

Testimony by Dr. Kori Schake, Hoover Institution, before the House Committee on Government Oversight and Reform, 1 May 2013.

### Libya's Challenges

Libya is a failing state. Security is deteriorating. Governance is ebbing. The security situation is limiting the economy in ways that prevent the state from utilizing its one major advantage: oil revenue. Without more encouragement and direct support, Libya's tribes and regions will not come together by political means, they will fracture. Which means that unless we are uninterested in the fate of Libyans and unconcerned by threats that may emanate from the country, American policies ought to seek to redress these trends.

Instead, the problems Libya is experiencing have all been aggravated by Obama Administration policy choices. We overthrew the government without a plan for establishing security or helping stabilize fragile processes of democratization. We have ignored the growing aggressiveness of militia and activity of jihadists. We have been silent on an election marred by violence. We are not helping organize the parliamentary elections coming in a few months, which are likely to be a bellwether for legitimacy of democratic processes in Libya. Their policies have been and are concerned primarily with limiting our involvement rather than limiting threats emanating from Libya and assisting a society in transition from repression.

There are several means by which the United States could help establish security and governance in Libya. The first is assistance building government security forces. The absence of security is a major impediment to both governance and economic activity in Libya, as yesterday's attack on the Libyan Parliament makes clear. The central government is nowhere near strong enough to disarm the militia. Restiveness, criminality, and insurgents are fomenting increasing violence that should be countered.

Excellent work has been done by the RAND Corporation, the Atlantic Council of the United States, and the Carnegie Endowment; any of these approaches would be far preferable to the approach our government is taking.

Libya's militia can't be disarmed by force; tribes and militia will need to be persuaded, and that will likely follow rather than lead political processes. Financial incentives can give the government leverage and should be encouraged, but political accommodation will also be essential if the militia are to be brought under control. Trust will need to be built that needs can be met by political means, and that putting aside weapons will not result in attacks on them or political marginalization. In the meantime, they can be utilized to provide local security while we assist in training, organizing and funding a Libyan national army. The United States is uniquely experienced in security sector reform, and itself provides an important example with our blend of national guard and reserve forces and their state-level responsibilities.

The inability of the government — central, regional, or local — to provide adequate security has consequences beyond those of the safety of Libyans striving to build a better future. It has also resulted in terrorist training camps springing up throughout the country, most notably the establishment by al Qaeda at a base less than twenty miles from the capitol. In overtaking that base, jihadists also acquired U.S. military equipment: night vision equipment, M-4 rifles, pistols, military vehicles, and ammunition. We will be seeing these used in Syria, Libya, Lebanon, against friendly governments and against Americans if the jihadists are able. We absolutely should not doubt their intentions to do us harm.

Libya has long been a major source of jihadists for al Qaeda and other terrorist organizations; the weakness of its governance now makes it also a major destination for jihadists. Unless we help the government of Libya police its territory, we should expect this problem will worsen, and we will be dealing with its consequences throughout the

region and in our own country.

Besides our near-term security interests, we also have an interest in societies choosing democratic means to address their needs. The Arab spring has been an affirmation that people are seeking governments they can hold accountable. It has also brought into harsh light the challenge of accommodating political Islam. For democratic governments in muslim countries will elect Islamists. And their election will cause concern about protection of fundamental freedoms for muslims and non-muslims alike. Winners of elections are being pressured to step aside as public concern rises about governance.

Libya is struggling with these issues — foundering often, but so far righting itself. The government of Prime Minister Ali Zeidan resigned in March, responding to these very concerns among Libyans. Yesterday the Parliamentary session to select a new prime minister was interrupted by armed gunmen evidently attempting to intimidate legislators into voting for their candidate.

The political process is moving in Libya, and deserves our vigorous support. The National Transitional Council and General National Congress have struggled to establish a process for nominating the constitutional committee — but the negotiations between them represent real political bargaining and inclusiveness. While messy, their disputes are actually a demonstration of developing representative government. The substantive issue they are debating is the balance between the central government and regional preference for greater autonomy. Federalism will be essential in a society as long-riven by tribal and regional differences, exacerbated by the Ghaddafi government as a means to stay in power.

So it is no bad outcome that the formation of the constitutional committee is dealing with this issue. It is central in all democratic societies. Federalists, especially in Libya's east, want the right to elect their own participants to draft the constitution; that

conflicts with the mandate of the General National Congress to draft the constitution. Libyans are still resolving this. Encouragement by our government and the non-governmental organizations like the International Republican Institute and National Democratic Institute can help reassure all parties to the negotiation that their concerns will be taken into account in constitution drafting — and can help ensure they actually are.

