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European Union representation at the United Nations towards more coherence after the Treaty of Lisbon

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Chapter 6 Case Studies: EU Representation in the Iraq and Libya Crises

As analyzed in Chapter 4, the ToL to a certain degree has improved EU representation coherence within the UNSC at both horizontal and vertical levels, by placing emphasis on the role of the HR and the EU delegation, and by narrowing the competence gap between permanent and non-permanent EU member states. Meanwhile, it leaves some agency problems unsolved: e.g., the absence of formal representation, the persistent predominance of the P2 agents; the risk of agent slack; the problem of "multiple agents"; information asymmetry; the lack of monitoring and enforceable instruments. These shortcomings may continue to diminish the coherence of EU representation. However, it is hypothesized that the reformed delegation structure created by the ToL would increase EU representation coherence at the UNSC, regardless of the remaining problems.

This chapter tests this hypothesis by assessing and comparing the extents of EU representation coherence in two cases, namely the 2002-2003 Iraq war and the 2011 Libya crisis, which respectively represent the contexts before and after the adoption of the ToL. Within each case, the degree of EU representation coherence is investigated at both horizontal and vertical levels. The evaluation of horizontal coherence requires examining the role of EU foreign policy actors, e.g., the rotating Presidency and the HR/SG (pre-Lisbon) or the President and the HR (post-Lisbon), in the Union's external representation, intra- and inter-institutional coordination, and the (in)consistency of their statements. The assessment of vertical coherence needs to look at the homogeneity or heterogeneity of EU member states' policy preferences, inter-state coordination or concertation (including the quality of information exchange), the capacities of EU actors to organise and catalyze the coordination, and the extent to which the statements between EU institutions and national governments were consistent and complementary. In cross-case comparisons, representation coherence is considered improved in the case of the Libya crisis if, at the horizontal level, the Union's collective presence at the UNSC was upgraded, EU delegation structure was more streamlined, and the role of EU actors in representing the EU is strengthened, and at the vertical level, national policy preferences were more convergent, coordination among the EU member states was better, last but not least, EU member states were more willing to allow EU actors to represent the Union's common interests.

An integrated method that includes an intensive qualitative research as a follow-up can improve the insufficient interpretation due to the lack of reliable quantitative data. It can also lend a hand in exploring the complexities of the second dimension of EU representation, i.e., internal coordination mechanisms during EU policy making. A detailed discussion of how the EU represented itself toward these two events between which the ToL was adopted not only expands the literature on the EU foreign policy process but also contributes to our knowledge of different phases of EU external representation and the difficulties the Union encountered in developing a common EU presence in major CFSP affairs. The case studies draw on insights from official statements and documents of the EU and its member states, letters of government officials, press coverage, event reports, online resources, survey data and academic articles or policy evaluations of the two cases by leading researchers and experts. Diverse resources can provide comprehensive information and enhance the reliability of analysis.

The rest parts of Chapter 6 are organized as follows: it starts with a section that clarifies case selection. The next two sections conduct within-case analyses of EU representation coherence during the two crises respectively. Each case study begins with a brief introduction of background, which is followed by detailed discussions of EU coherence at both horizontal and vertical levels. Each section ends with an overall assessment of the performance of EU representation through the lens of the principal-agent theory. The final section of this chapter compares the degrees of EU representation coherence in the two cases in order to tell whether an increase can be detected in the Libya crisis, which occurred after the ToL's entry into force.

6.1 A Discussion of Case Selection

The Iraq and Libya crises first came into notice in the descriptive statistics displayed in Chapter 5 about EU voting behaviour in the UNSC. Out of 1,264 voted UNSC resolutions, there were six on which EU member states voted inconsistently. Of all these six "deviation" cases, three resolutions on which France abstained referred to the situation in Iraq, and one on the military action against Libya was notoriously known for its bitter EU debacle for Germany's abstention. Considering the relevant rarity of abstentions at the level of the UNSC, the sensitivity and intensity of the Iraq and Libya crises make them outstanding cases that are worth further exploration.

The case studies adopt a "most-similar systems" design, where the independent variable of interest is the implementation of the ToL.[118] A close-range study of the Iraq and Libya conflicts reveal many parallels. Both cases exhibited roughly similar salience as security crises and attracted substantial international attention, e.g., both crises were covered extensively by world media, addressed at the UNGA and intensively debated within the UNSC. The purpose of both conflicts was to eliminate the dictatorial regimes, which were considered threats to their own people. Ironically, both dictators, Saddam Hussein and Muammar Gaddafi encountered a sudden fall despite their claims that they would prevail. Therefore, the durations of both conflicts were relatively short. Both conflicts were subject to foreign military intervention and involved similar interlocutors, including NATO-led coalitions and EU member states. One more thing, the primary export of both countries is oil, although whether this factor was crucial during the two conflicts is still debatable.

For the EU specifically, both conflicts constitute litmus tests of reformed delegation structure of EU representation brought by treaty reforms. In need of addressing the failure of the Union to act cohesively during the Balkan crises in the 1990s, the Amsterdam Treaty appointed the HR/SG to assist the revolving Presidency in order to bring more coherence to EU external representation. The Iraq war was the first major security issue that occurred after this innovation. Similarly, the unrest in Libya – which broke out about 14 months after the ToL was ratified and less than two months after the EEAS was declared operational – offered a timely opportunity to test the new CFSP-related institutional structures. Therefore, the fact that they are divided before and after the ToL's entry into force can be exploited to detect the effects of the ToL on representation coherence.

Moreover, the EU was reported to be highly divided during both conflicts (e.g., Springford 2003; Hughes 2003; Bluth 2004; Gaffney 2004). The statistical evidence presented earlier in Chapter 5 about EU representation coherence at the UNGA find that although EU voting cohesion has been incrementally increasing over time and although the Union performs more coherently in general than the UNGA as a

[118] The most-similar systems design means that "the chosen pair of cases is similar on all the measured independent variables, except the independent variable of interest" (King et al. 1994). If the independent variable of interest and the dependent variable differ in both cases, it can be concluded that this independent variable is likely of relevance when explaining the outcome. This design is useful to exclude alternative variables strategically. But notice that when it comes to explicit qualification, few events in social science can be explained by only one variable.

whole, there is no obvious evidence between the implementation of the ToL and an increase in EU voting cohesion, either in general or in specific issue areas. A possible cause could be the remaining agency problems and new institutional tensions that were discussed in Chapter 4. However, due to the limitations of quantitative measurements – as mentioned in the introductory chapter – that voting cohesion is not able to measure every aspect of representation coherence, it is unclear whether these findings drawn from the context of the UNGA also apply to the UNSC. Close-range case studies can provide rich information and complement the limitation of our insights drawn from the descriptive statistics on EU voting behaviour at the UNSC in the previous chapter. An elaborate discussion of the EU's representation from the perspectives of both horizontal and vertical coherence makes up the weakness of quantitative analysis that cannot demonstrate the precise coordination mechanisms of the EU. Considering the attention of these two cases gained from the UN, and especially the UNSC, they are more than suitable for test the hypothesis regarding the variation of EU representation coherence at this body. In addition, by examining the recent events of the Libya crisis, which rooted in the Arab Spring, the case study gains the advantage to analyze the status of EU representation in the CFSP field as it is to date.

