



Libya: Transition and U.S. Policy

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October 25, 2011

Congressional Research Service

7-5700

www.crs.gov

RL33142

Summary

After more than 40 years of authoritarian repression and eight months of armed conflict, fundamental political change has come to Libya. The killing of Muammar al Qadhafi on October 20 and the declaration of Libya's liberation by the interim Transitional National Council on October 23 marked the end of the Libyan people's armed struggle and the formal beginning of the country's transition to a new political order. Overcoming the legacy of Qadhafi's rule and the effects of the recent fighting is now the principal challenge for the Libyan people, the TNC, and the international community. The transition period may prove to be as complex and challenging for Libyans and their international counterparts as the recent conflict. Immediate tasks include establishing and maintaining security, preventing criminality and reprisals, restarting Libya's economy, and taking the first steps in a planned transition to democratic governance. In the coming weeks and months, Libyans will face key questions about basic terms for transitional justice, a new constitutional order, political participation, and Libyan foreign policy. Security challenges, significant investment needs, and vigorous political debates are now emerging.

The U.S. military continues to participate in Operation Unified Protector, the North Atlantic Treaty Organization (NATO) military operation to enforce United Nations (U.N.) Security Council Resolution 1973, which authorizes "all necessary measures" to protect Libyan civilians. On October 23, NATO leaders indicated that the military operation would draw to a close on October 31, barring any unforeseen developments that require its continuation. U.S. officials express confidence that nuclear materials and chemical weapons components that are stored in Libya remain secure and state that remote monitoring will continue. The proliferation of military weaponry from unsecured Libyan stockpiles—including small arms, explosives, and shoulder-fired anti-aircraft missiles—remains a serious concern. The Obama Administration is implementing a program with the TNC to retrieve and disable certain weapons and has reiterated that it has no intention of deploying U.S. military forces on the ground in Libya. The U.S. Embassy in Tripoli has reopened with a limited staff. Congress may consider proposals for further assisting Libya's transitional authorities or supporting security efforts.

The U.N. General Assembly has recognized the TNC as Libya's U.N. representative, and the Security Council adopted Resolution 2009, creating a three-month mandate for a U.N. Support Mission in Libya (UNSMIL) to assist Libyans with public security and transition arrangements. The resolution also sets conditions for the sale of arms and training to the Libyan government and partially lifts the U.N. mandated asset freeze for certain purposes. The TNC continues to call for the release of Libyan assets seized pursuant to Resolutions 1970 and 1973. Transfers of assets have begun from multiple governments, including \$1.5 billion in previously blocked assets that the U.S. government has arranged to support Libyan humanitarian, fuel, and salary needs. U.S. Treasury Department licenses now authorize the release of assets belonging to some Libyan entities and allow some transactions with some Libyan state institutions, including oil companies.

A TNC stabilization team is leading Libyan efforts to deliver services; assess reconstruction needs; and begin to reform ministries, public utilities, and security forces. The TNC has issued orders concerning security and established a high security council to coordinate volunteer forces. Initial reports from Libya suggest that local militias and some emergent political groups may oppose certain TNC policies and seek to replace certain TNC personalities. TNC officials remain confident in Libyan unity, and an interim government is expected to replace the TNC executive authority within a month. As Libyans work to shape their future, Congress and the Administration will have the first opportunity to fully redefine U.S.-Libyan relations since the 1960s.

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Background

Political change in neighboring Tunisia and Egypt helped bring long-simmering Libyan reform debates to the boiling point in January and early February 2011. In recent years, leading Libyans had staked out a broad range of positions about the necessary scope and pace of reform, while competing for influence and opportunity under the watchful eye of hard-liners aligned with the enigmatic leader of Libya's September 1969 revolution, Muammar al Qadhafi. Qadhafi had long insisted that he held no formal government position, but by all accounts he maintained his 40-plus-year hold on ultimate authority, until recently, as the "reference point" for Libya's byzantine political system. Ironically, that system cited "popular authority" as its foundational principle and organizing concept, but it denied Libyans the most basic political rights. Tribal relations and regional dynamics, particularly long-held resentments of Qadhafi among residents in the east, also influence Libyan politics. Rivalries are emerging among locally organized revolutionary groups with differing experiences during Qadhafi's rule and the recent conflict. Political groups with differing priorities will also shape Libya's transition (see "Political Dynamics" below).

Qadhafi government policy reversals on weapons of mass destruction (WMD) and terrorism led to the lifting of most international sanctions in 2003 and 2004, followed by economic liberalization, oil sales, and foreign investment that brought new wealth to some in Libya. U.S. business gradually reengaged amid continuing U.S.-Libyan tension over terrorism concerns that were finally resolved in 2008. During this period of international reengagement, political change in Libya remained elusive and illusory. Some observers argued that Qadhafi supporters' suppression of opposition had softened, as Libya's international rehabilitation coincided with steps by some pragmatists to maneuver within so-called "red lines." The shifting course of those red lines had been increasingly entangling reformers in the run-up to the outbreak of unrest in February 2011. Government rehabilitation of imprisoned Islamist militants and the return of some exiled opposition figures were welcomed by some observers. Ultimately, inaction on the part of the government in response to calls for guarantees of basic political rights and for the drafting of a constitution suggested a lack of consensus, if not outright opposition to meaningful reform.

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

Qadhafi's death at the hands of rebel fighters in Sirte on October 23 brought the conflict to an abrupt close, with some observers expressing concern that a dark chapter in Libyan history ended violently, with an uncertain path ahead.

Status as of October 25, 2011

On October 23, interim Transitional National Council (TNC) chief Mustafa Abdeljalil announced the liberation of Libya and stated that an interim government would be named within one month. Accordingly, NATO-led military operations to enforce U.N. Security Council Resolution 1970 and 1973 are drawing to a close, and may end by October 31.¹ NATO air and sea patrol operations continue, with no air-to-ground strikes reported since October 20. The rebel capture of the Qadhafi military compound at Bab al Aziziyah in the capital Tripoli on August 23 signaled the symbolic end of Qadhafi's reign. Qadhafi's death outside of his hometown of Sirte on the central coast on October 20 brought an end to the fighting that had continued in isolated areas of central and southern Libya between Qadhafi supporters and rebel forces. It is not immediately apparent whether any remaining Qadhafi supporters will seek to rekindle an irregular warfare campaign against the TNC, although the possibility of fighting among rebel factions exists.

The TNC has asserted nominal control over developments in Tripoli and has begun the task of coordinating the diverse collection of armed groups that made the rebel capture of the city possible, but which did not previously necessarily coordinate their actions with the TNC or each other. A "high security council" serves as a coordinating mechanism for disparate volunteer groups and regime defectors, including armed factions from communities like Zintan and Misuratah and those led by Islamist figures, such as former Libyan Islamic Fighting Group commander Abdelhakim Belhajj (see "Libyan Islamic Fighting Group (LIFG)/Libyan Islamic Movement for Change (LIMC)" below).²

TNC figures have issued repeated calls for armed groups and citizens to avoid destruction of public property, looting, and reprisals, in a conscious effort to avoid some of the immediate security problems that plagued Iraq in the wake of the collapse of Saddam Hussein's government. The TNC has signaled its intention to take an inclusive approach with regard to government personnel not known to have been involved in severe human rights violations or public corruption. The success of the TNC initiatives and the acceptability of this approach among Libyans remains to be seen. TNC officials remain concerned about their ability to provide services and maintain security, although the resumption of water service in Tripoli, deliveries of fuel, and infusions of seized assets have improved their position. TNC leaders estimate that over 20,000 Libyans have been killed in the recent conflict, with a further 50,000 injured.³ These statistics have not been independently verified by any international third party.

¹ On October 23, NATO Secretary-General Anders Fogh-Rasmussen said, "Our NATO-led operation to protect the people of Libya, under the historic mandate of the United Nations, is very close to completion. We have taken a preliminary decision to end Operation Unified Protector on October 31, and we will take a formal decision in the next few days." "Statement by the NATO Secretary-General on the Liberation of Libya, October 23, 2011.

² As of September 8, rebels from Zintan under the command of the Madani clan claimed to have 5,000 armed men in Tripoli. Fighters from Misuratah reportedly shifted toward the pursuit of pro-Qadhafi forces in Sirte and Bani Walid and their numbers in Tripoli had declined to 1,500. Belhajj claims to have taken a leading role in the Tripoli operations. He was released from prison by the Qadhafi government in 2010 as part of a reconciliation agreement with LIFG fighters in exchange for their renunciation of violence. See Adrien Jaulmes, "The Fragile Patchwork of the Libyan Rebels," *Le Figaro* (Paris), September 8, 2011; U.S. Open Source Center (OSC) Report GMP20110824715001, "Rebel Commander Balhaj Urges Al-Qadhafi Brigades To 'Abandon' Regime," August 20, 2011; and OSC Report GMP20100323950045, "Three Leaders of Libyan Fighting Group Freed – Paper," March 23, 2010.

³ OSC Report GMP20111023001007, "Libya: TNC Chairman Mustafa Abd-al-Jalil on Aftermath of Al-Qadhafi's Death," October 23, 2011.

Qadhafi's Death, Liberation, and Interim Government

The death of Muammar al Qadhafi, his son Mutassim al Qadhafi, and defense official Abu Bakr Yunis Jabr near Sirte on October 20 brought a dramatic end to the conflict and signaled the irreversibility of political change to Libyans and the international community. Nevertheless, the uncertain circumstances of Qadhafi's death have raised questions about the accountability of armed groups in Libya and the TNC's nascent control over the country—video footage appeared to show Qadhafi wounded, but alive in rebel custody prior to his subsequent death by a gunshot wound. TNC officials have promised to investigate the events leading up to Qadhafi's death, amid calls from human rights organizations and other international actors for a full public inquiry.

