



Statement of

**Christopher M. Blanchard**  
Specialist in Middle Eastern Affairs

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Thank you Chairman Ros-Lehtinen, Ranking Member Deutch, and Members of the committee, for inviting me to testify on behalf of the Congressional Research Service on Libya.

## Overview

Libya's political transition has been disrupted by armed non-state groups and threatened by the indecision and infighting of interim leaders. After an armed uprising ended the 40-plus-year rule of Muammar al Qadhafi in late 2011, interim authorities proved unable to form a stable government, address pressing security issues, reshape the country's public finances, or reconcile. Qadhafi left state institutions weak and deprived Libyans of experience in self-government, compounding stabilization challenges.

Elections for legislative bodies and a constitutional drafting assembly held in 2012 and 2014 were administered transparently, but were marred by declining rates of participation, threats to candidates and voters, and zero-sum political competition. Insecurity became prevalent in Libya following the 2011 conflict and deepened in 2014, driven by overlapping ideological, personal, financial, and transnational rivalries. Issues of dispute have included governance, military command, national finances, and control of oil infrastructure.

At present, armed militia groups and locally organized political leaders remain the most powerful arbiters of public affairs. An atmosphere of persistent lawlessness has enabled militias, criminals, and Islamist terrorist groups to operate with impunity, further endangering civilians' rights and safety. The United Nations (U.N.) Security Council and the United States have recognized a Government of National Accord (GNA). Based in the capital, Tripoli, it has made little progress in overcoming disputes that have split the country politically and geographically since 2014. A rival governing entity is based in eastern Libya. Meanwhile, Libya's remote south suffers from neglect and remains both an arena for domestic conflicts and a permissive transit zone for migrants, criminals, traffickers, and terrorist groups. U.S. Africa Command (AFRICOM) has emphasized the importance of a political solution for stability, and in March 2018, told Congress that, in light of prevailing turmoil, "the risk of a full-scale civil war remains real."

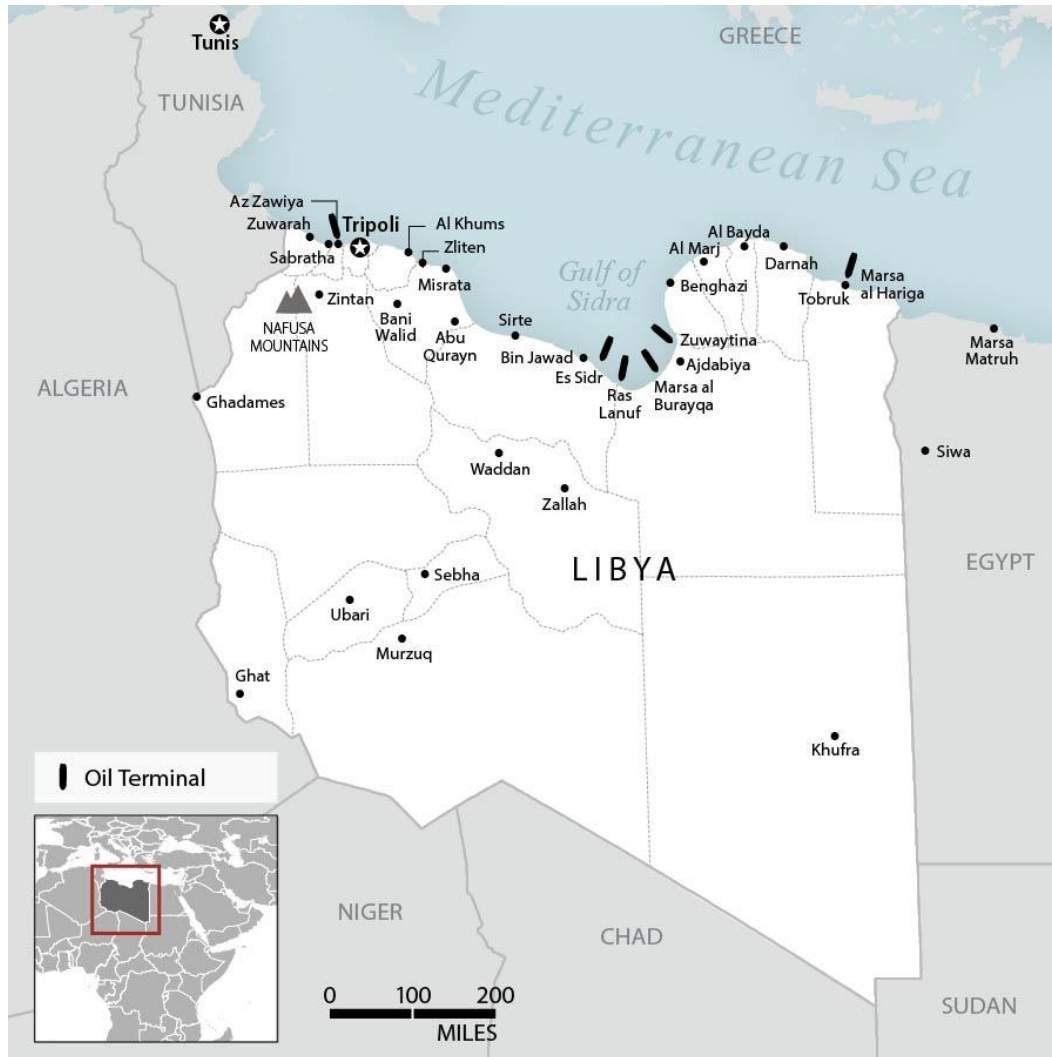
U.S. officials and other international actors have worked since 2014 to convince Libyan factions and their various external supporters that inclusive, representative government and negotiation are preferable to competing attempts to achieve dominance through force of arms. The U.N. Security Council has authorized financial and travel sanctions on individuals and entities responsible for threatening "the peace, stability or security of Libya," obstructing or undermining "the successful completion of its political transition," or supporting others who do so. A U.N. arms embargo is in place, and U.S. executive orders provide for sanctions against individuals undermining Libya's transition.

