Libya: Unrest and U.S. Policy

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Summary

Over forty years ago, Muammar al Qadhafi led a revolt against the Libyan monarchy in the name of nationalism, self-determination, and popular sovereignty. Opposition groups citing the same principles are now revolting against Qadhafi to bring an end to the authoritarian political system he has controlled in Libya for the last four decades. The Libyan uprising is occurring in the context of popular protest movements and political change in other countries in North Africa and the Middle East. In mid-February 2011, confrontations between opposition activists and government security forces in the eastern cities of Benghazi and Bayda resulted in the death of some unarmed protestors. Security forces used military force in confrontations at subsequent funeral gatherings and protests in incidents that reportedly killed or wounded dozens, if not hundreds, of civilians. Opposition groups seized several police and military facilities and took control of some eastern and western cities. Qadhafi and his supporters have described the uprising as a foreign and Islamist conspiracy and are attempting to outlast their opponents.

In the weeks that have followed, opposition advances and Qadhafi-supporters' counterattacks have pushed Libya to the brink of civil war. Multilateral efforts to evacuate third-country nationals continue, and the United States and several international partners are assisting thousands who have fled Libya and remain in temporary camps in Tunisia and Egypt. A stalemate that prevailed through early March broke in favor of pro-Qadhafi forces, which attacked opposition-held western cities and central coastal towns and now threaten cities and towns further east. Increasing concern about Qadhafi's prospects for swift victory and the potential humanitarian and security crises that such a scenario might create have fueled intensifying international and U.S. debate about the necessity and advisability of military intervention. Both sides to the conflict continue to express wariness of direct foreign military involvement, even as the Libyan opposition Interim Transitional National Council (ITNC) called for the imposition of a no-fly zone and its calls were echoed in a March 12 Arab League Council consensus decision.

On March 17, the United Nations Security Council adopted Resolution 1973, calling for an immediate cease-fire and dialogue, declaring a no-fly zone in Libyan airspace, authorizing robust enforcement measures for the arms embargo established by Resolution 1970 of February 26, and authorizing member states "to take all necessary measures… to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory." World attention is now focused on the potential steps that the United States and governments in Europe, Africa, and the Middle East may take to enforce the resolutions. Qadhafi supporters have threatened to respond to any foreign attack by striking civilian and military targets in the Mediterranean.

Until recently, the United States government was pursuing a policy of reengagement toward Qadhafi after decades of confrontation, sanctions, and Libyan isolation. President Obama now has joined some leaders in asserting that Muammar al Qadhafi must give up power. On March 18, President Obama outlined nonnegotiable demands for an end to violence and indicated the United States was prepared to act militarily as part of a coalition to enforce Resolution 1973 and protect Libyan civilians. The President said the United States would not introduce ground forces. Many observers believe that Libya's weak government institutions, potentially divisive political dynamics, and current conflict suggest that security challenges could follow the current uprising, regardless of its outcome. In evaluating U.S. policy options, Congress may seek to better understand the roots and nature of the conflict in Libya, the views and interests of key players, and the potential consequences of various policy proposals now under consideration.

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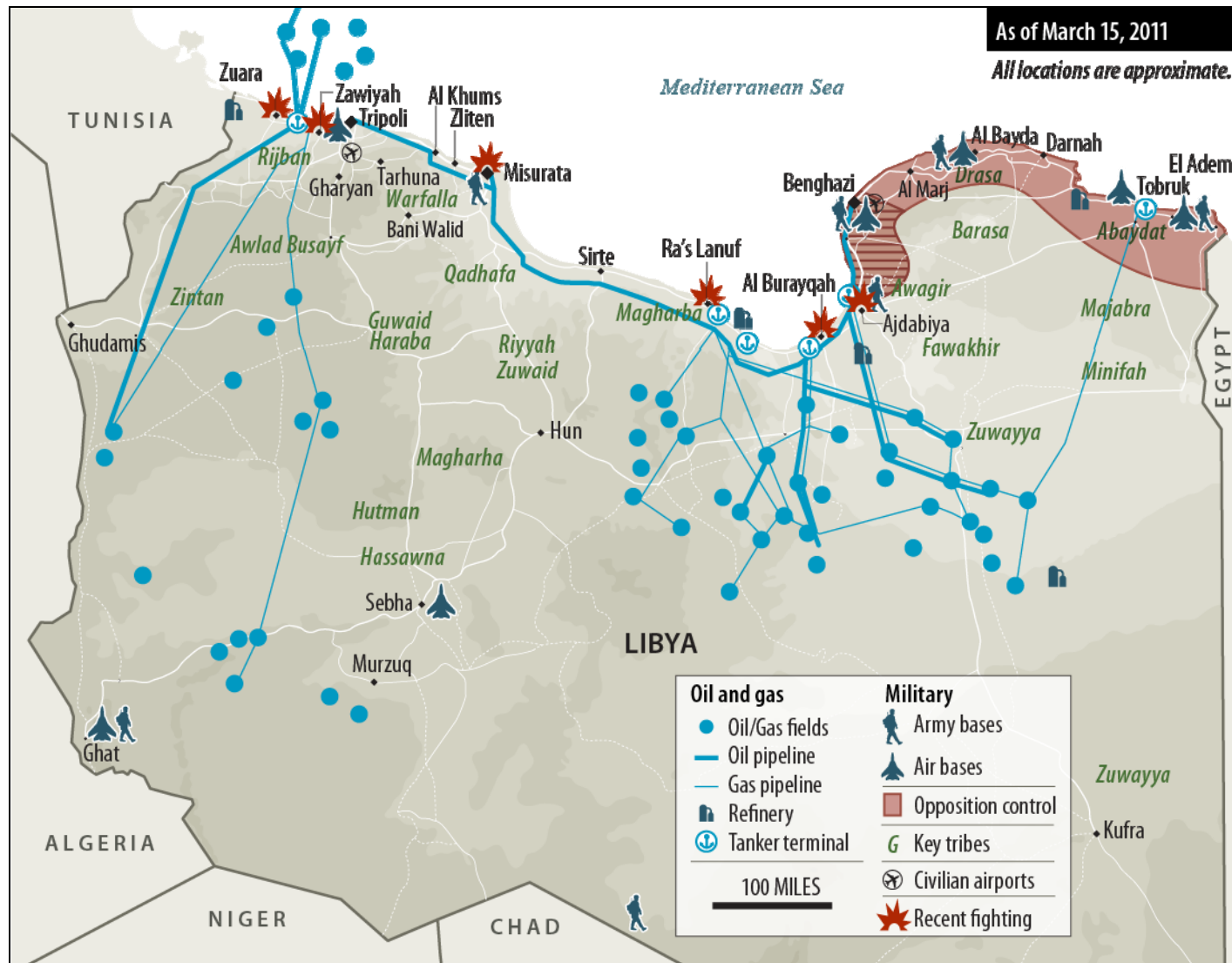For a summary of recent events and conflict assessment, see "Status as of March 18, 2011."

Background

Political change in neighboring Tunisia and Egypt helped bring long-simmering Libyan reform debates to the boiling point in January and early February 2011. In recent years, leading Libyans had staked out a broad range of positions about the necessary scope and pace of reform, while competing for influence and opportunity under the watchful eye of hard-liners aligned with the enigmatic leader of Libya's 1969 revolution, Muammar al Qadhafi. Qadhafi has long insisted that he holds no formal government position, but by all accounts he maintained his forty-plus year hold on ultimate authority until recently as the "reference point" for Libya's byzantine political system. Ironically, that system cited "popular authority" as its foundational principle and organizing concept, but it denied Libyans the most basic political rights. Tribal relations and regional dynamics, particularly eastern regional resentments, also influence Libyan politics (see "Political Dynamics" below).

Qadhafi government policy reversals on WMD and terrorism led to the lifting of most international sanctions in 2003 and 2004, followed by economic liberalization, oil sales, and international investment that brought new wealth to some in Libya. U.S. business 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 and illusory. Some observers argued that Qadhafi supporters' suppression of opposition had softened, as Libya's international rehabilitation coincided with steps by some pragmatists to maneuver within so-called "red lines." The shifting course of those red lines had been increasingly entangling reformers in the run-up to the outbreak of recent unrest. Government reconciliation with imprisoned Islamist militants and the return of some exiled opposition figures were welcomed by some observers. Ultimately, inaction on the part of the government 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 reform among leading officials.

The current crisis was triggered in mid-February 2011 by a chain of events in Benghazi and other eastern cities that quickly spiraled out of Qadhafi's control. Although Libyan opposition groups had called for a so-called "day of rage" on February 17 to commemorate protests that had occurred five years earlier, localized violence erupted prior to the planned national protests. On February 15 and 16, Libyan authorities used force to contain small protests demanding that police release a legal advocate for victims of a previous crackdown who had been arrested. Several protestors were killed. Confrontations surrounding their funerals and other protest gatherings escalated severely when government officers reportedly fired live ammunition. In the resulting chaos, Libyan security forces are alleged to have opened fire with heavy weaponry on protestors, as opposition groups directly confronted armed personnel while reportedly overrunning a number of security facilities. Popular control over key eastern cities became apparent, and broader unrest emerged in other regions. A number of military officers, their units, and civilian officials abandoned Qadhafi for the cause of the then-disorganized and amorphous opposition. Qadhafi and his supporters denounced their opponents as drug-fueled traitors, foreign agents, and Al Qaeda supporters. Amid an international outcry, Qadhafi has maintained control over the capital, Tripoli, and other cities with the help of family-led security forces and regime supporters.

Figure 1. Map of Libyan Military Facilities, Energy Infrastructure, and Conflict

As of March 15, 2011

All locations are approximate.

