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Libya: Conflict, Transition, and U.S. Policy

Updated April 13, 2020

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RL33142

CRS REPORT
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SUMMARY

RL33142

April 13, 2020

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Libya: Conflict, Transition, and U.S. Policy

Libya's political transition has been disrupted by armed non-state groups and threatened by the indecision and infighting of interim leaders. After a uprising ended the 40-plus-year rule of Muammar al Qadhafi in 2011, interim authorities proved unable to form a stable government, address security issues, reshape the country's finances, or create a viable framework for post-conflict justice and reconciliation. Insecurity spread as local armed groups competed for influence and resources. Qadhafi compounded stabilization challenges by depriving Libyans of experience in self-government, stifling civil society, and leaving state institutions weak. Militias, local leaders, and coalitions of national figures with competing foreign patrons remain the most powerful arbiters of public affairs. An atmosphere of persistent lawlessness has enabled militias, criminals, and Islamist terrorist groups to operate with impunity, while recurrent conflict has endangered civilians' rights and safety. Issues of dispute have included governance, military command, national finances, and control of oil infrastructure.

Key Issues and Actors in Libya. After a previous round of conflict in 2014, the country's transitional institutions fragmented. A Government of National Accord (GNA) based in the capital, Tripoli, took power under the 2015 U.N.-brokered Libyan Political Agreement. Leaders of the House of Representatives (HOR) that were elected in 2014 declined to endorse the GNA, and they and a rival interim government based in eastern Libya have challenged the GNA's authority with support from the Libyan National Army/Libyan Arab Armed Forces (LNA/LAAF) movement. The LNA/LAAF is a coalition of armed groups led by Qadhafi-era military officer Khalifa Haftar: it conducted military operations against Islamist groups in eastern Libya from 2014 to 2019 and upended U.N. mediation efforts by launching a surprise offensive in April 2019, seeking to wrest control of Tripoli from the GNA and local militias. Fighters in western Libya rallied to blunt the LNA's advance, and inconclusive fighting has continued despite multilateral demands for a ceasefire. As of 2020, LNA forces and local partners control much of Libya's territory and key oil production and export infrastructure directly or through allies. GNA supporters and anti-LNA groups retain control of the capital and other key western areas.

Foreign actors, including U.S. partners in Europe and the Middle East, have long found themselves at odds over Libya's conflict, and several countries have provided increased military assistance to warring Libyan parties since April 2019 in violation of a longstanding U.N. arms embargo. According to U.S. officials, Egypt and the United Arab Emirates arm the LNA. Conflict dynamics have shifted over time because of the presence of Russian-national private contractors among LNA forces, the conclusion of Turkey-GNA maritime and security agreements, Turkish deployments of soldiers, equipment, and Syrian mercenaries on behalf of the GNA, and expanded weapons shipments to both sides.

Conflict, COVID-19, and U.S. Responses. Since April 2019, fighting has killed more than 2,200 Libyans (including hundreds of civilians) and displaced more than 149,000 people near Tripoli. U.N. officials report that nearly 345,000 people are in frontline areas. More than 650,000 foreign migrants also are present in Libya and remain vulnerable. In 2020, U.S. and U.N. officials have condemned new weapons shipments to Libya and called for a humanitarian ceasefire to allow Libyans to address the threats posed by the COVID-19 pandemic. Humanitarian access is restricted and parties to the conflict have shut down national oil production.

State Department officials have condemned what they regards as "toxic foreign interference" and have called for "a sovereign Libya free of foreign intervention." In March 2020, U.S. officials called on Libyans to cease fighting, bolster public finances, and prioritize support to the health system in the face of the COVID-19 pandemic. U.S. diplomats engage with Libyans and monitor U.S. aid programs via the Libya External Office (LEO) at the U.S. Embassy in Tunisia. Congress has conditionally appropriated funding for transition support, stabilization, security assistance, and humanitarian programs for Libya since 2011, and is considering proposals to authorize additional assistance (and S. 2934).

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Overview

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. In 2018, Ghassan Salamé, then-Special Representative of the U.N. Secretary-General (SRSG) and head of the U.N. Support Mission in Libya (UNSMIL), argued that Libyans were struggling to overcome a political "discourse of hatred" and "mutual exclusion" that had prevented the completion of the country's transition to date.[1] This discourse is in part a legacy of Qadhafi's decades of divisive rule and in part a product of the divisiveness, insecurity, and zero-sum competition that have followed his downfall.

Although some observers attribute Libya's divisive politics to simple binaries—"Islamist versus secular," "east versus west," "tribe versus tribe," "urban versus rural," "ethnic majority versus ethnic minority,"[2] or "old-regime officials versus newly empowered groups"—many of these factors and others often interact to shape local and national dynamics. Since 2011, Libyans have endorsed a series of transitional arrangements in two national elections, a constitutional drafting assembly referendum, and local elections (**Figure 1**), but rates of participation have declined over time, and the intended tenure of all national level elected bodies have expired. The net result has been a de facto accrual of transitional leaders with competing, ever weaker claims of legitimacy. As their political struggle continues, allied militias are locked in a cycle of violent confrontation.

A brief conflict between Libyan rivals in 2014 and years of subsequent tension and mediation left a U.N.- and U.S.-recognized Government of National Accord (GNA) with de jure control of key institutions in 2016, but the GNA's administrative and security weaknesses limited its effectiveness in the capital—Tripoli—and beyond. A rival interim government has operated in eastern Libya since 2014, with leaders of the House of Representatives elected in 2014 operating from Tobruk. Leaders of the House of Representatives back the self-styled Libyan National Army (LNA)/Libyan Arab Armed Forces (LAAF) movement that has taken control over most of Libya's east and south (**Table 1**). Inclusive U.N. mediation created the GNA, but the self-organized government in the east and the LNA have refused to endorse GNA leaders (**Figure 2**).

Among the range of external actors seeking to shape events in Libya, the United States has at times acted unilaterally and directly to protect its national security interests. Other countries have done the same. At the same time, the United States and other external parties have expressed support for multilateral initiatives to encourage compromise and consensus in support of Libya's transition. The outbreak of LNA-GNA conflict in April 2019 derailed U.S.-backed U.N. plans to help Libyans end the extended post-2011 transition.

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

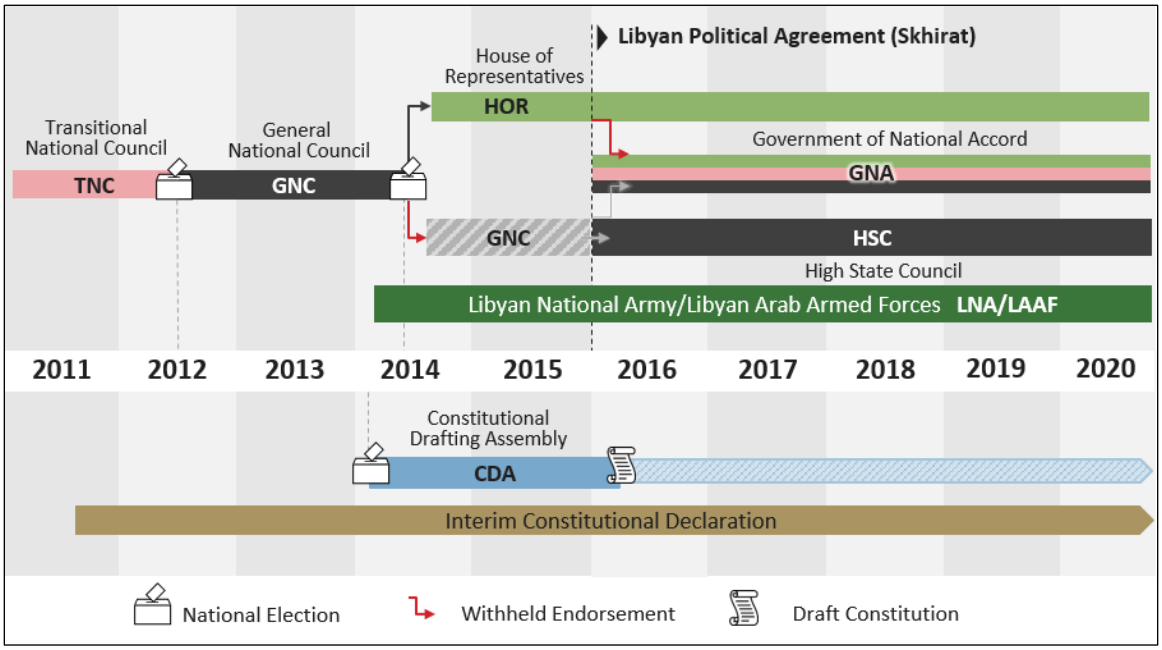
- transnational terrorist and criminal threats emanating from Libya;
- the security and continued export of Libyan oil and natural gas;
- Libya's role as a transit country for Europe-bound refugees and migrants;
- the security of weapons stockpiles and unconventional weapons materials; and
- the country's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

For background on Libya's history and political development through 2011, see **Appendix A**.

[1] Remarks of SRSG Ghassan Salamé to the United Nations Security Council, March 21, 2018.

[2] Libya's population includes an Arabic-speaking majority and Amazigh, Tuareg, and Tebu ethno-linguistic minorities.

Figure 1. Libya's Post-Qadhafi Transition, 2011-2018



Source: CRS.

Libya and COVID-19

According to U.N. Office for the Coordination of Humanitarian Affairs (OCHA), "Libya is at high risk of the virus spreading, given its levels of insecurity, weak health system and high numbers of migrants, refugees and internally displaced persons."[3] GNA officials and their eastern rivals have imposed different curfews and restrictions in their respective areas of control, and OCHA reports that the conflict and curfew measures "are hampering humanitarian access." The capacity of the Libyan health system to provide critical care and the ability of authorities to control movements of people across the country's borders are limited. The U.S. government has made $6 million available to assist in the humanitarian response to COVID-19 in Libya, and U.S. Ambassador Richard Norland has addressed authorities across Libya to urge them to cease fighting, pay salaries, and facilitate flows of critical medical supplies.[4] On April 10, Acting UNSMIL head Stephanie Williams said the continuation of the conflict was "reckless" and "inhumane," adding that it is "stretching the capacity of local authorities and the health infrastructure that is already decimated."

[3] Briefing by U.N. Secretary-General Spokesman Stephane Dujarric, April 1, 2020.

[4] U.S. Embassy in Libya, A message from the United States to Libya's leadership, March 27, 2020.

Status of Conflict and Diplomatic Efforts

Key Issues in Libya's Troubled Transition

After years of rivalry and conflict, many Libyan actors make claims to some degree of political legitimacy and possess some means to assert themselves by force, but none have consolidated enough political support or military force to credibly provide national leadership or ensure durable security on a national scale.

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

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

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

- the relative ability of numerous factions to muster sufficient force or legitimacy to assert dominance over each other;
- the inability of rival claimants to gain exclusive access to government funds controlled by the Central Bank or sovereign assets held overseas;
- the U.N. arms embargo, U.N. mediation, and the application of U.N. sanctions;
- political, financial, and military interference by external actors; and
- the threats posed to Libyans and others by extremists, such as the Islamic State.

Some foreign observers have praised the role of the United Nations and some other third parties in promoting national reconciliation, but have argued that continuous and reinforcing 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.[5] 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.[6]

Conflict Developments Since April 2019

Libyans have avoided full mobilization into civil war, but since April 2019 conflict has raged between rival coalitions of armed groups with thousands of personnel (**Figure 2**). Foreign powers arm parties to the conflict in violation of a U.N. arms embargo, providing weapons, advice, funding, and other support (see textbox below).[7] Years of division and conflict already have weakened the Libyan health system's ability to mitigate COVID-19-related risks.

