

Forum: Security Council

Issue: The Question of Libyan Sanctions

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Introduction

Libya has been in constant struggle since 1969, when its military dictator Muammar Gaddafi became the leader of the country after a coup d'état ousted ruler King Idris I. During Muammar Gaddafi's regime, a series of political protests erupted with an aim of seizing supreme control over the government. Due to the economic, political, and social distress, the United Nations focused their efforts to improving the deteriorating situation of Libya's domestic conditions. In 1992, sanctions were first introduced by the United Nations as a repercussion after the Libyan Arab Airlines Flight 1103 was shot down with 157 passengers onboard, which was classified as an act of terrorism by the UN. However, Libya's denial of ever being affiliated with terrorist crimes led the UN Security Council to enforce stringent regulations to ensure international security and global safety. The sanctions enforced member states to withdraw all Libyan related funds and enforcing an embargo on Libyan oil, which is a main source of income for the Libyan economy.

After the Gaddafi regime had been overthrown, some sanctions were lifted as the new administration, the National Transitional Council, took control. But there are few sanctions that continued to be implemented, and recently in March 2014, the Security Council adopted a resolution, S/RES/2146, to tackle the issue of the illegal Libyan oil shipments. The transportation of illegal oil is now to be checked and inspected consistently as a way to combat human trafficking and illegal trade. The United Nations now focuses mainly on the prohibition on illegal trade and support of militants that take place in the country through the sales of armaments, oil, and gas. The United Nations, Norway, the European Union, and the United States of America have all imposed sanctions on Libya, which includes measures such as the no fly zone, prohibition of any dealings in military goods or technology, and freezing of funding or any sort of economic assistance to designated members - such as members of the Gaddafi family.

The global sanctions placed on Libya impacted the economy in a significant way, as it targeted Libya's biggest export: oil. However, it was not a ban on all oil. Sanctions against Libyan Oil Corporation and Zuietina Oil Company were lifted in a resolution on September of 2011, which allowed Libya to grow economically. Nonetheless, the embargo has had a major impact on the Libyan economy, as stated in a UN report assessing the impact of the UN sanctions on Libya saying that "losses estimated at around \$180,800,000 have been experienced in the health and social welfare sector owing to the maintenance of the aerial embargo". The sanctions were extremely effective during the revolution against the Gaddafi regime. The sanctions on oil, no fly zone and others had allowed for the revolution to be successful. Furthermore, the sanctions on Libya being a no fly zone also allowed for a decrease in the amount of bombings from pro-Gaddafi air force planes. The sanctions on oil production allowed Muammar Gaddafi and his regime to not gain more money, which halted their main source of income that helped in buying armaments to use against the rebellion.

Definition of Key Terms

Sanctions

Sanctions are set punishments for any acts of crimes committed.

Regime

Regime is mainly seen as an authoritarian state, in where there is one regime ruler, with no other ruling or governing parties.

Militia

Militants are military forces usually comprised of a local population of a community.

Revolution

To revolt or create a rebellion on a government or regime for a different regime or idea other than the current government.

Illicit Trading

Forms of illicit trading can vary to include smuggling, tax evasion, and counterfeit.

Background Information

Muammar Gaddafi and his followers in the Revolutionary Command Council, widely known as the RCC, had wiped out the constitution of Libya and eradicated the monarchy of Libya. The United Nations started to become more cautious of Libya, after Gaddafi supported insurgents and freedom fighters such as the Irish Republican Army and other militants in the 1980s to the 1990s. The government of Libya at the time was known to be associated such terrorist or militant organizations, such as the Tupamaros, the Black Panther Party, and the Japanese Red Army. A growing issue was the constant invasions that were ordered by Muammar Gaddafi to bordering countries such as Chad. His rule caused the foreign relations of Libya to worsen throughout time.

