

**“The Effects of the United Nations Economic Sanctions of 1991 on
Regime Change in Libya “**

The Effects of the United Nations Economic Sanctions of 1991 on Regime Change in Libya

تأثير عقوبات الأمم المتحدة الاقتصادية 1991 على تغيير نظام الحكم في ليبيا

Zemiti Asma*, Université Badji Mokhtar-Annaba-

zemiti.asma@univ-guelma.dz

Elaggoune Abdelhak, Université 8 mai 1945 – Guelma -

elaggouneabdelhak@yahoo.fr

Received: 03/04/2023

Accepted: 28/04/2023

Published: 15/05/2023

Abstract:

Imposing economic sanctions is one of the tools used to shape or change a regime of a particular state in modern history. This tool can be used by states unilaterally such as the United States, or by international organizations such as the United Nations. This article therefore tends to explore the topic of economic sanctions imposed by the United Nations and takes Libya as a case study. The aim behind this research is to study the legal process by which the Security Council can impose economic sanctions and to test the effectiveness of such a tool in achieving its objectives in Libya. The article concludes that other factors led Libya to comply with the United Nations demands and not the efficiency of economic sanctions as it is alleged.

Key words: United Nations, Libya, terrorism, economic sanctions.

Introduction:

The United Nations is an international organization established to replace the League of Nations after its failure to prevent World War II. The aim behind its creation was to establish a powerful organization capable of preserving peace and resolving international conflicts. The newly established organization deems to preserve peace and rejects the use of armed force to achieve national or foreign goals.

Because preserving peace is one of the most important objectives of the organization, its charter specified Chapter VII to set out the different powers the United Nations Security Council possesses to maintain peace. This objective requires the international community to avoid military deployments as much as possible and suggests other alternatives to be followed in pursuit of global stability as well as its members' security.

Among the tools suggested by the United Nations to punish states that threaten or breach peace or act aggressively are economic sanctions imposed by the Security Council. Studying this tool from a legal perspective, will therefore be the core of this research which attempts to put the practice of sanctions in its legal framework by analyzing the articles of the United Nations Charter which allow for such a practice.

Then, the article moves to assess the effectiveness of sanctions, economic sanctions only, and takes Libya as a case study. The research question, which this study tends to raise, is whether the sanctions imposed against Libya were issued to preserve international peace and put an end to what threatens it, or were decided just to satisfy its leading members, mainly the United States. A number of questions should be answered throughout this paper to reach the final conclusion: What are economic sanctions? What are the circumstances under which the United

*Corresponding Author

“The Effects of the United Nations Economic Sanctions of 1991 on Regime Change in Libya “

Nations Security Council can issue a Resolution calling for sanctions? What are the procedures followed to issue such a resolution? Why was Libya targeted? What were the objectives of the imposed economic sanctions? Did Libya comply? What was the impact of economic sanctions on Libyan state?

This topic is chosen to shed light on actions of international organizations, mainly the United Nations and its Security Council, which has been interfering in different parts of the globe to achieve its purposes, or the interests of some of its members. Imposing economic sanction mechanism is studied in this article, because it is the new alternative to military intervention, or the step which precedes military action as the article suggests. Libya is chosen as case study due its importance, since many scholars point to it as a case where sanctions successfully obliged the target government to comply with the United Nations demands while others believe that sanctions achieved no harm to Libya and even doubt its legality. The article, however, suggests that the case is useful to show how the United Nations, through its Security Council, is used to achieve the interests of the powerful members even at the expense of innocent people and its own reputation. Imposing economic sanctions is a necessary step to prepare for social unrest and economic opposition necessary for regime change.

The study is conducted through an analytical descriptive method as well as a historical method. The article starts with analyzing the United Charter' Articles, related to imposing sanctions and describes the mechanisms by which they are applied. The reasons behind targeting Libya can be understood only through an historical overview to the country's past and its leaders' principles. A variety of primary sources are used such as the United Nations Charter, Security Council Resolutions as well as some governmental reports including declassified ones. A set of secondary sources ranging from books to journal articles are also used in this study

The article is divided into three main sections. The first section attempts to put the Council's sanctions power in its legal framework and provides different definitions to economic sanctions, while the second section traces the background of Libya to understand why it was targeted and exposes the reason behind imposing economic sanctions against it. The section also deals with the different resolutions issued to impose sanctions against Libya and presents the mechanisms used by the United Nations Security Council (UNSC) as well as the objectives of such sanctions. The third section studies the impact of the sanctions on Libya on both the economic and social level. Finally, the conclusion assesses the findings to answer the research statement of this study and provides recommendations to better improve the performance of the UNSC.

1- United Nations Economic Sanctions:

1.1- The Legal framework

Article 38 of the United Nations Charter clearly authorizes the Security Council to “determine the existence of any threat to the peace, breach of the peace, or act of aggression” and grants it the power to “make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security”. Article 40 of the Charter makes it possible for the Security Council “before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable” . This is authorized “to prevent an aggravation of the situation”. The same Article insists that “such provisional measures shall be taken without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures” ⁽¹⁾.

Article 41, however, explicitly grants the Security Council the power to arrange for the use of non-armed measures “to give effect to its decisions, and it may call upon the Members of the United

“The Effects of the United Nations Economic Sanctions of 1991 on Regime Change in Libya “

Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations”. These articles from the United Nations Charter explicitly authorize the use of economic sanctions and confirm its legality as a tool to practice pressure to avoid or at least to delay the use of force.

However, the imposition of economic sanctions under the United Nations Charter is not automatic ; rather, they are part of a gradual plan outlined in Chapter VII. The first step in this plan is the determination by the Security Council of “the existence of any threat to the peace, breach of peace, or act of aggression” pursuant to Article 39. After making a determination under Article 39, the Council may, in accordance with Article 39 and 40, “call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable”. The Council, then, is required to take into consideration any non-compliance with such suggested measures.

