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**WIDE-SPREAD EFFECTS OF CORRUPTION: THE LIBYA CASE**

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## **ABSTRACT**

Corruption has been rendered a complex and global phenomenon under the present circumstances. Libya has been struggling with this social phenomenon for a long time. This thesis will examine how corruption affects the post-Qaddafi Libyan society as well as how corruption leads to the smuggling of migrants into the country. It will start with analysing the dimensions of corruption politically, economically and socially in the Libyan context. In addition, the level of corruption in the country will also be investigated. The widespread effects that corruption has had on society will be examined from both a political, social and economic perspective. The paper will also present recommendations on ways to reduce corruption and bad governance by suggesting that Libya should make efforts to implement a stable law and order system in order to eradicate the smugglers' power, which in turn is directly related to the threat of corruption. The thesis concludes that Libya is in a very poor state due to the high negative impact of corruption and that the power of smugglers and armed groups needs to be reduced in the country. This study is based on qualitative research, including interviews with experts, literature reviews and statistical data.

**Keywords:** Corruption, Libya, crimes, migrants smuggling, government

## INTRODUCTION

Corruption is very rampant in today's societies and demands serious attention. It is defined as the abuse of power for personal gains (Transparency International 2018). In 2018, Transparency International ranked Libya 170 out of 180 countries with a score of 17 out of 100. The scores are given on a scale of 0–100, indicating the level of corruption in a country from low to high respectively (Corruption Perceptive Index 2018). In Libya, corruption is embedded in the core government and has created opportunities for armed militias that commit serious crimes against civil society as well as smuggle migrants. There is no law in place, people are detained or murdered unlawfully and the citizens have no right to freedom of speech in the country. For the Libyan state, these characteristics are common. High-level corruption and smuggling of migrants are nothing new in Libya. The smuggling of migrants has for quite some time been a mainstay of the illegal economy in Libya. It is neither the most profitable nor the most vital yet completely pervasive; it is the most common of all activities related to smuggling and trafficking, with notably local involvement and acknowledgment (Shaw and Mangan 2014). In the permissive environment of Libya after the revolution, the parallel business of migrant smuggling and trafficking became overcharged. The Libyan economy suffered from widespread corruption in all sectors; the public sector and judicial sector are among the most affected. In every sector, bribery and favouritism are normal practice. Corruption was pervasive under Qaddafi's rule, and the situation only worsened post-revolution, after 2011. The institutional framework for combating corruption in the country is weak and the political instability has undermined the rule of law. The Assembly of the Libyan Constitution is still drafting the constitution, leading to all laws being derived from the Constitutional Declaration, which came in force after the ousting of Qaddafi. Nonetheless, the judiciary and security apparatus are ineffective, making law enforcement extremely weak (Libya Corruption Report... 2016).

Therefore, this paper will examine the level of corruption at the political level in the post-Qaddafi era and its widespread effects in Libya. It will also identify and analyse factors that drive corruption and discuss migrant smuggling as an integral part of corruption. The paper also aims to understand how corruption has brought about insecurity and instability in the country, its influence in the country as well as the efforts made by government institutions, public sector agencies and non-governmental actors towards eradicating corruption and bad governance in the country. Taking

this into consideration, and illustrating its observation of the Libyan case, the thesis aims to prove that corruption indeed increases criminal activities and hence, weakens the credibility of the state and its political system. Therefore, this paper will be answering the following research questions: 1) How does corruption appear in Libya in the post-Qaddafi society if compared to the former regime and its influence on society? 2) How is migrant smuggling connected to corruption in Libya?

This paper will use qualitative methods which are, analysing the dimensions of corruption in Libya and its impacts on the current situation in the country. A descriptive case study approach will be used to examine corruption as an alarming problem in Libya. Furthermore, observations from experts and different statistical data, such as Transparency International's corruption perceptiveness indexes will support to examine how corruption has changed in the post-revolution era compared to the previous regime, as has its effects on society, thereby, assessing the smuggling of migrants in the country. The data that has been used in this research to help answer the guiding questions has been gathered from both primary and secondary sources as well as interviews with key experts.

# **1. CORRUPTION AND ITS DIMENSIONS IN LIBYA**

Corruption in Libya has become the main reason the ruling Libyan regime has failed to achieve its socio-economic and developmental goals. These factors have been included but are not limited to weak and retroactive administrative and functional legislations to keep pace with developments in the public service sector; constant changes to the administrative framework and cancellation or merger of administrative units that result in the lack of clear management lines. This has resulted in poor service provision and lack of public trust in the state and its institutions and agencies (Wei 1997). Qaddafi's regime never took any serious precautions against the elements of corruption. There are several reasons for this reluctance. He used corruption to gain absolute loyalty to his own regime. However, international organisations and observers such as Transparency International and the World Bank claim that corruption has intensified following the 2011 Libyan revolution against the regime of Muammar Qaddafi. Libya was characterised by an impunity for corruption during Qaddafi's rule despite efforts to combat it. In recent years too, several post-revolutionary governments have also failed to address the very real and serious problem of widespread corruption in the country.

In this chapter, several concepts of corruption will be explained. Corruption in Libya will be examined from different angles. The main source used for analysing corruption in the country is the Transparency International as well as the Libya's Corruption Perception Index (CPI), which will be used to analyse the level of corruption from 2007 to 2018.

## **1.1. The Concept of Corruption**

Corruption has several definitions and the ways to deal with it have brought about some unique definitions. For instance, the World Bank characterises corruption as the misuse of public office for personal gain. Misuse or abuse in this case can be understood as the receiving or accepting of bribe to provide unfair facilities, such as finishing up an agreement with a favourite party without giving equal opportunities or chances (Loops Research... 2016).

