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PERSPECTIVES ON THE CRISIS IN LIBYA

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PERSPECTIVES ON THE CRISIS IN LIBYA

WEDNESDAY, APRIL 6, 2011

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10:05 a.m., in room SD–419, Dirksen Senate Office Building, Hon. John F. Kerry (chairman of the committee) presiding.

Present: Senators Kerry, Menendez, Webb, Shaheen, Lugar, Corker, and Lee.

OPENING STATEMENT OF HON. JOHN F. KERRY, U.S. SENATOR FROM MASSACHUSETTS

The CHAIRMAN. Good morning. We convene today to further examine the evolving situation in Libya.

It has now been nearly 3 weeks, since the international coalition began airstrikes against Libyan military targets in support of U.N. Security Council Resolution 1973. And I think it's—certainly, the more compelling components—maybe "compelling" is the wrong word; each situation is compelling—but, I think that the broader dangers of the humanitarian catastrophe have been averted, even as some circumstances still continue. And, as we know, civilians are still dying. And the road forward really needs further definition.

So, it's my pleasure to welcome, today, three very excellent witnesses to help us understand what's happening today and to think through how the conflict might be resolved.

Richard Haass is a friend of the committee and longtime friend of mine, personally. His government service was marked by, I think, clear-eyed appraisals of difficult situations. And, as president of the Council on Foreign Relations, he's been out front, telling it like it is, which is what he ought to do. And we expect nothing less today.

Tom Malinowski has served in a number of senior positions in the Clinton administration. I think he's best known as the Washington director for Human Rights Watch. And from that post, he has been a tireless advocate for human rights, and we look forward to his assessment here today.

And our third witness, Dirk Vandewalle, is a professor at Dartmouth College who has spent much of his distinguished career focused on Libya. He brings a wealth of expertise. And we appreciate his presence and look forward to his insights.

I said last week, and I reiterate, that I do believe we have strategic interests in the outcome in Libya. I've always suggested that

we can layer or tier different stages of interest of the United States, from vital national security interests, to a legitimate national security interest, to a national security interest, to an interest. I mean, these interests are of varying degrees of urgency and strategic importance and value.

But, there are clearly strategic interests, certainly in keeping the hopes of reformers across the Arab world alive, and in making sure that the Arab Awakening, which may well offer one of the most important strategic shifts since the fall of the Berlin Wall—depending on how it comes out, obviously—but, keeping that moving and countering the violent extremism of al-Qaeda. Certainly, a peaceful turnover in a place like Egypt, as the result of an acquiescence by the military in the face of civilian protests, is far more preferable than IEDs, military engagement, and suicide bombers, and other violence that has been attached to many of the movements and transitions and confrontations of the rest of that part of the world.

And also, I think there is an interest in demonstrating to the region's leaders that, when the global community makes up its mind regarding a particular shared value, as was expressed in the United Nations resolution, that there is a value for people understanding that peaceful endeavors are not going to be met by repression and large-scale violence, where, in fact, it is both reasonable as well as possible for the United States to make a difference. I think the President articulated those kinds of differences that exist, and we need to be sensitive to them.

Obviously, these uprisings have spread with enormous velocity. And that is a testimony to the new interconnectivity of the world and the pent-up frustrations of people throughout the region, particularly these huge populations of young people, who have little opportunity for jobs or education or outlet, but who are all connected to what the rest of the world is doing and living.

It's going to take time for us to fully appreciate this transformation. But, we can agree that this is setting a new direction for the Middle East, even as we have some uncertainties about some aspects of that direction. Moreover, the United States has important bedrock values that we must uphold. And we also have a role to play. It's a role that differs from country to country, depending on those interests, as they are defined, and also depending on our capabilities and on the possibilities.

When it comes to Libya, the President faced a difficult balancing act. On the one hand, he had a responsibility to help prevent a humanitarian catastrophe; on the other hand, he certainly wanted to make sure that the United States did not suddenly start out on an adventure that brings us to a place of being bogged down in another ground war. I believe he struck the right balance. And America's military role, which was limited from the beginning, is diminishing even further now, as we speak.

There is still a need for robust military protections for the civilian population in Libya, and NATO will take the lead on that. Even as we continue to assist the NATO mission, we will also apply other means to influence the outcome. We need to use stringent economic sanctions and aggressive diplomatic pressure to help convince Qadhafi to transition.

There have been some encouraging signs. One of his most influential and longest serving advisors, Moussa Koussa, defected last week, opening the possibility of new insights into how to persuade Qadhafi, himself, to go. Defections are, needless to say, a critical indicator of people's beliefs about where things are moving and who might actually ultimately win. And I think that Moussa Koussa's defection was important.

Yet, despite the best intentions, the opposition is, in fact, poorly trained, poorly armed, and poorly organized. They have not proven capable of holding on to gains deep in pro-Qadhafi territory. Obviously, they need assistance of one kind or another, and it is appropriate that the international community is working through exactly what that will be.

Libya's Transition National Council has put forward a commendable political program that imagines a more stable, more tolerant, and more democratic Libya. They will need outside support for that. And I hope we will have a couple of members of that council visit us here in Washington, perhaps as early as next week. I met with them in Cairo and have extended an invitation. And I'm confident that they would like to take us up on that at a convenient moment.

So, however the situation in Libya ends, whether it's with regime collapse, total and complete, or a rebel military victory, or an extended stalemate, the process of putting Libya back together will be a complicated one. But, it is a task where the United States, the United Nations, and the Arab League all have roles to play.

I might add that, while it is a country of vast size geographically—I think something like three times the size of Texas—it is a country of only 6 million people, about the population of my State of Massachusetts. So, I believe that, in the end, this will be both manageable and not exceedingly costly to the global community.

Senator Lugar.

OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA

Senator LUGAR. Thank you very much, Mr. Chairman. I thank you for holding this important hearing. And I join you in welcoming our distinguished witnesses.

The Libyan civil war continues with little prospect that the opposition will be able to defeat the Qadhafi regime's forces in the near term, even with the backing of coalition airstrikes.

The President and members of his team have stated that the removal of Qadhafi is a diplomatic goal of the United States, but not a military goal. The administration has not addressed specifically what its plans are for supporting the rebels or how the conflict might be concluded. The President has been silent on what our responsibilities may be for rebuilding a post-Qadhafi Libya. We are left with a major commitment of U.S. military and diplomatic resources to an open-ended conflict backing rebels whose identity is not fully illuminated. This lack of definition increases the likelihood of mission creep and alliance fracture.

The President has not made the case that the Libya intervention is in the vital interests of the United States. Calculations of our vital interests must include the impact of any elective military

operation on our $14 trillion national debt and on armed forces strained by long deployments in Iraq and Afghanistan.

Beyond these resource considerations, the application of American power in Libya is misplaced given what is happening or may happen elsewhere in the Islamic world. When measured against other regional contingencies, Libya appears as a military conflict in which we have let events determine our involvement, instead of our vital interests. The sustained security problems presented by Iran, which is aggressively pursuing a nuclear weapons capability, and Pakistan, which already has one, are magnitudes greater than the problems posed by Libya. Clearly, with a combined 145,000 American troops in Iraq and Afghanistan and years of American effort invested in both, those countries have to be considered a far higher priority than Libya. Although Qadhafi could conceivably lash out with a terrorist attack, the Afghanistan-Pakistan border and Yemen, which is the epicenter of al-Qaeda in the Arabian Peninsula, pose the most intense threats of a significant terrorist attack in the near term.

Politically, the outcome of changes in Egypt, which has a population 13 times greater than Libya's and is a cultural and military power within the Arab world, will have far more impact on the strategic calculations of other nations than Libya, with its tribal conflicts and idiosyncratic politics driven by Qadhafi and his sons.

Meanwhile the Arab-Israeli peace process is going nowhere, with additional uncertainties in the region being created by the popular upheavals in Egypt, Syria, Jordan, and other nations. In this context, a rational strategic assessment would never devote sizable military, diplomatic, economic, and alliance resources to a civil war in Libya.

The President has attempted to link United States humanitarian intervention in Libya to strategic interests in the broader Middle East, but this link is extremely tenuous. In his March 28 speech, the President stated that if Qadhafi succeeds in violently repressing his people, "democratic impulses that are dawning across the region would be eclipsed by the darkest form of dictatorship, as repressive leaders concluded that violence is the best strategy to cling to power."

But leaders in the region, as well as ordinary citizens, are making calculated decisions based on local circumstances, not what happens in Libya. It is not apparent that any government has taken a softer line on protesters because we have bombed Libya. In fact, governments and populations in the region recognize that a coalition intervention on behalf of citizen's movements is less likely because forces are committed to Libya and because the strategic rationale for intervention depended on coalition and Arab League support. There will be no Arab League request to support the protesters in southern Syria or the Shia in Bahrain, for example.

The White House has emphasized the role being played by allies. I applaud any burden-sharing that is achieved. But in a revealing development earlier this week, the coalition called on the United States to continue airstrikes during a period of bad weather, because our capabilities exceeded that of other nations.

Even if allies do assume most of the burden for air operations, the longer these operations extend, the more help from the United States is likely to be required. Nor should we assume that missions performed over Libya by Britain, France, and other NATO allies are necessarily cost-free to the United States. The commitments of our allies in Libya leave NATO with less capacity for responding to other contingencies. We need to know, for example, whether the Libyan intervention will make it even harder to sustain allied contributions to operations in Afghanistan. Will allies say, "We are dealing with the Libyan problem, as you asked, but we can't continue to do this without reducing our military commitments elsewhere"?

Most troubling, we don't know what will be required of the United States if there is an unanticipated escalation in the war or an outcome that leads to United States participation in the reconstruction of Libya.

At our hearing last week with Deputy Secretary Steinberg, many Senators raised concerns about these scenarios. The last 10 years have illuminated clearly that initiating wars and killing the enemy is far easier than achieving political stability and rebuilding a country when the fighting is over. The American people are concerned about potential commitments that would leave the United States with a large bill for nation-building in a post-civil-war Libya.

The President must establish U.S. goals and strategies with much greater clarity. He has not stated whether the United States would accept a long-term stalemate in the civil war. If we do not accept a stalemate, what is our strategy for either ending Qadhafi's rule or exiting the coalition? Without a defined endgame, Congress and the American people must assume U.S. participation in the coalition may continue indefinitely, with all the costs and risks that come with such a commitment.

With all these considerations in mind, I look forward to the insights of our witnesses.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Lugar.

Dr. Haass, if you'd begin, and then Mr. Malinowski and Dr. Vandewalle.

Thank you.

STATEMENT OF HON. RICHARD N. HAASS, PRESIDENT, COUNCIL ON FOREIGN RELATIONS, NEW YORK, NY

Ambassador HAASS. Thank you, Mr. Chairman. Good to see you again, and Senator Lugar and Senator Corker. And thank you for asking me to appear again before this committee to discuss United States policy toward Libya.

Let me just make clear at the outset that my statement and testimony reflect my personal views and not those of the Council on Foreign Relations, which takes no institutional positions.

What I thought I'd do is spend a few minutes on lessons to be learned, up to now, and then a few minutes on where we might go, going forward.

And I'll summarize my remarks, in the interest of time.

Armed intervention on humanitarian grounds can sometimes be justified. But, before the United States uses military force to save lives, let me set forth a number of criteria: We need to be sure of the threat; the potential victims should request our help; the intervention should be supported by significant elements of the international community; the intervention should have high likelihood of success at a limited cost, including the cost to our other interests; and other policies should be judged to be inadequate. And I would say that not all of these conditions were satisfied in the Libyan case.

Second, it was, and is, not obvious, to me at least, that what happened, or will happen, in Libya will have significant repercussions for what happens elsewhere in the region. Here, I'd associate myself with Senator Lugar's comments. The dynamics in Syria or Bahrain or Egypt, not to mention Iran, Iraq, or Saudi Arabia, will be determined mostly by local factors and forces, and not by what happens in Libya.

I also believe that policymakers in this country and other countries made a mistake early on in calling explicitly for Muammar Qadhafi's removal. Doing so made it far more difficult to employ diplomacy early on to help achieve U.S. humanitarian goals without having to resort to military force. By calling for his ouster, we removed the incentive that Qadhafi might have to stop attacking his opponents. It also put the United States at odds with U.N. Security Council Resolution 1973. Last, it increases the odds that many would see the intervention as failing, so long as Qadhafi remained in power.

A lot of emphasis has been placed on multilateral support for this operation. But, let me say that multilateralism, in and of itself, is not a reason for doing something. Multilateralism is a mechanism, no more and no less, for distributing burdens. It can add to the legitimacy of an action, but it can also complicate policy implementation. Such pros and cons always need to be assessed, but multilateral support does not make a policy that is questionable on its merits any less so.