Obviously, a research involving two cases will not be able to seek statistical generalization as the quantitative analyses conducted in the previous chapter were trying to accomplish. But it is possible to have analytical generalizations by comparing the empirical evidence with the hypothesis generated from the principal-agent theory (cf. Yin 2009). As explained earlier, the Iraq war and the Libya crisis can be seen as contested cases. If EU representation coherence managed to increase in highly politicized and sensitive conflicts like these two cases, it would be logical to assume a similar trend in less contested cases.

6.2 The EU and the Iraq Crisis

The Iraq crisis caused an unprecedented challenge to the CFSP since it was introduced by the Maastricht Treaty (Levy et al. 2005). It could have been a chance for the Union to display its collective policy-making abilities to the world, especially after it was equipped by the Treaty of Amsterdam with a new HR/SG. However, the fifteen EU member states back then failed to forge a common foreign policy toward Iraq despite the Union's efforts to bring more unity through a consolidated constitution during the period. Policy

preferences of EU members were arguably at odds when the UK, Italy and Spain aligned themselves with the US in support of military intervention while France and Germany were in strong opposition and argued for peaceful solutions. The rest of EU members were hesitant about any early and clear positioning but eventually had to choose sides between the two camps (Gaffney 2004: 247). Although the Central and Eastern European countries that were waiting in line to accede to the EU overwhelmingly fell to the line of the UK-led coalition, their proactive action did not contribute to bridging the internal cleavage with France and Germany. What was more problematic was the way the Union dealt with the crisis once again demonstrated the inherent weaknesses of its representative system and of decision-making in the foreign policy field. The role of the rotating Presidency, which should have been the leading agent of the EU, was deeply downplayed because of the enormous divergences among the collective principals, i.e., EU member states. The HR/SG that was supposed to assist the EU Presidency to build a common EU response to the crisis was almost invisible during the decision-making process that was full of clashes. The Iraq case exemplifies the inherent institutional agency problems of the pre-Lisbon EU representational system as indicated in Chapter 4.

6.2.1 Background

After the Gulf war, the US and its European allies had been trying to force Iraq's compliance with a series of UNSC resolutions that prohibited it from developing or possessing weapons of mass destruction (WMD). Their efforts proved to be hardly effective due to Iraq's constant resistance to cooperate with the UN inspection. The concerns of America about Iraq intensified after the 9/11 terrorist attacks. Early in 2002, President George W. Bush named Iraq, Iran, and North Korea the new "axis of evil" posing grave a danger for world security (Copson 2003; Springford 2003). In the same year American and British intelligence revealed with considerable certainty that the Iraqi government possessed extensive WMD projects and would acquire a nuclear capability fairly soon. It directly led to a change of US foreign policy from containment to regime change (Levy et al. 2005). By late August, the Bush Administration had recognized that a pre-emptive war against Iraq was almost inevitable. The intention to attack Iraq was first revealed by Vice President Dick Cheney in a speech honouring veterans of the Korean War, in which he highly doubted

that more UN weapons inspections would be effective and concluded that the problem of Iraq would be better solved without Saddam Hussein (Gordon and Shapiro 2004: 168). This speech was later denied as an official positioning of the US, which left European states confused (Peterson 2004: 12-13).

On 12 September President Bush addressed the UN and called for the authorization of the use of force against Saddam's regime. But after rounds of intensive negotiations, the US eventually sought compromise and agreed to give Iraq a final opportunity to comply due to the strong opposition for war from three veto players of the UNSC, i.e., France, China and Russia. The result was the unanimously adopted UNSC Resolution 1441 on 8 November. The Resolution required the Iraqi government to accept the resumption of UN inspection and insisted on its unconditional compliance or face "serious consequences" otherwise. It also decided that any false statements or omissions in Iraq's declarations and the failure to comply with the implementation of this resolution would constitute a further breach of Iraq's obligations (UN Security Council 2002). UNSC members agreed that Resolution 1441 did not endorse strikes against Iraq nor did it contain any "automaticity" with respect to the use of force if Iraq failed to meet the requirements to be disarmed. It reserved the right of discussing measures for the next phase to the UNSC in the event of further Iraqi violations of its obligations. Washington made it clear that this resolution could not prevent any member state to act against the threat if the UNSC failed to issue sanctions for war (Byers 2004).

In the aftermath of the adoption of Resolution 1441, Iraq accepted the return of UN weapon inspectors but still cooperated in a half-hearted manner. A month later, Iraq submitted a weapon declaration to the UN denying the possession of any WMD. The declaration provided few updates in the eyes of the UN Inspection chief Hans Blix. He reported on 27 January 2003 that Iraq had not come to a genuine acceptance of disarmament while admitted at the same time that no evidence of WMD was found yet (Bluth 2004; Gordon and Shapiro 2004). Based on this report, America, Britain and their allies asserted further Iraqi breach of UN resolutions, whereas opponents argued that Iraq should be given more time to comply. Considering the Iraqi statement a lie, US Secretary of State Colin Powell presented self-claimed compelling evidence gathered by American and British intelligence before the UNSC on 5 February, arguing that Iraq not only possessed WMD but also intended to use them against its neighbours and other Western targets.

However, Blix's impression of Iraqi cooperation was improved in his report on 7 March because Iraq had begun to destroy its al-Samoud missiles. He however questioned the reliability of the evidence Powell had presented before by pointing out that UN inspection teams found no evidence suggesting that Iraq was hiding unconventional weapons (Kendall 2003). Washington persisted in using the first report as the basis for the conviction of Iraq's further defiance and meanwhile had started to prepare a war by deploying American troops to the Gulf region (Gordon and Shapiro op. cit. 172).

Washington's resolve to go to war left its European allies unprepared and badly divided into two camps. Some traditionally Atlanticist European countries led by the UK aligned with the US in support of the use of force, while others centring around France and Germany strongly opposed military action in Iraq and insisted on a diplomatic solution. The tension was intensified when the eight pro-US countries – five of then fifteen EU members, i.e., Britain, Italy, Denmark, Spain and Portugal, and three Central and Eastern European countries that would join the Union in 2004, namely Hungary, Poland and the Czech Republic – co-signed a letter to advocate the US policy publicly in late January 2003 (Wood 2003; Hughes 2004).[119] The "Letter of Eight" was shortly followed by a "Vilnius Letter", jointly sponsored by the Vilnius Group that lined up to enter the NATO and the EU as well (Rhodes 2004: 428).[120] On the opposite spectrum, Germany and France, with the support of Russia, waged an anti-war campaign. When European leaders were busy quarrelling with each other, an unprecedented massive anti-war demonstration started from mid-February in all major European cities and soon swept across the entire Europe (Balabanova 2011: 74). In face of the widespread protests against war, EU leaders on 17 February reached a temporary agreement that force would only be used as a last resort.

