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Libya: Transition and U.S. Policy

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Summary

Libya's political transition has been disrupted by armed non-state groups and threatened by the indecision and infighting of interim leaders. After an armed uprising ended the 40-plus-year rule of Muammar al Qadhafi in 2011, interim authorities proved unable to form a stable government, address pressing security issues, reshape the country's public finances, or create a viable framework for post-conflict justice and reconciliation. Qadhafi left state institutions weak and deprived Libyans of experience in self-government, compounding stabilization challenges.

Elections for legislative bodies and a constitutional drafting assembly held in 2012 and 2014 were administered transparently, but were marred by declining rates of participation, threats to candidates and voters, and zero-sum political competition. Insecurity became prevalent in Libya following the 2011 conflict and deepened in 2014, driven by overlapping ideological, personal, financial, and transnational rivalries. Issues of dispute have included governance, military command, national finances, and control of oil infrastructure. At present, armed militia groups and locally organized political leaders remain the most powerful arbiters of public affairs. An atmosphere of persistent lawlessness has enabled militias, criminals, and Islamist terrorist groups to operate with impunity, further endangering civilians' rights and safety. U.S. Africa Command (AFRICOM) emphasizes the importance of a political solution for stability, and in March 2018, told Congress that, in light of prevailing turmoil, "the risk of a full-scale civil war remains real."

U.S. officials and other international actors have worked since 2014 to convince Libyan factions and their various external supporters that inclusive, representative government and negotiation are preferable to competing attempts to achieve dominance through force of arms. The U.N. Security Council has authorized financial and travel sanctions on individuals and entities responsible for threatening "the peace, stability or security of Libya," obstructing or undermining "the successful completion of its political transition," or supporting others who do so. A U.N. arms embargo is in place, and U.S. executive orders provide for sanctions on figures that undermine the transition.

In December 2015, some Libyan leaders endorsed a U.N.-brokered political agreement to create a Government of National Accord (GNA) to oversee the completion of the transition. GNA Prime Minister-designate Fayez al Sarraj and members of a GNA Presidency Council have attempted to implement the agreement and have competed for influence with political figures and armed forces based in eastern Libya, including Field Marshal Khalifa Haftar's "Libyan National Army" (LNA) movement. A U.N.-sponsored Action Plan launched in 2017 seeks to complete Libya's transition during the coming year, and Libyans and outsiders are debating terms for its implementation. Previous mediation efforts struggled to gain traction, and outsiders have at times pursued their own agendas through ties with Libyan factions. Such competition by proxy raises the stakes of Libya's internal rivalries and complicates negotiations.

The State Department suspended operations at the U.S. Embassy in Tripoli in July 2014. U.S. diplomats engage with Libyans and monitor U.S. programs in Libya via the Libya External Office (LEO) at the U.S. Embassy in Tunisia. Periodic U.S. military strikes target IS members and other terrorists. U.S. officials judge that the threats posed by IS members and Al Qaeda have been degraded, but note that these groups remain dangerous and could resurge if conditions deteriorate.

Congress has conditionally appropriated funding for limited U.S. transition support and security assistance programs for Libya since 2011 and is reviewing the Trump Administration's FY2019 requests for assistance funds. In 2017, the Administration imposed conditional restrictions on the entry of Libyan nationals to the United States, with some exceptions. Political consensus among Libyans remains elusive, and security conditions may create lasting challenges for the return to Libya of U.S. diplomats and the full development of bilateral relations.

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Overview

Libya's political transition has been disrupted by armed non-state groups and threatened by the indecision and infighting of interim leaders. After an armed uprising ended the 40-plus-year rule of Muammar al Qadhafi in late 2011, interim authorities proved unable to form a stable government, address pressing security issues, reshape the country's public finances, or reconcile. Qadhafi left state institutions weak and deprived Libyans of experience in self-government, compounding stabilization challenges. At present, armed militia groups and locally organized political leaders remain the most powerful arbiters of public affairs. An atmosphere of persistent lawlessness has enabled militias, criminals, and Islamist terrorist groups to operate with impunity.

Insecurity became prevalent in Libya following the 2011 conflict and deepened in 2014, driven by overlapping ideological, personal, financial, and transnational rivalries. Elections for legislative bodies and a constitutional drafting assembly held in 2012 and 2014 were administered transparently, but were marred by declining rates of participation, threats to candidates and voters, and zero-sum political competition. Issues of dispute have included governance, military command, national finances, and control of oil infrastructure. U.S. Africa Command (AFRICOM) has emphasized the importance of a political solution for stability, and in March 2018, told Congress that, in light of prevailing turmoil, "the risk of a full-scale civil war remains real."

In December 2015, some Libyan leaders endorsed the U.N.-brokered political agreement to create a Government of National Accord (GNA) to oversee the completion of the transition. GNA Prime Minister-designate Fayez al Sarraj and members of a GNA Presidency Council have attempted to implement the agreement and have competed for influence with political figures and armed forces based in eastern Libya, including leaders of the House of Representatives elected in 2014 and Field Marshal Khalifa Haftar's "Libyan National Army" (LNA) movement. The United Nations (U.N.) Security Council and the United States have recognized the GNA, but it has made little progress in overcoming disputes that have split the country politically and geographically.

U.S. officials and other international actors have worked since 2014 to convince Libyan factions and their various external supporters that inclusive, representative government and negotiation are preferable to competing attempts to achieve dominance through force of arms. The U.N. Security Council has authorized financial and travel sanctions on individuals and entities responsible for threatening "the peace, stability or security of Libya," obstructing or undermining "the successful completion of its political transition," or supporting others who do so. A U.N. arms embargo is in place, and U.S. executive orders provide for sanctions against those undermining the transition.

A U.N.-sponsored Action Plan launched in 2017 seeks to complete the transition in 2018, and Libyans and outsiders are debating its implementation, including the timing and sequencing of elections and a constitutional referendum. Past mediation efforts struggled to gain traction and outsiders have at times pursued their own agendas through ties with Libyan factions. Such competition by proxy raises the stakes of Libya's internal rivalries and complicates negotiations.

The State Department suspended operations at the U.S. Embassy in Tripoli in July 2014 and has delayed the reintroduction of U.S. personnel on a permanent basis in light of prevailing security conditions. U.S. diplomats engage with Libyans and monitor U.S. programs in Libya via the Libya External Office (LEO) at the U.S. Embassy in Tunisia. U.S. military strikes and advice supported some Libyan forces in Operation Odyssey Lightning, a 2016 campaign to eliminate and expel thousands of Islamic State (IS, aka ISIS/ISIL) supporters from the central coastal city of Sirte (**Table 1**). Periodic U.S. strikes target IS members and other terrorists. U.S. officials judge that the threats posed by IS members and Al Qaeda have been degraded, but note that these groups remain dangerous and could resurge if political and security conditions deteriorate.

Table I. Libya Map and Facts



Land Area: 1.76 million sq. km. (slightly larger than Alaska); **Boundaries:** 4,348 km (~40% more than U.S.-Mexico border); **Coastline:** 1,770 km (more than 30% longer than California coast)

Population: 6,653,210 (July 2017 est., in 2015 the U.N. estimated 12% were immigrants), 42.9% <25 years old

GDP PPP: \$63.14 billion; *annual real % change:* 55.1% (2017 est.); *per capita:* \$9,800 (2017 est.)

Budget (spending; balance): \$22.32 billion, deficit 18% of GDP (2017 est.)

External Debt: \$2.927 billion (December 2017 est.)

Foreign Exchange Reserves: \$69.35 billion (December 2017 est.), \$124 billion (2012 est.)

Oil and natural gas reserves: 48.36 billion barrels (2017 est.); 1.505 trillion cubic meters (2017 est.)

Source: Congressional Research Service using data from U.S. State Department, Esri, United Nations, and Google Maps. Country data from CIA World Factbook, April 2018.

Congress has conditionally appropriated funding for limited U.S. transition support and security assistance programs for Libya since 2011 and is considering the Trump Administration's request for additional assistance funds for FY2019. Congress continues to shape U.S. policy toward Libya through its oversight of existing diplomatic, foreign assistance, and defense activities and its consideration of new proposals and requests. Relative resource investment and a lack of physical presence in Libya arguably limit U.S. influence on the ground.

The Administration and some Members of Congress are considering options for future engagement in Libya with two interrelated goals: supporting the emergence of a unified, capable national government, and reducing transnational threats posed by terrorists and other actors who have exploited Libya's instability. Pursuing these objectives simultaneously presents U.S. policymakers with complicated choices about relative priorities and the interrelated consequences of a range of options. Points of active discussion concern

- the nature and extent of U.S. partnership with different Libyans;
- the type, timing, and extent of U.S. assistance;
- the potential utility or costs of sanctions or other coercive measures; and
- the degree of cooperation or confrontation with other outside actors seeking to influence developments.

These issues will likely shape U.S. policy debates about Libya for the foreseeable future.

Political, Diplomatic, and Security Dynamics

Libya's 2011 uprising and conflict brought Muammar al Qadhafi's four decades of authoritarian rule to an end. Competing factions and alliances—organized along local, regional, ideological, tribal, and personal lines—have jockeyed for influence and power in post-Qadhafi Libya, at times with the backing of rival foreign governments. According to Ghassan Salamé, the Special Representative of the U.N. Secretary-General (SRSG) and head of the U.N. Support Mission in Libya (UNSMIL), Libyans are struggling to overcome a political “discourse of hatred” and “mutual exclusion” that has prevented the completion of the country's transition to date.¹ This discourse is in part a legacy of Muammar al Qadhafi's decades of divisive rule and in part a product of the internal divisions, rampant insecurity, and zero-sum competition that have followed Qadhafi's downfall.

Although some observers attribute Libya's divisive politics to simple binaries—“Islamist versus secular,” “east versus west,” “tribe versus tribe,” “urban versus rural,” “ethnic majority versus ethnic minority,”² or “old-regime officials versus newly empowered groups”—many of these factors and others often interact to shape local and national dynamics. Since 2011, a series of transitional governing arrangements have been endorsed in two national elections and a constitutional drafting assembly referendum, but rates of participation have declined over time. The net result has been a *de facto* accrual of transitional leaders with competing claims of legitimacy who have been locked in an inconclusive political struggle.

¹ Remarks of SRSG Ghassan Salamé to the United Nations Security Council, March 21, 2018. The U.N. Security Council created UNSMIL as an integrated special political mission in September 2011 (Resolution 2009) “at the request of the Libyan authorities to support the country's new transitional authorities in their post-conflict efforts.” See <https://unsmil.unmissions.org/mandate>.

² Libya's population includes an Arabic-speaking majority and Berber, Tuareg, and Tebu ethno-linguistic minorities, among others.

After years of rivalry and conflict, many Libyan actors make claims to some degree of political legitimacy and possess some means to assert themselves by force, but none have consolidated enough political support or military force to provide credible leadership or durable security on a national scale. Sustained national civil war has been avoided, but violent clashes have occurred in many areas, and the threat of wider conflict persists.

In this context, key post-Qadhafi political issues for Libyans have included

- the relative powers and roles of local, regional, and national government;
- the weakness of national government institutions and security forces;
- the role of Islam in political and social life;
- the involvement in politics and security of former regime officials; and
- the proper management of the country's large energy reserves, related infrastructure, and associated revenues.

Factors that have shaped the relative degree of conflict, mutual accommodation, and reconciliation among Libyan factions since 2014 include

- the relative ability of numerous factions to muster sufficient force or legitimacy to assert dominance over each other;
- the inability of rival claimants to gain exclusive access to government funds controlled by the Central Bank or sovereign assets held overseas;
- the U.N. arms embargo and the potential widening of U.N. sanctions; and
- the threats posed to Libyans by extremist groups, including the Islamic State.

Among the range of external actors seeking to shape developments in Libya, the United States has at times acted unilaterally and directly to protect its national security interests. Other countries have done the same. At the same time, the United States and other external parties have expressed support for multilateral initiatives to encourage compromise and consensus in support of Libya's transition. Some foreign observers have praised the role of the United Nations and other third parties in promoting national reconciliation, but have argued that continuous efforts are needed to engage all Libyan actors with influence or direct control over security, natural resources, infrastructure, and sources of revenue if stability is to be achieved.³ Various Libyans have at times accused the U.N. and other third parties of unwarranted interference in Libya's domestic affairs, particularly when they perceive outside interventions to undercut their interests or serve those of their rivals.

For the United States and other outsiders, key issues related to post-Qadhafi Libya have included

- transnational terrorist and criminal threats emanating from Libya;
- the security and continued export of Libyan oil and natural gas;
- Libya's role as a transit country for Europe-bound refugees and migrants;
- the security of weapons stockpiles and unconventional weapons materials; and
- the country's orientation in various region-wide political competitions.

For a more detailed description of Libya's history and political evolution, see **Appendix A**. For a description of select Libyan political actors, see **Appendix D**.

³ For example, International Crisis Group, "Restoring UN Leadership of Libya's Peace Process," September 18, 2017.

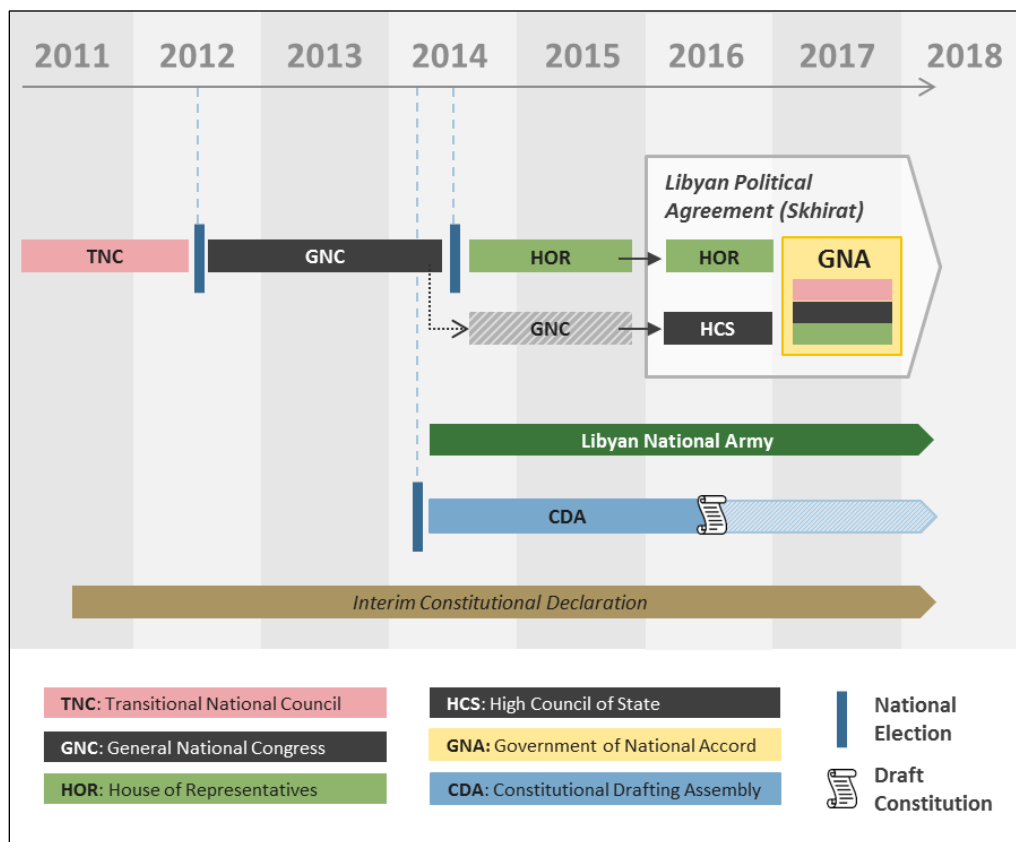
Libya's Political Landscape

Developments in post-Qadhafi Libya have unfolded in three general phases, the third of which is still under way:

1. an immediate post-Qadhafi period (October 2011 to July 2012) focused on identifying interim leaders and recovery from the 2011 conflict;
2. a contested transitional period (July 2012 to May 2014) focused on legitimizing and testing the viability of interim institutions; and
3. a period of confrontation and mediation (May 2014 to present) characterized by tension and violence among loose political-military coalitions, multifaceted conflict between their members and violent Islamist extremist groups, and enhanced efforts by third parties to promote reconciliation.

