

EU Policy towards Libya

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ABSTRACT *The Libyan crisis has been a litmus test for European unity and the EU's ability to act together. Europe's relations with post-revolutionary Libya and European policies on Libya have been characterized by the frequently conflicting interests of Paris, London and Rome, with Berlin emerging as a result of a UN invitation to try and put an end to the instability in Libya. Until the January 2020 Berlin summit, European political and diplomatic interaction with Libya was the domain of EU Member States, with the EU being limited to performing the familiar functions of lending its administrative weight to joint policy roles such as countering migration, promoting business or supporting a developmental road towards stability. All in all, EU strategy remains committed to decision-making mechanisms at Member State level; however, what is exposed in Libya is that the EU toolbox can be a valuable weapon if Europe has a coherent stance. A continuing struggle between member states over how to handle the new world that is emerging in the wake of the Pax Americana is also exposed in European policy on Libya.*

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Introduction

Libya has been an instructive case study on the difficulties Europe has in identifying and engaging with shared foreign policy imperatives or in resolving the cross-cutting policies of member states to create cohesive and coherent foreign policy. EU policy to Libya –as elsewhere– has been to deploy the collective institutional weight of the EU-27 defensively against the most broadly perceived threats, such as migration, or in support of the policy goals of leading member-states such as Germany. The EU's supportive role behind various German foreign policy positions in Libya, from the need to combat migration through stabilization to buttressing the Berlin process is as much a product of Germany's relatively unique willingness to address foreign policy issues multilaterally as it is a reflection of the German ability to influence the EU system.

Although EU and member-state policy is often conflated, they are different and rarely synchronous dynamics. In fact, failings of the member-states are often magnified within the EU with competition between member states and tactical over strategic policy-making being perhaps the two most resonant examples of this. As such it is unsurprising that EU activity has been limited in Libya given the need for unanimity and the different toolboxes available to Brussels relative to other capitals. Ultimately Europe's relationship with post-revolutionary Libya and European policies to Libya have been defined by the often com-

peting goals of Paris, London, and Rome, with Berlin emerging afterward on a UN invitation to try and bring order to the chaos Libya had descended into.

By examining the activities of key EU member states on Libya the more granular reality of European interests and policy-drivers becomes apparent. This extends beyond migration to security, a subject with a wide berth in Libya given the hybrid nature of security services which often mixes local, ideological or even criminal militias with official institutions, enduring tribulations with international terrorist organizations, and more contemporarily the geopolitical angle of foreign mercenary groups entrenching. Geopolitics too plays a big role in European perceptions and posturing towards Libya. Libya's geography gives it relevance regarding European relationships with other regional players, as well as how Libya can either help policies in neighboring regions such as the Sahel and Maghreb, or indeed how Libyan instability could provide Europe fresh problems in the wider Mediterranean region. Indeed it is Libya's strategic position, and hydrocarbon wealth that give it additional value in terms of the energy security it may be able to provide to what is an increasingly indentured continent in that regard. However, all of these particular interests were imperiled by the wider risks of prolonged instability that Libya was being pushed into, due to the seemingly limitlessly intensifying conflict driven from abroad. This stimulated a wider foreign policy gulf

in Europe, between Germany who sees the re-emergence of great game politics as something which must be confronted by rules-based multilateralism, and the likes of France and Italy who would prefer to enter the fray and stake out national interests therein.

Europe United

The 2015 migration crisis was the event that defined Libya in the eyes of European foreign policy and was a crisis suited to Brussels level engagement. Firstly, containing the departure of migrants was a policy goal that all Europe could get behind, meaning that the unanimity problem was easily surmountable. Secondly, it was a complex issue requiring the sustained and expensive response best suited to Brussels level politics. This resulted in the creation of Operation Sophia (EUNAVFOR MED), a European operation aimed at combatting and degrading the ability of cross-border people smugglers to transport humans through Africa and across the Mediterranean to Europe. This securitized approach to migration went beyond the headline-grabbing naval assets deployed to developing the Libyan militias in coastal areas into a new Libyan coast guard. More laterally the EU Border Assistance Mission (EUBAM) was wielded to try and improve Libyan border management. This wider policy failed to do more than dent the flows of refugees and migrants moving up through Libya. The sharp end of the policy was ultimately deployed by Italy, who felt

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increasingly exposed and isolated in dealing with the Central Mediterranean migration crisis. Under the then Minister of Interior Marco Minniti, Italy implemented an unofficial policy of paying off local people smugglers to detain rather than export migrants and refugees who had made it up to the North-Western coast of Libya. It was a policy move indicative of European management of Libya at the time, successful in the short term, but potentially hugely damaging over medium to longer timelines.

