Libya: Transition and U.S. Policy

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Summary

Libya's post-conflict transition is underway, as Libyans work to consolidate change from the 40-year authoritarian dictatorship of Muammar al Qadhafi to a planned representative government based on democratic and Islamic principles. At present, government functions are in the hands of the 76-member Transitional National Council (TNC), which carries out interim legislative and oversight responsibilities at the national level. Its 27-member executive cabinet oversees ministerial portfolios and includes figures responsible for foreign affairs, defense, interior security, oil, economy, militia demobilization, and other issues. TNC Chairman Mustafa Abdeljalil and cabinet leader Interim Prime Minister Abdurrahim ElKeib direct the TNC's efforts. They and their colleagues are indirectly answerable to a wide range of locally and regionally organized activists, local committees, prominent personalities, tribes, militias, and civil society groups seeking to shape the transition and safeguard the revolution's achievements.

The transition period may prove to be as complex and challenging for Libyans and their international counterparts as the 2011 conflict. Overcoming the legacy of Qadhafi's rule and the effects of the fighting are now the principal challenges for the Libyan people, the TNC, and the international community. As the transition unfolds, Libyans are facing key questions about basic terms for transitional justice, a new constitutional order, political participation, and Libyan foreign policy. Security challenges, significant investment needs, and vigorous political debates are now emerging. A transition plan based on the TNC-issued interim charter of August 2011 calls for national elections to be held in June 2012 for a 200 member constituent assembly that will in turn appoint an interim cabinet and a committee to draft a new constitution. If the constitution is adopted in a national referendum, then a new round of elections are to be held by mid-2013, bringing a nearly two-year transition process to a close. TNC officials are working with Libyan citizens to deliver services; assess reconstruction needs; and begin to reform ministries, public utilities, and security forces.

United Nations Security Council Resolutions 2009, 2016, 2017, 2022, and 2040 provide the framework for international assistance for Libya's transition and sanctions against Qadhafi-era officials and entities. On March 12, 2012, the United Nations (U.N.) Security Council extended the mandate of the U.N. Support Mission in Libya (UNSMIL) for one year in order to assist the transitional authorities with security and administrative challenges. The resolutions also set conditions for the sale of arms and training to the Libyan government and partially lift the U.N. mandated asset freeze for certain purposes. The U.S. Treasury Department has issued licenses that authorize the release of over $30 billion in formerly blocked assets belonging to Libyan entities.

The proliferation of military weaponry from unsecured Libyan stockpiles—including small arms, explosives, and shoulder-fired anti-aircraft missiles (MANPADs)—remains a serious concern in Libya and in neighboring countries. Security Council Resolution 2017 specifically addresses this threat. The Obama Administration is implementing a program with the TNC to retrieve and disable certain types of weapons, including MANPADs. U.S. officials have stated that nuclear materials and chemical weapons components (including newly discovered/previously undeclared chemical weapons) remain secure. The TNC has issued orders calling for militia groups to hand over land and facilities to state authorities, and registration of former fighters for recruitment and/or retraining is underway.

As Libyans work to shape their future, Congress and the Administration have the first opportunity to fully redefine U.S.-Libyan relations since the 1960s.

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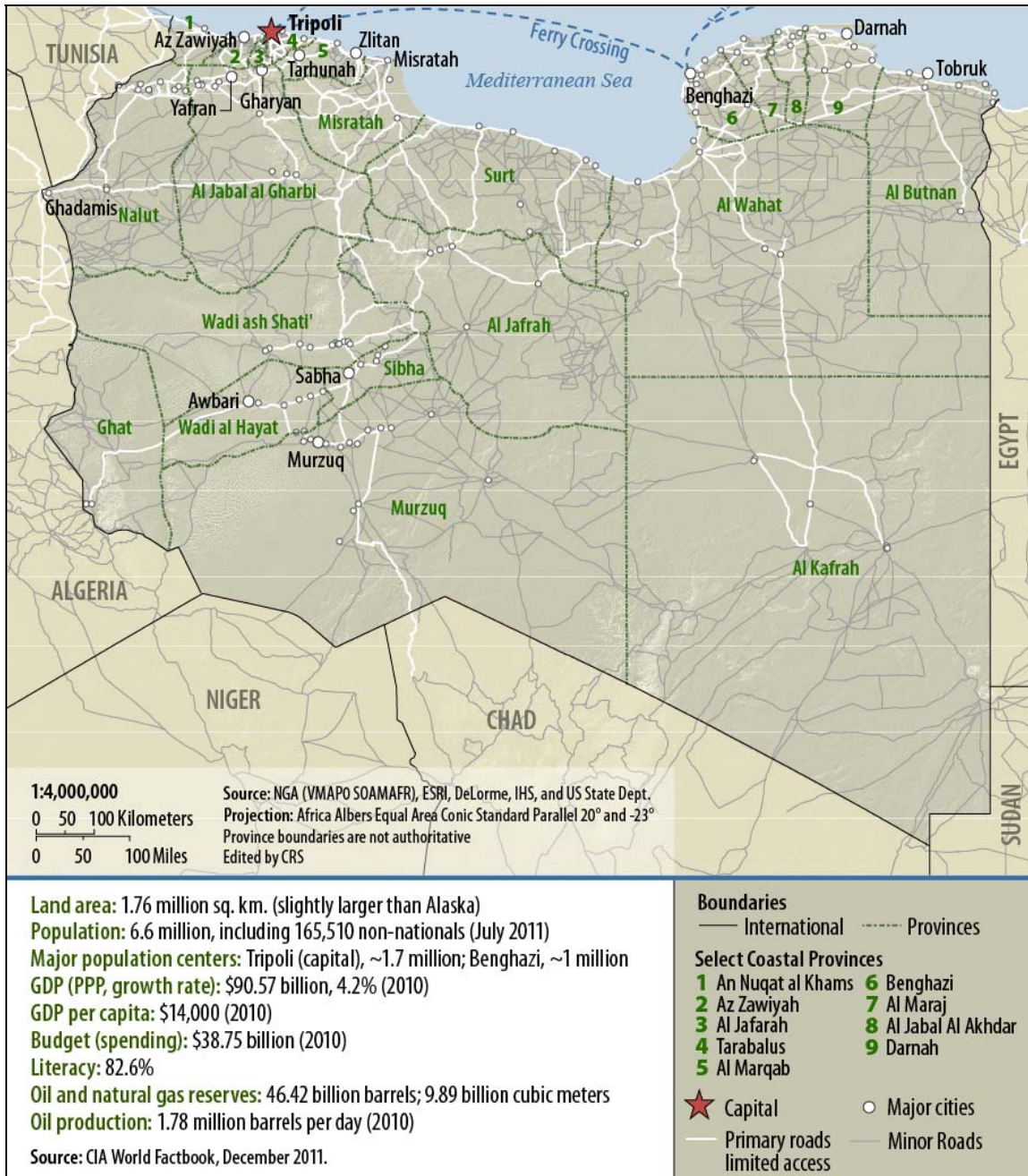
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Background

Political change in neighboring Tunisia and Egypt helped bring long-simmering Libyan reform debates to the boiling point in January and early February 2011. In recent years, leading Libyans had staked out a broad range of positions about the necessary scope and pace of reform, while competing for influence and opportunity under the watchful eye of hard-liners aligned with the enigmatic leader of the 1969 anti-monarchy revolution, Muammar al Qadhafi. Qadhafi had long insisted that he held no formal government position, but by all accounts he maintained his 40-plus-year hold on ultimate authority, until his death in October 2011, 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 long-held resentments of Qadhafi among residents in the east, continue to influence Libyan politics. Rivalries are emerging among locally organized revolutionary groups with differing experiences during Qadhafi's rule and the recent conflict. Political groups with differing priorities will also shape Libya's transition.

Qadhafi's claimed policy reversals on weapons of mass destruction (WMD) and terrorism led to the lifting of most international sanctions in 2003 and 2004, followed by economic liberalization, oil sales, and foreign 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 unrest in February 2011. Government rehabilitation of imprisoned Islamist militants and the return of some exiled opposition figures were welcomed by some observers. Ultimately, inaction on the part of the government in response to calls for guarantees of basic political rights and for the drafting of a constitution suggested a lack of consensus, if not outright opposition to meaningful reform.

