
**Meeting of the States Parties to the Convention
on the Prohibition of the Use, Stockpiling,
Production and Transfer of Anti-Personnel
Mines and on Their Destruction**

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Item 9 of the provisional agenda

**Informal presentation of requests submitted under Article 5
and of the analysis of these requests**

**Analysis of the request submitted by the Democratic
Republic of the Congo for an extension of the deadline for
completing the destruction of anti-personnel mines in
accordance with Article 5 of the Convention**

**Submitted by the President of the Tenth Meeting of the States Parties
on behalf of the States Parties mandated to analyse requests for
extensions**

1. The Democratic Republic of the Congo ratified the Convention on 2 May 2002. The Convention entered into force for the Democratic Republic of the Congo on 1 November 2002. In its initial transparency report submitted on 30 April 2003, the Democratic Republic of the Congo reported areas under its jurisdiction or control containing, or suspected to contain, anti-personnel mines. The Democratic Republic of the Congo is obliged to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control by 1 November 2012. The Democratic Republic of the Congo, believing that it will be unable to do so by that date, submitted on 31 March 2011 to the President of the Tenth Meeting of the States Parties (10MSP), a request for an extension of its deadline. On 11 May 2011, the 10MSP President wrote to the Democratic Republic of the Congo to request additional information. The Democratic Republic of the Congo provided a response on 18 May 2011 and subsequently, on 11 September 2011, submitted to the 10MSP President a revised request for extension incorporating additional information provided in response to the President's questions. The Democratic Republic of the Congo's request is for 26 months (until 1 January 2015).

2. The request indicates that the Democratic Republic of the Congo's understanding of the original challenge at entry into force included 182 suspected hazardous areas. Added to these were 722 suspected mined areas reported by operators with the baseline used to describe the original challenge totalling 904 suspected hazardous areas. The request indicates that initial survey efforts were mostly carried out on the basis of misconceptions, were often uncoordinated and were not carried out by adequately-qualified staff. This led to overestimations of the number and dimension of areas suspected to contain anti-personnel mines and other explosive remnants of war (ERW). The request also indicates that most of the information provided by operators to the coordination body prior to the end of 2006 was

not supplied in required formats which rendered difficult the work of the information management section and operations unit.

3. The request indicates that, since the start of the demining programme in 2002, a total of 7.5 square kilometres have been subject to clearance and verification activities resulting in the locations and destruction of 3,331 mines (anti-personnel and anti-tank mines). The request indicates that, specifically in terms of areas contaminated by anti-personnel mines, this total includes the clearance of 133 such areas measuring a total of 1.2 square kilometres in which 2, 592 anti-personnel mines were located and destroyed.

4. The request indicates that, in April 2009, the information recorded in the Information Management System for Mine Action (IMSMA) was evaluated leading to a “database cleanup” carried out in two phases over the course of 2010. The first phase of the “database cleanup” showed that a large amount of data was inaccurately or poorly recorded and efforts were made to locate the validation study reports in hard copy or electronic format, sorting and validating them and then allocating them to their respective hazardous areas in order to close them. Information collected by the ongoing General Mine Action Survey (GMAS) was also taken into account and that in addition to the closure of hazardous areas, newly located areas were entered into the database. The request indicates that the initial state of the database in March 2010 was that it contained 891 suspected hazardous areas measuring 1,060.02 square kilometres with a total of 69 areas having been addressed. The request further indicates that following the first phase of database cleanup, in August 2012, the database included 904 mined areas measuring 821.79 square kilometres with a total of 133 of these having been addressed, as noted in paragraph 3.

5. The request indicates that the second phase of the “database cleanup” information classed by province and by territory was sent to all mine action operators for verification, with survey teams tasked with confirming the status of hazardous areas. This led to the conclusion that of the 904 areas, 82 areas totalling 14.13 square kilometres should be classified as suspected or confirmed mined areas (70 suspected, 12 confirmed) and the remaining areas should be classified as areas contaminated exclusively by other ERW. The States Parties mandated to analyse requests submitted under Article 5 of the Convention (hereafter referred to as the “analysing group”), while welcoming the efforts of the Democratic Republic of the Congo to obtain increased clarity regarding its implementation challenge through measures such as “database cleanup”, noted that these efforts did not begin until eight years after entry into force and that they could have been undertaken earlier.