Alongside the securitized response to Libyan migration, was a more development-centric approach at reducing cross-Mediterranean migration through stabilizing Libya. Largely through funding from the EU trust fund for Africa, a broad range of support was deployed through national development agencies, international non-governmental organizations, and the United Nations Development Program. The notion was that if the quality of life in Libya improved, along with the economy then it would be better able to absorb economic migrants as it had done before

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2011. Alongside this, migrant specific programs were enacted to try and explicitly improve the security, stability, and prosperity of migrants and refugees in Libya. It was hoped that if the lives of migrants and refugees in Libya could be raised to humane standards, then it would eventually become possible to process them on African rather than European shores. This perspective of development-centric solutions resonated with Germany's own view of how to handle the crisis and was largely replicated by Berlin who remains the largest bilateral donor to Libyan stabilization.

As such EU policy remained largely focused on structural matters, be it on very specific security sector issues through Operation Sophia, or the governance and development problems that were engaged with through stabilization programming. Although the partner for both of these endeavors was the Government of National Accord (GNA), and the EU shared in the frustrations of many others regarding the GNA's inability to lead, competently govern, or even adequately take its share of

the burden with stabilization funding, the EU remained largely apolitical in terms of its involvement in Libya. Any political position of the EU was a reflection of established UN resolutions, and was usually an attempt to buttress those positions such as by replicating United Nations Security Council (UNSC) sanctions at an EU level. The only area of divergence from signal-boosting UN or established multilateral and normative positions on Libya was with the local interpretation of Libya's asset freeze. On October 20, 2011, the EU's Working Party of Foreign Relations Counselors (RELEX) issued an interpretation of the UNSC asset freeze on Libyan assets that allowed for some particular categories of Libyan state assets to be transferred. This interpretation did not follow the UNSC regulations but was never challenged in New York and has been at the heart of numerous controversial and investigated transferrals of Libyan state money in Belgium, the Netherlands, and elsewhere across the continent that should have been frozen.

Indeed, until the Berlin conference of January 2020, European political and diplomatic engagement with Libya has been the preserve of EU member-states, with the EU being limited to fulfilling familiar functions of lending their administrative weight to collective policy positions such as combatting migration, facilitating business or encouraging a developmental route towards stabilization. This is largely a result of divergent European policies and aspirations from member-states, particularly France



and Italy. As Germany has shown since they waded into the quagmire of Libyan politics in 2019, the EU can help add weight to policy positions, it just requires an element of European cohesion and also requires clear and uncontroversial policy goals. Nevertheless the EU's benefit of speaking with the weight of 27 member states and obfuscating who to lean on if a policy change is required means that it remains a useful and versatile foreign policy tool that may be further deployed in pursuit of European goals moving forwards.

The Sums of Europe's Parts

Although Libya is able to affect the security, geopolitical standing, and political climate of Europe as a whole, it has largely been engaged with by European states viewing it solely through the prism of their national interest. This is illustrative of Europe's very unique union which remains

more economic than political, and so it is entirely natural for foreign policy to be a member-state preserve. More interestingly this also highlights the differing global perspectives of Europe's most active member states towards the Southern neighborhood region.

The international consensus around the 'Skhirat talks' a UN diplomatic track that convened rival political groups in Libya to agree on a new political agreement for power sharing in the wake of 2014's civil war was perhaps the last moment of Western consensus politics on Libya. Since the signing of the Libyan Political Agreement, and the subsequent formation of the GNA Europe has been most distinguishable by the often competing activities of Italy and France.

Italy has long held a 'special relationship' with Libya, birthed from its colonial history but which now extends deep into Libya's economic

Top diplomats and world leaders attending the Peace summit on Libya at the Chancellery in Berlin on January 19, 2020.