Oil and gas
- Oil/Gas fields
- Oil pipeline
- Gas pipeline
- Refinery
- Tanker terminal

100 MILES

Military
- Army bases
- Air bases
- Opposition control
- G Key tribes
- Civilian airports
- Recent fighting

Status as of March 18, 2011

The adoption of Security Council Resolution 1973 on the evening of March 17 was greeted with euphoria by the encircled opposition movement in Libya, in spite of their dire security situation and apparent inability to independently fend off better armed and better organized ground forces loyal to Muammar al Qadhafi (see "U.N. Security Council Resolutions 1970 and 1973" below). From March 10 through March 17, the apparent reversal in the opposition's fortunes and a dramatic shift in momentum hastened regional and international deliberations about potential intervention. Limited air operations by pro-Qadhafi forces continued. The no-fly zone and civilian protection provisions of Resolution 1973 authorize the types of foreign intervention that some in the beleaguered opposition had been calling for to ease the pressure on their ranks (see "Assessing Proposals for a Potential No-Fly Zone or other Military Operations" below).

In response, Libyan Foreign Minister Musa Kusa stated that Qadhafi's government has been "obliged to accept the Security Council resolution that permits the use of force to protect the civilian population. Therefore, Libya has decided an immediate cease-fire and the stoppage of all military operations." President Obama's remarks on March 18 did not repeat calls for Qadhafi's immediate departure, but demanded a ceasefire and identified the protection of civilians and holding Qadhafi's government accountable as primary U.S. goals (see "President Obama's March 18 Remarks" below). The President made the question of potential military operations to enforce Resolution 1973 contingent on the Qadhafi government's response to a series of nonnegotiable demands to stop the violence. The extent to which a cease-fire will be respected and to which the Libyan opposition will be able to capitalize on any new international or regional support remains to be seen.

After besieging opposition-held towns in western Libya and advancing swiftly eastward through the defenses of poorly organized and ill-equipped volunteer opposition fighters, pro-Qadhafi forces appeared prepared for an assault on the main opposition base in Benghazi. Qadhafi warned that his forces were preparing to sweep through Benghazi house by house and that they would not show mercy to opposition fighters who failed to surrender. Previous opposition volunteer-led advances westward along the Libyan coastal road toward the town of Sirte in early March were disrupted and reversed, raising questions about the likelihood of a swift opposition counteroffensive.[1] Regular military forces that have defected to the opposition cause have not been visible in leadership roles in operations thus far, although some media reports suggest that some officers are providing guidance and training and some aircraft may have been used to bomb pro-Qadhafi positions during recent fighting near Ajdabiyah.

Precise, verifiable information about the current strength, leadership, equipment, training, and readiness of pro- and anti-Qadhafi forces is not publicly available. Most comprehensive open source assessments of the Libyan military and security services predate the current fighting and are now of limited use given the apparent fracturing of Libyan forces during the crisis. Reports that sizeable mercenary forces are aiding Qadhafi's cause have drawn increasing scrutiny, and Resolution 1973 authorized new measures to combat the introduction of mercenary forces to the

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[1] Opposition military leaders reportedly asked popular volunteer forces to reconsider an immediate campaign against pro-Qadhafi strongholds until new supplies could be obtained and training and organization completed. Their advice appears not to have been heeded, and basic counterattacks by government forces stifled opposition advances. U.S. Open Source Center (OSC) Report GMP20110308825013, "Libya: National Council Asks Revolutionaries To Wait Before Moving Toward Sirte," March 8, 2011.

conflict. Press accounts of recent fighting indicate that Libyan military equipment, including tanks, artillery, fighter aircraft, anti-aircraft weapons, mortars, and helicopters, have been deployed in attacks on opposition forces and cities. The apparent proliferation of small arms, man-portable air defense missile systems (MANPADS), and some heavy weaponry among fighters on both sides also is leading some outside counterterrorism and arms trafficking experts to express concern about the conflict's longer term implications for regional security.[2]

Assessment

The fast-moving developments and the relatively limited presence of international media in Libya have combined to impose a degree of uncertain drama on the unfolding conflict. Important questions about the identities, capabilities, and goals of key actors and forces are largely unanswered. Even with calls for a cease-fire emerging, likely paths toward a full resolution of the conflict are not immediately apparent, and the authorization of robust international intervention to protect civilians in Libya poses as many questions as it answers. Those observers who initially expressed doubt about the ability of Qadhafi and his supporters to outlast popular opposition forces enjoying international moral—and potentially material—support nevertheless have seen the opposition pushed back on its heels as it waited for international support to coalesce. Skeptics who have highlighted Qadhafi's decades of cunning and survival in the face of armed domestic opponents and determined international adversaries now express concern about how he and his hard-line supporters may react to a tightening regional and international noose. A cease-fire that freezes the status quo could leave Qadhafi in power and his forces in control of much of Libya's territory and energy infrastructure. International military operations that provided protection to opposition forces in the face of Qadhafi's cease-fire calls could jeopardize the fragile regional and international consensus that allowed the U.N. Security Council to act in the first place.

Third parties, including the United States government, have staked out firm political positions demanding Qadhafi's departure, but opposition forces have yet to demonstrate that they have the capacity to dislodge Qadhafi on their own, and Resolution 1973 calls for an immediate cease-fire and dialogue, which Qadhafi may be embracing in a bid to stay in power. Some observers have warned that the use of force to affect regime change in Libya may have unpredictable consequences for the long term stability of the country and the region. Qadhafi's committed base of supporters may be relatively small, but if faced with limited options and determined enemies, they could prove dangerous, both within Libya and abroad. Although some observers are now warning of the potential for a protracted civil war, spokesmen on both sides in Libya continue to express confidence in their ability to prevail. Opposition groups have formed an "Interim Transitional National Council" that is seeking international recognition as the representative of the Libyan people from its base in Benghazi. Former-Justice Minister Mustafa Abdeljalil is leading the Council (see "Interim Transitional National Council (ITNC)" and "Prominent ITNC and Opposition Figures," below). Their views and the views of their counterparts about cease-fire proposals and any political resolution of the conflict short of regime change are not known.

Resolution 1973 provides international authorization for a no-fly zone and non-ground based foreign military intervention to protect Libyan civilians. Whether U.S. participation in a no-fly zone or other military operations would increase the immediate likelihood of the Obama Administration achieving its previously stated goal of ousting Qadhafi remains to be seen. How

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[2] These concerns were raised in C. J. Chivers, "Experts Fear Looted Libyan Arms May Find Way to Terrorists," *New York Times*, March 3, 2011.

cease-fire proposals relate to that stated goal also is unclear. Some observers also have questioned the potential decisive effectiveness of a no-fly zone operation given the limited number of daily sorties that have been flown by Libyan military aircraft and the opposition's difficulties in repelling assaults by Qadhafi ground forces. Supporters of no-fly zone proposals argue that limiting pro-Qadhafi forces' air operations could remove cover for his forces' ground-based attacks and note that the Security Council's decision immediately bolstered the morale of the opposition.

Remaining questions for Congress focus on specific potential U.S. policy responses and the domestic authorization for any use of force. Whether or not a cease-fire that left Qadhafi in power would be acceptable to Members of Congress also is in doubt. Other concerns regarding possible U.S. military action include identifying potential partners and participants, determining the goals, scope, and limits of any U.S. military involvement; and assessing the operational requirements, costs, and potential consequences of any specific type of intervention (see "Assessing Proposals for a Potential No-Fly Zone or other Military Operation," below). Meanwhile the Libyan combatants continue to seek to influence unfolding policy discussions in world capitals, including Washington, DC.

U.S. and International Responses

The United States, the European Union, Russia, the Arab League, and the African Union have joined other international actors in condemning Qadhafi supporters' violent attacks on civilians. Some parties, including the United States and the European Union have called for Qadhafi to step down. The United States, the European Union, Russia, Japan, South Korea, and other countries have enacted their own targeted sanctions on Qadhafi and have limited financial transactions with Libya and arms shipments to the country. On February 26, 2011, the United Nations Security Council unanimously adopted Resolution 1970, placing targeted financial and travel sanctions on Qadhafi and certain individuals and imposing an arms embargo on Libya. The Resolution did not authorize the use of force by third-parties.

Debate over further action culminated in the adoption of Resolution 1973 on March 17, which calls for an immediate cease-fire and dialogue, declares a no-fly zone in Libyan airspace, authorizes robust enforcement measures for the arms embargo established by Resolution 1970, and authorizes member states "to take all necessary measures … to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory." The passage of the resolution reflected sufficient, if not universal international recognition of a need for intervention. Nevertheless, differences of opinion persist among key outside parties over the legitimacy and utility of specific policy options, including the imposition of a no-fly zone (see "Assessing Proposals for a Potential No-Fly Zone or other Military Operation" below). France, the United Kingdom, and Spain appeared to be taking action to begin military operations in support of Resolution 1973 as of the morning of March 18.

The U.S. government and its allies are working to respond to the difficult humanitarian conditions facing thousands who have fled Libya and remain in temporary Tunisian and Egyptian border camps. Over 200,000 people have fled the country since the fighting began. Humanitarian needs inside Libya are not fully known, and may change as the conflict continues.

Current U.S. Policy

Administration Views and Action

The immediate U.S. response reflected standing U.S. calls for regional parties to avoid violent confrontation and prioritized efforts to evacuate U.S. citizens and ensure the security of U.S. diplomatic facilities and personnel in Libya.[3] Air and sealift arrangements eventually secured the departure of hundreds of U.S. citizens, and the State Department withdrew all U.S. government personnel and suspended activity at its temporary embassy facilities for the duration of the crisis. However, as of March 17, the Obama Administration had not formally severed U.S. diplomatic relations with Qadhafi's government. A series of strong statements, diplomatic consultations, and targeted actions followed in the wake of the initial response.