The 2011 revolution was triggered in mid-February by a chain of events in Benghazi and other eastern cities that quickly spiraled out of Qadhafi's control. The government's loss of control these 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. Until August 2011, Qadhafi and allied forces maintained control over the capital, Tripoli, and other cities. The cumulative effects of attrition by NATO airstrikes against military targets and a coordinated offensive by rebels in Tripoli and from across western Libya then turned the tide, sending Qadhafi and his supporters into retreat and exile. September and early October were marked by sporadic and often intense fighting with Qadhafi supporters in and around Qadhafi's birthplace, Sirte, and the town of Bani Walid and neighboring military districts. NATO air operations continued as rebel fighters engaged in battles of attrition with Qadhafi supporters.

Qadhafi's death at the hands of rebel fighters in Sirte on October 20 brought the revolt to an abrupt close, with some observers expressing concern that a dark chapter in Libyan history ended violently, with an uncertain path ahead. An interim government is now in place, and the first steps toward disarmament and creating unified security forces are being taken. Principal challenges include disarming rebel forces and building national political consensus and capable institutions.

Figure 1. Libya At a Glance

Land area: 1.76 million sq. km. (slightly larger than Alaska)
Population: 6.6 million, including 165,510 non-nationals (July 2011)
Major population centers: Tripoli (capital), ~1.7 million; Benghazi, ~1 million
GDP (PPP, growth rate): $90.57 billion, 4.2% (2010)
GDP per capita: $14,000 (2010)
Budget (spending): $38.75 billion (2010)
Literacy: 82.6%
Oil and natural gas reserves: 46.42 billion barrels; 9.89 billion cubic meters
Oil production: 1.78 million barrels per day (2010)

Source: CIA World Factbook, December 2011.

Boundaries
— International ······ Provinces

Select Coastal Provinces
1 An Nuqat al Khams 6 Benghazi
2 Az Zawiyah 7 Al Maraj
3 Al Jafarah 8 Al Jabal Al Akhdar
4 Tarabalus 9 Darnah
5 Al Marqab

★ Capital   ○ Major cities

— Primary roads limited access   — Minor Roads

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

Assessment

Events in Libya remain fluid and fast-moving. After the swell of confidence and international recognition following the capture of Tripoli, Libya's citizens, revolutionaries, and the Transitional National Council (TNC) are embarking on an uncharted path of political transition and economic recovery. The post-Qadhafi Libyan political order is complicated by the consequences of the violent revolution, 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. U.S. officials have not indicated they regard ongoing political debates and intermittent security incidents as grave threats to the transition.

Security is the immediate priority, and questions remain about the ability of the TNC to ensure order. In November 2011, the United Nations Secretary General reported that "revolutionary groups have assumed the main responsibility for law and order throughout the country, without appropriate training and outside a proper legal framework."[1] As of March 2012, militia groups remain active and influential, but TNC officials increasingly are attempting to assert central security authority. Some powerful militias that had taken ambiguous postures toward the TNC are responding to requests that they relinquish control of territory and facilities and signaling their recognition of the interim government's mandate to rebuild state security forces. Nevertheless, militia members' continued unity of purpose and endorsement of proposed TNC transition plans cannot be taken for granted. Thousands of detainees suspected of having supported Qadhafi await some form of adjudication, and the TNC has taken control of eight detention facilities formerly run by militias.[2]

The proliferation of small arms, man-portable air defense missile systems (MANPADS), and some heavy weaponry among fighters on both sides of the recent conflict has led some counterterrorism and arms trafficking experts, as well as officials in neighboring countries, to express concern about the conflict's longer-term implications for security in Libya and the region. Most security experts expect that unexploded ordnance, explosive remnants, and looted weaponry will present a domestic and regional challenge for many years. Libya's borders and hundreds of suspected weapons sites remained loosely secured, although limited TNC efforts to secure them have begun, with the support of the United Nations, the United States, and other governments.

Limited financial resources, weak institutional capacity, and latent political rivalries create parallel challenges for the TNC as it seeks to solidify its base of support among the disparate groups that rose up against Qadhafi. Meeting the post-conflict medical and financial needs of Libyans affected by the fighting remains a high priority. U.N. Secretary General Ban Ki-moon reports that while the Libyan government's "liquidity crisis is easing, financial management issues continue to hamper the government's ability to allocate funds quickly in response to urgent needs."[3] Some reports suggest that while a lively political atmosphere has emerged, political support for the TNC among the population may be contingent on the council's ability to provide

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[1] United Nations (U.N.) Security Council Document S/2011/727, Report of the Secretary-General on the United Nations Support Mission in Libya, November 22, 2011.

[2] U.N Document S/PV.6728, Provisional Record of Security Council meeting, February 29, 2012, New York.

[3] U.N. Document S/2012/129, Report of the Secretary-General on the United Nations Support Mission in Libya, March 1, 2012.

basic services and financial support via salaries and subsidies.[4] Organized armed groups or ad hoc citizen coalitions may choose to challenge the TNC if public hardships increase or if TNC political decisions prove controversial.

Some expert observers of Libya's domestic politics have emphasized the general weakness and fractured condition of Libya's political landscape after 40 years of idiosyncratic abuse by Qadhafi and his supporters. Qadhafi purposely undermined state institutions, including the military, and manipulated tribal, regional, and political groups to maintain power. As a result, transitional authorities are inheriting very weak national institutions, and competition among those groups may intensify during the transition. Political parties and civil society organizations—long banned—are now emerging in large numbers. Differences could emerge in the short term over security arrangements or over the goals and shape of the new political system. The political ascendance of nonviolent Islamist groups or the potential intransigence of any of the armed organized factions now active, including armed Islamists, also may create new challenges. The United States and Europe have expressed concern about violent Islamist groups in Libya and are seeking to maintain counterterrorism cooperation with the post-Qadhafi government.

Taken together, these factors suggest that securing U.S. interests in Libya may require sustained attention and resources during the transition period. Since the uprising began, U.S. officials have argued that U.S. policy must remain flexible in order to effectively shape and respond to changing developments. Given these circumstances, Administration officials and Members of Congress may choose to reexamine U.S. interests in Libya; discuss the range of possible outcomes and their potential implications; and define the authorities for and costs of potential U.S. responses.

Issues before Congress

Many Members of Congress welcomed the announcement of Libya's liberation and the formation of the interim government, while expressing concern about security in the country, the proliferation of weapons, and the prospects for a smooth political transition. Congress continues to exercise oversight over U.S. diplomatic, security, and assistance efforts in Libya and is considering appropriation and authorization requests and notifications related to Libya programs. According to the State Department, previously appropriated funds have been reprogrammed with input from Congress to support approximately $140 million in humanitarian assistance, security, and transition assistance programming since the uprising began. For FY2013, the Obama Administration is requesting $150,000 in Foreign Military Financing (FMF), $250,000 in International Military Education and Training (IMET) funding, and $1.25 million in NADR funding to continue engagement programs with Libyan security forces and improve border security. Elements of a requested $770 million Middle East North Africa Incentive Fund also are expected to benefit Libyans and may support further democracy assistance programming.[5]

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[4] CRS interviews and review of Libyan media and unpublished NGO and unclassified State Department reporting, 2011-2012.

[5] The Administration is requesting $770 million in ESF and other funding for this transition support fund with 5-year spending authority to be available notwithstanding any other provision of law. The fund would support short term programs to provide immediate support to transition countries as well as support long term incentive partnerships on reform projects identified by host governments.

Securing stockpiles of Libyan conventional and chemical weapons has emerged as an issue of broad congressional concern, as has ensuring that transitional authorities act in accordance with international human rights standards in pursuing justice and handling detainees. U.S. programs to mitigate threats posed by weapons proliferation continue. On May 9, the Administration notified Congress that it had waived normal congressional notification requirements to immediately obligate $1.5 million in Nonproliferation, Antiterrorism, Demining and Related Programs (NADR) account funding for "urgently needed assistance to collect, destroy, and reestablish control of Libyan munitions and small arms and light weapons" in response to "a substantial risk to human health or welfare."[6] These efforts have been expanded, and the Obama Administration and Congress have directed $40 million in previously appropriated funding to support disarmament and weapons depot security efforts that are now ongoing.[7] U.S. civilian advisers working with the TNC to locate, secure, and disable shoulder-fired anti-aircraft missiles and other weaponry (see "Regional Concerns Stem from Libyan Weapons" below).

During the conflict, the Administration also notified Congress of its intent to offer up to $25 million in nonlethal material support to groups in Libya, including the TNC. U.S. officials argued that the rebels' most pressing needs were command and control, communications, training, organization, and logistics support. These needs are now reflected in discussions about reconstituting a national military for Libya, incorporating opposition fighters and former regime personnel into security forces, and demobilizing civilian volunteers. U.S. officials have not publicly discussed specific proposals to assist Libya's interim government in this regard.

