

The European Union's Foreign Policy in the 2011 Libya Conflict



Amanda van Dijk

07058721 ES4/4E

Maarten van Munster

January 30 2012

School of European Studies

The Hague University of Applied Sciences

EXECUTIVE SUMMARY

In this dissertation the changes that are made by the Lisbon Treaty in the field of foreign policy are examined. The conflict in Libya in 2011 is used as a case study. The objective of this dissertation is to examine if the actions and decisions that were made by the European Union and its Member States were conform the standards that were set out, and promises that were made in the Lisbon Treaty.

The European Union has not only grown in power because of gradual enlargement, it has also grown in power by the addition of several policy areas over time. One of those new policy areas was the Common Foreign and Security Policy. The Treaty of Maastricht was the first treaty that expressed the political aspirations of the Union and the ambition to develop a joint foreign policy. From then, the foreign policy of the Union has more and more evolved into the current policy in the Treaty of Lisbon. Knowing that most Member States are not willing to give up exclusive power to the Union in the field of foreign policy, the new treaty's aim is to enhance the coherence of the foreign policy. This should then improve the efficiency and effectiveness of the missions of the Member States in EU context. One of the major innovations is the creation of the post of High Representative of Foreign Affairs and Security policy who, together with the Commission, is responsible for the coordination of all EU external action.

The conflict in Libya is used as a case study because it was the first mayor security –related conflict after the ratification of the Lisbon Treaty. Therefore this conflict was a great opportunity for the EU to show the functioning of the new post of High Representative, and to implement the innovations that were made by the treaty. Libya was one of many Arabic countries that experienced demonstrations against the present regime in 2011. The violations against the protestors demanded a response and concrete action from the European Union and its Member States. The conclusion shows that the different reactions and positions of EU Member States have a large impact on the functioning of the HR and on the incoherent response of the Union. Furthermore, the innovations that are made by the Lisbon Treaty seem to be insufficient in order to deliver a unified voice from the Member States.

LIST OF ABBREVIATIONS

ANC	African National Congress
BAP	EU HIV- Action Plan for Benghazi
CFSP	Common Foreign and Security Policy
EC	European Commission
ECJ	European Court of Justice
ECSC	European Coal and Steel Community
EEC	European Economic Community
ENP	European Neighborhood Policy
ESDP	European Security and Defense Policy
EP	European Parliament
EU	European Union
EUFOR	European Union Force mission
HR	High Representative
ICC	International Criminal Court
IRA	Irish Republican Army
MS	Member State
NATO	North- Atlantic Treaty Organization
SEA	Single European Act
TEU	Treaty on the European Union (Maastricht Treaty)
TFEU	Treaty on the Functioning of the European Union
TNC	Transitional National Council
TOA	Treaty of Amsterdam
TOL	Treaty of Lisbon
UK	United Kingdom
UN	United Nations
UNHRC	United Nations Human Rights Council
UNSC	United Nations Security Council
US	United States

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
LIST OF ABBREVIATIONS	2
TABLE OF CONTENTS	3
1 INTRODUCTION	A
1.1 Cause	A
1.2 Research question	A
1.3 Objective	B
1.4 Method	B
2 A SHORT INTRODUCTION TO THE EUROPEAN UNION AND ITS EARLY FOREIGN POLICY	C
2.1 Introduction	C
2.2 History of the European Union	C
2.3 Important Treaties of the European Union	D
2.3.1 <i>Pre – Maastricht Treaty</i>	D
2.3.2 <i>The Treaty of Maastricht</i>	D
2.3.3 <i>The Lisbon Treaty</i>	E
2.4 Conclusion	E
3 FOREIGN POLICY OF THE EUROPEAN UNION	F
3.1 Introduction	F
3.2 The principles and objectives of EU Foreign Policy	F
3.2.1 <i>Principles of EU Foreign Policy</i>	G
3.2.2 <i>Objectives of EU Foreign Policy</i>	G
3.3 Decision making in foreign policy	H
3.3.1 <i>The European Council</i>	H
3.3.2 <i>The Council (the Foreign Affairs Council)</i>	H
3.3.3 <i>The European Commission</i>	H
3.3.4 <i>The European Parliament</i>	I
3.3.5 <i>The High Representative of Foreign Affairs and Security Policy</i>	I
3.4 Responsibilities of Member States	J
3.5 Foreign policy concerning EU-Libya cooperation	J
3.6 Conclusion	K
4 THE CONFLICT IN LIBYA AND THE ACTIONS OF THE EU, NATO AND THE UN	M
4.1 Introduction	M

4.2	Background of the conflict in Libya	M
4.3	Actions taken by member states of the EU	O
4.3.1	<i>Great Britain</i>	<i>O</i>
4.3.2	<i>France</i>	<i>P</i>
4.3.3	<i>Germany</i>	<i>R</i>
4.3.4	<i>Italy</i>	<i>S</i>
4.4	The EU's response to the Libya Crisis	T
4.5	Conclusion	U
CONCLUSION		W
REFERENCES		Z

1 INTRODUCTION

1.1 Cause

In December 2009 the Lisbon Treaty entered into force. The changes that were made by the treaty included increasing cooperation in the field of foreign policy, human rights and ought to clarify the position of the European Union in world politics. In addition, the changes in the treaty should strengthen the unity of the Member States, which is sometimes the subject of debate. This dissertation examines if those changes in the field of foreign policy meet the expectations of a more unified voice from the Member States. The events in Libya will be used as a case study to examine the reaction and policy of the European Union and its Member States. The determination to act as a Union concerning the events in Libya becomes obvious in the EU Council meeting of March 21st 2011. Here Lady Ashton, High Representative for Foreign Affairs and Security Policy, said the following: *"Today's meeting showed the EU's determination to react quickly and decisively and with one voice to the events in LibyaAnd I quote: "While contributing in a differentiated way, the EU and its Member States are determined to act collectively and resolutely, with all international partners, particularly the Arab League .. to give full effect to these decisions..."* (Remarks by High Representative Catherine Ashton following the Foreign Affairs Council, n.d.).

1.2 Research question

To what extend did the European Union succeed in establishing a *common* foreign policy in the Libya conflict?

The following sub questions will be used in order to answer the research question;

- What is the foreign policy of the European Union? (Chapter 2&3)
- What is the background of the conflict in Libya? (Chapter 4)
- What were the reactions and decisions of the European Union regarding the events in Libya? (Chapter 4)
- What were the reactions and decisions of Great Britain, France, Germany and Italy regarding the events in Libya? (Chapter 4)
- What was the role of the UN and NATO in the Libya conflict? (Chapter 4)
- Did the European Union and member states act correct and according to the conditions that were set out in the Lisbon Treaty, in the Libya conflict? (Chapter 5)
- Did the European Union and Great Britain, France, Germany and Italy practice a common foreign policy in the Libya conflict? (Chapter 5)

1.3 Objective

The objective of this dissertation is to examine if the actions and decisions that were made by the European Union and its Member States were in conformity with the standards that were set out, and promises that were made in the Lisbon Treaty. Several decisions and actions against the regime of Muammar al-Qadhafi were made in order to end the violations against Libyan civilians. Did those actions live up to the promises that were made in the Treaty of Lisbon regarding international relations? Did the European Union not only act quickly and decisively but more important, did it also speak with one voice regarding the events in Libya?

1.4 Method

The investigation about the increased cooperation in foreign affairs and events in Libya will be based on desk research. The documents and reports are obtained from official European Union Web sites to ensure the reliability of the information. In addition to internet sources, books, documentaries and newspaper articles will be used. Actions and decisions regarding the events in Libya will be researched until shortly after Resolution 1973 of the UN Security Council.