In the initial consolidation phase, members of the anti-Qadhafi Transitional National Council (TNC) oversaw the promulgation of an Interim Constitutional Declaration in August 2011 and the organization in July 2012 of the country's first general election since the 1950s (**Figure 1**). Early on, disagreements over the makeup and leadership of an interim cabinet hinted at the deeper political, ideological, interpersonal, and regional fault lines that would later disrupt the transition. The TNC government made little progress in reconstituting or reforming government entities, establishing security, or demobilizing militias that had formed to fight Qadhafi and his allies.

Figure 1. Libya's Contested Transition
(Select Actors and Developments, 2011-2018)



Source: Congressional Research Service.

Although many Libyans expressed hope that the July 2012 national election for the General National Congress (GNC) would endow a new government with sufficient legitimacy and support to address sensitive issues, the contest heightened the stakes of political competition. The September 2012 attacks on U.S. personnel and facilities in Benghazi had a chilling effect on international efforts to support Libya's transition, as did subsequent incidents in which militia groups demonstrated their willingness and ability to disrupt the workings of the national government in order to preserve their interests. Overall, the GNC government's tenure was marred by gridlock, mutual suspicion, and political intimidation by armed groups.

By late 2013, amid preparations for another national election for members of a constitutional drafting assembly, GNC members were polarized by disputes over the GNC's remaining term of office, the passage of laws excluding any former regime officials from public office, and proposals to elevate the status of Islamic law in the country's legal system. Disputes flared over governance, the selection of new interim representatives, and responsibility for ensuring security in the face of a rising wave of criminality and Islamist insurgent violence.

By mid-2014, the transition process outlined in 2011 had all but collapsed, and the outbreak of violence between two rival political-military coalitions compounded the complexity of Libya's already diverse, atomized security environment. The outcome of the June 2014 election for a new House of Representatives (HOR) to replace the GNC was contested by GNC holdouts, setting the stage for more than a year of stalemate and failed attempts at mediation.

In eastern Libya, the Tobruk-based HOR and Benghazi-focused forces aligned with the "Libyan National Army" (LNA) coalition's *Operation Dignity* initiative, asserted their legitimacy, and moved to target a range of Islamist forces and other militias. In western Libya, the Tripoli-based remnants of the GNC and the GNC-aligned *Libya Dawn* militia grouping contested the HOR's legitimacy and rejected the LNA. As violence flared, U.S. diplomats were evacuated.

Over time, individual members of these two coalitions reached parallel cease-fire agreements, and some communities and militias agreed to participate in U.N.-sponsored peace talks. Divisions and disputes persisted, repeated attempts to broker an agreement failed, and political relationships remained fluid through 2015.

Conflict and Negotiations, 2014-2015

Libyans became immersed in chaotic conflict in May 2014, when a group of current and former military officers led by retired General Khalifa Haftar launched a military campaign against Islamist groups; the campaign had not been authorized by the national government, which was then preparing for new elections. Haftar had earlier announced his intention to lead a military takeover of government in February 2014. National elections to replace the then-interim legislature (the Tripoli-based General National Congress, GNC) were held successfully in June 2014, but some Libyans challenged the legitimacy of the resulting body (the Tobruk-based House of Representatives, HOR). The HOR's critics questioned its mandate and its leaders' embrace of Haftar's nominally anti-Islamist military campaign.

Some Libyans (including non-Islamist groups) saw the Haftar-led campaign as an attempt to illegitimately reassert control of the country by former regime officials aligned with foreign countries, including Egypt and the United Arab Emirates. The military campaign's supporters argued that the inability of state institutions to ensure security and the aggressive actions of armed Islamist groups demanded a forceful response. Some HOR/Haftar supporters accused Qatar, Turkey, and Sudan of backing their Islamist and non-Islamist western Libya-based adversaries. The resulting dispute led to the emergence of two rival governments affiliated with the GNC in Tripoli and HOR in Tobruk, respectively. The United States, the United Nations, and other international parties recognized the authority of the HOR government through late 2015, but in practice remained engaged with all parties in the pursuit of reconciliation.

After a year of bitter conflict and in the face of rising threats from Islamic State supporters and other extremists, some Libyan leaders signed onto a United Nations-facilitated reconciliation proposal in December 2015 to establish a new interim Government of National Accord (GNA). The resulting Libyan Political Agreement (LPA) tasked the GNA with managing the completion of the country's disrupted transition within two years.

Libyan Political Agreement and Government of National Accord

In December 2015, a U.N.-facilitated Libyan Political Agreement (LPA) was signed in Skhirat, Morocco, bringing together members of Libya's competing coalitions to call for the creation of a new, inclusive Government of National Accord (GNA). The GNA was designed to incorporate members of opposing groups and rival post-Qadhafi elected bodies under new institutional arrangements. The agreement called for a nine-member GNA Presidency Council made up of representatives from Libya's key factions and regions to assume national security and economic decisionmaking power, with the HOR retaining legislative power in consultation with a new High Council of State (HCS) made up in part of former GNC members.

Since late 2015, Libyan politics have been defined in large part by Libyans' evolving views of the agreement and the repositioning of locally organized political councils and militias in response to GNA leaders' attempts to implement it. The HOR accepted the GNA agreement in principle in January 2016, but HOR leaders prevented the wider body from endorsing the GNA's proposed cabinet through a required procedural vote and from incorporating the LPA into the interim constitutional declaration. Khalifa Haftar and the LNA—a coalition of military units, militia groups, and local fighters—opposed the terms of an annex of the LPA that called for command of the military to shift to the GNA's Presidency Council once the HOR ratified the agreement. HOR leader Aqilah Issa Saleh had appointed Haftar as military commander in March 2015 after the HOR voted to create the position.

Pro-Haftar forces have largely consolidated security control over much of northeastern Libya since 2015, and in September 2016 moved to take control of important oil infrastructure sites in the eastern Sirte basin (see map in **Table 1**). Although they subsequently transferred key facilities to friendly Petroleum Forces Guard members and allowed national oil authorities to operate them, the move appeared to increase Haftar's insistence upon being recognized as the legitimate leader of Libya's national armed forces and his allies' insistence on rejecting the GNA Presidency Council. In September 2016, the HOR promoted Haftar from General to Field Marshal.

In western Libya, GNA Prime Minister Fayez al Sarraj and GNA cabinet members gained administrative control over ministries and agencies in Tripoli, but did not fully consolidate their political position or establish national security control. By rejecting and withholding endorsement of proposed GNA ministers, HOR members prompted questions about the GNA's legitimacy among some Libyans. Efforts to ensure regional, ethnic, and political representation in the GNA Presidency Council complicated its decisionmaking, and the Council has suffered from boycotts and resignations. In practice, the power and effectiveness of GNA-led ministries has remained limited, and third parties, including the United States, have balanced efforts to build capacity at the national level with local community engagement and relief efforts.

Security arrangements also remain divisive, with LNA leaders refusing to recognize the authority of the GNA over LNA forces. LNA leaders continue to warn against the incorporation of what they consider to be militias or extremists into national security bodies, a position widely viewed as seeking the exclusion of some of their pro-GNA counterparts. In contrast, some western Libya-based GNA supporters have called for the exclusion of Field Marshal Haftar from a security role in any future government. The GNA Presidency Council's critics have described it as being at the mercy of western Libyan militia groups,⁴ while simultaneously questioning the council's mandate to create any new legitimate security forces until broader political questions are settled.

⁴ Reuters, "Libya's Haftar says won't work with unity government until militias disbanded," May 20, 2016.

Global concern about the trafficking and detention of migrants in western Libya has been accompanied by increased international attention to the region's political economy and security since 2017. The GNA's presence in Tripoli is underwritten by the support of powerful local militia groups, some of whom are reportedly involved in human rights abuses, crime, and illegal detentions (see "Human Rights and Religious Freedom").⁵ Some pro-GNA militia forces in western Libya have formal security roles and some Misratan forces that battled with U.S. military support in 2016 to recapture the city of Sirte from the Islamic State organization may seek a formal security role in the future.

As political and diplomatic negotiations have continued, the prospect of military confrontation has loomed. LNA forces declared victory over numerous opposing militia groups in Benghazi in 2017 after a costly, destructive three-year battle, but the LNA has not yet appeared capable of a military victory against rivals in western Libya despite threats and some expanded operations in central and southern Libya. Forces aligned with the GNA and the LNA have clashed in areas of central and southern Libya since mid-2017, even as LNA officers and GNA-affiliated military officers have met for several rounds of talks in Cairo as part of an Egyptian government-led process that seeks to unify and reorganize Libya's national military forces. LNA forces have encircled militia forces in Derna (see map in **Table 1**), including some armed Islamist groups.

U.N. Action Plan and Proposed Elections

GNA Prime Minister-designate Sarraj and Field Marshal Haftar met in Abu Dhabi in May 2017 and in Paris in July 2017, raising hopes for a process leading to mutually agreed amendments of the LPA and implementation of a modified GNA arrangement. After progress stalled and fears of military confrontation grew, the U.N. launched a new Action Plan in September, leading to talks among Libyans on reducing the size of the GNA Presidency Council from nine to three and modifying the roles of legislative and executive entities. While the parties made some progress, they did not reach agreement about national security leadership or the sequencing of a required constitutional referendum or planned elections by the end of 2017.

The atmosphere at the end of 2017 was particularly confrontational, as the LPA neared its two-year anniversary. Field Marshal Haftar asserted his view that the agreement and the legitimacy of associated institutions had expired.⁶ His statement came in the wake of direct statements by the U.N. Security Council⁷ and U.S. government⁸ describing the LPA as "the only viable framework to end the Libyan political crisis." Observers then speculated that Haftar and his supporters might

⁵ See Office of the United Nations High Commissioner for Human Rights in cooperation with the United Nations Support Mission in Libya, "Abuse Behind Bars: Arbitrary and unlawful detention in Libya," April 2018; Tim Eaton, "Libya's War Economy: Predation, Profiteering and State Weakness," Chatham House, April 2018, and Wolfram Lacher, "Tripoli's Militia Cartel," German Institute for International and Security Affairs, April 2018.

⁶ December 17, 2017, marked the two-year anniversary of the LPA. Field Marshal Haftar marked the date with a speech declaring it "the day when the so-called political agreements expires, and with it all the entities emanating from that agreement automatically lose their legitimacy, which has been contested from the first day of starting their work." Speaking for the LNA movement, he stated "our full abidance by the orders of the free Libyan people and no other side since they are their own guardian and the sovereign ones on their soil." He further declared the LNA's "unequivocal rejection of the subordination of the Libyan National Army to any side whatever its source of legitimacy is unless it is elected by the Libyan people."

⁷ U.N. Security Council, Statement of the President on the Situation in Libya, S/PRST/2017/26, December 14, 2017.

⁸ Remarks of U.S. Deputy Representative to the United Nations Ambassador Michele Sison, November 16, 2017. The Security Council has emphasized the LPA's "continuity," rejected "incorrect deadlines that only serve to undermine the UN-facilitated political process," and the United States has warned "political spoilers who think that, by dragging their feet and running down the clock, they can bypass the United Nations-facilitated political process."

resort to unilateral measures and/or seek to impose a solution by force. That outcome was avoided, but Haftar has paired subsequent statements about wanting elections “as soon as possible” with statements questioning Libya’s readiness for democracy and implying that the LNA could resort to other means.⁹

UNSMIL and SRSG Ghassan Salamé

The U.N. Security Council created UNSMIL as an integrated special political mission in September 2011 (Resolution 2009) “at the request of the Libyan authorities to support the country’s new transitional authorities in their post-conflict efforts.” UNSMIL’s mandate has expanded over time, and now includes authorization “to exercise mediation and good offices in support of the Libyan political agreement’s implementation; the consolidation of governance, security and economic arrangements of the Government of National Accord and subsequent phases of the Libyan transition process.” UNSMIL staff experts engage with Libyan national and local officials and monitor and report on politics, human rights conditions, security, and economic development. Resolution 2376 (2017) extended UNSMIL’s mandate to September 2018.

In June 2017, U.N. Secretary-General António Guterres named Ghassan Salamé of Lebanon as his Special Representative (SRSG) and head of UNSMIL. According to Salamé, UNSMIL “is intensively trying to establish the proper political, legislative and security conditions for elections to be held before the end of 2018.”¹⁰ He has stated his hope that new elections could help overcome what he views as the “shallow legitimacy” and “tenuous mandates” of present governing arrangements.¹¹

The U.N. Action Plan and related diplomatic and assistance efforts foresee the potential holding of a constitutional referendum and national legislative and executive elections as soon as possible, but key decisions remain to be taken and communicated about the timing, sequencing, and content of planned electoral exercises. The draft constitution endorsed by the Constitutional Drafting Assembly in July 2017 cleared one key judicial challenge in February 2018,¹² but the timing and sequencing of a planned referendum relative to elections remain to be determined. In March 2018, members of the High Council of State voted to replace Abderrahman al Swehli, a powerful western Libyan figure from Misrata and prominent critic of the LNA and HOR, with Khalid al Meshri of the Justice and Construction movement, Libya’s Muslim Brotherhood-affiliated party. Al Meshri and HOR leaders subsequently met in Morocco, but their discussions apparently did not result in agreement on legislation for planned elections.

A successful national voter registration drive and leaders’ continued engagement in discussions with UNSMIL are positive signs,¹³ but rivals also appear to be leveraging the non-implementation of legislative and bureaucratic arrangements to influence the scope and pace of progress.

