

THE EUROPEAN UNION'S ROLE IN POST-GADDAFI LIBYA

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Abstract

The research article aimed to study Libyan politics after the removal of Gaddafi and the role of EU towards Libyan crisis which emerged after the Arab Rising. There is no central government in the country after the killing of Gaddafi which led to the empowerment of militias. The civil war brought a great humanitarian and migrant crisis. The US, France and Britain launched military operations against the dictator regime but they failed to adopt an integrated strategy to transfer power to a democratic government, which poses security and humanitarian challenges to the EU's strategic interests. The EU's role in Libya is just to support the reconstruction of the country and to stop the flow of migrants towards Europe. Moreover, the EU revealed its lack of leadership, while many member states have often disagreed on the EU's policy towards Libya. This raises several pertinent questions with regard to the EU's post-Lisbon global role.

A brief survey of Libyan history

Libya, since the removal from the scene of Moammer Gaddafi, has become a turmoil-ridden country, without a central government. It has two rival governments struggling for power, one of them recognized by the international community. Taking advantage of the power struggle between these two rival governments militant groups have expanded and solidified their hold in various regions in the country. Of these groups, the most fearsome is the Islamic State or Daesh, which is now in control in three cities: Derna in the east, Sirte in the middle and Subratha in the west.¹

A brief survey of its history reveals that Libya has most of the time been under the control of foreign powers. In the ancient times, the Phoenicians, Carthaginians, Greeks and Romans ruled over the country. With the rise of Islam in the seventh century A.D, the Arabs wrested Libya from the

¹ "Four Years after Gadhafi, Is Libya Better off?", available from <http://www.almonitor.com/pulse/originals/2015/10/libya-gaddafi-death-four-years-better-worse-hrw-bayada-city.html#>.

Byzantine empire and Muslim caliphates, such as the Umayyeds, the Abbasids and the Fatimids ruled over the area. Under the Arab Muslim Caliphates, Libya enjoyed considerable autonomy. In 1551, the Ottomans established control over the country. After the Italo-Turkish war of 1911-1912, Italy claimed parts of Libya as its colony, and Libya became known as Italian North Africa from 1912-1927. From 1927 to 1934, Italy split Libya into two colonies, Italian Cyrenaica and Italian Tripolitania. The two colonies were administered by Italian governors. In 1934, after the rise of the Fascist leader Mussolini, the Italian government officially adopted the name "Libya"* for the three provinces Cyrenaica, Tripolitania and Fezzan. Between the two world wars, the Emir of Cyrenaica, Idris al-Mahdi, led a resistance movement against Italian occupation. It is estimated that several thousand died at the hands of the Italian military or through starvation and disease in camps.²

During the second world war, the Italians were pushed out of Libya in 1943 and from 1943 to 1951, the British administered Tripolitania and Cyrenaica, while Fezzan was controlled by the French. Italy gave up all claims to Libya after the 1947 peace treaty signed with the Allied powers. The UN General Assembly passed a resolution on November 21, 1949, stating that Libya was represented by Idris. The country's independence was declared on December 24, 1951 and it adopted the nomenclature 'the United Kingdom of Libya'. Libya now became a constitutional and hereditary monarchy with Idris as its king. Libya, which was at that time one of the world's poorest countries, became very wealthy, when it was discovered in 1959 that it had significant oil reserves. It soon became an important oil exporting country. The discovery of oil has deeply affected the fate of the country.

Resentment began to build up in Libya as it became apparent that the king, instead of using the country's wealth for development and the well-being of its people, was filling up his own coffers. With the spread of Arab nationalism under the influence of Egyptian President Gamal Abdul Nasser, the discontent mounted. The presence of American, Italian and British advisors, engineers and business concerns were seen by many as the imposition of neo-colonialism on the country. The US also maintained the Wheelus Air Base and one in Cyrenaica. An agreement had been signed

* The ancient Greeks had used the name 'Libya' for the whole of North Africa, excluding Egypt.

² Ian Pappé, *The Modern Middle East* (Routledge, 2005), 26.

between Libya and the US on September 9, 1954 which was to expire on December 24, 1970. Libya was undoubtedly of significant strategic value to the US, for it had oil, was located in North Africa and its shores were washed by the Mediterranean Sea. The Mediterranean communication lines were important for the US in the milieu of cold war politics.³

On September 1, 1969 King Idris was deposed in a coup d'état staged by a small coterie of military officers led by 27 year-old Colonel Moammer Gaddafi. Gaddafi launched a "Revolution" which among other things purported to purge the country of the "politically sick". He also announced the formation of a "people's militia" to protect the revolution. Very soon Gaddafi assumed dictatorial powers, consolidating his hold on the country through an extensive spy system. Any who dared to dissent were publicly executed. Libya was officially declared the 'Great Socialist People's Libyan Arab Jamahiriya' in 1986. Gaddafi pursued an aggressive foreign policy and intervened in neighbouring countries in Africa and the Middle East. The Libyan president's anti-West and anti-Israel rhetoric had become more and more vitriolic over the years. The regime used much of the country's soaring income from oil exports on purchasing arms and funding terrorist groups across the world. In 1986 an American airstrike was unable to kill Gaddafi, who by this time had achieved notoriety. After hundreds of air passengers were killed in the suspected bombing of a commercial aircraft over Lockerbie (Scotland), the UN finally imposed sanctions on the country.