2 A SHORT INTRODUCTION TO THE EUROPEAN UNION AND ITS EARLY FOREIGN POLICY

2.1 Introduction

After the Second World War during a time of changing transatlantic relations, Henry Kissinger, the US Secretary of State, commented *"If I want to talk to Europe, who do I phone?"* (Gowland, Dunphy and Lythe 2006, p.9). This comment emphasized the need to clarify the meaning of Europe, the EU and their role in world politics at that time. The European Union evolved from being only an economic cooperation between several countries in Europe, towards a distinctive economic and political alliance of 27 European countries that cannot be overlooked in world politics. In this chapter the history of the European Union, its most important treaties and the history of foreign policy of the European Union will be discussed briefly. To understand the current foreign policy it is important to understand the development it has made and the changes it has gone through over time. The Treaty of Maastricht will be used as a landmark since this treaty established the Union and a common foreign policy for the first time.

2.2 History of the European Union

Covering around 10 million square kilometers, Europe is the second smallest of the world's seven continents. Its large population combined with centuries of international trade and the fact that it was home of the industrial revolution, made the continent a powerful and rich part of the globe (Bale, 2008, p.7). Prior to this powerful development of Europe, one will find a turbulent and violent history that includes World War I & II and the Cold War. Despite this violent history, the continent now contains more democratic states than any continent on earth (Bale, 2008, p.7). After those turbulent years several countries within Europe were determined to regulate the arms industry and cooperate with new emerging countries, instead of excluding them from trade and dialogue. This cooperation resulted in the establishment of the European Coal and Steel Community (ECSC) in 1951. With the ECSC, the countries aimed at enhancing economic cooperation. The overall opinion at the time was that countries that trade with each other are in fact interdependent and will therefore try to avoid conflicts. This first cooperation between Belgium, France, the Federal Republic of Germany, Italy, Luxembourg and the Netherlands might have been mainly motivated by fear, it nevertheless resulted in a unique economic and political alliance of 27 European countries as we know it today.

The EU has not only grown in power because of gradual enlargement, it has also grown in power by the addition of several policy areas over time. It started out as an economic cooperation but it

now also has ambitious plans when it comes to development cooperation and challenging climate issues. The origins of the European Union lie in the ambition to guarantee peace in Europe, nowadays the ambitions of the European Union lay far beyond the borders of Europe (Mission Statement for the European Union, n.d.). The objective of the EU is not only to guarantee peace, freedom and security for Europe, but also to promote and protect democracy and universal rights around the world.

2.3 Important Treaties of the European Union

2.3.1 Pre – Maastricht Treaty

“Make war not only unthinkable, but also materially impossible.” This is what Robert Schuman said on June 9th 1950 when he spoke about the establishment of the European Coal and Steel Community (Declaration of 9 May 1950, n.d.). This was the first important milestone in the evolution of the European Union. The aim of this cooperation was to develop a common market for coal and steel between six European countries. Besides the obvious economical benefits for the participating countries, the ECSC's goal was also to secure peace in Europe. A second important milestone was the Treaty of Rome of March 25th 1957. By signing this Treaty, the participating countries created the European Economic Community (EEC). The aim was to broaden the internal market and in 1986 the custom duties between the six countries were abolished as well. Besides this the countries created a common policy on trade and agriculture (De EU in het kort, n.d.). At this time there was no distinctive policy that defined a common foreign policy for the Member States.

2.3.2 The Treaty of Maastricht

The Treaty of Maastricht of February 7th 1992 established the European Union. The treaty was signed in a time that communism in Eastern Europe was abolished and there was talk of a reunification of Germany. With this treaty the European Union was not only an economic union, but also aspired political unity of the participating countries at the time. The European Union now had a three pillar structure. The first concerned the domains in which the member states share their sovereignty via the community institutions. The second one established a Common Foreign and Security Policy (CFSP), and allowed member states to take joint action in the field of foreign policy. The third pillar concerned cooperation in the field of justice and home affairs (Treaty of Maastricht, n.d.). The second pillar replaces the European Single Act that was signed in 1986, and also deals with the foreign policy of the member states at that time. The aim of the Treaty on the European Union (TEU) was to *‘establish an identity on the international scene’* (Article 2 Treaty on the European Union) and with the CFSP the EU now had an instrument of foreign policy for the

first time (Kaczorowska, 2008). The expectations were very high but because of the complicated pillar structure, the tension between the European Commission and the Council and the fact that there needed to be a consensus by the member states, the CFSP could not live up to those expectations. Therefore the treaty was reformed through the Treaty of Amsterdam (TOA) in 1999. An important new position was created, the position of High Representative for the CFSP. Foreign policy of the EU now had a face, Javier Solana (Vogler, 2005, p. 5). The Treaty of Nice in 2003 contributed further to the development of a foreign policy that would be effective and visible on a global level.

2.3.3 The Lisbon Treaty

The Treaty of Lisbon is the successor of the European Constitution. Because of the French and Dutch 'no' to the constitution, the Treaty of Lisbon amends the EU and EC treaty but does not replace them, what the constitution would have done. The aim of this treaty is “ *...to complete the process started by the Treaty of Amsterdam and the Treaty of Nice with a view to enhancing the efficiency and democratic legitimacy of the Union and to improving the coherence of its action..*” (Lisbon Treaty, n.d.). This treaty should make the EU more transparent and democratic as well as more efficient. The treaty also simplified working methods and voting rules in order to make the decision making process easier. To many people the EU was an institution that was too difficult and bureaucratic to understand, and it did not show strength and capability to handle difficult issues. The TFEU (Treaty on the Functioning of the European Union) promises to have taken this criticism into account, and to have found a reasonable solution. This new treaty does not mean that the EU will add more subjects or policy areas to its already existing ones, but sometimes more attention is placed on certain themes. Important other changes that were made by this treaty are; changes in decision-making, administrative changes and the creation of the post of the High Representative for the Union in Foreign Affairs and Security Policy. Furthermore, in order to strengthen democratic control, national parliaments have gained influence (The treaty at a glance, n.d.).

2.4 Conclusion

This short introduction of the development of the European Union shows that a common foreign policy did not evolve overnight. What started out as economic cooperation and the prevention of a new world war in 1950, led to the gradual development of joint action in the field of foreign policy. The establishment of such a common foreign policy did take over 50 years to develop, and the major changes that are made in the Lisbon Treaty regarding the foreign policy show that it is a very sensitive area for the Member States.

3 FOREIGN POLICY OF THE EUROPEAN UNION

3.1 Introduction

In the previous chapter a short introduction to the evolvement of the Union and its foreign policy was provided. In the past years there have been several attempts to create a common foreign and security policy. The European Union wanted to bring its foreign policy and political ambitions more in line with the commercial and economic power that it had been for years (Kaczorowska, 2008, p.111). The Treaty of Maastricht was the first treaty that expresses the political aspirations of the Union and a joint foreign policy. From then, the foreign policy of the Union has more and more evolved into the current policy in the Treaty of Lisbon. One of the major issues has always been the question which role and authority the European Union would get, and which powers would remain in the hands of the Member States. Foreign policy has always been a powerful and important part in every country's government policy. Foreign policy is also a policy that governments want to determine themselves because it determines largely the position of a country in world politics. It is therefore easier to understand that it has taken such a long time to evolve and implement a common foreign policy of the EU, a policy that would please every member state's conditions and interests.

This chapter elaborates on different parts of the current EU foreign policy that applies to the crisis in Libya, or that are important in describing and judging the role of the European Union in this conflict. At first the principles and objectives of EU foreign policy will be described to understand the goals of the Union and to understand the participation in the Libyan conflict. Secondly the decision making bodies and the role of the High Representative for Foreign Affairs and Security policy will be discussed to understand how this contributes to the aim of the Lisbon Treaty to enhance the coherence of foreign policy. Thirdly the responsibilities of the Member States of the EU will be discussed to understand their position in international conflicts. At last the foreign policy concerning EU- Libya cooperation will be elaborated.