According to Transparency International's (2018) definition of corruption, it is 'the abuse of entrusted power for private gain'. Corruption can be classified into three different forms as follows: grand, petty and political. Corruption is said to be grand when it is committed at a high-level of government office and when it distorts the functioning of the state, providing access to leaders to make personal gains at the expense of public good. Petty corruption is the day to day abuse of an entrusted power by public officials in their relations with ordinary citizens, while political corruption is the abuse of position by political decision-makers in order to sustain their power, status and wealth. This includes the manipulation of institutions, policies and rules of procedure in the allocation of resources. The most essential indication of corruption involves the following (Loops Research... 2016):

- Money laundering; the act of concealing the origins of money acquired illegally
- Embezzlement; the act of withholding assets for the intent of theft
- Bribery; the act of giving or receiving valuable items in exchange of kindness
- Discrimination in treatment; the act of being biased
- Illegal mediation; the inability to remain impartial
- Smuggling; the illegal movement of goods or people
- Favouritism and nepotism; being unfair to a person(s) at the expense of another
- Obstruction of justice

In view of the above-mentioned definitions, there are two primary ways of sustaining corruption: 1) The receiving of bribes either directly or under any form, so as to process an unlawful exchange or offer a particular service without offering equal opportunities to individuals and 2) Involvement in favouritism; favouring relatives, friends or companions to take jobs and positions which additionally deters equal opportunities.

### **1.1.1. Dimensions of Corruption in Libya**

To examine corruption in Libya, the political, economic and social factors will need to be analysed insofar as these factors have fallen short and led to the on-going corruption, which is now widespread across all sectors. Each factor is briefly described in terms of the issue and its association which results in Libya's instability and insecurity.



***Political dimension*** relates to a powerful political regime, challenging structural or legislative rules (Yolles and Sawagvudcharee 2010). Corruption is higher where there is no realisation of political opportunities; for instance, where policies and institutions are weak (Anderson and Grey 2006). Weak institutions do not have the capacity to enforce processes which facilitate or constrain policy provisions, or where policy itself does not meet the legitimate needs of a social entity.

According to Rendtorff (2010), absolute power is considered to be the reason for political corruption. In Libya's case, this can be seen in the Qaddafi's 42 years of rule. His regime undermined the structure of the political system and after his death in 2011, the Libyan General National Congress (GNC) relieved the National Transitional Council (NTC) and became the legislative authority after the Libyan revolution. The GNC has made significant improvements in terms of public access to information about its activities compared to the legislature during the previous regime. In addition, the GNC has adopted a set of rules of procedure that guarantees that the GNC will be highly independent, will be able to hold the government accountable and that parliamentarians will not be immune to prosecution for crimes committed in connection with their official duties. However, these rules are not yet in force because the GNC has no code of conduct and lacks a transparent system (Voluntas Advisory, Diwan Market Research & Nordic Consulting Group 2016). Therefore, given the lack of transparency in the political system, the risk of Libya becoming a failed state has increased. In this context, it can be argued that political power in the absence of ethical responsibility ends in corruption (Rendtorff 2010).

Corruption is not just considered a danger to the society, but it is also a threat to democracy. Political corruption and the bribery of public officials and politicians possesses a challenge to the democratic unity of society as individuals do not gain privileges on the basis of merit, transparency or universally valid criteria, but instead on the basis of their own power and the ability to bribe the political system (Rendtorff 2010). As such, the public sector is the most corrupt institution in Libya. Bribery, favouritism and nepotism are in most cases the issue of this sector. This practice is known as *wasta* in Arabic, which means 'intermediary'. It is a very deep-rooted practice in the Libyan society, whereby those in power favour relatives or friends, especially by giving them jobs (Kamba and Sakdan 2012). This practice has been in existence since the former regime and post-revolution

Libya has not been able to establish democratic institutions, democratic facilities and experienced democratic politicians who can help improve the democracy in the country.

Political dimension of corruption also concerns the weak strategies which administrators have established to help create an environment where famous personalities are not immune to the implementation of justice (In Heywood... 2014). Through the minimal repercussions directed against the powerful and influential leaders in the society, a majority of the heinous acts which the leaders undertake go unpunished. Globally, US \$ 2.6 trillion is lost annually due to corruption, with an estimate of \$ 1 trillion being paid as bribes (In Heywood... 2014). The substantial amounts of money lost through bribes have a significant link with the weak policies which guide society members. In Libya, politicians abate corruption by shielding their keens from prosecution, issue bribes to achieve their goals and deter the anticorruption bodies from executing their mandates (Combaz 2014). For instance, the political elite in Libya issue threats to the bodies which are charged with the mandate of curbing corruption in the state. This form of corruption in the public sector severely undermines the democracy of the state.

*Economic dimension* challenges the accumulation of public wealth and may lead to the shift of scarce resources (Yolles and Sawagvudcharee 2010). The economy of a state is oppressed by high-level corruption when there is an abuse of power. The economy of Libya is highly dependent on its oil. The oil sector is government-controlled and 95% of all government revenues are derived from oil exportations. The key significance of oil in the country makes way for different political actors to compete to control oil resources and since 2010, Libya's oil and export production has dropped sharply. Prior to the revolution, Libya produced about 1.5 million barrels per day (bpd) but since the revolution, Libya's peak oil export in October 2014 was estimated to be around 870,000 bpd (Molesworth and Newton 2015). This fall is due to the corruption in the political system. Oil is obviously essential for the Libyan economy, but it has become a potential source of government corruption in the country.

Economic concept regarding corruption also postulates that economic development and growth of a nation are immensely impeded by high levels of corrupt deeds which adversely affect the allocation of public resource or private resources in a nation (Combaz 2014). Notably, corruption creates an

environment that deters businesses from operating optimally thereby reducing a country's opportunity to effectively generate revenues through taxes. In the case of Libya, the economic dimension of corruption is evident in the levels of returns which investors generate from their operations (Wijaya, Supriyono, & Shariha 2016). A significant decline in the levels of returns from investments due to unethical business operations in a market immensely reduces Libya's economic improvements.

