

## RECOMMENDATIONS FOR ACTION

- Libya should accede to the Convention on Cluster Munitions (CCM) as a matter of priority.
- Libya 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.
- All parties to the conflict in Libya should ensure that forces loyal to them do not use cluster munitions.
- As soon as political conditions permit, Libya should enact mine action legislation, establish an interministerial national mine action authority, and adopt a national mine action strategy.
- Libya should, at the earliest opportunity possible and as soon the security situation permits, conduct a baseline survey to identify the extent of contamination from cluster munition remnants (CMR) and begin systematic clearance.

## CLUSTER MUNITION REMNANT CONTAMINATION

Contamination in Libya is the consequence of armed conflict in 2011 and renewed conflict since 2014, but the extent of CMR contamination is unknown. In 2011, armed forces used at least three types of cluster munition, including MAT-120 mortar projectiles, RBK-250 PTAB-2.5M cluster bombs, and DPICM-like submunitions delivered by 122mm cargo rockets.<sup>1</sup> Additional contamination by CMR occurred as a result of kick-outs from ammunition storage areas bombed by North Atlantic Treaty Organization (NATO) forces in 2011.<sup>2</sup>

In early 2015, fighting between Libya's rival armed groups 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, though it denied using cluster bombs.<sup>3</sup> According to Cluster Munition Monitor, while the last confirmed use of cluster munitions in Libya was in January 2015, there are indications that additional attacks may have occurred since that time, including in 2016, 2017, and 2018. For example, an aviation-focused blog has published various photographs and videos which reportedly show cluster bombs being mounted on aircraft or helicopter, or else on the tarmac of Libyan airbases, indicating that cluster munitions have been used on multiple occasions in those three years.<sup>4</sup> According to the Monitor, further evidence of cluster munition use may have gone unrecorded due to a lack of media and independent reporting from the ground, and the Monitor was unable to independently verify and confirm this evidence of possible use.<sup>5</sup>

According to the Libyan Mine Action Centre (LibMAC), cluster munition contamination in Libya has been largely removed and remaining contamination is limited to a small number of areas.<sup>6</sup> As at March 2019, Humanity and Inclusion (HI) reported being aware of three areas of CMR contamination, through its own operations. One cluster munition-contaminated area was confirmed in 2017, through non-technical survey in the Nafusa mountains region, near the town of Kikla, in north-west Libya. Then, in 2018–19, further cluster munition strikes were also discovered in Tawerga and Al Karareem.<sup>7</sup>

Most recently, LibMAC confirmed it had evidence of RBK-250-275 cluster bomb use in three areas: Al-Hira Bridge (Al-Sawani); the Bir al-Ghanam area south-west of Tripoli (Nafusa Mountains); and Aziziya (south of Tripoli).<sup>8</sup>

### OTHER EXPLOSIVE REMNANTS OF WAR AND LANDMINES

Libya is also contaminated by other unexploded ordnance (UXO), anti-personnel mines including those of an improvised nature (see Mine Action Review's *Clearing the Mines* report on Libya for further information), and by other improvised explosive devices (IEDs).<sup>9</sup> According to the United Nations Mine Action Service (UNMAS), ongoing conflict has resulted in significant explosive remnants of war (ERW) contamination in cities across Libya.<sup>10</sup>

## NATIONAL OWNERSHIP AND PROGRAMME MANAGEMENT

Mine action exists in a fragmented and violent political context. Following years of armed conflict, a new United Nations-backed “unity” government, the Government of National Accord, was formally installed in a naval base in Tripoli in early 2016. It has subsequently faced opposition from two rival governments and a host of militia forces. In April 2019, Khalifa Haftar, a military commander based in the west of the country, launched an offensive to take control of Tripoli and topple the Government of National Accord. As at May 2019, the offensive was ongoing, with combat in part of the city.<sup>11</sup>

The LibMAC was mandated by the Minister of Defense to coordinate mine action in December 2011.<sup>12</sup> As at May 2019, it was operating under the UN-backed Government of National Accord. LibMAC’s headquarters are in Tripoli, in the west of the country, and it also has offices in Benghazi<sup>13</sup> and Misrata.<sup>14</sup> The operating costs and salaries for the LibMAC are funded by the United States Department of State and administered by ITF Enhancing Human Security (ITF).<sup>15</sup>

## GENDER

LibMAC is not thought to have a gender policy for mine action in place.

