in Equator province amounting to 120,396m², representing nearly three-quarters of identified contamination. Since the previous report, DRC had also released a CHA of 3,015m² in Tshopo province and reduced its estimate of CMR contamination in Ituri from 40,750m² to 3,406m².³

The first estimate of CMR contamination came from a national survey that CCLAM said was conducted in tandem with a survey of anti-personnel mine contamination in 2013–14. It identified five confirmed hazardous areas covering 17,590m² containing 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 to 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".⁴

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.⁵

CCLAM, which was established in 2012, manages the sector with support from the UN Mine Action Coordination Centre (UNMACC) and the UN Mine Action Service (UNMAS).⁶ CCLAM 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.⁷ 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.⁸ The government provided US\$530,000 in funding for CCLAM's operating expenses in 2018, but has not provided funding for operations.⁹

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.¹⁰

UNMAS now operates with a mandate to provide explosive ordnance disposal (EOD) services in support of MONUSCO in North Kivu, South Kivu and Tanganyika Provinces. In 2021 it had a total staff of 25: 14 international and 11 national staff who are headquartered in Goma, North Kivu, but also work from offices in Kinshasa, Beni, Bukavu (South Kivu), and Kalemie (Tanganyika).¹¹ In line with recommendations of a 2019 independent review of MONUSCO, UNMAS also works to build national capacity for managing explosive hazards, working with the national NGO, Afrique pour la Lutte Antimines (AFRILAM).¹²

In 2021, CCLAM hosted the national Mine Action Working Group meeting on a quarterly basis, with the participation of other mine action organisations to share information on the trend and discuss planning and coordination issues.¹³

1 Voluntary CCM Article 7 Report (covering the period 1 January 2013 to 31 December 2021), Form F; email from Maître Sudi Alimasi Kimputu, Coordinator, CCLAM, 3 June 2019.

2 Voluntary CCM Article 7 Report (covering the period 1 January 2013 to 31 December 2021), Form F.

3 Ibid.; and email from Maître Sudi Alimasi Kimputu, CCLAM, 3 June 2019.

4 "Stratégie Nationale de Lutte Antimines en République Démocratique du Congo 2018–2019", CCLAM, November 2017, p. 8.

5 Ibid., p. 11.

6 Ibid.

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

8 Emails from Jean-Denis Larsen, NPA, 5 March 2018; Bill Marsden, MAG, 11 May 2018; and Guillaume Zerr, Humanity and Inclusion, 24 May 2018.

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

10 UN Security Council Resolution 2147, 28 March 2014.

11 Email from Jean-Denis Larsen, Chief of Mine Action Programme, UNMAS, 31 May 2022.

12 Email from Jean-Denis Larsen, UNMAS, 31 May 2022; and UNMAS website, updated March 2022.

13 Email from Jean-Denis Larsen, UNMAS, 31 May 2022.

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 participate 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.¹⁴

CCLAM reported in 2019 that approximately 30% of operational staff in survey and clearance teams were female and only around 7% of managerial or supervisory positions were held by women. It said that local customs about the employment roles appropriate for women were an obstacle to hiring female staff. 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.¹⁵

UNMAS says promoting gender and inclusion are a priority and it has a Gender and Diversity work plan to ensure it is mainstreamed across the programme. Women were five of UNMAS's 14 international staff in 2021, including programme manager, a programme officer, a service support manager, an associate programme officer, and a human resources associate. The 11 national staff included three women (an administration assistant, an administration/human resources associate, and a senior information technology assistant). AFRILAM's 27 staff included three women: two EOD operators and a medical officer.¹⁶

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. As a result, data is not considered up to date or reliable. Operator access is also complicated by the fact that CCLAM decides which information it is prepared to share.

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.¹⁷ Persistent issues have 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.¹⁸

Until 2020, CCLAM information management received support from UNMAS, which assisted monthly updates of data to improve operational coordination, collaborated on developing an information management work plan, and provided a range of computer and digital hardware.¹⁹ Norwegian People's Aid (NPA) also previously provided refresher training for CCLAM staff in use of IMSMA and the associated Geographic Information System (GIS).²⁰ In 2020, CCLAM did not request IM support from UNMAS and a request for support from the GICHD was not met due to the Centre's lack of capacity and the onset of the COVID-19 pandemic.²¹

UNMAS maintains an internal database which is updated regularly.²²

PLANNING AND TASKING

In January 2022, DRC completed a "National Strategic Plan for the Fight Against Anti-Personnel Mines and Explosive Remnants of War", including cluster munitions, for 2023 to 2032. The plan sets out general objectives for the coming decade, including completing mine clearance by 2025 and cluster munition remnants by 2032. The strategy aims to ensure all mined areas are cleared, survey of cluster munitions and other ERW is completed rapidly, and a decentralised EOD capacity is established to tackle residual contamination.²³ The 76-page strategy sets out a detailed budget for the 10 years of the plan²⁴ but provides no details or timeline for survey or clearance of hazardous areas.

