Unintended Consequences of Multilateral Targeted Sanctions

Case Study

Libya 2011 until today

Written by

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Geneva, 24 April 2017

Libya

This paper examines the unintended consequences of multilateral targeted sanctions in Libya from 2011 until today. It relies on two sets of theories: the generic complexity theory and the security governance theory as well as on specific theories relating to unintended consequences of sanctions by both Michael Eriksson and Peter Andreas. The hypotheses tested focus on three sets of consequences. Firstly, on corruption and criminality, secondly on severe humanitarian consequences and human rights' violations and lastly on the strengthening of political factions, thereby leading to instability. When applied on the Libyan case, this study supports both the theories and the three hypothesises. With regards to the theories, the complexity theory proved to be very useful since it is difficult to isolate the data on the impact of sanctions regime from other factors. The sanctions regime imposed on Libya contributed – among other factors – to the three mentioned negative consequences. The most important finding concerns the proliferation of arms. Due to the sanctions regime, political factions were strengthened which showed great reluctance to giving up their weapons generating instability in Libya.

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ABSTRACT

This paper examines the unintended consequences of multilateral targeted sanctions in Libya from 2011 until today. It relies on two sets of theories: the generic complexity theory and the security governance theory as well as on specific theories relating to unintended consequences of sanctions by both Michael Eriksson and Peter Andreas. The hypotheses tested focus on three sets of consequences. Firstly, on corruption and criminality, secondly on severe humanitarian consequences and human rights' violations and lastly on the strengthening of political factions, thereby leading to instability. When applied on the Libyan case, this study supports both the theories and the three hypothesises. With regards to the theories, the complexity theory proved to be very useful since it is difficult to isolate the data on the impact of sanctions regime from other factors. The sanctions regime imposed on Libya contributed – among other factors – to the three mentioned negative consequences. The most important finding concerns the proliferation of arms. Due to the sanctions regime, political factions were strengthened which showed great reluctance to giving up their weapons generating instability in Libya.

INTRODUCTION

Since the end of the cold war, different security threats challenge world affairs which have become more complex. Multilateral targeted sanctions, in this regard, is a new policy instrument that is used extensively. Before resorting to military intervention, multilateral targeted sanctions are considered as last resort to tackle emerging threats. Given the reluctance for the states to resort to military actions and due to the high costs of military intervention, multilateral targeted sanctions are a tool of choice to put economic and political pressure on the entities involved in armed conflicts, terrorism and nuclear proliferation.[1]

There is a strong personal motivation that drove me to focus on this topic. As a Syrian who lived the first five years of the Syrian crisis, I experienced some of these consequences first hand. However, for the sake of objectivity, I chose to focus on Libya because of its similarity to my own country while this allows me to maintain more distance and objectivity.

The paper will specifically focus on the unintended consequences of multilateral targeted sanctions in Libya from 2011 till today. Drawing from the Targeted Sanctions Consortium (TSC)[2], the three following hypotheses were developed to tackle what the unintended consequences of multilateral targeted sanctions are in Libya: a) sanctions regime lead to corruption and criminality, b) sanctions regime lead to severe humanitarian consequences and human rights' violations, c) sanctions regime strengthen political factions and thereby, instability. It will rely on desk review, articles and interviews with scholars and practitioners to examine the hypotheses.

Sanctions have been policy tools frequently used since the 1990's to respond to crucial threats to peace. Their negative humanitarian consequences, especially the

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[1] Mikael Eriksson, "Unintended Consequences of Targeted Sanctions", in *Rethinking Security Governance: The problem of Unintended Consequences*, ed. C. Daase and C. Friesendorf, (Routledge, 2010), 157 - 159.
[2] Targeted Sanctions Consortium (TSC) database, Graduate Institute for International and Development Studies, 2014. https://goo.gl/HZsyiz (Accessed on 2 April 2017).

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consequence of the sanctions on the former Yugoslavia, have been criticized. That led the UN to attempt to mitigate the consequences of comprehensive trade embargo by creating the 1995 Food for Oil Program in Iraq. Due to the damaging humanitarian consequences, comprehensive sanctions regimes were abandoned in favour of smart or targeted one. Today, most international sanctions and all UN sanctions are targeted.[3]

Targeted sanctions pursue three objectives in general: constraining, coercing and signalling. First, to constrain the target's behaviour by undermining its ability to access essential resources. The second aim is to coerce the target into changing its behaviour. Finally, targeted sanctions are a signal by the international community that condemn an issue threatening the stability somewhere.[4]

Targeted sanctions are directed towards individuals and entities and essentially consist of four different sanctions: A) arms embargoes, B) travels ban, C) economic measures, D) financial measures. First, arms embargoes are the first response by the international community with regard to conflicts in which, it could be justified publicly. It refers to prohibit arms selling and spectrum of related materials as for states, region or actors; as Iran and Libya. The purpose is to constrain the target's capacity. Secondly, travel bans, as in Yemen, refer to deny transit through the member state as for targeted individuals. Their effect is to 'name and shame', or signal international disapproval, with some expectation of compliance. Thirdly, economic measures aim to prohibit trade for some goods and services to constrain and coerce the target's influence. They aim to distribute power among actors after constraining the ability of the target or coerce the target to change specific behaviour. For instance, they are used in constrain an authoritarian regime or an armed group capacity to obtain compliance. Finally, financial measures, such as asset freeze in

[3] Thomas Biersteker, "Thinking about United Nations targeted sanctions," in *Targeted Sanctions: The Impact and Effectiveness of United Nations Action*, ed. Thomas J. Biersteker et al. (Cambridge: Cambridge University Press, 2016), 11.
[4] Francesco Giumelli, "How sanctions work: coercing, constraining and signaling", in *How EU sanctions work: a new narrative*, ed. Francesco Giumelli. European Union Institute for security studies, 2013, 18.

South Sudan, denying loans and prohibition of financial transactions as well as to constrain political actors.[5]

Targeted sanctions are still criticized for their lack of efficiency and effectiveness as well as for causing unintended consequences. However, this research will focus only on the unintended consequences. The latter could be either positive or negative consequences.

It is important to mention the followings five limitations relating to the nature of the sanctioning body, the negative consequences, and a broad international agenda. a) While recognizing the growing importance of regional and unilateral sanctions, this research will focus only on multilateral targeted sanctions, particularly, on UN targeted sanctions. b) Some of the consequences that will be examined may have existed before implementing the sanctions regime; but the sanctions regime increased them. c) Other international instruments might be used in interaction with sanctions regime to influence the situation; in which case, it is hard to isolate the effect of targeted sanctions solely. d) Studying the unintended consequences are different from assessing the sanctions regimes themselves. e) Given the conflict and recent nature of the Libyan sanctions, there is a paucity of data.

The thesis is structured along two chapters relating to the theory first and the case study second. The first chapter will examine the theoretical foundation of unintended consequences first, before considering how they specifically apply to international sanctions. The theoretical literature on the unintended consequences of sanctions is still in its infancy. The first chapter will start by explaining the role of the complexity and security governance theory. It will illustrate the double-effect of the sanctions regime, in which they are intended and unintended consequences, which can be both positive and negative consequences. In the second section, the specific theories underpinning the three negative unintended consequences (corruption and criminality, humanitarian and human rights violations, and political instability) will be examined using the theories of both authors Peter Andreas and Mikael Eriksson.

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[5] Francesco Giumelli, 'what sanctions does the EU impose?', in 'How EU sanctions work: a new narrative' ed. Francesco Giumelli. European Union Institute for security studies, 2013, 22, 23.

The second chapter will apply the theory on the Libyan case study since 2011 until today. After a background to the Libyan context, the three hypotheses will be tested using available data.

CHAPTER ONE

THE COMPLEXITY OF SECURITY GOVERNANCE

To examine the unintended multilateral targeted sanctions, this chapter will be divided into two sections: a) a generic theoretical foundation on the notion of unintended consequences, and b) the theories and concepts supporting the three hypotheses specifically applying the notion of unintended consequences to sanctions.

The first section on the theoretical foundation of unintended consequences is divided as well into two theoretical parts: a) The *Complexity* Theory, b) The *Security Governance* Theory. The section on unintended consequences will define the notion in general, then it will link it to targeted sanctions. The first section will introduce the notion of unintended consequences, bearing in mind that the research would focus only on some of the negative unintended consequences. Firstly, Complexity Theory will explain how the relations in political, or social systems, are no longer a linear relation, but have become multi-linear. It will explain the double-effects, where a cause can generate many different outcomes, some intended and others unintended. Secondly, the security governance theory will show how the state is no longer the only relevant actor. It will illustrate the structure and the process of security governance, where the latter becomes a network of coordination instead of a chain of command.

The second section on building the hypotheses will focus, based on Targeted Sanctions Consortium database [6], on how the sanctions regime led to both a) corruption and criminality, b) humanitarian consequences and human rights' violations, as well as c) strengthened political factions and instability. It will, later, explain how each of the three hypotheses might be generated, or increased, by imposing the sanctions regime.

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[6] Targeted Sanctions Consortium (TSC) database, op. cit. (Accessed on 22 April 2017)

Section 1: Theoretical foundation of Unintended Consequences

To examine whether targeted sanctions generate unintended consequences or not, this section will explain the concept of 'Unintended Consequences' in general. The concept has been first studied in Social Life by Robert Merton, and authors, such as Michael Eriksson, later adapted it to international sanctions.