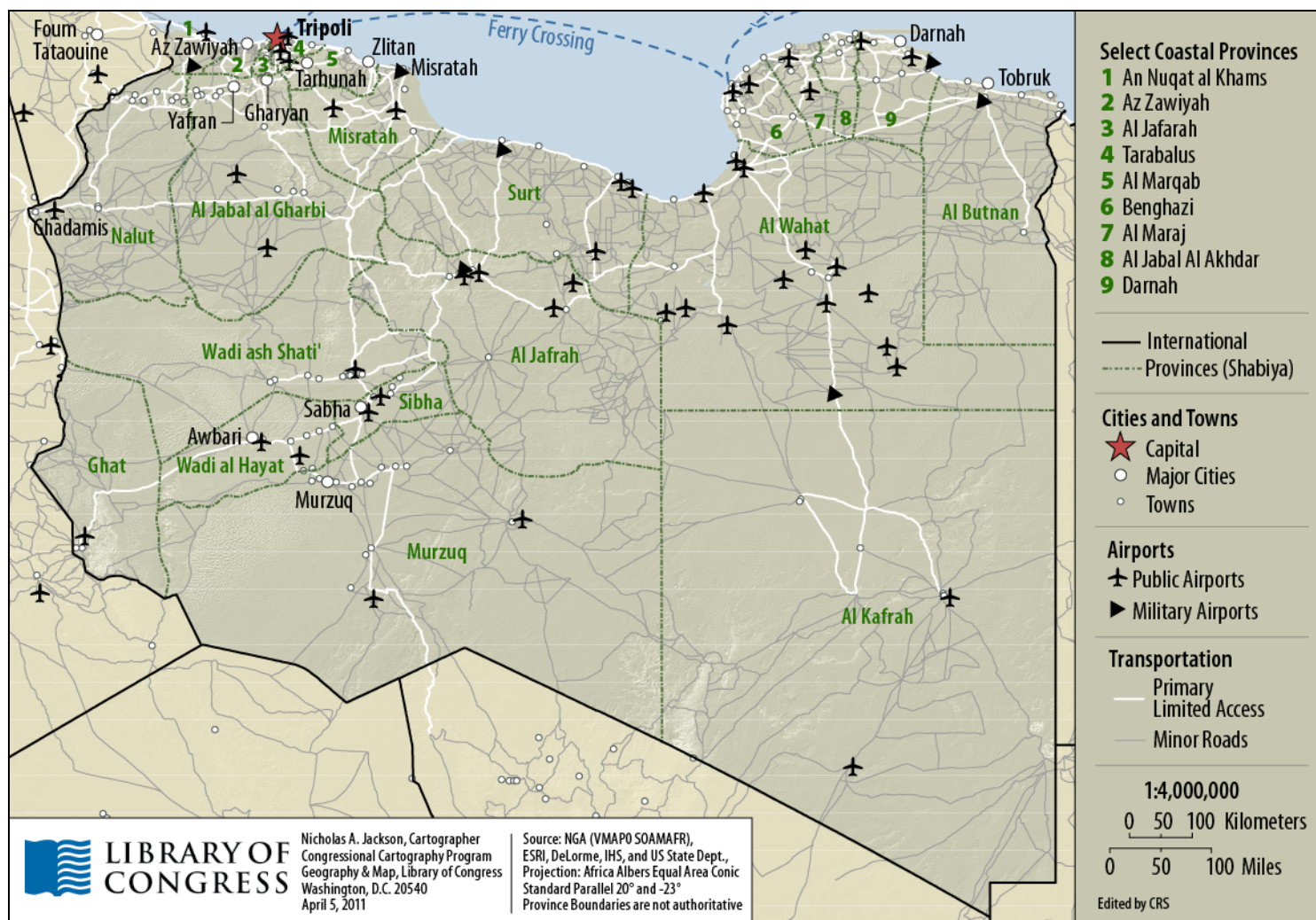
The formal announcement of Libya's liberation by TNC leader Mustafa Abdeljalil opened a new chapter in Libyan political life and illustrated many of the questions and themes that appear likely to shape the transition period. For example, mild controversy over the TNC's choice of location for the announcement—Benghazi—reflects simmering rivalries among locally organized revolutionary groups for influence over national affairs. Some Libyans argued that Tripoli may have been a more appropriate location for the declaration, while other observers questioned whether security concerns in the capital show that the TNC's authority is more limited than many outsiders assume.

The content of Abdeljalil's statement also has attracted domestic and international interest, particularly his emphasis on the population's Islamic character and the extent to which Libyan law may be based on religious law in the future. In his remarks, Abdeljalil stated that "We, as a Muslim state, have taken the Islamic sharia as the main source of legislation, and therefore, any law which contravenes the Islamic principles of sharia, is legally void." He gave as examples policies prohibiting men from marrying more than one wife and allowing interest-based financial transactions. The draft charter that the TNC has proposed to guide the interim transition period states that "Islam is the religion of the state and the principal source of legislation is Islamic jurisprudence (*sharia*).... The State shall guarantee for non-Moslems the freedom of practicing religious rights and shall guarantee respect for their systems of personal status." (See "Interim Transitional National Council (TNC)" and "Transitional National Council Positions and Statements" below.)

Congressional Action and Legislation

Many Members of Congress have welcomed the announcement of Libya's liberation and Qadhafi's death, while expressing concern about security in the country, the potential proliferation of Libyan weapons, and the prospects for a smooth political transition. The Senate version of the FY2012 State Department and Foreign Operations appropriations bill (S. 1601) would provide \$20 million in bilateral Economic Support Fund (ESF) account assistance "to promote democracy, transparent and accountable governance, human rights, transitional justice, and the rule of law in Libya, and for exchange programs between Libyan and American students." The bill prohibits non-loan-based funding for rehabilitation or reconstruction of infrastructure in Libya. The committee report on the bill directs the use of Nonproliferation, Antiterrorism, Demining, and Related Programs (NADR) account funding for disarmament and securing Libyan weapons stockpiles. The Obama Administration has announced its intention to use \$40 million in appropriated funds to support similar efforts that are now ongoing, with U.S. civilian advisers working with the TNC to locate, secure, and disable shoulder-fired missiles and other weaponry.

Figure I. Political Map of Libya



Sources: Congressional Cartography Program, Library of Congress, edited by CRS.

Some Members of Congress have suggested that some frozen Libyan assets should be directed, in consultation with Libyan authorities, toward reimbursement of NATO countries for military operations. Others are seeking to link the availability of assets frozen by the United States to Libyan cooperation with investigations into Qadhafi-era terrorist attacks. (See “Libyan Assets, TNC Funding, and Oil Exports” below.)

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

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

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

Debate between Congress and the Obama Administration about congressional authorization and the cost of U.S. military operations in Libya diminished as the prospect of a sustained military campaign requiring extended U.S. investment and force deployments became less likely. Some Members of Congress sought a clearer definition of U.S. objectives, costs, and operations, and, in June and July, some Members of Congress became increasingly assertive in their efforts to force President Barack Obama to seek congressional authorization for continued U.S. military involvement. A number of proposed resolutions and amendments to appropriations and authorization bills sought to require reporting on U.S. strategy and operations or to proscribe limits on the authorization or funding for continued U.S. military operations in Libya. Others sought to authorize the continued use of U.S. Armed Forces in support of NATO operations, short of the use of ground troops.

On June 3, the House adopted H.Res. 292 (Roll no. 411), which directed the Administration to provide documents on consultation with Congress and a report “describing in detail United States security interests and objectives, and the activities of United States Armed Forces, in Libya since March 19, 2011.” The Administration submitted the report on June 15, 2011.⁴ The House of Representatives rejected a series of other resolutions seeking to authorize or deauthorize continuing U.S. participation in Operation Unified Protector.

Assessment and Key Issues

The Obama Administration’s stated policy objectives in Libya have been to protect civilians and to secure a democratic political transition, including the departure of Muammar al Qadhafi from power and the selection of a new government by the Libyan people. In pursuit of U.S. objectives,

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

the Administration supported military, financial, and diplomatic efforts to enforce United Nations Security Council Resolutions 1970 and 1973, both of which stopped short of calling for Qadhafi's removal. The Administration argued that sustained U.S. and international military and financial pressure would resolve core differences between U.S. and U.N.-endorsed goals by convincing remaining loyalists to withdraw their support for Qadhafi and opening the way for his departure and a settlement of the conflict. Qadhafi's intransigence notwithstanding, the combination of the opposition's military operations and international military and financial pressure appears to have succeeded in convincing many prominent regime figures to defect and ultimately in toppling the Qadhafi regime. The implications of this regime change for Libya, the region, and the United States remain to be seen.

The post-conflict Libyan political order will be complicated by the immediate consequences of the current fighting, the legacies of decades of Qadhafi's patronage- and fear-based rule, and the chronic economic and political challenges that have fueled popular discontent in recent years. Security is the immediate priority, and questions remain about the ability of the TNC to assert control. Prior to the capture of Tripoli, reports from eastern Libya suggested that limited financial resources and latent political rivalries were creating parallel challenges for the TNC as it sought to solidify its base of support among the disparate groups that rose up against Qadhafi. Those challenges are now reflected on a national scale.

The July 2011 assassination of rebel military commander and prominent regime defector Abdelfattah Younis al Ubaydi, reportedly by rival rebel forces, cast serious doubt on the unity of TNC-affiliated military forces and led to the resignation of several TNC leadership figures. Similarly, the controversy surrounding the killing of Qadhafi is reopening questions about military command and control among the revolutionaries. Various rebel groups have stated their recognition of the TNC's authority as a means of securing the country in the immediate aftermath of Qadhafi's fall. However, press reports and interviews suggest that these groups remain wary of each other in some cases, and some calls for changes to the leadership of the TNC have emerged from former rebel groups. TNC officials announced some leadership changes in early October, and an interim government is set to be formed within one month of the October 23 liberation announcement. U.S. officials have not yet indicated they regard the debates and delays as threats to Libya's transition.⁵

Paying salaries, purchasing imports, maintaining public utility services, and meeting administrative and military needs reportedly have tested the limited financial resources and expertise available to the TNC, although some reports suggest that recent infusions of previously frozen assets have reduced some of the financial pressure.⁶ Both financial and administrative challenges have increased now that the TNC is seeking to pay salaries and assert control over Libya's major population center in Tripoli and manage government entities in the rest of the country. Some TNC leaders continue to cite financial constraints in public statements and urge foreign governments to fully release frozen Libyan assets. Some reports from visiting nongovernmental experts and State Department officials suggest that while a lively political atmosphere has emerged in opposition-controlled areas, political support for the TNC among the

⁵ Remarks by TNC Minister for Reconstruction Ahmed Jehani and U.S. Ambassador to Libya Gene Cretz.

⁶ CRS cannot independently verify the state of the opposition's finances, but one opposition source indicated that, as of May, costs had reached \$100 million per day, with gasoline and other fuel imports constituting a particularly critical need. Richard Spencer and Ruth Sherlock, "Libya's Rebels To Run Out of Money 'in Three Weeks,'" *Telegraph* (UK), May 3, 2011; VOA News, "Libya's Rebel Envoy Seeks Frozen Assets," August 25, 2011.

broader population may be contingent on the council's ability to provide basic services and financial support via salaries and subsidies.⁷ Other key TNC and public concerns include providing medical care for wounded volunteer fighters and civilians and channeling financial support and relief supplies to individuals displaced or otherwise negatively effected by the conflict. Organized armed groups or ad hoc citizen coalitions may choose to challenge the TNC if public hardships increase or if TNC political decisions prove controversial. Taken together, these factors suggest that securing U.S. interests in Libya will require sustained attention and resources beyond the scope of the current fighting and emergent transition period.

