

Draft 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

(Belgium, Norway, Sri Lanka 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 were 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. Since this time, the Democratic Republic of the Congo submitted requests for extensions to the Eleventh Meeting of the States Parties in 2011, the Third Review Conference in 2014 and the Eighteenth Meeting of the States Parties (18MSP) in 2020. On each occasion, the Meetings of the States Parties and the Review Conference agreed to unanimously grant the Democratic Republic of the Congo its request for extension. The request granted to the Democratic Republic of the Congo by the 18MSP was for 18 months, until 1 July 2022.
2. In granting the request, the 18MSP noted that while the Democratic Republic of the Congo had not been able to complete implementation by its 1 January 2021 deadline, it had made commendable progress. The 18MSP further noted that the Democratic Republic of the Congo was projecting that it would need approximately eighteen months to complete the survey of suspected hazardous areas and clear confirmed hazardous areas.
3. On 9 July 2021, the Democratic Republic of the Congo submitted to the Committee on Article 5 Implementation, a request for extension of its 1 July 2022 deadline. On 24 August 2021, the Committee wrote to the Democratic Republic of the Congo to request additional information. On 24 September 2021, the Democratic Republic of the Congo provided a response. The Democratic Republic of the Congo's request is for three and half years, until 31 December 2025.
4. The Committee noted that the Democratic Republic of the Congo had not adhered to the extension request process established by the States Parties in 2007. The Committee noted that the Democratic Republic of the Congo had submitted its request later than the established 31 March 2021 deadline for States Parties submitting requests in 2021. The Committee, however, noted with satisfaction that the Democratic Republic of the Congo had submitted its request and has engaged in a cooperative dialogue with the Committee, including by meeting with the Committee to discuss the situation in the Democratic Republic of the Congo.
5. The request indicates that at the time of the submission of the 2020 request, the Democratic Republic of the Congo had a remaining challenge of 33 mined areas totalling 128,841.7 square metres, including 4 suspected hazardous areas (SHAs) totalling 35,416.9 square metres and 29 confirmed hazardous areas (CHAs) totalling 93,424.8 square metres. The 2020 request also indicated that the territories of ARU in Ituri Province and Dungu in Haut-Uele still required survey.
6. The request indicates that, during the period since the last request, one area in Maniema province, originally estimated at 13,770 square metres was expanded to 14,998 square metres during survey and clearance activities. The request indicates that survey and clearance operations in this area resulted in the reduction of 2,477 square metres through technical survey and the clearance of

10,562 square metres. The Committee welcomes the Democratic Republic of the Congo reporting on progress in a manner consistent with International Mine Action Standards (IMAS) and encourages continued reporting on progress in accordance with the land release methodology employed (i.e. cancelled through non-technical survey, reduced through technical survey, or cleared through clearance).