When the so-called 'Arab Spring' overthrew unpopular rulers in Tunisia and Egypt, Libya too become embroiled in a full-scale revolt in February 2011. Though great efforts were made by the dictatorial regime to quell the rebellion, by early March 2011, parts of Libya came under the control of opposition forces. Large numbers of defectors from the Libyan army had joined the opposition forces. The opposition forces met with some reverses and the regime again cracked down on defectors and protestors. The UN bodies condemned the crackdown as violating international law. The US, Australia and Canada imposed economic sanctions against Libya and the UN Security Council voted to refer Gaddafi and his close associates to the International Criminal Court for investigation. The UN Security Council passed Resolution 1973, sanctioning the setting up of a no-fly zone and the use of "all necessary means" by the international community to "protect

³ Holger Terp, "Libya during the Cold War", available from <http://www.fredsakademiet.dk/orbog/lord/l170.htm>.

civilians within Libya". This was followed by allied military action to enforce the no-fly zone. France, the US and the UK participated in operations Odyssey Dawn and Ellamy. Gaddafi was killed in Sirte, his hometown on October 20, 2011. An interim government had already taken over in Tripoli before the death of Gaddafi. Thus began a new chapter in Libya's history, marked by bloodshed, chaos and turmoil.

Libya-EU relations

Gaddafi's foreign policy was focused on Arab unity, the destruction of Israel as a non-Arab country in the midst of the Arab world, removal of foreign, particularly Western influence in the Middle East and Africa and backing various "revolutionary" causes at home and abroad.⁴

In pursuance of his foreign policy agenda, Gaddafi had ordered the shutdown of American and British bases in Libya and carried out a partial nationalization of all foreign oil and commercial assets in the country.⁵

As mentioned earlier, over the years, Gaddafi's anti-US stance further hardened. During the seventies and eighties, there was a worsening of relations between Libya and the West. While Gaddafi perceived the US and its allies in the West as posing a threat to Libyan and Arab interests, the Western countries deeply annoyed by his activities, declared him *persona non-grata*.⁶

In the 1990's the West's relations with the Gaddafi regime worsened beyond any hope of reversal. Libya was now seen as a state sponsor of international terrorism.

The UNSC adopted resolution 731 in January 1992, asking Libya to comply with the demand for the extradition of two Libyan citizens who were suspected of being involved in the bombing of Pan Am Flight 103 over Lockerbie and to assist the French inquiry into the bombing over Niger of UTA Flight 772 en route to France. The UN Security Council imposed economic sanctions on Libya through resolution 748, for the country had ignored the previous UNSC resolution 731. The US, France and the UK now

⁴ *World Infopaedia: Libya* (New Delhi: Pragun Publication, 2007), 22.

⁵ *Ibid.*

⁶ Shaista Shaheen Zafar, "EU-Libya Relations", *Journal of European Studies* 24-25, nos. 2-1 (July 2008 and January 2009): 127.

pushed through resolution 883 in the Security Council in November 1992 which tightened the economic sanctions already in place, if Libya continued to flout the previous UNSC resolutions. Libya was given the deadline of December 1, 1993 to comply with the resolutions⁷.

The Council of the European Union responded to the UN Security Council resolution by issuing its Regulation 3274/93 of November 29, 1993 which reviewed the Union's trade policy for Libya. Export credits to Libya were now minimized and the sale of subsidized goods to it were halted.⁸

To further build-up pressure on the Gaddafi regime the US Congress passed the Iran-Libya Sanctions Act (ILSA) in 1996. The avowed objective of these sanctions was to debilitate the Libyan economy for the regime's alleged backing of international terrorism. The move would also allow the US to slap sanctions on those countries whose investments in Libya's oil and gas industry exceeded more than USD 40 million in any one year. Later the amount was decreased to US \$ 20 million. This measure annoyed America's transatlantic allies for many NATO countries had invested heavily in Libya's energy-related industries, and would therefore be adversely affected.⁹

There is no doubt that the European Union is basically a trading bloc, so the protests against this piece of US legislation by EU member states were not surprising. The European countries were big importers of oil and gas from the Middle East and North Africa. The EU reacted by registering a complaint with the World Trade Organization. Trade between the European Union and Libya at the time was worth around US \$ 20,000 million per fiscal year. Also nearly 90% of Libya's oil was exported to western Europe. European oil companies, especially those which had headquarters in Spain and Italy had solid investments in the petroleum industry of Libya, and were, therefore, in a difficult position owing to this new US law. In a move to pacify its European allies, the US administration announced that it would waive sanctions against EU companies.¹⁰

⁷ *The Europa World Year Book 2008*, Vol. II, 2821-22.

⁸ King Tibori Szabo, "Libya and the EU", Center for EU Enlargement Studies, Central European University, Budapest. Available from <http://online.ceu.hu/cens/assets/files/Libya>, p.14.

⁹ *The Middle East and North Africa* (London: Routledge, 2008), 775.

¹⁰ "Resolving Tensions: Extra Territoriality and EU Opposition to US Sanctions Policy", available at <http://www.essaydocs.org/the-european-union-for-americans-chapter-1-what-is-the-europea.html?page=8>.

