

Opening Statement by US Ambassador-retired Deborah K. Jones

Senate Foreign Relations Committee Open Hearing on Libya

Tuesday, April 25, 2017, 9:45 AM

Dirksen Building

Washington, DC

Mr. Chairman, Distinguished Members of the Committee, Honored Guests:

It is my distinct honor to appear before you today to address the important and vexing matter of Libya, a country that since being voted into existence by the United Nations General Assembly in 1949 has both faced and presented an array of challenges along its difficult path towards responsible, durable statehood. I preface my remarks by underscoring that, having retired from the Foreign Service in November last year, my observations are my own and do not necessarily reflect current U.S. policy, nor do I have access to current intelligence and operational plans. Finally, I am ever mindful of the cautionary note proffered by the last British governor of Jerusalem, Sir Ronald Storrs, who said “the Near East is a university from which the scholar never takes his degree.” Or hers, I would add, after 34 years serving largely in that part of the world.

Libya confounds policy makers and diplomatic practitioners alike with its stubborn resistance to the “obvious” political math of 1.2 million barrels of oil a day and a mere 6,000,000 citizens. Caught up in the endorphins of revolution, many presumed that - like Athena from the head of Zeus - a sort of “Dubai on the Mediterranean” would emerge following the overthrow of Gaddafi. In hindsight it was wishful thinking, as though the Libyan landscape were some sort of *tabula rasa*, separate from its history. Competing narratives and a certain tactical impatience, combined with urgent humanitarian concerns, have challenged the patient policy that has tried to accommodate both the inherently organic nature of political institution building and our very real national security concerns. I believe this remains the correct policy, presuming our national security objective remains a stable, secure Libya that is evolving into a nation-state both protective of and accountable to its citizens and compliant with international law.

Geography is destiny, the saying goes. Strategically located in the heart of north Africa, closer to Rome than to Mecca, Libya’s vast, largely arid expanse includes 1,000 miles of Mediterranean coastline that favored imperial trade and piracy alike. Like Caesar’s Gaul, Libya is divided into three parts - Tripolitania, Cyrenaica and the Fezzan, each with its own political history and external alliances. The area has a long history of being traversed, ruled and occupied by others, most notably the Italian Fascists whose “demographic occupation” resulted in nearly 150,000 Italian citizens - at the time approximately one fifth of Libya’s population -- appropriating much of the country’s only fertile region, along the coastline. A crucial WWII battleground, devastated Libya found new tenants in the allied victors, the United States appropriating, with payment, what had been an Italian airbase, renaming it Wheelus and

remaining with nearly 15,000 DoD personnel and family members, hospital, housing, school, cinema and bowling alley -- in essence a Little America, as one former ambassador put it -- until 1970. With this history, It's no surprise that Libyans were highly resistant to foreign military presence following the 2011 revolution.

When Colonel Gaddafi emerged from Benghazi in 1969, displacing (without firing a shot) the UN-designated monarch, Mohammed Idriss Senussi (he too from Cyrenaica, the leader of a religious order established by the then-Ottoman rulers of Libya, tapped by the British to lead Libyan resistance to the encroaching Italians; history indeed rhymes), he deployed Libya's newly found oil wealth to assert his rule over a nation of three disparate regions and a motley political landscape of city-states, tribes and oases. Raising the banner of Pan Arab nationalism, Gaddafi bought allegiance, stifled competition and kept potential foes at each other's throats in the manner of a criminal cartel lord. Gaddafi did not create the fragmentation that was Libya but he most assuredly exacerbated its vulnerabilities with his "spoils system." To survive in the absence of independent institutions and any neutral "rule of law," Libyans learned to be ethically fluid, transactional and opportunistic. When Gaddafi departed the scene, Libya, by now both fragmented but heavily networked, became essentially a mafia without a Don. Gaddafi was gone but his legacy remained.

Understanding this backdrop is important to comprehending the deep divides and political antagonisms that followed the revolution, which I concluded not long after my arrival in Tripoli in June 2013 was, for all intents and purposes, unfinished. Despite highly touted parliamentary elections in July 2012, the government was sharply split along lines some described as "nationalist" vs "Islamist." Others (myself included) viewed the situation more in terms of "*status quo ante*" elements, some pro-Gaddafi, vs "democratic revolutionary" elements, some Islamist, with marginal ideological extremists on both sides. The revolution had revealed, together with true patriots (a significant number of whom educated in the US and elsewhere in the West) and some unabashed ideologues, such as the mufti, a number of opportunistic bedfellows, whose political promiscuity for material gain often blurred distinctions.

