



# Libya: Unrest and U.S. Policy

**Christopher M. Blanchard**  
Acting Section Research Manager

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## Summary

Over 40 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 government's use of force against civilians and opposition forces seeking Qadhafi's overthrow sparked an international outcry and led the United Nations Security Council to adopt Resolution 1973, which authorizes "all necessary measures" to protect Libyan civilians. The United States military is participating in Operation Unified Protector, the North Atlantic Treaty Organization (NATO) military operation to enforce the resolution. Qatar, the United Arab Emirates, Jordan and other partner governments also are participating. Qadhafi and his supporters have described the uprising as a foreign and Islamist conspiracy and are attempting to outlast their opponents. Qadhafi remains defiant amid coalition air strikes and defections. His forces continue to attack opposition-held areas. Some opposition figures have formed an Interim Transitional National Council (TNC), which claims to represent all areas of the country. They seek foreign political recognition and material support.

Resolution 1973 calls for an immediate cease-fire and dialogue, declares a no-fly zone in Libyan airspace, and authorizes robust enforcement measures for the arms embargo on Libya established by Resolution 1970 of February 26. NATO officials report that U.S. and coalition strikes on Libyan air defenses, air forces, and ground forces have neutralized the ability of Muammar al Qadhafi's military to control the country's airspace. Coalition forces target pro-Qadhafi ground forces found to be violating Resolution 1973 through attacks that threaten civilians. President Obama has said the United States will not introduce ground forces, and Resolution 1973 forbids "a foreign occupation force of any form on any part of Libyan territory." The intergovernmental Libya Contact Group has endorsed terms of reference for a temporary financial mechanism to support the TNC and the unfreezing of seized Libyan government assets for humanitarian costs. Qatar, Italy, Kuwait, France, and others have formally recognized the TNC as the legitimate representative of the Libyan people. The United States and others continue to provide humanitarian assistance to displaced persons.

Until recently, the United States government was pursuing a policy of reengagement toward Qadhafi after decades of confrontation, sanctions, and Libyan isolation. While U.S. military operations continue, Obama Administration officials highlight a number of non-military steps the U.S. government has taken to achieve Qadhafi's ouster, such as expanding targeted sanctions on Libyan officials established in Executive Order 13566. Some Members of Congress expressed support for U.S. military intervention prior to the adoption of Resolution 1973, while others disagreed or called for the President to seek explicit congressional authorization prior to any use of force. President Obama has submitted correspondence and reports to Congress outlining U.S. military objectives and operations, but has not sought congressional authorization. House and Senate resolutions now seek to further define the goals and limits of future U.S. engagement.

Many observers believe that Libya's weak government institutions, potentially divisive political dynamics, and current conflict suggest that security challenges and significant reconstruction needs 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 long term consequences of military operations and political intervention.

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## Background

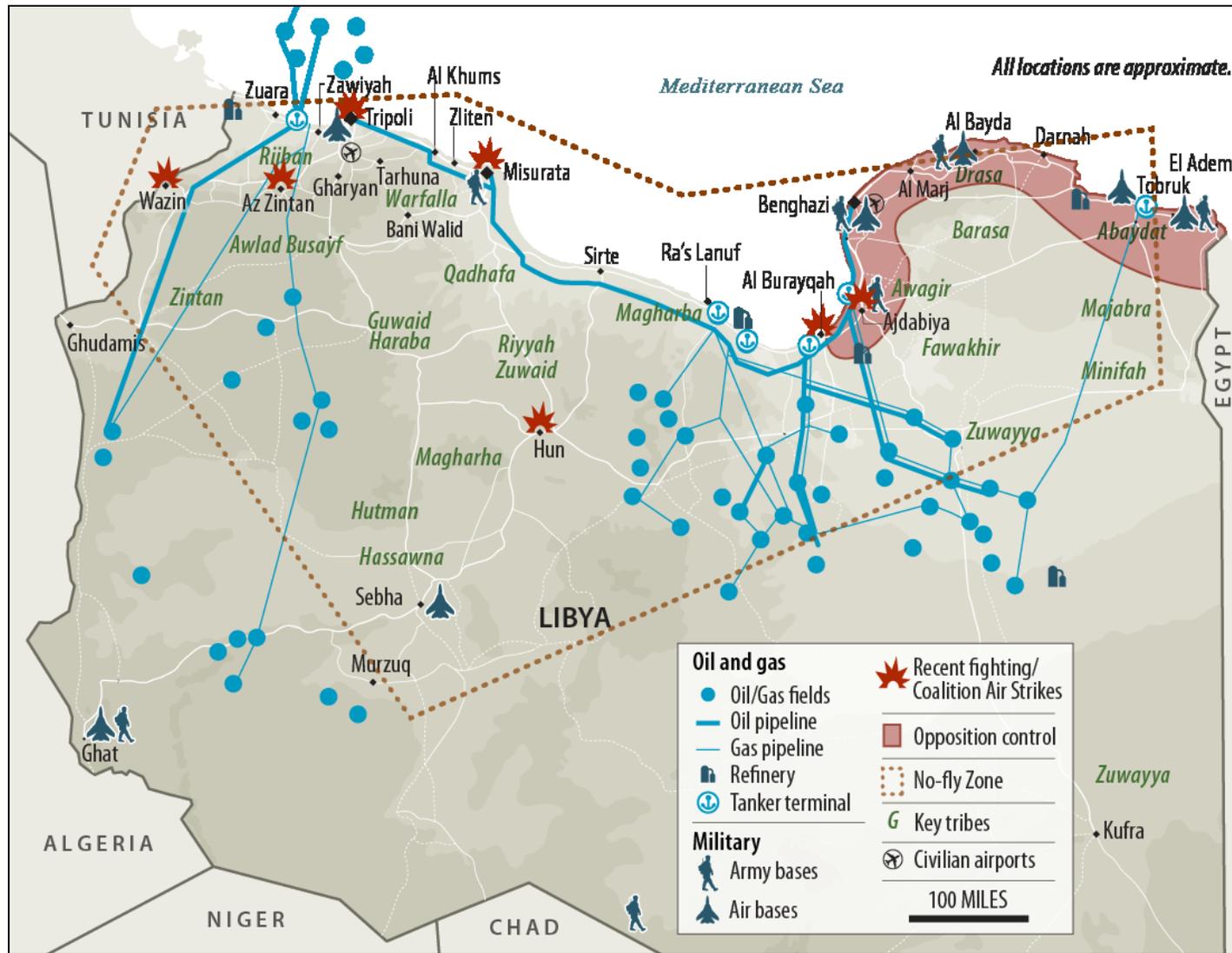
For a summary of recent events and conflict assessment, see “Status as of July 5, 2011”

Political change in neighboring Tunisia and Egypt helped bring long-simmering Libyan reform debates to the boiling point in January and early February 2011. 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 40-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**



**Sources:** *The Guardian* (UK), Graphic News, U.S. Department of Defense, U.S. Energy Information Administration, Global Security, *The Making of Modern Libya* (Ali Abdullatif Ahmida, State University of New York Press, 1994). Edited by CRS.

## Status as of July 5, 2011

Amid continuing NATO-led military operations to enforce U.N. Security Council Resolution 1973, Libya's civil conflict has reverted to the stalemate condition that prevailed prior to the advance of pro-Qadhafi forces in early March. NATO officials describe pro-Qadhafi and opposition forces dug into defensive positions around the eastern town of Al Burayqah (Brega), continued pro-Qadhafi attacks near the western city of Misurata, and continued shelling of opposition-held areas in the inland western mountain areas from Az Zintan to the Tunisian border (see **Figure 1** above). However, a series of new defections by senior Libyan military officers and government officials has accompanied intensified NATO airstrikes and new political initiatives to seek a negotiated end to the conflict. These developments, and a belief that the financial and material resources of Qadhafi and his supporters are dwindling, has led some observers to conclude that, in spite of Qadhafi's intransigence, Qadhafi may be "on the back foot" and an end to the conflict may be in sight. Other observers contend that equally challenging financial, material, and political limitations continue to face the opposition Interim Transitional National Council (TNC), while the prospect of a prolonged irregular warfare campaign by Qadhafi supporters exists, even if organized forces falter.

Each side persists in attempting to outlast the other, and both sides seek to influence the decisions of external parties about the wisdom and sustainability of military and political intervention. On June 1, NATO member state officials and partner country representatives met and agreed to extend military operations for 90 days from June 27 through September 30. Accidental civilian casualties have occurred as a result of NATO air strikes, creating some debate about the operation. Some Members of Congress have become increasingly assertive in their efforts to force President Barack Obama to seek congressional authorization for continued U.S. military involvement. A number of proposed resolutions and amendments to appropriations and authorization bills seek to require reporting on U.S. strategy and operations or seek to proscribe limits on the authorization or funding for continued U.S. military operations in Libya. Others seek to authorize the continued use of U.S. armed forces in support of NATO operations, short of the use of ground troops (see "Congressional Action," below).

## Conflict Developments

The initial opposition uprising surprised and nearly overwhelmed Libyan security forces, and late February and early March were characterized by disorganized advances by opposition elements and increasingly successful repressive counterattacks by pro-Qadhafi forces. By mid-March, Qadhafi forces had succeeded in suppressing uprisings in Tripoli and western towns such as Zawiyah and had pushed irregular opposition volunteers eastward, threatening the opposition stronghold of Benghazi. The advance of pro-Qadhafi forces raised the prospect that more civilians would be targeted and a broader humanitarian crisis could ensue. On the evening of March 17, the passage of Resolution 1973 by the United Nations Security Council was greeted with euphoria by the encircled opposition movement, in spite of their dire security situation and apparent inability to independently fend off better-armed and better-organized ground forces loyal to Qadhafi (see "The United Nations and Security Council Resolutions 1970 and 1973" below). The no-fly zone and civilian protection provisions of Resolution 1973 authorized foreign military intervention (see "No-Fly Zone, Arms Embargo, and Civilian Protection Operations" below). On March 18, President Obama outlined nonnegotiable demands to Qadhafi and his government for an end to violence and indicated the United States was prepared to act militarily as part of a

coalition to enforce the resolution and protect Libyan civilians (see “Administration Views and Action Prior to the Use of Force” below).

Libyan military ground force operations against opposition-held areas continued in violation of cease-fire pledges, and U.S. and coalition military operations began on March 19. Sea-launched cruise missile attacks and air strikes targeted Libyan air defenses, air forces, command and control infrastructure, and ground forces involved in attacks on civilians, including south of the opposition stronghold of Benghazi. The coalition intervention reversed Qadhafi’s forces’ advance on Benghazi and enabled some opposition forces to press retreating loyalist units westward along the coastal road through the formerly rebel-held towns of Ajdabiya, Al Burayqah (Brega), and Ra’s Lanuf. The disorganized, undisciplined nature of the opposition forces and shifts in the intensity and focus of coalition air operations enabled Qadhafi forces to recover from their late-March setbacks, and the opposition retreated eastward once again.

As of July 5, forces loyal to Qadhafi continued to engage opposition forces in eastern, central, and western Libya. In the east, the so-called “Free Libya Forces” associated with the TNC are confronting Libyan military units along defensive lines near the town of Al Burayqah (Brega). In the western-central port city of Misurata, opposition volunteers have succeeded in establishing a wider perimeter within which they are resisting a months-long siege, as international relief (and by some accounts weaponry) arrives via the city’s long-contested port. In Az Zintan and areas east and west along the northern approaches to the Al Nafusa mountains, Qadhafi’s forces are battling fighters from local Berber and Arab communities that have risen against his rule. In some isolated cases, fighting in western Libya has spilled across the border into the area around Dehiba, Tunisia, leading the Tunisian armed forces to increase their presence. Reports that sizeable mercenary forces are aiding Qadhafi’s cause have drawn some scrutiny, and Resolution 1973 authorized measures to combat the introduction of new mercenary forces to the conflict.

NATO and partner country military operations under Operation Unified Protector continued to enforce the no-fly zone, civilian protection, and arms embargo missions called for in Resolutions 1970 and 1973. At a meeting in Berlin on April 14, NATO foreign ministers and partner governments reiterated that alliance operations will continue until attacks and threats against civilians cease; until all of Qadhafi’s forces have been withdrawn to their bases; and until there is unhindered access for humanitarian aid.<sup>1</sup> As indicated above, on June 1, NATO announced its operations would continue for a further 90 days from June 27 through September 30. Coalition air strikes are ongoing against Libyan military units threatening civilians and those units’ command and support infrastructure. As of July 5, NATO had flown nearly 14,000 air sorties, including over 5,280 strike missions to “identify and engage” targets in Libya.<sup>2</sup>

France and the United Kingdom have made attack helicopters available for NATO use that are now engaged in strike operations against Qadhafi forces near Al Burayqah. The United Kingdom,

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<sup>1</sup> NATO, Statement on Libya, following the working lunch of NATO Ministers of Foreign Affairs with non-NATO contributors to Operation Unified Protector, Berlin, Germany, April 14, 2011.

<sup>2</sup> NATO does not individually identify the participant countries responsible for operations. As of April 5, 2011, fourteen NATO member states and three partner countries were contributing military assets to Operation Unified Protector. Ten NATO members and partner countries Qatar, Jordan, Ukraine, Sweden, and the United Arab Emirates (UAE) were providing a total of 195 fighter jets and reconnaissance planes to enforce the no-fly zone and to carry out other aspects of NATO air operations. As of May 30, 19 ships and submarines were monitoring and enforcing the arms embargo. Daily operation updates are available at [http://www.jfcnaples.nato.int/Unified\\_Protector/daily-operational-update.aspx](http://www.jfcnaples.nato.int/Unified_Protector/daily-operational-update.aspx).

France, and Italy also have dispatched military advisers to eastern Libya outside of the NATO operation. Opposition forces affiliated with the TNC continue to request shipments of more sophisticated weaponry, and TNC officials claim that they have successfully purchased or otherwise received some arms from external sources.

NATO officials are confident that recent operations “have seriously degraded command and control and logistics capabilities” to such an extent that, “the regime’s troops are having a harder time fighting.”<sup>3</sup> Since April 25, dozens of NATO air strikes have targeted intelligence, command and control, and communications centers; military vehicles; ammunition depots; vehicle maintenance facilities; and artillery pieces, rocket launchers, and anti-aircraft sites. Recent air strikes have been directed at targets in and around Misurata, Tripoli, Sirte, Az Zintan, Mizdah, Hun, and Al Burayqah.