7. The request indicates that the methods used for addressing mined areas include non-technical and technical survey of suspected or known mined areas and manual clearance of known mined areas. The request indicates that these activities are conducted in accordance with International and National Mine Action Standards (NMAS). The request also indicates that 24 NMAS were revised and current national standards will be updated to reflect new threats and recent operational requirements along with its mine action strategy. The Committee wrote to the Democratic Republic of the Congo to request further information on a timeline for the updating of the NMAS as well as its mine action strategy. The Democratic Republic of the Congo responded by indicating that NMAS are updated in accordance with IMAS every year and that the next general update, which will integrate the latest developments in relation to Improvised Explosive Devices (IEDs), is planned to take place by the end of 2021. The Committee noted the importance of the Democratic Republic of the Congo ensuring that NMAS continue to be kept up to date in accordance with the latest IMAS, adapting them to new challenges and to ensure that it employs best practices to ensure efficient and effective implementation.
8. The Democratic Republic of the Congo further responded that the national strategy will be updated during a separate workshop, also planned by the end of 2021 and will consider issues such as residual contamination, Explosive Remnants of War (ERW) management and IEDs amongst other matters. The request further indicates that an operational plan prioritising technical survey and clearance of the 33 remaining areas will be developed based on this strategy. The request further indicates that the process of developing the strategy and operational plan will be inclusive.
9. The request indicates that the Democratic Republic of the Congo has a national operational capacity comprised of deminers from the Armed Forces of the Democratic Republic of the Congo (FARDC) and the National Congolese Police (PNC) in several provinces and that it is made available to all operators. The Committee wrote to the Democratic Republic of the Congo to request additional information on the role of the national police and the armed forces, including their application of NMAS. The Democratic Republic of the Congo responded by indicating that since the adoption of the first strategic plan in 2011, the FARDC and PNC have received training in humanitarian demining to ensure their capacity to manage residual contamination and to operate in line with NMAS. The request further indicated that they face challenges due to a lack of equipment. The Committee welcomed these efforts and noted the importance of efforts by the Democratic Republic of the Congo to ensure the establishment of a sustainable national capacity to address previously unknown mined areas, including newly mined areas discovered following completion.
10. The request indicates that two organisations carry out demining activities in the Democratic Republic of the Congo, one international operator, Dan Church Aid (DCA), and one national operator, Afrique pour la Lutte Antimines (AFRILAM). The request indicates that several national organisations carry out non-technical surveys, risk education, advocacy and victim assistance activities and that additional national demining operators will be accredited, reinforcing the capacity of the deminers from the armed forces and the national police. The Committee wrote to the Democratic Republic of the Congo to request additional information on the plan for deployment of national organizations in accordance with the required capacity to achieve completion. The Democratic Republic of the Congo responded by indicating that it continues to accredit other national operators and that the currently accredited organisations - SYOPADI, AFRILAM and DCA -

will be consulted before the start of the extension period to ensure their firm commitment to implementation of the operational plan and resources obtained or expected.

11. The request indicates that the national authority has made efforts since its establishment to mobilise and integrate women in mine action activities and in the implementation of the national mine action programme in both administrative and operational tasks. The request further indicates that during the extension period, the national mine action programme plans to integrate in collaboration with operators at least 30 percent of women in operational teams and 50 percent in risk education teams. It is also planned to increase the participation rate of women in mine risk education sessions and ensure that statistics on this topic take into account sex and age criteria.
12. The request indicates the following, which in the Democratic Republic of the Congo's view, acted as impeding circumstances: a) lack of funding and reduction of the number of demining operators; b) insecurity; c) environmental and geographical characteristics of the country, including seasonal variations in rain fall and dense vegetation slowing survey and demining activities; d) poor road infrastructure, and; e) other humanitarian emergencies, including the return of refugees and internally displaced people, Ebola epidemics and the current COVID-19 pandemic as well as the eruption of the Nyoragongo volcano.
13. The Committee wrote to the Democratic Republic of the Congo to request further information on the security situation and its impact on operations. The Democratic Republic of the Congo in additional information submitted to the Committee indicated that "increased insecurity led the current government to declare a state of emergency in two provinces, namely Ituri and North Kivu, to put an end to the atrocities and attacks carried out by the terrorists of the « Forces démocratiques alliées-Madina Tawheed wal Muwahedeen » (ADF-MTN) and other armed groups active in the region" and that progress of operations in these areas depend on the security situation. The Committee noted the importance of the Democratic Republic of the Congo keeping the States Parties informed of the security situation and its negative or positive impact on survey and clearance operations.
14. The request indicates that anti-personnel mines continue to have a humanitarian, socioeconomic and environmental impact, in particular in the north-east of the country, in the provinces of Tshopo, Ituri and North Kivu. The request further indicates that contamination contributes to an increase in poverty by blocking agriculture, housing, roads and paths in affected communities as well as blocking the safe return of refugees and internally displaced persons. The request indicates that 2,936 mine and explosive remnants of war (ERW) victims have been registered and require support. The Committee noted the importance of progress in implementation of Article 5 during the requested extension period and the potential of making a significant contribution to improving human safety and socioeconomic conditions.
15. The request indicates that at the time of the requests development there were 33 mined areas totalling 117,030.7 square metres in 9 provinces still to be addressed with survey pending in the territories of Aru (Ituri Province) and Dungu (Haut-Uele Province) as follows:

Province	CHAs	SHAs	Area CHAs (m2)	Area SHAs (m2)	Total area (m2)
Ituri	4		6,100		
Kasaï	1		700		
Maniema	2		4,752		
North Kivu	9		12,760		

North Ubangi	0	4		35,416.9	
South Kivu	2		850.8		
Tanganyika	4		6,943		
Tshopo	6		48,188		
Tshuapa	1		1,320		
	29	4	81,613.8	35,416.9	117,030.7

16. The Committee welcomes the Democratic Republic of the Congo reporting on its remaining challenge in a manner consistent with IMAS and notes the importance of continuing to provide information on its remaining challenge in a manner disaggregated by 'suspected hazardous areas' and 'confirmed hazardous areas' and their relative size, as well as by the type of contamination.

17. The Committee wrote to the Democratic Republic of the Congo to request additional information on the situation in the territories of Aru and Dungu, in particular information about access to the territories and requirements for survey and clearance. The Democratic Republic of the Congo responded by indicating that the situation in Aru and Dungu is unchanged with information on accidents involving people and livestock collected by CCLAM and other organisations and continued inaccessibility of vast areas bordering Uganda and South Sudan. The response further indicated that local administrative authorities have express feeling unsafe and in danger due to the suspected presence of devices in their constituencies. Furthermore, it is not possible to determine the extent of contamination until survey operations take place.

18. As noted, the Democratic Republic of the Congo's request is for three and half years, until 31 December 2025. The request indicates that during the extension period, the Democratic Republic of the Congo intends to: a) carry out technical survey and clearance of the 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.

19. The request contains a detailed costed multi-year work plan for the extension period beginning in December 2022 with annual milestones of 4,370.80 square metres in 2022, 55,273.33 square metres in 2023, 37,863.80 square metres in 2024 and 19,482.77 in 2025. The Committee wrote to the Democratic Republic of the Congo to request information on activities due to take place between the current 1 July 2022 deadline and 1 December 2022. The Democratic Republic of the Congo responded by indicating that the extension request was drafted at a time when the programme was facing challenges including the lack of funding for organisations, reduction in the number of organizations and the ongoing impact of COVID-19 making it difficult to envisage a work plan including the period until 1 December 2022.

20. The DRC further indicated that since the drafting of the request, resources have enabled DCA to work on three tasks covering the areas of in Tshopo Province resulting in 19,200 square metres addressed in Batiaboli 1, 4,200 square metres addressed in Batiaboli 2, and 5,000 square meters in Wanyarukula with operations in Batiaboli 1 and Wanyarukula having been completed. The Democratic Republic of the Congo also indicated that the remaining challenge now totals 31 mined areas totalling 92,830.7 square metres. The Democratic Republic of the Congo further indicated that it would provide updates concerning progress in implementation and on the result of resource mobilization efforts to take place during the period of 1 July – 1 December 2022 and how this may alter implementation projections.

21. The Committee noted that the present request, which plans to address approximately the same number of areas than the previous request, is two years longer and wrote to the Democratic Republic of the Congo to request information on the rationale for this extended timeline, including

information on the basis for the calculation of cleared square metres per month and how the security risks and other factors are reflected in this calculation. The Democratic Republic of the Congo responded by indicating that the 42 months extension is based on a calculation including the area to be addressed monthly with each deminer working eight hours a day, the number of teams needing to be deployed, climate uncertainties, access issues, logistics and other risk factors. The Democratic Republic of the Congo further responded that the operational projections foresee demining activities decreasing with the years, starting with the areas most contaminated.