The parliament, or General National Congress (GNC) was gridlocked over matters involving the distribution of power between executive and legislative authorities, while heavily armed militias, increasingly affiliated with political wings, behaved as rival gangs, patrolling physical turf gained during the revolution. Militias opposed to allowing former Gaddafi-era officials access to political office, and the accompanying distributive control of national wealth, pressured the GNC into adopting the controversial Political Isolation Law (PIL) in May 2013, while the rival Zintan were accused of kidnappings, theft and the extortion of travelers from Misrata wishing to fly out of Tripoli's international airport, which they held. But lethal exchanges were rare. It appeared to observers on the ground that these frictions were driven by a desire for control of national assets, not by any ideological divide in a country 98% of whose inhabitants adhere to the same conservative Maliki school of Sunni Islam.

We were able to advance mutual interests in those areas not involving the national patrimony or perceived, in hindsight, to tilt the balance between rival security forces. In my first six months on the ground, we signed bilateral agreements to preserve Libya's rich cultural heritage; create a bilateral commission for Higher Education; enhance law enforcement cooperation; prepare for future investment (Trade and Investment Framework Agreement); and continue important work together with the Organization for the Prevention of Chemical Weapons and others to destroy Libya's precursor stockpiles. On the other hand, efforts to train elite special forces and to respond to then-Prime Minister Ali Zeidan's April 2013 appeal to G-7 leaders to help him build a General Purpose Force were frustrated due in large part to Libyan fractiousness and the lack of any unified command and control system.

Interestingly, those Gaddafi-era technocrats entrusted with overseeing the operations of Libya's most important national assets, the Central Bank, the National Oil Company, and the Libyan Investment Authority, were left largely free to do their work. Oil revenues, occasionally affected by extortionate tribal interference with pipelines, continued to flow into the Bank which in turn distributed salaries and subsidies to all, including rival militias and eventually governments. Similarly, Libya's ministry of Communications continued to provide full service, including mobile Wifi, throughout the country. I understand there have since been efforts by some to create competing authorities, to the dismay of the average Libyan whose primary concern is that he or she have enough to eat, to communicate and ideally to travel.

Sometime following my arrival, my diplomatic colleagues and I discovered that the Special Representative of the Secretary General (SRSG) Tarek Mitri, who headed the UN Special Mission in Libya, or UNSMIL, had quietly engaged with the two largest blocs in the GNC, the National Forces Alliance led by "nationalist, secularist" Mahmoud Jibril and the Justice and Construction Party, associated with the Muslim Brotherhood, to negotiate a *modus vivendi*. This soon morphed into a group of nearly 40 GNC political actors, who after nearly five months of confidential dialogue could agree only that they wanted a government that was "not central," a system that was "somewhat presidential" in nature, and that "sharia was an acceptable basis for Libya's constitutional law." By February 2014, which many interpreted as the deadline implicit in the 2012 constitutional declaration for the GNC to have completed a series of actions or yield to new elections, the SRSG declared a strategic pause as the talks broke down.

While Tripoli was dealing with political disarray and occasional militia shenanigans, to include the brief abduction of PM Zeidan on October 10, 2013 (shortly following the US capture of Al Qaeda affiliate Abu Anas Al-Libi for his role in the 1998 bombings of US embassies in Nairobi and Dar es-Salaam), Benghazi continued to suffer a spate of brazen assassinations in the absence of any state judicial or effective law enforcement authorities. In February 2014, retired General Khalifa Hefter appeared on Libyan TV in a professionally produced video, dressed in military uniform, calling on the Libyan people to rise up and throw out the "corrupt" GNC and to show their support for him by rallying in public squares. Reaction was muted and Hefter -- whose location was unknown -- quietly disappeared. Meanwhile, under increasing pressure, a GNC political committee agreed to hold new elections in June 2014.

Frustration with the slow pace of the SRSG's dialog efforts led the UK and US to initiate our own, independently negotiating "Ten Principles" with Libyan political actors, capped by a March 2014 visit from then-Deputy Secretary of State Bill Burns, who gathered for the first time at the same table eight parties representing the spectrum of Libya's political divisions. As was often the case, success was soon followed by crisis when Libyan petroleum guards in the eastern sector facilitated the illicit offloading of oil to a mystery tanker of North Korean registry, leading to the ship's interdiction by US SEAL team, the forced resignation of PM Zeidan, and his replacement by Abdullah al-Thinni (who remains Prime Minister). In May, Hefatar re-emerged, this time in Benina military airport in Benghazi, with a reconstituted "Libyan National Army" (LNA) vowing to defeat within two weeks the Islamist militias he declared responsible for Benghazi's blood-soaked anarchy. In Tripoli, PM al-Thinni enjoined foreign missions to avoid contact with Hefatar, whom he accused of a coup attempt against the government, reportedly issuing a warrant for his arrest.