U.S. civil society support for Libya's transition is being provided under the auspices of the State Department's Middle East Partnership Initiative (MEPI) and the $5 million Libya Transition Initiative (LTI), managed by the U.S. Agency for International Development (USAID) Office of Transition Initiatives (OTI). Through the LTI, USAID contract partners are implementing programs to provide civil society training and resources to Libyan citizens and organizations.[8] The U.S. government also has provided medical and humanitarian assistance to Libyans injured or displaced during the revolution.[9]

Some Members of Congress have suggested that some Libyan assets seized by the United States in March 2011 pursuant to Executive Order 13566 should be directed, in consultation with Libyan authorities, toward reimbursement of the United States and other NATO countries for their U.N.-approved military operations. Others are seeking to link the availability of assets frozen by the United States to Libyan cooperation with investigations into Qadhafi-era terrorist attacks. As of

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[6] 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 amended and carried forward by the Full-Year Continuing Appropriations Act, 2011 (Div. B, P.L. 112-10). The funding was provided to nongovernmental organizations specializing in international demining and ordnance disposal. Those organizations and others are working with the United Nations as part of a Joint Mine Action Coordination Team that issues regular reports on the status of efforts to remove ordnance threats across Libya and related funding needs. For more information see the United Nations Mine Action Service website at http://www.mineaction.org/overview.asp?o=3994.

[7] This includes $34.3 million in Nonproliferation Disarmament Fund monies appropriated in FY2003, FY2004, FY2009 and FY2010. An additional $5.75 million in FY2011 Nonproliferation, Antiterrorism, Demining and Related Programs (NADR) funding will also be used. Details available from CRS.

[8] More information is available online from USAID at http://www.usaid.gov/locations/middle_east/libya/ and, http://www.usaid.gov/our_work/cross-cutting_programs/transition_initiatives/country/libya/index.html.

[9] For an overview of U.S. efforts through late September 2011, see U.S. Government Humanitarian Fact Sheet #44, Libya—Complex Emergency, Fiscal Year 2011, September 29, 2011.

December 2011, the U.S. Treasury Department had issued licenses that authorized the release to Libya of most of the formerly blocked assets belonging to Libyan entities. (See "Libyan Assets and Oil Exports" below.)

Legislation in the 112th Congress

Debate between Congress and the Obama Administration about congressional authorization and the cost of U.S. military operations in Libya diminished during 2011 as the prospect of a sustained military campaign requiring extended U.S. investment and force deployments became less likely. Earlier in the year, some Members of Congress sought a clearer definition of U.S. objectives, costs, and operations, and, in June and July, some Members of Congress became 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 sought to require reporting on U.S. strategy and operations or to proscribe limits on the authorization or funding for continued U.S. military operations in Libya. Others sought to authorize the continued use of U.S. Armed Forces in support of NATO operations, short of the use of ground troops.

On June 3, the House adopted H.Res. 292 (Roll no. 411), which directed the Administration to provide documents on consultation with Congress and a report "describing in detail United States security interests and objectives, and the activities of United States Armed Forces, in Libya since March 19, 2011." The Administration submitted the report on June 15, 2011.[10] The House of Representatives rejected a series of other resolutions seeking to authorize or de-authorize continuing U.S. participation in Operation Unified Protector. U.S. military operations as part of the NATO mission ended in late October 2011.

Debate concerning the future of U.S. policy toward Libya is being shaped by the events of the transition period, and may increasingly reflect issues that were prominent prior to the uprising, including U.S. counterterrorism priorities and Libyan economic and political aspirations. Recently adopted legislation includes:

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

- The FY2012 National Defense Authorization Act (P.L. 112-81), which was amended (S.Amdt. 1180) to include, in Section 1235, a requirement that the Director of National Intelligence submit to Congress an assessment "that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States posed by man-portable air-defense systems

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[10] Overview of United States Activities in Libya, June 15, 2011. Available from CRS.

that were in Libya as of March 19, 2011." The law also requires the Administration to develop a strategy for mitigating potential related threats and submit a detailed report to Congress, in unclassified and classified form. Section 598 of P.L. 112-81 also reflects language introduced in S. 1822, and directs the Secretary of Defense to assess the feasibility and cost of identifying, exhuming, repatriating, and reinterring the remains of U.S. service members buried in Tripoli, Libya who were killed in the explosion aboard the U.S.S. Intrepid in Tripoli Harbor in 1804.

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

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

- S.Res. 317, which would affirm "the national interest of the United States in a successful and irreversible transition to democracy in Libya," and urge transitional authorities to prepare for elections, restore security, ensure human rights, eliminate chemical weapons stockpiles and secure nuclear materials.

- H.Con.Res. 75, which would state the sense of Congress that

  "the funds of the regime of Muammar Qaddafi that have been frozen by the United States should be returned to the people of Libya for their benefit, including humanitarian and reconstruction assistance, and the President should explore the possibility with the Transitional National Council of using some of such funds to reimburse NATO countries for expenses incurred in Operation Odyssey Dawn and Operation Unified Protector."

- S. 1520, which would restrict the transfer of blocked Libyan assets to Libyan authorities for other than humanitarian purposes until the President certifies to Congress "that the Transitional National Council or successor government is fully cooperating with requests for information and ongoing investigations related to the bombing of Pan Am flight 103 and any other terrorist attacks attributable to the government of Muammar Qaddafi against United States citizens." The bill would provide national security waiver authority to the President and require reporting on U.S. efforts to obtain information regarding terrorist attacks along with Libyan cooperation.

Possible Questions

Possible questions that Members of Congress may wish to consider when assessing the recent developments in Libya and proposals regarding U.S. economic and security assistance or political engagement include the following:

- In the wake of Qadhafi's downfall, what are the goals of U.S. policy in Libya? What U.S. national interests are at stake? What options exist for securing them?

> What civilian or military advisory support and assistance, if any, should be provided to interim authorities and civil society?

- In addition to the United Nations Support Mission in Libya (UNSMIL), which international actors are providing assistance and advice to Libyans on security, stabilization, and reconstruction? Under what authority and on what terms? What role, if any, does the United States seek to play? What appropriations or authorizations might be required to support such a role?

- Who are the individuals and groups emerging as key political, economic, and security actors in Libya? What are their relative goals and agendas? What should be the key components of a future U.S.-Libyan bilateral relationship? What limits to engagement, if any, should the United States impose on its dealings with different Libyan groups? What type of security relationship, if any, should the United States pursue with a new Libyan government?

- What further steps, if any, should the United States take to assist Libyan authorities in securing and eliminating chemical weapons stockpiles and nuclear materials? What else should be done to limit the proliferation of conventional weaponry within and beyond Libya?

- When should the United States complete the transfer of previously blocked Libyan assets to Libyan authorities? Should the United States seek reimbursement from Libya for 2011 military operations or seek to direct funds to victims of Libyan-sponsored terrorist attacks?

- How are events in Libya likely to shape developments in the broader Middle East and North Africa? What unintended consequences may result from the revolution in Libya? What opportunities does change present? What precedents have U.S. or multilateral military intervention in the Libyan conflict set and how might those precedents be affecting the context in which U.S. decision makers respond to other regional crises and events, such as developments in Syria?
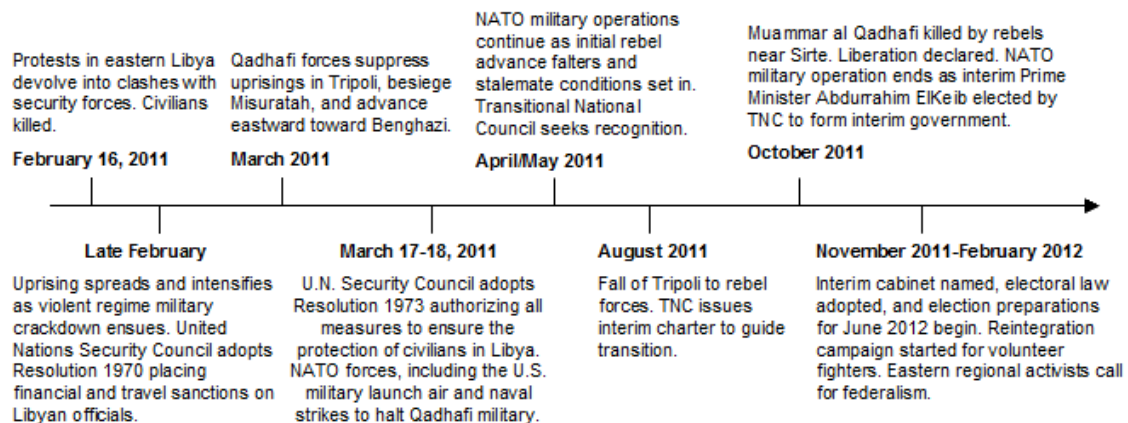
Key Developments