22. The request includes a plan for mine risk education activities to be conducted by a number of national organisations during a period of 36 months for at-risk populations in the affected areas with an estimated cost of 1,060,000 US\$. The Committee wrote to the Democratic Republic of the Congo to request additional information on its risk education and reduction work plan, including information on the methodologies employed, priorities for activities and its considerations of gender, age, disability, and the diverse needs of people in affected communities. The Democratic Republic of the Congo responded by indicating that MRE activities are carried out in locations where demining activities are being carried out, the target being populations in affected areas and around where operations are taking place. The Democratic Republic of the Congo further indicated that it will take into account relevant actions of the Oslo Action Plan (OAP). The Committee noted the importance of the Democratic Republic of the Congo carrying out context specific mine risk education and reduction efforts that are tailored to the threat encountered by the population and are sensitive to gender, age, disability and take the diverse needs and experiences of people in affected communities into account in accordance with the OAP. The Committee further noted the importance of the Democratic Republic of the Congo reporting on progress in this regard.
23. The request indicates the following risk factors in the implementation of the plan: a) insecurity, b) recurrence of Ebola and COVID-19, c) lack of funding, d) climate issues, and e) poor road infrastructure.
24. The request indicates that all activities to be undertaken during the extension period will cost a total of US \$3,925,215.15, including 1,696,945 US\$ for demining, 568,270 US\$ for surveys and demining in the territories of Aru and Dungu, 1,060,000 US\$ for mine risk education and 600,000 US\$ for coordination. The request indicates that the Government of the Democratic Republic of the Congo will finance the coordination costs up to US \$272,271.49 and would require US \$3,652,943.66 to be mobilised from national and international donors.
25. The Committee wrote to the Democratic Republic of the Congo to request information on the status of funding for DCA and AFRILAM, including information on the type of equipment and technical support required. The Democratic Republic of the Congo indicated that DCA received US\$ 600,000 for its running costs, a small part of which was directed to demining two areas and that no funding for DCA has yet been announced for 2022. With regards to AFRILAM, the Democratic Republic of the Congo indicated that, despite the fact that it has teams available, the only funding received has been to cover spot tasks in the context of the MONUSCO and at present has no funding available to cover the work detailed in the extension request. The Democratic Republic of the Congo further indicated that equipment needed includes detectors, personal protective equipment, ambulance, geolocalisation and navigation systems, electrical cables, manometers, medical kits, satellite telephones, amongst others.
26. 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 welcomes the high level of national ownerships exhibited by the Democratic Republic of the Congo by making financial and other commitments to implementation. The Committee, in noting the importance of national and external support to ensure timely implementation, welcomes the intention of the Democratic Republic of the Congo to use several different avenues to raise awareness on its mine action programme and mobilise resources.

27. In noting that the Democratic Republic of the Congo is in the process of updating its mine action strategy, developing a work plan for its implementation and mobilizing resource for implementation, the Committee noted that the Convention would benefit from the Democratic Republic of the Congo submitting to the Committee by 30 April 2023 an updated detailed work plan for the remaining period covered by the extension. The Committee emphasized that this work plan should contain an updated list of all areas known or suspected to contain anti-personnel mines, annual projections of which areas remain to be addressed by which organisations during the remaining period covered by the request, and a detailed updated budget. The Committee further emphasized the request should contain an updated context specific mine risk education and reduction plan.

28. The Committee noted with satisfaction that the information provided in the request and subsequently in response to the Committee's questions is comprehensive and clear. 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 including the need to ensure consistent national and international funding and issues related to security.

29. In this regard, the Committee noted that the Convention would benefit from the Democratic Republic of the Congo reporting annually, by 30 April, to the States Parties on the following:

- a. progress made relative to the commitments contained in the Democratic Republic of the Congo's work plan and the results of survey and clearance efforts 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 cleared through clearance);
- b. the impact of survey outcomes in Aru territory (Ituri Province) and Dungu territory (Haut-Uele Province) and update on how additional clarity obtained may change Democratic Republic of the Congo's assessment of the remaining implementation challenge;
- c. adjusted milestones, including information on the number of areas and amount of mined area to be addressed annually and how priorities have been established;
- d. updates regarding the implementation of mine risk education and reduction efforts in affected communities, including information on the methodologies used, the challenges faced and the results achieved, with information disaggregated by gender and age;
- e. Resource mobilisation efforts, external financing received and resources made available by the government of the Democratic Republic of the Congo to support implementation efforts;
- f. changes in the security situation and how these changes positively or negatively affect implementation;

- g. 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;
- h. Progress on efforts to establish a sustainable national capacity to address previously unknown mined areas, including newly mined areas discovered following completion.

30. 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