⁹ On December 28, Haftar spoke publicly again, reiterating his view of the LPA as having expired, accepting proposed elections under the U.N. Action Plan, and alluding to a contingency in which he and the LNA might assert legitimacy stemming from a signature campaign held in eastern Libya in 2017. “Libyan Army Commander Haftar Says Libya Not Yet Mature for Democracy,” *Jeune Afrique* (Paris), January 7, 2018.

¹⁰ Statement by the Special Representative of the Secretary-General and Head of the UN Support Mission in Libya Ghassan Salamé, December 17, 2017.

¹¹ Remarks of SRSG Salamé before the U.N. Security Council, March 21, 2018.

¹² Mattia Toaldo, “A Constitutional Panacea for Libya?” Carnegie Endowment for International Peace – Sada, August 22, 2017; and, Reuters, “Libya’s supreme court blocks legal challenges to draft constitution,” February 14, 2018.

¹³ Libya’s High National Election Commission (HNEC) chairman Emad Sayeh has moved forward with preparations for national elections with international technical assistance. HNEC registered one million new voters from December 2017 to March 2018, bringing the registered voter total to more than 2.4 million, roughly 53% of the eligible voter population. The United States and other third parties may support voter education and outreach efforts to encourage voter participation and overcome low turnout levels that marred previous elections. Abdulkader Assad, “HNEC: Number of registered voters give credibility to any elections,” *Libya Observer*, April 9, 2018.

Electoral laws await amendment or replacement, and candidate eligibility criteria and campaign finance regulations await definition.

On May 2, the Islamic State organization claimed a deadly suicide bombing and shooting attack against the headquarters of the High National Election Commission (HNEC). Following the attack, HNEC director Emad al Sayeh reported that the commission's technical voter data was secure and insisted that the attack would not disrupt plans for elections later this year. It is unclear whether the attack may negatively affect the ability of HNEC to follow through with its technical and administrative agenda for supporting proposed democratic exercises promptly and credibly.¹⁴ In order to carry out elections and/or a referendum, thousands of personnel and volunteers need to be recruited and trained, new technological capabilities need to be deployed to voting sites across the country, and official election and/or referendum materials need to be procured. HNEC is preparing to hold both presidential and parliamentary elections and is awaiting the finalization of required legislation and the provision of necessary financial and logistical support by government authorities.

Prospects

The U.N. Action Plan's original goal for implementation by the end of 2018 added renewed urgency to efforts to resolve Libya's political crises, but observers and officials have yet to identify any significant breakthroughs. The potential prize of a renewed electoral mandate has proven attractive to leading actors on all sides, but zero-sum political calculations have thus far outweighed efforts to find common ground and move ahead. The Islamic State

Under current conditions and trends, unresolved political differences and rivalries may influence and potentially undermine functional efforts to prepare for and secure democratic exercises proposed as part of the U.N. Action Plan. Violent extremists, criminal organizations, and disgruntled political factions may pose unique security risks to voters, election authorities, and poll workers. Election administration experts expect that the coordination of security efforts among competing Libyan factions, rival national bureaucracies, and local militias may prove particularly challenging even under ideal circumstances. The conduct and outcome of any elections or referenda may influence the willingness of parties to abide by the results.

At an April 2018 meeting, the United Nations, the EU, the African Union, and the Arab League issued a joint statement supporting the U.N. Action Plan and proposed elections, saying that

the conduct of such elections requires a conducive political and security environment where all Libyan parties commit in advance to respect and abide by their results and voters are allowed to safely exercise their democratic rights throughout the country without intimidation or interference, including from armed groups, criminal networks and other non-state actors.¹⁵

Looking beyond the scope of the LPA, Libyans' experiences since 2011 suggest that some key policy areas are likely to remain politically sensitive and potentially divisive. These include the composition and leadership of Libyan security forces, efforts to combat extremist groups, the nature and extent of Libyan requests for international security assistance, demobilization of local militias, control of national financial institutions and reserves, and the security of energy infrastructure sites vital to the country's economic future.

¹⁴ USAID funds the work of the International Foundation for Electoral Systems (IFES) to assess the needs of and provide support to Libyan election entities via the Libya Elections and Governance Support Program (LEGS).

¹⁵ Joint Communiqué of the Quartet meeting on Libya, Cairo, April 30, 2018.

Sanctions and Arms Embargo Provisions

U.N. Security Council Measures

Prior to and following the outbreak of conflict in Libya in 2011, the United Nations, the United States, and other actors adopted a range of sanctions measures intended to convince the Qadhafi government to end its military campaign against opposition forces and civilians. The measures also sought to dissuade third parties from providing arms or facilitating financial transactions for the benefit of Libyan combatants. United Nations Security Council Resolution 1970 established a travel ban on Qadhafi government leaders, placed an embargo on the unauthorized provision of arms to Libya, and froze certain Libyan state assets.

After the conclusion of the 2011 conflict, U.N. and U.S. sanctions measures were modified but remained focused on preventing former Qadhafi government figures from accessing Libyan state funds and undermining Libya's transition. Asset-freeze measures changed to give transitional leaders access to some state resources, but some limitations also remained in place to ensure that funds were transparently and legitimately administered by transitional authorities. U.S. Treasury officials issued a series of general licenses that gradually unblocked most Libyan state property and allowed for transactions with Libyan Central Bank and Libyan National Oil Company. U.N. arms embargo provisions were modified over time, but remained in place in a bid to ensure that weapons transfers to Libya were authorized by the transitional government.¹⁶

When fighting broke out among Libyan factions in 2014, the Security Council moved to expand the scope of the modified sanctions provisions to allow for the targeting of actors who were contributing to the conflict. Resolution 2174, adopted in August 2014, authorized the placement of U.N. financial and travel sanctions on individuals and entities in Libya and internationally found to be "engaging in or providing support for other acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition." Resolution 2174 strengthened the arms embargo provisions by requiring advance approval by the sanctions committee for transfers of arms. Resolution 2213, adopted in March 2015, expanded the scope of sanctionable activities related to the standards articulated in Resolution 2174. At present, modified sanctions provisions of Resolutions 1970, 2174, and 2213 remain in force.

The U.N. Security Council has recognized the GNA as Libya's governing authority since December 2015, in an effort to confer international legitimacy on its leaders and encourage unification efforts. Resolutions 2259, 2278, and 2362 call on Member States to recognize and support the GNA and to comply with Security Council efforts to enforce asset freeze, travel ban, and arms embargo measures.

- The Security Council endorsed the LPA in December 2015 by adopting Resolution 2259, which calls on member states to support the implementation of the agreement, reiterates the threat of possible sanctions against spoilers, and calls for member states to provide security support to the GNA upon request.

¹⁶ Resolution 2009 of 2011 allowed an exception to the arms embargo for the supply, sale or transfer to Libya of: "arms and related materiel of all types, including technical assistance, training, financial and other assistance, intended solely for security or disarmament assistance to the Libyan authorities and notified to the Committee in advance and in the absence of a negative decision by the Committee within five working days of such a notification." Resolution 2095 (2013) further exempted the supply of nonlethal military equipment, training and financial assistance for security and disarmament assistance to the Libyan government from notification requirements under the embargo.

- Security Council Resolution 2278, adopted on March 31, 2016, identifies the GNA as the party of responsibility for engagement with the Security Council on issues related to Libyan financial institutions, oil exports, and arms transfers.¹⁷
- Resolution 2278 “urges Member States to assist the Government of National Accord, upon its request, by providing it with the necessary security and capacity building assistance, in response to threats to Libyan security and in defeating ISIL, groups that have pledged allegiance to ISIL, Ansar Al Sharia, and other groups associated with Al-Qaida operating in Libya.”¹⁸
- In June 2017, the Security Council adopted Resolution 2357 and 2362—extending the mandate for maritime enforcement of oil shipment monitoring and reaffirming arms embargo, asset freeze, and travel ban measures.
- When the LPA reached the end of its originally intended duration in December 2017, the Security Council restated its endorsement of the agreement and of the GNA as enduring reference points for the completion of Libya’s transition to a hoped-for permanent representative government structure.

U.S. and European Sanctions

In February 2011, President Barack Obama issued Executive Order 13566, blocking the property under U.S. jurisdiction of the government of Libya, Qadhafi, his family, and other designated individuals. The U.S. government modified its sanctions enforcement measures in support of the LPA in April 2016, by amending the scope of the national emergency with respect to Libya declared in Executive Order 13566. The amendments (issued in Executive Order 13726) were based on President Barack Obama’s finding that

the ongoing violence in Libya, including attacks by armed groups against Libyan state facilities, foreign missions in Libya, and critical infrastructure, as well as human rights abuses, violations of the arms embargo imposed by United Nations Security Council Resolution 1970 (2011), and misappropriation of Libya’s natural resources threaten the peace, security, stability, sovereignty, democratic transition, and territorial integrity of Libya and thereby constitute an unusual and extraordinary threat to the national security and foreign policy of the United States.

Under the modified executive order, property under U.S. jurisdiction may be blocked and entry to the United States may be prohibited for individuals and entities found to be engaging or to have engaged in a range of actions, including threatening the peace, stability, or security of Libya and obstructing, undermining, delaying, or impeding the adoption of or transfer of power to a Government of National Accord or successor government. To date, the U.S. government has placed related sanctions on former GNC government prime minister Khalifa Ghwell and HOR leader Aqilah Issa Saleh for obstructing the implementation of the LPA.

¹⁷ HOR and LNA leaders have continued to advocate for the lifting of arms embargo restrictions on their forces. During 2017, they questioned the GNA’s authority over security, financial, and energy matters, and described themselves as the rightful leaders of the country’s security forces. HOR leader Aqilah Issa Saleh has issued statements in the assumed capacity of the supreme commander of the Libyan military.

¹⁸ U.S. military operations in Libya against the Islamic State since 2016 have been undertaken at the request of GNA Prime Minister-designate Sarraj.

President Trump extended the national emergency with respect to Libya for one year on February 9, 2018.¹⁹ In February 2018, the Trump Administration announced sanctions targeting six individuals accused of illicit oil smuggling from Libya and a number of related entities.²⁰

The European Union (EU) consolidated its sanctions on Libya in January 2016.²¹ In April 2016, the EU imposed sanctions on Saleh, Ghwell, and GNC official Nuri Abu Sahmain. The EU last extended its sanctions for six months in March 2018.²²

The Roles and Concerns of External Actors in Libya

The United States is one external actor among several seeking to influence Libya's political and security trajectory. Libya's immediate neighbors have been most directly affected by the unrest and persistent insecurity in the country. Foreign fighters from Tunisia, Algeria, Egypt, Niger, Chad, and Sudan have travelled to Libya to support various armed groups over time, and Libya-based extremists and criminal organizations have created security challenges and/or been linked to attacks in several of these countries since 2011. As noted above, Egypt is engaged in mediation efforts with Libyan military figures, leveraging its close ties to eastern Libya-based leaders and the LNA.

Across the Mediterranean, European countries share concerns about the transit of migrants from Libya and the presence in Libya of terrorist groups. The European Union has extended its efforts to respond to migrant transit at sea and initiated new efforts to train Libyan coast guard personnel and support Libyan communities that host migrants. France acknowledged conducting military operations in Libya in 2016 after three of its special forces personnel were killed there. Italy, which first deployed to Libya in 2016 to support and protect a military hospital in Misrata, approved an increase in its troop deployment in January 2018, with 400 personnel authorized for non-combat missions. Italy also has engaged with western Libyan militias to limit trafficker-supported migrant departures by sea. Jordan and the Arab Gulf States maintain links to different Libyan factions, with the United Arab Emirates having built particularly close ties with LNA leaders and others in eastern Libya.

Russia had close ties to the Qadhafi government and has been more active in cultivating relationships with Libyan actors since 2014. Russian officials portray their efforts as even handed and open to all sides in Libya, but their ties with Haftar and the LNA appear to be more robust. These ties may serve a range of purposes, including addressing Russian counterterrorism concerns, restoring Russian military ties to Libya, and balancing Western European and U.S. influence. U.S. military officials expressed concern in 2017 that Russian support for the LNA could expand in violation of the U.N. arms embargo adopted in Security Council Resolution 1970 (2011), which restricts unauthorized arms transfers to any Libyan party and from Libya. Representatives of the GNA, LNA, and other armed groups have traveled to Moscow and engaged with Russian officials.

The U.N. Panel of Experts established pursuant to Resolution 1973 (2011) issued a report in June 2017, documenting actual and potential violations of the Libya arms embargo and warning that foreign support to armed groups in Libya was contributing to escalation.²³ Resolution 2362 extended the Panel of Experts' mandate to November 15, 2018.

Arms Embargo Enforcement and Violations

Under current U.N. Security Council resolutions, arms transfers to Libya may occur provided the GNA approves and the transfer is notified to the United Nations panel established pursuant to Security Council Resolution 1970. In practice, unauthorized arms transfers to Libya continue to take place, as documented in reports produced by the Resolution 1970 committee and its Panel of Experts.²⁴ The Panel of Experts report released in June 2017 documents lethal and nonlethal

¹⁹ Notice of February 9, 2018: Continuation of the National Emergency With Respect to Libya, FR Doc. 2018-03004.

²⁰ U.S. Department of the Treasury, "Treasury Sanctions International Network Smuggling Oil from Libya to Europe," February 26, 2018.

²¹ EU Council Regulation (EU) 2016/44, Concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011, January 18, 2016.

²² European Council, Council Decision (CFSP) 2018/476, March 21, 2018.

²³ Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011), U.N. document S/2017/466.

²⁴ U.N. Document PV.7961, Security Council meeting, June 7, 2017; and, U.N. Document S/2017/466, Final report of (continued...)

foreign support in violation of the arms embargo for armed groups from eastern Libya and Misrata, including support for the expansion of both sides' air force capabilities.²⁵

In June 2016, the Security Council adopted Resolution 2292 authorizing member states to assist in the maritime enforcement of the arms embargo and extended that authority in June 2017 under Resolution 2357. The EU has authorized its migration-focused naval mission in the Mediterranean to assist in arms embargo enforcement (see "European and International Responses").

Struggles for control over Libya's central "oil crescent" and adjacent areas in 2017 led some observers to warn of a potential expansion of unauthorized foreign military assistance to parties to the conflict.²⁶ In March 2017, the commander of U.S. AFRICOM, General Thomas Waldhauser, expressed particular concern about possible Russian intervention in Libya on behalf of General Haftar and the LNA.²⁷ The United States and European Union continue to call on armed groups to refrain from violence and respect ceasefire arrangements, while warning against the use of force in attempts to impose a solution to the political crisis.

Oil, Fiscal Challenges, and Institutional Rivalry

Conflict and instability in Libya have taken a severe toll on the country's economy and weakened its fiscal and reserve positions since 2011. As of 2014, Libya was estimated to have the largest proven crude oil reserves in Africa and the ninth largest globally. Oil and natural gas supply 97% of the government's fiscal revenue, and a combination of supply disruptions and market forces caused oil production and revenue to plummet from 2014 through 2016, devastating state finances.²⁸

Although state revenue has declined from its post-2011 high points, state financial obligations have increased, with public spending on salaries, imports, and subsidies all having expanded.²⁹ Libyan officials have identified more than 1.75 million state employees (equivalent to more than 25% of the population) and estimate that salaries consume nearly 60% of the state budget.³⁰ Government payments to civilians and militia members have continued since the outbreak of

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the Panel of Experts in accordance with paragraph 13 of resolution 2278 (2016), June 1, 2017.

