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Libya: Transition and U.S. Policy

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Summary

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

Elections for legislative bodies and a constitutional drafting assembly were held and transparently administered in 2012 and 2014, but were marred by declining rates of participation, threats to candidates and voters, and zero-sum political competition. Insecurity remained prevalent in Libya following the 2011 conflict and deepened in 2014, driven by overlapping ideological, personal, financial, and transnational rivalries. Resulting conflicts involving Libyans in different parts of the country drove the political transition off course. At present, armed militia groups and locally organized political leaders remain the most powerful arbiters of public affairs. Criminals and violent Islamist extremists have exploited these conditions, and the latter have strengthened their military capabilities and advanced their agendas inside Libya and beyond its borders.

U.S. officials and other international actors have worked since August 2014 to convince Libyan factions and their regional supporters that inclusive, representative government and negotiation are preferable to competing attempts to achieve dominance through force of arms. In August 2014, the United Nations (U.N.) Security Council adopted Resolution 2174, authorizing the placement of financial and travel sanctions on individuals and entities found to be "engaging in or providing support for other acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition."

In December 2015, some Libyan leaders endorsed a U.N.-brokered political agreement to create a Government of National Accord (GNA) to oversee the completion of the transition. GNA Prime Minister-designate Fayez al Sarraj and members of a GNA Presidency Council are seeking to implement the agreement with the backing of the U.N. Security Council, the U.S. government, and the European Union. Some authorities and military forces based in eastern Libya describe GNA leaders as foreign-imposed interlopers, and competition persists between the GNA and its critics over political leadership, military command, national finances, and control of oil infrastructure.

The U.S. State Department describes Libya as a permissive environment for terrorists, and the U.S. government suspended operations at the U.S. Embassy in Tripoli and relocated U.S. personnel out of the country in July 2014. In August 2016, U.S. military forces intervened in support of GNA-aligned forces working to isolate and eradicate the Islamic State organization's stronghold in the central coastal city of Sirte. The Islamic State's rise in parts of Libya from 2014 through early 2016 became a matter of deep concern among Libyans and the international community, and shared concerns persist regarding remaining extremists, the weakness of state institutions, and flows of migrants, refugees, and contraband across Libya's unpoliced borders.

Congress has conditionally appropriated funding for limited U.S. transition assistance and security assistance programs for Libya since 2011. In June 2016, the Special Committee formed by Congress to investigate the September 2012 attacks on U.S. government personnel in Benghazi released its final report. In parallel with more robust counterterrorism measures in 2016, the Obama Administration has notified Congress of plans to obligate funds in support of programs to improve the capabilities of the GNA. Nevertheless, political consensus among Libyans remains elusive, and insecurity may continue to delay the return of the U.S. diplomatic presence and the development of a deeper bilateral assistance relationship.

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Overview

Nearly five years after a U.S.-led NATO military intervention helped Libyan rebels topple the authoritarian government of Muammar al Qadhafi, Libya remains politically fragmented and its security is threatened by terrorist organizations and infighting among interim leaders and locally organized armed groups. Rival governing entities based in eastern and western Libya remain locked in a heated political dispute, in spite of a United Nations (U.N.)-facilitated dialogue process having resulted in some members of rival factions agreeing to establish a proposed Government of National Accord (GNA), led by Prime Minister-designate Fayez al Sarraj.

As of September 2016, officials affiliated with the nine member GNA Presidency Council have returned to Tripoli and are seeking to consolidate control over government institutions and build support among competing groups with the backing of the U.N. Security Council, the U.N. Support Mission in Libya (UNSMIL), the U.S. government, the European Union, and some regional governments. The United States and the European Union have placed sanctions on some Libyan leaders for obstruction of the GNA agreement, amid competition between the GNA and eastern Libya-based figures over national leadership and control of energy resources. The United States and other third parties continue to monitor the security situation in the country and, in August 2016, the United States began Operation Odyssey Lightning, a military operation to assist GNA-aligned forces in defeating Islamic State forces in the central coastal city of Sirte.

Members of Congress and U.S. officials are considering options for future engagement in Libya with two parallel goals: supporting the emergence of a unified, capable national government and reducing transnational threats posed by Libya's instability and Libya-based terrorists. Pursuing these goals simultaneously presents U.S. policymakers with choices regarding relative priorities, including the types and timing of possible aid and/or interventions, the nature and extent of U.S. partnership with various Libyan groups, the utility of sanctions or other coercive measures, and relations with other countries seeking to influence developments in line with their own interests.

In February 2016, senior U.S. officials acknowledged the interrelated nature of U.S. objectives, with Director of National Intelligence James Clapper referring to a "dilemma ... in terms of a more robust military intervention in Libya, and the potential jeopardy that imposes to a very fragile evolving political process."¹ The August-September 2016 U.S. military intervention has bolstered GNA-aligned forces in Sirte, but has drawn critiques from some Libyan opponents of the GNA Presidency Council, who question the council's legitimacy and its mandate to request external assistance. In late August, a majority of a narrow quorum of the eastern Libya-based House of Representatives (HOR) voted to reject the GNA Presidency Council's proposed cabinet, leading to warnings about renewed political confrontation. In September, HOR-aligned Libyan National Army (LNA) forces moved militarily to control key oil infrastructure sites in eastern Libya, giving them potentially significant influence over the country's fiscal future. Libyans and third parties appear divided about how best to reconcile the U.N. Security Council's de jure recognition of the GNA's authority with the LNA's de facto control of key assets on the ground.

To date, U.S. policy has sought to enable Libyans to make political compromises and build consensus with minimal external interference or coercion. Related questions before the 114th Congress concern President Obama's appropriations requests for FY2017 foreign assistance and defense funding for programs in Libya as well as ongoing congressional oversight of U.S. diplomacy, sanctions, counterterrorism operations, and capacity-building proposals.

¹ Testimony of DNI Clapper and Central Intelligence Agency Director John Brennan before the House Permanent Select Committee on Intelligence, February 25, 2016.

Political, Diplomatic, and Security Dynamics

Libya's 2011 uprising and conflict brought Muammar al Qadhafi's four decades of authoritarian rule to an end. Competing factions and alliances—organized along local, regional, ideological, tribal, and personal lines—have jockeyed for influence and power in post-Qadhafi Libya, at times with the backing of rival foreign governments. Although some observers attribute this competition to simple binaries—'Islamist versus secular', 'east versus west', 'tribe versus tribe', 'urban versus rural', 'ethnic majority versus ethnic minority', or 'old regime officials versus newly empowered groups'—all of these factors and others are at play. After years of rivalry and conflict, many Libyan actors make claims to some degree of legitimacy and possess some means to assert themselves by force, but none have consolidated enough political support or military force to provide credible leadership or durable security on a national scale.

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

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

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

- the inability of numerous small factions to muster sufficient force or legitimacy to assert dominance over each other from mid-2014 onward;
- the inability of rival claimants to gain access to government funds controlled by the Central Bank or sovereign assets held overseas;
- the U.N. arms embargo and the potential widening of the reach of U.N. sanctions;
- and the threats posed to Libyans by extremist groups, especially by supporters of the Islamic State organization.

Among the range of external actors seeking to shape developments in Libya, the United States has at times acted unilaterally and directly to protect its national security interests while also taking a leading role in multilateral initiatives to encourage compromise and consensus in support of Libya's transition. For the United States and other outside powers, key issues related to post-Qadhafi Libya have included:

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

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

Table I. Libya Map and Facts



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

Population: 6,411,776 (July 2015 est., 2013 U.N. estimated 12% were immigrants)

GDP PPP: \$92.61 billion; *annual real % change:* -6.4% (2015 est.); *per capita:* \$14,600 (2015 est.)

Budget (spending; balance): \$24.85 billion, deficit 49.3% of GDP (2015 est.)

External Debt: \$5.24 billion (December 2014 est.)

