

U.S. POLICY IN LIBYA

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

—————
JUNE 15, 2016
—————

Printed for the use of the Committee on Foreign Relations



Available via the World Wide Web:
<http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

28-480 PDF

WASHINGTON : 2018

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON FOREIGN RELATIONS

BOB CORKER, Tennessee, *Chairman*

JAMES E. RISCH, Idaho	BENJAMIN L. CARDIN, Maryland
MARCO RUBIO, Florida	BARBARA BOXER, California
RON JOHNSON, Wisconsin	ROBERT MENENDEZ, New Jersey
JEFF FLAKE, Arizona	JEANNE SHAHEEN, New Hampshire
CORY GARDNER, Colorado	CHRISTOPHER A. COONS, Delaware
DAVID PERDUE, Georgia	TOM UDALL, New Mexico
JOHNNY ISAKSON, Georgia	CHRISTOPHER MURPHY, Connecticut
RAND PAUL, Kentucky	TIM KAINE, Virginia
JOHN BARRASSO, Wyoming	EDWARD J. MARKEY, Massachusetts

TODD WOMACK, *Staff Director*
JESSICA LEWIS, *Democratic Staff Director*
ROB STRAYER, *Majority Chief Counsel*
MARGARET TAYLOR, *Minority Chief Counsel*
JOHN DUTTON, *Chief Clerk*

CONTENTS

	Page
Corker, Hon. Bob, U.S. Senator From Tennessee	1
Cardin, Hon. Benjamin L., U.S. Senator From Maryland	2
Winer, Jonathan, Special Envoy for Libya, Bureau of Near Eastern Affairs, U.S. Department of State, Washington, DC	4
Prepared statement	5
Responses to questions for the record submitted to Special Envoy Jonathan Winer by Senator Boxer	24

U.S. POLICY IN LIBYA

WEDNESDAY, JUNE 15, 2016

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

The committee met, pursuant to notice, at 2:20 p.m. in Room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Johnson, Flake, Gardner, Perdue, Barrasso, Cardin, Menendez, Udall, and Markey.

OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

The CHAIRMAN. The Foreign Relations Committee will come to order.

We welcome everyone. Thank you for being here. I want to thank our witness for testifying today.

Five years after the U.S. decision to intervene in Libya, which I think most of us, including our witness, would agree was a textbook case in what not to do in foreign policy, if you look at where we are today, I am still wondering what our Libya policy is. I read through the briefings. I know Senator Cardin and others did the same, and we spend most of our time on foreign policy issues, obviously. And I have to tell you just looking at the committee memo that was put in place by CRS, the countervailing forces on the ground in Libya are really many, and a very tough, complex situation has developed there.

I think our hearing today is an attempt to understand what is an achievable outcome in Libya that is in line with U.S. interests and at what cost. And obviously, if we can cause people to come together through the efforts that are underway at present, we really would just be getting back to where we were in 2013. So there has been a lot of time and loss, a lot of lives lost, a lot of backward momentum.

As different factions continue to compete across Libya, as ISIS continues to use the chaos to establish an operating base outside Syria, it appears that we are again contemplating providing arms and training to some type of Libyan national security force. I hope Mr. Winer can explain to us what lessons the administration has learned from the failure of the last time we tried to develop Libyan security forces and what political progress needs to occur in order for us to try again.

To determine the way forward, we need an accurate assessment of Tripoli's ability to govern and what we are doing to help them

and what can bring the rival administration in Tobruk on board with the new government.

We have sanctioned Libyan individuals who are hindering the formation of a unity government in the past, but are we prepared to do so in the future?

For a country with vast oil wealth and thankfully void of widespread sectarian tensions, Libya should become a success story. I think we all are disheartened that in many ways the failure of U.S. policy following the fall of Qaddafi has hindered Libya's progress.

With that, I want to thank our Special Envoy for being here who I know has concerns about the future of Libya. We look forward to your testimony. We thank you for being here today to help us understand the way forward.

And with that, I will turn to our distinguished ranking member, Senator Ben Cardin.

**STATEMENT OF HON. BENJAMIN L. CARDIN,
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Well, thank you, Mr. Chairman. I think this hearing is particularly important as to how we proceed in Libya. And it is complicated. And I thank our witness for being here and your service to our country.

But in order to counter ISIL in Libya, the United States and others have accelerated efforts to strike at the stronghold in Sirte while stepping up diplomatic efforts to achieve Libyan unity. On a broad level, this is the right approach. Although I am pleased to learn that ISIL is now physically on the run, I am distressed that they continue to make inroads by inspiring people online to commit atrocities, as we have seen in our own country in Orlando.

But oftentimes in the rush to beat back the latest terrorist threats, the expediency of counterterrorism actions far outpaces and exceeds our political strategy. And that is a matter of major concern. We want to take action, but we need to know that we can follow up that action with a workable strategy.

I fear that if we are not careful, if we do not devote the same amount of time and resources to good governance, democracy promotion, and humanitarian support in Libya, then we will simply be worsening the country's divisions and repeating past mistakes that we have made elsewhere. If we arm one militia to counter ISIL today, even a militia that is acting under the newly internationally recognized unity government, who knows who will take up arms against us tomorrow?

Now, let me be clear. If the administration has information about a threat against the United States, then we have to act, and we have to act and do what is safe for the people of our country. I know this administration is trying its best to support the Government of National Accord, or GNA. 3 months ago before this committee, I conveyed the urgency for Libyan national unity.

Enhancing the GNA's legitimacy is critical for restoring order to the country, bringing prosperity to its people and helping Libya take its place among the community of nations. GNA control over all of Libya is critical to combating extremist forces, combating ISIL, and resolving a migrant crisis that has tragically witnessed the drowning deaths of thousands. We have lost thousands of peo-

ple that have been trafficked through Libya. That is one of the casualties of the instability in that country.

And yet, while the GNA is doing its best to restore order, the country's political division still festers as spoilers in the eastern part of the country continue to block a vote on approval of the GNA. As long as Libya remains fractured, terrorist groups like ISIL will thrive and the temptation for greater foreign intervention will only grow.

The GNA itself has not requested foreign intervention, and while we can provide training to GNA-controlled units, we cannot fight this fight for them. I think that is a very important point.

If and when the U.S. decides to give military equipment and training to Libyan forces, it must be with the full cognizance of who we are giving support to and the potential for that support later to be turned against the United States. We need to have a clear strategy in Libya.

As I have said repeatedly before this committee, I am concerned about the open-ended nature of this never-ending war on terror that was pursued without congressional authorization, whether it is waged in Libya, Yemen, Syria, or Iraq. What begins as a small mission to build partners' capacity could morph into something much larger. And all of this is based on an authorization of U.S. force predating the upheaval in the Arab world, predating the very existence of the Islamic State, and even predating the U.S. invasion in Iraq more than 13 years ago.

As I said earlier, our Libya policy must strike a balance between achieving security and creating good governance. Libya's core problem is that it is fractured along regional, tribal, and religious lines between the old order and the new. We in the international community must continue our best to try and bridge these gaps. Libyans are tired of having multiple competing governments. They deserve better.

I want to compliment the U.S. leadership in the Security Council working with our British colleagues in getting the Security Council's action to deal with strengthening the arms embargo on Libya. And I will be interested in hearing from our witness as to whether that will have a major impact on our policy.

The United States and the international community can and should help a country like Libya achieve unity, security, and prosperity. It is my hope that we pursue a balanced policy and not just an expedient one.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much for those comments.

And, Mr. Winer, we really appreciate you being here. As people know, you are the Special Envoy for Libya, the Bureau of Near Eastern Affairs at the U.S. State Department. I think you know that you can summarize your comments, if you will, in about 5 minutes. Without objection, all of your written testimony will be entered into the record. Again, thank you for being here, and if you would, please proceed.

STATEMENT OF JONATHAN WINER, SPECIAL ENVOY FOR LIBYA, BUREAU OF NEAR EASTERN AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, D.C.

Mr. WINER. Thank you, Mr. Chairman. Mr. Chairman, Ranking Member Cardin, and distinguished members of the committee, I thank you for the opportunity to appear before you today to discuss U.S. foreign policy on Libya.

I have just returned from consultations with regional and European partners to discuss our mutual support for the transitional Government of National Accord, or GNA, in Libya, whose challenges include ending civil conflict, promoting stability, and addressing the ongoing terrorist threat.