3.2 The principles and objectives of EU Foreign Policy

Knowing that most Member States are not willing to give up exclusive power to the Union in the field of foreign policy, the new treaty's aim is to enhance the coherence of the foreign policy. This should then improve the efficiency and effectiveness of the joint mission of the Member States in EU context. The principles and objectives that will lead and secure the actions that will be undertaken by EU Member States are written down in article 21 of the TEU.

3.2.1 Principles of EU Foreign Policy

Article 21 (1) TEU

The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organizations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations (Article 21 TEU, n.d.).

3.2.2 Objectives of EU Foreign Policy

The objectives of EU Foreign Policy are described in Article 21(2) TEU. This article describes the intention to pursue common policies and cooperation in several fields of international relations. The objectives are subdivided in seven areas. These vary from the intention to safeguard security, the objective to foster sustainable development to the objective to preserve peace and support democracy (Article 21 TEU, n.d.).

The principles and objectives of the European Union are very ambitious. Further on in the Treaty it is stated that the European Council will base their decisions and strategic interest on the principles and objectives that are set out in the above article. In the case of Libya the EU council bases their intervention in this crisis on the violation of human rights and the repression of the Libyan people. In the extraordinary European Council meeting of March 11th 2011, the Council expressed their concern about the situation and their solidarity with the Libyan people with the following words: *"We firmly condemn the violent repression the Libyan regime applies against its citizens and the gross and systematic violation of human rights. We welcome UN Security Council resolution 1970 and the referral of the situation in Libya to the International Criminal Court. The use of force, especially with military means, against civilians is unacceptable and must stop immediately"* (Extraordinary European Council, 2011).

3.3 Decision making in foreign policy

The specifics about the decision-making bodies, the principles and the general guidelines of the CFSP can be found in Chapter 2 of the TEU. Article 24 describes in only three sentences the purpose and importance of foreign policy to the European Union. It is written down as follows; *“The Union’s competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union’s security, including the progressive framing of a common defense policy that might lead to a common defense”* (Kaczorowska, 2008, p.115).

The Union’s competence in matters of foreign policy might only take three sentences to describe, but on an everyday basis it is a complex issue where a lot of people are concerned with the practice of this policy. In the decision-making area the European Commission, the Council, the European Council, the High Representative for Foreign and Security Policy and the European Parliament play a role.

3.3.1 The European Council

The role of the European Council is to *“identify the Union’s strategic interests, determine the objectives of and define general guidelines for the Common Security and Defense Policy”* (Kaczorowska, 2008, p.110). The role is more general in nature and the European Council does not have power to adopt legislative acts concerning the foreign policy of the Union. At extraordinary meetings convened to deal with emergency situations, the European Council will have power to define the Union’s strategy in respect of such situations (Article 26(1) TEU) (Kaczorowska, 2008, p.118).

3.3.2 The Council (the Foreign Affairs Council)

The role of The Council is to *“frame the common foreign and security policy and take the decisions necessary for defining and implementing it on the basis of the general guidelines and strategic lines that are defined by the European Council”* (Kaczorowska, 2008, p.110). The Council does also not have the power to adopt legislative acts.

3.3.3 The European Commission

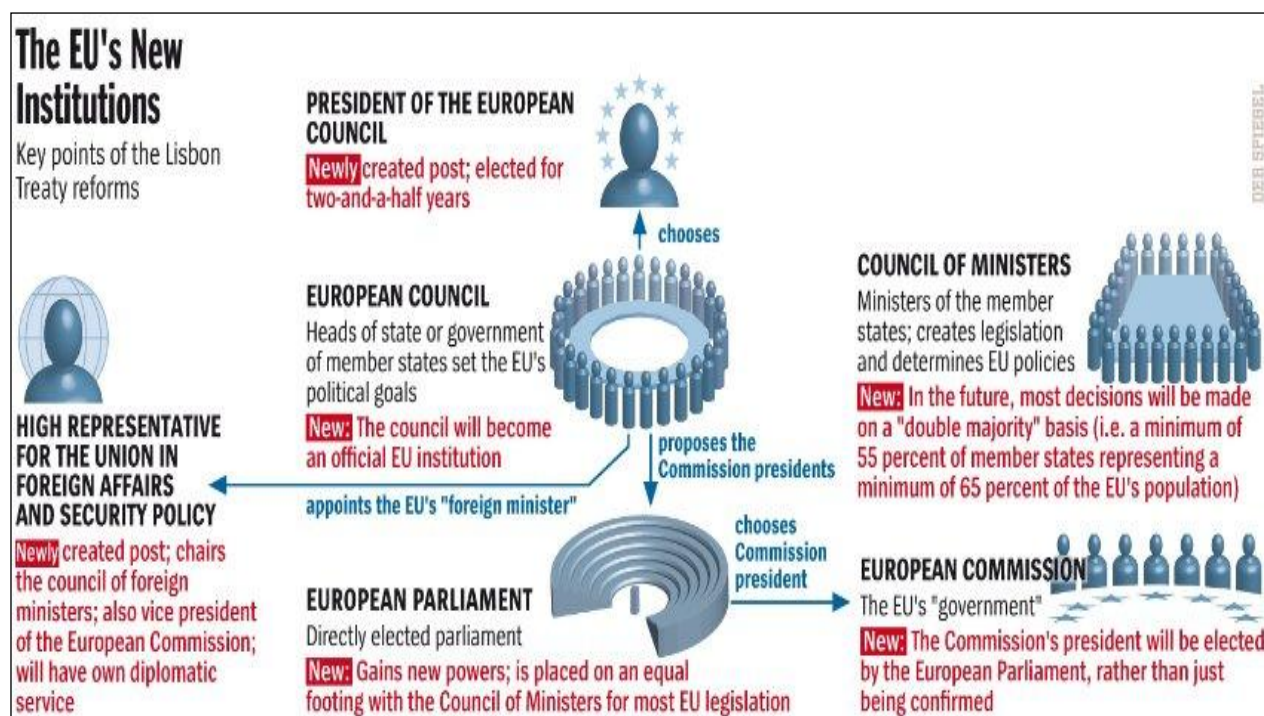
The role of The European Commission has been extensively reduced by the introduction of the post of High Representative (HR). The Commission has lost its right of initiative but may submit, together with the HR, proposals to the European Council.

3.3.4 The European Parliament

The role of the European Parliament is that of the consultancy party. The parliament can ask questions and needs to be informed and consulted about the decisions that are made concerning foreign policy. The role is small and reason for critique about the democratic control that can only be enforced by consultations.

3.3.5 The High Representative of Foreign Affairs and Security Policy

The European Commission or the High Representative for Foreign and Security Policy shall prepare proposals for the EU's external action. The High Representative is the one who has the right to initiate those proposals. The HR at the moment is Baroness Catherine Ashton. She is the Vice-President of the Commission, she is the President of the Foreign Affairs Council and she replaces the High Representative for the Common Foreign and Security Policy that was first assigned to the Secretary General of the Council (Kaczorowska, 2008, p.113). A very important reason to create the post of HR was to ensure uniform external representation of EU foreign action. The HR is there to ensure a unified and consistent voice to the international organizations and countries that the EU works with. Tasks that are subscribed to the HR differ from the Union's representation before the UN Security Council, consulting the EP, referring questions to the Council and implementing decisions together with the Council. The image below shows the above mentioned European institutions and their relation to one another.



(Source: Der Spiegel)

With the innovations that are made by the Treaty of Lisbon the EU hopes to have a more coherent policy. An important factor is the creation of the post of the HR that represents the Union's opinions and is a clear contact point for everybody that works together with the Union on international matters.