HI reported that it has a gender policy in place and that it planned to elaborate an implementation plan in 2019.<sup>16</sup> It also reported that it disaggregates data by sex and age. HI’s risk education team, who also act in a community liaison role, is gender balanced. While two of its project managers and two project officers are female, HI reported that unfortunately women are not currently employed in survey and clearance, as it is deemed culturally unacceptable for now.<sup>17</sup>

## INFORMATION MANAGEMENT AND REPORTING

LibMAC receives technical support for the Information Management System for Mine Action (IMSMA) from the Geneva Centre for Humanitarian Demining (GICHD) and UNMAS. In March 2019, HI reported that LibMAC had recently announced details of a new effort to make IMSMA up-to-date and reliable.<sup>18</sup> IMSMA is accessible to clearance organisations and data collection forms are reported to be consistent and enable collection of necessary data.<sup>19</sup>

## PLANNING AND TASKING

There is no national mine action strategy for Libya.

LibMAC does, however, prioritise survey and clearance operations and is responsible for issuing task orders. Prioritisation is, in part, informed by data collected and reported to LibMAC by operators such as the Danish Demining Group (DDG), during non-technical survey or explosive ordnance disposal (EOD), and by reports from the local community.<sup>20</sup> According to an international clearance operator, LibMAC generally task according to geographic area and the nearest available assets.<sup>21</sup>

## LAND RELEASE SYSTEM

### STANDARDS AND LAND RELEASE EFFICIENCY

There is no national mine action legislation in Libya, but National Mine Action Standards (LibMAS), in Arabic and English, have been elaborated with the support of the GICHD and UNMAS, and were approved by the Government of National Accord in August 2017. The LibMAS are available on the LibMAC website.<sup>22</sup> According to an international clearance operator, the national mine action standards are aligned to the International Mine Action Standards (IMAS).<sup>23</sup>

HI has updated its standing operating procedures (SOPs) for Libya in line with the NMAS.<sup>24</sup>

### OPERATORS

Mine action operations have been conducted by the army engineers, a police unit, and the Ministry of Interior’s National Safety Authority (NSA), also known as Civil Defence.<sup>25</sup> The NSA is mandated to conduct EOD in civilian areas.<sup>26</sup> These institutions liaise with LibMAC but are not tasked or accredited by them, nor do they provide clearance reports to the Centre.

The deteriorating security situation resulted in the withdrawal of UNMAS and international mine action operators from Libya in mid 2014. As at February 2019, international clearance operators active in Libya included DanChurchAid (DCA), DDG, HALO Trust, HI, and GCS.<sup>27</sup> National NGO operator, Free Fields Foundation (3F), was also operational and another national operator, the Libyan Demining Group (LDG) was in the process of becoming established as at February 2019.<sup>28</sup> Local organisations, Peace Organization from Zintan, and World Without War (3W) from Misrata, who has previously been trained by HI in 2016 and received accreditation for non-technical survey,<sup>29</sup> subsequently had their operations suspended for not fully following standards and in addition, neither organisation had secured funding.<sup>30</sup>

UNMAS has been operating from Tunis since November 2014, from where it provides institutional and operational capacity-building, training, including in EOD, and support and advice to LibMAC, including in establishing processes for the accreditation and activities of mine action actors in Libya.<sup>31</sup> Despite the relocation of the programme to Tunisia due to poor security in 2014, UNMAS Libya continues to coordinate with national authorities and implementing partners and

to carry out mine action activities and provide technical advice and advisory support on arms and ammunition management. The UNMAS Libya Programme is an integral part of the UN Support Mission in Libya (UNSMIL).<sup>32</sup>

Since 2015, UNMAS has trained more than 70 Civil Defence operators and Military Engineers in advanced EOD, 30 officers from eastern Libya in non-technical survey, and provided advanced medical first-responder training to 72 EOD operators from Benghazi and several operators addressing the threat from explosive ordnance in Sirte.<sup>33</sup> Military engineers reportedly lack mine detectors and are working with basic tools.<sup>34</sup>

DCA is operational in Libya clearing ERW and providing risk education. Now in its eighth year of working in Libya, DCA has offices in Benghazi, Misrata, and Tripoli.<sup>35</sup>

