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# Al Qaeda and U.S. Policy: Middle East and Africa

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August 11, 2016

**Congressional Research Service**

7-....

[www.crs.gov](http://www.crs.gov)

R43756

## Summary

After nearly a decade and a half of combating Al Qaeda (AQ) in Afghanistan and Pakistan, the United States faces an increasingly diverse threat from Al Qaeda affiliates in the Middle East and Africa. While senior Al Qaeda figures reportedly remain based in Pakistan, the network maintains a number of affiliates across the Middle East and Africa including Al Qaeda in the Arabian Peninsula (AQAP), Al Qaeda in the Islamic Maghreb (AQIM), and Al Shabaab. Al Qaeda also retains a small but growing presence in Afghanistan. U.S. officials have stated that Al Qaeda still maintains a foothold in Syria through its ties to *Jabhat Fatah al Sham* (formerly known as the Nusra Front). This report examines the threat posed by Al Qaeda affiliates in the Middle East and Africa as described by U.S. officials and outside observers, as well as the U.S. approach to date in responding to the threat posed by individual groups.

The rise of the Islamic State and its rapid territorial expansion across Syria and Iraq has at times eclipsed the attention directed towards Al Qaeda, at least in the public debate. However, U.S. officials have warned that Al Qaeda remains focused on attacking the United States, and that some of its affiliates in the Middle East have the capability to do so. AQ affiliates that have primarily targeted local governments in the region have also turned their efforts to Western interests abroad, aiming at soft targets—such as hotels—frequented by Americans or Europeans. U.S. officials have cautioned that some Al Qaeda affiliates may increasingly turn to this type of high-profile attack as a way of remaining “competitive” for funds and recruits, in light of the wide publicity garnered by the Islamic State.

Congressional concerns regarding these issues might shape ongoing reevaluations of the laws that underpin current U.S. counterterrorism policy, including the 2001 Authorization for Use of Military Force (AUMF, P.L. 107-40). In addition to the AUMF, Congress has addressed the emergence of Al Qaeda affiliates through a number of channels, including oversight of executive branch counterterrorism policies and practices; authorization and appropriations of U.S. funds for counterterrorism operations; and oversight of assistance for partner nations engaged in such operations.

**Note:** This report does not cover Al Qaeda affiliates outside of the Middle East, Afghanistan, and Africa. See also CRS Report R44563, *Terrorism and Violent Extremism in Africa*, by (name redacted) and (name redacted), and CRS Report R44501, *Terrorism in Southeast Asia*, by (name redacted) et al.

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## Introduction

Since the attacks of September 11, 2001, groups espousing Al Qaeda’s ideology have proliferated in the Middle East and Africa. Some of these groups have pledged allegiance to Al Qaeda (AQ) leader Ayman al Zawahiri, and others have not. Even among the groups that have formal alliances with Al Qaeda, there is significant variation over the extent to which they are operationally integrated with Al Qaeda’s senior leadership in practice. Some of these groups, despite the formal alliances, emerged in the context of local conflicts and are self-sustaining. In a speech at West Point in May 2014, President Obama stated, “Today’s principal threat no longer comes from a centralized Al Qaeda leadership. Instead, it comes from decentralized Al Qaeda affiliates and extremists, many with agendas focused in the countries where they operate.” While the groups discussed in this report focus the majority of their attacks on local targets, they have been identified by U.S. officials as posing a credible threat to the United States or its allies, or to U.S. interests in the Middle East and Africa.

The rise and rapid expansion of the Islamic State (IS, aka ISIL/ISIS or the Arabic acronym *Da’esh*) in Iraq and Syria since 2013 has unsettled Al Qaeda’s leadership. The State Department’s 2015 Country Reports on Terrorism states that, “the tensions between AQ and ISIL escalated in a number of regions during 2015 and likely resulted in increased violence in several parts of the world as AQ tried to reassert its dominance.” The Islamic State’s expansion has also reignited a debate over the type and scope of policies and legislation needed to provide the tools to fully address the threats posed by such groups. In addition, the ongoing debates within Al Qaeda itself—over leadership and tactics—may prompt a reexamination of U.S. understanding of the group, and the ways in which it may have evolved since the September 11, 2001 attacks. For additional information on the Islamic State, see CRS Report R43612, *The Islamic State and U.S. Policy*, by (name redacted) and (name redacted).

## Al Qaeda’s Emergence and Organizational Development

### Roots in Afghanistan

In 1988, Osama bin Laden formally established Al Qaeda from a network of veterans of the Afghan insurgency against the Soviet Union. The group conducted a series of terrorist attacks against U.S. and allied targets, including the 1998 bombings of U.S. embassies in Kenya and Tanzania and the 2000 attack on the U.S.S. Cole docked in Aden, Yemen. After the attacks of September 11, 2001, the United States redoubled its counterterrorism (CT) efforts, forcing the group’s leadership to flee Afghanistan—where they had been hosted by the Taliban—and seek refuge in Pakistan. U.S. forces located and killed Bin Laden in Pakistan in 2011, and Bin Laden’s deputy Ayman al Zawahiri assumed leadership of the group. U.S. intelligence officials have argued in testimony to Congress that persistent CT operations against Al Qaeda since 2001 have significantly degraded the group’s leadership in Afghanistan and Pakistan, but that Al Qaeda’s affiliates have proven resilient.<sup>1</sup>

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<sup>1</sup> Testimony of James R. Clapper, Director of National Intelligence, before the Senate Armed Services Committee hearing on the “Worldwide Threat Assessment,” February 9, 2016.

### Profile: Al Qaeda Leader Ayman al Zawahiri



Ayman al Zawahiri was born in 1951 to a prominent Egyptian family. He studied medicine at Cairo University alongside his twin sister, obtaining a degree in general surgery in 1974. He then served three years as a surgeon in the Egyptian army, before marrying the daughter of a wealthy family in 1978. In 1980 he traveled to Peshawar, near Pakistan's border with Afghanistan, where he volunteered as a medic treating Afghan refugees of the Soviet-Afghan conflict. Six years later he would return to Peshawar and join forces with Bin Laden. However, Zawahiri's Salafist views developed in Egypt, shaped by the political context of the time. Muslim Brotherhood theorist Sayyid Qutb, who called for an Islamic revival to replace secular government with divine law, was executed by the Egyptian government in 1966. Zawahiri, whose maternal uncle had served as Qutb's lawyer, became active in one of many underground Islamist organizations. Zawahiri's activism continued during his university years. Banned from participating in politics, the Muslim Brotherhood and other Egyptian Islamist organizations were highly active in student and professional unions. Inspired by Qutb's ideology and galvanized by the 1967 defeat of Egypt by Israel, they aimed to replace Egypt's secular government with a system of Islamic rule. The Iranian revolution of 1979 showed that it was possible for a popular movement to replace secular rulers with an Islamic government.

By the late 1970s, several underground Islamist groups, including Zawahiri's, merged to form what would be known as Egyptian Islamic Jihad (EIJ). In 1979, Egyptian President Anwar Sadat made peace with Israel, a decision approved by a popular referendum widely seen as fixed (the Egyptian government reported that 99 percent voted "yes").<sup>2</sup> In 1981, a small group of military officers loyal to EIJ assassinated Sadat during a military parade. Zawahiri was among the hundreds of Egyptians imprisoned under suspicion of involvement in the assassination. Although he was released after three years, some analysts argue that Zawahiri's time in prison—where he and others were reportedly subject to torture—further radicalized him.

Zawahiri and his wife permanently left Egypt in 1985 and arrived in Pakistan in 1986 after an intervening period in Saudi Arabia. In Pakistan, he continued his medical work while also reconstituting EIJ with Egyptian foreign fighters who had traveled to fight Soviet forces in Afghanistan. In his book *Bitter Harvest*, Zawahiri denounced the Egyptian Muslim Brotherhood for pursuing electoral politics at the expense of armed struggle.

Following years of informal cooperation between Al Qaeda and EIJ, the two groups merged in 2001 to form Qaeda al Jihad. While the merger may have been driven in part by EIJ's strained financial situation, it was also controversial within the group, whose members reportedly mostly wished to focus on Egypt. Nevertheless, EIJ fighters retained a prominent role in Al Qaeda's leadership. Zawahiri served as Bin Laden's deputy, providing experienced fighters and strategists from EIJ to craft the group's operations. While Zawahiri's primary target remained the Egyptian government, he apparently came to believe that the only way to bring Islamic regimes to power was to oust from the region the perceived backer of secular regional regimes, the United States—the so-called "Far Enemy." When Bin Laden was killed in a 2011 U.S. raid in Pakistan, Zawahiri assumed leadership of the group. He has spent recent years restating his views on strategy and tactics for the global jihadist movement and has clashed publicly with Islamic State leaders.

**Sources:** Lawrence Wright, "The man behind Bin Laden," *New Yorker*, September 16, 2002; Lawrence Wright, *The Looming Tower: Al Qaeda and the Road to 9/11*; Daniel Byman, *Al Qaeda, the Islamic State, and the Global Jihadist Movement*, New York: 2015.