3.4 Responsibilities of Member States

The Treaty of Lisbon increased the responsibilities of the Member States. In the Treaty of Maastricht the Member States agreed to *"include the eventual framing of a common defense policy, which might lead to a common defense"* (Kaczorowska, 2008, p.119). This is still a very open commitment from the Member States. *"..which might lead to a common defense"* does not sound very powerful and does not ask for strong commitments from the Member States. In the Treaty of Lisbon a lot more is asked from the Member States. Article 24(3) TEU describes the commitment of the Member States as; *"The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations"*. This now asks a more active attitude from the Member States. They now have the obligation to other Member States as well as to the Union. Another very important commitment that is described in the Treaty is the commitment to defend the interests of the Union at all times (Article 34 (2) TEU, n.d.). This means that when a Member State attends an international conference or deals with international organizations that discuss actions that might affect the Union, that they have an obligation to the Union to look further than their own interests, and take the interests of the Union into account as well. Similar to this a commitment in Article 32, where Member States are assigned to consult others when they enter into any commitment which could affect the Union or another MS (Article 32 (1) TFEU, n.d.).

3.5 Foreign policy concerning EU-Libya cooperation

Libya and the EU have never been in a contractual relation with each other. The EU and Libya did engage in a dialogue to increase their relationship after the sanctions against Libya were lifted in 2004. Those sanctions were imposed on the regime after the bombing of a Pan Am flight. This dialogue developed into negotiations of an EU- Libya Framework Agreement, but those negotiations were suspended after the events in February 2011. Besides the above mentioned agreement, the EU and Libya agreed on a programme of financial and technical cooperation (Libya, n.d.). This cooperation was part of the European Neighbourhood Policy Instrument (ENPI). The ENP is aimed at preventing new dividing lines between the enlarged EU and the neighbour

countries (What is the European Neighbourhood Policy, n.d.). At the time Libya did not meet the requirements in order to make a bilateral Action Plan. According to the ENP, Libya needed to “...fully intergrate into the Barcelona process...and resolve outstanding bilateral issues with EU Member States.” (European Neighbourhood Policy, 2004). For the purpose of becoming an active member of the ENP, the European Commission prepared a Country Strategy Paper and National Indicative Programme. It is stated in this paper that the overall objective of cooperation with Libya is “ *To consolidate Libya’s intergration in the rules-based international political and economic system*” (Country Strategy and National Indicative Programme , 2011). Examples of financial and technical cooperation that the Country Paper describes are; financial cooperation in the field of HIV- control named, EU HIV- Action Plan for Bengazi (BAP) and technical assistance in the field of migration. This cooperation in the field of HIV and migration was suspended in 2011. Besides financial and technical migration, the Country Paper also describes the opportunities for both countries in the energy sector. In the Mid Term Review Document, that reports and analyses the progress that Libya is making in order to become an active member of the ENP, it is envisaged that a EU- Libya Framework Agreement will include a health programme, a programme for integration in World Trade, a programme for cultural heritage development and a programme to support border control and fight illegal immigration (Mid Term Review of the ENPI Programming Documents, n.d.). This envisaged policy was also suspended in 2011. Besides the above mentioned programmes, Libya participated in several European funding programmes. In the period of 2007- 2010, Libya was eligible for the the Migration and Asylum programme, the European Instrument for Democracy and Human Rights, Investing in People and the Non-State Actors and Local Authorities in Development funding programm (Libya, n.d.)

3.6 Conclusion

The changes made in the new treaty are aimed at enhancing the coherence in foreign policy. One of the major innovations is the creation of the post of HR who, together with the Commission, is responsible for the co-ordination of EU external action (Kaczorowska, 2008, p.112). The innovations are aimed at enhancing the foreign policy and do not affect the powers of MS, furthermore the changes do not give any new power to the European Parliament or the Commission which was feared by some of the MS. The Treaty of Lisbon did define a more active role for the Member States, this role has become more and more specific over the years. The MS now have some clear commitments to the Union regarding foreign policy. On the other hand it is accentuated several times that the MS do have the liberty to determine their foreign policy. This seems to be the basis of conflicting interests at times. This reserved and sometimes unclear position seems to be the consequence of the important position that foreign policy has in every MS

government. As mentioned before, MS are not willing to give up their powers in the field of foreign policy and this unwillingness determines the responsibilities and powers that are given to the Union. The overall intention of the Treaty therefore is to create a clear legal base and contact point for the Union, besides this the Treaty emphasizes the importance of MS to act in solidarity with the Unions interests. The MS have a great deal of power because if they do not all agree on a common policy, the High Representative will have no foundation to exercise her power of implementation (Kaczorowska, 2008, p.113). When looked at the relation between the EU and Libya, one can conclude that the European Union and Libya intensified their relation after the UN lifted the sanctions that were laid upon the regime. In 2004 negotiations between Libya and the EU started, however this never lead to an any contractual relation. There were negotiations, since 2008, to establish a EU- Libya Framework Agreement but those negotiations were suspended in February 2011 after the breakout of demonstrations and violent crackdown.

4 THE CONFLICT IN LIBYA AND THE ACTIONS OF THE EU, NATO AND THE UN

4.1 Introduction

In this chapter the background of the events in Libya will be discussed as well as the actions and the decisions that were made by the European Union, Member States, NATO and the UN. The research will include the actions and decisions that were made until shortly after Resolution 1973 of the UN Security Council of March the 18th 2011, because around this date the most important actions and decisions were made concerning the conflict. Not all Member States will be discussed but only Great Britain, France, Germany and Italy because of their special involvement in the conflict or because of their special relation with Libya.

4.2 Background of the conflict in Libya

On February 15, 2011, thousands of people start protesting in Benghazi against the regime of Muammar al-Qadhafi who has been in power for over forty years. Libya was not the first Arabic country where people demonstrated against the present leaders, it was one of many countries that experienced demonstrations at that time. Motivations behind the protests, that are mainly lead by the youth of Libya, are discontent about the present leaders and the insecure future perspectives. The demonstrators were inspired by what was going on in countries around them, and demanded radical changes from the regime.

The population of Libya was not always discontent with the regime of Qadhafi, there were periods when the regime was popular and was seen as a welcome change to the monarchy of Emir Idris. Qadhafi came in power on September the 1st 1969 when he led a coup that overthrew the monarchy. The monarchy was dismissed and the Libyan Arabic Republic was proclaimed. Qadhafi promised social justice and a fair division of the country's wealth to the population of Libya. The revolution of September 1969 was extremely peaceful. Peaceful because the Emir Idris was in Turkey at the time for medical treatment, and received a message that he was no longer welcome in Libya. There was not one shot fired at the time, unlike the situation in February 2011. The revolution was also spectacular because a group of military leaders decided to take over power and enter into discussion with the public. Libya had changed from a poor country into a wealthy one with the discovery of oil in 1959, but the population of Libya did not profit from this wealth at all. Qadhafi changed this and all of a sudden people were able to get loans and felt that the new emerged leaders made a serious effort to listen to the population (Run, n.d.).

