

Russian Landmines in Libya: Addressing the Problem

How existing international frameworks prohibiting landmine use have failed to prevent the proliferation of landmines in Libya, and what actions the international community could do to mitigate this.

RETHINKING SECURITY IN THE 2020s SERIES – POLICY BRIEF

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1. INTRODUCTION

In a special August 2021 report on the Libyan operations of Russian-affiliated mercenaries, the Wagner Group, the BBC¹ drew attention to one particularly devastating element of the ongoing conflict in the North African State, that of the use of landmines. In a recovered Samsung Galaxy tablet, that was supposedly once owned by a Wagner Group mercenary, were illustrations of both such mines as well as an annotated map of Ain Zara, a residential district in Tripoli, that detailed 35 mine positions across the suburbs. While there have been prior reports of mines in Libya during the 10 years since the fall of Muammar Gaddafi in 2011, the increase in reports since 2018 following the advancement of Khalifa Haftar's forces against the former-Government of National Accord (GNA) poses a significant challenge for the safety of civilians and requires a robust response.

2. AN OVERVIEW OF INTERNATIONAL LANDMINE PROHIBITION

Landmines, as a weapon of war, are extremely controversial due to their nature as indiscriminate explosive devices, insofar as they are not targeted and will trigger just

¹ <https://www.bbc.co.uk/news/extra/8iaz6xit26/the-lost-tablet-and-the-secret-documents>

as easily by civilians. The United Nations Office for Disarmament Affairs², UNODA, categorises landmines into two types, anti-personnel (APM), and anti-vehicle (AVM). The use of the former is restricted by the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction³ (Mine Ban Convention) which was adopted in 1997, with over 150 States either having ratified or acceded to the treaty. The purpose of the Convention is clearly stated, in which the consequences of landmine use is also articulated⁴:

"[State Parties are] determined to put an end to the suffering and casualties caused by [APMs], that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement."

The Convention then proceeds to ban, under all circumstances, the use, development, and transfer of all APMs and requires all State signatories to destroy any mine munitions leftover. Furthermore, as noted by Landmine and Cluster Munition Monitor⁵, the treaty also covers improvised explosive devices (IEDs), or booby traps. As most explode due to the presence or proximity of a person, they therefore meet the definition of an APM as stated in the Convention. This is important as IEDs are being increasingly used in conflict, especially by non-State actors.

Whilst this complete, uncompromising treaty is a positive step for the disuse of landmines, there are some issues. Firstly, the Convention does not cover AVMs, which also cause indiscriminate suffering to civilian populations. This oversight is something that the UN Secretary-General⁶ has called on countries to address as soon as possible. Secondly, as with any international agreement, the jurisdiction of said treaty is only applicable for States that are signatories. Many States are not, with the most important absentees for this paper being Russia, and Libya itself.

3. RUSSIAN LANDMINES IN LIBYA

² <https://www.un.org/disarmament/convarms/landmines/>

³ https://treaties.unoda.org/t/mine_ban

⁴ Ibid.

⁵ <http://www.the-monitor.org/en-gb/the-issues/landmines.aspx>

⁶ <https://www.un.org/disarmament/convarms/landmines/>

Libya has had landmines in its territory even as far back as the Second World War, though conflicts with Egypt and Chad, in 1977 and 1980–87 respectively, resulted in denser mine installation across Libya’s border regions⁷. The 2011 war caused more landmine emplacement. The escalation of conflict in 2014, especially in urban, civilian areas, led to an increase in landmines close to civilian populations. And by February 2020, former UN Special Envoy to Libya, Ghassan Salamé⁸ estimated that over 20 million ordnance pieces, i.e., mines and other explosive remnants of war were in Libya.

One of the new worrying trends in recent years, has been the presence of Russian or Soviet-made mines, that were previously not documented in Libya before 2020. More specifically the POM-2, PMN-2 and MON-50 mines, weapons which have also been documented⁹ in conflict zones in Ukraine and Syria. For several years, Russia has been linked to Haftar’s campaign in Libya due to opportunities for the natural resource energy sector, with President Vladimir Putin¹⁰ expressing interest in establishing a port in Benghazi.