In December 2015, some Libyan leaders endorsed the U.N.-brokered political agreement to create the Government of National Accord to oversee the completion of the transition. GNA Prime Minister-designate Fayez al Sarraj and members of a GNA Presidency Council have attempted to implement the agreement and have competed for influence with political figures and armed forces based in eastern Libya, including Field Marshal Khalifa Haftar's "Libyan National Army" (LNA) movement. A U.N.-sponsored Action Plan launched in 2017 seeks to complete Libya's transition during the coming year, and Libyans and outsiders are debating terms for its implementation. Previous mediation efforts struggled to gain traction, and outsiders have at times pursued their own agendas through ties with Libyan factions. Such competition by proxy may raise the stakes of Libya's internal rivalries and complicate negotiations.

The State Department suspended operations at the U.S. Embassy in Tripoli in July 2014 and has delayed the reintroduction of U.S. personnel on a permanent basis in light of prevailing security conditions. U.S. diplomats engage with Libyans and monitor U.S. programs in Libya via the Libya External Office (LEO) at the U.S. Embassy in Tunisia. U.S. military strikes and advice supported some Libyan forces in Operation Odyssey Lightning, a 2016 campaign to expel thousands of Islamic State (IS, aka ISIS/ISIL) supporters from the central coastal city of Sirte (**Table 1**). Periodic U.S. strikes target IS members and

other terrorists. U.S. officials judge that the threats posed by IS members and Al Qaeda have been degraded, but note that these groups could resurge if overall political and security conditions deteriorate.

**Table I. Libya Map and Facts**



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

**Population:** 6,653,210 (July 2017 est., in 2015 the U.N. estimated 12% were immigrants), 42.9% <25 years old

**GDP PPP:** \$63.14 billion; **annual real % change:** 55.1% (2017 est.); **per capita:** \$9,800 (2017 est.)

**Budget** (spending; balance): \$22.32 billion, deficit 18% of GDP (2017 est.)

**External Debt:** \$2.927 billion (December 2017 est.)

**Foreign Exchange Reserves:** \$69.35 billion (December 2017 est.), \$124 billion (2012 est.)

**Oil and natural gas reserves:** 48.36 billion barrels (2017 est.); 1.505 trillion cubic meters (2017 est.)

**Source:** Congressional Research Service using data from U.S. State Department, Esri, United Nations, and Google Maps. Country data from CIA World Factbook, April 2018.

Congress has conditionally appropriated funding for limited U.S. transition support and security assistance programs for Libya since 2011 and is considering the Trump Administration's request for additional assistance funds for FY2019. Congress continues to shape U.S. policy toward Libya through its oversight of existing diplomatic, foreign assistance, and defense activities and its consideration of new proposals and requests. Relative resource investment and a lack of physical presence in Libya arguably limit U.S. influence on the ground.

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

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

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

## Background and Current Political Dynamics<sup>1</sup>

### A Succession of Transitional Governments

According to Ghassan Salamé, the Special Representative of the U.N. Secretary-General (SRSG) and head of the U.N. Support Mission in Libya (UNSMIL), Libyans are struggling to overcome a political “discourse of hatred” and “mutual exclusion” that has prevented the completion of the country's transition to date.<sup>2</sup> This discourse is in part a legacy of Muammar al Qadhafi's decades of divisive rule and in part a product of the internal divisions, rampant insecurity, and zero sum competition that has followed Qadhafi's downfall.

Since 2011, a series of transitional governing arrangements (**Figure 1**) have been endorsed in two national elections and a constitutional drafting assembly referendum, but rates of participation have declined over time. The net result has been a de facto accrual of transitional leaders with competing claims of legitimacy, who have been locked in an inconclusive political struggle. Sustained national civil war has been avoided, but violent clashes have occurred in many areas, and the threat of wider conflict persists.

The most serious outbreak of fighting between rival Libyan groups occurred in 2014, and ultimately was defused through U.N.-backed talks. In December 2015, these negotiations led to an agreement in Skhirat, Morocco among leading factions to establish a Government of National Accord (GNA) to oversee the completion of the transition period that began after Qadhafi's fall. Rivals in eastern and western Libya nominally committed to the agreement, but in practice struggled to preserve their interests and gain advantage throughout its two-year implementation period.

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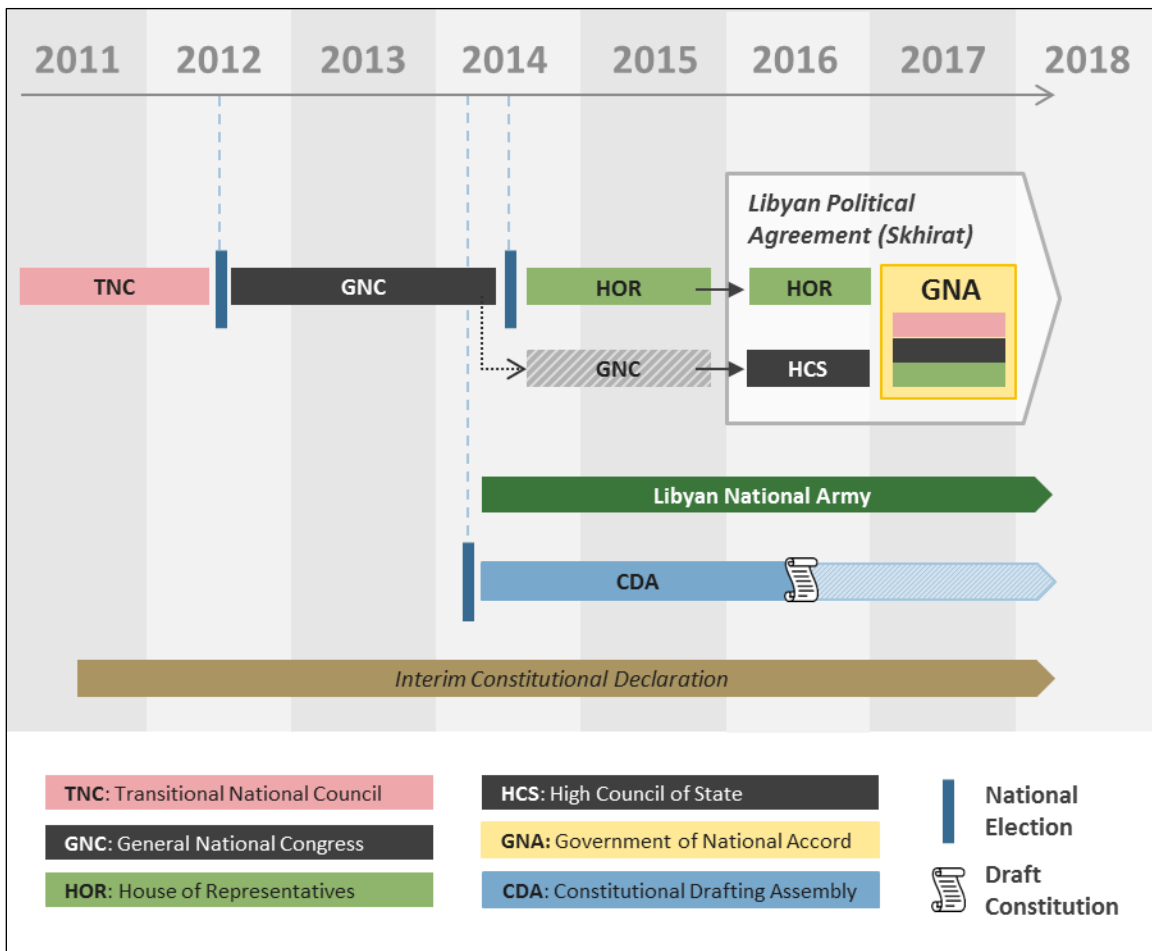
<sup>1</sup> For background, see CRS Report RL33142, *Libya: Transition and U.S. Policy*, by Christopher M. Blanchard.

