



Explosive Situation:

Qaddafi's Abandoned Weapons and the Threat to Libya's Civilians

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Summary and Recommendations



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SUMMARY AND RECOMMENDATIONS

Libya is awash in weapons, ranging from bullets and mortars to torpedoes and surface-to-air missiles.¹ Over the course of more than four decades, Muammar Qaddafi's regime acquired a stockpile of munitions worth billions of dollars (US) and contained in dozens of storage facilities spread across Libya. Due to the chaos and fighting of the 2011 armed conflict in Libya, some of these weapons proliferated across national borders; however, vast quantities remained within Libya. Many of these weapons made their way into the hands of those who opposed Qaddafi; others were destroyed or damaged in NATO's bombing campaign; still others entered civilian homes as scrap metal or souvenirs for display. Libya faces the unfortunate reality of being a post-conflict country



saturated with weapons and with a weak central government. The combination leaves civilians at risk of death and injury and demands an urgent response at the national and international level.

This report focuses on the impact on civilians of weapons that were once part of Qaddafi's arsenal, but were not used in the conflict and are now held by various parties. It finds that this "abandoned ordnance," often unsecured and unstable, presents significant risks to the population of Libya. During a field mission to the country, a team from Harvard Law School's International Human Rights Clinic (IHRC) identified five major humanitarian threats

associated with abandoned ordnance: stockpiles located in or near populated areas that are at risk of explosion; people's curiosity about weapons, which may lead them to access contaminated sites or handle munitions; the harvesting of materials from abandoned weapons for sale or personal use; clearance by local communities who lack professional training; and the collection and display of weapons as mementos of the war.

After providing some background and detailing the humanitarian threats, this report examines the key activities that must be pursued to minimize future harm from abandoned ordnance, i.e., stockpile management, clearance, risk education, and victim assistance. It addresses them in turn and also includes a discussion of international cooperation and assistance. Each chapter lays out international principles and standards, describes the current status of activities in Libya and progress achieved so far, and analyzes challenges to future work. The report concludes each chapter with recommendations to relevant parties.

¹ This report generally uses the terms weapon, munition, and ammunition interchangeably. In technical terms, a weapon is an instrument that launches ammunition of any size. Many people, however, think of ammunition as referring primarily to small munitions like bullets. The report seeks to avoid that confusion by following common parlance.

Responsible Parties and the Need for a National Plan

Protecting civilians by securing or eliminating the abandoned ordnance in Libya is a monumental task that involves a range of actors. First, it requires support and leadership from the national government. According to international standards, Libya bears responsibility for proper management of its stockpiles because it is a sovereign country. As an affected state, it also has primary responsibility for clearance, risk education, and victim assistance. To date, however, the United Nations Mine Action Service (UNMAS) and international non-governmental organizations (NGOs) have done most of the work. Under the National Transitional Council (NTC), the de facto parliament formed during the revolution, the Libyan government provided little financial or material support. Furthermore, it did not formulate a national strategy; in fact, several government agencies claimed jurisdiction over the abandoned ordnance problem producing a state of “government confusion.”² The inadequate action and poor coordination stemmed in large part from the weak and transitional nature of the NTC. Although also transitional, the new government elected on July 7, 2012, should accept Libya’s responsibilities and make dealing with abandoned ordnance a priority. This prioritization should continue with the election of a permanent parliament in 2013.

Second, the international community should provide continuing cooperation and assistance to help deal with the abandoned ordnance threat. Best practices and multiple treaties call on states “in a position to do so” to provide assistance for stockpile management, clearance, risk education, and victim assistance related to weapons left after an armed conflict. Because of NATO’s role in the 2011 conflict, the alliance and its member states, especially those that participated in the military campaign, should accept special responsibility for helping ameliorate the situation. NATO’s bombings of ammunition bunkers, while lawful, spread abandoned ordnance across open fields, thus creating a more dangerous and difficult problem. In addition, NATO intervened in the Libyan armed conflict in order to protect civilians, a mandate that should guide its post-conflict actions. The international community has provided funding totaling about US\$17.1 million in 2011 and US\$5.6 million to date in 2012.³ The contributions, which have been largely earmarked for clearance, seem to be declining, however, despite no decrease in risks to civilians. Ongoing and increased assistance is needed.

Finally, local authorities and militias, known as *katibas*, should be integrated into the process to deal with abandoned ordnance. These entities have held much of the abandoned ordnance and have wielded significant power since Qaddafi fell. The relevant Libyan and international actors should work closely with the local parties, who should cooperate in return. Together, they can help protect civilians from the dangers of the detritus of war.

A coordinated and comprehensive strategy to deal with the problem of abandoned ordnance is critical given the complex web of parties and the many activities involved. As an overarching recommendation, this report

² IHRC telephone interview with Max Dyck, program manager, UN Mine Action Service (UNMAS), Tripoli, July 3, 2012.