- On February 23, President Barack Obama called the bloodshed in Libya "outrageous" and "unacceptable" and said that his Administration was looking at the "full range of options we have to respond to this crisis."[4]

- On February 25, President Obama formally reversed the policy of rapprochement that he and President George W. Bush had pursued with Libya since late 2003. Executive Order 13566, released that day, declares a new national emergency stemming from the threat posed by the situation in Libya, imposes new targeted financial sanctions on Qadhafi and other Libyan officials, blocks certain Libyan funds under U.S. jurisdiction, and restricts U.S. persons' financial transactions with certain Libyan individuals and entities.[5] The Administration expanded the list of designated entities and individuals on March 15.[6]

- On March 3, President Obama summarized his views at a joint press appearance with Mexican President Felipe Calderón, stating

  > The violence must stop. Muammar Gaddafi has lost the legitimacy to lead and he must leave. Those around him have to understand that violence that they perpetrate against innocent civilians will be monitored and they will be held accountable for it. …And so to the extent that they are making calculations in their own minds about which way history is moving, they should know history is moving against Colonel Gaddafi.[7]

- On March 7, President Obama reiterated his "very clear message to those who are around Colonel Qaddafi. It is their choice as to how to operate moving forward. They will be held accountable for whatever violence will continue to

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[3] Libyan demonstrators attacked and burned the former U.S. Embassy in December 1979, without apparent Libyan government intervention.

[4] Full text of President Obama's remarks at http://www.whitehouse.gov/blog/2011/02/23/president-obama-speaks-turmoil-libya-violence-must-stop.

[5] Executive Order 13566 of February 25, 2011, Blocking Property and Prohibiting Certain Transactions Related to Libya, Federal Register, Presidential Documents, March 2, 2011 (Volume 76, Number 41, pp. 11315-8. Full text available at http://www.whitehouse.gov/the-press-office/2011/02/25/executive-order-libya.

[6] U.S. Department of the Treasury, "Press Release: Moving to Further Isolate Qadhafi Regime, Treasury Designates Libyan Foreign Minister and Identifies 16 State-Owned Companies," March 15, 2011.

[7] Video available at http://www.whitehouse.gov/photos-and-video/video/2011/03/03/president-obama-s-press-availability-president-calder-n-statement-

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take place there."[8] He added that the United States "will stand with [the Libyan people] in the face of unwarranted violence and the continued suppression of democratic ideals that we've seen there." The president did not specifically describe what support the United States planned to provide inside Libya.

- On March 14, Secretary of State Hillary Rodham Clinton met privately with opposition Interim Transitional National Council (ITNC) foreign affairs representative Mahmoud Jibril in Paris. The United States has not formally recognized the ITNC or publicly signaled its intent to provide material support to the group, although the Administration will allow the Council to establish a representative office in Washington, DC (see "Interim Transitional National Council (ITNC)," below).

- On March 14, President Obama reiterated his call for Qadhafi to step down, but did not elaborate on the specific steps his Administration was prepared to take beyond those already announced to support that outcome.

President Obama's March 18 Remarks[9]

On March 18, President Obama made a statement on U.S. policy in the wake of the passage of U.N. Security Council Resolution 1973. The President said

- The United States, the United Kingdom, France, and Arab states agree that a cease-fire must be implemented immediately. That means all attacks against civilians must stop. Qaddafi must stop his troops from advancing on Benghazi, pull them back from Ajdabiya, Misrata, and Zawiya, and establish water, electricity and gas supplies to all areas. Humanitarian assistance must be allowed to reach the people of Libya.… Let me be clear, these terms are not negotiable. These terms are not subject to negotiation. If Qaddafi does not comply with the resolution, the international community will impose consequences, and the resolution will be enforced through military action.

- Our focus has been clear: protecting innocent civilians within Libya, and holding the Qaddafi regime accountable.

- Left unchecked, we have every reason to believe that Qaddafi would commit atrocities against his people. Many thousands could die. A humanitarian crisis would ensue. The entire region could be destabilized, endangering many of our allies and partners. The calls of the Libyan people for help would go unanswered. The democratic values that we stand for would be overrun. Moreover, the words of the international community would be rendered hollow.

- … the United States is prepared to act as part of an international coalition.… I have directed Secretary Gates and our military to coordinate their planning, and tomorrow Secretary Clinton will travel to Paris for a meeting with our European allies and Arab partners about the enforcement of Resolution 1973. We will provide the unique capabilities that we can bring to bear to stop the violence

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[8] Steve Hendrix, Leila Fadel and Debbi Wilgoren, "Gaddafi forces attack rebels anew, even as regime appears to seek talks," Washington Post, March 7, 2011.

[9] President Barack Obama, Remarks by the President on the Situation in Libya, March 18, 2011. Available at http://www.whitehouse.gov/the-press-office/2011/03/18/remarks-president-situation-libya.

against civilians, including enabling our European allies and Arab partners to effectively enforce a no fly zone.

- The United States is not going to deploy ground troops into Libya. And we are not going to use force to go beyond a well-defined goal—specifically, the protection of civilians in Libya.

Military and Humanitarian Action

To date, some U.S. military forces have been deployed in the region to participate in humanitarian relief operations and to serve in a reserve capacity pending further decisions. The U.S.S. Kearsage, the U.S.S. Ponce, the aircraft carrier U.S.S. Enterprise and the 26th Marine Expeditionary Unit remain on call after the president ordered their transit into the Mediterranean Sea. The U.S. military forces now on station have a broad range of offensive and defensive assets at their disposal, in addition to the ability to assist in medical and relief operations. Under the auspices of Operation Odyssey Dawn, U.S. Africa Command, with support from Air Mobility Command and Naval Forces Europe-Africa assets, is overseeing airlift operations via military facilities in Greece, Italy, and Germany to deliver U.S.-donated humanitarian relief supplies to the Libyan-Tunisian border and repatriate Egyptian nationals from Tunisia.

The Administration also has deployed joint State Department/USAID humanitarian assessment teams (HATs) to the Tunisia-Libya and Libya-Egypt borders.[10] As of March 14, USAID had provided $20 million to implementing partners for humanitarian relief purposes, while the State Department had provided $27 million to the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees, and the International Committee of the Red Cross to support the repatriation of third-country nationals, the establishment of transit camps, and medical relief and other programs for those fleeing the conflict.[11] On March 7, President Obama authorized the issuance of up to $15 million from the U.S. Emergency Refugee and Migration Assistance (ERMA) fund to support "contributions to international, governmental, and nongovernmental organizations and payment of administrative expenses of the Bureau of Population, Refugees, and Migration of the Department of State, related to the humanitarian crisis resulting from the violence in Libya."[12]

Congressional Action and Views

Since the uprising began in mid-February, many Members of Congress and Senators have spoken out in condemnation of Qadhafi forces' violence against civilians in Libya, and the Senate adopted a resolution to that effect (S.Res. 85, see below). Some Members of Congress have made statements urging the imposition of a no-fly zone in support of the Libyan opposition, while others have expressed doubt about the utility of such an operation or other military intervention. Other Members have suggested that the Administration should seek explicit congressional authorization for any use of U.S. armed forces with regard to the Libyan conflict.

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[10] Updates on the humanitarian situation and U.S. civilian agencies activities are available from the U.S. Agency for International Development, http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/libya/template/index.html.

[11] USG Humanitarian Fact Sheet #10, Fiscal Year (FY) 2011, March 14, 2011.

[12] Presidential Determination No. 2011-8, Unexpected Urgent Refugee and Migration Needs Related to Libya, March 7, 2011.

- On March 1, the Senate adopted by unanimous consent S.Res. 85, "strongly condemning the gross and systematic violations of human rights in Libya, including violent attacks on protesters demanding democratic reforms."

- On March 15, 2011, Representative Ron Paul introduced H.Con.Res. 31, which cites the war powers enumerated in Article One of the U.S. Constitution and cites the War Powers Resolution (P.L. 93-148)[13] in stating "the sense of Congress that the President is required to obtain in advance specific statutory authorization for the use of United States Armed Forces in response to civil unrest in Libya." The resolution specifically notes the possible imposition of a no-fly zone as one of the possible actions that inspired the legislation.

- On March 15, 2011, Senator John McCain introduced S.Res. 102, which

  > calls on the President … to recognize the Libyan Transitional National Council, based in Benghazi but representative of Libyan communities across the country, as the sole legitimate governing authority in Libya; … to take immediate steps to implement a 'no-fly zone' in Libya with international support; and … to develop and implement a comprehensive strategy to achieve the stated United States policy objective of Qaddafi leaving power.

- Senator Richard Lugar released a statement on March 15 that read, "It is doubtful that U.S. interests would be served by imposing a no-fly zone over Libya. If the Obama Administration is contemplating this step, however, it should begin by seeking a declaration of war against Libya that would allow for a full Congressional debate on the issue." Senator Lugar raised these concerns directly with Undersecretary of State for Political Affairs William Burns in a Senate Foreign Relations Committee meeting on March 17.

- On March 16, Senate Foreign Relations Committee (SFRC) Chairman Senator John Kerry said,

  > The international community cannot simply watch from the sidelines as this quest for democracy is met with violence. The Arab League's call for a U.N. no-fly zone over Libya is an unprecedented signal that the old rules of impunity for autocratic leaders no longer stand. Time is running out for the Libyan people. The world needs to respond immediately to avert a humanitarian disaster. The Security Council should act now to heed the Arab League's call [for the imposition of a no-fly zone]. (See "The Arab League and the African Union" below.)