United Nations Support Mission in Libya (UNSMIL) and Other Stabilization Efforts

The Administration has not publicly disclosed plans for U.S. participation in multilateral post-conflict security, stability, or reconstruction operations in Libya or highlighted requests for new funding to support such efforts by third-parties, including the new United Nations Support Mission in Libya (UNSMIL) established by Resolution 2009.⁸ U.N. Secretary General Ban Ki-moon has named UK-born Ian Martin as the director for UNSMIL. Martin is continuing the work he began in mid-2011 as the Secretary General's special adviser for post-conflict and transition issues in Libya. A sector-by-sector post-conflict needs assessment is planned under the auspices of the TNC, the United Nations, the European Union, the World Bank, and the International Monetary Fund (IMF). A preliminary visit by World Bank and IMF officials took place in early October.

Conventional Weapons and Chemical and Nuclear Materials

The apparent proliferation of small arms, man-portable air defense missile systems (MANPADS), and some heavy weaponry among fighters on both sides of the recent conflict has led some counterterrorism and arms trafficking experts, as well as officials in neighboring countries, to express concern about the conflict's longer-term implications for regional security.⁹ Most security experts expect that unexploded ordnance, explosive remnants, and looted weaponry will present a challenge inside Libya for an extended period of time. On May 9, the Administration notified Congress that it had waived normal congressional notification requirements to immediately obligate \$1.5 million in Nonproliferation, Antiterrorism, Demining and Related Programs (NADR) account funding for "urgently needed assistance to collect, destroy, and reestablish control of Libyan munitions and small arms and light weapons" in response to "a substantial risk to human health or welfare."¹⁰ The funding was provided to nongovernmental organizations

⁷ CRS interviews and review of unpublished NGO and unclassified State Department reporting, May and September 2011.

⁸ The United Nations Department of Political Affairs is responsible for UNSMIL and is funded through assessed contributions of U.N. member states, including the United States.

⁹ For example, these concerns were raised in C. J. Chivers, "Experts Fear Looted Libyan Arms May Find Way to Terrorists," *New York Times*, March 3, 2011. African Union communiqués have expressed concern about regional stability, and some Sahel region governments have specifically warned about Al Qaeda supporters seizing control of specific types of weapons and exploiting the weakness of government forces in Libya to expand their areas of operation and sanctuary. Algerian authorities have reportedly expanded the presence of security forces along their border with Libya and have announced operations to eliminate weapons smugglers and seize smuggled weaponry and explosives.

¹⁰ The notification requirements were waived pursuant to Section 634a of the Foreign Assistance Act of 1961 and Sections 7015(f) and 7015 (e) of the Department of State, Foreign Operations, and Related Programs Appropriations (continued...)

specializing in international demining and ordnance disposal. Those organizations and others are working with the United Nations as part of a Joint Mine Action Coordination Team that issues regular reports on the status of efforts to remove ordnance threats across Libya and related funding needs.¹¹ As of October 2011, these efforts were being expanded through the efforts of a team of U.S. State Department advisers working in Libya with the TNC to secure weapons sites and to relocate and disable MANPADs. The Administration has announced plans to spend approximately \$40 million on this effort, in consultation with Congress.

Regional Smuggling

Israeli officials have stated that “weapons are available in Libya as a result of the unstable situation there, and Hamas has exploited it to buy weapons from Libyan smugglers.”¹² According to unnamed Israeli officials, “thousands” of weapons have entered Gaza from Libya, including “SA-7 anti-aircraft missiles and rocket-propelled grenades (RPGs),” but the weaponry is “not a major qualitative enhancement” for Gaza-based armed groups.¹³ CRS cannot independently verify these statements, and the Obama Administration has not commented on the record regarding reports of arms shipments from Libya to Gaza. Authorities in other countries, including Egypt, Niger, Algeria, and Tunisia have expressed similar concerns. There is no indication that members of the TNC have been involved with reported shipments of weapons and material from Libya to Gaza or other countries since the uprising began.

Chemical Weapons and Nuclear Materials

The security of Libya’s stockpiles of declared chemical weapons material and its remaining nuclear materials also has been the subject of scrutiny.¹⁴ NATO officials report that anti-Qadhafi forces now control the sites where key materials of concerns are stored. Libya destroyed the munitions it possessed for dispersing mustard agent in 2004, and since March 2011, U.S. officials have repeatedly stated publicly that they believe the remaining sulfur mustard agent and precursor stockpiles are secure.¹⁵ The now non-weaponized nature of the sulfur mustard agent and precursor

(...continued)

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

¹¹ For more information see the United Nations Mine Action Service website at <http://www.mineaction.org/overview.asp?o=3994>.

¹² Reuters, “Israel sees Libya as New Source of Arms for Gaza,” July 21, 2011.

¹³ Reuters, “Israel Says Gaza Gets Anti-Plane Arms from Libya,” August 29, 2011.

¹⁴ For an overview of Libya’s declared chemical weapons and nuclear materials see U.S. State Department, *Condition (10) (C) Report - Compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, August 2011; and, International Atomic Energy Agency (IAEA) Board of Governors, *Implementation of the NPT Safeguards Agreement in the Socialist People’s Libyan Arab Jamahiriya*, GOV/2008/39, September 12, 2008.

¹⁵ The chemical materials are stored at Rabta, southwest of Tripoli and Ruwagha, near the Al Jufrah Air Force Base in central Libya. According to the U.S. State Department, identified mustard and nerve agent precursors present in Libya (continued...)

materials suggests that they pose a smaller threat than otherwise may have been the case.¹⁶ In late 2010, Libya had restarted the long-delayed destruction of its mustard agent and precursor stockpiles, although technical problems and the outbreak of the conflict resulted in Libya missing its May 2011 deadline for the destruction of its mustard agent. In August 2011, the State Department reported that prior to the conflict, Libya had destroyed over 50% of its mustard agent stocks and over 40% of its liquid chemical weapons precursors. The transitional authorities are expected to reengage with the multilateral Organization for the Prohibition of Chemical Weapons to set a new destruction timetable.

Libya's nuclear materials also have been subject to international and U.S. oversight and joint operations that removed highly enriched uranium and other proliferation-sensitive items. Libya's research reactor east of Tripoli at Tajura was converted with U.S. assistance in 2006 to operate using low-enriched uranium. Libya also possesses a stored stockpile of at least several hundred tons of uranium oxide yellowcake, reportedly stored near the southern contested city of Sebha. Programs to engage Libyan nuclear scientists reportedly have been disrupted by the recent conflict, but may be restarted as the transition unfolds.

Military Support and Disarmament

Throughout the uprising, the United States and its allies debated means for improving the military capabilities and effectiveness of opposition forces while expressing some concern about the identity and intentions of opposition fighters and the proliferation of small arms and heavy weaponry inside Libya and beyond its borders. Some press reports suggest that Qatar provided weaponry to TNC-affiliated forces and that Qatari, British, French, and Jordanian special forces operatives provided military advice to opposition forces, including during the final campaign to seize Tripoli. CRS cannot confirm these reports. The United Kingdom, Italy, and France acknowledged that they had sent military advisers to Benghazi to work to improve opposition command and control arrangements and communications, outside of their governments' support for NATO operations.

U.S. officials have argued that the rebels' most pressing needs are command and control, communications, training, organization, and logistics support. These needs are expected to last beyond the current fighting in addition to emerging needs associated with reconstituting a national military for Libya, incorporating opposition fighters and former regime personnel into security forces, demobilizing civilian volunteers, and destroying excess weaponry and unexploded ordnance. The Administration notified Congress of plan to offer up to \$25 million in nonlethal material support to groups in Libya, including the TNC.¹⁷ Deliveries had begun, with roughly half of the authorized amount delivered as of early August 2011.

(...continued)

included pinacolyl alcohol, isopropanol, phosphorus trichloride, 2-chloroethanol, tributylamine, and thionyl chloride. See State Department, Office of the Spokesperson, "Libya: Securing Stockpiles Promotes Security," August 26, 2011.

¹⁶ "We believe that it's secure," said Colonel David Lapan, a Pentagon spokesman. "Even if not weaponized, there's still a threat, but it's a smaller threat than if it is weaponized." Agence France Presse, "Libya Has Mustard Gas, Lacks Delivery Systems: Monitor," March 10, 2011.

¹⁷ Items have been drawn from Defense Department stocks and may include medical first aid kits, stretchers, bandages & dressing, surgical tape, blankets, meals ready to eat, tents, sleeping bags, canteens, uniforms, boots, tactical load-bearing vests, bullet-proof vests, military helmets, maps, binoculars, infrared markers, panel marker, infrared (glint) tape, HESCOS (or sandbags), hand shovels, and 9 volt batteries. CRS communication with State Department, April 29, (continued...)

Libyan Assets, TNC Funding, and Oil Exports

The United States and others froze tens of billions of dollars in Libyan state assets, and the Obama Administration placed targeted sanctions on Libyan oil companies and other entities in support of Executive Order 13566 and the U.N. Security Council resolutions 1970 and 1973. The TNC has identified up to \$170 billion in Libyan assets around the world to which it is now seeking access. TNC officials indicate that they plan to prioritize a public financial management assessment in order to give third parties confidence in their ability to responsibly manage blocked assets. U.N. Security Council Resolution 2009 adopted in September 2011 reflects this plan and identifies the World Bank and IMF as partners in conducting the assessment. The intergovernmental Libya Contact Group created a “temporary financial mechanism” to support the TNC,¹⁸ and several governments have pledged hundreds of millions of dollars in aid via this channel.

U.N. Security Council Resolution 2009 reiterated the Security Council’s intent to ensure that frozen assets are made available as soon as possible to and for the benefit of the Libyan people:

- The resolution modifies the existing asset freeze requirements related to certain Libyan entities, lifting entirely the measures applicable to the Libyan National Oil Corporation and setting conditions for the release of some frozen assets belonging to the Central Bank of Libya, the Libya Investment Authority, and other prominent national financial entities.
- Under the changes, U.N. member states, after consulting with Libyan authorities, may notify the sanctions committee on Libya of their “intent to authorize access to funds, other financial assets, or economic resources,” for five purposes: “humanitarian needs; fuel, electricity and water for strictly civilian uses; resuming Libyan production and sale of hydrocarbons; establishing, operating, or strengthening institutions of civilian government and civilian public infrastructure; or facilitating the resumption of banking sector operations, including to support or facilitate international trade with Libya.”
- The Libyan authorities or the U.N. sanctions committee (acting on a consensus basis) may block asset transfer proposals within five days. U.N. asset freezes affecting named individuals remain in place.

Current U.S. Policy on Assets and Sanctions

The Obama Administration has begun transferring \$1.5 billion in frozen Libyan assets for the benefit of the Libyan people and the TNC. According to the State Department, the \$1.5 billion was identified in consultation with the TNC for the following purposes:¹⁹

(...continued)

2011.