<sup>2</sup> Remarks of SRSG Ghassan Salamé to the United Nations Security Council, March 21, 2018. The U.N. Security Council created UNSMIL as an integrated special political mission in September 2011 (Resolution 2009) “at the request of the Libyan authorities to support the country's new transitional authorities in their post-conflict efforts.” See [<https://unsmil.unmissions.org/mandate>].

In western Libya, GNA Prime Minister Fayez al Sarraj and GNA cabinet members gained administrative control over ministries and agencies in Tripoli, but did not fully consolidate their political position or establish national security control. The GNA's presence in Tripoli has been secured by the support of aligned non-state militias. Some former members of the General National Congress legislature (GNC, elected in 2012) were incorporated into a High Council of State (HCS), which was formed as an advisory and consultative body under the 2015 Skhirat agreement (also referred to as the Libyan Political Agreement, LPA).

The leaders of the eastern Libya-based House of Representatives legislature (HOR, elected in 2014) signed the 2015 Skhirat agreement, but they have prevented the HOR from fully endorsing the agreement and the GNA cabinet, challenging the GNA's claim to national authority. HOR leaders instead have supported an eastern Libya-based interim government while partnering with former Qadhafi-era military officer Khalifa Haftar and his "Libyan National Army" (LNA) coalition of military units, militia groups, and local fighters. LNA forces declared victory over numerous opposing militia groups in Benghazi last year after a costly, destructive three year battle, but the LNA does not appear capable of a military victory against rivals in western Libya in spite of threats to launch operations. Forces aligned with the GNA and the LNA have clashed in areas of central and southern Libya since mid-2017, even as some of their respective commanders and civilian officials have engaged in unity talks sponsored by Egypt.

**Figure I. Libya's Contested Transition**  
(Select Actors and Developments, 2011-2018)



Source: Congressional Research Service.

## The United Nations Action Plan

The U.N. Security Council has recognized the GNA as Libya's governing authority since 2015, in an effort to confer international legitimacy on its leaders and encourage unification efforts. When the Skhirat agreement reached the end of its originally intended duration in December 2017, the Security Council restated its endorsement of the agreement and of the GNA as enduring reference points for the completion of Libya's transition to a hoped-for permanent representative government structure. UNSMIL in September 2017 proposed an 'Action Plan for Libya' to bring the transition period to an end through a series of planned democratic exercises, including a constitutional referendum and the election of legislative and executive bodies. SRSB Salamé has stated his hope that new elections could help overcome what he views as the "shallow legitimacy" and "tenuous mandates" of present governing arrangements.<sup>3</sup>

The Action Plan initially focused on the negotiation of amendments to the 2015 Skhirat agreement to address issues that have prevented its implementation. These issues include differences over the size and role of the GNA's Presidency Council, the assignment of executive authority, and who holds the power to approve the leadership of national security bodies and civil service institutions. As of April 2018, the parties have not agreed to proposed amendments, and SRSB Salamé has expressed doubt that consensus on changes to the Skhirat agreement will emerge.<sup>4</sup> In parallel, the HOR and HCS have begun drafting and debating laws for a constitutional referendum and elections, which, if held, could obviate the need for amendments to current arrangements by granting a mandate to a new executive authority.

UNSMIL is facilitating discussions among Libyan parties and their international backers on these issues and also has begun consultations with local actors to inform and build support for a National Dialogue conference planned for later this year. According to SRSB Salamé, some Libyan municipalities are expected to proceed with local elections over the next few months. SRSB Salamé cites unspecified polling suggesting that Libyans want to hold national legislative elections.<sup>5</sup> He is seeking advance public commitments from rival factions that they will participate and not interfere with the conduct of such elections and that they will accept and abide by the outcome.

## Recent Developments and Prospects

The U.N. Action Plan's original goal for implementation by the end of 2018 added renewed urgency to efforts to resolve Libya's political crises, but observers and officials have yet to identify any significant breakthroughs. The potential prize of a renewed electoral mandate has proven attractive to leading actors on all sides, but zero sum political calculations have thus far outweighed efforts to find common ground and move ahead. A successful national voter registration drive and leaders' continued engagement in discussions with UNSMIL are positive signs,<sup>6</sup> but rivals also appear to be leveraging the non-implementation of legislative and bureaucratic arrangements to influence the scope and pace of progress. Specifically, significant decisions regarding electoral legislation and timing have yet to be taken.

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<sup>3</sup> Remarks of SRSB Salamé before the U.N. Security Council, March 21, 2018.

<sup>4</sup> SRSB Salamé told the U.N. Security Council in March 2018 that the amendments "have little chance of being passed." He also said, "The Action Plan does not depend on these amendments, and certainly, the closer Libya is to elections, the less relevant these provisional amendments become." Ibid.

<sup>5</sup> Address of SRSB for Libya Ghassan Salamé at the Meeting of Arab Foreign Ministers in Riyadh, Saudi Arabia, April 12, 2018.