- Debate within the SFRC at a March 17 hearing on the Middle East revealed differences of opinion among committee members and between some Senators and the Administration with regard to the imperative to intervene, the likely benefits and drawbacks, the need for congressional authorization for the use of U.S. military forces, and the likelihood that Al Qaeda or other violent Islamists could take advantage of the current situation or future unrest to threaten Libyan and international security.

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[13] For more information about the War Powers Resolution and its relation to recent U.S. military operations involving no-fly zones, see CRS Report R41199, *The War Powers Resolution: After Thirty-Six Years*, by Richard F. Grimmett.

U.N. Security Council Resolutions 1970 and 1973

On February 22, the U.N. Security Council (UNSC) met in private to discuss the situation in Libya, and released a press statement that "condemned the violence and use of force against civilians, deplored the repression against peaceful demonstrators, and expressed deep regret at the deaths of hundreds of civilians." Members of the Council further "called for an immediate end to the violence and for steps to address the legitimate demands of the population, including through national dialogue."[14]

On February 26, the Security Council debated and unanimously adopted Resolution 1970, which

- Establishes an arms embargo prohibiting weapons transfers to Libya, while providing for third party inspection of suspicious cargo and for consideration of possible exemptions by the Committee established by paragraph 24 of the resolution;
- Grants the International Criminal Court (ICC) jurisdiction over crimes committed in Libya on or after February 15, 2011;
- Imposes targeted financial and travel sanctions on Muammar al Qadhafi, certain family members, and some prominent supporters;
- Calls on member states to support humanitarian response efforts; and,
- Provides for further consideration of the situation in Libya, while not authorizing the use of military force by member states with regard to the situation in Libya.

On March 1, the U.N. General Assembly, acting on the recommendation of the Human Rights Council on February 25, considered the situation in Libya, and adopted, by consensus, a resolution suspending Libya from "the rights of the membership" on the Human Rights Council. This was the first time a member state has been removed from the Council since it replaced the Commission on Human Rights in 2006.[15] The General Assembly will review Libya's future role on the Council "as appropriate." On March 11, the Human Rights Council established an independent three-member Commission of Inquiry "to investigate alleged violations of international human rights law in Libya." The Commission is scheduled to report in June 2011.

United Nations Secretary-General Ban Ki-moon has named former Jordanian Foreign Minister Abdul Ilah Khatib as his Special Envoy for Libya. Khatib began a visit to Tripoli on March 14 with a team of U.N. staff to assess the situation and meet with senior Libyan officials. He reiterated calls for an end to violence. U.N. Humanitarian Coordinator for Libya Rashid Khalikov also visited Libya over the weekend of March 11 to March 13.

Resolution 1970 did not authorize the use of force by member states with regard to the conflict in Libya or the enforcement of the arms embargo established by the resolution. As such, subsequent debate focused on the relative necessity and implications of military intervention and the potential for further authorization from the Security Council.

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[14] United Nations Security Council Department of Public Information, "SC/10180, AFR/2120: Security Council Press Statement on Libya," February 22, 2011.

[15] United Nations General Assembly, A/RES/65/265, "Suspension of the rights of membership of the Libyan Arab Jamahiriya in the Human Rights Council," March 3, 2011.

On March 17, the Security Council adopted Resolution 1973, which

- Demands the immediate establishment of a cease-fire and a complete end to violence and all attacks against, and abuses of, civilians;

- Authorizes Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011) [Note: paragraph 9 establishes an arms embargo on Libya], to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory;

- Establishes a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians,

- Authorizes robust enforcement inspection measures for the arms embargo established by Resolution 1970, including measures to prevent the movement of mercenary forces to Libya; and,

- Directs the U.N. Secretary General to convene an eight-person Panel of Experts to monitor the situation in Libya and implementation of Resolutions 1970 and 1973;

- Signals the Security Council's determination to ensure that assets frozen pursuant to Resolution 1970 "shall, at a later stage, as soon as possible be made available to and for the benefit of the people of the Libyan Arab Jamahiriya;"

- Calls on member states to enforce a ban on flights by any aircraft registered in the Libyan Arab Jamahiriya or owned or operated by Libyan nationals or companies; and,

- Expands targeted financial and travel sanctions on Libyan individuals and entities and extends sanction provisions to persons found to be violating the arms embargo established by Resolution 1970.

The Arab League and the African Union

International concern about the conflict in Libya is shared and in many senses amplified within regional bodies such as the Arab League and the African Union, of which Libya and its neighbors are members. The United States, the European Union, and other parties have looked to regional actors as they seek to gauge the political ramifications of potential policy options, including proposed military interventions. Both the Arab League and the African Union have taken strong stands against Qadhafi supporters' use of violence against civilians and opposition groups.

On February 22, the League of Arab States met in Cairo and suspended Libya from League meetings.[16] On March 12, the Arab League Council met again to discuss the situation in Libya and endorsed on a consensus basis a request to the U.N. Security Council:

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[16] See Arabic original statement at http://www.arableagueonline.org/lasimages/picture_gallery/bayan22-2-2011.doc.

to take measures to impose a no-fly zone over the movement of Libyan military planes immediately, and to establish safe areas in the places exposed to shelling as preventive measures allowing to provide protection for the Libyan people and the residents in Libya from different nationalities, taking into account the regional sovereignty and integrity of neighboring countries.[17]

The Council further signaled its intent to contact and cooperate with the opposition Interim Transitional National Council (ITNC). Pro-Qadhafi Libyan Foreign Ministry officials rejected the move and called it "an unacceptable deviance from the charter of the Arab League and its practices since its inception."

The Arab League statement was welcomed by international observers who view regional support as a prerequisite for any direct intervention, including any multilateral military operation to impose a no-fly zone. The U.S. government referred to the decision as "important." Other observers caution the apparent consensus at the Arab League meeting may mask underlying dissension among regional governments with regard to specific types of military intervention and strong opposition to any foreign military intervention among some regional citizens.[18] Some in the region strongly supported the Arab League statement and have expressed concern that third parties, including the United States, have not provided sufficient support to the Libyan opposition.

Popular reactions to the new Security Council action in different countries vary, and popular views and government positions could shift dramatically depending on the scope, course, and outcome of any potential military intervention, including the imposition of a no-fly zone. Resolution 1973 recognizes "the important role of the League of Arab States in matters relating to the maintenance of international peace and security in the region," and requests that the member states of the Arab League "cooperate with other Member States in the implementation of" measures taken pursuant to the resolution to protect Libyan civilians. The Obama Administration is seeking "active Arab partnership, both in the measures that would be taken but also in the financial support for them."[19]

The African Union (AU) has condemned the use of violence against civilians in Libya and has dispatched a fact-finding mission to investigate the crisis. The AU moves surprised some observers given that Qadhafi has provided significant funding to support the AU budget in recent years and Qadhafi had been elected to serve as AU President in 2009.[20] However, the AU has stopped short of taking punitive action against Libya or Qadhafi and has not endorsed third-party intervention. The AU has named a high level committee to engage directly with Libyan parties and African governments. The committee is made up of the AU Commission president and the current presidents of Mali, Uganda, the Republic of Congo, Mauritania, and South Africa.

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[17] OSC Report GMP20110314950010, "Arab League Urges U.N. to Impose No-Fly Zone Over Libya," March 12, 2011.

[18] There are conflicting reports from unnamed Arab official sources that some governments opposed the decision. On March 17, Algerian diplomats informed CRS that their government did not oppose the Arab League Council decision, contrary to some press reports. Algeria has urged coordination with the African Union, stressed that any no-fly zone decision must be taken by the U.N. Security Council, and maintains its general "opposition to any foreign intervention in Libya," a position it maintained with regard to uprising in Tunisia and Egypt. Syria's representative also is rumored to have expressed reservations about the decision and has warned against foreign intervention in Libya.

[19] Testimony of Undersecretary of State William Burns, before the Senate Foreign Relations Committee, March 17, 2011.

[20] African Union, Communiqué of the 261st Meeting of the Peace and Security Council, February 23, 2011.

Resolution 1973 takes note of the AU committee, and calls for intensified efforts "to find a solution to the crisis which responds to the legitimate demands of the Libyan people."

The European Union and EU Member States

Like the United States, the European Union (EU) had pursued a policy of engagement with the Qadhafi government in recent years, and several EU member states reestablished deep economic ties with Libya. European states have long been important consumers of Libyan oil and natural gas, although officials have expressed confidence in recent weeks that disruptions of Libyan energy supplies to the European market will not have significant consequences. Until the outbreak of violence in mid-February 2011, engagement efforts at the EU level were marked by ongoing negotiations over the terms of an EU-Libya Framework Agreement and the conclusion of a technical and financial cooperation agreement with Libya in conjunction with the European Commission's European Neighborhood Policy. These initiatives have been suspended in line with an EU decision on February 28 to impose an arms embargo and targeted sanctions on Muammar al Qadhafi, his family, and some of his prominent supporters.[21]

The EU sanctions now in place reflect the terms of the arms embargo and targeted sanctions mandated in UNSC Resolution 1970 and expand them to include a visa ban and asset freezes on additional individuals. The EU expanded its targeted sanctions list on March 10 to include Mustafa Zarti, the director of the Libyan Investment Authority (LIA, the government's sovereign wealth fund) and five Libyan financial institutions, including the LIA and Libya's Central Bank.[22] The European Council of Heads of State and Government met on March 11 with High Representative for Foreign Affairs and Security Policy Catherine Ashton to discuss next steps. In a "Declaration on the EU's Southern Neighborhood and Libya" released after the meeting, the Council stated that "Colonel Qadhafi must relinquish power immediately," but stopped short of endorsing military action to achieve that goal.[23] The Council stated it considers the opposition ITNC "a political interlocutor." On March 14, Ashton stated "we are doing planning for all options, but looking to the legal basis for action which is the Security Council."[24] EU Members states have taken a range of positions on the conditions under which they might support military intervention and the necessary authorizations and proper mechanisms for doing so.