¹⁸ Over 20 Contact Group members attended the meeting in Rome including and officials from the Arab League, the African Union, the World Bank, NATO, the Gulf Cooperation Council (GCC), the Organization of the Islamic Conference (OIC), the United Arab Emirates (UAE), Australia, Bahrain, Denmark, France, Germany, Greece, Jordan, Morocco, Netherlands, Poland, Romania, Malta, Canada, Tunisia, Spain, Turkey, the United Kingdom, the United States, Sudan and the Holy See. Portugal observed the meeting.

¹⁹ State Department, Office of the Spokesperson, Unfreezing Assets to Meet the Critical Humanitarian Needs of the (continued...)

- Transfers to international humanitarian organizations: Up to \$120 million for pending United Nations Appeal requests and up to \$380 million more for any revised U.N. Appeals for Libya and other humanitarian needs.
- Transfers to suppliers for fuel and other goods for strictly civilian purposes: Up to \$500 million to pay for fuel costs for strictly civilian needs (e.g., hospitals, electricity, and desalinization) and for other humanitarian purchases.
- Transfers to the Temporary Financial Mechanism established by the Libya Contact Group: Up to \$400 million for providing “key social services, including education and health” and up to \$100 million for “food and other humanitarian needs.”

The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) has issued general licenses, effective September 19, that authorize new transactions with Libyan state entities and maintain the asset freeze established under Executive Order 13566 on named individuals and state entities, with the exception of the National Oil Corporation and other oil sector firms. On September 22, the European Union announced that previously frozen funds belonging to the Central Bank of Libya, the Libyan Investment Authority, the Libyan Foreign Bank, and the Libya Africa Investment Portfolio were authorized to be released “for humanitarian and civilian needs, to support renewed activity in the Libyan oil and banking sectors and to assist with building a civilian government.”²⁰ Resolution 2009 calls on governments to submit individual notifications of intent to the Libyan authorities and the U.N. sanctions committee as part of the process for releasing funds.

Two factors may influence the decisions of U.S. policymakers, their international counterparts, and Libyan authorities about the relative urgency and desirability of releasing frozen funds. First, the TNC’s present need for immediate access to blocked assets may be less severe than it appeared in August, given aid and asset transfers to the TNC worth several billion dollars that have taken place since the fall of Tripoli and the changes outlined in Resolution 2009 that facilitate the future sale of oil and the unblocking of some frozen assets. As of late September, open-source estimates suggested that more than \$15 billion in blocked Libyan assets had been identified by various governments for transfer to the TNC, and press reports suggested that the TNC had located over \$23 billion in previously unknown domestic assets that were contributing to its ability to spend on salaries and services.

Second, countries holding blocked assets, including the United States, may remain wary about the immediate transfer of large sums to the control of the TNC, given emerging political uncertainty about the make-up and priorities of the TNC and its executive authority. Some political groups and local councils are seeking changes to the makeup of the TNC leadership and TNC officials indicate that changes are forthcoming. While recent United Nations resolutions on Libya clearly underscore that blocked assets remain the property of the Libyan people, Resolution 2009 reiterates that, pending transfer for authorized purposes, assets shall remain blocked. It also creates a joint consultation mechanism among Libyan leaders, the sanctions committee, and those governments holding blocked funds.

(...continued)

Libyan People, Washington, DC, August 25, 2011.

²⁰ European Council, EU implements latest U.N. decisions in support of Libya, September 22, 2011.

Libya's Oil Production, Exports, and Revenue

Libya's oil production and export infrastructure appears to have survived the civil conflict relatively unscathed, although some facility damage, the departure of large numbers of laborers and skilled technicians, and the lack of maintenance during the conflict may limit the speed with which production and exports can be restarted.²¹ Prior to the conflict, Libya was exporting 1.3 million barrels of oil per day; current production is roughly 60,000 barrels per day. Experts differ in their projections about how soon production and exports could return to pre-conflict levels, with optimistic and pessimistic assumptions differing over expected security conditions, changes to sanctions, and the return of foreign laborers. The importance of oil exports for Libya cannot be overstated, as the IMF reported in February 2011 that over 90% of state revenue came from the hydrocarbon sector in 2010. On September 6, National Oil Company official Nuri Berruie gave an "optimistic forecast" that in 15 months, production would resume at the pre-war level of 1.6 million barrels per day.

Prior to the rebel victory, the U.S. Treasury Department had issued a Statement of Licensing Policy allowing U.S. persons to request from OFAC "specific authorization to trade in hydrocarbon fuel (*i.e.*, oil, gas, and petroleum products) ... to the extent that such hydrocarbon fuel is exported under the auspices of the Transitional National Council of Libya."²² The license further allowed U.S. persons to request permission "to engage in transactions related to the production of oil, gas, and petroleum products in areas controlled by the Transitional National Council of Libya." More recently released general licenses removed restrictions on transactions with Libyan oil firms.

Humanitarian Conditions and Relief

The gradual consolidation of security and transitional authority control across the country should facilitate greater international humanitarian access to internally displaced Libyans and other communities with humanitarian needs. Those needs are not fully known, but recent assessment visits indicate that the conflict has disrupted the supply of food, medicine, fuel, and other commodities on a nationwide basis. Severe fighting and damage in Sirte and Bani Walid, combined with interruptions to the flow of relief supplies to civilian populations in those areas have been a major concern in recent weeks. The conditional authorization of transfers of assets to and transactions with Libyan government entities could mitigate some concerns about the supply of goods and services to the Libyan population.²³ The TNC, the United Nations, and third parties are expected to discuss needs assessment and resource requirements in more detail over the coming weeks. According to TNC Minister for Reconstruction Jehani, health sector improvements are among the TNC's top priorities because health facilities and personnel have been severely strained and disrupted during the conflict.²⁴ Secretary of State Hillary Clinton

²¹ The oil terminal at Brega reportedly suffered the most damage, along with support infrastructure elsewhere.

²² Office of Foreign Assets Control, Statement of Licensing Policy on the Trade in Oil, Gas, and Petroleum Products Exported Under the Auspices of the Transitional National Council of Libya," (updated April 26, 2011), available at http://www.treasury.gov/resource-center/sanctions/Programs/Documents/libya_oil_gas.pdf.

²³ In May, U.N. Under-Secretary-General and Emergency Relief Coordinator Valerie Amos reported that "The manner in which the sanctions are implemented and monitored is causing serious delays in the arrival of commercial goods." U.N. Document S/PV.6530, Provisional Record of the 6530th meeting of the Security Council, May 9, 2011.

²⁴ Jehani remarks at United States Institute of Peace, September 23, 2011.

announced the United States plans to offer medical treatment assistance to the Libyan people to help address these challenges.

According to the International Organization for Migration (IOM), as of June 14, over 679,000 people had fled the country since the fighting began.²⁵ These include Libyans as well as sizable numbers of third country nationals, notably from Sub-Saharan Africa. Throughout the conflict, the U.S. government and its allies have worked to respond to the repatriation and humanitarian needs of third country nationals. It is not clear how many third country nationals and displaced Libyans may seek to return to the country in the immediate aftermath of liberation. Italy and the European Union have expressed concern about the movements of migrants from Libya by sea, in some cases on ships in unsafe conditions. If security and economic conditions improve in Libya, flows of migrants to Europe could slow.

International Criminal Court and United Nations Human Rights Council Investigations²⁶

On June 27, 2011, Pre-Trial Chamber I of the International Criminal Court (ICC) issued arrest warrants for three individuals: Muammar al Qadhafi, his son Sayf al Islam al Qadhafi, and intelligence chief Abdullah al Senussi, for “crimes against humanity committed against civilians” not including “war crimes committed during the armed conflict that started at the end of February.”²⁷ ICC Prosecutor Luis Moreno-Ocampo requested the warrants on May 16. On May 4, Moreno-Ocampo reported to the Security Council pursuant to the referral of the situation in Libya since February 15, 2011, to the ICC by Resolution 1970, and stated that the preliminary investigation conducted by the ICC prosecutor’s office “establishes reasonable grounds to believe that widespread and systematic attacks against the civilian population, including murder and persecution as crimes against humanity, have been and continue to be committed in Libya,” in addition to “war crimes” during the ongoing armed conflict.²⁸ Prior to Qadhafi’s death, some observers argued that the prospect of an ICC trial made it less likely that he would have agreed to relinquish power or to have surrendered to the opposition.²⁹ Interpol issued arrest warrants for all three individuals. Both the ICC and Interpol have signaled that they intend to maintain their efforts to enforce the warrants against Sayf al Islam al Qadhafi and Abdullah al Senussi, whose whereabouts remain uncertain.

The TNC has been supportive of the ICC efforts to investigate crimes in Libya, but its future plans with regard to the ICC arrest warrants are as yet unclear. TNC officials have pledged to pursue justice for Libyan victims of the recent fighting as well as victims from the Qadhafi era. However, the transfer of individuals to foreign courts could remain politically sensitive for the TNC or its successor. TNC officials have ordered rebel fighters to avoid reprisals, but Qadhafi’s death has brought the effectiveness of those orders under increased scrutiny. Some reports suggest

²⁵ Response to the Libyan Crisis, External Situation Report, September 7, 2011.

²⁶ For more information on the ICC and Africa, see CRS Report R41116, *The International Criminal Court (ICC): Jurisdiction, Extradition, and U.S. Policy*, by Emily C. Barbour and Matthew C. Weed and CRS Report RL34665, *International Criminal Court Cases in Africa: Status and Policy Issues*, coordinated by Alexis Arieff.

²⁷ ICC Prosecutor’s Office, Public Redacted Version of Prosecutor’s Application Pursuant to Article 58 as to Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi, and Abdullah Al Senussi,” May 16, 2011.

²⁸ U.N. Document S/PV.6528, Provisional Record of the 6528th meeting of the Security Council, May 4, 2011.

²⁹ For example, see International Crisis Group, “Popular Protest in North Africa and the Middle East (V): Making Sense of Libya,” Middle East/North Africa Report No. 107, June 6, 2011.

that both pro- and anti-Qadhafi forces may have engaged in summary executions during recent fighting in Tripoli, Bani Walid, and Sirte.

On June 1, 2011, the U.N. Human Rights Council's Commission of Inquiry issued a report characterizing the Libyan conflict as "a civil war" and concluded that "international crimes, and specifically crimes against humanity and war crimes, have been committed."³⁰ With regard to government forces, it stated,

The commission has found that there have been acts constituting murder, imprisonment, other forms of severe deprivation of physical liberty in violation of fundamental rules of international law, torture, persecution, enforced disappearance and sexual abuse that were committed by Government forces as part of a widespread or systematic attack against a civilian population with knowledge of the attack.... The consistent pattern of violations identified creates an inference that they were carried out as a result of policy decisions by Colonel Qadhafi and members of his inner circle. Further investigation is required in relation to making definitive findings with regard to the identity of those responsible for the crimes committed.