[5] E.g., International Crisis Group, "Restoring UN Leadership of Libya's Peace Process," September 18, 2017.

[6] E.g., Reuters, "Libya's Haftar Rules Out Tripoli Ceasefire, Dismisses U.N.-Led Talks: Newspaper," May 26, 2019.

[7] For information about the evolution of armed groups and profiles of current combatants, see Tim Eaton, Abdul

Figure 2. Libya's Warring Coalitions

Government of National Accord (GNA)
The U.N. Security Council and U.S. government have recognized the GNA as Libya's legitimate interim governing authority pursuant to the December 2015 Libyan Political Agreement. The GNA's eastern-Libya-based rivals have withheld recognition, and western Libya-based militias have undermined GNA authority. However, some of these militias now fight alongside GNA forces against the Libyan National Army and its backers. U.S. forces cooperate with the GNA for counterterrorism purposes, and, in November 2019, U.S. and GNA officials launched a joint security dialogue in Washington, DC.

Leader: Prime Minister-designate Fayez al Sarraj

Foreign Supporters: Turkey, Italy, Qatar

Libyan National Army/Libyan Arab Armed Forces Movement (LNA/LAAF)
The LNA/LAAF is a coalition of eastern Libyan militias and Libyan military personnel that has asserted control over much of eastern, central and southern Libya since 2014. Launched as a movement to combat Islamist forces in Benghazi, the LNA has attacked rivals across the country while resisting efforts to place its forces under civilian authority. It remains reliant on the support of foreign powers and tribal groups in areas under its control. LNA leader Khalifa Haftar is a Qadhafi-era military defector and former U.S. intelligence partner.

Leader: Field Marshal Khalifa Belqasim Haftar

Foreign Supporters: United Arab Emirates, Russia, Egypt, Saudi Arabia, France, Jordan

Source: Prepared by CRS. Identification of foreign supporters based on press accounts. Subject to change.

In April 2019, the LNA launched a surprise military campaign in western Libya, seeking to wrest control of Tripoli from the GNA and local militias. The LNA assault on Tripoli began on the eve of a planned U.N.-facilitated National Dialogue conference that had been intended to chart a new course for the country's political, economic, and security arrangements. The LNA and its backers have billed their campaigns since 2014 as an effort to save Libya from despotic criminal militias and Islamist extremists; critics paint the LNA as the abusive vanguard of a foreign conspiracy to install a pliant military dictatorship and suppress hard-won democratic self-determination.

Fighting since April 2019 has killed more than 2,200 Libyans, including hundreds of civilians, and has displaced more than 149,000 people in the capital region.[8] LNA forces and partners control much of Libya's territory (**Table 1**) and key oil production and export infrastructure directly or through local partners; GNA supporters and anti-LNA groups retain control of the capital and other key areas of the west (**Figure 3**). LNA forces made minimal gains in their assault on Tripoli, until support from Russian private military contractors with air defense equipment enabled some LNA advances in late 2019.

In November 2019, Turkey signed a maritime demarcation agreement with the GNA and activated new security cooperation arrangements. Turkish government infusions of air defense support, drones, uniformed advisors, equipment, weapons, and Syrian militia fighters bolstered GNA defenses through January 2020, reestablishing stalemate conditions.[9] The Turkey-GNA maritime agreement could discourage private sector involvement in Eastern Mediterranean energy exploration and pipelines and further complicate regional actors' security calculations.[10]

In January 2020, renewed multilateral diplomatic initiatives sought to achieve a ceasefire between Libyan combatants as a precursor to restarting political reconciliation efforts. Russia and Turkey engineered a temporary truce on January 12, but did not achieve a formal ceasefire or comprehensive settlement. Meeting in Berlin, Germany, on January 19, the five permanent members of the U.N. Security Council along with other key foreign actors made joint

Rahman Alageli, Emadeddin Badi, Mohamed Eljarh, and Valerie Stocker, *The Development of Libyan Armed Groups Since 2014: Community Dynamics and Economic Interests*, Chatham House (UK), March 17, 2020.

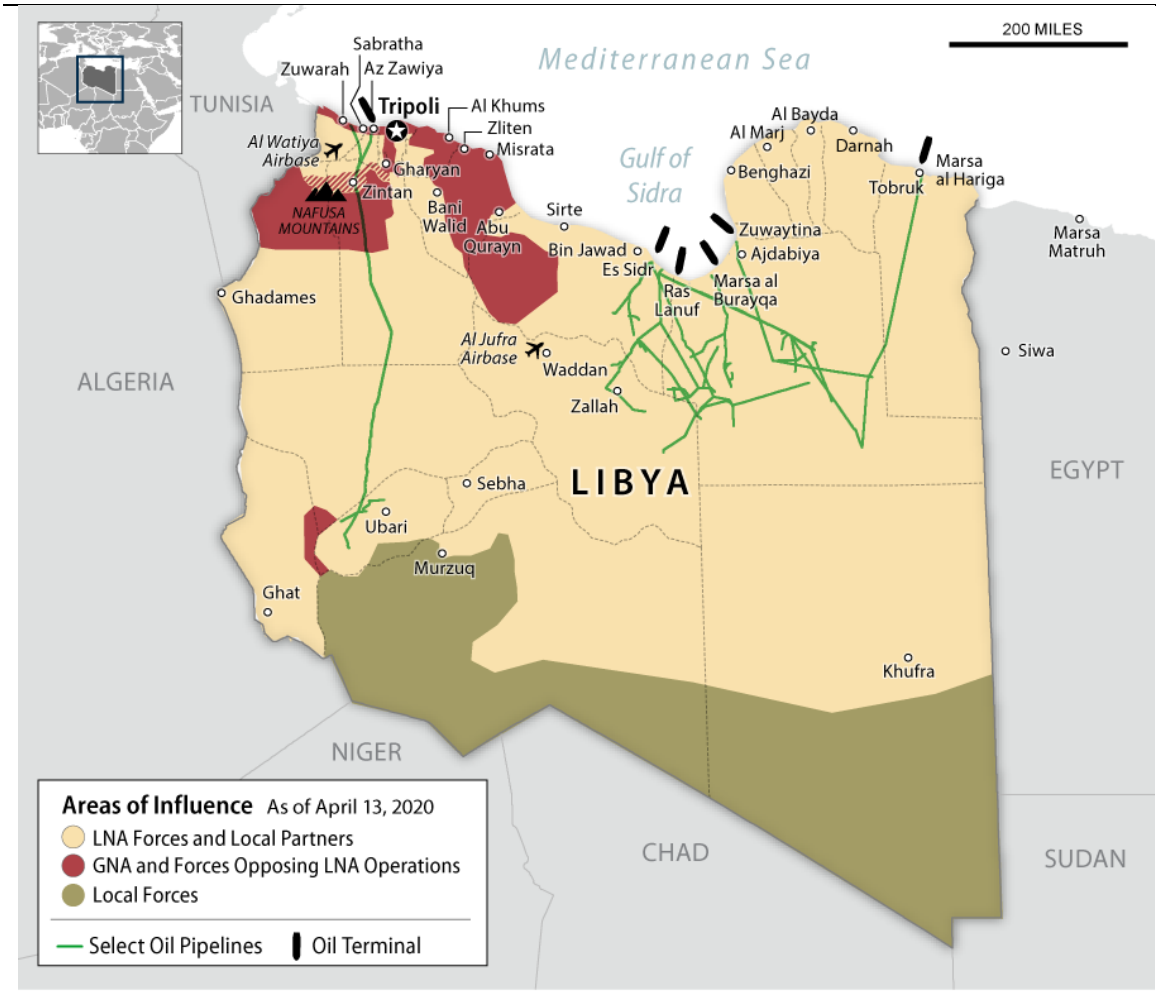
[8] United Nations and International Organization for Migration estimates.

[9] Frederic Wehrey, "Among the Syrian Militiamen of Turkey's Intervention in Libya," New York Review of Books: NYRDaily (blog), January 23, 2020.

[10] Selcan Hacaoglu and Firat Kozok, "Turkish Offshore Gas Deal with Libya Upsets Mediterranean Boundaries," Bloomberg, December 6, 2019; and Soner Cagaptay and Ben Fishman, "Turkey Pivots to Tripoli: Implications for Libya's Civil War and U.S. Policy," Washington Institute for Near East Policy, December 19, 2019.

commitments with a goal of durably ending the conflict. Participants consulted with leading Libyan figures in Berlin, but GNA and LNA leaders did not commit to a ceasefire or formally sign the 55-point Berlin Communiqué (see textbox below). Notable aspects of the agreement include a call for a durable cessation of hostilities, a pledge of mutual respect for the U.N. arms embargo, and a set of shared post-conflict governance, economic, and security goals.

Table 1. Libya Map and Facts



Created by CRS using data from ESRI, United Nations, and U.S. State Department. Areas of Influence derived from press and social media accounts. All areas and relative positions are approximate and subject to change. Names and boundary representation are not necessarily authoritative.

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: 6,890,535 (July 2020 est., in 2015 the U.N. estimated 12% were immigrants), ~49% <25 years old

GDP *PPP:* $61.97 billion; *annual real % change:* 64% (2017 est.); *per capita:* $9,600 (2017 est.)

Budget: $27.1 billion (2020 est.)

Public Debt: $69.8 billion (January 2020 est.)

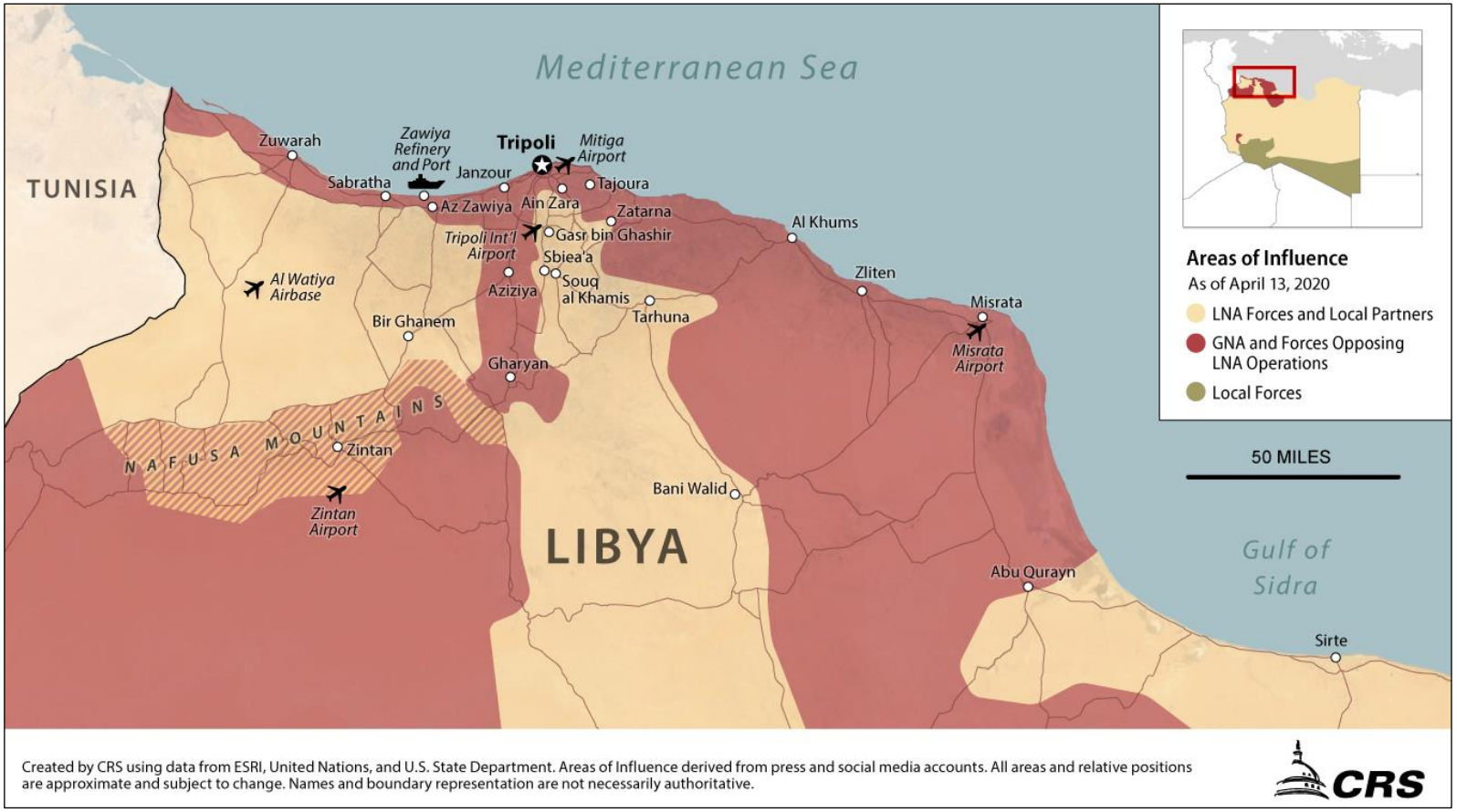
Foreign Exchange Reserves: $77 billion (October 2019 est.), $124 billion (2012 est.)