<sup>2</sup> "Egyptian Vote Results," *Washington Post*, April 21, 1979.

## Rise of Affiliate Groups

Starting in the mid-2000s, groups operating in the Middle East and Africa began to formally pledge allegiance to Al Qaeda leaders. With the exception of Al Qaeda in the Arabian Peninsula and the Nusra Front, AQ affiliate groups developed around local conflicts and only later forged ties with Al Qaeda. Prior to the 2013 creation of the Islamic State, Al Qaeda affiliates in the Middle East and Africa included the following groups:

- **Al Qaeda in Iraq (AQI)** pledged allegiance to Al Qaeda in 2004. Previously known as *Tawhid wal Jihad*, the group emerged in 2002. It expanded following the U.S. invasion of Iraq under the leadership of the late Abu Musab al Zarqawi, and was rebranded as the Islamic State of Iraq (ISI) in 2006. Zarqawi's successors now lead the Islamic State organization and have been disavowed by AQ leadership.
- **Al Qaeda in the Islamic Maghreb (AQIM)** pledged allegiance to Al Qaeda in 2006. Previously known as the Group for Preaching and Combat (GSPC), the group originated from an Islamist insurgent faction in Algeria's 1990s civil conflict.
- **Al Qaeda in the Arabian Peninsula (AQAP)** formed in 2009 following a merger between Al Qaeda branches in Saudi Arabia—established in 2003 and known by the acronym QAP—and Yemen, established in the early 1990s by fighters returning from Afghanistan.
- **Al Shabaab** formally joined Al Qaeda in 2012 after several unreciprocated pledges of support. The group emerged in the mid-2000s as an offshoot of a militant wing of Somalia's Council of Islamic Courts.
- The **Nusra Front** emerged in Syria in late 2011 as an offshoot of the Islamic State of Iraq (ISI). The Nusra Front was designated by the State Department as an alias of AQI in December 2012, although it did not publicly declare its allegiance to Al Qaeda until 2013. In July 2016, the Nusra Front renamed itself *Jabhat Fatah al Sham* (Levant Conquest Front) and stated that the group would no longer be affiliated with external entities.

Despite these alliances, most affiliates continued to focus primarily on local grievances and did not adopt Al Qaeda's call for global jihad against the West as an immediate priority. However, former NCTC Director Matthew Olsen in late 2015 stated, "the core leadership of al-Qaida continues to wield substantial influence over affiliated and allied groups such as the Yemen-based al-Qaida in the Arabian Peninsula."<sup>3</sup>

## Al Qaeda – Islamic State Split<sup>4</sup>

In 2013, new divisions emerged between Al Qaeda's central leadership and leaders of the AQI successor group—known as the Islamic State of Iraq (ISI). This would lead, a year later, to the emergence of ISI as Al Qaeda's primary rival. What began as a disagreement over operations in Syria would grow into a public rift as ISI leader Abu Bakr al Baghdadi ultimately rejected the authority of Al Qaeda leader Ayman al Zawahiri.

<sup>3</sup> Testimony of former NCTC Director Matthew Olsen before the House Homeland Security Committee and House Foreign Affairs Committee, Joint Hearing on Terrorism Outlook, November 18, 2015.

<sup>4</sup> Prepared by Carla Humud and Christopher Blanchard, Specialist in Middle Eastern Affairs.

According to both U.S. officials<sup>5</sup> and ISI leaders,<sup>6</sup> Baghdadi (also known as Abu Du'a), tasked ISI member Muhammad al Jawlani in 2011 to begin operations in Syria under the banner of a new group known as the Nusra Front. In accordance with directives from AQ leadership, Jawlani and other Nusra members operated as a local Syrian opposition group, without initially acknowledging their ties to ISI or Al Qaeda.<sup>7</sup>

The Nusra Front soon became one of the most effective opposition groups in Syria—claiming nearly 600 attacks in major city centers between November 2011 and December 2012.<sup>8</sup> In April 2013, Baghdadi publicly revealed the link between ISI and the Nusra Front. In an audio statement, he declared,

the Al-Nusrah Front is nothing but an extension and a part of the Islamic State of Iraq. [ ... ] We announce the abolition of both names, the Islamic State of Iraq and the Al-Nusrah Front, and we merge them under one name, the Islamic State of Iraq and the Levant [ISIL].<sup>9</sup>

While acknowledging Nusra's affiliation with Al Qaeda, Jawlani rejected the merger, stating that he had not been consulted and that his fighters would continue to operate under the banner of the Nusra Front. Al Qaeda leader Zawahiri also denounced the merger, and decreed that ISI should confine its operations to Iraq.<sup>10</sup> Despite Zawahiri's efforts, Baghdadi's forces—then known as ISIL or ISIS—ramped up activities in Syria. Fighters from the two groups clashed frequently, leading Zawahiri to issue appeals for unity and a halt to intra-jihadist violence.

On February 3, 2014, Zawahiri formally severed Al Qaeda's ties with ISIL, stating,

The Al-Qa'ida of Jihad group announces that it has no connection with the group called the ISIL, as it was not informed or consulted about its establishment. It was not pleased with it and thus ordered its suspension. Therefore, it is not an affiliate with the Al-Qa'ida group and has no organizational relationship with it. Al-Qa'ida is not responsible for the ISIL's actions.<sup>11</sup>

In May 2014, ISIL spokesperson Abu Muhammad al Adnani stated that their group “is not and has never been an offshoot of Al Qaeda,” and said that, given that ISIL was a sovereign political entity, its leaders had given leaders of Al Qaeda deference rather than pledges of obedience. In June 2014, Adnani announced the establishment of a caliphate, declaring that ISIL would now be

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<sup>5</sup> “Terrorist Designations of the al-Nusrah Front as an Alias for al-Qa'ida in Iraq,” Press Statement by State Department Spokesperson Victoria Nuland, December 11, 2012.

<sup>6</sup> Baghdadi states, “[w]e deputized Al-Jawlani, who is one of our soldiers, along with a group of our people. We sent them from Iraq to the Levant so that they could meet up with our cells there. We put plans in place for them, we drew up an operational policy for them, and we funded them with half of the monthly amount of money that we collected.” Open Source Enterprise (OSE) Report GMP20130409405003, “ISI Emir Declares ISI, Al-Nusrah Front: ‘Islamic State of Iraq and the Levant,’ April 9, 2013.

<sup>7</sup> Zawahiri later stated, “The declaration of the ISIL was in clear violation of the orders by Al-Qa'ida's command to its soldiers in Iraq and the Levant, not to declare any official presence of Al-Qa'ida in the Levant.” OSE Report TRN2014050238064112, “Al-Fajr Releases Al-Zawahiri Statement Urging ISIL to Return to Iraq, Al-Nusrah to Stop Infighting,” May 2, 2014.

<sup>8</sup> “Terrorist Designations of the al-Nusrah Front as an Alias for al-Qa'ida in Iraq,” Press Statement by State Department Spokesperson Victoria Nuland, December 11, 2012.

<sup>9</sup> OSE Report GMP20130409405003, “ISI Emir Declares ISI, Al-Nusrah Front: ‘Islamic State of Iraq and the Levant,’ April 9, 2013.

<sup>10</sup> OSE Report PLN2013061030660134 Doha *Al-Jazirah.net* in Arabic 09 Jun 13

<sup>11</sup> OSE Report TRR2014020311346316, “Al-Qa'ida General Command Text Statement Claims Group Has ‘No Connection’ to ISIL,” February 3, 2014.

known simply as the Islamic State.<sup>12</sup> In summer 2014, Islamic State forces began a wide territorial expansion, capturing large areas of northern and eastern Syria, and northern and western Iraq.

In Syria, many foreign jihadists defected from the Nusra Front to the Islamic State, leaving Nusra to regroup as a primarily Syrian organization. While the Islamic State focused on gaining territory—frequently at the expense of other opposition groups—the Nusra Front continued to form alliances with other Syrian armed groups and focused its attacks on the Asad government. This approach accorded with Zawahiri’s call for AQ-affiliated groups to blend into the local population and build support by adopting local struggles. Given its largely Syrian membership—up to 70% by some estimates<sup>13</sup>—and its integration into the struggle against the Syrian government, some observers suggest that Nusra’s roots in Syria run deeper than those established by the Islamic State, which continues to rely on foreign fighters and sustains itself largely through force.<sup>14</sup>

## **Al Qaeda – Nusra Front Split**

In July 2016, the Nusra Front announced that it was reconstituting itself as an independent group. Nusra Front leader Abu Muhammad al Jawlani stated that his group would hereafter be known as *Jabhat Fatah al Sham* (“Levant Conquest Front”), and would have “no affiliation to any external entity.” U.S. officials have downplayed the announcement as a rebranding effort, noting the continuing role and presence of Al Qaeda operatives within the Front.