Our strategic interest in Libya is to support a unified, accountable government that meets the economic and security needs of the Libyan people. We also seek a government with whom we can partner on bilateral and regional objectives, including countering the terrorism and illegal migration which threaten security and stability across both North Africa and Europe.

At the center of our policy has been support for the creation of the GNA as a unifying bridge to help Libyans move beyond the damaging period of political competition, referred to by the chairman and the ranking member, and fragmentation until the country adopts a new constitution and a long-term government.

To do that, we engaged last year with a wide range of Libyans, international partners, and with U.N. Special Representative of the Secretary-General Martin Kobler and his predecessor Bernardino Leon to support the negotiation of the Libyan political agreement, which was signed on December 17th, 2015 to bring about the GNA.

Since entering Tripoli March 30th, 75 days ago roughly, the GNA has been able to demonstrate its commitment to inclusiveness and national reconciliation and has begun the critical work of rebuilding the Libyan state. Rather than fighting one another, through the GNA backed by the political dialogue, Libyans have begun the hard work of addressing common challenges.

Our collective international support for the GNA has already had practical impact on the ground. In recent days, we have seen Libyan forces aligned with the GNA engage in sustained fighting against Da'esh in the region around Sirte and entering into the city. They have made impressive gains against a ruthless enemy.

The GNA has announced plans to form a presidential guard. It has established command centers to combat Da'esh in Sirte. Prime Minister Fayez al-Sarraj has stated he will seek international assistance to train and equip GNA forces for this fight, which will not be a fight that will be over in merely days or weeks. The Libyans will look to the United States for our help in combating Da'esh, and we are prepared to provide it.

The United States counterterrorism policy in Libya is focused on degrading Da'esh and other violent extremist groups and reducing the threat they pose to our national security and to our interests in North Africa and in Europe. In Libya, as elsewhere, the President has made clear his willingness to take action wherever our interests are in danger.

In the past year, the United States has conducted direct action against several terrorist targets in Libya, including a February

19th strike that took out a Da'esh training camp in the town of Sabratha west of Tripoli. We have also been working to disrupt connections between the Da'esh branch in Libya and the core group in Iraq and Syria to halt the flow of foreign fighters to Libya, to shut off Da'esh finances there, and to counter and defeat its destructive messages.

As with our other policy priorities, achieving our counterterrorism objectives depends on helping the Libyans rebuild an effective state. While real progress has been made in recent months, much work remains to fully implement the Libyan political agreement and to achieve a durable and broad political reconciliation. With our partners in Europe and within the region, we continue to urge all Libyans to put aside their personal interests in the name of uniting Libya under the GNA so Libyans throughout the country, east, west, and south, can rebuild their nation.

We further urged them to support the integrity of Libya's core economic institutions, in particular the Central Bank of Libya and the national oil corporation, whose unity is vital to the country's recovery and long-term stability.

U.S. assistance has played an important part in advancing our policy, and we look to Congress for continued support as the GNA takes shape. The administration has requested \$20.5 million for assistance to Libya in fiscal year 2017. These funds would enable us to respond to Libya's emerging needs, help the GNA function as an inclusive and rights-respecting national government, and support increasing Libya's security and counterterrorism capabilities.

The administration is also planning to provide \$35 million in fiscal year 2016 and prior year funds to help Libya's political transition produce an accountable and effective national government. As part of this assistance, we intend to commit up to \$4 million in support of the UNDP-led stabilization facility for Libya.

Mr. Chairman and members of this committee, as I described at the outset today, the United States supports the aspirations of the Libyan people for a united, inclusive, and responsive national government capable of overcoming the country's significant political challenges and divisions. We remain deeply engaged with Libya because it is vital for our national security, for that of Libya, for North Africa, and for Europe and for the interests we share.

I look forward to taking your questions. Thank you.

[Mr. Winer's prepared statement follows:]

The CHAIRMAN. Thank you very much.

PREPARED STATEMENT OF JONATHAN M. WINER

Mr. Chairman, Ranking Member Cardin, and distinguished members of the committee, thank you for the opportunity to appear before you today to discuss U.S. foreign policy on Libya. I have just returned from consultations with regional and European partners to discuss our mutual support for the transitional Government of National Accord (GNA) in Libya, whose challenges include ending civil conflict, promoting stability and addressing the ongoing terrorist threat.

Our strategic interest in Libya is to support a unified, accountable government that meets the economic and security needs of the Libyan people. We also seek a government with whom we can partner on bilateral and regional objectives, including countering terrorism and illegal migration which threaten security and stability across North Africa and in Europe. To address this, we have maintained a policy of clear and ongoing support for both the GNA and implementation of the UN-facilitated Libyan Political Agreement which established it.

Mr. Chairman, Libya's woes are well known. The 42 years of rule by Muammar Qaddafi left a legacy of weakened institutions with limited capacity, which have in turn been further damaged by infighting among contenders for political power. In 2014, Libya's government split into two groups, each of whom contended they were legitimate, one based in the west in Tripoli, the other, recognized by the United States, in the East in Tobruk, with a term due to end as of October 21, 2015. It was in response to that political crisis that the United States worked with other countries to support the UN Mission in Libya, UNSMIL, in the negotiation of the Libyan Political Agreement in Skhirat, Morocco which brought about the GNA on December 17, 2015, establishing the current Presidency Council as the Executive, continuing the House of Representatives as Libya's legislature, and establishing the State Council as a consultative body.

The Political Agreement was a necessity. During the preceding period of rival governments, according to UN estimates, the violence affected some 2.5 million in Libya and displaced more than 430,000. Human traffickers and smugglers have exploited the country's porous borders and weak central government to enable a spectacular rise in irregular migration across the Mediterranean into southern Europe. At the same time, the Libyan people have suffered from growing economic challenges, as Libyan oil has slid from daily production of 1.5 million barrels to an average of about 350,000 barrels per day during 2015, and efforts to adjust spending and overall instability led to shortages of medical supplies and rising prices on many necessities. With no monopoly of control of security by a state, terrorist and criminal groups established a presence in various areas in Libya. These would be profound challenges for any government, and they are especially difficult for the GNA which seeks to govern by consensus and which has to build capacity starting from near-scratch.

The GNA's Presidency Council moved to Tripoli on March 30 where it was welcomed by the overwhelming majority of Libyans who want an end to the chaos and fighting. Since its arrival the GNA has demonstrated its commitment to inclusiveness and national reconciliation and begun the critical work of rebuilding the Libyan state. Libyans are turning their attention away from fighting one another and starting to address their common challenges, and today Libyan forces aligned with the GNA are engaged in sustained fighting against Da'esh in the city of Sirte and making impressive gains against a ruthless enemy.

The United States has offered its unequivocal support to the GNA. Secretary Kerry and leadership from more than 20 countries have underscored our shared commitment to the government as it combats Da'esh and other violent extremist groups in Libya, most recently at a May 16 ministerial meeting on Libya in Vienna. At that meeting Libyan Prime Minister Fayez al-Sarraj articulated the contours of Libya's security needs and announced a series of steps to stabilize the country. The GNA has announced plans to form a Presidential Guard and established command centers to combat Da'esh in Sirte, and GNA ministers have begun working in a caretaker capacity pending formal action by the Libyan parliament. The Libyans will look to the United States for our help as it continues to move forward in addressing these challenges, and we are prepared to give it. There is relative stability and calm in Tripoli, due in large part to the GNA's outreach to local leaders, though we recognize the GNA must decrease its dependency on the patchwork of militias in Tripoli and form a reliable and regular security force. The GNA has been clear in its intent to establish inclusive, national forces; it must also continue to build its support base and expand stability and calm throughout the country. International support for the GNA has consistently been strong; the United States, United Nations, EU, Arab League, and virtually all of the key European and Middle Eastern countries have expressed their support for the GNA, and UN Security Council resolution (UNSCR) 2259 made clear that the GNA is the sole legitimate government of Libya.