The Council also may determine under Article 41, what non-military measures can be used to give effect to its decision, regardless of whether any provisional methods have been called for or followed. The Council may also call on all United Nations’ members to apply such measures unless expressly stated that the Council is only offering a suggestion or that it is not speaking to all the members. These measures “may include complete or partial interruption of economic relations and of rail, sea, air, postal telegraphic, radio, and other means of communication, and the severance of diplomatic relations”. It is worthy to note that the Council may modify these measures from time to time and may also enact measures that are not specifically mentioned in the Charter. If the Council determines that measures short of force are either proven to be ineffective or are likely to be so, the Council may invoke Article 42 to order military action.

1.2-Definition

The issue of economic sanctions is one of the topics which attract the interest of many academics , scholars, and experts. Accordingly, a set of definitions are exposed to give a clear, objective definition. Doxey defines economic sanctions as “economic measures levied by 'a constitutionally authorized' international body seeking to compel the target nation to alter its policies in order that they no longer conflict with international norms”⁽²⁾. William Kaempfer and Anton Lowenberg define economic sanction as a means used by nation states or international organizations to project power or influence against another government’s behavior without using military force⁽³⁾.

Economic sanctions are defined by David A. Baldwin and Ira D. Wallach as instruments of statecraft. This suggests that they are part of a broader set of policy tools that foreign policy makers can use, likely including diplomacy, propaganda, and military statecraft⁽⁴⁾. Pipe also regards economic sanctions as the liberal alternative to military conflicts since World War I. He asserts that proponents of economic sanctions believe they can be as effective as the use of force for achieving large foreign policy objectives such as defending a territory, changing a state’s military behavior, and changing a state’s regime or internal political structure through more human tool⁽⁵⁾.

Economic sanctions can also be defined as the termination of customary trade and financial relation ties for foreign and security policy objectives. Sanctions can be broad, prohibiting commercial activity with respect to an entire nation, such as the long standing embargo against Cuba, or can be targeted, prohibiting transactions by and with specific companies, groups, or individuals⁽⁶⁾. All the mentioned definitions stress the legitimacy of economic sanctions and consider it an alternative tool to using force.

1.3-Objectives of the UN Sanctions

The Security Council has used a wide range of sanctions, from comprehensive measures that block the flow of nearly all goods and commodities to and from a target, to simple measures that only target specific goods such as weapons, timber, or diamonds, or particular activities such

“The Effects of the United Nations Economic Sanctions of 1991 on Regime Change in Libya “

as diplomatic relations or travel. Farrall assumes that UN sanctions have been implemented around the globe, from Southern Rhodesia to Yugoslavia and from Haiti to North Korea and they targeted nations, rebel groups and terrorist organizations. He adds that sanctions have been imposed by the Council to achieve a variety of goals, including compelling an occupying state to withdraw its troops, preventing a state from developing or acquiring weapons of mass destruction, fighting international terrorism, stopping human rights abuses, and advancing the implementation of peace process ⁽⁷⁾. These are generally the explicit objectives that the United Nations claim to achieve, but still a variety of implicit objectives exist such as forcing a regime change.

1.4- Mechanisms of the UN Sanctions

To reinforce the legality and legitimacy of economic sanction imposed by the United Nations, all members of the Organization are required to engage in such collective measures, unless exempted pursuant to Article 48(1). Article 2(5), 25 and 48(1) of the UN Charter, which bound all members, are the legitimate source of this obligation. Article 2(6), however, states that even nonmember states must also cooperate. Though the Charter usually permits no exemptions or justifications for non-cooperation with sanctions, it is worthy to note that the Security Council can exempt one or more member state under Article 48(1) ⁽⁸⁾.

Despite the lawfulness and legality of imposing sanctions by the United Nations Security Council, it has been noticed that the Organization gave up this legitimate power during the Cold War. The Council applied sanctions only twice in the period from 1946 to 1989 ⁽⁹⁾. The end of the Cold War, however, opened the door for the United Nations to use its power of imposing peace and security in the globe again. The disintegration of the Soviet Union and political aloofness of China left the international diplomatic field to the Western allies under the leadership of the United States. Accordingly, almost all economic sanctions were imposed in the first half of the 1990's ⁽¹⁰⁾.

2- Economic Sanctions against Libya

Among the countries which were a direct target to economic sanctions was Libya. The country was targeted to control the behavior and policies of its leader, Colonel Maamar Gaddafi. The case of Libya is chosen because it is one of the most controversial cases, since despite the fact that many scholars and politicians point to it as one of the cases where the United Nations Security Council effectively and successfully realized its objective, many other scholars still doubt its legitimacy and success. It also represents the first occasion where the Security Council imposed sanctions in connection with terrorism ⁽¹¹⁾. Studying the effectiveness of the United Nations Security Council economic sanctions requires an understanding to the reasons behind imposing them as well as the UNSC objectives with an emphasis on the mechanisms used to achieve them.

2.1- Libya: A Background

Colonel Maamar Gaddafi reached power in a coup that overthrew the monarchy and replaced it with a revolutionary government. The objective of the new regime was to reverse most previous policies at all levels, especially foreign policies. The monarchy's foreign policy was known to be more aligned to NATO members and very reluctant to neither participate in pan-Arab movements nor assist in the Arab fight against Israel. When Gaddafi took over, he quickly moved Libya into a close association with the Arab system. He was a strong advocate of Arab unity.

Gaddafi believed that in the idea of an Arab nation with a shared cultural background and a belief in its ability to achieve equality with all other races on Earth. At his first press conference in February 1970, he produced a formula for a united Arab politics and continued to call for the unification of Arab governments into a single state ⁽¹²⁾. Unity between Arab

“The Effects of the United Nations Economic Sanctions of 1991 on Regime Change in Libya “

countries, to Gaddafi, was not an option but “an inevitable necessity... a decisive historical reaction to the challenges of Zionism and colonialism...necessary to protect the achievements of the Arab nation” ⁽¹³⁾. Fighting Zionism and colonialism was therefore the core of Gaddafi’s foreign policy.

