Libya: Transition and U.S. Policy

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Summary

The September 11, 2012, terrorist attacks on the U.S. diplomatic mission in Benghazi underscored the serious security challenges facing Libya's citizens, their newly elected leaders, and U.S. diplomats. U.S. Ambassador Christopher Stevens and three other U.S. personnel were killed after armed individuals attacked and burned buildings on the main mission compound and subsequently attacked a second annex site where U.S. personnel had been evacuated. Libyan officials and citizens have condemned the murder of U.S. personnel and investigations have begun. Armed non-state groups continue to operate in many areas of the country. On August 27, the U.S. State Department had warned U.S. citizens against visiting Libya and stated that "inter-militia conflict can erupt at any time or any place in the country."

Libya's post-conflict transition is underway, as Libyans work to consolidate change from the 40-year dictatorship of Muammar al Qadhafi to a representative government based on democratic and Islamic principles. Recent flare-ups in violence have coincided with a number of important steps in the country's political transition. On July 7, 2012, Libyan voters chose 200 members of a General National Congress (GNC) in the country's first nationwide election in nearly 50 years. The GNC has elected its leadership and is now overseeing national government affairs. The GNC elected a prime minister-designate in September, but later removed him in a no-confidence vote after his proposed cabinet list was rejected. The GNC selected Ali Zeidan as prime minister designate on October 14, and is expected to determine the method for selecting members of a drafting committee to prepare a new constitution. If voters approve a constitution in a referendum, then new elections are to be held by mid-2013, bringing a nearly two-year transition to a close. Security conditions are the immediate concern of Libyans and their leaders.

In the wake of the July election, Libya's interim leaders remain answerable to a wide range of locally and regionally organized activists, locally elected and appointed committees, prominent personalities, tribes, militias, and civil society groups seeking to shape the transition and safeguard the revolution's achievements. Many Libyans have hoped that the elected GNC and the yet-to-be-appointed cabinet will enjoy greater legitimacy that will enable them to act decisively on security issues and other key areas, such as fiscal affairs and post-conflict justice and reconciliation. However, the insecurity prevalent in Libya complicates important issues, including debates over the centralization of government authority, the provision of security, the proper role for Islam in political and social life, and related concerns about the potential for Libyan territory to be exploited by terrorists, arms traffickers, and criminal networks.

The proliferation of military weaponry from unsecured stockpiles—including small arms, explosives, and shoulder-fired anti-aircraft missiles (MANPADs)—remains a serious concern. The Obama Administration has been implementing a program with Libyan authorities to retrieve and disable weapons, including MANPADs. U.S. officials believe that nuclear materials and chemical weapons components are secure (including previously undeclared chemical weapons), and Libyan leaders have recommitted to destroying the remnants of Qadhafi's chemical arsenal.

As of October 2012, the U.S. government has allocated more than $200 million in assistance for Libya since the start of the uprising in 2011. Attacks on U.S. personnel and facilities have disrupted U.S. aid programs temporarily. However, since the attacks, U.S. officials have proposed expanded security cooperation to Libyan officials and underscored a U.S. commitment to partnership with Libya. As Libyans work to shape their future, Congress and the Obama Administration have the first opportunity since the 1960s to fully redefine U.S.-Libyan relations.

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After the swell of confidence and international recognition that followed the announcement of Libya's liberation in late 2011, Libya's citizens, revolutionaries, and Transitional National Council (TNC) leadership moved haltingly down a path of political transition and economic recovery during the first half of 2012. Political parties and civil society organizations—long banned—have emerged in large numbers, and a lively political atmosphere now exists, as reflected in the preparation for and conduct of Libya's first national election in nearly 50 years on July 7, 2012. The election of an interim 200-member General National Congress (GNC) to replace the appointed TNC marked an important step on the planned transition timeline (see **Figure 3** below). Many Libyans and outside observers have expressed hope that the elected interim Congress will appoint a cabinet that will be able to leverage its democratic legitimacy to act decisively on key issues. Like their TNC predecessors, Libya's new interim leaders face a number of chronic challenges, some of which have been exacerbated by the consequences of the violent revolution and complicated by the legacies of Qadhafi's patronage- and fear-based rule.

Some expert observers of Libya's domestic politics have emphasized the general weakness and fractured condition of Libya's political landscape after 40 years of idiosyncratic abuse by Qadhafi and his supporters. Qadhafi purposely undermined state institutions, including the military, and manipulated tribal, regional, and political groups to maintain power. The 2011 conflict empowered local groups and weakened the capacity of state security bodies. Transitional authorities have inherited weak national government institutions, and competition among some groups has intensified during the transition. Political support for interim leaders among some Libyans has waned in light of the government's failure to rapidly improve basic services, ensure security, or deliver expected financial support via salaries, subsidies, and relief payments. While cognizant of these challenges, U.S. officials applauded the conduct of the July 2012 election, welcomed the newly elected GNC, and, through early September, had not described ongoing political debates and intermittent security incidents as grave threats to the transition.

As the recent attacks on U.S. facilities and personnel illustrate, security conditions remain the immediate priority for Libyans and the United States. The anti-U.S. attacks in Benghazi were the latest in a series of incidents involving international targets in several cities, including violent attacks that targeted the United Kingdom's Ambassador, the International Committee of the Red Cross, and U.S. facilities in Benghazi in 2012. These attacks, the destruction of religious buildings by Salafist[1] militia groups, assassinations of former regime security officials, and the persistence of isolated armed conflicts have raised serious questions about the ability of the interim authorities to ensure order.

As of October 2012, militia groups remained active and influential, with some acknowledging and participating in government efforts to assert central security authority. Public displays of weapons, attacks on international targets, and isolated armed clashes underscore the threats posed by some groups. Security officials continue to rely on irregular forces to provide security in much of the country, including in Benghazi. A looming military confrontation between militia forces

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[1] The term Salafist refers to conservative Sunni Muslims that advocate for personal and/or public adoption of the practices of Mohammed and the first three generations of Muslims (*al salaf al saalih*).

based in the city of Misuratah and alleged pro-Qadhafi elements in the town of Bani Walid has preoccupied national leaders in recent weeks. Differences of opinion over regional representation and the balance of power between national and local authorities may become a subject of greater debate and potential source of conflict as the transition continues.

On August 27, 2012, the U.S. State Department issued a travel warning for Libya that stated: "Inter-militia conflict can erupt at any time or any place in the country…. There have also been several reports of militias briefly apprehending and detaining foreigners due to perceived or actual violations of Libyan law. The Embassy's ability to intervene in such cases remains limited, as these groups are neither sanctioned nor controlled by the Libyan government." Following the Benghazi attack, that warning was amended on September 12, 2012, to encourage all U.S. citizens to depart Libya and "use extreme caution" if remaining in or travelling to Libya.

Libya's borders and hundreds of suspected weapons sites remained loosely secured, although limited efforts to secure them have begun, with the support of the United Nations Support Mission in Libya (UNSMIL), the United States, and other governments. The proliferation of small arms, man-portable air defense missile systems (MANPADS), and some heavy weaponry among Libyans and beyond Libya's borders has led some counterterrorism and arms trafficking experts, as well as officials in neighboring countries, to express concern about the conflict's longer-term implications for security in Libya and the region. Most security experts expect that unexploded ordnance, explosive remnants, and looted weaponry will present a domestic and regional challenge for many years. Officials in the United States and Europe have expressed concern about the potential for violent extremists to benefit from conditions in Libya and are seeking to maintain counterterrorism cooperation with the post-Qadhafi government.

To date, widespread political violence has not emerged or disrupted the transition. With the exception of some violent attempts to disrupt voting in eastern Libya, domestic and international observers reported that voting in the July 2012 election was administered professionally and transparently, without critical interruptions or serious irregularities.[2] Over 60% of registered voters participated. The results showed a strong performance by former TNC interim-Prime Minister Mahmoud Jibril's Alliance of National Forces, which won 39 of 80 "political entity" (party-list) seats, followed by the Muslim Brotherhood-affiliated Justice and Construction party, which won 17 seats. The 120 individual candidates elected include a variety of activists, locally prominent persons, and party affiliates. The winners continue to negotiate among themselves, and they have elected a GNC President and an interim Prime Minister-designate to propose a cabinet.

Taken together, these factors suggest that securing U.S. interests in Libya may require sustained attention and commitment of resources. Prior to and in the wake of the Benghazi attacks, Administration officials have argued that U.S. policy must remain flexible and engaged with transitional authorities in order to effectively shape and respond to developments. Administration officials and Members of Congress may choose to reexamine U.S. interests in Libya; discuss possible outcomes for Libya's transition and their potential implications; and define the authorities for and costs of potential U.S. responses.

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[2] European Union Election Assessment Team, Preliminary Statement, July 9, 2012; Carter Center Election Observation Mission Preliminary Statement, July 9, 2012; Shahed Network for Election Monitoring, Statement on Election Day - Morning Period, July 7, 2012. Author served as an international election observer with the Carter Center Election Observation Mission in Ajdabiya and Benghazi in eastern Libya.

Attacks on U.S. Special Mission in Benghazi

U.S. Ambassador to Libya Christopher Stevens and three other U.S. personnel were killed on September 11, 2012 during an assault by armed terrorists on two U.S interim diplomatic sites in Benghazi, Libya's second largest city. U.S. officials have provided preliminary accounts of the events that suggest an initial armed assault by dozens of heavily armed attackers on the main special mission compound led to the separation of U.S. personnel in a fire and caused the deaths of Ambassador Stevens and State Department information officer Sean Smith.[3] A large number of attackers subsequently assaulted a separate U.S. annex compound to which U.S. personnel had been evacuated, killing two more U.S. personnel and wounding several others. Ambassador Stevens' body was retrieved from a local hospital and remaining U.S. personnel were evacuated from the Benghazi airport. According to Secretary of State Hillary Clinton, "American and Libyan security personnel battled the attackers together."[4] Various accounts suggest Libyan government-affiliated militia units known as the Shield Brigade and the 17th February Martyrs Brigade responded to the attack and supported the evacuation of U.S. personnel on behalf of the Libyan government.[5] Additional U.S. personnel have been deployed to Libya to secure U.S. facilities.[6] Non-emergency U.S. personnel have been evacuated and injured U.S. personnel have been treated in Germany and the United States.

