



PROJECT on Middle East Democracy

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**"Assessing the Situation in Libya"
United States Congress
Senate Committee on Foreign Relations
419 Dirksen Senate Office Building, Washington, D.C. 20515
Thursday, March 31, 2:00pm – 4:00pm**

The Senate Foreign Relations Committee held a hearing on Thursday afternoon entitled, "Assessing the Situation in Libya." Deputy Secretary of State **James B. Steinberg** testified before the committee. Committee Chairman Senator **John Kerry** (D-MA) moderated the hearing. Ranking Member, Senator **Dick Lugar** (R-IN) was also in attendance. Senators **Robert Menendez** (D-NJ), **Bob Corker** (R-TN), **Ben Cardin** (D-MD), **James Risch** (R-ID), **Tom Udall** (D-NM), **Marco Rubio** (R-FL), **Dick Durbin** (D-IL), **Johnny Isakson** (R-GA), and **Jeanne Shaheen** (D-NH) made appearances during the hearing to question the witness.

Senator **John Kerry** made opening remarks on the situation in Libya. Kerry stated that the U.S., through a robust international coalition, had avoided a human catastrophe in Libya that sent a strong message to the region. He acknowledged the concerns of his Congressional colleagues on several questions regarding U.S. action in Libya and said he welcomed debate on the issue. **The Senator also stated that he was convinced the U.S. did have vital and strategic interests and a stake in the outcome of the situation in Libya.** Kerry also said he had met with members of the Libyan opposition and had asked members to travel to Washington to meet with U.S. officials and that the U.S. should "give them a fighting chance" to oust **Muammar Gadhafi** from power. Engaging with the opposition would also help the U.S. counter the extremism of al-Qaeda which might seek to try and exploit the situation. Kerry also stated that U.S. goals in Libya were worthy and should they be achieved would significantly alter American options in foreign and military policy in the region. The legitimate demands of protesters should never be met with bullets and unprovoked violence against peaceful protesters was unacceptable, the chairman said. On Syria, he mentioned that he thought President **Bashar al-Assad** could have set out a more precise course of action for reforms during his recent speech and that it was essential Syria refrain from violence.

Kerry also discussed why the U.S. was intervening in Libya and not other countries that face humanitarian crises. He stated that the U.S. in every case weighs a combination of ideals, interests and capabilities and would decide on a course of action after considering the individual circumstance of each country's situation. He said that the call for help from the Libyan opposition and the support of the Arab League for international actions "tipped the scale." The Senator also said that contrary to some criticisms, consultations between the White House and Congress have and continue to take place. **He also pointed out that there is set precedent for the President to enforce military action by Presidential order including: Grenada, Haiti, Panama, Bosnia, Kosovo, and Somalia.** Kerry mentioned that he was currently working drafting an appropriate resolution for Congress on U.S. actions in Libya.

Senator **Dick Lugar** opened his remarks by stating that success in war depended on more than the quality of forces and weapons. Calling war, "an inherently precarious enterprise," Lugar said that there existed significant risks of 'mission creep,' unintended consequences and mistakes, conflicts between civil and military leaders, and divisions with coalition partners. All of these have happened over the last ten years in Iraq and Afghanistan and have cost the U.S. even more lives he said. **The decision to go to war must be based on vital national interests and the Congressional role of scrutinizing the executive's rationale for war is essential he stated.** Congressional oversight, he said, is the best tool for ensuring that the President remains accountable in both war and peace.