<sup>6</sup> Libya's High National Election Commission (HNEC) chairman Emad Sayeh has moved forward with preparations for national elections with international technical assistance. HNEC registered one million new voters from December 2017 to March 2018, bringing the registered voter total to more than 2.4 million, roughly 53% of the eligible voter population. Abdulkader Assad, "HNEC: Number of registered voters give credibility to any elections," *Libya Observer*, April 9, 2018.

The atmosphere at the end of 2017 was particularly confrontational, as the Skhirat agreement neared its two-year anniversary and LNA leader Khalifa Haftar asserted his view that the agreement and the legitimacy of associated institutions had expired. Observers then speculated that Haftar and his supporters might resort to unilateral measures and/or seek to impose a solution by force. That outcome was avoided, but Haftar has paired subsequent statements about wanting elections “as soon as possible” with statements questioning Libya’s readiness for democracy and implying that the LNA could resort to other means.<sup>7</sup>

In April 2018, press reports concerning Haftar’s alleged incapacitation or death—reportedly due to a stroke—caused confusion and uncertainty. Analysts and observers are emphasizing the LNA coalition’s potentially fractious internal makeup, speculating about its durability, and discussing the potential related implications for Libya’s stability. The U.S. government has engaged Haftar and his LNA and HOR partners to encourage them to support the U.N. Action Plan, and U.S. engagement with leaders in eastern Libya in support of unity and reconciliation efforts would presumably continue in the event of lasting leadership change in the LNA or among its political partners.

In March, members of the High Council of State voted to replace Abderrahman al Swehli, a powerful western Libyan figure from Misrata and prominent critic of the LNA and HOR, with Khalid al Meshri of the Justice and Construction movement, Libya’s Muslim Brotherhood-affiliated party. Al Meshri and HOR leaders have agreed to meet, and their discussions may lead to progress on required legislation for planned elections. LNA officers and GNA-affiliated military officers also have met for several rounds of talks in Cairo as part of an Egyptian government-led process that seeks to unify and reorganize Libya’s national military forces.

Global concern about the trafficking and detention of migrants in western Libya has been accompanied by increased international attention to the region’s political economy and security in recent months. The GNA’s presence in Tripoli is underwritten by the support of powerful local militia groups, some of whom are reportedly involved in human rights abuses, crime, and illegal detentions (see below).

### **The Roles and Concerns of External Actors in Libya**

The United States is one external actor among several seeking to influence Libya’s political and security trajectory. Libya’s immediate neighbors have been most directly affected by the unrest and persistent insecurity in the country. Foreign fighters from Tunisia, Algeria, Egypt, Niger, Chad, and Sudan have travelled to Libya to support various armed groups over time, and Libya-based extremists and criminal organizations have created security challenges and/or been linked to attacks in several of these countries since 2011. As noted above, Egypt is engaged in mediation efforts with Libyan military figures, leveraging its close ties to eastern Libya-based leaders and the LNA.

Across the Mediterranean, European countries share concerns about the transit of migrants from Libya and the presence in Libya of terrorist groups. The European Union has extended its efforts to respond to migrant transit at sea and initiated new efforts to train Libyan coast guard personnel and support Libyan communities that host migrants. France acknowledged conducting military operations in Libya in 2016 after three of its special forces personnel were killed there. Italy, which first deployed to Libya in 2016 to support and protect a military hospital in Misrata, approved an increase in its troop deployment in January 2018, with 400 personnel authorized for non-combat missions. Italy also has engaged with western Libyan militias to limit trafficker-supported migrant departures by sea. Jordan and the Arab Gulf States maintain links to different Libyan factions, with the United Arab Emirates having built particularly close ties with LNA leaders and others in eastern Libya.

Russia had close ties to the Qadhafi government and has been more active in cultivating relationships with Libyan actors since 2014. Russian officials portray their efforts as even handed and open to all sides in Libya, but their ties with Haftar and the LNA appear to be more robust. These ties may serve a range of purposes, including addressing Russian counterterrorism concerns, restoring Russian military ties to Libya, and balancing Western European and U.S. influence. U.S. military officials expressed concern in 2017 that Russian support for the LNA could expand in violation of the U.N. arms embargo adopted in Security Council Resolution 1970 (2011), which restricts unauthorized arms transfers to any Libyan party and from Libya.

<sup>7</sup> “Libyan Army Commander Haftar Says Libya Not Yet Mature for Democracy,” *Jeune Afrique* (Paris), January 7, 2018.

Representatives of the GNA, LNA, and other armed groups have traveled to Moscow and engaged with Russian officials. The U.N. Panel of Experts established pursuant to Resolution 1973 (2011) issued a report in June 2017, documenting actual and potential violations of the Libya arms embargo and warning that foreign support to armed groups in Libya was contributing to escalation.<sup>8</sup> The Panel of Experts mandate was most recently extended to November 15, 2018 in Resolution 2362.

## Energy Resources, Fiscal Considerations, and the Economy

Conflict and instability in Libya have taken a severe toll on the country's economy and weakened its fiscal and reserve positions since 2011. As of 2014 estimates, Libya held the largest proven crude oil reserves in Africa and the ninth largest globally. Oil and natural gas supply 97% of the government's fiscal revenue, and a combination of supply disruptions and market forces caused oil production to plummet and devastated national finances from 2014 through 2016.<sup>9</sup> Although state revenue has declined from its post-2011 high points, state financial obligations have increased, with public spending on salaries, imports, and subsidies all having expanded.<sup>10</sup> Libyan officials have identified more than 1.75 million state employees (equivalent to more than 25% of the population) and estimate that salaries consume nearly 60% of the state budget.<sup>11</sup> Government payments to civilians and militia members have continued since the outbreak of conflict in 2014, and Central Bank authorities have simultaneously paid salaries for military and militia forces aligned with opposing sides in the internal conflicts.

To manage deficits and continue payments of salaries and subsidies, Libyan officials have drawn on state financial reserves, but reports of delays in salary payments persist. World Bank/International Monetary Fund statistics and U.N. estimates suggest that foreign exchange reserves have fallen from their high point of \$124 billion in 2012 to an estimated \$69 billion in 2017.<sup>12</sup> In August 2017, the U.N. Secretary-General reported that the budget deficit was then "much higher than previously projected" and predicted that foreign currency reserves would remain dangerously low through the end of 2017.<sup>13</sup>

An expansion of oil production since mid-2017 has provided a much-needed injection of new financial resources, with domestic production remaining near 1 million bpd for most of the period from December 2017 through early April 2018. As Libyan production has rebounded, Libya has faced calls from fellow OPEC members to participate in the group's production cut agreement. Libyan authorities reportedly have agreed to recognize a cap near the current 1 million bpd level of production.<sup>14</sup> Fighting near the oil crescent region and intermittent shutdowns of pipelines by militias, terrorist attacks, and labor and property disputes have demonstrated the prospect of potential disruptions or production declines.