Now, many people have commented on the reality that our policy toward Libya is inconsistent with our policies toward other countries. On that, I'd simply say that inconsistency is unavoidable in foreign policy. And, in and of itself, inconsistency is not a reason for rejecting doing something that makes sense, or for undertaking something that does not. Some humanitarian interventions may, in fact, be warranted. But, that said, we also have to recognize that inconsistency is not cost-free. It can confuse the American public, and it can disappoint people in other countries, opening us up to charges of hypocrisy.

Senator Kerry, you mentioned the idea that the United States has a whole range of interests, up to "vital." And I would say that, in principle, it is acceptable to intervene militarily in situations where we have interests that are less than vital. But, in those cases—and I would call them wars of choice—it must be shown that the likely costs are commensurate with the interests involved, and again, that other policies would not have done equally well or better. Otherwise, I don't believe a war of choice can be justified.

As I expect you've gathered, I did not support the decision to intervene with military force in Libya, but, as the saying goes, "We are where we are." So, where do we go from here?

First, we have to begin with intellectual honesty here. We must recognize that we face an all-too-familiar foreign policy conundrum: There is a large gap between the professed goals of the United States and the means we are prepared to devote to realizing them.

Now, anytime there is such a gap between ends and means, there are two choices: You can either reduce the ends or you can elevate the means. It's about that simple. And the Obama administration, up to now, has largely emphasized increasing the means; hence the no-fly zone to the no-fly zone plus, and now there's apparent interest in arming opposition forces.

I would advise against taking this path. We cannot be confident of the agenda of the opposition toward either the Libyan people or various United States interests, including counterterrorism. Nor can we be certain, at this stage, as to which opposition elements with which sets of goals might, in the end, prove dominant. Arms, once transferred, as we've learned in Afghanistan, can be used for any purpose. And, as we've learned in many countries in the greater Middle East, situations, however bad, can always get worse.

The only way I know to ensure the replacement of the current Libyan regime with something demonstrably better would be through the introduction of ground forces that were prepared to remain in place to maintain order and build local capacities in the aftermath of ousting the government; essentially, nation-building. But, I would also add that United States interests in Libya simply do not warrant such an investment on our part.

I also think that it's important to recognize that there's little reason to conclude that the Libyan opposition will, anytime soon, be able to defeat the Libyan Government. The Libyan Government may implode, but we cannot base our policy on this hope.

So, where does this leave us? It argues for reducing the immediate aims of American foreign policy and giving priority to humanitarian, as opposed to political, goals. This would entail undertaking or supporting a diplomatic initiative to bring about the implementation of U.N. Security Council Resolution 1973, and most importantly, to bring about a cease-fire.

What would probably be required—in order to gain the support of the opposition—would be a set of political conditions, possibly including specified political reforms and a degree of autonomy in the east. Sanctions could be introduced or removed to effect the acceptance and compliance by the government, or the opposition, for that matter. Muammar Qadhafi might have to remain in office for a time. The country might effectively be divided for some time. And an international force could well be required on the ground to keep the peace.

Such an outcome, I expect, would be criticized by some, but it would stop the civil war and it would keep many people alive who would otherwise perish. It would create a window for political reform and possibly, over time, lead to a new government, one without Muammar Qadhafi. And the United States could use this time to work with the Libyans in the opposition and beyond—in the government, for that matter—to begin the process of building national

institutions, which will be necessary, and to do so in a context without the added burden of an ongoing civil war.

Let me also add that a compromise negotiated outcome would also be good for the United States, as it would allow us to focus our resources—economic, diplomatic, military, and political—elsewhere. Far more important than Libya for United States interests in the region are Egypt, Syria, Bahrain, Saudi Arabia, Iraq, Jordan, and Iran. But, it is important not to lose sight that the Middle East is not the entire chess board. The United States needs to reserve resources for other parts of the world—the Korean Peninsula comes to mind—for possible wars of necessity, for military modernization central to our position in the Pacific, and for deficit reduction.

So, let me close with a general thought. Foreign policy must be about priorities. As you all know, the United States cannot do everything, everywhere. This consideration would have argued for avoiding military intervention in Libya. Now it argues for limiting this intervention, what we seek to accomplish, and what is required of the United States.

Thank you again for asking me back. And obviously, I look forward to your questions.

[The prepared statement of Mr. Haass follows:]

PREPARED STATEMENT OF HON. RICHARD N. HAASS

Mr. Chairman, thank you for asking me to appear before this committee to discuss recent U.S. policy toward Libya. Let me make two points at the outset. First, my statement and testimony reflect my personal views and not those of the Council on Foreign Relations, which as a matter of policy takes no institutional positions. Second, I will address today's topic from two perspectives: first, the lessons to be learned from recent U.S. policy toward Libya, and second, my recommendations for U.S. policy going forward.

Analysis must be rigorous. In two critical areas, however, I would suggest that what has been asserted as fact was in reality closer to assumption. First, it is not clear that a humanitarian catastrophe was imminent in the eastern Libyan city of Benghazi. There had been no reports of large-scale massacres in Libya up to that point, and Libyan society (unlike Rwanda, to cite the obvious influential precedent) is not divided along a single or defining faultline. Gaddafi saw the rebels as enemies for political reasons, not for their ethnic or tribal associations. To be sure, civilians would have been killed in an assault on the city—civil wars are by their nature violent and destructive—but there is no evidence of which I am aware that civilians per se would have been targeted on a large scale. Muammar Gaddafi's threat to show no mercy to the rebels might well have been just that: a threat within the context of a civil war to those who opposed him with arms or were considering doing so.

Armed intervention on humanitarian grounds can sometimes be justified. But before using military force to save lives, we need to be sure of the threat; the potential victims should request our help; the intervention should be supported by significant elements of the international community; the intervention should have high likelihood of success at a limited cost, including the cost to our other interests; and other policies should be judged to be inadequate. Not all of these conditions were satisfied in the Libyan case. Such an assessment is essential if we are asking our troops to put their lives at risk, if we are placing other important interests at risk, and if we are using economic and military resources that puts our future more at risk.

Second, it was (and is) not obvious that what happened or happens in Libya would, or will have, significant repercussions for what happens elsewhere in the region. Libya is not a particularly influential country; indeed, Gaddafi's isolation in no small part explains why it was possible to get Arab League and U.N. support for a resolution supporting armed intervention. The dynamics in Syria or Bahrain or Egypt, not to mention Iran, Iraq, and Saudi Arabia, will be determined mostly by local factors and forces and not by what happens in Libya.

American policymakers erred in calling explicitly early on in the crisis for Gaddafi's removal. Doing so made it far more difficult to employ diplomacy to help

achieve U.S. humanitarian goals without resorting to military force. It removed the incentive Gaddafi might have had to stop attacking his opponents. The call for Gaddafi's ouster also put the United States at odds with much of the international community, which had only signed on to a humanitarian and not a political mission when voting for U.N. Security Council Resolution 1973. It increased the odds the intervention would be seen as a failure so long as Gaddafi remained in power. And, as I shall discuss, requiring Gaddafi's removal actually makes it more difficult to effect the implemention of U.N. Security Council Resolution 1973 and stop the fighting.

Multilateralism is not a reason for doing something. Multilateralism is a mechanism, no more and no less, for distributing burdens. It can add to the legitimacy of an action; it can also complicate policy implementation. Such pros and cons need to be assessed. But multilateral support does not make a policy that is questionable on its merits any less so. To think otherwise is to confuse ends and means.

Inconsistency is unavoidable in foreign policy, and in and of itself is not a reason for rejecting doing something that makes sense or for undertaking something that does not. Some humanitarian interventions may be warranted. But inconsistency is not cost-free, as it can confuse the American public and disappoint people in other countries, in the process opening us up to charges of hypocrisy and double standards.

It is acceptable in principle to intervene militarily on behalf of interests deemed less than vital, but in such cases—what I would deem "wars of choice"—it must be shown that the likely costs are commensurate with the interests involved and that other policies would not have done equally well or better in the way of costs and outcomes. Otherwise, a war of choice cannot be justified.

As I expect you have gathered from what I have said here today and both said and written previously, I did not support the decision to intervene with military force in Libya. But we are where we are. So what would I suggest the United States do in Libya going forward?

We must recognize that we face a familiar foreign policy conundrum, namely, that there is a large gap between our professed goals and the means we are prepared to devote to realizing them. The goals are ambitious: protecting the Libyan people and bringing about a successor regime judged to be preferable to what now exists. But the means are limited, as the President is clearly looking to our partners in NATO to assume the major military role and has ruled out the introduction of American ground forces.

Whenever there is such a gap between ends and means, a government has two choices: it can either reduce the ends or elevate the means. The Obama administration has up until now mostly emphasized the latter course. The no-fly zone was quickly augmented by additional air operations designed to degrade Libyan Government forces. This proved insufficient to tilt the battlefield decisively in favor of regime opponents.

Now there is apparent interest in arming opposition forces. I would advise against taking this path. We cannot be confident of the agenda of the opposition toward either the Libyan people or various U.S. interests, including counterterrorism. Nor can we be certain as to which opposition elements with which set of goals might in the end prove dominant. Arms once transferred can be used for any purpose. Bad situations can always get worse.

The only way to ensure the replacement of the current Libyan regime with something demonstrably better would be through the introduction of ground forces that were prepared to remain in place to maintain order and build capacities in the aftermath of ousting the government. As we have seen in Afghanistan and Iraq, the only thing certain about such a policy trajectory is its human, economic, and military cost. U.S. interests in Libya simply do not warrant such an investment on our part. And it is obviously far from certain whether any other outside party has both the will and the capacity to introduce ground forces on a scale likely to make a decisive military difference.

There is little reason to conclude that the Libyan opposition will any time soon be able to defeat the Libyan Government. It appears to lack the requisite cohesiveness and skill. The combination of a no-fly zone, bombing, and arming might, however, have the effect of leveling the playing field and prolonging the civil war, leading to more civilian casualties in the process. This would be an ironic result of an intervention designed to promote humanitarian ends. The Libyan Government may implode, but we cannot base our policy on this hope.

This all argues for reducing the immediate aims of American foreign policy and giving priority to humanitarian as opposed to political goals. This would entail undertaking or supporting a diplomatic initiative to bring about the implementation of U.N. Security Council Resolution 1973 and, most importantly, a cease-fire. A nar-

row cease-fire is probably unrealistic, though. What would also be required to gain the support of the opposition would be a set of political conditions, possibly including specified political reforms and a degree of autonomy for certain areas. Sanctions could be added or removed to affect acceptance and compliance. Gaddafi might remain in office, at least for the time being. The country might effectively be divided for some time. An international force could well be required on the ground to keep the peace.

Such an outcome would be derided by some. But it would stop the civil war and keep many people alive who would otherwise perish. It would create a window for political reform and possibly over time lead to a new government without Muammar Gaddafi. The United States could use this time to work with Libyans in the opposition and beyond to help build national institutions without the added weight of ongoing fighting.

A compromise, negotiated outcome would also be good for this country, as it would allow the United States to focus its resources—economic, diplomatic, military, and political—elsewhere. Far more important than Libya for U.S. interests in the region are Egypt, Syria, Bahrain, Saudi Arabia, Iraq, Jordan, and Iran. The United States also needs to reserve resources for other parts of the world (the Korean Peninsula comes to mind), for possible wars of necessity, for military modernization central to our position in the Pacific, and for deficit reduction.

Foreign policy must be about priorities. The United States cannot do everything everywhere. This consideration would have argued for avoiding military intervention in Libya; now it argues for limiting this intervention in what it seeks to accomplish and what it requires of the United States.

Thank you for this opportunity to appear before this committee. I look forward to your questions.

The CHAIRMAN. Thank you, Dr. Haass.

Mr. Malinowski.

STATEMENT OF TOM MALINOWSKI, WASHINGTON DIRECTOR, HUMAN RIGHTS WATCH, WASHINGTON, DC

Mr. MALINOWSKI. Thank you, Chairman Kerry, Senator Lugar, members of the committee. Thanks for asking me to come and speak to you about this subject today.

I want to start by saying that my organization, Human Rights Watch, has been following events in Libya for a number of years. We've conducted numerous missions in the country. I've met, on trips to Libya, members of Qadhafi's government, including some of the officials who've gone over, now, to the opposition. And we have been in close contact, for a number of years, with some of these incredibly brave human rights activists, in Benghazi and other parts of the country, who have now formed the core of the opposition movement. We've also had staff on the ground in eastern Libya, since the uprising began, observing these events as they've unfolded.