Because Gaddafi viewed nationalism as cultural, not territorially-based, and considered religion as monotheism, with Islam as the ultimate expression ⁽¹⁴⁾, he relied on spreading Islam and fighting its enemies as a cornerstone of his foreign policy. Fighting Israel, therefore, was a necessity. Moreover, because a part of Gaddafi’s revolution was a reaction to King Idriss’s cooperation with the West and his reluctance to side with Palestine against Israel, supporting Palestine became an important goal. To achieve this aim, Gaddafi chose to support the Palestine Liberation Organization (PLO) activities, which he sponsored and provided it with training and arms. Libya’s contribution in 1981 alone, according to the State Department, amounted to nearly 100 million dollars ⁽¹⁵⁾.

A memo issued by the CIA’s National Foreign Affairs Center entitled “the Supporters of International Terrorism”, explains that Libya’s support for terrorism included:

Financing for terrorist operations, weapons procurement and supply, the use of training camps and Libyan advisors for guerrilla training, use of Libyan embassy facilities abroad as support bases for terrorist operations, and the use of the Libyan Intelligence Service as an instrument of international terrorism ⁽¹⁶⁾.

Gaddafi was also known with his links to most Palestinian organizations, such as the Fateh Revolutionary Council and the Popular Front for the Liberation of Palestine. These groups had been considered as terrorist organizations by the United States for their continuous operations against American and European citizens as well as their ultimate rejection to any form of negotiations with Israel ⁽¹⁷⁾.

Despite his explicit hostility and animosity towards the United States, it is imperative to mention that Gaddafi’s sponsored terrorist actions did not target the Western world only. An American report, published in 1986, confirms that Gaddafi did not attack only Israel or the United States. Rather, he also targeted dissident citizens of his own country, moderate Palestinians, and even moderate regional Arabs and Africans. Gaddafi, according to the same source, carried out five anti-western terrorist acts and forty-six against Arab and African targets in the period extending from 1980 to 1985 ⁽¹⁸⁾. Continuous support to these organizations was a direct reason to classify Libya as a terrorist sponsoring state.

Gaddafi’s activities coincided with the Cold War, which meant a protection from the Soviet Union was afforded. The Soviet Union got involved in Libya and considered its involvement as a useful way to advance its political-economic and strategic objectives in the region, weaken western influence, gain more power in Middle Eastern and African affairs, and resolve logistical issues associated with maintaining naval force in the Mediterranean Sea. The Soviet Union also needed to get access to Libyan oil supply in case their supplies run short, and it considered a tight weapons connection with Libya as a way to regain some of its lost influence and prestige in Egypt after the exclusion of Soviet advisers and experts in 1972 by President Anwar Sadat ⁽¹⁹⁾.

Gaddafi also benefited from the Soviet Union by getting the military supplies he wanted. The Soviet Union announced its willingness to provide Libya with its first nuclear reactor, a 10 megawatts research facility. Even though Libya has approved and signed the Nuclear Non-Proliferation Treaty, Gaddafi showed interest in developing a nuclear energy program despite his denial of any involvement in nuclear weapons manufacturing. Three years later, the Soviet Union accepted to build a 300 megawatts nuclear power plant and research facilities. By 1981, the two nations discussed expanding their nuclear cooperation to include the construction of a power station with 400 megawatt units. The two countries even signed an agreement for more

“The Effects of the United Nations Economic Sanctions of 1991 on Regime Change in Libya “

technological and commercial cooperation, covering industries like oil and gas, non-ferrous metals, and irrigation ⁽²⁰⁾.

It is significant to mention that numerous reports talked about the Libyan willingness to sign a 20 year Treaty of Friendship and Cooperation with the Soviet Union as did Syria, South Yemen, and Iraq. Because the agreements with the latter states have not always increased the Soviet Union's strength and influence, signing one with Libya would have been seen as pivotal for strengthening Moscow's strategic and political presence in the Middle East. Friendship with Libya would also allow the Russians to establish a permanent position in the region ⁽²¹⁾. The availability of Libyan air bases to the Soviet Union caused a growing concern to NATO planners who predicted that Soviet Air Force use of Libyan bases in the event of a crisis in the Mediterranean would shift the balance of power in the region to the Soviet Union ⁽²²⁾. This state would never be tolerated by the United States that would do its best to isolate Libya from the international community.

The United States sentiments on Libya's foreign policy in 1980 were summed up in a memo entitled “Libya's Qadhafi: The Challenge to US and Western Interests”, as follows: Gadhaifi's continued disregard for international law and convention -reneging on international agreements, abusing diplomatic privilege for terrorist purposes, and blatant use of violence against opponents- undermines international norms of behavior and may, over time, encourage other states or groups to do likewise The international perception of a gap between US rhetorical criticism of Gadhaifi's behavior and actual US policy toward him also undermines US credibility on this issue ⁽²³⁾.

The United States reacted by imposing both unilateral economic sanctions and military attacks in 1986, the state which provoked Gaddafi to commit to terrorist attacks that would trigger international community to take measures against him. Gaddafi was accused of involvement in aviation terrorism, particularly the explosion of a bomb which caused the crash of Pan Am Flight 103 over Lockerbie, Scotland, in December 1988 causing the death of 270 civilians, including 189 Americans ⁽²⁴⁾, and the crash of UTA Flight 772 over Niger on 19 September 1989 ⁽²⁵⁾.

The inquiries conducted following the Pan Am 103 and UTA 772 attacks were conclusive. The detonators used on both planes were identical to those discovered on two Libyans captured in Senegal in 1988. Similarly, the sequence of events surrounding Pan Am Flight 103 enabled authorities to trace the origin of the suitcase containing the bomb to Malta. The authorities also located the shop where two Libyan citizens purchased the clothes in the suitcase. Accordingly, France issued four arrest warrants for Libyan officials suspected of participation in the bombing of UTA Flight 772, while the United States and the United Kingdom also filed an indictment against alleged Libyan intelligence officers Abdelbaset al-Merahi and Lamin Khalifah Fhimah ⁽²⁶⁾. The United States and Great Britain demanded suspects to be handed to their authorities for trial but Gaddafi refused to hand the suspects over to countries interested in their trial.