Thus it appeared that the White House understood the need to make especial efforts to mitigate the undesirable effects of the Congressional legislation on its European allies. In April 1997 both parties succeeded in diminishing the impact of ILSA upon European countries.¹¹

In defiance of UN resolutions, the Arab League in September 1997 adopted a resolution allowing airplanes which were carrying Gaddafi, Libyan pilgrims and Libyans who were employed in humanitarian tasks, to land on its member states' territories.¹² The destabilization of the incumbent regimes in later years, could be linked to this decision of the Arab League.¹³

In the context of the EU, it is important to acknowledge that the Middle Eastern and North African countries serve as a buffer between illegal immigrants and the prosperous European states. Maintaining good relations with Libya was helpful for it enabled the Europeans to secure their external borders. And for Gaddafi, establishing good relations with European countries would help him keep his hold on power and would also dispel the impression that he or his regime were supporting international terrorism.¹⁴

Oil and gas industries dominate the Libyan economy, while the EU countries are reliant on energy imports, particularly oil from the Middle East and Maghreb regions. The EU's trade with Libya constituted 70% of the country's total trade in 2010, amounting to approximately €36.3 billion.¹⁵

A conference of the foreign ministers of the Euro-Mediterranean Partnership (EMP) decided to confer observer status on Libya in 1999. At this conference, member states agreed that Libya would be awarded full membership of EMP once the UN Security Council lifted sanctions on the country. On his part, Gaddafi agreed to fulfill all conditions for acceptance

¹¹ Ibid.

¹² *The Europa World Year Book - 2008*, 2822.

¹³ R. Aliboni, "Including Libya? EU, Arab World and the US", Paper presented at the conference on *Libya: Current Relations and Future Prospects*, Washington D.C., (25 February 2000), available from <http://www.mafhoum.com/press2/80P4.htm>.

¹⁴ King Tibori Szabo, "Libya and the EU", 16.

¹⁵ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/libya/>.

in the Barcelona process. The first condition for joining the process was fulfilled in 2003, when the UNSC lifted the sanctions imposed on Libya, however, the Gaddafi regime could not meet the other two conditions, regarding human rights and good governance.¹⁶

Relations between Libya and the EU began to improve when Gaddafi agreed to handover the two Lockerbie bombing suspects for trial at The Hague in 2001. He also promised to give compensation to the families of the victims of Lockerbie, the Berlin discotheque bombing, and the 1989 UTA flight 772.¹⁷ Several EU leaders and high officials of the European Commission visited Libya, after Gaddafi, in December 2003, publicly renounced the country's weapons of mass destruction programmes in the wake of the American-led invasion of Iraq and the toppling of Saddam Hussein.¹⁸

Following these developments, EU member states, particularly Italy, Germany, and France signed several bilateral agreements with Libya. It is noteworthy that the European Union member states' ties with Libya differed from state to state, though there were some specific EU policies for Libya. These included a landmark Conclusion that was adopted by the General Affairs and External Relations Council (GAERC) of the EU in October 2004. In this document, the Council in line with the decision of the UNSC, relaxed the strict sanctions that were imposed by the international community and the EU because of failure of the Libyan regime to implement UNSC Resolution 748 (1992) and 883 (1993). The arms embargo that was imposed in 1986 was also removed.¹⁹ Furthermore, the EU accepted Libya as one of its partners in the European Neighbourhood Policy (ENP).²⁰

¹⁶ *The Middle East and North Africa*, 784.

¹⁷ The UTA Flight 772 of the French airline Union de Transports Aeriens, was a passenger flight which took off from N'Djamene (Chad) for the Charles de Gaulle Airport in Paris on September 19, 1989. A bomb explosion at its cruising altitude of 10,700 meters destroyed the aircraft, whose wreck fell over the Sahara desert (450 km east of Agadez in southern Niger). The explosion killed all 156 passengers and 14 crew members. In 1999, six Libyans, including government functionaries and a brother-in-law of Gaddafi were convicted in absentia for the bombing. Gaddafi did not allow their extradition to France. See news.bbc.co.uk/2/hi/uk_news/3163621.stm.

¹⁸ *The Europa World Year Book*, 2822-2824.

¹⁹ King Tibori Szabo, "Libya and the EU", 17.

²⁰ *Ibid*, 25.

In 2006, France entered into an agreement with Tripoli for establishing a civilian nuclear project.²¹ In July 2007, the EU signed an MOU with Libya which identified illegal migration as a very important issue in bilateral relations.²²

While the European Commission and Libya were holding the seventh round of negotiations on migration and asylum issues in June 2010 as part of a framework agreement, the Libyan government expelled the UNHCR from the country. The issue of illegal migration from Libya to the European Union was further amplified by this development.²³

The European Union's role in the Libyan crisis (2011)

The Jasmine revolution in Tunisia in 2010, which triggered the 'Arab Spring', among other things, highlighted the difficulties the European Union was facing owing to lack of unanimity among the EU member countries on their response to the unraveling crisis in the Arab World. The EU did not adopt an integrated strategy, and it lacked a proactive approach. Its responses were adhoc, rather each member state reacted individually.²⁴

Demonstrations against the Gaddafi regime broke out in February 2011 and these rapidly developed into a uprising all over the country. When peaceful protests started to become fiercer, the government tried to suppress them by the use of force. Taking notice of the brutal methods adopted by the regime for handling the situation, in February 2011, the UN Security Council adopted resolution 1970. The Council demanded an end to the violence and decided to refer the situation to the International Criminal Court. An arms embargo, a travel ban and assets freeze on Moammer Al-Gaddafi and his family members and on certain government officials

²¹ <http://gawaher.com/topic/27634-paris-signs-nuclear-agreement-with-libya/>.

²² EU-Libya Cooperation on the Prevention of Illegal Immigration, at www.proasyl.de/.../PUBLIKATIONEN/.../Broschuere_Libyen_englisch.pdf.

²³ Emanuela Paoletti and Ferruccio Pastore, "Sharing the Dirty Job on the Southern Front? Italian-Libyan Relations on Migration and their Impact on the European Union", *IMI Working Paper Series*, No. 29 (December 2010), 22.

