

September 10, 2013

The Honorable John F. Kerry
U.S. Department of State
Washington, DC 20520

Dear Secretary Kerry:

One year ago this week, we witnessed the attack that tragically claimed the life of Ambassador Christopher Stevens and three other Americans in Benghazi. Ambassador Stevens was widely respected as a champion of serious U.S. commitment to Libya and broad engagement with its people. In the year since his death, efforts of the United States in Libya have understandably focused on bringing those responsible to justice and on strengthening diplomatic security. Yet this has come at an inadvertent cost: a year of limited engagement with Libya during a critical stage of its transition. In March, you assured Libyans that “the United States will continue to stand with Libya during this difficult time of transition.” We are writing to urge you to follow up on that commitment and to honor the legacy of Ambassador Stevens by reaffirming and increasing engagement with Libya and bolstering U.S. support for its transition to democracy.

While Libya faces real and serious challenges to its transition, it also has a unique opportunity to emerge as a strong and healthy democracy. The United States can play an important role in Libya’s democratic transition, and it is in our strategic, economic, and political interests to do so. A successful transition in Libya would also be an important model for democracies emerging elsewhere in the region, and greater engagement can make Libya a bulwark against, rather than a catalyst for, regional instability.

Without question, Libya faces a host of challenges. Armed groups remain an obstacle to stability, constantly falling into violent skirmishes and frequently disrupting the political process through intimidation. The country is flush with oil revenue but lacks the effective institutions to manage and distribute the funds. Foreign businesses remain reluctant to invest, and unemployment is high. Meanwhile, a year following the historic General National Congress elections, trust and confidence in the government is slowly waning, and the exclusion of Qadhafi-era officials may further undermine Libya’s political progress. With Constituent Assembly elections expected later this year, these obstacles threaten Libya’s transition to a stable and prosperous democracy.

Despite these many hurdles, there are also numerous conditions that make Libya a strong candidate for success and that can allow the United States to have a positive impact in supporting that success. With its oil wealth, Libya is capable of investing in its own future, requiring minimal financial support. Importantly, the Libyan public holds the United States in high regard, creating the space and goodwill for cooperation. Libya’s politicians have also demonstrated a commitment to partner with the international community to strengthen Libya’s key governance institutions.

Increased engagement by the United States means developing an effective strategy for both the long- and short-term. While security remains a top priority, it cannot be adequately addressed without also focusing on Libya’s political and economic challenges. You now have an opportunity to act in line with the commitment you outlined in March. With the arrival of Ambassador Jones, the administration should take the following steps:

- **Support the recently announced National Dialogue initiative to ensure that it empowers a diverse array of voices—not only political elites—and incorporates extensive outreach to each region.** Essential progress in Libya on many fronts – including achieving consensus regarding its new constitution – will not be guaranteed without a meaningful national dialogue. The United States should pledge support for the newly announced dialogue, ensuring that it brings together major stakeholders from across Libya’s sociopolitical and economic spectrums to formulate a political vision for the country’s future. The United States can help facilitate this dialogue through direct outreach to encourage participation by all sides, as well as through direct technical and organizational assistance. This process could serve as the necessary foundation to devise a durable transitional justice and national reconciliation framework. Finally, in an effort to rally international cooperation we encourage the U.S. government to reconvene the participants of the February 2013 Ministerial Conference on Support for Libya to gauge progress on pledged commitments.
- **Pledge support and expertise for the constitution writing process.** Once the Constituent Assembly is elected, the drafting of a consensus-based constitution can help enshrine good governance, human rights, and the rule of law. We are pleased to see the administration’s plans to help fund and “support the drafting of a new constitution, and the creation of permanent, accountable national and sub-national governing institutions.” It is critical that the United States remain publicly supportive of the constitution writing process, consistently calling for a transparent and inclusive process, and for a constitution that safeguards human rights. Such regular public pronouncements of support should also be accompanied by direct and sustained outreach to all groups involved in the process.
- **Expand cooperation and funding to address justice and security sector reform.** Related to the judiciary, the United States should provide technical assistance to develop a long-term strategy for strengthening judicial independence. In addition, programs for judges and prosecutors should also be strengthened and supported through the High Judicial Institute. Concerning the security situation, the United States must leverage the political will of the Libyan government to fully integrate human rights into its efforts to reform the security sector – especially the development of new security forces – and offer training programs when prudent. This includes ensuring that accountability and oversight are built into new forces from the beginning. Tracking serious human rights cases and holding the Libyan government accountable when it fails to live up to its commitments should also be a priority.
- **Increase diplomatic engagement and public advocacy.** The deployment of Ambassador Deborah Jones to Tripoli was an important step that could signal increased U.S. commitment to Libya, but this must be accompanied by additional concrete steps to demonstrate that U.S. interests extend beyond security issues. This should include serious engagement with elected officials, alongside civil society and average Libyans, on key laws that will shape the future of Libya, including the transitional justice law, associations law, and draft electoral code. It should also include a sustained, robust public diplomacy strategy to reinforce this renewed commitment. As one important step of such a strategy, we encourage you to visit Libya to underscore the depth of U.S. support for Libya’s transition. Additionally, other high-level officials should make public statements conveying a sustained U.S. commitment to ensuring Libya’s economic well-being and democratic development.
- **Encourage the Libyan Government to resolve contract disputes and sign OPIC and Ex-Im agreements.** Billions of dollars of infrastructure projects remain idle, and prospective international

investors are watching how current investors and contract holders in Libya are treated when considering investing in Libya. When the cranes start moving, job sites return to life, and tens of thousands of jobs resume, international confidence that Libya is back to work will provide a profound stimulus to the nation. Also, the Libyan government's signature on the Overseas Private Investment Corporation (OPIC) and U.S. Export-Import Bank (Ex-Im) agreements would unlock hundreds of millions in financial support for investment in Libya. The OPIC cannot insure American investments because it does not yet have a bilateral agreement to do business in the country. Similarly, the Ex-Im does not yet have bilateral agreements in place with Libya to finance exports of American goods and services needed for Libyan investment projects.

You have said, "Libya is a country that can win this future, and we believe in that." Ultimately, it is up to the people of Libya to fulfill the promise of their revolution, but the United States has an essential supporting role to play. The fulfillment of Libya's democratic aspirations and its long-term stability are of mutual interest to both of our countries. As individuals who care deeply about the United States and the future of Libya, representing a diversity of experience, opinion, and political affiliation, the undersigned urge you to implement these recommendations with determination and urgency. We lend our names in our personal, not institutional, capacity.

Sincerely,

Charles Dunne, Middle East and North Africa Programs Director, Freedom House

Karim Mezran, Senior Fellow, Rafik Hariri Center for the Middle East at the Atlantic Council

Ellen Lust, Associate Professor, Yale University Jackson Institute for Global Affairs

Michael Ussery, U.S. Ambassador, retired

Rihab Elhaj, President, New Libya Foundation

Kristen McGeeney, Senior Legal Advisor - Middle East and North Africa, The International Center for Not-for-Profit Law (ICNL)

Ethan Chorin, Director, Berkeley Research Group; former Foreign Service Officer at U.S. Embassy, Tripoli

Charles Dittrich, Executive Director, U.S.-Libya Business Association

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David L. Mack, Middle East Institute scholar; former U.S. Ambassador

Hafed Al Ghwell, Senior Advisor, World Bank

Fadel Lamem, President, American-Libyan Council

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