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Libya: Transition and U.S. Policy

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SUMMARY

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Libya: Transition and U.S. Policy

Libyans have experienced division, conflict, and economic hardship in the ten years since the 2011 uprising that ended Muammar al Qadhafi's four decades of authoritarian rule. Across Libya, militias, networks of local leaders, and coalitions of national figures with competing foreign patrons have become and remain the most powerful arbiters of public affairs. A series of interim authorities have been unable to form a stable government, address security issues, or administer the country's finances transparently. A viable framework for post-conflict justice and reconciliation has not materialized. Persistent lawlessness has enabled militias, criminals, and Islamist terrorist groups to operate with impunity in some areas, while recurrent conflict has endangered civilians' rights and safety. Issues of dispute have included governance, military command, national finances, foreign ties, and control of oil infrastructure. These issues remain contested and defy easy resolution. Competing claims of legitimacy and some parties' resort to violence have impeded the transition repeatedly, and may recur.

The country's transitional institutions fragmented following the outbreak of conflict in 2014 and again in 2019, when the eastern Libya-based Libyan Arab Armed Forces/ Libyan National Army (LAAF/LNA) movement launched an offensive with foreign military support (mostly from the United Arab Emirates, Egypt, and Russia) to wrest control of the capital Tripoli from the Government of National Accord (GNA)—an interim government formed in 2015 through United Nations (U.N.)-facilitated negotiations. The GNA secured foreign support of its own from Turkey to blunt and reverse the LAAF's assault in 2019 and 2020, and U.N. officials in October 2020 convinced warring Libyan factions to agree to a conditional ceasefire and begin discussion of withdrawal and the departure of foreign forces and mercenaries. U.N.-selected members of a Libyan Political Dialogue Forum (LPDF) then debated and agreed to a new political roadmap that provided for the March 2021 seating of a temporary Government of National Unity (GNU) ahead of elections that were planned for December 2021. Libyans have not adopted a new constitution delineating executive and legislative powers, and observers expect that future holders of executive, legislative, and administrative office will compete for institutional influence.

During 2021, delays in finalizing electoral arrangements and disputes over the constitutional basis for the proposed elections, the elections' timing, candidacy eligibility, and other issues reflected the persistence of distrust and zero-sum attitudes among many Libyan elites. Libya's High National Elections Commission (HNEC) prepared to hold the first round of presidential voting on December 24, 2021, followed by a parliamentary election and second round of presidential voting in February 2022. However, after political disputes over candidate eligibility and legal challenges prevented the HNEC from finalizing the candidates list, the Libyan House of Representatives (HOR) postponed the presidential election's first round.

U.S. officials argue that elections offer an opportunity for Libyan voters to endorse new political leadership and reinfuse the country's stalled transition with popular legitimacy. Some observers warn that while elections may be technically feasible, prevailing political and security conditions leave Libyans without a shared vision of governance and may limit participation and make voting disruptions, disputed results, unrest, and a return to conflict possible. If rescheduled elections occur, prospects for stability may rest on the extent to which Libyans accept electoral legislation and results, victors avoid exclusionary behavior, and institutions administer state funds transparently and fairly.

With U.N. Security Council endorsement, U.N.-affiliated monitors are supporting a Libyan-led ceasefire-monitoring mission under the auspices of the Joint Military Commission that negotiated the October 2020 ceasefire. The commission, also referred to as the "5+5 Commission" for its composition of 5 representatives from each of Libya's two principal armed coalitions, has tasked monitors with overseeing ceasefire implementation and the expected withdrawal of foreign forces and mercenaries. This includes Syrian and other mercenaries recruited by the LAAF and GNA. A newly elected government presumably would address the future of forces affiliated with the Russian paramilitary firm the Wagner Group and the Turkish military, the latter of which entered Libya pursuant to a bilateral agreement reached with the former GNA.

U.S. diplomats and officials are visiting Libya with increasingly frequency and continue to 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 funds for transition support, stabilization, security assistance, and humanitarian programs for Libya since 2011. The House-passed version of the FY2022 National Defense Authorization Act (H.R. 4350) would have required reporting to Congress on Libya; the final bill negotiated by bicameral committee leadership (S. 1605) did not. Issues for Congress may include whether and how to support Libya's ceasefire and planned elections while considering FY2022 appropriations (H.R. 4373 and S. 3075) and bills to authorize U.S. sanctions on parties threatening Libya's transition (H.R. 1228/S. 379).

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Overview

Libya's 2011 uprising and conflict brought the late 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 vied for power and authority in post-Qadhafi Libya, at times with the backing of rival foreign governments. 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,"[1] or "old-regime officials versus newly empowered groups"—many of these factors and others have interacted to shape local and national dynamics.

Since 2011, Libyans have endorsed a series of transitional arrangements in two national elections, a constitution drafting assembly referendum, and local elections (**Figure 1**), but participation has declined, and the intended tenure of all national level elected bodies has expired. The net result has been an accrual of transitional leaders with competing, ever weaker claims of legitimacy.

Major civil conflict has erupted twice since 2011. First, in 2014, the legal exclusion of former regime officials, an attempted coup, terrorist and militia violence, and a disputed election fueled divisions over governing arrangements and security. As destructive clashes swept the capital area, U.S. diplomats left Libya in July 2014. United Nations (U.N.)-backed talks in 2015 produced a Government of National Accord (GNA), but institutional and political divisions persisted, and the GNA failed to garner domestic endorsement. In 2019, the eastern Libya-based Libyan Arab Armed Forces/Libyan National Army (LAAF/LNA) movement led by Khalifa Haftar and backed by the United Arab Emirates (UAE) and others attempted to seize power in a battle with GNA-aligned forces and western Libyan militias. After Turkish military intervention on the GNA's behalf, the LAAF's campaign failed, but not before an influx of foreign fighters and mercenaries on both sides (~20,000 as of November 2021) complicated a security situation already beset by terrorist threats, organized crime, and endemic militia activity.

As of 2021, political and military confrontation, amplified by foreign intervention, has resulted in the de facto partition of the country (**Figure 2**), with networks of locally and regionally organized leaders and militia groups asserting control over eastern and northwestern Libya, respectively. An October 2020 ceasefire agreement is holding, though its envisioned withdrawal of foreign forces has not occurred. A U.N. Security Council-endorsed Libyan political roadmap led to the seating in March 2021 of a new Government of National Unity (GNU). The GNU is administering state affairs, but its mandate is limited in scope and duration. While the United States and other international actors support new elections as a means of infusing Libya's transitional institutions with new legitimacy, Libyan coalitions and their foreign partners have attempted to shape the electoral system for advantage in their ongoing competition for power.

As Libya's electoral arrangements remained subject to change, delay, or disruption, U.S. officials' maintained that elections should have been held as planned beginning on December 24, 2021. On November 24, a U.S. official told the U.N. Security Council that the United States would "support a Libya-led process that reflects the maximum consensus achievable in the time allowed."[2] On December 20, 2021, U.S. Special Envoy and Ambassador to Libya Richard Norland visited Tripoli and said "The United States will continue to engage with Libyan institutions and leaders with the goal of peaceful, free, fair, inclusive, and credible presidential

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

[2] U.S. Mission to the United Nations Senior Advisor Ambassador Jeffrey DeLaurentis, "Remarks at a UN Security Council Briefing on Libya," November 24, 2021.

and parliamentary elections that will pave the way for a unified and stable future for Libya."[3] Following the announcement of the election postponement, the United States, France, Italy, Germany, and the United Kingdom stated "we call on the relevant Libyan authorities to respect the aspirations of the Libyan people for prompt elections by swiftly determining a final date for the polling and issuing the final list of presidential candidates without delay."[4]

For the United States and other external actors, key issues related to Libya since 2011 have included

- transnational terrorist and criminal threats in and emanating from the country;
- 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;
- foreign military intervention and the presence of mercenaries; and
- Libya's orientation in ideological and security rivalries in the Middle East region.

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

Libya and COVID-19

Comprehensive data on the incidence of COVID-19 in Libya is lacking, and years of division and conflict have weakened the Libyan health system's ability to mitigate risks from Coronavirus Disease 2019 (COVID-19). During 2020 and early 2021, GNA officials and their eastern rivals imposed different curfews and restrictions in their respective areas of control, and humanitarian organizations and U.N. officials reported that conflict and curfew measures hampered humanitarian access in some areas. 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 remain limited, particularly in southern areas of the country.

In May 2021, UNSMIL reported that "the COVID-19 pandemic continued to overwhelm the health system in Libya," and in August warned of worsening case-loads. Libya has recorded more than 385,000 COVID-19 cases and more than 5,600 COVID-19 deaths as of December 27.[5] WHO assessments expect that actual case numbers and deaths exceed reported totals and observe different trends in testing, cases, and deaths by region.[6] Cases and deaths increased in mid-2021 amid a suspected wave of infections associated with the Delta variant of the COVID-19 virus. Testing and public health monitoring and delivery capacity remain limited, but testing volume has increased in 2021.

Through November 2021, the U.S. government has made more than $23 million available to assist in the response to COVID-19 in Libya.[7] Several international actors have provided financial support for the COVID-19 response in Libya or donated vaccines. Russia and China have made bilateral donations of their respective vaccines, and Libya continues to receive vaccine via the COVID-19 Vaccines Global Access (COVAX) mechanism. Libyan authorities set a goal of fully vaccinating 40% of the eligible population by the end of 2021. As of December 14, nearly 11% of eligible Libyans were vaccinated fully.[8]

[3] U.S. Embassy to Libya, "Ambassador Norland focused on the electoral process during today's visit to Tripoli," December 20, 2021.

[4] U.S. Department of State, Joint Statement on Libyan Election Process, December 24, 2021.