Nevertheless, much work remains to fully implement the Libya Political Agreement and achieve durable and broad political reconciliation. A small minority of hardliners in the House of Representatives has blocked implementation of the Libyan Political Agreement by repeatedly obstructing a vote to formally endorse the GNA Cabinet and amend the country's Constitutional Declaration. The EU sanctioned the House speaker, Agila Issa, for playing "spoiler" to the political process on April 1; the United States designated Issa for sanctions on May 13. We continue to urge all Libyans to put aside their personal interests in the name of uniting Libya under the GNA, so that Libyans in all parts of the country—east, west and south—can start rebuilding their nation.

We similarly support the GNA's efforts to bring the various armed actors in Libya under its consolidated command and control, through an approach that is inclusive and integrative. We have been encouraged to see many armed groups welcome and

align with the GNA and respond to its call for a joint offensive on Da'esh. Prime Minister Sarraj continues to try to broaden the offensive, to include the units led by General Khalifa Haftar, and in Vienna made the case strongly that a united Libyan front to combat Da'esh is the only viable option.

With an estimated 3,000 to 6,500 fighters, Da'esh's Libya branch is considered the most successful of the eight official branches outside of Syria and Iraq and has the potential to do great damage to the GNA's efforts to establish itself and govern the country. Da'esh is likely to continue its attempts to further destabilize the region, export terror to sub-Saharan Africa, and threaten to attack Europe's southern flank. Da'esh had controlled the central coastal town of Sirte since summer 2015, and is believed to have a presence in Tripoli, Benghazi, Ajdabiya, Derna, Sabratha, and other major towns and cities. But as we have seen in recent weeks, Da'esh's presence in Libya is now being challenged by the GNA and a range of Libyan forces, throughout the coastal region and including Sirte. Da'esh has lost substantial ground everywhere that it has been challenged by Libyans—but we have reports that elements of it are going underground, readying themselves for future assaults on Libya, its people, and its institutions. The struggle is likely to continue for some time to come.

Da'esh's current losses in Libya should not be completely surprising. Its branch in Libya is different in many ways from the core in Syria and Iraq: among Libya's mostly Sunni population, Da'esh has been unable to exploit a Sunni-Shia divide to recruit and win ideological favor. It also lacks the ability to use oil smuggling as a major revenue-generating resource as it does in Iraq and Syria. Additionally, Libyans do not welcome foreign actors. Polling shows Libyans overwhelmingly view Da'esh as an unwelcome foreign phenomenon. We have now seen Libyans rally in opposition to Da'esh in multiple locations, expelling them from the city of Derna, for example.

Action against Da'esh in Libya is needed for the safety of Libyans, but also for the safety of their neighbors. Libya's porous borders and political and security vacuum have allowed Da'esh to plan and carry out significant attacks in Tunisia and Libya. A number of other terrorist organizations also operate in Libya, including the Benghazi and Derna factions of Ansar al-Sharia, which led the 2012 attack on U.S. facilities in Benghazi, as well as Al-Qaida in the Islamic Maghreb (AQIM) and al-Murabitun.

Our counterterrorism policy in Libya is focused on degrading Da'esh and other violent extremist groups and reducing the threat they pose to U.S. interests in North Africa and Europe. In Libya as elsewhere, the President has made clear his willingness to take action wherever our interests are in danger. In the past year the United States has conducted direct action against several terrorist targets in Libya: our June 2015 strike near the city of Ajdabiya targeted Al-Qaida-affiliated Algerian Mokhtar Belmokhtar; our November 2015 strike outside Derna killed Iraqi national and senior Da'esh figure in Libya Abu Nabil al-Anbari; and our February 19 strikes took out a Da'esh training camp and a foreign fighter facilitator in the western town of Sabratha. We also are focused on disrupting connections between the Da'esh branch in Libya and the core group in Iraq and Syria, and the Global Coalition to Counter ISIL has committed to a concerted push to halt the flow of foreign fighters to Libya, disrupt Da'esh finances there, and counter and defeat its destructive message.

Meanwhile the United States is expanding contacts with a range of groups in Libya, with the objective of identifying and assisting willing and capable potential partners that work under the GNA's command. We also actively work with Libya's neighbors on terrestrial and maritime border security to shut down the cross-border flow of weapons and fighters. This is a particularly difficult challenge in Libya, especially in the south, and for long-term success we need a strong, accountable Libyan security force.

At the meeting in Vienna, Prime Minister Sarraj announced plans to seek equipment and training for GNA forces. The GNA will need the support of the U.S. and international community to be successful in this effort. We are working with the GNA and our international partners to determine what assistance can be provided and, at the same time, to determine ways to enforce the embargo to prevent arms shipments to groups operating outside GNA authority. Prime Minister al-Sarraj has been clear that Libya does not need or desire a military intervention, but that it will need the international community's support to win the fight against Da'esh.

It will take time for the GNA to establish the security institutions and capacity to combat Da'esh, guard its borders and fully protect its citizens. The United States recognizes that this will be a long fight, and that we will need to provide help in coordination with our allies. But we are encouraged that the political conditions on the ground are improving to allow a strong counterterrorism partnership.

As we see some progress on the political and security fronts in Libya, we remain deeply concerned about the destructive impact of the ongoing violence on the civilian population in Libya. The GNA must move quickly to address systemic governance and justice issues. Libyans and migrants in Libya are also in need of urgent humanitarian relief. Men, women, and children in Libya deserve basic services and improved living conditions. The United States has already committed more than \$4 million of humanitarian assistance in our current fiscal year to Libya through the Office of the UN High Commissioner for Refugees and International Committee of the Red Cross, as well as \$1 million to an international humanitarian NGO to help address the most urgent public health needs throughout Libya. This brings our total humanitarian assistance to more than \$115 million since the start of the conflict.

Currently, the Administration is planning to provide \$35 million in FY 2016 and prior year funds to help Libya's political transition produce an accountable and effective national government. U.S. support remains essential to strengthening Libya's democratic and governance institutions, and supporting regional security. As part of this assistance, the United States also intends to commit up to \$4 million in support of the UNDP-led Stabilization Facility for Libya, intended to provide support to small-scale infrastructure projects, build municipal administrative capacity, and enable local conflict resolution and mediation.

Working with the Libyan government and private sector, we are supporting targeted economic engagements that expand links with the United States and the global economy. Furthermore, to help Libyan young people prepare for careers in the global economy and broaden our people-to-people relationships, the United States is funding scholarships, professional exchanges, and English-language learning programs.

In addition, the Administration has requested \$20.5 million for assistance to Libya in FY 2017 from Congress. These funds will enable us to respond quickly to Libya's emerging needs and support programs to increase security and counterterrorism capabilities, while helping the GNA function as an inclusive and rights-respecting national government. Funds will build Libyan governance capacity, crucial to stopping the spread of terrorist groups.

We understand the need to ensure our assistance and programming is flexible. We will respond to assistance requests from the GNA and continue to engage a broad range of Libyan stakeholders, such as senior officials of the new government, civil society, tribes, women, and youth. Despite instability and political divisions in 2014 and 2015, the United States continued implementation of key programs supporting the democratic political transition, particularly at the local level, through local partners. Active programs in over 15 Libyan municipalities representing 75 percent of the population support civil society, elected officials, entrepreneurs, and municipal governments. The United States continues to work with local institutions—mayors, council members, and staff—on service delivery, violence prevention strategies, and local government administration. Mr. Chairman and members of the Committee: as I described at the outset today, the United States supports the aspirations of the Libyan people for a united, inclusive, and responsive national government capable of overcoming the country's significant political challenges and divisions since the 2011 revolution. The U.S. government is deeply engaged with Libya because we have shared interests that are essential to our national security. Thank you for the opportunity to testify. I look forward to answering any questions you have.

I assume that you believe that it is reasonable that Libya can be put back together as a unified state that can secure its border and maintain monopoly over the use of force. Is that something that you believe can occur?

Mr. WINER. I believe it can occur. Several things in your statement that need all be taken into consideration. A unitary state for Libya is absolutely essential. Any division of Libya into parts will be disastrous for the people of Libya, for the country, for the region, and bad across the board. Border control is something that is going to require work by Libya's neighbors, as well as by Libya.

The CHAIRMAN. You know, based on the way things are progressing at present, how long into the future do you think that is?

Mr. WINER. Well, the Government of National Accord has made more progress over the last 75 days than most people ever expected it would be able to make in that period of time. The advances that

they have made against Da'esh in the Sirte region are truly impressive and involve a tremendous amount of sacrifice by Libyan soldiers.

