
**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**

30 October 2020

Original: English

Eighteenth Meeting
Geneva, 16-20 November 2020
Item 11 of the provisional agenda
Consideration of requests submitted under Article 5

**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 Committee on Article 5 Implementation
(Austria, Canada, Norway and Zambia)**

1. The Democratic Republic of the Congo acceded to the Convention on 2 May 2002, and the Convention entered into force for the Democratic Republic of the Congo on 1 November 2002. In its initial transparency report the Democratic Republic of the Congo reported areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced. The Democratic Republic of the Congo was obliged to destroy or ensure the destruction of all anti-personnel mines under its jurisdiction or control by 1 November 2012. The Democratic Republic of the Congo believing that it would be unable to do so by that date, submitted a request to the Eleventh Meeting of the States Parties (11MSP) for a three-year extension of its deadline, until 1 January 2015. The 11MSP agreed unanimously to grant the request.
2. In granting the Democratic Republic of the Congo's request in 2011, the 11MSP noted that while it may be unfortunate that after almost ten years since entry into force 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 11MSP further 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.
3. On 7 April 2014, the Democratic Republic of the Congo submitted to the Third Review Conference of the States Parties, (3RC) a request for extension of its 1 January 2015

* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.



deadline. The Democratic Republic of the Congo's request was for five years, until 1 January 2021. The 3RC agreed unanimously to grant the request.

4. In granting the request, the 3RC noted that, while the Democratic Republic of the Congo had made great efforts to largely comply with the commitments it had made in 2011 to garner an understanding of the true remaining extent of the challenge, a detailed annual work plan for survey and clearance leading to completion was still missing. The 3RC further noted that the Democratic Republic of the Congo had committed to develop an operational plan by 1 January 2015. The Committee on Article 5 Implementation noted that the Democratic Republic of the Congo had not provided an updated work plan in accordance with the decisions and recommendations of the 3RC.

5. On 24 September 2020, the Democratic Republic of the Congo submitted to the Chair of the Committee on Article 5 Implementation (hereafter referred to as "the Committee"), a request for extension of its 1 January 2021 deadline. The Committee expressed concern that with the request's late submission, the Democratic Republic of the Congo had not acted in accordance with the process for the preparation, submission and consideration of requests for extensions to Article 5 deadlines. The Committee recalled that in order to function appropriately this process requires requests to be submitted nine months prior to the meeting during which they would be considered in order for an analysis of the request to be prepared and for a cooperative exchange between the requesting State and the Committee on Article 5 Implementation to take place. The Democratic Republic of the Congo's request is for a period of eighteen months, until 1 July 2022.

6. On 15 October 2020, the Committee wrote to the Democratic Republic of the Congo to request additional clarification and information. On 26 October 2020, the Democratic Republic of the Congo submitted to the Committee on Article 5 Implementation additional information in response to the questions.

7. The request indicates that at the time of the submission of the 2014 request, the Democratic Republic of the Congo had a remaining challenge of 172 mined areas, measuring 2,228,734.724 square metres, including 130 mined areas measuring an estimated 1,800,000 square metres and 42 new mined areas measuring 576,971.7 square metres, located in the following provinces: Bas Uele (3), Ituri (4), Kasai (1), Maniema (7) Nord Kivu (1), Nord Ubangi (9), Sud Kivu (1), Sud Ubangi (2), Tanganyika (4) et Tschopo (10). The request indicated that the 130 areas included 76 mined areas extracted from the General Mine Action Assessment (GMAA) and the General Mine Action Survey (GMAS) data analysis (1.4 million square metres) and 54 mined areas identified by the National Survey (approximately 400,000 square metres). The request also indicates that these areas do not take into account the territories of Aru in Ituri Province and Dungu in Haut-Uele Province which have not yet been surveyed due to security reasons. The request further indicates that all 172 mined areas were marked in accordance with the relevant national standard.

8. The Committee wrote to the Democratic Republic of the Congo to request information on the security situation in the Aru and Dungu territories in Ituri and Haut-Uele provinces and on a potential timeline related to survey activities in these provinces. The Democratic Republic of the Congo responded by indicating that the security situation significantly improved following the efforts of the Congolese government and its partners, especially United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and that notwithstanding a few isolated and sporadic incidents, the conduct of surveys would not be hindered. The Democratic Republic of the Congo further indicated that surveys would need to be conducted simultaneously in the two territories from January to March 2021 so that the clearance of potential identified mined areas can be planned.