As a result, the United States, the United Kingdom, and France took the matter to the United Nations Security Council to be considered seriously. Meanwhile, the Libyan government instituted separate proceedings at the International Court of Justice against Britain and the United States, claiming that they had rejected Libya's efforts to resolve the matter within the framework of international law. The Libyan government also requested Provisional Measures to protect it from pressure being exerted by Britain and the United States ⁽²⁷⁾. Unfortunately for the Libyan government, the Security Council did not wait for the Court's decision.

The Security Council, prompted by three permanent members of the Security Council United States, United Kingdom, and France, issued five resolutions between 1992 and 2003 in regard to Libyan support to terrorism. The first, Resolution 731, was issued in 1992, and it strongly opposed “the fact that the Libyan government has not yet responded effectively...to

“The Effects of the United Nations Economic Sanctions of 1991 on Regime Change in Libya “

cooperate fully in establishing responsibility for the terrorist acts...against Pan Am Flight 103 and UTA flight 772”⁽²⁸⁾. The resolution also urged the Libyan government to “provide a full and effective response to those requests so as to contribute to the elimination of international terrorism”.

Resolution 748 of 1992 reaffirmed Resolution 731 and stated that the suppression of acts of terrorism was “essential for the maintenance of international peace and security”⁽²⁹⁾. The Council also determined that failure of the Libyan government to demonstrate its renunciation of terrorism by concrete steps, and its refusal to respond fully and effectively to the requests of Resolution 731 of 1992 constituted a threat to international peace and security. Evoking Chapter VII, then, was necessary, and sanctions were evoked to reaffirm the existence of a threat of peace. As far as the present paper is concerned, only economic sanctions are to be mentioned.

2.2-Mechanisms of the UNSC Economic Sanctions against Libya

In Resolution 748 of 1992, the Security Council imposed an economic sanction against Libya in the form of prohibiting the supply of any aircraft or aircraft components to Libya, and the provision of aircraft engineering or servicing of, or airworthiness certification or aircraft insurance to Libyan air craft. The United Nation Security Council increased sanctions against Libya by issuing Resolution 883 in 1993.

The Resolution reaffirmed the provisions of Resolutions 731 and 748 and imposed additional sanctions on Libyan economy by ordering member states to close immediately all offices of the Libyan Arab Airlines and prohibit any commercial transactions with the company. It ordered all Libyan financial resources to be frozen except for those derived from the sale of petroleum products. More importantly, the Resolution prohibited all member states from supplying Libya with material necessary for the extraction and processing of oil, such as pumps, refinery equipment, equipment required for oil export⁽³⁰⁾.

2.3.Exemptions

The Security Council detailed a number of exemptions from the 748 sanction regime in Resolution 883 of 1993. Bank accounts containing export revenues from oil, gas and agricultural commodities were exempt from this rule. It was the possibility of Russia’s use of its veto power, which led the Security Council to allow European companies to continue supplying oil-drilling equipment and receive payment, and this was the reason behind issuing these exemptions. Russia demanded payment from Libya of \$ 4 billion from either the blocked assets or from Gaddafi’s oil revenues which were not affected by the freeze⁽³¹⁾. This exemption is another clear sign that the United Nations took its decisions in accordance with the interests of its powerful members.

2.4.Objectives of the UN Economic Sanctions on Libya

Because UN sanctions are imposed under Charter VII of the UN Charter, their implicit general objective is to address the threat of peace, breach of peace, or act of aggression that led to their imposition. Sanctions are therefore meant to maintain or restore international peace and security. However, in addition to that general objective, sanctions generally have a more specific objective, or set of objectives, the accomplishment of which should guarantee the preservation or restoration of peace and result in the lifting of sanctions. Accordingly, particular steps must be taken by the target to ensure that the sanctions are terminated⁽³²⁾.

The primary objective of the UN sanctions against Libya was to ensure Libya’s cooperation with French, British and American investigations into the terrorist bombings of UTA Flight 772 and Pan Am Flight 103. This objective then shifted to handing over for trial the two suspects for the bombings to extend to paying compensation by the Libyan authorities to the families of the victims. The Libyan government was also required to commit itself definitively to cease all forms of terrorist actions as well as assistance to terrorist groups.

The 748 Libyan sanctions regime, therefore, can serve as an example of implicit goals in action. Though Libya turned over the two Lockerbie suspects to a Scottish court in the

“The Effects of the United Nations Economic Sanctions of 1991 on Regime Change in Libya “

Netherland for trial, the regime stayed in a state of suspended animation for more than four years. Despite the fact that the sanction system had not made the payment of compensation an explicit objective, it was until the Libyan government decided to compensate the families of Pan Am Flight 103 victims, that the regime of sanctions was terminated ⁽³³⁾. This means that the Security Council acted not to achieve its objectives only, but also to realize other objectives persuaded by other Council members, mainly the United States.

A released CIA Estimate entitled “Libya’s Gadhafi: The Challenge to US and Western Interests”, explicitly raised concerns about the possibility that Libya will gain more access to sophisticated western arms and technology absent economic sanction and political isolationism. This state, according to the report would enable Gaddafi to attack American interests and to back terrorist operations against United States personnel or facilities ⁽³⁴⁾. Imposing economic constraints, the report suggests, would reduce the bases from which to spread Libyan influence, since continuous financial difficulties could restrict Gaddafi’s ability to purchase allies and finance terrorist groups ⁽³⁵⁾.

Paragraph III of the appended Annex to Resolution 883, which bans the export to Libya of equipment not specifically designed for use in the oil industry but which can be used for this purpose, meant that a wide range of equipment that Libya might wish to import for non-oil sectors of its economy would fall within the scope of Resolution 883. The aim of the West was therefore to block the import of much-needed equipment for Libya’s agricultural, industrial and other projects mainly the development of the Great Man-made River Project, responsible for Libyan food self-sufficiency ⁽³⁶⁾. Creating economic crises would for sure provoke political and social unrest.