Reports that the United States and Russia have considered coordinating efforts against the group<sup>15</sup> may have encouraged the Nusra Front to seek protection in alliances with other fighters. The announcement could also be seen as part of a broader effort to win the support of key armed groups. The Front may calculate that by renouncing its ties to Al Qaeda and continuing to focus its attacks on the Syrian government, it could eventually win the support of most Syrian opposition groups—particularly if these groups conclude that their primary goal of removing Syrian President Asad is best served through an alliance with the Nusra Front rather than with the United States.

The Front’s public severance of external affiliations may result in greater cooperation and integration with other elements of the Syrian opposition. Some of these groups have described the Nusra Front’s ties to Al Qaeda as detrimental to the Syrian revolution, and have called upon the group to renounce those ties as a prerequisite for closer coordination.<sup>16</sup> Since the announcement, powerful groups such as *Ahrar al Sham* (“Free Men of the Levant”) have welcomed the move and called for greater unity among rebel groups.<sup>17</sup>

Increased battlefield integration between the Nusra Front and other Syrian opposition groups could complicate efforts to strike the Nusra Front without impacting other groups with which the United States may prefer to maintain a relationship. The United States has worked to build partnerships with Syrian groups on the ground as part of efforts to counter the Islamic State, and

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<sup>12</sup> OSE Report TRR2014062966139093, “ISIL Spokesman’s Statement Declares ‘Islamic Caliphate,’ Abu-Bakr Al-Baghdadi Appointed ‘Caliph,’” June 29, 2014.

<sup>13</sup> Charles Lister, “Profiling Jabhat al-Nusra,” Brookings Center for Middle East Policy, July 2016.

<sup>14</sup> “Exploiting Disorder: al Qaeda and the Islamic State,” International Crisis Group, March 14, 2016.

<sup>15</sup> “Obama proposes new military partnership with Russia in Syria,” *Washington Post*, June 30, 2016.

<sup>16</sup> Charles Lister, “Profiling Jabhat al-Nusra,” Brookings Center for Middle East Policy, July 2016.

<sup>17</sup> OSE IML2016072945916442, July 29, 2016.



U.S. leaders have stated that it is only local Syrian partners, not U.S. forces, that can ultimately bring long-term stability to Syria. However, expanded cooperation between the Front and other armed groups could limit the range of actors eligible to receive U.S. weapons and equipment in support of the campaign against the Islamic State.

Finally, the Nusra Front's decision to rebrand itself as an independent group does not appear intended as a slight to Al Qaeda. Rather, the language of Jawlani's statement was deferential to AQ leadership. Jawlani described the step as a consensus decision between the two groups, undertaken for the purpose of unifying Syrian opposition fighters.

## **Posture and U.S. Threat Assessments**

U.S. officials have warned that the rise of the Islamic State has not lessened the threat posed to the United States by Al Qaeda and its affiliates. In October 2015, National Counterterrorism Center (NCTC) Director Nicholas Rasmussen stated,

The tremendous efforts being made to counter the ISIL threat are absolutely warranted, but I want to stress that we still view al-Qa'ida and the various al-Qa'ida affiliates and nodes as being a principal counterterrorism priority. We would not tier our priorities in such a way that downgrades al-Qa'ida in favor of greater focus on ISIL. When we are looking at the set of threats that we face as a nation, al-Qa'ida threats still figure prominently in that analysis.<sup>18</sup>

In his annual public presentation to Congress on the Intelligence Community's assessment of worldwide threats, Director of National Intelligence James Clapper stated in early 2016 that Al Qaeda affiliates "have proven resilient and are positioned to make gains in 2016, despite counterterrorism pressure that has largely degraded the network's leadership in Afghanistan and Pakistan."<sup>19</sup> The Administration has defined Al Qaeda affiliates in Yemen and Syria as the organization's "most capable" branches.<sup>20</sup> Administration officials continue to monitor and assess the posture and capabilities of Al Qaeda and affiliate groups, described below.

### **Al Qaeda in Afghanistan<sup>21</sup>**

From "core" Al Qaeda's expulsion from its Afghanistan base in 2001 until 2015, U.S. officials asserted that the group had only a minimal presence (defined as fewer than 100) in Afghanistan itself, operating there mostly as a facilitator for insurgent groups and confined mainly to northeastern Afghanistan. Nevertheless, in late 2015, U.S. Special Operations forces and their Afghanistan National Defense and Security Forces (ANDSF) partners discovered and destroyed a large AQ training camp in Qandahar Province—a discovery that indicated that Al Qaeda had expanded its presence in Afghanistan. In October 2015, the then-top U.S. and NATO commander in Afghanistan, General John Campbell, stated that, "Al Qaeda has attempted to rebuild its

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<sup>18</sup> NCTC Director Rasmussen, Statement for the Record, "Worldwide Threats and Homeland Security Challenges," House Homeland Security Committee, October 21, 2015.

<sup>19</sup> James Clapper, Director of National Intelligence, prepared statement for a hearing on the "Worldwide Threat Assessment of the U.S. Intelligence Community," Senate Armed Services Committee, February 9, 2016.

<sup>20</sup> Testimony of James R. Clapper, Director of National Intelligence, before the Senate Armed Services Committee hearing on the "Worldwide Threat Assessment," February 9, 2016.

<sup>21</sup> Prepared by (name redacted), Specialist in Middle Eastern Affairs.

support networks and planning capabilities with the intention of reconstituting its strike capabilities against the U.S. homeland and Western interests.”<sup>22</sup>

In April 2016, U.S. commanders publicly raised their estimates of AQ fighters in Afghanistan to 100 – 300, and reported an increasingly close relationship between Al Qaeda and the Afghan Taliban.<sup>23</sup> A key AQ operative, Faruq al Qahtani al Qatari, reportedly has been working with Afghan militants to train a new generation of AQ members in Afghanistan.<sup>24</sup>

Until the killing of Al Qaeda’s founder Osama Bin Laden by U.S. Special Operations Forces in Pakistan on May 1, 2011, there had been reported frustration within the U.S. government over the pace of the search for Al Qaeda’s top leaders. U.S. efforts to find remaining senior AQ leaders reportedly focus on his close ally and successor as AQ leader Ayman al-Zawahiri, who is presumed to be in Pakistan. In 2014, Zawahiri announced formation of Al Qaeda in the Indian Subcontinent (AQIS), an affiliate likely born in response to the ascendance of a major new rival jihadist group in the Middle East. Since then, AQIS has sought—with some apparent successes—to recruit among disaffected Muslims in Pakistan, India, and Bangladesh, and it may be realizing a recent resurgence in the Pakistani megacity of Karachi.<sup>25</sup>

## **Al Qaeda in the Arabian Peninsula<sup>26</sup>**

The Administration has described Al Qaeda in the Arabian Peninsula (AQAP) as “the most active and dangerous affiliate of al-Qa’ida today,”<sup>27</sup> with “several thousand adherents and fighters” inside of Yemen.<sup>28</sup> The group has operated in Yemen since 2009, and has been the most active in the southern provinces that were formerly part of the People’s Democratic Republic of Yemen, which reunited with northern Yemen in 1990. Despite unification, political and economic power remains in the hands of northern leaders and tribes, and AQAP has benefitted from southern resentment directed against the government. According to the State Department’s 2015 Country Reports on Terrorism, AQAP has continued to take advantage of the political and security vacuum created by the ongoing fighting between the Yemeni government and its supporters and the rebel Houthi-led opposition. The conflict between these forces has contributed to AQAP’s expansion in the southern and eastern parts of Yemen since 2015.

Perhaps more than any other AQ affiliate, AQAP has attempted to carry out attacks in the United States and Europe. Between 2009 and 2012, AQAP was behind three attempts to down U.S.-bound commercial airliners, and officials note that the group likely “still harbors this intent and

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<sup>22</sup> Statement of General Campbell before the Senate Armed Services Committee, “The Situation in Afghanistan,” October 6, 2015.

<sup>23</sup> Department of Defense Press Briefing by General Cleveland via teleconference from Afghanistan, April 14, 2016.

<sup>24</sup> Kimberly Dozier, “Officials: Al-Qaida Plots Comeback in Afghanistan,” *Associated Press*, February 28, 2014.

<sup>25</sup> “An Offshoot of Al Qaeda is Regrouping in Pakistan,” *Washington Post*, June 3, 2016.

<sup>26</sup> For background on the Houthi conflict in Yemen, see CRS Report R43960, *Yemen: Civil War and Regional Intervention*, by (name redacted) .

<sup>27</sup> The White House, *Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate Regarding the War Powers Resolution*, June 13, 2016.