9. The request indicates that during the period of the second request, from 2015 until June 2020, the Democratic Republic of the Congo released through manual clearance a total of 139 mined areas measuring 2,159,893.024 square metres in 13 provinces of the country, including 119 mined areas measuring 1,692,601.024 square metres (from the national survey) and 20 mined areas (from the new mined areas) measuring 467,292 square metres. As a result of all these activities, the Democratic Republic of the Congo destroyed 248 anti-personnel mines. The 139 mined areas were located in the following provinces:

<i>Province</i>	<i>Number of mined areas (national survey)</i>	<i>Number of mined areas (new mined areas)</i>
Bas-Uele	2	3
Haut Katnaga	2	
Ituri	4	1
Sud Kivu	4	
Lualaba	5	
Sud Ubangi	6	2
Equateur	6	
Nord Ubangi	7	5
Maniema	10	5
Kasai	13	
Tshuapa	15	
Tshopo	20	4
Tanganyika	25	
Total	119	20

10. The Committee wrote to the Democratic Republic of the Congo to request information on annual clearance rates during the period of the previous extension. The Democratic Republic of the Congo provided the following information in response to the Committee's question:

<i>Year</i>	<i>Area (m2)</i>	<i>Clearance rate (%)</i>
2015	450,799.024	21
2016	367,824	17
2017	491,332	23
2018	96,980	5
2019	485,740	23
January to June 2020	236,997	11
Total	2,159,893.024	

11. The request further indicates that the Centre Congolais de Lutte Antimines (CCLAM), in collaboration with Norwegian People's Aid (NPA), conducted a re-assessment of suspected mined hazardous areas by non-technical survey from 16 November to 16 December 2019.

12. The request indicates that the main methods used for the identification of mined areas include non-technical and technical survey of suspected or known mined areas and manual clearance of known mined areas. Non-technical, technical surveys as well as clearance activities are conducted in accordance with international and national standards and the standard operating procedures of the organisations approved by the national authority. The request further indicates that 24 national standards were revised with the support of the

United Nations Mine Action Service. The request also indicates that some of the national standards will be updated by the end of 2020 to reflect new threats and operational requirements.

13. The request indicates that the Democratic Republic of the Congo adopted the national strategic plan 2018-2019 on mine action and explosive remnants of war (ERW) to coordinate mine action activities and mobilise the necessary resources to free the Democratic Republic of the Congo of anti-personnel mine at the latest on 31 December 2020.

14. The request indicates that the Democratic Republic of the Congo made provisions for establishing a sustainable national capacity to address residual contamination. These efforts include several training courses, including on topics quality control and information management systems, for the Congolese National Police and the Armed Forces, together with the CCLAM staff.

15. The request indicates that during the period of the previous request, the Democratic Republic of the Congo in coordination with a number of national organisations, conducted mine risk education projects in villages, schools, churches, and locations of internally displaced persons. These programmes included: the use of peer to peer programmes for children, community liaison and the establishment of local committees in the most affected villages to secure community involvement and ensure the establishment of a sustainable national capacity for mine risk education at a local level. Until June 2020, more than 55,904 mine risk education sessions were conducted and targeted 811,139 men, 903,260 women, 1,057,177 boys and 971,782 girls.

16. The Committee noted that the Democratic Republic of the Congo had provided in its request data on mine victims. The Committee further noted that the Democratic Republic of the Congo had kept with the commitments of the States Parties disaggregating data by age and sex. The Committee noted a discrepancy in the number of mine and ERW victims indicated in the request and wrote to the Democratic Republic of the Congo to request clarification. The Democratic Republic of the Congo responded by indicating that the correct number of victims recorded between 2002 and June 2020 was 2,922.

17. The request indicates the following, which in the Democratic Republic of the Congo's view, acted as impeding circumstances during its second extension request: a) significant decrease in funding and reduction of the number of demining operators; b) insecurity and recurrence of armed conflict; c) environmental and geographical characteristics of the country, including seasonal variations in rain fall and dense vegetation slowing land release activities; d) poor state of road infrastructure, and; e) other humanitarian emergencies, including the return of refugees and internally displaced people, Ebola epidemics and the current COVID-19 pandemic.