⁷ <http://www.the-monitor.org/en-gb/reports/2020/libya/impact.aspx>

⁸ <https://news.un.org/en/story/2020/02/1057271>

⁹ <https://www.hrw.org/news/2021/03/25/russia-linked-landmines-threaten-lives-libya>

¹⁰ <https://www.portseurope.com/after-syrias-tartus-port-russia-eyes-libyas-mediterranean-port-of-tobruk/>

PMN-2 mines in Tripoli, December 2020 (MEE/Daniel Hilton)

Since 2011, the UN Security Council, through Resolution 1970 (2011)¹¹, implemented an arms embargo that restricted sale or supply of weapons and munitions of any kind into Libya. The presence of Russian weapons represents a serious violation in this regard. In March 2021, a UN Panel of Experts wrote a letter to the UN Security Council¹² that reported these arms embargo violations by Russia, along with many other intervening nations. The report detailed¹³ specifically that PMN-2 APMs and POM-2R APMs were transferred to Haftar's forces in July and September 2020 respectively, by a "*Russian private military company*". The report's Annexes 67 and 70¹⁴ provide evidence of this, with the notable caveat that "*[these] type[s] of APMs [have] not been identified as being present in Libya before, and [were] not in the possession of the Libyan Armed Forces pre-2012*". It also details¹⁵ the activities of ChVK Wagner, i.e., Wagner Group, who were specifically identified by the Panel as being present in Libya since October 2018.

More recently, a BBC investigation¹⁶ uncovered more details of the activities of Wagner in Libya, including its use of APMs. A tablet device allegedly owned by a Wagner mercenary in Libya was discovered to contain detailed maps of Tripoli, in which black dot markers were determined to be indicators for mines. Some of these indicators were for specific types of mines, such as MON-50, whereas others were marked "*mined district*" or similar, including for improvised booby traps. The BBC notes that all 35 markers for mines were within the residential area of Ain Zara in Tripoli, raising the direct risk of civilian casualties due to landmine usage.

Indeed, the effects of landmines on the Libyan civilian population have been devastating. Human Rights Watch¹⁷ details accounts of civilian fatalities in the neighbourhoods of Ain Zara and Salahuddin in Tripoli due to IEDs, including graphic video testimony of a civilian man who was killed attempting to dismantle an explosive device. The Landmine Monitor¹⁸ estimated in 2019 that in Libya there were 25 casualties due to landmines, IEDs, and explosive remnants of war, which

¹¹ [https://undocs.org/en/S/RES/1970\(2011\)](https://undocs.org/en/S/RES/1970(2011))

¹² <https://undocs.org/S/2021/229>

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ <https://www.bbc.co.uk/news/extra/8iaz6xit26/the-lost-tablet-and-the-secret-documents>

¹⁷ <https://www.hrw.org/news/2020/06/03/libya-landmines-left-after-armed-group-withdraws>

¹⁸ <http://www.the-monitor.org/en-gb/reports/2020/libya/impact.aspx>

represented a significant decrease from 74 in 2018, 184 in 2017, and especially 1,610 in 2016. Unfortunately, as the Monitor admits¹⁹, there is a high chance of underreporting due to, amongst other reasons, a lack of reliable and inconsistent availability of data, caused by the realities of the ongoing conflict and a lack of a truly effective government data collection service. And regardless of concrete figures, there has been a substantial increase in the number of graphic testimonies of the impact of landmines in Libya such as the ones detailed above by Human Rights Watch.

4. ADDRESSING LANDMINE USE

The unfortunate reality of international politics means that targeting Russia for its use and supply of landmines is difficult. On one hand, Russia has consistently denied an official link between its government and the Wagner Group, and the UN themselves only laid blame on a "*Russian private military company*" for the specific supply of landmines. On the other, the types of action to be taken are relatively restricted.