Literacy: 91%

Oil and natural gas reserves: 48.36 billion barrels (2015 est.); 1.549 trillion cubic meters (2014 est.)

Source: CRS. Map borders and cities generated by (name redacted) using data from Department of State, 2013; Esri, 2013; and Google Maps, 2013. At-a-glance information from CIA World Factbook.

Libya's Political Landscape

Developments in post-Qadhafi Libya have unfolded in three general phases, the latter of which is still developing:

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

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

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

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

By mid-2014, the transition process outlined in 2011 had all but collapsed, and the outbreak of violence between two rival political-military coalitions compounded the complexity of Libya's already diverse, atomized security environment. The outcome of the June 2014 election for a new House of Representatives (HOR) to replace the GNC was contested by GNC holdouts, setting the stage for more than a year of stalemate and failed attempts at mediation (see textbox below). In eastern Libya, the Tobruk-based HOR and Benghazi-focused forces aligned with the Libyan National Army (LNA)'s "Operation Dignity" initiative asserted their legitimacy and moved to target a range of Islamist forces and other militias. In western Libya, the Tripoli-based remnants of the GNC and the GNC-aligned "Libya Dawn" militia grouping contested the HOR's legitimacy and rejected the LNA. Over time, individual members of these two coalitions reached parallel ceasefire agreements, and some communities and militias agreed to participate in U.N.-sponsored peace talks. Divisions and disputes persisted, repeated attempts to broker an agreement failed, and political relationships remained fluid through 2015.

Conflict and Negotiations, 2014-2015

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

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

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

Some foreign observers have praised the role of the United Nations and other third parties in promoting national reconciliation, but have argued that continuous efforts are needed to engage all Libyan actors with influence or direct control over security, natural resources, infrastructure, and sources of revenue if stability is to be achieved. Various Libyans have at times accused the U.N. and other third parties of unwarranted interference in Libya's domestic affairs, particularly when they perceive outside interventions to undercut their interests or serve those of their rivals.

The Skhirat Agreement and the Government of National Accord

In December 2015, a U.N.-facilitated Libyan Political Agreement (LPA) was signed in Skhirat, Morocco, bringing together members of Libya's competing coalitions to call for the creation of a new, inclusive Government of National Accord (GNA). The GNA was designed to incorporate members of opposing groups and rival post-Qadhafi elected bodies under new institutional arrangements. The agreement calls for the nine-member GNA Presidency Council made up of representatives from Libya's key factions and regions to assume national security and economic decision making power, with the HOR retaining legislative power in partnership with a new State Council made up in part of former GNC members.²

Libyan politics have since been defined in large part by Libyans' evolving views of the agreement and the repositioning of locally organized political councils and militias in response to GNA leaders' attempts to implement it. The HOR accepted the GNA agreement in principle in late January 2016, but through August 2016 HOR leaders prevented the wider body from endorsing the GNA's proposed cabinet through a required procedural vote and constitutional amendment process. HOR members aligned with General Khalifa Haftar in eastern Libya (see textbox above) have opposed the terms of an annex of the agreement that calls for command of the military to shift to the GNA's Presidency Council once the agreement is ratified. HOR leader Aqilah Issa Saleh appointed General Haftar as military commander in March 2015 after the HOR voted to create the position.

Pro-Haftar forces have largely consolidated security control over much of northeastern Libya, including important oil infrastructure sites in the Sirte basin, which appears to have increased

² The text of the agreement is available at <https://unsmil.unmissions.org/LinkClick.aspx?fileticket=miXuJYkQAQg%3D&tabid=3559&mid=6187&language=fr>.

their insistence upon being recognized as the legitimate leaders of Libya's armed forces. LNA figures continue to warn against the incorporation of what they consider to be militias or extremists into national security bodies, a position widely viewed as seeking the exclusion of some of their pro-GNA counterparts.

In western Libya, some former GNC members and some militia forces formerly aligned with the "Libya Dawn" grouping have announced their support for the GNA and have stepped forward to defend the GNA Presidency Council's limited presence in Tripoli. Some western Libya-based GNA supporters have called for the exclusion of General Haftar from a security role in any future government. Some pro-GNA militia forces in western Libya, including forces that have battled with U.S. military support to recapture the city of Sirte from the Islamic State organization, may now seek an enhanced security role for themselves, setting up the prospect of renewed confrontation.

If the GNA can establish itself in this challenging context, many observers expect Libyan authorities to face continuing resistance from a range of Islamist insurgent groups, especially surviving members of the Islamic State's Libyan branch, which has threatened all parties in the country that reject its vision and plans. The GNA and its international supporters also confront sensitive questions related to the composition and leadership of Libyan security forces, efforts to combat extremist groups, the nature and extent of Libyan requests for international security assistance, and the security of energy infrastructure sites vital to the country's economic future.

Sanctions and Arms Embargo Provisions

Prior to and following the immediate outbreak of conflict in Libya in 2011, the United Nations, the United States, and other actors adopted a range of sanctions measures intended to convince the Qadhafi government to end its military campaign against opposition forces and civilians. The measures also sought to dissuade third parties from providing arms or facilitating financial transactions for the benefit of Libyan combatants. United Nations Security Council Resolution 1970 established a travel ban on Qadhafi government leaders, placed an embargo on the unauthorized provision of arms to Libya, and froze certain Libyan state assets. In February 2011, President Barack Obama issued Executive Order 13566, blocking the property under U.S. jurisdiction of the government of Libya, Qadhafi, his family, and other designated individuals.

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

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

the standard articulated in Resolution 2174. As of mid-September 2016, sanctions provisions of Resolutions 1970, 2174, and 2213 remained in force.

The U.N. Security Council endorsed the Skhirat Agreement in December 2015 by adopting Resolution 2259, which calls on member states to support the implementation of the agreement, reiterates the threat of possible sanctions against spoilers, and calls for member states to provide security support to the GNA upon request. Security Council Resolution 2278, adopted on March 31, 2016, identifies the GNA as the party of responsibility for engagement with the Security Council on issues related to Libyan financial institutions, oil exports, and arms transfers. Resolutions 2259 and 2278 call on Member States to recognize and support the Government of National Accord and to comply with Security Council efforts to enforce asset freeze, travel ban, and arms embargo measures. In June 2016, the Security Council adopted Resolution 2292 authorizing member states to assist in the maritime enforcement of the arms embargo. The European Union has sanctioned some opponents of the GNA and has authorized its migration-focused naval mission in the Mediterranean to assist in arms embargo enforcement.

The U.S. government also has moved to modify its sanctions enforcement measures in support of the Skhirat agreement. On April 19, 2016, the U.S. government modified the scope of the national emergency with respect to Libya declared in Executive Order 13566, based on President Barack Obama's finding that

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

Under the modified executive order, property under U.S. jurisdiction may be blocked and entry to the United States may be prohibited for individuals and entities found to be engaging or to have engaged in a range of actions, including threatening the peace, stability, or security of Libya and obstructing, undermining, delaying, or impeding the adoption of or transfer of power to a Government of National Accord or successor government. As of September 2016, the U.S. government has placed sanctions on former GNC government prime minister Khalifa Ghwell and HOR leader Aqilah Issa Saleh for obstructing the implementation of the Skhirat Agreement.

Resolution 2278 further “urges Member States to assist the Government of National Accord, upon its request, by providing it with the necessary security and capacity building assistance, in response to threats to Libyan security and in defeating ISIL, groups that have pledged allegiance to ISIL, Ansar Al Sharia, and other groups associated with Al-Qaida operating in Libya.” U.S. military operations in Libya against the Islamic State expanded in August 2016 at the request of GNA Prime Minister-designate Al Sarraj. The Security Council also recognizes the GNA leadership as responsible for formal requests for arms embargo-related matters. HOR and LNA leaders have continued to advocate for the lifting of arms embargo restrictions on their forces. As described above, they continue to question the GNA's authority over security, financial, and energy matters, and describe themselves as the rightful leaders of the country's security forces.³

³ For example, HOR leader Aqilah Issa Saleh issued statements in September 2016 in the assumed capacity of the supreme commander of the Libyan military.