There's been a lot of discussion about how we don't know who the opposition is. And I don't think that's quite fair. I think we do know a great deal about them. Certainly, my organization has known them for some time. And one thing I can attest to you today is that this is not just a localized uprising, centered on Benghazi or eastern Libya. It's not, in my view, a classic civil war between east and west fighting over control of the center. What we saw in Libya, starting in February, was really a nationwide popular uprising against the Qadhafi government. The difference is that in the west, except for Misrata, which is still holding out, the opposition movement was brutally put down. In the east, they overcame the security forces and found themselves, to their enormous surprise, in charge of a large amount of territory.

Now, about 3 weeks ago, we found Qadhafi's forces marching on that territory in the east, where the opposition was still in control. Qadhafi said that he would show no mercy to the "rats," as he called them, who had risen up against him in that part of Libya. And a humanitarian catastrophe, I think, was clearly imminent.

The Obama administration and its international allies did act just in time to stop that from happening. In my view, this was probably the most rapid multinational military response to an impending human rights crisis in history, with broader international support than any of the humanitarian interventions we've conducted in the past, including Bosnia and Kosovo and others in the 1990s.

Now, precisely because the international community did act in time, before Qadhafi retook Benghazi, we never saw what might have happened, had he retaken that city. And so, it's not as evident to us—we don't feel what was accomplished, because we didn't see those events unfold. This is the classic dilemma of preventive action.

And so, just a few days into the military operation, we've moved on to a new set of questions—very difficult, very legitimate questions that others have raised and I'm sure we'll discuss today. But before the debate moves on to those questions, we ought to at least acknowledge what would likely be happening in eastern Libya today, had Qadhafi's forces continued their march.

First, there would have been a brutal siege of the city of Benghazi. Just look at the dozens of burnt-out tanks and rocket launchers and missiles that were stopped on the road to the city. It gives us some idea of what might have been unleashed on the people of Benghazi. Look at what's happening in Misrata today, a smaller city that's holding out against a similar assault.

Second, we would have seen, I think, a merciless campaign of repression against Libyans in that city and all the others in eastern Libya who dared to stand up against Qadhafi. Qadhafi's long track record of torturing and arresting and disappearing and killing his political opponents, which we've documented over the years, attests to that. And I think this would have haunted us for quite some time.

Third, the Libyans who rose up against Qadhafi in the east would have felt defeated, humiliated, betrayed by the west. We'd have seen many thousands of young men from that region living in refugee camps, wandering around the Middle East, feeling defeated. I would say that would be an al-Qaeda recruiter's dream and something that we had a national interest in avoiding.

Finally, I do agree with President Obama, that there would have been an impact on events in other countries in the Middle East. Perhaps not decisive or determinative, but I think one thing we have seen in this whole drama over the last few months is that events in one country in the Middle East affect events in all of the others. That's been the whole story of the Arab Spring, with something that began in Tunisia inspiring people in Egypt, which then inspired people in Libya and other countries. And I think there's no question that authoritarian leaders would have concluded, had Qadhafi won, that Hosni Mubarak, in Egypt, made a very big

mistake by not killing everybody in Tahrir Square, and that Qadhafi's survival strategy is the one to emulate.

And I think, if all of these things had happened, Mr. Chairman, we probably would still be talking about Libya today. You might be holding the same hearing, but it would be a very, very different kind of conversation, a much darker conversation than the one that we're going to have.

Now, all of that said, even if Benghazi may now be safe from Qadhafi's tanks, obviously his thugs still have free rein to shoot demonstrators in Tripoli and other cities in the west. In Misrata, the civilian population is still besieged. And, unless a secure humanitarian corridor is established to that city, it's hard to see how the half-million residents of Misrata can endure a protracted conflict. And, for the moment, a protracted standoff does look possible. Libya is, for the moment, divided in two.

But, I think we need to remember the choice that President Obama and other leaders faced a few weeks ago. They could either allow Libya to be reunified, but under Qadhafi, or help at least a large part of the country escape that fate. And by trying to reunify it under better circumstances, I think President Obama chose the better of those two difficult options.

And I don't think we should underestimate the strength of the nonmilitary measures that are now in place to pressure the regime. The men around Qadhafi, the men who are ultimately going to decide his fate, now know something, after all, that they didn't know just a few weeks ago. They know that their leader will never again be able to sell a drop of Libyan oil, and they know that he will never be able to retake the large parts of Libya that he has lost. And now we have time, which we did not have a few weeks ago.

How should we use that time? Well, in part I think we should use it to help the opposition strengthen its capacity to govern in the east so that they are better prepared to play their part in governing the country in the future. They face an enormously steep learning curve. As I said, they had no idea they would be doing this, just 2 months ago. But, they have been very responsive to our concerns. We've been in their offices every day for the last month, raising all kinds of issues, and they have been very responsive. They need help in setting up a justice system, courts, police, all of the elements of a functioning state. We ought to be working with them on planning a future transition to a constitutional rule of law state, talking to them about how to manage oil revenues in an accountable and transparent way, working with them to secure stocks of weapons, including shoulder-fired missiles that some of our researchers stumbled upon unsecured in a warehouse recently in eastern Libya, as well as land mines and unexploded ordnance.

I know there's been a lot of talk about whether to arm the rebels. I think there should be much more focus on sending civilian teams to start addressing these and other challenges of governance. This is the moment, after all, when the character of the future Government of Libya is being determined. It's also the moment where we have the maximum amount of leverage on the people who may form that government in the future.

Now, in time, I think the opposition forces will be stronger and better prepared. Meanwhile, as these extremely stringent sanctions

take their toll, I think the regime, what's left of it, will grow weaker. Defections will obviously contribute to that, as well. I think there's a very strong argument here for patience and for following the kind of approach that the United States followed, for example, in the case of Kosovo, after a military action to protect the civilian population in one part of Serbia, followed by political strategy that ultimately succeeded in changing the character of the larger part of Serbia.

It's not going to be easy. We don't know exactly what's going to happen tomorrow. We never do. But, we do know what's been averted, and I think that's very important. And I think it's fair to say that had we not done what was done, had we stood aside, we would not have escaped the problems of Libya. The United States would still be embroiled in the country, enforcing sanctions long term, evacuating opposition supporters, assisting refugees, dealing with an unpredictable and angry Qadhafi. But, we would have been embroiled in a tragedy, rather than in a situation that now at least has a chance to end well.

So, I'd prefer the uncertainties that we face now, all of the uncertainties that you mentioned, Mr. Lugar, which I agree are profoundly important—I still prefer those uncertainties to the certainties we would have faced, had this not happened.

Thank you.

[The prepared statement of Mr. Malinowski follows:]

PREPARED STATEMENT OF TOM MALINOWSKI

Chairman Kerry, members of the committee, thank you for this opportunity to testify today.

Human Rights Watch has been following events in Libya closely since 2005. We were able to send several investigative missions there in recent years and were the first international organization to release on Libyan soil a report on the human rights situation in the country. We met on numerous occasions with senior officials in the Libyan Government, including the Justice and Interior Ministers, who have now joined the opposition. We were also in regular contact with amazingly brave human rights activists throughout the country who tried, despite constant harassment and risk of arrest, to challenge the Qaddafi government's repression. Among them was a group of lawyers in Benghazi who represented families of political prisoners killed or disappeared by the government, and who were waging what seemed like a hopeless struggle to get justice for victims of Qaddafi's misrule. Now, those same lawyers and activists are playing a key role in the opposition movement.

Many of the activists who have since risen to prominence in the opposition came from the city of Benghazi, but certainly not all of them. Indeed, it is important to note that what we have seen unfold in Libya is not, as some have suggested, a classic civil war in which factions from the eastern and western parts of the country vie for control of the center. What began on February 15 of this year became a nationwide uprising against the Qaddafi government. It was joined by the people of many cities and towns in western Libya, including Tripoli, Zawiyah, Zwara, and Sabratha, where protests were brutally suppressed, as well as Misrata, Libya's third-largest city, where opposition forces remain besieged. In eastern Libya, unlike in the west, the people overcame security forces, some of whom abandoned the government side; but this difference does not make the conflict in Libya a war between east and west. It remains fundamentally a struggle between a government and its people.

Since the Libyan opposition took control of eastern Libya, we have had staff on the ground there, documenting abuses perpetrated by the government before the rebels took control, monitoring the fighting and its impact on civilians, and engaging with the opposition authorities to ensure that they abide by the human rights principles that they say they embrace, and that they repeatedly say they were denied for 41 years.

We have also tried our best to monitor what is happening in the parts of Libya that the Qaddafi government still controls, though we have no direct access to those

areas. We documented a campaign of arbitrary arrests in Tripoli and other places in the west against Libyans who were suspected of supporting the opposition, or of communicating with the media or people outside Libya about conditions in the country.

When Qaddafi's forces launched their counteroffensive against the rebels in the east in early March, we feared that much larger scale atrocities might unfold if they reached the city of Benghazi and other opposition-held towns further east. But the Obama administration and its international allies acted soon enough to prevent this from happening. Indeed, though this intervention felt painfully slow to the people of Benghazi as Qaddafi's army bore down upon them, it was, by any objective standard, the most rapid multinational military response to an impending human rights crisis in history, with broader international support than any of the humanitarian interventions of the 1990s, such as Bosnia and Kosovo.

Precisely because the international community acted in time—before Qaddafi retook Benghazi—we never saw what might have happened had it not acted. Today in eastern Libya, there are no columns of refugees marching home to reclaim their lives; no mass graves testifying to the gravity of the crisis; no moment that symbolizes a passing from horror to hope. The attack on Benghazi was the proverbial dog that didn't bark. And so, just days into the military operation, everyone has moved on to a new set of questions. What is the ultimate objective of the mission—to protect civilians or to remove Qaddafi? How long will the operation last? How much will it cost? What happens if Qaddafi holds on, and what follows him if he goes? These are all important questions.

But before the debate moves on, as it must, we should acknowledge what could be happening in eastern Libya right now had Qaddafi's forces continued their march. The dozens of burned out tanks, rocket launchers, and missiles bombed at the eleventh hour on the road to Benghazi would have devastated the rebel stronghold if Qaddafi's forces had unleashed them indiscriminately, as they have in other, smaller rebel-held towns. The continuing siege of Misrata, where Qaddafi's troops have apparently lobbed mortar and artillery shells into populated areas, opened fire on civilians, and cut off the supply of water and electricity to a population of 500,000, gives us some indication of what might have happened, on a larger scale, if they had been able to assault Benghazi.

Qaddafi's long track record of arresting, torturing, disappearing, and killing his political opponents to maintain control (including the murder of 1,200 people in a single day in the Abu Salim prison in 1996) suggests that had he recaptured Benghazi and other cities in the east, like Baida and Tobruk, a similar fate would have awaited those who supported the opposition there. Qaddafi's threat that he would show "no mercy" to the "rats" who rose up to challenge his rule had to be taken seriously. The people of eastern Libya certainly believed him: tens of thousands of them had already fled to Egypt fearing Qaddafi's assault. Hundreds of thousands more could have followed if the east had fallen.

Of course, we will never know for sure what would have happened had Qaddafi's forces continued their march. But if the international community had waited until we knew the answer to that question, any intervention would have come too late for the victims of the Libyan Government's assault on the east. This is the classic dilemma of preventive action. It is also why nations and Presidents tend to get more credit for riding to the rescue after atrocities begin, when images of suffering and death have already been broadcast throughout the world, than before they get out of hand. But it is better to act sooner when there is good reason to believe that extremely grave and widespread human rights abuses are likely to unfold. That was the case in Libya.

Another dilemma we face in these situations is that there are always many places in the world where people suffer terrible human rights abuses. Libya is far from the only country where security forces fire on peaceful demonstrators, or lay siege to civilian populations, or imprison or shoot government critics. The United States can and should be more consistent in how it responds in such cases, especially when the government committing the abuses is an ally. But a military response is rarely appropriate or possible. Nor does the international community's failure to confront human rights abuses in some cases mean that, for the sake of consistency, it should fail to confront them in all cases.

In Libya, there were several factors that made a military intervention to protect the civilian population more feasible than it might have been elsewhere: there were strong calls from the Libyan opposition for such assistance; there was broad international support, including from the Arab League and a U.N. Security Council resolution authorizing the use of "all necessary means" to protect Libyan civilians; and the military task itself—stopping tanks and artillery on an open road before they

reached the civilian population of Benghazi—could be accomplished while minimizing risks both to allied forces and to civilians.

There were also other potential consequences had Qaddafi forces ran rampant in the east. Since the self-immolation of a vegetable vendor set off a democratic uprising in Tunisia, which inspired a revolution in Egypt, which in turn sparked challenges to dictatorships from Libya and Bahrain to Yemen and Syria, we have seen how events in one country in the Middle East can affect the region as a whole. Would a bloody end to the Libyan uprising have doomed democratic movements elsewhere in the Middle East? By itself, no. But there is no question that it would have demoralized champions of peaceful change, who had such a sense of possibility and hope after watching the peaceful protesters in Tunisia and Egypt win. Had Qaddafi crushed the Libyan uprising by force, there is also little doubt what lesson other authoritarian rulers in the region and beyond would have drawn: That Egyptian President Hosni Mubarak was wrong not to have killed the protestors in Tahrir Square, and that Qaddafi's survival strategy was the one to emulate.