Persuaded by Britain, the US went back to the UNSC to seek a second UNSC resolution authorizing military strikes against Iraq but only realized afterwards that such a resolution would never be approved since France, Russia and possibly China would use their veto power if necessary, which once wielded would

[119] The Netherlands did not sign the letter because its political parties could not agree on a consistent policy on Iraq.
[120] Members of the Vilnius Group include Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, the Republic of Macedonia, Romania, Slovakia and Slovenia. The entire group of countries were also EU-membership applicants during the time. Bulgaria served at the UNSC during 2002-2003.

make other votes from other UN members irrelevant (Dunne 2012: 427).[121] The three countries plus Germany proposed to give UN inspectors another four months to complete their work, which was found unacceptable by the US and its proponents in the UNSC.

Due to lack of success in garnering support for the second resolution, Washington concluded that diplomatic possibilities at the UN had been exhausted. They eventually withdrew their proposal on 17 March but decided to proceed to attack Iraq anyway with or without a clear UN mandate. On the same day, President Bush declared a 48-hour deadline for Saddam and his sons to leave the country or face a war otherwise (Gordon and Shapiro 2004: 154). When the ultimatum was ignored, the "coalition of the willing" led by the US officially began on 19 March with an aerial attack against a location where Saddam was suspected to be meeting with top Iraqi officials (Copson 2003).[122] Despite the unexpected harsh resistance from the Iraqi side, the military operation was rather quick and decisive. Baghdad fell on 9 April, signifying the collapse of Saddam's 21-year ruling of Iraq. By the beginning of May, Bush had already declared victory because of the end of major combat operations while Saddam was still at large and insurgencies between different groups as well as attacks against coalition forces were still going on (Ibid. 35). Later that month the UNSC passed Resolution 1483 and legitimised the Coalition's control of Iraq.

Saddam was finally captured on 13 December, and was then executed by the new Iraqi government in 2006 after a year-long trial. Ironically, WMD stockpiles that could justify the US-led operation to topple Saddam were never found in Iraq, according to the Duelfer Report by the Iraq Survey Group, which was a fact-finding mission dispatched by the multinational force to replace the UN inspection teams to find hard evidence for Iraq's material breach of disarmament obligations (Bluth 2004:888). French and German leaders might somehow have felt that their decisions were vindicated, but it did not change the fact they had not won support by other EU member states. On 16 October 2003, the UNSC unanimously approved Resolution 1511 that effectively authorized the occupation of Iraq by the multinational forces. The UNSC called on UN members to contribute to the maintenance of security in a post-war Iraq. France, Russia and

[121] In the UNSC at that time, the US, Britain, Spain and Bulgaria were in favour of a resolution authorizing the invasion while France, Germany, Russia, China and Syria had expressed their opposition to such a proposal. The other six countries, also known as the "undecided six", including Angola, Cameroon, Chile, Guinea, Mexico and Pakistan, were caught in between the two lines. But even if the US and its allies could win the support of all six countries, their efforts would become meaningless once a veto was cast.
[122] The US managed to rally troops from thirty-five countries, of which twelve were EU members.

Germany only agreed to support the resolution when they were assured that a deadline would be set up for the coalition to return power to the Iraqi people (Byers 2004: 181).

In late June 2004, the Coalition Provisional Authority (CPA), a transitional governing body created by the multinational coalition shortly after the invasion of Iraq began, formally transferred power to the newly-appointed Iraqi Interim Government. The transitional Iraqi National Assembly was elected on 31 January 2005, which formed the Iraqi Transitional Government and was given a mandate to draft a permanent constitution (Gordon and Shapiro 2004). A referendum held on 15 October ratified the new Iraqi constitution. The Transitional Government was later replaced by a permanent Iraqi government on 20 May 2006. In October 2011, US President Barack Obama declared that all U.S. troops would withdraw from Iraq by the end of the year. On 15 December, Defense Secretary Leon Panetta formally announced the Iraq War was over (Stahl 2008). However, violence continued in post-Saddam Iraq. Conflicts between Sunni and Shia Iraqi groups and bomb attacks against the authority constituted a constant threat to the stability of the new government and the safety of the Iraqi population. Until today, the Iraq war remains a disputable question not only because the WMD that justified the course of military intervention were never found on Iraqi soil but also because the security situation in Iraq is still problematic.

6.2.2 Horizontal Coherence: EU-level Response to the Crisis

This sub-section explores the role of the rotating Presidency, the HR/SG and the Commissioner of External Relations in representing the Union during the Iraq crisis, the coordination between these two institutions and the extent to which they were able to deliver coherent EU foreign policy. The first collective response towards Iraq was made in late August 2002 by the Foreign Minister from the Danish Presidency, Per Stig Møller, who on behalf of the Union called on the Iraqi government to allow the immediate return of UN inspection teams but meanwhile indicated that no decision had been reached within the EU on military action (Stahl 2008: 9).[123] On 16 October, the Danish Presidency made a statement in the UNSC, which emphasised the necessity to resume UN inspections. Its pro-US position became obvious when Prime

[123] Denmark started to serve as the EU Presidency on 1 July 2002. The successive presidencies, notably Greece (1 January – 30 June 2003) and Italy (1 July – 31 December 2003), were cooperating with the Danish Presidency as Presidency trios for an 18-month period during the time of the Iraqi crisis.

Minister Anders Fogh Rasmussen made a controversial statement stating that the UN resolutions to date sufficed to legitimize a military intervention (Stahl op.cit.11). The Danish government later became one of the signatories of the "Letter of Eight". There is evidence suggesting that even before signing the letter Denmark had been prepared to actively support the US (Ibid. 14). Denmark officially declared war on Iraq in March 2003 and submitted its troops to US command (Rhodes 2004: 428). It appeared that Denmark, as the agent of the EU, was trying to be prudent and avoid any specific positioning on Iraq. However, in the end its Atlanticist policy orientation prevailed and the Danish Presidency was involved in shirking.

Greece succeeded Denmark as the Presidency in the first half of 2003. Before the succession took place, Greek Prime Minister Costas Simitis had marked CFSP approach as the core of their presidential work (Levy et al. 2005). Since then the Greek Presidency had been trying hard to patch up the differences among EU member states to reach a common ground preferably based on a negotiated solution. On 27 January the EU was able to issue a joint declaration demanding Iraq to comply completely without delay with UN weapons inspection. But it merely reflected the "lowest common denominator" acceptable to all EU members. The Union remained to be fractured with the UK, Italy, Spain, the Netherlands, Portugal, Denmark and several accession countries being supportive of American appeal for military intervention on one side as the "New Europe", whereas Germany, France, Belgium and Luxembourg on the other side as the "Old Europe" strongly opposing a unilateral military action (Ibid.).

Similar to its predecessor, Greece was also hesitant about any early and explicit positioning on the Iraq issue (Stahl 2008: 82). The "Letter of Eight" caught Greece by surprise and was considered a disrespect of Greek Presidential work since Greece had not been consulted in the first place. Simitis strongly criticised the letter, arguing that the declaration was inconsistent with the EU's endeavour to reach a common position. But the Prime Minister was not the only one feeling marginalized. Neither Commission President Romano Prodi nor HR/SG Solana were consulted either, let alone the block co-led by France and Germany that were against military action (Ibid.).