Oil, Fiscal Challenges, and Institutional Rivalry

Conflict and instability in Libya have taken a severe toll on the country's economy and weakened its fiscal and reserve positions since 2011. The Central Intelligence Agency World Factbook estimates that Libya's 2015 budget deficit was 49% of GDP, and World Bank/International Monetary Fund statistics suggest that foreign exchange reserves have fallen precipitously from their high point of \$124 billion in 2012. In September 2016, Special Representative of the U.N. Secretary-General and head of the United Nations Support Mission in Libya (UNSMIL) Martin Kobler told the Security Council that Libya's government is operating at a 75% budget deficit.⁴ Oil and natural gas sales supply 97% of the government's fiscal revenue, but as of August 2016, conflict and budget shortfalls had caused oil production to plummet to below 300,000 barrels per day (bpd) out of an overall capacity of 1.6 million bpd.⁵ Lower oil prices also have reduced the revenue earned from each barrel sold, putting additional pressure on government finances.

Although revenue has declined, state financial obligations have increased. Public spending on salaries, imports, and subsidies has expanded in the post-Qadhafi period and government payments to civilians and militia members have continued since the outbreak of conflict in 2014. Salaries and subsidies reportedly consumed 93% of the state budget as of September 2016.⁶ Central Bank authorities have simultaneously paid salaries for military and militia forces aligned with opposing sides in the internal conflicts—even as national reserves have eroded. Central Bank officials are reported to have advised political leaders in early 2016 that the drawdown rate on Libya's then-remaining liquid foreign reserves of \$50 billion to \$60 billion would be slowed to maintain the ability to pay basic salaries as long as possible. Nevertheless, some observers continue to warn of a complete budgetary collapse.

Ongoing rivalries among parallel leaders of national institutions such as the Central Bank, National Oil Company, and Libya's sovereign wealth fund—the Libya Investment Authority (LIA)—also reflect the persistence of the country's underlying political competition.

- Central Bank officials in Tripoli and Bayda have become embroiled in the rivalry between the GNA Presidency Council and the HOR government, with the United States and other backers of the GNA Presidency Council recognizing the Tripoli-based institution as legitimate.⁷ In May 2016, the Bayda-based bank moved to issue its own currency and to access secured assets held at the Bayda Central Bank branch, leading the U.S. government to warn against actions not authorized by the GNA Presidency Council that could undermine confidence among Libyan consumers and international trading partners.⁸
- In August, the GNA Presidency Council named an interim steering committee for the LIA after a long-simmering dispute between rival board members and chairmen brought the fund's leadership to a standstill.⁹ The LIA's assets

⁴ Statement of SRS Martin Kobler to the United Nations Security Council, September 13, 2016.

⁵ International Monetary Fund, "Arab Countries in Transition: Economic Outlook and Key Challenges" October 9, 2014; and, Sudarsan Raghavan "As oil output falls, Libya is on the verge of economic collapse," *Washington Post*, April 16, 2016.

⁶ Statement of SRS Martin Kobler to the United Nations Security Council, September 13, 2016.

⁷ Ministerial Meeting for Libya Joint Communiqué, May 16, 2016.

⁸ See U.S. Embassy Libya, Statement on Central Bank of Libya, May 25, 2016; and, Hassan Morajea and Tamer El-Ghobashy, "Libya's Central Bank Needs Money Stashed in a Safe; Problem Is, Officials Don't Have the Code," *Wall Street Journal*, May 13, 2016.

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

reportedly exceed \$60 billion, much of which remain frozen pursuant to U.N. Security Council Resolutions 1970 and 1973 (2011), as modified by Resolution 2009 (2011). The GNA council reportedly has authorized the steering committee to represent the LIA in ongoing legal proceedings, but not to manage assets.

- Disputes involving the National Oil Company also have ebbed and flowed in 2016. In April 2016, the U.N. Security Council blacklisted an oil tanker that had taken on hundreds of thousands of barrels of oil sold by the HOR-affiliated branch of the national oil company, but the sanctions were withdrawn at the GNA Presidency Council's request on May 12.¹⁰ A deal to unite the Tripoli and Benghazi branches of the NOC was reached in early July 2016, but appeared to unravel later that month after GNA officials reached an related agreement with Petroleum Forces Guard personnel that then held key oil infrastructure.¹¹ Benghazi-based NOC officials have issued statements lifting force majeure orders on oil terminals seized by LNA forces in September 2016.

Conflict in Libya's Oil Crescent

The prospect for increased oil production from Libya by the end of 2016 has been clouded by the outbreak of conflict over important energy infrastructure locations among extremists, locally-organized militia forces, and rival national coalitions. As the victory of pro-GNA forces over IS forces in Sirte began appearing more imminent during the summer of 2016, attention shifted to the question of control over oil export terminals in the eastern Sirte basin (see map in **Table 1** above). Petroleum Facilities Guard (PFG) forces under the leadership of Ibrahim Jadhran asserted control over key terminals in the area in 2013, seeking to leverage that control in pursuit of payment and recognition from the state.¹² The U.S. Navy assisted in returning an unauthorized oil cargo from a PFG-controlled terminal in March 2014.¹³ Jadhran reached an agreement with GNA officials in July 2016 to allow GNA-approved exports from terminals under PFG control in exchange for unspecified concessions.¹⁴ HOR and LNA figures remained highly critical of Jadhran, and signaled their intention to evict the PFG from the terminal areas.¹⁵

In August and early September 2016, LNA forces moved westward from Benghazi in a bid to assert control over local municipalities and, on September 11, launched an operation to take

(...continued)

2016.

¹⁰ In March 2014, the U.N. Security Council approved third party military operations to interdict ships named by the U.N. Libya Sanctions Committee as being suspected of carrying unauthorized oil exports.

¹¹ Platts, "False dawn for Libya after NOC slams oil export deal," July 28, 2016.

¹² Adam Nathan, "Militiaman who became Libya's oil kingpin," Politico Europe, August 25, 2016.

¹³ Ernesto Londoño and Abigail Hauslohner "U.S. Navy SEALs take over oil tanker for return to Libya," *Washington Post*, March 17, 2014.

¹⁴ Ajnadin Mustafa, "Presidency Council members in Ras Lanuf for deal with Jadhran," *Libya Herald*, July 28, 2016.

¹⁵ On September 5, Gen. Haftar told Russia's Arabic language Sputnik News channel, "Some of the export ports in the east of Libya are controlled by armed militias operating outside the law. They had taken control of these vital ports and stopped oil exports which are the only source of revenue for the Libyan economy. ... We are planning to liberate these ports from the grip of these rogue gangs so that the competent authorities are able to resume their work to export oil and revive the collapsed Libyan economy. Our objective is not to control the ports but to protect them so that they are under the control of the competent legitimate authorities. The countries that are interested in Libyan oil exports should support us because this ensures the achievement of joint interests, and puts an end to the pillaging of the countries' wealth." OSE Report IML2016090644817893, September 5, 2016.

control of oil terminals at Zuwaytina, Es Sidr/Sidra, Ras Lanuf, and Marsa al Burayqah. While some PFG fighters reportedly responded favorably to calls from their pro-LNA tribal leaders to acquiesce to the LNA move, others reportedly resisted and sporadic fighting was reported. A bid by Jadhran's supporters to retake facilities at Sidra and Ras Lanuf reportedly failed, as observers and officials warned that combat could cause damage that may disrupt future operations.