Oil and natural gas reserves: 48.36 billion barrels (2018 est.); 1.505 trillion cubic meters (2018 est.)

Source: Congressional Research Service using data from U.S. State Department, Esri, United Nations, and Google Maps. Country data from CIA World Factbook, Libyan government, United Nations, April 2020.

Figure 3. Western Libya: Areas of Influence

As of April 13, 2020



Created by CRS using data from ESRI, United Nations, and U.S. State Department. Areas of Influence derived from press and social media accounts. All areas and relative positions are approximate and subject to change. Names and boundary representation are not necessarily authoritative.

Source: Prepared by CRS using publicly available sources.

Berlin Communiqué: Select Commitments

Meeting in Berlin, the governments of Algeria, China, Egypt, France, Germany, Italy, Russia, Turkey, the Republic of the Congo, United Arab Emirates, the United Kingdom, and the United States, together with representatives of the United Nations, the African Union, the European Union, and the Arab League, made several pledges, including:

- reaffirming their "strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya," saying jointly that "only a Libyan-led and Libyan owned political process can end the conflict and bring lasting peace" and that "there can be no military solution in Libya."
- "refraining from interference in the armed conflict or in the internal affairs of Libya."
- calling for "the termination of all military movements by, or in direct support of, the conflict parties, in and over the entire territory of Libya, starting from the beginning of" a U.N.-facilitated and monitored ceasefire process, "leading to a comprehensive and lasting cessation of all hostilities including air operations over the territory of Libya."
- endorsing a U.N.-assisted "comprehensive process of demobilization and disarmament of armed groups and militias in Libya and the subsequent integration of suitable personnel into civilian, security and military state institutions."
- committing "to unequivocally and fully respect and implement the arms embargo" and to strengthen joint and individual monitoring mechanisms.
- calling for "the establishment of a functioning Presidency Council and the formation of a single, unified, inclusive and effective Libyan government approved by the House of Representatives."
- envisioning an end to Libya's transition "through free, fair, inclusive and credible parliamentary and presidential elections organized by an independent and effective High National Elections Commission."
- supporting "the establishment of unified Libyan national security, police and military forces under central, civilian authority."
- stating that "it is of utmost importance to restore, respect and safeguard the integrity, unity and lawful governance of all Libyan sovereign institutions, in particular the Central Bank of Libya (CBL), the Libya Investment Authority (LIA), the National Oil Corporation (NOC) and the Audit Bureau (AB)."
- stressing "that the National Oil Corporation (NOC) is Libya's sole independent and legitimate oil company" and urging "all parties to continue to guarantee the security of its installations and refrain from any hostilities against all oil facilities and infrastructure."
- creating an International Follow-Up Committee (IFC) to meet at the senior official level monthly to monitor progress and "exert leverage where necessary" and at the expert level in four technical working groups focused on security, political reconciliation, economic and financial reform, and respect for international humanitarian law.

The full text of the Berlin communiqué is available in U.N. Document S/2020/63.

To establish a ceasefire and operationalize the security aspects of the Berlin agreement, the GNA and LNA were asked each to nominate five appointees to a U.N.-sponsored "5+5" Military Committee. U.N. SRSG and UNSMIL head Ghassan Salamé facilitated initial rounds of 5+5 talks but resigned in March as mediation faltered (see textbox below). U.N. officials hosted an initial round of political talks, but the High State Council (HSC) and HOR set preconditions on their delegates' participation that limited discussions.[11] Economic talks began in Cairo in February.

In the wake of the agreement, fighting resumed in Tripoli's southern suburbs, in areas west of the capital, and near Abu Qurayn, south of the city of Misrata. U.N. and U.S. officials have condemned post-Berlin weapons shipments to both sides and have rejected the shutdown of oil

[11] UNSMIL's plans for the political dialogue call for 40 delegates be drawn from among the membership of the High State Council (HSC), the House of Representatives (HOR), and U.N.-selected Libyan figures. The selection of delegates has become fraught. The HSC named its delegates shortly after the Berlin meeting. U.S.-sanctioned, pro-LNA HOR leader Aqilah Salah has insisted on controlling HOR delegate selection, presumably in a bid to exclude pro-GNA HOR members. Some anti-LNA members of the HOR argue that U.N. mediators should have no right to appoint delegates. Author discussions with HOR members, Washington, DC, February 4, 2020; and, Lisa Schlein, "UN-Mediated Political Talks on Libya End in Disarray," Voice of America, February 29, 2020.

and other infrastructure in areas under LNA control. Since early March, U.S. and European officials have engaged leading Libyan figures in attempts to engineer a ceasefire. Khalifa Haftar and GNA Interior Minister Fathi Bashaga visited Europe for related discussions. Both LNA leaders and their rivals may struggle to maintain the coherence and unity of their coalitions if conditions worsen for civilians or if international actors intervene more dramatically.

Pressures created by the COVID-19 pandemic have the potential to influence the calculations of Libyan combatants. On March 26, the U.N. Security Council expressed concern "at the significant escalation of hostilities on the ground" and "at the possible impact of the COVID-19 pandemic."[12] The Council called on parties to the conflict "to de-escalate the fighting urgently, to immediately cease hostilities and to ensure unhindered access of humanitarian aid throughout the country."[13] U.S. Permanent Representative to the U.N. Ambassador Kelly Craft said, "This is not the time for violence, but rather for all actors to immediately suspend military operations, reject toxic foreign interference, and improve the ability of health authorities to combat this global pandemic."[14]

The United Nations Support Mission in Libya (UNSMIL)

The U.N. Security Council created UNSMIL as an integrated special political mission in September 2011 (Resolution 2009) "at the request of the Libyan authorities to support the country's new transitional authorities in their post-conflict efforts." UNSMIL's mandate directs it "to exercise mediation and good offices in support of the Libyan political agreement's implementation; the consolidation of governance, security and economic arrangements of the Government of National Accord and subsequent phases of the Libyan transition process." UNSMIL staff experts engage with Libyan national and local officials and monitor and report on politics, human rights conditions, security, and economic development. The Security Council has amended UNSMIL's mandate over time, most recently through Resolutions 2486 (2019) and 2510 (2020), the latter of which directs UNSMIL to undertake tasks ascribed to it in the Berlin Communiqué operationalization agreement.[15]

In June 2017, U.N. Secretary-General António Guterres named Ghassan Salamé of Lebanon as his Special Representative (SRSG) and head of UNSMIL. After political talks stalled and arms shipments to Libya continued, Salamé resigned on March 2, 2020, citing the negative effects of stress on his health.[16] Former U.S. diplomat and UNSMIL deputy head Stephanie Williams became Acting SRSG and UNSMIL head after Salamé's resignation.

Political Dynamics and Considerations

At first glance, the conflict in Libya appears to pit two primary factions and their various foreign and local backers against each other in a relatively straightforward contest for control over territory, resources, and the organs of state power. However, beneath the surface, complicated local concerns, foreign agendas, personal grudges, ethnic and tribal identities, profit motives, and ideological rivalries shape politics and security. The principal Libyan coalitions each suffer from internal divisions and political legitimacy deficits exacerbated by the extended, fractious nature of the transition period. Foreign powers have manipulated Libyans' divisions and needs to pursue

[12] Permanent Mission of Germany to the U.N., U.N. Security Council Press Elements on UNSMIL, March 26, 2020.

[13] Ibid.

[14] U.S. Permanent Representative to the United Nations Ambassador Kelly Craft, Statement to meeting of U.N. Security Council, New York, NY, March 26, 2020.

[15] See https://unsmil.unmissions.org/mandate, and U.N. Document S/2020/63, Annex II to the Letter Dated 22 January 2020 from the Permanent Representative of Germany to the U.N. Addressed to the President of the Security Council, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2020_63.pdf.

[16] U.N. News Center, "Declaring Commitment to 'Peace and Stability' for Libya, Top UN Envoy Steps Down as Stress Takes Its Toll," March 2, 2020.

their own goals, raising the transnational stakes of intra-Libyan conflicts. These factors have repeatedly complicated negotiations, undermined security, and frustrated mediation efforts.

Past attempts to achieve consensus and motivate Libyan leaders to drop objections to the completion of the transition have been unsuccessful. The key outstanding issues include the security sector leadership, terms for government decentralization, the representation of various groups in national government bodies, and mechanisms for managing state finances, distributing energy sector proceeds, and ensuring adequate service delivery. Differences over security arrangements and their intersection with politics have proven particularly intractable.

The Roles and Concerns of External Actors in Libya

Several external actors seek to influence Libya's political and security trajectory. Libya's immediate neighbors have been most directly affected by the unrest and persistent insecurity in the country. Foreign fighters from Tunisia, Algeria, Egypt, Niger, Chad, and Sudan have travelled to Libya to support various armed groups over time, and Libya-based extremists and criminal organizations have created security challenges and/or been linked to attacks in several of these countries since 2011. Turkey and various Arab states have taken opposing positions with regard to the conflict since April 2019, with the United Arab Emirates[17] and Egypt[18] (and to a lesser extent Jordan and Saudi Arabia) supporting Haftar and the LNA, while Turkey[19] and Qatar[20] support the GNA and some western Libyan militias.

Across the Mediterranean, European countries have shared concerns about the transit of migrants from Libya and the presence in Libya of terrorist groups, but have appeared to differ in their preferences with regard to the LNA-GNA conflict. France has underscored the priority of counterterrorism concerns, called for a return to dialogue, observed shortcomings in both the GNA and LNA ranks, and questioned the bona fides of some anti-LNA forces.[21] U.S.-origin weapons provided to France were found at an LNA outpost overrun by GNA forces in July 2019. Italy has been the European country most directly affected by migration flows from Libya and has cooperated for migration control purposes with western Libyan forces who are now opposing the LNA operation. In May 2019, Prime Minister Giuseppe Conte called for the withdrawal of LNA forces.[22] U.K. officials criticized Haftar's offensive when it began and have since spoken in favor of political negotiations.[23] France, the United Kingdom, and Italy each support the implementation of the Berlin Communiqué and continue to engage with Libyan parties in support of Resolution 2510.