Meanwhile, the Libyans who rose up against Qaddafi in the east would have felt defeated and humiliated, and also betrayed by the West. Some of them might have continued their resistance inside Libya; others might have fled, ending up in refugee camps or wandering about the Middle East. I would note that some legitimate concerns have been expressed about recruitment by militant groups, including al-Qaeda, in eastern Libya in the past. In our experience, the vast majority of people in this part of Libya want nothing to do with terrorism. But it's easy to imagine how groups like al-Qaeda might have exploited the anger and despair that would have followed massive atrocities by Qaddafi's forces while the West stood aside.

Now, instead, the people of eastern Libya appear to be cobbling together a new political identity based on their participation in a movement that professes support for democratic principles, and grateful to the international community for the assistance they have received.

Of course, even if the tragic events I've described have been avoided, even if Benghazi is safe for now from Qaddafi's tanks, his thugs still have free rein to shoot demonstrators in Tripoli and other cities he controls. Civilians in towns close to the front line, like Ajdabiya, have either fled or remain insecure. In Misrata, the civilian population is still besieged. Qaddafi's tanks and snipers are in the city, where it is hard for coalition aircraft to stop them. Some aid is just now beginning to come in by sea, but Qaddafi forces continue to shell the port, and the people of the city are in desperate straits. Unless a secure humanitarian corridor is established, it is hard to see how they can endure a protracted conflict. And for the moment, a protracted standoff does look likely; Libya is indeed divided in two.

But not long ago, it looked as if Libya would be reunified under a vengeful despot with a long record of violent abuse. Now at least a large part of the country has escaped that fate. As for the rest, we should not underestimate the non-military measures that the United States, the European Union, and the United Nations have implemented. After all, the men around Qaddafi, who may well decide his fate, now know something that they didn't just a few weeks ago: that their leader will never again be able to sell a drop of Libya's oil, or to retake the large parts of Libya he has lost. The defection of Qaddafi's long-time Intelligence Chief and Foreign Minister, Musa Kusa, suggests that these facts are beginning to be understood within the Libyan leader's inner circle.

When Qaddafi's forces were massing outside of Benghazi, there was no time left to protect the Libyan people or to help them build a future in which their human rights would be respected. Now, at the very least, there is time.

There is time, for example, for the international community to help the Libyan opposition strengthen its capacity to govern the parts of Libya it controls, and to prepare to play its part in governing the country in the future. As I mentioned, we have weighed in with many members of the opposition council in Benghazi. They have made their share of mistakes, and not just on the battlefield (including mistreatment of detainees). They face a steep learning curve—none of them, after all, had any idea 2 months ago that they would be running much of the country today. But when we have raised concerns about their conduct or offered ideas, we have found them to be responsive. They are eager for assistance, advice, and training, which the United States, the European Union, and the United Nations can and should provide.

They could use assistance in establishing a police force that respects human rights, a functioning, independent judiciary, and a system for dealing humanely with captured fighters and other prisoners. They would benefit from advice in planning for a transition from Qaddafi's totalitarian state to a democratic state under the rule of law. And they need to hear, clearly and consistently, that the international community will hold them to their professed principles (they should be re-

minded, for example, that the International Criminal Court will be examining their conduct as well as that of Qaddafi's government).

The United States and other countries should also be talking to them now about how to manage Libya's oil wealth in an accountable and transparent manner, to avoid the resource curse that has undermined democracy in so many other oil rich states. Those countries that have frozen the Qaddafi government's assets should consider finding ways of making funds available to the opposition, but on the condition that all transactions are properly audited and that opposition discloses what it earns and spends. The opposition should also be encouraged to make commitments now about the future governance of Libya's sovereign wealth fund. When a new government is established, frozen assets should be released to it once a framework is put into place for managing the fund consistent with the U.N. Security Council's affirmation (in resolution 1973) that such assets should be made available "to and for the benefit of the people" of Libya.

The opposition authorities also urgently need help in dealing with landmines laid by Qaddafi's forces and other unexploded ordinance, as well as in securing dangerous weapons that could leak to terrorist groups (including shoulder-fired missiles capable of bringing down civilian aircraft).

There has been a lot of talk about whether to arm the rebels and about CIA teams running around Libya. There should be much more focus on sending civilian teams to start addressing these and other challenges of governance. The State Department's decision to send an envoy to Benghazi to engage with the opposition is a good start. The most important question Libya faces, after all, is not whether Qaddafi leaves but what will follow. This is the moment when the character of the future Government of Libya is being determined. This is also the moment when the international community has the greatest leverage.

In time, with appropriate assistance, the opposition forces will be better prepared to move Libya toward a more democratic future. Meanwhile, as sanctions take their toll, and defections continue, what's left of the Qaddafi government will likely grow weaker. There may be opportunities for mediation as this process unfolds. There is certainly a strong argument here for patience.

None of this will be easy. And of course we do not know with any certainty what will happen tomorrow much less a few months or years down the road. We never do. But we do have some sense of what has been averted in Libya.

I think it's fair to say that had the international community stood aside and Qaddafi retaken Benghazi, the United States would still have been embroiled in Libya—enforcing sanctions, evacuating opposition supporters, assisting refugees, dealing with an unpredictable and angry Qaddafi. But it would have been embroiled in a tragedy rather than a situation that now has a chance to end well. I prefer the uncertainties we face today to the certainties we would have faced had that tragedy happened.

Thank you very much.

The CHAIRMAN. Thank you, Mr. Malinowski, very good testimony.

Mr. Vandewalle.

STATEMENT OF DIRK J. VANDEWALLE, ASSOCIATE PROFESSOR OF GOVERNMENT, DARTMOUTH COLLEGE, HANOVER, NH

Dr. VANDEWALLE. Mr. Chairman, thank you, first of all, for inviting me to testify before this committee.

In the struggle over Libya, as the fighting moves back and forth, the easy part is over. Whether or not Libya descends into a true civil war that would pit the west against the east is no longer really a Libyan matter; rather, it is in the hands of the International Coalition Forces that entered the fray in the wake of U.N. Resolution 1973.

My talk to you today, Mr. Chairman, is predicated upon the assumption that Mr. Malinowski just talked about, that Qadhafi will eventually leave the political scene in Libya. And assuming that that is the outcome, Libyans will face, in its aftermath, enormous difficulties.

With virtually all modern state institutions having been eviscerated or neglected by the Qadhafi government, Libya will confront the simultaneous need to restructure its economy away from excessive reliance on the state and on oil income; to come up with a new political formula that is acceptable to a number of different players that have traditionally been antagonistic, but that were held together artificially by the authoritarian policies of the Qadhafi government; and to create a system of law that serves its citizens equitably.

The United States and the international community, therefore, should do all in their power to help create facts on the ground that alleviate traditional tensions and fault lines in Libya.

For all the sympathy the United States may currently feel for the opposition movement, headed by the Interim National Council, it should be cautious, at this point, about unconditionally supporting it. The declaration the Council issued on the 29th of March, A Vision of a Democratic Libya, contains all the buzzwords about democratic government and rule of law that appeal to the international community eager to see Qadhafi disappear.

But, democracy usually only comes at the end of a long process of institutionalization that is predicated precisely upon the kind of institutional checks and balances Libya has never possessed. If the INC became the de facto government, it would be hard-pressed to create them ex nihilo, in the aftermath of the conflict. Perhaps inevitably, the Interim National Council's declaration is a document that is, more than anything, aspirational. It contains, as yet, no clear vision of how the opposition intends to bring the different sides together in a post-conflict situation; how it intends to deal with those who have supported the Qadhafi regime; how it envisions the creation of truly national and representative institutions that will serve Libya as a whole.

Genuine support for Qadhafi has traditionally been stronger in the western province. The country's longstanding, checkered history between the two northern provinces harks back to the creation of the Kingdom of Libya, in 1951, when the western province, anxious for independence, resentfully agreed to be pushed together by the great powers into a single political entity, ruled by the monarchy, with its roots in the eastern part of the country. Ironically, history could very well be repeating itself under the auspices of the international coalition. And the resentment within the western province would be enormous if, once more, a government were created or foisted upon it by an eastern-led rebel movement or through the support of the international community.

This does not mean, of course, that the Interim Council could not eventually emerge as a unified political body that represents—truly represents Libyan national interests. But, the extraordinary support of, particularly, the United States for the rebel cause should certainly allow us to press Council members much harder on some of these unresolved questions that will determine how likely and how feasibly their vision truly is.

As the United States continues to find its way eventually toward a long-term coherent Libya policy, there are some guidelines about a possible involvement in the country's immediate future that we may want to keep in mind. As you pointed out, Mr. Chairman, our

military role is somewhat diminishing. But, there are several other areas where the United States possesses unique resources Libya will very badly need once the fighting is halted.

The reconstruction of Libya will need to be both integrated and systemic, interweaving various social, political, legal, and economic initiatives that can help prevent the kind of backsliding that separate efforts at economic and legal or political liberalization, if made in isolation, often provoke.

Because of the evisceration of all political, legal, and social institutions under Qadhafi, Libya will be severely lacking in even the basic understandings of how modern representative governments and the rule of law work. Our natural impulse will be to insist on elections as soon as possible, because that is our tradition. But, elections without the prerequisites for a modern democracy in place—and here, I think Libya will be found profoundly deficient—are hollow and counterproductive.

With its vast experience of political capacity-building through a large number of government agencies, however, the United States is in a unique position to help create a sustainable network of civil, social, and political institutions that can build the foundations of a future democratic Libya.

Furthermore, the economic reconstruction of Libya's economy after four decades of inefficient state management, cronyism, and widespread patronage, could provide a sustained focus for United States expertise. Almost 95 percent of Libya's current income is derived from oil and natural gas. How the proceeds from this hydrocarbon fuel economy are distributed will be seen as crucial by all sides in Libya. This will require a number of very creative solutions to keep the country unified. The United States could be very helpful in mediating and suggesting a number of ways out of the conundrums Libya will encounter in this regard, perhaps by suggesting, as we did in 1951, the creation of a federal formula that provides incentives for the different provinces and tribes to work together, rather than go their own way.

In addition, the United States should be proactive in helping establish or support those institutions, such as the International Criminal Court, that will hold the Qadhafi government responsible and accountable for the crimes it has committed.

But, we could go even further. Since the settling of scores seems inevitable in Libya after decades of Qadhafi's deliberate divide-and-rule policies, the United States could establish a Libyan version—or help establish a Libyan version of the Truth and Reconciliation Commission that brought political opponents in South Africa to some kind of understanding.

Libya is a tribal society. Such societies have very long memories, and 40 years of Qadhafi's rule made some collaboration with the regime virtually unaccountable for almost everyone. In thinking about rebuilding Libya, any actor who can help prevent the settling of scores will be seen as a very valuable interlocutor.

In conclusion, the challenges for the reconstruction of Libya will be enormous. For the first time since independence in 1951, Libyans, at the end of their war of attrition, will be asked to create a modern state that provides checks and balances between its citizens and those who rule over them. Four decades of fragmentation

of the country's society and the competition for the country's massive oil revenues will make a consensus around such a creation exceedingly difficult.

Once the euphoria over the future removal of Qadhafi eventually would wear off, the hard choices of state-building within Libya lie ahead. In a political landscape where citizen loyalties very deliberately never aggregated at the national level, this road ahead will prove unsettling and uncertain. And it will undoubtedly provide ample opportunities for those who want to obstruct that process.

To avoid this, the country will need substantial expertise that will help a post-Qadhafi Libya to build a new democratic state, to reform and develop its badly functioning economy, and to improve local democratic governance through a number of educational, economic, and political initiatives.

In conclusion, Mr. Chairman, let me say that Libya's survival as a unified country will depend not only on its own citizens, and not only on how its own citizens deal with its longstanding fissures, but also on the careful planning of outside powers. The United States is uniquely situated to help Libyans address those multiple overlapping tasks and, for the first time, to create a political entity—to help create a political entity in Libya that all its citizens can truly ascribe to.

Thank you, Mr. Chairman.

[The prepared statement of Dr. Vandewalle follows:]

PREPARED STATEMENT OF DR. DIRK J. VANDEWALLE

In the struggle over Libya, as the fighting moves westward, the easy part is over. Whether or not Libya descends into a true civil war that would pit the western and eastern provinces of Tripolitania and Cyrenaica against each other is no longer a Libyan matter. Rather, it is in the hands of the international coalition forces that entered the fray in the wake of United National Security Resolution 1973.