The LNA's move and the Benghazi-based NOC's embrace of it have drawn a range of responses from Libyans and third parties, including the United States. Special Representative of the Secretary-General and head of the United Nations Support Mission in Libya (UNSMIL) Martin Kobler underscored the Security Council's recognition of the GNA Presidency Council as "the sole executive authority in Libya" and called for "all parties to avoid any damage to the oil facilities." In a joint statement issued on September 12, the governments of the United States, France, Germany, Italy, Spain, and the United Kingdom called for "all military forces that have moved into the oil crescent to withdraw immediately, without preconditions" and, *inter alia*, stated the signatories "intent to enforce UNSCR 2259, including measures concerning illicit oil exports."¹⁶ The LNA and HOR governments rejected the statement and joined some other Libyans in describing it as interfering in Libyan affairs. GNA Prime Minister-designate Al Sarraj issued a statement rejecting foreign military intervention, calling for dialogue, and seeking an end to provocative actions.¹⁷

The United States and others subsequently have encouraged Libyans to find a solution that will avoid further confrontation. If Libyans prove unwilling or unable to do so, third parties, including the United States, may face challenging choices about how to respond. In Resolution 2278, the U.N. Security Council extended the mandate for member states to assist in preventing oil exports that are not authorized by the GNA through July 2017 and requested that the GNA notify the Council "as soon as it exercises sole and effective oversight over the National Oil Corporation, the Central Bank of Libya, and the Libyan Investment Authority." It remains to be seen whether or when such a notification may be possible, and whether or how third parties might act to constrain or allow oil exports from Libya under various political circumstances.

The Islamic State and other Violent Islamist Extremist Groups

The Islamic State succeeded in establishing a branch of its organization in Libya after Libyan fighters and foreigners arrived from Syria in 2014, generating significant concern among Libyans and the international community.¹⁸ IS supporters announced three affiliated *wilayah* (provinces) corresponding to Libya's three historic regions—*Wilayah Tripolitania* in the west, *Wilayah Barqa* in the east, and *Wilayah Fezzan* in the southwest—and took control of Muammar al Qadhafi's hometown—the central coastal city of Sirte—in mid-2015. By early 2016, senior U.S. officials estimated that the group's strength had grown to as many as 6,000 personnel across the country, among a larger community of Libyan Salafi-jihadist activists and militia members.¹⁹ On May 19,

¹⁶ Joint Statement on Libya by the Governments of France, Germany, Italy, Spain, the United Kingdom, and the United States, September 12, 2016.

¹⁷ Statement issued by the Media Office of the Chairman of the Presidency Council of the Government of National Accord, September 12, 2016. Al Sarraj further said he would "not accept to lead a Libyan side or run a war against another Libyan side for political, regionalist, or ideological purposes."

¹⁸ For background, see Frederic Wehrey and Ala' Arababa'h, "Rising Out of Chaos: The Islamic State in Libya," Carnegie Endowment for International Peace, March 5, 2015.

¹⁹ In February 2016, CIA Director John Brennan told the Select Senate Committee on Intelligence that, "We see Libya as the most important theatre for ISIL outside of the Syria-Iraq theatre, they have several thousand members there, they have absorbed some of the groups inside of Libya, including Ansar al Sharia that was very active prior to ISIL's rise. (continued...)"

2016, the U.S. State Department announced the designation of the Islamic State's branch in Libya as a Foreign Terrorist Organization (FTO) under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist (SDGT) entity under Executive Order 13224.²⁰

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

While grappling with western and eastern Libyan forces in parallel attempts to expand their territory elsewhere, IS fighters pressed for control over national oil and water infrastructure assets along the country's central coast. After related clashes damaged vital national oil infrastructure and Sirte-based IS fighters launched more aggressive attacks to the west, pro-GNA militia forces from Misrata and surrounding areas mobilized to confront the group in and around Sirte. U.S. military support (including airstrikes) has aided these pro-GNA forces' operations since August 2016. U.S.-supported Libyan forces have greatly reduced the Islamic State's control over the city, but have suffered significant casualties in the process. In September, U.S. Secretary of Defense Ashton Carter predicted that IS forces would soon be eliminated in Sirte, and said that U.S. support for anti-IS fighters would continue. He also emphasized the importance of political reconciliation as a prerequisite for lasting security.²¹

Ansar al Sharia and other Armed Islamist Groups

Armed Islamist groups in Libya occupy a spectrum that reflects differences in ideology as well as their members' underlying personal, familial, tribal, and regional loyalties. Since the 1990s, the epicenters of Islamist militant activity in Libya have largely been in the eastern part of the country, with communities like the coastal town of Darnah and some areas of Benghazi, the east's largest city, coming under the de facto control of armed Salafī-jihadist groups in different periods since 2011. Some Islamists whose armed activism predates the 2011 revolution, such as members of the Darnah-based Abu Salim Martyrs Brigade, have formed new coalitions to pursue their interests in the wake of the revolution.

The emergence of the Ansar al Sharia organization in 2012 demonstrated the appeal of transnationally minded Salafist-jihadist ideology in Libya, and the group persisted alongside other Islamist and secular militia groups in the Benghazi Revolutionaries' Shura Council (BRSC) in battling LNA forces for control of Benghazi through late 2015. In 2014, the U.S. State Department announced the designation of Ansar al Sharia in Benghazi and Ansar al Sharia in

(...continued)

Libya has been a place where this form of extremism and terrorism has grown up over the years. As the borders of the Syria-Iraq area were being tightened down, we know that some of those foreign fighters started to divert into Libya. And so Libya has become a magnet for individuals not only inside of Libya but from the African continent as well as from outside. So it is a real issue, a real problem, but we see ISIL in Libya as a very, very important hub for ISIL activities.

²⁰ U.S. State Department, Terrorist Designations of ISIL-Yemen, ISIL-Saudi Arabia, and ISIL-Libya, May 19, 2016.

²¹ U.S. Secretary of Defense Ash Carter, Remarks at Joint Press Conference with UK Secretary of State for Defence Michael Fallon, September 7, 2016.

Darnah as FTOs and as SDGT entities under Executive Order 13224.²² Ansar al Sharia condemned the military operations against it by Haftar-aligned forces as a “war against the religion and Islam backed by the West and their Arab allies.”²³

The relationship between supporters of the Islamic State organization and members of Ansar al Sharia and other Salafist-jihadist groups once seen as aligned with Al Qaeda is unclear, with some observers suggesting that surviving members of the Islamic State could seek support from members of other Islamist militias that are defeated by other rivals or excluded from national security bodies under future political arrangements. Ansar al Sharia supporters in Darnah are members of the coalition group that expelled the Islamic State from the city.

Press reports also have suggested that some IS fighters fled Sirte for areas of southwestern Libya, where other Islamist extremist operatives reportedly are active. The region’s remote, less governed areas serve as safe havens or transit areas for terrorist and smuggling operations in neighboring Niger and Algeria. The State Department reports that the AQIM-affiliated Al Murabitoun group is active in the area and has described the group as “one of the greatest near-term threats to U.S. and international interests in the Sahel, because of its publicly stated intent to attack Westerners and proven ability to organize complex attacks.”²⁴ A June 2015 U.S. airstrike in eastern Libya targeted Al Murabitoun leader Mokhtar Belmokhtar, who also led the group responsible for the January 2013 attack on the natural gas facility at In Amenas, Algeria, in which three Americans were killed. His death in the June 2015 strike that targeted him has not been confirmed, and local allies have denied he was killed.²⁵

Migration and Trafficking in Persons

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

A patchwork of Libyan local and national authorities and nongovernmental entities assume responsibility for responding to various elements of the migrant crisis, including the provision of humanitarian assistance and medical care, the patrol of coastal and maritime areas, and law enforcement efforts targeting migrant transport networks. Violence and insecurity in Libya complicates international attempts to assist Libyan partners in these efforts and to improve coordination among Libyan stakeholders. Reports suggest that many migrants transiting Libya are subject to difficult living conditions, their human rights are frequently violated, and they remain

²² Terrorist Designations of Three Ansar al-Shari'a Organizations and Leaders, January 10, 2014. The State Department said that the groups: “have been involved in terrorist attacks against civilian targets, frequent assassinations, and attempted assassinations of security officials and political actors in eastern Libya, and the September 11, 2012 attacks against the U.S. Special Mission and Annex in Benghazi, Libya. Members of both organizations continue to pose a threat to U.S. interests in Libya.”