Russia had close ties to the Qadhafi government and has been more active in cultivating relationships with Libyan actors since 2014. Russian officials portray their efforts as even-handed and open to all sides in Libya, but their ties with Haftar and the LNA appear to be more robust. These ties may serve a range of purposes, including addressing Russian counterterrorism concerns, restoring Russian military ties to Libya, and balancing Western European and U.S. influence. In the U.S. Africa Command (AFRICOM) 2019 posture statement to Congress, AFRICOM Commander Gen. Thomas Waldhauser asserted that Russia was "invok[ing] Qaddafi-era relationships and debts to obtain economic and military contracts ... aimed at accessing Libya's vast oil market, reviving arms sales, and gaining access to coastal territories."[24] Representatives of the GNA, LNA, and other armed groups have traveled to Moscow and engaged with Russian officials.

[17] UAE Minister of State Anwar Gargash, Twitter (@AnwarGargash), May 1, 2019, 10:45 PM.

[18] Office of the Presidential Spokesman, Facebook, May 9, 2019.

[19] Reuters, "Turkish Military Units Moving to Libya, Erdogan Says," January 5, 2020.

[20] Carlo Bonini, "Al Thani all'Italia: 'Niente giri di parole, dica che Haftar è l'aggressore'" La Repubblica (Rome), April 16, 2019; Reuters, "Qatar Calls for Arms Embargo Against Libya's Haftar," April 16, 2019; and Reuters, "Qatar foreign Minister Says Libya's Haftar Obstructing Dialogue Efforts," April 16, 2019.

[21] Foreign Minister Jean-Yves Le Drian, "France Is in Libya to Combat Terrorism," May 2, 2019.

[22] Italian Prime Minister Guisseppe Conte, comments to the press, May 7, 2019.

[23] "Khalifa Haftar Can Still Be Part of Future Libya Government, Says Hunt," *Guardian* (UK), May 7, 2019.

[24] Gen. Thomas Waldhauser, Commander, U.S. Africa Command, Senate Committee on Armed Services, Febrary 7, 2019.

Since April 2019, western Libya-based militia forces have helped GNA authorities resist the LNA's assault, but these militias' reluctance to relinquish weaponry and abandon lucrative corruption schemes was one of the biggest obstacles to the GNA's efficient operation and authority prior to the recent conflict.[25] GNA figures such as Interior Minister Bashaga had made partial progress in reining in some militia actors during 2018 and 2019. However, resumption of conflict has re-empowered and emboldened many local armed groups, some of whom question the GNA's authority, reject the idea of compromise with the LNA, and challenge Bashaga's authority.[26] Turkish support has stiffened the GNA's resistance, but it also has amplified the concerns of Egypt and the UAE, who view Turkey as supporting Libyan Muslim Brotherhood members.

The LNA/LAAF and Khalifa Haftar have sought to harness the shared security and political concerns of a diverse coalition of supporters since 2014, but the unity of their movement remains in question.[27] Haftar's authoritarian leadership style and political ambitions alienate some Libyans, and forces under his command stand accused of several violations of international humanitarian law. Haftar and LNA officials do not distinguish between their opponents, suggesting that their enemies are "terrorist militias and criminal gangs."[28] Salafist and tribal militias participate in LNA operations, as do mercenaries from Sudan, Chad, and other countries.

Forces opposed to the LNA channel nationalist sentiment and appeal to the anti-authoritarian principles of 2011 uprising to motivate their forces and recruit supporters. Some Islamist actors, including Muslim Brotherhood supporters, actively oppose the LNA, but they do not exclusively control the overall anti-LNA movement or the GNA. The locally organized nature of the opposition to the LNA creates potential fault lines between armed groups. Political leaders aligned with Haftar in eastern Libya claim political legitimacy stemming from Libya's 2014 election, but the LNA has stifled most political opposition in areas under its control. Members of the HOR—the national legislature last elected in 2014—have realigned themselves over time, with dozens of members active outside LNA territory and opposed to pro-Haftar HOR leaders.

Oil, Fiscal Challenges, and Institutional Rivalry

Oil Cutoff and Market Forces Create Fiscal Pressure

Conflict and instability in Libya have taken a severe toll on the country's economy and weakened its fiscal stability and reserves since 2011. As of 2018, the U.S. government estimated that Libya had the largest proven crude oil reserves in Africa and the ninth largest globally. As of October 2019, the hydrocarbon sector supplied 91% of the government's fiscal revenue, and, according to the World Bank, were "just enough to cover the high wage bill and subsidies."[29] In January 2020, UNSMIL reported that since April 2019, "growth in gross domestic product has been cut by two thirds owing to the conflict."[30]

[25] See Wolfram Lacher and Alaa al-Idrissi, "Capital of Militias: Tripoli's Armed Groups Capture the Libyan State," Small Arms Survey Briefing Paper, June 2018.

[26] Xinhua (China), "Libya's Interior Minister Says Armed Groups Obstruct Security Services," February 24, 2020.

[27] David Kirkpatrick, "A Police State with an Islamist Twist: Inside Hifter's Libya," *New York Times*, Feb. 20, 2020.

[28] Statements by LNA Spokesman Ahmed al Mismari, July 17, 2019.

[29] World Bank, "Macro Poverty Outlook—Libya," October 2019.

[30] United Nations, *Report of the Secretary-General on the U.N. Support Mission in Libya*, U.N. Document S/2020/41, January 15, 2020.

Oil dependence makes state revenue vulnerable to energy market changes and conflict-related disruptions. Nevertheless, state financial obligations to the population have increased since 2011, with public spending on salaries, imports, and subsidies all having expanded.[31] As of 2018, Libyan officials had identified more than 1.75 million state employees (equivalent to more than 25% of the population) and estimated that salaries then consumed nearly 60% of the state budget.[32] Government payments to civilians and militia members across the country have continued after conflict resumed in April 2019, and, until January 2020, Central Bank authorities had simultaneously paid salaries for forces and state employees on both sides of the conflict. Salary payments have slowed since in light of the curtailment of oil export (see below).

Since 2011, oil production disruptions and global market forces intermittently have caused oil exports and/or revenue to plummet, with follow-on negative effects for state finances.[33] Periods of fighting near the central oil crescent region (see map in **Table 1**) and intermittent shutdowns of pipelines by militias, terrorist attacks, and labor and property disputes each have generated temporary disruptions and production declines at different times. In January 2020, the LNA and entities in territory under its control instituted a nearly complete cut-off of national oil production, sending a shockwave through the country's public finances. Oil output declined from more than 1 million barrels per day to less than 100,000 barrels per day.

To cope, Libyan officials have drawn on state financial reserves, which had rebounded from previous shocks thanks to oil revenue and foreign currency exchange taxes. The GNA removed national fuel subsidies in October 2019, but serious challenges remain, and public salary payments have been limited. Drastic decline in global oil prices since February 2020 suggests that even under conditions of resumed oil production, prevailing market conditions could still reduce revenue and amplify fiscal pressure. The Finance Ministry projected in February that reserves could drop to as low as $63 billion by June 2020.[34] In March, the Libyan National Oil Corporation (NOC) estimated revenue losses since mid-January at $3.5 billion, "with daily losses at more than $1.1 million."[35] In March, the GNA approved a $27.2 billion budget for 2020.

Rivalries Persist Among Key Libyan Institutions

Disputes over leadership of key national institutions such as the Central Bank, National Oil Corporation (NOC), and Libya's sovereign wealth fund—the Libya Investment Authority (LIA)—and its subsidiaries continue. These opaque but consequential rivalries have reflected the country's underlying political competition over time and have created financial risks for the state that will outlast the current conflict. U.N. Security Council Resolution 2509 (2020) expresses "concern about activities which could damage the integrity and unity of Libyan State financial institutions and the National Oil Corporation (NOC)," and stresses "the need for the Government of National Accord to exercise sole and effective oversight over the National Oil Corporation, the

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

[32] "Serraj Spokesperson Promises 2018 Budget Details Will Be Revealed Next Week," *Libya Herald*, April 9, 2018.

[33] E.g., International Monetary Fund, "Arab Countries in Transition: Economic Outlook and Key Challenges," October 9, 2014; Sudarsan Raghavan "As oil Output Falls, Libya Is on the Verge of Economic Collapse," *Washington Post*, April 16, 2016; and World Bank, "Libya's Economic Outlook–April 2017 and Macro Poverty Outlook—Libya," October 2019.

[34] "Conflict Could Drive Libya Currency Reserves to 2016 Levels," *Bloomberg News*, March 9, 2020

[35] Samy Magdy, "Libya Says Oil Shutdown Losses Exceed $3.5 Billion," Associated Press, March 24, 2020.

Central Bank of Libya, and the Libyan Investment Authority as a matter of urgency, without prejudice to future constitutional arrangements pursuant to the Libyan Political Agreement."

Central Bank of Libya. Central Bank officials in Tripoli and the eastern city of Bayda have become embroiled in the rivalry between the GNA Presidency Council and the HOR, with the United States and other backers of the GNA Presidency Council recognizing the Tripoli-based Central Bank as legitimate.[36] In May 2016, the Bayda-based branch of the bank moved to issue its own currency and accessed secured assets held at the 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.[37] When the HOR nominated a replacement for Tripoli-based Central Bank Chairman Sadiq al Kabir in December 2017, the High State Council (HSC) protested the nomination, noting that it hadn't been consulted pursuant to Article 15 of the 2015 Libyan Political Agreement (LPA), which provides for appointments to select sovereign positions. UNSMIL also rejected the move, but the HOR confirmed Mohammed Shukri as head of the Bayda-based branch in January 2018. HOR leaders have since asserted their view that Al Kabir's continued tenure is illegitimate.

The Tripoli Central Bank invalidated Bayda-issued dinar coins in late 2017, but Bayda branch officials continued to print paper currency and issue loans to the eastern Libya-based rival government through 2019. In January 2020, UNSMIL reported that "while debt directly managed by the Central Bank of Libya decreased to 56 billion Libyan dinars (~$39.5 billion), that of the parallel non-recognized Central Bank branch in eastern Libya increased to 43 billion Libyan dinars (~$30.3 billion), resulting in an overall gross domestic product-to-debt ratio of 150 per cent."[38] In March 2020, the Bayda branch said future borrowing by the eastern government would be limited to loans to pay state employee salaries.[39] GNA officials on April 1 restated their willingness to proceed with internationally backed efforts to unify the Central Bank institutions and to audit and reconcile accounts. U.S. officials are encouraging Libyan Central Bank leaders to meet, unify the institution, and proceed with an internationally supported audit to increase transparency and public confidence in state finances.[40]

National Oil Corporation. Disputes involving the National Oil Corporation (NOC) also have ebbed and flowed since early 2016. In April 2016, the U.N. Security Council blacklisted an oil tanker that had taken on hundreds of thousands of barrels of oil sold by national oil company officials operating in the east, but the sanctions were withdrawn at the GNA Presidency Council's request. Since March 2014, the U.N. Security Council has approved third-party military operations to interdict ships named by the U.N. Libya Sanctions Committee as being suspected of carrying unauthorized oil exports. Tripoli-based NOC Chairman Mustafa Sanalla has called for the NOC to be depoliticized and wrote in June 2017 that he and his colleagues "intend to remain neutral until there is a single legitimate government we can submit to."[41]

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[36] Ministerial Meeting for Libya Joint Communiqué, May 16, 2016.

[37] 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.

[38] Report of the Secretary-General on the U.N. Support Mission in Libya, U.N. Document S/2020/41, January 15, 2020.

[39] Reuters, "East Libyan central Bank Says It Will Not Lend to Parallel Govt Any More," March 11, 2020.

[40] U.S. Ambassador Richard Norland comments in *Al Wasat* (Libya), "Exclusive Q&A: U.S. Ambassador to Libya discusses Efforts to End Fighting, Coronavirus Response," April 5, 2020.