Civil War (2011 - Present)

In the start of 2011, as the Arab Spring was spreading across the region, a civil war in Libya had occurred between the anti-Gaddafi forces and the pro-Gaddafi forces. The anti-Gaddafi forces were called the National Transitional Council. Six months after the anti-Gaddafi forces were created, the International Criminal Court had issued a warrant on Muammar Gaddafi. The civil war had started after Gaddafi was no longer in power and the city of Tripoli had been taken by the National Transitional Council. By the end of October in 2011, Gaddafi and his regime and came to an end in the city of Sirte, which he claimed to be the capital of Libya. A major force that aided in toppling Gaddafi was NATO with its constant support through armaments and airstrikes, the United States, as well as the National Transitional Council. During the civil war, there were several sanctions placed on the Gaddafi regime. A few being the no fly zone as well as the sanction on oil production. A no fly zone was sanctioned was to restrict the usage of air force planes as well as bombers by the Gaddafi regime against the anti-Gaddafi regime. Furthermore, oil production sanctions were set during the Civil War on the Gaddafi regime and his family due to the oil being used as a source of funding for the armament, equipment and vehicles for the Gaddafi regime. The funding by oil allowed them to continue with the war causing rising casualties. To combat the continuous funding, the sanction was set to withdraw all oil production that helped aid Gaddafi's regime fund for armaments, equipment and vehicles used for the war.

The revolution had created various militias, militant groups, and armed forces which aided in overthrowing the regime. A high percentage of the armed forces consisted of normal working class citizens as well as college students, varying from teenagers to adults. The fact that such a high number people from varying backgrounds and social classes took up arms and became militants shows the amount of discontent in Libya at the time. The first civil war had occurred when the armed forces who aided in overthrowing Gaddafi were refusing to give away their weapons used in the revolution. The war

ended in the end of 2011, but another civil war arose soon after. After the war, many militias and armed forces chose not to give their weapons to the government, and instead take the role of being employed under the Ministry of Defense of Libya. This allowed for the armed forces to gain employment as well as a sustainable future. A year later, the second civil war had started when the terrorist organization Al-Qaeda raided the US consulate in the city of Benghazi, killing four US citizens including the ambassador of the United States to Libya. The raid on the US consulate caused an outcry in Libya, in which the Ministry of Defense had sent armed troops to crackdown on any militia groups with affiliations with Al-Qaeda. They had limited success, and the second civil war only got gradually larger. This war continues to be fought to this day.

Foreign Affair Relations

While Libya was under the rule of Muammar Gaddafi, its relations between several states had changed continuously throughout time. When Libya had undergone a successful coup d'etat orchestrated by Muammar Gaddafi, he had, in only his first year, declared war on Chad, which caused uproar in many western countries. Both United States and France had cut several ties with Libya after its invasion on Chad, and sent troops to aid Chad in its defence against Libya. Furthermore, as time went by Libya has become a supporter of many terrorist organisations, one mainly being the Irish Republican Army, an act which cut several ties in the European Union as well as Ireland. Also, it had been shown that Libya was associated with the bombing of a Pan Am Flight 103. Sanctions were then set by many western states as well as the United Nations and its member states, due to Libya's open following and support of terrorist organizations. These sanctions consisted of no trade on military armaments as well as no fly connections with airlines to Libya. But in 2003, there was a sudden change and it had shown that Libya had admitted to its crimes and paid its compensation to its neighbouring countries and other states for its crimes on international law. Many of the sanctions were lifted from 2003 - 2010 in Libya, due to its change. Lots of states had reestablished its international relations with Libya and connections between states grew stronger. But in 2011, news came out of Libya of the government using force against civilians which weakened relations. The United Nations then set sanctions once again to freeze any assets associated with the Gaddafi regime, as well as reenacting the no fly zone sanction and a trade embargo of armaments. Only until after the regime had been overthrown and the new government had taken place, did the sanctions withdraw and be lifted, but in 2014, a new sanction was placed on illicit trading of oil on Libya.