<sup>8</sup> Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011), U.N. document S/2017/466.

<sup>9</sup> The estimated budget deficit was 49% of GDP in 2015 and was even greater in 2016, as "budget revenues and exports proceeds reached the lowest amounts on record because of low oil production and prices." (See World Bank, *Libya's Economic Outlook—April 2017*.) As of August 2016, conflict and budget shortfalls had caused oil production to plummet to below 300,000 barrels per day (bpd) out of an overall capacity of 1.6 million bpd. See, International Monetary Fund, "Arab Countries in Transition: Economic Outlook and Key Challenges" October 9, 2014; and, Sudarsan Raghavan "As oil output falls, Libya is on the verge of economic collapse," *Washington Post*, April 16, 2016.

<sup>10</sup> Salaries and subsidies reportedly consumed 93% of the state budget as of September 2016. Statement of SRSRG Martin Kobler to the United Nations Security Council, September 13, 2016.

<sup>11</sup> Sami Zaptia, "Serraj spokesperson promises 2018 budget details will be revealed next week," *Libya Herald*, April 9, 2018.

<sup>12</sup> World Bank, *Middle East and North Africa Economic Monitor, Economic and Social Inclusion to Prevent Violent Extremism*, October 2016; IMF statistics cited in Missy Ryan, "Oil-rich Libya, torn by conflict, may be going broke," *Washington Post*, February 18, 2015, and UNSMIL reports, August 2017.

<sup>13</sup> U.N. Document, S/2017/726, Report of the Secretary-General on the United Nations Support Mission in Libya, August 22, 2017.

<sup>14</sup> Salma El Wardany, "Libya's Oil Output Revival Thwarted by Pipeline Explosion," *Bloomberg*, December 26, 2017.



In March 2018, SRSB Salamé told the U.N. Security Council that, “Libya’s finances remain precarious. Despite the country now producing well over 1 million barrels a day and generating rosy macro-economic indicators, the country does not enjoy a true economic recovery.”<sup>15</sup> Salamé warned of “signs of a looming monetary and fiscal crisis” and cautioned against “underinvestment or sabotage” of oil revenues. He also said that, “government expenditure is bloated and continues to increase, but more spending, so far, does not lead to better services.”

Libyan implementing and auditing agencies have attempted to improve budget execution, but serious challenges remain. Among these challenges have been rivalries among parallel leaders of key national institutions such as the Central Bank, National Oil Company (NOC), and Libya’s sovereign wealth fund—the Libya Investment Authority (LIA). These opaque, consequential rivalries have reflected the country’s underlying political competition over time.

## Crime, Human Rights, and Trafficking in Persons

Average Libyans have faced tenuous economic circumstances for much of the post-2011 period amid unreliable state salary and subsidy support, weak state service provision and law enforcement, inflationary pressures, and hard currency shortages. Authorities in neighboring Tunisia assert that as many as 1 million Libyans have moved there at some point since 2011. Economic hardship has amplified the negative effects of deteriorations in local security and an overall decline in respect for the rule of law. In March 2018, SRSB Salamé told the U.N. Security Council that “Libyan men, women and children are increasingly kidnapped for profit,” and decried what he described as “an economic system of predation” and “plundering.” In subsequent press interviews he has urged Libyan authorities and international supporters to act against prominent organized groups involved in the smuggling of people, fuel, subsidized goods, and drugs and to use investigations and sanctions to bring an end to the “predation of public money.”<sup>16</sup>

Prominent armed groups, including the LNA and militias aligned with the GNA, reportedly are linked to a wide variety of illicit activities and maintain informal detention centers where human rights abuses take place. According to a report recently released jointly by the U.N. Office of the High Commissioner for Human Rights and UNSMIL, “Men, women and children across Libya are arbitrarily detained or unlawfully deprived of their liberty based on their tribal or family links and perceived political affiliations. Victims have little or no recourse to judicial remedy or reparations, while members of armed groups enjoy total impunity.”<sup>17</sup>

Migrants drawn to Libya in the hope of employment or onward passage face similar threats, and, in February 2018, the U.N. Secretary-General reported to the Security Council that “Refugees and migrants continued to be subjected to violence, forced labor, and other grave violations and abuses.” In 2017, the International Organization for Migration (IOM) relayed reports concerning the abuse of migrants transiting Libya and of “slave markets” operating intermittently in the country, echoing details in press accounts.<sup>18</sup>

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<sup>15</sup> Remarks of SRSB Ghassan Salamé to the United Nations Security Council, March 21, 2018.

<sup>16</sup> Aidan Lewis, “Libya won’t stabilise unless shadow economy smashed – U.N. envoy,” Reuters, March 29, 2018.

<sup>17</sup> See Office of the United Nations High Commissioner for Human Rights in cooperation with the United Nations Support Mission in Libya, “Abuse Behind Bars: Arbitrary and unlawful detention in Libya,” April 2018; and, Tim Eaton, “Libya’s War Economy: Predation, Profiteering and State Weakness,” Chatham House, April 2018.

<sup>18</sup> IOM, IOM Learns of ‘Slave Market’ Conditions Endangering Migrants in North Africa, April 11, 2017; and CNN, “People for Sale: Exposing Migrant Slave Auctions in Libya,” November 2017.

International actors and the GNA have taken a series of responsive measures since late 2017, with some migrants repatriated to their countries of origin with U.N. support.<sup>19</sup> IOM reported in February 2018 that more than 704,000 migrants were in Libya, among more than 165,000 internally displaced persons and more than 48,400 refugees and asylum seekers from other countries identified by the United Nations High Commissioner for Refugees (UNHCR).