NATO air strikes in Tripoli have targeted command facilities known to be frequented by Muammar al Qadhafi, sparking claims that NATO is attempting to assassinate him. One such strike on April 30 reportedly killed Qadhafi’s son Sayf al Arab, the latter’s wife, and three of Qadhafi’s grandchildren. Qadhafi has only made limited media appearances since, and, in the wake of the strike, mobs attacked embassies and offices belonging to the United States, the United Kingdom, Italy, and the United Nations. NATO officials reiterated that NATO operations do not target individuals. Libyan state media continue to refer to NATO operations as “the colonialist crusader aggression” backed by the “agent shaykhs” of Qatar and the United Arab Emirates (UAE). Qatar and UAE have contributed fighter planes and military transports to coalition operations, in addition to offering material support to the TNC.

## **U.S. Military Operations and Costs**

U.S. military forces continue to support all three elements of the NATO mission: maritime arms embargo enforcement, no-fly zone patrol, and civilian protection. However, the bulk of U.S. air operations have shifted from air strikes against Libyan ground targets toward refueling; intelligence, surveillance, and reconnaissance (ISR); electronic warfare; and suppression of enemy air defenses (SEAD) for NATO aircraft performing no-fly zone patrol missions. Manned U.S. aircraft carry out these missions. The United States has made armed drone aircraft available for NATO use, and U.S. drones carry out strike missions as part of the NATO civilian protection operation. Manned U.S. aircraft also remain “on call” to potentially participate in civilian protection strike missions. However, U.S. participation requires the prior approval of the Secretary of Defense and, as of late June, no requests for U.S. participation in strike missions for the civilian protection operation had been submitted or approved since the transfer of command to NATO in early April. Through June 3, U.S. military operations had cost an estimated \$713 million, of which over \$398 million were costs for munitions. Of those munitions, many were used by U.S. forces during the Operation Odyssey Dawn period to dismantle Libya’s air defense network preceding the transfer of command to NATO for Operation Unified Protector. Through September 30, 2011, the Administration predicts that U.S. military operations in support of NATO in Libya, if sustained at the current tempo and balance, would cost an additional \$365 million, including an additional \$50 million for munitions.

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<sup>3</sup> Remarks of U.K. Brigadier General Rob Weighill, Unified Protector Director of Operations, Naples, Italy, April 29, 2011.

## **Congressional Action and Legislation**

Some Members of Congress have sought a clearer definition of U.S. objectives, costs, and operations, and on June 3, the House adopted H.Res. 292 (Roll no. 411), which directs the Administration to provide documents on consultation with Congress and a report “describing in detail United States security interests and objectives, and the activities of United States Armed Forces, in Libya since March 19, 2011.” The Administration submitted the report on June 15, 2011.<sup>4</sup> The House of Representatives has rejected a series of other resolutions seeking to authorize or de-authorize continuing U.S. participation in Operation Unified Protector. For more information on prior congressional action, see “Congressional Action, War Powers, and Authorization Debates” below.

- H.Con.Res. 51. Would have directed the President “to remove the United States Armed Forces from Libya by not later than the date that is 15 days after the date of the adoption of this concurrent resolution” pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)). Failed 148-265, June 3, 2011 (Roll no. 412).
- H.J.Res. 68. Would have authorized the President, for one year from the date of enactment, “to continue the limited use of the United States Armed Forces in Libya, in support of United States national security policy interests, as part of the NATO mission to enforce United Nations Security Council Resolution 1973 (2011) as requested by the Transitional National Council, the Gulf Cooperation Council, and the Arab League.” Failed 123-295, June 24, 2011 (Roll no. 493).
- H.R. 2278. Would have prohibited the obligation of expenditure of funds available to the Department of Defense “in support of North Atlantic Treaty Organization Operation Unified Protector with respect to Libya,” with the exception of search and rescue; intelligence, surveillance, and reconnaissance; aerial refueling; and operational planning. Failed 180-238, June 24, 2011 (Roll no. 494).

Pending legislation in the Senate focuses on the authorization question, as well as the potential use of Libyan government assets seized by the United States.

- S.J.Res. 20. Would authorize the President, until NATO operations end or for one year from the date of enactment, whichever comes worse, “to continue the limited use of the United States Armed Forces in Libya, in support of United States national security policy interests, as part of the NATO mission to enforce United Nations Security Council Resolution 1973 (2011) as requested by the Transitional National Council, the Gulf Cooperation Council, and the Arab League.” The resolution would prohibit the use of appropriated funds for “ground combat operations, or participating in stabilization or international peacekeeping operations following the removal of Muammar Qaddafi from government and during the transition to a new government in Libya” unless explicitly authorized. The resolution, as reported by committee, defines U.S. military operations since April 4, 2011, as “hostilities within the meaning of the War Powers Resolution,” in contrast to the Administration’s position. The resolution was amended and reported by the Senate Foreign Relations Committee on June 28, and motions to

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<sup>4</sup> Overview of United States Activities in Libya, June 15, 2011. Available from CRS.

invoke cloture and proceed to consideration of were withdrawn on the Senate floor on July 5.

- S. 1180. Would authorize the President to confiscate and vest funds and property of the government of Libya and to use such funds and proceeds from the sale of such property for “costs related to providing humanitarian relief to and for the benefit of the people of Libya, consistent with the purposes of United Nations Security Council Resolutions 1970 (2011) and 1973 (2011)” or for the successor government of Libya. Funds transferred may not be used “to purchase weapons or military equipment of either a lethal or nonlethal nature.” See “Libyan Assets, TNC Funding, and Oil Exports” below.

## **Assessment and Key Issues**

The Obama Administration’s stated policy objectives in Libya are to protect civilians and to secure a democratic political transition, including the departure of Muammar al Qadhafi from power and the selection of a new government by the Libyan people. In pursuit of U.S. objectives, the Administration is supporting military, financial, and diplomatic efforts to enforce United Nations Security Council Resolutions 1970 and 1973, both of which stop short of calling for Qadhafi’s removal. The Administration believes that sustained U.S. and international military and financial pressure will resolve core differences between U.S. and U.N.-endorsed goals by convincing remaining loyalists to withdraw their support for Qadhafi and opening the way for his departure and a settlement of the conflict. However, all accounts suggest Qadhafi and his closest supporters have no intention of leaving Libya, and some media reports and official statements suggest that key regime supporters may remain vulnerable to intimidation by Qadhafi and may be fearful about their uncertain prospects in a post-Qadhafi transition.

Any post-conflict Libyan political order will be complicated by the immediate consequences of the current fighting, the legacies of decades of Qadhafi’s patronage- and fear-based rule, and the chronic economic and political challenges that have fueled popular discontent in recent years. President Obama’s address to the nation on March 28 signaled his Administration’s concern that the conflict in Libya could have direct security implications and intangible political implications for the broader Middle East as that region continues to grapple with widespread upheaval. The prolonged nature of the conflict also is creating significant population displacement and risks to food, fuel, and water supplies (see below).

The apparent proliferation of small arms, man-portable air defense missile systems (MANPADS), and some heavy weaponry among fighters on both sides has led some outside counterterrorism and arms trafficking experts to express concern about the conflict’s longer term implications for regional security.<sup>5</sup> Unexploded ordnance and looted weaponry will remain a challenge inside Libya. On May 9, the Administration notified Congress that it had waived normal notification congressional requirements to immediately obligate \$1.5 million in Nonproliferation,

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<sup>5</sup> For example, these concerns were raised in C. J. Chivers, “Experts Fear Looted Libyan Arms May Find Way to Terrorists,” *New York Times*, March 3, 2011. African Union communiqués have expressed concern about regional stability, and some Sahel region governments have specifically warned about Al Qaeda supporters seizing control of specific types of weapons and exploiting the weakness of government forces in Libya to expand their areas of operation and sanctuary. Algerian authorities have reportedly expanded the presence of security forces along their southeastern border with Libya and they have taken direct action to eliminate weapons smugglers in Tamanrasset and Ilizli governorates.

Antiterrorism, Demining and Related Programs (NADR) account funding for “urgently needed assistance to collect, destroy, and re-establish control of Libyan munitions and small arms and light weapons” in response to “a substantial risk to human health or welfare.”<sup>6</sup> The funding was provided to non-governmental organizations specializing in international demining and ordnance disposal.

In the immediate term, the fast-moving developments and the relatively limited presence of international media outside of eastern Libya have combined to impose a degree of uncertain drama on the unfolding conflict. Months of fighting and political maneuvering have shed some light on the strengths, weaknesses, and positions of both sides. The extended duration of the confrontation is placing strains on both sides’ limited financial resources and political capital, and calls for a negotiated solution have intensified from some outside parties.

Reports from western Libya suggest that the combined pressures of targeted financial sanctions, the arms embargo, oil sector disruptions, and the conflict’s deterrent effects on normal trade are taking a toll on Qadhafi’s government and its relations with citizens. Key Libyan oil customers France and Italy have announced they will forgo future oil shipments from Qadhafi-controlled areas. Long gas and food lines now accompany a general disruption of commercial activity and communications that is being met with increasing popular criticism of all sides. Defections continue to reduce the ranks of Qadhafi’s trusted military and civilian supporters.

Reports from eastern Libya suggest that limited financial resources and latent political rivalries are creating parallel challenges for the TNC as it seeks to solidify its base of support among the disparate groups that have risen against Qadhafi. Paying salaries, purchasing imports, and meeting administrative and military needs reportedly have depleted the limited financial resources available to the TNC. CRS cannot independently verify the state of the opposition’s finances, but one opposition source indicated that costs may reach \$100 million per day, with gasoline imports constituting a particularly critical need.<sup>7</sup> Some reports from visiting nongovernmental experts and State Department officials suggest that while a lively political atmosphere is emerging in opposition-controlled eastern Libya, political support for the TNC among the broader population may be contingent on the council’s ability to provide basic services and financial support via salaries and subsidies.<sup>8</sup> Organized groups or ad hoc citizen coalitions may choose to challenge the TNC if public hardships increase or if TNC decisions prove controversial.

Taken together, these factors suggest that securing U.S. interests in Libya will require sustained attention and resources beyond the scope of the current fighting. The Administration has not

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<sup>6</sup> The notification requirements were waived pursuant to Section 634a of the Foreign Assistance Act of 1961 and Sections 7015(f) and 7015 (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act (SFOAA), 2010 (Div. F, P.L. 111-117), as carried forward by the Full-Year Continuing Appropriations Act, 2011 (Div. B, P.L. 112-10). The notification states, “The fighting in Libya and NATO air strikes have left many ammunition storage areas totally unsecured and open to looting.... There is little or no perimeter security at the storage sites, and munitions and small arms and light weapons, including thousands of MANPADS, have been looted for weeks. It is critically important not only to the Libyan population, but to counter the threat of proliferation into neighboring regions that work begin immediately to collect, control, and destroy conventional weapons and munitions, and reestablish security at these storage sites. Terrorist groups are exploiting this opportunity and the situation grows more dangerous with each passing day, a situation that directly impacts U.S. national security.”

<sup>7</sup> Richard Spencer and Ruth Sherlock, “Libya’s Rebels To Run Out of Money ‘in Three Weeks,” *Telegraph* (UK), May 3, 2011.

<sup>8</sup> CRS review of unpublished NGO and unclassified State Department reporting, May 2011.

publicly disclosed any plans for U.S. participation in post-conflict security, stability, or reconstruction operations in Libya or planned requests for funding to support such efforts by third-parties, such as NATO, the European Union, the United Nations, or the African Union.

## **Cease-fire Proposals**

U.N. Security Council Resolution 1973 demands the immediate establishment of a cease-fire and a complete end to violence and all attacks against civilians. Qadhafi's government and the opposition TNC have endorsed the concept of a cease-fire and negotiated settlement, although each side has identified apparently non-negotiable and, to date, irreconcilable preconditions. Qadhafi and his supporters have demanded a halt to NATO air strikes prior to the establishment of an internationally monitored cease-fire. Qadhafi continues to insist that he holds no formal leadership position, while resisting any demand that he, his family, or their supporters relinquish their obvious grip on state power or leave the country. Official representatives of the TNC are demanding the departure of Qadhafi and his inner circle be ensured before any cease-fire or transitional arrangement is agreed.<sup>9</sup> In early April and again in late May, the TNC rejected an African Union (AU) cease-fire proposal on these grounds. The AU remains committed to achieving a negotiated solution to the conflict, and expressed this at the UN Security Council on June 15 and at a meeting in South Africa on June 26.

While a cease-fire and civilian protection are the twin political goals of Resolution 1973, the United States, many of its allies, and the Libyan opposition are committed to the goal of regime change—although the United States and some others have for now forsworn the use of force to achieve that outcome. U.S. military operations as a part of NATO's Operation Unified Protector are limited by U.N. mandate to the protection of civilians, even as their intensification makes it more likely that Qadhafi will lose his grip on power. Reconciling these goals remains the principal strategic challenge for the United States and its coalition partners. The United States and some of its NATO and coalition partners support the TNC's call for Qadhafi's departure from power, although the Obama Administration's views about specific cease-fire and transition proposals have not been made public.<sup>10</sup> United Nations Secretary General Ban Ki-moon and his special envoy, Jordanian former foreign minister Abdel Ilah Khatib, continue to pursue a cease-fire agreement, and have suggested that any such arrangement should be monitored and guarantee the withdrawal of all armed forces from populated areas, free access for humanitarian assistance, and free passage for third-country nationals seeking to leave Libya. The Secretary General has named U.K.-born Ian Martin his Special Adviser for post-conflict and transition issues in Libya.

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<sup>9</sup> TNC Chairman Mustafa Abdeljalil stated in an April interview with London-based newspaper *Al Hayat*, "We are prepared to negotiate over any peaceful solution that starts and ends with the departure of Al Qadhafi, and we are prepared to negotiate with any Libyan who has not participated in or caused the killing of Libyans." On April 29, TNC foreign affairs representative Ali al Issawi told London-based *Al Sharq Al Awsat* that, "any political process that does not include the departure of Al Qadhafi and his sons is unacceptable." OSC Report GMP20110422825001, "Libya: Transitional National Council Chairman on NATO, France, Peaceful Solution," April 22, 2011; and, OSC Report GMP20110429825003, "Libya: Transitional National Council's Ali Al Isawi on Political Solutions, NATO," April 29, 2011.

<sup>10</sup> On April 27, U.S. Ambassador to Libya Gene Cretz said, "I don't believe that any credible group or individual sees a solution to the Libyan problem without the removal of Muammar Qadhafi, one way or the other."