²⁴ Nicole Koenig, *EU Security Policy and Crisis Management: A Quest for Coherence* (New York: Routledge, 2016), 62.

suspected to be involved in instigating the violent response to protests, was also imposed by the UN body.²⁵

A day before the Extraordinary European Council meeting scheduled for March 11, 2011, French President Nicolas Sarkozy and British Prime Minister David Cameron tried to persuade the European Union member states to endorse the imposition of a no-fly zone in Libya. At the European Council meeting, it became obvious that the EU leaders were not in agreement. The proposal for launching a military mission under the Common Security and Defence Policy (CSDP) to enforce the no-fly zone in Libya was not wholeheartedly examined as a viable option to adopt as a response to the events in Libya.²⁶

That there was an absence of political consensus among the EU member states regarding humanitarian intervention in Libya became apparent once again, when France and the United Kingdom were in the forefront in the Security Council with regard to the passage of resolution 1973, on March 17, 2011. They also participated in the military campaign in Libya, later joined by Italy.²⁷

Resolution 1973, established a no-fly zone and also authorized member states to take all possible steps to protect civilians, but it did not endorse a foreign occupation force.²⁸

It is noteworthy that Germany, China, Brazil, Russia and India abstained from voting at the UNSC and also did not participate in the military intervention. The Russian representative expressed concern regarding the enforcement of the measures and the limits of the external engagement. As he had done previously, the Russian representative called for a ceasefire. China had refrained from vetoing the resolution, taking into consideration the sentiments of the members of the Arab League and the

²⁵ Colum Lynch, "UN Votes to Impose Sanction on Gaddafi", 26 February 2011, available from <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/26/AR2011022603386.html>.

²⁶ "Libya No-Fly Zone Plan Rejected by EU Leaders", available at <https://www.theguardian.com/world/2011/mar/11/libya-no-fly-zone-plan-rejected>.

²⁷ Arturo Varvelli, "Europe and the Libyan Crisis: A Failed State in the Backyard?" (March 2014), see http://www.ispionline.it/sites/default/files/pubblicazioni/analysis_23_7_2014_0.pdf.

²⁸ *Keesing's Record of World Events* (March 2011), 50365.

African Union. The delegations of Germany, India, and Brazil, also laid emphasis on the need for a peaceful resolution of the conflict and warned against the unforeseen and long term consequences of armed intervention in such cases.²⁹ Thus it was quite evident that the EU member states were not united even in the UN forum and no pan-EU operation was launched at this time.³⁰ Instead, some European countries, besides non-European ones, led by the UK and France, canvassed for the enforcement of the no-fly zone. The US for political reasons maintained a low profile in the debate allowing the UK and France to take the lead.³¹

The first EU level reaction on the violation of human rights in Libya came on February 20, 2011 when Catherine Ashton, the High Representative (HR) for CFSP issued a declaration on behalf of the EU which stated that the Union was “extremely concerned by the events unfolding in Libya” and urged the Libyan authorities to refrain from the use force.³²

On the same day, the European Commission’s Commissioner for Home Affairs, in response to Italy’s formal request for assistance in managing the influx of migrants from North Africa, launched Frontex’s joint operation Hermes.*

The differences between EU member states again came under the spotlight when a day after Catherine Ashton’s declaration, the foreign minister of Italy stressed that Europe should not intervene, interfere or try to impose

²⁹ Security Council Approves ‘No-Fly Zone’ over Libya, Authorizing ‘All Necessary Measures’ to Protect Civilians, by vote of 10 in favour with 5 abstentions, see details at <http://www.un.org/press/en/2011/sc10200.doc.htm>.

³⁰ Niklas Bremberg, *Diplomacy and Security Community-Building: EU Crisis Management in the Western Mediterranean* (London: Routledge, 2016), 70.

³¹ Anthony Arnall, Damian Chalmers (eds.), *The Oxford Handbook of European Union Law* (UK: Oxford University Press, 2015), 297.

³² Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on events in Libya, Brussels, 20 February 2011, available from https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/119397.pdf.

* Frontex (derived from the French word *Frontières extérieures* for “External borders”) is also known as the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. It was established in 2004 to supervise cooperation between the border guards of member states to secure the EU’s external borders. The European Commission presented its proposal for a new European Border and Coast Guard Agency on December 15, 2015. It would replace Frontex. Thus Frontex was dissolved on October 6, 2016.

democracy on Libya. Similarly, the Czech foreign minister underscored that the EU should avoid too much involvement in Libya, as Gaddafi's downfall could lead to bigger catastrophes later on.³³

On its part, the European Commission reacted to the Libyan crisis by setting in motion two of its major emergency instruments: the civil protection mechanism and humanitarian assistance. The civil protection mechanism was activated on February 23, 2011 and it facilitated the consular operations of member states by pooling and identifying transport means for the evacuation of around 5,800 European Union citizens stranded in Libya. The Commission and the EU member states provided over €144.8 million for humanitarian aid and civil protection. Thus the EU was the biggest humanitarian donor to Libya during the early months of the crisis.³⁴

In accordance with the UN Security Council resolution the EU imposed sanctions against Libya. The Council adopted decision 2011/137/CFSP to implement UNSC Resolution 1970. Besides the measures the EU had already adopted, further steps were taken, including the imposition of an arms embargo against Libya. Some targeted sanctions were also imposed; these included a visa ban and an asset freeze on 26 persons closely associated with the Gaddafi regime.³⁵

At the Extraordinary European Council meeting held on March 11, 2011 the leaders of the EU member states declared that Gaddafi had lost all legitimacy as President of Libya, and asked him to give up his claim to power. They welcomed the formation of the Interim Transitional National Council (TNC), based in Benghazi, which, they declared was now the political interlocutor in Libya.³⁶ The EU significantly expanded sanctions on March 11, 2011 expressly targeting various Libyan state institutions, including the Libyan Investment Authority (LIA), the Central Bank of Libya and the Libyan Foreign Bank.³⁷

³³ Nicole Koenig, *EU Security Policy and Crisis Management*, 63.