Major Countries and Organizations Involved

United States of America

The United States of America is one of the few countries and organisations to set sanctions on Libya even after the Gaddafi regime had been overthrown. The US Administration in 2011 had set an executive order, sanctioning the Gaddafi regime including his family members and known companions. The sanction is to freeze any assets related to the Gaddafi regime. The sanctions had been removed at the end of the year, but certain individuals of Libya who were affiliated with the Gaddafi Regime were still viewed and taken into caution under the United States government. A few years later, in 2016, the president had issued for another executive order, on related to individuals and militant groups who are sabotaging the government change from the Gaddafi regime to the new government. The sanction was created by the US in favor of the current government of Libya to help improve the security of the country.

Norway

Norway followed the United Nations and had placed sanctions when its rule was under the Gaddafi regime, but as the regime had changed in 2011, the United Nations had withdrew and reduced the severity of several of the sanctions on Libya. Norway took guidance from the United Nations and also removed their sanctions on Libya, and removed any assets that were frozen. The sanctions were specifically focused on the Central Bank of Libya, and the sanctions as stated before was to freeze any assets related to the Bank of Libya and Norwegian assets related to Libya.

France

On March 2016, the French Foreign Minister Jean-Marc Ayrault called for sanctions on all Libyan officials enforcing plans for a unity government. Jean-Marc Ayrault has expressed how Libya currently is in a dangerous spot, to which he recommends the enforcement of sanctions on Libya, to which he has even mentioned the imposing of restrictions and penalties on Libyan politicians, a notion which has been discussed thoroughly in a Brussels meeting on March 15 2016. The aforementioned Libyan politicians censured are those who wish to obstruct of the formation of a UN-backed unity government. Furthermore, French officials have stated that they have Daesh within multiple locations in Libya. France supports economic sanctions against individuals who are known to have hindered the political process in Libya, just as Libya's Presidential Council had agreed.

United Nations

The United Nations has continuously enforced sanctions on Libya especially in the reign of Muammar Gaddafi and his regime. The United Nations had been reviewing Libya, its government, and its actions since the 1950s. The United Nations was extremely disturbed and had taken severe action

after news of Libya entering in to Chad on a military operation. Close to the end of Gaddafi's regime in 2011, the United Nations had also taken another major measure against the regime by freezing any assets handled by the regime or any of its associates and companions. Furthermore, several other sanctions were set by the UN Security Council, which focused on specific individuals and assets in Libya. After the regime change, the United Nations removed some of the sanctions on Libya as it wanted to aid the new government of Libya and help create stability in the country. But even though some of the sanctions were withdrawn and removed, others were still left such as the no fly zone, which still being enacted on Libya. Furthermore, sanctions on many oil companies in Libya, which were set due to illicit and illegal oil trading, had been lifted. However, many oil companies that involved in illicit trading for the Gaddafi regime are still under constant review of the United Nations.

European Union

The initial step taken against the Gaddafi regime was on 3rd of March 2011, which involved the enforcement of an arms embargo and asset freezing against the regime. These regulations have been amended numerous times since its enactment, to which the aforementioned regulations have been reformed to consolidate all sanction measures established into a single regulation issued by the EU. On July 2017, Regulation 2016/44 was amended to further items that may be potentially used for human trafficking. These sanctions remain against numerous individuals and entities, to which 38 individuals and 18 entities are affected by the aforementioned sanctions. These individuals and entities can be identified through the use of the UK Treasury Consolidated List of Targets.

Timeline of Events

Date	Description of event
September 1st, 1969	Muammar Gaddafi organized a coup d'etat against King Idris I of Libya
1971 - 1972	Gaddafi put on trial King Idris I and many other companions of his and cabinet members on trial for corruption.
1969 - 1987	End of Invasion on Chad by Libya, causing sanctions to be placed on the Gaddafi Regime for its acts on invading a neighbouring country.
1972 - 1991	Libya under the Gaddafi Regime attempted to gain nuclear and chemical weapons through China, Pakistan and India.
1992 - 2003	International sanctions set by the United Nations on Libya after the bombing of a Pan Am Flight associated with Libya and the Gaddafi regime. The sanction included no fly connections, forbid military armaments trading and froze assets