As of October 18, the exact circumstances of the attacks and the identity of the perpetrators have not been fully confirmed or disclosed. The attacks coincided with the 11th anniversary of the September 11, 2001, terrorist attacks in the United States and the formal acknowledgment by Al Qaeda leaders of the death of former Libyan Islamic Fighting Group (LIFG) and Al Qaeda commander Abu Yahya Al Libi, a native of eastern Libya who was killed in a targeted strike in Pakistan in June 2012. Libyan eyewitness accounts from Benghazi suggest that armed members of the Salafist militia group Ansar al Sharia were present during the first attack, although the group's leaders have issued statements denying that they ordered their members to participate or use force.[7] At a September 14 press conference, the group denied that their personnel participated in the attacks, and they have resisted government efforts to disband them in the aftermath of the attacks.

In June 2012, another armed Salafist group—the Imprisoned Sheikh Omar Abdul Rahman Brigades—reportedly claimed responsibility for a bomb attack that damaged the entrance of one U.S. compound in Benghazi in an attack meant as a retaliation for Al Libi's death. The group had

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[3] State Department Briefing to Update on Recent Events in Libya, September 12, 2012; State Department Background Briefing on Libya, October 9, 2012; Testimony of Undersecretary of State Patrick Kennedy and Deputy Assistant Secretary of State Charlene Lamb before the House Oversight and Government Reform Committee, October 10, 2012.

[4] Secretary of State Hillary Rodham Clinton, Remarks on the Deaths of American Personnel in Benghazi, Libya, Washington, DC, September 12, 2012.

[5] Reuters, "Libya rescue squad ran into fierce, accurate ambush," September 12, 2012.

[6] CNN.com, U.S. Increases Embassy Security Worldwide After Libya Attack, September 12, 2012.

[7] The statement said, "What is important is that it was a popular uprising in which all Libyans participated in support of the religion of the Lord of all creation, and in support of the master of all messengers, may the best of prayers and salutations be upon our Prophet. The Ansar al-Shari'ah Brigade did not participate in this popular uprising as an independent entity. Rather, it was performing its duty in the Al-Jala Hospital and other places where the Brigade was entrusted with some duties. The Brigade did not participate as independent entity acting upon some orders. Rather, it was a spontaneous and popular uprising in response to what the West did." See also U.S. Open Source Center (OSC) Report GMP20120912094001, "Libya: Ansar Al-Shari'ah Video Statement on US Consulate Attack in Benghazi," YouTube in Arabic, English, September 12, 2012.

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previously threatened to deliver a "message to the Americans disturbing the proud skies over Derna," referring to reported U.S. military surveillance flights over eastern Libya.[8] Ansar al Sharia denied any involvement in the June attack, and in July one of its leaders told the Washington Post that the group disapproved of the June attack, but said that, "if it had been our attack on the U.S. Consulate, we would have flattened it."[9]

Libyan General National Congress President Mohammed Yusuf al Magariaf has linked Al Qaeda to the attacks in interviews and stated his view that the attacks were planned to correspond with September 11 and avenge Al Libi's death.[10] Al Qaeda's regional affiliate-Al Qaeda in the Islamic Maghreb (AQIM)-released a statement praising the September 11, 2012 attack, but did not claim credit for planning or helping to execute it.[11] On September 19, U.S. National Counterterrorism Center Director Matthew Olsen said in Senate testimony that the Administration did not have "specific intelligence that there was significant advanced planning or coordination for this attack," but analysts were "still developing facts and still looking for any indications of substantial advanced planning."[12]

As of September 28, the U.S. intelligence community had concluded publicly that the incident was a "deliberate and organized terrorist attack carried out by extremists," and that, "It remains unclear if any group or person exercised overall command and control of the attack, and if extremist group leaders directed their members to participate. However, we do assess that some of those involved were linked to groups affiliated with, or sympathetic to Al Qaeda."[13] The latter assessment could refer to members of any or all of the above mentioned groups acting in cooperation and coordination or individually and independently. Recent press reports have cited Libyan sources as identifying members of Ansar al Sharia as having been present at the compound during the assault.[14] The widespread possession of military weaponry and experience among Libyan militias and the relative absence of official security forces in Benghazi and other cities suggests that motivated groups or individuals could have attempted such an attack with relatively little notice or required planning.

In congressional testimony on October 10, Undersecretary of State for Management Patrick Kennedy referred to the attack as "an unprecedented assault by dozens of heavily armed men." A State Department security officer testified that he "had not seen an attack of such ferocity and

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[8] Brigade statement posted to Facebook, May 2012. During 2012, some Libyan social media web-pages and Arabic-language online forums have featured discussions of photos reportedly taken by Libyans of U.S. military aircraft above eastern Libya.

[9] Tara Bahrampour, "As Libya Holds post-Gaddafi Election, Islamists' Strength to be Tested," *Washington Post*, July 3, 2012.

[10] U.S. Open Source Center Report EUP20120927029008, "Libya's Al-Magariaf: US Ambassador's Assassination 'Planned by Al-Qa'ida'," *Le Point* (Paris), September 27, 2012.

[11] OSC Report GMP20120918836001, "Al Fajr Releases AQIM's Statement Praising Attack on U.S. Consulate in Benghazi," September 18, 2012.

[12] NCTC Director, Testimony before the Senate Homeland Security and Governmental Affairs Committee, September 19, 2012.

[13] Statement by the Director of Public Affairs for the Director of National Intelligence Shawn Turner, September 28, 2012.

[14] David Kirkpatrick, "Election-Year Stakes Overshadow Nuances of Libya Investigation," *New York Times*, October 15, 2012; Ibid., "Libya Singles Out Islamist as a Commander in Consulate Attack, Libyans Say," *New York Times*, October 17, 2012, and, Margaret Coker, "Militant Suspected in Attack in Libya Remains At Large," *Wall Street Journal*, October 17, 2012.

intensity previously in Libya, nor in my time with the diplomatic security service." As a result of the unstable security environment in Libya, many U.S. government personnel have been withdrawn from the country and press reports suggest that U.S. investigators have faced difficulties in accessing the sites of the attacks. The Pentagon has confirmed that U.S. military personnel accompanied U.S. investigators to Benghazi for a brief visit on October 4.[15]

The attack casts a pall over the otherwise generally positive story of U.S.-Libyan cooperation throughout the anti-Qadhafi revolution and during the transition period, and has raised questions about the near-term future of the relationship. Ambassador Stevens served in Benghazi as the special U.S. representative to the Libyan opposition during the revolution and in his role as ambassador was overseeing a robust range of assistance programs and engagement efforts designed to support Libya's democratic transition. U.S. and Libyan officials have condemned the attack and vowed to pursue those responsible. Secretary Clinton stated "The friendship between our countries, borne out of shared struggle, will not be another casualty of this attack. A free and stable Libya is still in America's interest and security, and we will not turn our back on that, nor will we rest until those responsible for these attacks are found and brought to justice."[16] GNC President Magariaf and his colleagues disavowed the "criminal attack" and have launched an investigation. Some Libyan citizens staged demonstrations condemning the attack and carried signs that rejected violence and expressed remorse for the death of Ambassador Stevens, who was personally popular among Libyans for his direct public engagement and his image as a strong supporter of Libya's revolution and transition. The State Department has dispatched Laurence Pope to Tripoli to assume the role of U.S. Chargé d' Affaires to Libya.

Political Developments and Challenges

The attacks occurred at a particularly sensitive political juncture for Libya. Voters elected the 200-member GNC on July 7, 2012, in the first national election in nearly 50 years. GNC members elected Mohamed Magariaf as GNC President in August and elected Mustafa Abu Shugur as interim prime minister-designate on September 12. Both spent considerable amounts of time in the United States while members of opposition movements in exile. Abu Shugur spent weeks negotiating with political groups over the makeup of a new cabinet, but was removed in a vote of no confidence after his proposed cabinet lists drew criticism from some elected officials and members of the public. Abu Shugur struggled to reach consensus on the cabinet plan with Mahmoud Jibril, the former interim Prime Minister and narrow runner-up to Abu Shugur in last month's election. Jibril's National Forces Alliance won nearly half of the 80 party list seats in the recent election, and Jibril reportedly sought assurances that his coalition's policy preferences will be reflected in the interim cabinet's programs. The Muslim Brotherhood-affiliated Justice and Construction Party along with powerful interest groups from various Libyan cities sought to influence the selection of a new prime minister-designate and will have opportunities to vote on the composition of a new cabinet. The GNC voted to select Ali Zeidan as prime minister designate on October 14. Anecdotal reporting from Libya suggests that some groups and movements may withhold support for the government based on the individuals selected for cabinet positions.

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[15] According to reports citing unnamed U.S. officials, the U.S.S. Laboon and the U.S.S. McFaul were redirected to the Libyan coast. Lolita C. Baldor, "U.S. officials: DoD moving 2 warships to Libya," Associated Press, September 12, 2012. See also Statement by Acting Assistant Secretary of Defense for Public Affairs George Little, October 4, 2012.

[16] Secretary of State Clinton, Remarks on the Deaths of American Personnel in Benghazi, Libya, September 12, 2012.

Once a cabinet is agreed upon, the GNC is expected to turn to a series of challenging policy issues, including determining the method for selecting members of a drafting committee to prepare a new constitution. Many Libyans have hoped the elected GNC and the yet-to-be-appointed cabinet will enjoy greater legitimacy that will enable them to act decisively on security issues. Those hopes have been tested as Libya has been reeling from deteriorating security conditions in the wake of the election. Attacks on international targets, a series of aggressive attacks by armed Salafists on religious buildings around the country, and an assassination campaign against senior security officers have fueled widespread criticism of interim leaders since early 2012.

The government's response to the attack on the U.S. mission in Benghazi will be an even greater test of elected Libyan officials and their ability and willingness to assert state authority, which to date have been very much in question. In order to investigate and punish those responsible, Libyan security authorities are likely to have to confront armed non-state actors in a political context in which some Libyans may question the legitimacy of the elected government to do so and in which other Libyans may view anti-U.S. protests as legitimate or the attack as having been somehow justified.