³⁴ *Ibid.*, 60, 66.

³⁵ The Council of the European Union, Decision (28 February 2011), available from https://www.sipri.org/sites/default/files/2016-03/CFSP_7.pdf.

³⁶ Extraordinary European Council, (11 March 2011), available from https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/119780.pdf.

³⁷ Recent Unrest in Libya – Sanctions and other Legal Issues (March 2011), visit at <http://www2.gtlaw.com/practices/export/pdf/RecentUnrestInLibya.pdf>. The Libyan Foreign Bank (LFB) was created in 1972 in Tripoli. It was the country's first offshore banking institution

However, it again became apparent that differences between member states remained, and this was reflected in the fact that the French government made the unilateral decision to formally recognize the NTC as the sole and only representative of Libya. This displeased other EU member states. The decision had been taken a day before the Extraordinary European Council meeting on March 11. This unilateral French move was seen by other EU member states as a significant setback in developing a common EU strategy towards the NTC. Thus a spokesperson for High Representative Ashton stated: "we cannot unilaterally rush into recognizing groups".³⁸ The foreign ministers of Italy and Spain stressed upon the need for the European Union to act with unity, discretion and cohesion. The Spanish foreign minister clearly stated that recognition of any group within Libya should only take place after all EU member states agree upon such a step. Likewise, the foreign minister of Italy also emphasized that his government wanted a unanimous European decision to be able to act credibly.³⁹

At the Paris summit held on March 19, specifically for Support to the Libyan People, Herman Van Rompuy, President of the European Council, announced that the EU was ready to implement UN Security Council Resolution 1973 within its own mandate and competences.⁴⁰

A European Union summit held on March 24-25, 2011 expressed readiness to impose further sanctions on Libya besides those already adopted to implement UNSC resolutions 1970 and 1973. The European Council declared that additional EU sanctions would ensure that the Gaddafi regime does not gain access to oil and gas revenues, thus curtailing the regime's ability to fight its own people.⁴¹

with a license to operate internationally. The Central Bank of Libya had 100% ownership of LFB.

³⁸ "EU Hesitant on Libya Action", weekly *Europost*, 12 March 2011, available from europost.eu/article?id=1216.

³⁹ Lizette van Loon, "Libya: The EU's Failure to Act in Concert", MA Thesis available at <https://openaccess.leidenuniv.nl/bitstream/handle/1887/19750/thesis%20final%20Lizette%20van%20Loon.pdf?sequence=1>.

⁴⁰ Developments in Libya: An Overview of the EU's Response (14 April 2011), at http://www.eeas.europa.eu/top_stories/2011/150411_libya_en.htm.

⁴¹ *Ibid.*

The European Union also prepared plans for a CSDP military operation; this demonstrated that the EU finally garnered the will to pursue a common goal. After a formal decision adopted on April 1, 2011, the Council constituted the legal framework for “Operation EUFOR Libya” to support humanitarian assistance for the Libyan people. This would be launched at the request of the UN Office for the Coordination of Humanitarian Affairs (OCHA). However, OCHA, did not make a request for the activation of EUFOR Libya, therefore the mission did not go beyond the planning stage.⁴²

The European Council on April 12, 2011 imposed a *de facto* oil and gas embargo by subjecting 26 energy firms, which were allegedly propping up Gaddafi’s regime to sanctions. The regime was in dire straits owing to the asset freeze.⁴³ On June 7, 2011 the Council also imposed sanctions on Libyan ports.⁴⁴

On May 22, Catherine Ashton, EU High Representative for Foreign Affairs and Security Policy/Commission Vice-President, announced the opening of an office for liaison in Benghazi to assist “the nascent democratic Libya in border management, security reform, the economy, health, education and in building civil society”. In this regard the EU and its member states have provided over €150 million in financial and in-kind aid to Libya.⁴⁵

The domestic and foreign policy interests and considerations of the EU member states, particularly the bigger ones hindered a truly common response to the situation in Libya. France pursued its own policy in the Arab world. It was most interested in preserving its influence in the Maghreb. The UK’s policies were clearly influenced by the concerns of the transatlantic alliance regarding regional stability in North Africa. As for Germany, domestic politics had defeated its traditional value-oriented foreign policy, for concerns regarding the spring 2011 state elections, led Berlin to adopt an anti-intervention stance to preserve unity at home.

⁴² “The Libya Case Study”, Working Paper of the collaborative NATO-Harvard Project: Towards a Comprehensive Response to Health System Strengthening in Crisis-Affected Fragile States, available at http://www.jallc.nato.int/products/docs/lybia_case_study.pdf, page.

⁴³ “Recent Developments in EU and US Economic Sanctions”, 14 April 2011, at <https://www.cov.com/~media/files/corporate/publications/2011/04/recent-developments-in-eu-and-us-economic-sanctions.pdf>.

⁴⁴ <https://www.steamshipmutual.com/liabilities-and-claims/EU%20Sanctions%20Measures>.

⁴⁵ Lizette van Loon, “Libya: The EU’s Failure to Act in Concert”.