According to Robert Merton, who first coined the term, unintended consequences result from policy action, interaction and collective decisions. Merton argues that there are different causes for this phenomenon: ignorance, errors, conflict of interests, self-defeating prophecy … etc. Merton has been criticized for ignoring 'how' unintended consequences emerged.[7]

Mikael Eriksson argues that "unintended consequences are observable policy effects, not anticipated or simply overlooked by the sender at the time where a decision was made to impose targeted sanctions." Mikael Eriksson also highlights the perverse relationship between sanctions effectiveness and unintended consequences. The failure to achieve sanctions regime's goals might lead to unintended consequences. Conversely, unintended consequences fail to achieve the policy-makers' intentions and undermine their legitimacy instead[8]. He also argues that the unintended consequences mean both negative and positive consequences. They can affect both, the sending body and the target by their side-effects.[9]

Complexity Theory

An interference in a complex system might generate unintended consequences. Given the complexity of the international system, it is unlikely to yield one single outcome[10]. The unintended consequences do not mean unforeseen consequences, but all outcomes that are different from the intended outcome (the objective). Unintended

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[7] Mikael Eriksson, "The unintended consequences of UN targeted sanctions," in *Targeted Sanctions: The Impacts and Effectivness of United Nations Action*, ed. Thomas J. Biersteker et al. (Cambridge, 2016), 194.

[8] Christopher Daase and Comelius Friesendorf, "Introduction," in *Rethinking Security Governance: The Problem of Unintended Consequences*, ed. Christopher Daase et al. (Routledge, 2010), 6.

[9] Eriksson, *unintended consequences of UN targeted sanctions*, 191.

[10] Chiyuki Aoi, Cedric de Coning and Ramesh Thakur, "Introduction," in *Unintended consequences of peacekeeping operations*, ed. Aoi et al. (United Nations University Press, 2007), 6.

consequences could be positive or negative consequences. Given the scope of this research, the focus will be on some of the negative consequences only. For that reason, this part has specified some of these outcomes.

In this part, complexity theory is useful to explain the dynamic within the social or the political system. It will illustrate that the relation amongst different actors is a multidimensional relation. Complexity introduces the idea of double-effects as outcomes of the policies seldom follow a linear pathway. This part will clarify how, due to the complexity within the system as well as the intersection amongst policies, the unintended consequences emerge. The idea of double-effects differentiates between the policy's outcomes as intended and unintended consequences.

According to Robert Jervis, due to the complexity of sanctions regime, the following two variables specify what the system itself is: a) a set of units or elements is interconnected so that changes in some elements or their relations produce changes in other parts of the system, b) the entire system exhibits properties and behaviours that are different from those of the parts.[11]

First, a set of units or elements is interconnected so that changes in some elements or their relations produce changes in other parts of the system. It is enough to change some elements, or their relations, to cause change in other parts of the system[12]. Due to the complexity of the sanctions regime, the "assumed binary causal relationship" might become less relevant. The causal relationship is most likely multidimensional and complex.[13] As a result, the change in the relation of two actors will lead to the change of the relations with others as well. So, the unintended consequences are understood as outcomes of the dynamic of multiple actors in non-linear complex system[14].

With regard to a sanctions regime, a change in one element could generate additional consequences to the intended objectives of the sanctions. Mikael Eriksson argues that

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[11] quoted in, (Aoi, et al.), op. cit., 11
[12] Ibid.
[13] Michael P. Malloy 'Effectiveness of Sanctions', in Michael P. Malloy, *United States Economic Sanctions: Theory and Practice* (Hague: Kluwer Law International, 2001), 379
[14] (Aoi, et al.), op. cit.,11.

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any minor deviation in the implementation of a sanctions regime will generate other kinds of outcomes. This means that imposing sanctions does not function in a simple and linear way in which the cause leads to specific outcomes. Targeted sanctions are policy imposed on entities, which violate human rights, undermine democracy or work in illicit trade, so the public demands for quick responses. The global audience expects coercive measures to tackle emerging threats, while the absence of these coercive measures will frustrate the audience.[15] The conditions of the situations play an important role in highlighting this phenomenon.

The differences in context have important implications for the outcomes of the sanctions regime.[16] According to Robert Jervis, the factors that are involved in sanctions could generate specific consequences depending on a specific context[17]. In terms of sanctions as a policy instrument, its design illustrates the main concerns and stipulates the intended outcomes. The desired and preferred outcomes are the objectives of the sanctions regime that are stipulated in the UN resolutions. However, other sorts of outcomes, that are unintended, could be perceived as an incompleteness of the policy itself. The audience will conceive the unintended consequences as incomplete policy.[18]

Second, the entire system exhibits properties and behaviours that are different from those of the parts. The dynamic of system's actors could change the whole system's behaviour. That makes it difficult to predict the consequences. At some point any change with the regard of interests of some actors will change the whole system's behaviour. The divergence interests might interplay with each other in a complex dynamic generating a network of relations. The interconnection among different interests could defeat the purposive intention of the system. The actors' intentions, whether they are senders of sanctions regime or targets, will play significant role in the implementation of the sanctions regime. Robert Jervis argues also that due to the interconnectedness of systems, one system cannot generate one outcome. So, the outcomes are related to the dynamics among systems too.[19]

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[15] Eriksson, *unintended consequences of UN targeted sanctions*, 192.
[16] Malloy, op. cit.,379.
[17] (Aoi, et al.), op. cit.,11.
[18] Eriksson, *unintended consequences of UN targeted sanctions*, 193.
[19] (Aoi, et al.), op. cit.,12.

With regards to sanctions, states might find that the sanctions regime is against their interests. International organisations such as the UN are to some extent unanimous in the design of the sanctions regime, but its member states might disagree with its purpose. The divergence of interests of these states could undermine the regime's objectives and generate unintended consequences. Additionally, the dynamics of sanctions regime are not isolated from other policies such as military intervention, mediation and so forth. The properties of the entire regime are different from one another, so that the interaction among policies would generate various outcomes.

The double effect is an idea which explains that actions will mostly generate more than one outcome in complex systems. Those outcomes are intended consequences and unintended ones. Those unintended consequences or indirect effects are, observably, much wider than direct ones. The unintended consequences of policies are more important than the intended ones due to the difficulty of predicting. So, the intended effects are the intentions and objects of the sanctions regime which are designed by decision-makers, thereby, stipulated in resolutions, while the outcomes that are not stipulated in the resolutions are unintended consequences. [20] According to the table 1[21], unintended consequences vary from positive to negative consequences as well as from foreseen to unforeseen ones. However, this paper will only focus on the negative unintended consequences that might be side-effects or to some extent, backlashes.

Table 1: Types of consequences

	Intended	**Positive unintended**	**Negative unintended**
Foreseen	Planned programme goals	Predicted spill over effects	Predicted risks or side-effects
Unforeseen	Emergent programme goals	Nice surprise	Calamity, mishap or backlash

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[20] Ibid., 13.

[21] Simon Hearn and Anne L. Buffardi, What is impact?. Overseas Development Institute. 2016. https://goo.gl/XRLrgh (Accessed on 13 Mars 2017)

Security Governance

This section highlights the security governance as a new type of security policy, in which the state is no longer the only actor. Then, it will explain the elements of security governance. The complexity in the governing international affairs combined with the phenomenon of unintended consequences are significant for the security governance. It will reflect the extent of complexity's role in generating unintended consequences.

Elke Krahmann defines security governance: 'Governance donates the structures and processes which enable a set of public and private actors to coordinate their independent needs and interests through the making and the implementation of binding policy decisions in the absence of a central political authority'.[22]

Christopher Daase and Comelius Friesendorf argue that the elements of security governance are the following: "a) the content of policy (What is to be regulated?), b) the structure of agency (Who are the relevant actors?), c) the mood of cooperation (How is the policy carried out?), d) the structure of compliance (Why do actors observe their obligations?".[23]

First, the content of the policy instrument has no longer provides a clear distinction between internal and external security. The tradition security policy refers to clear distinction of the military actions against external threats. Due to the escalated number of new kind of problems, the concept of security becomes broad. The threat is no longer a military action only; the portfolio of security has become broad in many aspects such as environmental, economic and so on. The distinction, mentioned before, is not relevant anymore, and the threat has to be specified. So, it is difficult for states or the international community to resort to use of force to tackle the security threats. Military actions become less favourable while other kinds of policy instruments become more relevant such as sanctions or diplomacy. That explains the complexity in governing the international order. For instance, states might impose sanctions to tackle a specific threat that is not clearly a military one, but, for instance

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[22] (Christopher Daase et al.), op. cit,3.
[23] Ibid, 2.

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violations of human rights or terrorism. As such, international organisations design different types of sanctions regimes to tackle different types of threats which is due to the complexity in treating the respective emerging threat. In addition, the sanctions regime could be applied on individuals, some sectors, some commodities or non-state actors. All that illustrates the difficulty in separating external from internal threats [24]

Secondly, with regard to the structure of the agency, due to the rising number of actors involved in decision making and implementation, it might become difficult to highlight the actors and their functions within the sanctions regime. The actors include not only the state agencies, but also private actors who interact with the state to implement the sanctions. With regards to targeted sanctions, International organisations (the senders) give states (the implementers) the mandate to implement the targeted sanctions. This happens in combination with private actors such as panel of experts and NGOs who observe the implementation of the sanctions regime. This dynamic reflects to some extent the divergence of interests of different actors and underscores the complexity in unifying the objectives among different actors.[25]

Thirdly, regarding the mood of cooperation, the multiplicity of players in security governance as well as the multi-level governance structure will shape new structures for compliance in order to reach the objective of the policy instrument. In addition to the vertical mode of structure, there is a horizontal mood of coordination in the implementation of security governance policies which change the old structure of compliance from a 'chain of command'-type to a non-linear policy coordination mechanism. In this network, the actors are compelled to cooperate with each other. The network itself illustrates that security governance becomes less institutionalised with less dependency on traditional chains of command. Furthermore, self-regulation becomes the prominent concept in international affairs.[26] In terms of sanctions, there is no guarantee that all actors will be compelled to achieve the objects when the regime is imposed. Coordination among actors is crucial for the achievement of the goal. Multilateral targeted sanctions have to some extent a complex form of coordination. Sanctions are a multidimensional policy instrument where the

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[24] Ibid.
[25] Ibid.
[26] Ibid.

international organisations coordinate with different kind of actors such as private sector or states, in which also different actors coordinate among each other and give feedback to the international organisations.