*Social dimension* ultimately leads the agent to interact with his environment. However, there are consequences for corruption when trust in the political system's structure and processes is undermined (Yolles and Sawagvudcharee 2010). Corruption which takes place in societies is a behavioural consequence of power and greed. The high-level corruption during the previous regime in Libya limited civil society and since the revolution, the growth of civil society has been slow (Molesworth and Newton 2015). Moreover, the Libyan media industry suffers heavily from the former regime's heavy legacy. During the Qaddafi regime, the public media was exclusively used to secure state power. The content was highly politicised in favour of Qaddafi's government and any criticism to his regime would lead to imprisonment or worse (Voluntas Advisory et al. 2016). However, the new media tried to thrive after the 2011 revolution but failed because the necessary law was not implemented due to bad governance (Molesworth and Newton 2015).

In practice, the on-going political corruption, absence of a civil society, unstable institutions and poor management of the political system has enhanced corruption in the Libyan society, which has presently created opportunities to brokers who use their connections and collect bribes in order get things done for people (Khan 2013). Corruption at a higher level encouraged others to follow the same route and this became the most serious problem as it changed attitudes in general; people now see corruption as the norm. On the other hand, the private sector, banks, universities and militias see this as an opportunity to make money. All this is done discreetly, of course, by making a random excuse. The idea of working professionally or in a systemic way is simply absent and is sufficient for work in Libya (Khan 2013).

The social dimension of corruption also concerns to lose of public trust on the bodies which govern various activities in a nation (Wijaya, Supriyono, & Shariha 2016). Through the prevalence of

corrupt activities among the top officials in an organization that administer public institutions, the citizens develop a negative attitude towards the institution and hence decline to support the bodies in performing its mandate. In the case of Libya, the public have lost trust in institutions such as the police force because the former associates the latter with high level of corruption in the nation. Consequently, members of the public do not have intentions to report any corrupt deeds to the security officials. The social dimension of widespread corruption is also evident in the absence of justice in the systems such as judiciary and the security agencies (Chivvis, Martini & Rand 2014). Notably, corrupt leaders in the judicial system or the police force resort to taking bribes thus denude the public's opportunity to get justice for the various illegal activities which some criminals undertake. In the case of Libya, the social concept of corruption is evident through the high levels of injustice and violation of citizens' rights.

### **1.1.2. Libya and Global Corruption Indexes**

As explained in the previous sections, the Libyan situation has worsened in the recent decades due to the widespread corruption and has experienced little or no positive changes in the post-revolution era. Libya's rank has retreated in Transparency International corruption index reports. These factors illustrate that there is significant corruption in the Libyan economy and indicates the failure of the government to curb it. The table below shows Libya's Corruption Perceptions Index from 2007 to 2018:

Table 1. Libya's CPI Result 2007–2018

<b>YEAR</b>	<b>Corruption Perceptions Index (0–100)</b>	<b>Rank on the corruption rank</b>	<b>Number of countries that follow Libya</b>
<b>2007</b>	25	131/180	49
<b>2008</b>	26	126/180	54
<b>2009</b>	21	160/176	16
<b>2010</b>	22	146/178	32
<b>2011</b>	20	168/183	15
<b>2012</b>	21	160/174	14
<b>2013</b>	16	172/175	3
<b>2014</b>	18	169/175	6
<b>2015</b>	16	161/168	7
<b>2016</b>	14	170/176	6
<b>2017</b>	17	172/180	8
<b>2018</b>	17	170/180	10

Source: Transparency International's Reports (various issues)

The above table shows that corruption has worsened in the post-revolution era if compared to the previous regime. The corruption rate since the 2011 revolution has not been stable instead, it has been constantly increasing. The increase in the corruption index in Libya is a sign of governmental decline, weak laws and the absence of legislation. Corruption is prominent in the absence and failure of standards, regulatory and legal principles, and the prevailing individualistic principle, leading to the misuse of government offices and State resources in order to achieve the interests of individuals or groups at the expense of the central role of the government (Loop Research... 2016).

## **2. WIDESPREAD EFFECTS OF CORRUPTION**

This chapter examines the impact of corruption on the Libyan society and how the misuse of government power has been developing opportunities for criminals, enabling them for decades to continue their operations. The widespread effects of corruption are measured by political, economic, social impacts as well as the effects of corruption on the national security of the country.

### **2.1. Factors that Facilitate Corruption**

Corruption is a multifaceted phenomenon. It is characterised by several national and international economic, political, administrative, social and cultural factors. This chapter will examine and explain the factors that cause corruption in the Libyan society.

Libya has no established law. If the law is implemented, corrupt activities will be limited. The law or legal code present of a country plays a big role in the quality of the government, which in turn affects the level of corrupt practices. A country that has and implements its laws have lower levels of corruption and can easily fight corruption (Treisman 2000). Hence, the lack of professional ethics and inadequate laws cause the proliferation of corruption.

Immature democracy is a factor that causes corruption. It is constantly shown in corruption perception indexes that countries which appear to be the least corrupt have a well-established democracy (Zamahani 2016). The lack of democracy in Libya facilitates corruption and is unable to prevent it. Having a well-established democracy creates opposition groups and parties who help expose the government's corrupt activities and generally hold the government accountable for its poor performance. However, in the absence of democracy, government officials and politicians seek to give bribe or accept it and as a result of such acts of corruption, the democracy of the state becomes undermined (Zamahani 2016).