With regard to opposition forces, the commission "established that some acts of torture and cruel treatment and some outrages upon personal dignity in particular humiliating and degrading treatment have been committed by opposition armed forces, in particular against persons in detention, migrant workers and those believed to be mercenaries." These acts could constitute war crimes. The commission "is not of the view that the violations committed by the opposition armed forces were part of any 'widespread or systematic attack' against a civilian population such as to amount to crimes against humanity." The commission considered its findings in light of the future transitional justice needs of the Libyan people and recommended that the U.N. Human Rights Council establish a mechanism to continue the monitoring and investigation of human rights abuses in Libya for a period of one year. Many observers expect that the Council mechanism will investigate the circumstances of Qadhafi's death along with reports of summary executions by both sides of the conflict as part of its monitoring efforts over the coming year.

Prospects and Challenges for U.S. Policy

Events in Libya remain fluid and fast-moving. After the swell of confidence and international recognition following the capture of Tripoli, Libya's revolutionaries and the TNC now must embark on an uncharted path of political transition and economic recovery. A large number of armed groups are now active and their continued unity of purpose and endorsement of proposed TNC transition plans (see "Interim Transitional National Council (TNC)" below) cannot be taken for granted. Since the uprising began, U.S. officials have argued that U.S. policy must remain flexible in order to effectively shape and respond to changing developments. Given these circumstances, Administration officials and Members of Congress may seek to define U.S. interests; better understand the range of possible outcomes and discuss their potential implications; and define the authorities for and costs of potential U.S. responses in advance.

³⁰ The commission members are Cherif Bassiouni of Egypt, Asma Khader of Jordan, and Philippe Kirsch of Canada. See U.N. Document A/HRC/17/44, "Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya," June 1, 2011.

Some expert observers of Libya's domestic politics have emphasized the general weakness and fractured condition of Libya's political landscape after 40 years of idiosyncratic abuse by Qadhafi and his supporters. Competition among tribal, regional, or political groups that are not now apparent could emerge during any post-conflict negotiations. The political ascendance of nonviolent Islamist opposition forces or the potential intransigence of any of the armed organized factions now active, including armed Islamists, also may create unique challenges. Opposition ranks might split in the short term over differences in opinion about security arrangements or in the long term over the goals and shape of the post-Qadhafi political system. The United States and Europe have expressed concern about violent Islamist groups in Libya and were pursuing counterterrorism cooperation with the Qadhafi government prior to the unrest.

Possible Questions

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

- In the wake of Qadhafi's downfall, what are the goals of U.S. policy in Libya? What U.S. national interests are at stake? What options exist for securing them? How might continued U.S. or multilateral military interventions to protect civilians contribute to or detract from those goals? What advisory support and assistance should be provided to interim authorities via military and civilian means?
- How are events in Libya likely to shape developments in the broader Middle East and North Africa? What unintended consequences may result from regime change in Libya? What opportunities does regime change present? What precedents have U.S. or multilateral military intervention in the Libyan conflict set and how might those precedents affect the context in which U.S. decision makers respond to other regional crises and events?
- When should the United States transfer Libyan assets to a new Libyan governing authority and for what purposes? Should the United States seek reimbursement from Libya for the cost of military operations or humanitarian assistance?
- In addition to UNSMIL, which actors are providing assistance and advice to Libyans on security, stabilization, and reconstruction in the wake of the conflict? Under what authority and on what terms? What role, if any, will the United States play in a post-conflict setting? What appropriations or authorizations might be required to support such a role?
- Which individuals and groups are emerging as key political, economic, and security actors in Libya? What are their relative goals and agendas? What should be the key components of a future U.S.-Libyan bilateral relationship? What limits to engagement, if any, should the United States impose on its dealings with different Libyan groups? What type of security relationship, if any, should the United States pursue with a new Libyan government?
- What steps, if any, should the United States take to assist Libyan authorities in securing chemical weapons stockpiles and nuclear materials? What can and should be done to limit the proliferation of conventional weaponry within and beyond Libya?

Libyan Political Dynamics and Profiles

Political Dynamics

Prior to the recent conflict, Libya's political dynamics were characterized by competition among interest groups seeking to influence policy within the confines of the country's authoritarian political system and amid Libya's emergence from international isolation. Economic reformers embraced changes to Libya's former socialist model to meet current needs, even as political reforms languished amid disputes between hard-line political forces and reform advocates. In general, the legacies of Italian colonial occupation and Libya's struggle for independence in the early-to-mid-20th century continue to influence Libyan politics. This is reflected in the celebration of the legacy of the anti-colonial figure Omar al Mukhtar during the current uprising.

Prior to the recent unrest, rhetorical references to preserving sovereignty and resistance to foreign domination were common in political statements from all parties. Wariness of ground-based foreign intervention and the slogan "Libyans can do it on their own" common among Libyans reflect that sentiment and are likely to persist in a post-Qadhafi environment. Most Libyans accept a prominent role for Islamic tradition in public life, but differ in their personal preferences and interpretations of their faith. Islam is the official religion and the Quran is the nominal basis for the country's law and its social code.

Tribal relationships have remained socially important, particularly in non-urban settings, and had some political role under Qadhafi with regard to the distribution of leadership positions in government ministries, in some economic relationships between some social groups and families, and in political-military relations. Tribal loyalties reportedly remain strong within and between branches of the armed services, and members of Qadhafi's tribe, the Qadhafa, have held many high-ranking government positions. Some members of larger tribes, such as the Magariha, Misurata, and the Warfalla, sought to advance their broad interests under Qadhafi through control of official positions of influence, although some of their members opposed the regime on grounds of tribal discrimination.

Competition for influence among Libya's regions characterized the pre-Qadhafi period, and some saw the 1969 Qadhafi-led revolution as having been partly facilitated by western and southern Libyan resentments of the Al Sanusi monarchy based in the eastern Libyan region of Cyrenaica. More recent Libyan politics have not been dominated by overt inter-regional tension, although pro-Qadhafi forces accused the organizers and leaders of the revolt as having, *inter alia*, an eastern regional separatist agenda. The TNC denied these accusations and has quickly moved representatives westward to Tripoli, while proposing changes to the structure and membership of the TNC to improve national representation. Some reports suggest that federalism is one model being explored by some groups, although the TNC has not endorsed federalism to date.

Political parties and all opposition groups were banned under Qadhafi. Formal political pluralism was frowned upon by many members of the ruling elite, even as, in the period preceding the unrest, some regime figures advocated for greater popular participation in existing government institutions. The general lack of widespread experience in formal political organization, competition, and administration is likely to remain a challenge in the immediate post-Qadhafi era. Independent NGO reports suggest ad hoc political organization is ongoing across opposition-held areas and much of it reflects a desire for institution-based, democratic governance rooted in the rule of law. Some nascent political and social groups have sought external training and support to

overcome the legacy of decades of restrictions. The continued openness of newly liberated Libyans to outside examples and assistance remains to be determined, and different groups are likely to take different approaches.

Prior to the 2011 uprising, Libya's opposition movements were often categorized broadly as Islamist, royalist, or secular nationalist in orientation. Their activities and effectiveness had been largely limited by government repression and infiltration, disorganization, rivalry, and ideological differences. New efforts to coordinate opposition activities had begun in response to Libya's reintegration to the international community and the emergence of a broader political reform debate in the Arab world, and gained momentum with the outbreak of region-wide protests and political change in late 2010 and early 2011. The infusion of popular support and regime defectors to the broadly defined opposition cause inside Libya was welcomed by many established opposition groups, even if the specific political demands of newly active opposition supporters and their compatibility with the agendas of the established groups remain unclear.

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

Interim Transitional National Council (TNC)

Early in the uprising against Qadhafi, opposition leaders formed a 45-member Interim Transitional National Council (TNC) in the eastern city of Benghazi to coordinate resistance efforts and to serve as an international representative for the Libyan people. Endorsements from self-organized local councils established some basic political legitimacy and authority for the TNC, and its leaders addressed their plans and appeals to all Libyans regardless of region or political orientation in the hopes of maintaining unity. The TNC took on some of the functions of government in liberated areas of the east, although all accounts suggest that Libyan citizens' volunteer efforts and restraint were mainly responsible for the maintenance of order. The TNC's authority over volunteer fighters appeared tenuous at best during much of the conflict.

As of late October, the TNC had assumed responsibility for transition efforts nationwide, working through the local councils that established its legitimacy. Leading TNC figures have relocated to Tripoli to direct efforts from the capital. Many world governments have recognized the TNC as "the legitimate representative of the Libyan people," and the U.N. General Assembly voted to grant the TNC Libya's seat at the United Nations. The United States government refers to the TNC as "the legitimate interlocutor for the Libyan people during this interim period."

Throughout the conflict, limited information has been available about the TNC's relationships with many emergent opposition leaders, particularly in western Libya, whose identities TNC leaders claimed needed to remain secret for their protection. The prominent role played by western activists and armed elements in capturing Tripoli and the criticism that some groups have made of TNC leaders and decisions in the wake of the capture of Tripoli illustrates the challenges facing the TNC. Some opposition supporters, including the Libyan Muslim Brotherhood and local leaders from Misuratah, have indicated they will not support the participation of some former government officials in any future transitional political arrangement. These concerns led to delays in announcing a reorganization of the TNC executive authority and may now delay the formation of an interim government, even though critical groups and figures have endorsed the TNC's transition roadmap in general terms.

The TNC has laid out key aspects of its political platform and proposed roadmap for the transition in a bid to communicate clearly with domestic supporters and the international community. The TNC also has taken steps to clarify the legislative role of the Council and the role of its “executive authority” and “stabilization team.”

- According to TNC officials and a draft interim national charter, current plans call for local councils to select representatives to a reconstituted National Transitional Council, which will remain “the supreme authority” in Libya, deriving its legitimacy from “the Revolution of February 17.”³¹ A declaration of liberation will have started the proposed sequence for the transition, with key milestones expected over a period of 20 months.
- After naming an interim government—within 30 days of a declaration of liberation—the TNC is to choose members by secret ballot for a Constitutional Authority to draft a constitution that would then be subject to a popular referendum. Within 60 days of the approval of a constitution, the TNC will provide electoral laws for U.N.-supervised national elections to be held within six months for a legislature and president.
- The executive authority, which has been led by Prime Minister Mahmoud Jibril and deputy chairman Ali Tarhouni, plays a cabinet function. Individuals are responsible for discrete portfolios including internal security, foreign relations, social affairs, reconstruction and Islamic endowments, among others. Jibril has announced his intention to resign, and it appears likely that Tarhouni will take a leading role until the interim government is formed.
- The stabilization team, led by Minister for Reconstruction Ahmed Jehani, is responsible for overseeing transition efforts across all sectors. The team developed detailed plans in consultation with Libyans and external parties in preparation for the end of the conflict. Minister Jehani is now coordinating TNC interaction with external parties on implementing those plans in key sectors such as public finance, public security, health, education, and civil service reform.