Fourthly, the structure of compliance reflects the decentralisation of decision-making procedures as well as implementing the policy instrument. While traditional security policy is based on hierarchal structure and a clear chain of orders, which is legally binding as a treaty for instance, security governance is decentralized with no central political authority. That reflects to which extent the lack of central political authority is, which was determined as a traditional security policy.[27] For instance, when the UNSC issues a resolution to impose sanctions on a target, each state has its own interpretations on how to implement the sanctions regime, depending on its resources and/or political will.[28] Consequently, the sanctions regime is implemented on the grounds of self-interests or fear of punishment.

Section 2: Building the hypotheses

This section will be divided into three parts related to the hypothesis. The three hypotheses tackle the following negative consequences; a) corruption and criminality, b) humanitarian consequences and human rights' violations, c) strengthened political factions and instability. This section will illustrate the role of sanctions regime to generate each of the mentioned problems.

Mikael Eriksson argues that one of the major types of implementation problems is the target's ability to evade sanctions. Individual entities, or states, always attempt to evade sanctions imposed on them, mostly by illegal ways. The response of the target could vary from compliance to the senders' sanctions regime to reluctance against it. Most of the cases examined that the target tend to evade sanctions as much as possible. Entities could create a rally-round-flag to avoid the change, as well as to undermine the sender's reputation by employing a propaganda.[29]

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[27] Ibid.
[28] Eriksson, *unintended consequences of UN targeted sanctions*, 196.
[29] Eriksson, *Unintended Consequences of Targeted Sanctions*, 159.

Hypothesis 1: Sanctions lead to corruption and criminality

The first hypothesis focusses on the criminality and corruption within the target state as a result of imposing sanctions. It does not mean that each of the two states, economy and society, were not corrupted and criminalized, or that without sanctions they would be righteous[30]. Sanctions are part of the spectrum of national and international policies that often contribute in increasing the corruption rate in the target state. The main authors who tackled this issue are Peter Andreas and Mikael Eriksson, and most of the theoretical development is based on their arguments.

Peter Andreas argues that the target will not comply to the purpose of the sanctions regime. Instead, the target will change its behaviour to cope with the new situation to survive. Secure supplies, strengthen its hold on power, and generate funds are the new tend for the target to evade sanctions. This tendency may occur through organized crime. So, the target will engage into illicit trade, when its resources of power are threatened, and also will attempt to generate more to compensate what could be lost as result of sanctions.[31]

As mentioned above, one of the sanctions regime's objectives is signalling the target. To compensate for the negative reputation, the target may seek to strengthen its hold on power through organized crime. Targets often tend to use violence and illegal ways to enhance their positions as well as generate funds by sponsoring organized crime. Mikael Eriksson found that, as a result of arms embargos, entities have a tendency to obtain more expensive weapons to secure themselves and to respond to threat. They buy the same weapons at a higher rate. As well, the target, probably, will look for more weapon in the terms of quality. A network of arms embargo-busters will exploit this situation to sell weapons in high prices as well as introducing, if existed, different type of weapons. Mikael Eriksson argues that some warring parties take advantage of arms embargos, for instance, by engaging in illegal profitable activities such as weapons trade. New trade often would emerge to fund entities through network of illicit trade of weapons, smuggling and so forth.[32] He further

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[30] Peter Andreas, "*Criminalizing Consequences of Sanctions: Embargo Busting and Its Legacy*."
(International Studies Quarterly 49, no. 2, 2005), 336.
[31] Ibid.
[32] Eriksson, *Unintended Consequences of Targeted Sanctions*, 162.

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states that society could suffer much more from the targeted sanctions than from the conflict due to the new economic situation. The warring parties will govern the economy providing commodities at under market prices. So sanctions do not affect only the target, rather, it harms larger communities as well[33].

Following the imposing of sanctions, many workers will lose their jobs due to trade ban or devaluating of local currency that will emerge spontaneously after sanctioning states or entities. For instance, in terms of asset freeze, when the local banks or corporations are sanctioned, the local and foreign investment will decrease due to the change of relation. The first impact as result would be devaluating of currency then losing jobs. The two latter impacts mean that the formal economy will go into crisis. The more the formal economy is harmed, the more informal economy will be reinforced. The underground economy is the economy of sanctions evasion such as smuggling and illicit trade. The economy will go into crisis leaving the floor for a new type of economy, in which a vast network of black markets emerges which might be encouraged and protected by the targets.[34]

To sum up, targets might tend to circumvent sanctions, in which entities tend to engage in profitable activities in order to generate funds through the establishment of a network of smugglers and black market. Thus, criminalization is the probable way for the target to adapt to the sanctions regime. In other words, the target will change its objective and behaviour to cope with the newly imposed policies.[35]

Hypothesis 2: Sanctions lead to human rights' violations and severe humanitarian consequences

The second hypothesis concerns human rights' violations and severe humanitarian consequences. Mikael Eriksson argues that international organisations, such as World Bank, cannot provide loans to the sanctioned entities. Additionally, sanctions will be sending negative signals to the potential investors. He argues that, with regard to asset freeze of target entities, the unemployment rate will raise due to people's dependency

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[33] Ibid., 166.
[34] Peter Andreas, op. cit., 337.
[35] Eriksson, *Unintended Consequences of Targeted Sanctions*, 162.

on salaries coming from private or public companies that no longer pay. This might cause inequality which in turn will encourage corruption and strengthen the black market to cope with the new situation. He also argues that women often accept work in sex industry when the economic situation become severe. Due to the new economic situation, women vulnerability and emerge of underground economy, a network of prostitution might emerge. It might also become a trade accompanied with the human trafficking[36]

Peter Andreas argues that formal economy will be marginalized, while the one underground will be expanded, which deepen the economic gap amongst people. He argues that due to sanctions regime, the wealth will be redistributed in a new way causing the emergence of a nouveau riche elite.[37] This is the same as was mentioned by Mikael Eriksson in his network of black markets.

Kidnapping is one of the tools that help target entities generate revenues. That will let the situation in the state become more severe, in addition to the absence of the rule of the law. The latter will emerge as a consequence of smuggling, in which the rule of law might be less relevant in adapting to the new situation. That will leave the floor for these groups to fill the void and smuggle weapons, products, etc.

As a result of these severe situations, the population will tend to flee the country to find a better situation. A new trade would emerge, human trafficking and smuggling. Over the time, populations that suffer from this situation will ask for asylum elsewhere, and will rely on a network of smugglers to reach a new state. Simultaneously, the smugglers will benefit from the severe situation, especially by kidnapping civilians in order to demand money, which might become a new source of generating funds. That will feed their other illicit trade as well to become at the end as circle of illicit trades that each depends on the others. The illicit trades itself would become more complex in this regard. In addition, the other trade would be human trafficking, which could be slavery trade, prostitution or human organs selling.

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[36] Ibid, 167.
[37] Peter Andreas, op. cit., 336.

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According to Atanas Rusev, these networks depend on the market context and different type of exploitation.[38]

To sum up, losing jobs, smuggling and trafficking, price rising, devaluating of local currency, kidnapping, etc. as well as the absence of rule of law will complexify interaction of the outcomes, making the humanitarian situation more severe.

Hypothesis 3: Sanctions strengthen political factions and instability

The third hypothesis focusses on how the sanctions regime contributed to the strengthening of political factions and to instability. The warring parties will tend to strengthen their positions by buying more weapons as mentioned above. Peter Andreas argues that as consequence, the 'uncivil society' will be reinforced. The uncivil society is the network of smugglers, the group of people that provide public service out of the legal committees such as the political factions, as well as pre-national groups.[39]

The significant evolution is how the population perceives the emerging uncivil society. These political factions, whether against the government or linked to it, will provide people with public services and protect their areas. That will happen probably through smuggling and illicit trade as much as through arming this network. Those lawbreakers will fill the administrative vacuum as well as the political. Consequently, their work will not be perceived as only normal, but it could be considered patriotic. Moreover, this demoralization will reformulate the societal values as well as legalizing these new values.[40]

Mikael Eriksson argues that sanctions may lead to civil war. Targeting specific entities without others will strengthen the latter on account of the targeted entities. It might lead to change the military situation on the ground into a new unfavourable situation. He argues that often arms embargoes on one party might raise the tension with others, thereby will lead to conflict or even civil war. On 1991, UNSC imposed an arms embargo (UNSCR 713) on all warring parties in Former Yugoslavia

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[38] Rusev, Atanas. "Human trafficking, border security and related corruption in the EU." Migration and the Security Sector Paper Series (2013), 14.
[39] Peter Andreas, op. cit., 337.
[40] Ibid.

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Republic. The arms embargo favoured Croats and Serbs due to their ability to evade sanctions by buying weapons illegally and relying on domestic industry, while it was unfavourable for Bosnian government. In less than one year, it was superseded to impose comprehensive sanctions by imposing the (UNSCR 724). However, the Targeted Sanctions Consortium mentions that in Yugoslavia, sanctions have led to the extension of conflict as unintended consequences as well as to the strengthening of new political factions that filled the vacuum. As a consequence, Mikael Eriksson argues, these new factions might be group of local warlords or terrorist groups whom have regional or international network.[41]

Regardless of the nature of these groups, the imbalanced military situation may concretely lead to confrontation, which will make the security situation more complex. The plurality of political factions, as well as the change of their function and the imbalance in their ability, may lead the country to instability. Especially if the outcome was a civil war. This illustrates how the change happens as a consequence of imposing sanctions generating instability, while the sender's intentions are to increase security.