The 2012 local administration law devolves considerable powers from Tripoli to governorates and districts, with local councils given wide authority. This is both a popular and a smart strategy. Revenue distribution remains a problem and budgeting processes have not been established, but the central government seems to be largely funding activities that build security and administer local needs. In any event, the structure of the Libyan economy (it's complete dependence on oil revenue centrally collected) will require a push of money from the central government rather than relying on local tax revenues.

The main faults of Libyan debates over formation of the constitution drafting body are those of secrecy: back-room negotiations without public involvement, adequate inclusiveness, or transparency. Here, too, our government and NGOs have a positive role to play, emphasizing the benefits in all democracies of social inclusiveness and the legitimacy that comes from openness in political processes.

Because the political process was opaque and security prevented polling in some places, elections for the constitutional committee foundered. As Karem Mezran's work shows, "violence kept many voters at bay and disruptions prevented several dozen polling centers from opening. Efforts to hold makeup elections proved futile. In the end, only 48 seats on the committee were filled, representing no more than 15 percent of the electorate." That is ominous for Libya, and an indictment of our involvement that the Obama Administration did so little to help organize the election and has nothing to say

about the results.

The failure of constitutional committee elections in Libya to provide legitimacy may now stall the process until after parliamentary elections this summer. But turnout for the constitutional committee election should worry us: it suggests Libyans are losing confidence in democratic processes.

These are unglamorous activities, but crucial. Much of the work of assisting societies in transition from authoritarian governance is the work of offering examples and reinforcing values. There is a natural tendency to expediency in transitioning societies, but getting the fundamental political institutions and practices right is essential to positive political development, as our own American experience demonstrates. Fair representation is the main issue being debated in Libya; we should have views on that and be vigorously debating them with all political sides in Libya.

The building of governance and political legitimacy are the central tasks in Libya. The United States should be much more active in supporting and assisting in these tasks. We should also be much more involved in encouraging other states to do so. The Obama Administration does little and also criticizes countries like Qatar and Saudi Arabia for their involvement. President Obama won't lead, but he also won't encourage others to — it is the worst possible combination. If we are to remain distant from the problems of transitioning countries, we ought at least to help ensure they get assistance elsewhere.

So much assistance is needed in so many transitioning countries in the Middle East that we should be much more supportive of the efforts of our regional allies. A division of labor in which we and our allies lead in different countries would be of great benefit to Libya and other transitioning countries. Such involvement not only has direct benefit, but is also situates countries like Libya in circumstances of regional support. Instead of supporting the leadership of others, we convey distrust of both their motives

and their actions. We ought instead to acknowledge that neither we nor our allies in the Middle East want a bad outcome for countries like Libya. Allowing others to lead requires respect for their motives, support of their actions, and tolerance for a wider range of outcomes than our own direct and active involvement might permit.

President Obama prides himself that his foreign policy “doesn’t make errors.” This is not true. His fundamental misjudgment is believing that only action has moral and practical consequences. But inaction also carries costs, and our inaction in Libya is making a difficult transition much more fraught, both for Libyans and for American interests.



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From 2007 to 2008 she was the deputy director for policy planning in the state department. In addition to staff management, she worked on resourcing and organizational effectiveness issues, including a study of what it would take to “transform” the state department so as to enable integrated political, economic, and military strategies.

During President Bush's first term, she was the director for Defense Strategy and Requirements on the National Security Council. She was responsible for interagency coordination for long-term defense planning and coalition maintenance issues. Projects Schake contributed to include conceptualizing and budgeting for continued transformation of defense practices; the most significant realignment of US military forces and bases around the world since 1950; creating NATO's Allied Command Transformation and the NATO Response Force; and recruiting and retaining coalition partners for operations in Afghanistan and Iraq.

She has held the Distinguished Chair of International Security Studies at West Point, and also served in the faculties of the Johns Hopkins School of Advanced International Studies, the University of Maryland's School of Public Affairs, and the National Defense University. She is on the boards of the journal *Orbis* and the Centre for European Reform and blogs for Foreign Policy's Shadow Government.

Her publications include [\*State of Disrepair: Fixing the Culture and Practices of the State Department\*](#) (Hoover Institution Press, 2012), [\*Managing American Hegemony: Essays on Power in a Time of Dominance\*](#) (Hoover Institution Press, 2009), “Choices for the Quadrennial Defense Review” (*Orbis*, 2009), [\*“Dealing with a Nuclear Iran” \(Policy Review, 2007\)\*](#), and “Jurassic Pork” (*New York Times*, 2006). She coauthored [\*“How America Should Lead” \(Policy Review, 2002\)\*](#), and coedited *The Berlin Wall Crisis: Perspectives on Cold War Alliances* (2002), and “Building a European Defense Capability” (*Survival*, 1999).

From 1990 to 1996, she worked in Pentagon staff jobs, first in the Joint Staff's Strategy and Policy Directorate (J-5) and then in the Office of the Secretary of Defense.