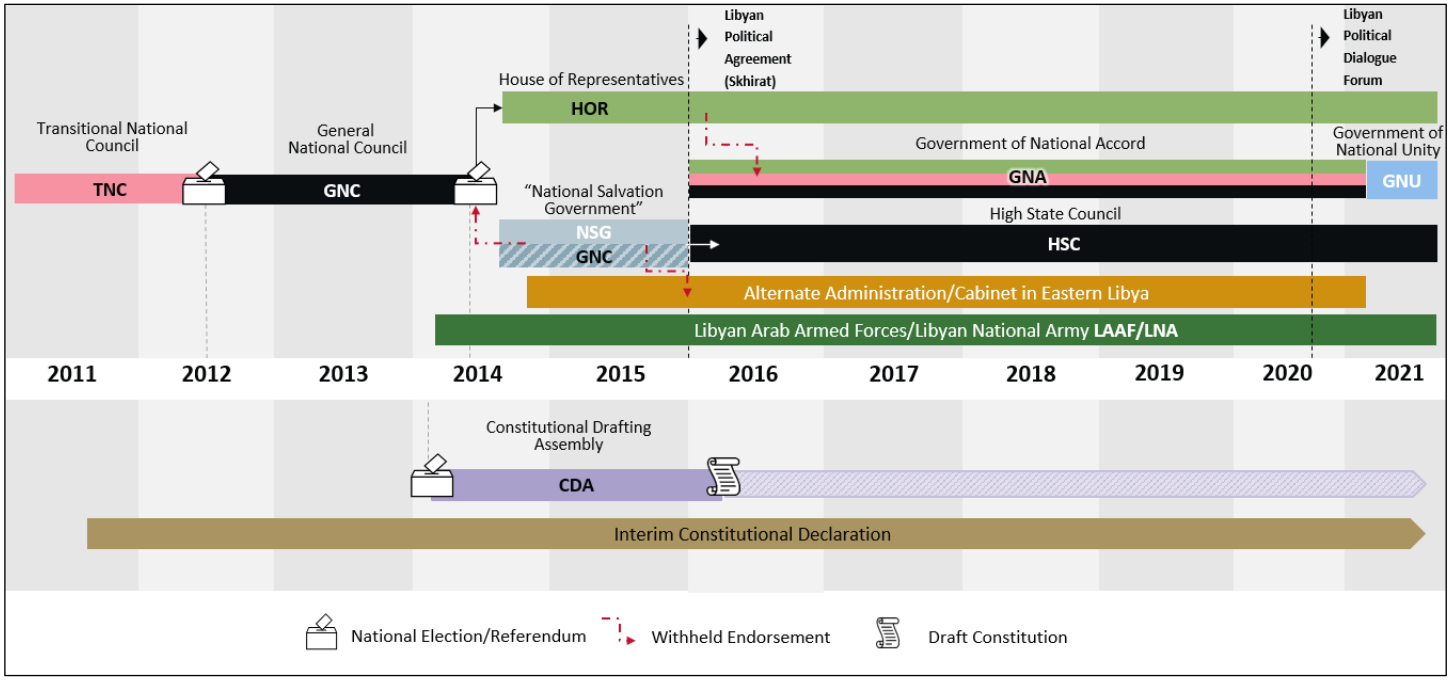
[5] Libya National Centre for Disease Control, December 5, 2021.

[6] See World Health Organization (WHO), Health Response to COVID-19 in Libya, Update #30 (1-31 August 2021), September 2021.

[7] Statement of USAID Deputy Assistant Administrator for the Middle East Megan Doherty, Before the House Subcommittee on the Middle East, North Africa, and Global Counterterrorism, December 9, 2021.

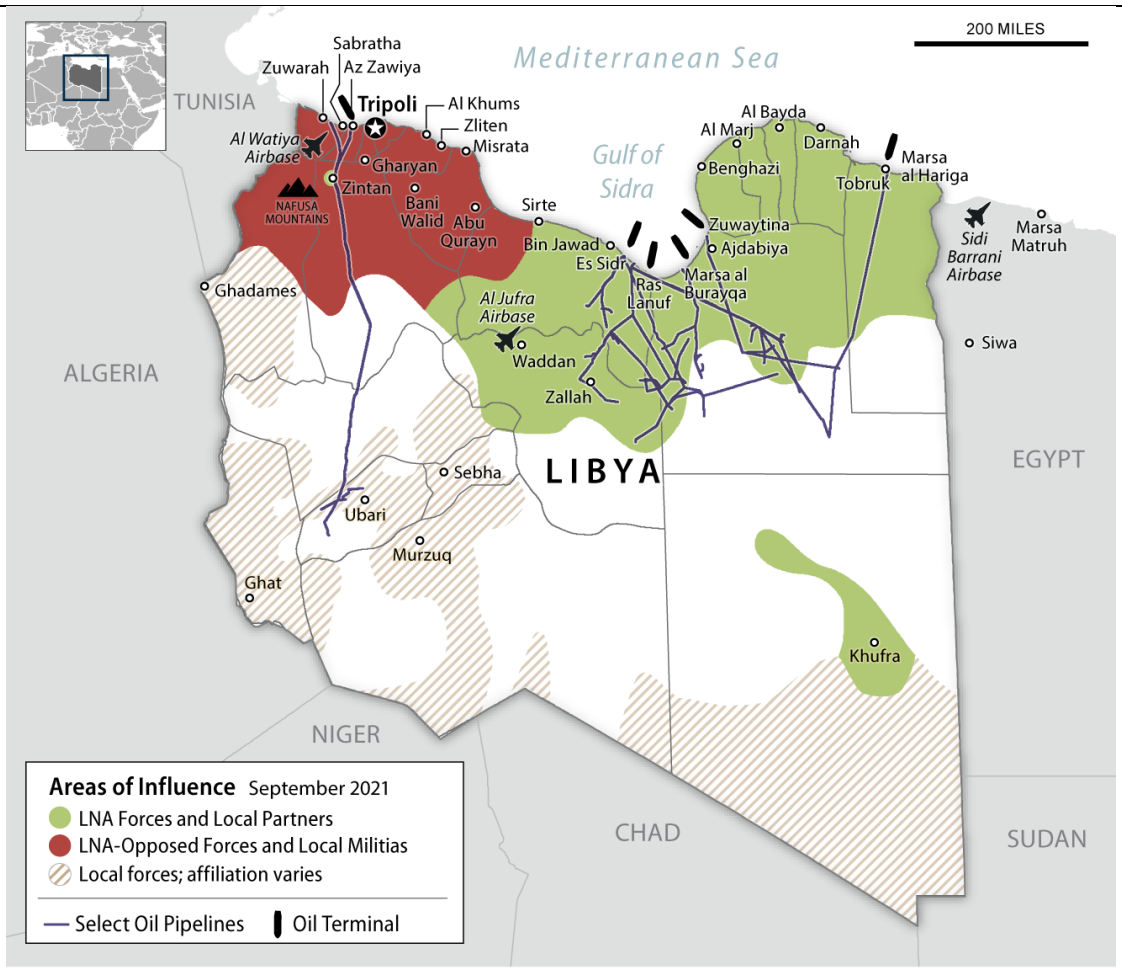
[8] WHO Coronavirus (COVID-19) Dashboard, December 15, 2021.

Figure 1. Libya's Post-Qadhafi Transition, 2011-2021



Source: CRS.

Figure 2. Libya Map and Basic Facts



Created by CRS. Areas of Influence derived from press and social media accounts, and are approximate and subject to change. Boundaries from U.S. State Department and Database of Global Administrative Areas (GADM), pipelines from IHS. 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: 7,017,224 (July 2021 est., in 2015 the U.N. estimated 12% were immigrants), ~49% <25 years old

GDP *PPP:* $70.65 billion; *annual real % change:* %-31 (2020 est.); *per capita:* $10,300 (2020 est.)

Budget: LYD 45.9 billion (2020 est./Western and Eastern government spending combined)

Domestic Debt and Liabilities: LYD 207 billion (December 2020 est./Western and Eastern government liabilities combined)

Foreign Exchange Reserves: $49 billion (September 2020 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 Ministry of Finance via World Bank Libya Economic Monitor (Spring 2021), and United Nations, October 2021.

Background and Context

After years of rivalry and conflict since 2011, many Libyan actors claim some degree of political legitimacy, question others' claims, and possess some means to assert themselves by force. Beneath the bisection of the country into western and eastern zones of control, local authorities and local identities have remained strong, and locally organized armed groups have proliferated and grown in strength. Wider regional and national networks have sought to build, manage, and maintain supportive coalitions of local leaders and armed groups. In some cases, Libyan factions have used transitional legal arrangements and state institutions to disadvantage or exclude their competitors or have sought foreign financial, diplomatic, or military assistance to strengthen themselves and deter rivals.

Consensus about the terms and direction of the country's future has remained elusive. No individual or group has consolidated enough political support or military capability to provide widely endorsed leadership or ensure durable security on a national scale. Coercion and confrontation have overshadowed cooperation and consolidation, and many Libyan actors continue to view politics, state finances, and security in zero sum terms.

In this context, key post-2011 political issues for Libyans have included

- the relative powers and roles of local, regional, and national institutions;
- the eligibility of different political and security actors, including former regime officials, to participate in governance and the security sector;
- the weakness of government and security forces, and resulting insecurity;
- the role of Islam in political and social life;
- Libya's foreign relations; and
- the proper management of the country's large energy reserves, related infrastructure, and revenues.

Factors that have shaped conflict, mutual accommodation, and reconciliation among Libyan factions since domestic conflict erupted in 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 access to government funds controlled by the Central Bank or sovereign assets held overseas;
- the terms of the U.N. arms embargo and the application of U.N. sanctions;
- U.N. mediation and other diplomatic efforts to build consensus;
- political, financial, and military intervention by external actors; and
- threats posed to Libyans and others by extremists, such as the Islamic State.

The United Nations Security Council has sought to promote compromise among Libyans while maintaining modified sanctions, an arms embargo, and energy export provisions intended to limit foreign interference and domestic disruptions to the transition. These efforts have had only limited success. 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 outsiders' involvement as undercutting their interests or serving those of their rivals.[9]

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

Biden Administration Initiatives

The Biden Administration has raised the profile of U.S. diplomatic engagement on Libya, providing vocal support for the implementation of the October 2020 ceasefire agreement and for the holding of national elections.[10] U.S. Ambassador to Libya and Special Envoy Richard Norland leads U.S. diplomatic efforts: he has accompanied several high-ranking U.S. officials on visits to Libya in 2021, including National Security Council, Department of State, and U.S. military officials. Vice President Kamala Harris and Secretary of State Antony Blinken have participated in multilateral conferences and ministerial meetings on Libya, amplifying U.S. calls for "free and fair national elections" and "the withdrawal of all foreign forces, fighters, and mercenaries" from the country.[11] In May 2021, a State Department spokesperson said, "this includes the need for the departure of Russian mercenary and proxy forces, Turkish forces and all foreign military forces, mercenaries, proxies and foreign fighters, including those from Syria, Chad and Sudan, and the need to end any support for foreign military intervention, including from the UAE." U.S. officials continue to balance Libya-related concerns with other U.S. goals in relation to foreign actors, such as security ties with Egypt, the UAE, and Turkey or competition with Russia.