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[41] Mikael Eriksson. 'Unintended Consequences of Targeted Sanctions', 163; Former Yugoslavia I (1991 – 1996), Targeted Sanctions Consortium (TSC) database, op. cit. (Accessed on 12 April 2017)

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CHAPTER TWO

THE UNINTENDED CONSEQUENCES OF THE SANCTIONS ON LIBYA SINCE 2011

This chapter will explain the Libya's context taking in consideration the shift in situation that happened due to the protest's outbreak in 2011. It will highlight the complexity of the sanctions regime in Libya. It will apply each of the hypotheses on the case study of Libya since 2011 until now comparing the desk review of two periods; prior to and post 2011.

Section 1: Background on Libya's political crisis

This section will explain the complexity of Libyan governance prior 2011. It will, briefly, highlight the political, societal and economic context in Libya before the uprising outbreak in 2011. It will give a short comparing of situation before and after implementing the sanctions regime (See Table 2). The latter's complexity will be underlined as well during and after Qaddafi's control. The section will be divided according to significant shifts in the Libyan context.

Libya was to a great extent a country which is affiliated by both tribal and religious leadership and values. Due to postcolonial era and discovering oil as well as arriving of Europeans, Libya had a shift in development. It was a monarchy under the control of king Al- Senusi and most of the wealth was concentrated in the cities encouraging people to leave rural areas and migrate to urban ones. Consequently, the tribal values and relationship become to some extent dissolved but still, it was considered one of the most conservative Arab country. Due to escalating number of labour forces from countryside to the cities and oil fields, the social and political influence of local leaders became less relevant. Modernization started to reach rural areas by building schools and hospitals. The Libyan citizens received services from the government such as a house, electricity, water and modern appliances to make their life prosperous. [42]

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[42] Helen Chapin Metz, ''Structure of Society'', in Helen Chapin Metz (eds.), "Libya: a country study." Federal Research Division, Library of Congress, 1989. https://goo.gl/72WW2z (Accessed on 13 April 2017).

Libya's political regime, called Al-Jamahiria, was designed by President Al-Qaddafi as a direct democracy in which every citizen is involved in the decision-making. Following the military coup of September 1969, called later a revolution, against the Al-Senusi monarchy, Al-Qaddafi created the Great Socialist People's Libyan Arab Jamahiriya, in which thousands of 'people's committees' will interact with the central committee to design the policies and implement them.[43]

In December 1988, some Libyan officials were suspected of "downing of the Pan Am 103 over Lockerbie Scotland in December 1988 and UTA 772 over Niger in September 1989", According to the Targeted Sanctions Consortium Database. The UN Security Council passed UNSCR 748 on 31 March 1992 imposing targeted sanctions in order to coerce the Libyan authorities to cooperate in the Lockerbie investigations, to constrain the Libyan government from engaging in international terrorism and to signal norms against state terrorism. The resolution was about aviation ban, arms imports embargo and diplomatic sanctions. In UNSCR 883, 11 November 1993, the UNSC reinforced the sanctions on Libya. It imposed partial government asset freeze and oil services equipment ban for specific items. After the Lockerbie issue was finally addressed, the UNSC passed UNSCR 1192 on August 1998, and, following that, all sanctions were suspended in April 1999. Libya started to establish better relations with the international community after terminating all the sanctions in September 2003 by the UNSCR 1506.[44]

On 15 February, "the day of rage" as for the Libyans, the uprising in Libya breaks out as result of both, regionally, the start of Arab Spring and, domestically, detention of human rights activists. The uprising was led to violent clash between the protesters and the security forces. On 26 February was the first respond from the international community when the UNSC issued Resolution 1970 to impose an arms embargo, travel ban on Qaddafi family and key members of the regime, and asset freeze on Qaddafi and his close family members. It also established the sanctions committee.

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[43] Enrico Carisch et al. *50 years of UN sanctions*. Springer Publishing, New York. forthcoming August 2017; the draft was sent by the author via e-mail on 31 December 2016.
[44] Targeted Sanctions Consortium (TSC) database, op. cit. (Accessed on 22 April 2017).

The UN also referred the situation in Libya to the International Criminal Court (ICC), although Libya is not a party to the Rome Statute of the ICC.[45]

The resolution was under chapter VII using the responsibility to protect doctrine for the first time. Many of member states attempted from the beginning for imposing non-fly zone and referral to the International Criminal Court (ICC), but many of member states in the UNSC questioned and disagreed with these attempts expressing that the Libyan situation was not threatening international peace. There was no consensus as for the international community to address the problem in Libya. Resolution 1970's purpose is to coerce Qaddafi to be held accountable to protect his people, to allow Human Rights monitors and humanitarian relief into the country, and to lift media restrictions. The resolution was also about constraining the Qaddafi regime from using armed forces against its population as well as about signalling key regime figures for excessive use of force. Given that Qaddafi had absolute power in Libya, the army and the economic resources, the impact of sanctions was modest.[46] It means that he has the ability and enough resources to evade sanctions. If not, he could have been constrained or compelled to comply with the purposes of the sanctions regime.

Within a month, there were multi-policies from certain of International, regional and sub-regional organizations to tackle the violence. While the USA, some European countries and some Arab countries were in favour of the use of force and imposing sanctions as well as supporting an alternative government, most of the African countries were reluctant to resort to it. They attempted to fulfil an inclusive peaceful transition. This reflects the rising numbers of actors where local, regional and international actors tackle the situation in Libya. It also reflects the divergence of interest among the actors which obscure the coordination in governing the emerging threat in Libya. Many of Qaddafi's government officials as well as Libyan opponents established the National Transitional Council (NTC), and they declared that NTC is the sole representative of Libyan people. Many of western governments recognized them as an alternative of Qaddafi's government, although there were no elections.

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[45] S/RES/1970, 26 February 2011.
[46] Enrico Carisch, op. cit.; Targeted Sanctions Consortium (TSC) database, op. cit. (Accessed on 22 April 2017)

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Again, some of western governments as well as NTC attempted to impose non-fly zone on Libya in the security council. The Arab states, especially the Gulf states, have been supporting the non-fly zone. They wanted, according to Alex Dewaal, to see "turbulent version of Tunisia's democratic uprising," while the African leaders were reluctant to this policy due to their concern of "perils of civil war in Libya and the shortcomings of forcible regime change". On 10 March, the AU peace and security council handed a resolution to establish a high level ad hoc committee. The committee was to mediate in the Libyan crisis and to stop the violence. The committee came by five points roadmap as a way out of the Libyan crisis and was to travel and meet Qaddafi on 20 March. They repeated consistently "inclusive transition "; peaceful change including Al-Qaddafi himself.[47]

On 17 March, like the UNSCR 1970, the UNSC issued the second resolution (1973) for the same purposes and also in order to coerce Qaddafi to agree on a cease fire which would call off the attack on Benghazi where a non-fly zone was imposed. The resolution 1973 was also about a ban on flights and an expansion of asset freezing to Libyan state-owned entities (Libyan foreign bank, Central Bank, National Oil Corporation, Libyan Investment Authority and the Libyan Africa Investment Portfolio). It also contained and travel ban for the Qaddafi family and for some key members of the regime. It used the term 'all necessary measures', which each state could interpret in its own ways. This term in combination with the non-fly zone authorized NATO and other Arab air forces to hold their first operation on Libya on March 19. This obscured the plan of African leaders to meet Qaddafi and to start mediation for a political transition in Libya.[48]

The matter of compliance within the security governance in Libya was referred to the ICC according to the UNSCR 1970. However, it was recognized that "States not party to the Rome Statute have no obligation under the Statute", which made the structure of compliance more complex. Another example is that, according to the resolution 1973, Libyan banks were sanctioned. This in turn would obscure the funding of humanitarian assistance which are mentioned in UNSCR 1970.

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[47] Alex Dewaal, '' The African Union and the Libya Conflict of 2011'', World Peace Foundation, 19 December 2012. https://goo.gl/cxHVrP (Accessed on 13 April 2017).
[48] Ibid.

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Regarding the content of security policy, the purpose of security governance has deviated from what was supposed to be regulated in the Libya crisis. Due to the deviation in actors' intentions, the situation in Libya became more complex. One of the sanctions' type stipulated in UNSC resolutions was an arms embargo on all parties but some states had another interpretation that generated unintended consequences. According to India's Ambassador to the UN: "There is a more serious issue. Resolution 1973 specifically refers to an arms embargo. But that resolution was interpreted, as some people said, as, 'Well it means you can carry out a military operation against Gaddafi, but arms embargo does not prevent you from arming the rebels'. I find that situation unacceptable."[49]

Enrico Carisch observed the three following difficulties which are generated from the security policies that imposed on Libya. First, the peaceful demonstrators became armed combatants. Second, the flight of thousands of mercenaries into Libya. Third, the return of historic tribal conflicts.[50]

Different dimensions of compliance among actors reflect the divergence of their interests. It also highlights to some extent the complexity of coordination among them. By July 2011, the international community recognised the National Transitional Council as the legitimate authority of Libya. Some states recognised the NTC as the legitimate government of Libya while other states were still recognising the Qaddafi's regime as the legitimate government. The deviation in the implementation of the sanctions led to unintended consequences. While the sanctions regime in Libya was about coercing Qaddafi to protect its population and to constrain its ability to use force, some states wanted to change Qaddafi's regime. This was different from the purpose of UNSC resolutions, making the Libyan context different too. According to India's Ambassador to the UN: "Yes, the UN was to get involved. It would have to take action in order to enforce a no-fly zone. The Resolution 1973 also speaks of ceasefire. And when we tried to invoke the ceasefire provision, some other countries, which were involved in the military operation, said that they did not want to consider

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[49] ''Libyan shadow over UNSC'', Russia Today, 1 February 2012. https://on.rt.com/up6wpk (Accessed on 13 April 2017)
[50] Enrico Carisch, op. cit.

the possibility of a ceasefire until the regime had been dislodged. I'm not saying it was done for a regime change, but that's what it amounts to in the end."[51]

A new phase in Libya started after Tripoli battlefield on August and Qaddafi went into hiding. It started when the UNSCR 2009 has been issued on 16 September 2011. The resolution came to meet the change in Libya that happened due to controlling most of the country by the rebels. It established a United Nations Support Mission in Libya (UNSMIL) to support the Libyan national efforts in transitional process, as well as lifting some sanctions related to asset freeze and arms embargo. It also completely lifted the ban on flights. Both, responsibility to protect and non-fly zone were terminated by (UNSCR 2016) on 27 October 2011.[52]

On 20 October 2011, Qaddafi was captured in Misrata, probably, by the rebels who took control on Sirte, Qaddafi's hometown. He was beaten and killed in brutal way instead of referring him to the ICC according to an arrest warrant on 27 June 2011. On 23 October, the National Transitional Council declared officially the liberation of Libya and announced plans to hold elections within eight months.