In the meantime, large-scale demonstrations for peace were taking place across Europe. In mid-February, millions of European citizens marched in the streets and protested against war. The most massive protests

were organized in London, Rome and Madrid, the capitals of the three EU countries that were most committed to a US-led war against Iraq (Levy et al. 2005; Balabanova 2011). In order to unite an increasingly widening Union and to respond to the quickly growing anti-war population, the Greek Presidency convened an extraordinary meeting of the European Council on 17 February (Wood 2003: 15). UN Secretary Kofi Annan and European Parliament President Pat Cox also attended the summit. Before the summit began, the Greek presidency had warned that the Union would enter a deep crisis if a common foreign policy on Iraq was still unachievable. Luckily at the end of the meeting, EU leaders managed to reach a compromise resolution to give Iraq a final opportunity to resolve the crisis peacefully. The joint statement clarified that the EU's primary objective remained to be full and complete disarmament of Iraq and repeated the Union's conviction of the central authority of the UNSC in dealing with the issue of Iraq. This statement echoed France and Germany's positions that UN inspectors should be extended to complete their task but pointed out that inspections could not continue indefinitely. The meeting recognized that war was not inevitable but would only be used as a last resort. It was the first time that the EU collectively acknowledged the possibility of military intervention. Three days later, the thirteen acceding and candidate countries aligned with the EU's position after they were briefed by the EU *troika*, composed of Greek Prime Minister Simitis, Commission President Prodi and UN foreign policy chief Solana.

The common position was achieved because both camps made certain concessions. The pro-US group led by Britain agreed to drop the demand for setting a deadline for UN teams to complete weapon inspections while the anti-war group represented by France and Germany accepted an agreement that did not rule out the use of force (Mahony 2003). Prior to the EU Summit, France, Germany and Belgium had softened their positions on the issue of defending Turkey against Iraq, which had been debated for weeks within NATO. Both Greek Foreign Minister George Papandreou and UN foreign policy chief Solana highly praised the EU summit. They believed that the EU was united again on a very important problem, an announcement which was later only proved to be too optimistic.

Like the previous joint statement, it merely united the EU on paper but by no means resolved the fundamental conflicts among EU member states. The Union soon found the remaining problems resurfaced.

In the wake of the summit, French President Jacques Chirac spoke at a press conference in which he rebuked the "Vilnius Ten" for taking the Anglo-American line and warned that such a move might endanger their EU membership (Rhodes 2004: 433). This speech not only incurred a storm of criticism from EU candidates but also conflicted with the perspective of EU Commissioner of External Relations, Chris Patten. In a speech before the EP on 12 March, Patten remarked that EU enlargement should not be called into question simply because the acceding countries had different views on Iraq and assured that they would be welcomed to join the EU. The Commissioner also warned that the risk of collateral damage and a revival of terrorism caused by a war, but he added that if military conflict was proven unavoidable, the decision should be taken by the UNSC (EU@UN 2003). Blair chose to do just the opposite against Chirac. He highly praised the leadership of the "Vilnius" on the Iraq issue in a letter addressed to EU applicant countries. Meanwhile, Britain emphasized that force shall be used if Iraq could not be disarmed peacefully and started to work with America and Spain to push through a second UNSC resolution sanctioning military intervention in Iraq. France and Germany, together with Russia, repeatedly claimed that they would not support such a resolution. However, the US and its European followers had made their minds to strike Iraq no matter whether a clear UN mandate existed or not. Foreseeing the failure of the UNSC to endorse use of force, they revoked the proposed resolution and launched military offences on 19 March (Gordon and Shapiro 2004: 163).

Until then, the Greek Presidency had exhausted all the institutional and political possibilities in its disposal but still the Union failed to close ranks and to reach consensus on an appropriate response to the threat posed by Iraq. The Presidency conclusions of the 20 and 21 March European Council reiterated the EU's commitment to the full disarmament of Iraq and invited the Commission and the HR/SG to explore the means by which the EU might be able to contribute to post-war reconstruction (Council 2003a). As all its endeavours turned out to be fruitless, Simitis expressed on the eve of war that the Greek government was in strict opposition to a war lack of legitimacy and that Greece would not participate in the US-led invasion against Iraq. This declaration marked that Greece had officially sided with the Franco-German anti-war axis. But Greece supported the US-led coalition indirectly and logistically. It also allowed the US to use its military bases on Greek territory due to respective bilateral treaties (Stahl 2008: 93).

Later Blair called on other EU leaders to put their differences over the war in Iraq behind and focused on finding a common approach regarding the reconstruction of the country. The Greek Presidency also encouraged EU members to search for a common ground to restore the damage to the transatlantic relations. On 16 April, Greece issued the Presidency's statement in which it called for a further stronger UN involvement in post-conflict Iraq and reaffirmed the Union's pledge to play a significant role in the political and economic reconstruction of Iraq (Council 2003b). Since the Union and some of its key members had already been sidelined in the previous military action, its role in Iraq's reconstruction was doomed to be limited. At the end of the month, the core of "old Europe", namely France, Germany, Belgium and Luxembourg held a small summit in Tervuren to discuss the possibility of closer defence cooperation. None of the "new" European states was invited (Mouritzen 2006: 140). This was ferociously criticised by those Atlanticist EU members which accused these four countries were trying to institutionalize an already divided EU (Menon 2004).

As the agent of the Union, Greece made achieved certain success by bringing about a common EU position. But eventually it failed to facilitate further consensus and fell into the anti-war camp (Mouritzen op. cit. 153). The position of the Greek Presidency was backed by HR/SG Javier Solana and External Relations Commissioner Chris Patten, who also advocated for diplomatic instruments and multilateralism (Patten 2003). But both actors took a low-key profile in the crisis, and gradually faded from the debate as the intra-EU arguments became heated. This indecisiveness of EU institutions was reaffirmed by the Parliament's failure to reach any kind of agreement Iraq. The PSC, which was just made a permanent body, did not play a meaningful role during the entire process of the crisis. Many PSC ambassadors received strict instructions from their respective MFAs that Iraq was to be kept rigorously off the agenda (Juncos and Reynolds 2007; Howorth 2010).

By the time Italy took over the EU Presidency, Iraq had no longer been a top priority on the Presidency's agenda. Italian Foreign Minister Franco Frattini confirmed his support of a possible US intervention, but made it clear that Italy was not a nation at war (Stahl 2008: 91). Frattini also declared that it was time for the EU to bury the differences arisen during the Iraqi crisis and to repair the wounds done to the EU-US

relationship (Ibid.). There were practically no serious discussions in the Council of Ministers or in the European Council on Iraq during the Italian Presidency. EU member states acted as if the matter was for the UNSC and the US to solve. After the adoption of UNSC Resolution 1483, the EU lifted its sanctions against Iraq. In June 2004, the EU endorsed a medium-term strategy paper for relations with Iraq, which had been jointly proposed by the HR/SG and the Commission.[124]

6.2.3 Vertical Coherence: Divergent Reactions from EU Member States

The Iraq crisis marked a nadir of European integration in the field of foreign policy. As some scholars have elaborated, the lack of EU representation coherence during the 2003 Iraq war was caused by deep-rooted policy differences within the collective principals, i.e., EU member states (Stahl 2008; Portela 2009). It leads to the vertical dimension of coherence, which needs to be assessed by the degree of preference homogeneity or heterogeneity among EU member states, the extent to which they managed to coordinate their national policies, and the extent to which those EU member states serving on the UNSC concerted and shared information. Moreover, the capacities of EU institutions, e.g., the rotating Presidency and the HR/SG, in organising and perhaps facilitating the coordination should be evaluated. It also demands an examination of whether the positions stated by EU institutions and national representatives are coherent.