14 "Stratégie Nationale de Lutte Antimines 2018–2019", November 2017, pp. 15–16.

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

16 Email from Jean-Denis Larsen, UNMAS, 31 May 2022.

17 "Stratégie Nationale de Lutte Antimines 2018–2019", November 2017, p. 14.

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

19 Email from Aurelie Fabry, UNMAS, 13 April 2020.

20 Email from Jean-Denis Larsen, NPA, 24 May 2019.

21 Emails from Aurelie Fabry, UNMAS, 28 April and 7 June 2021.

22 Email from Jean-Denis Larsen, UNMAS, 31 May 2022.

23 "Plan Stratégique National de Lutte Contre les Mines Antipersonnel et les Restes Explosifs de Guerre en République Démocratique du Congo 2023–2032", January 2022, p. 11.

24 Ibid., p. 63.

The new strategy follows on from the National Mine Action Strategy 2018–19, prepared with support from UNMAS and the GICHD, which 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.²⁵ The strategy also set out the objective of completing procedures for ratifying the Convention on Cluster Munitions by the end of 2018.²⁶ The former strategy had 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.²⁷ 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 mines 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.²⁸

LAND RELEASE SYSTEM

STANDARDS AND LAND RELEASE EFFICIENCY

The DRC has 24 national standards developed with support from the GICHD²⁹ and the national strategy for 2018–19 called for revision of the standards and awareness raising of their content through training.³⁰ 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.³¹

OPERATORS AND OPERATIONAL TOOLS

International engagement with DR Congo's mine action programme has decreased following the closure of programmes by NPA in 2019 and TDI in February 2020. That left DanChurchAid as the only international organisation active in 2021, operating with a total staff of 65, including five internationals. Operational capacity included one manual clearance team of 16 deminers, an EOD team with nine people and five mechanical assets. DCA worked in North and South Kivu tackling mine contamination in a project funded by the United States PMWRA but did not deal with cluster munitions.³²

UNMAS deployed an IED Disposal teams consisting of two international staff based in North Kivu province but its activities did not address cluster munitions. UNMAS also contracted five multi-task teams of the national NGO, Afrique pour la Lutte Antimines (AFRILAM) in 2021. Three of these teams were engaged largely in a range of tasks supporting MONUSCO in North and South Kivu and Tanganyika provinces, the other two were assigned to supporting DRC's mine action programme in Kasai central, Kasai Oriental and Kasai Occidental. None of these teams conducted any CMR clearance.³³

LAND RELEASE OUTPUTS AND PROGRESS TOWARDS COMPLETION

LAND RELEASE OUTPUTS IN 2021

The DRC did not report any survey or clearance of cluster munitions contamination in 2021.

The CCM Article 7 report submitted voluntarily by the DRC in May 2022 showed that DRC had released a total of 57,857m² of cluster munition-contaminated area in five provinces (Equateur, Maniema, Sud Kivu, Tanganyika, and Tshopo) between 2017 and December 2019 and destroyed 572 submunitions.³⁴

PROGRESS TOWARDS COMPLETION

The lack of timely reporting by DRC on any aspect of survey or clearance prevents a determination of progress towards completion.

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.

25 "Stratégie Nationale de Lutte Antimines 2018–2019", November 2017, p. 4.

26 Ibid., p. 23.

27 "Stratégie Nationale de Lutte Antimines 2018–2019", November 2017, p. 5.

28 Skype interviews with Jean-Denis Larsen, NPA, 24 April 2019 and 16 May 2020; and email, 24 May 2019.

29 Statement of DRC, APMBC Intersessional Meetings, 2 July 2020.

30 "Stratégie Nationale de Lutte Antimines 2018–2019", November 2017, p. 34.

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

32 Email from Petri Siikanen, Country Director, DCA, 4 May 2022.

33 Email from Jean-Denis Larsen, UNMAS, 31 May 2022.

34 Article 7 Report (covering the period 1 January 2013 to 31 December 2021), Form F.