National elections were held in June 2014, with approximately 22% of the qualified electorate voting. As in July 2012, there was a clear majority for non-aligned "technocrats." Jubilant in their victory, the self-styled "nationalists" declared the dialogue process unnecessary, refusing any formal handover by the outgoing GNC that would imply that body's legitimacy. Reconciliation talks ceased and rumors spread that Hefatar -- who was finding it more difficult than anticipated to defeat the Benghazi Revolutionary Council militias - would soon enter Tripoli, accompanied by various tribal allies, to forcibly expel rival militias, in particular the "Shields" empowered by the GNC to "protect Tripoli." Acting pre-emptively in response to these rumors, following a lethal exchange between rival militias near the UN headquarters (which led to the withdrawal of UN personnel), a group of Misratan militias, led by GNC supporter Saleh Badi, entered Tripoli at several points, dislodging the pro-Tobruk Zintan militia from their various strongholds at Tripoli's International Airport (which was severely damaged in the fighting and planes destroyed), the Islamic Call Center, Tripoli Tower (home to the Libyan Investment Authority) and several other military sites held by the Zintan. This resulted in the eventual departure of most foreign missions from Tripoli in July 2014. The newly elected and internationally recognized House of Representatives (HoR), minus its boycotting members from Tripoli and Misrata, decamped in early August to Tobruk, a plan I was told had been in the making even prior to the outbreak of hostilities, funded by a wealthy Libyan with ties to the Gaddafi family.

UN-led talks continued, now focused on bringing together boycotting HoR members and those in Tobruk, led by a newly-appointed Bernardino Leon, whose energetic and creative engagement included regional players whose historical ties or political interests were entwined with Libya, and often at cross purposes with one another, affecting Libya's natural political valence and contributing to a volatile situation. In November 2014, Libya's Supreme Court deemed the process by which the June 2014 elections were held to have been illegal, which meant the nominally defunct GNC had to be brought back into the process. The long and the short of it is that following long months and nearly two and a half years of increasingly focused

and inclusive negotiations, with the support of all permanent members of the UN Security Council (the US having proposed and facilitated the inclusion of Russia and China in May 2015), and the involvement of three separate SRSG's, Libyans reached agreement in December 2015 on a compromise formula for creating a Government of National Accord (GNA) and a Presidency Council entered Tripoli in 2016 but has failed to consolidate control, in large part because armed groups on either side refuse to yield to civilian authorities.

### Counterterrorism Operations in Libya

Against this chaotic backdrop and despite the political disarray, the US during my tenure as Chief of Mission conducted a number of missions successfully, to include the capture of both Anas Al-Libi and Benghazi suspect Abu Khatallah, while engaging credibly with all sides in the political reconciliation talks and with the support of successive Libyan governments. Libya's complex political terrain requires careful navigation. For example, many Libyans were prepared to disregard Libyan Ansar al-Sharia (AAS), who in their view provided largely social assistance, while welcoming action against Tunisian AAS, who they considered extremists exploiting Libyan resources to conduct their missions. Libyans were only too happy to have the US take out foreign terrorists operating on their soil, but were dismayed when we apprehended Anas Al-Libi and Abu Khattala. Libyans were the first to assert the presence of ISIL/Daesh in Derna and to seek US assistance in removing them. Misratan individuals associated with the nominally "Islamist" side of this conflict were the first to draw our attention to the growing ISIL presence in Sirte, a presence reportedly accommodated by members of the Gaddaf ad-Dam tribe, historical enemies of the Misratans who earlier had affiliated for similarly opportunistic reasons with AAS. Misratan military personnel led efforts to destroy ISIL in Sirte (and were later accused by Sirte elders of looting and other negative behaviors).