²³ OSC Report TRN2014052021537855, “Libya: Ansar al-Sharia Vows To Defend Benghazi Against Attacks...” May 19, 2014.

²⁴ State Department Bureau of Counterterrorism, Country Reports on Terrorism 2014, Chapter 6, April 2015.

²⁵ Missy Ryan, “The U.S. still doesn’t know if it’s killed this legendary one-eyed militant,” *Washington Post*, February 17, 2016.

vulnerable to violence at the hands of armed groups, smugglers, and interim authorities. UNHCR is also concerned about those displaced inside the country due to fighting and its inability to register and assist refugees and asylum seekers.

The State Department's 2016 Trafficking in Persons report designated Libya as a "special case" in light of its weak governance and ongoing conflict. The report said that the Bayda-based, HOR-affiliated government in place for much of 2015 "lacked the institutional capacity, resources, and political will to prevent human trafficking." According to the report, Libya is "a destination and transit country for men and women from sub-Saharan Africa and Asia subjected to forced labor and sex trafficking, and there are reports of children being subjected to recruitment and use by armed groups within the country." The report notes that "widespread insecurity driven by militias, civil unrest, and increased lawlessness" limits the availability of accurate information on human trafficking in the country.

In May 2015, the European Union decided to create a naval force (EUNAVFOR MED Operation Sophia) "to break the business model of smugglers and traffickers ... in the Southern Central Mediterranean and in partnership with Libyan authorities."²⁶ The force was inaugurated in June 2015 and is now operational. In October 2015, the U.N. Security Council adopted Resolution 2240, conditionally authorizing member states to inspect and seize vessels on the high seas off the coast of Libya suspected of involvement in migrant smuggling or human trafficking. In mid-2016, European officials authorized two further tasks for the force: training the Libyan coast guard and navy, and contributing to the enforcement of the United Nations arms embargo, as authorized by Resolution 2292. As of July 2016, 24 EU member states supported the Rome-based EU mission, and, as of September 2016, had saved an estimated 24,800 lives at sea.²⁷

Concern about migrant attempts to cross the Mediterranean Sea from Libya has grown since the European Union reached an agreement with Turkey in March 2016 to restrict passage from Turkey to Greece. The International Organization for Migration (IOM) reported in September that arrivals to Italy by sea in 2016 were equivalent to just under 75% of arrivals to Greece by sea over the same period. Arrivals to Greece by sea in 2016 have been far lower than in 2015, while arrivals to Italy have been roughly comparable with 2015 levels.²⁸

U.S. Policy, Assistance, and Military Action

Terrorist organizations active in Libya and the weakness and fractious nature of Libya's national security bodies and government institutions pose a dual risk to U.S. and international security. U.S. policy initiatives to address these challenges are evolving, with some new initiatives underway. In July and August 2016, the Obama Administration notified Congress of its intent to provide new assistance to Libya in support of the GNA Presidency Council and launched Operation Odyssey Lightning, a military intervention in support of GNA-aligned forces battling the Islamic State's branch in Libya. While Libyan sacrifices and U.S. military strikes appear to have significantly degraded the capabilities of IS forces in Libya relative to their stature in early 2016, fundamental disagreements between rival Libyan political factions persist.

²⁶ Council of the European Union, Decision (CFSP) 2015/778, May 18, 2015. The force was inaugurated in June.

²⁷ EUNAVFOR MED, "Operation SOPHIA flagship—ITS GARIBALDI—rescued over one thousand migrants," August 30, 2016.

²⁸ IOM, "Mediterranean Migrant Arrivals in 2016: 164,752; Deaths: 531," March 29, 2016.

As the Islamic State threat that united Libyans has faded in intensity, some observers have raised doubts about some Libyans' willingness to set aside their differences. The U.S.-backed GNA Presidency Council continues to struggle to assert itself on a national basis, given the military capabilities and political intransigence of their eastern Libya-based rivals. U.S. officials remain engaged in efforts to build consensus and have asserted their willingness to provide security assistance and capacity building support to GNA-aligned institutions while threatening to sanction and isolate so-called "spoilers." Whether these steps will succeed in convincing Libyans to reconcile or risk alienating certain Libyans and their foreign patrons remains to be seen.

Counterterrorism Policy and Security Sector Assistance

U.S. officials have acknowledge the security risks posed by instability in post-Qadhafi Libya, and U.S. security agencies have acted to degrade the capabilities of terrorist organizations and assess the needs of nascent partner forces since 2011. Periodic U.S. airstrikes targeted senior terrorist leaders and groups from 2015 through early 2016,²⁹ when statements by U.S. officials began signaling that U.S. security concerns about the Islamic State presence in Libya had intensified, and that additional U.S. military action against IS targets might proceed even if political consensus among Libyans remained elusive.³⁰ GNA and U.S. officials downplayed the likelihood of intervention in some public remarks, but U.S. military personnel were deployed in small numbers to Libya to liaise with potential partner forces.³¹ On August 1, GNA Presidency Council Chairman Al Sarraj stated that he had requested U.S. military assistance in combatting the Islamic State organization in and around Sirte on behalf of GNA-aligned forces fighting there. U.S. strikes began on August 1, and as of September, Islamic State forces had been significantly degraded and isolated in individual neighborhoods of the city.

According to the U.S. Defense Department, the Obama Administration considers U.S. strikes against the Islamic State in Libya, including ongoing operations in and around Sirte, to be authorized by the 2001 Authorization for the Use of Military Force. U.N. Security Council Resolutions 2259 and 2278 reaffirm the Council's prior recognition of "the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts, including those committed by groups proclaiming allegiance to ISIL in Libya."³² Both resolutions urge Member States to assist the GNA in responding to threats to Libyan security and to provide support in its fight against the Islamic State and other extremist groups upon its request.

²⁹ A U.S. air strike reportedly killed a top IS commander in eastern Libya in November 2015, and a U.S. air strike on IS forces in the western Libya town of Sabratha reportedly killed dozens of suspected fighters in February 2016. Many of those killed in the latter strike reportedly were Tunisians.

³⁰ For example, in January 2016, Chairman of the Joint Chiefs of Staff (CJCS) General Joseph Dunford said "it's fair to say that we're looking to take decisive military action against ISIL in conjunction with the political process" in Libya, and, "the president has made clear that we have the authority to use military force."

³¹ In early 2016, U.S. Defense Department officials stated that "there have been some U.S. forces in Libya trying to establish contact with forces on the ground so that we get a clear picture of what's happening there." Press reporting in May 2016 cited unnamed U.S. officials as stating that teams of U.S. military personnel have been operating in and around Misrata and Benghazi as part of these efforts. Department of Defense Press Briefing by Pentagon Press Secretary Peter Cook, January 27, 2016; and, Missy Ryan, "U.S. establishes Libyan outposts with eye toward offensive against Islamic State," *Washington Post*, May 12, 2016.

³² Resolution 2259.

In conjunction with military strikes, the U.S. government has worked with GNA officials and other Libyan security figures to determine the scope of their need for potential security assistance.³³ U.S. Africa Command (AFRICOM) has geographic responsibility for Libya, and has engaged with European partners “in planning and intelligence sharing for the Libyan International Assistance Mission (LIAM), an international security effort to assist the newly established Government of National Accord.”³⁴ U.S. defense officials have said that containing instability in Libya is one of five broad lines of effort identified in AFRICOM’s five-year plans, and the Administration requested \$125 million in FY2017 Counterterrorism Partnerships Fund (CTPF) defense funding for programs in the Sahel/Maghreb region that may benefit Libyan entities or address threats emanating from Libya through partnership with neighboring countries.

