The EU and the Libyan Crisis: In Quest of Coherence?

Nicole Koenig

Abstract

The EU's reaction is slow, the EU is divided, the EU is unable to deliver: time and time again, newspapers depict the image of an incoherent and uncoordinated EU foreign policy. This time, the topic under discussion is the EU's response to the Libyan crisis. Many have compared the EU's internal divisions over Libya with those over the Iraq war, an often-used example to illustrate the limits of the Common Foreign and Security Policy (CFSP). This paper aims to assess the coherence of the EU's short- to medium-term response to the Libyan crisis. It distinguishes between the horizontal, inter-institutional, vertical and multilateral dimensions of EU coherence. The analysis shows that unilateral actions or inactions of the member states mainly account for the EU's incoherent response. The post-Lisbon institutional structure has done little to compensate for these internal divisions. While the EU cannot change the course of national foreign policies, it should increase its 'leadership for coherence', communitarize its crisis response in the medium term and aim at preventing incoherence in the longer term.

Keywords: *European Union (EU) / Common Foreign and Security Policy (CFSP) / European External Action Service (EEAS) / Libya / Arab Spring / Crisis management / NATO / United Nations (UN) / African Union (AU) / Coherence*

The EU and the Libyan Crisis: In Quest of Coherence?

by Nicole Koenig[*]

Europe's common security and foreign policy is in crisis.
It has drifted away.

Top European diplomat[1]

1. Introduction

Not long ago, Libya's Col. Muammar Gaddafi signed friendship treaties and trade deals with major Western leaders and presented himself as an active partner in the fight against terrorism and illegal migration. While the dictator "camped" in several European capitals, the EU and Libya were negotiating a Framework Agreement aiming at "the full reintegration of Libya in bilateral and multilateral international relations"[2] and at a fruitful political dialogue on issues of common interest. The events in February 2011 heralded the end of this period of international *Realpolitik*. On 27 June, the International Criminal Court (ICC) issued an arrest warrant for Gaddafi, accusing him of crimes against humanity (murder and persecution).

Riots in Benghazi were triggered by the arrest of human rights activist Fethi Tarbel on 15 February. Inspired by the unrest sweeping through much of the Arab world, the riots soon turned into a general uprising against Gaddafi, who has ruled the country for over 40 years. The regime responded with massive repression and violence against civilians. On 5 March, opposition forces established the Transitional National Council (TNC) in Benghazi, chaired by Gaddafi's former justice minister Jalil, and presenting itself as the sole representative of all Libya.[3]

On 26 February, the UN Security Council (UNSC) reacted to the outbreak of violence by adopting resolution 1970 referring the situation to the ICC and imposing an arms embargo as well as strong sanctions.[4] Faced with continued violence against civilians and something increasingly resembling a mismatched civil war, the UNSC adopted

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[1] Quoted in: AFP, "Europe's foreign policy in line of fire over Libya", in *Dawn*, 24 March 2011, http://www.dawn.com/2011/03/24/europes-foreign-policy-in-line-of-fire-over-libya.html.

[2] European Commission, *Concept Note Libya - Country Strategy Paper and National Indicative Programme 2011-2013*, April 2009, http://ec.europa.eu/world/enp/mid_term_review/final_concept_note_libya_en.pdf.

[3] The legitimacy and representativeness of the TNC had been called into question, especially since some of its leading members were former members of the Gheddafi regime (Khalid Mahmoud, "Secret European delegation to be sent to Libya to convince Gaddafi to step down", in *Asharq Al-Awsat*, 9 March 2011, http://www.asharq-e.com/news.asp?section=1&id=24439).

[4] UN Security Council, *Resolution 1970 (2011)* (S/RES/1970 (2011)), 26 February 2011, http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1970%20%282011%29.

resolution 1973 establishing a no-fly zone and authorizing member states to "take all necessary measures (…) to protect civilians (…) while excluding a foreign occupation force."[5] On 19 March, a multi-national coalition, spearheaded by France, the United Kingdom (UK) and the United States (US), began a broad campaign of air strikes against pro-Gaddafi forces. By the end of March, the North Atlantic Treaty Organization (NATO) assumed command of all air operations. The ongoing crisis has led to thousands of casualties[6] and has triggered a refugee and humanitarian crisis. By mid-June, more than one million Libyans and third country nationals had fled Libya.[7]

While the response of the UNSC to the Libyan crisis was praised for its "unprecedented speed and unanimity",[8] the performance of the European Union (EU) was met with sharp criticism. The EU's reaction was criticized for being too slow, too weak, too divided, and essentially incoherent.[9] Some already mourned the death of the Union's Common Foreign and Security Policy: "The CFSP died in Libya – we just have to pick a sand dune under which we can bury it."[10]

This paper aims to analyse the (in)coherence of the EU's response to the Libyan crisis. What are the underlying causes of incoherence? And how could the EU increase its coherence in the future? In order to offer a comprehensive picture and targeted recommendations, the paper will distinguish the horizontal, inter-institutional, vertical and multilateral dimensions of coherence. The focus of the paper lies on the short- to medium term crisis response of the EU.[11] It draws on insights from academic work, policy analyses by leading think tanks, press coverage, official documents, and expert interviews.[12]