## **Arms and Military Support**

The United States and its allies have debated means for improving the military capabilities and effectiveness of opposition forces while expressing some concern about the identity and intentions of opposition fighters and the proliferation of small arms and heavy weaponry inside Libya since the conflict erupted. U.S. civilian defense officials and military officers have repeatedly expressed the view that pro-Qadhafi forces tactically and materially outmatch the opposition by a considerable degree, in spite of ongoing airstrikes.

Press accounts of fighting indicate that the Libyan military has deployed its equipment, including tanks, artillery, fighter aircraft, anti-aircraft weapons, mortars, snipers, and helicopters, in attacks on opposition forces and opposition-held cities. Opposition forces continue to deploy military equipment seized during the initial uprising and as a result of subsequent fighting, including small arms, rocket propelled grenades, multiple rocket launchers, and anti-aircraft weaponry. Shifts in tactics by pro- and anti-Qadhafi forces have complicated coalition air strike operations. Libyan military forces reportedly have made efforts to disguise their movements and position themselves near civilians to complicate targeting. Opposition forces have faced accidental strikes from NATO aircraft after failing to properly identify themselves and after shifting to the use of armored vehicles without communicating with the coalition.

U.S. officials have argued that the rebels' most pressing needs are command and control, communications, training, organization, and logistics support. However, the Administration notified Congress of plan to offer up to \$25 million in nonlethal material support to groups in Libya, including the TNC.<sup>11</sup> Deliveries have begun. The United Kingdom, Italy, and France have military advisers in Benghazi that are working to improve opposition command and control arrangements and communications outside of their government's support for NATO operations. Some third parties in Europe and among the Arab states may be considering new steps to arm or otherwise equip opposition forces; this is contemplated but not unconditionally authorized by Security Council Resolutions 1970 and 1973.

## **Libyan Assets, TNC Funding, and Oil Exports**

The United States and others have frozen tens of billions of dollars in Libyan state assets and the Obama Administration has placed targeted sanctions on Libyan oil companies in support of Executive Order 13566 and the recent U.N. Security Council resolutions on Libya. The intergovernmental Libya Contact Group has met three times to discuss the conflict and debate what form international support for the Libyan opposition should take. The Group has announced the establishment of a "temporary financial mechanism" to support the TNC,<sup>12</sup> to which Qatar has pledged \$100-500 million and Kuwait pledged \$180 million.

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<sup>11</sup> Items have been drawn from Defense Department stocks and may include medical first aid kits, stretchers, bandages & dressing, surgical tape, blankets, meals ready to eat, tents, sleeping bags, canteens, uniforms, boots, tactical load-bearing vests, bullet-proof vests, military helmets, maps, binoculars, infrared markers, panel marker, infrared (glint) tape, HESCOS (or sandbags), hand shovels, and 9 volt batteries. CRS communication with State Department, April 29, 2011.

<sup>12</sup> Over 20 Contact Group members attended the meeting in Rome including and officials from the Arab League, the African Union, the World Bank, NATO, the Gulf Cooperation Council (GCC), the Organization of the Islamic Conference (OIC), the United Arab Emirates (UAE), Australia, Bahrain, Denmark, France, Germany, Greece, Jordan, Morocco, Netherland, Poland, Romania, Malta, Canada, Tunisia, Spain, Turkey, the United Kingdom, the United States, Sudan and the Holy See. Portugal observed the meeting.

The TNC is seeking to create an arrangement that will give it unspecified access to seized funds or create a mechanism to provide humanitarian supplies in exchange for oil exports whose proceeds would be placed in escrow. The TNC has negotiated a limited oil export agreement with Qatar, whereby supplies have been delivered to eastern Libya, and Qatar's International Petroleum Marketing Company Ltd. (Tasweeq) has arranged for some shipments of petroleum products and crude oil from opposition-held ports in Benghazi and Tobruk. The Treasury Department has issued a Statement of Licensing Policy allowing U.S. persons to request from the Office of Foreign Assets Control (OFAC) "specific authorization to trade in hydrocarbon fuel (*i.e.*, oil, gas, and petroleum products) ...to the extent that such hydrocarbon fuel is exported under the auspices of the Transitional National Council of Libya."<sup>13</sup> The license further allows U.S. persons to request permission "to engage in transactions related to the production of oil, gas, and petroleum products in areas controlled by the Transitional National Council of Libya."

Since early March, some TNC representatives have met with U.S. State and Treasury Department officials to discuss the future disposition of Libyan state assets. The Administration has requested authority from Congress to use seized Libyan government assets "for costs related to providing humanitarian relief to and for the benefit of the Libyan people, consistent with the purposes of United Nations Security Council Resolutions 1970 (2011) and 1973 (2011) as determined in the sole discretion of the President or his designee."<sup>14</sup> Existing authorities under the International Emergency Economic Powers Act (IEEPA, 50 U.S.C. 1701 et seq.) allow the President to vest and administer seized assets in cases where the United States is engaged in "armed hostilities" or has been attacked. To date, the Administration has not described U.S. military operations in Libya in those terms and is seeking Libya-specific authority. The Libyan government has characterized proposals to use seized assets as "piracy," and the initiative may prove controversial with other international partners concerned about the precedent such a step might set.

## **Humanitarian Conditions and Relief**

The U.S. government and its allies are working to respond to the repatriation and humanitarian needs of thousands who have fled Libya and remain in temporary Tunisian and Egyptian border transit camps. According to the International Organization for Migration (IOM), as of June 14, over 1,035,650 people had fled the country since the fighting began, and as of June 24, roughly 2,000 migrants required evacuation assistance.<sup>15</sup> Humanitarian needs inside Libya are not fully known, but recent assessment visits indicate that the conflict is disrupting the supply of food, medicine, fuel, and other commodities on a nationwide basis. According to the U.N. Under-Secretary-General and Emergency Relief Coordinator Valerie Amos, "The manner in which the sanctions are implemented and monitored is causing serious delays in the arrival of commercial goods."<sup>16</sup> Food and medical relief continues to reach the besieged city of Misurata, where opposition forces have held out against government forces and the population and displaced third-country nationals face difficult humanitarian conditions. The International Committee of the Red

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<sup>13</sup> Office of Foreign Assets Control, Statement of Licensing Policy on the Trade in Oil, Gas, and Petroleum Products Exported Under the Auspices of the Transitional National Council of Libya," (Updated April 26, 2011), *available at* [http://www.treasury.gov/resource-center/sanctions/Programs/Documents/libya\\_oil\\_gas.pdf](http://www.treasury.gov/resource-center/sanctions/Programs/Documents/libya_oil_gas.pdf).

<sup>14</sup> House and Senate committee briefings on Administration-proposed legislation granting such authority (the "Libya Humanitarian Relief and Vesting Act") were held on May 11, 2011.

<sup>15</sup> IOM, Overall cross-border movements on 14 June, June 14, 2011; and, Response to the Libyan Crisis, External Situation Report, June 24, 2011.

<sup>16</sup> U.N. Document S/PV.6530, Provisional Record of the 6530<sup>th</sup> meeting of the Security Council, May 9, 2011.

Cross, the World Food Program, the IOM, and Turkey have completed significant humanitarian deliveries and evacuation operations in Misurata, in spite of attempts by pro-Qadhafi forces to blockade and mine the harbor.

According to Under-Secretary-General Amos and the International Organization for Migration (IOM), fighting in western Libya has displaced over 50,000 Libyan civilians who have fled into Tunisia. Italy and the European Union have expressed concern about the movements of migrants from Libya by sea, based on eyewitness accounts of Libyan government officials forcing migrants onto ships in unsafe conditions. Vessels carrying dozens and perhaps hundreds of migrants that have been lost at sea. According to the U.N. High Commissioner for Refugees, there has been a “dramatic increase” in the number of migrant ships departing Libya for Europe, many of which are lethally “unseaworthy” and “overcrowded.”

### **International Criminal Court and United Nations Human Rights Council Investigations**

On June 27, 2011, Pre-Trial Chamber I of the International Criminal Court (ICC) issued arrest warrants for three individuals, Muammar al Qadhafi, his son Sayf al Islam al Qadhafi, and intelligence chief Abdullah al Senussi for “crimes against humanity committed against civilians” not including “war crimes committed during the armed conflict that started at the end of February.”<sup>17</sup> ICC Prosecutor Luis Moreno-Ocampo requested the warrants on May 16. On May 4, Moreno-Ocampo reported to the Security Council pursuant to the referral of the situation in Libya to the ICC by Resolution 1970,<sup>18</sup> and stated that the preliminary investigation conducted by the ICC prosecutor’s office “establishes reasonable grounds to believe that widespread and systematic attacks against the civilian population, including murder and persecution as crimes against humanity, have been and continue to be committed in Libya,” in addition to “war crimes” during the ongoing armed conflict. Some observers have argued that the prospect of an ICC trial makes it less likely that Qadhafi will agree to relinquish power.<sup>19</sup>

The U.N. Human Rights Council Commission of Inquiry also has completed a series of interviews and site visits in western and eastern Libya and issued a report on its findings on June 1, 2011.<sup>20</sup> The report characterizes the conflict as “a civil war” and concludes that “international crimes, and specifically crimes against humanity and war crimes, have been committed in the Libyan Arab Jamahiriya.” With regard to government forces,

The commission has found that there have been acts constituting murder, imprisonment, other forms of severe deprivation of physical liberty in violation of fundamental rules of international law, torture, persecution, enforced disappearance and sexual abuse that were committed by Government forces as part of a widespread or systematic attack against a civilian population with knowledge of the attack. ...The consistent pattern of violations

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<sup>17</sup> ICC Prosecutor’s Office, Public Redacted Version of Prosecutor’s Application Pursuant to Article 58 as to Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi, and Abdullah Al Senussi,” May 16, 2011.

<sup>18</sup> U.N. Document S/PV.6528, Provisional Record of the 6528<sup>th</sup> meeting of the Security Council, May 4, 2011.

<sup>19</sup> For example, see International Crisis Group, “Popular Protest in North Africa and the Middle East (V): Making Sense of Libya,” Middle East/North Africa Report No. 107, June 6, 2011.

<sup>20</sup> The commission members are Cherif Bassiouni of Egypt, Asma Khader of Jordan, and Philippe Kirsch of Canada. See U.N. Document A/HRC/17/44, “Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya,” June 1, 2011.

identified creates an inference that they were carried out as a result of policy decisions by Colonel Qadhafi and members of his inner circle. Further investigation is required in relation to making definitive findings with regard to the identity of those responsible for the crimes committed.

With regard to opposition forces, the commission “established that some acts of torture and cruel treatment and some outrages upon personal dignity in particular humiliating and degrading treatment have been committed by opposition armed forces, in particular against persons in detention, migrant workers and those believed to be mercenaries.” These acts constitute war crimes. The commission “is not of the view that the violations committed by the opposition armed forces were part of any ‘widespread or systematic attack’ against a civilian population such as to amount to crimes against humanity.” The commission considers its findings in light of the future transitional justice needs of the Libyan people and recommends that the Human Rights Council establish a mechanism to continue the monitoring and investigation of human rights abuses in Libya for a period of one year.

## **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 the Libyan’s government’s violent response to the uprising. Qadhafi and his supporters maintain that they have not purposefully targeted civilians and that the international response is an overreaction based on misinformation or a conspiracy. Some parties, including the United States and the European Union, have called for Qadhafi to step down. He maintains that he has no formal political authority to relinquish, and his supporters claim they are acting legitimately to put down an internal rebellion.

The United States, the European Union, Russia, Japan, South Korea, and other countries have enacted targeted sanctions on Qadhafi and his key supporters, and they 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 military operations to protect Libyan civilians (see “No-Fly Zone, Arms Embargo, and Civilian Protection Operation” below).

The United States began military operations against Libyan military targets on March 19. As of June 28, a coalition consisting of some members of the North Atlantic Treaty Organization (NATO) plus partner countries such as Sweden, the United Arab Emirates, Jordan, Morocco, and Qatar was supporting military operations to protect civilians, enforce the arms embargo, and/or enforce the no-fly zone in support of Resolution 1973. NATO commands all three components of the coalition operations under the guise of Operation Unified Protector, which NATO has

authorized to continue for a further 90 days from June 27, subject to national decisions (see “The North Atlantic Treaty Organization (NATO)” below).

## **Current U.S. Policy**

Beginning in early March, U.S. military forces were deployed in the Mediterranean region to participate in humanitarian relief operations and serve in a reserve capacity pending decisions about military intervention. Coalition military operations to enforce U.N. Security Council Resolution 1973 began on March 19 and continued under the auspices of the U.S.-led Operation Odyssey Dawn through the assumption of command by NATO on March 31. U.S. military forces remain engaged, but are now undertaking fewer missions under the auspices of NATO-led Operation Unified Protector than they initially did under the auspices of U.S. Operation Odyssey Dawn. Since March 19, U.S. forces and their coalition partners have succeeded in dismantling Libya’s air defenses and striking pro-Qadhafi units that continue to target opposition held areas and threaten Libyan civilians.

On May 20, President Obama wrote to Congress and stated that “U.S. involvement has assumed a supporting role in the coalition’s efforts,” and expressed his view that “U.S. support for the NATO-based coalition remains crucial to assuring the success of international efforts to protect civilians.”<sup>21</sup> According to the President, U.S. operations now consist of “non-kinetic support to the NATO-led operation, including intelligence, logistical support, and search and rescue assistance,” “the suppression and destruction of air defenses in support of the no-fly zone,” and “precision strikes by unmanned aerial vehicles against a limited set of clearly defined targets in support of the NATO-led coalition’s efforts.” The President expressed support for a proposed Senate resolution (S.Res. 194) that “would confirm that the Congress supports the U.S. mission in Libya,” calling such congressional support “important in the context of our constitutional framework.”

A series of proposed Senate and House resolutions and amendments have sought to assert that Congress has not authorized the continuation of U.S. military operations in Libya and to require the President to seek explicit congressional authorization or otherwise place limits or conditions on further military operations (see below).

## **Administration Views and Action Prior to the Use of Force**

The immediate U.S. response to the outbreak of unrest in Libya in February 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.<sup>22</sup> 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. A series of strong statements, diplomatic consultations, and targeted actions followed in the wake of the initial response:

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<sup>21</sup> President Barack Obama, Letter to Speaker of the House John Boehner, May 20, 2011.

<sup>22</sup> Libyan demonstrators attacked and burned the former U.S. Embassy in December 1979, without apparent Libyan government intervention.