The IOM reported that arrivals of migrants by sea to Italy decreased 34% in 2017 compared to 2016, as arrivals declined precipitously following the implementation of an agreement between the Italian government and some west Libya-based armed groups to target traffickers and limit departures. Deaths at sea also declined in the central Mediterranean in 2017, reflecting new arrangements and intensified rescue-at-sea efforts. As of February 2018, 27 EU member states supported the European Union's EUNAVFOR MED naval mission, and the mission reported that it had saved more than 42,000 lives at sea since its inception in June 2015.<sup>20</sup>

## U.S. Policy

Terrorist organizations active in Libya and the continuing weakness of Libya's national security bodies and government institutions pose a dual risk to U.S. and international security. Whereas U.S. intervention in Libya in 2011 was motivated largely by concern regarding threats posed to Libyans by the Qadhafi government, U.S. policy since has been defined by efforts to contain and mitigate the negative effects of state collapse and support transition efforts. Operations by Libyan partner forces, backed by U.S. military strikes, succeeded in ending the Islamic State organization's control over territory in central and western Libya during 2016, but little parallel progress has been made toward achieving durable political reconciliation.

Today, U.S. and Libyan officials in the country's various governing entities share concerns about remaining extremists, the weakness of state institutions, and flows of migrants, refugees, and contraband within and across Libya's largely un-policed borders. Current U.S. efforts focus on supporting the implementation of the U.N. Action Plan, preventing Libyan territory from being used to support terrorist attacks, and providing stabilization and transition assistance to local communities and national government entities. Libya's natural resources and economic potential may provide opportunities for strengthening U.S.-Libyan trade and investment ties, but circumstances have not allowed such ties to flourish.

The Trump Administration has maintained U.S. recognition of the GNA and signaled continuing interest in providing U.S. foreign aid and security assistance to support Libya's transition. Then-Ambassador to Libya Peter Bodde and AFRICOM Commander General Thomas Waldhauser visited Libya in May 2017, and GNA Prime Minister Fayez al Sarraj visited Washington, DC, in November 2017. The Trump Administration has not appointed a Special Envoy for Libya to replace Jonathan Winer, whose mandate ended with the Obama Administration. Since 2017, the Trump Administration has imposed conditional restrictions on the entry of Libyan nationals to the United States, with some exceptions.<sup>21</sup>

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<sup>19</sup> In response to recent concerns about migrant detention and slavery, the European Union, African Union, and United Nations have established a Task Force to improve migrant protection along migration routes to, from, and in Libya. Through the Task Force, IOM has facilitated the return of more than 15,000 migrants to their home countries from Libya through a voluntary humanitarian returns program since December 2017. In parallel, the Task Force has supported UNHCR-led evacuations of more than 1,300 refugees from Libya as of March 2018.

<sup>20</sup> EUNAVFOR MED, "Activity updated to 19 February 2018" and, "A new Force Commander and a new flagship for SOPHIA," December 15, 2017.

<sup>21</sup> Libya is among the countries identified in Executive Order 13780 of March 2017, which restricts the entry of nationals of certain countries to the United States, with some exceptions. In September 2017, the Trump Administration issued further (continued...)

As noted above, the State Department suspended operations at the U.S. Embassy in Tripoli in July 2014. U.S. diplomats engage with Libyans and monitor U.S. programs in Libya via the Libya External Office (LEO) at the U.S. Embassy in Tunisia. U.S. Ambassador to Libya Peter Bodde retired in December 2017, and, as of April 16, the Trump Administration had not nominated a new Ambassador-designate. Senior Foreign Service officer Stephanie Williams leads the LEO as Chargé d’Affaires.

## Diplomacy and Support for the U.N. Action Plan

U.S. officials engage in multidirectional diplomacy with parties in Libya and beyond in support of U.N.-facilitated reconciliation efforts. In a statement on December 14, 2017, the United States joined other members of the U.N. Security Council in stating that the 2015 Skhirat agreement “remains the only viable framework to end the Libyan political crisis and that its implementation remains key to holding elections and finalizing the political transition.” The Council emphasized the agreement’s “continuity ...throughout Libya’s transitional period” and rejected “incorrect deadlines that only serve to undermine the U.N.-facilitated political process,” a reference to Khalifa Haftar’s statements at the time asserting the agreement’s lapse. Council members further stated that “any attempt, including by Libyan parties, to undermine the Libyan-led, U.N.-facilitated political process is unacceptable.”

In January 2018, U.S. Representative to the United Nations Ambassador Nikki Haley said in a Security Council meeting on Libya that:

The United States will oppose attempts to impose a military solution to this political crisis, which would further undermine Libya’s stability. Those who pursue a military solution will wind up helping terrorist groups that thrive on instability. The only legitimate path to power is through free and fair elections. ...The House of Representatives must uphold its commitment to pass laws for a constitutional referendum and for elections this year, in consultation with the High State Council. As the Libyans prepare for elections, we support United Nations efforts to promote more effective and accountable governance for this transitional period. All Libyan parties should engage constructively with the United Nations to strengthen the Libyan Political Agreement [the 2015 Skhirat agreement].

The United States and the European Union (EU) have placed financial and travel sanctions on some Libyan leaders for obstructing the implementation of the 2015 Skhirat agreement and for illicitly smuggling oil from the country.<sup>22</sup> In June 2017, the U.N. Security Council unanimously extended maritime arms embargo enforcement provisions for one year in Resolution 2357. The Security Council later adopted Resolution 2362—extending the mandate for maritime enforcement of oil shipment

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(...continued)

guidance on the entry restrictions, and suspended the entry to the United States of Libyan nationals as immigrants and non-immigrants in business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visa classes. The White House, Fact Sheet: Proclamation on Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats, September 24, 2017.

<sup>22</sup> Executive Order 13726 (April 2016) modified U.S. sanctions enforcement measures in support of the Skhirat agreement by amending the scope of the national emergency with respect to Libya declared in Executive Order 13566 (February 2011). Under the modified measures, property under U.S. jurisdiction may be blocked and entry to the United States may be prohibited for individuals and entities found to be engaging or to have engaged in a range of actions, including threatening the peace, stability, or security of Libya and obstructing, undermining, delaying, or impeding the adoption of or transfer of power to the GNA or successor government. To date, the U.S. government has placed related sanctions on former GNC government prime minister Khalifa Ghwell and HOR leader Aqilah Issa Saleh for obstructing the implementation of the Skhirat agreement. Executive Order 13726 also provides for sanctions on individuals involved in illicit oil smuggling from Libya, and the Trump Administration used this authority in February 2018. See U.S. Department of the Treasury, “Treasury Designates Additional Libyan Political Obstructionist,” May 13, 2016; and, “Treasury Sanctions International Network Smuggling Oil from Libya to Europe,” February 26, 2018.

monitoring and reaffirming existing arms embargo, asset freeze, and travel ban measures.<sup>23</sup> U.S. naval forces interdicted an unauthorized oil shipment in 2014, and the European Union's EUNAVFOR MED mission currently monitors shipments to and from Libya. Resolution 2362 stresses "the need for the Government of National Accord to exercise sole and effective oversight over the National Oil Corporation, the Central Bank of Libya, and the Libyan Investment Authority as a matter of urgency, without prejudice to future constitutional arrangements pursuant to the Libyan Political Agreement."