UNSC issued a new resolution, (2040), on 12 March 2012 supporting the transitional process in Libya and unfrozen some asset as well as expressing its concern for the instability and violation of human rights in Libya. It expressed again its concern for the proliferation of arms that will threaten international peace. However, after some difficulties to control the armed militias, the General National Congress was elected in July 2012 and retained power since August 2012.[53]

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[51] Ibid.
[52] Targeted Sanctions Consortium (TSC) database, op. cit. (Accessed on 22 April 2017)
[53] Ibid.

Table 2: Evolution of the Sanctions Regime on Libya Since 2011

	Resolution: S/RES/1970, 26 February 2011
Purposes	- To coerce Qaddafi to be held accountable to protect his people, to allow Human Rights monitors and humanitarian relief into the country, and to lift media restrictions. - To constrain the Qaddafi regime from using armed forces against its population. - To signal key regime figures for the excessive use of force.
Sanctions Type	- Arms imports and exports embargo on all parties to the conflict. - Travel ban on Qaddafi family and key members of the regime. - Asset freeze on Qaddafi and his close family members. - Referral of the situation in Libya to the International Criminal Court (ICC). - Establishment of the sanctions committee.
	Resolution: S/RES/1973, 17 March 2011
Purposes	- Same purposes as UNSCR 1970 - Coerce Qaddafi to agree on a cease fire which would call off the attack on Benghazi.
Sanctions Type	- Newly imposed aviation ban (and a no-fly zone) and a conditional aviation ban (if reasonable grounds for arms embargo violation). - Expansion of asset freezing to Libyan state-owned entities (Libyan foreign bank, Central Bank, National Oil Corporation, Libyan Investment Authority and the Libyan Africa Investment Portfolio).
	Resolution: S/RES/2009, 16 September 2011
Purposes	- To establish a United Nations Support Mission in Libya (UNSMIL). - To lift some sanctions related to asset freeze and arms embargo. - To lift the ban on flights.
	Resolution: S/RES/2016, 27 October 2011
Purposes	- To terminate the responsibility to protect and the non-fly zone.
	Resolution: S/RES/2174, 27 August 2014
Purposes	- To reinforce the arms embargo in Libya. - To expand the criteria for designating individuals or entities as subject to the travel ban and assets freeze.

Section 2: Testing the Hypothesis

This section will be divided into three parts which apply each of the following hypotheses on the case study of Libya from 2011 until now. The hypothesis will be tested in the following order: a) sanctions in Libya led to corruption and criminality, b) sanctions in Libya led to severe humanitarian consequences and human rights' violations, c) sanctions in Libya strengthened political factions and instability.

Hypothesis 1: Sanctions in Libya led to corruption and criminality

This part concerns the hypothesis according to which corruption and criminality rose due to the imposition of the sanctions regime on Libya. First, I will compare the desk review of two periods, prior and post 2011 using articles and interviews to support the argument in the theoretical framework.

Libya, under the control of Qaddafi, has ratified the UN Convention against Corruption in 2005. To end the endemic corruption, according to International Transparency, the political leaders were asked to work along with the provided legal framework and to guarantee access to information for all citizens in Libya.[54]

Contrary to the above explained theory according to which sanctions lead to an increase in corruption, the Libyan case shows a different picture. According to Transparency International (Figure 1)[55], corruption has always been a problem in Libya. In 2009, Libya was ranked 130 out of 180 states and it reached place number 146 out of 178 in 2010. Following the imposition of sanctions in 2011, the corruption index declined only by two points which indicates a very small increase in corruption (rank 168/182). This might prove that the sanctions regime had almost no impact on corruption. According to the Washington Post on April 2011[56], Libyan authorities increased the salaries of the public sector by 50 percent in order to tackle the

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[54] ''The violence against the people of Libya must stop now, Says Transparency International'', Transparency International Secretariat. 21 February 2011. https://goo.gl/aLwDh8 (Accessed on 13 April 2017).

[55] Corruption Perceptions Index 2016, Transparency International. https://goo.gl/fych36 (Accessed on 8 April 2017).

[56] Simon Denyer, Gaddafi hunkers down under sanctions; rebel economy struggles, Washington Post. 11 April 2011. https://goo.gl/nA1Nus (Accessed on 8 April 2017).

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potentially negative consequences of sanctions. This policy might explain the reason behind the non-occurrence of a significant increase in corruption.[57]

Figure 1: Corruption in Libya
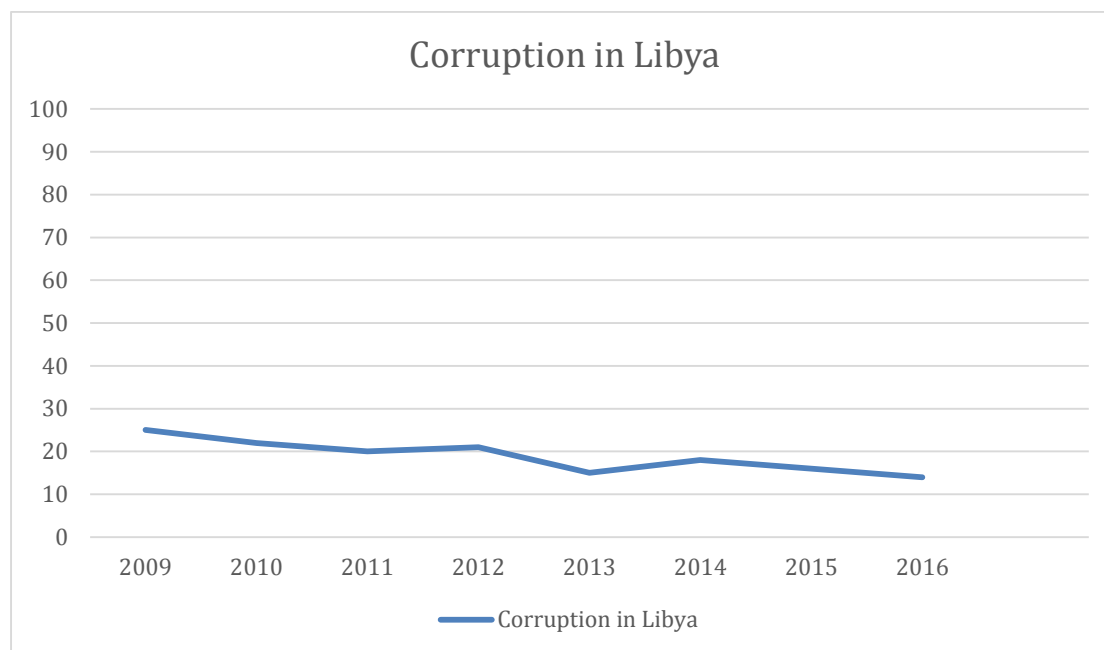
The sanctions regime caused a lack of economic opportunities in Libya that generated an informal economy. The latter let the formal economy go into crisis. The sanctions regime has contributed to make the economic situation severe encouraging illicit trade. However, it is difficult to isolate the impact of sanctions in Libya due to the multiplicity of policy instruments in Libya that make the governance more complex.

The Targeted Sanctions Consortium (TSC)[58] observes, as for the UNSCR (1973), that it is the first time that assets of sovereign wealth are frozen for political objectives. Thus, the sanctions regime encouraged people to withdraw their savings, which led the Libyan Dinar to be devaluated and probably, encouraged corruption. According to Reuters[59], the bank's deputy governor, Ali Mohammed Salem, " people rushed to the banks during the war, withdrawing 7 billion dinars". TSC mentioned that "On the

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[57] Corruption Perceptions Index 2016, Transparency International.

[58] Targeted Sanctions Consortium (TSC) database, op. cit. (Accessed on 2 April 2017).

[59] Oliver Holmes, " Libyan central bank starts withdrawing old currency", Reuters, 13 January 2012. https://goo.gl/7Se1wJ (Accessed on 13 April 2017).

black market, the Libyan dinar shot up to 3 against the dollar, from 1.3 before the crisis[60]".