- 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.”<sup>23</sup>
- 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.<sup>24</sup> The Administration has since expanded the list of designated entities and individuals.<sup>25</sup>
- 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.<sup>26</sup>

- 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 take place there.”<sup>27</sup> 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 (TNC) foreign affairs representative Mahmoud Jibril in Paris. The United States has not formally recognized the TNC or publicly signaled its intent to provide material support to the group, although the Administration has allowed the Council to establish a representative office in Washington, DC. (See “Interim Transitional National Council (TNC),” below.)

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<sup>23</sup> Full text of President Obama’s remarks at <http://www.whitehouse.gov/blog/2011/02/23/president-obama-speaks-turmoil-libya-violence-must-stop>.

<sup>24</sup> 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>.

<sup>25</sup> 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.

<sup>26</sup> Video available at <http://www.whitehouse.gov/photos-and-video/video/2011/03/03/president-obama-s-press-availability-president-calder-n-statement->

<sup>27</sup> Steve Hendrix, Leila Fadel and Debbi Wilgoren, “Gaddafi forces attack rebels anew, even as regime appears to seek talks,” *Washington Post*, March 7, 2011.

- 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.

The advance of Muammar al Qadhafi's military forces toward the opposition-held cities of eastern Libya raised the prospect that Libyan civilians could be targeted and a humanitarian crisis could ensue. During the week of March 17, Qadhafi and his supporters offered clear terms to opposition fighters and the people of Benghazi in a series of nationally broadcast statements via state television and radio. These statements characterized the military advance as a "humanitarian operation" and called on citizens disarm in exchange for "general amnesty" and "protection" or to choose exile.<sup>28</sup> Statements said "We will not show mercy to any traitor," and those refusing Qadhafi's terms were told that they were "rats," "apostates," and "traitors" and would face a "purge" that would proceed "room by room" and "individual by individual."<sup>29</sup> On March 17, Qadhafi promised "relief and bounties" to the "beloved" people of Benghazi and pledged to, "wipe out this filth."<sup>30</sup> The Obama Administration engaged in an intense flurry of diplomatic consultation that contributed to the passage of U.N. Security Council Resolution 1973 on March 17.

On March 18, President Obama made a statement on U.S. policy in light of the new U.N. resolution.<sup>31</sup> The President stated that "a cease-fire must be implemented immediately," and "all attacks against civilians must stop." He specified that "Qaddafi must stop his troops from advancing on Benghazi, pull them back from Ajdabiya, Misurata, and Zawiya, and establish water, electricity and gas supplies to all areas. Humanitarian assistance must be allowed to reach the people of Libya." President Obama underscored that the terms were "not negotiable" and warned Qadhafi that if he did not "comply with the resolution, the international community will impose consequences, and the resolution will be enforced through military action." He identified the "focus" of U.S. policy as "protecting innocent civilians within Libya, and holding the Qaddafi regime accountable." Lastly, President Obama stated that "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."

### **No-Fly Zone, Arms Embargo, and Civilian Protection Operations<sup>32</sup>**

On March 21, President Obama wrote to congressional leaders announcing that U.S. military forces had commenced operations in Libya on March 19 "to prevent a humanitarian catastrophe and address the threat posed to international peace and security by the crisis in Libya" and "for

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<sup>28</sup> OSC Report GMP20110316950007, "Libyan Army Announces Advance on Benghazi," March 16, 2011; and, OSC Report GMP20110317676005, "Al-Qadhafi Asks Benghazi People To Abandon 'Traitors;' Vows to 'Confront' NATO," March 17, 2011.

<sup>29</sup> "Statement on Libyan TV Says Qadhafi Forces Await 'Zero Hour' To Retake Benghazi," OSC Report GMP20110316950075, March 16, 2011; and, OSC Report GMP20110317676005.

<sup>30</sup> OSC Report GMP20110317676005.

<sup>31</sup> 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>.

<sup>32</sup> For detailed information about U.S. military operations under Operation Odyssey Dawn, including initial congressional authorization debates and estimates of the potential costs of U.S. operations, see CRS Report R41725, *Operation Odyssey Dawn (Libya): Background and Issues for Congress*, coordinated by Jeremiah Gertler, and CRS Report R41701, *No-Fly Zones: Strategic, Operational, and Legal Considerations for Congress*, coordinated by Jeremiah Gertler.

the purposes of preparing a no-fly zone.”<sup>33</sup> The President stated that the “strikes will be limited in their nature, duration, and scope” and that “their purpose is to support an international coalition as it takes all necessary measures to enforce the terms of U.N. Security Council Resolution 1973.” He added that, “United States military efforts are discrete and focused on employing unique U.S. military capabilities to set the conditions for our European allies and Arab partners to carry out the measures authorized by the U.N. Security Council Resolution.” President Obama cited his “constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive,” and stated he was reporting to Congress “to keep the Congress fully informed, consistent with the War Powers Resolution.”<sup>34</sup>

In an address to the nation on March 28, President Obama identified U.S. strategic interests in “preventing Qadhafi from overrunning those who oppose him,” including preventing a massacre that might create destabilizing refugee flows into Tunisia or Egypt.<sup>35</sup> He also cited the possibility that regional leaders would assume violent repression was acceptable and that the U.N Security Council would not act to uphold peace and security. President Obama emphasized his view that “broadening our military mission to include regime change would be a mistake.”

The civilian protection provisions of Resolution 1973 authorize member states to use “all means necessary” short of foreign military occupation, which, given the security situation described above, NATO and partner countries have interpreted to include a wide range of military 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 and are now doing so. All authorized flights are to be coordinated with the U.N. Secretary General and the Arab League Secretary General. The resolution calls on U.N. 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 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. The U.S. military’s newest combatant command, U.S. Africa Command (AFRICOM) took the lead on Operation Odyssey Dawn, overseeing U.S. forces delivering humanitarian relief,<sup>36</sup> enforcing the no-fly zone and arms embargo, and conducting strikes to protect civilians in Libya. General Carter F. Ham, who assumed command of AFRICOM on March 9, serves as theater commander for U.S. Libya operations and U.S. forces now contributing to the NATO-led Operation Unified

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<sup>33</sup> President Barack Obama, Letter from the President Regarding the Commencement of Operations in Libya, March 21, 2011. Available at <http://www.whitehouse.gov/the-press-office/2011/03/21/letter-president-regarding-commencement-operations-libya>.

<sup>34</sup> For information about the War Powers Resolution, see CRS Report R41199, *The War Powers Resolution: After Thirty-Six Years*, by Richard F. Grimmett.

<sup>35</sup> President Barack Obama, Remarks by the President in Address to the Nation on Libya, March 28, 2011. Available at <http://www.whitehouse.gov/the-press-office/2011/03/28/remarks-president-address-nation-libya>.

<sup>36</sup> Under the auspices of Operation Odyssey Dawn, U.S. Africa Command, with support from Air Mobility Command and Naval Forces Europe-Africa assets, oversaw 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.

Protector (see “The North Atlantic Treaty Organization (NATO)” below). Tactical U.S. operations for Operation Odyssey Dawn were coordinated by a Joint Task Force under Admiral Sam Locklear. Admiral Locklear serves jointly as Commander of U.S. Naval Forces Europe and Africa, and as Commander of Allied Joint Force Command, Naples, which now has operational responsibility for NATO’s Operation Unified Protector in Libya and the Mediterranean.

## **U.S. Humanitarian Operations**

The Administration also has deployed joint State Department/USAID humanitarian assessment teams (HATs) to the Tunisia-Libya and Libya-Egypt borders.<sup>37</sup> As of July 5, USAID had provided \$20 million to implementing partners for humanitarian relief purposes, while the State Department had provided \$60 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.<sup>38</sup> Over \$950,000 has been spent on conventional weapons destruction programs. The Administration also estimates that the U.S. government has spent \$1.1 million on in-kind transfers of third-country nationals from Tunisia to Egypt. 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.”<sup>39</sup>

## **U.S. Engagement with and Assistance to the Libyan Opposition**

The infusion of popular support and regime defectors to the general opposition cause inside Libya was welcomed by many established opposition groups, even if the specific political demands of newly active opposition supporters and their compatibility with the agendas of the established groups were not clear. Key current questions for U.S. policymakers include determining international views on assistance to the TNC and cease-fire negotiations and assessing the capabilities of and monitoring the activities of various opposition elements. The U.S. government has suspended but not severed diplomatic relations with the Qadhafi government, for the purposes of retaining the ability to assert in international fora that government’s responsibility for its actions.

Official U.S. statements have shifted from emphasizing a lack of knowledge about the opposition to offering informal endorsement of the TNC.<sup>40</sup> The U.S. government, via a deployed State

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<sup>37</sup> 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](http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/libya/template/index.html).

<sup>38</sup> USG Humanitarian Fact Sheet #28, Fiscal Year (FY) 2011, May 26, 2011.

<sup>39</sup> Presidential Determination No. 2011-8, Unexpected Urgent Refugee and Migration Needs Related to Libya, March 7, 2011.

<sup>40</sup> On March 28, U.S. Vice Admiral Bill Gortney stated his view that “the opposition is not well organized, and it is not a very robust organization.” He further indicated that the United States “would like a much better understanding of the opposition,” and that U.S. officials are “trying to fill in” what he characterized as “knowledge gaps.” The U.S. State Department has dispatched a senior diplomat to Benghazi to serve as a liaison to the ITNC. On April 12, a State Department spokesman said “we’re getting a better sense as a result of these meetings of both the [ITNC] and its vision for Libya going forward.” On April 21, Secretary of Defense Robert Gates said that U.S. knowledge of Benghazi-based (continued...)

Department and U.S. Agency for International Development liaison team (and reported intelligence operations), appears to have completed a preliminary assessment of the TNC and determined it to be “a serious group worthy of support”<sup>41</sup> and “a credible and legitimate interlocutor for the Libyan people.”<sup>42</sup> To date, the United States has not joined other governments in extending formal diplomatic recognition to the TNC, but has allowed the TNC to establish a formal representative office in Washington, DC. On June 9, Secretary of State Hillary Clinton referred to the TNC as “the legitimate interlocutor for the Libyan people.” The extent of U.S. government engagement with non-TNC groups and individuals is not publicly known.

On April 15, the Administration notified Congress of its intent to authorize the “drawdown of up to \$25 million in non-lethal commodities and services” from U.S. government inventories and resources “to support key U.S. government partners such as the Transitional National Council (TNC) in efforts to protect civilians and civilian populated areas under threat of attack in Libya.”<sup>43</sup> The commodities listed in the initial notification were designated as “non-lethal” and “may include but not be limited to, vehicles, fuel trucks and fuel bladders, ambulances, medical equipment, protective vests, binoculars, and non-secure radios.” President Obama issued the determination authorizing the drawdown on April 26 and deliveries have begun. Some press reports also suggest that President Obama has authorized U.S. intelligence agencies to conduct unspecified missions in Libya in support of the Libyan opposition. The Administration has declined to comment on those reports. As of July 5, President Obama had not ruled out the provision of direct U.S. security assistance to the Libyan opposition.

## **Congressional Action, War Powers, and Authorization Debates**

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 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 the use of U.S. Armed Forces with regard to the Libyan conflict. Some Members of Congress continue to debate the rationale, timing, authorization, goals, costs, and implications of ongoing U.S. military operations and U.S. policy toward Libya more broadly.

On June 3, the House of Representatives adopted a resolution (H.Res. 292) calling on the Administration to submit material documenting its consultation with Congress on Libya and requesting the submission of a report within 14 days “describing in detail United States security interests and objectives, and the activities of United States Armed Forces, in Libya since March 19, 2011.” That report was submitted on June 15, 2011. The views and proposed legislation

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(...continued)

opposition groups has improved, but that “there is still a lot we don’t know about the opposition.” Secretary of Defense Robert M. Gates and Vice Chairman of the Joint Chiefs of Staff Gen. James Cartwright, DOD News Briefing, April 21, 2011.

<sup>41</sup> Testimony of Deputy Secretary of State Jim Steinberg, Senate Foreign Relations Committee, May 12, 2011.

<sup>42</sup> U.S. State Department, Office of the Spokesman, “Media Note: Assistant Secretary Feltman’s Travel to Benghazi,” Washington, DC, May 23, 2011.

<sup>43</sup> Memorandum of Justification Pursuant to Section 552(C)(2) of the Foreign Assistance Act for a Drawdown to Support Efforts to Protect Civilians and Civilian-Populated Areas Under Threat of Attack in Libya, April 15, 2011.

described below reflect a cross-section of congressional opinion on these subjects for illustrative purposes and are not exhaustive.

### **Select Legislation and Statements**

- 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)<sup>44</sup> 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 Under Secretary 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. The range of views discussed in that hearing largely reflect the

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<sup>44</sup> 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.

range of views that were prevailing in the Congress as a whole prior to the start of U.S. military operations.

The congressional response to the start of U.S. military operations featured expressions of support, expressions of opposition, and calls for further consultation and clarity on the part of the President and his Administration. On March 23, Speaker of the House John Boehner wrote a letter to President Obama, posing a number of specific questions about the goals, command, funding, and metrics for U.S. military operations in Libya and stating:<sup>45</sup>

I and many other members of the House of Representatives are troubled that U.S. military resources were committed to war without clearly defining for the American people, the Congress, and our troops what the mission in Libya is and what America's role is in achieving that mission. In fact, the limited, sometimes contradictory, case made to the American people by members of your Administration has left some fundamental questions about our engagement unanswered.... It is regrettable that no opportunity was afforded to consult with Congressional leaders, as was the custom of your predecessors, before your decision as Commander-in-Chief to deploy into combat the men and women of our Armed Forces.

The White House and executive branch agencies since have engaged in further consultations with Congress regarding U.S. policy and military operations in Libya. On May 20, President Obama wrote to Congress and stated that "U.S. involvement has assumed a supporting role in the coalition's efforts," and expressed his view that "U.S. support for the NATO-based coalition remains crucial to assuring the success of international efforts to protect civilians."<sup>46</sup> According to the President, U.S. operations now consist of "non-kinetic support to the NATO-led operation, including intelligence, logistical support, and search and rescue assistance," "the suppression and destruction of air defenses in support of the no-fly zone," and "precision strikes by unmanned aerial vehicles against a limited set of clearly defined targets in support of the NATO-led coalition's efforts." The President expressed support for a proposed Senate resolution (S.Res. 194, see below) that he believes "would confirm that the Congress supports the U.S. mission in Libya," calling such congressional support "important in the context of our constitutional framework."

Several bills proposed since the start of military operations seek to address the question of the authorization of the use of force, the costs of U.S. military operations, and the Administration's current strategic goals and operational plans.