	related to the Gaddafi regime.
2003 - 2010	Libya had accepted to no longer create chemical or nuclear weapons as well as agree to no longer fund or be associated with terrorism. Western countries started to grow stronger ties with Libya.
February 2011	Libyan Civil War occurs due to the force used by the government under the regime of Gaddafi on its civilians.
March 19, 2011	The United Nations issues the no fly zone over Libya and passed a resolution to allow air strikes on the military of the Gaddafi regime that are endangering and threatening civilian lives.
September, 2011	The United Nations agreed to support the new Libyan government after the fall of the Gaddafi regime.
March 19, 2014	The United Nations set a sanction to ban any illegal oil trading from Libya to other countries under suspicious of illicit trading

Relevant UN Treaties and Events

- United Nations Security Council Resolution 748, 31 March 1998 **(S/RES/748)**
- Libyan Arab Jamahiriya, 11 November 1993 **(S/RES/883) (1993)**
- Lockerbie Case, 27 August 1998 **(S/RES/1192) (1998)**
- Extension of the authorizations provided by and the measures imposed by Security Council resolution 2146 (2014) and on extension of the mandate of the Panel of Experts concerning Libya, 29 June 2017 **(S/RES/2362) (2017)**
- Security Council resolution 2146 (2014) [on the measures imposed on any vessels transporting crude oil illicitly exported from Libya, 3 April 2014 **(S/RES/2146) (2014)**
- Terminates the no fly zone and authorization to protect civilians, 27 October 2011 **(S/RES/2016) (2011)**

Previous Attempts to solve the Issue

There have been several attempts by the government of Libya both prior and post revolution in solving the sanctions being placed on the country. Firstly, several years into the Gaddafi regime, the country was placed under sanctions by the United Nations and its members due to the several acts of

supporting terrorism. But as stated before in 2003 - 2010, views on Libya had changed significantly to be much more positive. This happened mainly because the government had admitted to its crimes on terrorism and declared to never fund or be associated with terrorism. The change in view would lift many aspects of the sanctions placed on the country. Furthermore, its ties grew stronger with neighbouring countries as well as western countries, after Libya officially stated that they are no longer working on the creation of nuclear and chemical weapons. This allowed Libya to regain its stature and reputation. However, in 2011, after reports and news came out of the Libyan government that forces under the Gaddafi regime were using force against their civilians, the public consensus of Libya returned to being negative, causing several UN sanctions to be implemented in 2011. Several of the sanctions were either lifted or lightened in severity after the new government was in place and the Gaddafi regime was toppled. The United Nations had lifted the sanctions to allow for the country to have reforms and improve the condition. The country did not have any severe sanctions for several years until 2014, when a sanction was placed on Libya for illicit oil trading. It had been seem, that if Libya had resisted the cases of violating humanitarian rights and international law, perhaps the country would've been able to regain its stature and reputation, and withdraw the sanctions completely.

Possible Solutions

Numerous solutions can be taken in order to tackle the issue of Libyan sanctions. One possible solution is the removal of all pre-existing Libyan sanctions in order to allow for complete economic and political freedom within the nation without any restrictions, as despite the removal of several UN sanctions in 2011, some sanctions such as the 2014 sanction still exist and hinders the development and stability of the nation. However, alternative solutions vary in severity in terms of how much economic and political freedom the Libyan government is provided with, to which Libya may be provided the right to trade with all nations in order to allow the country to develop as a regular nation or be restricted in terms of nations it may trade with - such as the ban of trading with Egypt with in 2014, which was set because Libya was a major source of arms used for criminal activity in Egypt.