²⁵ According to the report, "Arms and ammunition continue to be transferred to various parties in Libya with the involvement of Member States and brokers. There has also been an increase in direct support from Member States and foreign armed actors, including in the establishment of military facilities." U.N. Document S/2017/466, Final report of the Panel of Experts in accordance with paragraph 13 of resolution 2278 (2016), June 1, 2017.

²⁶ Frederic Wehrey and Wolfram Lacher, "Libya After ISIS: How Trump Can Prevent the Next War," *Foreign Affairs*, February 22, 2017.

²⁷ Testimony of Gen. Waldhauser before the Senate Armed Services Committee, March 9, 2017; and Press Briefing by Gen. Waldhauser, March 24, 2017.

²⁸ The estimated budget deficit was 49% of GDP in 2015 and was even greater in 2016, as "budget revenues and exports proceeds reached the lowest amounts on record because of low oil production and prices." (See World Bank, Libya's Economic Outlook–April 2017.) As of August 2016, conflict and budget shortfalls had caused oil production to plummet to below 300,000 barrels per day (bpd) out of an overall capacity of 1.6 million bpd. See, International Monetary Fund, "Arab Countries in Transition: Economic Outlook and Key Challenges" October 9, 2014; and, Sudarsan Raghavan "As oil output falls, Libya is on the verge of economic collapse," *Washington Post*, April 16, 2016.

²⁹ Salaries and subsidies reportedly consumed 93% of the state budget as of September 2016. Statement of SRS Martin Kobler to the United Nations Security Council, September 13, 2016.

³⁰ Sami Zaptia, "Serraj spokesperson promises 2018 budget details will be revealed next week," *Libya Herald*, April 9, 2018.

conflict in 2014, and Central Bank authorities have simultaneously paid salaries for military and militia forces aligned with opposing sides in the internal conflicts.

To manage deficits and continue payments of salaries and subsidies, Libyan officials have drawn on state financial reserves, but reports of delays in salary payments persist. World Bank/International Monetary Fund statistics and U.N. estimates suggest that foreign exchange reserves have fallen from their high point of \$124 billion in 2012 to an estimated \$69 billion in 2017.³¹ In August 2017, the U.N. Secretary-General reported that the budget deficit was then “much higher than previously projected” and predicted that foreign currency reserves would remain dangerously low through the end of 2017.³²

An expansion of oil production since mid-2017 has provided a much-needed injection of new financial resources, with domestic production remaining near 1 million bpd for most of the period from December 2017 through April 2018. As oil production has rebounded, Libya has faced calls from fellow Organization of the Petroleum Exporting Countries (OPEC) members to participate in the group’s production cut agreement. Libyan authorities reportedly have agreed to recognize a cap near the current 1 million bpd level of production.³³ Fighting near the oil crescent region and intermittent shutdowns of pipelines by militias, terrorist attacks, and labor and property disputes have demonstrated the prospect of potential disruptions or production declines.

In March 2018, SRSF Salamé told the U.N. Security Council that, “Libya’s finances remain precarious. Despite the country now producing well over 1 million barrels a day and generating rosy macro-economic indicators, the country does not enjoy a true economic recovery.”³⁴ Salamé warned of “signs of a looming monetary and fiscal crisis” and cautioned against “underinvestment or sabotage” of oil revenues. He also said that, “government expenditure is bloated and continues to increase, but more spending, so far, does not lead to better services.”

Libyan implementing and auditing agencies have attempted to improve budget execution, but serious challenges remain. Among these challenges have been rivalries among parallel leaders of key national institutions such as the Central Bank, National Oil Company (NOC), and Libya’s sovereign wealth fund—the Libya Investment Authority (LIA). These opaque, consequential rivalries have reflected the country’s underlying political competition over time.

- Central Bank officials in Tripoli and Bayda have become embroiled in the rivalry between the GNA Presidency Council and the HOR government, with the United States and other backers of the GNA Presidency Council recognizing the Tripoli-based institution as legitimate.³⁵ In May 2016, the Bayda-based bank moved to issue its own currency and to access secured assets held at the Bayda Central Bank branch, leading the U.S. government to warn against actions not authorized by the GNA Presidency Council that could undermine confidence among Libyan consumers and international trading partners.³⁶ When the HOR nominated a

³¹ World Bank, Middle East and North Africa Economic Monitor, Economic and Social Inclusion to Prevent Violent Extremism, October 2016; IMF statistics cited in Missy Ryan, “Oil-rich Libya, torn by conflict, may be going broke,” *Washington Post*, February 18, 2015, and UNSMIL reports, August 2017.

³² U.N. Document, S/2017/726, Report of the Secretary-General on the United Nations Support Mission in Libya, August 22, 2017.

³³ Salma El Wardany, “Libya’s Oil Output Revival Thwarted by Pipeline Explosion,” *Bloomberg*, December 26, 2017.

³⁴ Remarks of SRSF Ghassan Salamé to the United Nations Security Council, March 21, 2018.

³⁵ Ministerial Meeting for Libya Joint Communiqué, May 16, 2016.

³⁶ See U.S. Embassy Libya, Statement on Central Bank of Libya, May 25, 2016; and Hassan Morajea and Tamer El-Ghobashy, “Libya’s Central Bank Needs Money Stashed in a Safe; Problem Is, Officials Don’t Have the Code,” *Wall* (continued...)

replacement for Tripoli-based Central Bank chairman Sadiq al Kabir in December 2017, the GNA State Council protested the nomination, noting that it hadn't been consulted pursuant to Article 15 of the LPA, which provides for appointments to select sovereign positions. UNSMIL also rejected the move, but the HOR nominee, Mohammed Shukri, was confirmed as head of the Bayda-based bank in January 2018. The Tripoli Central Bank also invalidated Bayda-issued dinar coins in late 2017.

- In August 2016, the GNA Presidency Council named an interim steering committee for the LIA after a long-simmering dispute between rival board members and chairmen brought the fund's leadership to a standstill.³⁷ The LIA's assets reportedly exceed \$60 billion, much of which remain frozen pursuant to U.N. Security Council Resolutions 1970 and 1973 (2011), as modified by Resolution 2009 (2011). The GNA council authorized the steering committee to represent the LIA in ongoing legal proceedings, but not to manage assets. In February and May 2017, Libyan court rulings invalidated the GNA appointment and authorization on the grounds that the GNA's tenure had still not been approved under the terms of the LPA. Leadership of the LIA remains in dispute, and in March 2018 the chief executive appointed by figures in eastern Libya resigned, amid a new round of questions about the value and status of LIA assets.³⁸ Some news reports allege that some frozen LIA assets have been redirected by individuals and authorities in countries where assets are held, but LIA officials have denied that this is the case.³⁹
- Disputes involving the National Oil Company also have ebbed and flowed since early 2016. In April 2016, the U.N. Security Council blacklisted an oil tanker that had taken on hundreds of thousands of barrels of oil sold by the HOR-affiliated branch of the national oil company, but the sanctions were withdrawn at the GNA Presidency Council's request on May 12.⁴⁰ A deal to unite the Tripoli and Benghazi branches of the NOC was reached in early July 2016, but appeared to unravel later that month after GNA officials reached a related agreement with Petroleum Forces Guard personnel that then held key oil infrastructure.⁴¹ Benghazi-based NOC officials issued statements lifting force majeure orders on oil terminals seized by LNA forces in September 2016 and in March 2017 moved to cancel the July 2016 agreement. Tripoli-based NOC Chairman Mustafa Sanalla has called for the NOC to be depoliticized and wrote in June 2017 that he and his colleagues "intend to remain neutral until there is a single legitimate

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Street Journal, May 13, 2016.

³⁷ Sami Zaptia, "Tripoli and Malta LIA handover to PC/GNA Interim Steering Committee," *Libya Herald*, September 9, 2016.

³⁸ Sami Zaptia, "Contending LIA chairman Breish slams Serraj and his LIA appointee," *Libya Herald*, June 4, 2017.

³⁹ Remarks attributed to LIA board chairman Ali Mahmoud. See, Safa Alharathy, "Libya's frozen assets in Belgium are safe, LIA chairman reiterates," *Libya Observer*, April 2, 2018.

⁴⁰ In March 2014, the U.N. Security Council approved third-party military operations to interdict ships named by the U.N. Libya Sanctions Committee as being suspected of carrying unauthorized oil exports.

⁴¹ Platts, "False dawn for Libya after NOC slams oil export deal," July 28, 2016.

government we can submit to.”⁴² According to Sanalla, “NOC is like a glue, unifying the country. I make sure I’m very neutral.”⁴³

U.N. Security Council Resolution 2362 (2017) stresses “the need for the Government of National Accord to exercise sole and effective oversight over the National Oil Corporation, the Central Bank of Libya, and the Libyan Investment Authority as a matter of urgency, without prejudice to future constitutional arrangements pursuant to the Libyan Political Agreement.”

Transnational Terrorist Threats

Transnational terrorist groups and locally organized armed extremist groups, including the Islamic State organization and Al Qaeda in the Islamic Maghreb (AQIM), remain active in Libya.

The Islamic State in Libya

The Islamic State established a branch of its organization in Libya after Libyan fighters and foreigners arrived from Syria in 2014, generating significant concern among Libyans and the international community.⁴⁴ IS supporters announced three affiliated *wilayah* (provinces) corresponding to Libya’s three historic regions—*Wilayat Tripolitania* in the west, *Wilayat Barqa* in the east, and *Wilayat Fezzan* in the southwest—and took control of Muammar al Qadhafi’s hometown—the central coastal city of Sirte—in mid-2015. By early 2016, senior U.S. officials estimated that the group’s strength had grown to as many as 6,000 personnel across the country, among a larger community of Libyan Salafi-jihadist activists and militia members.⁴⁵ On May 19, 2016, the U.S. State Department announced the designation of the Islamic State’s branch in Libya as a Foreign Terrorist Organization (FTO) under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist (SDGT) entity under Executive Order 13224.⁴⁶

As in other countries, IS supporters in Libya have faced resistance from a wide array of local armed groups—including Islamists—that do not share their beliefs or recognize the authority of IS leader and self-styled caliph Abu Bakr al Baghdadi. IS backers failed to impose their control on rivals in their original stronghold the city of Darnah in far eastern Libya, and were forced from the town by a coalition of other Islamists in late 2015. In Benghazi, isolated pockets of IS supporters were besieged and defeated in several areas of the city by various LNA-affiliated forces.

While grappling with western and eastern Libyan forces in parallel attempts to expand their territory elsewhere, IS fighters pressed for control over national oil and water infrastructure assets along the country’s central coast in 2016. After related clashes damaged vital national oil infrastructure and Sirte-based IS fighters launched more aggressive attacks to the west, pro-GNA militia forces from Misrata and surrounding areas mobilized to confront the group in and around Sirte. U.S. military support (including airstrikes dubbed Operation Odyssey Lightning) aided

⁴² Mustafa Sanalla, “How to Save Libya From Itself? Protect Its Oil From Its Politics,” *New York Times*, June 19, 2017.

⁴³ Anjali Raval, “Libya’s oil guardian coaxes ravaged industry into recovery,” *Financial Times* (UK), November 13, 2017.

⁴⁴ For background, see Frederic Wehrey and Ala’ Alrababa’h, “Rising Out of Chaos: The Islamic State in Libya,” Carnegie Endowment for International Peace, March 5, 2015.

⁴⁵ Testimony of CIA Director John Brennan before the Select Senate Committee on Intelligence, February 9, 2016.

⁴⁶ U.S. State Department, Terrorist Designations of ISIL-Yemen, ISIL-Saudi Arabia, and ISIL-Libya, May 19, 2016.

these pro-GNA forces' operations from August to December 2016. U.S.-supported Libyan forces succeeded in retaking control of the city, but suffered significant casualties in the process.

The U.S. Department of the Treasury sanctioned Libya-based IS financiers in April 2017.⁴⁷ The Islamic State claimed the May 2017 suicide bombing attack in Manchester, United Kingdom, that involved a British citizen of Libyan descent who had spent time in Libya immediately prior to the bombing. In August, the U.N. Secretary-General described the group as "no longer in control of territory in Libya although it continues to be active within the country."⁴⁸ In September 2017, U.S. strikes targeted IS personnel and equipment south of Sirte. A Defense Department spokesman said

The United States will track and hunt these terrorists, degrade their capabilities and disrupt their planning and operations by all appropriate, lawful and proportional means, including precision strikes against their forces, terror training camps and lines of communications, [and] partnering with Libyan forces to deny safe havens for terrorists in Libya.⁴⁹

Islamic State forces claimed an attack on a court complex in central Misrata in October 2017 that killed 4 and wounded 40. Additional U.S. strikes on IS targets were reported in November 2017. In January 2018, an AFRICOM spokesperson said that AFRICOM expects the Islamic State "to give priority to the restructuring of security forces and infrastructure, and to launch strikes, which may include targets in the Libyan oil crescent."⁵⁰ Surviving members of the Islamic State may seek support from members of other Islamist militias that similarly have been defeated by other rivals or excluded from national security bodies under future political arrangements.

In March 2018, U.S. AFRICOM Commander General Waldhauser described IS forces in Libya as "dispersed and disorganized and likely capable of little more than localized attacks."⁵¹ He also said that U.S. military support for anti-IS fighters would continue and emphasized the importance of political reconciliation as a prerequisite for lasting security.

On May 2, 2018, the Islamic State claimed responsibility for a suicide bombing and shooting attack against the headquarters of the Libyan High National Election Commission that killed several employees. Islamic State leaders have called for attacks on election sites in several countries and have encouraged supporters in Libya to regroup and carry out new strikes.

Ansar al Sharia and Other Armed Islamist Groups

Armed Islamist groups in Libya occupy a spectrum that reflects differences in ideology as well as their members' underlying personal, familial, tribal, and regional loyalties. Since the 1990s, the epicenters of Islamist militant activity in Libya have largely been in the eastern part of the country, with communities like the coastal town of Darnah and some areas of Benghazi, the east's largest city, coming under the de facto control of armed Salafi-jihadist groups in different periods

⁴⁷ U.S. Department of the Treasury, "Treasury Sanctions Libya-Based ISIS Financial Facilitators and Algerian ISIS Supporter and Arms Trafficker," April 13, 2017.

⁴⁸ U.N. Document, S/2017/726, Report of the Secretary-General on the United Nations Support Mission in Libya, August 22, 2017.

⁴⁹ Col. Rob Manning (U.S. Army) quoted in Cheryl Pellerin, "U.S. Precision Airstrikes Kill 17 ISIS Militants in Libya," Defense Media Activity, September 25, 2017.