Libyans' euphoria at the downfall of Muammar al Qadhafi has settled into an uneasy mix of hope and fear about the country's future (see **Figure 2** for an uprising synopsis). The immediate consequences of the eight month war in Libya—namely the wide dispersal of military weaponry, the military mobilization of Libyan society, the disruption of state finances and institutions, damaged infrastructure, and injury and displacement of many Libyans—now confront Libya's interim authorities and citizens. The deeper consequences of Qadhafi's divisive rule—inadequate human capital development, sclerotic and corrupt bureaucracy, political manipulation of local and tribal groups, and widespread property dispossession—are complicating the transition and loom on the horizon as thorny problems to overcome. The TNC and its executive arm are caught between the responsibilities of interim governance, the lack of a clear democratic mandate for them to make and enforce decisions, and the expectations of an energized population demanding tangible change and swift results. Libya's civil conflict encouraged the emergence of local governing councils and militia that in some cases are competing with each other and with the TNC for authority.

Compensation and medical treatment for conflict victims, disarmament of militia, and maintenance of basic security remain the key concerns of Libyans and the TNC, amid ongoing political debates about the electoral system for the interim national assembly that will draft a new constitution. The limited capacity of national media institutions and government agencies has hindered TNC efforts to manage public expectations and deliver on public demands. Disputes, protests, and threats have targeted some TNC buildings and leaders, leading to warnings about the possibility of civil conflict and the resignation of TNC Vice Chairman Abdel Hafez Ghoqa in January 2012. Progress on the transition plan laid out in August 2011 by the TNC continues apace (see **Figure 3**).

In January and February 2012, Ian Martin, the United Nations (U.N.) Special Representative of the Secretary-General and Head of the U.N. Support Mission in Libya (UNSMIL) summarized the challenges and opportunities facing Libya in detailed presentations to the Security Council.[11] In January, he warned that "public frustration regarding the perceived shortcomings in delivery by the government is growing" and that the road ahead is fraught with "difficult and inevitably controversial political choices." However, on February 29, he cited a "sense of responsibility of local leaders" and "the determination of civil society to play its own role and to hold any future leadership to account" as signs that "inspire not just hope but confidence that Libya will overcome its legacy and its current difficulties."[12]

Figure 2. Libya Uprising and Conflict Timeline

Protests in eastern Libya devolve into clashes with security forces. Civilians killed.

February 16, 2011

Qadhafi forces suppress uprisings in Tripoli, besiege Misuratah, and advance eastward toward Benghazi.

March 2011

NATO military operations continue as initial rebel advance falters and stalemate conditions set in. Transitional National Council seeks recognition.

April/May 2011

Muammar al Qadhafi killed by rebels near Sirte. Liberation declared. NATO military operation ends as interim Prime Minister Abdurrahim ElKeib elected by TNC to form interim government.

October 2011

Late February

Uprising spreads and intensifies as violent regime military crackdown ensues. United Nations Security Council adopts Resolution 1970 placing financial and travel sanctions on Libyan officials.

March 17-18, 2011

U.N. Security Council adopts Resolution 1973 authorizing all measures to ensure the protection of civilians in Libya. NATO forces, including the U.S. military launch air and naval strikes to halt Qadhafi military.

August 2011

Fall of Tripoli to rebel forces. TNC issues interim charter to guide transition.

November 2011-February 2012

Interim cabinet named, electoral law adopted, and election preparations for June 2012 begin. Reintegration campaign started for volunteer fighters. Eastern regional activists call for federalism.

Source: CRS.

Libya's Interim Government, Transition Plans, and Next Steps

Interim Cabinet

The makeup of the country's interim executive leadership was a matter of quiet but persistent contention from the fall of Tripoli in August through November 2011, with locally organized groups and militia leaders making statements about the qualifications of potential interim cabinet nominees and their perceived right to serve in leadership positions on the basis of their personal

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[11] U.N Document S/PV.6707, Provisional Record of Security Council meeting, January 25, 2012, New York.

[12] U.N Document S/PV.6728, Provisional Record of Security Council meeting, February 29, 2012, New York.

backgrounds and roles in ousting the Qadhafi government. Prime Minister Abdurrahim ElKeib articulated clear standards for selecting the members of the interim cabinet and consulted closely with representatives of various interest groups, militias, and municipalities in an attempt to ensure the cabinet would be seen as reflecting the diversity of interests and identities among Libyans.[13] Transition plans include a series of restrictions on the ability of TNC and executive authority members from holding dual office, benefitting from transactions involving state property, and standing for some future elected positions. **Table 1** provides the names of interim ministers overseeing the transition period.

Table 1. Libya's Interim Government

On November 24, Interim Prime Minster Abdurrahim ElKeib administered inaugural oaths to new members of Libya's interim government, which will manage the country's executive decision making in consultation with the Transitional National Council and the Libyan public until national elections are held and an elected national assembly selects a new cabinet. The members of the current interim cabinet are as follows.

- Dr. Mustafa Abu Shaqur Ghayth—Deputy Prime Minister

- Dr. Umar Abdallah Abdel Karim—Deputy Prime Minister

- Mr. Haramayn Muhammad al Haramayn—Deputy Prime Minister

- Mr. Osama Juwayli—Minster of Defense

- Mr. Fawzi Abdel Al—Minister of Interior

- Mr. Ashur Bin Khayyal—Minister of Foreign Affairs and International Cooperation

- Mr. Hassan Zaqlam—Minister of Finance

- Mr. Issa Ali Al Tuwayjer– Minister of Planning

- Dr. Ahmad al Kushayli—Minister of Economy

- Mr. Abderrahman Bin Yazzah—Minister of Oil and Gas

- Dr. Shaykh Hamzah Abu Faris—Minister of Islamic Endowments (awqaf) and Religious Affairs

- Mr. Abdel Nasser Jibril Hamid—Minister for the Care of the Families of Martyrs and Missing Persons

- Mrs. Mabrukah Sharif Jibril—Minister of Social Affairs

- Mr. Sa'sulayman Ali Sahli—Minister of Education

- Mr. Mustafa Rijbani—Minister of Labor and Vocational Training

- Mr. Ali Hamidah Ashur Shaaban– Minister of Justice

- Dr. Fatimah al Hamrush—Minister of Health

- Mr. Muhammad al Hadi al Hashimi al Harari—Minister of Local Government

- Mr. Ibrahim al Suqutri—Minister of Housing and Urban Planning

- Dr. Anwar Fayturi—Minister of Communication and Information Technology

- Mr. Yusuf Al Wahishi—Minister of Transport

- Mr. Sulayman Abdel Hamid Bukharuba—Minister of Agriculture and Animal and Sea Resources

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[13] OSC Report GMP20111102825005, "Libya: Interim Prime Minister Abd-al-Rahim al-Kib on Government, Program," *Al Sharq Al Awsat* (London), November 2, 2011.

- Dr. Mahmud Ahmad al Fatisi—Minister of Industry

- Dr. Na'im al Gharyani—Minister for Higher Education and Scientific Research

- Professor Fathi Tirbil—Minister for Youth and Sports

- Dr. Abderrahman Habil—Minister of Culture and Civil Society

- Dr. Awad Burayk Al Burasi—Minister Electricity and Renewable Energy

Source: Website of Libyan Interim Prime Minster, March 12, 2012, https://www.pm.gov.ly/ministries.html.

Notes: Profiles for selected cabinet members are available from CRS.