The U.S. government has implemented financial and travel sanctions on individuals in Libya pursuant to Executive Order 13726 (2016) for disrupting Libya's transition and for involvement in serious human rights abuses. In November 2021, U.S. officials and international counterparts from more than 24 countries and regional bodies stated that "individuals or entities, inside or outside of Libya, who might attempt to obstruct, undermine, manipulate or falsify the electoral process and the political transition will be held accountable and may be designated by the United Nations Sanctions Committee in accordance with UNSC resolution 2571 (2021)."[12] U.S. officials have specifically said that the U.N. Security Council "must target election spoilers to promote accountability if need be," and have implied that the United States may impose its own sanctions on parties that obstruct or disrupt the conduct of planned elections or undermine acceptance of electoral results.[13]

U.S. Policy in Context

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 in 2011, the United States and its NATO and Arab partners intervened militarily in Libya with U.N. Security Council authorization to protect Libyan civilians from 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 U.S. officials have judged that Libyan-based extremist groups posed a sufficient degree of threat, 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

[10] President Trump did not reappoint a Special Envoy for Libya after the former U.S. Special Envoy Jonathan Winer completed his service in 2016.

[11] U.S. Department of State, Office of the Spokesperson, "Acting Assistant Secretary Lempert's Trip to Tunisia and Libya, October 21, 2021.

[12] Declaration of the Paris International Conference for Libya, November 12, 2021.

[13] U.S. Mission to the United Nations, November 24, 2021 op cit.; and, U.S. Ambassador and Special Envoy Richard Norland, Interview with 218 Television (Libya), November 13, 2021.

western Libya during 2016, but achieving durable political reconciliation among Libyans has proven challenging.

Foreign intervention intensified conflict in Libya during 2019 and 2020, and risked bringing several U.S. partner countries into conflict while extending Russian influence in the country. Intervention by U.S. partners has created varying degrees of discord in several U.S. bilateral relationships and has prompted U.S. officials to consider how best to resolve Libya-related concerns while pursuing other objectives, including the maintenance of security ties with the UAE, Egypt, and Turkey. 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.[14]

Following the outbreak of conflict in April 2019, U.S. messaging varied, and after a telephone conversation between President Trump and Haftar the White House readout of the call did not categorically state the Administration's opposition to the operation.[15] 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.

U.S. assistance 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.[16] 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, authorities in eastern Libya have opposed U.S. support for their western Libya-based rivals, and U.S. counterterrorism cooperation and stabilization and transition assistance remains limited in LAAF-controlled areas.

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. Libya's export capacity exceeds 1 million barrels per day, but domestic security conditions continue to shape the sector's operations.

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[14] 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. 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."

[15] 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. See U.S. Department of State, Joint Statement on Libya, March 1, 2019. Shortly after the LAAF 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." Secretary of State Michael R. Pompeo on the Situation in Libya, Washington, DC, April 7, 2019. 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." Associated Press, "Trump calls Libyan commander pushing to seize Tripoli," April 19, 2019.

[16] Ibid.

On January 20, 2021, President Biden issued Proclamation 10141 to rescind measures put in place by President Donald Trump that had restricted the travel of Libyan nationals to the United States (Executive Order 13780 and related Proclamations 9645, 9723, and 9983).

U.S. Posture and Assistance

The U.S. Embassy in Tripoli closed in 2014 due to security concerns and has not reopened, although U.S. diplomats and officials are visiting Libya with increasing frequency and continue to engage with Libyans and monitor U.S. aid programs via the Libya External Office (LEO) at the U.S. Embassy in Tunisia. In March 2020, the Trump Administration upgraded the USAID presence at the LEO, from a Senior Development Advisor to a Country Representative.

A State Department spokesperson said in May 2021, "Our intent is to begin to resume operations in Libya as soon as the security situation permits and we have the necessary security measures in place. The process for that to occur, however, entails careful logistical and security planning, plus interagency coordination to meet security and legal requirements."[17] On December 16, 2021, an LEO statement said, "the U.S. government is unable to provide emergency or routine assistance to U.S. citizens in Libya…. Due to recent armed confrontations that have the potential to recur, the U.S. Embassy strongly encourages U.S. citizens to maintain a high level of vigilance and practice good situational awareness."

As of December 2021, the U.S. government had allocated more than $560 million funding for Libya foreign and security assistance programs since 2011.[18] These funds have supported a variety of stabilization and transition assistance programs at the national and local levels. Despite related challenges, successive Administrations have reiterated a U.S. commitment to providing stabilization and transition support to Libyans. The United States also has provided more than $350 million in humanitarian assistance since 2011.

The Biden Administration requested Economic Support Fund monies for FY2022 (**Table 1**) to among other things provide "technical assistance to the new Parliament to increase its responsiveness to constituent concerns," and to "support to unified institutions to ensure they can effectively deliver services to the Libyan people." The joint explanatory statement for the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Division K of P.L. 116-260) allocates "not less than $30,000,000 …for stabilization assistance for Libya, including support for a United Nations-facilitated political process and border security." Current U.S. assistance to Libya focuses on supporting electoral administration, improving governance and public financial management, encouraging civil society development, and strengthening institutions and service delivery.

The involvement of some Libyan forces in documented human rights abuses limit U.S. engagement; compromises that bring implicated armed groups into formal security forces may further limit U.S. assistance.[19] Libya's designation under the Child Soldiers Prevention Act

[17] Dan De Luce, "Nearly a decade after Benghazi, the U.S. is quietly returning to Libya," NBC News, May 27, 2021. In February 2020, a senior U.S. official said the State Department seeks to reopen the U.S. Embassy in Tripoli "as soon as humanly possible." Senior State Department Official on U.S. Engagement with Libya Special Briefing, Washington, DC, February 28, 2020.

[18] Testimony of State Department Deputy Assistant Secretary for Near Eastern Affairs Karen Sasahara before the House Committee on Foreign Affairs, Subcommittee on the Middle East, North Africa, and Global Counterterrorism, December 9, 2021.

[19] 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

precludes U.S. security assistance and direct commercial arms sales throughout FY2022, with the exception of IMET, PKO, and 10 U.S.C. 333 assistance pursuant to President Biden's October 2021 waiver.[20]

Table 1. U.S. Foreign Assistance for Programs in Libya

(millions of dollars)

Account	FY2016 Actual	FY2017 Actual	FY2018 Actual	FY2019 Actual	FY2020 Actual	FY2021 Request	FY2022 Request
Bilateral Foreign Assistance							
ESF-OCO/ESDF	19.2	10	110.5[a]	28	26.6	18	40
INCLE	1.987	2	10.2	1	.565	.435	—
NADR	3.5	6.5	36	4		3	3
CSO	2.5	—	—	—	—	—	—
PKO	—	—	5	—	—	—	—
Total	**27.187**	**18.5**	**161.7**	**33**	**27.165**	**21.435**	**43**

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.

The U.S. Agency for International Development Bureau for Conflict Prevention and Stabilization's Office for Transition Initiatives (OTI) also administers Transition Initiatives (TI) and non-TI funding for programs in Libya. For details see executive branch reporting to Congress pursuant to Section 7019(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Division K of P.L. 116-260),

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).

Military Operations, Counterterrorism, and Strategic Competition

U.S. Africa Command (AFRICOM) approaches Libya through the lens of its four campaign objectives, which focus on strategic competition, violent extremist organizations, crisis response,

Rights Watch, "Libya: Videos Capture Summary Executions," August 16, 2017.

[20] The White House, Memorandum for the Secretary of State on Presidential Determination and Certification with Respect to the Child Soldiers Prevention Act of 2008, October 08, 2021. According to the State Department, "governments identified on the list are subject to restrictions, in the following fiscal year, on certain security assistance and commercial licensing of military equipment. The CSPA, as amended, prohibits assistance to governments that are identified in the list under the following authorities: International Military Education and Training, Foreign Military Financing, Excess Defense Articles, and Peacekeeping Operations, with exceptions for some programs undertaken pursuant to the Peacekeeping Operations authority. The CSPA also prohibits the issuance of licenses for direct commercial sales of military equipment to such governments."

and security partnership.[21] AFRICOM leaders support U.S. diplomatic engagement with Libyan counterparts, and they at times accompany U.S. diplomats and facilitate their travel to the country. To drive the Islamic State (IS, aka ISIS/ISIL) group from the central Libyan town of Sirte in 2016, the U.S. military worked closely with western Libyan militia forces, some of which later mobilized in opposition to the LAAF's 2019-2020 assault.[22] 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 Libyan officials have targeted suspected IS or Al Qaeda (AQ) personnel, mainly in remote central and southern areas of the country.[23] U.S. officials cite the 2001 AUMF as well as constitutional authorities as authorizing these strikes. In September 2019, the United States conducted a series of strikes on IS targets in southern Libya, which AFRICOM asserted killed more than 40 suspected terrorists. Some researchers have reported allegations of civilian casualties resulting from some U.S. airstrikes.[24]

U.S. defense officials estimated that IS-Libya had approximately 100 personnel active in Libya at the end of 2019.[25] The State Department reported in June 2020 that, "Since the 2016 expulsion of ISIS from Sirte, the group has lacked a concentrated, physical presence in Libya, instead spreading into smaller groups with a presence in both urban environments and the sparsely populated desert districts of Jufra, Sebha, and Murzuq."[26]

In December 2021, the State Department reported that in 2020,

> Libyan government officials continued to work with U.S. counterparts to combat terrorism, although civil conflict and fractured security institutions limited direct cooperation. Despite the ceasefire, the volatility of Libya's security and political dynamics allowed room for terrorist groups such as ISIS and al-Qa'ida in the Islamic Maghreb (AQIM) to regroup. While ISIS-Libya controls no territory in Libya and is significantly degraded in terms of numbers and capacity, it remains a threat.[27]

In July 2021, the U.N. Support Mission in Libya (UNSMIL) reported that the "lack of a centralized and coordinated approach" among Libyans was allowing space for a "renewed

[21] Statement of U.S. Africa Command (AFRICOM) Commander Gen. Stephen J. Townsend, before the House Committee on Armed Services, April 20, 2021.

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

[23] 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.

[24] Peter Bergen and Alyssa Sims, Airstrikes and Civilian Casualties in Libya since the 2011 NATO Intervention, New America Foundation, June 20, 2018.

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

[26] State Department, Country Reports on Terrorism - 2019, Libya, June 19, 2020.