⁵⁰ Robyn Mack, quoted in Al Sharq Al Awsat (London), "AFRICOM Expects ISIS Attack on Libya's Oil Crescent," January 3, 2018.

⁵¹ U.S. AFRICOM Commander Gen. Thomas Waldhauser, Testimony before the Senate Armed Services Committee, March 13, 2018.

since 2011. Some Islamists whose armed activism predates the 2011 revolution, such as members of the Darnah-based Abu Salim Martyrs Brigade, have formed new coalitions to pursue their interests in the wake of the revolution.

The emergence of the Ansar al Sharia organization in 2012 demonstrated the appeal of transnationally minded Salafist-jihadist ideology in Libya, and the group persisted alongside other Islamist and secular militia groups in the Benghazi Revolutionaries' Shura Council (BRSC) in battling LNA forces for control of Benghazi. Ansar al Sharia condemned the military operations against it by Haftar-aligned forces as a "war against the religion and Islam backed by the West and their Arab allies."⁵² In 2014, the U.S. State Department announced the designation of Ansar al Sharia in Benghazi and Ansar al Sharia in Darnah as FTOs and as SDGT entities under Executive Order 13224.⁵³ The group announced its dissolution in a May 2017 communiqué. Ansar al Sharia supporters in Darnah were members of the coalition group that expelled the Islamic State from the city. Militia members, including Islamists, that fled fighting in Benghazi have gathered in Darnah and are being targeted by LNA operations.

Al Qaeda in the Islamic Maghreb (AQIM)⁵⁴

The relationship between supporters of the Islamic State organization and members of Ansar al Sharia and other Salafist-jihadist groups once seen as aligned with Al Qaeda is unclear. Press reports also have suggested that some IS fighters fled Sirte for areas of southwestern Libya, where other Islamist extremist operatives, including Al Qaeda members reportedly are active. The region's remote, less governed areas serve as safe havens or transit areas for terrorist and smuggling operations in neighboring Niger and Algeria. The State Department reports that the AQIM-affiliated Al Murabitoun group is active in the area and, in 2015, described the group as "one of the greatest near-term threats to U.S. and international interests in the Sahel, because of its publicly stated intent to attack Westerners and proven ability to organize complex attacks."⁵⁵

A June 2015 U.S. airstrike in eastern Libya targeted prominent Al Murabitoun figure Mokhtar Belmokhtar, who led the group responsible for the January 2013 attack on the natural gas facility at In Amenas, Algeria, in which three Americans were killed. His death in the June 2015 strike that targeted him has not been confirmed, and local allies denied he was killed.⁵⁶ A French air strike reportedly again targeted Belmokhtar in late 2016, but his death has not been publicly confirmed. Observers note that in early 2017, in a video announcement of a merger among four jihadist networks active in Mali, Al Murabitoun was represented by one of Belmokhtar's

⁵² U.S. Government Open Source Enterprise (OSE) Report TRN2014052021537855, "Libya: Ansar al-Sharia Vows To Defend Benghazi Against Attacks..." May 19, 2014.

⁵³ Terrorist Designations of Three Ansar al-Shari'a Organizations and Leaders, January 10, 2014. The State Department said that the groups: "have been involved in terrorist attacks against civilian targets, frequent assassinations, and attempted assassinations of security officials and political actors in eastern Libya, and the September 11, 2012 attacks against the U.S. Special Mission and Annex in Benghazi, Libya. Members of both organizations continue to pose a threat to U.S. interests in Libya."

⁵⁴ See CRS In Focus IF10172, *Al Qaeda in the Islamic Maghreb (AQIM) and Related Groups*, by (name redacted)

⁵⁵ State Department Bureau of Counterterrorism, Country Reports on Terrorism 2014, Chapter 6, April 2015.

⁵⁶ Missy Ryan, "The U.S. still doesn't know if it's killed this legendary one-eyed militant," *Washington Post*, February 17, 2016.

deputies.⁵⁷ In March 2018, AFRICOM announced the death of AQIM senior figure Musa Abu Dawud and an associate in a U.S. airstrike near Ubari in southwest Libya.⁵⁸

Human Rights and Religious Freedom

Non-State Actors Violate Human Rights with Impunity

Average Libyans have faced tenuous economic and security circumstances for much of the post-2011 period amid unreliable state salary and subsidy support, weak state service provision and law enforcement, inflationary pressures, and hard currency shortages. Economic hardship has amplified the negative effects of deteriorations in local security and an overall decline in respect for the rule of law. In March 2018, SRSF Salamé told the U.N. Security Council that “Libyan men, women and children are increasingly kidnapped for profit,” and decried what he described as “an economic system of predation” and “plundering.” In subsequent press interviews he has urged Libyan authorities and international supporters to act against prominent organized groups involved in the smuggling of people, fuel, subsidized goods, and drugs and to use investigations and sanctions to bring an end to the “predation of public money.”⁵⁹

Prominent armed groups, including the LNA and militias aligned with the GNA, reportedly are linked to a wide variety of illicit activities and maintain informal detention centers where human rights abuses take place. According to a report released jointly in April 2018 by the U.N. Office of the High Commissioner for Human Rights and UNSMIL, “Men, women and children across Libya are arbitrarily detained or unlawfully deprived of their liberty based on their tribal or family links and perceived political affiliations. Victims have little or no recourse to judicial remedy or reparations, while members of armed groups enjoy total impunity.”⁶⁰

The 2017 State Department report on human rights conditions in Libya notes the GNA’s “limited effective control over security forces” and concludes that, in 2017,

impunity from prosecution was a severe and pervasive problem. The government took limited steps to investigate abuses, but constraints on its reach and resources reduced its ability to prosecute and punish those who committed abuses. Security forces outside government control--to include armed groups in the West and LNA forces in the East--also did not adequately investigate credible allegations of killings and other misconduct by their personnel. Intimidation by armed actors resulted in paralysis of the judicial system, impeding the investigation and prosecution of those believed to have committed human rights abuses, including against public figures and human rights defenders.

⁵⁷ Interview with Yvan Guichaoua in *Libération*, “Cette vidéo est censée situer le Sahel sur la carte du jihad global,” March 5, 2017.

⁵⁸ Abu Dawud had since 2013 been put “in charge of a mission in Tunisia tasked with recruiting and training new members from across North Africa on the use of weapons,” according to a State Department release in 2016. State Department Bureau of Counterterrorism, “State Department Terrorist Designation of Musa Abu Dawud,” May 5, 2016.

⁵⁹ Aidan Lewis, “Libya won’t stabilise unless shadow economy smashed – U.N. envoy,” *Reuters*, March 29, 2018.

⁶⁰ See Office of the United Nations High Commissioner for Human Rights in cooperation with the United Nations Support Mission in Libya, “Abuse Behind Bars: Arbitrary and unlawful detention in Libya,” April 2018; Tim Eaton, “Libya’s War Economy: Predation, Profiteering and State Weakness,” Chatham House, April 2018, and Wolfram Lacher, “Tripoli’s Militia Cartel,” German Institute for International and Security Affairs, April 2018.

Religious Freedom Protected but Threatened by Insecurity

Libyans are mostly Sunni Muslims (97%), and the interim Constitutional Declaration protects the rights of non-Muslims to practice their religion and prohibits religious discrimination. The Islamic State organization abused religious minorities in areas under its control through 2016. According to the 2016 U.S. State Department report on religious freedom conditions in Libya, LNA forces targeted opponents they consider to be Islamists. The report, released in August 2017, also describes efforts by some armed non-state actors in areas nominally under GNA and HOR/LNA authority to enforce what they consider to be the requirements of Islamic law, including restrictions on individuals' social practices and the demolition of religious buildings and materials. The report states that government's limited reach and control over non-state actors has meant that "its response to instances of violence against members of minority religious groups was limited to condemnations."

Migration and Trafficking in Persons

Libya Remains a Major Transit Country

Conflict and weak governance have transformed Libya into a major staging area for the transit of non-Libyan migrants seeking to reach Europe and have encouraged increasing outflows of migrants present in Libya since mid-2014. Data collected by migration observers and immigration officials suggest that many migrants from sub-Saharan Africa transit remote areas of southwestern and southeastern Libya to reach coastal urban areas where onward transit to Europe is organized. Others, including Syrians, enter Libya from neighboring Arab states seeking onward transit to refuge in Europe.

In March 2018, the International Organization for Migration (IOM) reported that more than 662,000 migrants were in Libya, among more than 165,000 internally displaced persons and more than 48,400 refugees and asylum seekers from other countries identified by the United Nations High Commissioner for Refugees (UNHCR).⁶¹ In total, more than 181,000 migrants arrived by sea to Italy in 2016, with the vast majority having departed from western Libya. At least 4,581 died in transit in the central Mediterranean. IOM estimates that 2016 was the deadliest year for migrants ever recorded in the Mediterranean. In 2017, at least 119,310 migrants arrived by sea to Italy, and at least 2,824 died on the central Mediterranean route.⁶² This represents an approximately 34% reduction in arrivals by sea to Italy and an approximately 38% reduction in deaths at sea compared to 2016.

Observers attribute these declines to new efforts by Italian and European Union authorities to work with government and nongovernment figures inside Libya to prevent migrant departures and patrol coastal waters (see below).⁶³ Some critics of the new European approaches allege that the new policies provide financial benefit and bestow political importance on unaccountable local militia groups, who may threaten the human rights and security of migrants subject to detention

⁶¹ IOM Displacement Tracking Monitor, Libya, March 2018. UNHCR remains concerned about those displaced inside the country due to fighting and its inability to register and assist refugees and asylum seekers.

⁶² IOM Missing Migrants Project data as of December 21, 2017, and 'Arrivals to Italy' as reported by IOM and national authorities as of December 19, 2017.

⁶³ Declan Walsh and Jason Horowitz, "Italy, Going It Alone, Stalls the Flow of Migrants. But at What Cost?" *New York Times*, September 17, 2017.

and economic hardship in Libya.⁶⁴ A patchwork of Libyan local and national authorities and nongovernmental entities assume responsibility for responding to various elements of the migrant crisis, including the provision of humanitarian assistance and medical care, the patrol of coastal and maritime areas, and law enforcement efforts targeting migrant transport networks. Violence and insecurity in Libya complicate international attempts to assist Libyan partners in these efforts and to improve coordination among Libyan stakeholders.

Reports suggest that many migrants transiting Libya remain subject to difficult living conditions, their human rights are frequently violated, and they remain vulnerable to violence at the hands of armed groups, smugglers, and interim authorities.⁶⁵

- In 2017, IOM relayed reports concerning the abuse of migrants transiting Libya and of “slave markets” operating intermittently in the country, echoing details in press accounts.⁶⁶ The incidence and prevalence in Libya of migrant trafficking for purposes of slavery has not been precisely quantified, but reports make clear that some migrants are subject to repeated instances of extortion and exploitative detention by security actors and traffickers.
- In January 2018, SRSF Salamé told the Security Council that “we have evidence that many migrants are subject to grave abuses inside and outside official places of detention, including various forms of sexual violence.”
- In February 2018, the U.N. Secretary-General reported to the U.N. Security Council that the humanitarian situation in Libya had deteriorated since late 2017, and that “refugees and migrants continued to be subjected to violence, forced labor and other grave violations and abuses.”

The State Department’s 2017 Trafficking in Persons report designated Libya as a “special case” for the second year in a row in light of its weak governance and ongoing conflict. The report said that the GNA “struggled to gain institutional capacity and the resources to address trafficking, as the government was focused on consolidating control over its territory and countering extremist violence throughout 2016 and into 2017.” According to the report, “Libya is a destination and transit country for men and women from sub-Saharan Africa and Asia subjected to forced labor and sex trafficking, and it is a source country for Libyan children subjected to recruitment and use by armed groups within the country. Instability and lack of government oversight continued to allow for human trafficking crimes to persist and become highly profitable for traffickers.”

European and International Responses

Responses to the broader phenomenon of migrant transit of Libya predate recent concerns stemming from more detailed reporting about detention conditions and enslavement. European countries have worked for years to limit the trafficking of individuals from Libya to southern Europe and to save the lives of migrants at sea. In May 2015, the European Union decided to create a naval force (EUNAVFOR MED Operation Sophia) “to break the business model of

⁶⁴ For one critique, see Matthew Herbert and Jalel Harchaoui, “Italy claims it’s found a solution to Europe’s migrant problem. Here’s why Italy’s wrong,” *Washington Post* (online), September 26, 2017.

⁶⁵ IOM reported in 2018 that most migrants reside in rental accommodations, but may be subject to various forms of exploitation. IOM reported that as of February 15, 2018, data available to them based on their surveys of official migrant detention centers suggested that 4,443 individuals were in the detention centers they surveyed.

⁶⁶ IOM, IOM Learns of ‘Slave Market’ Conditions Endangering Migrants in North Africa, April 11, 2017; and CNN, “People for Sale: Exposing Migrant Slave Auctions in Libya,” November 2017.

smugglers and traffickers ... in the Southern Central Mediterranean and in partnership with Libyan authorities.”⁶⁷ The force was inaugurated in June 2015 and is presently authorized through December 2018. In October 2015, the U.N. Security Council adopted Resolution 2240, conditionally authorizing member states to inspect and seize vessels on the high seas off the coast of Libya suspected of involvement in migrant smuggling or human trafficking.

In mid-2016, European officials authorized two further tasks for the force: training the Libyan coast guard and navy, and contributing to the enforcement of the United Nations arms embargo, as authorized by Resolution 2292 and extended by Resolution 2357. Coast guard training began in October 2016, and EUNAVFOR MED forces periodically seize weapons on the high seas in support of the arms embargo. As of February 2018, 27 EU member states supported the Rome-based EU mission, and it had saved more than 42,000 lives at sea since its inception in June 2015.⁶⁸

In April 2017, the EU Trust Fund for Africa announced a €90 million program to better protect migrants along the central Mediterranean route and to provide related management assistance in Libya. In February 2018, the EU Trust Fund announced a €115 million program to support UNHCR and IOM. The EU also mobilized €46 million in December 2017 for border security programs in Libya and an additional €50 million to support Libyan municipalities that host migrants.

In response to recent concerns about migrant detention and slavery, the European Union, African Union, and United Nations have established a Task Force to improve migrant protection along migration routes to, from, and in Libya. Through the Task Force, IOM has facilitated the return of more than 15,000 migrants to their home countries from Libya through a voluntary humanitarian returns program since December 2017. In parallel, the Task Force has supported UNHCR-led evacuations of more than 1,300 refugees from Libya as of March 2018. Some refugee advocates are critical of the arrangements and report that some evacuees remain vulnerable.⁶⁹

U.S. Policy

Terrorist organizations active in Libya and the continuing weakness of Libya’s national security bodies and government institutions pose a dual risk to U.S. and international security. Whereas U.S. intervention in Libya in 2011 was motivated largely by concern regarding threats posed to Libyans by the Qadhafi government, U.S. policy since has been defined by efforts to contain and mitigate the negative effects of state collapse and support transition efforts. Operations by Libyan partner forces, backed by U.S. military strikes, succeeded in ending the Islamic State organization’s control over territory in central and western Libya during 2016, but little parallel progress has been made toward achieving durable political reconciliation. Armed groups empowered under counterterrorism or transition support arrangements may complicate efforts to achieve negotiated agreements by asserting themselves relative to transitional political leaders.