³ Landmine and Cluster Munition Monitor Spreadsheet of International Assistance to Libya in 2011; UN Office for the Coordination of Humanitarian Affairs (UNOCHA) Financial Tracking Service, “Libya Emergencies for 2011: List of All Humanitarian Pledges, Commitments & Contributions in 2011,” report as of July 24, 2012, <http://fts.unocha.org/pageloader.aspx?page=emerg-emergencyCountryDetails&cc=lby&yr=2011> (accessed July 24, 2012); UNOCHA Financial Tracking Service, “Libya Emergencies for 2012: List of All Humanitarian Pledges, Commitments & Contributions in 2012,” report as of July 24, 2012, <http://fts.unocha.org/pageloader.aspx?page=emerg-emergencyCountryDetails&cc=lby> (accessed July 24, 2012).

calls on the Libyan government, which bears primary responsibility for addressing the issue, to develop a national plan. Libya should designate one specific government ministry, with expertise and resources, to serve as the main focal point for administration and implementation of the plan. That ministry should consult with a range of relevant parties—including other national ministries, local authorities, UNMAS, and NGOs—and they should agree on their respective roles. Libya should also take into account the input of affected individuals and communities. Finally, the plan itself should have a broad scope and cover the full spectrum of activities related to minimizing the dangers of weapons left after an armed conflict: stockpile management, clearance, risk education, and victim assistance.

Stockpile Management

Proper stockpile management is essential to protecting civilians from the threats outlined above. Some abandoned ordnance has remained in ammunition storage areas (ASAs) where it has spilled out of bombed bunkers to which civilians frequently have easy access; other ordnance has been stored, often in an unsafe manner, in shipping containers in populated areas. International guidelines on effective stockpile management lay out priorities such as establishing security and appropriately storing and locating stockpiles. The purpose of these guidelines is to establish safe environments and prevent accidents. In Libya, the national government, local civilian and military authorities, and *katibas* have had control of the stocks of abandoned ordnance, and UNMAS has advised each on how to improve stockpile management. As of July 2012, ammunition surveys and proposals for new storage facilities indicated some progress in dealing with the situation in Libya. Challenges to better stockpile management remained, however, including: weak coordination among relevant parties; the inadequate implementation of stockpile management standards; the need to change attitudes toward stockpiles and weapons; and insufficient funding for stockpile management initiatives. The report's major recommendations to address these challenges are:



Some of Qaddafi's abandoned weapons landed in this tangled pile after NATO bombed an ammunition bunker outside Zintan. They remained there in March 2012, tempting to civilians and challenging to clear properly.

Photograph by Bonnie Docherty.

To the Libyan government and, where applicable, local authorities:

- Develop a coordinated national strategy for the implementation of basic stockpile management principles
- Provide financial and/or material support for stockpile management, including to UN and NGO partners
- Request additional financial, material, and/or technical assistance from the international community, NATO and its member states in particular, for stockpile management activities in Libya
- As an urgent matter, allocate resources to establish or improve effective security at ASAs
- Prioritize coordination with *katibas* to move stockpiles out of populated areas and to implement proper stockpile management techniques
- Facilitate a survey by international partners of the location and contents of *katiba* stockpiles

To the katibas:

- Cooperate with national and local civilian and military authorities, as well as international partners, to develop a plan for managing stockpiles immediately
- Relocate stockpiles away from populated areas and improve storage practices within stockpiles

Clearance

Abandoned ordnance that has become unusable or is not in secure storage facilities needs to be cleared so civilians cannot have contact with the weapons. International instruments and standards provide guidelines for conducting clearance activities. UNMAS and international deminers have taken the lead on such work in Libya, which includes destroying certain weapons in stockpiles and clearing others from homes and farmland. The national government, however, has provided little assistance to date. Challenges to accomplishing effective and efficient clearance have included: resource limitations, such as those related to funding, staff with technical expertise, and explosives for controlled demolitions; difficulties in gaining access to abandoned ordnance sites; and the need to increase national capacity for clearance. This report's major recommendations to address these challenges are:

To the Libyan government and, where applicable, local authorities:

- Develop a coordinated national strategy for the clearance of abandoned ordnance
- Provide national funding and other forms of support for clearance, including to UN and NGO partners
- Request additional financial, material, and/or technical assistance from the international community, NATO and its member states in particular, for clearance activities in Libya
- Cooperate with international demining groups to identify clearance priorities and allocate resources appropriately
- Ensure that demining organizations have ready access to sufficient quantities of explosives to undertake controlled demolitions

- Streamline and centralize the process for deminers to access sites for clearance activities
- Facilitate the growth of local civil society organizations undertaking clearance activities through permissive regulation and funding mechanisms
- Investigate the feasibility of establishing an explosive ordnance disposal academy to build Libyan expertise on clearance within the military, police, and NGO spheres

Risk Education and Victim Assistance

Risk education and victim assistance, both of which involve connecting directly with affected communities, also play an important role in lessening the impact of abandoned ordnance on the civilian population. Risk education raises civilians' awareness of types of weapons, what behaviors are dangerous, and what to do if they encounter weapons. Victim assistance encompasses physical, psychological, and socioeconomic help for individuals, families, and communities who have suffered harm from the weapons an armed conflict leaves behind. International instruments and standards lay out guidelines for ensuring the implementation of effective programs.