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[5] UN Security Council, *Resolution 1973 (2011)* (S/RES/1973 (2011)), 17 March 2011, http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1973%20%282011%29.
[6] The exact number of casualties remains unknown.
[7] International Organization for Migration, *IOM Response to the Libyan Crisis. External Situation Report*, 14 June 2011, http://www.migration-crisis.com/libya/page_sitreps/extsitreps/external_sit_rep_14th_june.pdf.
[8] Harvey Morris, "Date with history as UN acts over Libya", in *Financial Times*, 27 February 2011, http://www.ft.com/cms/s/0/75315bb4-42a2-11e0-8b34-00144feabdc0.html.
[9] See for example: Hans Kundnani and Justin Vaïsse, "EU foreign policy: moving on from Libya", in *openDemocracy*, 15 April 2011, http://www.opendemocracy.net/hans-kundnani-justin-vaïsse/eu-foreign-policy-moving-on-from-libya.; Sally McNamara, *The Crisis in Libya Exposes a Litany of Failed EU Policies*, Washington, The Heritage Foundation, 3 March 2011 (Web Memo, No. 3178), http://www.heritage.org/research/reports/2011/03/the-crisis-in-libya-exposes-a-litany-of-failed-eu-policies; International Institute for Strategic Studies, "War in Libya: Europe's confused response", in *Strategic Comments*, Vol. 17, No. 18, April 2011, http://www.iiss.org/publications/strategic-comments/past-issues/volume-17-2011/april/war-in-libya-europes-confused-response.
[10] Quoted in: Alvise Armellini, "Diplomats mourn 'death' of EU defence policy over Libya", *Deutsche Presse-Agentur*, 24 March 2011, http://www.monstersandcritics.com/news/africa/news/article_1628333.php.
[11] Insofar as the crisis is ongoing, it would be premature to assess the coherence of the EU's medium- to long-term response.
[12] This paper draws on insights from eleven semi-structured interviews with experts from academia, national diplomatic services, EU institutions and international organizations, conducted between 6 and 28 June 2011.

2. The EU's Response to the Libyan Crisis

The EU disposes of a panoply of crisis management instruments including diplomatic measures, humanitarian assistance and civil protection, military and civilian operations, and migration- and trade-related activities. Diplomatic tools include standard measures like declarations, demarches, high-level meetings, participation in international conferences, conflict mediation, etc. Collectively, the EU is the world's largest humanitarian and development aid donor. Since 2003, the EU has conducted civilian and military crisis management operations in the framework of the Common Security and Defence Policy (CSDP), spanning from police and border assistance missions to more robust military operations. In 2004, the EU created the border agency Frontex in order to "coordinate the operational cooperation between Member States"[13] in securing the external borders of the Schengen area. Finally, the EU can impose different types of restrictive measures in response to violations of international law or human rights. In response to the Libyan crisis, a broad range of these EU crisis management instruments came into effect.

On 20 February, the High Representative for CFSP (HR) Catherine Ashton issued a declaration on behalf of the EU stating that the Union was "extremely concerned by the events unfolding in Libya"[14] and urged the Libyan authorities to refrain from the use of violence. At the extraordinary European Council meeting on 11 March, the Heads of State declared that Gaddafi had lost all legitimacy as an interlocutor and urged him to step down. They welcomed and encouraged the TNC in Benghazi, which, while not recognized as the sole representative of Libya, was henceforth considered "a political interlocutor".[15] On 22 May, Ashton opened a liaison office in Benghazi in order to support "the nascent democratic Libya in border management, security reform, the economy, health, education, and in building civil society."[16]

The European Commission reacted to the Libyan crisis by launching two of its major emergency instruments: the civil protection mechanism and humanitarian assistance. Activated on 23 February, the civil protection mechanism facilitated member state consular operations by pooling and identifying transport means for the evacuation of an estimated 5,800 EU citizens.[17] As of 30 May, the Commission and the member states had provided over €144,8 million[18] for humanitarian aid and civil protection, making the EU as a whole the biggest humanitarian donor to Libya.[19] EU field experts in

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[13] Frontex, *What is Frontex*, http://www.frontex.europa.eu.

[14] Council of the European Union, *Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on events in Libya* (6795/1/11 Presse 33), Brussels, 20 February 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/119397.pdf.

[15] Council of the European Union, *Declaration of the Extraordinary European Council*, 11 March 2011 (EUCO 7/1/11 REV 1), Brussels, 20 April 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/119780.pdf.

[16] Toby Vogel, "EU opens office in Benghazi", in *European Voice,* 23 May 2011, http://www.europeanvoice.com/article/2011/may/eu-opens-office-in-benghazi/71147.aspx.

[17] European Commission - ECHO, *Libyan Crisis*, Factsheet, 21 June 2011, http://ec.europa.eu/echo/files/aid/countries/libya_factsheet.pdf.

[18] *Ibidem.*

[19] As a comparison, the United States has provided around €56,7 million for humanitarian assistance in Libya as of 9 June 2011. See U.S. Department of State, *Update: U.S. Government Humanitarian*

humanitarian aid and civil protection have been deployed inside Libya and on its borders with Tunisia, Egypt, Algeria, and Chad.[20]

The massive influx of migrants from North Africa has put the protection and reception systems of several EU member states, Italy and Malta in particular, under strain. On 20 February, the EU responded to Italy's formal request and launched the Frontex Joint Operation Hermes 2011, mandated to assist Italian authorities in coping with ongoing and prospective migratory flows.[21] In response to the volatile situation in North Africa in general and Libya in particular, the EU extended the operational area of the Frontex Joint Operation Poseidon Sea to include Crete.[22] At the Justice and Home Affairs Council on 11-12 April, the interior ministers reaffirmed the "need for genuine and concrete solidarity towards Member States most directly concerned by migratory movements".[23]

The EU both implemented the sanctions against Libya adopted by the UNSC and went beyond them. On 28 February, the Council adopted decision 2011/137/CFSP implementing UNSC Resolution 1970 and imposing an arms embargo against Libya and targeted sanctions (i.e., a visa ban and an asset freeze) on 26 persons related to the Gaddafi regime.[24] On 10 March and 21 March, the EU extended these restrictive measures to key Libyan financial entities and another 11 persons. Following the adoption of UNSC resolution 1973, the EU imposed further sanctions on 24 March. Council Decision 2011/137/CFSP was amended with the aim of implementing the no-fly zone and extending the asset freeze to additional persons as well as to the Libyan National Oil Corporation and five of its subsidiaries. On 12 April, the Union extended the asset freeze to 26 energy firms accused of financing Gaddafi´s regime, thereby imposing a *de facto* oil and gas embargo.[25] The Council adopted further sanctions on 7 June targeting Libyan port authorities.[26]