### ISIL in Libya

ISIL's first declaration in Libya appeared in June 2014 in Derna, where extremists had returned from fighting in Syria and Iraq. Taking advantage of Libya's chaotic situation, elements later appeared in Sabratha in the west, in Sirte and in Benghazi, with ISIL claiming attacks in Tripoli in January and September of 2015, the first taking the life of a private American security contractor. By 2015 ISIL in Libya had reached its peak, with some 2000 fighters, many of them from Tunisia, sub-Saharan Africa (Mali) and elsewhere in the Maghreb, as well as several hundred returnees in the east from fighting in Syria and Iraq. By mid-2015, with the help of AFRICOM, the "Sabratha Revolutionaries" earlier associated with Libya Dawn (the western coalition assembled in reaction to Heftar's Dignity movement) were able to defeat ISIL elements in Sabratha. ISIL was also expelled by revolutionary fighters from Derna. Libyans opposed to Heftar suggest that his forces allowed ISIL members safe passage from Benghazi and Derna to relocate in Gaddafi's former stronghold of Sirte, questioning how they otherwise were able to slip through LNA checkpoints. In Sirte, they eventually were defeated by Misratan forces in cooperation with the GNA and AFRICOM airstrikes in an extended operation known as "Al-Bunyan al-Marsous," or "Impenetrable Foundation," carried out over an extended period.

## Khalifa Hefatar

Hefatar's role is also complex and has complicated the reconciliation process. His initial emergence in Benghazi, taking a vigilante approach to defeating those he considered Islamist extremists, was cheered by some and decried by others who noted that his polarizing tactics had pushed many moderates into the extremist camp for the sole purpose of preventing his rise to power. At the same time, they argue, he created an opening for ISIL/Daesh to exploit the chaotic situation by prolonging the political vacuum. His prolonged and - according to many - frankly incompetent campaign was marked by conflict and a lack of cohesion within his ranks, and floundered without significant external assistance, leading many to fear he is merely a tool in foreign hands. Others assert he is prepared to resort to opportunistic alliances (for e.g. with the Salafist Madkhalis) and to engage in severe human rights violations against Libyans for the sake of gaining power. .

In any event, as a practical matter, at no time during my engagement with Libya did Hefatar control more than 12% of Libyan territory. Libya is too vast to rely on one partner, particularly in such a politically fraught environment. It was my policy advice that to defeat Daesh/ISIL in Libya, we needed to partner with Libyans across the spectrum, an approach agreed to by the Obama Administration. Embassy Tripoli facilitated many of the contacts between AFRICOM and western militia leaders that enabled this successful collaboration. I am not aware of Hefatar's contributions to combating ISIL in Libya.

## Conclusion:

Libya is not engaged in a traditional civil war, based on intractable ideological difference. This is a war of attrition aimed at controlling - not destroying - critical infrastructure in the absence of a trusted administrator of national wealth. Historically, exhaustion, impoverishment, or physical hurt have proven the prime motivators for arriving at negotiated solutions. As long as different factions - who thus far have been fairly evenly matched in terms of holding their turf -- continue to believe they can count on external support to tip the scales and avoid reaching the limits of their impoverishment, hurt or exhaustion, intermittent, low intensity warfare will continue, contributing to human suffering, refugee flows, and penetration of Libya's vast territory by foreign fighters, Al Qaeda and ISIL/Daesh. This is good neither for Libya nor for us.

Stability requires good governance. The fundamental role of any government is to provide its citizens equitable access to the nation's wealth, however defined, through the provision of security, a regulatory framework for commerce, and rule of law. Any "Libyan Solution" will require buy-in at the municipal levels for a governing regime that ensures the equitable distribution of national wealth (in this case oil revenues); a certain degree of autonomy (including on security matters) at local and regional levels; and the reintegration of militias or the

rehabilitation of their members. It must be inclusive and allow for the return and rehabilitation of all Libyans. It must begin with a ceasefire, monitored by the international community with Libyan acquiescence and support, as well as the gathering of heavy weapons throughout the country and continued cooperation in the war against ISIL/Daesh and others wishing to exploit Libyan territory. Libyans must agree to all of this. Otherwise, they must accept that the international powers will increasingly act in their own immediate, short-term national interest. But “hit and run” is not a viable long-term strategy.

Libya is not easy. Civil conflict creates deep and lasting scars, as we have seen in our own experience. But it is a worthwhile project, and there is no alternative. As our Founding Fathers knew so well, legitimacy cannot be imposed; it must be earned. I have shared with Libyans both enormous joy and tremendous sorrow, deep frustration and moments of profound emotion and reconciliation during the negotiation process that brought me to tears. I cannot forget the optimism and hope of Libya’s youth and their desire to create a modern Libya that is inclusive and nurturing of that hope; I cannot forget my conversations with former “thear,” or revolutionaries, young men, brave, scruffy and unsure, demanding of the politicians wise leadership and good governance so that they can raise families and work with dignity in a safe environment.

Libyans have not asked us to fight their battles for them; the least we can do is support their dreams, dreams inspired by our example.

Thank you.