- Two proposed House resolutions, H.Res. 208 and H.Res. 209, would direct the Secretary of Defense and the Secretary of State to transmit copies of any and all documents and/or correspondence created on or after February 15, 2011, that "refers or relates to ... consultation or communication with Congress regarding the employment or deployment of the Armed Forces for Operation Odyssey Dawn or military actions in or against Libya." The resolutions were reported, and their content was incorporated into H.Res. 292.
- H.R. 1212 would direct the President to "cease the use of force in, or directed at, the country of Libya by the United States Armed Forces unless a subsequent Act

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<sup>45</sup> Speaker Boehner Letter to President Obama on Military Action in Libya, March 23, 2011. Available at [http://www.speaker.gov/UploadedFiles/POTUSLetter\\_032311.pdf](http://www.speaker.gov/UploadedFiles/POTUSLetter_032311.pdf).

<sup>46</sup> President Barack Obama, Letter to Speaker of the House John Boehner, May 20, 2011.

- specifically authorizes such use of force.” The bill would prohibit the use of appropriated funds for the use of force by the U.S. military in Libya.
- H.Con.Res. 32 states the sense of the Congress that the President should “obtain specific statutory authorization for the use of United States Armed Forces in Libya within 60 days” or terminate related U.S. military operations.
  - H.Con.Res. 51 would have required the President to withdraw U.S. military forces from Libya within 15 days. It failed by a vote of 148 to 265 (Roll no. 412) on June 3.
  - H.R. 1323 would require the Administration to provide an estimate of the cost of U.S. military operations in Libya in FY2011 and to identify identical corresponding recisions to non-security discretionary spending accounts to offset the cost of U.S. Operation Odyssey Dawn and participation in NATO’s Operation Unified Protector.
  - S.J.Res. 13 would declare that a state of war exists between the United States and the government of Libya and authorize the President “to employ the entire naval and military forces of the United States and the resources of the United States Government to carry on war against the Government of Libya.”
  - S.Res. 146 would state the sense of the Senate that “United States military intervention in Libya, as explained by the President, is not in the vital interests of the United States.” It would also call on the President to obtain authorization for further engagement and call on NATO allies and the Arab League to make contributions to ongoing operations commensurate with their stated interests.
  - S.Res. 148 would state the sense of the Senate that President Obama should seek authorization for the use of force in Libya and would call on the President to submit “a detailed description of United States policy objectives in Libya, both during and after Muammar Qaddafi’s rule; a detailed plan to achieve those objectives; a detailed estimate of the full cost of the United States military operations in Libya and any other actions required to implement the plan; and a detailed description of the limitations the President has placed on the nature, duration, and scope of United States military operations in Libya, as referenced in his March 21, 2011, letter to Congress.”
  - S.Res. 194 would state that the Senate “supports the limited use of military force by the United States in Libya as part of the NATO mission to enforce United Nations Security Council Resolution 1973.” It also states the Senate’s support for the goal of achieving Muammar al Qadhafi’s departure from power and the return of seized Libyan government assets “to the Libyan people for their benefit.” S.Res. 194 further calls on the President to submit a report on U.S. objectives.

President Obama endorsed S.Res. 194 in his May 20 letter to Congress, writing that, in his view, the resolution “would confirm that the Congress supports the U.S. mission in Libya.” On June 5, Senator Richard Lugar wrote an opinion article in the *Washington Post* that argues the non-binding Senate resolution endorsed by President Obama:

would lower the standard for congressional authorization for the use of military force and would forfeit the Senate’s own constitutional role. By setting this precedent in the interests of expediency, Congress would make it far more likely that future presidents will deem a nonbinding vote in one house as sufficient to initiate or continue a war, or marginalize

Congress's involvement in far more consequential war-making decisions than we face now in Libya.<sup>47</sup>

## **The United Nations and 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.”<sup>48</sup>

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.<sup>49</sup> 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 delivered its report in early June 2011 (see “International Criminal Court and United Nations Human Rights Council Investigations” above).<sup>50</sup>

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<sup>47</sup> Senator Richard G. Lugar, “The Obama administration’s dangerous course on Libya,” *Washington Post*, June 5, 2011.

<sup>48</sup> United Nations Security Council Department of Public Information, “SC/10180, AFR/2120: Security Council Press Statement on Libya,” February 22, 2011.

<sup>49</sup> 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.

<sup>50</sup> The commission members are Cherif Bassiouni of Egypt, Asma Khader of Jordan, and Philippe Kirsch of Canada. See U.N. Document A/HRC/17/44, “Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya,” June 1, 2011.

United Nations Secretary-General Ban Ki-moon has named former Jordanian Foreign Minister Abdul Ilah Khatib as his Special Envoy for Libya. Khatib visited Tripoli and opposition controlled eastern Libya to assess the situation and meet with senior Libyan officials. He reiterated calls for an end to violence. On March 24, the Secretary General reported on his Special Envoy's preliminary findings and said, "We continue to have serious concerns ... about the protection of civilians, abuses of human rights and violations of international humanitarian law, and the access of civilian populations to basic commodities and services in areas currently under siege." He added that Khatib's mission "was too brief to reach definitive conclusions about the human rights situation, but they found many worrying signs, including threats and incitement against the armed opposition." U.N. Humanitarian Coordinator for Libya Rashid Khalikov also visited Libya over the weekend of March 11 to March 13. The sanctions committee established pursuant to Resolution 1970 has commenced work and issued preliminary guidelines for its operations.<sup>51</sup> The committee will be chaired by José Filipe Moraes Cabral of Portugal through the end of 2011.

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.

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;
- 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;"

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<sup>51</sup> Committee information available at <http://www.un.org/sc/committees/1970/>. Security Council Committee Established Pursuant to Resolution 1970 (2011) Concerning the Libyan Arab Jamahiriya, "Chairman's report pursuant to paragraph 24 (e) of Security Council resolution 1970 (2011)," March 28, 2011; and, "Provisional Guidelines of the Committee for the Conduct of its Work," March 25, 2011.

- 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 the ongoing NATO-led military intervention. Both the Arab League and the African Union have taken strong stands against Qadhafi supporters' use of violence against civilians and opposition groups. Both bodies also have expressed some concern about the scope and potential effects of outside intervention.

### *The Arab League*

On February 22, the League of Arab States met in Cairo and suspended Libya from League meetings.<sup>52</sup> 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:

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.<sup>53</sup>

The Arab League Council further signaled its intent to contact and cooperate with the Libyan opposition Interim Transitional National Council (TNC). 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 viewed 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 cautioned that the apparent consensus at the Arab League meeting masked 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.<sup>54</sup>

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<sup>52</sup> See Arabic original statement at: [http://www.arableagueonline.org/lasimages/picture\\_gallery/bayan22-2-2011.doc](http://www.arableagueonline.org/lasimages/picture_gallery/bayan22-2-2011.doc).

<sup>53</sup> OSC Report GMP20110314950010, “Arab League Urges U.N. to Impose No-Fly Zone Over Libya,” March 12, 2011.

<sup>54</sup> 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 (continued...)

Those concerns appeared to be borne out when coalition military strikes against Libyan ground forces appeared to cause some dissension among some Arab governments and leaders after the start of operations on March 19. 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. On March 21, Arab League Secretary General Amr Moussa said that, from the Arab League's perspective, the purpose of military operations and Resolution 1973 is "not to give the rebels support. It is not a question of supporting a regime, a government or a council."<sup>55</sup> He predicted that if Muammar al Qadhafi remains in control of some or all of Libya then the result could be "a prolonged case of civil war and tension and destruction of Libya."

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 military intervention, including the imposition of a no-fly zone and strikes on Libyan ground forces. 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 has sought "active Arab partnership"<sup>56</sup> and President Obama has cited the Arab League's request for international support in his correspondence with Congress. Qatar has deployed six Mirage fighter aircraft and two C-17A aircraft for the no-fly zone and relief operations. Qatari fighter aircraft are now participating in no-fly zone patrols. On March 28, Qatar announced that it recognizes the TNC as the legitimate representative of the Libyan people. Some press reports suggest that Qatar also may be providing some arms to the Libyan opposition, but Qatari officials have not confirmed or denied those reports. The United Arab Emirates has deployed six F-16 and six Mirage fighter aircraft for the no-fly zone operation, and one Emirati F-16 was damaged on landing in April. Jordan and Morocco provide non-combat support to coalition operations.

### *The African Union*

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 move 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.<sup>57</sup> However, the AU has stopped short of taking collective punitive action against Libya or Qadhafi. The AU has named an ad hoc high level committee to engage directly with Libyan parties and African governments. The ad hoc committee is made up of the AU Commission president and the current presidents of Mali,

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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.

<sup>55</sup> Raghida Dergham, "Interview with Amr Moussa: The Goal in Libya Is Not Regime Change," *International Herald Tribune*, March 23, 2011.

<sup>56</sup> Testimony of Under Secretary of State William Burns, before the Senate Foreign Relations Committee, March 17, 2011.

<sup>57</sup> African Union (AU), Communiqué of the 261<sup>st</sup> Meeting of the Peace and Security Council, February 23, 2011.

Uganda, the Republic of Congo, Mauritania, and South Africa. 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 AU continues to call for an “immediate cessation of all hostilities,” and participants at a high level consultative meeting on Libya in Addis Ababa, Ethiopia, on March 25 issued a roadmap calling for:

“the protection of civilians and the cessation of hostilities; humanitarian assistance to affected populations...; initiation of a political dialogue between the Libyan parties in order to arrive at an agreement on the modalities for ending the crisis; establishment and management of an inclusive transitional period; and adoption and implementation of political reforms necessary to meet the aspirations of the Libyan people.”<sup>58</sup>

The AU Assembly reiterated its support for the Roadmap on May 25, and called for an immediate cease-fire and pause in the fighting and in the NATO airstrikes to facilitate humanitarian access. The Assembly also criticized what it views as the marginalization of African attempts to resolve the crisis and “expressed deep concern at the dangerous precedence being set by one-sided interpretations” of the U.N Security Council resolutions, “in an attempt to provide a legal authority for military and other actions on the ground that are clearly outside the scope of these resolutions.”<sup>59</sup> The ad hoc committee’s attempt to broker a cease-fire faltered in early April and again in late May, after the opposition rejected an AU cease-fire proposal on the grounds that Qadhafi and his family would not be barred from further political participation.

## **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.<sup>60</sup>

The EU sanctions now in place reflect the terms of the arms embargo and targeted sanctions mandated in UNSC Resolutions 1970 and 1973 and expand them to include a visa ban and asset freezes on additional individuals. The EU has expanded its targeted sanctions list to include Libya’s National Oil Company and other oil institutions and five Libyan financial institutions, including the LIA and Libya’s Central Bank.<sup>61</sup> The European Council of Heads of State and

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<sup>58</sup> AU, Communiqué, Consultative Meeting on the Situation in Libya, Addis Ababa, Ethiopia, March 25, 2011.

<sup>59</sup> AU Assembly, Decision on the Peaceful Resolution of the Libyan Crisis, EXT/ASSEMBLY/AU/DEC/(01.2011), Addis Ababa, Ethiopia, May 25, 2011.

<sup>60</sup> 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.

<sup>61</sup> 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; and, Council Decision (continued...)

Government met on March 11 and issued a “Declaration on the EU’s Southern Neighborhood and Libya,” stating that “Colonel Qadhafi must relinquish power immediately,” but stopping short of endorsing military action to achieve that goal.<sup>62</sup>

Prior to the start of coalition military operations, EU member states took a range of positions on the conditions under which they might support military intervention and the necessary authorizations and proper mechanisms for doing so. Some EU member states such as the United Kingdom, France, Spain, Greece, Denmark, and Italy have taken an active role in the military operations, while others, such as Germany have declined to endorse or actively participate in the civilian protection or no-fly zone aspects of the NATO-led military intervention.<sup>63</sup>

On May 24, the European Council reiterated “its call for an immediate and genuine cease-fire, the fact that Colonel Qadhafi has lost legitimacy and that he must relinquish power immediately.” The Council referred to the opposition TNC as “a key political interlocutor representing the aspirations of the Libyan people” and noted its decision “to intensify its efforts to block access of resources and funding to the Qadhafi regime, with the necessary humanitarian exemptions.”<sup>64</sup>

On the humanitarian front, as of June 21, the EU, acting through the European Commission, and EU member states had committed €144.8 million (~\$202.7 million) in cash and in-kind donations to support the creation and maintenance of transit facilities, to provide relief to individuals, and to repatriate EU and third-country nationals.<sup>65</sup> 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 United States and other donors. Member states such as Italy and Malta are particularly concerned about increased 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 European Union has held consultations and completed planning for a military operation “to secure sea and land corridors inside the country” to protect the delivery of humanitarian assistance to Misurata and areas where civilians are at risk. The European Council restated its willingness to act in this regard on May 25, pending a request from the U.N. Office for the Coordination of Humanitarian Affairs. Any deployment of European Union forces would require authorization from the U.N. Security Council.

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2011/178/CFSP of 23 March 2011 amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya.

<sup>62</sup> Extraordinary European Council Declaration on the EU’s Southern Neighborhood and Libya, March 11, 2011.

<sup>63</sup> 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.”

<sup>64</sup> European Council, Libya - Council Conclusions, 10583/1/11 REV 1, May 24, 2011.

<sup>65</sup> European Commission, Humanitarian Aid and Civil Protection, Factsheet Libyan Crisis, June 21, 2011.

## **The North Atlantic Treaty Organization (NATO)<sup>66</sup>**

As of March 31, after nearly two weeks of coalition air operations under U.S. command, the North Atlantic Treaty Organization (NATO) assumed command and control of coalition military operations in Libya. According to NATO Secretary General Anders Fogh Rasmussen, the goal of NATO's Operation Unified Protector (OUP) is "to protect civilians and civilian-populated areas under threat of attack from the Gaddafi regime." This entails: (1) enforcing a UN-mandated arms embargo; (2) enforcing a no-fly zone over Libyan territory; and (3) protecting civilians and civilian population areas from being attacked by military forces from the Qadhafi regime. OUP is commanded by Canadian Air Force Lieutenant General Charles Bouchard, headquartered at the Allied Joint Force Command in Naples, Italy. He reports to Joint Force Commander U.S. General Sam Locklear, who in turn reports to NATO Supreme Allied Commander U.S. Admiral James Stavridis.

