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House Committee on Foreign Affairs
Subcommittee on Terrorism, Nonproliferation, and Trade
Hearing on Libya's Terrorist Devolution: Causes and Solutions
Tuesday October 27, 2016

Chairman Poe, Ranking Member Keating:

Thank you for inviting me to appear before you this afternoon.

I have been closely following events in Libya and U.S. policy since March 2011, shortly after the Libyan revolution against Qaddafi erupted and President Obama decided to support a UN-authorized, NATO-led coalition to protect the people of Libya from an impending massacre in Benghazi. I served on the National Security Council at the time and worked to coordinate our government's participation in NATO's Operation Unified Protector and our subsequent efforts to work with the UN and our allies to support post-conflict reconstruction and a democratic transition. I left the government in the fall of 2013 and have been following and writing about Libya since.

This hearing is intended to focus on possible solutions to Libya's current challenges, specifically regarding its threat as a breeding ground and safe haven for terrorism. Before addressing these important issues, I'd first like to dispel some common misrepresentations about how Libya's transition went off course.

Misrepresentation 1: We should never have gone into Libya in the first place; the threat was not significant to the U.S. or the Libyan population; Qaddafi could have been placated.

There was a legitimate debate about whether the U.S. should get involved in a domestic conflict in Libya. Secretary of Defense Robert Gates was the leading voice of dissent in the cabinet at the time, along with Vice President Biden. Secretary Gates argued that Libya held little direct interest for U.S. policy in the region and did not want to divert import assets and resources from the ongoing conflicts in Iraq and Afghanistan.

Ultimately, the president designed an operation to blunt Qaddafi's attack, protect Libya's population, dedicating our "unique capabilities" such as aerial refueling and intelligence, surveillance, and reconnaissance assets while insisting that our NATO and regional partners step up and implement the UNSCR by conducting the appropriate airstrikes. President Obama was clear from the beginning that U.S.

participation would involve no U.S. boots on the ground, would require regional and international support (manifested by UNSCR 1973 and the Arab League's endorsement), and limit our contributions to the unique capabilities previously referenced. Six months later, with the support of the NATO coalition, Qaddafi met his fate and Libya became free of his 42-year brutal dictatorial rule.

Several critics from Russian leaders to academic skeptics have argued that UNSCR 1973 was never supposed to authorize regime change in Libya, especially after the immediate threat against Benghazi was stopped by the initial bombings in March 2011. Other critics argue that we should never gotten involved in Libya and that Qaddafi should have been left in power. After all, he had given up his nuclear weapons program after the 2003 invasion of Iraq and had agreed to the destruction of his chemical weapons. He became a partner against al-Qaeda (which was also opposed to his rule. And he had allowed the beginning of domestic reforms spearheaded by his son Saif al-Islam.

Although no counterfactual can be proven, this rosy vision of a post-revolution Qaddafi is a fantasy. Challenged by his people, he would have undoubtedly carried out his threats to hunt every dissident out "like rats." He was irreconcilable and didn't even receive a UN-appointed envoy to discuss possible terms for a negotiated transition. A host of friendly envoys from South African president Jacob Zuma, to an African Union Delegation, to a Russian chess champion made no impression. Lower level outreach only elicited similar intransigence. I have no doubt that were he left in power without a clear path to a negotiated transition, Qaddafi, a terrorist responsible for the deaths of Americans on Pan-AM 103 and other brutal attacks at home and abroad, would have returned to his terrorist ways.

For those on this committee on terrorist who have not been, I urge you to visit the Pan-AM memorial cairn at Arlington National Cemetery or participate in the annual memorial there on December 21. Among other moving tributes, you will see students at Syracuse University reading out the names of the victims, including the 35 Syracuse students who were returning home for Christmas. When I imagine a Qaddafi left in power after facing down an uprising in Benghazi together with his refusal to negotiate anything, his threats to his own population and his history as an international terrorist, I see the man capable of ordering the Pan-Am 103 attack, not some humbled benign strongman. Instead of the fragile state that Libya has become (and discussed below) Libya most likely would resemble Syria – and both sides of the conflict could be virulently anti-Western.