There is no civil society present in Libya, the lack which enhances corruption. Johnston (1998) argued that social empowerment is a vital element in avoiding corruption. Where there is an absence of a strong civil society, citizens become vulnerable to exploitation and hence, lack the ability to

build a coordination mechanism for preventing corruption. Therefore, a strong civil society has a key importance for preventing corruption, the absence of which creates room for more corrupt activities.

In addition, the lack of press is another driver of corruption in Libya. The press in Libya is owned by the state and provides information that is only acceptable by the state. Citizens are denied information that can enable them to secure access to the government's decision-making processes. As a consequence, the lack of press has opened numerous opportunities for corruption by politicians and public officials (Zamahani 2016). That being said, the freedom of press plays a vital role in a country and helps spread anti-corruption measures to ensure that corrupt individuals are publicly shamed for their actions as well as legally held accountable (Treisman 2000). Hence, keeping press freedom positively in check and increasing its transparency is an important means of ensuring that corrupt government, officials and individuals are held accountable for their corrupt behaviours.

Another factor which is considered to be a driver of corruption is natural resources; the availability of natural resources, in the case of Libyan economy, has increased the rate of corruption in the country. Treisman (2000) argued that a country endowed with a high concentration of natural resources may increase the frequency of corrupt behaviour because of the increased opportunity that comes for it. A more detailed example could be seen in the case of Norwegian fertilizer company, Yara International, which was fined 295 million Norwegian crowns which is equivalent to 60.1 million Libyan Dinars (LYD) in January 2014 for paying a bribe of LYD 15 million between the year 2004 and 2009 to an oil minister and senior government officials in Libya and India (Reuters... 2014). Wijaya, Supriyono, & Shariha (2016) also opine that factors such as inadequacy of qualified personnel significantly impedes the process of auditing financial documents which institutions provide. Notably, ineffective evaluation of financial statements exacerbates corruption because it enables managers of public offices to evade prosecution. Apart from ineffectiveness of auditors, inadequate funds to extensively conduct evaluation of financial records and monitor leaders immensely impede the process of curbing corruption in Libya. For instance, the Libyan Audit Bureau fails to properly execute its mandate due to inadequate funds for purchasing equipment that are essential for evaluating official documents. Also, instability in Libya has immensely contributed

to a rise in corruption because it creates a situation in which officials that monitor corruption can undertake their roles.

Lastly, unemployment and poor wages facilitates corruption. Corruption is strongly influenced by the low salaries of citizens, public officials (state officers), who try to improve their financial position by receiving bribes, and hence the socio-economic situation of government officials affects corruption (Sumah 2018). The poor wages of public servants have been present since Qaddafi's regime and have escalated in the post-revolution era, giving more grounds to corruption. There is a possibility that public officials with a higher wage are less likely to participate in corrupt activities. Higher wages reduce the engagement in corrupt activities, since there is a need to supporting one's family. Nevertheless, higher wages may not completely eliminate corruption as individuals are likely to accept bribes due to greed (Dimant and Tosato 2017).

To sum up, the inability of having access to public information records, lack of transparency in decision-making regarding the issues of the state, as well as the absence of legal rule had enabled corrupt activities in post-revolution Libya. In building citizens' confidence in the state and its public institutions, access to information is an important element. People must have confidence in their institutions, especially in times of instability.

## **2.2. Opportunities for the Criminal**

This chapter will examine how corruption in the Libyan government has given opportunities to armed militias and criminal activities conducted by organised groups. Corruption in the state as well as the absence of law in the country has created a platform by which armed groups extort money from irregular migrants and hence, undermine the integrity of the state. This chapter will examine how the trade of migrant smuggling is connected to corruption and the actions taken by the government to stop this on-going criminal act.

### **2.2.1. Migrant Smuggling in Libya**

The smuggling of migrants is a crime involving the procurement of an illegal entry for financial benefit into a State of which that person is not a national or a resident. There are many complex



connections between corruption and migrants' smuggling, and it is proven that corruption is a significant predictor of migrants smuggling out of a country because it can be a push factor for emigration and thus, create a market for migrant smugglers (UNODC... 2013). During Qaddafi's dictatorship, his government policy allowed irregular migration by sub-Saharan Africans, whose nearness was important to help the Libyan economy. However, migrants were much of the time exposed to cruel conditions by the state, and were mostly disdained by the dominatingly Arab populace. In 2011, preceding the revolution, the International Organization for Migration (IOM) evaluated that 2.5 million irregular migrants were living and working in Libya. In this manner, even before the revolution and the present breakdown of the rule of law, there existed an entrenched smuggling framework bringing people across the desert and into Libya (International Organization for Migrants... 2011).

Migrants were compelled to pay fine as well as the expenses of their journey back home during Qaddafi's era. The 'fine' was regularly paid to the prison or detainment centre staff to secure the release of the migrants. Under Qaddafi's dictatorship, the detention centre turned into a rewarding business (Shaw and Mangan 2014). This correctional lawful position taken by the state against irregular migrants opened space for another sort of criminal undertaking to thrive, militia groups would bring together irregular migrants to extort money or abuse their power by threatening to hand migrants over to the detention centre. The decision confronting the migrants was along these lines between their destiny on account of the state's authentic detainment policy and on account of the militias groups. See the figure below:

Resource predation on migrants by militias and state

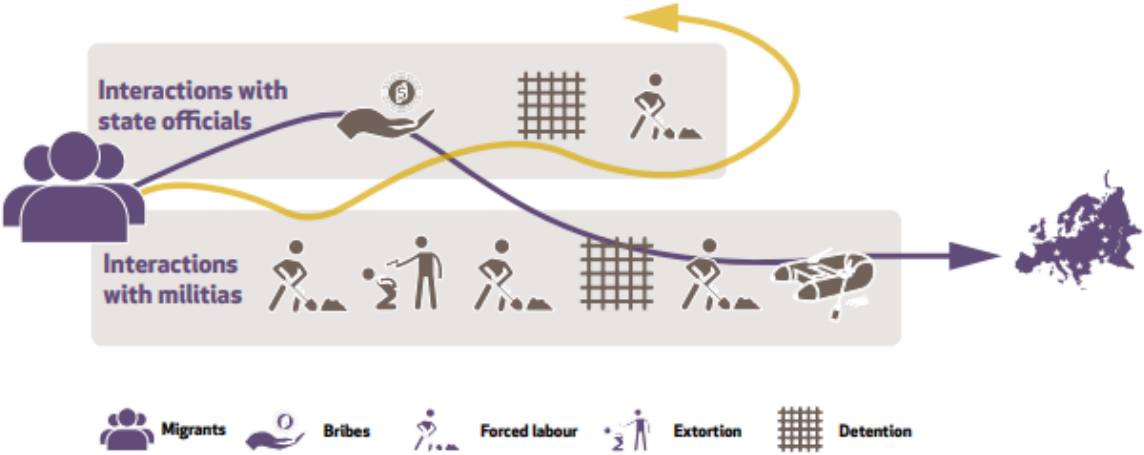


Figure 1. Interaction between state and militias

Source: Responding to the Human Trafficking-Migrant Smuggling Nexus in Libya, July 2018

In the post-Qaddafi Libya, competition over the distribution of power and access to state resources characterised the years after the revolution. Politically controlled militias needed resources to increase their firearms capacity, support their troops and buy their municipalities’ loyalty and support. Those who did not have access to these resources, especially in the border areas, found influence and resources by controlling the illegal economy (Global initiative... 2018). Migrants became an easy way to make money, as they were before the revolution, because of their vulnerability and ubiquity. In the permissive environment of Libya after the revolution, the parallel business of migrant extortion became overcharged. Small-armed groups take advantage of independent migrants and small migrant convoys. Armed groups abduct migrants, strip them of any valuable assets, then take them to remote places and threaten their lives unless they make a ransom payment. Sometimes kidnappers use physical and/or sexual violence to obtain ransom payments from the migrants (Oxfam 2017). The captivity period depends on how long it takes the migrant to pay the ransom. Those who are unable to pay can be killed or sold in bonded labour or in brothels (Global initiative... 2018). Such dedicated kidnap gangs have become part of Libya’s smuggling economy, which in some cases almost serves the smuggling trade like an auxiliary insurance function.

Campana (2018) opines that human smuggling from Africa to European nations thrives due to corruption in countries such as Libya. The widespread deterioration in the levels of morals in Libya has created opportunities through which criminals engage in human smuggling from the interior of Africa to the shores where migrants can illegally migrate to nations such as the US and Britain. Furthermore, corruption in Libya has immensely promoted human trafficking because security officials have failed to arrest and arraign criminals who smuggle migrants to the European shores (Campana 2018). The security officers' failure to arrest and prosecute smugglers significantly exacerbates the illegal practice thereby worsening activities such as threats and prostitution among the illegal migrants.

The above points indicate that the power of smugglers has heightened in the country. Combatting migrant smuggling and corruption is challenging for all countries, but especially for countries with a weak or corrupt criminal justice system. Such states simply cannot confront some of the powerful criminal organisations that take advantage of such a situation and have often infiltrated institutions of justice and security (UNODC... 2013). According to U.S Department of States (2017), the government lacked the ability to address basic security problems in the country, including the smuggling of migrants, as it struggled to exercise control over a significant amount of the country's territory. Libyan law does not outlaw all forms of smuggling in the country though the Government of National Accord tried to stop smugglers from this illicit business but failed due to the lack of a functioning judiciary system (Global Initiative... 2018).

## **2. 3. The Influence of Corruption in Libya**

### **2.3.1. Political effect**

In the case of Libya, corruption undermines democracy and good governance in politics by violating or even subverting formal processes. The weak democratic culture in Libya undermines the efficiency of the institutions of Libya, threatens the state's ability to respond to the country's needs and weakens the public's confidence in the system. Election and legislative corruption reduce accountability and distorts representation in policy-making; judicial corruption compromises the rule of law, and bribery in public administration results in inefficient delivery of services. It violates a fundamental republican principle concerning the centrality of the county's virtue. More generally,

corruption degrades the government's institutional capacity if procedures are not taken into account, resources are drained, and government offices are bought and sold. Corruption undermines government legitimacy and democratic values, such as trust and tolerance (Hamilton 2013).

According to Chivvis, Martini & Rand (2014), corruption has played a critical role in the decline in political progress in Libya through inhibition of democracy. In particular, politicians bribe electorates or the bodies which administer elections in Libya thus limiting citizens' opportunity to elect leaders who have ambitions for elevating the country's social and economic statuses. Furthermore, corruption has played a pivotal role in undermining the effectiveness of institutions which have the obligation of ensuring justice in the state. Therefore, graft adversely affects Libya's political progress.

### **2.3.2. Economic impact**

Corruption depletes national wealth economically, and it impedes the creation of a fair structure of the market and distorts competition, thereby deteriorating investment. Corruption has a negative effect on the investment climate in Libya. It has escalated the cost of projects, and it created a threat in the transfer of technology and weakened the benefits of investment incentives in domestic and foreign projects, particularly when bribes are demanded from entrepreneurs in order to facilitate the acceptance of their projects (Loops Research... 2016). Bribery has a detrimental impact on the market by boosting prices through price fixing and backroom deals. A culture of bribery can prevent change in both developed and developing countries and hamper competition. As corruption aggravates, investors add payments relating to bribes and commissions to the costs, expanding the cost of projects and diminishing the return on investment (Loops Research... 2016). Corruption confines the Libya's ability to expand revenues, as well as its ability to maintain basic public services. The reductions in government revenues as well as the waste of resources due to serious corrupt practices lead to the impact of the burden of the shortfall in revenue on Libyan citizens by imposing new systems of fees and taxes that strain the middle and lower classes and cause the increase in internal and external debts (Loops Research... 2016).