<sup>28</sup> Transcript, CIA Director John Brennan before the Senate Select Intelligence Committee, June 16, 2016.

substantial capability to carry out such a plot.”<sup>29</sup> In early 2015, AQAP claimed to have directed and funded the attack against the *Charlie Hebdo* satirical magazine in Paris.<sup>30</sup>

## **Al Qaeda in the Islamic Maghreb<sup>31</sup>**

In June 2016, incoming AFRICOM Commander Gen. Thomas Waldhauser stated that Al Qaeda in the Islamic Maghreb (AQIM) and its affiliates “have the capability and intent to conduct attacks on western targets and pose a significant threat to U.S./western interests and regional stability.”<sup>32</sup> An Algerian-led regional network, AQIM has long exhibited internal tensions and has spawned a number of offshoots and splinter movements in recent years. These include Al Murabitoun (formed in 2013), which the State Department described in 2015 as “one of the greatest near-term threats to U.S. and international interests in the Sahel”; the Movement for Unity and Jihad in West Africa (also known as MUJAO after its French acronym); Ansar al Dine and the Macina Liberation Front in Mali; and the Okba Ibn Nafaa Brigade in Tunisia.<sup>33</sup> These groups have conducted bombings against local state targets and security forces; kidnappings for ransom, often of Westerners; and, since 2013, deadly large-scale hostage-taking attacks targeting foreigners in Algeria, Mali, Burkina Faso, and Côte d’Ivoire. AQIM has also reportedly provided support to other extremist groups.

U.S. officials including Waldhauser have publicly assessed these groups to be primarily focused on local and Western targets within North and West Africa, including U.S. interests and personnel. (At least six U.S. citizens have been killed in AQIM-linked attacks.) As Algerian security forces increased pressure on AQIM in the wake of large attacks in 2007-2008, the group’s activities moved south into the poorer states of West Africa’s Sahel region. In 2012, AQIM, MUJAO, and Ansar al Dine claimed control over parts of northern Mali amid a domestic political crisis and civil conflict. French military operations have since driven group leaders underground and killed or captured several key commanders. Nevertheless, militants continue to commit asymmetric attacks, and they have recently expanded their areas of operation into central/southern Mali and neighboring countries to the south. AQIM and linked groups are also reportedly active in Tunisia and Libya.

## **The Nusra Front / Levant Conquest Front**

The Nusra Front (aka *Jabhat al Nusra*) emerged early in the Syrian conflict as one of the most effective armed opposition groups, and initially concealed its ties to Al Qaeda. In early 2016, U.S. military officials estimated that the group numbered approximately 6,000 to 9,000 fighters, spread across Syria.<sup>34</sup> The group has established a stronghold in the Syrian province of Idlib, and Brett McGurk, Special Presidential Envoy for the Global Coalition to Counter ISIL stated,

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<sup>29</sup> Testimony of former NCTC Director Matthew Olsen before the House Homeland Security Committee and House Foreign Affairs Committee, Joint Hearing on Terrorism Outlook, November 18, 2015.

<sup>30</sup> “Al Qaeda in Yemen Claims Responsibility for Charlie Hebdo Attack,” *Wall Street Journal*, January 14, 2015.

<sup>31</sup> Prepared by (name redacted), Specialist in African Affairs.

<sup>32</sup> Advance Policy Questions for Lieutenant General Thomas D. Waldhauser, United States Marine Corps Nominee for Commander, U. S. Africa Command, June 21, 2016.

<sup>33</sup> State Department, *Country Reports on Terrorism 2014*, June 30, 2015, “Foreign Terrorist Organizations.”

<sup>34</sup> Dr. Michael G. Vickers, former Under Secretary of Defense for Intelligence, before the House Armed Services Committee, January 12, 2016.

Nusra is establishing schools and training camps, recruiting from abroad, launching major military operations, and enjoying a sophisticated on-line presence, all the while providing safe haven for some of al Qaeda's most experienced terrorists. With direct ties to Ayman al Zawahiri, Osama Bin Laden's successor, Nusra is now al Qaeda's largest formal affiliate in history.<sup>35</sup>

Nusra also has targeted groups receiving U.S. assistance. After a Nusra attack in July 2015 targeted U.S.-backed fighters, U.S. military officials in September 2015 reported that only "four or five" trainees remained "in the fight" against the Islamic State.<sup>36</sup> In response to these and other pressures, the Administration subsequently reconfigured its Syria train-and-equip program.<sup>37</sup>

In July 2016, Nusra Front leader Abu Muhammad al Jawlani announced that the Nusra Front was reconstituting itself as an independent group under the name *Jabhat Fatah al Sham* (the Levant Conquest Front), potentially in a bid to reassure opposition groups wary of its Al Qaeda ties, or to attract support from groups or nations that oppose Al Qaeda.

The Nusra Front presents a unique challenge to the United States, given that the group has both threatened and coordinated with other Syrian opposition groups—some of which may receive U.S. support. U.S. officials have acknowledged that the Nusra Front in some places is "geographically close or intermixed" with civilian or other opposition groups.<sup>38</sup> Administration officials have also noted, "we have seen even to some degree some troubling cooperation between certain opposition groups and al-Nusra."<sup>39</sup>

### The Khorasan Group

In 2015, a former senior intelligence official described the Khorasan Group as a group of operatives dispatched by Al Qaeda leader Zawahiri from Pakistan to Syria in order to assist the Nusra Front in its battle against Syrian President Bashar al Asad. Khorasan also reportedly intended to use Syria as a base of operations for attacks against the West.<sup>40</sup> The official asserted that, like Al Qaeda senior leadership and AQAP, the Khorasan Group has the capability to conduct successful attacks in the United States. Military officials have stated that Al Qaeda and Khorasan operatives "have one main goal, and this is to plan attacks in the west. That is what they do."<sup>41</sup> National Counterterrorism Center Director Nicholas Rasmussen stated, "In many cases we believe these individuals that we are identifying as the Khorasan group play a role alongside or as part of Jabhat al Nusra in carrying out action inside Syria to advance the goals of the opposition." Rasmussen also noted that, "memberships in these particular organizations is not always a clean, distinct, or definable proposition."<sup>42</sup> However, some outside observers argue that by early 2015 Khorasan had largely ceased external operations planning in response to directives from AQ leadership to prioritize opposition activities inside Syria.<sup>43</sup>

<sup>35</sup> Special Presidential Envoy for the Global Coalition to Counter ISIL, Brett McGurk, Testimony before the Senate Foreign Relations Committee, June 28, 2016.

<sup>36</sup> General Lloyd James Austin, Commander U.S. CENTCOM, before the Senate Armed Services Committee, September 16, 2015.

<sup>37</sup> For additional information on the Syria train-and-equip program, see CRS Report R43612, *The Islamic State and U.S. Policy*, by (name redacted) and (name redacted), and CRS Report R43727, *Train and Equip Program for Syria: Authorities, Funding, and Issues for Congress*, by (name redacted) and (name redacted).

<sup>38</sup> Department of State Daily Press Briefing by Spokesperson John Kirby, May 6, 2016.

<sup>39</sup> Department of State Daily Press Briefing by Spokesperson John Kirby, May 13, 2016.

<sup>40</sup> Michael Morell, "Fourteen Years and Counting: The Evolving Terrorist Threat," *CTC Sentinel*, September 2015.

<sup>41</sup> Department of Defense Press Briefing by Col. Warren via Teleconference from Baghdad, Iraq, April 7, 2016.

<sup>42</sup> Paul Cruickshank, "A View from the CT Foxhole: An Interview with Nick Rasmussen, Director, NCTC," *CTC Sentinel*, September 2015.

<sup>43</sup> Charles Lister, "Profiling Jabhat al-Nusra," Brookings Center for Middle East Policy, July 2016.

## Al Shabaab<sup>44</sup>

The Somalia-based Al Shabaab group remains a key terrorist threat in East Africa. In addition to assassinations and suicide bombings inside Somalia, it has also conducted attacks in countries contributing to the African Union Mission in Somalia (AMISOM), which is mandated with countering the group and helping to stabilize the country. Al Shabaab's 2013 attack against the Westgate mall in Nairobi killed at least 67, and the group has continued to attack Kenyan towns along the border—including a 2015 attack on Kenya's Garissa University that killed 148. Al Shabaab has also conducted suicide attacks in Djibouti. While AMISOM-led forces have succeeded in pushing the group out of Somalia's capital, Mogadishu, and other major southern cities, Al Shabaab has proven resilient and adaptable, and by some accounts acts as a "shadow government" in Somalia.<sup>45</sup>

Al Shabaab leaders have threatened attacks in the United States and against U.S. citizens and targets in the region. At least five U.S. citizens have been killed in Al Shabaab attacks in East Africa since 2010. In February 2016, Al Shabaab demonstrated its ability to conceal a bomb in a laptop computer that was detonated by a suicide bomber onboard a Somali airliner. (It detonated before the plane reached cruising altitude and thus did not destroy the aircraft.) Al Shabaab's ability to recruit abroad and the presence of foreign fighters, among them U.S. citizens, in Somalia have been of significant concern to U.S. policymakers.