[27] State Department, Country Reports on Terrorism - 2020, Libya, December 16, 2021.

terrorist threat by Al-Qaida in the Islamic Maghreb and the Islamic State/Da'esh, particularly in the south."[28]

In conjunction with counterterrorism strikes, the U.S. government at times worked with western Libyan officials and other Libyan security figures to determine the scope of their need for (and ability to absorb) potential U.S. security assistance.[29] 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.[30] 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, DC to launch a U.S.-Libya Security Dialogue. Past U.S. efforts have involved engagement with European partners in planning for potential security assistance to Libya's national government.[31]

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."[32] AFRICOM 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. In January 2020, AFRICOM Commander General Stephen Townsend told Congress that Russian private military contractors "with strong links to the Kremlin" were then "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.[33] In May and June 2020, AFRICOM released images showing Russian-origin aircraft operating in and around Libya and said, "Russia continues to push for a strategic foothold on NATO's southern flank and this is at the expense of innocent Libyan lives."[34]

U.S. 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. Following Qadhafi's ouster and demise, U.S. Treasury officials issued a series of general licenses that gradually unblocked most Libyan

[28] Remarks to the U.N. Security Council by Ján Kubiš, Special Envoy of the Secretary-General for Libya, and Head of the United Nations Support Mission in Libya, July 15, 2021.

[29] 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.

[30] 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.

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

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

[33] Statement of U.S. AFRICOM Commander Gen. Stephen J. Townsend, before the Senate Committee on Armed Services, January 30, 2020.

[34] U.S. Africa Command Public Affairs, "New evidence of Russian aircraft active in Libyan airspace," June 18, 2020.

state property and allowed for transactions with Libyan Central Bank and Libyan National Oil Company.

The Obama Administration modified U.S. sanctions measures through Executive Order 13762 in support of the Libya Political Agreement in April 2016.[35] 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 Libya's recognized government. On February 11, 2021, President Biden extended the national emergency with respect to Libya for one year.[36]

Successive U.S. Administrations have placed sanctions on a range of Libyan and non-Libyan individuals for various reasons, including obstruction of political agreements, oil smuggling, and involvement in violence and human rights abuses.[37] In October 2021, the Biden Administration announced U.S. sanctions against the manager of a migrant detention facility in Zawiyah, western Libya, "where he or individuals under his direction have carried out horrific abuses against migrants, including killings, sexual violence, and beatings."[38] As noted above, U.S. officials have indicated that individuals or entities threatening stability in Libya or undermining planned electoral processes could face U.S. and multilateral sanctions.

Legislation in the 117th Congress

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 armed groups 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 General National Congress election. Some Members 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 conflict in 2014 amplified these concerns. The subsequent emergence and strengthening of IS supporters in Libya

[35] 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."

[36] Notice of February 11, 2021: Continuation of the National Emergency with Respect to Libya, FR Doc. 2021-03262.

[37] The Obama Administration placed related sanctions on former GNC government prime minister Khalifa Ghwell and HOR leader Aqilah Saleh in April and May 2016 for obstructing the implementation of the LPA. In February 2018, the Trump Administration announced sanctions targeting six individuals accused of illicit oil smuggling from Libya and a number of related entities. 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. In November 2018, the Trump Administration placed sanctions on Salah Badi, a western Libya-based militia commander responsible for attacks on Tripoli. U.S. Department of the Treasury, "Treasury Sanctions International Network Smuggling Oil from Libya to Europe" February 26, 2018; U.S. Department of the Treasury, "Treasury Sanctions Militia Leader Responsible for Multiple Attacks on Libyan Oil Facilities," September 18, 2018; U.S. Department of the Treasury, "Treasury Sanctions Militia Leader Responsible for Multiple Attacks on Libyan Capital," November 19, 2018vv.

[38] Secretary of State Antony Blinken, Imposing Sanctions on a Libyan Individual for Serious Human Rights Abuses, October 26, 2021.

and the return to conflict with foreign intervention in 2019 compounded apprehension in Congress about ongoing Libya's instability.

Members of Congress have monitored conditions in Libya in recent years with specific attention to conflict, the presence of foreign military forces, and counterterrorism, human trafficking, and human rights concerns. Congress has conditionally appropriated funds for transition support, stabilization, security assistance, and humanitarian programs for Libya since 2011, and in the 117th Congress, the House of Representatives has approved a bill that would enact Libya-specific sanctions authorities for the President to use with regard to individuals threatening Libya's transition (H.R. 1228/S. 379), stability, and security. Congress also has considered provisions on Libya in the context of crafting annual appropriations and authorization measures.

- **The Libya Stabilization Act** (H.R. 1228) - As passed by the House, the bill would require reporting to Congress on the activities of foreign governments in Libya, including Russia, along with reporting on members of the LAAF/LNA that the President determines have violated U.S. sanctions on Syria. The bill would provide specific statutory authority through 2026 for property- and visa-blocking sanctions on persons found by the President to be operating in Libya on behalf of Russia in a military capacity, engaging in significant actions threatening peace or stability in Libya, misappropriating Libyan state assets or natural resources, or knowingly responsible for or complicit in serious human rights abuses in Libya. The bill would authorize U.S. humanitarian assistance to Libya and foreign assistance to unify Libya's financial and governing institutions, and promote free and credible elections. The bill would direct the Department of the Treasury to vote and argue for international financial institutions to support economic recovery in Libya that complements the establishment of democratic institutions and rule of law. The bill also would authorize the expansion of educational and cultural exchange programs with Libya. A Senate counterpart version (S. 379) has been referred to the Senate Foreign Relations Committee.
- **FY2022 Foreign Operations Appropriations** (H.R. 4373 and S. 3075) – The House-passed and Senate-introduced bills would make funding available "for stabilization assistance for Libya, including support for a United Nations-facilitated political process and border security," while retaining prevailing restrictions on the use of U.S. funds for infrastructure projects in Libya. The House-passed bill includes additional certification requirement regarding the monitoring of program implementation, and the House report (H.Rept. 117-84) on the bill "directs the Secretary of State and USAID Administrator to strengthen the Libyan political process to help ensure free, fair, and credible elections in December 2021 as well as ongoing efforts to remove foreign forces and mercenaries from Libya."
- **FY2022 National Defense Authorization Act (NDAA)** – The House-passed version of the bill (H.R. 4350) would have required executive branch reporting to Congress on human trafficking and slavery in Libya, on investigation into allegations of the involvement of U.S. nationals in war crimes and torture in Libya, and on implementation of U.S. sanctions on violators of the U.N. arms embargo on Libya. The Senate Armed Services Committee-reported version of the bill (S. 2792) and the final NDAA text negotiated by bicameral committee leadership (S. 1605) did not contain these provisions.

Political and Diplomatic Developments

Political and diplomatic attention remains focused on the now-delayed presidential and legislative elections, amid continuing differences between Libyans over electoral terms and conduct. In November 2020, the United Nations-convened Libyan Political Dialogue Forum (LPDF) endorsed a roadmap calling for presidential and parliamentary elections on December 24, 2021. The U.N. Security Council endorsed the LPDF roadmap in Resolutions 2570 and 2571 (2021). Disagreements and allegations of corruption marred the operation of the LPDF during its meetings in early 2021 to choose candidates to lead the Government of National Unity (GNU), which took office in March 2021 after the Libyan House of Representatives' (HOR) endorsement. After months of consideration through August 2021, the LPDF did not reach agreement on recommendations for a constitutional basis for elections and electoral legislation.[39]

In September 2021, HOR leaders issued a presidential election law that includes candidacy criteria and outlines the powers of the head of state. Other Libyan political figures, including leaders of the advisory High State Council (HSC), objected to the HOR's action, noting that the HOR Speaker acted without the approval of a quorum of HOR members. On September 21, a plurality of HOR members voted to withdraw confidence from the GNU cabinet, placing it in caretaker status as of October 20, 2021. In response, UNSMIL stated "the current GNU remains the legitimate Government up until it is replaced by another Government through a regular process, following the elections."[40] In October 2021, the HOR issued a law governing the parliamentary election with few changes from the law used for the 2014 election. The election laws departed from the LPDF roadmap by calling for the elections to be held sequentially rather than simultaneously, and in some other respects.

Some Libyans have rejected the HOR-issued election laws on various grounds, with most public debate and judicial action focused on the eligibility of specific candidates. Consideration of proposed amendments to the laws did not result in major changes to their terms prior to the opening of the candidate registration process in November 2021. Candidacy registration closed for presidential candidates on November 22, and 98 potential candidates registered, including LAAF commander Khalifa Haftar and the late Muammar al Qadhafi's son, Saif al Islam Al Qadhafi, and GNU Prime Minister Abdulhamid Dabaiba. Two female presidential candidates registered. Registration for parliamentary candidates closed on December 7, with more than 5,300 having registered.

Unresolved political differences among Libyans were apparent in challenges to some presidential candidates' eligibility.

- HSC leader Khaled Al Mishri and commanders in the western Libya-based operations room that resisted the LAAF's 2019-2020 assault rejected the HOR-issued presidential election law largely on the basis that the law could allow Khalifa Haftar and Saif al Islam Al Qadhafi to stand as candidates and potentially hold executive power. Al Mishri has been a vocal advocate for the revision of electoral legislation and other measures, with his critics arguing his and other HSC objections have been designed to delay elections or exclude certain candidates.

[39] Some LPDF members allege that diplomatic mismanagement by U.N. officials contributed to the forum's inability to produce consensus.

[40] UNSMIL, "Statement on reports about no-confidence motion against the GNU," September 21, 2021.

- Other Libyans sought or opposed amendments to the provision of the presidential election law that requires candidates to step down from public office three months before the election. Related debates focused on the candidacy of GNU Prime Minister Dabaiba, who did not relinquish office within that period prior to the proposed December 24 date, but has since named a deputy to act in his place. Ambassador Norland met Dabaiba on December 20, and "shared the US view that candidates campaign separately from their public position or office."[41]
- Citing the presidential election law's prohibition on holding foreign citizenship, some individuals challenged the registrations of Prime Minister Dabaiba and Khalifa Haftar.[42]
- After the HNEC ruled Saif al Islam Al Qadhafi's candidacy invalid because of a prior criminal conviction, an LAAF-affiliated armed group blocked access to a court in the southern city of Sabha to prevent Qadhafi's appeal from being heard. The Sabha court eventually reinstated Qadhafi, but HNEC objected a second time, and was overruled by a higher court. Clashes involving LAAF- and GNU-aligned forces have since recurred in Sabha.

The U.N. Support Mission in Libya (UNSMIL) stated its expectation that the HNEC would "propose the specific dates for the elections after finalizing the list of candidates for the presidential elections in early December, following the complaints and appeals adjudication process." However, the HNEC did not finalize the list, and consulted with the HOR about potential additional legal appeals and judicial actions. The HOR then issued a law to reorganize the Supreme Judicial Council overseeing the Libyan judiciary, in a move interpreted by Libyan and non-Libyan observers as a means of allowing revision of decisions on controversial candidates. Ultimately, uncertainty about the candidate list—and the deeper political differences underlying it—resulted in the postponement of the presidential election on December 22.