According to Mark Shaw and Fiona Mangan, Libyan sanctions contributed to enhance the illicit trade. Based on interviews with Libyans work in illicit trade as well as some ordinary people inside Libya, they illustrate, that to avoid sanctions many allied with network of smugglers and traffickers to exploit the illegal economy. The illegal network was controlled by the government itself. However, since the violence started in Libya, the illegal market became decentralized due to the new political context. More actors became involved in smuggling network as well as change of interests.[61]

In terms of criminal trade, local stakeholders prioritized the following four illegal markets: 1) weapons market, 2) drugs market, 3) people smuggling, 4) commodities.[62]

First, the weapons market was the most important illegal market. Qaddafi's regime relied on rally-round the flag tactics to compensate for the negative reputation generated from the sanctions regime on his regime. He responded to the undermining of his legitimacy by arming civilians. On April 2011, the guardian conducted journalist investigation in Libya discovering that thousands of AK-47 have been distributed to arm civilians and to train them in order to create 'home guard' or 'home front' as Qaddafi's loyalist army[63]. The distribution of arms contributed to the creation of a network of business in Libya that needed weapons for fighting or trading. This network provided weapons for all parties and for the network itself to be protected. Mark Shaw and Fiona Mangman mentioned many cases of criminalisation due to the need of arms for traffickers to protect their trade. The traffickers themselves carry guns to secure their illicit trade and to fight if needed. They, sometimes, hire a group of people for the same reasons. The Zintani forces, a militia

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[60] Targeted Sanctions Consortium (TSC) database, op. cit. (Accessed on 2 April 2017).
[61] Mark Shaw and Fiona Mangan, 'Context' in "Illicit trafficking and Libya's transition: profits and losses." (2014), 8. https://goo.gl/fdKbSq (Accessed on 22 April 2017).
[62] Ibid.
[63] Harriet Sherwood, Gaddafi arms Libyan 'home guard' – minimum age 17, The Guardian, 27 April 2011. https://goo.gl/5Yxybb (Accessed on 9 April 2017).

in Libya, had a deal with traffickers to protect the western borders. When the Libyan army was not strong enough to protect its borders, it similarly relied on traffickers.[64]

The community itself was to some extent criminalized. When a tribe or a community takes control over an area, the traffickers will pass through this territory for a fee. For instance, the Tabu-controlled areas in the south of Kufrah in Libya. They made profit out of securing passages for traffickers. The traffickers prefer areas controlled by tribal community to be secured and have guidance in the desert. Some of traffickers were from the Tabu itself.[65] The increasing demand for arms, whether to fight or to secure illicit trade, under arms embargo will lead to rising prices. One piece of AK-47 costs 3,000 Libyan Dinar on 2012, while it reached 12,000 Libyan Dinar on 2014.[66] The demand for arms that went up as a result of the need of arms was generated probably due to the arms embargo or at least, the latter contributed to this phenomenon.

Secondly, drug trade is an important revenue source in Libya. Trade in illicit drug generates revenues used to pay for more expansive weapons or for profit. Those involved in this trade in Libya yield an economic power that corrupt institutions as well as political parties and political processes. The trade of cocaine and heroin is more organised than that of Hashish.[67] The new economy (illicit trade of weapons and drugs) has contributed to the creation of an informal economy that affected the formal one.

Third, human trafficking has become an issue of growing concern in Libya. The sanctions regime contributed into the lack of economic opportunities that encouraged people to migrate. It also encouraged a new trade; human smuggling which has been growing in Libya. Some people who suffered in Libya payed for the human smugglers to reach a better place; Europe in most cases. Mark Shaw and Fiona Mangman mentioned that migrants payed 800 – 1000 $ to pass into Libya and the double for a passage to Europe, often not reaching their destination. Some others

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[64] Mark Shaw and Fiona Mangan, "An evolving illicit Economy" in "Illicit trafficking and Libya's transition: profits and losses." (2014), 8 op. cit.17.
[65] Ibid, 18.
[66] Ibid, 17.
[67] Ibid, 15, 17.

worked for the smugglers, migrants, who could not pay for being smuggled and might hold drugs for the smugglers.[68]

Finally, on their return journey from Europe to Libya, smugglers tend to maximize their trade by alcohol and medicine trade to Libya. However, this trade is important in countries such as Libya to counter depression or anxiety of the instability.[69]

To sum up, sanctions on Libya led to increase in corruption and criminality as targets engaged in organised crime activities. A network of illicit trade such as weapons, drugs, commodities and human smuggling has been enhanced in Libya in order to generate revenues as result of busting sanctions.

Hypothesis 2: Sanctions in Libya led to human rights' violations and severe humanitarian consequences

This part will test the hypothesis of human rights' violations and severe humanitarian consequences due to the imposition of the sanctions regime on Libya. It will start by comparing the desk review of two periods, prior to and post 2011. It will rely on the argument in the theoretical framework as well as on respective articles.

Based on the UNDP's Human Development Reports (HDR) (Figure 2)[70], HDR shows that the human development index in Libya was almost constant between 2009 and 2010, scoring 76%. However, in 2011, the HDI fell by 5% due to start of the complex crisis. With the beginning of the new phase in 2012, the HDI increased by 3%. Probably, this development was caused by the renewed integration with the international community and the gradual lifting of sanctions. According to UNDP's HDR, both Jordan and Tunisia were close to Libya's HDI rank in 2015's and, to some extent, had a similar population size. With regards to the rank of Jordan and Tunisia, they were situated on place 86 and 97 respectively, while Libya was ranked number
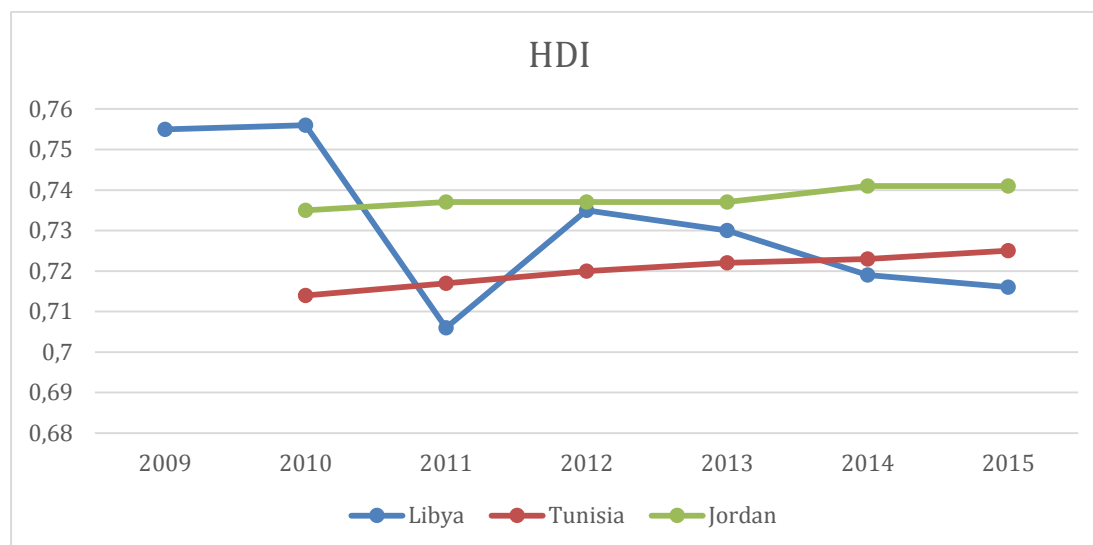
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[68] Ibid, 13, 14.

[69] Mark Shaw and Fiona Mangan, op. cit.12.

[70] Libya, Human Development Report 2016, UNDP. https://goo.gl/vOPyNv (Accessed on 25 March 2017)

102. The HDR shows that the HDI of both Jordan and Tunisia were almost constant since 2010. [71]

Figure 2: HDI value in Libya, Tunisia and Jordan

According to Transparency International, the civil society has been restricted for a long time, in which political leaders have to listen to their people's voices. They have to respect their civil and political rights such as freedom of speech and freedom of assembly. Libya had ratified the International Covenant on Civil and Political Rights in 1970.[72] Corruption was high and Qaddafi's autocratic regime could not hold its promises to eradicate it, which in turn, prevented the equitable distribution of national wealth. It led to inequality between the oil areas and the rest of the country as the best employment, education and facilities were in the areas of his tribe up the coast near Sirte.[73]

Despite official statements on the necessity of reform the political and economic system, the autocracy regime continued to supress these demands. Libya was a rich country, but the problem was due to both, unequal wealth distribution and centralized power by Qaddafi's tribe. In one sentence Qaddafi '…makes decisions, he is the only one who knows'. The Libyan regime violated human rights; it was enough for

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[71] Ibid.
[72] ''The violence against the people of Libya must stop now", op. cit.
[73] Enrico Carisch, op. cit.

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someone to criticize the regime to be disappeared.[74] The number of detainees has reached 13,242 by 2010 according to World Prison Brief Data.[75]

The sanctions regime was extreme; to some extent it was similar to comprehensive sanctions in terms of severe consequences as for the people according to Enrico Canrisch. He argues, the entities who were sanctioned according to the resolution 1973, were the Central Bank of Libya, the Libyan Investment Authority, Libyan Foreign Bank, Libyan Africa Investment Portfolio and Libyan National Oil Corporation, who were essential for Libyan families. The central Bank of Libya was to some extent the most important one because it was the monetary authority in Libya but, it was classified "under control of Muammar Qaddafi and his family, and potential source of funding for his regime" according to (UNSCR 1973). He argues, it was problematic as for families that are depending on cash-transfer from expatriate relatives or as for students who are studying abroad and relying on their parents' cash-transfer.[76]

Based on the UNSCR (1973) the committee of the panel of experts was established and comprised of six experts. According to their report on 17 February 2012, "three quarters of employment is still in the public sector[77]". This will obscure the corporation to pay their salaries. Sanctioned entities were constrained to pay the salaries for people who are not targeted. As a result, the unemployment rate was increased, in which people has tendency to migrate to reach better situation. In addition, the rising of unemployed people led some of them to be involved in the conflict to generate funds, which heated the conflict. Targeted Sanctions Database Consortium, cited the following by United Nations High Commissioner for Refugees (UNHCR): "According to the United Nations High Commissioner for Refugees, from the beginning of the armed conflict in mid-February up to May 9, almost 50,000 Libyans had fled to Tunisia via the nearby Dehiba border crossing. Others have crossed unofficially along smuggler routes. As of May 17, around 14,000 people have

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[74] Michael Slackman, New York Times; *A Leader Beyond Reproach Limits the Possibilities for Political Change;* 19 March 2009; https://goo.gl/ZwHrxb
[75] Libya, World Prison Brief Data https://goo.gl/KWfBA9 (Accessed on 22 April 2017)
[76] Enrico Carisch, op. cit.
[77] "Overview: structure of the economy", in Sub-Chapter "VIII. Implementation of the asset freeze" of Final report of the Panel of Experts (S/2012/163), 17 February 2012, 37. https://goo.gl/gowgWA (Accessed on 23 April 2017).