Misrepresentation 2: NATO and the U.S. abandoned Libya after the intervention; there should have been a stabilization force assembled to restore security.

The other common misrepresentations about post-conflict Libya is that with better planning or some kind on stabilization force similar to the deployments in the Balkans or East Timor, Libya could have been stabilized and a terrorism problem would have never have emerged. Unfortunately, such a prospect was never in the

cards. No country from NATO or outside was eager to lead such a theoretical peacekeeping operation, and the Libyans rejected the prospect of such a visible international presence. The Libyans wanted to own their future and were always wary of accepting too much help from the outside. They were willing to accept the concept of training and technical assistance on a range of issues, which were offered by us and our allies coordinated by the UN. But when it came to pinning down the details, it proved an endlessly circuitous path.

There were some initially positive signs. Libyans enthusiastically voted in their first free and fair democratic election in 2012. Oil production was quickly restored to its prewar level (which ironically discouraged foreign governments to pay for international assistance in Libya, a nominally wealthy country), and civil society and free media started to blossom.

Unfortunately, and tragically for Libya, security events started to emerge coinciding with deepening political rifts between so called secular-moderate parties and Islamist-revolution factions. This is not the forum to rehash Benghazi, but I cannot underscore enough how much the tragedy effectively limited our ability to influence events on the ground going forward. We lost our Ambassador, a close colleague and friend, along with three other brave Americans. Our Embassy in Tripoli was not only leaderless and demoralized but its ability to carry out its normal work of reporting and programming was virtually halted as a result of security considerations. The attack further widened the divisions between Libya's factions and weakened the interim government.

After another contested election whose legitimacy was challenged by one party, Libya effectively split into two governments, the House of Representatives (HoR) in the east, and the General National Congress (GNC) in Tripoli. A civil war ensued and the violence forced out international embassies in the summer of 2014. Throughout 2015, the UN worked actively with a National Dialogue Committee and both parties to develop the Libya Political Agreement (LPA), a complicated arrangement that would create a Presidency Council (PC) and incorporate the HoR as a legislative body and involve the GNC as an advisory council. The nine-person PC was formed in March 2016 headed by Prime Minister Fayed al-Serraj. As of this hearing, the HoR is still disputing the terms of the LPA and has rejected Serraj's proposed cabinet

Libya's political fragility contributes to its security challenges. The PC needs to establish greater legitimacy in part by addressing key issues of governance: electricity, fuel and medical supply shortages are too common; a liquidity crisis has incentivized the black market for local currency. The UN has established a development fund to assist with critical short-term infrastructure needs but it will be hard to implement projects (challenging in Libya in any circumstances given its unreformed bureaucracy) due to security concerns.

The Terrorism Threat Today

Libya has always featured an aggressive jihadist element dating back at least to the 1980's where a contingent of Libyans was influential in Afghanistan. Upon their return, they formed the Libyan Islamic Fighting Group and fought an insurgency against Qaddafi in the east. Through a combination of military losses and imprisonments, the LIFG entered into negotiations with the regime and agreed to disband and reform in exchange for releasing many of its prisoners, including some shortly before the 2011 revolution.

Although the LIFG no longer exists, many of its former members assumed prominent roles in the revolution and post-revolutionary government. There is a complicated and still unclear relationship between these former jihadists, al-Qaeda, and Libya's governing institutions. Some, like General Khalifa Hefter, the eastern general and a party to Libya's civil war, as well as his backers in Egypt and the UAE, believe that all Islamists, from the Muslim Brotherhood's political party, to former LIFG member and former parliamentarian Abdel-Hakim Belhadj, to ISIS, are just different shades of the same enemy. Others recognize that there is and will always be some Islamist presence in Libya and the key to stability is to find a compromise that includes the moderates among them in the political process rather than to encourage their irreconcilable opposition. That debate could determine Libya's future stability.