On 1 April, the Council adopted a decision on EUFOR Libya, a military operation to support humanitarian assistance operations in Libya. If requested by the UN Office for the Coordination of Humanitarian Affairs (OCHA), EUFOR Libya would be deployed to Libya to secure the movement and evacuation of displaced persons and to support humanitarian agencies in their work. The operation would have an Italian commander,

Assistance in Response to the Libya Crisis, Fact Sheet, 9 June 2011, http://www.state.gov/r/pa/prs/ps/2011/06/165315.htm.
[20] European Commission - ECHO, *Libyan Crisis, cit.*
[21] Frontex, "Hermes 2011 running", in *News Releases*, 22 February 2011, http://www.frontex.europa.eu/newsroom/news_releases/art96.html.
[22] Frontex, "Update Joint Operation Poseidon 2011", in *News Releases*, 26 March 2011, http://www.frontex.europa.eu/newsroom/news_releases/art104.html.
[23] Council of the European Union, *Council Conclusions on the management of migration from the Southern Neighbourhood, 3081st Justice and Home Affairs Council meeting*, Luxembourg, 11-12 April 2011(8692/11 Presse 93), http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/121479.pdf.
[24] Council of the European Union, *Council Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya*, Brussels, 28 February 2011, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:058:0053:0062:EN:PDF.
[25] AFP, "New EU sanctions put the squeeze on Libyan oil sector", 12 April 2011, http://www.google.com/hostednews/afp/article/ALeqM5j9ZNrMmRAmku4P-nrn_AG7b4WFfw.
[26] Council of the European Union, *Libya: Six ports targeted by new EU sanctions* (11221/11 Presse 167), Brussels, 7 June 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/122446.pdf.

operational headquarters in Rome and an initial duration of four months.[27] To date, OCHA has not requested the activation of EUFOR Libya.

3. The coherence of EU crisis management

Having reviewed the different elements of the EU's response, let us turn to an assessment of their coherence. The lack of coherence has repeatedly been identified as the main obstacle to an effective EU foreign policy. The European Security Strategy (2003) stated that the EU can only live up to its full potential if it becomes "more coherent".[28] The challenge lies not only in bringing together the different internal and external EU policies and instruments, but also in ensuring coordination with the respective policies and instruments of the member states. Increasing the coherence of the EU's external action is also one of the main objectives of the Lisbon Treaty. Did incoherence stand in the way of an effective EU response to the Libyan crisis?

In this paper, coherence is generally defined as (a) the absence of contradiction between different crisis management policies and instruments (often referred to as "consistency"), and (b) the existence of synergetic effects between them.[29] Considering the nature of the EU as a multi-level governance system and the broader multilateral context in which EU crisis management takes place, this paper distinguishes between four dimensions of coherence:[30]

1. Horizontal coherence denotes the extent to which the various EU crisis management policies are coherent with one another. Policies or policy instruments are horizontally coherent if the goals they pursue and the means they use (a) do not contradict each other, and (b) are mutually reinforcing.
2. Institutional coherence refers to the interaction between the different institutional actors that share responsibility for the EU's crisis response. Institutional coherence implies (a) an absence of contradictions, and (b) synergies between the actions of different EU actors responsible for the EU-level crisis response.
3. Vertical coherence describes the degree to which member states' national policies and activities are (a) in line with, and (b) reinforce the EU-level crisis response. This paper takes a closer look at the French, German, and Italian national policies in the case of Libya.[31]

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[27] Council of the European Union, *Council Decision 2011/210/CFSP of 1 April 2011 on a European Union military operation in support of humanitarian assistance operations in response to the crisis situation in Libya (EUFOR Libya)*, Brussels, 1 April 2011, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:089:0017:0020:en:PDF.

[28] Council of the European Union, *A Secure Europe in a Better World. European Security Strategy*, Brussels, 12 December 2003, http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf, p. 11.

[29] For a more detailed discussion of the terms "consistency" and "coherence", see: Antonio Missiroli (ed.), *Coherence for Security Policy: Debates, Cases, Assessments*, Paris, WEU Institute for Security Studies, June 2001 (Occasional Papers, No. 27), http://www.iss.europa.eu/uploads/media/occ027.pdf, p. 5-7.

[30] See Helen Versluys, "Coherence in EU external action: the case of humanitarian aid", Paper presented at the 10th Biennial EUSA Conference, 17-19 May 2007, http://aei.pitt.edu/8057/1/versluys-h-05g.pdf, p. 2.

[31] These three member states were chosen due to their specific role in the response to the Libyan crisis: France was the most proactive member state; Germany played a role of "reluctant power"; and Italy was most affected by the crisis due to its close economic ties with and geographic proximity to Libya.

4. Multilateral coherence designates the degree to which the EU's crisis response is (a) in line with, and (b) positively contributes to the response of other international actors. The focus in this paper will lie on the UN, NATO, and the African Union (AU).

3.1. Horizontal coherence

Generally, the goals pursued through the different elements of the EU's crisis response do not seem to contradict each other: diplomatic measures aim at peaceful conflict resolution, humanitarian aid is to provide emergency relief to the victims of violence, restrictive measures are intended to deprive Gaddafi's regime of means for repression, border measures are to support the member states in managing migration flows, and EUFOR Libya was designed to support UN OCHA in delivering humanitarian assistance. However, in some cases, the means used in the framework of one policy have been inadequate or insufficient, and have thus fallen short of reinforcing the goals of another. Defined in these terms, a lack of horizontal coherence can be detected at the intersection of the Union's human rights and humanitarian policies and the measures used for migration management.