The consensus of the Union stopped at the point that Iraq should be fully disarmed. Yet EU members were profoundly divided over the means – diplomatic or military – to achieve the goal, the importance of the UN, and American leadership in regard to solving the Iraq crisis. At the heart of these disputes were differing perceptions of the prospect for the Union's CFSP and its relationship with the US. Based on different considerations of national interests, EU member states parted ways with Britain, Spain, Italy and several acceding Eastern European countries, choosing to firmly support a US-led military invasion of Iraq while German and France deciding to prevent a war by all means. The rest of EU members at first were hesitant to take clear positioning but eventually had to gather around one line or the other. As Patten pointed out, CFSP suffered a severe setback because EU member states on both sides of the debate had chosen to take firm national policy positions as if they spoke for the EU as a whole (EU@UN 2003). The subsequent

[124] Communication from the Commission to the Council and the European Parliament, "The European Union and Iraq: A Framework for Engagement".

analysis will mainly focus on the “Big Three”. In the anti-war camp, Germany and France are selected as these two countries were the most determined opponents of a US-led war against Iraq. They are chosen also because they were serving the UNSC at the time of the crisis with Germany as an elected member while France was a permanent member with veto power. The UK is selected for the same reason but also because it was the spearhead of the pro-war camp.

Germany was the first EU country that clearly clarified its position opposing a war in Iraq due to a national election looming in September 2002. Having a sharp nose for a public that was growing war-averse,[125] Chancellor Gerhard Schröder declared in early August at the start of his re-election campaign that Germany was not available for adventures and therefore would not provide troops or money for an attack on Iraq even if it was mandated by the UNSC (Hooper 2003). Schröder further distanced himself from Bush as the election was approaching. On 30 August, a day after Cheney’s the speech calling for regime change of Iraq, the Chancellor threatened to withdraw German biological and chemical detection equipment in Kuwait if the US unilaterally attacked Iraq. Absolute rejection of war brought Schröder a close victory of the Social Democratic Party (SPD)-Green coalition in the election but also made him extremely unpopular among American and British elites who were advocating military action. For instance, President Bush did not congratulate Schröder after he was re-elected, which was unprecedented in the history of German-American relations since the Federal Republic was established.

In November 2002 the UNSC decided to give Iraq a last chance to comply with the UN’s disarmament request or face serious consequences. It was reported that Germany played a crucial role in persuading the UK and the US to drop a reference that might imply automatic military intervention in case of Iraq’s uncooperative behaviour (Mahony 2003). Leading policy-makers of Berlin found themselves not convinced by the evidence presented by the US that Iraq posed an immediate threat and needed to be neutralized by force. Although there was a consensus within the government that war was unacceptable, differences existed within the red-green coalition on how to address the Iraq issue publicly. On 21 January 2003, the Chancellor declared at a campaign event that Germany would not approve a second resolution authorizing

[125] Around 80 percent of the German population objected to military attack on Iraq during the time (Kritzinger 2003).

war. This statement, according to Foreign Minister Joshcka Fischer, had reduced Germany's diplomatic leeway to zero (Fischer 2011). The Foreign Minister, as a sophisticated diplomat and a Green member, preferred not to take a categorical position so that Germany would not be isolated. Largely due to his personal efforts, Germany was able to back down and settled with a joint EU statement in February that accepted the possibility of the use of force.

In late January, Hans Blix, the chief weapons inspector, released his first progress report on Iraqi disarmament, in which he concluded that although Iraq had decided to cooperate in principle, so far it had not provided full information for the unaccounted weapon stocks to inspectors. American and British governments took this report as evidence of Iraq's further violation of its disarmament obligations and had lost their patience for an extension of UN inspection (Gordon and Shapiro 2004). Germany, as a sitting member in the UNSC and its Presidency starting from 1 February was unable to present any concrete initiative to close ranks within the UNSC. In order not to be isolated, Berlin moved closer to the positions of Paris and Moscow. Believing that the inspections were producing results, France shifted its policy of being open to all options to steadfast opposition against a military intervention. At the 40th anniversary of the Elysée Treaty on 22 January, Schröder addressed the press conference with French President Chirac that the two countries had agreed to completely harmonize their positions and find a peaceful solution to the Iraq crisis (Hughes 2003). On 10 February, the two countries aligned with Russia and jointly declared their preference for the continuation of UN inspection and their determination to disarm Iraq peacefully while in the meantime acknowledged the use of force as the last resort (Goldthau 2008). On 5 March Berlin, Paris and Moscow hardened their positions in a second joint declaration saying that they would not allow a resolution legitimising war to be passed, which implied that France and Russia as permanent members of the UNSC were prepared to use their vetoes. The three countries made a last-minute joint attempt to prevent war in mid-March. In a letter addressed to the President of the UNSC from Germany's Permanent Representative to the UN, the foreign ministers of Germany, France and Russia jointly appealed to all members of the UNSC to ensure that a peaceful approach prevailed since nothing in the circumstances

justified the use of force (UN Security Council 2003). Their efforts can be seen as an attempt to balance the hegemonic power of the US on the Middle East.

Berlin's last try to avoid military conflict turned out to be fruitless when one when the US-led "coalition of the willing" launched their strikes against Baghdad. Germany's absolute anti-war stance on Iraq marked a departure from its traditional policy to align with the US at moments of crisis. It reflected Germany's increasing ambition to play an independent role in international affairs and its deep scepticism regarding the use of force in general due to its restraint tradition (Levy et al. 2005). The logic behind Berlin's decision-making is multi-fold: as far as German statesmen were concerned, a war against Iraq was not only unnecessary – especially when the UN inspection team was making progress – but also mistaken (Stahl 2008). They were worried that an Iraq at war might put regional stability in danger and undermine international anti-terrorism efforts. The German government was also afraid of terrorist revenge if Germany supported the US. The tragic train bombings in Madrid of 2004 proved that Berlin's anxiety had not been groundless. But it was domestic political calculations that played a prominent role in German early positioning over Iraq. Schröder undoubtedly used the German public's widespread scepticism of war and anti-American sentiment for electoral advantage. Besides, an approval from the *Bundestag* for military participation in the Iraq war appeared to be very unlikely since the views of Germany's political parties converged on the war-averse stance. However, Berlin was trapped in its own categorical rhetoric and had to stick to it until the end or faced a credibility loss of the coalition government instead (Harnisch 2004).

This also explains why after its successful re-election, the Chancellery tried to mend fences with the American government while holding on to its original position against war and non-participation. As the coalition troops were pushing forward, German leaders, including both Schröder and Fischer, softened their tones and hoped for a US victory in overthrowing the dictatorship and building democracy in Iraq (Copson 2003). Regardless of its non-participation in military terms, Germany in fact made a greater material contribution to the war than expected. It granted flyover rights for American military aircraft, safeguarded US military facilities located within Germany territory, maintained chemical and biological detection equipments in Kuwait and stationed antimissile defence systems for Turkey's protection (Wood 2003). As

early as in May following the end of the major combat operations, Schröder indicated that Germany would like to participate in the post-conflict reconstruction if the UN would be in dominance of the process. Berlin in the end contributed to Iraq's reconstruction by providing financial and technical assistance as well as by training Iraqi security forces and police outside Iraqi territory.