[41] Mustafa Sanalla, "How to Save Libya From Itself? Protect Its Oil from Its Politics," *New York Times*, June 19, 2017.

In September 2019, authorities in eastern Libya attempted to assert control over local operations of the Brega Petroleum Marketing Company, which distributes fuel in country, claiming that the company was not making sufficient jet fuel available. NOC Chairman Sanalla countered that "fuel supply to the Eastern and Central regions is more than adequate for civilian purposes. The real motive behind this attempt is to set up a new illegitimate entity for the illegal export of oil from Libya."[42] In response to the eastern authorities' moves, the U.S. government, France, Germany, Italy, Turkey, the United Arab Emirates, and the United Kingdom said

> We fully support Libya's National Oil Corporation (NOC) as the country's sole independent, legitimate and nonpartisan oil company. Now is the time to consolidate national economic institutions rather than break them apart. For the sake of Libya's political and economic stability, and the well-being of all its citizens, we exclusively support the NOC and its crucial role on behalf of all Libyans.[43]

Libya Investment Authority. A long-simmering dispute between rival board members and chairmen has paralyzed the Libya Investment Authority (LIA)—Libya's sovereign wealth fund—for several years.[44] The LIA's assets reportedly exceed $60 billion, much of which remain frozen pursuant to U.N. Security Council Resolutions 1970 and 1973 (2011), as modified by Resolution 2009 (2011). Legal proceedings in several jurisdictions have addressed disputes over the management of LIA assets and payment of fees. Libyan courts at times have intervened to overturn appointments and authorizations of LIA officials. U.N. reporting notes that Tripoli-based LIA officials have asserted control of the management of LIA assets, but the rival eastern government "has a parallel board of trustees, which in turn appointed a board of directors."[45] The U.N. Sanctions Committee panel of experts recommended in December 2019 that Member States be directed to freeze the assets of LIA subsidiaries, but LIA officials report that the Sanctions Committee has declined to alter its implementation guidance regarding subsidiaries.[46]

Sanctions and Arms Embargo Provisions

U.N. Security Council Measures

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

After Qadhafi's death in October 2011 (**Appendix A**), 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

[42] Carla Sertin, "Partitioning Oil Sector Will Put Libya's Integrity 'at Grave Risk': NOC Chairman," Oil and Gas Middle East, September 22, 2019.

[43] Joint Statement on Libya's National Oil Corporation (NOC),

[44] *Libya Herald*, "Tripoli and Malta LIA Handover to PC/GNA Interim Steering Committee," September 9, 2016.

[45] Final Report, Panel of Experts on Libya established pursuant to resolution 1973 (2011), U.N. Document S/2019/914.

[46] Final Report, Panel of Experts on Libya established pursuant to resolution 1973 (2011), U.N. Document S/2019/914; and, Sami Zaptia, "LIA seeks Minor Changes to UN Asset Freeze to Mitigate Losses," *Libya Herald*, March 9, 2020.

Libya's new transitional leaders access to some state resources, but some limitations also remained in place to ensure that transitional authorities transparently and legitimately administered funds. U.S. Treasury officials issued a series of general licenses that gradually unblocked most Libyan state property and allowed for transactions with Libyan Central Bank and Libyan National Oil Company. U.N. arms embargo provisions were modified over time, but remained in place in a bid to ensure that the transitional government had authorized weapons transfers to Libya.[47]

When fighting broke out among Libyan factions in 2014, the Security Council moved to expand the scope of the modified sanctions provisions to allow for the targeting of actors who were contributing to the conflict. Resolution 2174, adopted in August 2014, authorized the placement of U.N. financial and travel sanctions on individuals and entities found to be "engaging in or providing support for other acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition." Resolution 2174 strengthened the arms embargo provisions by requiring advance approval by the sanctions committee for transfers of arms. Resolution 2213, adopted in March 2015, expanded the scope of sanctionable activities related to the standards articulated in Resolution 2174. At present, modified sanctions, arms embargo, and oil sale related provisions of Resolutions 1970, 2009, 2095, 2174, 2362, 2441, and 2473 remain in force. A U.N. sanctions committee oversees implementation.[48]

The U.N. Security Council has recognized the GNA as Libya's governing authority since December 2015, in an effort to confer international legitimacy on its leaders and encourage unification efforts. Resolutions 2259 (2015), 2278 (2016), 2362 (2017), and 2441 (2018) expressed support for the GNA as the sole legitimate government of Libya and urged Member States to comply with Security Council efforts to enforce asset freeze, travel ban, and arms embargo measures. These resolutions further authorized the provision of security assistance to the GNA for counterterrorism purposes. Resolution 2509 (2020) does not refer to the GNA as Libya's sole legitimate government, but calls on Member States "to cease support to and official contact with parallel institutions outside of the [2015] Libyan Political Agreement."

U.S. and European Sanctions

In February 2011, President Barack Obama issued Executive Order 13566, declaring a national emergency and blocking the property under U.S. jurisdiction of the government of Libya, Qadhafi, his family, and other designated individuals. The Obama Administration modified U.S. sanctions measures in support of the Libya Political Agreement (LPA) in April 2016. The amendments (issued in Executive Order 13726) were based on President 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.

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

[48] See https://www.un.org/securitycouncil/sanctions/1970.

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. The Obama Administration placed related sanctions on former GNC government prime minister Khalifa Ghwell and HOR leader Aqilah Issa Salih in April and May 2016 for obstructing the implementation of the LPA.

President Trump has extended the national emergency with respect to Libya, most recently for one year on February 20, 2020.[49] In February 2018, the Trump Administration announced sanctions targeting six individuals accused of illicit oil smuggling from Libya and a number of related entities.[50] In September 2018, the Administration placed sanctions on Ibrahim Jadhran, an eastern Libya-based militia commander responsible for several attacks on oil facilities in central Libya,[51] and, in November 2018, placed sanctions on Salah Badi, a western Libya-based militia commander responsible for attacks on Tripoli.[52]

The European Union (EU) consolidated its sanctions on Libya in January 2016.[53] In April 2016, the EU imposed sanctions on Salih, Ghwell, and GNC official Nuri Abu Sahmain. The EU last extended its sanctions for six months in March 2020.[54]

Arms Embargo Enforcement and Violations

Under current U.N. Security Council resolutions, arms transfers to Libya may occur provided the GNA approves and the transfer is notified to the U.N. panel established pursuant to Security Council Resolution 1970. In practice, unauthorized arms transfers to Libya continue to take place, as documented in reports produced by the Resolution 1970 Sanctions Committee and its Panel of Experts. The Panel of Experts report released in December 2019 documents lethal and nonlethal foreign support in violation of the arms embargo for armed groups from across Libya.[55] Resolution 2509 extended the Panel of Experts' mandate to March 15, 2021. In June 2016, the Security Council adopted Resolution 2292 authorizing member states to assist in the maritime enforcement of the arms embargo and has since amended and extended that authority, most recently through June 10, 2020, under Resolution 2473.

The EU previously authorized its migration-focused naval mission in the Mediterranean to assist in arms embargo enforcement, but later reduced both the migration and arms embargo focused aspects of the operation amid dissent over migration issues among member states. The EU

[49] Notice of February 20, 2020: Continuation of the National Emergency with Respect to Libya, FR Doc. 2020-03810.

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

[51] U.S. Department of the Treasury, "Treasury Sanctions Militia Leader Responsible for Multiple Attacks on Libyan Oil Facilities," September 18, 2018.

[52] U.S. Department of the Treasury, "Treasury Sanctions Militia Leader Responsible for Multiple Attacks on Libyan Capital," November 19, 2018.

[53] EU Council Regulation (EU) 2016/44, *Concerning Restrictive Measures in View of the Situation in Libya and Repealing Regulation (EU) No 204/2011*, January 18, 2016.

[54] European Council, Council Decision (CFSP) 2020/458, March 27, 2020.

[55] According to the report, "The conflict that started on 4 April 2019 was a trigger for the supply of new military equipment to the participants to the conflict.... The transfer to Libya were repeated and sometimes blatant, with scant regard paid to compliance with the sanctions measures. The Panel identified multiple cases of non-compliance with the arms embargo in support of both parties to the conflict...." See U.N. Document S/2019/914, op cit.; and Declan Walsh, "In Libya, Toothless U.N. Embargo Lets Foreign States Meddle with Impunity," *New York Times*, February 2, 2020.

relaunched maritime security operations in support of arms embargo enforcement in the eastern Mediterranean under the new Operation EUNAVFOR MED IRINI on April 1, 2020.[56] U.S. Ambassador to Libya Richard Norland said in April 2020 that the United States supports the operation and understands that it "has not only a maritime dimension but also a satellite surveillance dimension so it should be possible to monitor arms embargo violations, not only on the maritime borders, but also across Libya's land borders as well."[57]

U.S. Travel Restrictions on Libyan Nationals

Libya is among the countries identified in Executive Order 13780 of March 2017, which restricts the entry of nationals of certain countries to the United States, with some exceptions. In September 2017, the Trump Administration issued further guidance on the entry restrictions, and suspended the entry to the United States of Libyan nationals as immigrants and non-immigrants in business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visa classes.[58] The Administration's fact sheet on the changes stated:

> Although it is an important partner, especially in the area of counterterrorism, the government in Libya faces significant challenges in sharing several types of information, including public-safety and terrorism-related information; has significant inadequacies in its identity-management protocols; has been assessed to be not fully cooperative with respect to receiving its nationals subject to final orders of removal from the United States; and has a substantial terrorist presence within its territory. Accordingly, the entry into the United States of nationals of Libya, as immigrants, and as nonimmigrants on business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas, is suspended.[59]

In April 2018, President Trump issued a new proclamation updating the September 2017 actions, and stated

> Though remaining deficient, the State of Libya (Libya) is taking initial steps to improve its practices. DHS and State are currently working with the Government of Libya, which has designated a senior official in its Ministry of Foreign Affairs to serve as a central focal point for working with the United States. DHS and State presented Libya with a list of measures it can implement to rectify its deficiencies, and it has committed to do so. Despite this progress, Libya remains deficient in its performance against the baseline criteria, and the Secretary recommends at this time against removal of the entry restrictions and limitations on that country and the other countries currently subject to them.[60]

President Trump left the restrictions on Libya in place in January 2020, acting to impose tailored entry restrictions and limitations on nationals from six additional countries. The United States issued 1,445 B-1, B-2, and B1/B-2 visas to Libyan nationals in FY2016, which was approximately 62% of the total number of U.S. visas issued for Libyans that year.[61] The Administration has issued some nonimmigrant visas on a case-by-case basis. In FY2019, the United States issued 96 B-1 and B-1/B-2 visas to Libyan nationals out of 968 overall nonimmigrant visas of all classes.[62]

[56] EU Council, Council Decision (CFSP) 2020/472, March 31, 2020.

[57] *Al Wasat* (Libya), "Exclusive Q&A: U.S. Ambassador to Libya Discusses Efforts to End Fighting, Coronavirus Response," April 5, 2020.

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

[59] Ibid.

[60] Proclamation 9723 of April 10, 2018, *Maintaining Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats*.

[61] State Department, Report of the Visa Office 2016.

[62] State Department, Nonimmigrant Visa Issuance Statistics, FY2019.

Human Rights and Migration

Non-State Actors Violate Human Rights with Impunity

Average Libyans have faced tenuous economic and security circumstances for much of the post-2011 period amid unreliable state salary and subsidy support, weak state service provision and law enforcement, inflationary pressures, and hard currency shortages. Economic hardship has amplified the negative effects of deteriorations in local security and the weakening of the rule of law. In March 2018, then-SRSG Salamé told the U.N. Security Council decried what he described as "an economic system of predation" and "plundering." The U.N. Panel of Experts documented indiscriminate use of explosive ordnance, human trafficking and migrant smuggling, abuses in detention centers, assassinations, and kidnapping among other human rights abuses in its December 2019 report.