Specifically, in the past, Frontex had repeatedly been blamed for failing to rescue migrants at sea and to meet international human rights standards.[32] But the mandate of Frontex is limited and the agency has no assets of its own. In fact, the Italian authorities themselves have provided all the naval assets and staff for operation Hermes. Furthermore, Frontex neither has a protection mandate nor particular human rights expertise.[33] The added value of Frontex with a view to the EU's humanitarian aid and human rights policies can thus only be limited.

3.2. Inter-institutional coherence

The institutional innovations brought about by the Lisbon Treaty, most importantly the HR and the European External Action Service (EEAS), were meant to enhance the EU's ability to speak with one voice and to ensure the coherence and continuity of the EU's external action. The Libyan crisis was the first major security-related crisis after the ratification of the Lisbon Treaty. It broke out one and a half months after the EEAS had been declared operational and was thus an early test for the new institutional structure.

The first EU-level reactions to the Libyan crisis were the declarations by the HR on behalf of the EU.[34] These declarations, condemning the use of violence and calling on

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[32] For more details, see: Ska Keller *et al.*, *Frontex Agency: Which guarantees for human rights?*, Brussels, Greens/EFA in European Parliament in collaboration with Migreurop, March 2011, http://www.migreurop.org/IMG/pdf/Frontex-PE-Mig-ENG.pdf, p. 10-22.

[33] Michele Simone, UNHCR senior liaison officer with Frontex, "Q&A: Working for refugees on Europe's outer borders", *UNHCR News Stories*, 10 May 2010, http://www.unhcr.org/4bf29c8b6.html.

[34] Council of the European Union, *Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on events in Libya*, *cit.*; Council of the European Union, *Declaration by the High Representative Catherine Ashton on behalf of the European Union on Libya* (6966/1/11 REV 1 Presse 36), Brussels, 23 February 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/119453.pdf.

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the Gaddafi regime to meet its responsibility to protect its population, were followed by similar statements by the Presidents of the European Parliament,[35] of the European Council,[36] and of the European Commission.[37] Since these statements were generally consistent with one another as well as with other EU documents, they had few repercussions in the media.[38] However, as a European diplomat critically remarked, "[t]his is not what we understand by 'speaking with one voice'."[39]

But why should the EU speak with one voice? If every one of the EU's highest representatives issues similar statements at this or her level, the result could be a "constructive polyphony"[40] adding strength and coverage to the message at hand. However, if there are discrepancies between the statements, the credibility of the EU as a unified actor suffers. In the Libyan case, this became apparent when Ashton and van Rompuy reportedly issued divergent statements on the goal of the military intervention in Libya. While the president of the European Council stated that the goal of the intervention was regime change, the HR subsequently contradicted this.[41] In such a case, the outside observer is confronted with a confusing rather than a constructive polyphony.

When asked about the role of the EEAS in the response to the Libyan crisis, a senior Commission adviser replied: "It had a limited role, at least initially. Humanitarian aid was supposed to be coordinated by the department for crisis response under Agostino Miozzo. Yet the relationship and coordination with DG ECHO still leaves to be desired, in part due also to bureaucratic competiton and battles for turf."[42] This statement is symptomatic of the current dividing lines between the EEAS and the Commission. In several policy fields, the EEAS is responsible for strategic guidance and coordination while financial instruments and their implementation remain in the hands of the Commission. This division creates the need for continuous coordination between the two institutions. According to interviewees in Brussels, there are two obstacles to this coordination. First, the HR is said to be "often absent from college meetings (due also to her crowded agenda)."[43] On top of that, she has not convened yet the dedicated "group of Commissioners" on external relations created in early 2010. Second, there seems to be a lack of communication and interaction between the EEAS and the Commission. An official from the EEAS that had previously worked in the Commission

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[35] European Parliament, *Buzek on the situation in Libya*, Warsaw, 21 February 2011, http://www.europarl.europa.eu/president/view/en/press/press_release/2011/2011-February/press_release-2011-February-28.html.

[36] Council of the European Union, *Statement by Herman Van Rompuy, President of the European Council, on the developments in the EU's Southern neighbourhood* (PCE 048/11), Prague, 23 February 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/119450.pdf.

[37] European Commission, *Statement by President Barroso following his meeting with Navi Pillay, United Nations High Commissioner for Human Rights* (Speech/11/121), Brussels, 23 February 2011, http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/121.

[38] Nikolas Busse, "Kein erkennbarer Gewinn", in *Frankfurter Allgemeine Zeitung*, 21 May 2011, p. 12, http://www.faz.net/artikel/C30189/kein-erkennbarer-gewinn-30427756.html.

[39] Interview with a European diplomat, Brussels, 6 June 2011.

[40] Michael Knigge, "Should Europe even try to speak with one voice on foreign policy", in *Deutsche Welle*, 6 July 2010, http://www.dw-world.de/dw/article/0,,5753906,00.html.

[41] Martin Banks, "Barroso leaps to defence of EU foreign policy chief", in *The Parliament*, 5 April 2011, http://www.theparliament.com/latest-news/article/newsarticle/barroso-leaps-to-defence-of-eu-foreign-chief.

[42] Interview with a senior Commission adviser, Brussels, 8 June 2011.

[43] *Ibidem.*

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complained about the bureaucratization of the exchange of information with his former colleagues.[44] A French diplomat described the situation as follows: "Before, DG RELEX was part of the Commission. Now, there is something like an extra-layer between the Commission and the EEAS."[45]

Other dividing lines can be found between the EEAS and the Council Secretariat. An EU official described the EEAS as a Commission-dominated institution where "procedure overrules strategy"[46] was the norm, and in which crisis management structures, formerly located in the Council Secretariat, are being "marginalized".[47] This view has prompted some officials from the crisis management structures of the Council Secretariat to change position within the Secretariat before the transfer of crisis management structures to the EEAS.[48] Others that have been transferred are frustrated due to the aforementioned marginalization, and are trying to return to the Secretariat. This phenomenon might also explain the EEAS' current lack of expertise in the field of crisis management.[49]

The European Parliament (EP) has been a fervent critic of the response of the HR/EEAS to the Arab spring in general, and to the Libyan crisis in particular: "We would like to see from you a more proactive approach" or "Your job is superfluous, it's money thrown out of the window" were amongst the critiques that emerged from the EP.[50] Though the EP has no formal competence on matters related to CFSP, its budgetary power provides it with a certain degree of control over the EEAS and its activities. The EP's criticism provided the HR with an opportunity to publicly defend the EU's response to the Libyan crisis. However, new inter-institutional tensions might arise when it comes to approving an EEAS budget increase for 2012.