## Ideology

### Al Qaeda Messaging on the Islamic State

Since the rise of the Islamic State, Al Qaeda's public messaging has refocused on clarifying the rules for jihad and on discrediting the Islamic State's leadership and tactics. In September 2013 Zawahiri issued *General Guidelines for Jihad*. In this document he lays out the group's priorities, beginning with the United States:

The purpose of targeting America is to exhaust her and bleed her to death, so that it meets the fate of the former Soviet Union and collapses under its own weight as a result of its military, human, and financial losses. Consequently, its grip on our lands will weaken and its allies will begin to fall one after another.<sup>46</sup>

Nevertheless, the majority of the document is spent outlining a code of conduct for jihadist fighters operating locally. Zawahiri states that fighters should avoid clashing with local governments. Emphasizing that jihad is a long-term struggle, Zawahiri urges groups to, when possible, "pacify" any conflict with local rulers so as to create "safe bases" and a permissive operating environment.

Zawahiri also orders fighters to "avoid fighting the deviant sects" (Shi'a, Ismailis, Ahmadis, and Sufis) unless attacked, and even then, "we must make it clear that we are only defending ourselves. Those from amongst them who do not participate in the fight against us and their families, should not be targeted." Zawahiri also instructs followers to "avoid meddling" with Christian, Sikh, and Hindu communities in Muslim lands. He states that followers should make

<sup>44</sup> Prepared by Lauren Blanchard, Specialist in African Affairs.

<sup>45</sup> Remarks by Matt Bryden at the Center for Strategic and International Studies event, "The Race Against Time in Somalia," March 24, 2016.

<sup>46</sup> Ayman al Zawahiri, "General Guidelines for Jihad," *Al Sahab Media*, September 2013.

clear to these communities that, “we do not seek to initiate a fight against them, since we are engaged in fighting the head of disbelief (America); and that we are keen to live with them in a peaceful manner after an Islamic state is established.”

Finally, Zawahiri states that fighters must not harm other Muslims, and should refrain from killing non-combatants—even if they are families of those who fight Al Qaeda. He instructs fighters to avoid targeting their enemies in public spaces such as mosques and markets, where an attack could harm other Muslims or noncombatants.

In September 2015, Zawahiri issued the first of a series of audio statements entitled “The Islamic Spring.” In these audio statements, Zawahiri draws on historical and Koranic sources to attack the legitimacy of the Islamic State. Zawahiri’s objections to the Islamic State include the following:

- **Declaring a caliphate by force without consultation with other jihadist authorities.** Zawahiri argues that a caliphate can only be established through consultation and consensus, not through the unilateral actions of a small group. In Episode 4, he declares that “taking power by force without consultation violates sharia.”<sup>47</sup> He adds that while Al Qaeda fully intends to establish an Islamic caliphate, “it will be a caliphate that follows the prophet’s path and not some wrongful kingdom taken by force through car bombs and blasts.”
- **Declaring a caliphate prematurely.** Zawahiri states that conditions are not yet right for the declaration of a caliphate. He argues that a true caliphate does not come into existence merely by declaring it as such. In Episode 3, he states that before establishing a caliphate, there are “truths that must exist in reality and on the ground,” not just “hopes and desires.”<sup>48</sup>
- **Killing other Muslims.** Throughout the series, Zawahiri repeatedly condemns the shedding of blood among different jihadist factions. In Episode 2, he calls on fighters to avoid infighting, “for the sin of killing a Muslim is great.”<sup>49</sup> He adds that it is not permissible to seize money or equipment from rival jihadist groups.
- **Sowing discord within jihadist ranks, benefiting the enemy.** Zawahiri’s repeated calls for an end to infighting stems from his concern that such conduct ultimately benefits the United States. In Episode 1, he rhetorically asks:

As we face this campaign now, is this dispute pleasing or displeasing to the Americans? Does it please or displease the enemies when Al-Baghdadi and those with him rebel against Al-Qa’ida, break their confirmed pledge of allegiance, openly rebel against their amir, attack the governance of Mullah Omar, whose name they used to shout, declare a caliphate based on a pledge from unknown individuals, and call on the mujahideen to dissent and break their pledges, resulting in all kinds of disputes and tumult?<sup>50</sup>

Despite Zawahiri’s animosity for the group, many of the differences he describes between Al Qaeda and the Islamic State appear to be tactical rather than strategic. In recognition of this, Zawahiri throughout his “Islamic Spring” series repeatedly calls on all jihadist fighters, including those of Al Qaeda and the Islamic State, to cooperate on the battlefield for the sake of their common enemy. In Episode 2, Zawahiri states,

<sup>47</sup> OSE Report TRR2015100561575345, October 5, 2015.

<sup>48</sup> OSE Report TRL2015092183805913, September 21, 2015.

<sup>49</sup> OSE Report TRR2015091311667655, September 12, 2015.

<sup>50</sup> OSE Report TRN2015091004392901, September 9, 2015.

Despite these grievous errors, I call upon all of the mujahideen in the Levant and Iraq to cooperate and coordinate their efforts to stand as one in confronting the Crusaders, secularists, Nusayris [derogatory reference to Alawites], and Safavids, even if they do not recognize the legitimacy of Al-Baghdadi's state and his group, not to mention his caliphate. The matter is bigger than not recognizing the legitimacy of their state or their claim to establishing a caliphate, for the ummah is being subjected to a savage Crusader campaign and we must set out to push back its assailants.<sup>51</sup>

This ideological affinity raises the possibility, and the expectation among terrorism analysts, that extremist operations in the region will continue regardless of the fate of the Islamic State organization. Al Qaeda's willingness to cooperate with Islamic State fighters may leave the group in a position to absorb some of these fighters if the Islamic State's leadership is ultimately defeated in Syria and Iraq. And while the majority of Zawahiri's focus in this series is on discrediting the group, he does not neglect the ultimate goal of attacks against the United States. In Episode 2, Zawahiri states,

I call upon all Muslims who can inflict harm in countries of the Crusader coalition to not hesitate [ ... ] I believe that we should focus now on bringing the war to the backyard, cities, and facilities of the Crusader West, and most importantly, America. They must learn that as they bomb, they shall be bombed; as they kill, they shall be killed; as they harm, they shall be harmed; and as they destroy, burn, and exterminate, they shall be destroyed, burned, and exterminated. They must know that war is a shared fate, and that retribution is part of the nature of this work.<sup>52</sup>

## Selected Policy Responses

U.S. strategy to combat Al Qaeda in the Middle East and Africa combines limited troop deployments, training and equipping of local forces, financial sanctions, and programs on countering violent extremism (CVE). The U.S. approach to particular affiliates has varied depending on factors such as the operating environment, the capabilities of local forces, and legal considerations, as discussed below.

### U.S. Government Terminology: Affiliated v. Associated Forces

The Authorization for Use of Military Force (AUMF, P.L. 107-40) enacted by Congress in September 2001 is the primary law authorizing U.S. operations against Al Qaeda and the Taliban.<sup>53</sup> U.S. administrations later established categories of Al Qaeda-linked groups, each of which carries potentially distinct legal and policy implications. The terms below do not appear in the original AUMF text; rather, they have been delineated in a series of subsequent legal rulings and executive branch strategy papers.

**Associated Forces:** organized, armed groups that have entered the fight alongside Al Qaeda or the Taliban, and are co-belligerents with Al Qaeda or the Taliban in hostilities against the United States or its coalition partners.<sup>54</sup> Once established as co-belligerents, associated forces are considered legal targets of U.S. military force per the laws of armed conflict—which are commonly interpreted to permit a country at war to use force against those fighting alongside its enemy.

**Affiliates:** groups that have aligned with Al Qaeda. This includes associated forces as well as groups and individuals

<sup>51</sup> OSE Report TRR2015091311667655, September 12, 2015.

<sup>52</sup> Ibid.

<sup>53</sup> For additional background on the AUMF, see CRS Report R43983, *2001 Authorization for Use of Military Force: Issues Concerning Its Continued Application*, by (name redacted) .

<sup>54</sup> Testimony of Stephen W. Preston, General Counsel of the Department of Defense, before the Senate Committee on Foreign Relations, May 21, 2014.

against whom the Obama Administration considers the United States is not authorized to use force based on the authorities granted by the AUMF.<sup>55</sup> The United States may use force against affiliates that have been further classified as associated forces.

**Adherents:** individuals who form collaborative relationships with Al Qaeda or act on its behalf or in furtherance of its goals—including by engaging in violence—regardless of whether such violence is directed at the United States.<sup>56</sup>

**Al Qaeda “Inspired”:** Groups or individuals not affiliated with identified terror organizations but inspired by the Al Qaeda narrative.<sup>57</sup>

The 2011 National Strategy for Counterterrorism includes the following footnote: “Affiliates is not a legal term of art. Although it includes Associated Forces, it additionally includes groups and individuals against whom the United States is not authorized to use force based on the authorities granted by the Authorization for the Use of Military Force, P.L. 107-40, 115 Stat. 224 (2001). The use of Affiliates in this strategy is intended to reflect a broader category of entities against whom the United States must bring various elements of national power, as appropriate and consistent with the law, to counter the threat they pose. Associated Forces is a legal term of art that refers to cobelligerents of al-Qa’ida or the Taliban against whom the President is authorized to use force (including the authority to detain) based on the Authorization for the Use of Military Force, P.L. 107-40, 115 Stat. 224 (2001).”