Key steps in the transition process, such as cabinet selection and debate over constitutional issues, are now further complicated by the need to respond to the security threats clearly illustrated by the attack. Among the most pressing and potentially divisive political issues are:

Islam and the State: Most Libyans support a prominent role for Sunni Islamic traditions in public life, but differ in their personal preferences and interpretations of their faith. Libyan social norms are relatively conservative and traditional, and Libyans remain engaged in a long-running public debate about the proper role for Islam in public life. In the past, that debate led to violence between the Qadhafi government and armed Islamist opponents. In the present, the debate has taken on new urgency given the opportunity to define a new constitution. Calls for and against strict interpretations and enforcement of *sharia* have featured regularly in public discourse since the fall of the Qadhafi regime. Libyans hold a wide array of views on these questions and are now freely sharing them. During January 2012, public gatherings in the low thousands emerged in Benghazi and Misuratah to demand that *sharia* be codified and enforced as the primary component of Libya's new constitution. Salafist groups such as Ansar al Sharia and Hizb al Tahrir, which support that position, are growing more organized and have been increasingly publicly active. Muslim Brotherhood leaders have indicated they "are calling for the establishment of a civilian state but with an Islamic reference."[17]

In an October 2012 interview GNC President Magariaf said, "We want to build a constitutional, democratic, civil, and secular state. But this does not mean at all that the constitution or any laws and legislation should contain anything that clashes with or is in contradiction to Islamic *sharia* and its objectives."[18] He called for separation of religion and state "in the sense that parliament, the government, and the authorities, under this constitution, are the bodies that define the laws, legislation, and decisions, and that they are not issued by a religious body." His remarks sparked an outcry from Libyan Islamists, and while he did not fully retract them, President Magariaf said

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[17] OSC Report GMP20120305825005, "Libyan Brotherhood Leader Urges Creation of Civil State With Islamic Reference," March 5, 2012.

[18] OSC Report GMP20121001825001, "Libya: Interview with National Congress Speaker Muhammad al-Muqaryaf," *Al Hayah* (London), October 1, 2012.

publicly that it was inappropriate for him to have made the original statements because of the responsibilities of his position and the limits on his authority to determine constitutional principles. In July 2012, the TNC issued a declaration advising the newly elected government and the yet-to-be appointed constitutional committee to preserve *sharia* as the principal source of legislation under the new constitution and to not submit the matter to a national referendum.[19]

Federalism and Regional Politics: Discussions about federalism in Libya combine general debates about centralized administration versus decentralization and specific historical claims of inequality among Libya's regions. A widely espoused commitment to national unity and solidarity has defined much of the political rhetoric of the post-Qadhafi transition period. Nevertheless, some eastern Libyans fear that a consolidation of power at the national level will continue a political pattern under Qadhafi that they believe marginalized the east and neglected its development. As such, procedures for selecting a new constitutional drafting body have been amended twice, each time in an effort to respond to calls from activists in eastern Libya concerned that the constitution would be drafted on the basis of proportional differences in population rather than equal regional representation. The TNC's allocation of seats for the GNC election granted more populous western Libya more seats than the east or the south, but fewer seats than a directly proportional ratio would have guaranteed. Broader debate focuses on the relative merits of administrative decentralization or regional autonomy in a federal system.

National reaction to easterners' demands has been mixed at best. Many Libyans have embraced calls for decentralization while expressing concern that the political assertion of regional identity and calls by some easterners for autonomy risk dividing the country and may spark renewed conflict.[20] Similar debates, concerns, and risks featured prominently during Libya's founding as a unified state under United Nations auspices in the early 1950s. Resentment of the centralization of state authority, first under the easterner-dominated monarchy in the 1960s and then under Qadhafi from the 1970s onward, divided Libyans on regional lines. GNC President Magariaf is a native of Ajdabiya in eastern Libya.

Security and the Rule of Law: Qadhafi used the security bodies of the state to crush political dissent and interfere in the daily lives of Libyans. As a result, debates among Libyans over the relative powers of security authorities and the rule of law are very sensitive. The dispersion of authority in the hands of armed groups and the existence of what one analyst has called "local monopolies of violence" further complicates matters.[21] Deteriorating security conditions in general and clashes in the wake of the Benghazi attacks have intensified these debates. The GNC reportedly has begun debate on a draft emergency law that could grant the government limited powers to curtail political rights and use force to establish public order.[22] Critics of the law argue it risks restoring Qadhafi-era abuses. Supporters highlight proposed legislative checks on the scope and duration of emergency powers and argue that the gravity of the current security challenges facing the country demands immediate action.

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[19] TNC Decree Number 7 of 2012, July 5, 2012.

[20] UNSMIL's Ian Martin said in his July 2012 report that "the strength of feeling regarding past marginalization of the east is widely shared there and requires political solutions." S/PV.6807, July 18, 2012.

[21] Jacob Mundy, "Militia Politics in Libya's National Elections," Foreign Policy Magazine – Middle East Channel Blog, July 5, 2012.

[22] *Libya Herald* (Tripoli), "Congress draft State of Emergency Law Published," September 27, 2012.

Domestic and Regional Security Issues

Security conditions are the immediate and overarching concern for Libyan authorities. Armed non-state groups continue to operate in many areas of the country, government authorities rely on militias to provide security for key cities and facilities, and the country's borders, infrastructure, and military sites are unevenly secured. The September 11, 2012, terrorist attacks on U.S. interim diplomatic offices in Benghazi underscored the serious security challenges that have faced Libya's citizens and leaders since the end of the revolution. Since late 2011, sporadic outbreaks of violence among rival militia groups, criminals, and armed citizens have shaken Libyans' confidence in transitional leaders and in each other. From one perspective, the number of security disruptions is smaller than might otherwise be expected in a post-conflict environment awash in weapons and dominated by dozens of armed groups with varying relationships to state authority. From another perspective, the level of crime, the continuing independence of local militia, the broad availability of weapons, and the relative limitations of national security bodies suggest that Libya's security remains a function of Libyans' self-restraint rather than the capability of national security authorities.

Militia Integration and Security Sector Reform

In July 2012, the U.N. Support Mission in Libya (UNSMIL) judged that, "Libya's revolutionary brigades do not seek to remain in separate existence and to challenge State authority," and the affiliation of several prominent militia groups with the Ministry of Defense and the Ministry of Interior-sponsored Supreme Security Committees (SSCs) supports that view. Nevertheless, UNSMIL also argued that "efforts to date to integrate revolutionaries and brigades have lacked an overall concept and coordination, and need urgent review as part of the security reform agenda for the police and defense forces, including integrated border security and management."[23] Many Libyans and outside observers see the identification of cabinet ministers for Defense and Interior be an important first step in such a process.

While the outstanding issues are formidable, Libyan authorities have moved since the Benghazi attacks to assert greater control over militia groups, collect weapons from civilians, and intensify discussion of a comprehensive security sector reform strategy. After large anti-militia demonstrations on September 16, the government ordered armed groups to formally submit to state authority and named military officers to serve as commanders of some prominent militias. Some security officials have been replaced, and turnout reportedly was high at September 30 public weapons collection events in Tripoli and Benghazi.[24] UNSMIL personnel remain engaged with Libyan security officials on efforts to draft and implement a security sector reform plan. A white paper on the subject reportedly was developed prior to the election, but it has not been publicly released or discussed. Some reports suggest that the SSCs may be dissolved by the end of 2012, potentially as part of a renewed effort to incorporate militia volunteers into formal security forces.

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[23] U.N Document S/PV.6807, July 18, 2012.

[24] Authorities praised individuals and groups turning in weapons (including explosives, machine guns, and tanks), and some events offered chances to win cars, televisions, computers, and other prizes.

U.S. Security Policy Considerations

U.S. officials must weigh demands for a response to the immediate threats posed by the perpetrators of the attack along with longer-term concerns for Libya's stability, the success of its nascent democratic institutions, and the future of U.S.-Libyan relations. Decisions about responding to the incident are complicated by the relative weakness of the Libyan state security apparatus and the risk of inflaming public opinion or undermining the image of the elected Libyan government through a direct or overt U.S. security response. Press accounts in recent months have detailed reported unmanned aerial surveillance operations over areas of eastern Libya where violent extremist organization are suspected of operating. Some Libyan observers, including extremist groups, have been critical of these reported operations. A Ministry of Interior official who has subsequently been replaced told reporters that Islamist militia groups fired on U.S. unmanned aircraft sent to survey the attack site.[25]

Press reports suggest that senior U.S. national security officials have been considering a range of options for combating the influence of AQIM, reportedly through increased security assistance for regional governments and/or direct action. It is unclear what legal authority the President might cite if he seeks to militarily target AQIM or any non-Al Qaeda affiliated entities in Libya or elsewhere in the region.[26] On September 14, President Obama reported to Congress, "consistent with the War Powers Resolution," that he had authorized the deployment of security forces from U.S. Africa Command to Libya and "for the purpose of protecting American citizens and property."[27] The notification states, "These security forces will remain in Libya… until the security situation becomes such that they are no longer needed."

U.S. military intervention in Libya through the offensive use of U.S. ground forces or remote strikes would likely be politically controversial in Libya and could jeopardize Libyan public support for the interim government. Press reports suggest that the Department of Defense directed two U.S. Navy vessels toward the Libyan coast after the attack. Rescinding or conditioning U.S. security assistance to Libya may provoke criticism among some Libyans and limit channels for U.S. engagement with authorities that could partner with the United States in pursuing the Benghazi attackers and conducting other counterterrorism and security missions.

U.S. Assistance Programs and Related Legislation

The attacks in Benghazi and the deaths of U.S. personnel are reshaping public and official debates in Washington about U.S. policy toward Libya. Many Members of Congress welcomed the announcement of Libya's liberation, the formation of the interim TNC government, and the July 2012 national GNC election, while expressing concern about security in the country, the proliferation of weapons, and the prospects for a smooth political transition. To date, the Obama Administration and Congress have agreed to support a range of security and transition support assistance programs in Libya, some of which respond to specific U.S. security concerns about unsecured weapons and border security. Identifying and bringing those involved in the Benghazi

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[25] Reuters, "Libya closes Benghazi airport after Islamists fire at U.S. drones," September 14, 2012.

[26] P.L. 107-40 authorizes the President "to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."

[27] Letter from the President regarding the War Powers Resolution Report for Libya, September 14, 2012.

attack to justice has become a decisive issue in the bilateral relationship, as has confronting any Al Qaeda affiliated groups present in Libya. Securing stockpiles of Libyan conventional and chemical weapons also remains an issue of broad congressional concern, as does ensuring that transitional authorities act in accordance with international human rights standards in pursuing justice and handling detainees. Unidentified State Department officials told the press that Secretary Clinton offered to expand security assistance to Libya in her September 2012 meetings in New York with Libyan GNC President Mohammed Magariaf.