International NGOs have taken the lead on risk education in Libya and have coordinated where possible with certain ministries, in particular the Ministry of Education, which has trained trainers. Their programs, however, have faced several key challenges, including: dangerous attitudes toward weapons, particularly among children; difficulty in reaching audiences; insufficient funding; and the need to increase capacity in Libya.

Libya has provided assistance to victims of weapons left after the conflict through a Ministry of Health program that is designed to help war victims in general, including those harmed by abandoned ordnance. Because the Ministry of Health program has covered so much more than abandoned ordnance victims, a detailed analysis is beyond the scope of this report. The report's major recommendations regarding risk education and victim assistance are:

To the Libyan state and, where applicable, local authorities:

- Develop a coordinated national strategy for risk education and victim assistance
- Request financial, material, and/or technical assistance from the international community, including NATO and its member states, for risk education activities and victim assistance in Libya
- Promote risk education by:
 - Providing financial, material, and/or other support for risk education efforts by NGOs
 - Facilitating the growth of local civil society organizations undertaking risk education activities through permissive regulations and funding mechanisms
- Ensure any victim assistance programs, whether broad or narrow, provide adequate medical care, rehabilitation, psychological support, and assistance for social and economic inclusion of victims

To international NGOs providing risk education in Libya:

- Undertake targeted risk education for women, who have been harder to reach in current programs
- Continue to work with Libyans to increase local capacity for risk education

International Cooperation and Assistance

Given the seriousness and scale of the abandoned ordnance problem, international cooperation and assistance are needed to supplement national efforts. As discussed above, international principles call on the international community, and especially NATO and its member states, to help Libya with activities including stockpile management, clearance, risk education, and victim assistance. While other countries have provided some such assistance, UNMAS and the international demining NGOs told the IHRC team that funding was inadequate; they said their work depended on ongoing and increased funding, which requires political will. Libyan government officials echoed the call for more foreign funding. This report's major recommendations regarding international cooperation and assistance are:

To the international community at large:

- Provide ongoing and increased funding and/or material support for stockpile management, clearance, risk education, and victim assistance in Libya
- Establish partnerships with Libyan authorities to facilitate the exchange of technical information and training on all these activities

To NATO and its member states:

- Provide financial, technical, and/or material support for clearance of ASAs and other ammunition storage facilities bombed by NATO during the armed conflict in Libya
- Provide assistance, including in the form of funding, for civilians harmed by abandoned ordnance kicked out of bunkers that were bombed by NATO during the armed conflict in Libya

Scope of the Report

This report focuses on abandoned ordnance because it is a large-scale problem that has been generally underreported. The problem relates to the broader issue of explosive remnants of war (ERW), a term that encompasses abandoned ordnance (munitions that were not used but were left behind after an armed conflict) and unexploded ordnance (munitions that were used but failed to explode). All ERW pose a serious threat to civilians, but this report hones in on the risks and challenges presented by abandoned ordnance. In Libya, such munitions represent a particularly large portion of the country's ERW, and they raise questions about stockpile management, which might otherwise be overlooked. This approach led to research challenges because data on civilian casualties and donor contributions is generally not broken down by type of ERW involved. Furthermore, some of the report's recommendations could apply to unexploded as well as abandoned ordnance. This overlap, however, does not change the report's findings that abandoned ordnance seriously endangers civilians and that there is an urgent need to address the problem.

The scope of the report has been narrowed in two other ways. The report does not discuss in depth the proliferation issues associated with abandoned ordnance that relate to the spread of weapons outside Libya and the potential risk of these weapons being obtained and used by non-state armed groups. That angle on abandoned ordnance has received significant international attention. Nor does the report dwell on small arms and light weapons (SALW). Concerns about abandoned ordnance and SALW, especially related to civilians tampering or playing with them, are similar to a degree, and certain demining NGOs in Libya have started to deal with SALW.⁴ Experts often discussed the topics separately, however, and addressing SALW could have watered down the impact of this more focused report.

Methodology

The IHRC undertook the research and writing of this report. It partnered with the Campaign for Innocent Victims in Conflict (CIVIC) and the Sustainable Security and Peacebuilding Initiative at the Center for American Progress (CAP), two NGOs that provided a mandate, advice, project direction, and support. Following several months of legal and desk research, a four-person IHRC team did a field investigation in Libya from March 25–April 1, 2012. It conducted interviews in Dafniya, Misrata, Sirte, Tripoli, and Zintan. The team also visited two ASAs, near Misrata and Zintan respectively. In July 2012, IHRC gathered updated information from UNMAS and NGOs and conducted additional interviews with government officials in Tripoli. In total, the team interviewed more than 30 individuals, including representatives from UNMAS, local and international staff working for demining organizations, national and local government officials, and community members.

⁴ "Operations in Sirte remain suspended and Sirte-based partners are examining the possibility of operations in other regions," Joint Mine Action Coordination Team-Libya (JMACT) newsletter, July 2, 2012, <http://reliefweb.int/organization/jmact> (accessed on July 20, 2012).