Today, U.S. and Libyan officials in the country’s various governing entities share concerns about remaining extremists, the weakness of state institutions, and flows of migrants, refugees, and contraband within and across Libya’s largely un-policed borders. Current U.S. efforts focus on

⁶⁷ Council of the European Union, Decision (CFSP) 2015/778, May 18, 2015. The force was inaugurated in June 2015.

⁶⁸ EUNAVFOR MED, “Activity updated to 19 February 2018” and, “A new Force Commander and a new flagship for SOPHIA,” December 15, 2017.

⁶⁹ Refugees International, “‘Death Would Have Been Better’: Europe Continues to Fail Refugees and Migrants in Libya,” April 2018.

supporting the implementation of the U.N. Action Plan, preventing Libyan territory from being used to support terrorist attacks, and providing stabilization and transition assistance to local communities and national government entities. Libya's natural resources and economic potential may provide future opportunities for strengthening U.S.-Libyan trade and investment ties, but circumstances have not allowed such ties to flourish.

The Trump Administration has maintained U.S. recognition of the GNA and signaled continuing interest in providing U.S. foreign aid and security assistance to support Libya's transition. Then-Ambassador to Libya Peter Bodde and AFRICOM Commander General Thomas Waldhauser visited Libya in May 2017, and GNA Prime Minister Fayez al Sarraj visited Washington, DC, in November 2017.⁷⁰ The Trump Administration has not appointed a Special Envoy for Libya to replace Jonathan Winer, whose mandate ended with the Obama Administration.⁷¹

As noted above, the State Department suspended operations at the U.S. Embassy in Tripoli in July 2014. U.S. diplomats engage with Libyans and monitor U.S. programs in Libya via the Libya External Office (LEO) at the U.S. Embassy in Tunisia. U.S. Ambassador to Libya Peter Bodde retired in December 2017, and, as of May 2018, the Trump Administration had not nominated a new Ambassador-designate. Senior Foreign Service officer Stephanie Williams leads the LEO as Chargé d'Affaires.

Since 2017, the Trump Administration has imposed conditional restrictions on the entry of Libyan nationals to the United States, with some exceptions. (see textbox below).

Diplomacy and Support for the U.N. Action Plan

U.S. officials engage in multidirectional diplomacy with parties in Libya and beyond in support of U.N.-facilitated reconciliation efforts. In a statement on December 14, 2017, the United States joined other members of the U.N. Security Council in stating that the 2015 LPA "remains the only viable framework to end the Libyan political crisis and that its implementation remains key to holding elections and finalizing the political transition." The Council emphasized the agreement's "continuity.... throughout Libya's transitional period" and rejected "incorrect deadlines that only serve to undermine the U.N.-facilitated political process," a reference to Khalifa Haftar's statements at the time asserting the agreement's lapse. Council members further stated that "any attempt, including by Libyan parties, to undermine the Libyan-led, U.N.-facilitated political process is unacceptable."

In January 2018, U.S. Representative to the United Nations Ambassador Nikki Haley said in a Security Council meeting on Libya that

The United States will oppose attempts to impose a military solution to this political crisis, which would further undermine Libya's stability. Those who pursue a military solution will wind up helping terrorist groups that thrive on instability. The only legitimate path to power is through free and fair elections. ...The House of Representatives must uphold its commitment to pass laws for a constitutional referendum and for elections this year, in consultation with the High State Council. As the Libyans

⁷⁰ While in Tripoli, in May, Ambassador Bodde and General Waldhauser restated U.S. support for the GNA, called for reconciliation among Libyans, and discussed "potential future defense institution building efforts and security force assistance." Statement by AFRICOM Commander Gen. Thomas D. Waldhauser on meeting with Prime Minister al-Sarraj in Tripoli, Libya, May 23, 2017. Deputy Secretary of State John Sullivan met with Prime Minister-designate Sarraj in Tunis, Tunisia in November 2017, and Sarraj visited Washington, DC, later that month.

⁷¹ In August 2017, then-Secretary of State Rex Tillerson notified Congress of the State Department's proposal to remove the title and position of the special envoy and shift the functions to the Bureau of Near Eastern Affairs.

prepare for elections, we support United Nations efforts to promote more effective and accountable governance for this transitional period. All Libyan parties should engage constructively with the United Nations to strengthen the Libyan Political Agreement.

The United States and the European Union (EU) have placed financial and travel sanctions on some Libyan leaders for obstructing the implementation of the LPA and for illicitly smuggling oil from the country.⁷² In June 2017, the U.N. Security Council unanimously extended maritime arms embargo enforcement provisions for one year in Resolution 2357. The Security Council later adopted Resolution 2362—extending the mandate for maritime enforcement of oil shipment monitoring and reaffirming existing arms embargo, asset freeze, and travel ban measures.⁷³ U.S. naval forces interdicted an unauthorized oil shipment in 2014, and the European Union’s EUNAVFOR MED mission currently monitors shipments to and from Libya.

Counterterrorism and Defense Policy

U.S. officials have acknowledged the security risks posed by instability in post-Qadhafi Libya, and U.S. security agencies have acted to degrade the capabilities of terrorist organizations and assess the needs of nascent partner forces since 2011. In conjunction with military strikes, the U.S. government has worked with GNA officials and other Libyan security figures to determine the scope of their need for potential security assistance.⁷⁴ Plans for U.S. assistance in the creation of a new General Purpose Force to secure government installations and critical infrastructure were shelved in 2014 as conflict broke out among Libyans.⁷⁵

In early 2016, statements by U.S. officials began signaling that U.S. security concerns about the Islamic State presence in Libya had intensified, and that additional U.S. military action against IS targets might proceed even if political consensus among Libyans remained elusive.⁷⁶ GNA and

⁷² Executive Order 13726 (April 2016) modified U.S. sanctions enforcement measures in support of the Libyan Political Agreement (LPA) by amending the scope of the national emergency with respect to Libya declared in Executive Order 13566 (February 2011). Under the modified measures, property under U.S. jurisdiction may be blocked and entry to the United States may be prohibited for individuals and entities found to be engaging or to have engaged in a range of actions, including threatening the peace, stability, or security of Libya and obstructing, undermining, delaying, or impeding the adoption of or transfer of power to the GNA or successor government. To date, the U.S. government has placed related sanctions on former GNC government prime minister Khalifa Ghwell and HOR leader Aqilah Issa Saleh for obstructing the implementation of the LPA. Executive Order 13726 also provides for sanctions on individuals involved in illicit oil smuggling from Libya, and the Trump Administration used this authority in February 2018. See U.S. Department of the Treasury, “Treasury Designates Additional Libyan Political Obstructionist,” May 13, 2016; and, “Treasury Sanctions International Network Smuggling Oil from Libya to Europe,” February 26, 2018.

⁷³ Maritime oil shipment monitoring was first authorized in March 2014 under Security Council Resolution 2146.

⁷⁴ Chairman of the Joint Chiefs of Staff (CJCS) General Joseph Dunford said in May 2016 that the United States is “already working very closely with the GNA to determine what assistance they may require.” Lisa Ferdinando, “Dunford: U.S. Working With Libya to Assess Possible Needs in Counter-ISIL Fight,” DoD News, Defense Media Activity, May 3, 2016.

⁷⁵ In January 2014, the Obama Administration notified Congress of a proposed \$600 million sale to Libya of training and weapons to support the development of a 6,000- to 8,000-person General Purpose Force for up to eight years. See Defense Security Cooperation Agency Transmittal 13-74, January 22, 2014; and, Missy Ryan, “Libyan force was lesson in limits of U.S. power,” *Washington Post*, August 5, 2015.

⁷⁶ For example, in January 2016, Chairman of the Joint Chiefs of Staff (CJCS) General Joseph Dunford said “it’s fair to say that we’re looking to take decisive military action against ISIL in conjunction with the political process” in Libya, and, “the president has made clear that we have the authority to use military force.”

U.S. officials downplayed the likelihood of intervention in some public remarks, but U.S. military personnel were deployed in small numbers to Libya to liaise with potential partner forces.⁷⁷

U.N. Security Council resolutions 2259, 2278, and 2362 urge Member States to assist the GNA in responding to threats to Libyan security and to provide support in its fight against the Islamic State and other extremist groups upon its request.⁷⁸ In August 2016, GNA Prime Minister-designate Sarraj stated that he had requested U.S. military assistance in combatting the Islamic State organization in and around Sirte on behalf of GNA-aligned forces fighting there. U.S. strikes began on August 1, and, by December 2016, Islamic State forces were significantly degraded and evicted from the city by U.S.-backed Libyan forces.

Some IS fighters appear to have regrouped in rural areas after fleeing Sirte in late 2016, and the group claimed a series of attacks on Libyan forces in 2017. In January 2018, a spokesperson for U.S. Africa Command (AFRICOM) projected that the Islamic State would “give priority to the restructuring of security forces and infrastructure, and to launch strikes, which may include targets in the Libyan oil crescent.”⁷⁹ In March 2018 congressional testimony, AFRICOM Commander General Waldhauser described IS forces in Libya as “dispersed and disorganized and likely capable of little more than localized attacks.”⁸⁰

General Waldhauser advised Congress in March 2018 that U.S. military support for anti-IS fighters is continuing, and he emphasized the importance of political reconciliation as a prerequisite for lasting security. In this regard, AFRICOM’s 2017 posture statement judged that “stability in Libya” is likely to be “a long-term proposition requiring strategic patience.” The statement also advised Congress that Libya’s absorption capacity for international support remains “limited,” as does the ability of outsiders, including the United States, “to influence political reconciliation between competing factions.” In his March 2018 testimony, General Waldhauser warned that “the risk of a full-scale civil war remains real.” At present, AFRICOM describes four objectives for its approach to Libya: degrading terrorist groups; averting civil war; supporting political reconciliation with the goal of achieving a unified central government; and, helping to curb the flow of illegal migrants into Europe via Libya.

Periodic U.S. airstrikes have targeted senior terrorist leaders and groups from 2015 through 2018.⁸¹ AFRICOM announced that U.S. forces conducted airstrikes against Islamic State positions south of Sirte in September and November 2017, killing IS fighters and the destroying

⁷⁷ In early 2016, U.S. Defense Department officials stated that “there have been some U.S. forces in Libya trying to establish contact with forces on the ground so that we get a clear picture of what’s happening there.” Press reporting in May 2016 cited unnamed U.S. officials as stating that teams of U.S. military personnel were then operating in and around Misrata and Benghazi as part of these efforts. Department of Defense Press Briefing by Pentagon Press Secretary Peter Cook, January 27, 2016; and, Missy Ryan, “U.S. establishes Libyan outposts with eye toward offensive against Islamic State,” *Washington Post*, May 12, 2016.

⁷⁸ Resolution 2259 states the Council’s recognition of “the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts, including those committed by groups proclaiming allegiance to ISIL in Libya.”

⁷⁹ Robyn Mack, quoted in *Al Sharq Al Awsat* (London), “AFRICOM Expects ISIS Attack on Libya’s Oil Crescent,” January 3, 2018.

⁸⁰ U.S. AFRICOM Commander Gen. Thomas Waldhauser, Testimony before the Senate Armed Services Committee, March 13, 2018.

⁸¹ A U.S. air strike reportedly killed a top IS commander in eastern Libya in November 2015, and a U.S. air strike on IS forces in the western Libya town of Sabratha reportedly killed dozens of suspected fighters in February 2016. Many of those killed in the latter strike reportedly were Tunisians. In January 2017, the U.S. military struck dozens of IS fighters in a remote area of central Libya.

arms and vehicles. U.S. military statements said the Islamic State used the locations targeted in September as transit hubs and operational planning centers, including for external attacks. In October 2017, U.S. forces and Libyan partner forces seized a second suspect in the 2012 Benghazi attacks in Libya, Syrian national Mustafa al Imam, near Misrata (see **Appendix C**).⁸² In March 2018, AFRICOM announced the death of AQIM senior figure Musa Abu Dawud and an associate in a U.S. airstrike near Ubari in southwest Libya.⁸³

President Trump's December 2017 letter to Congress consistent with the War Powers Resolution acknowledged U.S. strikes against terrorist targets in Libya. Like the Obama Administration before it, the Trump Administration has described U.S. strikes against IS and AQIM targets in Libya as authorized by the 2001 Authorization for Use of Military Force (AUMF, P.L. 107-40) and has stated that the strikes are taken "at the request and with the consent of the GNA in the context of the ongoing armed conflict against ISIL and in furtherance of U.S. national self-defense."⁸⁴

In April 2018, U.S. officials announced Libya would join the Trans-Sahara Counterterrorism Partnership (TSCTP) program and signed a series of agreements and memoranda of intent for border and airport security programs. AFRICOM has engaged with European partners in planning for security assistance to the GNA.⁸⁵ U.S. defense officials have said that containing instability in Libya is one of the command's five broad lines of effort, and the Defense Department's FY2019 request includes requests for security assistance funding for programs in the AFRICOM area of responsibility that may benefit Libyan entities or address threats emanating from Libya through partnership with neighboring countries. Congress has authorized the provision of Department of Defense-funded border security assistance to Tunisia and Egypt through December 31, 2019.⁸⁶

Table 2. Defense Department Regional Counterterrorism and AFRICOM Security Cooperation Funding, FY2015-FY2019

(millions of dollars)

Account	FY2015 Actual	FY2016 Actual	FY2017 Request	FY2018 Request	FY2019 Request
Counterterrorism Partnerships Fund (Sahel/Maghreb Region)	113	105	125	-	
DSCA Security Assistance (AFRICOM)	-	-	-	300	44.8 ^a

Source: Defense Department appropriations requests.

Notes: Programs funded under these initiatives benefit multiple countries and may not be designed wholly or in substantial part to address Libya-specific concerns.

⁸² See U.S. Department of Justice, Libyan National Charged With Federal Offenses In 2012 Attack on U.S. Special Mission and Annex in Benghazi, October 30, 2017. Mustafa al Imam pled not guilty to charges against him in November 2017.

⁸³ Abu Dawud had since 2013 been put "in charge of a mission in Tunisia tasked with recruiting and training new members from across North Africa on the use of weapons," according to a State Department release in 2016. State Department Bureau of Counterterrorism, "State Department Terrorist Designation of Musa Abu Dawud," May 5, 2016.

⁸⁴ Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations, December 2016 and March 2018. See CRS Report R43983, *2001 Authorization for Use of Military Force: Issues Concerning Its Continued Application*, by (name redacted).

⁸⁵ U.S. Africa Command 2016 and 2017 Posture Statements.

⁸⁶ Section 1226 of P.L. 114-92 (FY2016 NDAA), as amended by Section 1294 of P.L. 114-328 (FY2017 NDAA).