Italy's stance on the issue of intervention was affected by the country's close relations with the Gaddafi regime which they wished to maintain, and by internal concerns over a possible political crisis in the right-wing government. In the light of these differing policy aims,⁴⁶ the ambition expressed in the Lisbon Reform Treaty of creating a single European actor on the global stage was set aside as always in crisis situations. It appears that conflicting national interests most of the time hinder the adoption of common positions and common actions by the EU member states.⁴⁷

The current situation in Libya

Ever since Moammer Gaddafi was ousted in 2011, Libya has steadily descended into chaos and violence. Furthermore, the country's unity has been damaged by the rival parties engaged in the continuing conflict. A recent report by the Soufan Group has pointed out that owing to uncertainty, political vacuum, collapse of political power, socio-economic decline and the presence of militias, fertile ground has been created for the strengthening of extremist groups like IS and al-Qaeda.⁴⁸

Libya was a wealthy country, before the movement against Gaddafi began. Presently, more than 40 percent of the population is in need of humanitarian assistance. It is estimated that government deficit will reach 54 percent of the country's GDP by the end of fiscal year 2016. The foreign currency reserves of Libya have become dismally low. They stood at more than \$100 billion in 2014 and are now estimated at around \$50 billion.⁴⁹

For the EU, the situation in Libya poses a serious challenge to its strategic interests. The security of the Mediterranean and migration are two of the biggest issues which have to be dealt with. Libya's economic rehabilitation is another problem.⁵⁰ A European Commission memo stated that in 2012, a rapprochement had begun between post-Gaddafi Libya and the EU. The

⁴⁶ Arturo Varvelli, *Europe and the Libyan Crisis: A Failed State in the Backyard?*, *ISPI Comment Commentary* (March 2014), available at http://www.ispionline.it/sites/default/files/pubblica_zioni/analysis_237_2014_0.pdf.

⁴⁷ "Opportunities Lost, Opportunities Seized: The Libya Crisis as Europe's Perfect Storm", at http://www.epc.eu/documents/uploads/pub_1310_opportunities_lost.pdf.

⁴⁸ Arnaldo Guidotti, "Libya Situation Analysis" (30 January 2016), available from [eurplibya.blogspot.com/2016/01/libya-situation-analysis-3012016.html](http://www.eurplibya.blogspot.com/2016/01/libya-situation-analysis-3012016.html).

⁴⁹ [http://www.ecfr.eu/page/-/ECFR172 - INTERVENING BETTER - EUROPES SECOND CHANCE IN LIBYA 2.pdf](http://www.ecfr.eu/page/-/ECFR172_-_INTERVENING_BETTER_-_EUROPES_SECOND_CHANCE_IN_LIBYA_2.pdf).

⁵⁰ https://eeas.europa.eu/delegations/libya/1447/libya-and-the-eu_en.

EU, which is very keen about encouraging and supporting democracy, sent an Election Assessment Team to monitor the parliamentary elections in Libya in July 2012. The team's conclusion was "that the electoral process had been efficiently administered, pluralistic and overall conducted in a peaceful manner."⁵¹ Since the ouster of Gaddafi, the EU has begun to focus on development cooperation. The EU has provided funding to the Libyan authorities for projects related to public administration, civil society, health and education. It is also assisting Libya in the fields of security and technical and vocational education and training. The EU has also been considering the possibility of Libya's full participation in the Mediterranean region-related cooperation agreements, of which the Union for the Mediterranean (UfM) has been mentioned as the most pertinent.⁵²

The EU and Libya share common interest in the matter of transit migration. In 2013, the EU set up the Integrated Border Assistance Mission in Libya (EUBAM Libya), the objective of which was to improve and develop the security of the country's borders. Though the mandate of EUBAM Libya is limited to the Libyan borders, from the EU point of view it has a wider regional importance. EUBAM is meant to encourage Libya to become part of efforts to promote regional and international cooperation, but it also implicitly expresses the European strategic concern about controlling migration.⁵³ Libyan authorities are to work closely together with the European Union's European Border and Coast Guard Agency.

The Council's meeting in Brussels in February 2015 discussed the situation in Libya and the UN-sponsored talks on Libya held in Geneva in January 2015. The EU voiced full support for the efforts of the Special Representative of the UN Secretary General (UNSRSG) to achieve a negotiated settlement in the country. It also lauded and supported the work of the UN Support Mission in Libya (UNSMIL). EU leaders showed keenness to help promote the Confidence Building Measures agreed upon in the Geneva talks and also to assist UNSMIL in exploring the different dialogue tracks for the process. The participants expressed the belief that a

⁵¹ Visit [europa.eu/rapid/press-release MEMO-13-250_en.pdf](http://europa.eu/rapid/press-release_MEMO-13-250_en.pdf).

⁵² https://eeas.europa.eu/delegations/libya/1447/libya-and-the-eu_en.