## Military Operations

Defense Department officials in 2015 stated that the United States has used military force under the 2001 AUMF against the following Al Qaeda groups: Al Qaeda in Afghanistan, AQAP in Yemen, individuals who are part of Al Qaeda in Libya and Somalia, the Nusra Front, and the Khorasan Group.<sup>58</sup> In some cases U.S. forces have relied on unmanned aerial vehicles to target Al Qaeda militants, particularly outside areas of active hostilities.<sup>59</sup>

- **Afghanistan.** Approximately 2,000 out of the remaining 9,800 U.S. troops are performing counterterrorism combat missions, primarily against Al Qaeda and its associated forces in Afghanistan. U.S. forces continue to try to find and to target—primarily using manned and unmanned aircraft—senior Al Qaeda operatives in Afghanistan.
- **Yemen.** Defense Department recently reported that U.S. strikes had killed approximately 81 AQAP members in Yemen in the first half of 2016.<sup>60</sup> In June 2015, a U.S. strike killed AQAP leader Nasser al Wuhayshi.
- **Libya.** A U.S. strike in Libya in June 2015 sought (reportedly unsuccessfully) to kill AQIM splinter-faction leader Mokhtar Bel Mokhtar.<sup>61</sup>
- **Somalia.** Officials confirmed several successful strikes against Al Shabaab targets in Somalia in 2016.<sup>62</sup> This includes a March strike on an Al Shabaab

<sup>55</sup> 2011 National Strategy for Counterterrorism. Note: previous versions of the National Strategy for Counterterrorism were issued in 2003 and 2006. [http://www.whitehouse.gov/sites/default/files/counterterrorism\\_strategy.pdf](http://www.whitehouse.gov/sites/default/files/counterterrorism_strategy.pdf).

<sup>56</sup> Ibid.

<sup>57</sup> See for example, “Strategy for Homeland Defense and Defense Support of Civil Authorities,” Department of Defense, February 2013. <http://www.defense.gov/news/Homelanddefensestrategy.pdf>.

<sup>58</sup> Remarks by Stephen W. Preston, General Counsel of the Department of Defense, as delivered to the annual meeting of the American Society of International Law, Washington, DC, April 10, 2015.

<sup>59</sup> See White House Office of the Press Secretary, “Fact Sheet: U.S. Policy Standards and Procedures for the Use of Force in Counterterrorism Operations Outside the United States and Areas of Active Hostilities,” May 23, 2013. See also, U.N. General Assembly Human Rights Council, “Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson,” March 11, 2014.

<sup>60</sup> U.S. Defense Department, “Centcom Announces Yemen Counterterrorism Strikes,” June 3, 2016.

<sup>61</sup> Source: Eric Schmitt, “U.S. Airstrike in Libya Targets Planner of 2013 Algeria Attack,” June 14, 2015.



training camp that killed an estimated 150 militants, whom U.S. officials described as posing a “direct threat” both to AMISOM forces and to U.S. forces in the region working with AMISOM.<sup>63</sup> In September 2014, a U.S. strike killed Al Shabaab’s leader, Ahmed Godane.<sup>64</sup>

- **Syria.** Coalition strikes in July 2015 killed Khorasan member and French national David Drugeon, described by U.S. military officials as an Al Qaeda operative and explosives expert.<sup>65</sup> In October 2015, U.S. strikes killed Sanafi al Nasr, a Saudi national whom military officials described as a leading financial figure in the Khorasan Group. In April 2016, U.S. military officials stated that U.S. strikes had targeted a “senior Al Qaida operational meeting in northwest Syria,” killing several Al Qaeda operatives.<sup>66</sup>

## **Efforts to Build Regional Partners’ Military Capability<sup>67</sup>**

The Administration has described its efforts to train local partners as a necessary complement to U.S.-led counterterrorism operations. In 2015, President Obama stated,

... it is not enough for us to simply send in American troops to temporarily set back organizations like ISIL, but to then, as soon as we leave, see that void filled once again with extremists. It is going to be vital for us to make sure that we are preparing the kinds of local ground forces and security forces with our partners that can not only succeed against ISIL, but then sustain in terms of security and in terms of governance.<sup>68</sup>

To counter Al Qaeda and its affiliates, the United States works with local military and security forces in countries such as Afghanistan, Yemen, and Somalia. Building capable partner forces in these countries may be seen to further a range of objectives that, taken together, help partners to better manage their regional security challenges. These include sustaining gains made by U.S. forces, minimizing the need for a large U.S. presence, and preventing the establishment of AQ safe havens that could be used as a launch pad for attacks against the United States.

Capacity-building efforts have at times involved direct military strikes in what U.S. officials have termed “self-defense” of U.S. personnel accompanying partner forces. And in some cases, the Administration has expanded its threshold for the use of direct force beyond the specific targeting of Al Qaeda. For example, the Administration broadened its justification for direct U.S. military action in Somalia in 2015, indicating in a notification to Congress consistent with the War Powers Resolution that its operations in Somalia were carried out not only “to counter Al Qaeda and

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<sup>62</sup> See, for example, Department of Defense Press Briefing by Pentagon Press Secretary Peter Cook in the Pentagon Briefing Room, April 4, 2016.

<sup>63</sup> Department of Defense Press Briefing by Pentagon Press Secretary Peter Cook in the Pentagon Briefing Room, March 8, 2016.

<sup>64</sup> White House, Statement by the Press Secretary on the Death of Ahmed Godane, September 5, 2014.

<sup>65</sup> Department of Defense Press Briefing by Pentagon Press Secretary Peter Cook in the Pentagon Briefing Room, September 22, 2015.

<sup>66</sup> Department of Defense Press Briefing by Pentagon Press Secretary Peter Cook in the Pentagon Briefing Room, April 4, 2016.

<sup>67</sup> For additional information, see CRS Report R44313, *What Is “Building Partner Capacity?” Issues for Congress*, coordinated by (name redacted).

<sup>68</sup> White House Office of the Press Secretary, “Remarks by the President on Progress in the Fight Against ISIL,” July 6, 2015.

associated elements of Al Shabaab” (as previously reported), but also “in support of Somali forces, AMISOM forces, and U.S. forces in Somalia.”<sup>69</sup>

- **Afghanistan.** In December 2014, the United States and its international partners transferred the lead domestic security role in Afghanistan from NATO forces to the ANDSF. About 9,800 U.S. troops and about 5,000 international partner forces remain in Afghanistan, tasked primarily with training, advising, and assisting the ANDSF. In June 2016, President Obama announced that 8,400 troops will remain in Afghanistan until the end of his term in 2017.<sup>70</sup>
- **Yemen.** In April 2016, “small numbers” of U.S. military personnel were authorized to deploy to Yemen to support operations against AQAP.<sup>71</sup> U.S. military officials confirmed in May 2016 that some U.S. military personnel had returned to Yemen and were operating in a liaison capacity out of the port city of Al Mukalla.<sup>72</sup>
- **North Africa and the Sahel.** The U.S. approach to AQIM and affiliated groups relies largely on bolstering the domestic counterterrorism capabilities of the North African and Sahel countries where these groups operate. The Trans-Sahara Counter-Terrorism Partnership (TSCTP) in North-West Africa includes military and police train-and-equip programs, counter-radicalization programs, and public diplomacy efforts. Additional assistance is provided bilaterally to countries in the region.
- **Somalia.** U.S. efforts against Al Shabaab include a limited U.S. military “train, advise, and accompany” mission inside Somalia, and help to train, equip, and supply AMISOM forces. U.S. officials in March 2016 stated that a “small number” of U.S. forces were involved in a separate ground raid against Al Shabaab militants in Somalia, reiterating that U.S. forces operated in a “train, advise, and accompany mode, as they have been in the past in Somalia.”<sup>73</sup> AFRICOM in early 2014 confirmed the presence of U.S. military advisors in Mogadishu, who formed part of a military coordination cell with Somali security forces and AMISOM.<sup>74</sup>

## Targeted Sanctions

Another aspect of the U.S. counterterrorism strategy against Al Qaeda involves limiting the group’s ability to finance its operations, in part by ensuring that the group and its supporters are unable to access the U.S. financial system. According to the 9/11 Commission, some \$300,000 of

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<sup>69</sup> The White House, *Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate Regarding the War Powers Resolution*, December 11, 2015.

<sup>70</sup> “Obama Says He Will Keep More Troops in Afghanistan Than Planned,” *New York Times*, July 6, 2016.

<sup>71</sup> The White House, *Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate Regarding the War Powers Resolution*, June 13, 2016.

<sup>72</sup> Department of Defense Press Briefing by Pentagon Press Secretary Peter Cook in the Pentagon Briefing Room, May 9, 2016.

<sup>73</sup> Department of Defense Press Briefing by Pentagon Press Secretary Peter Cook in the Pentagon Briefing Room, March 10, 2016.