As of June 28, NATO member states and partner countries, including the United States, had committed 244 aircraft and 19 naval vessels to the NATO mission.<sup>67</sup> Since taking over command of military operations, allied fighter planes have conducted an average of approximately 150 sorties daily, over one-third of which have been to either identify or strike ground targets.<sup>68</sup>

The decision to bring coalition military operations under NATO command and control capped several weeks of increasing allied involvement in the mission. Since March 8, NATO has been conducting 24-hour air surveillance of Libyan territory and the Central Mediterranean, using AWACS aircraft deployed as part of NATO's Operation Active Endeavor, NATO's long-standing counterterrorism and maritime security operation in the Mediterranean Sea.<sup>69</sup> On March 23, NATO launched a maritime operation to enforce the arms embargo against the Libyan regime. Naval vessels and aircraft participating in the operation are charged with monitoring the Central Mediterranean off the Libyan coast and, if necessary, interdicting and diverting any vessels suspected of carrying illegal arms or mercenaries in violation of the arms embargo. On March 24, the allies agreed to take command of air operations to enforce the no-fly zone over Libya. The first no-fly zone missions under NATO command began on Sunday, March 27. Finally, also on March 27, NATO Secretary General Rasmussen announced that the alliance would expand the scope of its mission to include implementing all military aspects of UNSCR 1973, including the protection of civilians and civilian areas through possible air strikes on ground forces loyal to Qadhafi.

In spite of statements underscoring NATO unity on the mission to date, the planning and operational phases have also been marked by significant levels of discord within Europe and

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<sup>66</sup> Prepared by Paul Belkin, Analyst in European Affairs, ext. 7-0220.

<sup>67</sup> CRS communication with NATO public affairs personnel. NATO does not make individual member state contributions public. According to press reports, in addition to the United States, NATO member states Belgium, Canada, Denmark, France, Italy, the Netherlands, Norway, Spain, and the United Kingdom have deployed fighter planes to the region. Non-NATO member states Qatar, Sweden, and the United Arab Emirates have also deployed fighter jets. Bulgaria, Greece, Romania, and Turkey have either committed ships to enforce the UN arms embargo or are providing other limited military support to the mission.

<sup>68</sup> From March 31 through June 27, NATO-led air forces conducted over 12,740 air sorties and nearly 4,800 strike sorties to "identify and engage" targets in Libya. NATO JFC Naples, Operation UNIFIED PROTECTOR—Operational Media Update for 26 June. Available at [http://www.jfcnaples.nato.int/Unified\\_Protector/daily-operational-update.aspx](http://www.jfcnaples.nato.int/Unified_Protector/daily-operational-update.aspx).

<sup>69</sup> For more information on NATO's Operation Active Endeavor see [http://www.nato.int/cps/en/natolive/topics\\_7932.htm](http://www.nato.int/cps/en/natolive/topics_7932.htm).

NATO. A key point of contention has been the amount of flexibility allied governments have granted their forces in order to protect civilians and civilian areas, as called for in paragraph 4 of UNSCR 1973. Although NATO forces are authorized to strike ground targets that pose a threat to civilians, only seven of the fourteen NATO member states participating in the mission are reportedly conducting airstrikes.<sup>70</sup> The Dutch, Italian, and Spanish governments, for example, have thus far prohibited their planes from striking ground targets.

A second, broader point of contention has been that only half of NATO's 28 member states are offering military support to the mission. French and British officials, whose countries are shouldering most of the burden in the Libya operation, have repeatedly called on their allies to offer more military assistance. Officials from NATO member states such as Germany and Poland, on the other hand, have openly questioned the utility of combat operations and have voiced skepticism about the long-term goals of the mission.<sup>71</sup> In the face of such apparent disunity within the alliance, some observers question how long France and the UK will be able to lead the ongoing military operation and indeed, whether the operation can succeed.

## **Russia and China**

Russia and China abstained from the vote on Security Council Resolution 1973. Russia's representative stated that "any attacks against civilians and other violations of international humanitarian law and human rights must immediately and unconditionally cease," and noted Russia's view that the quickest solution would be to demand an "immediate cease-fire."<sup>72</sup> China called for an end to attacks on civilians but linked its abstention to its opposition to "the use of force in international relations" and the views of Arab and African governments. Since March 19, both governments have criticized coalition military operations, reiterated calls for an immediate cease-fire, and warned of the potential for continued conflict to destabilize neighboring countries. On March 28, Russian Foreign Minister Sergei Lavrov said, "We consider that intervention by the coalition in what is essentially an internal civil war is not sanctioned by the U.N. Security Council resolution."<sup>73</sup> On April 14, the heads of state of Brazil, Russia, India, China, and South Africa (the BRICS countries) met at a summit and stated the following:

We wish to continue our cooperation in the UN Security Council on Libya. We are of the view that all the parties should resolve their differences through peaceful means and dialogue in which the UN and regional organizations should as appropriate play their role. We also express support for the African Union High-Level Panel Initiative on Libya.<sup>74</sup>

In June, Russia dispatched envoys to Tripoli and Benghazi to attempt to facilitate a negotiated solution to the crisis. China confirmed that it had established political contact with Libyan

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<sup>70</sup> "Libya: Where do NATO countries stand?" *BBCNews.com*, April 15, 2011.

<sup>71</sup> Germany abstained from UNSCR 1973 and, on March 23, withdrew its naval assets in the Mediterranean from NATO command. On March 28, German officials reportedly signaled that at least two German navy vessels would be placed back under NATO command, but would not be available for use in Operation Unified Protector. The vessels will continue to participate in Operation Active Endeavor. On March 25, in what was portrayed as an effort to ease the allied burden in other NATO operations, the German parliament authorized German forces to take over command of AWACS surveillance operations in Afghanistan with a deployment of up to 300 additional military personnel to the country.

<sup>72</sup> United Nations Security Council Meeting Record, S/PV.6498, March 17, 2011.

<sup>73</sup> Steve Gutterman, "No UN mandate to attack Gaddafi forces: Russia," Reuters, March 28, 2011.

<sup>74</sup> South African Department of International Relations and Cooperation, *Sanya Declaration on BRICS*, April, 14, 2011.

opposition leaders, saying, “we hope the Libyan crisis achieves a political resolution and hold the view that Libya’s future should be determined by the Libyan people.”<sup>75</sup> On June 22, Chinese Foreign Minister Yang Jiechi stated that the opposition TNC “is becoming an important political force” and said “the Chinese side regards it as an ‘important dialogue participant.’”<sup>76</sup>

## Prospects and Challenges for U.S. Policy

Fast-moving events and independent decisions by a range of Libyan actors and U.S. coalition partners shape the context in which U.S. officials are pursuing U.S. national security interests with regard to Libya. Administration officials and some Members of Congress continue to debate U.S. goals and the best means for ensuring that U.S. policy actions achieve short- and long-term objectives. President Obama has outlined short- and long-term policy goals with regard to Libya and has identified distinct policy tools for achieving them. In the short term, U.S. military operations continue in support of the civilian protection, arms embargo, and no-fly zone provisions of U.N. Security Council Resolution 1973. Administration officials believe that U.S. targeted financial sanctions and U.S. support for the U.N.-mandated multilateral arms embargo and financial and travel sanctions will contribute toward the longer-term goal of pressuring Qadhafi to leave power. However, U.S. officials have stated that a range of scenarios are possible and that U.S. policy must remain flexible in order to effectively shape and respond to developments.<sup>77</sup> The extension of limited, non-lethal assistance to the Libyan opposition for civilian protection purposes marked a shift in U.S. engagement with some of Qadhafi’s opponents. Administration officials have declined to offer firm predictions for the time frame of U.S. military operations or deadlines for the achievement political objectives.

President Obama has ruled out the use of U.S. military forces to overthrow Qadhafi’s government or to provide coordinated military support to the Libyan opposition, even as U.S. and coalition military operations continue to create conditions that have facilitated opposition military advances. Libyan opposition figures are adamant that they will not accept an outcome that leaves Muammar al Qadhafi in power in Tripoli. Armed opposition volunteers have advanced on areas held by pro-Qadhafi military forces and supporters, and civilians and volunteers in Misurata continue to defend themselves from attacks by pro-Qadhafi forces. Some opposition elements are focused on maintaining law and order in opposition controlled areas, and some opposition media sources are encouraging civilians to refrain from taking advantage of the unrest to commit crimes, seek retribution, or settle personal disputes violently.

President Obama’s address to the nation March 28 signaled his Administration’s concern that the conflict in Libya could have direct security implications and intangible political implications for the broader Middle East as that region continues to grapple with widespread upheaval. The apparent proliferation of small arms, man-portable air defense missile systems (MANPADS), and some heavy weaponry among fighters on both sides has leading some outside counterterrorism

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<sup>75</sup> Christopher Bodeen, “China confirms contact made with Libyan opposition,” Associated Press, June 3, 2011.

<sup>76</sup> Associated Press, “China hedges bets in Libya, says rebels are increasingly representative of public opinion,” June 22, 2011.

<sup>77</sup> On March 27, U.S. Secretary of Defense Robert Gates said, “The idea that [Qadhafi] needs to go ... goes without saying. But how long it takes, how it comes about, remains to be seen. Whether elements of the army decide to go to the other side, as some small elements have, whether the family cracks—who knows how this is going to play out.” Bret Stephens, “The Libya Mission Was ‘Never About Regime Change,’” *Wall Street Journal*, March 27, 2011.

and arms trafficking experts to express concern about the conflict's longer-term implications for regional security.<sup>78</sup> Given these circumstances, Administration officials and Members of Congress may seek to better understand the range of possible outcomes and discuss their potential implications and the authorization for and costs of potential U.S. responses in advance.

## **Possible Scenarios**

**Continued Opposition Advances.** Some observers highlight what they view as inherent tension between the benefits that opposition forces are deriving from coalition operations and the provisions of Resolution 1973 that call for an immediate cease-fire and protection of all Libyan civilians. For the United States, reconciling a long-term objective of regime change with short-term military action to enforce a U.N. resolution that does not expressly endorse that goal is a particular challenge. The retreat westward of pro-Qadhafi forces and the advance of opposition volunteers in their wake from March 19 through early April appeared to be a direct result of coalition air operations, and some opposition military figures credited the change in their fortunes directly to coalition air strikes against their pro-Qadhafi adversaries. Some U.S. military officers shared this assessment, but stressed that direct coordination was not occurring.<sup>79</sup> The inability of the opposition to hold its gains and the return to stalemate conditions near Al Burayqah underscored the challenges facing the rebel fighters. Continued NATO strikes against military support targets may undermine pro-Qadhafi forces ability to hold territory and advance, but limited engagement by British, French, Qatari, and Italian military advisors with opposition forces may not create sufficient opposition capacity quickly enough to prove decisive.

**Stalemate and Backlash.** 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 the tightening regional and international noose. U.S. military sources believe that pro-Qadhafi forces retain significant ground-based military capacity, in spite of ongoing coalition strikes. Qadhafi and some of his supporters have threatened attacks against civilian and military targets outside Libya in response to the intervention. A stalemate or Qadhafi-sponsored attack outside Libya might increase pressure on the United States and other outside parties to expand military operations or otherwise provide assistance to opposition forces. At the same time, international military operations that provide direct, coordinated protection to any armed advance by opposition forces may jeopardize the fragile regional and international consensus that allowed the U.N. Security Council to act in the first place. Intra-NATO concerns, Arab League views, and the views of Security Council members, including Russia and China, have proven particularly relevant thus far.

**Cease-fire and Political Negotiations.** A cease-fire that freezes the status quo may leave Qadhafi in power and his forces in control of significant amounts of territory and energy infrastructure.

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<sup>78</sup> For example, these concerns were raised in C. J. Chivers, "Experts Fear Looted Libyan Arms May Find Way to Terrorists," *New York Times*, March 3, 2011. African Union communiqués have expressed concern about regional stability, and some Sahel region governments have specifically warned about Al Qaeda supporters seizing control of specific types of weapons and exploiting the weakness of government forces in Libya to expand their areas of operation and sanctuary.

<sup>79</sup> On March 28, U.S. Joint Staff Director Vice Admiral Bill Gortney stated, "clearly, [opposition forces are] achieving a benefit from the actions that we're taking." He emphasized that the U.S. had no contact with front-line opposition military figures and were not coordinating operations. The announcement that AC-130 gunships and A-10 aircraft were being used for "precision effect" operations against Libyan military targets raised questions about the potential for U.S. operations to be seen as providing close air support to opposition fighters.

This may present a long-term, if unpredictable threat to pro-opposition civilians or to those countries participating in the coalition. Similarly, opposition forces may retain control over much of eastern Libya and key energy infrastructure without being able to assert broader control. The multilateral arms embargo and sanctions in place may need to be adapted to reflect any cease-fire that resulted in competing authorities in Libya or led to a negotiated settlement.

**Competition or Collapse among Opposition Forces.** Some expert observers of Libya's domestic politics have emphasized the general weakness and fractured condition of Libya's political landscape after 40 years of idiosyncratic abuse by Qadhafi and his supporters. Competition among tribal, regional, or political groups that are not now apparent could emerge during any post-conflict negotiations. The political ascendance of nonviolent Islamist opposition forces or the emergence of an armed organized Islamist faction also may create unique challenges. Opposition ranks might split in the short term over differences in opinion about a cease-fire and a negotiated settlement or in the long term over the goals and shape of any post-Qadhafi political arrangements. The United States and Europe have expressed concern about violent Islamist groups in Libya and were pursuing counterterrorism cooperation with the Qadhafi government prior to the unrest. Should serious infighting develop on the opposition side or if advancing volunteer elements break against Qadhafi defenses, the United States and others may face competing demands to withdraw or redouble their efforts.

## **Possible Questions**

Possible questions that Members of Congress may wish to consider when assessing the ongoing no-fly zone, arms embargo enforcement, or civilian protection operations and proposed U.S. assistance to the opposition include:

- What is the ultimate political goal of current U.S. policy in Libya? What U.S. national interests are at stake? How are no-fly zone operations or other U.S. or multilateral military interventions to protect civilians contributing to or detracting 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 military operations 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 current operations, 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?
- What key operational objectives need to be achieved in order to consider the no-fly zone and civilian protection operations successful? What geographic or time parameters should be imposed on the no-fly zone and civilian protection operations? What are the operational requirements of no-fly zone and civilian protection operations in terms of costs, troop deployments, and equipment needs? How are these requirements affecting ongoing U.S. military operations and readiness elsewhere?
- What unintended consequences may result from current military operations? What are the prospects for the United States or its allies being dragged into a

broader conflict? What precedents have U.S. or multilateral military intervention in the Libyan conflict set and how might those precedents affect the context in which U.S. decision makers must respond to other regional crises and events?