Because Libya holds the biggest oil funds of the African continent, Qadhafi was able to promote his ideology and he supported a variety of organizations such as the South African ANC and the Irish IRA. This is also the time that the world would see another side of the new leader of Libya. Libya's military intervened in Chad and the following UN sanctions isolated the regime. Libya also attacked the US air force in the Gulf of Sirte which led to an oil embargo on Libyan oil. Libya became even more isolated after a series of attacks, the most famous being the attack on the Pan Am flight over Lockerby (Libya, n.d.). A series of sanctions followed by the UN and Libya now suffered from sanctions against the regime from the UN, the US and the EU. It was only after Libya acknowledged responsibility for the actions of the Lockerby bomber, and after paying compensation to the surviving dependants that the sanctions against the regime ended. Libya started working on its relationships with Western nations by openly condemning the attacks of September 11th and by the announcement to reveal and end its development program for weapons of mass destruction. A sign that the Western world looked differently at the regime of Qadhafi, was the rotating presidency of the UN Security Council that was given to the country in 2008. Despite those signs of an improved relationship there were also circumstances that illustrated the fragility of this relationship. There were protests from international non-governmental organizations and human rights campaigners when Libya was elected to its first seat on the UN Human Rights Council, and Qadhafi himself caused a scene at one of the UN meetings by ripping a copy of the United Nations Charter. There are many more examples of situations that accentuate the instability of the regime. It was therefore not a big surprise that the unrest, which started in Eastern and Northern African countries in December 2010, also spread to several cities in Libya as well. At the time, Libya faced a staggering national economy, high unemployment rates and a discontented middle class (Meer, n.d.).

Those dissatisfactions with the regime led to the demonstrations that were held on February 15 2011. The demonstrations got international attention when there were rumors that the Libyan army killed some of the demonstrators and was using harsh military action to make an end to the demonstrations. It was the unstable and fragile relation with the regime, and the harsh military action against the Libyan civilians that made the United Nations, the European Union and NATO cooperate with the Transitional National Council (TNC) that was formed in Benghazi on the 27th of February 2011. The situation in Libya was also referred to the International Criminal Court which issued the arrest warrants of Muammar al-Qadhafi, Saif al-Islam Qadhafi and Abdullah al-Senussi on the 27th June 2011 (Pre-Trial Chamber I issues three warrants of arrest for Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdualla Al-Senussi, 2011).

4.3 Actions taken by member states of the EU

4.3.1 Great Britain

When the international community hears about the harsh military action against Libyan civilians, a lot of countries quickly respond and condemn the violence by Qadhafi's regime, as did the UK. On the 21st of February 2011 the Prime Minister David Cameron, calls the violence that is used by the regime *'appalling and unacceptable'* (Timeline: UK's road to action in Libya, 2011). UK citizens are recommended to leave the country and on the 22nd of February charter planes leave to evacuate Britons that stranded in Libya. The evacuation does not go according to plan, but eventually British nationals do arrive back home. The Prime Minister apologizes for the government's handling in the evacuation and David Cameron, who is in Qatar at the time, calls out for UN action. On the 25th of February, only days after the beginning of protests in Libya, the Prime Minister speaks of freezing assets of the Libyan regime, a travel ban for senior figures of the regime and an investigation to determine whether the regime has committed war crimes. On the 26th of February the UN Security Council meets and discusses possible sanctions for the Qadhafi regime. In the meeting the Security Council decides to refer the situation to the International Criminal Court (ICC) and to impose a travel ban, an arms embargo and assets freeze on the family of Qadhafi and certain government officials (UN Security Council Resolution 1970, 2011). On the 28th of February the Prime Minister announces that he has asked the Ministry of Defense to cooperate with allies on a plan for a no-fly zone. The plans for a no-fly zone are not directly seen as the most suitable option and the Prime Minister was forced to defend those plans. The US Defense Secretary calls the plan "loose talk" but David Cameron insists that the UK has the right to consider all the options. When six members of a special force squadron are captured and detained in Benghazi, the British press speaks of a humiliation for the UK and the Prime Minister is forced again to defend the actions of his foreign secretary, William Hague. On March the 9th David Cameron announces that the UK and France are working together on a UN resolution for a no-fly zone in Libya. Both countries seek support from others to make the UN resolution possible. At this time the Arab League supports the idea but the US demands that the no-fly zone needs more international support. The EU and NATO still have not openly supported the idea and the prime Minister expresses his frustration about the waiting game of the EU by saying that *"Europe needs to size and shape this moment"* (Timeline: UK's road to action in Libya, 2011). On the 15th of March, France, Lebanon and the UK draw up a UN resolution for sanctions against the Qadhafi regime which includes a no-fly zone. They do this despite the fact that Russia and Germany are said to oppose such a plan. The 16th of March the plan is discussed by the UN Security Council and on the 17th of March the Council approves the resolution 1973. In this meeting the Security Council approves the no-fly zone, it demands an

immediate cease fire, it imposes a ban on all flights to Libya and the Council extends the sanctions on the regime (UN Security Council Resolution 1973, 2011). Qadhafi's response to the resolution is an immediate cease fire, but the Libyan demonstrators report that the regime is continuing its military actions and does not obey the demands that are set out in the resolution. The 19th of March the Prime Minister announces that both the British navy and British air force is in action in Libya. He is in Paris for an emergency meeting with other world leaders discussing the situation in Libya. By the 27th of March the control of the military operation is handed over to NATO with the US as leading country. The US had made it clear that it wanted to hand over responsibilities as soon as possible and on the 29th of March over 40 foreign ministers and international organizations meet in London, to discuss the future of the military operation in Libya. On the 12th of April both the Foreign Secretary of Britain and France say that NATO must do more to destroy the weapons that pro-Qadhafi forces use in Libya. On the 14th of April David Cameron, Nicolas Sarkozy and Barack Obama write a letter to international news papers where they air their view on the crisis in Libya, resolution 1973 and their belief that Qadhafi should go. They end their letter by saying: "*Britain, France and the United States will not rest until the United Nations Security Council resolutions have been implemented and the Libyan people can choose their own future*" (Barack Obama, David Cameron and Nicolas Sarkozy, 2011).

Britain had a leading role in organizing international support for action in Libya. Together with France, Britain made an effort to get other European countries involved and made a draft resolution for UN action in Libya. They also facilitated a meeting in London where a contact group was formed which would meet regularly to discuss the situation in Libya.

4.3.2 France

As well as Britain, France also had a leading role in the Libya crisis. After hearing of the violence that was used against Libyan demonstrators, President Sarkozy condemns this use of violence and calls for "*an immediate halt to the violence and for a political solution in order to respond to the Libyan people's aspiration to democracy and freedom*" (Libya - Communiqué issued by the Presidency of the Republic, 2011). On February 22 2011 the Minister of Foreign and European Affairs, Michele Alliot-Marie calls back all French present in Libya and on the 23rd of February President Sarkozy is asking for quick action from EU partners to come up with sanctions against the regime. On February 24th Michele Alliot-Marie brings out a statement that the United Nations Human Rights Council and numerous others will meet on the initiative of France to discuss the situation in Libya. She also announces that a draft resolution is in the making to suspend Libya from the UN Human Rights Council. She stresses the importance of the resolution and urges

partners in the Council to vote in favor of this resolution. Also on the 24th of February the French President and the President of the United States called to present the measures that were being examined by the European Union and by the US. President Sarkozy brings up the importance of concrete measures after the suggested sanctions and announced the intention of France to request another Security Council meeting. On February 28th France sends planes with humanitarian aid to Benghazi. On the first of March Libya is suspended from the Human Rights Council and France reacts with a statement that they actively support the resolution and the *“unanimous condemnation by the international community of the acts of violence perpetrated by the Libyan regime”* (Adoption by the UN General Assembly of the resolution suspending Libya from the Human Rights Council, 2011).

For France the adoption of the resolution was a sign that the actions of Qadhafi were widely condemned and that the international community is working together to end the violence in Libya. On March the 6th France offers her support to the new Transitional National Council in Libya. The official recognition as the legitimate representative of Libya came on the 10th of March. The 17th of March the Minister of Foreign and European Affairs, Alain Juppé, went to the UN meeting to vote on resolution 1973 which was submitted by France, Britain and Lebanon. France acknowledged that there needed to be a UN Security Council mandate and support from Arab countries before intervention in Libya was possible. After the adoption of resolution 1973 France, the UK and the US made a joint statement demanding Libya to immediately implement the cease fire and stop the attacks on civilians. On March the 19th France attacked pro-Qadhafi forces. The military operation was named “Harmattan” but was renamed as “Unified Protector” when NATO took over command on March 31st. On March 28th, President Sarkozy and Prime Minister David Cameron made a joint statement in which they emphasized the importance of the meeting in London the following day, where the international community would discuss the future actions in Libya. On April the 14th the French President joins the British Prime Minister and the President of the US in writing a letter to international news papers, airing their view on the crisis in Libya.