The CHAIRMAN. Is Da'esh the unifying force right now that is causing them to come together?

Mr. WINER. Samuel Johnson, the British writer, once said that the prospect of a hanging concentrates the mind. And I think that has been an element that has helped bring Libyans together is concern about their security, as well as their economic situation.

The CHAIRMAN. So after ISIS is dealt with effectively, is there any sense that because this is a unifying force that is bringing people together citing historians—is there concern that after that is dealt with, the civil war can again break out?

Mr. WINER. I think that the approach of having a Government of National Accord for a transition is designed to produce mechanisms for getting services provided and political support in east, west, and south. For the government to succeed, it has to be able to provide services at the local level. There has to be buy-in in municipalities throughout the country with real attention given to underserved areas from the past. That is an important part of the political—

The CHAIRMAN. And are they capable of doing that? We do not have sectarian issues here, but we certainly had divisions within the country. So is it reasonable to believe in a period of time that matters they are going to be able to do that?

Mr. WINER. I do not think it is easy for them to do it. I think they are working on it. The Presidency Council consists of nine people representing all three major regions, and I have seen them begin to work together and grow together into a working unit. And I think they are committed to that. The constitution that the Libyans still need to build out and the elections they still need to carry out for a permanent government are going to have to be designed by Libyans to address these core issues so that they have a nation that they can build for the future. But given their potential oil wealth, past and future, they have the tools. In theory, they should be able to do it.

The CHAIRMAN. So, you know, this was a case of—I know that most of the committee was in a different place than I was on this. But I did not understand what our national interests were in going in in the first place. I certainly did not understand going in, decapitating the government, and leaving as we have.

You just laid out a series of numbers which certainly to most Americans is a lot of money, but on the other hand, as we know, as it relates to dealing with these kind of issues, a very, very light amount of resources.

I am just wondering what role you see the U.S. playing right now. Are we one of 30 countries? Are we the lead country? It does not appear, if you look at the resources being allocated, if we are the major force in helping this all come together, there is much effort that is happening on the ground. Can you share with us your thoughts in that regard?

Mr. WINER. Yes, Mr. Chairman. The assistance money we are asking for are comparatively small amounts by comparison to what we are doing in Iraq, for example, or in many other places. There

we are part of an international coalition to try and help Libya through this transition—

The CHAIRMAN. Who is leading that coalition?

Mr. WINER. The U.N. is essentially in the lead, the U.N. mission in Libya. The European Union is committing substantial amounts, as are individual—

The CHAIRMAN. Are they taking more of a leading role in Libya than the United States is? The European Union?

Mr. WINER. No, sir. But in the assistance area, our requests are what they are. Our core work over this past year has been political in the first instance, to get alignment amongst all Libya's neighbors, important regional players beyond Libya's neighbors, the Europeans, and us to work with the Libyans to try and bring them together, get them aligned instead of fighting one another. That has taken an immense amount of work and it played a substantial role in the creation of the Government of National Accord.

The CHAIRMAN. Well, I think all of us on the committee have traveled through northern Africa and just seen the havoc that the fall of Libya has created, the amount of arms that have traveled through those countries, the support that is given for transnationalist terrorist groups to be able to do what they are doing. That has happened. That is water, if you will, under the bridge.

I still am having difficulties seeing the progress. I am glad we have someone like yourself there, but do understand that if we end up in a situation years from now where a country cannot maintain its borders, cannot have total control over what is happening militarily in the country, that havoc is going to continue.

We thank you for your efforts and look forward to additional questions.

Senator Cardin?

Senator CARDIN. Well, thank you, Mr. Chairman.

Mr. Winer, I certainly understand the U.S. participation with the international community in 2011, and it, I think, was well received in Congress, although the administration chose not to submit an authorization for the use of military force. And as I said in my opening statement, I think we have to act when we have a reason to do it, but we have to think about the consequences after those actions.

Now, today my understanding is that we have a limited number of special op forces that are operating in Libya, and I know that Great Britain and France have also interjected some troops. Are foreign nations considering sending ground forces into Libya?

Mr. WINER. I am not aware of anything beyond a training and equip mission, Senator.

Senator CARDIN. And what is the intention for U.S. additional personnel being used in Libya?

Mr. WINER. I think that question needs to be addressed probably in another setting and with the participation of other parts of the U.S. Government.

Senator CARDIN. Could you tell us whether the administration is anticipating sending up an authorization to Congress for its military campaign in Libya?

Mr. WINER. I do not know of a military campaign in Libya being contemplated, Senator.

Senator CARDIN. Well, we have our people there. I understand the difference between combat and I understand the lines that you are drawing. So is it anticipated that you will see congressional action as part of the strategy for a united front for U.S. participation in whatever is done in Libya?

Mr. WINER. I am prepared to provide you any information I have in an appropriate setting at any time.

Senator CARDIN. One of the factors that you judge how well we are proceeding—and I acknowledged in my opening statement the progress that you have made against the terrorists, and that has been some major advancements. And we have yet to see the ratification of the unity government, which is a major step that is yet to be taken. And we know that there are leaders in Libya that are resisting that. So we are not there yet by any stretch of the imagination. You gave a pretty optimistic account.

One of the indicators would be the reopening of our embassy. Is that likely to occur in the near future?

Mr. WINER. Senator, we very much want to have our embassy reopened in Libya. That is a policy goal. We want to be present in Libya. We think it is important that we are present in Libya. Our ability to do that depends on our evaluation of the security situation, and as of now, we have not evaluated that it is time for us to do that. Before we do that, we will be back here to talk to you all about it.

Senator CARDIN. Could you be more specific as to what conditions are going to be necessary to reopen our embassy?

Mr. WINER. Diplomatic security is going to have to feel that it is the right thing to do in the first instance, and then other parts of the administration would have to concur. And then we would be down here talking to you about it.

Senator CARDIN. Tell me the capacity of the Libyan people to take on ISIL. What is the capacity with or without a GNA? How do you see their ability to defend themselves against ISIL?

Mr. WINER. Well, Senator, under the period of divided government, when the government that we recognized, whose house was based in Tobruk and whose government was based in Bayda in the extreme east of Libya, when we had that period and there was a competing government that no one recognized in Tripoli, that is the period of time when Da'esh secured a presence in the far east of the country in Derna and a substantial geographic territory in the region around Sirte in the center of Libya's coastal region.

Since the Government of National Accord was agreed on in Skhirat on December 17th and then voted on favorably for the Presidency Council and the political agreement, although not for the cabinet, by the house of representatives on January 25th, we have seen different Libyan forces take on Da'esh with some substantial success. Da'esh was first kicked out of Derna by local extremist forces. Some of the people who had invited them in decided they did not like being told what to do by foreign extremists. And then additional forces associated with General Haftar have undertaken further efforts in and around Derna. And most recently, forces east and west of Sirte have collaborated expressly under the

Government of National Accord through operations rooms to impressively push Da'esh back out of Sirte.

Senator CARDIN. I want to get one more question in with the chairman's permission here because I do not want to disappoint the chairman and not mention my favorite subject of good governance and corruption.

One of the real challenges is the trafficking through Libya, which is causing people at risk through traffickers to try to get to Europe. Part of that is corruption within the Libyan government. In addition, you have a large percentage of the population that is in desperate need of humanitarian assistance, and the honesty and institutions of government are so weak, it is hard to get that aid. What is the prognosis that we will have a functioning government that can stop the traffickers and can be available to deliver the humanitarian aid that is needed?

Mr. WINER. I cannot offer a probability, Senator. The government is working initially to counter—

Senator CARDIN. Is that a high priority for us? I mean, I understand that we have a lot of political problems, but are we making with our international partners a high priority to make sure that we can stop the tragedies that are taking place in the humanitarian crisis?

Mr. WINER. Well, just this week, Senator, the U.N. endorsed a resolution put forth by the United Kingdom to enhance maritime oversight of potential arms trafficking internationally. From my point of view, the more vessels there are in the area of Libya, the more likely we will be able to begin to combat the migrant flow. We talked to all Libya's neighbors about it. We talked to the Libyans about it. Dealing with migrant trafficking in any country, as Europe has demonstrated itself through any number of national borders, is a very difficult business, and it is going to take a lot of work over a long time.