DDG set up its Libya mine action programme remotely from Tunisia in 2014, but in early 2017 it relocated to Libya. DDG is operational in three areas of Libya: Benghazi, in the east of the country; Sabha, in the south-west; and Tripoli, in the west.<sup>36</sup> DDG set up in Benghazi in December 2017 and spent the first quarter of 2018 obtaining accreditation and putting in place necessary policies and procedures before becoming operational. DDG hoped to expand non-technical survey and EOD capacity in Benghazi from the late summer of 2018. In Sabha, DDG had one non-technical survey team and one EOD team, which it was managing remotely. Security issues in the south continue to disrupt mine action operations and prevent continuous operations. In Tripoli, DDG works through its national implementing partner, 3F. 3F operates under DDG's accreditation and SOPs, and has an operational personnel of 37, composed in three EOD teams and one non-technical survey team.<sup>37</sup>

GCS is working in partnership with Libyan NGO, 3F, to clear ERW from an ammunition storage area on a military airbase in Misrata. The area comprises 37 bunkers destroyed by NATO airstrikes in 2011.<sup>38</sup>

The HALO Trust has been present in Libya since November 2018, and as at June 2019, had offices in Misrata and Sirte, in addition to a small administrative office in Tripoli. The HALO Trust is working in partnership with DCA in Sirte, with HALO leading on mechanical clearance and DCA providing the supporting EOD capacity, along with a joint non-technical survey team and mine risk education (MRE) team. HALO Trust and DCA have conducted a socio-economic assessment of Sirte and a field assessment for areas of possible mine and ERW contamination which potentially require mechanical clearance.<sup>39</sup>

As at June 2019, HALO Trust was in the process of armoured two machines for mechanical clearance and was set to begin training of two mechanical teams and one non-technical survey team. Ongoing conflict in Tripoli and delays in registration prevented HALO from becoming operational in June, as planned, but HALO expected to begin clearance activities over the summer. HALO also planned to begin training of a further two mechanical teams later in 2019; to introduce additional technical assets; and to work with LibMAC to expand operations to other parts of Libya and to conduct all humanitarian mine action activities, including manual clearance and battle area clearance (BAC).<sup>40</sup>

As at March 2019, HI's main office for Libya was in Tripoli, with operational offices in Misrata and Benghazi, and an administrative base being maintained by HI in Tunis.<sup>41</sup> In 2018, HI deployed six manual clearance personnel in Libya, and an existing EOD team planned to also conduct non-technical survey in 2019.<sup>42</sup> As at March 2019, HI was operational in Benghazi, Misrata, and Tripoli, but security issues had temporarily hindered its 2019 operations in Tawerga, in Misrata, forcing teams to deploy elsewhere.<sup>43</sup> As at March 2019, HI had no implementing partners in mine action in Libya.<sup>44</sup>

A number of other Libyan civil society organisations are also reported to carry out mine action operations, but they are not accredited by LibMAC.

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## LAND RELEASE OUTPUT AND PROGRESS TOWARDS COMPLETION

### LAND RELEASE OUTPUT IN 2018

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HI reported clearing 4,151m<sup>2</sup> of CMR in an area in Tawerga, in Misrata in 2018. There were no other known reports of CMR clearance during 2018, although data from LibMAC and other clearance operators was not made available. No CMR-contaminated area was reported to have been released by survey in 2018, but HI reported that a total of 110,430m<sup>2</sup> was confirmed as CMR-contaminated.<sup>45</sup>

### SURVEY IN 2018

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HI reported that a total of 110,430m<sup>2</sup> was confirmed as CMR-contaminated in 2018, which it reported to LibMAC.<sup>46</sup>

### CLEARANCE IN 2018

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HI reported clearing 4,151m<sup>2</sup> of CMR contamination, in an area in Tawerga, in Misrata in 2018, during which 11 submunitions were destroyed.<sup>47</sup>

### PROGRESS TOWARDS COMPLETION

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LibMAC describes the following challenges to implementation of mine action operations: the high level of contamination; ongoing conflict, and the continued presence of Islamic State; the difficulty in convincing internally displaced persons to delay their return until the ERW threat is addressed; security and access to priority areas; the limited ERW and EOD capacity in Libya; the vast geographical area; and the shortfall in governmental and international support.<sup>48</sup> Security conditions continued to pose a challenge to mine action in Libya.