18. The request indicates that anti-personnel mines continue to have humanitarian, socio-economic and environmental impacts in the Democratic Republic of the Congo, in particular in the north-east of the country, in the provinces of Tshopo, Ituri and Nord Kivu. The request further indicates that the presence of mines in the Democratic Republic of the Congo has an contributes to the increase in poverty through preventing access to agriculture, housing, roads and paths in affected communities. The request also indicates that mined areas continue to block the safe return of refugees and internally displaced persons. The Democratic Republic of the Congo indicated that 2,922 mine and ERW victims have never received adequate assistance and would represent approximately 27 percent of the victims.

19. The Committee welcomes the information provided by the Democratic Republic of the Congo and encourages the Democratic Republic of the Congo to continue providing information on its efforts to respond to victim assistance needs, in an age and sex disaggregated manner. The Committee noted that progress in the implementation of Article 5 during the requested extension period had the potential of making a significant contribution to improving human safety and socioeconomic conditions in the Democratic Republic of the Congo. The work conducted during the period of the request will have consequences on the protection of human lives and returning refugee populations, agriculture and socio-economic development, access of humanitarian agencies to areas with affected and otherwise vulnerable populations, access to roads.

20. The request indicates a remaining challenge of 33 mined areas measuring 128,841.7 square metres, including 29 confirmed hazardous areas measuring 93,424.8 square metres and 4 suspected hazardous areas measuring 35,416.9 square metres located in 9 provinces. The four most-affected provinces are Tshopo, Nord-Ubangi, Maniema and Nord Kivu with 21 areas measuring 112,927.9 square metres. In addition, the request indicates that survey and clearance of the territories of Aru (Ituri province) and Dungu (Haut-Uele province) remain to be done. The Committee noted the importance of the Democratic Republic of the Congo reporting in a manner consistent with the International Mine Action Standards (IMAS) by providing information on the remaining challenges, disaggregating by ‘suspected hazardous areas’ and ‘confirmed hazardous areas’ and their relative size, as well as by the type of contamination.

21. As noted, the Democratic Republic of the Congo’s request is for eighteen months (until 1 July 2022). The request indicates that during the extension period the Democratic Republic of the Congo intends to, a) carry out technical survey and clearance of 33 remaining areas, b) finalise survey and clearance of suspected mined areas in Aru territory of Ituri Province and Dungu territory of Haut-Uele Province. The request includes a plan for mine risk education conducted by a number of national organisations during a period of 8 months for at-risk populations in the affected areas. Estimated costs for mine risk education activities amount to 880,000 US\$.

22. The request includes a detailed costed work and multi-year work plan for the extension period developed through an inclusive process, including annual milestones of 112,927.9 square metres in 2021, and 15,913.8 square metres in 2022.

23. The request indicates that one international operator is currently available in the Democratic Republic of the Congo (DCA) and that it will address 21 mined areas. The second operator (NPA) which was to address 5 mined areas closed its operations at the end of March 2020. In addition, 12 mined areas remain that have not been allocated. The request further indicates that AFRILAM, a national operator, is available and could address these 12 mined areas. The request indicates that the Democratic Republic of the Congo has a national operational capacity comprised of trained/recycled deminers from the Armed Forces of the Democratic Republic of the Congo (FARDC) and the National Congolese Police (PNC) in several provinces and that is made available to all operators.

24. The request indicates that several circumstances may impact positively or negatively on the milestones given in the plan, including, a) availability of financial resources (still to be mobilised); b) logistics and infrastructure, including the purchase of equipment, and the need to survey and demine roads and bridges before accessing the target areas; c) the current security situation and outcome of the FARDC operations against armed groups; d) environmental and geographical characteristics of the country, including seasonal variations in rain fall, and dense vegetation, and e) progress in fighting Ebola and COVID-19 virus’s. In addition, the request indicates that 17 months would be required to free the Democratic Republic of the Congo from mines taking into account the current operational capacity, same operators but with teams adapted to the challenge and an accelerated pace of work with no interruption.

25. The request indicates that non-technical and technical surveys as well as clearance will take place in two territories: Aru and Dungu. The surveys will be conducted by a consortium of organisations with national organisations responsible for the non-technical surveys and demining organisations in charge of the technical surveys. These activities will be conducted in accordance with the relevant national standards.