- When and on what terms should U.N. or U.S. sanctions on Libyan entities be removed? In the event of a stalemate or negotiated cease-fire, what sanctions should be maintained? Why and on what terms?
- Who will assume responsibility for assisting Libyans with security, stabilization, and reconstruction in the wake of the conflict? Under what authority and on what terms? What role, if any, with the United States play in a post-conflict setting?

## **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. Wariness of ground-based intervention and the slogan "Libyans can do it on their own" common among some Libyans in Benghazi reflect that sentiment. Most Libyans accept a prominent role for Islamic tradition in public life, but differ in their personal preferences and interpretations of their faith. Islam is the official religion and the Quran is the nominal basis for the country's law and its "social code."

Tribal relationships have remained socially important, particularly in non-urban settings, and have had some political role under Qadhafi with regard to the distribution of leadership positions 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 the 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 TNC has denied these accusations. Some reports suggest that federalism is one model being explored by some opposition supporters. The TNC has not endorsed federalism to date.

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. As indicated above, nascent political and social groups in Benghazi and other eastern areas reportedly seek external training and support to overcome the legacy of decades of restrictions.

## **Qadhafi and the Libyan Government**

### **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 40 years, often with terminal results. He remains defiant in the face of coalition military operations and has sought to rally and arm his supporters.

## The Qadhafi Family and Prominent Officials: Selected Profiles

Personally, Muammar al 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.**<sup>80</sup> 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 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 32<sup>nd</sup> 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 Foreign Minister Musa Kusa remained supportive of Qadhafi during the early weeks of the crisis, but defected and fled to the United Kingdom in late March. Kusa was designated pursuant to Executive Order 13566, but was removed from the designation list after his defection. National Oil Company chairman Shoukri Ghanem and Prime Minister Al Baghdadi al Mahmoudi remained loyal to Qadhafi and were designated pursuant to E.O.13566 on April 8. Ghanem subsequently defected in early June and the targeted sanctions were removed effective June 21. The status of some members of Qadhafi's security establishment and founding members of the Revolution Command Council that overthrew the monarchy is unclear, including General Mustafa al Kharrubi and Defense Minister General Abu Bakr Younis Jaber. Military Intelligence and External Security Organization director Abdullah al Senussi was named

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<sup>80</sup> 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.

alongside Qadhafi and his son Sayf al Islam as one of three individuals for whom the International Criminal Court (ICC) has issued arrest warrants.

## **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 if the specific political demands of newly active opposition supporters and their compatibility with the agendas of the established groups remain unclear. U.S. policymakers continue to seek more information on the identities and backgrounds of various opposition leaders and groups; the capabilities of armed opposition supporters; and the intentions, goals, and legitimacy of opposition elements.

### **Interim Transitional National Council (TNC)**

Opposition groups have formed a 45-member Interim Transitional National Council (TNC) that is seeking international recognition as the representative of the Libyan people from its base in Benghazi.<sup>81</sup> The group has demonstrated some domestic political legitimacy and authority, and its stated aspirations and appeals are addressed to all Libyans. Its claims also have been endorsed by some Libyans abroad, including some Libyan expatriate groups in Europe and the United States. The TNC states that many of the local and regional citizen councils that formed across Libya in the wake of the uprising have endorsed the Council and its agenda. However, limited information is available about the TNC's relationships with many emergent opposition leaders, particularly in western Libya, whose identities TNC leaders have claimed need to remain secret for their protection. To date, several governments have recognized the TNC as "the legitimate representative of the Libyan people." The United States government refers to the TNC as "the legitimate interlocutor for the Libyan people during this interim period."

Qadhafi and his supporters have accused his opponents, including the TNC, of having an eastern regional separatist agenda and of serving as a front for Al Qaeda. The TNC has denied these accusations, stressing its broad nationalist orientation and denying formal connections to religious militants, while acknowledging that some Islamists, including former Libyan Islamic Fighting Group members, are involved in military operations against pro-Qadhafi forces. Some nongovernmental organization representatives who have travelled to eastern Libya strongly deny the Council has either an eastern regional or Islamist agenda.<sup>82</sup> The Administration reported to Congress that "The TNC has emphasized the importance of representing all regions and people in Libya and even includes members from regime-controlled areas such as Tripoli and Sebha." Independent reports suggest ad hoc political organization is ongoing across opposition held areas and much of it reflects a desire for institution-based, democratic governance rooted in the rule of law.

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<sup>81</sup> Limited, basic information from the ITNC can be found on its website, <http://ntclibya.org/english/>.

<sup>82</sup> CRS conversations with NGO representatives.

Information is limited on TNC relations with and views toward tribal groups and local authorities in western and southern Libya that have remained loyal to Qadhafi. The TNC's approach to loyalist groups in western Libya could prove decisive in negotiating a political solution to the crisis. According to the Obama Administration's reporting to Congress, "the TNC has shown a willingness to work with technocrats from the regime, provided they have not participated in human rights violations." Some opposition supporters, including the Libyan Muslim Brotherhood, have indicated they will not support the participation of former government officials in any future transitional political arrangement, although their positions could change or, in the end, have little effect on political outcomes.

The TNC has laid out key aspects of its political platform and approach to the conflict in a bid to communicate clearly with domestic supporters and potential international sponsors and donors. The TNC also has taken steps to clarify the legislative role of the Council and the role of its "crisis-management team" or "executive bureau" and has spelled out ambitious plans with regard to a potential transition. The executive bureau plays a cabinet function with individuals responsible for discrete portfolios including internal security, foreign relations, social affairs, and Islamic endowments. According to TNC officials, current plans call for local councils to choose a national committee within 45 days of any post-Qadhafi transition to draft a constitution that would then be subject to a popular referendum. After the election of a national assembly and president within a six-month time-frame, the TNC "would be automatically dissolved and its duties would be over." According to TNC Chairman Mustafa Abdeljalil, "current council members are not allowed to take up executive positions in the first national government."

On March 22, a Council statement said,

The Interim National Council is committed to the ultimate goal of the revolution; namely to build a constitutional democratic civil state based on the rule of law, respect for human rights and the guarantee of equal rights and opportunities for all its citizens including full political participations by all citizens and equal opportunities between men and women and the promotion of women empowerment. Libya will become a state which respects universal core values that are embedded in the rich cultural diversities around the globe which includes justice, freedom, human rights, and non-violence.

On March 29, the Council released a statement on "a vision of a democratic Libya," which states the Council's view of its "obligation" to "draft a national constitution" with separation of "legislative, executive and judicial powers" and measures to protect free association, political participation, voting rights, and "freedom of expression through media, peaceful protests, demonstrations and sit-ins and other means of communication, in accordance with the constitution and its laws in a way that protects public security and social peace."

A March 30 statement on counterterrorism affirmed the Council's support for United Nations Security Council resolutions on Al Qaeda and the Taliban and U.N. conventions on terrorism. The statement "affirms the Islamic identity of the Libyan People, its commitment to the moderate Islamic values, its full rejection to the extremist ideas and its commitment to combating them in all circumstances, and refuses the allegations aiming to associate al-Qaeda with the revolutionists in Libya." This built on the Council's March 29 statement, which said, "The state to which we aspire will denounce violence, terrorism, intolerance and cultural isolation; while respecting human rights, rules and principles of citizenship and the rights of minorities and those most vulnerable."

## Prominent TNC and Opposition Figures<sup>83</sup>

- **Mustafa Abdeljalil.** (aka 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.<sup>84</sup> He is a native of Bayda, where he once served as chief judge. He is 59 years old. In February, Abdeljalil claimed to have evidence that Qadhafi ordered the terrorist attack on Pan Am Flight 103. 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.** (aka Mahmoud Jibril Ibrahim Al Warfali) Mahmoud Jibril serves as the interim Prime Minister and the foreign affairs representative for the executive bureau of the TNC. He is a graduate of the University of Pittsburgh, where he earned a masters degree in political science and a Ph.D. in planning in the early 1980s. He is 58 years old, and is described by personal acquaintances and professional contacts as being intelligent, moderate, analytical, detail-oriented, and an articulate English speaker. He worked as an independent consultant prior to serving as the secretary of the Libyan National Planning Council and director-general of the National Economic Development Board (NEDB) from 2007 onward. The NEDB was a government entity affiliated with Muammar al Qadhafi's relatively reform-oriented son Sayf al Islam that was tasked with proposing institutional reform and attracting foreign investment and educational exchange opportunities to Libya. Since early March 2011, Jibril has travelled around Europe and the Middle East with his counterpart Ali al Issawi working to secure international recognition of and support for the TNC and the broader opposition movement they claim to represent. During this period, Jibril met with Secretary of State Hillary Rodham Clinton in Paris and London. He visited Washington, DC during the week of May 9 and met with Members of Congress, Senators, and Administration officials.
- **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

<sup>83</sup> 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.

<sup>84</sup> OSC Report GMP20100128950040, "Libyan Minister of Justice Resigns Over 'Harsh' Criticism in People's Congress," January 28, 2010.

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 TNC. 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.”<sup>85</sup>
- **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.

## Opposition Military Forces

A military council has been established in parallel to the TNC to coordinate the efforts of volunteers and defectors.<sup>86</sup> TNC representatives have sought to manage rivalries among leading defectors, former exiles, and volunteers, while remaining vague about the role of military forces who defected 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. TNC leaders continue to call for robust NATO strikes against Qadhafi forces and publicly reject open-ended direct military intervention by foreign ground forces.

Regular military forces that have defected to the opposition cause have not been consistently visible in leadership roles in operations thus far, although some media reports suggest that some officers are providing guidance and training to the lightly armed and predominantly young volunteers who appear to make up the core of the opposition forces. Those forces include the “17 February Forces,” the “Army of Free Libya,” and groups made up of various secular and Islamist

<sup>85</sup> OSC Report GMP20110311966049, “Benghazi’s lawyers, Libya’s revolutionaries,” March 11, 2011.

<sup>86</sup> Its full make-up is not publicly known, although some prominent figures who have defected from the security forces apparently are members. On March 10 and 11, TNC 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 Imaysh; 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.

volunteers. Consistent coordination among these different elements is not apparent, and key figures Abdelfattah Younis al Ubaydi and Khalifah Belqasim Haftar reportedly are competing for leadership of the opposition's overall efforts.<sup>87</sup> Reporting from combat areas in eastern Libya regularly describes the opposition as mostly untrained, poorly equipped, uncoordinated, and without professional logistics or communications support.<sup>88</sup>

Prominent opposition military and security figures include

- **Omar al Hariri.** Serves as the military affairs representative (or “defense minister”) on the TNC. Hariri participated in 1969 anti-monarchy coup alongside Qadhafi, but later was 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. He is identified as the TNC-appointed leader of military operations by some opposition forces, and he remains an outspoken advocate for the opposition cause in interviews with international media outlets.
- **Colonel Khalifah Belqasim Haftar.** A veteran of the ill-fated Libyan invasion of Chad during the 1980s, he turned against Qadhafi. Colonel Haftar returned to Libya from exile in the United States after the uprising began.<sup>89</sup> In the past, Haftar has been mentioned as a leader of the Libyan Movement for Change and Reform and the Libyan National Army, an armed opposition group reported to have received support from foreign intelligence agencies and alleged to have been involved in past attempts to overthrow Qadhafi.<sup>90</sup> Press reports suggest Haftar is now contributing to opposition training and command efforts and has

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<sup>87</sup> Kareem Fahim, “Rebel leadership shows signs of strain in Libya,” *New York Times*, April 4, 2011; Kim Sengupta, “Divided and disorganised, Libyan rebel military turn on NATO allies,” *The Independent* (UK), April 7, 2011; and, Rod Nordland, “As British Help Libyan Rebels, Aid Goes to a Divided Force,” *New York Times*, April 19, 2011.

<sup>88</sup> One early April account described the opposition forces as follows: “The hard core of the fighters has been the *shabaab*—the young people whose protests in mid-February sparked the uprising. They range from street toughs to university students (many in computer science, engineering, or medicine), and have been joined by unemployed hipsters and middle-aged mechanics, merchants, and storekeepers. There is a contingent of workers for foreign companies: oil and maritime engineers, construction supervisors, translators. There are former soldiers, their gunstocks painted red, green, and black—the suddenly ubiquitous colors of the pre-Qaddafi Libyan flag. And there are a few bearded religious men, more disciplined than the others, who appear intent on fighting at the dangerous tip of the advancing lines.... With professional training and leadership (presumably from abroad), the rebels may eventually turn into something like a proper army. But, for now, they have perhaps only a thousand trained fighters, and are woefully outgunned.” Jon Lee Anderson, “Who are the Rebels?” *The New Yorker*, April 4, 2011.

<sup>89</sup> Chris Adams, “Libyan rebel leader spent much of past 20 years in suburban Virginia,” *McClatchy Newspapers*, March 26, 2011.

<sup>90</sup> OSC Report FTS19960821000373, “U.S.-Based Oppositionist Has ‘Secret Meetings’ Near Tripoli,” August 21, 1996.

either taken or been granted the rank/title of General. Reports also suggest that the TNC may have sought to remove him from a command role, and that Haftar has resisted those efforts.

- **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. Regional press accounts from the 1990s describe Al Huni as having coordinated with the opposition efforts of Colonel Haftar and others, before Al Huni reconciled with Qadhafi in 2000.
- **Fawzi Bukatef.** A civilian volunteer and petroleum engineer. Bukatef reportedly has led training efforts for other civilian volunteers and forces affiliated with him reportedly have received hundreds of AK-47 assault rifles from a foreign donor.<sup>91</sup>

### **Exiles and Al Sanusi Monarchy Figures**

Complex relationships among former regime figures, competing heirs to the former monarchy, and long-standing 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.<sup>92</sup> A follow-up meeting was held in March 2008.<sup>93</sup> 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.<sup>94</sup> His claim is disputed by a distant relative, whose family members also have given interviews to international media outlets. On April 20, Mohammed al Sanusi met with members of the European Parliament and said, “it is up to the Libyan people to decide whether they go down the road of a constitutional monarchy or that of a republic.” The Libyan constitutional monarchy system was overturned by Qadhafi in 1969, and Al Sanusi believes the old constitution, if

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<sup>91</sup> Rod Nordland, “As British Help Libyan Rebels, Aid Goes to a Divided Force,” *New York Times*, April 19, 2011.

<sup>92</sup> May Youssef, “Anti-Gaddafists Rally in London,” *Al Ahrām 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.