Political Transition Plans and Progress

Libya's political transition is moving forward in reference to terms laid out in an Interim Charter issued by the Transitional National Council (TNC) in August 2011.[14] This overall transition plan marks political waypoints on a nearly 20-month course through Libya's uncertain future. **Figure 3** illustrates the transition timeline laid out by the TNC, including key milestones and pending decision points.
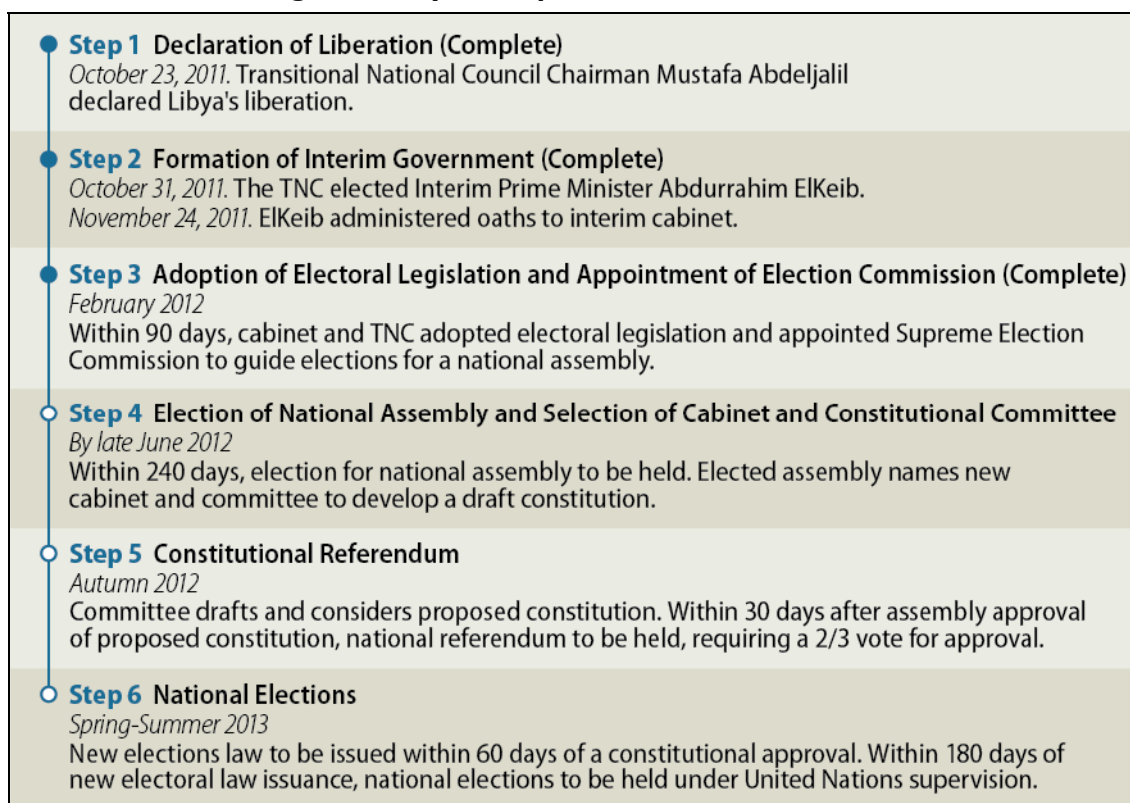
On October 23, 2011, TNC chairman Mustafa Abdeljalil announced the liberation of Libya and stated that an interim government would be named within one month. Accordingly, NATO-led military operations to enforce U.N. Security Council Resolution 1970 and 1973 drew to a close, and ended on October 31. Members of the TNC elected Interim Prime Minister ElKeib to head the interim cabinet, which he subsequently swore in on November 24. The interim cabinet is tasked to oversee an initial transition period, and the TNC adopted electoral legislation in early February 2012. A High National Electoral Commission has been established to administer elections planned for June 2012 to elect a national assembly. The elected assembly is expected to name a new cabinet and choose a committee to draft a new constitution. Within two months of a proposed constitution being presented to the elected assembly, a national referendum is to be held on the proposal. After that, national elections are to be held within nine months.

Election Debates and Federalism Proposals

Under the recently finalized electoral law, in June 2012, voters will choose 200 members of national constituent assembly in a mixed electoral system of individual candidates and non-partisan political and civil society lists, spread over 120 and 80 seats respectively. List candidates are to be organized by alternating gender on lists to ensure female representation, a rule similar to one adopted in neighboring Tunisia, which resulted in women winning roughly one in four seats.

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[14] Available from CRS.

Figure 3. Libya's Proposed Transition Timeline

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

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

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

○ **Step 4** Election of National Assembly and Selection of Cabinet and Constitutional Committee
By late June 2012
Within 240 days, election for national assembly to be held. Elected assembly names new cabinet and committee to develop a draft constitution.

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

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

Source: Prepared by Amber Hope Wilhelm, CRS Graphics Specialist. Information derived from Transitional National Council draft charter, August 2011; and, United Nations Secretary General Report on the U.N. Support Mission in Libya, S/2011/727, November 22, 2011.

Notes: Subject to revision.

Debate over the electoral system has revolved around the best ways to encourage the selection of nationally-oriented figures rather than advocates for discrete local or tribal agendas. Advocates of individual candidacy argue that a party-dominated system may empower organized forces such as the Muslim Brotherhood, which recently launched its political party—the Justice and Construction Party. Advocates of greater party representation argue that individual candidates will reflect the elite interests of the wealthy and of local families and tribal groups at the expense of average Libyans and national unity.[15] To date the TNC has not released an interim political parties law, although dozens of parties continue to emerge at the local and national levels. Political parties were banned under Qadhafi and the monarchy.

The TNC has released district and seat allocations for the upcoming elections that open half the 200 national assembly seats for more populous western Libyan districts, with 60 seats for the east, and 40 seats for the center and south. This has led to concerns among some activists that the interests of less populous areas will be overlooked in favor of centralization or the interests of western Libya. A burgeoning movement in eastern Libya to instate an amended version of Libya's original federal constitution recently culminated in the announcement by an activist coalition of a

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

regional government for the eastern region, known as Barqa or Cyrenaica. While Prime Minister ElKeib has indicated that his cabinet favors and is implementing decentralization of some government services and operations, he and other TNC leaders have rejected the eastern activists' announcement and remain critical of proposals to devolve authority on a regional basis. Demonstrations have been held in eastern and western Libya in opposition to the federalist proposals and any political division of the country. Pro-federalism advocates emphasize that they are not seeking to divide Libya or seek independence. Nevertheless, gunmen attacked a pro-regional autonomy rally in Benghazi on March 16.

TNC Justice Committee chairman Salwa Deghili has indicated that the 60-member constitutional drafting committee that is expected to be named by the elected national assembly will be equally divided among representatives of Libya's west, east, and south. The 1951 constitution was drafted under a similar consensus agreement that Libya's regions would be equally represented in the constitutional drafting committee. The resulting constitution preserved significant powers for Libya's three federal regions—Tripolitania, Cyrenaica, and Fezzan. As Libyans look ahead to national elections in June, needs include a national census, an electoral register, and the funding, equipping, and training of a national electoral infrastructure in a country that has not seen free and fair elections in six decades.

Security and Human Rights Challenges

In the months since Libya's interim cabinet was named and sworn in, sporadic outbreaks of violence among rival militia groups, criminals, and armed citizens have occurred, shaking Libyans' confidence in the TNC and in each other. While prominent volunteer brigades have occupied several strategic locations in and around Tripoli, the government has issued an order for militia-held land and public infrastructure to be placed under Ministry of Interior control, and some groups have signaled their intention to voluntarily disarm and return property to the government. Militia groups from Zintan, Misuratah, Benghazi, Tripoli, and Derna remain active, armed, and publicly prominent. Periodic shootouts involving competing militia have declined, although incidents related to militia attempts at extrajudicial arrests or interference with police and other security forces continue. Clashes in southern Libya involving members of the minority Tebu ethnic group have killed dozens in Sabha, Jawf, and Kufrah since February 2012. On March 1, U.N. Secretary General Ban Ki-moon reported that, "Intermittent clashes between the brigades and other incidents continued to pose a challenge to the authorities in their efforts to contain the overall security situation and to manage the risks associated with the continued proliferation of weapons on the streets and the large number of armed brigades whose lines of command and control remained unclear."[16] The head of UNSMIL has stated his view that "there is little indication that [militia] wish to perpetuate an existence outside state authority."

Reintegration Programs Begin for Volunteer Fighters

The initial steps in a militia disarmament and demobilization campaign are taking shape. Registration by revolutionary fighters (referred to by the Arabic plural *thuwar*) continues, with 148,000 former fighters registered as of early March and approximately 15-30% seeking police, military, or government employment. Programs to offer training programs, scholarships, loans to support the establishment of small businesses have been launched for the remaining 70-85%.

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[16] Ibid.

New officials have been named as armed forces chief of staff and intelligence director to oversee efforts to reconstitute the national military, integrate militia members, and address transnational security threats emanating from and extending into Libya. Minister of Defense Osama al Juwayli was a prominent revolutionary commander of the Zintan militia, and Minister of Interior Fawzi Abdel Al was a leader of a Misuratah-based revolutionary group. Principal challenges include limited funding, a lack of a detailed initial military inventory and security plan, and the degree to which political uncertainty continues to encourage individuals and local groups to hold on to weaponry. Turkey and Jordan have offered to train Libyan police, with the Jordanian plan involving rotations of an initial 10,000 police personnel through the U.S.-backed International Police Training Center outside of Amman.