HANNIBAL HANSCHKE / POOL / AFP via Getty Images

and political spheres. Preserving it has been Rome's primary policy goal since 2011. Originally this focused on supporting Italian oil giant ENI to maintain operations and position itself for further market consolidation, especially as other oil firms began to withdraw from Libya due to prolonged insecurity and unpredictability. However, ENI required little assistance and was amongst the savviest operators in Libya's post-revolutionary space as they quickly identified and responded to Libya's new provincialism. Italy similarly overcame the fact that they were late supporters of the revolution to secure numerous lucrative infrastructure deals with Libya's post-revolutionary government. 2014's civil war was probably as great an inflection point in Libya as the 2011 revolution, and amidst the upheaval Italy was amongst the last to withdraw their embassy from Tripoli in February 2015.

With the creation of the GNA, Italy once again tried to resurrect its prominent role between Libya and the Western world. It was an Italian naval vessel which brought the GNA and new President Fayeze al-Serraj to Tripoli in March 2016. Indeed, they were also the first Europeans to return to Tripoli in January 2017. Although translating historical and cultural ties into economic privilege is the guiding star of Italian policy in Libya, this period was one where security interest eclipsed the longstanding economic ones. Italy, alongside the UK and the U.S. aided a Misratan-led military coalition to liberate the central Libyan city of Sirte from ISIS control in 2016,

even establishing a military field hospital in Misrata to forge deeper bonds in the midst of the war with this important mercantile hub. However, it was the migration issue which most animated Italy in Libya and provoked deepening ties with the GNA in Tripoli and both overt and covert security cooperation with Libyan militias tied to the Ministry of Interior or those directly involved in human trafficking. Italy, feeling abandoned by other Europeans in handling the thousands arriving on their shores became consumed by the migration crisis. Not only did handling the crisis blinker Italy to the deeper problems in Western Libya and with the GNA but it also affected the political climate back in Italy leading to a fractured populist government in 2018. Given that Libya policy had migrated towards being the preserve of the Italian interior ministry since 2015, the ascension of populist leader Matteo Salvini to Minister of Interior in June 2018 began a period where Italian policy in Libya waned, just as France's own policy was waxing.

Although France followed a familiar line from 2011's interventionist powers of trying to translate their revolutionary support into post-revolutionary rewards, France was not a leading player in Libya until after 2014's civil war erupted. Libya's explosion from a post-revolutionary state into a constellation of armed conflicts, some involving jihadist groups and others paving the way for ISIS conquests coincided with renewed French focus on counter-terrorism abroad as jihadists wreaked havoc in France.

Interestingly, France's counter terror response did not align with the other western powers backing the GNA and Misratan-led alliance against Sirte, but instead resulted in military support for Haftar's then ongoing war in Benghazi. France as an active member of the wider ISIS coalition likely made this particular play due to wider geopolitical goals than any Libyan or ISIS related reason. France had long been building a strategic partnership with the United Arab Emirates (UAE) which it hoped to be the foundation of its regional policy going forwards. It was a partnership primarily based upon security with weapons sales and leveraging the UAE's military adventurism in support of their own political goals. With the wider Haftar project, then still very much in its nascent stages, the UAE's brainchild and long-term policy for the country, it seemed that France found a way to showcase how good a friend it could be to the UAE and achieve counter-terrorism goals. After all, there were jihadist groups who were cannibalizing the wider alliance Haftar had provoked in Benghazi. Moreover, if the Haftar project were to be successful then France would have yet another security partner able to buttress its policy to renew *France-Afrique* in the Sahel.

As the terrorist threat was defeated and the Haftar project matured, the newly inaugurated President Macron evolved French policy from aiding the UAE's goal for counter-terrorism reasons to full on policy alignment. In what may go down as one of the worst pieces of foreign policy advice,

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there is a widespread anecdote that President Macron was advised Libya would be an 'easy win' for the ambitious young president. When President Macron convened President Serraj of the GNA and the then General Haftar at La Celle-Saint-Cloud in 2018, it marked the beginning of a new era in Libya's political process. No longer was it about bringing the institutions created by the Libyan Political Agreement (LPA) into alignment and working order, rather it equalized Serraj and Haftar reducing Libyan politics into a dichotomy and sanctifying a dynamic whereby progress was essentially incumbent on the GNA sacrificing political control to Haftar. This took place against the backdrop of developing European and Western consensus behind a new UN Special Representative Ghassan Salamé, and his 'roadmap' to move beyond the LPA institutions through a national conference process. While there was an official consensus position of support for the UN process, in reality, Italy, the UK, and the U.S.