With coalition support the rebels can resist Qadhafi's forces and—albeit more problematic—perhaps advance into Tripolitania and into Tripoli, displacing Qadhafi. This is what most Western leaders want but are constrained to openly ask for in light of Resolution 1973. Without the coalition the rebels have very little chance of succeeding in the near future, the resulting stalemate effectively creating the conditions for civil war. If the struggle moves westward, the coalition's mandate to protect civilians becomes increasingly unclear if those civilians are Qadhafi supporters in Tripolitiania who ask for no protection—or seek protection against the onslaught of rebel forces.

Assuming the outcome of the ongoing conflict in Libya means the removal of Qadhafi, the economic, social, and political challenges Libyans will face in its aftermath will be enormous. With virtually all modern state institutions having been eviscerated or neglected by the Qadhafi government, Libya will confront a simultaneous need to restructure its economy away from excessive reliance on the state and on hydrocarbon revenues; to come up with a political formula that is acceptable to a number of different players that have traditionally been antagonistic but that were held together artificially by the authoritarian policies of the Qadhafi government; and to create a system of law that serves its citizens equitably. All of this will need to be established in an oil economy that creates all kind of opportunities for different Libyans players—individuals, families, tribes, and provinces—to pursue their own interests at the expense of whatever kind of new Libya may emerge.

Strictly speaking, what will be needed is not simply the reconstruction of the political, social, legal and economic institutions of a Libya past, but in more significant ways the creation for the first time of the kinds of rules, mutual obligations, and checks and balances that mark modern states and how they interact with their societies. In light of the traditional antagonisms between different tribal groups and between the different provinces and the lack of institutional frameworks to resolve differences, governance challenges in the postQadhafi period will be enormous.

The United States and the international community, therefore, should do all in their power to help create facts on the ground that alleviate those traditional ten-

sions and faultlines. For all the sympathy the United States may currently feel for the opposition movement headed by the Interim National Council (INC), it should be cautious about unconditionally supporting it. The declaration the Council issued on 29 March 2011—"A Vision of a Democratic Libya"—contains all the buzzwords about democratic government and rule of law that appeal to an international community eager to see Qadhafi disappear, and to have any alternative take hold. But democracy usually only comes at the end of a process of institutionalization that creates precisely the institutional checks and balances Libya has never possessed. If the INC became the de facto government, it would be hard pressed to create them ex nihilo in the aftermath of the conflict.

Perhaps inevitable, the Interim National Council's declaration is a document that is more than anything aspirational. It contains, as yet, no clear true vision of how the opposition intends to bring the different sides together in a post-conflict situation; how it intends to deal with those who have supported the Qadhafi regime; how it envisions the creation of truly national and representative institutions that will serve Libya as a whole.

Despite the claims that it represents the entire country, the INC so far is national once more only in its aspirations. Only roughly 12 of its members are known. The remainder, claimed to geographically represent the rest of the country, are kept secret for alleged fear of retaliation by the Qadhafi government. Not surprising in light of Qadhafi's policies, none is a truly national figure who can command allegiance in all provinces and across all tribes.

Genuine support for Qadhafi has traditionally been stronger in Tripolitania. The country's longstanding checkered history between the two northern provinces harks back to the creation of the Kingdom of Libya in 1951 when Tripolitiania, anxious for independence, resentfully agreed to be pushed together by the Great Powers into a single political entity ruled by the Sanusi monarchy with its roots in Cyrenaica. History could well repeat itself under the auspices of the international coalition—and the resentment within Tripolitania would be enormous if once more a government were foisted upon it either by a Cyrenaican-led rebel movement or through the support of the international community.

This does not mean of course that the Interim National Council could not eventually emerge as a unified political body that represents Libyan national interests. But the extraordinary support of the United States for the rebel cause should certainly allow us to press Council members much harder on some of these unresolved questions that will determine how likely and feasible their vision truly is.

As the United States continues to find its way toward a long-term, coherent Libya policy, there are some guidelines about a possible involvement in the country's immediate future we may want to keep in mind. We should first of all realize that in a post-conflict Libya we will encounter a country that is not only torn and traumatized by multiple, deep-seated social and economic divisions—but also a country that will, as part of its historical legacies, be extremely reluctant to see any outside power establish a powerful presence.

How then should we deal with a post-Qadhafi Libya? How can the United States play a productive role in Libya's future without jeopardizing its standing among the different family, tribal, and provincial factions that will inevitably reemerge in a country where Qadhafi violently suppressed all rivalries and divisions for over four decades?

There are in fact several areas where the United States possesses unique resources Libya will badly need once the fighting is halted. The reconstruction of Libya will need to be both integrated and systemic, interweaving various social, political, legal, and economic initiatives that can help prevent the kind of backsliding that disparate efforts at economic and legal reform or political liberalization if made in isolation often provoke.

Because of the evisceration of all political, legal, and social institutions under Qadhafi, Libya will be severely lacking in even the basic understandings of how modern, representative governments and the rule of law work. Our natural impulse will be to insist on elections, as soon as possible. But elections without the prerequisites for a modern democracy in place—and here Libya will be found profoundly deficient—are hollow and counterproductive. Libyans are unlikely to be impressed with calls for early elections in a country where justice and the most basic checks and balances to make a democratic system work are not yet in place. With its vast experience of political capacity-building through a large number of government agencies, however, the United States is in a unique position to help create a sustainable network of civil, social, and political institutions that can build the foundations of a future, democratic Libya.

Furthermore, the economic reconstruction of Libya's economy after four decades of inefficient state management, cronyism, and widespread patronage could provide

a sustained focus for United States expertise. Almost 95 percent of Libya's current income is derived from oil and natural gas. How the proceeds from this hydrocarbon-fueled economy are distributed will be seen as crucial by all sides.

This will require a number of creative solutions to keep the country unified. The United States could be helpful in mediating and suggesting a number of ways out of the conundrums Libya will encounter in this regard—perhaps by suggesting a federal formula that provides incentives for the different provinces and tribes to work together rather than go their own way. A more diversified and decentralized economy will make the reappearance of a dictator less likely: it is precisely the unchecked centralization and spending of revenues in oil economies that often sustain authoritarian governments through intricate patronage systems managed from the center. A carefully balanced federal formula once more would prove immensely helpful in this regard.

In addition, the United States should be proactive in helping establish or support those institutions, such as the International Criminal Court, that will hold the Qadhafi regime responsible and accountable for the crimes it has committed against its own citizens. But we could go even further. Since the settling of scores seems inevitable in Libya after decades of Qaddafi's deliberate divide-and-rule policies, the United States could help establish a Libyan version of the Truth and Reconciliation Commission that brought political opponents in South Africa to some kind of understanding. Libya is a tribal society; such societies have long memories, and 40 years of Qadhafi's rule made some collaboration with the regime virtually unavoidable for almost everyone. In thinking about rebuilding Libya, any actor who can help prevent the settling of scores will be seen as a valuable interlocutor.

In conclusion, the challenges for the reconstruction of Libya will be enormous. For the first time since its independence in 1951, Libyans at the end of their war of attrition will be asked to create a modern state—that provides checks and balances between its citizens and those who rule over them. Four decades of fragmentation of the country's society and the competition for the country's massive oil reserves will make a consensus around such a creation exceedingly difficult.

Once the euphoria over the future removal of Qadhafi wears off, the hard tasks of state-building within Libya lie ahead. In a political landscape where citizen loyalties were deliberately never aggregated at the national level, this road ahead will prove unsettling and uncertain. It will undoubtedly provide ample opportunities for those who want to obstruct that process.

To avoid this, the country will need substantial expertise that will help a post-Qaddafi Libya start to build a new, democratic state, to reform and develop its badly functioning economy, and to improve local democratic governance through a number of educational, economic, and political initiatives. Libya's survival as a unified country will not only depend on how its own citizens deal with its longstanding fissures but also on the careful planning of outside powers. The United States is uniquely situated to help Libyans address exactly those multiple, overlapping tasks, and, for the first time, create a political entity in Libya that all its citizens can truly subscribe to.

The CHAIRMAN. Thank you very much. Very thoughtful and helpful. And I'm going to pick up in a moment on some of the questions.

Let me begin my comments before I ask any questions. I just want to—I was just telling Senator Lugar, I tried to call him the other night; he was obviously out celebrating. But, I wanted to wish him, and I think everybody on the committee wants to join in wishing him, many happy returns on his birthday that he celebrated just a couple of days ago. So, we join in doing that. Ageless. We won't mention numbers. [Laughter.]

Let me just say a word about a political reality. You know, I've listened to these debates, now, on this committee for 27 years; and my friend, here, for longer than me. And there's kind of a pattern to them, in a way, exacerbated since, frankly, Clinton and Bosnia, where there seems to be sort of an automatic—that one President of one party does this, everybody's against, there; and if somebody else does that, everybody's against, over here. And I'm not sure our foreign policy is as well served by that.

I can guarantee everybody—I guarantee you, that, sure as I am sitting here today, that if President Obama had simply turned his

back on the Arab League and Gulf States' request and on the opposition's request, and we sat here, and CNN and everybody was consumed with the slaughter in Benghazi, we would be hearing how weak the President is, how feckless our policy was, and how completely without regard to American values this moment was, and the administration was, with respect to Libya. I just guarantee you. We already heard some of that about the timeframe that it took. And people were warming up, ready to go even further, had the Arab League not changed the equation.

Now, a bunch of us, in talking about this at the outset, said, "We don't do it unilaterally. We can't do it unilaterally. It would be inappropriate, for any number of reasons," and suggested that the predicate had to be the United Nations first; Arab League, African Union, GCC, some combination thereof. Then, lo and behold, we actually got all of them. They all stepped up and said, "You've got to do this."

Now, imagine—I just want people to imagine the hue and cry, had we done nothing, in the face of all of those pleas. Moreover, there are a million and a half guestworker Egyptians in Libya who were at significant risk. People seem to be forgetting that. And the Egyptians, who we have supported openly and are invested in, were significantly concerned about what might happen to them, in terms of hostage-taking and/or other things that might have followed. Moreover, we would be engaged in a massive refugee exculpatory, sort of, who-lost-Libya debate, combined with, "How are we going to deal with all these refugees, and what's our response going to be?"

I think it's hard to suggest that, even with a stalemate, if that's where we are—and I want to come back to that in a minute—that, with a Qadhafi who can't sell his oil, with a Qadhafi who has a divided country, with an opposition that is now in a position where they know this army cannot move on them in their part of the country, you have a very different equation, with a battle—a legitimate battle for the hearts and minds and future of the country, which we've encouraged in many parts of the world, and we would love to see, openly. We'd give our eyetooth to have that in Iran tomorrow. So, it seems to me that we've got to sort of put this into honest discussion.

Now, Mr. Vandewalle, you've sort of begun with an assumption about Qadhafi's departure. And I want to ask you, is that because you believe it is an inevitability or you think that's the only working place from which you can start?

Dr. VANDEWALLE. Mr. Chairman, I think, in the end, it is an inevitability; in part, because—for some of the reasons that Mr. Malinowski also spelled out, but I think, increasingly, the options for the regime are becoming smaller and smaller as its financial resource base diminishes, as eventually we will likely see more defections. I do think the defection of Moussa Koussa was a very important one, and it certainly will be watched among some of the top Libyan policymakers.

But—so, the bottom line for me is that, overall, I think the options for the regime are narrowing very gradually over time. And I simply think, even though there is still a good amount of support within the western part of the country, I simply don't think there

is enough momentum to that left to really overcome what I see as a kind of—a very steady, but slowly growing, support for the rebels out east.

So, in the end, I think it will be a matter of one power block against another power block. And I see the western power block, meaning Qadhafi, steadily losing its momentum.

The CHAIRMAN. Mr. Malinowski, do you want to comment on that?

Mr. MALINOWSKI. Well, I agree with that. The one thing that we didn't have a few weeks ago was time. We were literally hours from seeing Qadhafi, essentially, win, retake Benghazi. And then, I think, it would have been game over, in terms of building the kind of future in Libya that we would have wanted to see.

Now there is time. And I don't think time is Qadhafi's friend. Because with time, again, as you said, his resource base will dry up. He has what he has. But, everybody around him knows that once that's gone, there will be nothing left. They know that he's not going to be able to retake eastern Libya. So if you believe in Libya being a unified country again, you know that the only way that can happen is if there is a different kind of government in Tripoli.

So, I think with patience that the objective will likely be achieved. And we shouldn't lose our nerve. We ought to believe in ourselves and believe that the influence that the United States and this remarkable international coalition can bring to bear will not be insignificant in the end.