3.The Impact of the UN Economic Sanctions on Libya

3.1. The Economic Impact

The impact of economic sanctions on Libya was a controversial issue among scholars who were divided in their opinions. While some believe that it was not serious and the Libyan government managed to overcome it, others believe that the impact was hard and enormous. For instance, Chorin Ethan in his book *Exit the Colonel* says that “Sanctions hit Libya like a bomb”. Because economic sanctions were meant to weaken the Libyan economy, Ethan adds that its consumer price index increased by 200 percent between 1992 and 1997, while wages remained restricted by Law #15 of 1981 at between 150 and 500 Libyan dinars per month(about \$ 100) ⁽³⁷⁾. This means that the sanctions caused a disastrous inflation.

Colonel Gaddafi asserted in November 1992 that sanctions had already cost Libya \$2.5 billion and that the lack of spare parts for Libyan aircraft was putting lives in peril. Gaddafi expected traders and others to emigrate to Chad, Egypt, or elsewhere to avoid the disaster that would befall companies. Accordingly, Gaddafi put forth a plan to distribute \$ 5 billion in oil wealth, or about \$ 10.000 per Libyan family. However, the implementation of the idea failed, and Western observers pointed out that it was nothing more than a typical Gaddafi wheeze ⁽³⁸⁾.

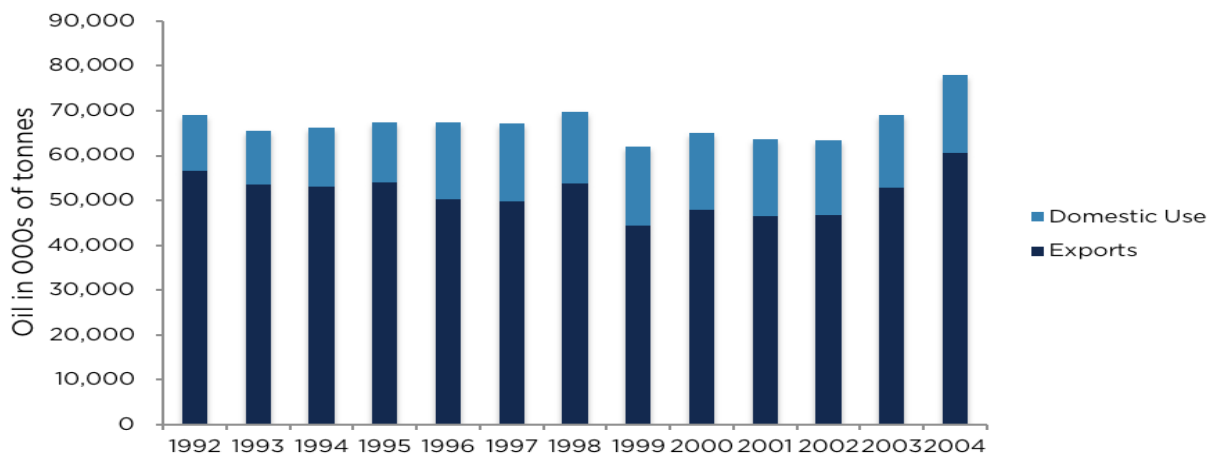
In reality, the Libyan regime avoided increasing salaries of public servants who represent 80% of Libyan workforce despite normal fluctuations in the prices of goods and services year after year. This caused a cumulative loss of the purchasing power and reduced the real value of wages by more than 35 percent on average, between 1993 and 1997 ⁽³⁹⁾. This means that basic needs of the population were no longer satisfied.

Libya’s infrastructure for oil and gas production suffered greatly, for the sanctions imposed by the UN forced downstream refineries to look for inferior and expensive spare and replacement parts ⁽⁴⁰⁾. This situation led to a decline in oil revenues and left the regime in short of funds to appease the masses and maintain vital tribal and individual loyalties ⁽⁴¹⁾.

“The Effects of the United Nations Economic Sanctions of 1991 on Regime Change in Libya “

Other observers believed that Libya was not seriously affected by sanctions and that it successfully protected its economy due to the fact Libyan foreign assets were not frozen following the passage of the 1993 sanction measures. This state gave the Libyan authorities the opportunity to move their liquid assets (\$ 3 billion) to safe havens in the mid to late 1993. Libya's assets in the Organization for Economic Cooperation and Development (OECD) based banks declined from \$4.428 billions to \$ 1.611 billion between March and December 1993. The

Graph N° 1. Libyan oil production, exports, and domestic use, 1992-2004



Source: Nephew, Richard (2018), *Libya: Sanctions Removal Done Right? A Review Of The Libyan Sanctions Experience, 1980–2006* , Colombia University Press, 13.

money transferred from OECD banks was moved to institutions that were outside the purview of UN sanctions ⁽⁴²⁾.

One has to mention here the paradox about the impact of sanctions on deteriorating the living standards of the Libyans. The government managed an economic strategy to protect the energy sector and continued to produce and to export oil at the level of Libya's quota under the Organization of Petroleum Exporting Countries (OPEC). The sanctions did not forbid sale, but the 1993 measures banned the export to Libya of equipment that could be used for extracting oil and transporting it. Libya produced and exported more oil in the mid 1990 than it did in the 1980's. The Libyan economy suffered due to the OPEC quota set in 1983, not because of production difficulties ⁽⁴³⁾.

3.2. The Social Impact

Though the impact of economic sanctions was not severe, it still worsened the economic climate causing a widespread dissatisfaction, and provoking rebellions ⁽⁴⁴⁾. The emergence of a new elite, which highlighted inequality to degrade the official rhetoric based on egalitarianism was added to the situation to create chaos. The air blockade and lack of resources encouraged smugglers to ignore the government's regulated prices and to increase corruption ⁽⁴⁵⁾. All these drawbacks were meant to undermine and weaken Gaddafi's regime from inside and to feed domestic opposition.