Transition plans include a series of restrictions on the ability of TNC and executive authority members from holding dual office, benefitting from transactions involving state property, and standing for some future elected positions. The draft charter states that “Islam is the religion of the state and the principal source of legislation is Islamic jurisprudence (*sharia*).... The State shall guarantee for non-Moslems the freedom of practicing religious rights and shall guarantee respect for their systems of personal status.”

Prominent TNC Figures

- **Mustafa Abdeljalil.** (aka Mustafa Abdeljalil Fadl) Serves as chairman of the interim Transitional National Council. He served as Libya’s justice minister from 2007 through the onset of the uprising. He is known for having been supportive of some reform initiatives advanced by Sayf al Islam al Qadhafi and for challenging Muammar al Qadhafi and his supporters regarding due process and

³¹ CRS obtained a draft interim national charter from an independent source as well as from a translated version available from the U.S. Open Source Center. Pending the availability of a final official version, this analysis is subject to change.

incarceration of prisoners in some prominent legal cases during 2009 and 2010. He attempted to resign from his position in early 2010.³² He is a native of Bayda, where he once served as chief judge. He is 59 years old. In February, Abdeljalil claimed to have evidence that Qadhafi ordered the terrorist attack on Pan Am Flight 103. His statements suggest he is sympathetic to demands from Islamist groups that their interests be reflected in transitional arrangements.

- **Mahmoud Jibril.** (aka Mahmoud Jibril Ibrahim Al Warfali) Mahmoud Jibril has served as the interim prime minister and the foreign affairs representative for the executive bureau of the TNC since its formation. He has recently expressed his intention to resign, citing opposition to his continued service from a range of domestic interest groups, many of which have made public statements questioning his performance. He is a graduate of the University of Pittsburgh, where he earned a masters degree in political science and a Ph.D. in planning in the early 1980s. He is 58 years old, and is described by personal acquaintances and professional contacts as being intelligent, moderate, analytical, detail-oriented, and an articulate English speaker. He worked as an independent consultant prior to serving as the secretary of the Libyan National Planning Council and director-general of the National Economic Development Board (NEDB) from 2007 onward. The NEDB was a government entity affiliated with Muammar al Qadhafi's relatively reform-oriented son Sayf al Islam that was tasked with proposing institutional reform and attracting foreign investment and educational exchange opportunities to Libya. He visited Washington, DC, during the week of May 9 and met with Members of Congress, Senators, and Administration officials.
- **Ali Tarhouni.** Served as the vice chairman of the TNC executive authority and its primary oil and finance representative until the position of vice chairman was eliminated in the October 2011 reorganization of the executive authority. He retained his finance and oil portfolio and remains active in TNC efforts to implement transition plans. He returned to Libya from the United States where he has lived since the early 1970s and worked as an economics professor at the University of Washington.
- **Abdel Hafez Ghoga.** Serves as a spokesman for the TNC. He is described in the Libyan press as a "human rights lawyer and community organizer." Reports suggest that Ghoga had been working to organize a national transitional council at the same time as Mustafa Abdeljalil and others were working to form the TNC. The two figures reportedly agreed to cooperate.
- **Ahmed Jehani.** Serves as minister of infrastructure and reconstruction and chairman of the TNC "stabilization team." Jehani is a former World Bank adviser and country director. He served with Mahmoud Jibril as the associate director general of the National Economic Development Board (NEDB). In the 1970s he served as general counsel for the Libyan National Oil Company. He holds legal degrees from Harvard and the Fletcher School of Law and Diplomacy.

³² OSC Report GMP20100128950040, "Libyan Minister of Justice Resigns Over 'Harsh' Criticism in People's Congress," January 28, 2010.

Armed Forces

The TNC and volunteer militia groups established a military council to coordinate the efforts of volunteers and defectors, and a Tripoli-based higher security council seeks to coordinate the efforts of volunteer militia groups and former regime security officials. TNC representatives have sought to manage rivalries among leading defectors, former exiles, and volunteers, while remaining vague about the role of former regime military forces who defected. Rebel operations during the conflict do not appear to have featured intact regular military units. Opposition-affiliated forces include the “17 February Forces,” the “Army of Free Libya,” and groups made up of various volunteers, including secularists and Islamists. City-based militias remain active and have demonstrated a willingness and ability to work independently of their counterparts and the TNC.

Consistent coordination among the different volunteer armed elements has not been apparent, and key figures Abdelfattah Younis al Ubaydi and Khalifah Belqasim Haftar reportedly competed for leadership of the opposition’s overall efforts prior to Younis’s assassination in July by an unidentified faction.³³ During the conflict, much of the reporting from combat areas regularly described the opposition as mostly untrained, poorly equipped, uncoordinated, and without professional logistics or communications support.³⁴ The coordinated assault on Tripoli, including the reported intervention by Misuratah-based fighters, appeared to belie those descriptions and suggest improvement, even as subsequent urban fighting in Tripoli and in pro-Qadhafi strongholds in Sirte, Bani Walid, and Sebha was chaotic.

At present, prominent military and security figures include

- **Major General Jalal al Dughayli.** Renamed as the military affairs chief (or “defense minister”) of the TNC executive authority in October 2011. Visited Egypt and Qatar in his capacity as defense chief for the TNC during conflict. In his address following Qadhafi’s death, he urged volunteer fighters to obey TNC authorities and direct their weapons and vehicles for the use of the new Libyan armed forces. He also urged Libyans to turn from the “lesser jihad” of combat to the “greater jihad” of a building “a modern homeland based on the constitution, law, party pluralism, justice, democracy, and freedom.”³⁵
- **Omar al Hariri.** Served as a military affairs representative on the TNC prior to October 2011. Hariri participated in 1969 anti-monarchy coup alongside Qadhafi,

³³ Kareem Fahim, “Rebel Leadership Shows Signs of Strain in Libya,” *New York Times*, April 4, 2011; Kim Sengupta, “Divided and Disorganised, Libyan Rebel Military Turn on NATO Allies,” *The Independent* (UK), April 7, 2011; and, Rod Nordland, “As British Help Libyan Rebels, Aid Goes to a Divided Force,” *New York Times*, April 19, 2011.

³⁴ One early April account described the opposition forces as follows: “The hard core of the fighters has been the *shabaab*—the young people whose protests in mid-February sparked the uprising. They range from street toughs to university students (many in computer science, engineering, or medicine), and have been joined by unemployed hipsters and middle-aged mechanics, merchants, and storekeepers. There is a contingent of workers for foreign companies: oil and maritime engineers, construction supervisors, translators. There are former soldiers, their gunstocks painted red, green, and black—the suddenly ubiquitous colors of the pre-Qaddafi Libyan flag. And there are a few bearded religious men, more disciplined than the others, who appear intent on fighting at the dangerous tip of the advancing lines.... With professional training and leadership (presumably from abroad), the rebels may eventually turn into something like a proper army. But, for now, they have perhaps only a thousand trained fighters, and are woefully outgunned.” Jon Lee Anderson, “Who are the Rebels?” *The New Yorker*, April 4, 2011.

³⁵ OSC Report GMP20111020631002, “Libyan Defense Minister Makes Statement on Al-Qadhafi’s Demise,” October 20, 2011.

but later was imprisoned and sentenced to death on suspicion of plotting an uprising in 1975. He was moved to Tobruk and placed under house arrest in 1990. He is 67 years old. He has been quoted as calling for “a multi-party system” for Libya.

- **Abdelfattah Younis al Ubaydi.** Assassinated in July 2011. Participated in the 1969 anti-monarchy coup alongside Qadhafi. Prior to the conflict, he served as minister for public security and a special forces commander, which put him in charge of some internal security forces through the start of the uprising. His resignation and defection came just hours after Muammar al Qadhafi specifically named him as one of his key supporters in a February 22 speech. Human rights concerns prior to and potentially during the beginning of the unrest could have involved forces under his command. He was the TNC-appointed leader of military operations and remained an outspoken advocate for the opposition cause until his death. Subsequent reports suggested that allegations that he misled the opposition about his activities and forces may have contributed to suspicions that he remained a clandestine Qadhafi supporter.
- **Colonel Khalifah Belqasim Haftar.** A veteran of the ill-fated Libyan invasion of Chad during the 1980s, he turned against Qadhafi. Colonel Haftar returned to Libya from exile in the United States after the uprising began.³⁶ In the past, Haftar has been mentioned as a leader of the Libyan Movement for Change and Reform and the Libyan National Army, an armed opposition group reported to have received support from foreign intelligence agencies and alleged to have been involved in past attempts to overthrow Qadhafi.³⁷ Press reports suggest Haftar is contributing to training and command efforts and either took or was granted the rank/title of general. Reports also suggest that the TNC may have sought to remove him from a command role, and that Haftar has resisted those efforts.
- **Major Abdelmoneim Al Huni.** An original member of the Revolution Command Council, Al Huni had been serving as Libya’s representative to the Arab League and resigned in protest of the use of force against protestors. Regional press accounts from the 1990s describe Al Huni as having coordinated with the opposition efforts of Colonel Haftar and others, before Al Huni reconciled with Qadhafi in 2000.
- **Abdelhakim Belhajj.** Reported to be the commander of a significant contingent of opposition forces involved in the capture of Tripoli, Belhajj is otherwise known as the former commander of the Libyan Islamic Fighting Group, a U.S.-designated Foreign Terrorist Organization. Belhajj, a veteran of the anti-Soviet period in Afghanistan, fled Afghanistan via Iran and Thailand in the wake of the U.S. invasion in 2001 and was detained and transferred to Libyan detention. He remained imprisoned until 2010, when he was released as part of a reconciliation agreement between the Qadhafi government and the LIFG.³⁸

³⁶ Chris Adams, “Libyan rebel leader spent much of past 20 years in suburban Virginia,” *McClatchy Newspapers*, March 26, 2011.

³⁷ OSC Report FTS19960821000373, “U.S.-Based Oppositionist Has ‘Secret Meetings’ Near Tripoli,” August 21, 1996.

³⁸ Rod Nordland, “As British Help Libyan Rebels, Aid Goes to a Divided Force,” *New York Times*, April 19, 2011.

- **Abdullah Ahmed Nakir al Zintani.** Chairman of the Tripoli Council of Revolutionaries, whose armed wing has been reported to include up to 7,000 armed fighters. In September he told an interviewer, “We fought and brought down Al Qadhafi’s regime. We fought the battle for ours and our people’s freedom. No new government can be formed without our knowledge, and we must be represented in it. ... We have cadres of seasoned politicians and even academics of the highest level, who should join the government. We should get 50 percent of the ministerial portfolios.”³⁹

Exiles and Al Sanusi Monarchy Figures

Complex relationships among former regime figures, competing heirs to the former monarchy (1951-1969), and long-standing opposition leaders may evolve as specific arrangements are made for reconciliation and a new government.