The CHAIRMAN. Is there any reason—I ask this of any of you—we have frozen $31–$33 billion of Qadhafi's assets that we have access to and capacity to freeze. That's a lot of money. And that money can, in fact, go to pay for a lot of this operation and/or a lot of the rebuild, can it not?

Mr. Vandewalle.

Dr. VANDEWALLE. Indeed, it could. It certainly could. Thirty billion dollars would go—an enormous amount. On the other hand, we should also not forget that the Sovereign Wealth Fund of Libya and the National Reserves of Libya probably total about $170 billion, which makes that number almost—not quite marginal, but at least diminishes it. And that money is still under control of the Qadhafi government.

The CHAIRMAN. Right.

Dr. VANDEWALLE. So, it—you know, it—as Mr. Malinowski said, you know, he could sit this out for a while. And I think we'll have to be patient.

But, eventually, also, and one of the things I didn't stress in response to your initial question, the fact that Qadhafi remains in power, in a sense, also occurs because he has created around himself this kind of aura, in a sense, of invincibility, the fact that he truly is the leader of Libya, that nothing really happens without him. And that kind of creation of a myth, if you want to, around him has been a very powerful mechanism to keep him in power. As his resources, again, diminish, as some of the money that is being used from that $30 billion, presumably to aid the east and so on, I think the stature of Qadhafi, particularly among those that support him, would, again, be dramatically undercut in the longrun.

The CHAIRMAN. What percentage did you say, of the total revenues of Libya, are oil?

Dr. VANDEWALLE. It's about—in terms of current income, it's about 95 percent.

The CHAIRMAN. Ninety-five percent is oil.

Dr. VANDEWALLE. Yes.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. I'd like to raise the general question of when the United States should become involved in the civil war of another country. Now, in this specific case, the thought has been that we are implementing a response on the basis of important humanitarian concerns. But, whatever that justification may have been, it came as a result of people fighting each other in Libya. And terrible things happen in civil wars. It may very well be that, in civil wars that have occurred elsewhere in the world, people might have suggested intervention at some point to save a lot of lives; or simply to terminate the civil war, for example. But, I simply question, to begin with, the premise that the United States should become involved in a civil war. And I would like comment, by any of you, on that general premise.

Ambassador HAASS. I will respond to that, Senator Lugar. I'm sympathetic to what you're saying. We can't roll back history, and we can't know how things would have turned out, had we not done certain things. But, I'm unpersuaded, which many people assert, that it was a known fact that a large-scale humanitarian catastrophe was imminent. I don't claim to be the world's living expert on Libyan society; Professor Vandewalle knows a lot more. But when I look at Libya, I haven't seen any large-scale massacres in that country. I don't see the soot of ethnic division, say, in a Rwanda that we had between Hutus and Tutsis. I don't see anything like that in Libya.

Qadhafi's approach to the rebels was that they were politically opposing him. It was not a tribally based or an ethnically based situation; it was a civil war. And people take up arms in civil wars, and people who take up the arms kill and get killed. And civil wars tend to be, as we know from our own country's experience, the most brutal sort of encounters.

But, before we intervene, we have to be sure humanitarian catastrophes on a scale beyond what one would normally expect to come from fighting in a civil war are imminent. We also have to ask ourselves, Do we have other tools that we think could do some good? And I don't think the United States adequately explored what we could accomplish through diplomatic means to prevent this situation from unfolding. And I don't think we've persuaded ourselves that our intervention will necessarily make a bad situation better. There's a lot of history that suggests intervention in civil wars prolongs them. And we might be seeing that here. And, as a result, an awful lot of people could be killed, and indeed will be killed, if this civil war goes on for months or even longer.

So, you've got to look at these situations on a case-by-case basis. We do end up with an inconsistent policy. I don't think we can have a one-size-fits-all policy here. But, I'd be wary of taking too many lessons from the Libya case—any more, Senator, than from

the Bosnia case—in setting up a foreign policy construct based on it.

Senator LUGAR. Mr. Malinowski, do you have an idea?

Mr. MALINOWSKI. Well, maybe this is a semantic question, but it's not a insignificant semantic question.

I'm not entirely comfortable with the use of the term "civil war" in this case. To me, a civil war is a struggle between two political factions or ethnic factions, maybe representing different parts of a country, for political control of the center. And I think, superficially, it does look that way, because of the phenomenon I described, that the protest movement in the west was beaten through brute force, and brute force didn't work in the east; and so, you ended up with the opposition in control of territory.

And so, it sort of looks like east versus west. But, this was a nationwide rising against Qadhafi—in Tripoli; in Zawiyah, as we saw, the city that held out for quite some time, where people were brutally put down; in Misrata, which is a western city, where people are still holding out. So, to me, it doesn't really feel like "civil war" is the right terminology.

Bosnia was much more of a civil war. And, as you recall, Senator Lugar, those who opposed any humanitarian intervention in Bosnia stressed that aspect of it. You know, they argued, "This is a complicated civil war between people who have been at each other's throats for hundreds and hundreds of years. And we'll never be able to resolve it." And, in the end, I think a lot of us felt—I believe you felt—that it was important, in that case, for both humanitarian and strategic reasons, despite all of those complexities, to intervene on behalf of a besieged civilian population. And it was successful.

When do you do it? I think Mr. Haass laid out a number of very good conditions. And I think I essentially agree with his conditions. We disagree on whether those conditions were met in the Libya case, or not. I also agree with him that perfect consistency is impossible to achieve. At the end of the day, where I come down is, you can't do this in every case, even in every case where our moral values and our strategic interests are implicated. But, just because we can't help everybody, everywhere, doesn't mean that, for the sake of consistency, we should help nobody, nowhere. This was a case where it was possible to do something. And I think the situation we'd be talking about right now would be far, far worse, far darker, had we not done what we did.

Senator LUGAR. Let me just leap ahead for a moment to the fact that we are, apparently, implementing a humanitarian response. Now, at the onset, would it not have been appropriate for the President to say, "This is my plan for Libya," and then provide some detail regarding manner in which our Armed Forces would be used and the nature of our long-term involvement in the country?

Essentially, the Iraq situation comes to mind, where, clearly, the dictator was overthrown fairly rapidly, but then our stated reason for the use of military force shifted from the regime's possession of weapons of mass destruction to building a model democratic state in the Middle East. And 8 years later, we have achieved that, I hope. But, a lot of people are suggesting that we should not be so fast about withdrawing the troops because it may undercut whatever progress has been made.

In other words, it just seems to me that we're still in a situation that started with the humanitarian affair, but continues, day by day, improvised, without any particular congressional approval, or approval of the rest of the Nation, except for polls that ask, "Do you think the President is handling the situation in Libya correctly or incorrectly," and so forth. What is the proper course now for the President, for the Congress, and for the country in terms of our foreign policy in Libya?

Ambassador HAASS. Let me just say that we are looking at an enormous set of needs emanating from Libya. There's actually some consensus on this panel, if not on how we got to where we are, about the future. You are looking at a country that essentially lacks national institutions, has tremendous resources, but these resources never really have been put to the use of the country.

You are going to need, whether the country is unified or not, whether Qadhafi's there or not, some sort of an international physical presence, boots on the ground. Whether it's peacekeeping or aggravated peacekeeping, I don't think we know. It could be a mixture of the two.

I predict you are looking at an enormous multiyear effort to help this country essentially become a functioning country. Otherwise, I think we are looking at the potential that Libya begins to take on shades of Yemen, a country with significant ungoverned spaces, ongoing fighting, a strategic nightmare for ourselves, as well as, potentially, a humanitarian and political and economic nightmare for the people there. I don't think the world has begun to wrap itself around that.

But you have a resolution, as you know, in 1973, that specifically precludes an international force. People have not begun a serious conversation about who's going to maintain order in the country, much less, if and when order is secured, how are we going to undertake the process of rebuilding.

There are enormous Libyan assets, but, in Iraq, we saw that the fact that you have national assets doesn't necessarily automatically translate into a neat funding mechanism for international activities.

So, my hunch is we haven't really begun, what, in military jargon, would be the "phase 4" part of this. And I think we are looking at a multiyear effort that's going to require a large international role. People have not begun to plan for it, as I can tell, and have not begun to politically prepare their own publics for it. NATO hasn't in any way transitioned to that; the Arab League hasn't. So, my hunch is, the debate is not even close to being where it's going to need to be, Senator.

Senator LUGAR. Thank you, Mr. Chairman.

The CHAIRMAN. Just before I recognize Senator Shaheen, I might just say quickly that I think that's a very, very good point—several points—with respect to what's needed, et cetera. I would point out that Secretary Rumsfeld promised us that the Iraqi oil was going to pay for the war. And there was—very little effort has been made to, in fact, translate that into reality.

I see no reason why, with respect to Libya, if you had $170 billion in reserves and $30 billion in seized assets and a continuing revenue stream of some 95 percent of its country's revenue—this

is an oil-rich country, and the notion that they could not take some designated component of that, as a prerequisite to any of these developmental efforts, is beyond my comprehension. It should be insisted on and absolutely guaranteed.

So, I think there's a way forward. And we should welcome the opportunity, with a readily paid-for capacity, to, in fact, help another country on the African Continent develop the kinds of institutions and capacity that will help us all, I think, in the longrun.

Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

And thank you, to all of our panelists, for being here.

I have to start with Dr. Vandewalle, since he's a Dartmouth professor and I always like to recognize people from my home State of New Hampshire. So, thank you very much. It's great to have you here.

Dr. VANDEWALLE. My pleasure.

Senator SHAHEEN. One of the things you talked about in your testimony is that there is the potential for history to repeat itself. And you pointed out that Libya was really created sort of artificially, back in 1951, when the provinces were pushed together. Given that, given the obvious continued separateness of the east and west, would it be better for us not to try and maintain a unified Libya?

Dr. VANDEWALLE. There are several people who make exactly that—you know, put forward exactly that argument, that, in a sense, you know, Libya was pushed together for, essentially, strategic purposes in 1951, and that certainly the two provinces, from an economic point of view, could both survive on their own. Both have their own oil fields. The eastern province would be relatively richer off than the western province would be. But, it certainly would be possible, from an economic point of view.

The big question, of course, is whether or not that is still acceptable—a kind of a separation down the road is still acceptable to Libyans, themselves. And despite the kind of weak national idea that I've depicted in my presentation to this committee this morning, my argument would be that I don't think Libyans would want to see their country divided, that they truly want to keep it together, despite the differences that exist, and would really like to move forward again as a unified country that could share the oil, that could share the infrastructure for the oilfields, and so on.

So, in a sense, I think we shouldn't be supporting any kind of solution—and, in a sense, we are, by leaning one way or the other in this international coalition, but we shouldn't be supporting any movement forward that would lead to a separation of Libya.

And hence, also, while I was a little skeptical of the Interim Council that we've—what they have produced so far, yes, there is all kinds of very nice descriptions of a unified Libya, and so on, in the document—that two-page document that they have produced, but I don't sense any kind of real thought having been given yet to what that really means on the ground. And one of the things that it's going to mean is somehow you've got to come up with a formula to divide oil proceeds in Libya. And that needs to be more or less shared equally. Indeed, one of the reasons that led to this upheaval was the fact that it was not shared equally, that the

western province had profited quite extraordinarily, at the expense of the eastern province.

So, as long as that is not there, I think we should be a little bit skeptical of the transitional council. But, in the end, I think, if it proves that it truly wants a national union again of Libya, and that it can bring in partners from the west of the country, I think it would certainly be the preferred solution for Libyans, themselves, to keep the country unified.

Senator SHAHEEN. Thank you. You say that there are only certain members of the Interim Council that we really have identified and know who they are. Mr. Malinowski testified that we do, in fact, know a lot more about the opposition than popular media reports would suggest. One of the concerns that's been raised about—by a number of our military leaders has been potential ties to terrorist groups.

Can you all talk about who these opposition leaders are and what we do really know about them, and whether they do have—or we believe they have ties to terrorist organizations?

And I'll ask you to go first, and then maybe——

Dr. VANDEWALLE. Sure.

Senator SHAHEEN [continuing]. Mr. Malinowski and Dr. Haass.

Dr. VANDEWALLE. Senator, we know relatively little about the Council. We know there are 31 members on it, according to their own self-description. Of those 31, we roughly know 12, including a couple of military commanders, at this particular point in time.

I had a conversation with a contact person in London, where I pressed them—and I should say, as backup, first of all, that I've watched Libya on and off now for 25 years. And, of the people that were on the National Council, there were probably two or three that I recognized, that were truly recognizable, as a national—as national figures. When I pressed the person in London on what the committee—the rest of the committee looks like—and a point, of course, they have been making is that, "We can't tell you the rest of the committee, because they may be in danger," understandably, if they would live in the western part of the country. But, even when I pressed them on it, I simply couldn't get a very good answer.