<sup>74</sup> “U.S. has deployed military advisors to Somalia, officials say,” *Washington Post*, January 10, 2014.

the overall \$400,000-\$500,000 cost of the September 11, 2011, attacks passed through U.S. bank accounts.<sup>75</sup> A 2015 assessment by the Department of the Treasury stated,

[t]he central role of the U.S. financial system within the international financial system and the sheer volume and diversity of international financial transactions that in some way pass through U.S. financial institutions expose the U.S. financial system to TF [terrorist financing] risks that other financial systems may not face.<sup>76</sup>

Targeted financial sanctions administered and enforced by Treasury's Office of Foreign Assets Control (OFAC), are used to identify, disrupt, and prevent terrorists—including those linked to Al Qaeda—from accessing the U.S. financial system.

In 1998, Treasury designated Al Qaeda as a Foreign Terrorist Organization (FTO) following Al Qaeda's bombing of U.S. embassies in Kenya and Tanzania. The designation banned U.S. financial transactions with the group and allowed U.S. law enforcement to freeze any U.S.-held assets. Osama bin Laden was also added to the Treasury Department's list of Specially Designated Nationals (SDN). After the 9/11 attacks, Al Qaeda was listed as a Specially Designated Global Terrorist (SDGT) entity under Executive Order (E.O.) 13224, which authorizes the U.S. government to block the assets (within U.S. jurisdiction) of individuals and entities that commit or pose a significant risk of committing acts of terrorism, as well as the assets of individuals or entities that provide support, services, or assistance to designated terrorist groups. In its 2015 Terrorist Assets Report, the Treasury Department stated that \$13 million in Al Qaeda-linked funds in the United States had been blocked as of 2015 under SDGT, SDT, and FTO programs.<sup>77</sup>

Given that many Al Qaeda financiers are based outside of the United States, U.S. agencies have also sought to build ties with partner countries to broaden the reach of financial sanctions and bolster enforcement. In 1999, the United Nations Security Council established the Al Qaeda Sanctions Committee pursuant to resolution 1267 (UNSCR 1267). The resolution requires all U.N. member states to freeze the assets of, prevent the entry into or transit through their territories by, and prevent the direct or indirect supply, sale, and transfer of arms and military equipment to any individual or entity associated with Al Qaeda or Osama bin Laden. The committee maintains a list of individuals and entities associated with Al Qaeda, toward which member states must apply an asset freeze, travel ban, and arms embargo. In December 2015, UNSCR 2253 expanded the list to include the Islamic State, and the list is now known as the ISIL (Da'esh) & Al Qaida Sanctions List. As of June 2016, the sanctions list included 258 individuals and 75 entities.

In addition to imposing financial sanctions, the above designations also include restrictions on travel designed to limit terrorist mobility. Through the Terrorist Interdiction Program (TIP) the State Department provides funding and technical training for countries to screen passengers at ports of entry. As part of TIP, the State Department has provided high-counterterrorism-priority countries with the PISCES screening system (Personal Identification Secure Comparison and Evaluation System) to facilitate immigration processing and to exchange information with State Department officials on suspected terrorist transit.<sup>78</sup>

<sup>75</sup> National Commission on Terrorist Attacks upon the United States, Thomas H. Kean, and Lee Hamilton. 2004. *The 9/11 Commission report: final report of the National Commission on Terrorist Attacks upon the United States*.

<sup>76</sup> U.S. Department of the Treasury, National Terrorist Financing Risk Assessment, June 12, 2015.

<sup>77</sup> U.S. Department of the Treasury, Terrorist Assets Report 2015, Office of Foreign Assets Control, <https://www.treasury.gov/resource-center/sanctions/Programs/Documents/tar2015.pdf>.

<sup>78</sup> Written testimony of Acting Coordinator for Counterterrorism Justin Siberell before the House Foreign Affairs (continued...)

## Countering Violent Extremism

The Obama Administration has emphasized countering violent extremism (CVE) programs to attempt to counter the reach of groups like the Islamic State and Al Qaeda. In a July 2015 speech, President Obama stated, “ultimately, in order for us to defeat terrorist groups like ISIL and al Qaeda it’s going to also require us to discredit their ideology [ ... ] Ideologies are not defeated with guns; they’re defeated by better ideas—a more attractive and more compelling vision.”<sup>79</sup> Obama added that the United States would work with international partners and Muslim communities to counter terrorist propaganda.

In May 2016, the State Department and USAID released a joint strategy on countering violent extremism, which defined CVE as

proactive actions to counter efforts by violent extremists to radicalize, recruit, and mobilize followers to violence and to address specific factors that facilitate violent extremist recruitment and radicalization to violence. This includes both disrupting the tactics used by violent extremists to attract new recruits to violence and building specific alternatives, narratives, capabilities, and resiliencies in targeted communities and populations to reduce the risk of radicalization and recruitment to violence.<sup>80</sup>

USAID oversees CVE programs in the Middle East and Africa alongside the State Department’s Bureau of Counterterrorism and Countering Violent Extremism, while the Department of Homeland Security focuses on outreach to domestic, particularly Muslim, communities. Some CVE components fall within broader regional programs, and some are designed to counter a range of violent extremists—including, but not limited to, Al Qaeda. Examples of CVE programs in the Middle East and Africa include the following:

- Transition Initiatives for Stabilization (TIS-Somalia), managed by USAID. The program has supported more than 650 infrastructure, education, training, and cultural programs in 16 of Somalia’s 18 regions, focusing on areas liberated from Al Shabaab by the Somali National Army and AMISOM.<sup>81</sup>
- Countering Violent Extremism in the Middle East and North Africa (CoVE-MENA), managed by USAID. The program’s first pilot project, the Maghreb-Sahel CSO, brings together representatives from civil society organizations (CSOs) from six regional countries to facilitate cross-border CVE exchanges and to bolster CSO networking and capacity building.<sup>82</sup>

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(...continued)

Subcommittee on Terrorism, Nonproliferation & Trade, May 17, 2016.

<sup>79</sup> White House Office of the Press Secretary, “Remarks by the President on Progress in the Fight Against ISIL,” July 6, 2015.

<sup>80</sup> Department of State & USAID Joint Strategy on Countering Violence Extremism, May 2016.

<sup>81</sup> Fact Sheet: Transition Initiatives for Stabilization (TIS-Somalia), USAID.

<sup>82</sup> USAID, Quarterly Performance Report No.4, Countering Violent Extremism in the Middle East & North Africa (CoVE-MENA) Maghreb-Sahel Pilot, October 29, 2015.

## Legislation and Issues for Congress

### Authorization for the Use of Military Force<sup>83</sup>

U.S. military action against Al Qaeda and its affiliates has continued for almost 15 years in multiple countries located in several regions of the world. The authority for such continuing and expanding action against Al Qaeda, the proper interpretation of such authority, and the role of Congress in overseeing and updating such authority, however, have been points of contention between Congress and the executive branch for most of that 15-year period. Such debate continues regarding the use of force against Al Qaeda, associated groups, and its affiliates, although much of the attention on issues related to presidential use of military force has in recent years shifted to the military campaign against the Islamic State.

Many observers, including some Members of Congress, have identified several concerns about continued use of force under existing authorities and what some see as expansive concepts of inherent presidential authority to use military force:

- **No termination date for existing authorizations.** Neither the 2001 AUMF nor the Authorization for Use of Military Force Against Iraq Resolution of 2002 (2002 AUMF; P.L. 107-243), both of which have been relied upon as authority to combat Al Qaeda, certain associated groups, and its “successor” the Islamic State, include language sunsetting their respective authorities on a certain date or laying out conditions under which the authorities would terminate. Some argue that this could lead to these authorities being relied upon permanently by successive Administrations to use force against Al Qaeda and many other related terrorist groups.
- **Geographic scope of military action.** Although the original theater of military action against Al Qaeda was Afghanistan, Al Qaeda members cross national borders or recruit new members in other countries. In addition, the network of Al Qaeda affiliates operates in multiple countries in the Middle East, South Asia, and North, West, Central, and East Africa. Because of terror networks’ ability to operate transnationally, the use of force against Al Qaeda and certain linked groups has led to a massive increase in the geographic scope of military operations without additional authorization from Congress.
- **Timeliness of language in existing authorizations.** The 2001 AUMF authorizes the use of military force against those who perpetrated the September 11, 2001, terror attacks and those who cooperated or aided them, while the 2002 AUMF authorizes force to defend against the “continuing threat posed by Iraq,” originally a reference to the Saddam Hussein regime. While the language of both authorizations can be and has been interpreted to provide authority for the continuing use of military force, some argue that these existing authorizations must be amended or replaced to reflect current realities and future developments concerning U.S. military counterterrorism efforts.<sup>84</sup>

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<sup>83</sup> Prepared by (name redacted), Specialist in Foreign Policy Legislation. For additional information, see CRS Report R43983, *2001 Authorization for Use of Military Force: Issues Concerning Its Continued Application*, by (name redacted).

<sup>84</sup> See, e.g., Letter from Rosa Brooks et al. to President Barack Obama, February 10, 2015, <https://www.justsecurity.org/wp-content/uploads/2015/02/AUMF-Sunset-Letter.pdf>.