France, just as Britain, played an important role in the conflict in Libya. Both France and Britain made great efforts to get the international community involved. France continuously emphasized that, after the promises that were made by the international community, quick action and implementation of decisions were necessary to resolve the conflict in Libya.

4.3.3 Germany

The role of Germany in the Libya conflict was the opposite of the leading role that Britain and France had. German Chancellor Angela Merkel did condemn the acts of violence in Libya and warned with sanctions, but the predominant reaction of Germany was reserved and the country awaited the reaction of the European Union (Europe's Leaders Fear Libya Could Become Next Afghanistan, 2011).

After the extraordinary meeting of EU leaders in Brussels on March 11th, Angela Merkel said that she was highly skeptical about the plans of a no-fly zone and shortly after this, Germany decided not to take part in the military operation in Libya and abstained from the UN Security Council meeting on the 17th of March. At the summit in Brussels Angela Merkel also announced that Germany would not recognize the transitional council. She said; *"The former justice minister is a member of this body and look at the role he played in the case of the Bulgarian nurse"* (Europe's Leaders Fear Libya Could Become Next Afghanistan, 2011). Chancellor Merkel and Foreign Minister Guido Westerwelle said that the most significant reason for the opposition of Germany is the fear of being drawn into a civil war. The position of the German government is supported by the opposition as well as by the German public. According to a poll that was held by the German newspaper *Bild*, 62 percent of the German public supports the use of military force against the regime, but only 29 percent supports participation of the German army (Herf, 2011). Germany did announce on April 7th it would participate in a European Union humanitarian mission should the UN ask for assistance. Minister Westerwelle emphasized that such a mission should be clearly different from the military operations in Libya, and would include escorting humanitarian and medical supply shipments and providing security during the evacuation of refugees. As mentioned before, such a mission would only take place after a request from the United Nations, and at that time the UN had not issued such a request.

Germany clearly took a different position in the Libya conflict. Where the United Kingdom and France had a leading role, Germany decided to side with Russia and China and abstain from the UN Security Council vote. The German government has been highly criticized for their position in the Libya conflict, but could count on the support from the German public and the opposition.

4.3.4 Italy

The reaction of Italy concerning the conflict in Libya seemed to be indifferent at first. One major reason for this is that Italy and Libya have a history together. Italy occupied Libya in 1911 and made the country part of their national territory in 1939 (History of Libya, n.d).

Italy showed resentment over this colonial period and apologized for the harm that was done to the Libyan citizens during this time. The relationship between the countries improved and in 2008 a treaty of “friendship, partnership and co-operation” was signed and Italy promised to make large investments in Libya over the next 20 years (Italy's shame in Libya , 2011). This past influenced the position and reaction of Italy to the conflict. Italy was highly criticized after Silvio Berlusconi's indifference to the situation in Libya. Days after the harsh military actions against Libyan civilians, the Prime Minister of Italy had said he did not want to bother his friend Qadhafi with a call to address this issue. The Defense Minister of Italy defended this position by saying that the country had to adopt a “prudent” stance because there were interests to defend in Libya (Italy and Silvio Berlusconi face Libya dilemma, 2011). Besides Italian interests in Libya, the Government also expressed their concern about the possibility of mass migration of refugees to the island of Lampedusa. Italy therefore decided to wait for a UN mandate or a NATO declaration before engaging in a discussion with other countries about the situation in Libya. On February 26th the Italian government decided to suspend the partnership treaty that was signed in 2008. This treaty included a nonaggression clause, which prohibited Italy to use its territory for military action against Libya. The suspension of this treaty indirectly opened the possibility to use NATO and US bases that are located in Italy (Watkins, 2011).

On the 17th of March Italy opened its naval bases and air force for the international community, directly after the adoption of resolution 1973 by the UN Security Council. Italy announced that it was not only providing the use of the bases but would also provide military force, if necessary. Silvio Berlusconi said shortly after this announcement that Italy wanted the coordination of the military action to be handed over to NATO as soon as possible (Aljazeera Libya Live Blog, n.d.). By the end of March this request was fulfilled and NATO assumed command of all air operations. Italy was also part of the meeting in London on the 29th of March, and suggested a ceasefire deal which would include an asylum for Qadhafi. The plan, suggested by the Italian Foreign Minister Franco Frattini, was considered a valid proposal by many countries present in London. On April the 4th, Italy officially recognized the Transitional Council as the legitimate representative of Libya.

Italy had a very special relationship and history with Libya, which would be of major influence to their position in the conflict. As a result of this the country first awaited the reaction of the EU, UN

and NATO, before actively participating in the discussion about Libya's future. After the UN resolution, Italy became more involved by providing the use of bases on its territory and military assistance.

4.4 The EU's response to the Libya Crisis

The conflict also needed a reaction from the European Union. A Union that had found its legal basis on human rights and principles that defended freedom of speech and promised to act unified when peace, freedom and security were threatened inside the European borders as well as in the world around it. Soon after the demonstrations the High Representative of Foreign Affairs and Security, Catherine Ashton, condemned the violent crackdown of the demonstrations and asked the regime to respect the freedom of speech and listen to the demands of the people that were demonstrating (Onrust in Libië, n.d.). On the 23rd of February the European Commission activated the civil protection mechanism and humanitarian assistance. This humanitarian assistance covered; evacuation of 24,000 country nationals, assistance to people fleeing Libya, assistance to people with a refugee status, financing relief aid in Libya, emergency health of war-wounded, protection of the civilian population, humanitarian mine actions and coordination and air transportation to deliver relief aid (Libyan Crisis, n.d.).

On the 28th of February 2011 the European Council adopted decision 2011/137/CFSP concerning restrictive measures in view of the situation of Libya. In this decision the Commission adopted UN resolution 1970 and imposed additional restrictive measures. Those measures included an arms embargo, asset freeze and visa bans (2011/137/CFSP, 28). In addition the European Parliament requested the UN to research the possibility to deny the Libyan regime their membership to the Human Rights Council. On March the 10th the sanctions against the regime were extended and the European Parliament requested the acknowledgement of the Transitional Council in Libya by a resolution. Catherine Ashton mentioned earlier that this would be a decision that Member States had to decide on themselves and at that time only France and Italy had decided to recognize the Transitional Council (Europees Parlement dringt aan op erkenning Nationale Libische Raad als volksvertegenwoordiger, 2011).

On March 11th European leaders meet in Brussels in an extraordinary meeting to discuss the events in Libya. The meeting was initiated by France and Great Britain and David Cameron and Nicolas Sarkozy were hoping to convince the other European leaders that a military intervention was needed in Libya. As mentioned before, Italy and Germany do not support military intervention before other options are examined as well. The official statement from the European Council is that *"Member States will examine all necessary options in order to protect the Libyan civilians"* (Extraordinary European Council, 2011). It is only after the adoption of Resolution 1973 that the

President (Herman van Rompuy) and the High Representative of the EU express the support of the Union to military intervention and the establishment of a no-fly zone. Herman van Rompuy is also present at the summit in Paris on March 19th and there he repeats the willingness of the Union to act in accordance to Resolution 1973. The Foreign Affairs Council decided on more sanctions against the regime on the 21st of March, on top of the sanctions that were already implemented through resolution 1970 and 1973. The European Union is also part of the special contact group on Libya in London. On the first of April the European Council decides on “Operation EUFOR Libya” (Decision 011/210/CFSP), which is a military operation in order to provide Libya with humanitarian aid and contribute to safe movement and evacuation of displaced persons (EUFOR Libya, 2011) . The Operation Commander is Claudio Gaudiosi from Italy, and the operational headquarters will be in Rome. The operation is on a request from the UN and will support resolution 1970 and 1973.