Administration officials and congressional decision makers have worked together to identify and reprogram an array of previously appropriated funding to respond to developments in Libya since 2011. Congress has enacted legislation encouraging cost-matching by Libya, given its resource wealth, and prohibiting U.S. grant funding of rehabilitation or reconstruction of infrastructure in Libya using FY2012 funds. Congress continues to exercise oversight over U.S. diplomatic, security, and assistance efforts in Libya and is considering appropriation and authorization requests and notifications related to Libya programs. Members may also debate Libya's regional influence, whether as a political example or a potential source of instability.

On a practical level, the evacuation of all non-emergency personnel from Libya has interrupted some ongoing assistance programs at least temporarily. Beyond that, some Members of Congress have called on future U.S. assistance to be made contingent upon full Libyan cooperation in the Benghazi investigation—or absolute cuts in aid as a response to the attacks, while others have demanded a wholesale suspension of foreign aid to Libya, Egypt, and other countries, and still others are, including senior Administration officials are advising that the attackers should not be permitted to damage U.S. efforts to help Libya transition to democracy.

FY2013 Appropriations and Pending Funding Issues

For FY2013, the Obama Administration requested $150,000 in Foreign Military Financing (FMF), $250,000 in International Military Education and Training (IMET) funding, and $1.25 million in Nonproliferation, Antiterrorism, Demining and Related Programs (NADR) funding to continue engagement programs with Libyan security forces and to improve border security. In August and September 2012, the Administration notified Congress of its intent to reprogram $4 million in funds from the FY2012 Pakistan Counterinsurgency Capability Fund and $7.8 million in FY2012 Defense Operation and Maintenance Funds to support Global Security Contingency Fund programs for Libya. One program would support the creation of Libyan Special Operations Forces "to conduct special operations missions, including counterterrorism operations to fight Al Qaeda and its affiliates." The other seeks to enhance border security management. As of October 18, Congress was reviewing the fund reprogramming notifications. A full program notification had not yet been submitted for review. Other U.S. funding for assistance programs in Libya is reviewed in **Table 1** below.[28]

The FY2013 Continuing Appropriations Resolution (P.L. 112-175) applies the conditions placed on FY2012 assistance to Libya and other countries to interim FY2013 spending. Those conditions include notification of the Appropriations Committees of planned obligations of funds for Libya programs. Spending levels from FY2012 accounts for Libya were set through consultation between the executive branch and Congress rather than specified in legislation. As such,

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[28] For general descriptions of current programs, see Office of the Special Coordinator for Middle East Transitions, Fact Sheet - U.S. Government Assistance to Libya, Washington, DC, August 14, 2012.

established inter-branch consultation and notification mechanisms will remain the primary venue for determining the use of any FY2013 funding for Libya under the continuing resolution, which expires March 27, 2013.

In addition, a portion of a requested $770 million Middle East North Africa Incentive Fund (MENA-IF) also may benefit Libyans, if appropriated. As of October 2012, the House Appropriations Committee had declined to include funding for the MENA-IF initiative in its version of the FY2013 Foreign Operations appropriations bill (H.R. 5857). The Senate Appropriations Committee included $1 billion for the MENA-IF, an increase over the Administration's request (S. 3241).

As noted above, some Members of Congress have sought to condition or rescind U.S. assistance funding for Libya in aftermath of the attacks. Recent legislative action related to these issues includes:

- On September 19, Senator Rand Paul introduced S. 3576 which would have prohibited the obligation or expenditure of funds for assistance to the governments of Egypt, Libya, Pakistan, and other governments of countries where U.S. diplomatic facilities have been "attacked, trespassed upon, breached, or attempted to be attacked, trespassed upon, or breached on or after September 1, 2012." The bill failed on a 10-81 vote. The bill would have allowed for suspension of the prohibition following a certification and request by the executive branch. The President would have had to certify that host nations were cooperating with the United States in investigating incidents, working to improve local security, and that persons involved in the organizing, planning, or executing of related incidents have been identified by U.S. law enforcement officials and are in U.S. custody. Representative Jeffery Landry introduced companion legislation (H.R. 6452) in the House of Representatives.

- On September 12 and 13, Senator Rand Paul offered amendments to S. 3457 (S.Amdt. 2815 and S.Amdt. 2838) to prohibit the obligation or expending of funds for Pakistan, Egypt, Yemen, or Libya.

- S.Res. 556, introduced by Senator James Inhofe, would express "the sense of the Senate that foreign assistance funding to the Governments of Libya and Egypt should be suspended until the President certifies to Congress that both governments are providing proper security at United States embassies and consulates pursuant to the Vienna Convention on Consular Relations."

- H.Res. 783, introduced by Representative Michael McCaul, would express the sense of the House of Representatives that "the President should immediately suspend all United States foreign assistance" to Libya and Egypt, "until the Governments of Libya and Egypt formally apologize to the United States and condemn in the strongest possible terms the savage attacks on United States diplomats in Benghazi, Libya, and Cairo, Egypt, and assure the safety of United States diplomats in Libya and Egypt."
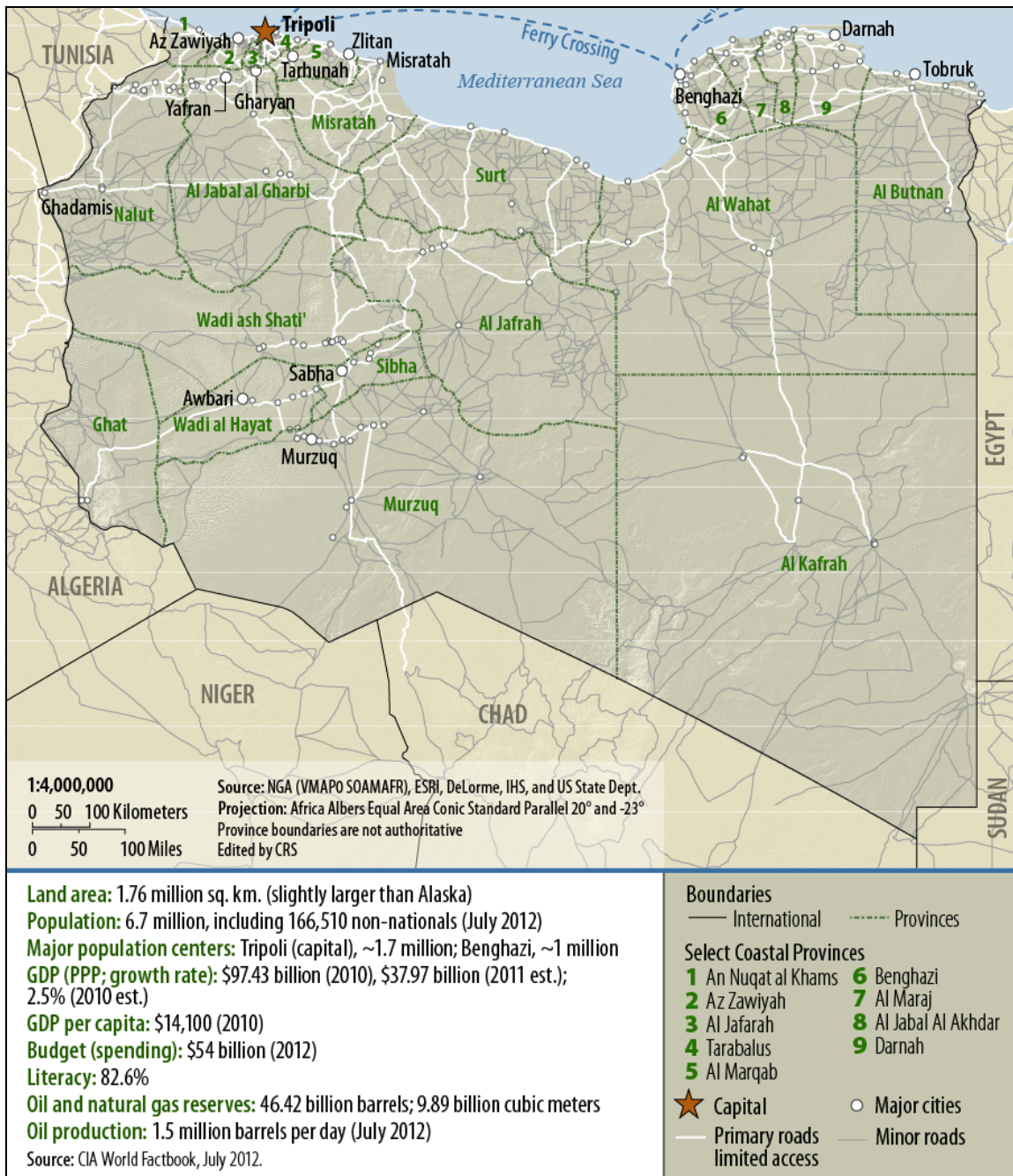
Table 1. U.S. Assistance to Libya FY2010-FY2013

(thousands of dollars, fiscal year of appropriation unless noted)

Account/Program	FY2010	FY2011	FY2012 Estimate	FY2013 Request
Economic Support Fund (ESF)	-	-	-	TBD
Foreign Military Financing (FMF)	150	-	150	150
International Military Education and Training (IMET)	319	-	200	50
Nonproliferation, Antiterrorism, Demining and Related Programs (NADR)				
Anti-Terrorism Assistance (NADR-ATA)	-	-	800	1,000
Export Control and Related Border Security Assistance (NADR-EXBS)	-	500	1,300	250
Middle East Partnership Initiative (MEPI)	3,530	3,145	-	
Middle East Response Fund (MERF)	-	25,615	-	-
USAID Middle East Regional Funding	-	175	-	-
Democracy Fund	-	600	-	-
Development Assistance	-	470	-	-
Humanitarian Funding				
Emergency Refugee and Migration Assistance (ERMA)	-	25,000	-	-
International Disaster Assistance (OFDA)	-	13,300	-	-
International Disaster Assistance (FFP)	-	15,700	-	-
Migration and Refugee Assistance (MRA)	-	35,000	8,800	-
Weapons Abatement Programs (NADR subaccounts)				
Counterterrorism Engagement (CTE)	95	-	-	-
Conventional Weapons Reduction (CWD)	-	5,750	-	-
Global Threat Reduction (CTR)	500	-	350	-
Nonproliferation Disarmament Fund (NDF)[a]	-	34,300	-	-
Regional Strategic Initiative (RSI)	-	9	-	-
Transition Assistance (USAID-OTI)	-	4,000	1,500	-
Department of Defense Nonlethal Support Drawdown Authority[b]	25,000	-	-	-
Global Security Contingency Fund[c]	-	-	11,800	-
Estimated Total (subject to change)	**29,594**	**132,064**	**24,900**	**1,450**

Source: U.S. Department of State communication to CRS, June 2012; congressional notification documents.

a. NDF funds reprogrammed from multiple fiscal years - FY2003, FY2004, FY2009 and FY2010.

b. During the 2011 conflict, the Administration notified Congress of its intent to offer up to $25 million in nonlethal material support to groups in Libya. U.S. officials argued that the rebels' most pressing needs were command and control, communications, training, organization, and logistics support.

c. Funds pending approval of reprogramming from FY2012 Pakistan Counterinsurgency Capability Fund and FY2012 Defense Operations and Maintenance funds.