## Counterterrorism and Defense Policy

Transnational terrorist groups and locally organized armed extremist groups, including supporters of the Islamic State organization and Al Qaeda in the Islamic Maghreb (AQIM), remain active in Libya.<sup>24</sup> Some IS fighters appear to have regrouped in rural areas after fleeing Sirte in late 2016, and the group claimed a series of attacks on Libyan forces in 2017. In January 2018, a spokesperson for U.S. Africa Command (AFRICOM) projected that the Islamic State would "give priority to the restructuring of security forces and infrastructure, and to launch strikes, which may include targets in the Libyan oil crescent."<sup>25</sup> In March 2018 congressional testimony, AFRICOM Commander General Waldhauser described IS forces in Libya as "dispersed and disorganized and likely capable of little more than localized attacks."<sup>26</sup>

General Waldhauser advised Congress in March 2018 that U.S. military support for anti-IS fighters is continuing, and he emphasized the importance of political reconciliation as a prerequisite for lasting security. In this regard, AFRICOM's 2017 posture statement judged that "stability in Libya" is likely to be "a long-term proposition requiring strategic patience." The statement also advised Congress that Libya's absorption capacity for international support remains "limited," as does the ability of outsiders, including the United States, "to influence political reconciliation between competing factions." In his March 2018 testimony, General Waldhauser warned that "the risk of a full-scale civil war remains real." At present, AFRICOM describes four objectives for its approach to Libya: degrading terrorist groups; averting civil war; supporting political reconciliation with the goal of achieving a unified central government; and, helping to curb the flow of illegal migrants into Europe via Libya.

AFRICOM announced that U.S. forces conducted airstrikes against Islamic State positions south of Sirte in September and November 2017, killing IS fighters and the destroying arms and vehicles. U.S. military statements said the Islamic State used the locations targeted in September as transit hubs and operational planning centers, including for external attacks. In October 2017, U.S. forces and Libyan partner forces seized a second suspect in the 2012 Benghazi attacks in Libya, Syrian national Mustafa al Imam, near Misrata.<sup>27</sup> He appeared in federal court in Washington, DC, in November 2017. In March 2018, AFRICOM announced the death of AQIM senior figure Musa Abu Dawud and an associate in a U.S. airstrike near Ubari in southwest Libya.<sup>28</sup>

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<sup>23</sup> Maritime oil shipment monitoring was first authorized in March 2014 under Security Council Resolution 2146.

<sup>24</sup> See CRS In Focus IF10172, *Al Qaeda in the Islamic Maghreb (AQIM) and Related Groups*, by Alexis Arief.

<sup>25</sup> Robyn Mack, quoted in Al Sharq Al Awsat (London), "AFRICOM Expects ISIS Attack on Libya's Oil Crescent," January 3, 2018.

<sup>26</sup> U.S. AFRICOM Commander Gen. Thomas Waldhauser, Testimony before the Senate Armed Services Committee, March 13, 2018.

<sup>27</sup> See U.S. Department of Justice, *Libyan National Charged With Federal Offenses In 2012 Attack on U.S. Special Mission and Annex in Benghazi*, October 30, 2017. Mustafa al Imam pled not guilty to charges against him in November 2017. In June 2014, U.S. forces apprehended Ahmed Abu Khattala, a Libyan suspect in the attack and the reported leader of the Abu Ubaydah ibn Jarah Battalion, in a military operation in Libya and transferred him to the United States. In November 2017, he was convicted in U.S. federal court on 4 of 18 charges that had been brought against him.

<sup>28</sup> Abu Dawud had since 2013 been put "in charge of a mission in Tunisia tasked with recruiting and training new members from across North Africa on the use of weapons," according to a State Department release in 2016. State Department Bureau of (continued...)

President Trump's December 2017 letter to Congress consistent with the War Powers Resolution acknowledged U.S. strikes against terrorist targets in Libya. Like the Obama Administration before it, the Trump Administration has described U.S. strikes against IS and AQIM targets in Libya as authorized by the 2001 Authorization for Use of Military Force (AUMF, P.L. 107-40) and has stated that the strikes are taken "at the request and with the consent of the GNA in the context of the ongoing armed conflict against ISIL and in furtherance of U.S. national self-defense."<sup>29</sup>

## Stabilization and Transition Support

In parallel to counterterrorism and defense policy efforts, the United States is using U.S. foreign assistance funding to support a variety of stabilization and transition assistance programs at the local and national levels in Libya. Since the 2014 withdrawal of U.S. personnel from the country, U.S. programs have been administered from outside the country. Despite related challenges, Administration officials remain committed to providing stabilization and transition support to Libyans and have notified Congress of planned aid obligations in 2017 and 2018.

Since 2016, the executive branch has notified Congress of planned programs to continue to engage with Libyan civil society organizations, support multilateral bodies engaged in Libyan stabilization efforts, and build the capacity of municipal authorities, electoral administration entities, and the emerging GNA administration. These notifications include, but are not limited to

- \$64.5 million to support the continuation of USAID's Office of Transition Initiatives and other USAID good governance and electoral support programs;
- \$1.9 million in Middle East Partnerships Initiative (MEPI) civil society support programming;
- \$4 million for the United Nations Development Program Stabilization Facility for Libya;<sup>30</sup>
- \$10 million for U.S. support to UNSMIL and governance programs in support of the GNA;
- \$4 million for third-party monitoring of U.S. government Libya programs and for reconciliation, transitional justice, and accountability programming; and
- \$10 million for training and advisory support to the GNA Ministry of Interior.