⁵³ Peter Seeberg, "EU Strategic Interests in Post Qadhafi Libya: Perspectives for Cooperation", at <http://www.mepc.org/journal/middle-east-policy-archives/eu-strategic-interests-post-qadhafi-libya-perspectives-cooperation>.

political solution rather than military measures were a sustainable way to bring peace and stability in Libya.⁵⁴

In another meeting held in March 2015, the Council reaffirmed the stand adopted in its last meeting and requested all regional actors and neighbouring countries of Libya to use their influence on all protagonists in the beleaguered country to ensure that negotiations and the democratic transition in Libya succeed. The EU body also asked Libya's neighbours to support the implementation of agreements and to avoid actions that could aggravate current divisions. The Council expressed willingness to cooperate with regional actors and neighbours of Libya to bring peace and stability to the country.⁵⁵

In the backdrop of the crisis and related issues, such as the refugee problem, the representatives of the EU along with those of the permanent members of the UN Security Council met with the Libyan warring factions, for the first time in Berlin in June 2015. At this meeting, the EU exhorted all the parties involved to immediately stop all hostilities and to avoid actions that could derail the political process. The EU also conveyed to all participants that a lasting resolution of the political crisis in Libya could only be achieved if an inclusive political settlement is hammered out. The EU stressed that appropriate action was required against those who deliberately threatened Libya's peace, stability and security, or were hindering or undermining the success of its political transition. In a Declaration on the peace process in Libya the EU once again offered its firm commitment to work with a united and peaceful Libya in a spirit of partnership. The EU and the other participants expressed support for the UN proposal, presented by UN envoy Bernardino León, for resolving the conflict in Libya.⁵⁶

On February 23, 2016, the EU's High Representative for CFSP, Federica Mogherini held a meeting in Brussels with Martin Kobler, the UN Secretary-General's Special Representative and Head of the UN Support Mission in

⁵⁴ Visit at www.consilium.europa.eu/en/meetings/facts/2015/02/outcome-of-the-council-meeting_fac_150209_pdf/.

⁵⁵ Ibid.

⁵⁶ Declaration on the Peace Process in Libya - Meeting in Berlin (June 10, 2015), see <http://www.diplomatie.gouv.fr/en/country-files/libya/events/2015/article/declaration-on-the-peace-process>.

Libya. The two discussed issues related to the implementation of the Libyan Political Agreement of December 17, 2015 and agreed that they would continue to work together to ensure maximum support to the Government of National Accord, an interim government for Libya that was set up under the terms of the Libyan Political Agreement*. They agreed that only a government enjoying widespread backing throughout the country would ultimately be able to overcome the serious political, economic and security challenges that the country is presently confronted with.⁵⁷

The Government of National Accord (GNA) under Prime Minister Fayeze al-Sarraj, was formed in December 2015 under a UN-sponsored power-sharing deal signed by some members of parliament. This government has been trying to assert its authority but still needs formal endorsement from parliament. It is faced with a rival administration.⁵⁸ The country has had two rival administrations, since a militia alliance took over Tripoli in mid-2014 and asserted its own authority, forcing the elected parliament to flee to Tobruk. Khalifa Ghweil, the head of the Tripoli administration, refused to recognize the authority of the Sarraj government and branded it as illegal.⁵⁹ In March 2016, members of Libya's UN-backed Government of National Accord arrived in Tripoli, defying warnings by the rival group, to desist from returning to the capital.⁶⁰

The EU member states sent their envoys and foreign ministers to Tripoli, in a show of support to the UN-backed Government of National Accord. In this connection, Italy's foreign minister visited Tripoli on April 12, 2016.⁶¹ The envoys of Britain, France and Spain also arrived in Tripoli on April 14, 2016. It was the first visit by European envoys to the Libyan capital since

* The Libyan Political Agreement had been endorsed unanimously by the UN Security Council, which welcomed the formation of a Presidency Council for Libya.

⁵⁷ Mogherini reiterated the EU's commitment to provide substantial aid to the new Libyan authorities as soon as a Government of National Accord is in place, see https://eeas.europa.eu/delegations/libya/5317/press-release-on-the-meeting-between-the-hrvp-federica-mogherini-and-un-special-representative-for-libya-martin-kobler_en.

⁵⁸ "Libya Parliament in Two Minds over UN-Backed Government", 19 April 2016, see <http://www.dw.com/en/libya-parliament-in-two-minds-over-un-backed-government/a-19197583>.

⁵⁹ Ibid.

⁶⁰ *Al Jazeera*, 31 March 2016.

⁶¹ Aidan Lewis, "Italian Foreign Minister Meets New Leaders in Libya, Pledges Support", 12 April 2016, at <http://www.reuters.com/article/us-libya-italy-idUSKCN0X9006>.

EU member states closed their embassies in mid-2014 because of the volatile situation in the country.⁶²

It was not a coincidence that the French and German foreign ministers arrived in Tripoli on April 16, two days before the internationally recognized parliament was to endorse the Libyan political agreement signed in December 2015 which led to the formation of the Government of National Accord (GNA).⁶³

Philip Hammond, the British Foreign Secretary was still in Tripoli, when the vote of confidence in parliament was postponed. Nevertheless, he announced that Britain was committing a further sum of £10 million (\$14 million) to help the GNA "strengthen political institutions, the economy, security, and justice".⁶⁴

Earlier on January 8, 2016 Federica Mogherini, the EU High Representative for CFSP, told a news conference in Tunis, that the EU was ready to provide €100m (£79m) in financial support for economic, humanitarian and development projects in Libya.⁶⁵ Libyan Prime Minister Fayed Sarraj was present on the occasion.

In a meeting held in April 2016 in Luxembourg, EU foreign and defence ministers agreed that if the new UN backed GNA requested, the EU would send a security mission to Libya to help the new government⁶⁶ in restoring peace and stability in the country.

This move, it appears, is an attempt to project the EU's Common Security and Defence Policy (CSDP). It has also been pointed out that the US is eager

⁶² "Spanish Ambassador Joins UK and France on Visit to Libya", 14 April 2016, visit at <https://www.thelocal.es/20160414/spain-ambassador-joins-uk-and-france-on-visit-to-libya>.