In terms of the humanitarian crisis, we have been working with the Central Bank of Libya, with the national oil company, with the Presidency Council on measures to try and reduce the risk of humanitarian crisis and get some traction on problems of liquidity they have been facing as a result of the loss of confidence in the government during the two-government period. And we are making some progress in that area.

Senator CARDIN. Thank you.

The CHAIRMAN. Thank you.

Senator Perdue?

Senator PERDUE. Thank you and thank you for your service.

I have two quick questions, and I really want to get to the arms embargo that the ranking member mentioned. But first I want to talk about and get your opinion on this potential financial situation in Libya, which I think is very critical as well.

You know, oil is right now almost all—almost 97 percent—of their revenue. And I know with the price of oil being down and also their annual production is about a third of their capacity, if I have got the numbers right. And then I look at the reserves, and the reserves, depending on the amount of outtake they have every year, could be as short-lived as 3 to 9 years. Well, that is shocking, if that is 100 percent of their economy and you only have 3 to 9 years

in the best situation, what is the outcome here? Because you got a financial catastrophe sitting right here in the midst of this very distressed battle situation. So I am trying to get past the ceasefire and all the rest of it and say, okay, what do we do to rebuild that country economically so you can stop the fostering of this radical element. So would you address the financial potential collapse that we are looking at here?

Mr. WINER. Yes, sir. You have just identified one of the core issues that we have been concerned about and been working on. They are at risk of eating all of their seed corn and being left with a disaster if they do not get their acts together to pump their oil. We are working right now to try and get Ibrahim al-Jadhran and his national petroleum forces to turn the oil back on in the oil crescent.

Senator PERDUE. But if he turns it on, do you not have the reserve problem? And that shortens the number of the years until they actually burn it all out.

Mr. WINER. I think that the problem is not so much pumping it out and losing it. There is still room for further exploration and further development, as it is the problem of too much money going out and not enough coming in, where the IMF has said to us, for example, there is no solution, no reforms they can take if they are not producing their oil.

Senator PERDUE. Their debt situation is already at a crisis level.

Mr. WINER. They are in a very difficult economic situation right now as a result of not pumping their oil. They should be pumping 1.5 million a day. They have been pumping less than 400,000 a day. Last week, I talked with the head of the petroleum forces and said you have got to turn the oil back on. Now, he now supports the Government of National Accord. His forces have been fighting to get rid of Da'esh, and I think that that oil is going to be turned on. It is absolutely critical. There are forces in the west, the Zintan. They have shut down 440,000 barrels a day because some of their concerns have not been met.

Senator PERDUE. Since that is such an important economic issue—I am sorry to interrupt.

Mr. WINER. Yes, sir.

Senator PERDUE. But does ISIS pose a threat to that oil production even if they could turn it up?

Mr. WINER. To the production, yes. To exploitation, probably not. The pipelines run north-south, south-north. And they are not really exploitable in Libya in the way they have been exploitable in Iraq. Da'esh did attack the oil crescent area and destroyed some terminals, some areas where oil was being stored at the terminals. And that has probably reduced their capacity some, but it is quite limited damage at this point. One of the things that is really impressive about the efforts against Da'esh in the Sirte region and the oil crescent region is it has begun to push them away from their ability to threaten Libya's future oil production. And so that is a significant development.

But the Libyans need to draw together and address one another's grievances so that everybody agrees to allow the oil to be pumped again so that they have less of a mismatch between the money that is coming into their treasury and the money that is going out.

Senator PERDUE. Would you agree we are within a year or 2, in the best case scenario, of really having a potential collapse, though, if they do not do that?

Mr. WINER. Yes, sir. A couple years.

Senator PERDUE. Second question. I am sorry. Thank you for that candor.

Relative to the U.N. Security Council resolution just yesterday I believe, what do you think the impact of that will be? And will it have any impact on what is coming in to support Da'esh?

Mr. WINER. It is not clear to me where Da'esh is getting its weapons from. I think a lot of it is from domestic stockpiles and that kind of thing. What is important about the arms embargo is limiting the risk of different international players aligning themselves with different forces within the country and thus exacerbating the risk of internal conflict.

We spent a tremendous amount of time in 2015 and the first half of 2016 getting regional players aligned. There are three conditions for us to have success in Libya. Very briefly.

One, negotiating process. We worked that out and we got the Government of National Accord and the Libyan political agreement by having one U.N.-led process.

Secondly, having regional players with interests and relationships in Libya agree on a common course and press forces within Libya that they have been working with to participate in and to agree with it. We have gotten tremendous success in that. That is the second.

Third, there has to be benefits at the local level, at municipalities throughout the country in different regions, from the agreement and from the government so that they have a stake in stability. We are working on that, Senator.

Senator PERDUE. One last comment. I applaud all of that. My only admonition would be to add a fourth, and that is the post effort, what happens after that happens to the economy and to the people and the economy that we are talking about so that we can minimize the danger of continued radicalization there.

Mr. WINER. Ultimately we would like to see the Libyans develop a revenue sharing mechanism where resources go to people at the local level. They have to get the basics down in public financial administration so there is greater accountability for their resources and their spending in systems that are transparent to the Libyan people and which meet modern standards. That would be very good for Libya. Some of the money that we are requesting from Congress today would go to that. Some of the money you provided us in the past will be going to public financial administration.

Senator PERDUE. Thank you.

Thank you, Mr. Chairman.

Mr. WINER. Yes, sir.

The CHAIRMAN. Thank you.

Senator Markey, are you squared away?

Senator MARKEY. Is that synonymous with having just sat down? Squared away? [Laughter.]

The CHAIRMAN. No. It is synonymous with knowing your staff was still whispering in your ear, and I was not sure you had taken it all in.

Senator MARKEY. I think I am ready to go.

Thank you, sir. Thank you for your service.

Senator Cardin and I, Senator Gardner, we were just in Saudi Arabia about 10 weeks ago, and one of the highest ranking ministers said to us that Libya was going to make Syria look like a piece of cake, which was a very startling comment to come from that source.

What would it take for that set of circumstances to unfold, and what can we do to avoid it from ultimately transpiring?

Mr. WINER. Senator, regional competition in support of different forces so that Libyans cannot come together to fight terrorists could potentially lead to a very bad scenario. And that is one of the things that we have been working to counter over the past year, year and a half.

Having the terrorists destroy oil infrastructure and having the oil not continue to flow to be able to fund core government activities and salaries for government workers and for the people of Libya would be another threat, if there is a humanitarian collapse due to the inability of Libya to sustain its economy. That would be a second element.

The third element would be not taking on Da'esh now and allowing it to gain a further foothold. They do not produce anything—the Islamic State. They are entirely predatory. They live off the land and they live off the land in an extraordinarily ugly and ruthless fashion, as we all know. So they need to grab more territory at all times in order to survive. So when you push them back on their heels and take territory away from them, it is very difficult for them to continue because they need to be able to generate income to keep themselves going. So ignoring that problem would create the kind of risk that you are talking about.

So there is the risk of internal conflict. There is the risk of economic and humanitarian collapse, and there is the risk from Da'esh. The three of them are intertwined, which is why the strategy has been to get political alignment so that we can get the Libyans to undertake, as they want to do, countering the threat to all of them from the Islamic State, which they detest.

Senator MARKEY. So in your testimony, you pointed out that in Libya, ISIS lacks the ability to use oil smuggling as a major revenue-generating resource, as it has done in Iraq and in Syria. In March, this committee held a hearing on Libya, during which I expressed deep concerns that ISIS appeared to be expanding to the point where they could have threatened sensitive petroleum port facilities and improved their longer-term capability to move against oil production facilities in the interior regions to the south.

But now the immediate risk appears to be greatly reduced, thanks to the current offensive operations by militias loyal to the Government of National Accord, which appears close to defeating ISIS in Sirte.

I give great credit to the administration, our military forces that are assisting militias loyal to the new Government of National Accord, and our international partners for what appears to be progress against ISIS in Libya. If it were not for their efforts, I believe that we could have faced a real risk of ISIS gaining access

to revenue-generating oil resources in Libya, as it has done in Syria.

That said, no single tactical success is sufficient to avoid this kind of strategic risk. While militias loyal to the Government of National Accord are fighting ISIS in Sirte, General Haftar, who is aligned with the house of representatives in Tobruk is positioning his forces to the south of Sirte where they are watching and waiting. Although General Haftar and the Tobruk house oppose ISIS, they have not agreed to support the Government of National Accord.