In the midst of Libya's civil war, ISIS managed to set up a province in Sirte in early 2015 (after being repulsed by local jihadists in Derna). ISIS clearly took advantage of Libya's instability to install itself and adopt its brutal form of Islamic rule. Initial attempts by local militias to oust ISIS from Sirte were repulsed. As a result, it had over a year to entrench itself in the city, during which ISIS leaders from Syria encouraged foreign fighters to go to Libya given the prospect of territorial loss in Iraq and Syria. Initial intelligence estimates suggested that ISIS had 5000-7000 fighters in Sirte but reports from Libyans suggest the figure was much lower. Importantly, many of these fighters were from outside Libya, including from Tunisia, Sudan and elsewhere in the region. That proved advantageous for organizing an offensive against ISIS because Libyans reject the concept of foreign occupation, whether from a western democracy or a jihadist group. Moreover, most Libyans are conservative Muslims, and many follow the Sufi traditions; to them, ISIS' distortions of Islam are anathema.

In July, a militia coalition from Misrata loyal to the Government of National Accord (GNA) pushed back ISIS, which had expanded along the coastline, to Sirte's city limits where they suffered heavy casualties in the urban environment from IEDs and snipers. At the request of the PC, the U.S. began targeted airstrikes against ISIS in Sirte on August 1st using unmanned drones, attack helicopters, and Harrier jets. To date, AFRICOM has conducted over 100 strikes against heavy weaponry and fighting positions, enabling the militias to liberate most of the city. Although ISIS's safe haven in Libya has been mostly eliminated, there is still the risk that the group could regroup in cells throughout Libya's poorly governed territories and its foreign fighters could repatriate, posing a critical threat especially to Tunisia.

Beyond the Sirte operation, the U.S. has proven willing and able to conduct targeted CT operations in Libya against ISIL and other jihadist targets. In 2013, U.S. Special Forces captured Abu Anas Al-Libi in Tripoli, the perpetrator of the 1998 East Africa embassy bombings. In June 2014, the U.S. captured Ahmed Abu Kattalah who is charged with leading the attack on the U.S. Special Mission in Benghazi. Khattalah is in custody a few miles away. The U.S. has also carried targeted airstrikes against suspected terrorist cells, including one against a suspected AQIM leader near the eastern city of Ajdabiya and one against the ISIS training cell in Sebratha thought to be responsible for the attacks against the Bardo museum in Tunis and the beach resort in Sirte that have devastated Tunisia's tourist industry.

In other words, U.S. counterterrorism policy in Libya has been effective. It has blunted ISIS' effort to establish a safe haven in Libya and taken many fighters off the battlefield. And it has targeted key personalities and cells and remains vigilant to additional opportunities. The challenge will be continuing to align these CT efforts with a slow political process that is necessary to stabilize the country.

Looking Ahead

The most effective way that the U.S. and our allies can continue to alleviate the terror threat posed from Libya is to continue working aggressively to help settle the country's ongoing disputes over political unity. An effective CT policy requires a credible and effective local partner. Therefore, as a first priority, we must support the Government of National Accord, help it to govern by providing technical assistance and development funds, such as the recently announced UN Stabilization Fund. Together with our allies, we must also do whatever possible to ensure that the GNA alone receives the profits from oil exports, and that, in turn, its oil facilities are protected by neutral forces to exports and grow exports. Finally, we must continue to pressure the supporters of those blocking the unity process, primarily Egypt, to halt their counterproductive behavior.

In terms of directly countering ISIS, we must build up intelligence resources in the region, support Tunisia with greater security – and economic assistance given their mutually reinforcing relationship – and help our international partners build up a neutral, professional security force that can protect state institutions and form the backbone of a counterterror force.