Human Rights Concerns and Reconciliation

International human rights entities and the United Nations have observed and criticized examples of torture, unacceptable detention conditions, and extrajudicial punishment by official security entities and militia groups across Libya. The TNC is issuing pleas for militia groups to abstain from abusing prisoners or settling scores with arms, even as it continues to rely on militia groups to secure some areas and hold Qadhafi-era detainees. According to the Secretary General's March 1 report, "progress has been slow," and "Revolutionary 'brigades' continue to carry out arrests of alleged former regime supporters and interrogation, including at undisclosed locations, as well as to control known detention centers where conditions remain mostly poor." UNSMIL estimates that between 5,000 and 6,000 detainees remain in the custody of volunteer fighters. According to the U.N., "an estimated 65,000 to 80,000 people remain internally displaced, mainly Tawergha, other minorities and people associated with the former regime, owing to fears of reprisals in their areas of origin."[17] The TNC has further signaled its intention to take an inclusive approach with regard to government personnel not known to have been involved in severe human rights violations or public corruption. The success of the TNC initiatives and the acceptability of this approach among Libyans also remains to be seen.

Regional Concerns Stem from Libyan Weapons

The Libyan military's massive small arms and heavy weapons stockpiles have been looted and dispersed both within Libya and beyond its borders, creating local and regional security concerns. Authorities in several countries, including Egypt, Niger, Algeria, Israel,[18] and Tunisia have expressed concerns about the smuggling of Libyan weaponry across or toward their borders, and continuing smuggling incidents and arrests reflect the broad scope of the threat. Particular concern has been focused on the potential smuggling of shoulder fired anti-aircraft missiles (MANPADS).

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[17] Ibid.

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

Libyan efforts to coordinate with neighboring countries on border security issues are expanding, and the militia reintegration program includes an effort to recruit personnel for an Agency for Border Security and Strategic Installations Protection. U.N. and U.S. officials have indicated that they have not seen evidence that MANPADS have been smuggled out of Libya, but that such leakage can not be ruled out.[19] However, in late February, Algerian authorities reported that they had discovered a cache of over forty Russian-made shoulder-fired surface to air missiles near the eastern desert town of In Amenas, southwest of the Libyan border town of Ghadames. The cache reportedly consisted of 15 SA-24 and 28 SA-7 missiles.[20]

U.S.-Libyan efforts to mitigate the threats posed by the proliferation of weaponry from Libyan military stockpiles are proceeding under the terms of a bilateral agreement on weapons abatement signed in late 2011. The U.S. government has deployed Quick Reaction Forces of expert civilian personnel to Libya who are embedded with Libyan military units. As of late January, they had inspected over 120 storage areas and 1,500 bunkers, accounting for over 5,000 MANPADS systems. The State Department-led interagency MANPADS Task Force plans to oversee a three-phase MANPADS accounting, recovery, and threat mitigation program for Libya and the region, to include inventory, border control assistance, and airport security assessments.[21] Their efforts are complicated by the fact that NATO airstrikes targeted weapons depots where large numbers of the systems may have been stored and subsequently destroyed or buried. The dispersal of some systems among Libyan militia and the reluctance of Libyans to disarm are also challenges.[22]

Undeclared Chemical Weapons Raise Questions

The security of Libya's stockpiles of declared chemical weapons material and its remaining nuclear materials have been the subject of sustained scrutiny.[23] In August 2011, the State Department reported that prior to the conflict, Libya had destroyed over 50% of its declared mustard agent stocks and over 40% of its declared liquid chemical weapons precursors. In late 2010, Libya had restarted the long-delayed destruction of its declared mustard agent and precursor stockpiles, although technical problems and the outbreak of the conflict resulted in Libya missing its May 2011 destruction deadline.

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[19] U.N. Special Representative Ian Martin told the U.N. Security Council in late January that "there is as yet little evidence that MANPADS have been smuggled out of Libya in significant numbers." U.S. Assistant Secretary of State for Political-Military Affairs Andrew Shapiro stated in remarks at the Stimson Center in Washington DC in early February 2012 that the U.S. government had not seen evidence of MANPADS leaving Libya to date although it was all but impossible to be certain.

[20] Lamine Chikhi, "Exclusive: Algeria seizes missiles smuggled from Libya: source," Reuters, February 18, 2012; Sihem Balhi, "Un stock découvert à In Amenas : Des missiles libyens anti-avion sur le territoire Algérien," Dernieres Nouvelles D'Algérie, February 19, 2012.

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

[22] According to the U.N. Secretary General, "The full magnitude of the arms problem remains unknown because access to stockpiles controlled by 'brigades' remains a challenge; no reliable records exist of pre-conflict weapons stocks; and details of weapons destroyed, transferred or used during the conflict are not available." U.N. Document S/2012/129, Report of the Secretary-General on the United Nations Support Mission in Libya, March 1, 2012.

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

The TNC formally notified the Organization for the Prohibition of Chemical Weapons (OPCW) on November 1, 2011 that it had located what it believed to be undeclared chemical weapons. The OPCW has now verified that the materials consist of sulfur mustard agent and artillery shells that are chemical munitions. The Qadhafi government reportedly omitted the materials from its original declaration to the OPCW in contradiction to the basic commitments it made as part of the normalization of its relations with the United States and Europe.[24] TNC forces control the sites where the materials of concern are stored, and TNC officials have committed to upholding Libya's commitment to destroy chemical weapons materials under the mantle of the OPCW.[25] Libya's previously declared stockpiles were required to be destroyed in full by April 2012 under a renegotiated OPCW deadline. According to the U.N. Secretary General, Libya plans to submit a destruction plan for the newly declared material by the end of April 2012.[26]

Libya destroyed the munitions for dispersing mustard agent that it had declared in 2004, and during the 2011 conflict, U.S. officials repeatedly stated publicly that they believed the remaining sulfur mustard agent and precursor stockpiles were secure.[27] The non-weaponized nature of the declared sulfur mustard agent and precursor materials had suggested that the material posed a smaller threat than otherwise may have been the case.[28] The revelation that Qadhafi withheld information about chemical agents and munitions and that the OPCW and U.S. and European intelligence services appear to have had no knowledge of the omission raises serious questions concerning intelligence and one element of the rationale for the Qadhafi government's international rehabilitation.

Libya's nuclear materials also have been subject to international and U.S. oversight and joint operations that removed highly enriched uranium and other proliferation-sensitive items. Libya's research reactor east of Tripoli at Tajura was converted with U.S. assistance in 2006 to operate using low-enriched uranium. Libya also possesses a stored stockpile of at least several hundred tons of uranium oxide yellowcake, reportedly stored near Sabha. UNSMIL considers the sale or transfer of 6,400 barrels of uranium yellowcake remaining in Libya to be a "key priority," while a Tripoli-based think tank has advised the TNC to preserve the material for possible domestic agricultural, industrial, or energy use. Programs to engage Libyan nuclear scientists reportedly were disrupted by the recent conflict, but may be restarted as the transition unfolds.

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[24] R. Jeffrey Smith, Joby Warrick, and Colum Lynch, "Iran may have sent Libya shells for chemical weapons," *Washington Post,* November 20, 2011.

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

[26] AFP, "Libya's NTC Pledges To Destroy Chemical Weapons: OPCW" November 4, 2011.

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

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

Libyan Political Dynamics

Prior to the 2011 revolution, Libya's political dynamics were 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 reformers 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 in the early-to-mid-20th century continue to influence Libyan politics. Rhetorical references to preserving sovereignty and resistance to foreign domination are common in political statements from many individuals and groups. These trends are reflected in the celebration of the legacy of the anti-colonial figure Omar al Mukhtar, particularly during the 2011 uprising.

Dynamics among expatriate Libyan opposition figures and Libya-based activists reflect the subtle legacies of Libya's former monarchy period, changes to monarchy-era power structures under Qadhafi, and the events of the 2011 revolution.[29] Tribal relationships have remained socially important, particularly in non-urban settings, and 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 remained 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, sought to advance their broad interests under Qadhafi through control of official positions of influence, although some of their members opposed the regime on grounds of tribal discrimination. The reversal of long-standing tribal dynamics and the assertion of tribal leadership in conjunction with a proliferation of arms has the potential to create instability in some areas.