On the humanitarian front, as of March 4, the EU, acting through the European Commission, had provided €30 million (~$42 million) to support the creation and maintenance of transit facilities and to repatriate EU and third-country nationals.[25] An EU civil protection team is operating in Tunisia, and a team of humanitarian affairs experts has been deployed to Tunisia, Egypt, and Libya in support of U.N. and EU operations. Several EU member states continue to carry out their own bilateral responses to the humanitarian emergency and are providing material and financial support to international organizations and regional entities in coordination with the

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[21] See European Council Decision 2011/137/CFSP, February 28, 2011; and, Council Regulation (EU) 204/2011, "Concerning restrictive measures in view of the situation in Libya," March 2, 2011.

[22] See Council Implementing Regulation (EU) No 233/2011, March 10, 2011, implementing Article 16(2) of Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya.

[23] Extraordinary European Council Declaration on the EU's Southern Neighborhood and Libya, March 11, 2011.

[24] Statement of EU High Representative for Foreign Affairs and Security Policy Catherine Ashton after meeting with Secretary General of Arab League Amr Moussa, Cairo, Egypt, Speech/11/173, March 14, 2011.

[25] NATO. "NATO Defence Ministers will discuss situation in Libya and longer term prospects in Middle East," March 7, 2011.

United States and other donors. Member states such as Italy and Malta are particularly concerned that the situation could result in large numbers of refugees and asylum-seekers fleeing Libya for EU territory. Qadhafi has attempted to leverage these fears in public statements as a means of influencing EU decisions.

The North Atlantic Treaty Organization (NATO)

The North Atlantic Treaty Organization (NATO) is monitoring Libyan air traffic using AWACS aircraft and assets deployed as part of NATO's Operation Active Endeavor, NATO's longstanding counterterrorism and maritime security operation in the Mediterranean Sea. According to U.S. Ambassador to NATO Ivo Daalder, NATO forces observed "a decrease in fighter and overall air activity [in Libya]" from March 5 through March 7, but NATO officials continue to discuss all potential options. On March 7, NATO representatives agreed to increase air surveillance of Libyan air traffic to 24-hours per day. NATO Secretary General Anders Fogh Rasmussen stated, "as a defense alliance and a security organization, it is our job to conduct prudent planning for any eventuality."[26] On March 10, NATO Defense Ministers convened for a previously planned ministerial meeting and discussed the situation in Libya. Following the meeting, NATO announced that it had decided to "increase the presence of NATO maritime assets in the Central Mediterranean," and to begin planning for support of humanitarian operations and more active enforcement of the arms embargo, in anticipation of potential further U.N. Security Council instructions. Secretary General Rasmussen stated that "demonstrable need, a clear legal mandate and solid support from the region," would be the critical factors in determining the scope of further NATO action.

In spite of statements underscoring NATO unity on steps announced to date, there does not appear to be full consensus with the alliance about specific options, including military intervention in the form of a no-fly zone. German officials have rejected the use of NATO as a vehicle for organizing the imposition of a no-fly zone or other direct military intervention.[27] On March 17, German Foreign Minister Guido Westerwelle said, "we won't take part in any military operation and I will not send German troops to Libya." Turkish officials also have rejected military intervention. On February 28, Turkish Prime Minister Recep Tayyip Erdoğan stated "NATO's intervention in Libya is out of the question," and on March 14, he stated that foreign military intervention in Libya's conflict, including NATO operations, "would be totally counter-productive" and "could have dangerous consequences." France and the United Kingdom endorsed the imposition of a no-fly zone, and reports on the morning of March 18 suggested that the United Kingdom, France, and Spain were taking steps to prepare their military forces to immediately act to implement the provisions of Resolution 1973.

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[26] European Commission, "The European Commission's humanitarian response to the crisis in Libya," Memo/11/143, March 4, 2011.

[27] Simon Tisdall, "Germany blocks plans for Libya no-fly zone," *Guardian* (UK) March 15, 2011.

Assessing Proposals for a Potential No-Fly Zone or other Military Operations[28]

As outlined above, international parties, Members of Congress, and Obama Administration officials continue to consider and debate the necessity, advisability, legitimacy, and authorization of proposals to impose a no-fly zone or otherwise intervene militarily in Libya. Libya's apparent recognition of the United Nations call for a cease-fire complicated these debates further. The civilian protection provisions of the resolution authorize "all means necessary" short of foreign military occupation, which, given the security situation described above, could include a wide range of potential action, including air strikes on pro-Qadhafi ground forces. The no-fly zone provisions of Resolution 1973 ban "all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians" with the exception of humanitarian flights, evacuation flights, flights authorized for the protection of civilians, and "other flights which are deemed necessary by States acting under the authorization … to be for the benefit of the Libyan people." Member states are authorized to act nationally or "through regional organizations" to enforce the ban. All authorized flights are to be coordinated with the U.N. Secretary General and the Arab League Secretary General. The resolution calls on member states to "to provide assistance, including any necessary over-flight approvals, for the purposes of implementing" the no-fly zone and civilian protection operations.

The stated political goals of the United States and some of its allies ultimately call for Qadhafi's ouster. Comments to date suggest U.S. officials view a no-fly zone as one possible tool among many that could provide the Libyan opposition some degree of protection as it seeks to recover and reorganize its own efforts to oust Qadhafi. Obama Administration officials have reiterated that they believe a combination of steps, including the imposition and strengthening of multilateral targeted sanctions and the enforcement of a strict arms embargo, have the best chance of maintaining effective pressure and "tightening the noose" on Qadhafi. Reconciling these goals with the requirements of a cease-fire could prove challenging, particularly if a settlement endorsed or had the effect of preserving a role for Qadhafi or some of his designated supporters in Libya.

Possible questions that Members of Congress may wish to consider when assessing proposals for a no-fly zone operation or other military operation include

- What is the ultimate political goal of current U.S. policy in Libya? What U.S. national interests are at stake? How might a no-fly zone operation or other U.S. or multilateral military intervention contribute to or detract from that goal? What domestic authorization exists for the use of U.S. military forces for such an operation? How might a cease-fire in Libya change these calculations?

- What regional or international political support and legal authorization exists for such an operation and how might such support and authorization or lack thereof affect the political ramifications of intervention? How might these factors affect the operational considerations for the success of any operation, including basing and over-flight rights and contributions? How should events unfolding in the broader Middle East and North Africa affect decision making in the Libyan case?

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[28] See CRS Report R41701, *No-Fly Zones: Strategic, Operational, and Legal Considerations for Congress*, coordinated by Jeremiah Gertler.

- What key operational objectives would need to be achieved in order to consider a no-fly zone successful? What geographic or time parameters should be imposed on any no-fly zone operation? What would be the operational requirements of various types of no-fly zone operations in terms of costs, troop deployments, and equipment needs? How might these requirements affect ongoing U.S. military operations and readiness elsewhere?

- What unintended consequences may result from such an operation? What are the prospects for the United States or its allies being dragged into a broader conflict? What precedent would U.S. or multilateral military intervention in the Libyan conflict set and how might that affect the context in which U.S. decision makers are seeking to respond to other regional crises and events?

Libyan Political Dynamics and Profiles

Political Dynamics

In recent years, Libya's political dynamics have been characterized by competition among interest groups seeking to influence policy within the confines of the country's authoritarian political system and amid Libya's emergence from international isolation. Economic reforms embraced changes to Libya's former socialist model to meet current needs, even as political reforms languished amid disputes between hard-line political forces and reform advocates. In general, the legacies of Italian colonial occupation and Libya's struggle for independence continue to influence Libyan politics. This is reflected in the celebration of the legacy of the anti-colonial figure Omar al Mukhtar during the current uprising. Prior to the recent unrest, rhetorical references to preserving sovereignty and resistance to foreign domination were common in political statements from all parties. Most Libyans also accept a prominent role for Islamic tradition in public life: Islam is the official religion and the Quran is the basis for the country's law and its "social code."

Tribal relationships have remained important, particularly with regard to the distribution of leadership roles in government ministries, in some economic relationships between some social groups and families, and in political-military relations. Tribal loyalties reportedly remain strong within and between branches of the armed services, and members of Qadhafi's tribe, the Qadhafa, have held many high-ranking government positions. Some members of larger tribes, such as the Magariha, Misurata, and the Warfalla, have sought to advance their broad interests through control of official positions of influence and some of their members have opposed the regime on grounds of tribal discrimination. Some Libyan military and security officials staged limited, unsuccessful coup attempts against Qadhafi in 1993 and 1996 based in part on tribal and familial rivalries. Unsuccessful plotters were sentenced to death.

Prior to the current conflict, the Qadhafi government had performed periodic reassignments and purges of the officer corps to limit the likelihood of organized opposition reemerging from within the military. However, these political considerations were largely seen to have affected the military's preparedness and war fighting capability and in any case appear not to have prevented the defection of some military officers and units. Competition for influence among Libya's regions characterized the pre-Qadhafi period and some saw the 1969 Qadhafi-led revolution as having been partly facilitated by western and southern Libyan resentments of the Al Sanusi monarchy based in eastern Libyan region of Cyrenaica. Contemporary Libyan politics have not

been dominated by overt inter-regional tension, although pro-Qadhafi forces have accused the organizers and leaders of the current opposition as having, inter alia, an eastern regional separatist agenda. The opposition ITNC has denied these accusations.