Mr. Winer, this appears to be a moment ripe for aggressive political intervention. Our allies, Egypt and the United Arab Emirates, have a history of supporting General Haftar and the house of representatives in Tobruk. If General Haftar goes to war with the militias loyal to the Government of National Accord, there will only be further chaos, and ISIS will have an opportunity to snatch victory from the jaws of defeat and will resume the expansion in Libya.

What are we, the U.N., and EU doing to bring General Haftar and the Tobruk house of representatives together with the Government of National Accord?

Mr. WINER. Thank you, Senator.

I must say that each of you worry about the same things that I worry about. The anxieties I have heard today are consistent with the things that we are worrying about and thinking about every day when it comes to Libya.

Senator MARKEY. I guess in your answer could you specifically tell me if we are working with Egypt and the UAE to push General Haftar and the Tobruk house towards an agreement with the new government. Are we doing that right now?

Mr. WINER. Egypt and the UAE, like every other country neighboring Libya and every other country in the region, have signed on to both expressly and in bilateral discussions with us, as well as in multilateral fora, on supporting the Government of National Accord and working to get people they have been close to into the Government of National accord.

Secretary Kerry said in Vienna last month that the United States wants to see General Haftar be part of a solution. We see him as playing a potentially significant role, but he is not going to be the only one, clearly, playing a significant role. And it has to be under the GNA and within the context of a civilian-led government. We are working on that and we are consulting with the UAE and Egypt on that, among others. And I feel we have a very great degree of alignment and a constructive fashion that could well lead to positive results as we have already seen positive results of these past weeks in Sirte.

Senator MARKEY. Thank you.

The CHAIRMAN. Thank you very much.

Senator Gardner?

Senator GARDNER. Thank you, Mr. Chairman.

I do not know if Senator Markey mentioned this to you or not, but a couple of months ago we had the opportunity to travel to Saudi Arabia and visit with Deputy Crown Prince, the Crown Prince, and others in the royal family, as well as the Foreign Min-

ister and other members of the government. And one of the questions to I believe it was the Crown Prince, I believe, was the situation in Libya, the situation in Syria, and when it came specifically to the question in Libya, the question was asked, how do you think it compares to Syria. And I believe the response was simply Syria is a piece of cake or will be a piece of cake compared to Libya should this collapse occur. And perhaps you had already mentioned that, and I do not want to mischaracterize the statement.

But could you perhaps explain how that could be the case and whether or not you agree with comments, such comments like you look at the Crown Prince's remarks that Syria is a piece of cake compared to Libya? And could you perhaps compare that to comments made yesterday by the President saying that ISIS ranks are shrinking and its morale is sinking, and is that really consistent with what the Crown Prince is saying and what you are seeing on the ground in Libya?

Mr. WINER. Senator, if you look at where things were—I guess you were there 10 weeks ago, roughly?

Senator GARDNER. Roughly.

Mr. WINER. The Government of National Accord has been in place precisely about that amount of time in Tripoli, and since it has come into place, bit by bit the Libyans have configured themselves to begin to take Da'esh on. They have secured increasing support domestically. It is not complete, but I would note that a majority of the house of representatives has been ready to support the cabinet selected by the Government of National Accord and Presidency Council. They have not been permitted to vote by a minority. And so we do have some political limitations, but you have seen support for this government grow.

The Libyan people expect more out of the Presidency Council and the GNA than they have gotten. That is normal and natural. People all over the world want more out of their governments than they tend to get, and there are frustrations with what the government can actually do. The government needs to do more.

But the progress being made is being made on the ground, sir, every day right now. So I think pessimistic snapshots in Libya are absolutely legitimate. There are lots of grounds for pessimism. There are also grounds for optimism and real progress. If we were today in a situation where you had still competing governments, no Government of National Accord, no political road map forward, no progress against Da'esh, no prospects for getting the oil turned on again and addressing the mismatch, we would be in a much worse situation, a much more threatening situation than the one we are in.

Now, could the advances of the past few months still be reversed? Yes. The situation is fragile. We cannot say we are in a safe place, that Libya is in a safe place. Libyans are going to have to continue to come together and work together to address grievances and differences for the common good, and it is our job as the United States to try and encourage them to do that, to encourage other countries to help them do that, and to be part of an alignment and unity-building process. That is hard to do in any country. It is very hard in Libya, but it is not futile. It is beginning to happen and we are seeing some positive results as a consequence.

Senator GARDNER. And I apologize if I am asking you a question that has already been covered here, but the administration's request for Libya was down from \$35 million in fiscal year 2016 to \$20 million in 2017. That is in State Department-administered funds. Why is that the case?

Mr. WINER. The absorptive capacity of the Libyan government in the past has been very limited. Our focus is on delivering services to communities, helping the government through the transition. Public financial administration, which I mentioned earlier, is the kind of thing, for example, we are doing, working with the constitutional drafting assembly to get the constitution process completed. We are trying to act to synergize other activities working with the U.N., the EU, and a number of other countries rather than to do it all ourselves. So these modest amounts are there to help fill the territory where there are gaps and to provide some impulses to help them go forward.

But the core of the work right now has been political first. It is political, security, and then it is development, and all three of those things are going to have to go together. If Libya gets its acts together successfully so Libyans continue to come together, they should again be able to finance these activities, but they have to begin pumping their oil again, close to the 1.5 million they used to pump, at least a million barrels a day, and then they can begin to work through creating a national budget and starting to invest in their own infrastructure and projects again. So we are trying to jump start things, but the vast preponderance of the funding is likely to come from Libya, as it should.

Senator GARDNER. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Cardin?

Senator CARDIN. Well, I am encouraged by some of your comments. Obviously, this is not an easy situation particularly the three goals that you mentioned, including that the people see benefit. I think that is a critically important part for stability in Libya. And you have mentioned that the oil flow was part of that. You have mentioned security as part of that. If the oil flow goes to help the people of Libya, then they see the benefit of it. If it goes to fuel corruption, they do not. If security is there to help the welfare of the general population, they see the benefit. If it is there to preserve a corrupt regime, they do not see the benefit.

So I just really want to underscore my just request. And I know the administration is committed to democratic institutions in the countries that we work in and fighting corruption and dealing with those issues. But to me unless that is in the priorities from the beginning, it gets lost as we go through the process.

So I just really want to underscore what I hope is your commitment as our representative on this that it will be clear that as you go through the process of reconciliation and developing a unity government that there is accountability in there for good governance so that the people of Libya can see the benefits of what is going on, that there can be the type of support for a unity government to succeed, and we really can have a long-term stability in that very important country in the region.

Mr. WINER. Senator, the young people of Libya are the country's future. At some level that is a cliché but at some level it is such a profoundly true statement about these countries in North Africa and the Middle East that have such a preponderance of younger people. The degree to which they are interested in political dialogue, reconciliation, and finding a way forward in their country is very impressive.

The interim government, the Government of National Accord, has to be successful enough to give the new Libya a chance to be born and to build, and everything that we do in Libya as the United States needs to be consistent with the values you just expressed and the values of the American people at its foundation, which are very similar to the values of most Libyans that I have been exposed to. They say things that are very similar to what you have just said to me.

Senator GARDNER. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Menendez?

Senator MENENDEZ. Thank you, Mr. Chairman.

Mr. Winer, thank you for your work in this regard.

I think this is a particularly important hearing because we should be riveted on what, if anything, the United States can do beyond what it is doing to assist the Libyan people in building a country that a mad dictator had systematically dismantled over the course of 4 decades and ultimately how to bring Libya into the community of nations with accountable institutions of governance, respect for human rights, security for law-abiding citizens, and a productive economy that contributes to, not detracts from global resource in other markets.

But this complicated reality on the ground is one that has been centuries in the making. It is a transactional society with hundreds of militias, competing ethnic and tribal affiliation, very competitive regional loyalties that on any single day can include homegrown and foreign-born radical Islamists seeking to spread jihad, neighbors simply seeking to defend their homes and families, gangs stealing oil and wealth and engaging in gratuitous violence, tribes and states of cold and hot wars against one another for generations, regional actors in three distinct Libyan regions exploiting or protecting natural resources like oil and water, just to mention some.