Figure 1. Libya at a Glance

Land area: 1.76 million sq. km. (slightly larger than Alaska)
Population: 6.7 million, including 166,510 non-nationals (July 2012)
Major population centers: Tripoli (capital), ~1.7 million; Benghazi, ~1 million
GDP (PPP; growth rate): $97.43 billion (2010), $37.97 billion (2011 est.); 2.5% (2010 est.)
GDP per capita: $14,100 (2010)
Budget (spending): $54 billion (2012)
Literacy: 82.6%
Oil and natural gas reserves: 46.42 billion barrels; 9.89 billion cubic meters
Oil production: 1.5 million barrels per day (July 2012)
Source: CIA World Factbook, July 2012.

Source: Prepared by Amber Hope Wilhelm, CRS Graphics Specialist.

Figure 2. Libya Uprising and Conflict Timeline
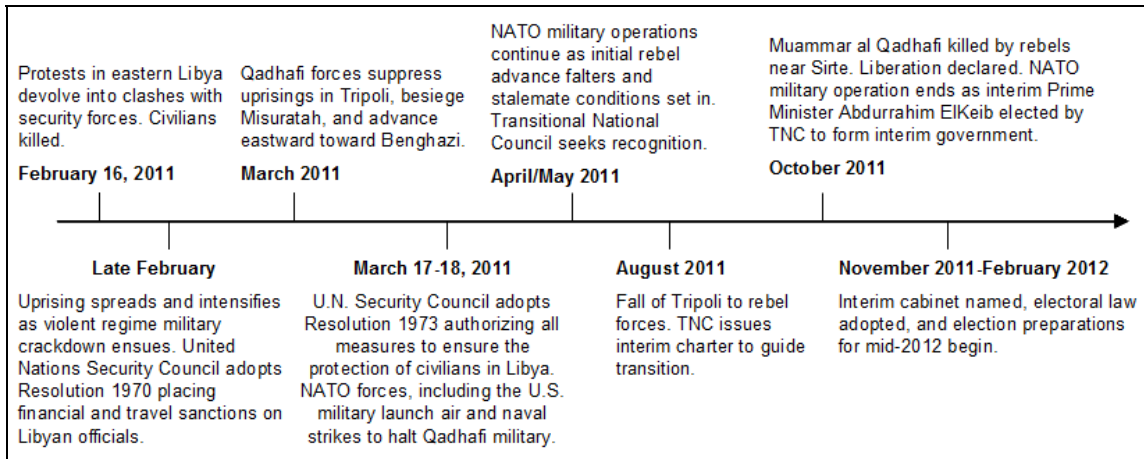
Source: CRS.

Figure 3. Libya's Proposed Transition Timeline

Step 1 Declaration of Liberation (Complete)
October 23, 2011. Transitional National Council Chairman Mustafa Abdeljalil declared Libya's liberation.

Step 2 Formation of Interim Government (Complete)
October 31, 2011. The TNC elected Interim Prime Minister Abdurrahim ElKeib.
November 24, 2011. ElKeib administered oaths to interim cabinet.

Step 3 Adoption of Electoral Legislation and Appointment of Election Commission (Complete)
February 2012
Within 90 days, cabinet and TNC adopted electoral legislation and appointed High National Election Commission to guide elections for a national assembly.

Step 4 Election of National Congress and Selection of Cabinet and Constitutional Committee
July-August 2012
National election for General National Congress held July 7, 2012. Results announced.
Elected Congress to name new cabinet.
Process for selecting committee to draft constitution is TBD.

Step 5 Constitutional Referendum
Autumn 2012
Committee drafts and considers proposed constitution. Within 30 days after assembly approval of proposed constitution, national referendum to be held, requiring a 2/3 vote for approval.

Step 6 National Elections
Spring-Summer 2013
New elections law to be issued within 60 days of a constitutional approval. Within 180 days of new electoral law issuance, national elections to be held under United Nations supervision.

Source: Prepared by Amber Hope Wilhelm, CRS Graphics Specialist. Derived from Transitional National Council draft charter, August 2011 and United Nations U.N. Support Mission in Libya reporting.

Note: Subject to revision.

Background

Libyan History, Civil War, and Political Change

The North African territory that now composes Libya has a long history as a center of Phoenician, Carthaginian, Greek, Roman, Berber, and Arab civilizations. Modern Libya is a union of three historically distinct regions—northwestern Tripolitania, northeastern Cyrenaica or Barqa, and the more remote southwestern desert region of Fezzan. In the 19th century, the Ottoman Empire struggled to assert control over Libya's coastal cities and interior. Italy invaded Libya in 1911 on the pretext of liberating the region from Ottoman control. The Italians subsequently became mired in decades of colonial abuses against the Libyan people and faced a persistent anti-colonial insurgency. Libya was an important battleground in the North Africa campaign of the Second World War and emerged from the fighting as a ward of the Allied powers and the United Nations.

On December 24, 1951, the United Kingdom of Libya became one of Africa's first independent states. With U.N. supervision and assistance, a Libyan National Constituent Assembly drafted and agreed to a constitution establishing a federal system of government with central authority vested in King Idris Al Sanussi. Legislative authority was vested in a Prime Minister, a Council of Ministers, and a bicameral legislature. The first parliamentary election was held in February 1952, one month after independence. The king banned political parties shortly after independence, and Libya's first decade was characterized by continuous infighting over taxation, development, and constitutional powers.

In 1963, King Idris replaced the federal system of government with a unitary monarchy that further centralized royal authority, in part to streamline the development of the country's newly discovered oil resources. Prior to the discovery of marketable oil in 1959, the Libyan government was largely dependent on economic aid and technical assistance it received from international institutions and through military basing agreements with the United States and United Kingdom. The U.S.-operated air base at Wheelus field outside of Tripoli served as an important Strategic Air Command base and center for military intelligence operations throughout the 1950s and 1960s. Oil wealth brought rapid economic growth and greater financial independence to Libya in the 1960s, but the weakness of national institutions and Libyan elites' growing identification with the pan-Arab socialist ideology of Egyptian leader Gamal Abdel Nasser contributed to the gradual marginalization of the monarchy. Popular criticism of U.S. and British basing agreements grew, becoming amplified in wake of Israel's defeat of Arab forces in the 1967 Six Day War. King Idris left the country in mid-1969 for medical reasons, setting the stage for a military coup in September, led by a young, devoted Nasserite army captain named Muammar al Qadhafi.

The United States did not actively oppose the coup, as Qadhafi and his co-conspirators initially presented an anti-Soviet and reformist platform. Qadhafi focused intensely on securing the immediate and full withdrawal of British and U.S. forces from military bases in Libya, which was complete by mid-1970. The new government also pressured U.S. and other foreign oil companies to renegotiate oil production contracts and some British and U.S. oil operations eventually were nationalized. In the early 1970s, Qadhafi and his allies gradually reversed their stance on their initially icy relationship with the Soviet Union and extended Libyan support to revolutionary, anti-Western, and anti-Israeli movements across Africa, Europe, Asia, and the Middle East. These policies contributed to a rapid souring of U.S.-Libyan political relations that persisted for decades and was marked by multiple military confrontations, state-sponsored acts of Libyan terrorism

against U.S. nationals, covert U.S. support for Libyan opposition groups, Qadhafi's pursuit of weapons of mass destruction, and U.S. and international sanctions.

Qadhafi's policy reversals on WMD and terrorism led to the lifting of international sanctions in 2003 and 2004, followed by economic liberalization, oil sales, and foreign investment that brought new wealth to some Libyans. After U.S. sanctions were lifted, the U.S. business community gradually reengaged amid continuing U.S.-Libyan tension over terrorism concerns that were finally resolved in 2008. During this period of international reengagement, political change in Libya remained elusive. Government reconciliation with imprisoned Islamist militants and the return of some exiled opposition figures were welcomed by some observers as signs that suppression of political opposition had softened. The Qadhafi government released dozens of former members of the Al Qaeda-affiliated Libyan Islamist Fighting Group (LIFG) and the Muslim Brotherhood from prison in the years prior to the revolution as part of its political reconciliation program. The Bush Administration praised Qadhafi's cooperation with U.S. counterterrorism efforts against Al Qaeda and the LIFG.

Qadhafi's international rehabilitation coincided with new steps by some pragmatic government officials to maneuver within so-called "red lines" and propose minor reforms. However, the shifting course of those red lines increasingly entangled would-be reformers in the run-up to the outbreak of unrest in February 2011. Ultimately, inaction on the part of the government in response to calls for guarantees of basic political rights and for the drafting of a constitution suggested a lack of consensus, if not outright opposition to meaningful change among hardliners. This inaction set the political stage for the revolution that overturned Qadhafi's four decades of rule and led to his grisly demise in October 2011.

Political change in neighboring Tunisia and Egypt helped bring long-simmering Libyan reform debates to the boiling point in January and early February 2011. The 2011 revolution was triggered in mid-February by a chain of events in Benghazi and other eastern cities that quickly spiraled out of Qadhafi's control. The government's loss of control in these cities became apparent, and broader unrest emerged in other regions. A number of military officers, their units, and civilian officials abandoned Qadhafi. Qadhafi and his supporters denounced their opponents as drug-fueled traitors, foreign agents, and Al Qaeda supporters. Until August 2011, Qadhafi and his forces maintained control over the capital, Tripoli, and other western cities. The cumulative effects of attrition by NATO airstrikes against military targets and a coordinated offensive by rebels in Tripoli and from across western Libya then turned the tide, sending Qadhafi and his supporters into retreat and exile. September and early October 2011 were marked by sporadic and often intense fighting in and around Qadhafi's birthplace, Sirte, and the town of Bani Walid and neighboring military districts. NATO air operations continued as rebel fighters engaged in battles of attrition with Qadhafi supporters.