In aggregate, these events and dynamics have demonstrated that some Libyans seek terms and outcomes that may exclude specific candidates, and suggest that disputed legal and administrative arrangements may provide fodder for potential challenges to the legitimacy of future elections. In the absence of consensus about fundamental principles of political participation and in the context of assertive behavior by armed groups and many Libyans' unease over the potential stakes of elections, continuing discord could lead the country back to conflict.

U.S. officials have stated the U.S. government's openness to electoral arrangements that Libyans deem suitable and, alongside foreign officials, have praised the (High National Elections Commission) HNEC's work in issuing candidacy guidelines and implementing election preparations based on the HOR-issued laws, as amended. As noted above, U.S. officials have stated U.S. support for elections, and during a December visit to Tripoli, Ambassador Norland stated, "The United States continues to support the vast majority of Libyans who want elections and to cast a vote for their country's future. …We are working to be partners in this process, allowing Libyans to make the choice. We do not support any particular candidate; but we support the process."

The United Nations Support Mission in Libya (UNSMIL)

[41] U.S. Embassy to Libya, "Ambassador Norland focused on the electoral process during today's visit to Tripoli," December 20, 2021.

[42] Libya's Supreme Court has issued a decree requiring challenges to be filed in the jurisdiction of a candidate's residence, which some observers expect will make it unlikely for a challenge to the candidacy of pro-LAAF candidates in light of the LAAF's security control in eastern Libya.

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.[43]

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.[44] Former U.S. diplomat and UNSMIL deputy head Stephanie Williams became Acting SRSG and UNSMIL head after Salamé's resignation. She engaged frequently and directly with Libyan and international officials and under her tenure a ceasefire was reached in October 2020 followed by the convening of the LPDF and its adoption of its transitional roadmap. Williams stepped down in January 2021, and the Security Council replaced her with Ján Kubiš of Slovakia.

Facing some Libyan and international criticism for his approach and amid disputes among Security Council members over the future of the mission, Kubiš submitted his resignation in November 2021, stating that he intended for his resignation to allow for the relocation of UNSMIL leadership from Geneva to Tripoli, as called for in an independent review of UNSMIL's operations.[45] Having debated a substantive revision of UNSMIL's mission, the U.N. Security Council in September 2021 passed only a simple technical renewal of the mission's mandate through the end of January 2022. The vote reflected differences among Council members over UNSMIL's structure and operating location, and proposed resolution language concerning the withdrawal of foreign forces and mercenaries.[46] Specifically, Russia reportedly opposed language regarding foreign forces and sought to delay proposed changes that would have expanded the diplomatic capacity of UNSMIL's leadership and replaced the special envoy position with a Libya-based special representative.[47]

Russia reportedly blocked U.N. Secretary-General António Guterres from appointing a UK diplomat to replace Kubiš, and on December 6, Guterres appointed Stephanie Williams as his special adviser for Libya, which did not require Council approval.[48] Following the announcement of the presidential election postponement on December 23, Secretary-General said, "Presidential and parliamentary elections must take place in Libya in the appropriate conditions to peacefully end the political transition and transfer power to democratically elected institutions. …The Special Adviser to the Secretary-General on Libya, Stephanie Williams, and the United Nations Support Mission in Libya will continue to support a Libyan-led and Libyan-owned process to address outstanding challenges and ensure the holding of presidential and parliamentary elections as soon as possible."[49]

Security Conditions

As electoral preparations and continued during 2021, members of a Libyan Joint Military Commission (JMC, or "5+5" because of its equal make-up of delegates from the two primary

[43] 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.

[44] 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.

[45] Remarks to the U.N. Security Council by Ján Kubiš, November 24, 2021. For the review, see U.N. Document S/2021/716, August 9, 2021.

[46] Security Council Report, "Libya: Yesterday's Vote on a Resolution Renewing UNSMIL's Mandate," October 1, 2021.

[47] Ibid.

[48] Colum Lynch and Robbie Gramer, "Russia Blocks Brit From U.N. Libya Envoy Role," *Foreign Policy*, December 1, 2021.

[49] U.N. Document SG/SM/21089, Secretary-General Notes Need to Set New Date for First Round of Presidential Elections in Libya, December 23, 2021.

east/west military coalitions) agreed on some security arrangements and plans for further ceasefire implementation. In July 2021, the JMC oversaw the withdrawal of forces from immediate frontline areas and the reopening of the coastal road linking Sirte to western Libya (**Figure 2**). Western Libya-based forces have withdrawn northwest toward Misrata, while LAAF-aligned forces (including Russian private military contractors) have relocated southeastward. More than 20,000 foreign fighters, mercenaries, and other foreign forces were present in the country as of November 2021.[50] Turkish advisers and forces are present in western Libya. Mercenaries from Syria recruited by both sides remain, as do armed groups from Sudan and Chad.[51]

In October 2021, the JMC agreed to an Action Plan for the withdrawal of mercenaries, foreign fighters, and foreign forces. According to press reports and U.N. officials, the Action Plan envisions a four-step process that would culminate by 2023 in the withdrawal of foreign forces "in a synchronized, phased, gradual and balanced way."[52] The U.S. government and European partners welcomed the plan, saying it "can be key to restore the sovereignty, independence, territorial integrity and national unity of Libya."[53]

At the JMC's request and with U.N. Security Council endorsement, a small number of U.N. monitors have begun working in Libya under the auspices of a Libyan-owned Ceasefire Monitoring Mission (LCMM) to observe ceasefire implementation. Under the JMC Action Plan, the JMC, the LCMM, and additional U.N. and African Union monitors are to oversee and support eventual withdrawals.

According to press reports citing a leaked December 2021 U.N. Libya Sanctions Committee Panel of Experts review of the Libya arms embargo (imposed in 2011, modified since), the panel found a reduction in the "intense pace of delivery" of weapons that prevailed in 2020, but concluded that "the arms embargo remains totally ineffective."[54] The panel also reportedly judged that "arms stockpiles remain high and sufficient to sustain any future conflict" and it has not observed any "large scale withdrawals" of foreign fighters for private military contractors.

Security disruptions have continued in some areas of the country in recent months, linked to militia rivalries and affecting election appeal processes and HNEC sites. Fighting linked to organized crime and militia disputes in the Zawiya area of western Libya has resulted in costly damage to energy infrastructure.[55] Armed groups in and around Tripoli have clashed and been

[50] U.S. Mission to the United Nations Senior Advisor Ambassador Jeffrey DeLaurentis, "Remarks at a UN Security Council Briefing on Libya," New York, New York November 24, 2021.

[51] Fighters from neighboring Chad left Libya in April 2021 and launched operations that resulted in the death of Chad's long-time president, Idriss Déby. The U.S. Embassy in Libya asserted that the Chadian fighters' offensive "again highlights the urgent need for a unified, stable Libya with control over its borders."

[52] Specifically, the plan calls for the further cantonment of military forces in specific areas as a confidence building measure (Stage 1, partially achieved), followed by the entry of international observers to support local monitoring (Stage 2, under way), efforts to establish a shared accounting of the presence of foreign forces and mercenaries (Stage 3), and their agreed, sequential exit (Stage 4). See, Sami Zaptia, "The 5+5 Joint Military Committee four-stage Action Plan for the withdrawal of foreign forces from Libya leaked: Libya's 218TV," Libya Herald, October 13, 2021; and Remarks to the Security Council by Ján Kubiš, Special Envoy of the Secretary-General for Libya, and Head of the United Nations Support Mission in Libya, November 24, 2021.

[53] Statement by the Embassies of France, Germany, Italy, the United Kingdom and the United States in Libya, October 10, 2021.

[54] Agence France Presse, "Fewer Libya arms embargo breaches but foreign fighters remain: UN panel," December 1, 2021.

[55] Ahmad El-Assasy, "Renewed Militia Clashes in Western Libya," Libya Review, August 6, 2021; Reuters, "Libya's Zawiya oil refinery severely damaged after skirmishes, NOC says," October 26, 2021.

linked to kidnappings, assassination attempts, and raids against security and government figures and election centers.[56] In December, competing armed groups in Tripoli positioned themselves outside the office of the Prime Minister following a GNU decision to replace the Tripoli region's security commander.

As the planned presidential election date approached and armed groups again mobilized in Tripoli, UNSMIL warned that "current mobilization of forces affiliated with different groups creates tensions and increases the risk of clashes that could spiral into conflict. The developments in Tripoli do not bode well for the ongoing efforts to maintain stability and establish security and political conditions conducive to peaceful, credible, inclusive, free, and fair elections."[57]

Militia groups and armed coalitions could continue to use military mobilization and threats of violence to undermine confidence in security and possibly as a means of forestalling future elections. The GNU Ministry of Interior is nominally responsible for the security of electoral locations and processes, but in practice, its ability to establish security is limited and remains dependent on variably capable western and eastern militia forces affiliated with the ministry. Overall, security in general and with regard to elections may reflect the ability and willingness of local authorities and armed groups to maintain calm. Following any future elections, the extent of security and the durability of the ceasefire may be contingent on Libyans' acceptance of the process and any announced results.

Foreign Powers Support Elections, but Pursue Discrete Interests

Meeting at a Libyan government-hosted stabilization conference in Tripoli in October 2021 and at a French government-hosted multilateral conference in Paris in November 2021, representatives of dozens of countries and regional bodies with interests in Libya reaffirmed their support for Libya's stability and election plans. Different countries have different perspectives and priorities relative to Libya, however, and foreign involvement in Libyan politics and security remains competitive and consequential.

The UAE and Egypt provided support for the LAAF and its military campaign in 2019-2020, but have since adjusted their posture in the context of international efforts to deescalate tensions and end conflict in Libya. Each retains concern about Turkey's presence in Libya and the potential for Libya-based groups to threaten Egypt. The UAE reportedly has reduced its military and logistical assistance to the LAAF and has pledged to support U.N.-led mediation and the GNU.[58] Egypt has hosted JMC talks during 2021 and has engaged GNU leaders in a bid to strengthen Egyptian-Libyan ties.

France and Italy are among the most active and engaged European countries in Libya. France has sustained ties to Haftar and the LAAF and has actively supported the holding of elections since disputes over the GNA's legitimacy plagued the transition in 2017. Italy works closely with a range of western Libya-based actors, and has made engagement on migration and security matters

[56] For a summary, see Konrad Adenauer Stiftung (KAS) and LIBYA DESK, *Inside Libya*, November 2021, pp. 15-16. On December 2, armed groups attacked electoral centers in southern Tripoli, reportedly stealing voter cards.