The 2019 State Department report on human rights conditions in Libya notes the GNA's "limited effective control over security forces" (some of which are deputized militias) and concludes that, in 2019,

> Impunity from prosecution was a severe and pervasive problem. Divisions between political and security apparatuses in the west and east, a security vacuum in the south, and the presence of terrorist groups in some areas of the country severely inhibited the government's ability to investigate or prosecute abuses. The government took limited steps to investigate abuses; however, constraints on the government's reach and resources, as well as political considerations, reduced its ability or willingness to prosecute and punish those who committed such abuses.

Flows Decline, but Migrants Face Risks and Abuse

Weak governance and conflict transformed Libya into a major staging area for the transit of non-Libyan migrants seeking to reach Europe from 2014 through 2018. Data collected by migration observers and immigration officials suggested that many migrants from sub-Saharan Africa have transited remote areas of southwestern and southeastern Libya to reach coastal urban areas for onward transit to Europe. Others, including Syrians, have entered Libya from neighboring Arab states seeking onward transit to refuge in Europe and beyond. According to the U.N. Panel of Experts, as of December 2019,

> Human trafficking and migrant smuggling to and through Libya onward to Europe remains profitable, but the trade has all but collapsed compared with the pre-2018 period. Changing regulations in neighbouring countries and localized clashes along trafficking routes have forced changes to established routes in order to avoid these barriers. This makes migration to Libya longer, costlier and more dangerous. The volume of cross-border traffic into Libya through Chad and the Niger has dropped significantly over the past two years.

In March 2020, the International Organization for Migration (IOM) reported that more than 654,000 migrants were in Libya, alongside more than 373,000 internally displaced persons and more than 48,000 refugees and asylum seekers from other countries identified by the United Nations High Commissioner for Refugees (UNHCR).[63]

[63] IOM Libya, "Monthly Update—February 2020," March 2020, and UNHCR, "Libya Update," April 10, 2020.

In total, more than 11,000 migrants arrived by sea to Italy in 2019, with the vast majority having departed from western Libya. At least 1,262 died in transit in the central Mediterranean.[64] By comparison, in 2016, at least 181,436 migrants arrived by sea to Italy and at least 4,851 died on the central Mediterranean route, in what IOM estimates was the deadliest year for migrants ever recorded in the Mediterranean.[65] Observers attribute declines in migrant crossings and deaths to efforts by Italian and European Union authorities to work with government and nongovernment figures inside Libya to prevent migrant departures and patrol coastal waters (see textbox below).[66]

Select European and International Responses

European countries have worked for years to limit the trafficking of individuals from Libya to southern Europe and have acted at times to save the lives of migrants at sea. In May 2015, the European Union created a naval force (Operation EUNAVFOR MED SOPHIA) "to break the business model of smugglers and traffickers ... in the Southern Central Mediterranean and in partnership with Libyan authorities."[67] The force was inaugurated in June 2015 and began training Libyan coast guard and naval forces in 2016. Ships assigned to the mission saved approximately 50,000 lives at sea and operated until disputes in 2019 over the landing and disembarkation of rescued migrants led some EU member states to suspend support and withdraw their forces.[68] As noted above, the EU has replaced Operation EUNAVFOR MED SOPHIA with Operation EUNAVFOR MED IRINI, which is to concentrate operations in the eastern Mediterranean and focus on supporting arms embargo enforcement, with a secondary authorization to assist migrants and disembark them in Greece.

In parallel to naval operations and training, the EU Trust Fund for Africa supports programs designed to protect migrants along the central Mediterranean route and to provide related management assistance in Libya. The EU funding supports Libyan municipalities that host migrants in Libya, and has engaged in border security support programming with few tangible results.

A joint EU, African Union (AU), and U.N. Task Force works to improve migrant protection along migration routes to, from, and in Libya. With support from this Task Force, IOM has facilitated the return of more than 50,000 migrants to their home countries from Libya through a voluntary humanitarian returns program since December 2017.[69] The Task Force also has supported UNHCR-led evacuations of more than 5,700 refugees from Libya as of March 2020. Some observers remain critical of the arrangements and report that some evacuees remain vulnerable.[70]

COVID-19 concerns are shaping Libyan and international approaches to migration challenges. Libya's Arab neighbors have closed formal border crossings, but informal flows into Libya, particularly across southern borders, reportedly have continued.

Some critics of the European approaches allege that the policies provide financial benefit and bestow political importance and security influence on unaccountable local militia groups, who may threaten the human rights and security of migrants subject to detention and economic hardship in Libya.[71] A patchwork of Libyan local and national authorities and nongovernmental

[64] IOM Missing Migrants Project data, and 'Arrivals to Italy' as reported by IOM authorities as of December 2019.

[65] IOM Missing Migrants Project data, and 'Arrivals to Italy' as reported by IOM and national authorities.

[66] Declan Walsh and Jason Horowitz, "Italy, Going It Alone, Stalls the Flow of Migrants. But at What Cost?" *New York Times*, September 17, 2017; Giovanni Legorano and Jared Malsin, "Migration from Libya to Italy, Once Europe's Gateway, Dwindles After Clampdown," *Wall Street Journal*, March 10, 2019.

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

[68] For one perspective on the mission and related debates, see Arturo Varvelli, "Commentary—Reboot Time: Operation Sophia and Italy's Tortuous Libya Policy," European Council on Foreign Relations, February 7, 2020.

[69] African Union, "The AU-EU-UN taskforce Renews Its Commitment to Rescue Stranded Migrants and Refugees in Libya," February 24, 2020.

[70] Sally Hayden, "Europe's Harsh Border Policies Are Pushing Refugees All the Way to Rwanda," *Foreign Policy*, February 20, 2020.

[71] Sudarsan Raghavan, "Returned to a War Zone: One Boat. Dozens of Dreams. All Blocked by Europe's Anti-Migrant

entities assume responsibility for responding to various elements of the migrant crisis, including the provision of humanitarian assistance and medical care, the patrol of coastal and maritime areas, and law enforcement efforts targeting migrant transport networks. Violence and insecurity in Libya complicate international attempts to assist Libyan partners in these efforts and to improve coordination among Libyan stakeholders. Airstrikes and shelling since April 2019 have killed and injured migrants in western Libya.[72] Internal movement restrictions, limited local resources, and public fear of infection may make migrants present in Libya even more vulnerable in the context of the COVID-19 pandemic.

The State Department's July 2019 Trafficking in Persons report designated Libya as a "special case" for the fourth year in a row in light of its weak governance and ongoing conflict. The report says Libya's "lack of institutional capacity, as well as lack of Libyan law enforcement, customs, and military personnel, especially along its borders, hindered authorities' efforts to address human trafficking crimes." According to the report, "Trafficking victims—including men, women, and children—are highly vulnerable to extreme violence and other human rights violations in Libya by government officials and non-state armed groups, including physical, sexual, and verbal assault; abduction for ransom; arbitrary killings; inhumane detention; and child soldiering."

U.S. Interests and Approaches

Administration Policy and Initiatives

Terrorist organizations active in Libya and the continuing weakness of Libya's national security bodies and government institutions pose a dual risk to U.S. and international security. Whereas U.S. intervention in Libya in 2011 was motivated largely by concern regarding threats posed to Libyans by the Qadhafi government, U.S. policy since has been defined by efforts to contain and mitigate the negative effects of state collapse, support transition efforts, and resolve conflict. The level and extent of U.S. involvement has varied. When Libyan-based extremist groups have threatened the security of neighboring countries in North Africa and/or Europe, the United States has militarily intervened. Operations by Libyan partner forces, backed by U.S. military strikes, succeeded in ending the Islamic State (IS, aka ISIS/ISIL) organization's control over territory in central and western Libya during 2016, but little parallel progress has been made toward achieving durable political reconciliation. The effects of the COVID-19 pandemic may shape conflict and political developments in Libya and/or create new concerns for outside actors.

Otherwise, U.S. initiatives have sought to address humanitarian, governance, and development concerns, including concerns involving abuses of migrants trafficked through Libya, other human rights violations, and law of armed conflict violations by Libyan armed groups and foreign militaries.[73] U.S. and Libyan officials generally share concerns about threats from extremists, the weakness of state institutions, and flows of migrants, refugees, and contraband within and across Libya's largely un-policed borders. However, LNA forces and their supporters in eastern Libya

Policies," *Washington Post*, December 28, 2019.

[72] In July 2019, an airstrike attributed by U.N. investigators to "aircraft belonging to a foreign State" destroyed a facility being used by an anti-LNA militia to house detained migrants and store weapons. The strike killed 53 migrants, including 6 children, and wounded 87 others. Press reports attributed the strike to a UAE aircraft. Libya: U.N. News, "U.N. report Urges Accountability for Deadly Attack Against Migrant Centre," January 27, 2020; and Declan Walsh, "In Libya, Toothless U.N. Embargo Lets Foreign States Meddle with Impunity," *New York Times*, February 2, 2020.

[73] Ibid.

oppose U.S. support for the LNA's western Libya-based rivals, and U.S. counterterrorism cooperation and stabilization and transition assistance remains limited in LNA-controlled areas.

Trump Administration officials have called for an end to foreign meddling and for ceasefire negotiations and efforts to strengthen the Libyan state. U.S. partners countries such as the United Arab Emirates, France, Italy, Egypt, and Turkey have continued to intervene, however, creating varying degrees of discord in several U.S. bilateral relationships and prompting U.S. officials to consider how best to resolve Libya-related concerns while pursuing other objectives. In remarks and testimony in February 2020, U.S. officials referred to balancing "a broad range of equities" in addressing Libya as part of "deep and complex relationships" with other U.S. partners.[74] With regard to the United Arab Emirates and Egypt, for example, the United States pursues Libya-related objectives along with objectives related to Gulf security and regional peace. Similarly, with regard to Turkey, the United States pursues Libya-, Syria-, and NATO-related objectives simultaneously. According to a senior State Department official, "Libya is not the defining issue in those relationships necessarily, but they have heard our message."[75]

Libya's natural resources and economic potential may provide future opportunities for strengthening U.S.-Libyan trade and investment ties, but circumstances have not allowed such ties to flourish. U.S. officials periodically have expressed concern about maintaining flows of Libyan oil to international markets, but fluctuations in global oil supply and demand ultimately determine the relative geo-economic importance of Libyan oil.

Following the outbreak of conflict in April 2019, U.S. messaging varied,[76] but since late summer 2019, U.S. diplomats and officials have met with Libyan antagonists and their foreign backers in support of a ceasefire and expressed support for parallel U.N. mediation efforts. According to U.S. officials, the Administration's immediate priority is to achieve a ceasefire agreement; then security, political, and economic discussions can be pursued. In support of progress in these tracks, U.S. diplomacy has sought to build consensus in three areas: (1) the disarmament of militias and the integration of Libyan security services; (2) the transparent, non-corrupt administration of Libyan state finances; and (3) efforts to isolate violent extremists. In February 2020, a senior U.S. official foresaw "a role for Haftar in shaping Libya's political future" and said the State Department seeks to reopen the U.S. Embassy in Tripoli "as soon as humanly possible."[77]

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[74] Testimony of Assistant Secretary of State for Near Eastern Affairs David Schenker before the Senate Foreign Relations Committee, February 12, 2020; and, Senior State Department Official on U.S. Engagement with Libya, Special Briefing, Washington, DC, February 28, 2020.

[75] Senior State Department Official on U.S. Engagement with Libya, Special Briefing, Washington, DC, February 28, 2020.