<sup>93</sup> “Libyan Opposition Groups Meet in London To Reiterate Commitment To Save Libya,” OSC Report GMP20080329825012, March 29, 2008.

<sup>94</sup> His family name also is transliterated as Al Senussi. 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.

“suitably updated,” could “form the basis of a new Libya.” He also has pledged to “assist in creating a democratic state for Libyans based on a representative parliament chosen by free and fair elections.”

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.<sup>95</sup> Shalgam has now joined the opposition movement and is speaking as a representative of the TNC 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 TNC 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.<sup>96</sup> 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.<sup>97</sup>

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 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.<sup>98</sup>

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<sup>95</sup> “Libya’s Shalgam on Ties With US, S. Arabia, Opposition,” OSC Report GMP20050924512001, September 24, 2005.

<sup>96</sup> OSC Report GMP20110228405001, “Libyan Muslim Brotherhood Group Supports ‘Glorious Revolution,’” February 28, 2011.

<sup>97</sup> 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.

<sup>98</sup> Afaf El Geblawi, “Libya Frees All Jailed Muslim Brotherhood Members,” *Agence France Presse*, March 3, 2006.

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

Prior to the 2011 uprising that began in eastern Libya, some reports examined whether the region was a stronghold for Libyan Islamic Fighting Group (LIFG) members and other extremist groups that might pose a threat to Libya's security and potentially to regional security.<sup>99</sup> Some Members of Congress have expressed concern that violent Islamists may seek to exploit the conflict in Libya or any post-conflict transition. On March 29, NATO Supreme Allied Commander, Europe U.S. Admiral James Stavridis said in Senate testimony that, at present, he does not have "detail sufficient to say that there's a significant Al Qaida presence or any other terrorist presence in and among" the Libyan opposition.<sup>100</sup> 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, although some former LIFG members appear to be providing security in opposition held areas and engaging in fighting against pro-Qadhafi forces. 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 has accused some individuals of seeking to establish "Islamic emirates" in eastern Libya.<sup>101</sup> Some opposition figures have decried the government accusations as scare tactics.

The LIFG is an Islamist movement that used violence as a means to overthrow the Qadhafi government.<sup>102</sup> 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 (see below).<sup>103</sup> Some Libya-based members of 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."<sup>104</sup> Muammar al Qadhafi has both blamed Al Qaeda and violent Islamists for instigating the uprising, and, on March 15, he

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<sup>99</sup> Peraino, "Destination Martyrdom," *Newsweek*, April 19, 2008. For more information on AQIM see CRS Report RS21532, *Algeria: Current Issues*, by Alexis Arieff, and CRS Report R41070, *Al Qaeda and Affiliates: Historical Perspective, Global Presence, and Implications for U.S. Policy*, coordinated by John Rollins.

<sup>100</sup> Testimony of Admiral James Stavridis before the Senate Armed Services Committee, March 29, 2011.

<sup>101</sup> Libyan authorities specifically named Abdelkarim Ahsadi [a likely misspelling of Abdelhakim Al Hasadi], 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.

<sup>102</sup> According to the State Department, the LIFG has attempted to assassinate Qadhafi four times, but "has been largely inactive operationally in Libya since the late 1990s." The August 2010 State Department report on terrorism noted the reconciliation announcements in Libya and stated that, "To date, the November 3, 2007 merger with AQ, which many LIFG members in Europe and Libya did not recognize, has not resulted in a significant increase in LIFG activities within Libya." See U.S. Department of State, "Terrorist Organizations: LIFG," *Country Reports on Terrorism 2009*, August 2010.

<sup>103</sup> 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.

<sup>104</sup> OSC Report GMP20110217825017, "Libya: IFG Elements Establish New Group Aiming for Peaceful Regime Change," February 17, 2011.

threatened to join them if the United States or European countries intervened militarily in the conflict.<sup>105</sup>

### *Al Qaeda Affiliation and Recantations*

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.<sup>106</sup> On October 30, 2008, Treasury designated three more LIFG financiers.<sup>107</sup> Some observers 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.<sup>108</sup>

In November 2007, Al Qaeda figures Ayman al Zawahiri and Abu Layth al Libi announced the merger of the LIFG with Al Qaeda, which many terrorism analysts viewed at the time as having political rather than operational relevance.<sup>109</sup> Abu Layth Al Libi was killed in an air strike in Pakistan in February 2008. 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.<sup>110</sup> 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 Libyan 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.<sup>111</sup> In October 2009,

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<sup>105</sup> OSC Report EUP20110315058001, "'Exclusive' Interview With Al-Qadhafi on Insurgency, Western Ties, US, Al-Qa'ida," March 15, 2011.

<sup>106</sup> U.S. Department of the Treasury, "Treasury Designates UK-Based Individuals, Entities Financing Al Qaeda-Affiliated LIFG," JS-4016, February 8, 2006.

<sup>107</sup> U.S. Department of the Treasury, "Three LIFG Members Designation for Terrorism," HP-1244, October 30, 2008.

<sup>108</sup> Alison Pargeter, "Militant Groups Pose Security Challenge for Libyan Regime," *Janes Intelligence Review*, Vol. 17, No. 8, August 2005, pp. 16-19.

<sup>109</sup> OSC Report FEA20071104393586, "Al-Zawahiri, Al-Libi: Libyan Islamic Fighting Group Joins Al-Qa'ida," November 3, 2007.

<sup>110</sup> 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." OSC Report GMP20090703825003, "Libyan Islamic Fighting Group Abroad Issues Statement Supporting Regime Dialogue," July 3, 2009.

<sup>111</sup> "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.

over 40 LIFG prisoners were released, alongside other Islamists. However, Libyan and U.S. concerns about LIFG's domestic and international activities persisted. Qadhafi announced the release of the final 110 "reconciled" LIFG members at the outset of the 2011 uprising, reportedly including 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.<sup>112</sup>

### **Al Qaeda in the Lands of the Islamic Maghreb (AQLIM/AQIM)**

U.S. government officials and their regional counterparts remain focused on the potential for the unrest in Libya to provide opportunities to Al Qaeda's regional affiliate, Al Qaeda in the Lands of the Islamic Maghreb (AQLIM/AQIM). Some press reports suggest that AQIM personnel have obtained weaponry from looted Libyan military stockpiles, including surface-to-air missiles. The Algerian and Chadian governments continue to express concern about the potential for instability in Libya to weaken security along Libya's long borders, which could allow AQIM operatives and criminal networks that provide services to AQIM to move more freely.

While the imprisoned, Libya-based leaders of the LIFG participated in reconciliation with Qadhafi's government and renounced violence as a domestic political tool, the participation of some of their supporters in efforts to send Libyans abroad to participate in insurgencies and terrorism has raised concerns about the potential for cooperation between AQIM and some Libyan Islamists. Former Guantanamo Bay detainee Abu Sufian Hamuda Bin Qumu has attracted some media attention and one figure, Abdelhakim Al Hasadi, is leading ad hoc security arrangements in the eastern city of Darnah, which was home to several dozen Libyan recruits who travelled to Iraq to fight U.S. and coalition forces.<sup>113</sup> Some Libyan observers have been critical of international media coverage of these individuals and argue they represent an exception and have been given too much attention.

Al Hasadi claims to have recruited Libyans to fight in Iraq, but has publicly denied accusations he is affiliated with Al Qaeda or is seeking to establish Islamist rule in Darnah or on a national basis.<sup>114</sup> TNC oversight of his operations is not apparent, although he has indicated his support for the Council's role. In a March interview with Barcelona newspaper *El Periodico*, Al Hasadi said "we will not hesitate to kill ourselves in order to defend our country."<sup>115</sup> Al Hasadi has claimed that approximately 1,000 volunteers "have been recruited to carry out special activities" and he has stated that, "We already have the suicide bombers, but they will not be sent to Tripoli, the capital, for the time being, because there are no explosives and we have to wait."

On April 16, London-based pan-Arab newspaper *Al Hayat* published an email interview with a reported spokesman for AQIM named Salah Abu Muhammad, who confirmed reports that AQIM

<sup>112</sup> OSC Report GMP20110313479001, "New Abu-Yahya al-Libi Video: 'To Our People in Libya,'" March 12, 2011.

<sup>113</sup> Kevin Peraino, "Destination Martyrdom," *Newsweek*, April 19, 2008.

<sup>114</sup> Al Hasadi appeared on Al Jazeera and read a statement denying the Libyan government's accusations. See OSC Report GMP20110225648002, "Libya: Former LIFG Leader Denies Plan To Establish 'Islamic Emirate' in Darnah," February 25, 2011; and, OSC Report EUP20110322025008, "Libya: Rebel Leader in Derna Denies Local Presence of Extremists, Al-Qa'ida," March 22, 2011.

<sup>115</sup> OSC Report EUP20110503178006, "Libyan Rebel Leader Says 1,000 Rebel Recruits Ready To Become Suicide Bombers," March 4, 2011.

had obtained weaponry from Libyan military stockpiles and claimed that AQIM had cooperative relationships with Al Hasadi and so-called “emirates” in several eastern Libyan cities. A subsequent statement from another reported AQIM source accused Algerian intelligence services of fabricating the Abu Muhammad interview.<sup>116</sup> Neither source could be independently verified.

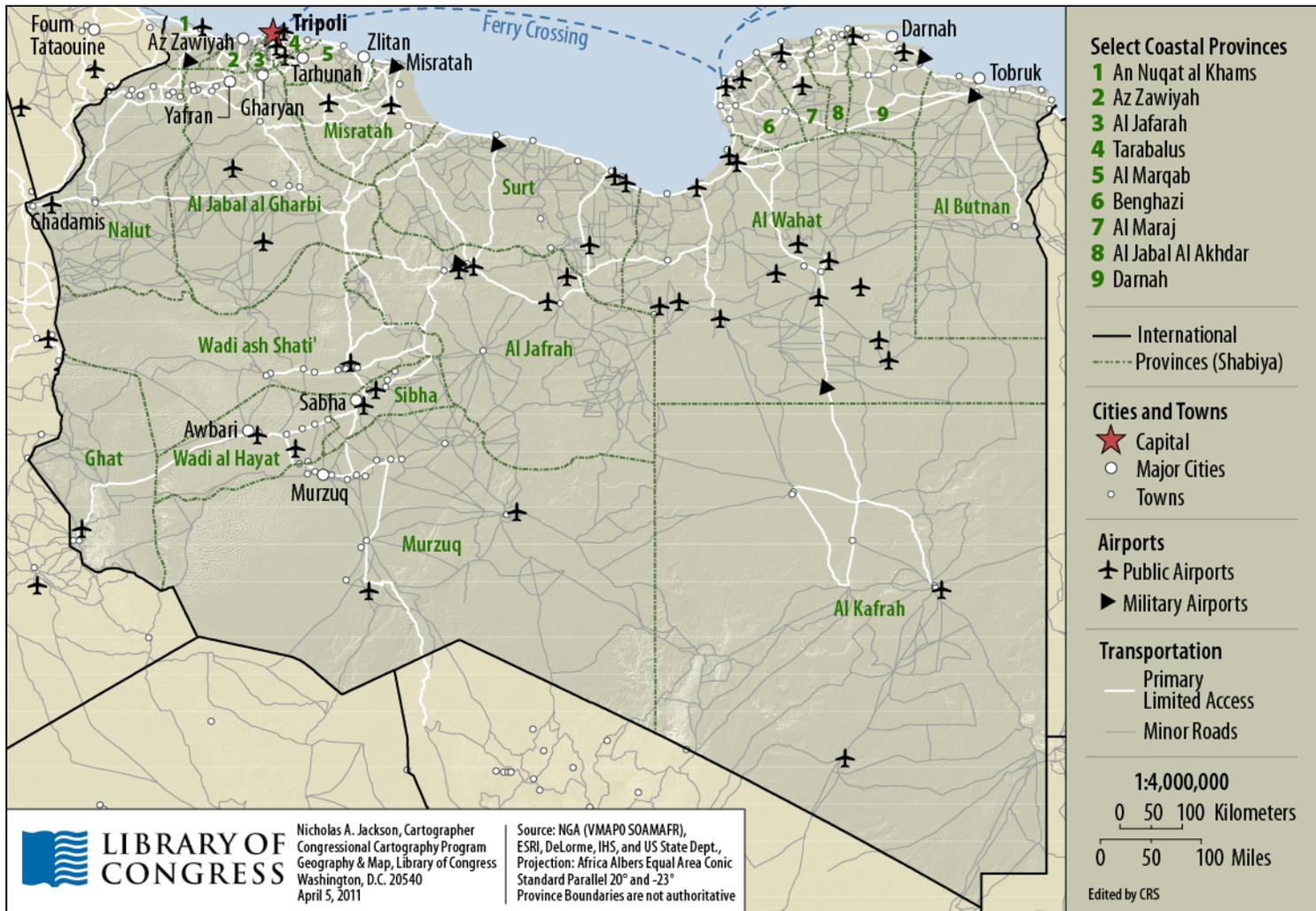
A March 17 statement attributed to AQIM leader Abdelmalik Droukdel (aka Abu Mus’ab al Wudud) addressed Libyan rebels and sought to associate the Libyan uprising with Al Qaeda’s campaign against Arab and Western governments.<sup>117</sup> The statement advised Libyans to avoid cooperation with the United States and “to rally around the revolutionary leaders who are holding fast to their Islamic faith and whose readiness to make sacrifices has been proven on the battlefield.” Other AQIM figures have sought to explain that their organization is not seeking to direct or claim credit for the Libyan uprising, but that AQIM is supportive of the campaign against Qadhafi. As noted above, U.S. and regional observers continue to monitor statements from and actions by AQIM and Libyan Islamists closely.

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<sup>116</sup> See OSC Report GMP20110416825001, “Al-Qa’ida in Islamic Maghreb Spokesman Says There Are Islamic Amirates in Libya,” April 16, 2011; and, OSC Report AFP20110418950070, “AQIM accuses Al-Hayat newspaper of falsifying interview with spokesman,” April 18, 2011.

<sup>117</sup> Droukdel said “the battle you are fighting now with the tyrant...It is itself the battle we fought yesterday and are fighting today.” See OSC Report GMP20110318405002, “AQIM Amir’s Audio Message to Libya, ‘The Descendants of Umar al-Mukhtar,’” March 17, 2011.

**Figure 2. Political Map of Libya**



Source: Congressional Cartography Program, Library of Congress, Edited by CRS.

## **Author Contact Information**

Christopher M. Blanchard  
Acting Section Research Manager  
cblanchard@crs.loc.gov, 7-0428