European
Parliament
President Sassoli
meets the PM
of GNA al-Sarraj
(L) in Brussels,
Belgium on
January 8, 2020.
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were far too preoccupied to give that support much meaning while France, the UAE, and Egypt worked to bend Salamé's roadmap to meet the new dynamic started by President Macron. As Haftar's military expansionism continued and the GNA's political capital devalued at a rapid rate, Italy found themselves adrift and uninfluential against the new French, UAE, Egyptian, Russian axis that was pulling for Haftar. Whilst Italy blamed France for upsetting the careful order they had constructed to contain migration, they attempted to reach out to Haftar establishing a new policy of 'equidistance' between the two camps – essentially a capitulation to the French instigated political process.

Ultimately the Serraj-Haftar era of Libya's political process ended when Haftar decided to attack Tripoli on April 4, 2019, rather than submit

to a National Conference with no clear pre-agreement in place that would formalize his authority over Libya's security sector and provide him influence over the political decision-making progress. However, the death of the political dynamic didn't severely disrupt the political positions of Italy or France. France, along with the rest of the Haftar supporting states unofficially pushed a sympathetic narrative for Haftar diplomatically justifying the assault, discrediting the GNA due to its lack of popular legitimacy, heavy corruption, and allegations of jihadist infiltration while downplaying the devastation caused by the assault. Italy and others, fearful that Haftar might actually win, did not want to publicly come out against him and risk being frozen out in that future. However, the war only resulted in an increasingly destructive stalemate which enabled the entrenchment of

other states such as Russia. With the national conference in tatters and largely blaming the machinations of Haftar supporting states for this failure, Salamé approached Chancellor Merkel in the hopes that Germany could use their political weight to engineer a new international convention on Libya and so solve the crisis from the outside in.

Chancellor Merkel's decision to embark on the Berlin process seems to have been grounded in the view that Libya's crisis had the potential to continue escalating disastrously as well as a foreign policy doctrine of confronting this new era of great power competition with multilateral rules-based diplomacy. This big-picture policy anchored in continental and national interest was a break from existing European foreign policy expressions on Libya which were blinkered by member-state interests and defined by the capital's unilateral attempts to ring-fence those interests. Although Salamé's hopes of Germany enforcing a new order on Libya proved premature the gravity of the Berlin process would eventually combine with a wider mood that foreign intervention had pushed the situation to a dangerous precipice and the collapse of the Haftar project to set the tone for the diplomatic track which followed June 2020's break in hostilities. In this way, Germany proved the old adage that 'in a time of crisis the man with a plan is king' just by setting up the Berlin process as a forum, and keeping it alive even when it was being massively undermined by those involved so that it eventually became the norm

Turkey's intervention, particularly the manner in which it took place whereby the security partnership was linked to an agreement delineating maritime boundaries incensed many Europeans

to which everyone reverted once unilateral plans failed or proved too risky to continue. Through a series of Senior Officials Meetings between September and December 2019, Germany worked alongside the UN and all the states intervening in Libya to construct a framework for engagement with the Libyan crisis along five tracks. In January 2020, despite a Russian-Turkish bilaterally instigated ceasefire which challenged the European-UN led track, the Berlin conference took place where all intervening powers subscribed to commitments to uphold UN resolutions and continue working along the five previously agreed tracks which covered a formal ceasefire, the political process, economic unification, security sector reform, and human rights. Although the agreement was immediately violated by the UAE who sent an air freighter of weapons, with Egypt and Turkey quickly following with weapons transfers of their own, it was an important establishment which could later be further enshrined in a UN Security Resolution of its own.

European policy on Libya also reveals an ongoing battle between member states over how to approach the new world that's forming in the shadow of the *Pax Americana*