[76] U.S. statements prior to the outbreak of conflict in 2019 emphasized the importance of U.N.-led dialogue efforts as a precursor to steps to end the transition, including national elections. Shortly after the LNA operation began, Secretary of State Michael Pompeo stated that the United States government opposed the offensive and urged its "immediate halt." Secretary Pompeo said "forces should return to status quo ante positions," and said, "all involved parties have a responsibility to urgently deescalate the situation." The White House subsequently announced that President Trump had spoken by telephone on April 15 to Haftar, and said that the President had "recognized Field Marshal Haftar's significant role in fighting terrorism and securing Libya's oil resources." The White House further said that President Trump and Haftar had "discussed a shared vision for Libya's transition to a stable, democratic political system." See Joint Statement on Libya, March 1, 2019; Secretary of State Michael R. Pompeo on the Situation in Libya, Washington, DC, April 7, 2019.

[77] Senior State Department Official on U.S. Engagement with Libya, Special Briefing, Washington, DC, February 28, 2020.

Counterterrorism Operations and Strategic Competition

As of mid-2019, U.S. Africa Command (AFRICOM) identified containing instability in Libya as one of its six main lines of effort in Africa.[78] AFRICOM leaders also have worked at times to support U.S. diplomatic engagement with Libyan counterparts and have accompanied U.S. diplomats and facilitated their travel to the country. The U.S. military worked closely with western Libyan militia forces that now oppose the LNA in driving the Islamic State group from the central Libyan town of Sirte in 2016.[79] AFRICOM withdrew U.S. military personnel from Libya in response to deteriorating security conditions in April 2019.

Periodic U.S. airstrikes in coordination with the GNA target suspected Islamic State (IS, aka ISIS/ISIL) or Al Qaeda (AQ) personnel, mainly in remote central and southern areas of the country.[80] In September 2019, AFRICOM conducted a series of strikes on IS targets in southern Libya, which it asserted killed more than 40 suspected terrorists. Defense officials estimated that IS-Libya had approximately 100 personnel active in Libya at the end of 2019.[81]

In conjunction with counterterrorism strikes, the U.S. government at times has worked with GNA officials and other Libyan security figures to determine the scope of their need for (and ability to absorb) potential security assistance.[82] In 2014, the Obama Administration shelved plans to create a Libyan General Purpose Force to secure government installations and critical infrastructure as conflict broke out among Libyans.[83] In 2018, U.S. officials announced Libya would join the Trans-Sahara Counterterrorism Partnership (TSCTP) program and signed a series of agreements and memoranda of intent for border and airport security programs. In November 2019, GNA officials visited Washington to launch a U.S.-Libya Security Dialogue. Past efforts have involved engagement with European partners in planning for potential security assistance to the GNA.[84]

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[78] Statement of Gen. Thomas Waldhauser, AFRICOM Commander before the Senate Committee on Armed Services, February 7, 2019; and Lead Inspector General for Overseas Contingency Operations (LIG-OCO), Report to Congress on East Africa and North and West Africa Counterterrorism Operations, October-December 2019, February 2020.

[79] U.S. Africa Command, "AFRICOM Concludes Operation Odyssey Lightning," Stuttgart, Germany, Dec 20, 2016.

[80] President Trump's December 2019 letter to Congress consistent with the War Powers Resolution acknowledged U.S. strikes against IS targets in Libya. Like the Obama Administration before it, the Trump Administration has described U.S. strikes against IS and Al Qaeda in the Islamic Maghreb (AQIM) targets in Libya as authorized by the 2001 Authorization for Use of Military Force (AUMF, P.L. 107-40) and has stated that the strikes are taken "at the request and with the consent of the GNA in the context of the ongoing armed conflict against ISIL and in furtherance of U.S. national self-defense." See Text of a Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, December 11, 2019; and, Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations, December 2016 and March 2018. Also see CRS Report R43983, *2001 Authorization for Use of Military Force: Issues Concerning Its Continued Application*, by Matthew C. Weed.

[81] LIG-OCO, Report to Congress on East Africa and North and West Africa Counterterrorism Operations, October-December 2019, February 2020, p. 37.

[82] 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.

[83] In January 2014, the Obama Administration notified Congress of a proposed $600 million sale to Libya of training and weapons to support the development of a 6,000- to 8,000-person General Purpose Force for up to eight years. See Defense Security Cooperation Agency Transmittal 13-74, January 22, 2014; and Missy Ryan, "Libyan Force Was Lesson in Limits of U.S. Power," *Washington Post*, August 5, 2015.

[84] U.S. Africa Command 2016 and 2017 Posture Statements.

In January 2020, AFRICOM Commander Gen. Stephen Townsend restated the Command's commitment to countering violent extremist organizations, including the Islamic State and Al Qaeda, in Libya and other parts of Africa, and described Libya as a potential venue for competition with other global powers.[85] At the same time, however, the Department of Defense has sought since late 2018 to reorient AFRICOM's personnel and missions to reflect a global focus on "great power competition," as opposed to counterterrorism.

What such a shift would mean for DOD activities in Libya is uncertain. In December 2019, AFRICOM told the DOD Inspector General "the growing Russian military presence in Libya threatens future U.S. military partnerships and counterterrorism cooperation by impeding U.S. access to Libya."[86] General Townsend told Congress that Russian private military contractors "with strong links to the Kremlin, are leading the fight" for the LNA, and said that Russian contractors in Libya "almost certainly" downed an unarmed U.S. drone "using sophisticated Russian air defense system" in November 2019.[87] AFRICOM also judges that the Russian presence creates challenges for U.S. counterterrorism operations and has said any future Russian anti-access/area denial (A2/AD) operations from the Libyan coast could present security challenges in the Mediterranean.

U.S. Foreign Assistance and Humanitarian Aid

As of February 2020, the U.S. government had allocated more than $550 million funding for Libya assistance programs since 2011.[88] These funds have supported a variety of stabilization and transition assistance programs at the national and local levels. Since the 2014 withdrawal of U.S. personnel, U.S. officials have administered aid programs from outside the country. Despite related challenges, the Trump Administration has reiterated its commitment to providing stabilization and transition support to Libyans.[89] Since 2016, the executive branch has notified Congress of planned programs to continue to engage with Libyan civil society organizations, support multilateral bodies engaged in Libyan stabilization efforts, and build the capacity of municipal authorities, electoral administration entities, and the GNA administration. In March 2020, the Trump Administration upgraded the USAID presence at the Libya External Office in Tunis, Tunisia, from a Senior Development Advisor to a Country Representative. President Trump has requested $21.4 million in foreign operations funding for Libya programming in FY2021 (see **Table 2**). Congress directed that $40 million be made available for Libya programs in FY2020.[90]

[85] Statement of Gen. Stephen Townsend, AFRICOM Commander before the Senate Armed Services Committee, January 30, 2020.

[86] LIG-OCO, Report to Congress on East Africa and North and West Africa Counterterrorism Operations, October-December 2019, February 2020, p. 4.

[87] Statement of Gen. Stephen Townsend, Commander United States Africa Command before the Senate Armed Services Committee, January 30, 2020.

[88] U.S. Agency for International Development (USAID), Administrator Mark Green's Trip to Tunisia, February 18, 2020.

[89] Ibid.

[90] The explanatory statement accompanying the FY2020 foreign operations appropriations act (P.L. 116-94) directs not less than $40 million under the Relief and Recovery Fund for stabilization assistance for Libya.

Table 2. U.S. Foreign Assistance for Programs in Libya

(millions of dollars)

Account	FY2015 Actual	FY2016 Actual	FY2017 Actual	FY2018 Actual	FY2019 Estimate	FY2020 Request	FY2021 Request
Bilateral Foreign Assistance							
ESF-OCO/ESDF	19.2	10	110.5[a]	28	27	17.8	18
INCLE	1.987	2	10.2	1	1	1	0.435
NADR	3.5	6.5	36	5	6.5	3	3
CSO	2.5	—	—	—	—	—	—
PKO	—	—	5	—	—	—	—
Total	**27.187**	**18.5**	**161.7**	**34**	**34.5**	**21.8**	**21.435**

Source: State Department Congressional Budget Justifications, documents, and estimates.

Notes: Amounts are subject to change. ESF = Economic Support Fund, OCO = Overseas Contingency Operations, ESDF = Economic Support and Development Fund, NADR = Nonproliferation, Antiterrorism, Demining, and Related Programs, INCLE = International Narcotics Control and Law Enforcement, CSO = Conflict and Stabilization Operations, PKO = Peacekeeping Operations.

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

a. Includes ESF and ESF-OCO notified to Congress in 2016 and 2018 to support USAID Libya programs, including programs funded by ESF-OCO funds made available by the Security Assistance Appropriations Act, 2017 (P.L. 114-254, Division B) (SAAA).

The United States provided more than $90 million in immediate humanitarian assistance to Libya in 2011, and U.S. assistance for humanitarian operations in Libya since has responded to fluctuating needs and conditions on the ground. U.S. funding for humanitarian assistance programs in FY2019 amounted to $31.3 million. These FY2019 funds included contributions to the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) Humanitarian Response Plan (HRP) for Libya and programs overseen by the State Department Bureau of Population, Refugees, and Migration (PRM) and USAID's Office of Foreign Disaster Assistance (OFDA).[91] The 2020 HRP seeks $115 million in contributions, of which 2.4% was funded as of April 2020.[92]

Congress and Libya

The 2012 attacks and deaths of U.S. personnel in Benghazi (see **Appendix B**), the empowerment of terrorist actors on Libyan soil, and internecine conflict among Libyan militias have reshaped debates in Washington about U.S. policy toward Libya. Following intense congressional debate over the merits of U.S. and NATO military intervention in Libya in 2011, many Members of Congress welcomed the announcement of Qadhafi's overthrow, the formation of the interim Transitional National Council government, and the July 2012 national General National Congress election. Some Members also expressed concern at that time about security in the country, the proliferation of weapons, and the prospects for a smooth political transition. The Benghazi attacks the following month, the subsequent breakdown of the transition process, and the outbreak of

[91] USAID, "Libya—Complex Emergency Fact Sheet #2, FY2019," September 30, 2019.

[92] U.N. Financial Tracking Service data, April 1, 2020.

conflict in 2014 amplified these concerns, and the subsequent emergence and strengthening of IS supporters in Libya compounded apprehension in Congress about ongoing Libya's instability.

Debate in the 116th Congress

Some in Congress have criticized the Trump Administration's approach to Libya,[93] but the executive branch and congressional committees of jurisdiction appear to have reached a degree of consensus since 2017 regarding limited security and transition support programs in Libya. Section 1272 of the FY2020 National Defense Authorization Act requires the executive branch to submit a defense and diplomatic strategy for Libya within 270 days of enactment, including reporting on the policies of third parties. Versions of a proposed Libya Stabilization Act introduced in the House (H.R. 4644) and Senate (S. 2934) also would require reporting from the executive branch on the roles of foreign actors in Libya and authorize various forms of assistance for Libya programs on different terms. Congress conditionally appropriated funding for limited U.S. transition support and security assistance programs for FY2020 under P.L. 116-94, and is considering Trump Administration requests for additional foreign operations and defense funds to support Libya-related programs for FY2021.[94]

The Administration and some Members of Congress are considering options for future engagement in Libya with two interrelated goals: supporting the emergence of a unified, capable national government, and reducing transnational threats posed by terrorists and other actors who have exploited Libya's instability. The demands of responding to the COVID-19 pandemic may add further complications. Pursuing these objectives simultaneously presents U.S. policymakers with complicated choices about relative priorities and the interrelated consequences of a range of options. Points of active discussion concern

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

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

Possible Scenarios and Issues for Congress

Given the fluidity of events, the number of relevant actors, and the range of possible outcomes, Congress may consider the possible implications of different scenarios and approaches for U.S. national security and legislative prerogatives, including foreign aid and defense appropriations and authorizations. The potential success of U.N.-led reconciliation could provide a new foundation for improving stability in Libya, and could create new opportunities for security and economic partnership between Libya and the United States. The potential failure of U.N.-led reconciliation efforts among Libyans may present U.S. policymakers with hard choices about how best to mitigate threats emanating from the country in the continuing absence of a viable, legitimate national government.