Previous State Department and Defense Department plans to develop a Libyan General Purpose Force to serve as the nucleus of new national security forces were shelved as conflict broke out among Libyans in 2014.³⁵ U.S. and European efforts to provide organizational assistance and training to Libyan security ministry personnel prior to the U.S. withdrawal reportedly were hindered by security conditions in Libya and complicated by requirements to address Libyans’ concerns about proportional local and regional representation in training efforts. Some Libyan recruits sent to the United Kingdom and Jordan for training also were involved in security incidents in those countries that have raised questions about the viability of external security training programs for Libyan personnel.

These experiences may inform any potential U.S. assistance to vetted Libyan forces and/or to a Presidential Guard Force proposed by the GNA Presidency Council to provide security for government institutions and infrastructure.³⁶ Since March 2016, the GNA’s establishment in Tripoli has been facilitated by security arrangements negotiated with local militias in part by the United Nations Support Mission in Libya. The GNA Presidency Council’s critics have described it as being at the mercy of western Libyan militia groups, while simultaneously questioning the council’s mandate to create any new legitimate security forces until broader political questions are settled.

Foreign Assistance Programs

From 2011 through 2014, U.S. engagement in Libya shifted from immediate conflict-related humanitarian assistance to focus on transition assistance and security sector support. More than \$25 million in USAID-administered programs funded through the Office of Transition Initiatives, regional accounts, and reprogrammed funds were identified between 2011 and 2014 to support

³³ Chairman of the Joint Chiefs of Staff (CJCS) General Joseph Dunford said in May 2016 that the United States is “already working very closely with the GNA to determine what assistance they may require.” Lisa Ferdinando, “Dunford: U.S. Working With Libya to Assess Possible Needs in Counter-ISIL Fight,” DoD News, Defense Media Activity, May 3, 2016.

³⁴ Gen. David Rodriguez, United States Africa Command 2016 Posture Statement, March 2016.

³⁵ In January 2014, the Obama Administration notified Congress of a proposed \$600 million sale to Libya of training weapons to support the development of a 6,000 to 8,000 person General Purpose Force for up to eight years. See Defense Security Cooperation Agency Transmittal 13-74, January 22, 2014; and, Missy Ryan, “Libyan force was lesson in limits of U.S. power,” *Washington Post*, August 5, 2015.

³⁶ The GNA announced the planned Presidential Guard in May 2016 immediately prior to a planned multilateral support conference in Vienna, Austria. The conference communiqué stated that participants, including the United States, were “ready to respond to the Libyan government’s requests for training and equipping the Presidential Guard and vetted forces from throughout Libya.” In late August, GNA Presidency Council Chairman Fayez al Sarraj named Brigadier General Najmi Ramadan Khayr al Nakua as Presidential Guard commander.

the activities of Libyan civil society groups and provide technical assistance to Libya's nascent electoral administration bodies.

The security-related withdrawal of some U.S. personnel from Libya in the wake of the 2012 Benghazi attacks temporarily affected the implementation and oversight of U.S.-funded transition assistance programs. U.S. security assistance programs also were disrupted, but some assistance programs were reinstated by late 2013. The 2014 withdrawal of U.S. personnel from the country closed the initial chapter of direct post-Qadhafi engagement, but U.S. personnel have remained engaged through liaison programs administered from outside the country. The State Department withdrew U.S. diplomatic personnel from Libya in 2014, and the Obama Administration has not publicly described a timetable for their return. Limited U.S. assistance programs are implemented by personnel based in neighboring countries, and at the USAID Middle East Regional Platform office in Frankfurt, Germany.

In spite of these challenges, Obama Administration officials have remained committed to providing transition support to Libyans as possible, and the Administration requested \$20 million in foreign operations funding for Libya programming in FY2016 (see **Table 2** below). Of the funds requested for FY2016, \$10 million in Economic Support Fund monies was requested to support governance and civil society programs, and \$10 million was split among security assistance accounts to support assessment of and engagement with Libyan security forces. The FY2016 Consolidated Appropriations Act (P.L. 114-113, Division K, Section 7041[f]) stated that “not less than \$20,000,000 shall be made available for assistance for Libya for programs to strengthen governing institutions and civil society, improve border security, and promote democracy and stability in Libya, and for activities to address the humanitarian needs of the people of Libya.”

For FY2017, the Administration is seeking \$20.5 million in State Department administered bilateral assistance (see **Table 2** below). According to the request,

U.S. programs are designed, in coordination with the international community, to support Libyan government and civil society efforts to establish a democratic, representative political system; strengthen the capacity of critical Libyan institutions to deliver services; secure Libya's territory; and build an effective and civilian-led national security system.

In recent years, Congress has enacted appropriations legislation requiring the Administration to certify Libyan cooperation with efforts to investigate the 2012 Benghazi attacks and to submit detailed spending and vetting plans in order to obligate appropriated funds.³⁷ Congress also has prohibited the provision of U.S. assistance to Libya for infrastructure projects “except on a loan basis with terms favorable to the United States.” The House version of the FY2017 State Department and Foreign Operations Appropriations bill (H.R. 5912) contains Benghazi investigation certification and vetting requirements. The Senate version of the bill (S. 3117) includes the Benghazi, vetting, and loan requirements.

³⁷ In the FY2014, FY2015, and FY2016 Consolidated Appropriations Acts (P.L. 113-76, Division K, Section 7041[f]; P.L. 113-235, Division J, Section 7041[f]; and P.L. 114-113, Division K, Section 7041[f]), Congress placed conditions on the provision of funds appropriated by those acts to the central government of Libya.

Table 2. U.S. Foreign Assistance and Libya-Related Program Funding
(millions of dollars)

Account	FY2015 Actual	FY2016 Allocations	FY2017 Request
Economic Support Fund (ESF)	19.2 ^a	10	15
International Narcotics Control and Law Enforcement (INCLE)	1.987	2	1
Nonproliferation, Antiterrorism, Demining and Related Programs (NADR)	3.5	6.5	4.5
International Military Education and Training (IMET)	-	1.5	-
Bureau of Conflict and Stabilization Operations Funds	2.5	-	-
Counterterrorism Partnerships Fund–Sahel/Maghreb (CTPF-DOD) ^b	113	105	125

Source: State Department and Defense Department budget request and notification documents FY2015-FY2017; and, Explanatory Statement for Division K of P.L. 114-113, the FY2016 Consolidated Appropriations Act.

Notes: Amounts are subject to change. Funds from centrally managed programs, including the Middle East Partnership Initiative (MEPI), Bureau of Democracy, Human Rights and Labor (DRL) Office of Global Programming, and USAID Office of Transition Initiatives may also benefit Libya. State and USAID may also program resources from the Migration and Refugee Assistance (MRA) and International Disaster Assistance (IDA) humanitarian accounts in Libya. Middle East Regional programs using ESF monies are not included.

- a. Includes ESF and ESF-OCO notified to Congress in 2016 to support Libya programs.
- b. Programs funded under this initiative may not be designed to address Libya-specific concerns.

In 2016, the Administration has notified Congress of planned programs to continue to engage with Libyan civil society organizations, support multilateral bodies engaged in Libyan stabilization efforts, and build the capacity of the emerging GNA administration. These notifications include, but are not limited to:

- \$5 million to support the continuation of USAID’s Office of Transition Initiatives programs for Libya;
- \$1.9 million in Middle East Partnerships Initiative (MEPI) civil society support programming;
- \$4 million for the United Nations Development Program Stabilization Facility for Libya;³⁸ and,
- \$10 million for U.S. support to UNSMIL and governance programs in support of the GNA.

U.S. contributions to the United Nations Office for the Coordination of Humanitarian Affairs 2016 Humanitarian Response Plan for Libya include \$5.6 million in funding identified by the State Department Bureau of Population, Refugees, and Migration (PRM) and USAID’s Office of Foreign Disaster Assistance (OFDA).

³⁸ UNSMIL, “UNDP Libya launches the Stabilization Facility Plan for Libya during the senior officials meeting in Tunisia,” April 12, 2016.