Political parties and all opposition groups are banned in Libya under law number 71 of 1972. Formal political pluralism has been frowned upon by many members of the ruling elite, even as in the period preceding the unrest some regime figures had advocated for greater popular participation in existing government institutions. The lack of widespread experience in formal political organization, competition, and administration is likely to remain a challenge, regardless of the military outcome.

Assessment

The complexity of these factors and the stress that ongoing fighting places on their interrelationships creates challenges both for Qadhafi supporters and opposition groups. As both parties seek to navigate the political waters of the upheaval and look ahead to potential post-conflict scenarios, they face difficult questions about current tactical choices and future means for promoting national reconciliation and governing effectively.

For the opposition, the question of foreign military intervention is complicated by opposition leaders' desire for external assistance and their appreciation for the strong nationalist, anti-colonial sentiment shared by most Libyans. Internally, political differences and competing demands among the opposition's constituent groups may complicate the maintenance of a united front against Qadhafi counterattacks and complicate efforts to speak with one voice in dealings with the international community. Other regional examples suggest that such internal differences may prove even more challenging for any transitional authority in the aftermath of the conflict.

For pro-Qadhafi forces, ensuring the continued support of the security services and loyalist military units has proven to be a principal challenge. Relations with officers, personnel, and their extended families would only grow more complex in the event of a Qadhafi victory if large scale decisions had to be made as to whether opponents were to be reconciled or eliminated. Such a process, whether carried out by Qadhafi or his rivals, could have unpredictable political consequences. In the interim, loyalist forces' tactics in reclaiming opposition controlled areas appear to be creating animosity among many Libyan citizens and some of Libya's neighbors that may far outlast any continued fighting and make it difficult for Qadhafi allies to reassert order and control.

In light of these concerns, some analysts have warned that an exceedingly complex political and security environment may await third parties that intervene militarily. Some also have suggested that a pyrrhic victory may await either of the Libyan sides to the conflict.

Profiles

Muammar al Qadhafi

Muammar al Qadhafi was born in 1942 near the central coastal city of Sirte. His family belongs to one of five branches of the relatively small Qadhafa tribe, and his upbringing was modest. As a young man Qadhafi identified strongly with Arab nationalist and socialist ideologies espoused by leaders such as Egypt's Gamal Abdel Nasser. Although he was excluded from the elite Cyrenaica

Defense Forces on a tribal basis during the Libyan monarchy period, Qadhafi was commissioned as a regular army captain following stints at the Libyan military academy in Benghazi and the United Kingdom's Royal Military Academy at Sandhurst. Following his return to Libya, he led the September 1, 1969, overthrow of the Libyan monarchy with a group of fellow officers. He was 27 years old. His subsequent partnerships and disputes with fellow coup plotters have helped define Libya's political dynamics during his rule and are shaping events during the current unrest.

Qadhafi has proven to be a controversial, complex, and contradictory political survivor during his long reign in Libya, in spite of numerous internal and external challenges to his rule. He has exercised nearly complete, if, at times, indirect political control over Libya over the last 40-plus years by carefully balancing and manipulating complex patronage networks, traditional tribal structures, and byzantine layers of national, regional, and local governance. Libya's foreign and domestic policies nominally have been based on his personal ideology. In the past, Qadhafi and his supporters have imposed his theories with realistic purpose and precision, not hesitating to crush coup attempts, assassinate dissidents abroad, or sponsor violent movements and terrorist attacks against Libya's perceived external enemies. His use of force in response to the 2011 uprising reflects his responses to previous challenges to his continued "guidance." Opposition forces and citizens of various political orientations and various levels of capability consistently have failed to dislodge Qadhafi over the last forty years, often with terminal results.

The Qadhafi Family and Prominent Officials: Selected Profiles

Personally, Qadhafi often is described as mercurial, charismatic, shrewd, and reclusive. He has been married twice and has eight children: seven sons and one daughter. Qadhafi's children play various formal and informal roles in Libyan politics, and some are taking active public roles in efforts to crush the ongoing revolt.

- **Sayf al Islam Al Qadhafi.**[29] The eldest of Qadhafi's sons from his current marriage, Sayf al Islam was viewed until recently as a strong proponent of political reform in Libya, amid some unverified claims about his involvement in corrupt business practices. During the crisis he has rallied strongly to the defense of the government and his family to the dismay of some of his former international interlocutors, including some in the United States. Images of Sayf al Islam rallying Qadhafi supporters and threatening opposition forces have overshadowed his continuing references to the pursuit of a reform agenda following any resolution of the conflict. Skepticism appears to have replaced hope in the minds of those outside observers who felt that he could emerge as a figure able to lead Libya toward a more open political future. The U.S. government has designated Sayf al Islam pursuant to E.O.13566 and he is named in the targeted sanctions Annex to U.N. Security Council Resolution 1970.

- **Mutassim Al Qadhafi.** Qadhafi's fifth eldest son, the 33-year old Mutassim Al Qadhafi is a former military officer and serves as National Security Advisor to his father. He visited the United States in late-2009 for consultations with Obama Administration officials, including Secretary of State Clinton, with whom he appeared publicly. He reportedly has engaged in competition with his brothers

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[29] For a detailed profile of Sayf al Islam al Qadhafi and an example of the pre-uprising discussion about the possibility of his succeeding his father, see Yehudit Ronen, "Libya's Rising Star: Said Al-Islam and Succession," *Middle East Policy*, Vol. XII, No. 3, Fall 2005, pp. 136-44.

and other regime figures for influence within Qadhafi's inner circle. The U.S. government has designated him pursuant to E.O.13566 and he is named in the targeted sanctions Annex to Resolution 1970.

- **Khamis Al Qadhafi.** Qadhafi's sixth eldest son, Khamis al Qadhafi commands an elite military unit known as the 32nd Brigade that often bears his name in press reporting**.** The unit is rumored to have been on the front line of pro-Qadhafi forces counterattacks against opposition held areas. The U.S. government has designated him pursuant to E.O.13566 and he is named in the targeted sanctions Annex to Resolution 1970.

Former intelligence chief and current Foreign Minister Musa Kusa has remained supportive of Qadhafi during the crisis, as have National Oil Company chairman Shoukri Ghanem and Prime Minister Al Baghdadi al Mahmoudi. Kusa is designated pursuant to Executive Order 13566. The status of some members of Qadhafi's security establishment and founding members of the Revolution Command Council that overthrew the monarchy is unclear. Some are reported to be under house arrest or to have fled Tripoli, including Military Intelligence and External Security Organization director Abdullah Al Sanusi, General Mustafa al Kharrubi, and Defense Minister General Abu Bakr Younis Jaber.

Opposition Groups

Prior to the 2011 uprising, Libya's opposition movements were often categorized broadly as Islamist, royalist, or secular nationalist in orientation. Their activities and effectiveness had been largely limited by disorganization, rivalry, and ideological differences. New efforts to coordinate opposition activities had begun in response to Libya's reintegration to the international community and the emergence of a broader political reform debate in the Arab world, and gained momentum with the outbreak of region-wide protests and political change in late 2010 and early 2011.

The infusion of popular support and regime defectors to the general opposition cause inside Libya was welcomed by many established opposition groups, even as it has remained unclear what the ultimate agenda or demands of newly active opposition supporters will be. The views and orientation of youth activists and armed volunteers may be decisive in determining the demands associated with future opposition activity. Key questions for U.S. policymakers include determining the identities and backgrounds of various opposition leaders and groups, assessing their goals and intentions, and determining their capabilities and legitimacy among the Libyan population as a whole.

Interim Transitional National Council (ITNC)

Opposition groups have formed an Interim Transitional National Council (ITNC) that is seeking international recognition as the representative of the Libyan people from its base in Benghazi.[30] The full extent of the group's domestic political legitimacy and authority are unclear, although its stated aspirations and appeals are addressed to all Libyans and its claims have been endorsed by some Libyans abroad, including opposition groups in Europe and the United States. Domestically, the ITNC claims that local and regional citizen councils formed in the wake of the uprising have

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[30] Limited, basic information from the ITNC can be found on its website, http://ntclibya.org/english/.

endorsed it, and the group's website features reports and videos of some communities recognizing the council. Overseas, the ITNC has endorsed former Libyan diplomats willing to join the opposition cause. In the United States, former Ambassador to the United Nations and Foreign Minister Abd al Rahman Shalgam and former Ambassador to Washington Ali Aujali have represented the ITNC in meetings with Administration officials and Congress

Public reports suggest that a military council has been formed to support the ITNC's efforts. Its full make-up is not publicly known, although some prominent figures who have defected from the security forces apparently are members.[31] ITNC representatives have been vague about their relationships to leading defectors and the role of military forces in the opposition's efforts to date. Rebel advances westward toward central Libya do not appear to have featured regular military units, and regular units have not been prominent in international media coverage of opposition forces' retreat eastward in the face of an ongoing counterattacks by pro-Qadhafi forces. ITNC leaders continue to call for the establishment of a no-fly zone and publicly reject direct military intervention by foreign ground forces.