Competition for influence among Libya's regions characterized the pre-Qadhafi period, and some Libyans 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. More recent Libyan politics have not been dominated by overt inter-regional tension, although pro-Qadhafi forces accused the organizers and leaders of the revolt as having, inter alia, an eastern regional separatist agenda. The TNC denied these accusations and has quickly moved representatives westward to Tripoli, while proposing changes to the structure and membership of the TNC to improve national representation.

The revival of regional identity and political organization by some groups in eastern Libya has raised the prospect that regional sentiment may once again emerge as an influential factor in Libyan politics. Opponents of this trend cite the shared experiences of the 2011 conflict and a desire to prevent political infighting from jeopardizing the country's political transition. The organization of local representative councils and the arming of locally organized militia groups during the revolution complicated efforts to promote national unity. However, recently elected

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[29] According to one analyst, the TNC leadership consists of members from several general groups: "defectors from the former regime elite"; "scions of the aristocratic and bourgeois families who had dominated Libya during the monarchy (1951-69)"; exiled "members of the non-aristocratic Libyan intelligentsia and business community"; and, Libya-based "representatives of the educated elite, such as lawyers and university professors." These individuals have struggled to make common cause at times with Islamists, elites in western Libya, protestors, and armed volunteer fighters. See Wolfram Lacher, "Families, Tribes and Cities in the Libyan Revolution," Middle East Policy Council, November 2011.

local councils have acknowledged the national authority of the interim government, and TNC officials cite the voluntary disarmament of some brigades as a positive sign.

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 government repression and infiltration, 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 pairing of domestic popular revolt and regime defectors to the broadly defined opposition cause was welcomed by many established opposition groups in exile, even if the specific political demands of newly active opposition supporters and their compatibility with the agendas of the established groups remain unclear.

Political parties and all opposition groups were banned under Qadhafi and severely restricted under the monarchy. Formal political pluralism was frowned upon by many members of the Qadhafi-era elite, even as, in the period preceding the unrest, some regime figures advocated for greater popular participation in existing government institutions. The general lack of widespread experience in formal political organization, competition, and administration is likely to remain a challenge in the immediate post-Qadhafi era. Independent NGO reports suggest ad hoc political organization is ongoing across Libya and much of it reflects a desire for institution-based, democratic governance rooted in the rule of law. Some nascent political and social groups have sought external training and support to overcome the legacy of decades of restrictions. The continued openness of newly liberated Libyans to outside examples and assistance remains to be determined, and different groups are likely to take different approaches.

Libyan and international media reporting suggests that the recent interim cabinet selection process may have been influenced by some groups' lingering suspicion of figures from the former government and the emergence of strong local identities during the conflict. Differences of opinion about the TNC's transition plans and proposed transition schedule also may have influenced the cabinet selection and may continue to shape relations within the cabinet and between the TNC and the Libyan public.

The emergence of real political competition in the midst of Libya's post-conflict recovery and post-authoritarian transition creates unique challenges for U.S. policymakers. These include identifying new leaders and groups; determining their relative intentions, goals, and legitimacy; and assessing the capabilities and intentions of armed elements.

Islam and Islamists in Libya

Libyans are predominantly (~90%) Sunni Muslims, and many reportedly endorse relatively moderate approaches to Islamic law, or *sharia*, affiliated with the Maliki school.[30] Islam has been the official religion since independence, and the Quran is the nominal basis for the country's law and its social code. Most Libyans accept a prominent role for Sunni Islamic tradition in public life, but differ in their personal preferences and interpretations of their faith. They remain engaged in a long-running public debate about the proper role for Islam in public life—a debate

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[30] International Crisis Group, "Holding Libya Together: Security Challenges after Qadhafi," Middle East/North Africa Report N°115, December 14, 2011, p. 9. Maliki refers to one of the traditional Sunni schools of Islamic law.

that in the past has led to violence and in the present has taken on new urgency in light of the opportunity to define a new political charter. Calls for and against strict interpretations and enforcement of *sharia* (Islamic law) have featured regularly in public discourse since the fall of the Qadhafi regime. During January 2012, public gatherings in the low thousands emerged in Benghazi and Misuratah to demand that Islamic law, or *sharia*, be codified and enforced as the primary component of Libya's new constitution.

The TNC's draft interim constitutional charter, released in August, states in Article One that "Libya is an independent Democratic State wherein the people are the source of authorities.… Islam is the Religion of the State and the principal source of legislation is Islamic Jurisprudence (*sharia*).… The State shall guarantee for non-Muslims the freedom of practicing religious rights and shall guarantee respect for their systems of personal status." The content of TNC chairman Abdeljalil's statement on Libya's liberation attracted domestic and international interest, particularly his emphasis on the population's Islamic character and the extent to which Libyan law might be based on religious law in the future.[31] In February, Abdeljalil predicted that moderate Islamists would eventually emerge as the ruling force in Libya, but predicted that extremists would remain marginalized.[32] Libyans hold a wide array of views on these questions and are now freely sharing them.

Islamist Groups and Parties

Libya's Islamist landscape includes a range of actors and organizations, many of whom share a bond of having opposed Qadhafi regime and suffered legal or personal consequences. In the wake of Qadhafi's downfall, Islamist leaders such as Ali al Salabi have made several statements signaling that Libyan Islamists view their role in the uprising as central and that they intend to pursue a comparably central political role in the future.[33] The Libyan Muslim Brotherhood may lead such an effort, and recently launched its own political party, the Justice and Construction Party, led by Mohammed Sowan. One Brotherhood member, Khaled al Warshefani, also announced the establishment of the Islamist and pro-*sharia* Party of Reform and Development in January 2012. Other parties with Islamist elements in their platforms include the Libya Future Party, the National Solidarity Party, the Tawasul Party, the Libyan Center Party, and the Libyan Free Democratic Party for Justice and Development.

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[31] In his remarks, Abdeljalil stated that "We, as a Muslim state, have taken the Islamic sharia as the main source of legislation, and therefore, any law which contravenes the Islamic principles of sharia, is legally void." He gave as examples policies prohibiting men from marrying more than one wife and allowing interest-based financial transactions. The draft charter that the TNC has proposed to guide the interim transition period states that "Islam is the religion of the state and the principal source of legislation is Islamic jurisprudence (*sharia*) .... The State shall guarantee for non-Moslems the freedom of practicing religious rights and shall guarantee respect for their systems of personal status."

[32] A French interviewer reported that Abdeljalil said, ""The Islamists worry the Libyans even more than the West. It is moderate Islam that will reign in this country. No fewer than 90 percent of Libyans want a moderate form of Islam. There are 5 percent liberals and 5 percent extremists." His remarks have been the subject of controversy in Libya, and Abdeljalil has claimed his comments about Islamists worrying Libyans were misrepresented. See Prier, op cit.

[33] The Al Salabi family, led by brothers Ali and Ismail, played an influential role in the uprising. Ali mediated between the Qadhafi government and detained leaders of the Libyan Islamic Fighting Group (LIFG, a U.S.-designated Foreign Terrorist Organization) prior to the unrest. According to one report, during the conflict, Ali reportedly served as an intermediary and conduit between the Qatari government and the 17 February Brigade led by his brother Ismail. Libya: From Gaddafi to Qatar, *Africa Confidential* (London), February 3, 2012.

The Libyan Muslim Brotherhood has not established an organizational apparatus on par with its counterpart in Egypt but is regarded by Libyans as likely to emerge as a leading force among Libyan Islamists. The Brotherhood reorganized its leadership at a landmark public meeting in November 2011 and selected Bashir Abdelsalaam al Kabti as its General Guide. Al Kabti lived in the United States for 30 years prior to his recent return to Libya. In interviews since his election, Al Kabti has called for weaponry to be returned to military depots and has referred to Islam "a complete way of life for individuals and society." He also has spoken in favor of "a multi-party system … the separation of powers and … free media."[34] In a recent interview he stated, "We, as the Muslim Brotherhood, are calling for the establishment of a civilian state but with an Islamic reference."[35]

Some Libyan observers expect that former Libyan Islamic Fighting Group (LIFG)[36] leader and current Tripoli Military Council commander Abdelhakim Belhaj also may pursue a political leadership role as an individual member of the elected national assembly and/or as the leader of an as yet un-established Islamist political party. Such a party may be affiliated with the LIFG successor group—the Libyan Islamic Movement for Change.[37] Some Libyan observers discount Belhaj's political potential. Prior to the recent unrest, Belhaj and other leading LIFG figures had been imprisoned and released after renouncing the use of violence as part of a dialogue and reconciliation process with the Qadhafi government.[38]

Salafist groups, while organized and increasingly publicly active, are not expected to have as powerful a political role as they have sought and obtained in Egypt, but may prove more influential in eastern Libya where conservative trends are stronger and where fighters with experience in Afghanistan and Iraq are known to be present. In the wake of the liberation announcement, some instances of violence have been associated with conservative Salafi groups targeting shrines affiliated with Sufi religious orders.