Opposition groups in exile have included the National Alliance, the Libyan National Movement (LNM), the Libyan Movement for Change and Reform, the Islamist Rally, the National Libyan Salvation Front (NLSF), and the Republican Rally for Democracy and Justice. These groups and others held an opposition conference—known as the National Conference for the Libyan Opposition (NCLO)—in July 2005 in London and issued a “national accord,” calling for the removal of Qadhafi from power and the establishment of a transitional government.⁴⁰ A follow-up meeting was held in March 2008.⁴¹ The NCLO reportedly helped lead the call for the February 17, 2011, “day of rage” that helped catalyze protests into a full-blown uprising against Qadhafi.

A royalist contingent based on the widely recognized claim to the leadership of the royal family by Mohammed al Rida al Sanusi, the son of the former Libyan crown prince, has been based in London.⁴² His claim is disputed by a distant relative, whose family members also have given interviews to international media outlets. On April 20, Mohammed al Sanusi met with members of the European Parliament and said, “it is up to the Libyan people to decide whether they go down the road of a constitutional monarchy or that of a republic.” He recently repeated similar sentiments and called on Libyans “to lay the foundations for a democratic state.” The Libyan constitutional monarchy system was overturned by Qadhafi in 1969, and Al Sanusi believes the old constitution, if “suitably updated,” could “form the basis of a new Libya.” He also has pledged to “assist in creating a democratic state for Libyans based on a representative parliament chosen by free and fair elections.”

³⁹ OSC Report GMP20110928120003, “Tripoli Rebel Leader on Security Situation, Differences With TNC, Others,” September 28, 2011.

⁴⁰ May Youssef, “Anti-Gaddafists Rally in London,” *Al Ahram Weekly (Cairo)*, No. 749, June 30 - July 6, 2005; *Al Jazeera (Doha)*, “Opposition Plans to Oust Al Qadhafi,” June 25, 2005; *Middle East Mirror*, “Libya’s Fractured Opposition,” July 29, 2005.

⁴¹ “Libyan Opposition Groups Meet in London To Reiterate Commitment To Save Libya,” OSC Report GMP20080329825012, March 29, 2008.

⁴² His family name also is transliterated as Al Senussi. Immediately prior to his departure for medical treatment in August 1969, the late King Idris signaled his intent to abdicate and pass authority to his crown prince and nephew, Hasan al Rida al Mahdi al Sanusi. Crown Prince Hasan was serving as regent during the Qadhafi coup, and he and his family were imprisoned and placed under house arrest until being allowed to leave Libya in the late 1980s. Each of King Idris’s potential direct heirs died as children. Upon Prince Hasan’s death in 1992, he passed the title of head of the Al Sanusi royal house to his son, Prince Mohammed al Rida al Sanusi.

Libyan Islamists and the TNC

Like citizens in other Middle Eastern societies, Libyans have grappled with questions posed by Islamist activism, state repression of Islamist groups, and violent Islamist extremism over a period of decades. As the transition period unfolds, Libyans will be debating the role of Islamist groups in political life, the role of Islam in society, and the nature and proper responses to threats posed by armed extremist groups. These debates may have implications for U.S. policy toward Libya and the region.

The Muslim Brotherhood

A statement attributed to the Libyan Muslim Brotherhood in late February 2011 welcomed the formation of the TNC but called for a future, non-tribal government to “be formed by those who actually led the revolution on the ground” and to exclude supporters of the original Qadhafi coup or officials involved in human rights violations.⁴³ This would seem to implicate some original Qadhafi allies and security officials who have defected to the opposition cause. An individual with reported links to the Muslim Brotherhood, Dr. Ali al Salabi, has criticized the TNC leadership on these grounds in the wake of the capture of Tripoli.⁴⁴ In the past, the controller general of the Libyan Muslim Brotherhood, Suleiman Abdel Qadir, has described the Brotherhood’s objectives as peaceful and policy-focused, and has long called for the cancellation of laws restricting political rights.⁴⁵ In a September interview, he reportedly stated “I think it is wrong to describe some revolutionaries as extremists because this could trigger dire reaction. It is also wrong to talk of benefitting from the cadres of the [former Libyan] regime in the forthcoming stage.”⁴⁶

Like other political organizations and opposition groups, the Muslim Brotherhood was banned in Libya under Qadhafi. Since the late 1940s, when members of the Egyptian Muslim Brotherhood first entered Libya following a crackdown on their activities, the Libyan Muslim Brotherhood has existed as a semi-official organization. Hundreds of Brotherhood members and activists were jailed in 1973, although the Brotherhood eventually reemerged and operated as a clandestine organization for much of the following two decades. In 1998, a second round of mass arrests took place, and 152 Brotherhood leaders and members were arrested. Several reportedly died in custody, and, following trials in 2001 and 2002, two prominent Brotherhood leaders were

⁴³ OSC Report GMP20110228405001, “Libyan Muslim Brotherhood Group Supports ‘Glorious Revolution,’” February 28, 2011.

⁴⁴ Al Salabi is referred to in regional press outlets as a prominent Muslim Brotherhood supporter. In the past, Al Salabi facilitated the government’s dialogue with imprisoned Islamists.

⁴⁵ In 2007, Abdel Qadir responded to political reform statements by Sayf al Islam al Qadhafi with calls for more inclusive, consultative decision making. In a November 2008 interview, Abdel Qadir noted that reform outreach was taking place under the auspices of the Qadhafi Foundation and not through official state organs, which in his view undermined the significance of the outreach. He also repeated calls for reform and reconciliation aimed at creating a constitution and protecting civil rights for Libyans. See OSC Report GMP20050803550006, “Al Jazirah TV Interviews Libyan Muslim Brotherhood Leader on Current Situation,” August 3, 2005; OSC Report GMP20070830282001, “Libyan MB Concerned Over Sayf al-Islam’s Statements Regarding New Constitution,” August 30, 2007; and, OSC Report GMP20081111635001, “Libyan Muslim Brotherhood Official on Libya’s Foreign, Domestic Politics,” November 10, 2008.

⁴⁶ OSC Report GMP20110920825008, “Libya’s MB Leader: Competence, Election Criteria for Government Formation,” September 20, 2011.

sentenced to death and over 70 were sentenced to life in prison.⁴⁷ The government announced a retrial for the imprisoned Brotherhood activists in October 2005, and in March 2006, the group's 84 remaining imprisoned members were released.⁴⁸

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

The LIFG is a U.S.-designated Foreign Terrorist Organization and Islamist movement that used violence in past attempts to overthrow Muammar al Qadhafi and his government.⁴⁹ Over the last 20-plus years, members of the LIFG are reported to have fought in various conflicts around the world involving Muslims, including in Afghanistan during the 1980s, the Balkans during the 1990s, and Iraq after 2003. According to the U.S. State Department, members of the group at times have demonstrated distinct and competing priorities: "some members maintained a strictly anti-Qadhafi focus ... others ... aligned with Osama bin Laden, and are believed to be part of the Al Qaeda leadership structure or active in international terrorism."⁵⁰ According to the 2010 State Department report on terrorism released in August 2011, many LIFG members in Europe and Libya rejected a 2007 statement by Ayman al Zawahiri and the late Abu Layth Al Libi announcing the merger of the LIFG with Al Qaeda.⁵¹ In a July 2009 statement, LIFG members in Britain characterized the November 2007 Al Qaeda affiliation announcement as "a personal decision that is at variance with the basic status of the group," and sought to "clearly emphasize that the group is not, has never been, and will never be, linked to the Al Qaeda organization."⁵²

While publicly rejecting Al Qaeda affiliation, the 2009 LIFG statement warned the Qadhafi government that the group would "preserve [its] lawful and natural right to oppose the regime if it does not turn its back on its previous policy that has led to tension and deadlock." The participation of LIFG figures in recent military operations against pro-Qadhafi forces illustrated this commitment. However, prior to the recent unrest, many leading LIFG figures had been imprisoned and released after renouncing the use of violence as part of a dialogue and reconciliation process with the Qadhafi government.⁵³ Some figures affiliated with the LIFG, such as current Tripoli-based militia commander Abdelhakim Belhajj, participated in this reconciliation process and have reiterated their rejection of Al Qaeda and its ideology in public interviews in recent weeks (see below).

⁴⁷ The two were group leaders Dr. Abdullah Ahmed Izzadin and Dr. Salem Mohammed Abu Hanek.

⁴⁸ Afaf El Geblawi, "Libya Frees All Jailed Muslim Brotherhood Members," *Agence France Presse*, March 3, 2006.

⁴⁹ The United States froze the LIFG's U.S. assets under Executive Order 13224 in September 2001, and formally designated the LIFG as a Foreign Terrorist Organization in December 2004.

⁵⁰ See U.S. Department of State, "Terrorist Organizations: LIFG," *Country Reports on Terrorism 2010*, August 2011.

⁵¹ OSC Report FEA20071104393586, "Al-Zawahiri, Al-Libi: Libyan Islamic Fighting Group Joins Al-Qa'ida," November 3, 2007.

⁵² OSC Report GMP20090703825003, "Libyan Islamic Fighting Group Abroad Issues Statement Supporting Regime Dialogue," July 3, 2009.

⁵³ Through this process, over 200 LIFG members were released from jail, including senior leaders and former commanders who have been active during the recent unrest. Prominent prisoners released under the auspices of the reconciliation program include former LIFG leader Abdelhakim Belhajj, former military director Khaled Sharif, and leading LIFG ideologue Sami Sa'idi. OSC Report GMP20100323950045, "Three leaders of Libyan Fighting Group freed – paper," March 23, 2010.

Some Libya-based members of the LIFG responded to the release of leading figures on February 16 by announcing the reorganization of the group as the Libyan Islamic Movement for Change (LIMC). The LIMC demands political change and an end to corruption, and has underscored its decision to “enter a new stage of struggle in which we do not adopt an armed program but a belief in the Libyan people’s ability to bring about the change to which we are aspiring.”⁵⁴

Al Qaeda Affiliation and Recantations

The United States froze the LIFG’s U.S. assets under Executive Order 13224 in September 2001, and formally designated the LIFG as a Foreign Terrorist Organization in December 2004. In February 2006, the U.S. Department of the Treasury designated five individuals and four entities in the United Kingdom as Specially Designated Global Terrorists for their role in supporting the LIFG.⁵⁵ On October 30, 2008, Treasury designated three more LIFG financiers.⁵⁶ Some observers characterized the designations as a U.S. gesture of solidarity with the Qadhafi government and argued that the ability and willingness of the LIFG to mount terror attacks in Libya may have been limited. Others claimed that some LIFG fighters were allied with other violent Islamist groups operating in the trans-Sahara region, and cited evidence of Libyan fighters joining the Iraqi insurgency as an indication of ongoing Islamist militancy in Libya and a harbinger of a possible increase in violence associated with fighters returning from Iraq.⁵⁷

In November 2007, Al Qaeda figures Ayman al Zawahiri and Abu Layth al Libi announced the merger of the LIFG with Al Qaeda, which many terrorism analysts viewed at the time as having political rather than operational relevance.⁵⁸ Abu Layth Al Libi was killed in an air strike in Pakistan in February 2008. The group’s reported ties with Al Qaeda came under scrutiny in July 2009 after group members based in Britain reportedly renounced the group’s affiliation with Al Qaeda, and contrasted the LIFG with others who use indiscriminate bombing and target civilians.⁵⁹ The statement warned that the group would “preserve [its] lawful and natural right to oppose the regime if it does not turn its back on its previous policy that has led to tension and deadlock.”