Corruption has reduced the efficiency of various financial assistance programs in Libya (both state and international), as money is ‘pushed out’, unable to be reached by those who need it or for whom it is meant, because corruption-related financial benefits cannot be taxed since they are hidden. The state also loses part of the income from taxes due to corruption (Sumah 2018). Corruption has greatly affected Libya’s foreign exchange reserves. An example can be seen in the end of 2014 when the balance of the Central Bank of Libya’s foreign exchange reserves was around 76.6 billion dollars compared to the previous year of 105.9 billion dollars. Meaning the country was short of 29 billion dollars in just one year. This means the country spent more than a quarter of its foreign exchange reserve in the 2014 to make up for the drop of vital oil revenue due to political corruption (Jaballah 2015).

Wijaya, Supriyono, & Shariha (2016) also argue that in the period of 1<sup>st</sup> January to 31<sup>st</sup> December 2014, the customs department in Libya collected an estimate of LYD 59,540,953 as the financial years’ revenue which is an estimate of 19% of the LYD 700,000,000 of the amount which the country had presented in its budget. A significant decline in revenues which Libya collected in the 2014 financial period emanated from widespread corruption which created avenues through which business evaded tax or the employees at custom authority swindled some of the funds that they had collected. Apart from the negative influence on revenue collection, corruption plays a critical role in swindling of funds which are meant for public projects. Notably, research indicates that Oil contributes to 99% of Libya’s revenues but the money is often lost through shoddy deals by the corrupt officials (Global Witness 2019). With the above points, this indicates that corruption affects the growth and development of a state, reduces the rate of investment in the country and increases the country’s debt.

### **2.3.3. Social impact**

Corruption threatens the interest of the general public by contributing to the creation of a values pattern mirrored by several corrupt activities. It decreases the levels of social welfare, results in low living standards as well as increases the numbers of the poor (Loop research... 2016). Corruption has created a significant imbalance in the work ethics and values of the society, creating a mind-set among Libyans (individuals and groups) that justifies corruption and give excuses to its perpetuation (Loops Research... 2016). Corruption in Libya has played a critical role in the social challenges

which a majority of the citizens suffer. One of the major impacts of corruption in Libya entails the rise in poverty because a majority of the citizens do not have opportunities to get employment or engage in activities which can help them generate incomes (Chivvis, Martini, & Rand 2014). For instance, corrupt individuals impede proper resource-allocation thereby inhibiting citizens from getting necessary support to undertake activities which are vital in generating incomes. Apart from inappropriate resource allocation, corruption contributes to poverty in Libya through unethical practices such as money-laundering thus lead to high levels of inflation (World Bank 2019).

In Libya, as a consequence of corruption, the living conditions of the citizens are now undermined. Libyans are living in a state of uncertainty and fear and in a very bad condition in every way. The citizens are considered as the first victim of the political and military conflicts as well as criminal activities. The energy resources in the country, such as oil and electricity fields are targets of the organised criminal activities carried out by armed militias. Because of the lack of strong security measures, the losses of the General Electricity Company have heightened, which at the end of 2014 were estimated at one billion dinars due to the robberies. Several businessmen and individuals escaped the country accompanied by their families because of the fear of being kidnapped, robbed of their belongings and properties. Most of them have been exposed to extortion carried out by armed militias, while some of them were themselves violating the country's law (Jaballah 2015). From the above discussion, it can be said that the social sector in post-revolution Libya has been undermined due to the government's poor performance even though some efforts have been made to minimise corruption in this sector.

#### **2.3.4. Security impact**

The security of a state is in the hands of elected governments and armed forces. The armed forces are the defenders of the national boundaries. Corruption has affected different sectors in the society, including the security in the state. Corruption as well as criminal activities have a wide-reaching impact in the society (GOV.UK... 2019). Thus, it is a significant risk to the national security because of its negative impact and disruptive character on the social environment, the economic development and international image of the country (Terziev, Nichev and Bankov 2016). Corrupt practices directly undermine the right functioning of a state, they damage its redistributive mechanisms as well as undermine the constitutional rights of its nationals.

Furthermore, corruption makes room for terrorist and organised crime to get information, dangerous materials, and advanced tools and techniques. There has been a noticeable change with respect to crime in Libya. Previous studies in the country have shown that most of the crimes committed in the country used to be simple and improvised but recent studies have shown that the widespread corruption has resulted to new types of crime, which are organised (Alaraby 2015). These organised crimes, mostly carried out by armed militias, have resulted in Libyan citizens living in a state of fear, fear of being attacked, robbed or kidnapped (Jaballah 2015). In Tripoli and the coastal towns to the west of Tripoli, there is an extremely high risk of criminal ransom kidnapping. Local militia in Libya are highly prone to kidnapping for ransom and arbitrary detention. In most areas, there has been a growing conflict and the proliferation of armed militias including violent robberies, carjacking, and kidnapping. Several foreign nationals have been shot dead in Libya since December 2013. Also, foreigners are increasingly targeted for both criminal and extremist abductions (GOV.UK... 2019). Security and defense organisations now commit organised crime, which poses a threat to the security of the country and its citizens due to corruption.

Wijaya, Supriyono, & Shariha (2016) opine that security in Libya has significantly deteriorated due to corruption which has created opportunities through militants undertake their heinous acts. Specifically, through corrupt officials criminals obtain the authority which enables them to kill or maim some of the innocent civilians. Apart from widespread murder and injuries among the civilians, militia who are prospering due to corruption have sabotaged Libya's oil businesses thus leading to a drop in barrels produced per day to 0.7 million in 2018 (World Bank 2019).