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arrived by boat in Italy and Malta from Libya. [78]" Severe economic situation encouraged network of kidnapping and to some extent creating a sex slavery industry. As well, some women tend to work with this network to have income or they were bought for sex workers.[79]

Given that the Libyan National Oil Corporation, who controls the entire oil production in Libya, was sanctioned by UNSCR 1973, it faced many difficulties in providing oil for families' needs. According to the Targeted Sanctions Consortium[80], "Economic data show that crude exports fell by 79 percent in March to 202,000 barrels a day, from 981,000 barrels daily in February, as political unrest curbed shipments. In addition, the country's oil production declined to 290,000 barrels a day in March, from February's 1.272 million, according to Libya's official data posted on the Joint Organization Data Initiative website on May 18th.[81]"

Due to the sanctions, Qaddafi's regime violated the UNSCR (1973) by using vehicles marked with a Red Cross for military actions.[82] As a result of the non- fly zone that was imposed on Libya, Qaddafi's regime materials for military actions caused much more violations in human rights.

Finally, the sanctions regime contributed in a large extent to the encouragement of human rights violations and to the growth of the informal economy that led to severe humanitarian consequences. According to United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the estimated number of Internally Displaced Persons (IDP) reached 434,869 persons.[83] According to OCHA 'An estimated 2.44 million people are in need of protection and some form of humanitarian assistance. This includes internally displaced persons (IDPs), the non-displaced conflict affected population, refugees, asylum-seekers and migrants. The crisis is predominantly urban centred with most of the fighting taking place in major cities such as Benghazi,

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[78] Targeted Sanctions Consortium (TSC) database, op. cit. (Accessed on 13 April 2017).
[79] Odita Sunday, "*I sold my niece for N10,000 to sex workers in Libya",* The Guardian, 29 April 2015. https://goo.gl/c6b9vB (Accessed on 23 April 2017).
[80] Libya II: Qualitative Data Base, Targeted Sanctions Consortium (TSC) database, Graduate Institute for International and Development Studies https://goo.gl/peZHlg (Accessed on 22 April 2017).
[81] Ibid.
[82] Ibid. (Accessed on 13 April 2017).
[83] Civil War in Libya, Council on Foreign Relations, 31 March 2017. https://goo.gl/NcKLKm (Accessed on 2 April 2017).

Tripoli, Misrata, Sirte, Sabha and Darnah.' They also highlighted the spill over of disease and illness due to the shortage in healthcare system. [84]

To sum up, sanctions regime increased the violations of human rights in Libya and led towards severe humanitarian consequences. Sanctioning entities controlled by Qaddafi generated unintended consequences that were harming Libyans themselves. The sanctions regime on Libya encouraged the informal economy at the expense of the formal one.

Hypothesis 3: Sanctions in Libya strengthened political factions thereby, instability

This part will analyse the impact of the imposition of the sanctions regime on Libya on the strengthening of political factions and thereby, instability. It will rely on the argument in the theoretical framework and on qualitative data base and respective articles.

According to Enrico Carisch, Al-Qaddafi designed the political system as many small committees where people meet and vote on the state's foreign and domestic policies. But the reality was different. According to the same author, the 'Brother Leader' – as Al-Qaddafi named himself – and his relatives were the sole power holders in Libya. He and his loyalties control all the institutions such as military, intelligence, economic and so on so forth.[85]

Factionalism was existent in Libya to some extent. At the beginning of the revolution and as the result of the violent response of Qaddafi's regime, some tribes and communities reformed themselves in order to be more protected. Toureg and Tabu tribes, for instance, went to the south in 2011.[86] It was easier for them due to their kin with neighbouring countries. They created their political community to protect their fellows. Also, as mentioned above, one of Enrico Carisch's observation in Libya was that some of the peaceful demonstrators became armed combatants. [87] Targeted

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[84] "Libya", United Nations Office for the Coordination of Humanitarian Affairs (OCHA). https://goo.gl/9DcJxd (Accessed on 13 April 2017).
[85] Enrico Carisch, op. cit.
[86] Mark Shaw and Fiona Mangan, "An evolving illicit Economy", op. cit.17.
[87] Enrico Carisch, op. cit.

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sanctions led to the emergence of different groups of rebels that fell the political vacuum and provided the society with public services. Those rebels, who took advantage of the sanctions regime and strengthened their positions in some areas, showed reluctance to abandon their weapons. They remained largely autonomous groups.[88]

Subsequently, targeted Sanctions in Libya strengthened political factions through many ways. For instance, the sanctions regime contributed to the change of balance on the ground when some states started to bust the arms embargo on Libya and armed the rebel forces. Enrico Carisch argues that the purpose of the non-fly zone was to change the regime rather than to protect the civilians. He cited from the French-based newspaper 'Le Figaro' that the French government specifically, in contravention of the UN arms embargo, handed over weapons and military material to the rebels in Libya. [89] This led to the preference of some political factions over others. In addition, as mentioned above, the Libyan regime armed civilians and distributed thousands of weapons that enhanced the military ability of Qaddafi's loyalties and thereby raised the tensions between different political factions. According to the panel of experts' report, "Both during and after the conflict, control of the arms depots and their contents occasionally created tension between brigades. The military capacities of brigades, including the size of their weapons stockpiles, add to their political leverage and they are unlikely to be willing to cede control of their arsenals for the moment given the level of uncertainty about what is likely to happen in the country."[90] .

Consequently, the sanctions regime in Libya led many actors to evade sanctions to reach their interests as well as to secure their areas. That led to the proliferation of arms, in which those factions have no tendency to abandon their weapons for security reasons. They become the political power in the country showing reluctance to any process that might impact their own interests. In turn, this led to the growth of tensions among them that made the country unstable triggering a civil war.

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[88] Wolfram Lacher and Peter Cole, Conclusion to "*Politics by Other Means: Conflicting Interests in Libya's Security Sector*." Small Arms Survey Working Paper (2014), 64. https://goo.gl/VqxRSK (Accessed on 23 April 2017).

[89] Enrico Carisch, op. cit.

[90] "Weapons proliferation during the conflict", in Sub-Chapter "VI. Implementation of the arms embargo" of Final report of the Panel of Experts (S/2012/163), 17 February 2012, 37. https://goo.gl/gowgWA (Accessed on 23 April 2017).

"Everybody was optimistic back then," said Guma El-Gamaty, who was the rebel government's London envoy during the revolution. "We are now suffering the legacy of Gaddafi, the lack of institutions, no democracy, the lack of knowing how to come together."[91] The rival factions in Libya are not strong enough to seize the power and to consolidate the stability throughout the country. As a result of the chaos in post-Qaddafi Libya, many of these groups have their interests and their own political agendas that led to more tension among them. In addition, they have new perceptions of norms such as the rule of law and the state's institutions, which was reflected in representing different rival political factions.[92]

Some of the rebels backed by some states, turned into violent groups. In 2013, the General National Congress has been suffering from a lack of authority as a result of its weak security forces in comparing with the strong other militias that control many important areas throughout the country. Enrico Carisch argues that the committee of panel of experts recognized the threat of the Islamic group, Ansar Al-Sharia. The latter was in the shadow recruiting sympathizers and attacking Libyans to escalate the conflict. The group demands the implementation of Sharia Law. Their focal point is Banghazi where they are providing public services and protecting social institutions. The group attacked the American outpost in September 2012 and killed the US Ambassador, Christopher Stephens.[93] The General National Congress attempted to Islamize the country, which led to an armed conflict between the General National Congress and the Libyan National Army under the command of General Khalifa Hafter. On August 2014, the UNSC issued the resolution (2147) to reinforce the arms embargo on Libya as well as broadening the spectrum of individuals targeted by travel bans and assets freeze.[94]

ISIL-Libya was formed on 2014, following pledges of allegiance to the leader of ISIL, Abu Bakr al-Baghdadi. According to The Council on Foreign Relations (CFR)

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[91] Five years after Gaddafi, Libya torn by civil war and battles with Isis, the guardian. 16 February 2016. https://goo.gl/UZI35y (Access on 1 April 2017).
[92] Wolfram Lacher and Peter Cole, op. cit.
[93] Enrico Carisch, op. cit.
[94] S/RES/2174 , 27 August 2014

data, the estimated number of Islamic State fighters in Libya reached 5000-8000 fighters.[95]

The former loyalists of Qaddafi's regime showed reluctant to hand the power over to a new authority which led to a new conflict. For instance, the emerge of general Khalifa Haftar, the Qaddafi former's general. He, with many of former soldiers and officers, launched 'the operation Dignity' in May 2014, which was against the General National Congress and Islamist militias thereby, it led to a civil war in terms of Enrico Carisch.[96]

In December 2015, the UN declared a cease-fire in Libya where power was handed to the Government of National Accord, the leaders of the unity government. It is a concrete example of raising number of actors thereby, divergent of interests and more complexity in the governance in Libya. Arab states were divided between supporting Islamist militias or supporting the old regime while African countries' concern was the stability in the region. The Libyan crisis became as threat to the peace in some countries and it escalated the tension as for others due to, especially, the proliferation of arms. The same as for European states, they have different interests for some while for others, they changed their purpose. According to Enrico Canrisch, 'The intervention triggered by the responsibility-to-protect had turned into a regime-change rational, into the subsequent peacebuilding efforts, and now the situation had further deteriorated as Al Qaida affiliates soon remerged.'[97]

Although, the two focal points, the General National Congress and the Libyan National Army, have supported rhetorically the legitimate the Government of National Accord, the ongoing tension remain among them in combined with prevailed dissatisfaction of the new agreement. According to Al-Jazeera (Figure 3)[98], Haftar and allies are controlling the eastern areas, what so-called Tobruk-backed government, while UN-backed government controls Sirte and Tripoli. Some Islamist militias, GNC- affiliated, control the western areas while ISIL and Al-Qaida occupy different

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[95] "Civil War in Libya", op. cit. (Accessed on 23 April 2017).
[96] Enrico Carisch, op. cit.
[97] Ibid.
[98] Libya: Who controls what, Al-Jazeera, 22 Mars 2017. https://goo.gl/kGhjso (Accessed on 2 April 2017)

areas taking advantage of the ongoing tension among the Libyan counterparts. ISIL and Al-Qaida still recruit mercenaries that come to Libya for Jihad or for exploiting the rich country.