The period following the imposition of sanctions gave strength to opposition groups, mainly Islamist movements such as the Libyan Islamic Fighting group. The group engaged in several clashes with the army and got involved in two assassination attempts against Gaddafi in the summer of 1998 ⁽⁴⁶⁾. It is the social dissatisfaction and the growth of opposition which would threaten and shake Gaddafi's regime, and not the Security Council as it was expected.

“The Effects of the United Nations Economic Sanctions of 1991 on Regime Change in Libya “

3.3. The Removal of Sanctions

The removal of UNSC sanctions was conditioned on handing the two Lockerbie suspects. Gaddafi, after a period of resistance, accepted to surrender them to a neutral part, Netherlands. However, and despite the suspension of the sanctions imposed in Resolution 748 and 883 via the UNSC presidential statement, the United States and the United Kingdom refused to permit a vote by the UNSC to terminate those sanctions until Libya fully accepted responsibility for the airliner bombings and renounced terrorism ⁽⁴⁷⁾. Libya was also required to compensate the families of the victims, which cost it \$ 2.7 billion, before lifting became effective. The Security Council adopted Resolution 1506 on September 12, 2003, after Libya met all requirements. The Resolution lifted the sanctions and removed the Lockerbie issue from the Council's agenda. In return, Libya agreed to terminate its International Court of Justice cases against the United States and the United Kingdom ⁽⁴⁸⁾.

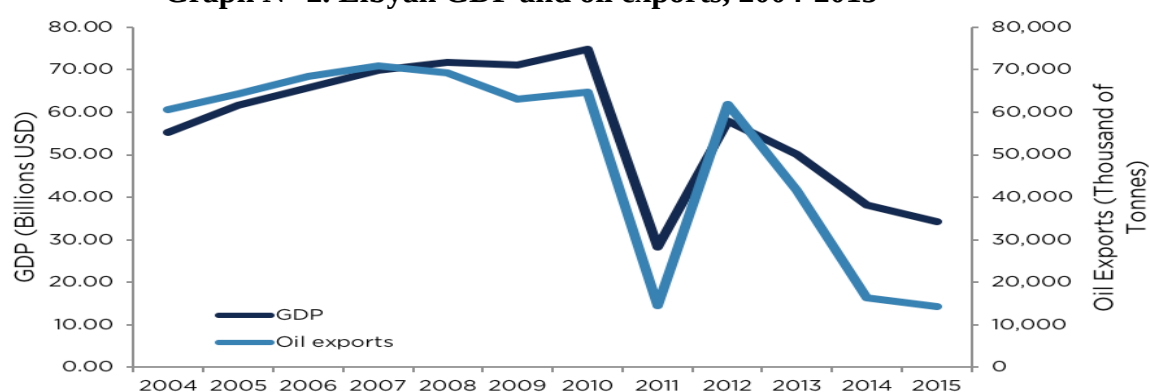
Perhaps it was the 9/11 events that prompt Libya to fully accept responsibility, agree to pay compensation to the families of the victims of the two bombings, and to renounce terrorism. The Libyan government denounced the attacks and started working with the United States and its allies on counterterrorism, partially in an effort to take advantage of shifting international perception of Libya and undoubtedly in part because it realized that being seen as a sponsor of terrorism posed a security risk ⁽⁴⁹⁾.

The United States, however, maintained its sanctions until 2006, when the issue of weapons of destruction was solved. A United States representative related this to that fact that United States,

Continues to have serious concerns about other aspects of Libyan behavior, including poor human rights record, its rejection of democratic norms and standards, its irresponsible behavior in Africa, its history of involvement in terrorism, and –most important- its pursuit of weapons of mass destruction and their means of delivery ⁽⁵⁰⁾.

The removal of sanctions made a significant positive impact on the Libyan economic performance. Libyan economic growth, as shown in graph 2, improved steadily until 2007-2008, contrasting the situation during the period of sanctions ⁽⁵⁰⁾.

Graph N° 2. Libyan GDP and oil exports, 2004-2015



Source: Nephew, Richard (2018), *Libya: Sanctions Removal Done Right? A Review Of The Libyan Sanctions Experience, 1980–2006* , Colombia University Press, 18.

Conclusion

The study of the UNSC economic sanctions against Libya reveals that though this measure is taken by an international community responsible for keeping peace and spreading justice, its application is questionable and debatable. The analysis to the legal framework of

**“The Effects of the United Nations Economic Sanctions of 1991 on
Regime Change in Libya “**

sanctions reveals that the United Nations as an organization has the right to impose sanctions against states but according to particular circumstances and should be applied according to specific procedures.

Reflecting these circumstances and procedures on the Libyan case show that Libya did not really impose a serious threat on the international community nor did it breach the peace. Sanctions were imposed against Libya, because Gaddafi refused to hand the two suspects of Lockerbie incident to neither the United States nor Great Britain, but suggested to hand them to a neutral state for trial, and this was what really happened at the end. Moreover, Gaddafi wished to solve this dispute via the International Court of Justice first, and this is the most logic solution, but the United Nations, prompted by the United States, was quick to impose sanctions instead.

The imposition of sanctions against Libya was also specific. The UNSC tightened its sanctions gradually via passing three different Resolutions. This was meant to practice more pressure on Gaddafi to oblige him to comply. The analysis to the measures taken revealed that they were not severe economically, and this again was to satisfy the economic needs of Western powers which were highly dependent on Libyan oil. This means that the real aim behind imposing economic sanctions was to isolate Gaddafi internationally and to stop his plans to fight western influence and Zionism.

The economic sanctions imposed on Libya had a significant impact on the country. The primary source of income for the nation, oil exports, was severely restricted which caused a decline in Gross Domestic Product (GPD) and a sharp increase in unemployment. The sanctions also made it challenging for Libya to import some necessities, leading to a shortage of food, medicine, and other essentials. This state affected the population negatively, and caused them to suffer from shortages and a decline in living standards.