Luger also reiterated that he had called for President Barack Obama to seek a declaration of war from the Congress on March 7th, twelve days before the start of hostilities and that the President declined to do so. He said that he did not believe Obama had made a convincing case for U.S. intervention in Libya and that U.N. resolutions are not a substitute for Congressional authorizations. Actions in Iraq and Afghanistan he said, "at least acknowledged that Congressional authorization was vital to initiating and conducting a war," despite deeply flaws in the authorization process. **In addition, a third U.S. military intervention in a Middle Eastern country, given previous commitments to Iraq, Afghanistan, and the strain on U.S. forces coupled with the current deficit, is a "jarring prospect," said the Senator.** He also further criticized President Obama for getting the U.S. military involved on behalf of an opposition group that the U.S. knows very little about. Luger said it amounted to taking sides in a civil war and that Obama was only "guessing" as to whether military action would moderate the behavior of other leaders in the Middle East. The Senator also voiced concern over the President's lack of providing a cost estimate for the operations in light of the current budget crises and asked if the U.S. would be seeking contributions from the Arab League to offset costs. Ultimately, Luger stated that President Obama has not articulated a defined strategy or "endgame" which means that the Congress and the American people must assume an indefinite U.S. role in Libya.

Deputy Secretary of State **James Steinberg** testified that President Obama did indeed lay out his goals and strategies on the wider Middle East and spoke of the unique role the U.S. plays as an anchor of global security. The U.S. must act when needed he said. U.N. Security Council Resolution (UNSCR) 1970 was a unanimous international consensus and Gadhafi remains in violation of the resolution, Steinberg asserted. Furthermore, Libyans themselves asked for international help and the Arab League also called for the establishment of a no-fly zone. UNSCR 1973 authorized this no-fly zone as well as "all necessary means" to protect civilians, he said. **As Gadhafi has continued to defy the international community, the U.S. had little choice but to act he stated. The deputy secretary said that Obama had acted decisively as well as consistently with the pledge that the U.S. military role would remain limited.** He also asserted that the transfer of responsibilities to allies and partners is already under way as NATO has taken command of the mission in Libya.

Steinberg outlined the administration's stance on the United States' vital interests in Libya which include ensuring that refugee migrations into Tunisia and Egypt do not undermine the democratic transitions in those countries and that doing nothing would embolden dictators around the globe as well as question the legitimacy of the U.N. Security Council. **The decision to act in Libya was based on the United States' unique abilities, the international mandate, Arab League support and the international coalition, and the Libyan plea for help.** Steinberg further reiterated that the U.S. was working with NATO, Egypt and Tunisia, the EU, and the Gulf states on humanitarian efforts and pledged \$47 million to NGOs for such efforts.

Steinberg also stated the U.S. was continuing efforts to isolate Gadhafi and his associates using non-military tools at the administrations disposal. He reiterated President Obama's stance that the goals of the military operation remain narrow and that forcibly ousting Gadhafi through military means was not an option. He pointed to U.S. involvement in Kosovo and claimed that the U.S. had successfully focused on the humanitarian mission forcing **Slobadan Milosevic** to withdraw his forces back to Serbia, while post mission democracy efforts eventually pushed Milosevic from power. Steinberg also pointed to the growing international consensus outlined in London, continued sanctions and major defections from the Gadhafi regime, including the Foreign Minister **Moussa Koussa**, was evidence of the pressure being maintained on Gadhafi. He concluded his testimony with by stating that the U.S. hoped to see a democratic transition in Libya that reflects the will of the people.

In response to questions from the committee members, Steinberg clarified that the administration has been having ongoing "intensive" conversations with the National Transitional Council (NTC) and that Secretary Clinton has met several times with members of the council. He also stated that the U.S. would be sending a representative into Libya to meet with the NTC soon and that the U.S. was "growing to know them better." **He reiterated the administrations "step-by-step" approach to the NTC to ensure that the administration understands their actions and goals.** Steinberg also said that the opposition forces had limited military capabilities and that ultimately the U.S. intervention was not on behalf of the opposition or the NTC. He also asserted that the NTC itself has recognized they must include a broad range of voices from the Libyan population.

In response to Senator Luger's questions, Steinberg reiterated that NATO has taken control of military operations in Libya and the U.S. role would be a support and intelligence role. He also said that the U.S. expects opposition forces to protect civilian lives, not endanger them, and that engaging with constructive elements of the opposition was the best way to temper and prevent extremist influence of any kind.