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- 2 Ibid.
- 3 Human Rights Watch, "Libya: Evidence of new cluster bomb use", 15 March 2015.
- 4 Cluster Munition Monitor, "Libya: Cluster Munition Ban Policy", last updated 2 August 2018, at: <https://bit.ly/2VrftM>.
- 5 Ibid.
- 6 Interview with Col. Turjoman, Director, LibMAC, in Geneva, 7 February 2019.
- 7 Email from Catherine Smith, Head of Mission, HI, 12 March 2019.
- 8 Email from Adel Elatwi, Chief of Operations, on behalf of Col. Turjoman, LibMAC, 4 July 2019.
- 9 "Lives and Limbs Shattered by Libya Mines", *Asharq Al-Awsat*, 5 April 2018.
- 10 UNMAS, "Programmes: Libya", accessed 16 May 2019, at: <https://bit.ly/2WMTzTk>.
- 11 "Fighting Continues in Tripoli", *VOA News*, 15 May 2019, at: <http://bit.ly/2VorMa5>.
- 12 LibMAC website, accessed 16 May 2019, at: <https://bit.ly/2JqVr0S>.
- 13 Email from Jakob Donatz, Associate Programme Officer, UNMAS, 21 June 2018.
- 14 Email from Roman Turšič, Head of Implementation Office Libya/Afghanistan, ITF, 26 February 2017; and interview with Col. Turjoman, LibMAC, in Geneva, 10 January 2017.
- 15 Email from Roman Turšič, ITF, 26 February 2017.
- 16 Email from Catherine Smith, HI, 12 March 2019.
- 17 Ibid.
- 18 Ibid.
- 19 Ibid.
- 20 Telephone interview with Darren Devlin, Programme Manager Libya, DDG, 20 June 2018; and email, 4 July 2018.
- 21 Email from Catherine Smith, HI, 12 March 2019.
- 22 LibMAC website, accessed 16 May 2019, at <https://bit.ly/2JFhFE>; Report of the Secretary-General on the United Nations Support Mission in Libya, UN doc. S/2018/140, 12 February 2018, p. 12; and UNMAS, "Programmes: Libya", accessed 16 May 2019.
- 23 Email from Catherine Smith, HI, 12 March 2019.
- 24 Ibid.
- 25 Interview with Col. Turjoman, LibMAC, in Geneva, 10 January 2017.
- 26 Email from Diek Engelbrecht, UNMAS Libya, 20 July 2013.
- 27 Interview with Col. Turjoman, LibMAC, in Geneva, 7 February 2019.
- 28 Ibid.
- 29 Email from Catherine Smith, HI, 22 February 2017.
- 30 Interview with Col. Turjoman, LibMAC, in Geneva, 7 February 2019.
- 31 UNMAS, "Programmes: Libya", accessed 16 May 2019, at: <https://bit.ly/2WMTzTk>; and emails from Lyuba Guerassimova, Programme Officer, UNMAS, 28 February 2017 and Dandan Xu, Associate Programme Management Officer, UNMAS, 12 July 2017; and Report of the Secretary-General on the United Nations Support Mission in Libya, UN Doc. S/2018/140, 12 February 2018, p. 12.
- 32 Email from Jakob Donatz, UNMAS, 21 June 2018.
- 33 UNMAS, "Programmes: Libya", accessed 16 May 2019. \_
- 34 "Mine still claim legs and lives in Libya's Benghazi, months after war ceased", *Reuters*, 21 January 2018.
- 35 DCA website, accessed 16 May 2019, at: <https://bit.ly/2vYatmb>.
- 36 Telephone interview with Darren Devlin, DDG, 20 June 2018; and email, 4 July 2018.
- 37 Ibid.
- 38 GCS website, "GCS successfully collects 200 tons of explosive remnants of war in Libya", accessed 16 May 2019, at: <https://gcs.ch/libya>.
- 39 Email from Liam Chivers, Programme Manager, HALO Trust, 10 June 2019.
- 40 Ibid.
- 41 Emails from Catherine Smith, HI, 12 March and 11 June 2019.
- 42 Email from Catherine Smith, HI, 12 March 2019.
- 43 Emails from Catherine Smith, HI, 12 March and 11 June 2019.
- 44 Email from Catherine Smith, HI, 12 March 2019.
- 45 Ibid.
- 46 Ibid.
- 47 Ibid.
- 48 PowerPoint presentation by Col. Turjoman, LibMAC, at the UN National Programme Director's Meeting, Geneva, 8 February 2017.