

LIBYA



RECOMMENDATIONS FOR ACTION

- Libya's Government of National Accord should ensure that forces loyal to it do not use cluster munitions.
- Libya should accede to the Convention on Cluster Munitions (CCM) as a matter of priority.
- Libya should enact legislation and assign one institution a clear mandate to manage mine action.
- Libya should initiate survey and clearance of cluster munition remnants (CMR) as soon as possible and take other measures to protect civilians from explosive remnants of war (ERW).

CONTAMINATION

Contamination in Libya is the consequence of armed conflict in 2011 and in 2015 but the extent is unknown. In 2011, armed forces used at least three types of cluster munition, including the Chinese dual-purpose Type 84, which also functions as an anti-vehicle mine, and the Spanish MAT-120, which holds 21 submunitions. In 2012, Mines Advisory Group (MAG) reported tackling Russian PTAB cluster bombs,¹ while international media reported the presence of a fourth type of cluster munition that has remained unidentified.² Additional contamination by CMR occurred as a result of kick-outs from ammunition storage areas bombed by NATO forces in 2011.

In 2015, fighting between Libya's rival governments saw reported use of cluster munitions, including RBK-250 PTAB-2.5M bombs, in attacks on Bin Jawad near the port of Es-Sidr in February, and in the vicinity of Sirte in March. The Libyan Air Force, controlled by the internationally recognised government of the time, had bombed both locations but denied using cluster bombs.³

The impact of CMR contamination is unknown.

Other ERW and Landmines

According to the UN Mine Action Service (UNMAS), ongoing conflict has resulted in significant ERW contamination in numerous cities across Libya, impacting on public infrastructure such as schools, universities, and hospitals. Vast amounts of unsecured weapons and ammunition contaminate Libya. In addition, the ERW threat is exacerbated by the mines and ERW left from previous conflicts.⁴

PROGRAMME MANAGEMENT

After the downfall of the Gaddafi regime, mine action came under the jurisdiction of competing authorities located in the Office of the Army Chief of the General Staff and the Libyan Mine Action Centre (LibMAC), which was mandated by the Ministry of Defence and became active after opening an office in Tripoli in 2012, but possessed little authority outside the city. A new director, Colonel Mohammad Turjoman, was appointed in December 2013 and took up his post early in 2014.

UNMAS is part of the UN Support Mission to Libya (UNSMIL). Known as the Arms and Ammunition Advisory Section (AAAS), UNMAS is the UN lead on management of weapons and ammunition in Libya. Since November 2014, it has been operating from Tunisia.⁵

LAND RELEASE

Libya does not have an active programme for survey or clearance of CMR as a result of generalised violence and ongoing armed conflict.

MAG had been planning a major expansion of its clearance work in 2015 but was forced instead to close down its programme.

ARTICLE 4 COMPLIANCE

Libya is not a state party or signatory to the CCM. Nonetheless, it has obligations under international human rights law to clear CMR as soon as possible, in particular by virtue of its duty to protect the right to life of every person under its jurisdiction.⁶

1 Email from Nina Seecharan, Desk Officer for Iraq, Lebanon and Libya, MAG, 5 March 2012.

2 C. J. Chivers, "Name the Cluster Bomb, an Update", *New York Times*, 2 February 2012.

3 Human Rights Watch, "Libya: Evidence of new cluster bomb use", 15 March 2015, at: <http://www.hrw.org/news/2015/03/14/libya-evidence-new-clusterbomb-use>.

4 UNMAS, "Libya: Humanitarian Mine Action", Last updated February 2016, at: <http://www.mineaction.org/programmes/libya>.

5 Ibid.

6 Libya is a state party to the 1966 International Covenant on Civil and Political Rights, Article 6(1) of which stipulates that: "Every human being has the inherent right to life". It is also a state party to the 1981 African Charter on Human and Peoples' Rights, Article 4 of which provides that "Every human being shall be entitled to respect for his life and the integrity of his person".