The removal of sanctions against Libya was also particular and gradual. Even though Gaddafi handed the two suspects for trial, he was obliged to pay compensations to the families of the victims before the final removal of sanctions. Moreover, the United States refused to lift sanctions until Gaddafi gave up his nuclear program and denounced terrorism in 2006.

The current study confirms that Gaddafi's compliance did not come as result of the impact of sanctions imposed, but as a result to international circumstances. The Soviet Union, which used to back Libya, disintegrated and the United States which used to be a traditional enemy to Gaddafi dominated. The invasion of Iraq also terrified Gaddafi and came as a warning that he would face the same destiny if he would not comply.

The article also assumes that the real serious impact of economic sanctions is the creation of social unrest that would revive and strengthen internal opposition. . Though UN economic sanctions on Libya did not directly cause the regime change of 2011, they nevertheless, contributed to Libya's economic and political isolation. This state, helped to create conditions that ultimately led to Gaddafi's overthrow.

It is the internal opposition which would really put an end to Gaddafi's regime by 2011 after the nationwide manifestation of the Arab Spring caused by political repression, economic inequality, and corruption. Again, it was the country's isolation and decline of infrastructure, caused by economic sanctions which made it difficult for the government to address the underlying issues that would lead to popular uprising in 2011. Despite compliance, denouncing terrorism, stopping all nuclear activities, Gaddafi's regime was successfully ousted thanks to NATO intervention.

At the end, the study suggests that the UN Security Council is losing its objectivity and efficiency year after year because it has become apparent that the Organization is not interested in preserving peace as it is interested in serving its five members' interests, especially the United States. Though the United Nations is still seen as the organization responsible for enforcing

“The Effects of the United Nations Economic Sanctions of 1991 on Regime Change in Libya “

international law and promoting peace and security, the case of Libya successfully raised concerns about the effectiveness of imposing sanctions as a means to promote peace.

Despite the considerable impact of sanctions on Libyan economy, sanctions were not particularly effective in achieving their stated objectives of forcing the Gaddafi regime to comply with international law. The sanctions as, as it has been shown, targeted Libyan people, rather than the government or the officials responsible for Lockerbie bombing.

The overthrow of the Gaddafi's regime years after his compliance, denouncing terrorism, and stopping all nuclear activities left no room to doubt that the aim behind imposing sanctions against Libya were meant to isolate Gaddafi more than preserving international peace. The sanctions were imposed to reinforce the unilateral American sanctions and were not lifted until the United States decided so. Accordingly, a reformulation of the organization's current structure is necessary to give it real legitimacy.

References:

- ⁽¹⁾United Nations Charter (full text). United Nations, <https://www.un.org/en/about-us/un-charter/full-text>
- ⁽²⁾Drury, A. Cooper. “Revisiting Economic Sanctions Reconsidered.” *Journal of Peace Research*, vol. 35, no. 4, July 1998, p 498.
- ⁽³⁾Kaempfer, William H., and Anton D. Lowenberg. “Chapter 27 the Political Economy of Economic Sanctions.” *Handbook of Defense Economics*, vol. 2, 2007, p 869.
- ⁽⁴⁾Baldwin, David A., and Robert A. Pape. “Evaluating Economic Sanctions.” *International Security*, vol. 23, no. 2, 1998, p 189.
- ⁽⁵⁾Pape, Robert A. “Why Economic Sanctions Do Not Work.” *International Security*, vol. 22, no. 2, 1997, p90.
- ⁽⁶⁾Masters, Monathan. “What Are Economic Sanctions?” Council on Foreign Relations, Council on Foreign Relations, 2019, <https://www.cfr.org/backgrounder/what-are-economic-sanctions>
- ⁽⁷⁾Farrall, Jeremy Matam. *United Nations Sanctions and the Rule of Law*. Cambridge Univ. Press, 2007, pp 4-5.
- ⁽⁸⁾Szasz, Paul. “The Law of Economic Sanctions.” *International Law Studies*, vol. 71, p 459
- ⁽⁹⁾Farrall, Jeremy Matam. *United Nations Sanctions and the Rule of Law*. Cambridge Univ. Press, 2007, p 14.
- ⁽¹⁰⁾Szasz, Paul. “The Law of Economic Sanctions.” *International Law Studies*, vol. 71, p 463.
- ⁽¹¹⁾Farrall, Jeremy Matam. *United Nations Sanctions and the Rule of Law*. Cambridge Univ. Press, 2007, p 304
- ⁽¹²⁾Bruce, St John Ronald. *Historical Dictionary of Libya*. fourth ed., Scarecrow Press, 2006, p 78.
- ⁽¹³⁾Berween , Mohamed. “The Political Belief System of Qaddafi: Power Politics and Self-Fulfilling Prophecy.” *The Journal of Libyan Studies* , vol. 4, no. 1, 2003,p 51.
- ⁽¹⁴⁾Joffé, George, and Emanuela Paoletti. “Libya's Foreign Policy: Drivers and Objectives.” *Mediterranean Paper Series*, Oct. 2010 , p 6.
- ⁽¹⁵⁾Metz, Helen Chapin, editor. *Libya, a Country Study*. Federal Research Division, Library of Congress, 1990, Blackmask Online , p 172.
- ⁽¹⁶⁾Central Intelligence Agency, “The Supporters of International Terrorism,” 1981, <https://www.cia.gov/readingroom/document/cia-rdp84b00274r000100040012-9>. pp 2-3
- ⁽¹⁷⁾Metz, Helen Chapin, editor. *Libya, a Country Study*. Federal Research Division, Library of Congress, 1990, Blackmask Online , p 172.
- ⁽¹⁸⁾Simons, G. L. *Libya: Struggle for Survival*. second ed., Macmillan, 1996, p 283.

**“The Effects of the United Nations Economic Sanctions of 1991 on
Regime Change in Libya “**

⁽¹⁹⁾ Bruce, Ronald St John. “The Soviet Penetration of Libya.” *The World Today*, vol. 38, no. 4, Apr. 1982, p 135.