[57] UNSMIL Statement on the Unfolding Security Situation in Tripoli, December 21, 2021.

[58] Agence France Presse, "UAE says will cooperate with UN, US on Libya conflict," January 29, 2021; and, Zainab Fattah, Lin Noueihed, and Sylvia Westall, "UAE Steps Back From Wars as Biden Reasserts Mideast Role," Bloomberg, February 28, 2021.

a priority. Both countries, along with the United Kingdom and Germany, have reestablished a full-time diplomatic presence in Tripoli.

Turkey reportedly has hundreds of military advisors and personnel in Libya and has objected to calls for the departure of "all foreign forces," citing its 2019 agreement with the GNA and the more recent endorsement of Turkey's continued presence by GNU Prime Minister Dabaiba and GNU Presidency Council President Mohammed Menfi.[59] Turkish Presidential spokesperson Ibrahim Kalin has said that Turkey will only discuss the status and future of its military forces with Libya's legitimate governing authorities, implying that Turkish forces may not depart in the absence of a direct request from an elected Libyan government.[60] Some Libyans may view the presence of Turkish forces and Turkish controlled Syrian mercenaries in western Libya—the country's most populous area—as an undue influence on planned elections. Turkey's supporters press similar claims against the LAAF's control of eastern Libya and its cooperation with foreign mercenaries and contractors.

As noted above, U.S. officials have expressed particular concern about Russia's involvement in Libya's conflict, including the presence in LAAF-controlled territory of Russian private military contractors (PMCs), the downing by PMCs of a U.S. unmanned aerial vehicle in 2019, and Russia's "deployment of high performance fighter aircraft to Libya."[61] According to U.S. Africa Command, "The Kremlin has publicly denied direct involvement in the Libyan conflict, while thinly masking their governmental activities under the banner of the Wagner Group PMC."[62] Analysts perceive Russia, like Turkey, to be seeking lasting security influence in Libya and the revival of lucrative economic ties established under Qadhafi.

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 Chad, Sudan, Tunisia, Algeria, Egypt, Niger, and Mali have travelled to Libya to support various armed groups over time, including factions aligned with Libyan government forces, the LAAF, various militias, the Islamic State, and Al Qaeda. Some foreign combatant flows (e.g., from Sudan and West Africa's Sahel region in support of the LAAF) appear rooted in Qadhafi-era networks. Libya-based Islamist 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 took opposing positions with regard to the 2019-2020 conflict, with the United Arab Emirates[63] and Egypt[64] (and to a lesser extent Jordan and Saudi Arabia) supporting Haftar and the LAAF, while Turkey[65] and Qatar[66] supported the GNA and some western Libyan militias. The governments of UAE and Egypt have opposed Turkey's intervention and express concern about Islamist armed groups and Muslim Brotherhood figures operating among some anti-Haftar forces.[67] Turkish officials have described Haftar as a "putschist" and directly criticize governments backing him.[68] The governments of neighboring Algeria and Tunisia

[59] Turkey participated in international conferences on Libya in Berlin and Paris in 2020 and 2021 and formally registered its objection to the conference communiqués calls for the departure of foreign military forces.

[60] Ambassador Ibrahim Kalin, Keynote Remarks, Conference on Libya's Political Uncertainties Ahead of Elections, SETA Foundation for Political, Economic and Social Research, November 30, 2021.

[61] U.S. Africa Command, 2021 Posture Statement to Congress, April 2021.

[62] Ibid.

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

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

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

[66] Reuters, "Qatar foreign Minister Says Libya's Haftar Obstructing Dialogue Efforts," April 16, 2019.

[67] WAM (UAE), "UAE participates in Arab League meeting on Libya, GERD," June 24, 2020.

[68] Reuters, "Turkey vows more support to secure gains in Libya conflict," Reuters, June 4, 2020.

have called for an end to external intervention in Libya, and for an intra-Libyan political process to resolve the conflict, although some individual politicians in both countries appear supportive of one Libyan side or the other.

Across the Mediterranean, European countries have shared concerns about the transit of migrants through Libya and the presence in Libya of terrorist groups. France, the United Kingdom, and Italy each support the U.N.-led political and security mediation processes, but have appeared to differ in their approaches to Libyan rivals over time. France has prioritized counter-terrorism, observed shortcomings in the ranks of Libyan combatants, and questioned the motives and behavior of some anti-Haftar forces.[69] French (U.S.-origin) weapons were found at an LAAF outpost overrun by GNA forces in July 2019. French-Turkish tensions over Libya increased notably in 2020, with French President Emmanuel Macron saying France would not tolerate Turkey's role in Libya and Turkish Foreign Minister Çavuşoğlu accusing France of seeking to divide Libya and of acting as a colonial power.[70]

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 opposed the LAAF's 2019-2020 offensive. U.K. officials criticized Haftar's offensive when it began and continue to support negotiations among Libyans.[71]

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 LAAF appear to be more robust. These ties may serve a range of purposes, including addressing Russian counterterrorism concerns, restoring Russian military ties to Libya, securing lucrative investments, and undermining Western European and U.S. influence. AFRICOM asserted in 2019 to Congress that Russia is "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."[72]

U.N. 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**), the U.N. Security Council modified U.N. sanctions measures and preserved their focus on preventing former Qadhafi government figures from accessing Libyan state funds and undermining Libya's transition. Asset-freeze measures were changed to give Libya's new transitional leaders access to some state resources, but some limitations also remained in place to seek to ensure that transitional authorities transparently and legitimately administered funds. The Security Council also modified U.N. arms embargo provisions over time, but maintained them in a bid to ensure that the transitional government had authorized weapons transfers to Libya.[73]

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

[70] Reuters, "France 'will not tolerate' Turkey's role in Libya, Macron says," Reuters, June 22, 2020; and, "FM Çavuşoğlu slams French President Macron for remarks on Libya" *Daily Sabah* (Istanbul), June 25, 2020.

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

[72] U.S. Africa Command Posture Statement to Senate Committee on Armed Services, February 7, 2019.

[73] 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

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.[74] When negotiations allowed for the seating of a new Government of National Accord, the Security Council removed this advanced approval requirement but authorized only GNA-approved transfers and maintained requirements for the sanctions committee to be notified.

Today, modified sanctions, an arms embargo, asset freezes, and oil sale- and human trafficking-related Security Council resolutions remain in force. The U.N. Security Council through Resolution 2570 of April 2021 recognized the interim Presidency Council and interim GNU as Libya's government "charged with leading the country up to national elections on 24 December 2021, as set out in the LPDF roadmap,"[75] and applied selected Security Council resolution references to the former GNA to the GNU.

Resolutions 2571, 2578, and 2598 of 2021 extend into 2022 authorizations under Chapter VII of the U.N. charter for Member States to conduct inspections on the high seas related to the arms embargo, to the unauthorized export of oil and petroleum products from Libya, and to alleged migrant smuggling or human trafficking. The authorization in Resolution 2292 (2016) for Member States to "combat by all means" threats to international security from terrorist acts in Libya remains in effect.

The U.N. Sanctions Committee established in 2011 pursuant to Resolution 1970 continues to consider proposed sanctions designations and oversees Member States' implementation of arms embargo, asset freeze, and travel restriction measures.[76] The committee operates on a consensus basis requiring unanimity for decisions, per its adopted guidelines. Its Panel of Experts issues annual reports on alleged violations of U.N. measures. Resolution 2571 (2021) authorizes the Panel's operations until August 2022.

Arms Embargo Enforcement and Violations

Under current U.N. Security Council resolutions, arms transfers to Libya may occur provided the GNU approves and the transfer is notified to the U.N. Sanctions Committee established pursuant

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.

[74] Resolution 2213, adopted in March 2015, expanded the scope of sanctionable activities related to the standards articulated in Resolution 2174.

[75] From 2015 through 2019, a series of Security Council resolutions [2259 (2015), 2278 (2016), 2362 (2017), and 2441 (2018)] expressed support for the former Government of National Accord 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) did not refer to the GNA as Libya's sole legitimate government, but called on Member States "to cease support to and official contact with parallel institutions outside of the [2015] Libyan Political Agreement."

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

to Resolution 1970 (2011). 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. Panel of Experts reports released in December 2019 and March 2021 document lethal and nonlethal foreign support in violation of the arms embargo for several Libyan armed groups, and, as noted above, reports about the Panel's current draft reporting suggest violations have continued since the October 2020 ceasefire, though of a lower volume.[77] The March 2021 report contains annexes describing violations the panel attributes to the UAE, Turkey, Jordan, Egypt, Russia, and Syria.[78] Resolution 2571 extends the Panel of Experts' mandate to August 15, 2022. 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 3, 2022, under Resolution 2578 (2021).

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 relaunched maritime security operations in support of arms embargo enforcement in the eastern Mediterranean under Operation EUNAVFOR MED IRINI on April 1, 2020 and has extended the mission's EU mandate to March 2023.[79]

Human Rights, Civilian Protection, and Migration

U.N. and U.S. Human Rights Assessments

The U.N. Libya Sanctions Committee's Panel of Experts has 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 2019 and 2020 reports. In June 2020, the U.N. Human Rights Council approved the creation of a Fact-Finding Mission to Libya (FFML) to investigate and preserve evidence of human rights abuses. In the wake of intense conflict in northwestern Libya, evidence has emerged of deliberate mining and booby-trapping of civilian homes south of Tripoli,[80] extrajudicial killings in the city of Tarhuna,[81] looting and forced displacement by anti-Haftar forces,[82] and the murder of migrants.[83] In October 2021, chair of the FFML Mohamed Auajjar said, "Our investigations have established that all parties to the conflicts, including third States, foreign fighters and mercenaries, have violated international

[77] According to the 2019 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 transfers 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...." In May 2020, then-Acting SRSG and UNSMIL head Stephanie Williams warned the U.N. Security Council of "an alarming military build-up as a result of the uninterrupted dispatch by the foreign backers of increasingly sophisticated and lethal weapons, not to mention the recruitment of more mercenaries to both sides of the conflict." See U.N. Documents S/2019/914 and S/2021/229 and Acting SRSG Stephanie Williams, Briefing to the Security Council, May 19, 2020. See also Declan Walsh, "In Libya, Toothless U.N. Embargo Lets Foreign States Meddle with Impunity," *New York Times*, February 2, 2020.

[78] U.N. Document S/2021/229.

[79] EU Council, Council Decision (CFSP) 2020/472, March 31, 2020. "Irini" is Greek for "peace."

[80] Human Rights Watch, Libya: Landmines Left After Armed Group Withdraws, June 3, 2020.