3.3. Vertical coherence

On the 20 February, the same day the HR expressed the Union's grave concern over the unfolding violence in Libya, Berlusconi told the press that he had not called Gaddafi because he did not want to "disturb" him.[51] Some argued that this statement resulted from Berlusconi's personal ties to Gaddafi; others emphasized Italy's strong economic interests in Libya,[52] while others again justified this "cautious approach"[53] by Italy's initial fears that the rebels were aiming at the creation of "some kind of Islamic mini-state".[54] Regardless of the reasons, the statement was clearly not consistent with the diplomatic wording agreed on at EU level.

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[44] Interview with an EEAS official, 9 June 2011.

[45] Interview with a French diplomat, Brussels, 8 June 2011.

[46] Interview with an EU official, Brussels, 7 June 2011.

[47] *Ibidem.*

[48] Interview with a French diplomat, 28 June 2011.

[49] Interview with a European diplomat, Brussels, 6 June 2011.

[50] Quoted in: "Europe's foreign policy in line of fire over Libya", *cit.*

[51] Deepa Babington, "Berlusconi under fire for not 'disturbing' Gheddafi", in *Reuters*, 20 February 2011, http://uk.reuters.com/article/2011/02/20/uk-italy-libya-berlusconi-idUKTRE71J2CI20110220.

[52] In 2010, Libya had provided 22% of Italy's oil imports and 13% of its gas imports from Libya, See International Energy Agency, *Facts on Libya: oil and gas*, 21 February 2011, http://www.iea.org/files/facts_libya.pdf.

[53] Interview with an Italian official, 15 June 2011.

[54] *Ibidem.*

Another diplomatic issue subject to vertical incoherence was the approach towards the TNC. One day ahead of the extraordinary European Council on 11 March, France recognized the TNC as the sole legitimate representative of the Libyan people and announced the exchange of ambassadors. According to diplomatic sources, other EU member states were displeased with this unilateral move, arguing that it prevented the evolution of a common EU strategy towards the TNC.[55] When asked for the reasons behind this unilateral move, a French diplomat explained that this was "la diplomatie électrochoc",[56] aimed at pushing the other member states to position themselves on the issue. But even if this was the intention, it failed to deliver, as the European Council then merely recognized the TNC as "a political interlocutor".[57] On 4 April, Italy recognized the TNC as the "only legitimate interlocutor on bilateral relations" with Libya.[58] Commenting on this, an Italian official stated: "We followed down the same path as France a couple of weeks later. If others don't play by EU rules, we find our own way. But this should have been decided at EU level."[59]

The migratory consequences of the Arab Spring also soon became a bone of contention within the EU. Well aware that most Tunisian refugees were headed for France, Italy decided on 5 April to issue temporary residence permits to refugees granting them free circulation in the Schengen area. At the Justice and Home Affairs Council in Luxembourg on 11 April, a number of member states, led by France and Germany, accused Italy of violating the "Schengen spirit" and threatened to restore border controls. Italian interior minister Maroni in turn accused his counterparts of failing to show solidarity: "Italy has been left alone", he said, "I wonder whether in this situation it makes sense to remain in the European Union."[60]

Franco-Italian divisions culminated on 17 April, when French authorities temporarily blocked trains at the border station of Ventimiglia in an attempt to stop North African migrants from entering the country. The Italian foreign ministry said the French move was "illegitimate and in clear violation of general European principles".[61] These Franco-Italian divisions over immigration[62] can be partly ascribed to domestic reasons. Both Sarkozy and Berlusconi are under right-wing pressure from coalition partner the Northern League, and opponent the National Front, respectively. Hence, both felt the need to bolster their right wing credentials. This all the more so given that the Italian municipal and provincial elections were held in May, while French presidential elections are scheduled for 2012. Domestic right-wing pressure was also the driving factor

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[55] Interview with a European diplomat, Brussels, 6 June 2011.

[56] Interview with a French diplomat, Brussels, 8 June 2011.

[57] Council of the European Union, *Declaration of the Extraordinary European Council*, 11 March 2011, *cit.*

[58] Italian Ministry of Foreign Affairs, *Focus-Libya: Frattini, the NTC is Italy's only interlocutor*, 4 April 2011, http://www.esteri.it/mae/en/sala_stampa/archivionotizie/approfondimenti/2011/04/20110404_FocusLibia_frattini_Cnt.htm.

[59] Interview with an Italian official, 15 June 2011.

[60] Quoted in Justyna Pawlak, "Italy quarrels with EU partners over Libyan migrants", in *Reuters,* 11 April 2011, http://www.reuters.com/article/2011/04/11/us-eu-libya-migrants-idUSTRE73A5VG20110411.

[61] Quoted in: "France blocks Italian trains carrying migrants", in *BBC News*, 17 April 2011, http://www.bbc.co.uk/news/world-europe-13109631.

[62] A meeting in Rome between Sarkozy and Berlusconi and their respective interior, foreign and economy ministers on 26 April silenced the diplomatic row.

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behind the Danish decision (May 2011) to restore controls at the borders with Germany and Sweden.[63]

But perhaps the most blatant manifestation of vertical incoherence has regarded the military intervention in Libya itself. On 18 March, Germany broke ranks with its EU and NATO partners and abstained in the vote on UNSC resolution 1973. Foreign minister Westerwelle officially justified the decision stating that the risks of a German participation in military engagement were considered to outweigh the benefits.[64] The fact that important federal state elections were held two weeks later might also have been factored into this cost-benefit analysis.