In a March 10 interview with a Spanish newspaper, ITNC chairman Mustafa Abdeljalil outlined the Council's plans for a post-Qadhafi political arrangement as follows:

> As soon as the regime falls, we will have six or seven months to call elections. Until then, we will respect all international agreements. After the elections, everything will be left in the hands of the new leaders. We will leave. None of the current members of the Council will run in the elections. Libya is in need of new faces and there will be no room for officials from the old regime. Our basic text is the 1951 Constitution to which we are of course introducing changes.[32]

Prominent ITNC and Opposition Figures[33]

- **Mustafa Abdeljalil Fadl.** Serves as Chairman of the Interim Transitional National Council. He served as Libya's Justice Minister from 2007 through the onset of the uprising. He is known for having been supportive of some reform initiatives advanced by Sayf al Islam al Qadhafi and for challenging Muammar al Qadhafi and his supporters regarding due process and incarceration of prisoners in some prominent legal cases during 2009 and 2010. He attempted to resign from his position in early 2010.[34] He is a native of Bayda, where he once served

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[31] On March 10 and 11, INTC representatives deflected press questions about the military council and indicated its makeup and plans were "secret" in spite of previous public reports on its makeup. On March 2, London-based Arabic language newspaper *Al Sharq Al Awsat* published the following list of the makeup of the military council: "Military Police: Brigadier General Yusuf Lusayfir; Military Intelligence:Col. Hasan Faraj al-Majrisi; Air Force: Brig. Gen. Miftah Fannush; Air Defense: Col. Muhammad Hammad al-Kazzah; Electronic Communications and Support: Col. Izz-al-Din al-Isawi; Naval Forces: Capt. Faraj al-Mahdawi; Special Forces: Col. Wanis Bukhamadah; Vehicles and Technical Affairs: Col. Engineer Najib I'maysh; Supplies and Provisions: Col. Fathi al-Mismari; Missiles: Col. Muhammad Abd-al-Qadir Salih; Infantry Units: Col. Tariq al-Darsi; Public Security: Brig. Gen. Ashur Shawayil; Military Prosecution: Col. Salih al-Bishari; and Military Judiciary: Col Al-Amin Abd-al-Wahhab." See OSC Report GMP20110302825014, "Report Names Members of Benghazi's Military Council," March 2, 2011.

[32] OSC Report EUP20110311178003, "Libyan Rebel Leader Accuses EU of Worrying More About Oil Than Libyans' Lives" March 10, 2011.

[33] This section reflects material found in David Gritten, "Key figures in Libya's rebel council," *BBC News*, March 10, 2011 and is supplemented with information derived from other international media and academic sources. Public profile information remains incomplete or limited for many leading opposition figures and regime defectors.

[34] OSC Report GMP20100128950040, "Libyan Minister of Justice Resigns Over 'Harsh' Criticism in People's (continued...)

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as chief judge. He is 59 years old. Libyan State Television carried a report on March 9 from the government General Bureau for Criminal Investigation offering, "A reward of half a million Libyan dinars [about $400,000] …to whoever captures the spying agent called Mustafa Muhammad Abdeljalil Fadl and turns him in."

- **Mahmoud Jibril Ibrahim Al Warfali.** Serves as a foreign affairs representative for the Council. He travelled to Europe via Cairo, Egypt, the week of March 7 and has worked to secure recognition of the ITNC in meetings with European and U.S. officials, including Secretary of State Clinton. He is 59 years old, and studied political science in the United States at the University of Pittsburgh. He was serving as Libya's ambassador to India and resigned when the uprising began. He formerly served as head of the Libyan National Planning Council and chairman of the National Economic Development Board (NEDB).

- **Ali Al Issawi.** Serves as a foreign affairs representative for the Council. He was born in Benghazi and is 45 years old. He served as Minister of Economy, Trade, and Investment from 2007 to 2009.

- **Fathi Terbil**. Serves as the youth representative to the Council. He is a legal advocate from Benghazi who represented some families of victims of the 1996 Abu Salim prison massacre in which Libyan security forces are alleged to have murdered over 1,000 prisoners to put down an uprising. His arrest and release on February 15, 2011 sparked an initial series of protests and confrontations that eventually fueled the broader uprising. In subsequent interviews, he has claimed that he was arrested five times prior to the recent unrest and has been tortured by Libyan security forces.

- **Abdel Hafez Ghoga**. Serves as Vice-Chairman and spokesman for the Council. He is described in the Libyan press as a "human rights lawyer and community organizer." Reports suggest that Ghoga had been working to organize a national transitional council at the same time as Mustafa Abdeljalil and others were working to form the ITNC. The two figures reportedly agreed to cooperate.

- **Dr. Salwa Fawzi al Deghali**. Serves as the Council representative for women. She is a lawyer and a native of Benghazi. She described her view of the challenges facing the opposition in a March 11 interview with an Egyptian newspaper: "We have never had any real organizational experience in Libya, through parties or independent professional associations. Suddenly, we have an entire city to run."[35]

- **Ahmed al Zubayr al Sanusi**. Serves as a Council member. He is known as "Libya's longest-serving 'prisoner of conscience'" because he was jailed on accusations of plotting a coup in 1970 and not released until 2001. He is a relative of former King Idris.

- **Omar al Hariri**. Serves as the military affairs representative on the ITNC. Hariri participated in 1969 anti-monarchy coup alongside Qadhafi, but later was

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(...continued)

Congress," January 28, 2010.

[35] OSC Report GMP20110311966049, "Benghazi's lawyers, Libya's revolutionaries," March 11, 2011.

imprisoned and sentenced to death on suspicion of plotting an uprising in 1975. He was moved to Tobruk and placed under house arrest in 1990. He is 67 years old. He has been quoted as calling for "a multi-party system" in the event that Qadhafi is deposed.

- **Abdelfattah Younis al Ubaydi**. Participated in the 1969 anti-monarchy coup alongside Qadhafi. He had been serving as Minister for Public Security and a Special Forces commander, which put him in charge of some internal security forces through the start of the uprising. His resignation and defection came just hours after Muammar al Qadhafi specifically named him as one of his key supporters in a February 22 speech. Human rights concerns prior to and potentially during the beginning of the unrest could have involved forces under his command. His relationship to the ITNC military council is unclear. Some reports suggest he has an unspecified leadership role, and he has been an outspoken advocate for the opposition cause in interviews with international media outlets.

- **Major Abdelmoneim Al Huni**. An original member of the Revolution Command Council, Al Huni had been serving as Libya's representative to the Arab League and resigned in protest of the use of force against protestors.

Exiles and Al Sanusi Monarchy Figures

Complex relationships among former regime figures, competing heirs to the former monarchy, and longstanding opposition leaders may evolve as the conflict unfolds and if specific arrangements begin to be made for reconciliation and/or a new government.

Opposition groups in exile have included the National Alliance, the Libyan National Movement (LNM), the Libyan Movement for Change and Reform, the Islamist Rally, the National Libyan Salvation Front (NLSF), and the Republican Rally for Democracy and Justice. These groups and others held an opposition conference—known as the National Conference for the Libyan Opposition (NCLO)—in July 2005 in London and issued a "national accord," calling for the removal of Qadhafi from power and the establishment of a transitional government.[36] A follow-up meeting was held in March 2008.[37] The NCLO reportedly helped lead the call for the February 17, 2011, "day of rage" that helped catalyze protests into a full-blown uprising against the Qadhafi regime.

A royalist contingent based on the widely recognized claim to the leadership of the royal family by Mohammed al Rida al Sanusi, the son of the former crown prince, has been based in London.[38]

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[36] May Youssef, "Anti-Gaddafists Rally in London," *Al Ahram Weekly (Cairo)*, No. 749, June 30 - July 6, 2005; *Al Jazeera (Doha)*, "Opposition Plans to Oust Al Qadhafi," June 25, 2005; *Middle East Mirror*, "Libya's Fractured Opposition," July 29, 2005.

[37] "Libyan Opposition Groups Meet in London To Reiterate Commitment To Save Libya," OSC Report GMP20080329825012, March 29, 2008.

[38] Immediately prior to his departure for medical treatment in August 1969, the late King Idris signaled his intent to abdicate and pass authority to his crown prince and nephew, Hasan al Rida al Mahdi al Sanusi. Crown Prince Hasan was serving as regent during the Qadhafi coup, and he and his family were imprisoned and placed under house arrest until being allowed to leave Libya in the late 1980s. Each of King Idris's potential direct heirs died as children. Upon Prince Hasan's death in 1992, he passed the title of head of the Al Sanusi royal house to his son, Prince Mohammed al Rida al Sanusi.

On March 2, he answered a newspaper interviewer's question about his intent with regard to pursuing the restoration of the Al Sanusi monarchy by saying, "It is too early to answer such questions. This will all be revealed in time."[39] His claim is disputed by a distant relative, whose family members also have given interviews to international media outlets.

In a September 2005 interview, then-Foreign Minister Abd al Rahman Shalgam characterized some of the regime's expatriate opponents as individuals who fled the country after committing economic crimes or collaborating with foreign intelligence services. He then invited any expatriate dissidents who had not committed crimes to return to Libya.[40] Shalgam has now joined the opposition movement and is speaking as a representative of the ITNC in Washington, DC and at the United Nations in New York.

The Muslim Brotherhood

A statement attributed to the Libyan Muslim Brotherhood in late February 2011 welcomed the formation of the ITNC but called for a future, non-tribal government to "be formed by those who actually led the revolution on the ground" and to exclude supporters of the original Qadhafi coup or officials involved in human rights violations.[41] This would seem to implicate some original Qadhafi allies and security officials who have defected to the opposition cause. In the past, the controller general of the Libyan Muslim Brotherhood, Suleiman Abdel Qadir, has described the Brotherhood's objectives as peaceful and policy-focused, and has long called for the cancellation of laws restricting political rights.[42]

Like other political organizations and opposition groups, the Muslim Brotherhood is banned in Libya under law number 71 of 1972. Since the late 1940s, when members of the Egyptian Muslim Brotherhood first entered Libya following a crackdown on their activities, the Libyan Muslim Brotherhood has existed as a semi-official organization. Hundreds of Brotherhood members and activists were jailed in 1973, although the Brotherhood eventually reemerged and operated as a clandestine organization for much of the following two decades. In 1998, a second round of mass arrests took place, and 152 Brotherhood leaders and members were arrested. Several reportedly died in custody, and, following trials in 2001 and 2002, two prominent Brotherhood leaders were sentenced to death and over 70 were sentenced to life in prison. The

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[39] OSC Report GMP20110302869002, "Former Libyan Crown Prince Says 2,000 Die in Anti-al-Qadhafi Revolt," March 2, 2011.