France was the closest ally to Germany during the crisis of Iraq. Although France participated in the American-led military coalition forcing Iraq out of Kuwait and had severed its relationship with Baghdad since 1991. By the mid-1990s, diplomatic and business ties between Paris and Baghdad were gradually reconnected. Based on energy and commercial considerations, France started to energetically lobby for lifting the sanctions against Iraq. Since then French policy on Iraq had been distancing from that of America and Britain. In 1997 and 1999, France twice abstained on UN resolutions regarding the situation of Iraq.[126] The specificity in Franco-Iraqi relations steered the orientation of Paris for a peaceful solution of the crisis. When the Bush administration revealed its intention to attack Iraq in the autumn of 2002, the French government, though patronizing toward Germany's opposition against war, carefully avoided categorical pronouncements because it feared that a tough opposition might push the US to simply abandon the UN and invade Iraq unilaterally. On 29 August, President Chirac emphasized in a speech to the Annual Conference of French Ambassadors that any decision on Iraq must be taken within the framework of the UNSC through collective process and suggested the resumption of UN inspectors in Iraq (Gordon and Shapiro 2004). At that time, Paris had not completely ruled out a military intervention and even considered the threat of resorting to force might help enforce Iraq's quicker compliance with the UN. In late September, Chirac proposed the need for two UNSC resolutions for a military operation to be taken in Iraq. France accepted a resolution threatening the use or force after it made sure that it excluded any automatic trigger of military attack in case of Iraq's non-compliance. Chirac even offered his services to convince Syria not to vote against it so that UNSC Resolution 1441 could be adopted unanimously (Stahl 2008).

The French open-to-all-option policy towards Iraq only lasted until January 2003. While Washington and London insisted that Iraq's incomplete cooperation presented in Blix's preliminary assessment had

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[126] UNSC Resolutions 1134 and 1284.

constituted a further material breach of UN resolutions, Paris had a different interpretation which recognized the progress made by UN inspection teams and believed that peaceful disarmament was still workable. President Chirac stressed that France would only support military action if the UNSC as a whole made that decision based on the report of UN inspectors. It was rather an insincere statement since France could veto the resolution if it wanted. Still it sent a confusing signal to Washington that Paris might give consent to military action. On 20 January, France as the monthly Presidency of the UNSC was holding a session on terrorism. Foreign Minister De Villepin had convinced Powell to attend the meeting with a promise that there would be no debate on Iraq (Rhodes 2004). But at a press conference after the meeting, the French foreign minister told the reporter that nothing in the circumstances raised the prospect for a second UN resolution and indicated the possibility of using the veto to stick to its principle (Peterson 2004). Two days later, at the anniversary celebrating the 40-year Franco-Germany friendship, Chirac announced that the two countries held the same judgment on the Iraq crisis. He portrayed himself and Schröder as the representatives of European citizens, which brought discontent from British, Spanish and Italian leaders since they felt that their leaderships were downplayed (Hughes 2003; Gaffney 2004).

In late January and early February, altogether eighteen European countries publicly expressed their solidarity with the Anglo-Saxon camp. Afraid of being isolated in the UNSC, France and Germany sought Russia's support. On 10 February, Russian President Vladimir Putin started his three-day visit to Paris. At a press conference that evening, President Chirac read out the France-Germany-Russia joint statement in which the three countries emphasized that force could only be used after all peaceful means had been exhausted (Lichfield and Penketh 2003). Despite the temporary concession made by the Franco-Germany axis in the extraordinary EU summit a week later, two subsequent joint statements with Russia in March with stronger rhetoric revealed that no way would France approve another UN resolution justifying war. The conflict got further intensified when Chirac made a controversial speech at a press conference after the summit, denouncing the choice of the acceding Eastern European states for their alliance with the pro-war camp. He admonished these countries for missing a good opportunity to remain silent and threatened that France might reconsider their accession to the EU.

As a counterweight to Washington and London's efforts to gather international support for military intervention, throughout February and March, France carried out active diplomatic activities to pressure the other UNSC members to reject a second resolution which could authorize a war against Iraq. For example, the French foreign minister on 9 March began a three-day tour to Angola, Guinea, and Cameroon to ensure that these African countries would not cast affirmative votes on a pro-war resolution. A day later, Chirac appeared in television and declared that France would use its veto "regardless of the circumstances" since there were "no grounds for waging war" (Peterson 2004). It became clear until that a second resolution would not be passed. The US, Spain and the UK dropped their attempt to secure a UN mandate and delivered an ultimatum to Iraq. On the same day, Chirac expressed his regret of Washington's decision to abandon diplomacy and resort to war. He reasserted that nothing justified a war that might cause heavy humanitarian disasters and negative repercussions for the stability of the region. Chirac even refused to commit France to economic aid to rebuild Iraq (Kampfner 2003). However, as the war was developing toward a victory of the "coalition of the willing", the anti-war camp softened their tones to remedy the fractured relations with the US. Both German Chancellor Schröder and French President Chirac expressed their hope for a swift US military victory with the toppling of Saddam Hussein but emphasized the importance for the UN to take the lead in the post-war reconstruction.

The softer approach on Iraq in the earlier days of the crisis was out of its diplomatic considerations to have more leeway in negotiations. As UN inspection teams were making progress in Iraq, and Washington could not provide decisive evidence of Iraqi possessions of WMD programmes, Paris began to harden its position and moved closer to Berlin's absolute anti-war orientation. French leaders shared the concerns of their German counterparts, worrying that a war in Iraq might further destabilize the region of the Middle East and exert a negative impact on the wider fight against terrorism. But its policy making on Iraq was mainly guided by national policy preferences and domestic political situations. First, Paris preferred the problem of Iraq to be solved in the UNSC where France as a permanent member could heavily influence the decision-making process. Second, France, considering itself as a great power, opposed unilateral US leadership in international affairs. Balancing the US and the UK had long been a principle in French foreign

policy since Charles de Gaulle. Core French leaderships were firm proponents of multipolarism which upholds a multipolar world order based on the primacy of international norms and multilateral cooperation. Moreover, the anti-war stance also enjoyed wide support across the political spectrum and among the French population. The massive demonstrations in mid-February demonstrated that the majority of the Europeans opposed the war. A poll published in April 2003 discovered that around 80 percent of the French population opposed an American-led invasion against Iraq and about 75 percent agreed with French foreign policy at the time (Wood 2003). Chirac's performance during the crisis showed certain opportunism in improving personal prestige, both international and national, by portraying himself as the true spokesman of European citizens and a counterweight of American hegemony in order to win more political popularity (Gaffney 2004; Styan 2006).