So what I am trying to get an insight is what could an intervening party like the international community have imposed on these competing and conflicting groups to bring them to a resolution. We had a democratic process, which by all accounts produced some relatively free and fair national elections in 2012, peacefully transitioned power from one elected body to an elected body, seated a national parliament that established legitimate government, all within the first year of the anniversary of Qaddafi's death.

So what is it that can be done by the international community here to impose upon these parties the ability to achieve the goals that we all collectively want?

Mr. WINER. Thank you, Senator.

All the problems that you just articulated are real, and they should not be glossed over and they should not be treated lightly.

The challenges that any Libya faces are substantial. But it also has a group of people who are patriotic, have some education, have some vision of what their country could be, and are distributed in many different parts of the country.

National dialogue and reconciliation, political mechanisms, political activities are central to the future of the country and having the country emerge from this period of fragmentation that it has just gone through.

Our work is to align countries in the region, all their neighbors and regional players, as well as Europeans and us in support of a common approach to strengthen national institutions so they can combat at least some of those threats that you have just articulated long enough for Libya to evolve to its next phase, supported by the considerable natural wealth it can continue to generate from oil at 1.5 million barrels a day in its current capacity, which could go up to 2 million I am told by oil experts.

Senator MENENDEZ. So let us talk about that. If our goal is to bring other nations in the region in harmony—

Mr. WINER. Yes, sir.

Senator MENENDEZ.—with that goal, then it seems to me that is a concern insofar as that despite pledges to support the diplomatic process in the Government of National Accord, there have been reports that numerous U.S. allies, including Egypt, Qatar, the United Arab Emirates, and Turkey have violated the U.N. arms embargo against Libya, supplying arms to both sides of the conflict. And I understand now—and maybe you can respond to this—that the administration has expressed a willingness to consider loosening the embargo to arm the GNA in its fight against the Islamic State.

How can the administration ensure that its allies are abiding by international law and not undermining the unity government? And how can the United States ensure that the Government of National Accord is strong enough to control any arms that are supplied?

Mr. WINER. Lots of questions embedded in that question, sir.

Let us start with the arms embargo. We have made no findings about violations. The U.N. panel of experts in March I believe—March or April—issued a report which described the issues that you have raised without making any final findings. We talked to—I have talked to all the countries you have mentioned about the need not to support competing forces but to support a unified Government of National Accord, and I believe we have very considerable alignment on that. I was just in the region last week on these very issues.

The idea behind the exemption to the arms embargo is to provide a uniform set of weapons that can provide relatively integrated counterterrorism capabilities to address the threat from the Islamic State and other terrorist forces near-term and medium-term and to do so in a way that is trackable and traceable and subject to oversight so it does not disappear, go to bad places, go to the wrong people. That is the idea, and the idea would be for the Libyan government to ask that of the United States and of other countries at the same time and to have any exemption get notified through the U.N. so it is visible, can be seen by the P5 and other U.N. Security Council members and by the whole world, and then as a result of

being transparent, be more subject to oversight and accountability for the Libyan people, for the region, and for the world.

Senator MENENDEZ. If I may, Mr. Chairman, one last question.

That takes a condition precedent that the GNA is sufficiently strong and capable enough even of giving that process to ensure that it can control the arms that it is supplied. Have we come to that conclusion?

Mr. WINER. Yes, but it is also part of the responsibility of any country providing those weapons to ensure that. It in practice can be a shared responsibility. I am happy to brief further on that, Senator.

Senator MENENDEZ. I would forward to that because, you know, I used to hold up weapons sales to some countries because I feared that in fact they did not have the wherewithal to do that. And sure enough, we lost a lot of weapons to ISIS. I am not talking about Libya now, but in other locations. And we need not to do that again.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Just to follow up on that, what is occurring relative to Da'esh, or ISIS? You know, we had estimated 5 to 6,500 troops there, and yet it seems they are falling away rapidly. Are they just blending in with the rest of the country? What do we think is occurring with the rest of Da'esh?

Mr. WINER. Mr. Chairman, I still have a fragmentary picture of what is going on because the situation is so dynamic. I have heard reports of elements of Da'esh bleeding away to the south and to the west, both in connection with the current offensive by forces to the east and west of Sirte. They have clearly lost several hundred fighters. I was talking with a member of the Presidency Council late last night about the state of play. He told me that the forces of the Government of National Accord had essentially come into the City of Sirte from the west and now had geographic control of the entire territory of the west and the south, that they still did not have control from about 7 kilometers east of Sirte, that there have been mines laid and improvised explosive devices and that kind of thing which were impeding their ability to get to the rest of the way into Sirte. So I am hearing both of the establishment of potential cells in other parts of Libya and of very substantial losses of personnel and by the Islamic State in Sirte to the forces aligned with the Government of National Accord as they have entered and regained that territory. I am still trying to develop further information, but that is the core of what we have seen so far.

Now, before this happened, we were already seeing something very interesting. I mentioned earlier that Da'esh is predatory and does not generate income or wealth of its own. It simply steals it. Sirte had already been devastated in the course of the revolution. Relatively speaking, it was resource poor. Indeed, there are grievances among ordinary people in Sirte that are legitimate because it never came back after the revolution to oust Qaddafi. So Da'esh was beginning to run into resource constraints in Libya, which I think were beginning to affect its success.

Now, I fully expect that the successes of the past few weeks will be responded to by elements of Da'esh, and there are domestic Lib-

yan extremists as well. There is Al Qaeda in the Maghreb. We should not forget them. There is Al-Mourabitoun. There is Ansar al-Sharia, two different elements of Ansar al-Sharia. They are still there. So the fight against terrorism in Libya is by no means over. It is going to require a sustained effort over an extended period. But the geographic control that becomes some of the base for the financial sustainment of ISIL is dropping away. And there are different types of Da'esh. There are people who are core believers, and there are people for whom it may be a better paycheck or opportunity this week but something else may be better next week.

The CHAIRMAN. One of the things that we typically have to expend a large amount of resources on is building up a military through training and making sure there is a unified force. What is happening in that regard in Tripoli—I mean, excuse me—throughout Libya either by us or by other governments to be building up an actual trained military force that can, in fact, do the things that we know need to be done there?

Mr. WINER. Mr. Chairman, the Presidency Council has been in place for about 75 days now in Tripoli. About a month ago, they announced that they would create a presidential guard. They have yet to ask foreigners for help on that. I expect that is going to come. And they began organizing the current effort against Da'esh in Sirte which involved the creation of operations rooms to take them on which, as we have seen, has been remarkably successful, but no one should be overly optimistic that it is all over. It is not going to be.

Meanwhile, General Haftar has continued his efforts to reclaim Benghazi, supported by other elements of the Libya national army. He has also undertaken efforts in Derna which previously were preceded by domestic Libyan extremists kicking out foreign extremists.

So the picture is not a simple one. We are going to have to collectively—we being a collective, not just the United States—support the creation of the uniform police and military that can provide security on a national basis, that are still respectful of localities and the need for local security, in addition to national security, as we have in our own federalist system. And that is going to be a multiyear project. It will have to be directed on an interim basis by the Government of National Accord for the next year, year and a half, whatever the term of its existence, and then by a successor government under the new constitution that they will, we hope, adopt.

The CHAIRMAN. Let me ask you one last question. We are, I guess just the way we know things, aware that outside of Sirte, actually out away from the city, there were training camps that had thousands of Da'esh people in them, and they were, as I understand it, not near urban populations but out in training camps. And we, of course, were waiting for a unity government to be formed and did not want to be involved there without that occurring.

But was there an opportunity missed to do severe damage, if you will, to Da'esh while they were out away from Sirte, or was that ever the case?

Mr. WINER. The United States has some criteria by which it evaluates when it can engage against terrorism. A critical element of that criteria is imminent threat to Americans, and there are some other components to it but that is a very important one.

The President has demonstrated his willingness to take action as we did against the terrorist training camp in Sabratha in February and as we did against the Islamic State amir earlier and as we did against another terrorist figure before that. The administration continues to be ready to take action when that action is warranted by the situation and meets the criteria the President has set for such action. That is really all I can say.