Germany's abstention that "surprised"[65] the Italians and "disappointed"[66] the French, also slowed down crisis management efforts at EU level. Germany was not the only EU member sceptical of military involvement. According to a European diplomat, "some member states were not in favour of a CSDP operation. (…) The only possible result was a minimum role for the EU. This was EUFOR Libya."[67] But the design of this "minimum role" was far from undisputed. At the meeting of the Foreign Affairs Council in Luxembourg on 12 April, Sweden – traditionally wary of blurring the lines between military operations and humanitarian assistance – blocked the adoption of the concept of operations for EUFOR Libya. For Sweden, this issue was particularly sensitive since it was the framework nation of on of the two Battlegroups on stand-by, whose deployment was being considered in the context of EUFOR Libya.[68] In case of a deployment, Sweden would have had the operational command of the Nordic Battlegroup to which it contributes around 1,600 soldiers.[69]

3.4. Multilateral coherence

Despite initial internal disagreement, the EU managed to implement the sanctions adopted at the UN level rather swiftly, and extended them autonomously, thus going beyond the UN sanctions regime. In addition, the EU agreed on and offered EUFOR Libya, an operation expressly designed to reinforce the UN's efforts in the humanitarian field. However, EUFOR Libya represents a symbolic gesture more than a real response to UN needs. When asked on 20 April whether the UN needed the assistance of EU troops, UN humanitarian chief Valerie Amos expressed concerns on blurring the lines between military and humanitarian action and said that EUFOR Libya was considered as a measure of last resort. The fact that Gaddafi threatened to respond to a

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[63] "Schengen state Denmark to re-impose border controls", in *BBC News*, 11 May 2011, http://www.bbc.co.uk/news/world-europe-13366047.
[64] German Federal Foreign Office, *Policy statement by Federal Minister Westerwelle in the German Bundestag on current developments in Libya (UN Resolution)*, Berlin, 18 March 2011, http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Reden/2011/110318_BM_Regierungserkl%C3%A4rung_Libyen.html..
[65] Interview with an Italian official, 15 June 2011.
[66] Interview with a French diplomat, Brussels, 8 June 2011.
[67] Interview with a European diplomat, Brussels, 7 June 2011.
[68] Sebastian Bloching, "CSDP and EU Mission Update, April 2011", in *European Security Review - ESR Briefing*, No. 3 (15 April 2011), http://www.isis-europe.org/pdf/2011_artrel_628_esrbriefing3csdpupdate.pdf, p. 1.
[69] Swedish Armed Forces, *Nordic Battlegroup*, http://www.forsvarsmakten.se/en/Organisation/Nordic-Battlegroup.

humanitarian operation with "armed resistance" seems to confirm her point.[70] At the time of writing, a deployment of EUFOR Libya is rather unlikely.[71]

Due to the Cypriot-Turkish impasse, EU-NATO cooperation has long been limited to Berlin Plus operation Althea in Bosnia and Herzegovina. The EU-NATO ambassadorial meeting on Libya on 6 May was thus good news in terms of multilateral coherence. However, Turkey and Cyprus insisted that the meeting be informal. No formal decisions were taken and no follow-up meeting was agreed.[72] According to a senior NATO official, "this is also because the EU did not propose anything that required more intense cooperation. (…) The UN repeated several times that they did not need this humanitarian operation – and NATO knew that."[73] Within the first two weeks after the outbreak of the Libyan crisis, NATO had already prepared four different operational plans, one of which was for a humanitarian operation. "But there have been no discussions with the EU on this subject."[74] EU-NATO cooperation thus remains highly wanting.

Finally, cooperation between the EU and the African Union has fared no better. "Cooperation between the EU and the African Union was… difficult",[75] a European diplomat said. The AU was opposed to the no-fly zone and strongly favoured political mediation. While the EU and NATO called on Gaddafi to step down, the AU has been seeking a political solution, which would have included Gaddafi. Accordingly, the AU also rejected the ICC's arrest warrant against Gaddafi. The position of the AU has to be seen against the background of the strong financial and political support that Gaddafi had provided in the past to the AU: he was one of its founding fathers and provided about 15% of its funds, thus paying the dues of poorer African states.[76] Unless the position of the AU changes,[77] the EU-AU cooperation is likely to remain limited.[78]

3.5. Overall Assessment

The analysis of the coherence of the EU's response to the Libyan crisis leaves us with a patchy picture. The EU's crisis response has been horizontally consistent, but the instruments of one policy have not always been adequate to support the goals of another. There have been few inter- or intra-institutional contradictions. However, this has neither meant speaking with one voice, nor has it implied real synergetic cooperation. The HR has been one among many actors issuing statements on the Libyan crisis, and the EEAS has taken a backstage role, making it look like just another administrative layer in the Brussels jungle. The EU's role in the context of multilateral

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[70] AFP, "Europe planning for Libya force despite UN concern: France", in *EuBusiness*, 22 April 2011, http://www.eubusiness.com/news-eu/libya-conflict-un.9o0.
[71] Consensus view of several Brussels-based interview partners.
[72] Nikolas Busse, "Eine Sensation, die ohne Folgen bleibt", in *Frankfurter Allgemeine Zeitung*, 6 May 2011, p. 7, http://www.faz.net/artikel/C30189/eine-sensation-die-ohne-folgen-bleibt-30426247.html.
[73] Interview with senior NATO official, Brussels, 9 June 2011.
[74] *Ibidem.*
[75] Interview with a European diplomat, Brussels, 6 June 2011.
[76] "Gaddafi calls in favours from Africa", in *Financial Times*, 27 March 2011, http://www.ft.com/intl/cms/s/0/488d4fc6-5898-11e0-9b8a-00144feab49a.html.
[77] According ot an EEAS official (Interview, 9 June), a growing number of AU member states are tending towards a political solution without Gheddafi.
[78] Interview with a French diplomat (b), 28 June 2011.

crisis management has been described as "business as usual".[79] The EU has implemented decisions taken by the UN and has offered to support UN humanitarian aid delivery, although the need for such an offer has been contested. The Libyan crisis has not broken the ice between the EU and NATO: while the organizations' approaches have not been inconsistent, the broader political impasse between the two has prevented synergies in the Libyan context. Meanwhile, diverging views of the EU and the AU have inhibited synergetic cooperation.