The Trump Administration has requested \$34.5 million in foreign operations funding for Libya programming in FY2019 (see **Table 2** below).

## Humanitarian Assistance

The United States provided more than \$90 million in immediate humanitarian assistance to Libya in 2011, and U.S. assistance for humanitarian operations in Libya has ebbed and flowed in the years since in response to fluctuating needs and conditions on the ground. U.S. humanitarian funding for Libya in FY2016 and FY2017 totaled \$28.325 million, more than \$18 million of which was provided in FY2017.

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Counterterrorism, "State Department Terrorist Designation of Musa Abu Dawud," May 5, 2016.

<sup>29</sup> Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations, December 2016 and March 2018. See CRS Report R43983, *2001 Authorization for Use of Military Force: Issues Concerning Its Continued Application*, by Matthew C. Weed.

<sup>30</sup> See UNDP website: [<http://www.ly.undp.org/content/libya/en/home/operations/projects/sustainable-development/stabilization-facility-for-libya.html>].

This included U.S. contributions to the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) Humanitarian Response Plans (HRP) for Libya and programs overseen by the State Department Bureau of Population, Refugees, and Migration (PRM) and USAID's Office of Foreign Disaster Assistance (OFDA).<sup>31</sup> The 2018 U.N. HRP seeks \$306 million in international contributions, of which 2.1% was funded as of April 2018.<sup>32</sup>

**Table 2. U.S. Foreign Assistance for Programs in Libya**  
(millions of dollars)

Account	FY2015 Actual	FY2016 Actual	FY2017 Actual	FY2018 Request	FY2019 Request
<b>Bilateral Foreign Assistance</b>					
Economic Support Fund (ESF/ESDF)	19.2 <sup>a</sup>	10	88	23	27
International Narcotics Control and Law Enforcement (INCLE)	1.987	2	10.2	1	1
Nonproliferation, Antiterrorism, Demining and Related Programs (NADR)	3.5	6.5	36	7	6.5
Bureau of Conflict and Stabilization Operations Funds	2.5	-	-	-	-
Peacekeeping Operations (PKO)	-	-	5	-	-
<b>Total</b>	<b>27.187</b>	<b>18.5</b>	<b>139.2</b>	<b>31</b>	<b>34.5</b>

**Source:** State Department appropriations requests and notifications FY2015-FY2018; and, Explanatory Statement for Division K of P.L. 114-113, the FY2016 Consolidated Appropriations Act.

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

a. Includes ESF and ESF-OCO notified to Congress in 2016 to support Libya programs.

## Congress and Libya

Congress has conditionally appropriated funding for limited U.S. transition support and security assistance programs for Libya since 2011 and is considering Trump Administration requests for additional foreign operations and defense funds to support Libya-related programs for FY2019. In recent years, Congress has enacted appropriations legislation requiring the Administration to certify Libyan cooperation with efforts to investigate the 2012 Benghazi attacks and to submit detailed spending and vetting plans in order to obligate appropriated funds.<sup>33</sup> Congress also has prohibited the provision of U.S. assistance to Libya for infrastructure projects “except on a loan basis with terms favorable to the United States.”

The foreign operations appropriations act for FY2018 carries forward some past terms and conditions on FY2018 U.S. assistance to Libya (Section 7041(f) of Division K of H.R. 1625/P.L. 115-141), and includes a requirement for notice to Congress in cases of aid diversion or destruction. The FY2017 and FY2018

<sup>31</sup> USAID, Libya – Complex Emergency Fact Sheet #1, FY2018, December 1, 2017.

<sup>32</sup> U.N. Financial Tracking Service data. The 2017 appeal for \$151 million was 71.3% funded by January 2018.

<sup>33</sup> In the FY2014, FY2015, FY2016, and FY2017 Consolidated Appropriations Acts (P.L. 113-76, Division K, Section 7041[f]; P.L. 113-235, Division J, Section 7041[f]; P.L. 114-113, Division K, Section 7041[f]; P.L. 115-31, Division J, Section 7041[g]), Congress placed conditions on the provision of funds appropriated by those acts to the central government of Libya.

acts did not require submission of a spend plan to congressional appropriators prior to obligations. Division B of the December 2016 continuing resolution (P.L. 114-254) provided additional overseas contingency operations assistance and operations funding to the State Department and USAID, some of which is supporting post-IS stabilization efforts in Libya and may facilitate the eventual return of U.S. government personnel to the country.

## Outlook

At present, U.S. officials remain engaged with Libyan counterparts in efforts to move forward with the U.N.-backed Action Plan. Next steps may include a constitutional referendum and national elections some time in 2018 or later, but the timing, legal framework, and sequencing of these proposed steps has not yet been determined. The potential success of U.N.-backed reconciliation could provide a new foundation for improving stability in Libya, and could create new opportunities for security and economic partnership between Libya and the United States. The potential failure of U.N.-promoted reconciliation efforts among Libyans may present U.S. decisionmakers with hard choices about how best to mitigate threats emanating from the country in the continuing absence of a viable, legitimate national government. Possible questions before the United States may include

- whether and when to return U.S. personnel to Libya on a permanent basis;
- what types and extent of assistance, if any, to provide for stabilization and transition support purposes;
- how to ensure that U.S. aid recipients and security partners have not been and are not now involved in gross violations of human rights;
- whether or how to use existing sanctions provisions or other coercive measures against parties seen as obstructing progress under the U.N.-sponsored Action Plan;
- whether or how to continue to intervene militarily against terrorist groups;
- whether or how to respond to the actions of other third parties, including Russia;
- whether or how to leverage or amend U.N. arms embargo provisions to allow for security assistance to parties in Libya;
- what degree of support, if any, to provide to emergent national security forces (particularly in the absence of an agreed political framework); and
- whether or how to respond in the event of any military clashes between rival Libyan factions that involve groups that have received U.S. assistance.

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

- to refine the scope and content of U.S. programs proposed to support the Government of National Accord and other Libyans;
- regarding U.S. contingency planning for the possibility that other third parties may intervene more forcefully in Libya;
- regarding plans for potentially expanding U.S. partnership with Libyans if U.N.-backed reconciliation measures succeed; and
- regarding the possibility that negotiations among Libyans and planned elections may not bring instability in Libya to a prompt close.

This concludes my statement; thank you for the opportunity to testify, and I look forward to your questions.