⁶³ *Agence France-Presse*, "Foreign Ministers of France and Germany Make Surprise Visit to Libya", 16 April 2016, available from <http://www.telegraph.co.uk/news/2016/04/16/foreign-ministers-of-france-and-germany-make-surprise-visit-to-l/>.

⁶⁴ <https://www.alaraby.co.uk/english/news/2016/4/19/european-diplomats-attempt-to-pave-libyas-road-to-recovery>.

⁶⁵ <https://www.theguardian.com/world/2016/apr/19/libya-offered-security-help-by-european-union-fayed-seraj>.

⁶⁶ Outcome of the Council Meeting, Luxembourg, 18-19 April 2016, see www.consilium.europa.eu/en/meetings/fac/2016/04/st08022_en16_pdf/.

that Europe, and not the US, should take the lead in Libya, for North Africa is on the continent's doorsteps.⁶⁷

The ministers also agreed to expand the mandate of the "Sophia" naval operation that is combating people smugglers who are operating off the Libyan coast. Presently, Sophia operates only in international waters for it has not been authorized either by Libya or the UN to move closer to the coast. Thus people-smugglers find it easy to operate from the Libyan coast. Operation Sophia has rescued 13,000 migrants at sea since it was launched in mid-2015.⁶⁸

A separate mission, known as the Libya International Assistance Mission, which includes the US, the UK, France, and Italy had already briefed EU diplomats about how the EU could play a military role in stabilizing strife-torn Libya.⁶⁹

There are reportedly differences between the participants of this mission on the issue of halting smuggled weapons that were being provided to ISIS, for the UK, France, Italy and Spain are keen to take quick action. Meanwhile, Sweden and Germany insist that the EU should first seek approval from the UN Security Council to stop arms trafficking on the high seas.⁷⁰

The Council of the European Union extended until August 21, 2017, the mandate of EUBAM Libya, the civilian mission under the auspices of the Union's CSDP, to assist Libyan authorities in improving the security of the country's borders. The Council also approved a sum of €17 million in aid for Libya for the period from August 22, 2016 to August 21, 2017.⁷¹

Conclusion

Libya is a country rich in oil and natural gas reserves. These sectors dominate its economy. The EU countries on the other hand, are largely

⁶⁷ Robin Emmott, "EU Preparing to Deploy Security Mission in Libya if Requested", 15 April 2016, at reuters.com.

⁶⁸ "Libya Parliament in Two Minds".

⁶⁹ "EU Prepares to Deploy security Mission in Libya".

⁷⁰ "Libya Parliament in Two Minds".

⁷¹ "EUBAM Libya: Mission Extended, Budget Approved" (4 August 2016), available from <http://www.consilium.europa.eu/en/press/press-releases/2016/08/04-eubam-libya-mission-extended/>.

dependent on energy supplies from neighbouring Middle East and Maghreb. The EU was an important trading partner of Libya before the outbreak of the crisis.

From the geopolitical point of view also, partnership between Libya and Europe is beneficial for both parties. Libya is located quite close to the EU; it can therefore play a very important role in securing the external borders of the EU. The country along with other Maghreb countries can serve as a buffer between aspiring African and Middle Eastern migrants and European states, and can thus stem the tide of migration to Europe. The EU member states' relations with Libya differ from country to country and it cannot be asserted that the EU has a unified policy towards this North African state.

During the crisis preceding the US-led coalition's war against Iraq, the EU had faced much embarrassment and criticism owing to its incoherent and uncoordinated foreign policy, and the Common Foreign and Security Policy (CFSP) was nowhere evident. Thus the European Security Strategy of 2003 acknowledged that the EU could only play its role as an important global actor when its policies become "more coherent". Some measures were also introduced by the Lisbon Treaty to tackle the 'coherence' dilemma of the EU's foreign policy. However, it is very clear that it is the diverging threat perceptions of member states which obstruct the formulation and implementation of CFSP.

During the Libyan crisis which began in 2011, several joint declarations and statements were issued by the EU leaders and institutions that made an apparent show of unity among EU member states. The joint statements and measures included the call for removal of Gaddafi from power, recognition and support for the rebels, the opening of a liaison office in Benghazi and support for the Transitional National Council, yet the 'Big Three' states of the EU, France, Britain and Germany were divided in the UN Security Council on the issue of a military campaign in Libya under the humanitarian umbrella.

While some EU member states used military means for countering Gaddafi, no serious proposal on launching a Common Security and Defence Policy (CSDP) military mission under the Petersberg Tasks to enforce a no-fly-zone was ever tabled. The CSDP instrument was not even evoked when it came to evacuating EU citizens.

In Libya, the EU's response has mainly been on the civilian side, focusing on civil protection, humanitarian assistance and post crisis reconstruction. This approach appears to have been almost formalized during an international conference in Paris in September 2011, during which the EU agreed to assist in Libya's post conflict reconstruction.

It appears that CSDP is increasingly acquiring a civilian character. Though the Treaty of Lisbon had raised expectations regarding CSDP, the military missions in Libya have been under NATO auspices. The fact is that a CSDP military mission would also have been obstructed by the strength and quality of the European armed forces and their ability to conduct the expeditionary warfare that characterized the Libyan campaign. This lack of military capabilities of the EU states have made them highly dependent on US logistical and technical support in any military missions.

So it is clear that the EU's role in Libya for the time being is to support the reconstruction of the country and its democratic transition.

Thus the EU can be said to have a mixed track record in Libya. It lacks the leadership qualities required in a global power, and member states have often disagreed on political and strategic matters. On the other hand, they have given a swift and fairly efficient response to the humanitarian crisis. This raises several pertinent questions with regard to the EU's post-Lisbon global role.