For instance, Euro-Med Monitor²⁰ claims that the use of landmines constitutes a war crime that falls under international criminal responsibility due to Article 8 of the Rome Statute of the International Criminal Court on war crimes, insofar as landmine use implies the deaths of civilians and the destruction of their property. But this would be extremely difficult to implement. The existence of the Mine Ban Convention highlights the fact that there needed to be further legal obligations upon States to dissuade the use of landmines in concrete terms. Again, however, Russia is not a party to this treaty. Perhaps a more promising approach would be to address the supply of landmines into Libya in the same terms as other arms, that is as a violation of the arms embargo of UN Security Council Resolution 1970 (2011). But, as the UN Panel of Experts²¹ noted back in March 2021, "*the arms embargo remains totally ineffective. For those Member States directly supporting the parties to the conflict, the violations are extensive, blatant and with complete disregard for the sanctions measures.*" Regardless of the specific criteria, nonetheless there is evidence of Russian-made landmines in Libya which needs to be addressed. And given there exists framework regarding both landmines, as well as the importation of any arms

¹⁹ Ibid.

²⁰ <https://reliefweb.int/report/libya/libya-calls-international-investigation-thousands-landmines-tarhuna>

²¹ <https://undocs.org/S/2021/229>

into Libya, the international community must show greater political will to hold suppliers of mines accountable.

Alternatively, there could be better progress to address the importation of landmines by Libyan actors. While the Libyan State has not officially acceded to the Mine Ban Convention, in December 2018 the GNA voted²² in favour of UN General Assembly Resolution 73/61 to support universalising and implementing the Mine Ban Convention, which followed the same consistent trend of support of all official Libyan governments since 2012. The current administration under Prime Minister Abdul Hamid Dbeibah should now take the necessary step of officially acceding to the treaty. Regarding Haftar, especially as his forces have been the recipient of Wagner Group support, there should be a similar push for assurances to not use landmines. There is reason to believe that he would agree given that in April 2011 he already pledged²³ to not use them "*because it affects our civilians*". This assurance could take the form of a specific agreement between the parties in similar vein to the 2020 ceasefire.



A bulk mine demolition near Tripoli conducted by the Free Fields Foundation and Army Engineers (European Commission)

Finally, the international community can do more to support the operations of various mine clearing organisations in Libya, with increased funding and logistical

²² <http://www.the-monitor.org/en-gb/reports/2019/libya/mine-ban-policy.aspx>

²³ <https://www.hrw.org/news/2011/04/29/libya-rebels-pledge-not-use-landmines>

capacity in terms of personnel, techniques, and technology. There are several such organisations, including the government-implemented Libyan Mine Action Centre (LibMAC)²⁴, the UN Mine Action Service (UNMAS)²⁵, local organisations such as the Free Fields Foundation²⁶, and international organisations such as the HALO Trust²⁷. These have dedicated teams to mine clearance in such cities as Tripoli and Sirte with a core goal to make neighbourhoods safe for civilians. Additionally, they host information workshops and seminars for civilians to reduce the casualty risk in affected areas. Better support and commitments from the international community to these organisations would be relatively uncontroversial, yet extremely vital for the long-term process of mine clearance across Libya.

²⁴ <https://lmac.gov.ly/EN/>

²⁵ <https://www.unmas.org/en/programmes/libya>

²⁶ https://ec.europa.eu/fpi/risking-their-lives-libya-story-libyan-demining-team_en

²⁷ <https://www.halotrust.org/where-we-work/middle-east/libya/>

RECOMMENDATIONS

To all Libyan actors including the Libyan Government:

- Immediately cease the use of all types of landmines and render any information on affected areas to relevant demining organisations for clearance.
- Implement the necessary steps to accede to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction at the earliest convenience.
- Respect any and all commitments, both written and verbal, to not use landmines as a weapon of war.

To the International Community, particularly the Russian Federation:

- Cease any trade, supply, or installation of landmines in Libya. All perpetrators of landmine supply must be held accountable under the relevant international conventions, i.e., the Mine Ban Convention, where applicable, or the arms embargo imposed by UN Security Council Resolution 1970 (2011).
- Immediately transfer any information on affected areas to relevant demining authorities to ensure safe and fast mine clearance.

About the BIC

The BIC is an independent, non-profit, think-and-do tank based in the capital of Europe that is committed to developing solutions to address the cyclical drivers of insecurity, economic fragility, and conflict the Middle East and North Africa. Our goal is to bring added value to the highest levels of political discourse by bringing systemic issues to the forefront of the conversation.

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