26. The request indicates that all activities to be undertaken during the extension period will cost a total of US \$3,880,695.65, including 1,868,204.65 US\$ for demining, 568,270 US\$ for surveys and demining in the territories of Aru and Dungu, 880,000 US\$ for mine risk education and 564,221 US\$ for coordination. The request indicates that the Government of the Democratic Republic of the Congo will finance the coordination costs amounting to US \$564,221 and would require US \$3,316,474.65 to be mobilised from national and international donors. The Committee recognises the Democratic Republic of the Congo efforts to ensure a national financial commitment to implementation.

27. The request indicates that the Democratic Republic of the Congo intends to mobilise resources in the following ways: a) encourage the Government to increase its budget line and also contribute to operational activities; b) hold resource mobilisation meetings every three months with the support of UNMAS/DRC; c) organise panels on the Democratic Republic of the Congo in the margins of international conferences and with operators to gain support from donors, and; d) accompany international and national operators to mobilise resources. The Committee noted that it was positive that the Democratic Republic of the Congo intended to use several different avenues to raise awareness on its mine action programme and mobilise resources.

28. The request indicates that the Democratic Republic of the Congo has a plan to ensure the participation of mine and ERW survivors and local communities in all activities related to risk education, and priority setting, including post clearance social needs. The request also indicates that the national mine action programme will recruit women to at least 30% of demining teams and 50% for mine risk education organisations, including increasing the participation rate of women attending mine risk education sessions also taking age into account.

29. The Committee noted that the request includes other relevant information that may be of use to the States Parties in assessing and considering the request, including further details on national demining institutions and structures, information on security risks, annexes including details of the original Article 5 challenge, graphs and tables highlighting land release, mine risk education and victim assistance efforts, as well as maps showing geographical location of mined areas.

30. In recalling that the implementation of the Democratic Republic of the Congo's national demining plan may be affected by security related access restrictions and noting that the sector will require the engagement of international organisations and donors, the Committee noted that the Convention would benefit from the Democratic Republic of the Congo providing regular updates on progress and challenges at the Convention's intersessional meetings and Meeting of the States Parties.

31. The Committee noted that, while the late submission of a request by the Democratic Republic of the Congo had placed significant constraints on the Committee on Article 5 Implementation to carry out their mandate to prepare and submit an analysis of the request, the plan presented by the Democratic Republic of the Congo is workable, lends itself to be monitored, and states clearly which factors could affect the pace of implementation. The Committee also noted that the plan is based on financial allocations from State budgets and contingent upon stable and uninterrupted international funding. In this regard, the Committee noted that the Convention would benefit from the Democratic Republic of the Congo reporting annually to the States Parties on the following:

- (a) Progress of land release relative to the commitments listed in the Democratic Republic of the Congo's work plan, disaggregated in a manner consistent with IMAS in accordance with the land release methodology employed, (i.e. cancelled through non-technical survey, reduced through technical survey, and clearance through clearance);
- (b) The impact of survey outcomes in Aru territory (Ituri Province) and Dungu territory (Haut-Uele Province) and annual milestones as given in the Democratic Republic of the Congo's work plan, including adjusted milestones to national work plan based on new evidence including on the number of areas and amount of area to be addressed annually, and on how priorities have been established;
- (c) Progress on security-related access matters and potential positive or negative impacts regarding re-survey and clearance of mined areas;
- (d) Information on how implementation efforts take into consideration the different needs and perspectives of women, girls, boys and men and the diverse needs and experiences of people in affected communities;
- (e) Updates regarding detailed, costed and multi-year plans for context-specific mine risk education and reduction in affected communities;

- (f) Updates regarding resource mobilisation efforts, including efforts in approaching potential donors and organisations in order to fund and assist in the implementation of clearance operations and the result of these efforts, including an expected timeline for recruitment, training and management of new or additional capacities; and
- (g) Progress on efforts to establish a sustainable national capacity to address previously unknown mined areas, including newly mined areas discovered following completion.

32. The Committee noted the importance, in addition to the Democratic Republic of the Congo reporting to the States Parties as noted above, of keeping the States Parties regularly apprised of other pertinent developments regarding the implementation of Article 5 during the period covered by the request and other commitments made in the request at intersessional meetings and Meetings of the States Parties, as well as through its Article 7 reports using the Guide to Reporting.