[81] Declan Walsh, "U.N. Expresses Horror at Mass Graves in Libya," *New York Times*, June 13, 2020.

[82] Ulf Laessing, "'Numerous' reports of looting in retaken Libyan towns, UN says," Reuters, June 7, 2020.

[83] Statement by Yacoub El Hillo, Humanitarian Coordinator for Libya, on the killing of migrants southwest of Tripoli, May 29, 2020.

humanitarian law, in particular the principles of proportionality and distinction, and some have also committed war crimes."[84]

The 2020 State Department report on human rights conditions in Libya notes, "Civilian authorities had only nominal control of police and the security apparatus, and security-related police work generally fell to disparate informal armed groups, which received salaries from the government and exercised law enforcement functions without formal training or supervision and with varying degrees of accountability. Members of security forces committed numerous abuses." In March 2021, the Panel of Experts reported, "Civilians in Libya, including migrants and asylum seekers, continue to endure widespread international humanitarian law and international human rights law violations and human rights abuses." Press and nongovernmental organization reports suggest that these conditions have persisted under the tenure of the GNU.

Through December 2020, fighting between LAAF forces, GNA supporters, and anti-Haftar militias had killed more than 500 civilians and displaced more than 200,000 people according to U.N. estimates. Airstrikes and shelling during the 2019-2020 conflict killed and injured migrants in western Libya.[85] The International Organization for Migration (IOM) reported in 2021 that more than 610,000 migrants were in Libya, alongside more than 212,000 internally displaced persons and more than 42,000 refugees and asylum seekers from other countries identified by the United Nations High Commissioner for Refugees (UNHCR).[86] U.N. entities estimated that as many as 823,000 people in Libya (out of more than 7 million Libyan nationals and foreign migrants) required some form of humanitarian assistance as of July 2021. Humanitarian access has improved since early 2020, but remains constrained.

Migration Flows Resurge, as 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.

A patchwork of Libyan local and national authorities and nongovernmental entities assume responsibility for responding to various elements of the migrant crisis, including the provision of humanitarian assistance and medical care, the patrol of coastal and maritime areas, and law enforcement efforts targeting migrant transport networks. Violence and insecurity in Libya complicate international attempts to assist Libyan partners in these efforts and to improve coordination among Libyan stakeholders. 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.

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[84] U.N. Human Rights Council, Libya: Evidence crimes against humanity and war crimes committed since 2016, UN report finds," October 4, 2021. The FFML submitted a report on its findings to date as U.N. Document A/HRC/48/83.

[85] 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-Haftar 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.

[86] IOM Libya, "Monthly Update—April 2020," May 7, 2020, and UNHCR, "Libya Update," June 19, 2020.

According to the U.N. Libya Sanctions Committee Panel of Experts, as of December 2019, the human trafficking and smuggling trade had "all but collapsed compared with the pre-2018 period" as "changing regulations in neighbouring countries and localized clashes along trafficking routes" made operations "longer, costlier and more dangerous." Nevertheless, in March 2021, the panel reported that Libya "remains a transit and destination country for migrants and asylum seekers." Migrant flows have increased since 2019, but at lower rates than their past peaks. 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).[87]

Foreign migrants remain especially vulnerable to extortion and other abuses. Press and nongovernmental organization reporting continues to document severely abusive conditions many migrants face in Libya, including in private prisons and facilities under the auspices of the Libyan government's Directorate for Combatting Illegal Migration (DCIM).[88] In October 2021, the U.N. Human Rights Council Independent Fact Finding Mission for Libya (FFML) reported that as many as 7,000 migrants were officially detained, but the number of individuals subject to detention and coercion likely exceeds this number.[89] The FFML report found that "from the moment that migrants entered Libya destined for Europe, they were systematically subjected to a litany of abuses," and documents patterns of detention in DCIM facilities in which migrants "face intolerable conditions calculated to cause suffering and the desire to utilize any means of escape, including by paying large sums of money to militias, criminal gangs, traffickers and smugglers who have links to the State and profit from this practice."

Table 2. Migrant Flows and Deaths in the Central Mediterranean

International Organization for Migration data, 2019-2021

	2019	2020	2021 to date
Migrant Arrivals to Italy by Sea	11,471	34,150	63,062
Migrant Deaths Recorded in Central Mediterranean	1,262	1,000	1,225

Source: International Organization for Migration, Migration Flows to Europe, Arrivals and Mediterranean dead/missing data, December 14, 2021.

Note: 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.

[87] 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.

[88] Ian Urbina, "The Secretive Prisons That Keep Migrants Out of Europe," *The New Yorker*, November 28, 2021; and, European Center for Constitutional and Human Rights, the International Federation for Human Rights, and Lawyers for Justice in Libya, *No Way Out: Migrants and Refugees Trapped in Libya Face Crimes Against Humanity*, November 2021.

[89] U.N. Human Rights Council, Report of the Independent Fact-Finding Mission on Libya, A/HRC/48/83, November 29, 2021.

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."[90] 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.[91] 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. 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.[92]

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 53,000 migrants to their home countries from Libya through a voluntary humanitarian returns program since December 2017.[93] The Task Force also has supported UNHCR-led evacuations of more than 6,900 refugees from Libya as of November 2021.[94] Some observers remain critical of the arrangements and report that some evacuees have remained vulnerable in their destination locations.[95]

Energy and Economic Issues

Conflict and instability in Libya have taken a severe toll on the country's economy and weakened its fiscal stability and financial reserves since 2011. As of 2018, the U.S. government estimated that Libya had the largest proven crude oil reserves in Africa and the tenth largest globally. State financial obligations to the population have increased since 2011, with public spending on salaries, imports, and subsidies all having expanded.[96]

Oil dependence makes state revenue vulnerable to energy market changes and conflict-related disruptions. Periods of fighting near the central oil crescent region (see map in **Figure 2**) and intermittent shutdowns of pipelines by militias, terrorist attacks, and labor and property disputes

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

[91] 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.

[92] Sudarsan Raghavan, "Returned to a War Zone: One Boat. Dozens of Dreams. All Blocked by Europe's Anti-Migrant Policies," *Washington Post*, December 28, 2019.

[93] African Union, "The AU-EU-UN taskforce Renews Its Commitment to Rescue Stranded Migrants and Refugees in Libya," February 24, 2020; Associated Press, "Evacuation flights for migrants start again in Libya," October 22, 2021.

[94] UNHCR, Evacuation flights from Libya to Italy bring hope for vulnerable asylum seekers, November 25, 2021.

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

[96] Salaries and subsidies reportedly consumed 93% of the state budget as of September 2016. 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. Statement of SRSG Martin Kobler to the United Nations Security Council, September 13, 2016; and, "Serraj Spokesperson Promises 2018 Budget Details Will Be Revealed Next Week," *Libya Herald*, April 9, 2018.

each have generated temporary disruptions and production declines at different times.[97] In 2020, a massive deficit resulted from the LAAF's blockade of oil facilities and steep declines in global oil prices.[98] Decisions by western Libya-based governing authorities to limit salary payments to eastern Libya, in response to this decreased revenue, contributed to localized economic pressure in the east. Production and exports resumed under a September 2020 agreement, but the National Oil Company declined to deposit proceeds with the Central Bank due to transparency concerns and has placed earnings in NOC accounts at the Libyan Foreign Bank abroad. The GNU and HOR were unable to agree on a budget for 2021, but the GNU proceeded with its initiative to add employees of eastern institutions to the state payroll and used "special arrangements" with the Central Bank to enable infrastructure spending.

The World Bank reports that the government's decision in January 2021 to devalue the Libyan dinar (LYD) has eased fiscal strains since "liabilities are denominated in LYD (the official exchange rate depreciated by almost 70 percent in early 2021) whereas the vast majority of government revenues are sourced from oil exports" that are U.S. dollar denominated.[99] The state's balance sheet has improved in 2021, with higher oil prices and sustained production output above 1 million barrels per day.

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 decried to the U.N. Security Council what he described as "an economic system of predation" and "plundering."[100]

The World Food Programme and World Bank jointly found in April 2021 that "more than half of households reported their household income cannot cover basic expenses," and inflation in the cost of food and other staples is placing pressure on vulnerable Libyans.[101] In December 2021, U.S. Agency for International Development (USAID) Deputy Assistant Administrator Megan Doherty cited USAID polling in telling Congress, "food costs for some basic items have more than doubled pre-pandemic levels. Access to cash, poor service provision, and lack of employment opportunities rank among Libyans' top concerns."[102]

Unifying Libyan Financial Institutions

Political disputes among Libyans have been mirrored in long running disagreements over leadership of key national financial institutions such as the Central Bank, National Oil

[97] 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.

[98] In January 2020, the LAAF and entities in territory under its control instituted a nearly complete cutoff 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. In June 2020, U.S. Ambassador to Libya Richard Norland estimated revenue losses since from January 2020 to June 2020 alone at more than $5 billion. State Department, Special Briefing via Telephone with Richard Norland, U.S. Ambassador to Libya, June 4, 2020.

[99] World Bank, "Libya's Economic Update — October 2021," October 7, 2021.

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

[101] World Bank, "Libya's Economic Update — October 2021," October 7, 2021.

[102] Statement of USAID Deputy Assistant Administrator for the Middle East Megan Doherty, Before the House Subcommittee on the Middle East, North Africa, and Global Counterterrorism, December 9, 2021.

Corporation (NOC), and Libya's sovereign wealth fund (the Libya Investment Authority [LIA]) and its subsidiaries. U.N. Security Council Resolution 2571 (2021) expresses "concern about activities which could damage the integrity and unity of Libyan State financial institutions and the National Oil Corporation (NOC)," stresses "the need for the unification of Libya's institutions," and calls on "Member States to cease support to and official contact with parallel institutions outside of the authority of the Government of Libya."

Central Bank of Libya. Central Bank officials in Tripoli and the eastern city of Bayda became 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.[103] 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.[104] When the HOR nominated a replacement for Tripoli-based Central Bank Chairman Sadiq al Kabir in December 2017, the High State Council protested the nomination, noting that it hadn't been consulted pursuant to Article 15 of the 2015 Libyan Political Agreement (LPA), which provided 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 then asserted their view that Al Kabir's continued tenure was 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 March 2020, the Bayda branch said future borrowing by the eastern government would be limited to loans to pay state employee salaries.[105]

With U.S. and U.N. urging, Deloitte completed a joint financial review of the Central Bank's Tripoli and Bayda branches in 2021. According to UNSMIL, the review found that

> Owing to the lack of a unified budget and successive oil blockades, both branches of the Bank extended credit to parallel government structures, resulting in the Tripoli branch holding 70.8 billion Libyan dinars of debt and the Bayda' branch 61.4 billion Libyan dinars as of June 2020 (a combined debt of approximately $29 billion). Although all of the debt was held within Libya, managing it would require the Bank to be unified.[106]

The review further found that the extensive issuance of currency by both branches had contributed to volatile domestic monetary conditions in which authorities devalued the Libyan dinar by more than 300% in January 2021.