Furthermore, solutions may involve the establishment of surveillance and UN Peacekeepers within the Libyan region, which may range from UN agents surveying the area, to satellites that survey known criminal hotspot regions such as Benghazi, to the deployment of UN Peacekeepers in order to ensure that the aforementioned hotspot regions are kept in check from causing instability within the nation and are controlled by external forces until the region becomes stable. Additional solutions may involve the establishment of an official UN sanctions committee to which sanctions are dealt with in a case-by-case manner, reviewed thoroughly by UN officials, and discussed in the General Assembly in

order to determine whether further sanctions should be enforced, as well as to discuss the severity of the sanctions. This would, however, require an agreement among all nations within the General Assembly that sanctions are of high importance in order to maintain stability within nations that are on the verge of instability.

Another viable solution is to simply maintain certain sanctions on war criminals of the Gaddafi regime but remove any specific sanctions on the current regime of Libya, which would allow for the detainment of war criminals but also allow the current Libyan government to develop the country. A more integrated approach of the aforementioned solution would be for the UN to monitor nations that are currently in turmoil (Libya in this case) and warn nations internationally whether a certain nation is breaking international law, to which potential sanctions would be discussed if evidence of international law being broken becomes available and viewable by the UN.

Bibliography

- Asser, Martin. "The Muammar Gaddafi Story." BBC News, BBC, 21 Oct. 2011, <www.bbc.com/news/world-africa-12688033>.
- Denton, Baker McKenzie -Ross L. "EU and UN Implement Additional Sanctions against Libya | Lexology." *EU and UN Implement Additional Sanctions against Libya - Lexology*, www.lexology.com/library/detail.aspx?g=d924f1ce-5d97-42cc-9483-127e8d8dd533.
- "Financial Sanctions, Libya." *Financial Sanctions, Libya - GOV.UK*, HM Treasury and Office of Financial Sanctions Implementation, 23 Apr. 2013, < www.gov.uk/government/publications/financial-sanctions-libya>.
- Kafala, Tarik. "Gaddafi's Quixotic and Brutal Rule." *BBC News*, BBC, 20 Oct. 2011, <www.bbc.com/news/world-africa-12532929>.
- "Libya: EU Renews Sanctions for Six Months." *European Council - Council of the European Union*, Foreign Affairs and International Relations, < www.consilium.europa.eu/en/press/press-releases/2017/03/31-libya-sanctions/>.
- "Libya." *Libya - Sanctions Wiki*, www.sanctionswiki.org/Libya.
- "Libya Sanctions." *Skuld*, < www.skuld.com/topics/voyage--port-risks/sanctions/libya/libya-sanctions/libya-sanctions/>.
- "Muammar Al-Qaddafi." *Biography.com*, A&E Networks Television, 28 Apr. 2017, <www.biography.com/people/muammar-al-qaddafi-39014>.
- Neil MacFarquhar, The New York Times. "Moammar Gaddafi: An Erratic Leader, Brutal and Defiant to the End." *NDTV.com*, 20 Oct. 2011,

<www.ndtv.com/world-news/moammar-gaddafi-an-erratic-leader-brutal-and-defiant-to-the-end-569831>.

“Posts about Libya on European Sanctions Blog.” *European Sanctions Blog*, Maya Lester QC / Michael O’Kane, europeansanctions.com/category/libya/.

“Press Release: IMF Recognizes Libya’s National Transitional Council, Says Ready to Support Its Efforts to Revive the Country’s Economy.” *IMF*, <www.imf.org/en/News/Articles/2015/09/14/01/49/pr11329>.

“Resource Center.” *Programs*, U.S Department of Treasury, <www.treasury.gov/resource-center/sanctions/Programs/pages/libya.aspx>.

“Sanctions against Libya.” *Regeringskansliet*, <www.government.se/government-policy/foreign-and-security-policy/international-sanctions/libya/>.

“Security Council, SC, UNSC, Security, Peace, Sanctions, Veto, Resolution, President, United Nations, UN, Peacekeeping, Peacebuilding, Conflict Resolution, Prevention.” *United Nations*, United Nations, <www.un.org/en/sc/documents/resolutions/2014.shtml>.

“UN Arms Embargo on Libya.” *SIPRI*, <www.sipri.org/databases/embargoes/un_arms_embargoes/libya/libya_2011>.