Outlook and Issues for Congress

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

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

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

Prior to mid-2014, the Obama Administration and Congress reached a degree of consensus regarding limited security and transition support programs in Libya, some of which responded to specific U.S. security concerns about unsecured weapons, terrorist safe havens, and border security. Given that U.S. military involvement in Libya has deepened in 2016 to combat the Islamic State and may expand further to provide support to the national security forces of an emergent Government of National Accord, Congress may choose to reexamine the basic terms of any proposed U.S.-Libyan cooperation. In the meantime, Congress also may choose to conduct oversight of ongoing U.S. diplomacy and assistance programs or examine criteria for the potential resumption of U.S. diplomatic operations in Libya.

In some cases where the U.S. government has desired Libyan government action on priority issues, especially in the counterterrorism sector, U.S. officials have weighed choices over whether U.S. assistance can build sufficient Libyan capacity quickly and cheaply enough, whether interim leaders are appropriate or reliable partners for the United States, how U.S. action or assistance

might affect Libyan politics, and whether threats to U.S. interests require immediate, direct U.S. action. With Islamic State forces degraded and rivalries among Libyan factions persistent, these questions continue to apply to debates about the future of U.S. assistance plans.

The failure of U.N.-led reconciliation efforts among Libyans would present U.S. decision makers with hard choices about how best to mitigate threats emanating from the country in the continuing absence of a viable, legitimate national government. Possible questions before the United States may include:

- whether or how to use existing sanctions provisions against parties seen as obstructing progress toward a GNA agreement;
- whether or how to continue to intervene militarily against the Islamic State and other extremist groups;
- what degree of support, if any, to provide to emergent GNA-affiliated national security forces (particularly in the absence of formal political acceptance of the GNA by the HOR);
- whether or how to respond in the event of any military clashes between rival Libyan factions that involve groups that have received U.S. assistance; and,
- whether and how to enforce U.N. Security Council provisions regarding the export of oil, the enforcement of the arms embargo, and the application of sanctions measures.

In the interim, Members of Congress may engage Administration officials to determine the possible scope and content of U.S. programs that might be proposed to support the Government of National Accord, and any U.S. contingency planning for the possibility that negotiations among Libyans could fail to bring their conflicts to a prompt close.

Appendix A. Libyan History, Civil War, and Political Change

The North African territory that now composes Libya has a long history as a center of Phoenician, Carthaginian, Greek, Roman, Berber, and Arab civilizations. Modern Libya is a union of three historically distinct regions—northwestern Tripolitania, northeastern Cyrenaica or Barqa, and the more remote southwestern desert region of Fezzan. In the 19th century, the Ottoman Empire struggled to assert control over Libya's coastal cities and interior. Italy invaded Libya in 1911 on the pretext of liberating the region from Ottoman control. The Italians subsequently became mired in decades of colonial abuses against the Libyan people and faced a persistent anti-colonial insurgency. Libya was an important battleground in the North Africa campaign of the Second World War and emerged from the fighting as a ward of the Allied powers and the United Nations.

On December 24, 1951, the United Kingdom of Libya became one of Africa's first independent states. With U.N. supervision and assistance, a Libyan National Constituent Assembly drafted and agreed to a constitution establishing a federal system of government with central authority vested in King Idris Al Sanussi. Legislative authority was vested in a Prime Minister, a Council of Ministers, and a bicameral legislature. The first parliamentary election was held in February 1952, one month after independence. The king banned political parties shortly after independence, and Libya's first decade was characterized by continuous infighting over taxation, development, and constitutional powers.

In 1963, King Idris replaced the federal system of government with a unitary monarchy that further centralized royal authority, in part to streamline the development of the country's newly discovered oil resources. Prior to the discovery of marketable oil in 1959, the Libyan government was largely dependent on economic aid and technical assistance it received from international institutions and through military basing agreements with the United States and United Kingdom. The U.S.-operated air base at Wheelus field outside of Tripoli served as an important Strategic Air Command base and center for military intelligence operations throughout the 1950s and 1960s. Oil wealth brought rapid economic growth and greater financial independence to Libya in the 1960s, but the weakness of national institutions and Libyan elites' growing identification with the pan-Arab socialist ideology of Egyptian leader Gamal Abdel Nasser contributed to the gradual marginalization of the monarchy. Popular criticism of U.S. and British basing agreements grew, becoming amplified in the wake of Israel's defeat of Arab forces in the 1967 Six Day War. King Idris left the country in mid-1969 for medical reasons, setting the stage for a military coup in September, led by a young, devoted Nasserite army captain named Muammar al Qadhafi.

The United States did not actively oppose the coup, as Qadhafi and his co-conspirators initially presented an anti-Soviet and reformist platform. Qadhafi focused intensely on securing the immediate and full withdrawal of British and U.S. forces from military bases in Libya, which was complete by mid-1970. The new government also pressured U.S. and other foreign oil companies to renegotiate oil production contracts, and some British and U.S. oil operations eventually were nationalized. In the early 1970s, Qadhafi and his allies gradually reversed their stance on their initially icy relationship with the Soviet Union and extended Libyan support to revolutionary, anti-Western, and anti-Israeli movements across Africa, Europe, Asia, and the Middle East. These policies contributed to a rapid souring of U.S.-Libyan political relations that persisted for decades and was marked by multiple military confrontations, state-sponsored acts of Libyan terrorism against U.S. nationals, covert U.S. support for Libyan opposition groups, Qadhafi's pursuit of weapons of mass destruction, and U.S. and international sanctions.

Qadhafi's policy reversals on WMD and terrorism led to the lifting of international sanctions in 2003 and 2004, followed by economic liberalization, oil sales, and foreign investment that brought new wealth to some Libyans. After U.S. sanctions were lifted, the U.S. business community gradually reengaged amid continuing U.S.-Libyan tension over terrorism concerns that were finally resolved in 2008. During this period of international reengagement, political change in Libya remained elusive. Government reconciliation with imprisoned Islamist militants and the return of some exiled opposition figures were welcomed by some observers as signs that suppression of political opposition had softened. The Qadhafi government released dozens of former members of the Al Qaeda-affiliated Libyan Islamist Fighting Group (LIFG) and the Muslim Brotherhood from prison in the years prior to the revolution as part of its political reconciliation program. The Bush Administration praised Qadhafi's cooperation with U.S. counterterrorism efforts against Al Qaeda and the LIFG.

Qadhafi's international rehabilitation coincided with new steps by some pragmatic government officials to maneuver within so-called "red lines" and propose minor reforms. However, the shifting course of those red lines increasingly entangled would-be reformers in the run-up to the outbreak of unrest in February 2011. Ultimately, inaction on the part of the government in response to calls for guarantees of basic political rights and for the drafting of a constitution suggested a lack of consensus, if not outright opposition to meaningful change among hardliners. This inaction set the political stage for the revolution that overturned Qadhafi's four decades of rule and led to his grisly demise in October 2011.

Political change in neighboring Tunisia and Egypt helped bring long-simmering Libyan reform debates to the boiling point in January and early February 2011. The 2011 revolution was triggered in mid-February by a chain of events in Benghazi and other eastern cities that quickly spiraled out of Qadhafi's control. The government's loss of control in these cities became apparent, and broader unrest emerged in other regions. A number of military officers, their units, and civilian officials abandoned Qadhafi. Qadhafi and his supporters denounced their opponents as drug-fueled traitors, foreign agents, and Al Qaeda supporters. Until August 2011, Qadhafi and his forces maintained control over the capital, Tripoli, and other western cities. The cumulative effects of attrition by NATO airstrikes against military targets and a coordinated offensive by rebels in Tripoli and from across western Libya then turned the tide, sending Qadhafi and his supporters into retreat and exile. September and early October 2011 were marked by sporadic and often intense fighting in and around Qadhafi's birthplace, Sirte, and the town of Bani Walid and neighboring military districts. NATO air operations continued as rebel fighters engaged in battles of attrition with Qadhafi supporters.