Qadhafi's death at the hands of rebel fighters in Sirte on October 20 brought the revolt to an abrupt close, with some observers expressing concern that a dark chapter in Libyan history ended violently, leaving an uncertain path ahead. The self-appointed interim Transitional National Council (TNC) and its cabinet took initial steps toward improving security and reforming national institutions. As noted above, voters elected an interim General National Congress (GNC) in July 2012. The GNC assumed power on August 8, 2012, and it will determine the process for drafting a new constitution.

July 2012 General National Congress Election and Results

On July 7, 2012, Libyan voters chose 200 members of the General National Congress in the country's first national election since 1965. Domestic and international observers praised officials and voters for the conduct of the election, noting the short time frame and significant logistical challenges that Libyans overcame. Of the 2.8 million voters who registered to vote, roughly 62% voted in the July election, with turnout consistent across most areas of the country. A combination of national and local security officials and militia groups provided security for election sites, with local volunteers serving as election administrators at over 1,500 polling locations. Local conflict delayed voting in the southern town of Kufrah, and, in the east, armed groups attempted to disrupt the election by destroying sensitive voting materials and attacking polling sites in Ajdabiya, Benghazi, and other areas. Local authorities employed ad hoc security responses, and, with U.N. support, national authorities replaced critical material in time for voting to proceed.[29]

The election featured a mixed electoral system of 120 individual candidate seats and 80 political entity list seats. Seats were distributed nationally on the basis of population, with western Libyan districts receiving 100 seats, eastern districts receiving 60 seats, and southern districts receiving 40 seats. Debate over the electoral system in the run-up to the election revolved around this regional distribution of seats (see below) as well as the best ways to encourage the selection of nationally oriented figures rather than advocates for discrete local, tribal, or party agendas. Advocates for individual candidacy argued that a party-dominated system would empower better-organized or better-funded groups such as the Muslim Brotherhood-backed Justice and Construction Party. Advocates of greater party representation argued that individual candidates would reflect the elite interests of the wealthy and of local families and tribes at the expense of average Libyans and groups with national perspectives.[30]

The mixed electoral system appears to have succeeded in yielding a group of representatives that balances party and local interests and creates opportunities for negotiating coalitions across party and regional lines. The body of elected individual candidates is made up of locally prominent individuals, political activists, and some national figures, while the successful political entity lists reflect the range of competing trends in Libya's emerging political order. The Alliance of National Forces, a coalition of civil society organizations led by former interim Prime Minister Mahmoud Jibril, won 39 of the 80 political entity seats and performed particularly well in Benghazi, Tripoli, and other urban areas. The Muslim Brotherhood-affiliated Justice and Construction Party won 17 seats and was most successful in Tripoli, central Misuratah, and south-western Libya. Overall, 21 political entities won seats, of which 15 entities received only one seat. Margins of victory for both individual candidates and political entities varied, with some candidates and entities leveraging local notoriety to score decisive victories and other candidates winning based on narrower margins of a few hundred votes or less. Women won 33 seats, 32 of which were "political entity" seats. Political entities were required to alternate male and female candidates on district lists as well as alternate their top list candidates by gender to better ensure female representation.

Many media outlets have characterized the election result and the subsequent defeat of Justice and Construction Party-backed prime minister candidates as a signal that Islamist political parties

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[29] The author served as an international election observer in Ajdabiya and Benghazi.

[30] Abd al Sattar Hutaytah, "Libyan Parties Marginalized Amidst The Rise of The Role of Tribal And Militia Leaders," *Al Sharq al Awsat* (London), January 31, 2012.

are less popular in Libya than they are in neighboring Egypt or Tunisia. However, the timing and unique circumstances surrounding the July election and the performance of Islamist candidates in subsequent internal GNC elections may make that judgment premature. Most political entities and candidates emphasized national unity during the July election rather than seeking to define themselves in religious terms or advance Islamist priorities. Libya remains a relatively conservative society and many political figures and entities make frequent reference to Islam and its role in Libyan social and political life. Topics such as the role of religious law in the legal system are shaping debate over the new constitution. Historically, Libyan Islamist groups have not played the same role in political life as they have in other Arab countries; their political fortunes may improve as they increase their public profile and campaign more directly on issues that resonate with conservative Libyan voters.

Constitutional Assembly and Federalism Debate

The next major step in Libya's transition process is the drafting and approval of a new constitution. To date, the transition has followed steps laid out in an interim constitutional declaration issued by the Transitional National Council (TNC) in August 2011. The interim constitution has been amended to reflect political developments over the last year, particularly with regard to resurgent debates about federalism and regional representation in national decision-making bodies. These issues have lurked in the background of Libyan politics since the creation of the state in 1951. The independent kingdom of Libya united three provinces with different historical experiences and political identities under the leadership of the eastern-Libya based Al Senussi monarchy. Rivalry among the regions shaped the original constitution drafting process and limited the effectiveness of the federal system it created. Resentment of the centralization of the state, first under the easterner-dominated monarchy in the 1960s and then under Qadhafi from the 1970s onward, subtly divided Libyans on regional lines.

A widely espoused commitment to national unity and solidarity has defined much of the political rhetoric of the post-Qadhafi transition period. Nevertheless, some in eastern Libya fear that a consolidation of power at the national level will continue a pattern that they claim marginalized the east and neglected its development. As such, procedures for selecting a new constitutional drafting body have been amended twice, each time in an effort to respond to calls from activists in eastern Libya concerned that the constitution would be drafted on the basis of proportional differences in population rather than equal regional representation. The TNC's allocation of seats for the General National Congress (GNC) election granted more populous western Libya more seats than the east or the south, but fewer seats than a directly proportional ratio would have guaranteed.

- In March 2012, the TNC amended Article 30 of the interim constitutional declaration to state that the soon-to-be-elected GNC would select a body from outside its membership to draft a constitution made up of 60 members "in the manner of" the 60-member committee that drafted Libya's 1951 constitution.[31] The 1951 constitutional committee drew 20 members equally from each of Libya's three constituent regions—Tripolitania, Fezzan, and Cyrenaica.

- In July 2012, just days before the national election, the TNC issued a further amendment stating that the constitutional committee would be directly elected by

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[31] Transitional National Council, Constitutional Amendment Number 1 of 2012, March 13, 2012.

voters rather than chosen by the GNC.[32] The move came as activists in eastern Libya continued to protest the proportional division of seats for the GNC elections by regional population.

Among the first decisions the elected GNC faces is whether or not to reverse the TNC's 11th-hour change to the GNC's role in selecting the constitutional drafting committee. Critics of the TNC decision point to the delay that a new election would insert in the transition process, which could be problematic given the increasing popular demands for action on key issues. Supporters of the TNC decision argue that accommodating key political concerns in the foundational decisions that will shape Libya's new constitution may be the best way to ensure that aggrieved parties do not have grounds to fundamentally reject the transition process in the future.

Security and Human Rights Challenges

Since late 2011, sporadic outbreaks of violence among rival militia groups, criminals, and armed citizens have shaken Libyans' confidence in transitional leaders and in each other. From one perspective, the number of security disruptions is smaller than might otherwise be expected in a post-conflict environment awash in weapons and dominated by dozens of armed groups with varying relationships to state authority. From another perspective, the level of crime, the continuing independence of local militia, the broad availability of weapons, and the relative limitations of national security bodies suggest that Libya's security remains a function of Libyans' self-restraint rather than the capability of security authorities. According to UNSMIL, "Libya's revolutionary brigades do not seek to remain in separate existence and to challenge State authority," but "efforts to date to integrate revolutionaries and brigades have lacked an overall concept and coordination, and need urgent review as part of the security reform agenda for the police and defense forces, including integrated border security and management."[33]

International human rights entities and the United Nations have observed and criticized examples of torture, unacceptable detention conditions, and extrajudicial punishment by official security entities and militia groups across Libya. The TNC directed militia groups to abstain from abusing prisoners or settling scores with arms, and the GNC-appointed government is likely to continue to rely on militia groups to secure some areas of the country and hold Qadhafi-era detainees until national security forces are more developed. In March 2012, UNSMIL estimated that between 5,000 and 6,000 detainees remained in the custody of militia groups. In July 2012, UNSMIL argued that the elected Libyan government should urgently act to improve its judicial capacity in order to grant detainees access to trial, obviate the need for extra-judicial action by militia groups, and bolster the rule of law.[34] Some minority groups and tribes associated with the Qadhafi regime remain internally displaced and have been targeted by rival groups, such as former residents of Tawergha, members of the Mashasha tribe, and the Tuareg and Tebu ethnic groups.

Weapons Proliferation and Related Concerns

The Libyan military's massive small arms and heavy weapons stockpiles have been looted and dispersed both within Libya and beyond its borders, creating local and regional security concerns.

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[32] Transitional National Council, Constitutional Amendment Number 3 of 2012, July 5, 2012.

[33] U.N Document S/PV.6807, July 18, 2012.

[34] U.N Document S/PV.6807, July 18, 2012.

Authorities in several countries, including Egypt, Niger, Algeria, Israel,[35] and Tunisia, have expressed concerns about the smuggling of Libyan weaponry across or toward their borders, and continuing smuggling incidents and arrests reflect the broad scope of the threat. Particular concern has been focused on the potential smuggling of shoulder fired anti-aircraft missiles (MANPADS). U.N. and U.S. officials have not indicated that they have seen evidence that MANPADS have been smuggled out of Libya, but believe such leakage cannot be ruled out.[36] According to U.N. officials, Libyan efforts to secure the country's borders are hampered by a lack of internal coordination. Southern borders remain the least secure, and frequent closures of the border with Tunisia reflect the limits of coordination with neighboring countries.

U.S.-Libyan efforts to mitigate the threats posed by the proliferation of weaponry from Libyan military stockpiles are proceeding under the terms of a bilateral agreement on weapons abatement signed in late 2011. The U.S. government has deployed Quick Reaction Forces of expert civilian personnel to Libya who are embedded with Libyan military units. As of late January, they had inspected over 120 storage areas and 1,500 bunkers, accounting for over 5,000 MANPADS systems.