Given the above explanation, all sectors appear to be the most affected by corruption in Libya. A lot of citizens travel abroad for their safety because of the on-going security issues and foreign investors are hesitant in investing as their safety is also in danger, which is the reason for the poor economy of the country.

### **3. ERADICATING CORRUPTION AND PROMOTING GOOD GOVERNANCE**

Corruption demands serious attention as mentioned previously. This chapter will hence discuss the anti-corruption activities that have been made by Libyan government and international donors towards mitigating corruption.

#### **3.1. Anti-corruption Activities**

There is no full anti-corruption strategy in Libya. A 2012 survey of senior staff from ministries, government, civil society and the private sector confirmed that there are no clear state methods or mechanisms to fight corruption (Voluntas Advisory et al. 2016). However, several activities to support the anti-corruption agenda have been undertaken. First, there has been a growing popular demand for a state based on democratic principles, good governance and respect for human rights, and a focus on public administration reform after the fall of the previous regime (JMW Consulting and NDI... 2014). Therefore, a few efforts have been made to help combat corruption, including support from the Grand Mufti (Voluntas Advisory et al. 2016). Second, several attempts have been made since 2007 to reform the public sector to improve transparency with the assistance of internal and external experts and donors. This reform process has persisted after the revolution and the public institutions themselves have taken a series of anti-corruption initiatives (Bertelsmann Stiftung... 2012). Former Prime Minister Zeidan started the process to help promote anti-corruption agenda by improving transparency in the general public sector, and the Executive has been involved in establishing several public entities, such as the GNC and the Audit Bureau with legal tools to effectively monitor the Executive (Voluntas Advisory et al. 2016). The Executive also introduced a system of national identification numbers that gives everyone a unique number, which aims to prevent corruption by maximising the likelihood of transfers and payments to the right individuals. The GNC also set up a committee to improve transparency in order to make the public aware of what is going on in the state and has been able to provide employees with anti-corruption training programmes though with an inadequate scope such as lack of experienced key actors to consistently develop and push policy platform (Voluntas Advisory et al. 2016). The Audit Bureau has become a more and more critical voice and a key supervisory role for the executive and the legislature. It has



completed comprehensive financial management audits and assessed the performance of public institutions and, in its 2013 annual report, it reported poor performance, poor governance, a lack of transparency and poor implementation in a wide range of sectors of the executive and legislature (Voluntas Advisory et al. 2016). It has thus helped hold the public sector accountable and to raise awareness of the sector's problematic issues. It remains to be seen how this affects the national integrity system of the country, but the audit bureau appears to play a major role in increasing awareness of misconduct in the public sector (Voluntas Advisory et al. 2016). Third, while the public sector was the focus of most anti-corruption efforts, the Libyan authorities also made considerable efforts to combat corruption in the private sector both in practice and with regard to law. Recent legislation has laid down provisions punishing individuals, companies and armed groups engaged in certain illegal businesses in the country, and in some cases law enforcement has been followed up by authorities. For example, the state of Libya has lodged several lawsuits against companies that are suspected of fraud and corrupt activity (Voluntas Advisory et al. 2016). Fourth, the international community has also supported efforts to combat corruption in Libya and has undertaken various programmes, mainly United Nations organisations and the European Union (EU), to increase transparency and accountability for capacity development and public administration. In cooperation with the Office of the Auditor General, the United Nations Office on Drugs and Crimes and the United Nations Development Program are working on strengthening institutions (Voluntas Advisory et al. 2016).

In the fields of public procurement and public policies, public control and national account statistics, the Ministry of Finance cooperates with the International Monetary Fund (IMF) and the World Bank (United Nations Country Team... 2012). In addition, the Libyan state cooperates with the EU to build a more sustainable long-term public sector. The EU has allocated 4.5 million euro (LYD 7,526,445) (US\$ 6,083,129) for the EU Public Administration Facility for Libya, which concentrates on building the state and supporting public administration (Voluntas Advisory et al. 2016). The progress of these projects remains to be seen, but the country's poor security condition has impaired initial reforms (Bertelsmann Stiftung... 2014). Finally, civil society organisations (CSOs) and independent media have also been involved in efforts to combat corruption. The provisional constitution established an independent media and a right to form CSOs and political parties, thereby increasing watchdog organisations' potential in Libya. Although the lack of financial and

human resources limits the institutions, they have succeeded in raising awareness about corruption and have taken several initiatives to challenge the government. An example of this is the ‘Eye on the GNC Movement’, and CSOs report on GNC meetings and decisions on a monthly basis, with the goal of increasing transparency, informing the public about parliamentary activity, and enabling the public to hold the government accountable (Voluntas Advisory et al. 2016).

The Libyan Audit Bureau has played a critical role in solving the issue of corruption in Libya despite some challenges which the body encounters. According to (Wijaya, Supriyono, & Shariha, 2016), Libyan Audit Bureau helps in addressing the issue of corruption by auditing financial statements from public institutions, reporting any fraud to the relevant authorities or recommending prosecution of individuals who are culpable of forging official documents. Through analysis of the financial records and monitoring of official documents from various institutions in Libya, the audit team manages to curb the problem of corruption by ensuring that workers develop honesty when executing their duties.

### **3.2. Proposed Ways of Reducing Corruption**

In Libya, the current security situation seriously challenges the implementation of the following recommendations. In order to improve the integrity system and hence reduce corruption, some stability must first be established. That being said, improving access to information and the participation of CSOs and citizens in the process of on-going reform could have a positive impact on building trust in the State.