The EU's response to the Libyan crisis was not generally weak or ineffective. The EU has been praised for its quick and substantial delivery of humanitarian aid and for its far-reaching sanctions regime.[80] However, these accomplishments have been dwarfed by the lack of vertical consistency and coherence in other policy fields. Unilateral actions or inactions, mutual accusations and ensuing tendencies of disintegration mainly account for the EU's perceived[81] incoherence.

4. How to be more coherent?

The Libyan crisis has revealed that interests, national specificities and domestic electoral horizons often guide unilateral actions of the member states in the short-term. These unilateral actions either prevent a common European response or deprive the EU-level response of credibility. In addition, vertical coherence conditions other forms of coherence: If the member states agree to provide an EU-level crisis response, administrative obstacles or inter-institutional divisions can be overcome; if they do not, these obstacles continue to stand in the way.[82] Similarly, the EU can only provide credible and substantial support for another organization if the member states stand behind this decision.

So what lessons can we learn so far from the Libyan crisis? What could the EU do to increase the coherence of EU crisis management? Taking "the reality of 27 member states who are sovereign, who believe passionately in their own right to determine what they do"[83] into account, the EU should aim to: 1) increase its "leadership for coherence"; 2) communitarize responses in the medium-term, and 3) prevent divisions in the longer-term.[84]

4.1. Increase "leadership for coherence"

The key function of the HR/EEAS is to ensure the consistency and coherence of the EU's external action. Notwithstanding the difficult job description of the HR and the

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[79] Interview with an Italian official, 15 June 2011.
[80] Consensus view of several interviewees.
[81] The external perception, often conveyed by the media, might give a distorted picture: while abstract forms of horizontal incoherence or behind-the-scenes institutional struggles might pass unperceived, unilateral actions or diplomatic rows between the member states tend to receive disproportionate media attention (e.g.: "Libyan crisis exposes north-south divide on EU response", *Deutsche Presse-Agentur*, 21 February 2011, http://www.monstersandcritics.com/news/africa/news/article_1620914.php).
[82] Interview with an EU official, 7 June 2011.
[83] Ashton, quoted in: "Europe's foreign policy in line of fire over Libya", *cit.*
[84] Hans Kundnani and Justin Vaïsse, "EU foreign policy: moving on from Libya", *cit.*

"youth" of the EEAS, they should gradually increase their "leadership for coherence". This leadership has a horizontal and a vertical dimension. Horizontally, the HR/EEAS should ensure smooth inter-institutional cooperation in order for the EU to remain operational despite vertical divisions. Vertically, the HR/EEAS should increase the output of policy analysis, providing the member states with different options for coherent crisis management.[85]

In the coming months, the internal structure of the EEAS should be clarified. One of the priorities would be to set up the Strategic Policy Planning Department. This department has the potential to "play a key role for facilitating coherence and identifying forward looking foreign and security policies."[86] In order for the department to play a role, staffing should receive careful consideration. It should be composed of senior national diplomats and EU officials with experience in drafting political concepts. This could provide the strategic guidance that currently seems to be lacking.[87] A European diplomat deplored that the EEAS does not have enough specialists who are able to draft conceptual papers in the field of crisis management.[88] This could be compensated for by the temporary recruitment of external crisis management experts.[89]

Furthermore, the HR/EEAS should work on its cooperation with the Commission. "The artificial division between strategy and implementation needs to be overcome."[90] The HR should increase her presence in the Commission and convene regular coordination meetings with the Commissioners for external action. This would not only promote inter-institutional coherence but also enhance the potential to create horizontal synergies. The apparent alienation between the EEAS and the Commission should also be contravened at lower levels. Officials of both institutions have to ensure smooth communication with one another and invite each other to relevant meetings.[91] Without this working culture of mutual trust, administrative hurdles or "bureaucratic resistance" will continue to stand in the way of coherent EU external action.

4.2. Communitarize responses in the medium-term

If the early crisis response is subject to internal divisions, the EU should work out and consolidate consensus in the medium-term. The fact that, despite the divisions on the approach towards the TNC, the HR managed to open an EU office in Benghazi in May, is a step in the right direction. The office should actively promote coordination with the member states' liaison offices on the ground and ensure the systematic exchange of information and analyses, thereby fostering "bottom-up coherence". According to an EU official, "The perspective on the ground is often more pragmatic. People want to work together. And this can have repercussions at the top level as well."[92]

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[85] Interview with a European diplomat, Brussels, 6 June 2011.
[86] Gustav Lindstrom, *The European External Action Service: Implications and Challenges*, Geneva, Geneva Centre for Security Policy, November 2010 (GCSP Policy Paper, No. 8), http://www.gcsp.ch/content/download/3800/35095/download, p. 5.
[87] Interview with an EU official, Brussels, 7 June 2011.
[88] Interview with a European diplomat, Brussels, 6 June 2011.
[89] Gustav Lindstrom, *The European External Action Service: Implications and Challenges*, *cit.*, p. 5.
[90] Interview with an EEAS official, Brussels, 9 June 2011.
[91] *Ibidem.*
[92] Interview with an EU official, Brussels, 7 June 2011.