In response to Senator **Robert Menendez's** questions, the deputy secretary reiterated that the administration had other tools at its disposal to achieve the stated goal of remove Gadhafi from power but that it would not be by military means. He also stated that there was no significant presence of al-Qaeda elements amongst rebel forces or the NTC and reiterated that greater involvement by the U.S. would help counter any such influence were it to arise. **Steinberg also assured Menendez that the administration was working with the Justice Department to investigate the role of recently defected Libyan Foreign Minister Moussa Koussa's role in the Lockerbie bombing.** He mentioned that the UK had made no offers of immunity for Koussa and that the U.S. remains committed to the families of the victims of the bombing while asserting that the U.N. Security Council has set the precedent for referrals of Libyan officials to the International Criminal Court. He also stated that the Justice Department was examining any role American courts could play in the issue.

Senator **Bob Corker** expressed concern that the U.S. would end up undertaking another unexpected nation-building exercise in Libya, as in Afghanistan. Steinberg reiterated Obama's commitment to limited involvement and that the London conference on Libya established that U.S. partners (U.N., EU, etc) are not dependent on the U.S. and will assume shared responsibilities for the mission in Libya. **He also stressed that the administration never viewed UNSCR 1973 as "only" a no-fly zone. The point of the language in the resolution was to account for "all necessary measures" to protect civilians from massacre.**

In response to Senator **Ben Cardin's** questions, Steinberg said that the U.S. was consulting with its international partners on requests made by the opposition to evaluate their feasibility and ensure they did not present a danger of unintended consequences.

Senator **James Risch** echoed Senator Luger's criticisms insisting that the administration's goals were inconsistent with seeking to oust Gadhafi but refusing to use military means to do so. Steinberg again referred to the Kosovo example of initial military intervention to prevent genocide and other State Department tools used to finally push Milosevic from power. While this was no guarantee, he said, it has worked in the past. Steinberg also reiterated that NATO had all the necessary military capabilities to carry out its mission and offered to share more details about the persons involved with the NTC in a closed session with the Senator.

In response to Senator Tom Udall's questions, Steinberg reiterated that the State Department did not see any significant al-Qaeda presence amongst the opposition and that he did not have any confirmed reports that Egypt was in any way arming the rebel forces and certainly not with U.S. taxpayer money funded weapons. Steinberg maintained that UNSCR 1973 did allow transfers of arms in except in cases expressly forbidden: "'By all necessary means' means 'by all necessary means'." Senator **Marco Rubio** commented that had President Obama pursued Congressional authorization for the intervention, the U.S. would not have been able to stop a massacre at Benghazi. Steinberg confirmed Rubio's statement.

Responding to Senator **Dick Durbin's** questions, **Steinberg reiterated that Obama had notified Congress consistently of his intentions including within 48 hours of initial hostilities. He further reiterated that the President has the constitutional authority as Commander-in-Chief to authorize military actions limited in scope and duration.** He also reiterated that the Gadhafi regime was in no position to benefit from oil revenues and that assets that have been blocked to the tune of \$30 billion were being held in trust for a future democratic government in Libya. Senator **Johnny Isaakson** commented that the U.S. should use part of Gadhafi's frozen funds as reimbursement for costs accumulated by the U.S. as a result of our role in the intervention and NATO operations.

In response to Senator **Jeanne Shaheen's** questions, the deputy secretary stated that the U.S. was in discussion with other Arab states on additional participation and support for military operations, although so far only Qatar and the U.A.E. had made any commitments. He also said that the African Union (AU) had made a strong statement in support of a democratic transition in Libya although that there would probably be no military role for any AU members. Steinberg also said that other Arab nations were paying attention to Libya right now and that he hoped the message to President Assad of Syria was clear.