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[34] OSC Report GMP201111121950082, "Libyan Muslim Brotherhood Leader Says Islam 'Complete Way Of Life,'" November 21, 2011.

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

[36] The LIFG is a U.S.-designated Foreign Terrorist Organization and Islamist movement that used violence in past attempts to overthrow Muammar al Qadhafi and his government. Over the last 20-plus years, members of the LIFG were reported to have fought in various conflicts around the world involving Muslims, including in Afghanistan during the 1980s, the Balkans during the 1990s, and Iraq after 2003. According to the U.S. State Department, members of the group at times have demonstrated distinct and competing priorities: "some members maintained a strictly anti-Qadhafi focus … others … aligned with Osama bin Laden, and are believed to be part of the Al Qaeda leadership structure or active in international terrorism." 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. For more information see U.S. Department of State, "Terrorist Organizations: LIFG," Country Reports on Terrorism 2010, August 2011.

[37] Some Libya-based members of the LIFG responded to the release of leading figures on February 16, 2011, 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." OSC Report GMP20110217825017, "Libya: IFG Elements Establish New Group Aiming for Peaceful Regime Change," February 17, 2011.

[38] Through this process, over 200 LIFG members were released from jail, including senior leaders and former commanders who have been active during the recent unrest. Prominent prisoners released under the auspices of the reconciliation program include Belhaj, 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.

Al Qaeda in the Lands of the Islamic Maghreb (AQLIM/AQIM)[39]

U.S. government officials and their regional counterparts remain focused on the potential for change 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, Malian, 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.

More general concerns focus on former members of the LIFG, some of whom may harbor sympathies for or maintain affiliations with elements of Al Qaeda.[40] While the Libya-based leaders of the LIFG participated in reconciliation with Qadhafi's government while in prison and renounced violence as a domestic political tool, some of their supporters are reported to have sent Libyans abroad to participate in insurgencies and terrorism. This has raised concerns among officials and analysts about the potential for cooperation between AQIM and some Libyan Islamists. Al Qaeda figures have endorsed such cooperation in public statements in recent months, offering a range of unsolicited political and military advice to any Libyans who will listen.

- On April 16, 2011, London-based pan-Arab newspaper *Al Hayat* published an email interview with a reported spokesman for AQIM named Salah Abu Muhammad, who stated that AQIM 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.[41] Neither source could be independently verified.

- A March 17, 2011, statement attributed to AQIM leader Abdelmalik Droukdel (aka Abu Mus'ab al Wadud) addressed Libyan rebels and sought to associate the Libyan uprising with Al Qaeda's campaign against Arab and Western governments.[42] 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.

- On October 29, 2011, Al Qaeda leader Abu Yahya al Libi released a forty minute videotape that invited the "Muslim people in Libya to keep their arms within reach," and "to use these arms to defend their religion, themselves, their honor, and their properties, while adhering to the clear and precise laws of sharia (Islamic law), free of tribalism and pre-Islamic disagreements."[43]

On March 30, 2011 the TNC released a statement affirming its support for U.N. 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."

United Nations Support Mission in Libya (UNSMIL)

The United Nations Support Mission in Libya continues to operate under the mandate outlined in Security Council Resolution 2009 and extended through March 2013 by Resolution 2040. U.N. Secretary General Ban Ki-moon named UK-born Ian Martin as UNSMIL director, and Martin is continuing the work he began in mid-2011 as the Secretary General's special adviser for post-conflict and transition issues in Libya. To date, UNSMIL activities have included electoral advisory support, transitional justice consultation, and public security and economic needs assessments. On December 2, 2011, the Security Council tasked UNSMIL with "assisting and supporting Libyan national efforts to address the threats of proliferation of all arms and related materiel of all types, in particular man-portable surface to air missiles." The Obama Administration has not requested specific FY2013 funding to support UNSMIL, but the mission is funded through assessed contributions of U.N. member states, including the United States.[44]

Libyan Assets and Oil Exports

Libyan Assets

During 2011, the United States and others froze tens of billions of dollars in Libyan state assets, and the Obama Administration placed targeted sanctions on Libyan oil companies and other entities in support of Executive Order 13566 and U.N. Security Council resolutions 1970 and 1973. The TNC has identified up to $170 billion in Libyan assets that were blocked worldwide and it has sought access to those funds over the last twelve months. U.N. Security Council Resolution 2009 reiterated the Security Council's intent to ensure that frozen assets are made available as soon as possible to and for the benefit of the Libyan people and established a number of conditions and mechanisms to regulate the return of assets. The U.S. Department of the

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[43] OSC Report GMP20111205405002, "Abu-Yahya al-Libi Video Calls on Libyans To Keep Arms, Institute Shari'ah," December 5, 2011.

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

Treasury's Office of Foreign Assets Control (OFAC) has issued general licenses that authorize new transactions with Libyan state entities and maintain the asset freeze established under Executive Order 13566 on named individuals and a handful of state entities. In December 2011, the Obama Administration unblocked over $30 billion of roughly $37 billion in frozen Libyan assets, building on a previous transfer of $1.5 billion in assets for the benefit of the Libyan people and the TNC.[45]

Libya's Oil Production, Exports, and Revenue

Libya's oil production and export infrastructure survived the revolution relatively unscathed, although some facility damage, the departure of large numbers of laborers and skilled technicians, and the lack of maintenance during the conflict were expected to limit the speed with which production and exports would be restarted.[46] However, effort to restore operations have proceeded rapidly. Prior to the conflict, Libya was exporting 1.3 million barrels of oil per day; in February 2012, Libyan officials reported that production was roughly 1.4 million barrels per day.[47] The U.S. Energy Information Administration has projected that Libyan output could return to pre-conflict levels by the end of 2012, but this target may be reached by mid-year. The importance of oil exports for Libya cannot be overstated, as the IMF reported in February 2011 that over 90% of state revenue came from the hydrocarbon sector in 2010.

Prior to the rebel victory, the U.S. Treasury Department had issued a Statement of Licensing Policy allowing U.S. persons to request from 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."[48] The license further allowed 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." More recently released general licenses removed restrictions on transactions with Libyan oil firms.

International Criminal Court and United Nations Human Rights Council Investigations[49]

The death of Muammar al Qadhafi, the arrest in Libya of his son Sayf al Islam, and the detention of former intelligence chief Abdullah al Senussi in Mauritania have complicated efforts to

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

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

[47] Associated Press, "Libya: Oil production up, exploration resumes," February 27, 2012.

[48] 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.

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

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prosecute these individuals on charges of crimes against humanity issued by the International Criminal Court (ICC).[50] Outstanding ICC arrest warrants notwithstanding, TNC officials have asserted their intention to prosecute Sayf al Islam al Qadhafi and Abdullah al Senussi in Libyan courts. Sayf al Islam remains in the custody of the Zintan militia, ostensibly until the completion of a national prison facility to house high-level detainees.[51] Some observers have speculated that leaders in Zintan may be seeking to leverage Sayf al Islam's detention for national influence. Prior to Muammar al Qadhafi's death, some observers argued that the prospect of an ICC trial made it less likely that he would have agreed to relinquish power or to have surrendered to the opposition.[52]

On March 8, 2012, the U.N. Human Rights Council's Commission of Inquiry issued its final report on the Libyan conflict and concluded that crimes against humanity and war crimes were committed.[53] With regard to government forces, an official summary of its findings stated,

> "international crimes, specifically crimes against humanity and war crimes, were committed by Qadhafi forces in Libya. Acts of murder, enforced disappearance, and torture were perpetrated within the context of a widespread or systematic attack against a civilian population. The Commission found additional violations including unlawful killing, individual acts of torture and ill-treatment, attacks on civilians, and rape."[54]

With regard to opposition forces, the commission found that

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

The commission previously found in its June 2011 interim report that it did not believe "that the violations committed by the opposition armed forces were part of any 'widespread or systematic attack' against a civilian population such as to amount to crimes against humanity." However, in the March 2012 report, the commission stated that it was "deeply concerned that no independent investigations or prosecutions appear to have been instigated into killings committed by thuwar."

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

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

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

[53] 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.

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

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