Although the outcome of the military confrontation is difficult to foresee, the EU should prepare for the post-conflict period. In order to prevent future divisions, the HR/EEAS should start to explore possible options for an EU engagement on the civilian side. In doing this, they should take advantage of the institutional memory of the Council Secretariat in terms of best practices and lessons learned from ten years of CSDP. This would be an opportunity to increase the role of the HR/EEAS in the field of the CSDP, as called for by the Weimar triangle. In their letter to the HR in December 2010, the German, French and Polish foreign and defence ministers expressed their ambition to increase the potential of the CSDP during the Polish Council Presidency starting in July 2011.[93] A timely preparation for the post-conflict period in close consultation with the UN, which is likely to take the lead in post-conflict Libya,[94] and with local stakeholders like the TNC, would signal the EU's willingness to play an active role in the multilateral division of labour in Libya.

4.3. Prevent incoherence in the longer-term

Part of the incoherent image that the EU projected in response to the Libyan crisis has to do with the member states' differing understandings of concepts like burden sharing and solidarity, and divergent views on broader security issues. In order to prevent incoherence in the longer-term, the EU should take measures to restore trust between the member states and work towards a common strategic culture.

At its meeting on 24-25 June, the European Council proposed to introduce an emergency mechanism to "assist a member state facing heavy pressure at the external borders."[95] The European Commission, which is to submit a proposal for this mechanism in September 2011, should define what is meant by "heavy pressure" and establish clear criteria for the mechanism to be triggered. The European Council also emphasized the "need for genuine and practical solidarity towards the Member States most affected by migratory flows."[96] The Commission Communication on intra-EU solidarity that is to be presented later this year should aim at specifying the practical meaning of solidarity and burden sharing in the field of migration management. The expected decision[97] to provide Frontex with a broader mandate, its own assets, and human rights experts would be a good step in this regard.[98]

Discussions on the EU contribution to military crisis management and planning for EUFOR Libya were slowed down due to the member states' differing views on broader security-related issues like the responsibility to protect doctrine and the legitimacy of

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[93] "France, Germany, Poland on EU's common defence policy", in *Civic Platform*, 13 December 2010, http://www.platforma.org/en/about-civic-platform/art958,france-germany-poland-on-eus-common-defence-policy.html.
[94] Interview with a French diplomat, 28 June 2011.
[95] Council of the European Union, *Conclusions of the European Council, 23/24 June 2011* (EUCO 23/11), Brussels, 24 June 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/123075.pdf.
[96] *Ibidem.*
[97] A formal approval of these proposals by the Council and the EP is expected after the summer break.
[98] Nikolas Busse, "EU stärkt Grenzschutzagentur Frontex", in *Frankfurter Allgemeine Zeitung*, 23 June 2011, http://www.faz.net/artikel/C31147/fluechtlingspolitik-eu-staerkt-grenzschutzagentur-frontex-30446817.html.

humanitarian operations. If the EU is serious about progressively framing a "common Union defence policy",[99] it should promote an EU-level dialogue on these divisive issues. In the longer term, these discussions could feed into a new European Security Strategy, which would take account of the lessons learned and new security challenges facing the Union. These top-level discussions should be complemented by bottom-up measures fostering a common strategic culture. The EEAS should organize regular EU crisis management exercises,[100] bringing together officials from the EU-level institutions as well as staff from member state defence and foreign ministries.

5. Conclusion

"The hour of Europe"[101] is yet to come. While there has been a multifaceted EU response to the Libyan crisis, nearly every facet of this response was marked by vertical incoherence. The recent institutional re-shuffling and the EEAS did not contribute to inter-institutional coherence. It is therefore of little surprise that there were no major breakthroughs in the multilateral division of labour.

However, there are reasons for hope. In the past, the EU has often grown stronger and more coherent through crises. This could be seen in the Balkans in the 1990s, where the failure to react to the crises was followed by the birth of the CSDP and a substantial stabilization effort bringing formerly crisis-ridden countries on the path towards EU membership. A more recent example is the Iraq crisis in 2003. Known as one of the peaks of the EU's vertical incoherence, the crisis was followed by the development of the European Security Strategy, a strategic document providing for the first time a common EU vision on security-related issues and threats.[102] After reviewing the *European Foreign Policy Scorecard 2010*,[103] Kundnani and Vaïsse concluded: "the EU performs badly where it is internally divided. It does better in areas where it has been bitterly divided in the past, but has been forced to put in place adequate tools and to harmonise national positions."[104]

In the Libyan case, the real test for the EU is yet to come. While it is "business as usual" if the EU fails to project hard power, the EU can hardly afford to fail in its role as soft power. In the light of the member states' diverging priorities and interests in the Southern Mediterranean, the EU should start now to prepare the ground for a coherent role in a post-conflict Libya. It should gradually increase the institutional leadership for coherence, prepare options for the medium term and work towards a common strategic culture to prevent incoherence in the longer term. In the past weeks and months, much

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[99] Art. 42 (2)Treaty on the European Union.
[100] Hans Kundnani and Justin Vaïsse, "EU foreign policy: moving on from Libya", *cit.*
[101] Reference to Jacques Poos' famous statement at times of Yugoslavia's collapse.
[102] Erik Brattberg, *Opportunities lost, opportunities seized: the Libya crisis as Europe's perfect storm*, Brussels, European Policy Centre, June 2011 (Policy brief),
http://www.epc.eu/documents/uploads/pub_1310_opportunities_lost.pdf.
[103] The European Foreign Policy Scorecard, issued by the European Council on Foreign Relations, assesses the performance of the EU's member states and institutions in 80 policy areas related to foreign policy. See Justin Vaïsse and Hans Kundnani, *European Foreign Policy Scorecard 2010*, London : European Council on Foreign Relations, 2011 (ECFR publications, No. 29),
http://www.ecfr.eu/scorecard/2010.
[104] Hans Kundnani and Justin Vaïsse, "EU foreign policy: moving on from Libya", *cit.*

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of the EU's attention has been devoted to the economic struggles on the European side of the Mediterranean. But considering growing tensions in countries like Syria, Yemen and Bahrain and the increasing reluctance of the US to intervene in the EU's neighbourhood, the EU should learn its lessons from Libya today, rather than tomorrow.

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