Some may argue that Paris and Berlin were driven by commercial and energy interests. Iraq is indeed rich in oil, but during the crisis international sanctions remained in place. It is also true that France tried to convince the international community to lift the sanctions on Iraq as the severed business ties had quietly started to resume after the mid-1990s. But during the crisis in 2002-2003, France did not have a considerable share of trade or oil interests that needed to be protected at the expense of damaging its relationship with the UK and the US. At the time of the crisis, French exports to Iraq only accounted for less than 0.3 percent of its overall exports and about 0.2 percent of its GDP (Copson 2003). Its imports from Iraq only accounted for 0.2 percent of overall imports and 0.05 percent of its GDP. As for Germany, its oil and gas companies were not part of drilling consortia or involved in pipeline projects in Iraq and its commercial share with Iraq was even smaller (Gordon and Shapiro 2004). If commercial and energy interests had been the main considerations of France and Germany, they would have aligned with the Anglo-Saxon camp in exchange for a fair share of oil and other spoils after the war. Their later shift to a softer rhetoric after the war began could be based on the concerns that they would be excluded from taking part in shaping a post-war Iraq and the fears that their companies would be barred from getting lucrative reconstruction contracts with Iraq.

Germany might take the false accusations for being the key of EU division because of the Chancellor's early positioning against Washington's appeal of regime change. Leaked documents of Downing Street

revealed more details of the decision process during early 2002. Britain in fact had identified itself as the loyalist ally of the US months earlier, without any prior coordination with other EU members. As early as in the beginning of April, British Prime Minister Tony Blair sent his policy adviser David Manning to Washington to find out Washington's attitude towards Iraq. Manning reported back that war was inevitable since Bush had made up his mind to topple Saddam by force. Bearing Manning's findings in mind, Blair told the President on 6 April that Britain would go along with the US in principle in a meeting in Crawford. Blair and his senior staff had examined specific invasion scenarios of an invasion of Iraq by the time of July (Mazarr 2007). For the Premier, the remaining question was on what terms the war would be fought. In order to maximise the case of military action, Blair suggested extending the Anglo-American coalition, preferably through the UN. On 10 April, Blair told the House of Commons that Saddam Hussein posed a threat to his own people, to the region and to Britain and thus could not be left unchecked (Kampfner 2003).

When Blair could not assemble the support as he had expected either from British political elites or the British public, he started to get "cold feet" about military intervention. Feeling that his career might be at stake, at the end of July Blair hinted in a personal letter to Bush that without a UN mandate, the UK might not be able to participate in the military operations against Iraq (Dunne 2012). Cheney's straightforward speech advocating for war on 29 August further strengthened his concerns that the US might be ready to bypass the UN. Blair decided to pay a personal visit to Camp David to persuade Bush to give diplomacy a chance before the scheduled speech of the President at the UNGA on 12 September (Gordon and Shapiro 2004). They reached an agreement in early September. Bush agreed to go back to the UN but reserved the right to go it alone if the UN failed to force Iraq's compliance while Blair promised that if a war was proven unavoidable London would be at Washington's side.

As the results of public opinion polls were negative and Blair's own Labour Party was increasingly divided, the Prime Minister felt that he had to provide hard evidence to save his declining popularity (Balabanova 2011). On 24 September, Blair presented to the House of Commons a dossier of Iraq's material breach of disarmament obligations. The document concluded that Iraq's WMD programme was active, detailed and growing, that Saddam had plans for the use of these weapons against his own Shia population

and Iraq's neighbours, and that he was actively trying to acquire nuclear weapons capability.[127] In the statement, Blair claimed that containment was failing and indicated his support for regime change by saying that "the region and the whole world would be better off without Saddam".[128] The statement was followed by a day-long Parliamentary debate. During the debate, the Liberal Democrats maintained that the focus should be re-launching UN inspections in Iraq and warned about the consequences of a "precipitate" military action without the backing of the UN. At the end, there were more than fifty Labour MPs who registered their opposition to Blair's stance. But it did not seriously jeopardise the decisive vote in the Parliament due to the unequivocal support by the Conservatives. Within the EU, both Germany and France's positions had indicated that their agreement to a unilateral military operation was impossible. Chirac called Blair later that day and expressed his view that the dossier had merely offered indications rather than proof of Iraq's defiance. The Prime Minister felt that the only way to win domestic approval and international support of a war against Iraq was a clear UN mandate that would authorize the use of force. However, Germany, France and Russia had made clear that they would not accept a resolution which included automaticity for the use of force. The US was hesitant to make a compromise on the other side. The British government had to spend months to make sure that the US stayed on the route of the UN. Believing the UK could act as a bridge between America and Europe, Blair was determined to reach an agreement within the UNSC. After eight weeks of intensive negotiations, the UNSC finally unanimously adopted Resolution 1441 which demanded the Iraqi government to fully accept and cooperate with the resumption of UN weapon inspections or face serious consequences. Both Blair and Foreign Secretary Jack Straw considered the resolution a British diplomatic victory, thinking that the UK had played a pivotal role in reconciling the differences between the US and the German-Franco axis. They had no idea at the time that they would be caught in a trap of their own making. UN inspectors never found the evidence of Iraq's possession of WMD stockpiles or nuclear capabilities. It became even worse when UN inspection chief Blix's reports let many, including French President Chirac, believe that inspection was workable and

[127] The complete document "Iraq's Weapons of Mass Destruction: Assessment of the British Government" can be retrieved from the website: http://news.bbc.co.uk/nol/shared/spl/hi/middle_east/02/uk_dossier_on_iraq/pdf/iraqdossier.pdf.

[128] The official report of the 24 September 2002 parliamentary debates can be seen on the website: http://www.publications.parliament.uk/pa/cm200102/cmhansrd/vo020924/debtext/20924-01.htm.

therefore shifted to stronger opposition of military intervention in Iraq. On 2 December, the British government published a second dossier documenting human rights abuses in Iraq, attempting to give its appeal for military action against Iraq one more moral ground.[129] On 18 December British defence officials disclosed that ships were being chartered to carry troops and heavy armour to the Gulf (Norton-Taylor and MacAskill 2002). Although the British Ministry of Defence insisted the substantial deployment of British force was only for a coercive effect, it was hardly convincing that the UK would just use a highly costly military deployment for a psychological purpose.

After the anti-terrorism UNSC meeting and the 40-year anniversary of the Elysée Treaty, it appeared that France and Germany had re-found their co-leadership of the EU on the issue of Iraq (Menon 2004). Washington had lost its remaining faith in Paris after French foreign minister De Villepin's speech when the session of UNSC was over. Any lingering hope of the UK for winning the support or acquiescence from Chirac for war was dashed to the ground. The true intention of the British government was not fully revealed until January 2003 (Peterson 2004). Seizing on that Blix's first progress report to the UNSC provided compelling proof of Iraq's further breach of UN resolutions, Blair expressed his unequivocal support for President Bush's position against Iraq. Regardless of the temporary agreement reached by the UK with other EU members on 27 January because of Greek's efforts, Blair had completely jumped into the pro-US camp and was determined to rally a coalition to counterbalance the Franco-German axis (Wood 2003).

