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-andrule

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.

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.

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.

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.

It’s about—in terms of current income, it’s

about 95 percent.

Yes.

My pleasure.

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.

Sure.

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.

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.

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.

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, 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, 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.