The European Union seems to first await the reaction of others, before deciding on a common stand on the conflict. The Union is quick to condemn and punish the regime of Qadhafi with sanctions, but cannot find uniformity when it comes to a possible military operation. The sanctions did come quickly after UN Resolution 1970 and the EU added even more restrictive measure upon the regime. Besides sanctioning the regime, the EU was quick to respond with humanitarian assistance and aid assistance. Only days after the violent outbreak in Libya, the EU was able to activate humanitarian aid enabling the evacuation of EU citizens. The EU followed and implemented the decisions and restrictive measures that were requested by UN resolution 1970 and 1973. Besides this the European Union suspended the financial and technical cooperation with Libya. Furthermore the European Council decided on a military operation, which will operate in Libya if the UN requests such a mission.

4.5 Conclusion

This chapter clearly shows the different approaches that the MS and the EU have regarding the events in Libya. The UK, France, Italy and Germany were chosen due to their specific role in the Libya crisis. France and the UK had a leading role and were the most active Member States. Germany had a total opposite role, and chose to be more reserved and reluctant. Italy was most affected due to their history, economical ties and close geographical location with Libya. An obvious reason for those different approaches is the various interests and backgrounds of the Member States. Italy for example has a significant different history with Libya in comparison with France. This influences their position and reaction regarding the events in Libya. The difficulty for the European Union is, to quickly come with a determination of position that pleases every

Member State's view on the conflict. What makes it even more difficult is that some MS await the reaction of the Union in order to define their position. Looking at the history of Libya it is also comprehensible that some countries hesitated to firmly condemn the actions of Qadhafi. Some countries had been supporting the regime for years, allowing Qadhafi to practice his policies in exchange for economical and political benefits.

CONCLUSION

In this dissertation the changes in the foreign policy of the EU are examined with a case study of the conflict in Libya. It is clear that through the years the European Union evolved from being mostly an economic union towards being a political union as well. This development towards a political union was one that evolved gradually, taking into account the various views of each Member State. The Treaty of Lisbon's objective is to eliminate previous unclear areas, and to provide the Union with strong tools to exercise a common foreign policy to. The most important changes that are made regarding foreign policy are the creation of the post of High Representative of Foreign Affairs and Security Policy. The EU now has a legal body that represents the Unions interests in international organizations such as the United Nations. The Treaty of Lisbon also increased the responsibilities of the Member States regarding foreign policy. Furthermore, the treaty emphasizes the importance of a unified voice and united position in international issues. In theory those innovations should maximize the EU's influence on the global stage, however in practice those innovations do not prove to be adequate and effective enough to execute a common foreign policy in the Libya conflict.

The way the European Union and its Member States dealt with the conflict in Libya displayed some of the barriers that the Union has to overcome in order to practice a common foreign policy. One can simply look at the history of the Union and the different treaties that have developed over time, to understand that the Union and its Member States learn by experience. Every treaty amends, changes and succeeds the previous treaty. This is because the objectives and aims of the Member States change. The objectives and aims of the Lisbon Treaty are distinctively different from the aims and objectives of the ESCS. An economic cooperation between six countries developing into an economic and political interdependent union of 27 countries is likely to struggle with all kinds of barriers before it can operate smoothly and flawless. Having reviewed the Members States' response one can conclude that;

- (1) The Member States of the EU deprive the Union of speaking with one voice by putting national interest, economical ties and national pride before the interests of the EU. This resulted in a lack of coherence in the response of the European Union in the Libya crisis, and this made it difficult for the EU to practice a common foreign policy.

One of the barriers that the EU struggles with, which is displayed in the Libya conflict, is the different reaction and position of Member States. The Treaty subscribes and demands a unified

position on international issues from the MS but looking at the different reactions from the Members States regarding the events in Libya this clearly is hard to accomplish. The reaction of France and the UK was to firmly condemn the violence and to request immediate actions. They assigned themselves a leading role before the European Union could take this role. The European Union is only able to air an opinion after consulting the 27 Ministers of Foreign Affairs and after finding a common stand that is acceptable to all of them. France and the UK react before consulting the EU as a result of which the EU is left with a position where they can only follow. On the other hand you see that Germany does not obey by abstaining from the UN Security Council. It is stated in Article 34 (2) TFEU that; *“Members States which are member of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union,..”*. According to this, Germany acted contradictory to the interests of the EU. Italy on the other awaited the reaction of the EU, but only because they had a special relation with Libya and the regime and were not willing to participate before the EU, UN, Arab League and others defined their position. One can easily say that the MS did not act according their obligations that were set out in the Lisbon Treaty regarding having a uniform stand and common approach on international issues.

On the other the Treaty states that defense and security matters are within the exclusive competence of each MS (Kaczorowska, 2008, p.113). In this respect it can be said that with regard to the events in Libya, the MS did act according to their own responsibilities and national interests. Because even though Germany was highly criticized by other EU countries, the German government could count on the support of the German public. This is a point where the Treaty of Lisbon seems to be conflicting at times. Every country has its own history and interests to defend, which are sometimes hard to unite. Having reviewed the responsibilities of the Member States that are set out in the Lisbon Treaty, one can conclude that:

- (2) The Member States did not act contradictory to the Lisbon Treaty. The Treaty acknowledges that the Member States have the right to determine their own foreign policy. The Libya conflict shows that this unclear definition seems to create conflict between the importance of national interests versus the Unions' interests.

Another weak spot that is revealed in the Libya crisis is the position of the High Representative. With the HR the European Union has a clear body that represents the Union. It has taken years for the Union to create such a body that would bring uniformity in foreign policy. Whereas Javier Solana, at the time representative of foreign affairs, did not have the ways of means and institutions

to present a strong foreign policy, Lady Ashton does have those means. There is a substantial budget and an own diplomatic service. Lady Ashton has been highly criticized because she would not represent the position of the Union strong enough. It seems that the HR has the impossible task to connect 27 different opinions of 27 different countries that each has the opinion that their way is the most suitable one. Without the agreement on a common policy the HR will have no authority to exercise her power. The EU should define the responsibilities of the Member States regarding a uniform response on international issues. The EU should also accentuate the importance of close cooperation and should implement an efficient procedure to quickly form a common stand. This will help the HR to exploit the full abilities of her function. Having reviewed the actions of the High Representative one can conclude that;

- (3) The functioning of the HR in the Libya crisis, did not meet the expectations that were promised by the creation of this new post.

Overall one can say that the response to the events in Libya do not portray a common foreign policy of the European Union. The innovations that are made in the Lisbon Treaty did not fulfill the promise of a more unified and coherent foreign policy of the European Union. As shown in the history, the Union is able to learn from its mistakes and it should learn from the mistakes that were made in this conflict. The European Union can still play an important role in the post- conflict period in Libya because it did show an affective and quick implementation of humanitarian aid.