Figure 3: Libya's conflict map
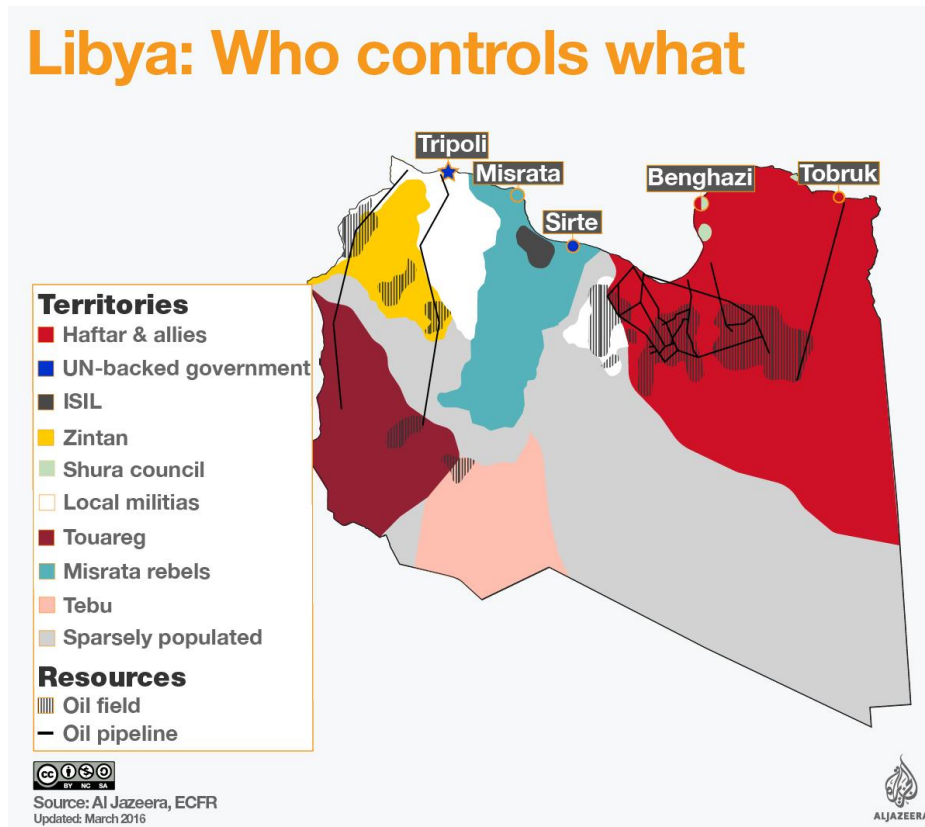
To sum up, political factions or militias who control areas in Libya vary greatly in terms of their interests as well as the interests of their supporters. As a consequence of the arms proliferation that emerged due to the arms embargo and the non-fly zone, the Libyan situation fell into instability. The Libyans ended Qaddafi's atrocities to enter an unsecure phase due to the strength of political factions. As has been illustrated, the sanctions regime has contributed to some extent to this dynamic.

CONCLUSION

This paper examined the unintended consequences that were generated by the targeted sanctions regime on Libya from 2011 until today. Three negative consequences were analysed through testing the following three hypotheses; a) sanctions lead to an increase of corruption and criminality, b) sanctions have negative humanitarian consequences and increase human rights' violations and finally, c) sanctions strengthen political factions and hence, lead to instability.

Targeted sanctions are part of international and regional policy instruments that are not isolated one from another. In a complex world order, targeted sanctions, most of the time, will not generate the intended outcomes nor will they reach their declared objectives without side-effects. Sanctions regimes interact with other policies generating unintended consequences that might be harmful to some extent. Also, the elements of the sanctions regime itself work in multidimensional way generating unintended consequences. In a complex international order, the outcomes are not generated due to a simple linear relationship. It is a complex system that works in a multidimensional and complex way. Threats to international peace and security have changed since the period of the cold war and traditional policy instruments have become more complex. Additionally, nowadays, more actors are involved in security governance representing each their own interests. Therefore, targeted sanctions are complex instruments of the security governance, in which they are implemented in a spectrum with different other policies such as military intervention and the threat of use of force.

In addition to the multilateral sanctions regime in Libya, states imposed unilateral ones. These states have also interpreted the multilateral sanctions regime differently. While the African Union relied on mediation to tackle Qaddafi's regime violence against protesters, most of the European and Arab countries, as well as the United States, resorted to the use of force in addition to the implementation of sanctions on Libyan individuals and institutions. The objectives of the different policies were to refrain the Qaddafi-Regime from the use of force and to force the Libyan authorities to protect civilians. However, the interactions of the different actors in the

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implementation of the sanctions regime have led to unintended consequences which, to some extent, complexified the situation in Libya.

With regards to the first hypothesis, the analysis has illustrated that sanctions lead unintentionally to corruption and criminality due to the tendency of the target to engage in organised crime such as illicit trade in weapons and smuggling. The sanctioned target will tend to compensate its negative reputation by promoting a rally-round the flag tactic. In Libya, many of the actors as well as the Qaddafi-Regime busted the arms embargo to secure themselves and to generate funds. A network of smugglers emerged in Libya for trade in drugs, weapons, people and commodities depending on their tribal relations.

Concerning the second hypothesis, the paper has clarified how asset freeze on some entities might generate severe humanitarian consequences and human right's violations. Due to sanctioning essential entities such as the Central Bank of Libya, the monetary authority in Libya was damaged leading to a devaluation of the Libyan dinar by approximately 50%. Also, sanctions on the Libyan National Oil Corporation have led to a raise of unemployment. Asset freeze might constrain or coerce the target to resort to global norms but, most of the time, it will generate unintended consequences that could have an impact on ordinary people.

Lastly, the paper showed how a sanctions regime might strengthen political factions as a result of a political and institutional vacuum. The Libyan militias who took control on some areas showed reluctance to be unified or to be integrated in formal institutions. Consequently, tensions emerged among them leading Libya into a civil war. The loyalist of Qaddafi, especially the ones who were in high ranked positions, would not accept to be easily sanctioned and referred to persecution. They emerged again as a rival power driving the country into a civil war with three different governments.

Despite the multiple negative unintended consequences that are generated by targeted sanctions, this paper does not intend to undermine the legitimacy of this policy instrument. On the contrary, in a world where security challenges are on the rise and where the use of force becomes more and more complicated, policy instruments such

as targeted sanctions are highly relevant. However, targeted sanctions do not represent a solution to every kind of security threat. They need to be developed with utmost vigilance and sensitivity to the unintended consequences they might generate. Further studies on different kinds of unintended consequences of targeted sanctions represent one of the many steps that shall be taken in order to alleviate their negative effects.

ANNEXES

Annex I: Libya's timeline[99]

- **01 September 1969:** Muammar Al-Qaddafi came into power by a military coup and terminated Al-Senusi monarchy.

- **21 December 1988:** some Libyan officials were suspected of downing the Pan Am 103 over Lockerbie Scotland in December 1988 and UTA 772 over Niger in **September 1989**.

- **31 March 1992:** UNSCR 748; imposing targeted sanctions to coerce the Libyan authorities to cooperate in the Lockerbie investigations, to constrain the Libyan government from engaging in international terrorism and to signal norms against state terrorism.

- **11 November 1993:** UNSCR 883; enforcing targeted sanctions on Libya; partial government asset freeze and oil services equipment ban for specific items.

- **27 August 1998:** Lockerbie issue was finally addressed, the UNSC passed UNSCR 1192.

- **5 April 1999:** Sanctions were suspended.

- **12 September 2003:** UNSCR 1506 to terminate sanctions.

- **15 February 2011:** ''the day of rage'' the uprising in Libya breaks out.

- **26 February 2011:** UNSCR 1970; imposing sanctions on Libya; arms imports and exports embargo on all parties to the conflict, travel ban on Qaddafi family and key members of the regime, and asset freeze on Qaddafi and his close family members. It also established the sanctions committee and referred the situation in Libya to the International Criminal Court (ICC).

- **10 March 2011:** The African Union peace and security council handed a resolution to establish a high level ad hoc committee to mediate in the Libyan crisis

- **17 March 2011:** UNSCR 1973; newly imposed aviation ban (and a no-fly zone) and a conditional aviation ban (if reasonable grounds for arms embargo violation). Expansion of asset freezing to Libyan state-owned entities (Libyan

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[99] Most the dates are according to *Libya profile – Timeline,* BBC. https://goo.gl/PNqmJD (Accessed on 25 March 2017).

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foreign bank, Central Bank, National Oil Corporation, Libyan Investment Authority and the Libyan Africa Investment Portfolio).

- **15 July 2011:** The international community recognised the National Transitional Council as the legitimate authority of Libya.

- **27 June 2011**: Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senusi were referred to the ICC according to an arrest warrant.

- **16 September 2011:** UNSCR 2009; to establish a United Nations Support Mission in Libya (UNSMIL, to lift some sanctions related to asset freeze and arms embargo and to lift ban on flights.

- **20 October 2011:** Qaddafi was captured in Misrata.

- **23 October 2011:** The National Transitional Council declared officially the liberation of Libya.

- **27 October 2011:** UNSCR 2016; to terminate responsibility to protect and non-fly zone.

- **07 July 2012:** The General National Congress was elected

- **27 August 2014:** The UNSC issued the resolution (2147) to reinforce the arms embargo in Libya as well as broadening the spectrum of individuals and entities that are subject to travel ban and asset freeze.

- **17 December 2015:** The UN declared a cease-fire in Libya and power was handed to the Government of National Accord

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