The State Department-led interagency MANPADS Task Force plans to oversee a three-phase MANPADS accounting, recovery, and threat mitigation program for Libya and the region, to include inventory, border control assistance, and airport security assessments.[37] Their efforts are complicated by the fact that NATO airstrikes targeted weapons depots where large numbers of the systems may have been stored, and these systems and other weapons have been subsequently destroyed, disrupted, or buried. The dispersal of some systems among Libyan militia and the reluctance of Libyans to disarm are also challenges.[38] In July, Assistant Secretary of State for Political Military Affairs Andrew Shapiro was quoted as saying that Libyan "militias have control

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[35] According to unnamed Israeli officials, "thousands" of weapons have entered Gaza from Libya, including "SA-7 anti-aircraft missiles and rocket-propelled grenades (RPGs)," but the weaponry is "not a major qualitative enhancement" for Gaza-based armed groups. Israeli officials also have stated that "weapons are available in Libya as a result of the unstable situation there, and Hamas has exploited it to buy weapons from Libyan smugglers." CRS cannot independently verify these statements, and the Obama Administration has not commented on the record regarding reports of arms shipments from Libya to Gaza. See *Reuters*, "Israel sees Libya as New Source of Arms for Gaza," July 21, 2011; and *Reuters*, "Israel Says Gaza Gets Anti-Plane Arms from Libya," August 29, 2011.

[36] U.N. Special Representative Ian Martin told the U.N. Security Council in late January that "there is as yet little evidence that MANPADS have been smuggled out of Libya in significant numbers." U.S. Assistant Secretary of State for Political-Military Affairs Andrew Shapiro stated in remarks at the Stimson Center in Washington DC in early February 2012 that the U.S. government had not seen evidence of MANPADS leaving Libya to date although it was all but impossible to be certain. Remarks by Andrew J. Shapiro, Assistant Secretary, Bureau of Political-Military Affairs, Stimson Center, Washington, DC, February 2, 2012. In late February, Algerian authorities reported that they had discovered a cache of over forty Russian-made shoulder-fired surface to air missiles near the eastern desert town of In Amenas, southwest of the Libyan border town of Ghadames. The cache reportedly consisted of 15 SA-24 and 28 SA-7 missiles. Lamine Chikhi, "Exclusive: Algeria seizes missiles smuggled from Libya: source," *Reuters*, February 18, 2012; Sihem Balhi, "Un stock découvert à In Amenas : Des missiles libyens anti-avion sur le territoire Algérien," Dernieres Nouvelles D'Algérie, February 19, 2012.

[37] Remarks by Andrew J. Shapiro, Assistant Secretary, Bureau of Political-Military Affairs, Stimson Center, Washington, DC, February 2, 2012.

[38] In March 2012, the U.N. Secretary General reported that, "The full magnitude of the arms problem remains unknown because access to stockpiles controlled by 'brigades' remains a challenge; no reliable records exist of pre-conflict weapons stocks; and details of weapons destroyed, transferred or used during the conflict are not available." U.N. Document S/2012/129, March 1, 2012. For a comprehensive assessment of these challenges, see International Human Rights Clinic (IHRC), CIVIC and Center for American Progress, "Explosive Situation: Qaddafi's Abandoned Weapons and the Threat to Libya's Civilians," August 2012.

of the MANPADS ... and other loose weapons."[39] UNSMIL has reported that U.N.-assisted Libyan efforts "to develop safe arms and ammunition storage areas" have been "inhibited by unclear allocations of responsibility and lack of coordination among various Libyan actors."[40]

Chemical Weapons Destruction and Nuclear Material

The security of Libya's stockpiles of declared chemical weapons material and its remaining nuclear materials have been the subject of sustained scrutiny.[41] In August 2011, the State Department reported that prior to the conflict, Libya had destroyed over 50% of its declared mustard agent stocks and over 40% of its declared liquid chemical weapons precursors. In late 2010, Libya had restarted the long-delayed destruction of its declared mustard agent and precursor stockpiles, although technical problems and the outbreak of the conflict resulted in Libya missing its May 2011 destruction deadline.

Libya destroyed the munitions for dispersing mustard agent that it had declared in 2004, and during the 2011 conflict, U.S. officials repeatedly stated publicly that they believed the remaining sulfur mustard agent and precursor stockpiles were secure.[42] The non-weaponized nature of the declared sulfur mustard agent and precursor materials had suggested that the material posed a smaller threat than otherwise may have been the case.[43] The TNC formally notified the Organization for the Prohibition of Chemical Weapons (OPCW) on November 1, 2011, that it had located what it believed to be undeclared chemical weapons. The OPCW has now verified that the materials consist of sulfur mustard agent and artillery shells that are chemical munitions. The Qadhafi government reportedly omitted the materials from its original declaration to the OPCW in contradiction to the basic commitments it made as part of the normalization of its relations with the United States and Europe.[44]

Libyan forces control the sites where the materials of concern are stored, and transitional leaders have committed to upholding Libya's commitment to destroy chemical weapons materials under

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[39] John T. Bennett, "U.S. Official: No Evidence Of 'MANPADS Leakage' In Syria," *U.S. News and World Report - Dotmil Blog*, July 27, 2012.

[40] U.N Document S/PV.6807, July 18, 2012.

[41] For an overview of Libya's declared chemical weapons and nuclear materials see U.S. State Department, *Condition (10)(C) Report—Compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, August 2011; and International Atomic Energy Agency (IAEA) Board of Governors, *Implementation of the NPT Safeguards Agreement in the Socialist People's Libyan Arab Jamahiriya*, GOV/2008/39, September 12, 2008.

[42] The declared chemical materials are stored at Rabta, southwest of Tripoli and Ruwagha, near the Al Jufrah Air Force Base in central Libya. According to the U.S. State Department, identified mustard and nerve agent precursors present in Libya included pinacolyl alcohol, isopropanol, phosphorus trichloride, 2-chloroethanol, tributylamine, and thionyl chloride. See State Department, Office of the Spokesperson, "Libya: Securing Stockpiles Promotes Security," August 26, 2011.

[43] For example, Colonel David Lapan, a Pentagon spokesman argued that "Even if not weaponized, there's still a threat, but it's a smaller threat than if it is weaponized." Agence France Presse, "Libya Has Mustard Gas, Lacks Delivery Systems: Monitor," March 10, 2011.

[44] The revelation that Qadhafi withheld information about chemical agents and munitions and that the OPCW and U.S. and European intelligence services appear to have had no knowledge of the omission raises questions about intelligence and one aspect of the rationale for the Qadhafi government's international rehabilitation. R. Jeffrey Smith, Joby Warrick, and Colum Lynch, "Iran may have sent Libya shells for chemical weapons," *Washington Post,* November 20, 2011.

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the mantle of the OPCW.[45] Libya's previously declared stockpiles were required to be destroyed in full by April 2012 under a renegotiated OPCW deadline. In April 2012, transitional officials submitted an amended destruction plan under which destruction operations would resume in March 2013, with the goal of complete destruction of the remaining stockpiles and materials by December 2016.[46]

Libya's nuclear materials also have been subject to international and U.S. oversight and joint operations that removed highly enriched uranium and other proliferation-sensitive items. Libya's research reactor east of Tripoli at Tajura was converted with U.S. assistance in 2006 to operate using low-enriched uranium. Libya also possesses a stored stockpile of at least several hundred tons of uranium oxide yellowcake, reportedly stored near Sabha. UNSMIL considers the sale or transfer of 6,400 barrels of uranium yellowcake remaining in Libya to be a "key priority."

United Nations Support Mission in Libya (UNSMIL)

The United Nations Support Mission in Libya continues to operate under the mandate outlined in Security Council Resolution 2009 and extended through March 2013 by Resolution 2040. The United Kingdom's Ian Martin served as UNSMIL director through August 2012, continuing the work he began in mid-2011 as the Secretary-General's special adviser for post-conflict and transition issues in Libya. In September 2012, Tarek Mitri of Lebanon replaced Martin as the U.N. Secretary-General's Special Representative for Libya. Mitri is a Greek-Orthodox academic and formerly served as Minister of Culture and Minister of Information in Lebanon.

To date, UNSMIL activities have included electoral advisory support, transitional justice consultation, and public security and economic needs assessments. On December 2, 2011, the Security Council tasked UNSMIL with "assisting and supporting Libyan national efforts to address the threats of proliferation of all arms and related materiel of all types, in particular man-portable surface to air missiles." The Obama Administration did not request specific FY2013 funding to support UNSMIL, but the mission is funded through assessed contributions of U.N. member states, including the United States.[47]

Economic Issues

Libyan Assets

During 2011, the United States and others froze tens of billions of dollars in Libyan state assets, and the Obama Administration placed targeted sanctions on Libyan oil companies and other

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[45] The OPCW has stated that "the new authorities inherited the obligations of the old regime," and that the OPCW "will continue to work with the Libyan authorities to verify and destroy any newly declared stocks." AFP, "Libya's NTC Pledges To Destroy Chemical Weapons: OPCW" November 4, 2011, and OPCW, "OPCW Inspectors Return to Libya," November 4, 2011.

[46] According to the OPCW, "The OPCW will continuously maintain rotating teams of 5-6 inspectors at Ruwagha throughout the destruction process, which OPCW officials expect should be completed for Libya's Category 1 chemical weapons within 6 months after operations resume." OPCW, "Canada Provides OPCW its Largest-Ever Donation to Expedite Destruction of Chemical Weapons in Libya," April 24, 2012; and OPCW, Libya: Facts and Figures, accessed August 3, 2012.

[47] The United Nations Department of Political Affairs is responsible for UNSMIL.

entities in support of Executive Order 13566 and U.N. Security Council resolutions 1970 and 1973. The TNC has identified up to $170 billion in Libyan assets that were blocked worldwide, and it has sought access to those funds over the last 12 months. U.N. Security Council Resolution 2009 reiterated the Security Council's intent to ensure that frozen assets are made available as soon as possible to and for the benefit of the Libyan people and established a number of conditions and mechanisms to regulate the return of assets. The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) has issued general licenses that authorize new transactions with Libyan state entities and maintain the asset freeze established under Executive Order 13566 on named individuals and a handful of state entities. In December 2011, the Obama Administration unblocked over $30 billion of roughly $37 billion in frozen Libyan assets, building on a previous transfer of $1.5 billion in assets for the benefit of the Libyan people and the TNC.[48]

Trade, Investment, and Energy

Libya's economy is dominated by the oil sector, although in recent years some growth in other sectors had increased along with private domestic and foreign investment. In general, Libya's per high capita income and significant infrastructure needs are seen to present considerable investment potential if security conditions can be stabilized. The value of U.S. exports to Libya declined from $665.5 million in 2010 to $307.2 million in 2011. The value of U.S. imports from Libya declined from $2.1 billion in 2010 to $645 million in 2011. The U.S. Treasury Department has removed restrictions on transactions between U.S. persons and Libyan private firms and most public entities.