In the view of the World Bank, "the next steps are formidable and require political agreement on unification under a single decision making authority, in addition to unifying balance sheets, policy making, regulatory and supervision processes, and operations."[107] In December 2021, the chairs of the two branches met and suggested that unification would require an additional six months of consultation and work.[108] Bank leaders expected the first phase of further consolidation

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

[104] 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.

[105] Reuters, "East Libyan central bank says it will not lend to parallel govt any more," March 11, 2020.

[106] U.N. Document S/2021/752, Report of the Secretary General on UNSMIL, August 25, 2021.

[107] World Bank, "Libya's Economic Update — October 2021," October 7, 2021.

[108] Tommy Wilkes, "Libyan central bank reunification process begins this month, says governor," Reuters, December 13, 2021.

to begin by the end of 2021, but implied real progress might not occur until further political and institutional clarity emerges.

National Oil Corporation (NOC). Disputes involving the 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 oil sold by NOC 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 (most recently extended through by Resolution). In 2017, Tripoli-based NOC Chairman Mustafa Sanalla called for the NOC to be depoliticized and stated his and his colleagues' intent "to remain neutral until there is a single legitimate government we can submit to."[109]

During the 2019-2020 conflict, 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. At the time, LAAF aircraft were supporting LAAF military operations. 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."[110] 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.[111]

In March 2020, interim government officials in eastern Libya imported fuel from the United Arab Emirates outside the channel of the NOC, in light of disruptions to domestic refining because of the LAAF-supported shutdown of national oil production. The resumption of oil production in September 2020 has contributed to improvement in Libya's fiscal position as discussed above.

Sensitivities surrounding the oil sector have persisted, however. NOC leaders agreed to release funds held in 2020 following the HOR's approval of the GNU, but the GNU's Oil Minister and NOC Chairman Sanalla have clashed over institutional authority with some negative effects on operations.[112] In Resolution 2571 (2021), the U.N. Security Council noted with concern reports of illicit exports from and imports to Libya of oil and petroleum products, and instructed the U.N. Libya Sanctions Committee Panel of Experts to continue to monitor Libya's petroleum sector.

Libya Investment Authority. A long-simmering dispute between rival board members and chairmen paralyzed the LIA—Libya's sovereign wealth fund—for several years.[113] During this period, Libyan courts at times intervened to overturn appointments and authorizations of LIA

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

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

[111] Joint Statement on Libya's National Oil Corporation (NOC), September 22, 2019.

[112] S&P Global Platts, "Crude loadings from Libya's eastern terminals resume but more volatility expected," September 16, 2021.

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

officials, and U.N. reporting documented the rival eastern government's "parallel board of trustees, which in turn appointed a board of directors."[114]

The LIA's assets exceed $68 billion, more than $53 billion of which remain frozen pursuant to U.N. Security Council Resolutions 1970 and 1973 (2011), as modified by Resolution 2009 (2011). The remained are held by LIA subsidiaries, with more than $9 billion invested in Libya. The U.N. Libya Sanctions Committee Panel of Experts recommended in December 2019 that Member States be directed to freeze the assets of LIA subsidiaries, but the Sanctions Committee has declined to alter its implementation guidance.[115] Legal proceedings in several jurisdictions have addressed disputes over the management of LIA assets and payment of fees. In March 2020, a court in the United Kingdom recognized Ali Mahmoud Hassan Mohamed as the LIA's lawful chairman in the view of U.K. law.[116] His recognition was not challenged and he was appointed to new three year term in late 2020. He has initiated a process to audit the LIA's financial statements and continues to seek modifications to the sanctions regime to allow the LIA to invest some assets through an approved channel to take advantage of market opportunities.[117]

Outlook

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.

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.

Through 2021, many Libyan and international actors proceeded as if elections would begin on December 24, 2021, even as Libyan and international officials acknowledged concerns about the electoral legal framework and potential difficulties in administering the elections on time. An indefinite delay of elections in a renewed bid to build consensus among Libyan factions could result in disillusionment among prospective voters and result in the entrenchment of rival administrations and armed groups. Some analysts have argued that a time-limited delay to make technical revisions to the electoral legal framework or to forge a shared code of conduct among candidates could better insulate the process from attempts to reject or discredit it. Many observers

[114] U.N. Document S/2019/914, Final Report, Panel of Experts on Libya, December 2019.

[115] Ibid.; and, Sami Zaptia, "LIA seeks minor changes to UN asset freeze to mitigate losses," *Libya Herald,* March 9, 2020.

[116] Sami Zaptia, UK Court Confirms Ali Mahmoud Hassan Mohamed as lawful chairman of the Libyan Investment Authority, *Libya Herald,* March 25, 2020.

[117] Michel Cousins, "Getting the Libyan Investment Authority back on track again: An interview with LIA chairman Ali Mahmoud Hassan;" *Libya Herald*, May 6, 2020; and, Tom Arnold, "Libya sovereign fund makes financial statements push," Reuters, May 18, 2021.

were deeply pessimistic about the effects that proceeding with the election as planned would have had on Libya's stability.

With elections now postponed, some Libyans may challenge the legitimacy of the GNU and the tenure of its current leadership. Past precedent and U.N. officials' statements to date suggest that international recognition will default to the GNU as the legitimate transitional administration until new arrangements are decided, although whether such endorsement might extend to the current individuals in GNU leadership positions rather than the GNU institution as whole remains to be seen. As noted above, the HOR voted in September 2021 to withdraw confidence from the government of Prime Minister Dabaiba, and HOR leaders could seek to replace his administration by endorsing a new slate of leaders. In their joint statement of December 24, the governments of the United States, France, Germany, Italy, and the United Kingdom said,

> In line with the Paris declaration, France, Germany, Italy, the UK and the United States recall their understanding that the transfer of power from the current interim executive authority to the new executive authority shall take place following the announcement of the results of such early and prompt parliamentary and presidential elections. To avoid conflicts of interests and to promote a level playing field, candidates holding roles in public institutions should also continue vacating them until the announcement of the electoral results.

Whether Libyan interim authorities remain in place or new legislators and executives are elected in an eventual vote, the country's leaders are likely to face challenges in governing a society strained by more than a decade of uncertainty, confrontation, and conflict. The absence of an agreed constitutional framework proscribing the relative powers of state institutions may compound those challenges. Libyan leaders' attempts to proceed with security sector reform, develop a more sustainable and transparent fiscal model, and redefine relationships between the national government and local entities will be politically sensitive. Change resulting from these types of efforts would likely come at the expense of powerful state and nonstate actors. Freshly elected Libyan officials may have recourse to appeal to a popular mandate, but they also are likely to confront the same differences and intransigence that has created the country's enduring impasse. If zero-sum attitudes prevail, prospects for Libya's stability may not be improved whether elections are held or not.

From a security perspective, discussion of the unification of Libyan military forces could proceed if political institutions continue to operate on an interim basis. Lasting agreements on force structure, leadership, missions, and foreign partnerships appear less likely, though it is conceivable that progress made to date in unification talks could be furthered if broader political consensus enabled compromise. The principal western and eastern security coalitions and their respective partners in southern Libya each have unique internal characteristics and dynamics and their cohesiveness remain subject to change. Tribal politics shape both coalitions, but remain particularly relevant in Libya's south and east.[118]

The threat of a return to intense, foreign intervention-fueled conflict could alter some Libyans' calculations and motivate them to compromise on political arrangements and deescalate security confrontations. At the same time, the logic of foreign competition and some parties' insistence on nonnegotiable red lines could preclude progress and drive instability. Under circumstances of a rehardening of geographic and administrative divisions, internal fractures and political legitimacy deficits among western and eastern coalitions may become more relevant. Foreign powers also may recalculate their positions in ways that complicate negotiations, undermine security, and frustrate mediation efforts.

[118] See Alison Pargeter, "Haftar, Tribal Power, and the Battle for Libya," *War on the Rocks* (online), May 15, 2020.

For the United States and other international actors, the possibility of a national Libyan government with renewed democratic legitimacy may open new opportunities for deeper partnership on security and economic matters. Such opportunities may become more limited if election processes become discredited, if interim arrangements or elections produce a government viewed by Libyans as illegitimate or unable to effectively govern because of unyielding opponents, or if developments result in a return to administrative division or conflict.

Over the longer term, U.S. officials expect that

> Libya will continue to face an array of challenges ranging from a fractured political landscape, an urgency to rid the country of foreign fighters, to disarmament, demobilization, and reintegration of Libyan militias and armed groups, and addressing the inhumane treatment of migrants. The health and economic impacts of the pandemic will also continue to challenge Libya. Government institutions will need to act swiftly to build trust and deliver change and improvements for the Libyan people.[119]

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, legitimate, capable national government, and reducing transnational threats posed by terrorists and other actors who have exploited Libya's instability. Demands imposed by the COVID-19 pandemic continue to evolve. Pursuing U.S. diplomatic and security objectives simultaneously presents U.S. policymakers with complicated choices about relative priorities and the possible consequences of different approaches. Points of active discussion concern:

- the nature and extent of U.S. diplomacy in support of U.N.-led mediation;
- the nature and extent of 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 near future.

In light of the decision to delay the planned presidential election, Members of Congress could seek additional information from the executive branch on possible options for maintaining momentum toward elections in Libya. Oversight of ongoing U.S. support to Libya's electoral processes and civil society could provide Congress with additional insight into Libyans' readiness to conduct elections and their hopes and concerns about voting, legal arrangements, and potential candidates and outcomes. Further legislative consideration of the Libya Stabilization Act could provide Members an opportunity to influence U.S. policy and international views, as could bicameral consideration of full year FY2022 appropriations for Foreign Operations and Defense.

[119] Statement of USAID Deputy Assistant Administrator for the Middle East Megan Doherty, Before the House Subcommittee on the Middle East, North Africa, and Global Counterterrorism, December 9, 2021.

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 stronger 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 American 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 with violent Islamist extremists, and increasing involvement by third parties.

For more information concerning post-2011 developments, congressional clients may contact the author.

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

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."[120] 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. In November 2017, 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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[120] Statement, Director of Public Affairs for the Director of National Intelligence Shawn Turner, September 28, 2012.

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