- a. The FY2019 Defense Department request for Security Cooperation programs does not allocate \$2.7 billion in requested funds by combatant command area of responsibility.

Stabilization and Transition Support

In parallel to counterterrorism and defense policy efforts, the United States is using U.S. foreign assistance funding to support a variety of stabilization and transition assistance programs at the local and national levels in Libya. Since the 2014 withdrawal of U.S. personnel, U.S. programs have been administered from outside the country. Despite related challenges, Administration officials remain committed to providing stabilization and transition support to Libyans and have notified Congress of planned aid obligations in 2017 and 2018.

Since 2016, the executive branch has notified Congress of planned programs to continue to engage with Libyan civil society organizations, support multilateral bodies engaged in Libyan stabilization efforts, and build the capacity of municipal authorities, electoral administration entities, and the emerging GNA administration. These notifications include, but are not limited to

- \$64.5 million to support the continuation of USAID's Office of Transition Initiatives and other USAID good governance and electoral support programs;
- \$1.9 million in Middle East Partnerships Initiative (MEPI) civil society support programming;
- \$4 million for the United Nations Development Program Stabilization Facility for Libya;⁸⁷
- \$10 million for U.S. support to UNSMIL and governance programs in support of the GNA;
- \$4 million for third-party monitoring of U.S. government Libya programs and for reconciliation, transitional justice, and accountability programming; and
- \$10 million for training and advisory support to the GNA Ministry of Interior.

Division B of the December 2016 continuing resolution (P.L. 114-254) provided additional overseas contingency operations assistance and operations funding to the State Department and USAID, some of which is supporting post-IS stabilization efforts in Libya and may facilitate the eventual return of U.S. government personnel to the country.

The Trump Administration has requested \$34.5 million in foreign operations funding for Libya programming in FY2019 (see **Table 3**).

Table 3. U.S. Foreign Assistance for Programs in Libya

(millions of dollars)

Account	FY2015 Actual	FY2016 Actual	FY2017 Actual	FY2018 Request	FY2019 Request
Bilateral Foreign Assistance					
Economic Support Fund (ESF/ESDF)	19.2	10	88 ^a	23	27
International Narcotics Control and Law Enforcement (INCLE)	1.987	2	10.2	1	1

⁸⁷ See UNDP website: <http://www.ly.undp.org/content/libya/en/home/operations/projects/sustainable-development/stabilization-facility-for-libya.html>.

Account	FY2015 Actual	FY2016 Actual	FY2017 Actual	FY2018 Request	FY2019 Request
Nonproliferation, Antiterrorism, Demining and Related Programs (NADR)	3.5	6.5	36	7	6.5
Bureau of Conflict and Stabilization Operations Funds	2.5	-	-	-	-
Peacekeeping Operations (PKO)	-	-	5	-	-
Total	27.187	18.5	139.2	31	34.5

Source: State Department appropriations requests and notifications FY2015-FY2018; and, Explanatory Statement for Division K of P.L. 114-113, the FY2016 Consolidated Appropriations Act.

Notes: Amounts are subject to change. Funds from centrally managed programs, including the Middle East Partnership Initiative (MEPI) and Bureau of Democracy, Human Rights and Labor (DRL) Office of Global Programming also benefit Libyans. State and USAID also use funds from the Migration and Refugee Assistance (MRA) and International Disaster Assistance (IDA) humanitarian accounts for programs in Libya.

a. Includes ESF and ESF-OCO notified to Congress in 2016 to support Libya programs.

Humanitarian Assistance

The United States provided more than \$90 million in immediate humanitarian assistance to Libya in 2011, and U.S. assistance for humanitarian operations in Libya has ebbed and flowed in the years since in response to fluctuating needs and conditions on the ground. U.S. humanitarian funding for Libya in FY2016 and FY2017 totaled \$28.325 million, more than \$18 million of which was provided in FY2017. This included U.S. contributions to the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) Humanitarian Response Plans (HRP) for Libya and programs overseen by the State Department Bureau of Population, Refugees, and Migration (PRM) and USAID's Office of Foreign Disaster Assistance (OFDA).⁸⁸ The 2018 U.N. HRP seeks \$312.7 million in international contributions, of which 11.3% was funded as of May 2018.⁸⁹

Travel Restrictions

Libya is among the countries identified in Executive Order 13780 of March 2017, which restricts the entry of nationals of certain countries to the United States, with some exceptions. In September 2017, the Trump Administration issued further guidance on the entry restrictions, and suspended the entry to the United States of Libyan nationals as immigrants and non-immigrants in business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visa classes.⁹⁰ The Administration's fact sheet on the changes states:

Although it is an important partner, especially in the area of counterterrorism, the government in Libya faces significant challenges in sharing several types of information, including public-safety and terrorism-related information; has significant inadequacies in its identity-management protocols; has been assessed to be not fully cooperative with respect to receiving its nationals subject to final orders of removal from the United States; and has a substantial terrorist presence within its territory. Accordingly, the entry into the

⁸⁸ USAID, Libya – Complex Emergency Fact Sheet #1, FY2018, December 1, 2017.

⁸⁹ U.N. Financial Tracking Service data. The 2017 appeal for \$151 million was 71.3% funded by January 2018.

⁹⁰ The White House, Fact Sheet: Proclamation on Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats, September 24, 2017.

United States of nationals of Libya, as immigrants, and as nonimmigrants on business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas, is suspended.⁹¹

The United States issued 1,445 such B-1, B-2, and B1/B-2 visas to Libyan nationals in FY2016, which was approximately 62% of the total number of U.S. visas issued for Libyans.⁹² From March through November 2017, the United States issued 1,170 nonimmigrant visas of all classes to Libyan nationals.⁹³

In September 2017, authorities in eastern Libya announced they planned to institute a policy of “reciprocity,” calling the U.S. decision a “dangerous escalation, which puts Libyan citizens in one basket with the terrorists the army fights.”⁹⁴

Congress and Libya

The 2012 attacks in Benghazi, the deaths of U.S. personnel, the emergence of terrorist threats on Libyan soil, and internecine conflict among Libyan militias have reshaped debates in Washington about U.S. policy toward Libya. Following intense congressional debate over the merits of U.S. and NATO military intervention in Libya in 2011, many Members of Congress welcomed the announcement of Libya’s liberation, the formation of the interim Transitional National Council government, and the July 2012 national General National Congress election. Some Members also expressed concern about security in the country, the proliferation of weapons, and the prospects for a smooth political transition. The breakdown of the transition process in 2014 and the outbreak of conflict amplified these concerns, with the subsequent emergence and strengthening of Islamic State supporters in Libya compounding congressional apprehension about the implications of continued instability in the country.

As of 2018, the executive branch and Congress appear to have reached a degree of consensus regarding limited security and transition support programs in Libya, some of which respond to specific U.S. security concerns about unsecured weapons, terrorist safe havens, and border security. Congress has conditionally appropriated funding for limited U.S. transition support and security assistance programs for FY2018, and is considering Trump Administration requests for additional foreign operations and defense funds to support Libya-related programs for FY2019.

In recent years, Congress has enacted appropriations legislation requiring the Administration to certify Libyan cooperation with efforts to investigate the 2012 Benghazi attacks and to submit detailed spending and vetting plans in order to obligate appropriated funds.⁹⁵ Congress also has prohibited the provision of U.S. assistance to Libya for infrastructure projects “except on a loan basis with terms favorable to the United States.”

The foreign operations appropriations act for FY2018 carries forward some past terms and conditions on FY2018 U.S. assistance to Libya (Section 7041(f) of Division K of H.R. 1625/P.L. 115-141), and includes a requirement for notice to Congress in cases of aid diversion or

⁹¹ The White House, Fact Sheet: Proclamation on Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats, September 24, 2017.

⁹² State Department, Report of the Visa Office 2016.

⁹³ State Department, Monthly Nonimmigrant Visa Issuance Statistics, FY2017-2018 (preliminary).

⁹⁴ Libya Observer, “East Libya government bans Americans from ‘entering Libya,’” September 27, 2017.

⁹⁵ In the FY2014, FY2015, FY2016, and FY2017 Consolidated Appropriations Acts (P.L. 113-76, Division K, Section 7041[f]; P.L. 113-235, Division J, Section 7041[f]; P.L. 114-113, Division K, Section 7041[f]; P.L. 115-31, Division J, Section 7041[g]), Congress placed conditions on the provision of funds appropriated by those acts to the central government of Libya.

destruction. The FY2017 and FY2018 acts did not require submission of a spending plan to congressional appropriators prior to obligations.

Outlook

Terrorist threats, Libyans' divisive political competition, and, since mid-2014, outright conflict between rival groups have prevented U.S. officials from developing robust partnerships and assistance programs in post-Qadhafi Libya. The shared desire of the U.S. government and some international actors to empower an inclusive government and rebuild Libyan state security forces has been confounded by the strength of armed non-state groups, weak institutions, and a fundamental lack of political consensus among Libya's interim leaders, especially regarding security issues. Control over national institutions, territory, and key energy infrastructure continues to define the balance of power in Libya. To the extent that these factors define the prospects for governance and economic viability, they are likely to remain objects of intense competition.

Prior to the escalation of conflict in May 2014, some Libyans had questioned the then-interim government's decision to seek foreign support for security reform and transition guidance, while some U.S. observers had questioned Libya's need for U.S. foreign assistance given Libya's oil resources and relative wealth. During subsequent fighting, some Libyans have vigorously rejected others' calls for international support and assistance and traded accusations of disloyalty and treason in response to reports of partnership with foreign forces. These dynamics raise questions about the potential viability of the U.S. partnership approach, which has sought to build Libyan capacity, coordinate international action, and leverage Libyan financial resources to meet shared objectives and minimize the need for direct U.S. involvement. Some Libyan actors appear to view offers of external assistance and threats of external sanctions in zero-sum terms, despite assurances that third parties seek to support inclusive, consensus arrangements.

In some cases where the U.S. government has sought Libyan government action on priority issues, especially in the counterterrorism sector, U.S. officials have weighed choices over whether U.S. assistance can build sufficient Libyan capacity quickly and cheaply enough. U.S. officials also have considered whether interim leaders are appropriate or reliable partners for the United States and how U.S. action or assistance might affect Libyan politics. In some cases, such as with the threat posed by the Islamic State, U.S. officials have debated when threats to U.S. interests require immediate, direct U.S. action. With Islamic State forces degraded and rivalries among Libyan factions persistent, these questions continue to apply to debates about the future of U.S. assistance plans.

At present, U.S. officials remain engaged with Libyan counterparts in efforts to move forward with the U.N.-backed Action Plan. Next steps may include a constitutional referendum and national elections some time in 2018 or later, but the timing, legal framework, and sequencing of these proposed steps has not yet been determined. The potential success of U.N.-backed reconciliation could provide a new foundation for improving stability in Libya, and could create new opportunities for security and economic partnership between Libya and the United States. The potential failure of U.N.-promoted reconciliation efforts among Libyans may present U.S. decisionmakers with hard choices about how best to mitigate threats emanating from the country in the continuing absence of a viable, legitimate national government. Possible questions before the United States may include

- whether and when to return U.S. personnel to Libya on a permanent basis;

- what types and extent of assistance, if any, to provide for stabilization and transition support purposes;
- how to ensure that U.S. aid recipients and security partners have not been and are not now involved in gross violations of human rights;
- whether or how to use existing sanctions provisions or other coercive measures against parties seen as obstructing progress under the U.N.-sponsored Action Plan;
- whether or how to continue to intervene militarily against terrorist groups;
- whether or how to respond to the actions of other third parties, including Russia;
- whether or how to leverage or amend U.N. arms embargo provisions to allow for security assistance to parties in Libya;
- what degree of support, if any, to provide to emergent national security forces (particularly in the absence of an agreed political framework); and
- whether or how to respond in the event of any military clashes between rival Libyan factions that involve groups that have received U.S. assistance.

Legislative debates over future appropriations and defense authorization measures provide potential means for Members to influence U.S. policy and engagement with Libyan actors. Congressional oversight prerogatives also provide opportunities to engage Administration officials

- to refine the scope and content of U.S. programs proposed to support the Government of National Accord and other Libyans;
- regarding U.S. contingency planning for the possibility that other third parties may intervene more forcefully in Libya;
- regarding plans for potentially expanding U.S. partnership with Libyans if U.N.-backed reconciliation measures succeed; and
- regarding the possibility that negotiations among Libyans and planned elections may not bring instability in Libya to a prompt close.

Appendix A. 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 anticolonial 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 the 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 George W. 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, 2011, 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. Voters elected an interim General National Congress (GNC) in July 2012. The GNC assumed power on August 8, 2012, but failed to demobilize militia groups, reconstitute national bureaucracies, or launch ambitious economic or political reforms.

The unravelling of Libya's post-Qadhafi transition intensified in late 2013, as a campaign of unsolved assassinations targeting security officers swept the country's second-largest city, Benghazi; a militia force briefly kidnapped then-Prime Minister Ali Zeidan; militias killed protesting civilians in Tripoli and Benghazi; and rival coalitions within the General National Congress (elected July 2012) clashed over the future of Zeidan's government and the GNC's mandate and term of office. Zeidan survived numerous attempted no confidence votes during his tenure (November 2012 to March 2014), which was marked by a series of crises stemming from

militia demands for the political isolation of Qadhafi-era officials, militias' seizure of oil infrastructure, and the strengthening of armed Islamists in the east and south.

Long-expected elections for a Constitutional Drafting Assembly were delayed until February 2014, and were ultimately marred by relatively low turnout and violence that prevented voters in some areas from selecting delegates. In March 2014, a coalition of Islamist and independent forces in the GNC garnered enough votes to oust Zeidan amid a growing boycott by other GNC members that made it difficult for the body to operate with a politically viable quorum. Under increasing pressure to leave office, GNC members voted to replace the GNC with a new 200-member House of Representatives (HOR), to which legislative authority would be transferred.

Public and intra-General National Congress tensions were driven in part by differences of opinion over the future roles and responsibilities of armed militias, the relative influence of powerful local communities over national affairs, and the terms governing the political exclusion of individuals who had formerly served in official positions during the Qadhafi era. Disagreements between Islamist politicians and relatively secular figures also contributed to the gradual collapse of consensus over the transition's direction. These groups differed over some domestic legal and social developments as well as Libya's security relationships with foreign governments.

Gradually, an unspoken code under which Libyans sought to refrain from shedding other Libyans' blood in the wake of Qadhafi's ouster deteriorated under pressure from a series of violent confrontations between civilians and militias, clashes between rival ethnic groups, and the blatant targeting of security officers by an unidentified, but ruthless network in Benghazi. That code was rooted in shared respect for the sacrifices of anti-Qadhafi revolutionaries and in shared fears that the 2011 predictions of Muammar al Qadhafi and his supporters would come true: that Qadhafi's downfall would be followed by uncontrollable civil strife and chaos.⁹⁶

In May 2014, forces loyal to Qadhafi-era retired General Khalifah Haftar launched an armed campaign unauthorized by interim authorities dubbed "Operation Dignity" to evict Islamist militia groups from eastern Libya. Haftar capitalized on widely shared presumptions that certain armed Islamist groups were responsible for the assassination of security officers and were cooperating with foreign jihadists, including Al Qaeda, its regional affiliates, and Syria-based armed groups. More controversially, Haftar broadened his rhetoric and objectives to include pledges to cleanse Libya of Islamists, including supporters of the Muslim Brotherhood.