[93] E.g., Letter from Representative Ted Lieu et al. to President Trump, June 7, 2019; Letter from Senator Christopher Murphy to Secretary of State Michael Pompeo, February 12, 2020.

[94] In the FY2020 appropriations act (Division G of P.L. 116-94), Congress prohibited the provision of U.S. assistance to Libya for infrastructure projects except on a loan basis with terms favorable to the United States and without prior consultation with congressional appropriations committees.

If ceasefire initiatives show promise...

Endorsement of a ceasefire agreement could prompt discussion of specific monitoring and enforcement arrangements. These could include limited air or naval patrol operations by individual governments or coalition forces and/or the creation of new U.N.-administered mechanisms similar to the U.N. Mission to Support the Hodeidah Agreement (UNMHA) in Yemen. U.N. Security Council resolution 2510 requested that the U.N. Secretary-General submit an "interim report on the necessary conditions for, and proposals on effective ceasefire monitoring under the auspices of the U.N., including reporting and dispute resolution mechanisms."

In February 2020, the African Union (AU) Peace and Security Council discussed a proposal for a potential African military monitoring mission to Libya for ceasefire consolidation. As noted above, the EU has revived maritime security operations in the Mediterranean to support the U.N. arms embargo. Under the auspices of a new joint naval mission, Operation Irini, EU member state vessels are to patrol the eastern Mediterranean Sea, where arms shipments to anti-LNA forces have transited in recent months. The mission is expected to use air and satellite assets, but it is unclear whether or how it might affect air or overland shipments of weapons to forces in Libya.

The Berlin Communiqué additionally envisions a comprehensive disarmament and demobilization process followed by the integration of armed groups and unification of Libyan security forces. Under optimistic scenarios, early security sector efforts might coincide with national election preparations and efforts to unify bodies such as the Libyan Central Bank.

In this context, Congress might consider what contributions, if any, the United States should make to security and peacebuilding efforts under various frameworks. Congress may seek estimates from executive branch officials about the likely duration, cost, and prospects for success of such efforts. Congress also may consider the potential implications of U.S. decisions about U.S. and U.N. sanctions and enforcement of arms embargo and asset freeze policies if Libyans reach consensus on governing arrangement.

If ceasefire initiatives falter and conflict intensifies...

The potential failure of international mediation may present U.S. policymakers with hard choices about how to proceed. Given newly introduced weapons and forces, renewed fighting could be the most intense and consequential of the entire post-2011 period, with mass displacement and casualties related to fighting in or near western Libyan cities. Conflict and humanitarian spillover could impose significant costs and threaten U.S. partners for months or years. U.S. counterterrorism operations could be disrupted temporarily, although limited U.S. interventions have thus far been sufficient to reverse and prevent the reemergence of extremists capable of controlling territory. Further blatant violations of the arms embargo could complicate U.S. relations with key partners. Should LNA forces succeed in seizing control of western Libya, reconciliation with LNA officials and their international backers could prove challenging, particularly if the LNA and its leaders continue to invite Russian intervention in the country.

Outlook

The LNA's offensive on Tripoli and counter-mobilizations by the GNA and other western Libyan forces directly challenge the stated preferences of the U.N. Security Council and the publicly stated policies of the U.S. government. International powers appear to share a desire to avoid the most negative consequences that continued violence could bring but also have appeared to differ on whether or how to defuse the situation or to hold specific actors accountable. Some actors

explicitly or implicitly support the continuation of LNA military operations, in spite of consensus ostensibly reached in Berlin in January 2020 and endorsed by the U.N. Security Council in Resolution 2010. The imperatives of the COVID-19 pandemic could upend the expectations of parties to the conflict, although parties on both sides resisted early calls from outsiders to end fighting and allow for unfettered humanitarian assistance and mitigation.

Among Libyans, conflict since April 2019 has reflected a fundamental lack of mutual trust and some Libyans' willingness to use force to achieve political objectives or defend gains won since 2011. U.N. and U.S. officials continue to call for a ceasefire and a return to dialogue, but the continuation of the LNA operation following the Berlin meeting suggests that Khalifa Haftar and his local and foreign supporters are unwilling to accept negotiated limits on their power or to allow for the participation of some western Libya-based groups in national security and/or governing arrangements. Turkish intervention since October 2019 has empowered LNA opponents, but Turkey's introduction of Syrian fighters has galvanized some Libyan and outside actors' willingness to continue fighting. GNA calls for a full, unconditional LNA withdrawal from areas gained in western Libya and the refusal of some western Libyan actors to countenance future talks or reconciliation with LNA supporters suggest that the two sides' positions may remain irreconcilable absent compelling changes in conflict conditions or actors' assumptions.

Prior to the LNA offensive, U.S. and European officials had argued that a relative unity of purpose among outside actors in supporting U.N. plans had contributed to momentum toward a negotiated solution. This unity of purpose and Libyans' self-restraint unraveled with the outbreak of conflict, casting doubt on the viability of the U.N.'s preferred approach. The U.N. Security Council has endorsed the Berlin Communiqué but may remain reluctant or unable to impose a transition timeline or compel spoilers toward compliance, raising questions about the future of international involvement in settlement efforts. Regional or ad hoc arrangements could form an alternative to U.N. facilitation, but rival efforts also could contribute to stalemate or further conflict.

U.S. policymakers may consider how continued military confrontation in western Libya or dramatic changes in governing arrangements could affect U.S. counterterrorism interests, migration trends, and the security of Libya's neighbors. U.S. officials judge that the capabilities of the Libya-based Islamic State affiliate have been degraded, but they underscore the need to remain vigilant and conduct strike operations when necessary.[95] IS fighters carried out a series of low level attacks in southern Libya after conflict erupted in April 2019, and widespread instability or enduring conflict could presumably give IS supporters and other extremists new opportunities.

U.S. officials are calling for a halt to LNA operations, but they have refrained from fully endorsing the conflict-related demands of the LNA's opponents. If any U.S.-backed ceasefire and transition arrangements embrace LNA demands more fully, some U.S. counterterrorism partners and others in western Libya may resent U.S. choices. Alternatively, more outspoken or forceful U.S. opposition to the LNA's demands could foreclose opportunities for cooperation with LNA leaders or their supporters in areas under their present or future control. Under any circumstances, the involvement of some LNA and anti-LNA forces in documented human rights abuses may limit U.S. engagement with implicated armed groups that find themselves integrated into future formal security forces.[96]

[95] Director of National Intelligence, Worlwide Threat Assessment, January 29, 2019; and Secretary of Defense Mark Esper Press Gaggle En Route to INDOPACOM, November 13, 2019

[96] CRS conversation with executive branch official, April 2019; and Ryan Goodman and Alex Whiting, "Smoking Gun Videos Emerge: US Citizen, Libyan Warlord Haftar Ordering War Crimes," Just Security, September 19, 2017; Human Rights Watch, "Libya: Videos Capture Summary Executions," August 16, 2017.

In the event that the LNA were to impose control over western Libya and attempt to assert national authority, local armed resistance to an LNA-imposed political order could be significant and lasting. If the LNA initiative is blunted or significantly reversed, the LNA's ability to maintain control over areas previously under its authority could suffer and a more lasting division of the country into de facto areas of influence could set in. Regardless of the outcome of the current fighting, the continuation of zero-sum political behavior among Libyans in any negotiations could easily rekindle conflict, particularly if winners choose to exclude their rivals. A negotiated settlement may be preferable, but appears out of reach at present.

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

Prior to the escalation of the previous round of conflict in 2014, some Libyans had questioned the then-interim government's decision to seek foreign support for security reform and transition guidance. Some U.S. observers had questioned Libya's need for U.S. foreign assistance given Libya's oil resources and relative wealth. During subsequent fighting, some Libyans have vigorously rejected others' calls for international support and assistance and traded accusations of disloyalty and treason in response to reports of partnership with foreign forces. These dynamics raise questions about the potential viability of U.S. preferences for partnership as a means of minimizing the need for direct U.S. involvement. As of 2020, some Libyan actors appear to view offers of external assistance and threats of external sanctions in zero-sum terms, despite assurances that third parties seek to support inclusive, consensus arrangements.

If the COVID-19 virus spreads widely in Libya, assistance programs and humanitarian access could become even more limited. Any ceasefire monitoring and security cooperation programs or exercises also could be further complicated. Additional COVID-19 related costs or effects could limit the already variable effectiveness of Libyan authorities at the national and local levels.

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

Looking ahead, specific policy questions before the United States may include

- whether and when to return U.S. personnel to Libya on a permanent basis;
- what types and extent of assistance, if any, to provide for stabilization and transition support purposes;

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

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

- to refine the scope and content of U.S. programs proposed to support the Government of National Accord and other Libyans;
- regarding U.S. responses to interventions by other third parties in Libya;
- concerning plans for U.S. partnership with Libyans if U.N.-backed reconciliation measures succeed; and
- concerning options if negotiations and diplomacy cannot bring instability in Libya to a prompt close.

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

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

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

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

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

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

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

Political change in neighboring Tunisia and Egypt helped bring long-simmering Libyan reform debates to the boiling point in January and early February 2011. Libya's 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. Developments in post-Qadhafi Libya have unfolded in three general phases, the third of which is still under way:

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

For more information concerning post-2011 developments, please contact the author.

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

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

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

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

On September 28, 2012, the U.S. intelligence community concluded publicly that the incident was a "deliberate and organized terrorist attack carried out by extremists," and said that at the time it remained "unclear if any group or person exercised overall command and control of the attack and if extremist group leaders directed their members to participate. However, we do assess that some of those involved were linked to groups affiliated with, or sympathetic to Al Qaeda."[97] The 2016 final report of the Select Committee on Benghazi stated that "the attackers were a mix of local extremist groups, including the Benghazi-based Ansar al-Sharia, al-Qaida in the Lands of the Islamic Maghreb, and the Muhammad Jamal Network out of Egypt. Members of al-Qaida in the Arabian Peninsula, al-Qaida in Iraq, and Abu Ubaydah ibn Jarah Battalion also participated."

In June 2014, U.S. forces apprehended Ahmed Abu Khattala, a Libyan suspect in the attack and the reported leader of the Abu Ubaydah ibn Jarah Battalion, in a military operation in Libya. U.S. personnel transferred Abu Khattala to the United States, and in May 2016, U.S. Justice Department officials announced they would not seek the death penalty in his trial. In May 2017, Abu Khattala's defense attorneys challenged the admissibility of statements the defendant reportedly made while under interrogation following his capture. Jury selection was completed in September 2017, his trial began in October, and in November he was convicted on 4 of 18 charges that had been brought against him. Khattala was sentenced to 22 years in federal prison in June 2018.

In October 2017, U.S. forces and Libyan partner forces seized a second suspect in Libya, Syrian national Mustafa al Imam, near Misrata. Jurors in federal court in Washington, DC, convicted Al Imam of conspiracy to provide material support to terrorists and maliciously destroying government property in June 2019. In January 2020, he was sentenced to 19.5 years in federal prison.

The U.S. government is offering up to $10 million through the State Department's Rewards for Justice program for information that helps to apprehend and prosecute additional individuals responsible for the 2012 attacks.

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

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