6. The request indicates that the ongoing General Mine Action Assessment (GMAA) and General Mine Action Survey (GMAS) surveys will provide a new baseline of contamination in the Democratic Republic of the Congo. The request indicates that the GMAA corresponds to “non-technical survey” and does not have an Explosive Ordnance Disposal (EOD) intervention capacity and so cannot carry out technical survey. The request further indicates that all suspected areas reported by the GMAA are subject to technical survey in the future. The request also indicates that the GMAS aims to collect the same data as the GMAA but its team possess a small EOD capacity to respond rapidly to “limited” sized threats and carry out “limited” technical survey with the aim of attempting to identify the areas considered suspected and to delineate the boundaries of these areas. The request indicates that the technical survey is considered “limited” as the GMAS team has neither the time nor the capacity to perform a full technical survey. As well, the request indicates that the principal objective of the GMAA and the GMAS is to gather information about mine contamination and to provide information on “suspected hazardous areas” or “confirmed hazardous areas”.

7. The request indicates that to avoid past mistakes, a national strategy will be finalised and national mine action standards established, with the latter intended to ensure respect of

task assignments, ground operations and reporting procedures. The request indicates that these national standards have already been developed, are in the process of being formally adopted and contain detailed descriptions of new quality management systems which will require, in particular, the re-accreditation of all the operators, including those active in mine risk education. The request further indicates that the system will include a new accreditation procedure, a new monitoring process and a post-clearance inspection system.

8. The request indicates that the release of land has been carried out through non-technical and technical survey which has allowed land to be released without the need to undergo full clearance. The request further indicates that operators have employed their own standard operating procedures, approved by the national mine action authority, in carrying out non-technical and technical surveys. The release of land is also carried out through demining/complete clearance of minefields through the following 6 basic steps: Surveys (level 1 and 2), preparation of sites for demining (implementation plan), demining/clearance, quality management and post-demining inspection, land release, and post-clearance documentation (report and map making). The request also indicates that, to date, the clearance methods used include manual demining (with detector, prodder and manual excavation) and mechanical demining both including the use of mine detection dogs (MDD). The request further indicates that in close collaboration with the Democratic Republic of the Congo's National Focal Point for Mine Action (PFNLA), land is released to the authorities through the establishment of quality documents by the United Nations Mine Action Coordination Centre (UNMACC) (in accordance with the UN's International Mine Action Standards, or IMAS), which are prepared by the operators under the guidance of UNMACC's Quality Management Section, signed jointly by the operator in charge of implementation, the local chiefs representing the owners/users/direct beneficiaries of the cleared land and a representative of UNMACC.

9. The request indicates that the Democratic Republic of the Congo has a quality assurance and control service that in addition to accrediting demining organizations is charged with validating areas that have been cleared. The request indicates that the UNMACC, in close collaboration with the PFNLA, has developed a proximity policy by dividing the Democratic Republic of the Congo into 5 regional operations offices, with these mainly responsible for managing quality assurance. The request indicates that these regional operations offices deploy teams into the field to check the demining area when demining operations are almost complete, where, in the presence of the operator, these teams complete quality control documentation. The request also indicates that if required standards are met, the work is accepted and the operator is discharged. If standards are not met, the operator is required to return to the area in order to present it later for renewed inspection. The request further indicates that depending on the priorities, the urgency and the availability of land from one community to another, total land release or partial land release to the local authorities is carried out.

10. The request indicates that in 2010, the parliament of the Democratic Republic of the Congo adopted a law to implement the Convention. The 10MSP President requested additional information on the role and authority of UNMACC vis-à-vis the Democratic Republic of the Congo's national authority. The Democratic Republic of the Congo responded by indicating that the programme in the Democratic Republic of the Congo began under the auspices of the United Nations Organization Mission in Democratic Republic of the Congo (MONUC, now MONUSCO) and that UNMACC has been the de facto operations coordination centre for mine action in the country. The Democratic Republic of the Congo indicated that UNMACC was set up in February 2002, taking into account UN Security Council Resolution 1291 (2000), which mandated MONUC, and with UNMACC's current mandate emanating from UN Security Council Resolution 1925. The Democratic Republic of the Congo indicated that in the absence of a national structure at the time of entry into force, the Democratic Republic of the Congo has, in a note verbal,

entrusted mine action coordination to UNMACC. The Democratic Republic of the Congo further indicated that in March 2008 the Democratic Republic of the Congo established a national authority, the PFNLA, with its functions set out in two ministerial decrees signed by the Minister of the Interior charging the PFNLA with the implementation of the Convention and defining the structure of the PFNLA. The Democratic Republic of the Congo indicated that the law to implement the Convention will define future national institutional development and that this law is pending promulgation by the Democratic Republic of the Congo's President. The Democratic Republic of the Congo also indicated that since the creation of the PFNLA, UNMACC has worked to build national capacity and ownership and that this is an essential component of the national mine action strategy being developed for 2012-2016.