So, my hunch is that we know quite a bit less than we would want to know. And I think, particularly if this Interim Council moves forward and becomes a privileged partner, which already it is, because France and some other countries have recognized it, that we really should push harder not only on their political program, but also to know who, precisely, is on the Council and whether or not any of those personalities have, in the past, had any dealings with more radical Islamic groups, for example, that have existed in North Africa, and were eviscerated, eradicated in Libya in the mid-1990s.

Senator SHAHEEN. Mr. Malinowski.

Mr. MALINOWSKI. Well, when we say "we know" or "we don't know," I always want to know who the "we" is.

Senator SHAHEEN. I think you testified that "we"——

Mr. MALINOWSKI. We——

Senator SHAHEEN [continuing]. Know more than——

Mr. MALINOWSKI. There is this phenomenon in Washington, that many of us who've worked in government have seen, which I've always found a bit amusing, that we don't acknowledge that something is known until it's come to us in a folder marked "classified" from the agency with three letters in it. And, obviously, our intelligence agencies weren't hanging out with human rights activists in Benghazi for the last few years. And that's no fault of theirs. It's not their job to know who those people are. Our military obviously had no contacts with those people. And those people who follow foreign policy for a living weren't thinking very hard about the local politics of cities in eastern Libya for the last few years. So, it's sort of understandable that most of those folks are going to say, "We don't know who they are." Right? But, that doesn't mean it's not knowable and that there aren't people who do know.

There are 31 members of the Council. We, Human Rights Watch, don't know each and every single one of them. We did know, before this all started, virtually all of the leading members of the Council. We had worked with some of them when they were, as I mentioned, human rights activists—actually, very good people in Benghazi. If we could pick the future leaders of Libya, those are the kinds of people we would likely pick.

We have met, several times, with the Qadhafi government officials who went over to the opposition, and had pretty strong impressions of those individuals, as well. And, since then, we have been in Benghazi, on the ground, speaking every day to members of the Council about their day-to-day work, about some of the mistakes that they have made—and they have made considerable mistakes—about their vision for the future of the country. And so, we have gotten to know a substantial number of the members of the Council.

On the al-Qaeda issue, absolutely, there has been al-Qaeda recruitment in eastern Libya over the years. There is also a domestic group, called the Libyan Islamic Fighting Group, which was set up to fight Qadhafi. And there's controversy about whether it had ties to al-Qaeda, whether they were broken or not, which is complicated.

But, just because some of those people existed in eastern Libya, and now there is an opposition in eastern Libya, doesn't mean that the two are one and the same. Certainly, in our experience, the members of the Council are generally people committed to a secular democratic vision. They're mostly lawyers, professionals, human rights activists, former government officials.

The rank-and-file fighters—that's everyone—everyone in eastern Libya. It's democrats, Islamists, Monarchists, men, women, bakers, butchers. It's everyone. And yes, of the small number of people who may have gone to Iraq and fight, those people are in the mix, as well.

But, imagine if the only thing we cared about here was the fight against terrorism and al-Qaeda; imagine what would have happened, had there been a bloodbath and a humanitarian catastrophe in the east, and all of these people felt, "We just got betrayed by the Americans and the Europeans and the U.N. They didn't stand up for us." They're living in refugee camps, they're wandering around the Middle East. That's the nightmare scenario. And now

we've got people who are developing a new political identity, which is absolutely not fully formed yet. And, yes, just because they say they're for democracy doesn't mean they will be in 10 years. But, at least that's the political identify that they are trying to form themselves around. And I think that's a much better outcome.

Senator SHAHEEN. Thank you.

My time is up.

Dr. Haass, I would really like to hear your answer, so I'll come back to you on the next round.

The CHAIRMAN. Senator Corker.

Senator CORKER. Mr. Chairman, thanks for having this hearing.

And I do want to say that I heard your comments about people taking positions on this conflict based on who's leading it. And, while I enjoy working with you and certainly enjoyed working with you on the START Treaty, which most people on my side of the aisle did not support, I find those comments offensive.

And, while they may reflect actions you've taken over the last 27 years, where you've supported efforts that a Democrat was involved in, and didn't support actions that a Republican was involved in, I think there are legitimate concerns that people on both sides of the aisle have. Matter of fact, there are a lot of Republicans that are joining with you on a resolution, I think. So, I just want to say that, for what it's worth, I find that very offensive.

Personally, I've not made comments critical of the President. But, I do have concerns about mission creep. And I think those are legitimate concerns. I associate myself with much of what Mr. Haass has said.

What I find duplicative, recycling, is the ease with which we come into these conflicts and think that we can pay for them with resources that exist in the country, like Iraq, which is ridiculous. I think the same thing may well turn out, here.

And the bigger issue to me is really moving ahead. I—you know, what's happened over the last several weeks and months has happened. I don't really care about litigating those. What I do care about is making sure that, from here on, that we don't involve ourselves in mission creep. I agree with the statement, "We are where we are."

And so, I'd like to ask to each of the panelists—and I thank each of you for your testimony; I think you've done so with strong feelings about where we are—Do we need to have American military boots on the ground fighting Qadhafi forces? I'd just like yes, no, or short answers from each of you.

Mr. MALINOWSKI. No.

Senator CORKER. OK.

Ambassador HAASS. We don't need to, and we shouldn't. But there will be a need for international boots on the ground as we transition in Libya.

Senator CORKER. All right.

Dr. VANDEWALLE. I think I agree with Richard Haass. We may not need American boots on the ground, but we will certainly probably need some kind of boots on the ground, internationally speaking, to, in the end, make the final push to remove Qadhafi.

Senator CORKER. So—but, you would all say we don't need American boots on the ground to fight Qadhafi forces.

Ambassador HAASS. Let me just say, I——

Senator CORKER. Yes.

Ambassador HAASS [continuing]. Just to be clear, I do not think the purpose of international forces in Libya should be to join the civil war against Qadhafi.

Senator CORKER. Let me ask you, do you——

Ambassador HAASS. Just to be very clear, that I do not think there will be any chance of getting an international force to do that. And I don't think it would be wise, if you could.

Mr. MALINOWSKI. I agree with that.

Senator CORKER. Should we have our CIA on the ground, involved in covert operations to try to assassinate Qadhafi and make it easier, so there's no bloodshed?

Dr. VANDEWALLE. I think, particularly from the viewpoint of Libyans, that would probably not be an optimal solution for them. Despite the opposition that exists to Qadhafi, and so on, there is still, particularly in the western part of the country, a good deal of support for him. And so, if we come in and support those kinds of initiatives, I think sooner or later that would probably come back to haunt us.

Senator CORKER. And comments from any of the other two?

Ambassador HAASS. Well, I'm not real enthusiastic about assassination as a tool of American foreign policy. And also—and it gets back to Senator Shaheen's line of questioning—we need to be confident that we have something better to put in its place. However flawed this regime is—and God knows it's flawed—in my experience, 31 people can't run anything. So, the idea that you have a serious alternative to Qadhafi in play somewhere in eastern Libya or in London is a nonstarter. It just doesn't exist. Revolutions go through phases. If Qadhafi were to disappear, there would be a falling out, there would be a splintering; often the immediate successors are not the ultimate ones. We have to be careful——

Senator CORKER. OK.

Ambassador HAASS [continuing]. About putting so much of our focus on regime change, as if that were the solution. Because I don't think that is the solution. If it were to happen, it has to be a part of something much larger.

Senator CORKER. And I can't imagine a human rights person would want to see that happen. [Laughter.]

Mr. MALINOWSKI. I don't even know what to say.

Senator CORKER. OK. So, let me just move on.

I am very concerned about our mission creep. And, militarily, I think we perform those functions that are unique if we are going to be involved. I have the same exact concerns that Mr. Haass expressed. And I've expressed those from the very beginning. I am glad that, if something like this is going happen, we have a coalition. I'm glad that others are involved. And I think others can take the lead on those types of things we just talked about.

So, then we move to nation-building. I mean, I—you know, I don't think—my experiences are much shorter—4 years—than the chairman's. So, you know, we're involved in the most major nation-building effort in modern times, in Afghanistan, and it began, by the way, in a very narrow way. And I'm very concerned that's where we're headed.

Each of you have talked about building democratic institutions, courts, justice systems, all of those kinds of things. On what scale are you all talking about our involvement being, in that regard? Because one thing leads to another. You've got to have economic growth, so then all of a sudden we're building all kinds of highways. We're doing all kinds of things in countries. I'd love to hear what your thoughts are, as it relates to U.S. involvement in that regard.

Mr. MALINOWSKI. I don't think it would be anything of the scale or of the nature of what we're experiencing in Iraq and Afghanistan; very different kinds of conflicts.

You know, first of all, this is not a communal conflict in which people of one ethnic group are at the throats of people of another ethnic group, which, you know, would require, as in the former Yugoslavia, large numbers of peacekeeping troops on the ground just to keep people from killing each other. In Ivory Coast, you have that kind of conflict right now, something we're all very concerned about, where there is going to need to be a U.N. presence on the ground to keep communities apart for some time. That's not the case in Libya. Nor is it an impoverished government, as we've discussed; there are tens of billions of dollars available for infrastructure development that already belong to the Government of Libya.

I think it's more along the lines of what we helped to do in some of the eastern European countries after the fall of the Berlin Wall, which involved training and advice, provision of expertise in how to develop a constitutional system, how to deal with some of the questions Mr. Vandewalle raised about how to manage oil revenues in a way that's transparent, accountable, that benefits different regions of the country in an equitable way.

That's not the kind of massive resource-draining commitment that we find ourselves in, in Iraq and Afghanistan. It would be still a commitment, I think, worth making.

Senator CORKER. So, would it be a commitment—I mean, we—we're involved in many of the former Soviet countries right now, in helping them with democracy and transparency and anticorruption efforts. So, you're talking about something on the scale of Libya just being another one of those type countries? I find that hard to believe, but is that what you're talking about?

Ambassador HAASS. I would answer it this way. I don't think the U.S. role has to be particularly in the lead, here. The Europeans have a much larger stake, for reasons of geography and history. As Senator Kerry said, the idea of a pay-as-you-go formula ought to be the going-in assumption. We don't have to turn the place into Singapore. I don't think that's necessary. I wouldn't say our goal is necessarily to produce, any time soon, democratic institutions. I think it is functioning institutions that you want. You want to prevent Libya from being a failed state. And I think it's a fundamentally different challenge if you're trying to do this amidst continued fighting or if you have, essentially, a secure environment. But, I would think that the U.S. role in this would be minimal, in terms of people involved, and certainly in terms of our resources. That should be our going-in position. There are so many other places in the world where there's no substitute for American leadership,

where we have to carry a disproportionate burden. I see absolutely no reason why the United States should be taking a central role in the future of Libya.

Senator CORKER. Mr. Chairman, I know my time is up. I think that last comment is one that expresses my sentiment. I just don't see where there's anything about Libya that causes us to uniquely need to take the lead. I think there are much greater reasons for European allies and others to do that. And we have a lot on our plate. It's evident that the President, even, is not interested in additional activities. And I hope we'll do everything we can to move others into the lead, as it relates to this effort.

And again, I thank you for having this hearing today, and I hope we'll have others.

There was a vote, yesterday on the floor, regarding the constitutionality of this effort. And I voted against it, as I think 90 other Senators did. Separate and apart from what's actually happened here, because I do think it makes it partisan, I think it would be good for us to have some hearings, down the road, just to talk about the War Powers Act. Not to try to pin it on this effort and make it into something that might be perceived as partisan. But, when you have a war of choice, like this, that we're involved in, it does raise—especially when there's not an imminent threat—there are reasonable discussions that should occur. And I think it would be helpful to committee to have those hearings. Again, not to focus it on this effort, but just to help us be more consistent—which was one of the things I think many of the witnesses have talked about—be more consistent in our future endeavors.

And I thank you.

The CHAIRMAN. Well, thank you, Senator Corker. I think that point is an important one. And I would agree with you completely. I have no notion in my head, swirling around, that I envisioned some huge United States post-effort here. I think that we can be part of it and helpful, maybe help shape and frame. But, I would clearly envision that to be far more in a zone of interest and activity of others who are engaged in this effort now, and who are much more proximate, and frankly, have a longer history of engagement with Libya. And I think they're quite anxious, actually. I just met with folks in both Great Britain and France, and I think they're prepared to assume that kind of leadership role.

So, I think that we can heed your words with respect to your and other people's concerns about the mission creep, here. I think a lot of us are very, very determined not to, under any circumstances, see that evolution.