In the months that followed, Libya was drawn deeper into a region-wide struggle between pro- and anti-Islamist forces, with the governments of Egypt and the United Arab Emirates offering Haftar support. Haftar's actions and those of his opponents have helped to push many of the country's latent tensions to the surface and contributed to Libya's polarization on ideological and community lines. This polarization was visible during a summer 2014 political struggle between supporters of Prime Minister Abdullah Al Thinni and the leading coalition of Islamists and

⁹⁶ For example, Sayf al Islam al Qadhafi, who remains in detention in Libya and is sought for arrest by the International Criminal Court, said in a February 2011 television statement: "Libya, unlike Tunisia and Egypt, is about tribes, clans, and alliances. Libya does not have a civil society or political parties. Libya is made up of tribes that know their areas, allies, and people. ...If secession or a civil war or a sedition occurs ...do you think the Libyans will be able to reach an agreement on how to share oil within a week, a month, or even two or three years? If your answer is yes, then you are mistaken. ... My brothers, we are tribes, and we will resort to arms to settle the matter since arms are available to everyone now. Instead of mourning the death of 84 people, we will mourn the death of hundreds of thousands of people. Rivers of blood will run through Libya and you will flee. There will be no oil supplies, the foreign companies, foreigners, and oil companies will leave tomorrow, and the distribution of oil will come to an end..." U.S. Government Open Source Enterprise (OSE) Report FEA20110221014695, "Libya: Al-Qadhafi's Son Addresses Citizens; Warns of Civil War, 'Colonization,'" *Al Jamahiriya* Television (Tripoli), February 20, 2011.

independents within the GNC, which sought to replace Al Thinni prior to the June 2014 elections for the new HOR.

Haftar's armed extremist military opponents and his relatively more moderate political adversaries responded vigorously to his challenges. Through late 2014, the Operation Dignity military campaign had suffered several setbacks on the battlefield at the hands of the U.S. designated Foreign Terrorist Organization Ansar al Sharia (AAS) and that group's allies in an emergent coalition known as the Benghazi Revolutionaries' Shura Council. Haftar's forces counterattacked, attempting to force their way back into Benghazi but failing to overcome determined resistance until making progress in early 2016. Large areas of the city have been damaged in the fighting and UNSMIL has reported mass displacement among the population of the city. Residents who have remained have reported shortages of supplies and critical service interruptions.

In western Libya, fighting also erupted in mid-2014 along political, ideological, and community lines with two coalitions of forces battling for control of Tripoli's international airport, government facilities, other strategic infrastructure, and areas around the capital. Tensions between locally organized militia groups in the west predated the launch of Haftar's operations in the east. Over time, however, fighting and rhetoric in the two theaters became more interrelated and overlaid local rivalries, with some western-based forces endorsing and offering material support to Haftar's campaign and the HOR and others mobilizing to isolate Haftar's erstwhile allies and/or the HOR.

Specifically, some armed groups from the city of Misrata and smaller Islamist militias formed a coalition known as *Fajr Libya* (Libya Dawn) and launched a multipronged offensive in July 2014 to take control of Tripoli's main international airport. Participants have included Libya's Central Shield Force, members of the Tripoli-based Libya Revolutionaries Operations Room (LROR), the Knights of Janzour Brigade, militias from Zawiya, and several Misrata-based militias, including the *Marsa* and *Hatin* Brigades. The international airport had long been held by a rival coalition of militias largely from Zintan—the *Sawa'iq* and *Qaaqaa* Brigades, and the Martyr Mohammed Madani Brigade—who opposed the GNC-leading Islamist-independent coalition during its final months in office. Libya Dawn operations after the fall of the airport included clashes with militias in Tripoli's Suq al Jumah neighborhood and militias affiliated with the Warshafanah tribe south and west of the city.

Control over lucrative national infrastructure remained a subtext of fighting in the region, which became less intense during 2015 as localized cease-fire agreements were reached. The United Nations-facilitated dialogue process that led to the 2015 Government of National Accord agreement built in part on improvements in security conditions and trust that accompanied de-escalation in fighting between members of the Libya Dawn and Operation Dignity coalitions.

Appendix B. U.S. Assistance to Libya FY2010-FY2014

From 2011 through 2014, U.S. engagement in Libya shifted from immediate conflict-related humanitarian assistance to focus on transition assistance and security sector support. More than \$25 million in USAID-administered programs funded through the Office of Transition Initiatives, regional accounts, and reprogrammed funds were identified between 2011 and 2014 to support the activities of Libyan civil society groups and provide technical assistance to Libya's nascent electoral administration bodies. The security-related withdrawal of some U.S. personnel from Libya in the wake of the 2012 Benghazi attacks temporarily affected the implementation and oversight of U.S.-funded transition assistance programs. U.S. security assistance programs also were disrupted, but some assistance programs were reinstated by late 2013.

Table B-1. U.S. Assistance to Libya FY2010-FY2014
(thousands of dollars, by account/program and fiscal year of appropriation unless noted)

Account/Program	FY2010	FY2011	FY2012	FY2013	FY2014
Complex Crises Fund (CCF-OCO)				15,000	-
Foreign Military Financing (FMF)	150	-	150	949	-
International Military Education and Training (IMET)	319	-	296	142	1,461
USAID Transition Initiatives (TI/TI-OCO)	-	4,000	1,500	4,825	-
Department of Defense (DOD) Nonlethal Support	25,000	-	-	-	-
DOD Counterterrorism Fellowship Program	-	-	-	30	-
Section 1206 Train and Equip				8,420	
Global Security Contingency Fund	-	-	22,650	-	-
International Narcotics Control and Law Enforcement	-	-	-	-	1,500
Middle East Partnership Initiative (MEPI)	3,530	3,145	NA	NA	TBD
Middle East Response Fund (MERF)	-	25,615	-	-	-
Democracy Fund	-	600	-	-	-
Development Assistance	-	470	-	-	-
Economic Support Fund (ESF)	-	-	-	-	-
ESF-Overseas Contingency Operations (OCO)	-	-	3,000	5,000	-
ESF-USAID Middle East Regional Programs	-	175	-	2,850	TBD
Nonproliferation, Antiterrorism, Demining and Related Programs (NADR)			2,100	1,437	2,940
Anti-Terrorism Assistance (ATA)	-	-	-	-	-
Export Control and Related Border Security Assistance (EXBS)	-	500	-	-	-
Counterterrorism Engagement (CTE)	95	-	-	-	-
Conventional Weapons Reduction (CWD)	-	5,750	-	-	-
Global Threat Reduction (CTR)	500	-	-	-	-
Nonproliferation Disarmament Fund (NDF)	-	34,300	-	-	-
Regional Strategic Initiative (RSI)	-	9	-	-	-
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	-	-
Estimated Total (subject to change)	29,594	163,564	38,496	38,653	5,901

Sources: U.S. Department of State communication to CRS, June 2012; State Department congressional budget justification and notification documents. Amounts subject to change. Estimated totals may not reflect all funds.

Note: NA = Not Available, TBD = To Be Determined. NDF funds reprogrammed from multiple fiscal years—FY2003, FY2004, FY2009, and FY2010.

Appendix C. Investigations into 2012 Attacks on U.S. Facilities and Personnel in Benghazi

Investigations into 2012 Attacks on U.S. Facilities and Personnel 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. facilities in Benghazi, Libya's second-largest city. The Federal Bureau of Investigation (FBI) remains the lead U.S. agency tasked with pursuing the individuals responsible for the attacks. Other government agencies, including the State Department, the Department of Defense (DOD), and elements of the intelligence community (IC), support the FBI's efforts to bring the attackers to justice. Section 1278 of the FY2015 National Defense Authorization Act (P.L. 113-291) required the Secretary of Defense to submit to congressional defense committees—within 30 days of enactment—

a report that contains an assessment of the actions taken by the Department of Defense and other Federal agencies to identify, locate, and bring to justice those persons and organizations that planned, authorized, or committed the attacks against the United States facilities in Benghazi, Libya that occurred on September 11 and 12, 2012, and the legal authorities available for such purposes.

On September 28, 2012, the U.S. intelligence community concluded publicly that the incident was a “deliberate and organized terrorist attack carried out by extremists,” and said that at the time it remained “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.”⁹⁷ The 2016 final report of the Select Committee on Benghazi stated that “the attackers were a mix of local extremist groups, including the Benghazi-based Ansar al-Sharia, al-Qaida in the Lands of the Islamic Maghreb, and the Muhammad Jamal Network out of Egypt. Members of al-Qaida in the Arabian Peninsula, al-Qaida in Iraq, and Abu Ubaydah ibn Jarah Battalion also participated.”

In June 2014, U.S. forces apprehended Ahmed Abu Khattala, a Libyan suspect in the attack and the reported leader of the Abu Ubaydah ibn Jarah Battalion, in a military operation in Libya. Abu Khattala was transferred to the United States, and in May 2016, U.S. Justice Department officials announced they would not seek the death penalty in his trial. In May 2017, Abu Khattala's defense attorneys challenged the admissibility of statements the defendant reportedly made while under interrogation following his capture. Jury selection was completed in September 2017, his trial began in October, and in November he was convicted on 4 of 18 charges that had been brought against him.


In October 2017, U.S. forces and Libyan partner forces seized a second suspect in Libya, Syrian national Mustafa al Imam, near Misrata. He appeared in federal court in Washington, DC in November 2017. The U.S. government has offered up to \$10 million through the State Department's Rewards for Justice program for information that helps to apprehend and prosecute those responsible for the 2012 attacks.

U.S. officials have repeatedly described Libya as a high-risk operational environment, even with regard to routine diplomatic operations in Tripoli, which were suspended in July 2014. Operational risks presumably are higher in areas of Libya that are controlled by anti-U.S. forces. The January 2017 U.S. State Department travel warning for Libya “warns U.S. citizens against all travel to Libya and recommends that U.S. citizens currently in Libya depart immediately.” Across Libya, attacks on foreign diplomatic facilities and personnel and on foreign nationals have continued, and reports suggest the U.S. Embassy in Tripoli and related facilities were damaged by fighting in 2014.

⁹⁷ Statement, Director of Public Affairs for the Director of National Intelligence Shawn Turner, September 28, 2012.

Appendix D. Select Political Actors and Armed Groups

Figure D-I. Select Political Actors and Armed Groups

Libya: Select Political Actors and Armed Groups	
	<p>Government of National Accord (GNA)</p> <p>The Libyan Political Agreement (LPA) reached in Skhirat, Morocco in December 2015 and endorsed in U.N. Security Council Resolution 2259 called for the establishment of a Government of National Accord (GNA) comprised of representatives of Libya's leading political factions and incorporating members of government bodies elected in 2012 and 2014. From early 2016 through late 2017, a nine-member GNA Presidency Council (PC) struggled to establish its authority among Libyans, assert security control, or improve service delivery. The council, led by Prime Minister-designate Fayez al Sarraj, and an acting GNA cabinet are broadly representative, but some members have boycotted PC meetings or acted independently during its tenure, leaving the body weak. Some members of the PC's predecessor governments have refused to recognize the GNA cabinet's legitimacy, and the GNA's presence in the capital, Tripoli, remains contingent on the support of local militia forces. The U.N. Security Council and U.S. government have restated their views that the LPA and GNA are enduring reference points for the U.N. Action Plan, and Security Council resolutions remain in place that provide for sanctions against spoilers.</p>
	<p>House of Representatives (HOR)/Interim Government</p> <p>The December 2015 Libyan Political Agreement (LPA) called on the House of Representatives (HOR, the national legislature elected in mid-2014) to vote to endorse the LPA and GNA leadership and to then serve as the legislative body of a unified GNA. In practice, the HOR has suffered since 2014 from the same patterns of boycott and defection as the GNA, with some of its remaining active members refusing to recognize the GNA Presidency Council or its cabinet. The HOR's speaker, Aqilah Saleh, and the former head of the associated interim government, Abdullah Al Thinni, have aligned themselves with/acquiesced to the leadership in eastern Libya of Field Marshal Khalifa Haftar and his "Libyan National Army" movement (see below). HOR and Interim Government leaders continue to act independently of the GNA, but have engaged with the U.N. Support Mission in Libya (UNSMIL) in Action Plan talks.</p>
	<p>Field Marshal Khalifa Haftar/"Libyan National Army" (LNA) Movement</p> <p>Khalifa Belqasim Haftar, a Qadhafi-era military defector and former U.S. intelligence partner, leads the Libyan National Army movement that has asserted control over much of eastern Libya since 2014 with reported support from Egypt, the United Arab Emirates, and, more recently, Russia. The LNA is a coalition of eastern Libyan militia groups, Libyan military personnel, and, reportedly, foreign mercenaries, with significant support from tribal groups in the region. Haftar has justified the military campaign he has led since 2014 as an effort to prevent Islamist forces from controlling Libya, although his critics view his motives as being rooted in a desire for personal power. Reports of Haftar's death or incapacitation in April 2018 caused confusion and speculation about potential leadership succession in the LNA and security in eastern Libya. Haftar returned to eastern Libya after medical treatment and appears to have resumed his former duties.</p> <p>LNA forces succeeded in expelling their remaining adversaries from Benghazi in 2017 after taking control of important oil infrastructure locations in central Libya's coastal "oil crescent" in September 2016. Their control in the oil crescent has been contested by adversaries they had earlier expelled, and confrontations occurred in 2017 between the LNA and forces aligned with the GNA Presidency Council. Libyans and third parties have attempted to broker a political compromise with Haftar that would accommodate his demands for a leadership role in Libya, and he has signaled his support for elections envisioned by the UN Action Plan while alluding to other options. His past pledges to "liberate" the capital, Tripoli, and his overtures to local forces in the west and south have raised concerns among some Libyans and outsiders that he is prepared for the LNA to more substantially widen its campaign beyond the east.</p>
	<p>Tripoli-based Militia Forces</p> <p>Clashes in 2016 and 2017 resulted in a coalition of nominally pro-GNA militia groups gaining de facto control over the capital, Tripoli: the Special Deterrence Force (SDF or <i>Rada</i>, left), the Tripoli Revolutionaries Brigade, and the Central Security Force's Abu Salim and Nawasi Brigades. Reports suggest that these militia forces have provided a base of security for GNA operations through their formal security roles, but some analysts warn that they have used their control over the greater Tripoli area to strengthen themselves relative to displaced rivals from other regions while establishing illicit sources of financial and material support independent of their ties to the GNA.</p>
Source: CRS, May 2018. Public domain images from Libyan actors' public relations materials and official social media.	

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