11. The request indicates that there have been significant socio-economic gains since entry into force as a result of Article 5 implementation. The request indicates that, in addition to the reduction in the number of accidents, the following socio-economic benefits have been derived: The clearance of the Kabumba minefield (in the Kabalo territory) has enabled the communities of Kabumba and surrounding villages to resume farming activities, fishing on the Lukuswa river, and safe access to roads and paths. At least 10,000 people are estimated to benefit from this as agricultural production serves not only the territory of Kabalo but also those of Manono and Nyunzu in Katanga province and Lubao in Kasai Oriental province. The clearance of a 6 kilometre long Nzofu-Katutu section of a main arterial road has allowed the Kabalo territory to be linked to the territories of Manono, Kongolo, Kabongo (Katanga) and Lubao (Kasai-Oriental), supporting trade and benefiting an estimated 300,000 people. The clearance of the Mitondo 1 minefield has made it possible to resume farming activities and to reassure the local population of safe mobility. The request indicates that in addition to these specific benefits, and thanks to demining operations, a number of displaced persons can now return safely to their homes and that the government can now proceed with the reconstruction/rehabilitation or extension of roads and airports. The analysing group noted that the Democratic Republic of the Congo has collected and provided data on victims disaggregated by sex in keeping with the commitments made in Action #25 of the Cartagena Action Plan.

12. As noted, the Democratic Republic of the Congo requests a 26 month extension (until 1 January 2015). The purpose of this requested period is to provide the Democratic Republic of the Congo with the time necessary to survey all suspected hazardous areas with a view to determining with greater precision the extent of the remaining challenge and to elaborate a plan of action. The request indicates that the Democratic Republic of the Congo would then submit a subsequent request, once the results of the GMAS (in progress since May 2009) and the GMAA (in progress since November 2010) are available, which would include a detailed action plan to comply with Article 5 of the Convention which the Democratic Republic of the Congo is unable to produce at present given the lack of detail regarding the remaining contamination. The request indicates that an estimated 100 territories are still subject to GMAS or GMAA with activities having commenced in approximately 25 of these territories. The analysing group noted the importance of the Democratic Republic of the Congo requesting only the period of time necessary to assess relevant facts and develop a meaningful forward looking plan based on these facts. The request indicates that during this "interim" extension period the Democratic Republic of the Congo will also continue to pursue demining operations in the areas currently in progress.

13. The request indicates that the circumstances that have impeded implementation in the initial 10 year period include two major factors: lack of adequate training for the conduct of surveys and random or uncoordinated employment of assets of organizations involved in surveys. The analysing group noted that the delay in addressing these factors no doubt also contributed to implementation being impeded. With respect to the impeding circumstances mentioned in the request, the request indicates that surveys carried out up

until the end of 2002 were incomplete, unsystematic and with unreliable results due to the surveys being marked by a lack of precision regarding the nature of contamination and an overestimation of the dimensions of the suspected mined areas. The request also indicated that this issue has been exasperated by (a) lack of registries and maps of mines laid by the warring parties; (b) the size of the Democratic Republic of the Congo; (c) poor state of road infrastructure (most of the roads are not paved and in poor conditions); (d) climatic variation within the Democratic Republic of the Congo (untimely rain); (e) high and dense vegetation in certain suspected or confirmed mined areas, rendering difficult the demining operations and technical surveys (slow rate of demining); (f) resources made available have so far turned out to be insufficient; (g) other humanitarian emergencies (return of refugees, humanitarian assistance etc.); and (h) the inaccessibility of some areas of the country due to insecurity and renewed armed conflict.

14. The request indicates that during the requested extension period the following activities would be carried out subject to adequate funding: continuation of the GMAS and GMAA, which will be carried out by all operators; land release operations, including clearance, which will be carried out by certain operators funded by UNMACC or self-funded; capacity-building and the deployment of units of the Armed Forces of the Democratic Republic of the Congo (FARDC) for manual demining, supported by the Mines Advisory Group (MAG) and Handicap International (HI) in Kasai Oriental (Dembelenge) and in Orientale Provinces (Kisangani); the consolidation of capacity-building efforts by UNMACC; and, the implementation of activities programmed in the national strategic plan for mine action.