This was important as it provided a platform for Germany to relentlessly push this agreement in both public and private diplomatic forums, whilst the discussions between all the parties continued with regular meetings that were unimpeded even by the outbreak of a global pandemic. Although this agreement was not immediately effective and indeed required Turkey to break the military deadlock through enabling the GNA to defeat Haftar and drive him out of Western Libya it represented a new norm; an important development in and of itself. Indeed, in the immediate aftermath of the Berlin conference, member-state interests, and foreign policy drivers represented a stronger dynamic in Europe's policy space than Germany's approach. Turkey's intervention, particularly the manner in which it took place whereby the security partnership was linked to an agreement delineating maritime boundaries incensed many Europeans. This meant that France, who increasingly viewed Turkey as the strategic threat in the region, found allies in Greece and Cyprus who never cared much for Libya but were determined to not allow Turkey

to use it as a way to disenfranchise them from what they perceive to be their rights in the Eastern Mediterranean. Moreover, given the wider European bloc, including Italy, had sympathies to Egypt's perspective on the crisis they adopted the Franco-Egyptian-Emirati narrative that Turkey's intervention could trigger a domino effect of formal interventions that could prove dangerously destabilizing and almost impossible to unwind. The huge threat profile that Turkey's intervention developed in the eyes of Europe would come to threaten the integrity of the European Naval Force Mediterranean operation IRINI (EUNAVFOR MED IRINI), designed to monitor violations of the arms embargo on Libya, but which particular member states wanted to use as a tool to persecute Turkey rather than wield apolitically against all violations. Ultimately Germany's policy approach crafted a principled and accessible policy position on Libya but it was one which lacked coercive capacity. Although it often seems that this lack of teeth has fatally undermined German policy, it is perhaps that uncontroversial nature of the German-UN track as opposed to the zero-sum approach of all others that made it the mutually acceptable fall back when other states had found themselves stuck in a position that was too expensive to escalate and unsatisfying to freeze.

Conclusion

Ultimately EU policy remains beholden to the decision-making pro-

cesses taken at member state level, however, what the case of Libya reveals is that the EU toolbox can be a powerful asset when Europe has a cohesive position. During the migration crisis, the EU's ability to deploy collective material, financial, and administrative assets allowed Europe to create a framework for managing the threat both more dubiously with a securitized short-term and under a longer-term developmental vision. Even if EU policy is unable to comprehensively address the problem, it is still sufficient to create the necessary platform that allowed such instances as Italy's Minniti policy or stabilization projects to take off. However, the EU requirements for unanimous consent to policy positions can make it extremely unwieldy when such cohesion is hard to come by. German experiences in the wake of the Berlin conference, as it sought to use the EU's weight to substantiate the agreement, illustrate how it then becomes another tool to be fought over to the detriment of all. The messaging around Operation IRINI focusing on the maritime nature of arms embargo violations was a thinly veiled barb at Turkish assistance to the GNA which created hostile responses from both the GNA and Turkey to what should have been an important asset in the fight to uphold UN resolutions on Libya. Later attempts by Germany to instigate fresh rounds of EU sanctions against spoilers of the peace process as well as those who violated UN sanctions once again ended embarrassingly for Europe as they were collectively unable to agree on meaningful names. So, once again what

could have been a collective weight upon a normative policy position became a chip against the integrity of Europe and its ability to act decisively or with purpose.

European policy on Libya also reveals an ongoing battle between member states over how to approach the new world that's forming in the shadow of the *Pax Americana*. In a game of great power politics France and Italy are happy to jump into the fray and deploy all manner of tools to secure what they perceive to be their interests. Germany on the other hand views this as a dangerous dynamic not to be encouraged. Berlin, perceiving a world that is returning to a game of nineteenth century style great power politics, would like to jump straight to the use of multilateralism and international instruments as a means to avoiding the disaster that excessive brinkmanship inevitably leads to. However, if Libya is anything to judge by then both will be required if Europe is to protect its collective interests. Despite the German-UN track eventually becoming everybody's fall back, if the track succeeds and its results are locked in it will likely be thanks to Italian diplomacy that has worked behind-the-scenes to secure elite-level buy in for a new status quo that excludes Haftar and unifies the country. The follow up to the cease-fire deal agreed in October 2020, and any political deal that comes after will be a useful indicator for how European diplomacy is evolving alongside its Libya experience. If the implementation of the deal is tightly followed up, then we will see what European cohe-

sion looks like between German multilateralism alongside Franco-Italian *realpolitik* in securing collective goals. However just as European cohesion could make this deal, European fractiousness could easily splinter the international camp, splinter Libya in-turn and encourage the dynamic that sees Russia and Turkey, or even other bilateral formations such UAE-

France and Egypt-Turkey challenge the primacy of Europe's partnership with the UN. The main battle line of European Libya policy, and foreign policy more generally, continues to be its ability to resolve the perceived *realpolitik* interests of the member states with the more abstracted big-picture interests set of Europe as a unified whole. ■