⁽²⁰⁾ Bruce, Ronald St John. “The Soviet Penetration of Libya.” *The World Today*, vol. 38, no. 4, Apr. 1982, p 134.

⁽²¹⁾ Bruce, Ronald St John. “The Soviet Penetration of Libya.” *The World Today*, vol. 38, no. 4, Apr. 1982, p 134.

⁽²²⁾ Middleton, Drew. “A Soviet Peril: Bases in Libya.” *The New York Times*, 1981, <https://www.nytimes.com/1981/03/01/world/a-soviet-peril-bases-in-libya.html>.

⁽²³⁾ Central Intelligence Agency, “Libya’s Qadhafi: The Challenge to Us and Western Interests,” March 1, 1985, <https://www.cia.gov/readingroom/document/cia-rdp08s02113r000100310001-4>, pp 22-23.

⁽²⁴⁾ Schwartz, Jonathan B. “Dealing with a ‘Rogue State’: The Libya Precedent.” *American Journal of International Law*, vol. 101, no. 3, 2007, p 454.

⁽²⁵⁾ Doxey, Margaret P. *International Sanctions in Contemporary Perspective*. 2nd ed., Macmillan, 1996, p 44.

⁽²⁶⁾ Mejia-Prieto, Juan. “The Impact and Effectiveness of Economic Sanctions: Libya as a Case Study.” *Canadian Forces College*, 2019, p 16.

⁽²⁷⁾ Doxey, Margaret P. *International Sanctions in Contemporary Perspective*. 2nd ed., Macmillan, 1996, p 44.

⁽²⁸⁾ UN Security Council, “Resolution 731” (United Nations, January 21, 1992), <http://unscr.com/en/resolutions/731>.

⁽²⁹⁾ UN Security Council, “Resolution 748” (United Nations, March 31, 1992), <http://unscr.com/en/resolutions/748>.

⁽³⁰⁾ UN Security Council, “Resolution 883” (United Nations, November 11, 1993), <http://unscr.com/en/resolutions/883>.

⁽³¹⁾ Doxey, Margaret P. *International Sanctions in Contemporary Perspective*. 2nd ed., Macmillan, 1996, pp 44-45.

⁽³²⁾ Farrall, Jeremy Matam. *United Nations Sanctions and the Rule of Law*. Cambridge Univ. Press, 2007, p 133.

⁽³³⁾ Farrall, Jeremy Matam. *United Nations Sanctions and the Rule of Law*. Cambridge Univ. Press, 2007, p 134.

⁽³⁴⁾ Central Intelligence Agency, “Libya’s Qadhafi: The Challenge to Us and Western Interests,” March 1, 1985, <https://www.cia.gov/readingroom/document/cia-rdp08s02113r000100310001-4>, p 22.

⁽³⁵⁾ Central Intelligence Agency, “Libya’s Qadhafi: The Challenge to Us and Western Interests,” March 1, 1985, <https://www.cia.gov/readingroom/document/cia-rdp08s02113r000100310001-4>, p 21.

⁽³⁶⁾ Simons, G. L. *Libya: Struggle for Survival*. second ed., Macmillan, 1996, p 75.

⁽³⁷⁾ Chorin, Ethan Daniel. *Exit the Colonel: The Hidden History of the Libyan Revolution*. Public Affairs, 2012, p 53

⁽³⁸⁾ Simons, G. L. *Libya: Struggle for Survival*. second ed., Macmillan, 1996, p 70.

⁽³⁹⁾ Mejia-Prieto, Juan. “The Impact and Effectiveness of Economic Sanctions: Libya as a Case Study.” *Canadian Forces College*, 2019, p 22.

⁽⁴⁰⁾ Nephew, Richard. 2018, *Libya: Sanctions Removal Done Right? A Review of The Libyan Sanctions Experience, 1980–2006*. Columbia University Press, p 12.

⁽⁴¹⁾ Chorin, Ethan Daniel. *Exit the Colonel: The Hidden History of the Libyan Revolution*. Public Affairs, 2012, p 59.

⁽⁴²⁾ Niblock, Tim. “Pariah States” & Sanctions in the Middle East: Iraq, Libya, Sudan. Lynne Rienner Publishers, 2002, archive.org, p 65.

**“The Effects of the United Nations Economic Sanctions of 1991 on
Regime Change in Libya “**

⁽⁴³⁾ Niblock, Tim. "Pariah States" & Sanctions in the Middle East: Iraq, Libya, Sudan. Lynne Rienner Publishers, 2002, archive.org, pp63-64.

⁽⁴⁴⁾ Simons, G. L. Libya: Struggle for Survival. second ed., Macmillan, 1996, p 76.

⁽⁴⁵⁾ Mejia-Prieto, Juan. “The Impact and Effectiveness of Economic Sanctions: Libya as a Case Study.” Canadian Forces College, 2019, p 24.

⁽⁴⁶⁾ Niblock, Tim. "Pariah States" & Sanctions in the Middle East: Iraq, Libya, Sudan. Lynne Rienner Publishers, 2002, archive.org, p 90.

⁽⁴⁷⁾ Nephew, Richard. 2018, Libya: Sanctions Removal Done Right? A Review of The Libyan Sanctions Experience, 1980–2006, Columbia University Press, p 15.

⁽⁴⁸⁾ Schwartz, Jonathan B. “Dealing with a ‘Rogue State’: The Libya Precedent.” American Journal of International Law, vol. 101, no. 3, 2007 ,p 471.

⁽⁴⁹⁾ Nephew, Richard. 2018, Libya: Sanctions Removal Done Right? A Review of The Libyan Sanctions Experience, 1980–2006, Columbia University Press, p 15.

⁽⁵⁰⁾ Schwartz, Jonathan B. “Dealing with a ‘Rogue State’: The Libya Precedent.” American Journal of International Law, vol. 101, no. 3, 2007 ,p 572.

⁽⁵¹⁾ Nephew, Richard. 2018, Libya: Sanctions Removal Done Right? A Review Of The Libyan Sanctions Experience, 1980–2006, Columbia University Press, p 17.