The Libyan government and the LIFG reached an agreement in which LIFG leaders renounced violence against the Libyan state, and, later in 2009, the dialogue resulted in the issuance of written “recantations” of the LIFG’s former views on religion and violence.⁶⁰ In October 2009,

⁵⁴ OSC Report GMP20110217825017, “Libya: IFG Elements Establish New Group Aiming for Peaceful Regime Change,” February 17, 2011.

⁵⁵ U.S. Department of the Treasury, “Treasury Designates UK-Based Individuals, Entities Financing Al Qaida-Affiliated LIFG,” JS-4016, February 8, 2006.

⁵⁶ U.S. Department of the Treasury, “Three LIFG Members Designation for Terrorism,” HP-1244, October 30, 2008.

⁵⁷ Alison Pargeter, “Militant Groups Pose Security Challenge for Libyan Regime,” *Janes Intelligence Review*, Vol. 17, No. 8, August 2005, pp. 16-19.

⁵⁸ OSC Report FEA20071104393586, “Al-Zawahiri, Al-Libi: Libyan Islamic Fighting Group Joins Al-Qa’ida,” November 3, 2007.

⁵⁹ In a July 2009 statement, LIFG members in Britain characterized the November 2007 Al Qaeda affiliation announcement from the late Abu Layth Al Libi as “a personal decision that is at variance with the basic status of the group,” and sought to “clearly emphasize that the group is not, has never been, and will never be, linked to the Al Qaeda organization.” OSC Report GMP20090703825003, “Libyan Islamic Fighting Group Abroad Issues Statement Supporting Regime Dialogue,” July 3, 2009.

⁶⁰ “Report on ‘Seething Anger’ in Libya Over Dismantling Al Qa’ida-Linked Cells,” OSC Report GMP20080630825001 June 30, 2008; “Libya: Jailed Islamic Group Leaders ‘Preparing’ To Renounce Armed (continued...)”

over 40 LIFG prisoners were released, alongside other Islamists. However, Libyan and U.S. concerns about LIFG's domestic and international activities persisted. Qadhafi announced the release of the final 110 "reconciled" LIFG members at the outset of the 2011 uprising, reportedly including Abdelwahhab Muhammad Qayid, who has been identified in some sources as the brother of prominent Al Qaeda ideologue Abu Yahya al Libi. In March 2011, Abu Yahya Al Libi released a video condemning Qadhafi and calling on Libyans to use arms against Qadhafi supporters, but to refrain from violence or criminality against each other.⁶¹

Al Qaeda in the Lands of the Islamic Maghreb (AQLIM/AQIM)⁶²

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

While the imprisoned, Libya-based leaders of the LIFG participated in reconciliation with Qadhafi's government and renounced violence as a domestic political tool, the participation of some of their supporters in efforts to send Libyans abroad to participate in insurgencies and terrorism has raised concerns about the potential for cooperation between AQIM and some Libyan Islamists. Former Guantanamo Bay detainee Abu Sufian Hamuda Bin Qumu has attracted some media attention, and one figure, Abdelhakim Al Hasadi, is leading ad hoc security arrangements in the eastern city of Darnah, which was home to several dozen Libyan recruits who travelled to Iraq to fight U.S. and coalition forces.⁶³ TNC oversight of his operations is not apparent, although he has indicated his support for the Council's role. As noted above, the group's former commander, Abdelhakim Belhajj, is playing a leadership role in some military operations in and around Tripoli. Some Libyan observers have been critical of international media coverage of these individuals and argue they represent an exception and have been given too much attention.

On April 16, London-based pan-Arab newspaper *Al Hayat* published an email interview with a reported spokesman for AQIM named Salah Abu Muhammad, who stated that AQIM had obtained weaponry from Libyan military stockpiles and claimed that AQIM had cooperative

(...continued)

Violence," OSC Report GMP20080706837002, July 6, 2008; "Libyan Islamic Fighting Group Source Announces Ideology Revision Nearly Complete," OSC Report GMP20090615825012, June 15, 2009; and OSC Reports, GMP20090911452001, GMP20090911452002, GMP2009091145200, GMP20090910488004, GMP20090911452004, GMP20090915452001, "Libyan Newspaper Publishes Libyan Fighting Group Retractions," September 2009.

⁶¹ OSC Report GMP20110313479001, "New Abu-Yahya al-Libi Video: 'To Our People in Libya,'" March 12, 2011.

⁶² For more information on AQIM and its relationship to Al Qaeda, see CRS Report R41070, *Al Qaeda and Affiliates: Historical Perspective, Global Presence, and Implications for U.S. Policy*, coordinated by John Rollins.

⁶³ Kevin Peraino, "Destination Martyrdom," *Newsweek*, April 19, 2008. Al Hasadi claims to have recruited Libyans to fight in Iraq, but has publicly denied accusations he is affiliated with Al Qaeda or is seeking to establish Islamist rule in Darnah or on a national basis. Al Hasadi appeared on Al Jazeera and read a statement denying the Libyan government's accusations. See OSC Report GMP20110225648002, "Libya: Former LIFG Leader Denies Plan To Establish 'Islamic Emirate' in Darnah," February 25, 2011; and, OSC Report EUP20110322025008, "Libya: Rebel Leader in Derna Denies Local Presence of Extremists, Al-Qa'ida," March 22, 2011.

relationships with Al Hasadi and so-called “emirates” in several eastern Libyan cities. A subsequent statement from another reported AQIM source accused Algerian intelligence services of fabricating the Abu Muhammad interview.⁶⁴ Neither source could be independently verified.

A March 17 statement attributed to AQIM leader Abdelmalik Droukdel (aka Abu Mus’ab al Wudud) addressed Libyan rebels and sought to associate the Libyan uprising with Al Qaeda’s campaign against Arab and Western governments.⁶⁵ The statement advised Libyans to avoid cooperation with the United States and “to rally around the revolutionary leaders who are holding fast to their Islamic faith and whose readiness to make sacrifices has been proven on the battlefield.” Other AQIM figures have sought to explain that their organization is not seeking to direct or claim credit for the Libyan uprising, but that AQIM is supportive of the campaign against Qadhafi.

Transitional National Council Positions and Statements

To date, the leadership of the TNC has not demonstrated rhetorical or material support for Al Qaeda, the Muslim Brotherhood, or Hamas. TNC officials repeatedly emphasize their concerns about the proliferation of small arms and light weapons within and potentially beyond Libya. The TNC has not taken public positions on a number of foreign policy matters—including the Israeli-Palestinian conflict—in line with its commitment to leave the definition of Libyan foreign policy to a future elected government. On March 30, the TNC released a statement affirming its support for U.N. Security Council resolutions on Al Qaeda and the Taliban and U.N. conventions on terrorism. The statement “affirms the Islamic identity of the Libyan People, its commitment to the moderate Islamic values, its full rejection to the extremist ideas and its commitment to combating them in all circumstances, and refuses the allegations aiming to associate al-Qaeda with the revolutionists in Libya.”

Since the capture of Tripoli, TNC leaders have reemphasized their rejection of ideological extremism among Libyans and are seeking to unite different interest groups for the transition period. As noted above, the TNC’s draft interim constitutional charter, released in August, states in Article One that “Libya is an independent Democratic State wherein the people are the source of authorities.... Islam is the Religion of the State and the principal source of legislation is Islamic Jurisprudence (*sharia*).... The State shall guarantee for non-Muslims the freedom of practicing religious rights and shall guarantee respect for their systems of personal status.” On September 12, TNC Chairman Mustafa Abdeljalil said in a public address in Tripoli that the TNC is “seeking to establish the rule of law, a welfare state, and a state in which Islamic sharia will be the main source of legislation.... we will not allow any extremist ideology, whether on the left or on the right. We are a Muslim people, our Islam is moderate, and we will preserve that.”⁶⁶

⁶⁴ See OSC Report GMP20110416825001, “Al-Qa’ida in Islamic Maghreb Spokesman Says There Are Islamic Amirates in Libya,” April 16, 2011; and, OSC Report AFP20110418950070, “AQIM accuses Al-Hayat newspaper of falsifying interview with spokesman,” April 18, 2011.

⁶⁵ Droukdel said “the battle you are fighting now with the tyrant ... It is itself the battle we fought yesterday and are fighting today.” See OSC Report GMP20110318405002, “AQIM Amir’s Audio Message to Libya, ‘The Descendants of Umar al-Mukhtar,’” March 17, 2011.

⁶⁶ OSC Report FEA20110913021928, “Libya: TNC Chairman Says Sharia’h Law To Be Main Source of Legislation - Libya TV,” September 12, 2011.

TNC officials have continuously denied that their ranks or those of their military supporters include Al Qaeda operatives, although some TNC officials have made statements expressing concern that extremist groups are active in Libya and may seek to exploit the recent fighting and transition. For example:

- On August 22, Chairman Abdeljalil told an *Al Jazeera* interviewer that he “was planning to resign from the council the day Abd-al-Fattah Yunus [former commander of Libyan rebels] was killed as long as the rebels think in such a manner. It does not honor me to work for a council that oversees rebels with such mentality. We have some extremist Islamists.... I tell you candidly that there are extremist Islamist groups that seek to have revenge and to create turbulence in the Libyan society. I will not be honored to be the head of a National Transitional Council with such rebels working for it.”⁶⁷ Subsequent reports suggest that TNC officials have identified and detained the individuals suspected of involvement in the murder of Yunus. TNC officials have not confirmed the ideological affiliation of those individuals, and a trial is expected.
- On August 28, TNC military commander Khalifah Hefar said in an *Al Arabiya* television interview: “I was asked before whether Al Qaeda elements have joined us. I answered this question by saying that had there been Al Qaeda groups here in Libya, I would not have been in this position. However, I knew that there are extremist groups in Libya, and this extremism does not lie in the interest of the Libyan people, and I do not think the Libyan people accept this extremism.”⁶⁸

U.S. and regional observers continue to closely monitor statements from and actions by AQIM, Libyan Islamists, and the TNC.

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⁶⁷ OSC Report GMP20110822676001, “Libya’s Abd-al-Jalil Warns of ‘Extremist Islamists,’ Threatens To Resign,” August 22, 2011.

⁶⁸ OSC Report GMP20110828648003, “Libya: Rebel Military Commander Says No Al-Qa’ida Groups in Libya,” August 28, 2011.