The constitution-making process provides a window of opportunity for various stakeholders to participate, which can increase Libyan accountability and ownership of the new constitution (Voluntas Advisory et al. 2016). One key suggestion in this process is to make sure that the executive, judicial and legislative branches of government are clearly defined and not overlapping, and that the independence of each institution is guaranteed. The judiciary and law enforcement agencies in Libya urgently need to become more credible institutions to help secure the whole integrity system and avoid parallel structures which oppose the government. International donors and national partners should make the reform process transparent by, for instance, conducting public

hearings and communicating with both stakeholders and citizens; involve and recognize citizens and organisations, by reserving seats for CSOs on boards and committees; and make the judicial reform process legitimate (Voluntas Advisory et al. 2016).

Transparency in the public sector and access to information: The low level of trust in the highly dominant public sector of Libya is extremely detrimental to the whole system. To build trust, it is recommended that attention be focused on improving transparency in the public sector in order to provide citizens, CSOs and the media with access to information on their work and functioning (Voluntas Advisory et al. 2016). Therefore, it is recommended that a law on access to information be established, enforced and made accessible and that legislation, rules and regulations be easily accessible through the collection of all key documents in a central place, for example in an online database/web site.

CSOs and the media play important role in attempting to create a society in which different stakeholders participate more equally and, as a result, increase accountability mechanisms in Libya. The establishment of a legal framework to enable CSOs and Media to operate independently should, therefore, be recommended, involve citizens and organisations in the creation of new legislation (for example, through a reserved seat in decision-making bodies) and hold public hearings on all new legislation. And also, create a civic education program on rights and responsibilities that would raise awareness of public sector rules and regulations and inform people of the possibilities and mechanisms of complaints (Voluntas Advisory et al. 2016). Also, improving the anti-corruption agencies in Libya will enable the agencies in preventing corruption, initiating reforms to prevent corruption and increase the awareness about the prevention of corruption.

In addition, there should be a reform of law enforcement agency. The Libyan law enforcement offices are faced with a number of major challenges, particularly because of the armed militias who are a threat to the country. In this regard, it is recommended that the agency define procedures for dealing with crimes, including disciplinary and criminal codes, adequate investigative capacity, punishment procedures and appeal proceedings, between police, militias and public prosecuting officers. UNODC (2013) report indicated that the best results are achieved in responding to corruption and preventing smuggling of migrants and other transnational crimes when law

enforcement and prosecution agencies are able to work effectively together, both locally and across borders.

## CONCLUSION

This thesis was aimed at understanding the level of corruption in Libya, its impacts on the society and how corruption is connected to the smuggling of migrants. The thesis has explained how high-level corruption in the country have broadened the scope of opportunities for the criminals and how the government has not been able to resolve the issue of corruption in the country due to the lack of a strong legal institution in the country. The main conclusion is that Libya is in a very poor condition; the legacy of Qaddafi's 42-year rule, informal structures and thriving corruption has left little or no institutions to establish a functioning state. The absolute power during the previous regime made corruption penetrate through the entire political system. No institutions were put in place; the CSOs, media, law enforcement and justice system were absent. And due to political corruption in the previous regime, the new Libya very recent origin of most institutions, legislation and regulation and the enforcement of laws are seriously hindered by a malfunctioning central and local government and an uncertain security situation. The transition process from the previous regime is influence by these measures because there were no functioning systems in place after the defeat of the Qaddafi regime. Laws are not systematically accessible, and a complete overview of the existing legal framework in Libya is difficult to achieve. This leads to a clear difference between law and practice and in general, the legal framework not being implemented. Corruption has intensively worsened in the post revolution era. The level of corruption in the country after the fall of Qaddafi's regime increased and the empirical evidence provided by the corruption perceptiveness index indicates that the country's corruption situation has only worsened. The increase in the corruption index in Libya is a sign of government poor performance, law weakness and the absence of justice. Moreover, the smuggling of migrants in the country has increased over the years and is influenced by corruption. Smugglers used this illicit business to extort money from migrants for their personal gain and the Libyan government was not excluded in this illegal business. The state officials and armed militias collected bribe from migrants in order to give them free passage and in the absence of payment, migrants were forced into labour or sold to brothel.

An analysis of the case of corruption in Libya also shows that the previous regime's activities have also played a pivotal role in worsening the challenges which Libyans are experiencing. As evident in this paper, the previous regime's decision to stay in power for an extended period immensely

weakened Libya's institutions thereby creating a loophole which corrupt individuals are exploiting to promote their corrupt deeds. However, in the contemporary Libyan society, strategies such as change in administrative policies and establishment of office of government's auditor (Libyan Auditor Bureau) have immensely helped to address the challenge of corruption.

There are different forms of corruption in Libya, but the high level corruption in the country has heightened in different sectors in the country. Corruption and poor security situation in the country has seriously affected the democratic development and it has threatened the states' ability to respond to corrupt activities taking place in the country. Weaknesses in the country, such as inadequate law enforcement, immature democracy, lack of a civil society and lack of press has intensified corruption in the country. As an effect of corruption, Libyan citizens are now living in a state of fear; nationals and businessmen are leaving the country and foreign investors are restricting themselves from investing in the country as their lives are threatened by armed militias in the country. Also, corruption has depleted the national wealth of Libya and has put the country into debt.

During the fight against corruption, several international donors and public institutions, including religious leaders, have expressed support for anti-corruption. Local and international donors have helped improve transparency in all sectors in the country by making sure that the CSOs are involved in anti-corruption activities, information is accessible by the citizens, and the citizens can call the government to order and hold them responsible for any corrupt activities going on in the country. The Libyan authorities have also helped in fighting corruption by making provision for punishing armed groups and individuals engaged in illicit business in the country, but this is limited due to ineffective law enforcement.

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