REFERENCES

- 2011/137/CFSP. (28, February 2011). Retrieved February 13, 2012, from European Commission Web site: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:058:0053:0062:EN:PDF>
- Adoption by the UN General Assembly of the resolution suspending Libya from the Human Rights Council. (2011, March 11). Retrieved September 24, 2011, from France diplomatie Web site: <http://www.diplomatie.gouv.fr/en/country-files/libya/article/resolution-by-the-unga-suspending>
- Aljazeera Libya Live Blog. (n.d.). Retrieved January 23, 2012, from Aljazeera Web site: <http://blogs.aljazeera.net/live/africa/libya-live-blog-march-21-0>
- Article 2 TEU. (n.d.). Retrieved January 24, 2012, from Euro-Lex Web site: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF>
- Article 21 TEU. (n.d.). Retrieved January 25, 2012, from Eur-lex Web site: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF>
- Article 32 (1) TFEU. (n.d.). Retrieved January 30, 2012, from Eur – lex Web site: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF>
- Article 34 (2) TEU. (n.d.). Retrieved January 25, 2012, from Eur-lex Web site: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF>
- Bale, T. (2008). *European politics*. Palgrave MacMillan.
- Barack Obama, David Cameron, Nicolas Sarkozy. (2011, April 14). *Libya's Pathway to Peace*. Retrieved September 2, 2011, from The New York Times Web site: <http://www.nytimes.com/2011/04/15/opinion/15iht-edlibya15.html>
- Country Strategy and National Indicative Programme . (2011). Retrieved February 12, 2012, from European Commission Web site: http://ec.europa.eu/world/enp/pdf/country/2011_enpi_csp_nip_libya_en.pdf

De EU in het kort. (n.d.). Retrieved June 13, 2011, from Europa.eu Web site:

http://europa.eu/abc/12lessons/lesson_2/index_nl.htm

Declaration of 9 May 1950. (n.d.). Opgeroepen op January 24, 2012, van The official European

Union Web site: http://europa.eu/abc/symbols/9-may/decl_en.htm

EUFOR Libya. (2011, April 1). Retrieved February 13, 2012, from CFSP Web site:

<http://www.consilium.europa.eu/eeas/security-defence/eu-operations/eufor-libya?lang=en>

European Neighbourhood policy. (2004, December 12). Retrieved February 12, 2012, from European Commission Web site:

http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf

Europees Parlement dringt aan op erkenning Nationale Libische Raad als volksvertegenwoordiger. (2011, March 10). Retrieved December 29, 2011, from Europa-nu Web

site: http://m.europanu.nl/9353000/1/j9vviozkr8e2qxs/vinihngonazw?ctx=vh84exkkodyi&start_tab0=8

Europe's Leaders Fear Libya Could Become Next Afghanistan. (2011, March 14). Retrieved December 13, 2011, from Der Spiegel Web site:

<http://www.spiegel.de/international/world/0,1518,750852-2,00.html>

Extraordinary European Council. (2011, March 11). Retrieved December 29, 2011, from Council of the European Union Web site:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/119780.pdf

Herf, J. (2011, March 24). *Why Germany was against the Libya intervention*. Retrieved December 15, 2011, from The New Republic Web site:

<http://www.tnr.com/article/world/85702/germany-libya-intervention-qaddafi-merkel>

History of Libya. (n.d.). Retrieved December 21, 2011, from HistoryWorld Web site:

<http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=aa83>

Italy and Silvio Berlusconi face Libya dilemma. (2011, March 1). Retrieved December 21, 2011, from BBC Web site: (<http://www.bbc.co.uk/news/world-europe-12612405>)

Italy's shame in Libya . (2011, February 25). Retrieved December 21, 2011, from The Economist

Web site: http://www.economist.com/blogs/charlemagne/2011/02/europe_and_libya

Kaczorowska, A. (2008). *European Union Law*. Taylor & Francis.

Kort verslag Hoge Vertegenwoordiger Ashton na Raad Buitenlandse Zaken. (n.d.). Retrieved May

16, 2011, from Europa-nu Web site: http://www.europa-nu.nl/id/vinu7bmlw2yx/nieuws/kort_verslag_hoge_vertegenwoordiger?ctx=vgaxlcr0e005

Libya - Communiqué issued by the Presidency of the Republic. (2011, February 11). Retrieved

September 14, 2011, from France diplomatie Web site:

<http://www.diplomatie.gouv.fr/en/country-files/libya/article/president-sarkozy-calls-for>

Libya. (n.d.). Retrieved June 13, 2011, from CIA World Factbook Web site:

<https://www.cia.gov/library/publications/the-world-factbook/geos/ly.html>

Libya. (n.d.). Retrieved February 8, 2012, from European Union External Action Web site:

http://eeas.europa.eu/libya/index_en.htm

Libya. (n.d.). Retrieved February 12, 2012, from EuropAid European Commission Web site:

http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/libya/libya_en.htm

Libyan Crisis. (n.d.). Retrieved February 12, 2012, from ECHO European Commission:

http://ec.europa.eu/echo/files/aid/countries/libya_factsheet.pdf

Lisbon Treaty. (n.d.). Retrieved March 18, 2011, from European Union Law Web site: [http://eur-](http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML)

[lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML](http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML)

Lythe, R. D. (2006). *The European Mosaic*. Piesron Education Limited.

Meer, S. v. (n.d.). *Bewijst Libie het succes van VN sancties*. Retrieved October 27, 2011, from

Clingendael Web site:

http://www.clingendael.nl/publications/2007/20070100_cscp_art_meer.pdf

Mid Term Review of the ENPI Programming Documents. (n.d.). Retrieved Februari 12, 2012, from European External Action Web site:
http://ec.europa.eu/world/enp/mid_term_review/final_concept_note_libya_en.pdf

Mission Statement for the European Union. (n.d.). Retrieved May 5, 2011, from Committee of the Regions Web site:
http://www.cor.europa.eu/migrated_data/alde_pland_EU_mission_statement.pdf

Onrust in Libië. (n.d.). Retrieved December 28, 2011, from Europa-nu Web site: <http://m.europa-nu.nl/9353000/1/j9vviozkr8e2qxs/vip3hnxlqgk6>

Pre-Trial Chamber I issues three warrants of arrest for Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdualla Al-Senussi. (2011, June 27). Retrieved January 24, 2012, from Official ICC Web site: <http://www.icc-cpi.int/NR/exeres/D07229DE-4E3D-45BC-8CB1-F5DAF8370218.htm>

Remarks by High Representative Catherine Ashton following the Foreign Affairs Council . (n.d.). Retrieved April 6, 2011, from Council of the European Union Web site:
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/120080.pdf

Run, G. v. (Director). (n.d.). *De komst van Khadaffi: Toen de dictator nog een held was* [Motion Picture].

The treaty at a glance. (n.d.). Retrieved July 24, 2011, from The official European Union Web site:
http://europa.eu/lisbon_treaty/glance/index_en.htm

Timeline: UK's road to action in Libya. (2011, April 15). Retrieved September 4, 2011, from BBC News Web site: <http://www.bbc.co.uk/news/uk-politics-12821505>

Treaty of Maastricht. (2007). Retrieved September 4, 2011, from The Eurotreaties Web site:
<http://www.eurotreaties.com/maastrichtec.pdf>

UN Security Council Resolution 1970. (2011, February 26). Retrieved January 24, 2012, from NATO official Web site:

http://www.nato.int/nato_static/assets/pdf/pdf_2011_02/20110927_110226-UNSCR-1970.pdf

UN Security Council Resolution 1973. (2011, March 17). Retrieved January 24, 2012, from United Nations official Web site: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement>

Vogler, C. B. (2005). *The European Union as a global actor*. Taylor & Francis Ltd.

Watkins, T. (2011, February 28). *Italy suspends friendship treaty with Libya*. Retrieved December 28, 2011, from CNN World Web site: http://articles.cnn.com/2011-02-28/world/libya.italy_1_moammar-gadhafi-friendship-treaty-italian-ministry?s=PM:WORLD

What is the European Neighbourhood Policy. (n.d.). Retrieved February 12, 2012, from European Commission Web site: http://ec.europa.eu/world/enp/policy_en.htm