- **Presidential authority under Article II of the Constitution.** Some argue that the 2001 AUMF has been stretched to include military action that was not originally contemplated by Congress. Both the Bush and Obama Administrations, however, have argued that the President's authority as Chief Executive and Commander-in-Chief under Article II of the Constitution authorizes action against Al Qaeda and other related terror groups in many cases even if an existing legislative authorization does not extend to such action.<sup>85</sup> If there is an imminent threat to the United States, its citizens, military or civilian personnel, or interests, the President has argued he has stand-alone constitutional authority to use military force as Commander-in-Chief. As Chief Executive, both Administrations have argued the President can also use military force as part of conducting the foreign policy of the United States. In some instances of U.S. strikes against Al Qaeda-linked groups, it is unclear from Administration statements which legal justification the Administration relied upon to conduct the strike. Some in Congress have disagreed with this interpretation of inherent presidential power, and have called on Congress to define and place limits on the President's authority to use military force against terror groups such as Al Qaeda and its affiliates.
- **Constitutional role of Congress.** Many Members of Congress have proposed legislation to amend, replace, and/or repeal the 2001 AUMF and 2002 AUMF, and have called on Congress to fulfill its constitutional role afforded it through the power to declare war and other related war powers. These Members have argued that perceived problems with presidential overreach concerning the use of military force against Al Qaeda and its affiliates, as well as other uses of military force, in part stem from Congress's unwillingness to conduct effective oversight and revisit existing legislation to ensure the President is using military force in accordance with the Constitution and the will of Congress, insofar as Congress has authority in those areas.

## **FY2016-FY2017 Appropriations for Foreign Operations and Defense**

In December 2015, Congress appropriated FY2016 funds for foreign operations and defense in the Consolidated Appropriations Act, 2016 (P.L. 114-113, H.R. 2029). There were no specific appropriations limited to Al Qaeda, although the act did permit funds not to exceed \$1.16 billion to be used to provide training or equipment to coalition forces supporting the U.S. military and stability operations in Afghanistan, as well as to counter the Islamic State.

The Administration's FY2016 budget request had included a request for \$42.5 billion in Overseas Contingency Operations (OCO) funding for Operation Freedom's Sentinel in Afghanistan (formerly known as Operation Enduring Freedom) to train, advise, and assist Afghan forces and to conduct counterterrorism operations against the remnants of Al Qaeda.

In February 2016, the Obama Administration released its preliminary FY2017 budget requests for foreign operations and defense. Select specific requests related to Al Qaeda include the following:

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<sup>85</sup> See U.S. Congress, Senate Committee on Foreign Relations, hearing on authorization for use of military force, 113<sup>th</sup> Cong., 2<sup>nd</sup> sess., May 21, 2014 (testimony of Mary McLeod, Principal Deputy Legal Adviser, Department of State, and Stephen Preston, General Counsel, Department of Defense).

- \$2.5 billion for programs in Afghanistan, including military training and assistance and countering extremism.
- \$45 million in Foreign Military Financing (FMF-OCO) for Tunisia to counter threats from terrorist organizations, including those affiliated with Al Qaeda, notably AQIM.
- \$5.8 million in Nonproliferation, Antiterrorism, Demining, and Related Programs (NADR)-OCO funds for Yemen to counter terrorist threats including those from AQAP.
- \$66.5 million in State Department- and USAID-administered funds for TSCTP activities to build the capacity of participant countries in North-West Africa to counter the threat posed by terrorist groups in the region, including AQIM and its splinter and offshoot factions.
- \$24.2 million in State Department- and USAID-administered funds for the Partnership for East Africa Counter-Terrorism (PRACT).
- \$277 million in State Department-administered funds for AMISOM and Somali security forces fighting Al Shabaab.<sup>86</sup>
- \$450 million in Defense Department Counter-Terrorism Partnership Fund (CTPF) for programs to build the counterterrorism capacity of countries in Africa to counter AQIM, Al Shabaab, and other terrorist groups (including Boko Haram, which has pledged allegiance to the Islamic State).
- \$250 million in defense funding for the Syria train and equip program. The overarching authority for the program provided in the FY2015 NDAA (P.L. 113-291) authorizes U.S. assistance for the purpose of defending the United States from the Islamic State as well as from threats posed by terrorists in Syria.

## Outlook

Al Qaeda and its affiliate groups continue to evolve, reflecting internal debates as well as reactions to competitors such as the Islamic State. Possible future trends include

- **Increase in small-scale attacks.** Former CIA Deputy Director Michael Morell in 2015 described an altered threat landscape since the attacks of September 11. He stated that, “the change is defined by a reduction of the threat from the original al Qa’ida organization but a significant expansion of the threat from the emerging groups, a reduction in the threat of large, spectacular attacks but a skyrocketing rise in the threat of small-scale attacks.”<sup>87</sup> Other U.S. officials have warned that Al Qaeda affiliates, seeking to compete with the attention garnered by the Islamic State, are countering with high-publicity attacks on soft targets such as hotels.<sup>88</sup> AQIM in 2015-2016 claimed attacks against hotels in Ivory Coast, Burkina Faso,

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<sup>86</sup> \$167 million in CIPA for UNSOS, \$110 million for AMISOM TCCs and Somali security forces under the Somalia bilateral request.

<sup>87</sup> Michael Morell, *The Great War of Our Time: The CIA’s Fight Against Terrorism—From al Qa’ida to ISIS*, pp304-305.

<sup>88</sup> Brian Dodwell, “A view from the CT foxhole: Brigadier General Donald C. Bolduc, Commander, Special Operations Command Africa,” *CTC Sentinel*, May 25, 2016.

- and Mali. The group and its offshoots also continue to conduct attacks against members of the U.N. peacekeeping mission in Mali, MINUSMA.
- **Potential for AQ leadership resurgence in Afghanistan.** Despite the reportedly reduced capabilities of Al Qaeda leadership, there is concern that AQ leaders could once again find sanctuary with the Taliban in Afghanistan, particularly following the withdrawal of U.S. forces from the country. Once safely established, AQ leadership could reconstitute its capabilities and eventually regain the capacity to conduct large-scale attacks. Zawahiri had previously pledged allegiance to Afghan Taliban leader Akhtar Muhammad Mansur, and in June 2016 pledged allegiance to Mansur's successor, Haibatullah Akhunzada.<sup>89</sup> In his *Islamic Spring* series, Zawahiri offers a general plan for establishing a caliphate, stating that the first step is strengthening the Islamic Emirate in Afghanistan [the Taliban].<sup>90</sup>
  - **Stretching of U.S. resources.** Morell also noted that the Arab Spring has bolstered Al Qaeda by challenging governance at the local level. In some cases, this has created safe havens from which the group can operate, and which supply recruits, money, and weapons. The geographic dispersal of Al Qaeda-linked groups, he argued, has stretched the diplomatic, intelligence, and military resources of the United States. Unlike the Islamic State, which is geographically tethered to specific territory it seeks to defend, Al Qaeda groups are fluid and move across a wide expanse of terrain—arguably increasing their resilience under attack. To counter them effectively may require the development of U.S. relationships with a range of regional partners.
  - **Competition and adaptation.** Al Qaeda's attempt to reassert leadership within the jihadist community could place pressure on the group to accelerate the implementation of what it had previously described as long-term goals. Although Zawahiri has declared that conditions are not ready for the establishment of a caliphate, some observers point to indications that the Nusra Front (now known as the Levant Conquest Front) is preparing to establish an Islamic emirate in parts of northern Syria under its control.<sup>91</sup> Others argue that, despite competition and conflict between the Islamic State and Al Qaeda, their shared objectives overshadow their differences, suggesting that in the next five years the two groups could merge or establish some degree of tactical cooperation.<sup>92</sup>

Despite the heightened focus on the Islamic State since its territorial expansion in 2014, U.S. military and intelligence officials remain concerned about the threat posed by Al Qaeda and its affiliated groups, some of which have already attempted attacks inside the United States—notably the multiple foiled airliner attacks attempted by AQAP. As policymakers examine the broad landscape of terrorist threats, they may wish to consider whether and how the risks posed to the United States and U.S. interests from the Islamic State and Al Qaeda differ, and how U.S. counterterrorism policy can be best positioned to address and balance both threats.

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<sup>89</sup> OSE TRR2016061112755024, "Ayman Al Zawahiri Pledges Allegiance to New Taliban Leader, Vows to 'Establish a Caliphate,'" June 11, 2016.

<sup>90</sup> OSE TRO2015100644888543, "Al-Qa'ida Leader Declares Conditions 'Not Ready' for Caliphate, ISIL Leaders 'Fanatics,'" October 6, 2015.

<sup>91</sup> Charles Lister, "Al Qaeda is about to establish an emirate in northern Syria," *Foreign Policy*, May 4, 2016.

<sup>92</sup> Bruce Hoffman, "The Coming ISIS- al Qaeda Merger," *Foreign Affairs*, March 29, 2016.



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