Let me also make a comment, if I can, about your initial comments on what I'd said earlier. I always listen carefully to a Senator, who's my friend and who indeed worked as diligently and as bipartisanly as you could—as nonpartisanly—on the START Treaty; and Senator Lugar, likewise. And, on reflection, I absolutely understand how you would—could take my comments. And they were probably just not crafted as sharply as they should have been. And I, in no way, intended to assert that you or someone else in the Senate—I really had in mind, to be honest with you, some very notable, highly identifiable, and well-known media outlets and personalities who are automatic on these things. And I, by no

means, intended to suggest that Senators, you know, are engaging in that.

But, I do think—and I stand by those words—I think there are those out there who are just instantaneous in these, whether it's both of our national committees. But, the politics of these things often just kind of get out of control. And I think we're all better served if we can, you know, keep that away.

But, to whatever degree that that was interpretable in a way that, you know, suggested otherwise, I certainly don't want you to have that belief. And I don't intend that.

Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

I appreciate my friend Senator Corker's concerns. I wish some of those voices—he wasn't here at the time—had been raised about Iraq, where we have lost an enormous amount of United States resources and lives, for a mission that I didn't think was in our national interests.

Foreign Minister Moussa Koussa is reportedly the expert on the Qadhafi regime. But, his close affiliation with Qadhafi, at least to me, implicates him in the terror perpetuated and supported by that regime.

The CHAIRMAN. Senator Menendez, can I interrupt you just for one second? I apologize.

In 5 minutes, both Senator Lugar and I have to go meet with President Perez. Could we ask you to close out the hearing, if that's possible, if any other colleagues come——

Senator MENENDEZ. I have to leave after this, but will leave it to Senator Shaheen.

The CHAIRMAN. I think she has another round.

If I could thank all of the witnesses very, very much for coming. And I think it's been helpful, and it's helped to actually shed some light on a number of different options as we go forward. So, we're very appreciative.

I apologize for interrupting.

Senator MENENDEZ [presiding]. As head of Libya's intelligence service, he is reportedly responsible, or at least knowledgeable, about the kidnappings, torture, and murders committed by the regime, including the bombing of Pan Am 103. This is a man who, in 1980, was expelled from his position as Libya's envoy in London for calling, in a newspaper interview, for the killing of dissidents, telling the Times that "the revolutionary committees have decided last night to kill two more people in the United Kingdom, and I approve of this."

So, in my opinion, this is a man that should be charged with crimes against humanity. Instead, the U.S. Treasury has lifted the freeze on Koussa's assets, hoping the move will encourage other Libyan officials to split from Qadhafi.

So, is the intelligence that we seek to collect from Koussa so great, or is the example of having others defect so great, that we should overlook his personal history, his crimes, and the deaths of Pan Am 103 that killed 270 people, including 34 New Jerseyans? Is what we seek to gain from him worth the price that we'll have to pay?

Mr. MALINOWSKI. I feel strongly that he should not get immunity, and no one should get immunity, for potential prosecution for those kinds of crimes. And I don't think it's necessary to stimulate their defection. In this case, actually, it was clear he was not going to get immunity, and he did defect. So, there you have it.

Dr. VANDEWALLE. I mean, Moussa Koussa was certainly, as I've describe him, the bloodhound of the regime. And his defection came, of course, at the time when I think he realized that the tide was perhaps turning, in Tripoli, against him. And certainly, he was very closely implicated, with all kinds of unsavory activities of the regime.

Much like Mr. Malinowski, I don't—I thought it was regretful, in a sense, that his assets were unfrozen. I don't think that that in any way will sway people in Tripoli. And, frankly, I also don't think that, in a sense, that his defection at this particular point in time is that important anymore. I think people are starting to see what is happening, the close advisors around Qadhafi. And certainly he should not be immune from prosecution, which, as I understand, he is not yet. The International Criminal Court is thinking of indicting him. So, his assets may be his own again, but certainly he is not immune from prosecution yet.

Senator MENENDEZ. Dr. Haass, does it make sense to unfreeze his assets? What do we gain from that?

Ambassador HAASS. You're asking me to express an opinion about what's essentially to me, more a matter of tactics than anything and of tradeoffs. I just don't know how valuable it would be to get his cooperation on certain subjects. Or whether the example of him would be worth, if you will, whatever you'd get for unfreezing certain assets. That's a level of tactics.

Senator MENENDEZ. Well, I think of it a little differently. I don't think of it simply as a tactic. I think it is to some degree, a policy. Will your policy be one of unfreezing the assets of those who may have had significantly violate human rights, who may have been in the midst of killing people and ordering the execution of terrorist acts? I don't understand the standard that we set. To me, it's more than a tactic. It sends a message that even if you have committed crimes they may be excused. I'm not sure that that's the message we want to send.

Ambassador HAASS. I expect there are some parallels here to the criminal justice system. I don't have background in that. But, you've always got to ask yourself what sort of tradeoffs you want to make, and whether it's worth it. And you're right to raise questions of principle and morality. But if you knew, however, that getting the cooperation of a certain individual, even though he had done certain heinous things in the past, could save all sorts of lives in the future, that might be a consideration you would have to make.

And all I'm saying is, sitting here today, I'm not in a position to make these sorts of judgments, Senator.

Senator MENENDEZ. Yes. I appreciate that. The point is that he already defected. So, if anything, he's got to be worried about prosecution. Unfreezing his assets doesn't seem to me a tactic or a policy that we want to pursue.

Let me ask you this. You know, Qadhafi clearly trained terrorists in North Africa. And his reign of terror extended well beyond his own national and regional borders. This is a man who referred, in 1985, to the slaughter of innocent travelers that included an 11-year-old American child as a "noble act." Is there any question, if our diplomatic and other efforts were to fail in accomplishing Qadhafi's resignation, that he would, if in power, continue to support terrorism or move in that direction, after everything he's done?

Dr. VANDEWALLE. Senator, I think, in light of both the history of what we know of the man and in light of what the alternatives would be left to him, I would think that the kind of behavior we've seen in the past, involvement in terrorism and so on, would be one of the only ways left for him at that particular point in time. And hence, why I've always argued very much that dividing up Libya and leaving part of the country under his control would be a major disaster for the country and for the international community.

Senator MENENDEZ. Any other opinions on that? No. Thank you very much.

Senator SHAHEEN [presiding]. Thank you.

I wanted to go back to Dr. Haass and ask you if you would respond to my question of earlier: Who are the opposition leaders? And what do we know about them? And how concerned are we about potential ties to terrorist organizations?

Ambassador HAASS. Senator, the only way I know to answer that question is that you can't know who are going to be the potential successors. We could know each one of these 31 people well, we could have roomed with all of them in college. We don't know what they would do if they were to come to power. We can't assume that all 31 will come to share power equally. Indeed, the one thing we can assume is, they will not. And, whether it's the Russian Revolution, the Iranian Revolution, or virtually any other revolution we can think of, people who initially come into power, when the ancien regime is ousted, invariably, themselves, are ousted. In civil wars, the people who come to the fore are not normally the Jeffersonians, they're often the guys with guns.

So, I think we can persuade ourselves of almost anything about what a successor government would be in Libya. And we can sit here and say it would be benign, or we could say it would be terribly malign, or somewhere in between. I don't think we know. And I don't think we can base our policy on that.

That's true not just of Libya. That's true of virtually all the situations right now in the Middle East. We don't know what Egypt's complexion is going to be a decade hence. If Assad were to disappear tomorrow in Syria, we don't know what sort of political leadership would take its place in Damascus and what its foreign policy would be toward Israel or anybody else.

So, we have to approach all these situations with a degree of humility. And we almost end up in the land of Don Rumsfeld, talking about unknowns. In virtually every one of these cases, the succession issue is, to a large extent, beyond our power to control and, in some cases, even to anticipate.

Senator SHAHEEN. Also, as you all know, there's quite a debate about arming the opposition forces. So, first of all, I guess I would

ask you, Do you think that it would be legal to arm the rebels? And second, should we do that?

Ambassador HAASS. You can make it legal through a finding. So, that, to me, is not the real issue. The bigger issue——

Senator SHAHEEN. Right.

Ambassador HAASS [continuing]. Is whether you ought to do it. I would say, no, for two reasons. One is the one, essentially, I've just mentioned. I'm nervous about empowering people whose agendas I'm not confident of. But, second, Afghanistan is something of a warning here, where we arm people in one geopolitical context, only to find that, when the context changed, the balance of power among those who we armed changed, and the purposes to which they used the arms was suddenly no longer in our interest.

Once you provide arms, you essentially forfeit control. We have to understand that. Now, we may decide that's necessary. I don't think it is in this case. And I would strongly argue against going down that path.

Senator SHAHEEN. I'm going to ask each of you to respond. But, could you also talk about it in the context of our allies and whether we think they share that view? Our other allies in this endeavor.

Mr. MALINOWSKI. On arming the rebels.

Senator SHAHEEN. Right.

Mr. MALINOWSKI. Yes.

Senator SHAHEEN. I mean, there has been some——

Mr. MALINOWSKI. I think largely, yes. There may be some exceptions to that rule. Largely, yes.

On the question of whether it's the right thing to do or not, I want to stay neutral on that. I can share some of our observations from——

Senator SHAHEEN. Good.

Mr. MALINOWSKI [continuing]. From the field.

One of them is, is that the rebels have plenty of arms. On the opening days of the conflict, one of our folks stumbled upon a massive complex of warehouses stuffed to the brim with all kinds of weapons, including antiaircraft and antitank weapons that, in principle, would have been quite useful to the rebels. They weren't using them, because they didn't know how to use them.

Senator SHAHEEN. Right.

Mr. MALINOWSKI. So, were that decision to be made, I would say that simply depositing more boxes of guns and ammo wouldn't add very much to the equation, unless the country providing the arms and ammo were also willing to engage in training, which is a——

Senator SHAHEEN. Right. And I assume——

Mr. MALINOWSKI. Which is a more difficult and——

Senator SHAHEEN [continuing]. That that's implicit in that——

Mr. MALINOWSKI. Yes.

Senator SHAHEEN [continuing]. In that question. That——

Mr. MALINOWSKI. So, that would be one caution. And I think the more immediate need, and I mean, like, yesterday—is helping the rebels secure the weapons stocks that they have. There are whole bunch of MANPADS, for example, the shoulder-fired missiles, that actually we discovered in this warehouse. Most of them are not there anymore. In the back and forth of the fighting around

Ajdabiyah, somebody took them. The rebels have told us that they would welcome assistance in securing these weapons stocks.

I know the State Department is interested in doing that. There have been constraints about being able to send people to Benghazi to actually begin to work on that. That's, I think, the most urgent thing. And I think it would be helpful for you all to reinforce that, for all kinds of reasons.

Dr. VANDEWALLE. Senator, I think—much like my two colleagues—I think I would be quite skeptical of arming the rebels beyond what they have already; in part because, as Mr. Haass said, I think there is a unknown quality yet to the provisional government, if you want to call it that, the Interim Council, that we simply don't know yet how all of this will shake out.

I would also be very, very worried about what Mr. Malinowski just mentioned, and that is a kind of leakage that could happen with these weapons, they eventually end up—particularly in sub-Saharan African countries, where there's lots of links with Libya.

But, above all, I would be very skeptical of arming the rebels, in light of the enormous fissures and divisions that you have inside of Libya that could then be used in any kind of post-settlement period to really impose the vision of one group or another over the others. I think Libya already will face enough difficulties without having to worry about certain groups having access to weapons.

Ambassador HAASS. Can I just add one thing on that?

Senator SHAHEEN. Sure.

Ambassador HAASS. History, again, suggests that if and when the rebels succeed in their initial goal, which is to get rid of Qadhafi, then that glue disappears. And we have to then assume that arms we provide for that purpose will be used for the purpose of the power struggle. We will be fueling the subsequent civil war, not between the rebels and the government, but between and among the rebels. And so, if we are going to go down that path—which, again, I don't think we should do—we should do it with our eyes open, knowing that the arms do not disappear the day the goal for which they were provided is achieved.

Senator SHAHEEN. Thank you.

And I just have a final question for Mr. Malinowski.

Could you comment on the situation with refugees right now in the country, and whether there is a need for more humanitarian workers, or what their situation is?

Mr. MALINOWSKI. There is still a trickle of refugees coming out, both on the Tunisian side—more on the Tunisian side now than on the Egyptian side. We averted what would have been, I think, a major outflow on the Egyptian side.

The Tunisian Government, as far as I've seen, has really risen to the occasion in a very inspiring way. There's a lot of assistance being provided to folks on that side of the border. I know the State Department has been very engaged in that; UNHCR is present. So, I'm not an expert on this, but my sense is that the numbers are not overwhelming right now and there is a pretty good humanitarian response that's been mobilized.

Senator SHAHEEN. OK.
Well, thank you all very much. We appreciate your being here. And I will close the hearing at this time.
[Whereupon, at 11:50 a.m., the hearing was adjourned.]

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