The CHAIRMAN. Well, I will say then it sounds to me like that yes, there was that opportunity, that yes, they were in training camps out away from Sirte, and that at the time, we did not feel like those conditions that you just described existed, and that in the interim, they moved back into the urban areas. But the criteria was not there for us to take action, if I am hearing what you are saying.

Mr. WINER. I cannot address the issue further, Senator, other than to note that the Islamic State has been very substantially pushed back from the geographic control that it had recently as a month ago.

The CHAIRMAN. Senator Flake?

Senator FLAKE. No.

The CHAIRMAN. Are there any other questions? [No response.]

The CHAIRMAN. Do you have anything else you would like to say or feel like you might have left an impression you did not want to leave because you were cut off?

Mr. WINER. Mr. Chairman, I think the most important thing I want to leave you with is I feel we do have a strategy, and the strategy has been to counter fragmentation, to counter chaos by working to get Libyans and their neighbors and the region aligned in support of a Government of National Accord to operate in a transitional way to unite Libya and to bring them together in the process of reconciliation that will potentially enable Libya to build a state that functions on behalf of its people.

I think the questions you and your colleagues have asked me today have been to the point, and I welcome the opportunity to testify before you.

The CHAIRMAN. Well, thank you very much for your service to our country.

We are going to leave the record open until the close of business Friday. If you would fairly promptly respond to any written questions that will come by the close of business Friday, we would appreciate it. You can respond after they come in, of course.

As I said in my opening comments—and this certainly is not directed at you in any way. It is directed at our country. I felt like our involvement in Libya was very poorly thought out. The legal basis that was thrown out by Mr. Koh from Yale was pretty unbelievable to me that we were not involved in hostilities while we were bombing the country. So that part to me was very difficult to digest.

And then for us to decapitate a government and just leave it there and here we are in the year 2016 after this occurring in 2011

I think speaks to what Senator Cardin said, and that is when we go into these engagements, we need to at least be thinking 30 days out after, and in this case, certainly that what was not occurred. And there have been a lot of people tortured, a lot of lives ruined, a lot of problems that have been created throughout the region that have been very destabilizing and has bled into Europe now. And I think we can learn from this.

It still appears to me that we have a really light touch, very, very light touch, in a country that, as Senator Gardner and Senator Markey mentioned, could in fact breed problems far greater than Syria by some onlookers that are in the neighborhood. So it still does not appear to me that we have come together around something that has a sense of urgency or seriousness to it relative to the negativity that can occur if Libya fails.

So I do not know if you want to respond to that or just agree with me and wish more was happening. [Laughter.]

Mr. WINER. Senator, we are doing the best we can. Mr. Chairman, I am doing the best that I can.

The CHAIRMAN. You know this is not directed at you in any way.

Mr. WINER. Thank you, sir.

The CHAIRMAN. With that, the meeting is adjourned.

[Whereupon, at 3:25 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

RESPONSES TO QUESTIONS FOR THE RECORD SUBMITTED TO SPECIAL ENVOY JONATHAN WINER BY SENATOR BOXER

Question 1. Following the ouster of former Libyan President Muammar Qaddafi, Libyan authorities did not allow a foreign force to provide for security during Libya's political transition and development a military force. Some U.S. officials have asserted that this is one of the reasons for Libya's current instability.

Given Libya's fractious political and military environment, in which competing armed groups vie for influence, what efforts are underway to build a national military force under the authority of a Libyan unity government?

Answer. The United States supports the efforts of Prime Minister al-Sarraj's government to establish civilian command and control over an inclusive, national Libyan military. We also support PM al-Sarraj's efforts to build the necessary defense institutions required to firmly position a national Libyan military under the authority of a civilian government. These institutions have never existed in Libya.

Initial headway was made when the Government of National Accord (GNA) announced in April that it would form a joint command to coordinate counter terrorism efforts. It has since formed four regional operations rooms focused on the fight against Da'esh and other terrorist groups. The impact of these decisions is already evident on the ground, as GNA-aligned forces have made substantial progress against Da'esh in and around its stronghold of Sirte.

Along with twenty other countries and four international organizations, we affirmed in the May 16 Vienna Communiqué that the GNA is the sole legitimate recipient of international security assistance to Libya and that the international community will support the GNA by providing security assistance to counter UN-designated terrorist groups and to combat Da'esh throughout the country. By providing assistance to forces under the GNA's command and reinforcing the UN arms embargo to ensure weapons do not go to other groups, we can help empower al-Sarraj to bring more elements into the inclusive, civilian-controlled, and geographically-diverse security forces that Libya requires.

Question 2. How are we currently working with our European and Arab partners and allies to facilitate Libya's transition? Specifically, how are we working to reconcile competing regional support for General Heftar's forces in the east and the Misratan forces in the west?

Answer. The United States works closely with the international community, including our European and Arab partners, to support Prime Minister Fayez al-Sarraj, the Libyan Government of National Accord (GNA), and the efforts of UN Special Representative Martin Kobler. Since the GNA entered Tripoli on March 30, Prime Minister al-Sarraj has undertaken a series of steps to stabilize the country, including measures to form a Presidential Guard, establish a joint command to combat Da'esh, and ensure that ministries and acting ministers can get to work to serve the Libyan people, pending formal action by the Libyan parliament. Along with our international partners, the United States is supporting Prime Minister al-Sarraj's government as it moves forward with these positive steps.

At the Vienna Ministerial meeting on Libya on May 16, four international organizations and 21 countries, including the key regional states, reiterated the international community's commitment to ceasing support to and official contact with parallel institutions and to support the GNA as Libya's sole legitimate recipient of international security assistance. We support Prime Minister al-Sarraj's efforts to build an inclusive national security architecture. We are looking at ways in which General Haftar and forces under his leadership will integrate within a security structure under the GNA's civilian command and control.

We urge all Libyan forces to work to enhance coordination and implement a unified command to direct the fight against Da'esh in Libya. We are ready to respond to the Libyan government's requests for training and equipping vetted, GNA-aligned forces from throughout Libya. The UN arms embargo allows for the GNA to request the weapons it needs to secure the country and to combat Da'esh. The GNA has voiced its intention to submit appropriate arms embargo exemption requests to the UN Libya Sanctions Committee to procure necessary lethal arms and materiel to counter UN-designated terrorist groups and to combat Da'esh throughout the country. We will fully support these exemption efforts while continuing to reinforce the UN arms embargo.

Question. Following the withdrawal of U.S. personnel from Libya, the United States suspended the majority of its security assistance programs for Libya.

Moving forward, what options is the United States considering for near-term security assistance for Libya? What conditions need to be in place to resume security assistance programs in Libya?

Answer. Supporting Libya's Government of National Accord (GNA) and its capacity to address Libya's economic, humanitarian, and security challenges is essential to advancing U.S. national security and stability objectives throughout the Maghreb, Sahel, and Mediterranean regions. In coordination with the UN and other partners, U.S. engagement in Libya remains focused on helping Libya's political transition produce a legitimate, accountable, and effective national government. U.S. government support remains essential to strengthening Libya's democratic, governance, and security institutions, thereby supporting stability and regional security. As we are already seeing, a strong

GNA partner is critical to counter Da'esh effectively.

The United States is prepared to provide security assistance to Libya as part of international efforts, including border security, counterterrorism, rule of law, countering violent extremism, clearing unexploded ordnance, criminal justice reform, and securing conventional weapons. As the GNA becomes more established, we will continue to examine program opportunities to determine the appropriate size and scope. We are also exploring how we can use existing U.S. programs to contribute to training and equipping GNA forces, in response to requests from Prime Minister al-Sarraj.

We appreciate the \$20 million Congress provided for assistance to Libya in FY 2016, which will enable us to respond quickly to current and emerging needs. Our foreign assistance funding allows the United States to join other donor countries who are leading stabilization and security efforts. For example, we intend to contribute up to \$4 million to the UNDP-led Stabilization Fund for Libya (SFL), subject to Congressional approval, which will provide support for small-scale infrastructure projects, and we look forward to working with you when we notify these funds.

Our FY 2017 assistance request for Libya is \$20.5 million and we expect targeted opportunities for new programming in FY 2017. Our FY 2017 request will support programs to increase security and counterterrorism capabilities while creating a more inclusive and human rights-respecting national government. U.S. foreign assistance funds will build Libyan governance capacity, which is crucial to stopping the spread of terrorist groups.