15. The request indicates that during the requested extension period non-technical survey of the 70 suspected mined areas will be carried out with the aim of releasing these areas and that technical survey will be carried out in order to determine the precise location and dimensions, as well as other characteristics, of the 12 confirmed areas prior to clearance activities. The request indicates that these surveys will be carried out between January 2013 and November 2014. The request also indicates that the precise volume of remaining work is still not known, making it difficult to determine how much and which land will be released annually, particularly given that the GMAS has not been completed. The request further indicates that priorities will be defined by local communities and local and national authorities, in collaboration with the demining organisations and under the guidance of the national mine action authority, with the community liaison teams playing a vital role in the priority setting phase.

16. The request indicates that the provisional annual budget is US\$30.4 million for all aspects of mine action, including the GMAA and GMAS surveys. The request indicates that the estimated budget includes the operational costs of all the operators working within the programme, the costs related to the functioning of PFNLA and to the reinforcement of its capacities, and the costs of UNMACC. The request also indicates that these estimates will be refined once more precise information concerning extent and locations available on completion of the GMAS/GMAA surveys. In response to a request made by the 10MSP President, the Democratic Republic of the Congo also provided a provisional annual budget categorised into seven areas: coordination (US\$ 5,000,000), PFNLA (US\$7,700,000), survey and destruction of ERW (US\$ 5,000,000), clearance (US\$ 5,800,000), survey of roads and clearance (US\$ 5,600,000), mine risk education (US\$ 750,000) and victim assistance (US\$600,000). The request further indicates that the Democratic Republic of the Congo intends to invest US\$ 1.5 million of its own resources during the extension period with the remaining US\$ 28.5 million to be provided by sources other than the Democratic Republic of the Congo. The analysing group welcomed the Democratic Republic of the Congo's commitment to provide \$1.5 million in national resources to mine action.

17. The analysing group noted that the Democratic Republic of the Congo had not specified the estimated costs of efforts specifically related to the implementation of Article 5 during the requested extension period. The analysing group further noted that the Democratic Republic of the Congo, unlike other requesting States, had not provided a breakdown of costs or an explanation of the method used to derive these estimates (e.g., for “coordination”), and, in this context, noted the importance for the purposes of mobilising resources of specifying how funds will be spent. In addition, the analysing group noted that the amount of funding sought by the Democratic Republic of the Congo surpasses the amount of funds that have historically been received by the Democratic Republic of the Congo.

18. The request indicates that the Democratic Republic of the Congo’s resource mobilisation strategy will involve reinforcing the regular exchange platform with development partners including an initial meeting, co-chaired by the UNMACC and the PNFLA, held in Kinshasa at the end of February 2011, with the parties agreeing to organise such meetings every three months to ensure that development partners are kept well informed. The request also indicates that the national mine action strategy for the period 2012-2016 will be used as a tool for resource mobilization.

19. The analysing group noted that while it may be unfortunate that after almost ten years since entry into force a State Party is unable to account for what remains to be done, it is positive that such a State Party, as is the case of the Democratic Republic of the Congo, intends to take steps to garner an understanding of the true remaining extent of the challenge and to develop plans accordingly that precisely project the amount of time that will be required to complete Article 5 implementation. The analysing group further noted that by requesting a 26 month extension, the Democratic Republic of the Congo was projecting that it would need approximately two years from the date of submission of its request to obtain clarity regarding the remaining challenge, produce a detailed plan and submit a second extension request. The analysing group noted the importance of the GMAA and GMAS to obtaining clarity and to producing a detailed plan. In this regard, the analysing group noted the importance of the Democratic Republic of the Congo keeping the States Parties apprised of efforts to implement the GMAA and GMAS and the outcomes of these efforts.

20. The analysing group noted the commitment of the Democratic Republic of the Congo, with a view to avoiding past mistakes, to finalise a national strategy and to adopt national demining standards. The analysing group noted the importance of the Democratic Republic of the Congo keeping the States Parties apprised of steps to fulfil these commitments.

21. The analysing group noted that, given the importance of external support to ensure timely implementation, the Democratic Republic of the Congo could benefit from enhancing its resource mobilisation strategy, in part by providing additional clarity regarding estimated costs for implementation. Also as concerns resource mobilisation, the analysing group noted the commitment of the Democratic Republic of the Congo to meet with its development partners every three months to keep them apprised of efforts to implement Article 5 and to otherwise address problems associated with anti-personnel mines and other ERW. The analysing group noted the importance of the Democratic Republic of the Congo keeping the States Parties apprised of steps to fulfil these commitments and of providing further details on the costs associated with implementation of Article 5.

22. The analysing group further noted that both the Democratic Republic of the Congo and all States Parties could benefit if the Democratic Republic of the Congo provided updates on all commitments made in its extension request at meetings of the Standing Committees and at Meetings of the States Parties.