Qadhafi's death at the hands of rebel fighters in Sirte on October 20, 2011, brought the revolt to an abrupt close, with some observers expressing concern that a dark chapter in Libyan history ended violently, leaving an uncertain path ahead. The self-appointed interim Transitional National Council (TNC) and its cabinet took initial steps toward improving security and reforming national institutions. Voters elected an interim General National Congress (GNC) in July 2012. The GNC assumed power on August 8, 2012, but failed to demobilize militia groups, reconstitute national bureaucracies, or launch ambitious economic or political reforms.

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

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

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

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

Gradually, an unspoken code under which Libyans sought to refrain from shedding other Libyans' blood in the wake of Qadhafi's ouster deteriorated under pressure from a series of violent confrontations between civilians and militias, clashes between rival ethnic groups, and the blatant targeting of security officers by an unidentified, but ruthless network in Benghazi. That code was rooted in shared respect for the sacrifices of anti-Qadhafi revolutionaries and in shared fears that the 2011 predictions of Muammar al Qadhafi and his supporters would come true: that Qadhafi's downfall would be followed by uncontrollable civil strife and chaos.³⁹

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

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

³⁹ For example, Sayf al Islam al Qadhafi, who remains in detention in Libya and is sought for arrest by the International Criminal Court, said in a February 2011 television statement: "Libya, unlike Tunisia and Egypt, is about tribes, clans, and alliances. Libya does not have a civil society or political parties. Libya is made up of tribes that know their areas, allies, and people. ...If secession or a civil war or a sedition occurs ...do you think the Libyans will be able to reach an agreement on how to share oil within a week, a month, or even two or three years? If your answer is yes, then you are mistaken. ... My brothers, we are tribes, and we will resort to arms to settle the matter since arms are available to everyone now. Instead of mourning the death of 84 people, we will mourn the death of hundreds of thousands of people. Rivers of blood will run through Libya and you will flee. There will be no oil supplies, the foreign companies, foreigners, and oil companies will leave tomorrow, and the distribution of oil will come to an end..." U.S. Government Open Source Center (OSC) Report FEA20110221014695, "Libya: Al-Qadhafi's Son Addresses Citizens; Warns of Civil War, 'Colonization,'" *Al Jamahiriya* Television (Tripoli), February 20, 2011.

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

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

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

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

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

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

Table B-1. U.S. Assistance to Libya FY2010-FY2014

(thousands of dollars, by account/program and fiscal year of appropriation unless noted)

Account/Program	FY2010	FY2011	FY2012	FY2013	FY2014
Complex Crises Fund (CCF-OCO)				15,000	-
Foreign Military Financing (FMF)	150	-	150	949	-
International Military Education and Training (IMET)	319	-	296	142	1,461
USAID Transition Initiatives (TI/TI-OCO)	-	4,000	1,500	4,825	-
Department of Defense (DOD) Nonlethal Support	25,000	-	-	-	-
DOD Counterterrorism Fellowship Program	-	-	-	30	-
Section 1206 Train and Equip				8,420	
Global Security Contingency Fund	-	-	22,650	-	-
International Narcotics Control and Law Enforcement	-	-	-	-	1,500
Middle East Partnership Initiative (MEPI)	3,530	3,145	NA	NA	TBD
Middle East Response Fund (MERF)	-	25,615	-	-	-
Democracy Fund	-	600	-	-	-
Development Assistance	-	470	-	-	-
Economic Support Fund (ESF)	-	-	-	-	-
ESF-Overseas Contingency Operations (OCO)	-	-	3,000	5,000	-
ESF-USAID Middle East Regional Programs	-	175	-	2,850	TBD
Nonproliferation, Antiterrorism, Demining and Related Programs (NADR)			2,100	1,437	2,940
Anti-Terrorism Assistance (ATA)	-	-	-	-	-
Export Control and Related Border Security Assistance (EXBS)	-	500	-	-	-
Counterterrorism Engagement (CTE)	95	-	-	-	-
Conventional Weapons Reduction (CWD)	-	5,750	-	-	-
Global Threat Reduction (CTR)	500	-	-	-	-
Nonproliferation Disarmament Fund (NDF)	-	34,300	-	-	-
Regional Strategic Initiative (RSI)	-	9	-	-	-
Emergency Refugee and Migration Assistance (ERMA)	-	25,000	-	-	-
International Disaster Assistance (OFDA)	-	13,300	-	-	-
International Disaster Assistance (FFP)	-	15,700	-	-	-
Migration and Refugee Assistance (MRA)	-	35,000	8,800	-	-
Estimated Total (subject to change)	29,594	163,564	38,496	38,653	5,901

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

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

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

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

U.S. Ambassador to Libya Christopher Stevens and three other U.S. personnel were killed on September 11, 2012, during an assault by armed terrorists on two U.S. facilities in Benghazi, Libya's second-largest city. The Federal Bureau of Investigation (FBI) remains the lead U.S. agency tasked with pursuing the individuals responsible for the attacks. Other government agencies, including the State Department, the Department of Defense (DOD), and elements of the intelligence community (IC), support the FBI's efforts to bring the attackers to justice. Section 1278 of the FY2015 National Defense Authorization Act (P.L. 113-291) required the Secretary of Defense to submit to congressional defense committees—within 30 days of enactment—

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

On September 28, 2012, the U.S. intelligence community concluded publicly that the incident was a “deliberate and organized terrorist attack carried out by extremists,” and said that at the time it remained “unclear if any group or person exercised overall command and control of the attack and if extremist group leaders directed their members to participate. However, we do assess that some of those involved were linked to groups affiliated with, or sympathetic to Al Qaeda.”⁴⁰ The 2016 final report of the Select Committee on Benghazi stated that “the attackers were a mix of local extremist groups, including the Benghazi-based Ansar al-Sharia, al-Qaida in the Lands of the Islamic Maghreb, and the Muhammad Jamal Network out of Egypt. Members of al-Qaida in the Arabian Peninsula, al-Qaida in Iraq, and Abu Ubaydah ibn Jarah Battalion also participated.” In June 2014, U.S. forces apprehended Ahmed Abu Khattala, a Libyan suspect in the attack and the reported leader of the Abu Ubaydah ibn Jarah Battalion, in a military operation in Libya. Abu Khattala has been transferred to the United States, and in May 2016, U.S. Justice Department officials announced they would not seek the death penalty in his pending trial, which is set to begin in September 2017. The U.S. government has offered up to \$10 million through the State Department's Rewards for Justice program for information that helps to apprehend and prosecute those responsible for the attack.

Prior to Abu Khattala's capture, U.S. military officials referred to continuing intelligence gaps in Libya in unclassified testimony before Congress, with U.S. AFRICOM Commander General David Rodriguez saying on April 8, 2014, that continuing U.S. efforts against the network responsible for the Benghazi attacks are “made more difficult, obviously, by the security situation.”⁴¹ Rodriguez added that at the time U.S. investigators did not “have everybody identified and located,” and said that the feasibility of operations to apprehend or otherwise target suspects in Libya “depends ... on the situation and the risk that people want to take.” Security conditions in the country have deteriorated further since that time, and U.S. Embassy personnel have departed, with unknown implications for support of similar operations.

Administration officials have repeatedly described Libya as a high risk operational environment, even with regard to routine diplomatic operations in Tripoli, which were suspended in July 2014. Operational risks presumably are higher in areas of Libya that are controlled by anti-U.S. forces. The September 2015 U.S. State Department travel warning for Libya “warns U.S. citizens against all travel to Libya and recommends that U.S. citizens currently in Libya depart immediately.” Across Libya, attacks on foreign diplomatic facilities and personnel and on foreign nationals have continued, and reports suggest the U.S. Embassy in Tripoli and related facilities were damaged by fighting in 2014.

⁴⁰ Statement, Director of Public Affairs for the Director of National Intelligence Shawn Turner, September 28, 2012.

⁴¹ Deputy Assistant Secretary Amanda Dory and General David Rodriguez, Press Briefing, April 8, 2014.

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