[40] "Libya's Shalgam on Ties With US, S. Arabia, Opposition," OSC Report GMP20050924512001, September 24, 2005.

[41] OSC Report GMP20110228405001, "Libyan Muslim Brotherhood Group Supports 'Glorious Revolution,'" February 28, 2011.

[42] In 2007, Abdel Qadir responded to political reform statements by Sayf al Islam al Qadhafi with calls for more inclusive, consultative decision making. In a November 2008 interview, Abdel Qadir noted that reform outreach was taking place under the auspices of the Qadhafi Foundation and not through official state organs, which in his view undermined the significance of the outreach. He also repeated calls for reform and reconciliation aimed at creating a constitution and protecting civil rights for Libyans. See OSC Report GMP20050803550006, "Al Jazirah TV Interviews Libyan Muslim Brotherhood Leader on Current Situation," August 3, 2005; OSC Report GMP20070830282001, "Libyan MB Concerned Over Sayf al-Islam's Statements Regarding New Constitution," August 30, 2007; and, OSC Report GMP20081111635001, "Libyan Muslim Brotherhood Official on Libya's Foreign, Domestic Politics," November 10, 2008.

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government announced a retrial for the imprisoned Brotherhood activists in October 2005, and in March 2006, the group's 84 remaining imprisoned members were released.[43]

Libyan Islamic Fighting Group (LIFG)/Libyan Islamic Movement for Change (LIMC)

The Libyan Islamic Fighting Group (LIFG) is a violent Islamist movement opposed to the Qadhafi government. In recent years, its then-imprisoned leaders engaged in a dialogue and reconciliation process with the Qadhafi Foundation, and over 200 LIFG members were released, including senior leaders and former commanders.[44] Qadhafi announced the release of 110 more "reconciled" LIFG members at the outset of the 2011 uprising. The LIFG responded to the release of leading figures on February 16 by announcing the reorganization of the group as the Libyan Islamic Movement for Change (LIMC). The LIMC demands political change and an end to corruption, and has underscored its decision to "enter a new stage of struggle in which we do not adopt an armed program but a belief in the Libyan people's ability to bring about the change to which we are aspiring."[45] Muammar al Qadhafi has both blamed Al Qaeda and violent Islamists for instigating the uprising, and, on March 15, he threatened to join them if the United States or European countries intervene militarily in the conflict.[46]

In spite of these developments, Libyan government officials claim that some LIFG members previously released as part of the government approved reconciliation process participated in violence at the beginning of the recent uprising and the government accused some individuals of seeking to establish "Islamic emirates" in eastern Libya.[47] It is unclear what role, if any, former LIFG and current LIMC personnel have played in the unrest or what approach either Qadhafi's government or the opposition might take toward the LIFG/LIMC in the wake of the conflict.

In 2009, some of the LIFG's imprisoned leaders issued a lengthy series of writings, referred to as "the recantations," outlining their rejection of the use of violence (see below). However, Libyan and U.S. concerns about LIFG's domestic and international activities persisted. According to the Department of State, the LIFG has attempted to assassinate Qadhafi, most recently in 1996, and may have participated in the planning of the May 2003 suicide bombings in Casablanca, Morocco.[48] The group's reported ties with Al Qaeda came under scrutiny in July 2009 after group members based in Britain reportedly renounced the group's affiliation with Al Qaeda, and contrasted the LIFG with others who use indiscriminate bombing and target civilians. In November 2007, Al Qaeda figures Ayman al Zawahiri and Abu Layth al Libi announced the

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[43] Afaf El Geblawi, "Libya Frees All Jailed Muslim Brotherhood Members," *Agence France Presse*, March 3, 2006.

[44] Prominent prisoners released under the auspices of the reconciliation program include former LIFG leader Abdelhakim al Khuwaylidi Belhadj, former military director Khaled Sharif, and leading LIFG ideologue Sami Sa'idi. OSC Report GMP20100323950045, "Three leaders of Libyan Fighting Group freed – paper," March 23, 2010.

[45] OSC Report GMP20110217825017, "Libya: IFG Elements Establish New Group Aiming for Peaceful Regime Change," February 17, 2011.

[46] OSC Report EUP20110315058001, "'Exclusive' Interview With Al-Qadhafi on Insurgency, Western Ties, US, Al-Qa'ida," March 15, 2011.

[47] Libyan authorities specifically named Abdelkarim Ahsadi, Khayrallah Barasi, Mohamed Darnawi, and Abou Sofian Ben Guemou, a former U.S. detainee at Guantanamo Bay, Cuba, who Libyan officials released in September 2010. Libyan government claims have not been independently verified. OSC Report GMP20110223950040, "Senior Libyan Security Official Gives Details on Unrest in Benghazi Tripoli," February 22, 2011.

[48] U.S. Department of State, "Libya," *Country Reports on Terrorism 2004*, April 2005.

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merger of the LIFG with Al Qaeda, which many terrorism analysts viewed at the time as having political rather than operational relevance.[49] Abu Layth Al Libi was killed in an air strike in Pakistan in February 2008. The February 2011 LIFG release by Libyan authorities reportedly included Abdelwahhab Muhammad Qayid, who has been identified in some sources as the brother of prominent Al Qaeda ideologue Abu Yahya al Libi. In March 2011, Abu Yahya Al Libi released a video condemning Qadhafi and calling on Libyans to use arms against Qadhafi supporters, but to refrain from violence or criminality against each other.

Al Qaeda Affiliation and Recantations

In a July 2009 statement, LIFG members in Britain characterized the November 2007 Al Qaeda affiliation announcement from the late Abu Layth Al Libi as "a personal decision that is at variance with the basic status of the group," and sought to "clearly emphasize that the group is not, has never been, and will never be, linked to the Al Qaeda organization."[50] The statement stressed that LIFG members abroad supported "the dialogue underway between the group's leadership and the Libyan regime if it should lead to an end to bloodletting, the release of prisoners, the spreading of security and justice, the reunion of families, and to permitting preaching, educational, and political activities." The statement warned that the group would "preserve [its] lawful and natural right to oppose the regime if it does not turn its back on its previous policy that has led to tension and deadlock." The full effect of the ongoing unrest on the views, positions, and activities of former-LIFG personnel and other potentially armed Islamist groups has not yet been determined.

Sayf al Islam al Qadhafi oversaw an effort to engage with LIFG leaders in an effort to encourage them to renounce violence and links with other violent groups. Reports on the dialogue suggested it was similar to processes in other countries such as Egypt and Saudi Arabia. In 2009, the government and the LIFG reached an agreement in which LIFG leaders renounced violence against the Libyan state, and, later in 2009, the dialogue resulted in the issuance of written "recantations" of the LIFG's former views on religion and violence.[51] In October 2009, over 40 LIFG prisoners were released, alongside other Islamists.

The United States froze the LIFG's U.S. assets under Executive Order 13224 in September 2001, and formally designated the LIFG as a Foreign Terrorist Organization in December 2004. In February 2006, the U.S. Department of the Treasury designated five individuals and four entities in the United Kingdom as Specially Designated Global Terrorists for their role in supporting the LIFG.[52] On October 30, 2008, Treasury designated three more LIFG financiers.[53] Some observers

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[49] "Al-Zawahiri, Al-Libi: Libyan Islamic Fighting Group Joins Al-Qa'ida," OSC Report - FEA20071104393586, November 3, 2007.

[50] "Libyan Islamic Fighting Group Abroad Issues Statement Supporting Regime Dialogue." OSC Report - GMP20090703825003, July 3, 2009.

[51] "Report on 'Seething Anger' in Libya Over Dismantling Al Qa'ida-Linked Cells," OSC Report GMP20080630825001 June 30, 2008; "Libya: Jailed Islamic Group Leaders 'Preparing' To Renounce Armed Violence," OSC Report GMP20080706837002, July 6, 2008; "Libyan Islamic Fighting Group Source Announces Ideology Revision Nearly Complete," OSC Report GMP20090615825012, June 15, 2009; and OSC Reports, GMP20090911452001, GMP20090911452002, GMP2009091145200, GMP20090910488004, GMP20090911452004, GMP20090915452001, "Libyan Newspaper Publishes Libyan Fighting Group Retractions," September 2009.

[52] U.S. Department of the Treasury, "Treasury Designates UK-Based Individuals, Entities Financing Al Qaida-Affiliated LIFG," JS-4016, February 8, 2006.

[53] U.S. Department of the Treasury, "Three LIFG Members Designation for Terrorism," HP-1244, October 30, 2008.

characterized the designations as a U.S. gesture of solidarity with the Libyan government and argued that the ability and willingness of the LIFG to mount terror attacks in Libya may have been limited. Others claimed that some LIFG fighters were allied with other violent Islamist groups operating in the trans-Sahara region, and cited evidence of Libyan fighters joining the Iraqi insurgency as an indication of ongoing Islamist militancy in Libya and a harbinger of a possible increase in violence associated with fighters returning from Iraq.[54] Prior to the 2011 uprising that began in eastern Libya, reports suggested that the region could be a stronghold for LIFG members and other extremist groups that might pose a threat to Libya's security and potentially to regional security. Some Members of Congress have expressed concern that violent Islamists may seek to exploit the conflict in Libya or any post-conflict transition.

Figure 2. Political Map of Libya

Source: Map Resources. Adapted by CRS.

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[54] Alison Pargeter, "Militant Groups Pose Security Challenge for Libyan Regime," *Janes Intelligence Review*, Vol. 17, No. 8, August 2005, pp. 16-19.

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