Libya's oil production and export infrastructure survived the revolution relatively unscathed, although some facility damage, the departure of large numbers of laborers and skilled technicians, and the lack of maintenance during the conflict were expected to limit the speed with which production and exports would be restarted.[49] However, efforts to restore operations have proceeded rapidly. Prior to the conflict, Libya was exporting 1.3 million barrels of oil per day; in July 2012, Libyan officials reported that overall production (which includes domestic consumption) was roughly 1.56 million barrels per day.[50] The U.S. Energy Information Administration has projected that Libyan output could return to pre-conflict levels by the end of 2012, but Libyan officials hope to reach the target by the end of October. The importance of oil exports for Libya cannot be overstated, as the IMF reported in February 2011 that over 90% of state revenue came from the hydrocarbon sector in 2010.

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[48] See U.S. Department of the Treasury, General License No. 11 with respect to Unblocking the Government of Libya, its Agencies, Instrumentalities, and Controlled Entities, and the Central Bank of Libya, With Certain Exceptions, December 2011; U.S. Department of the Treasury, Fact Sheet: Lifting Sanctions on the Government of Libya, December 16, 2011; and State Department, Office of the Spokesperson, Unfreezing Assets to Meet the Critical Humanitarian Needs of the Libyan People, Washington, DC, August 25, 2011.

[49] The oil terminal at Brega reportedly suffered the most damage, along with support infrastructure elsewhere.

[50] Marie-Louise Gumuchian and Ali Shuaib, "Libya sees return to pre-war oil output in October," *Reuters*, July 26, 2012.

International Criminal Court (ICC) and United Nations Human Rights Council Investigations[51]

Prior to Muammar al Qadhafi's death, some observers argued that the prospect of an International Criminal Court (ICC) trial made it less likely that he would have agreed to relinquish power or to have surrendered to the opposition.[52] The death of Muammar al Qadhafi, the arrest in Libya of his son Sayf al Islam, and, until recently, the detention of former intelligence chief Abdullah al Senussi in Mauritania have complicated efforts to prosecute these individuals on charges of crimes against humanity issued by the International Criminal Court (ICC).[53] Outstanding ICC arrest warrants notwithstanding, TNC officials have asserted their intention to prosecute Sayf al Islam al Qadhafi and Abdullah al Senussi in Libyan courts. Al Senussi has been extradited from Mauritania, where authorities had signaled they intended to try him on fraudulent passport charges rather than comply with requests to extradite him. Libya has filed an admissibility challenge with the ICC to that effect in the case of Sayf al Islam al Qadhafi. He remains in the custody of the Zintan militia, ostensibly until the completion of a national prison facility to house high-level detainees.[54] Some observers have speculated that leaders in Zintan may be seeking to leverage Sayf al Islam's detention for national influence. Four ICC personnel were detained in June and July 2012 after Zintan security officials suspected them of passing messages to or from Sayf al Islam al Qadhafi.

On March 8, 2012, the U.N. Human Rights Council's Commission of Inquiry issued its final report on the Libyan conflict and concluded that crimes against humanity and war crimes were committed.[55] With regard to government forces, an official summary of its findings stated,

> international crimes, specifically crimes against humanity and war crimes, were committed by Qadhafi forces in Libya. Acts of murder, enforced disappearance, and torture were perpetrated within the context of a widespread or systematic attack against a civilian population. The Commission found additional violations including unlawful killing, individual acts of torture and ill-treatment, attacks on civilians, and rape.[56]

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[51] For more information on the ICC and Africa, see CRS Report R41116, *The International Criminal Court (ICC): Jurisdiction, Extradition, and U.S. Policy*, by Emily C. Barbour and Matthew C. Weed and CRS Report RL34665, *International Criminal Court Cases in Africa: Status and Policy Issues*, coordinated by Alexis Arieff.

[52] For example, see International Crisis Group, "Popular Protest in North Africa and the Middle East (V): Making Sense of Libya," Middle East/North Africa Report No. 107, June 6, 2011.

[53] On June 27, 2011, Pre-Trial Chamber I of the International Criminal Court (ICC) issued arrest warrants for three individuals: Muammar al Qadhafi, his son Sayf al Islam al Qadhafi, and intelligence chief Abdullah al Senussi, for "crimes against humanity committed against civilians" not including "war crimes committed during the armed conflict that started at the end of February." For more information, see U.N. Document S/PV.6528, Provisional Record of the 6528th meeting of the Security Council, May 4, 2011, and ICC Prosecutor's Office, Public Redacted Version of Prosecutor's Application Pursuant to Article 58 as to Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi, and Abdullah Al Senussi," May 16, 2011.

[54] OSC Report GMP20120218950038, "Libya: TNC Chief Gives Interview on Revolutionaries, Sayf al-Islam," February 17, 2012.

[55] The commission members are Cherif Bassiouni of Egypt, Asma Khader of Jordan, and Philippe Kirsch of Canada. See U.N. Document A/HRC/17/44, "Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya," June 1, 2011.

[56] U.N. Human Rights Council, Report of the International Commission of Inquiry on Libya, A/HRC/19/68, March 8, 2011.

With regard to opposition forces, the commission found that

> the *thuwar* (anti-Qadhafi forces) committed serious violations, including war crimes and breaches of international human rights law, the latter continuing at the time of the present report. The Commission found these violations to include unlawful killing, arbitrary arrest, torture, enforced disappearance, indiscriminate attacks, and pillage.

The commission previously found in its June 2011 interim report that it did not believe "that the violations committed by the opposition armed forces were part of any 'widespread or systematic attack' against a civilian population such as to amount to crimes against humanity." However, in the March 2012 report, the commission stated that it was "deeply concerned that no independent investigations or prosecutions appear to have been instigated into killings committed by thuwar." On October 17, 2012, Human Rights Watch published a report that purports to implicate Misuratah-based "militias in the apparent execution of dozens of detainees following the capture and death of Muammar Gaddafi one year ago." The report states that, "Libyan authorities have failed to carry out their pledge to investigate the death of Gaddafi, Libya's former dictator, his son Mutassim, and dozens of others in rebel custody."

Legislation in the 112th Congress

Pending FY2013 Foreign Operations appropriations legislation and proposed legislation to condition or rescind U.S. assistance discussed could have significant effects on U.S.-Libya relations. Debate concerning the future of U.S. policy toward Libya is being shaped by the events of the transition period, and may increasingly reflect issues that were prominent prior to the uprising, including U.S. counterterrorism priorities, economic opportunities in Libya, security cooperation, and human rights. In addition to the legislation outlined above in response to the Benghazi attack, other recent legislation adopted includes:

- The FY2012 State Department and Foreign Operations appropriation (Division I of P.L. 112-74), which provides up to $20 million in bilateral Economic Support Fund (ESF) account assistance "to promote democracy, transparent and accountable governance, human rights, transitional justice, and the rule of law in Libya, and for exchange programs between Libyan and American students and professionals." The law prohibits the use of FY2012 funding for non-loan-based rehabilitation or reconstruction of infrastructure in Libya. The committee report on the Senate version of the bill directs the use of NADR account funding for disarmament and securing Libyan weapons stockpiles.

- The FY2012 National Defense Authorization Act (P.L. 112-81), which was amended (S.Amdt. 1180) to include, in Section 1235, a requirement that the Director of National Intelligence submit to Congress an assessment "that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States posed by man-portable air-defense systems that were in Libya as of March 19, 2011." The law also requires the Administration to develop a strategy for mitigating potential related threats and submit a detailed report to Congress, in unclassified and classified form.

- Section 598 of P.L. 112-81 also reflects language introduced in S. 1822, and directs the Secretary of Defense to assess the feasibility and cost of identifying, exhuming, repatriating, and reinterring the remains of U.S. service members buried in Tripoli, Libya, who were killed in the explosion aboard the USS *Intrepid* in Tripoli Harbor in 1804.

Other legislation introduced in the 112th Congress related to Libya includes:

- H.R. 3725, which would direct the President to vest blocked Libyan assets "to defray the full costs of Operation Odyssey Dawn and United States participation in NATO Operation Unified Protector and any associated humanitarian efforts undertaken on behalf of the Libyan people," and "to satisfy and pay in full all final awards of compensation to United States nationals ordered by the Foreign Claims Settlement Commission in its Libya Claims Program pursuant to the Libyan Claims Resolution Act (P.L. 110-301) and the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.)."

- S. 1520, which would restrict the transfer of blocked Libyan assets to Libyan authorities for other than humanitarian purposes until the President certifies to Congress that the Libyan government is fully cooperating with requests for information and ongoing investigations related to the bombing of Pan Am flight 103 and any other terrorist attacks attributable to the Qadhafi government.

U.S. Military Operations in Libya and Congressional Debate

Debate between Congress and the Obama Administration about congressional authorization and the cost of U.S. military operations in Libya diminished during 2011 as the prospect of a sustained military campaign requiring extended U.S. investment and force deployments became less likely. In early 2011, some Members of Congress questioned the President's authority to commit U.S. forces to the conflict; criticized the extent of the President's consultation with Congress; and sought a clear definition of U.S. objectives, costs, and operations. Some Members became increasingly assertive in their efforts to force President Obama to seek explicit congressional authorization for continued U.S. military involvement. A number of proposed resolutions and amendments to appropriations and authorization bills sought to require reporting on U.S. strategy and operations or to proscribe limits on the authorization or funding for continued U.S. military operations in Libya. Others sought to authorize the continued use of U.S. Armed Forces in support of NATO operations, short of the use of ground troops. On June 3, 2011, the House adopted H.Res. 292 (Roll no. 411), which directed the Administration to provide documents on consultation with Congress and a report "describing in detail United States security interests and objectives, and the activities of United States Armed Forces, in Libya since March 19, 2011." The Administration submitted the report on June 15, 2011. The House of Representatives rejected other resolutions seeking to authorize or de-authorize continuing U.S. participation in Operation Unified Protector. U.S. and NATO military operations ended in late October 2011. As of September 30, 2011, U.S. military operations in Libya had cost $1.1 billion.

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