On 30 January, the so-called "Letter of Eight", co-produced by Britain and Spain, appeared in the Wall Street Journal and the leading European newspaper of the signatories and publicly advocated a unity around the US position on Iraq. This letter, aiming to isolate Germany and France, not only highlighted the deep rift within the EU but also mirrored Rumsfeld's schism of the "new" and "old" Europe (Levy et al. 2005). Of course, Germany and France were not hinted about the existence of the letter in advance. Because of Blair's insistence, the letter was also kept secret from the HR/SG, Solana and the Greek presidency (Kampfner 2003). On the contrary, the US was informed about the letter a day before its publication. No coordination or any political solidarity prescribed by the EU's CFSP was displayed during the entire process.

[129] The full text of the report "SADDAM HUSSEIN: crimes and human rights abuses" can be downloaded from the website: http://news.bbc.co.uk/nol/shared/spl/hi/middle_east/02/uk_human_rights_dossier_on_iraq/pdf/iraq_human_rights.pdf.

Despite the release of two governmental documents against Iraq, public opinion polls in Britain remained to be strongly war-averse (Balabanova 2011). A poll in 2003 suggested that about 77 percent of British citizens opposed invading Iraq without UN approval (Dunne 2012). Parliament members, including most members of Blair's own Labour Party and the Cabinet also shared this opinion. Blair, who had made his mind to go to war, still had considerable political interests in securing an explicit UN mandate of military action. Even though both London and Washington understood that the possibility of adopting a second resolution was small, Blair was able to convince Bush to stick to the UN route since it was important for the British government to be seen that they had exhausted diplomatic means before resorting to war. Blair even thought that a war would still be justified if the UNSC was paralyzed by an "unreasonable" veto (Hughes 2003). Sympathizing with the predicament of Blair, President Bush decided to help his loyalist friend out and agreed to submit another proposal of a resolution to the UNSC by the end of February.

On 24 February, America, Britain and Spain jointly submitted a resolution draft to the UNSC stating Iraq had failed to take the final opportunity to be disarmed peacefully afforded to it in Resolution 1441. Blair's popularity was further frustrated by a parliamentary revolt on 26 February evening when 198 rebels – of which 121 were Labour MPs – voted in the lower house against his strategy toward Iraq after an impassioned debate. Liberal Democrats constituted the majority of the remaining rebels. The scale of the revolt, the biggest within a governing party for more than a century, demonstrated Blair had failed to win public or political support at home (White et al. 2003). It also meant that the Prime Minister would have to press even harder to secure a second UNSC resolution legitimizing military action. Between February and March, British diplomats were zealously competing with their French counterparts for the support from other UN members respectively to their own coalitions. Both countries put their focus of lobbying on Latin American and African members.[130] Foreign Office Minister Valerie Amos travelled to African countries while David Manning was dispatched to persuade Mexico and Chile to get on board (Gordon and Shapiro 2004: 151). British diplomatic efforts turned out to be fruitless since these countries' attitude toward Iraq remained to be obscure. Realizing its diplomatic efforts were not going anywhere, Britain added to the draft

[130] Pakistan had openly declared that it would not be open to influence from either camp (Kempfner 2003).

a list of new benchmarks for Iraqi compliance before the deadline of 17 March.[131] In response, Chirac said that he would consider the new benchmarks but would not alter his position against any resolution with automaticity of war. Britain's hope that the undecided states could turn to its side died on 14 March when Chile tabled a proposal suggesting giving UN inspectors more time to complete the task (Kampfner 2003). Blair, being disappointed, notified Bush that they should meet to discuss military operations for real. On 16 March, Bush, Blair and Spanish Premier José Maria Aznar met in the Azores. In the summit, they delivered an ultimatum to the UNSC to authorize the use of force against Iraq before the end of 17 March or they would go to war without a UN mandate (Reynolds 2003). When the deadline was passed, the British ambassador to the UN announced the withdrawal of the draft resolution. Two days later, the American-led coalition launched the military operations to "decapitate" Saddam. The UK actively participated in the fighting with around 40,000 British troops in action.

The basis on which the UK decided to go along with the US in military attacks of Iraq was British leaders' deep belief that an armed Iraq posed a consistent threat to regional and world security and needed to be dealt with. The 9/11 terrorist attack toughened Blair's stance to "rogue states" with WMD programmes (Bluth 2004). The UK's key policy makers were confident that Iraq possessed WMD and that Iraq and al-Qaeda were connected. It was believed that Iraq's biological and chemical weapons might be available to terrorists in the future. Blair and his inner circle were convinced that a rouge state like Iraq had to be confronted and the world would be safer with the removal of Saddam's regime. Years of sanctions were not able to force Iraq's compliance with UN resolutions but caused disastrous pain for ordinary Iraqi people. Considering the history of Saddam's propensity for aggression and disrespect of international norms, an extension of containment would not be efficient or effective. For the UK, diplomatic resolution might lead to a more undesirable result than military conflict. If UN inspections had been allowed to continue and eventually had brought Iraq's cooperation, sanctions against Saddam's regime would have been lifted. However, there would be no guarantee that Saddam would not reconstitute WMD capabilities. Moreover, according to the second dossier published by the British government, Saddam was considered an imminent threat to its own

[131] The benchmarks for Iraq included arranging unmonitored interviews with Iraqi scientists, providing information on alleged inventories of nerve gas, anthrax, ballistic missiles, and remotely piloted aircrafts, and Saddam's appearance on television to admit lying about the weapons.

population due to the regime's long history of human rights violations. It was clear from the beginning to the British military intervention would be the least unattractive option compared with peaceful. However, Blair was forced to adhere to a UN route because his premiership was on the line of due to fierce domestic oppositions from both political elites and the British public. Although public opposition eventually failed to stop Britain from launching a war, they were indeed exerting a strong influence on Blair's choice to first seek a diplomatic solution of the problem of Iraq. The Bush administration persisted in seeking a second resolution of the UNSC largely because Blair pleaded that it was needed to sustain British public support.

Britain's rationale to align with the US was also rooted in its enduring Atlanticism. Since the Second World War, the UK and the US had maintained a special relationship which Britain considered to be a privilege. This closeness, coupled with the existing military cooperation of the two countries within NATO, gave impetus to Blair's decision to participate in the invasion against Iraq. Adopting an Atlanticist approach on security issues had been preferred by almost all former British prime ministers prior to Tony Blair. Contrary to Chirac's call for a new EU security strategy based on multipolarity independent from the US, Blair argued for an EU leadership in harmony with the US where the UK could play a significant role as the "transatlantic bridge" (Hughes 2003). Although the development of EU political integration had increasingly drawn Britain closer to the EU, close partnership with the US remained the priority for the UK. In the case of Iraq, the determination of the Bush administration to remove Saddam with force left Britain little choice but to choose sides between the US and the EU. Blair clearly chose the former. It was reported that he even told associates that his goal was to have a united Europe that was pro-America but if that proved impossible, he would rather have a divided Europe that was partly pro-American to a united Europe lined up against the US (Gordon and Shapiro 2004).

Because of the close Anglo-American relationship, it is frequently argued that Britain was dragged by the US into the war against Iraq. This argument was not entirely correct. It is true that Blair's decision to go to war was influenced by the American policy toward Iraq. But the prime minister himself truly believed that Iraq was a threat to Britain and its Western allies and played a pivotal role in facilitating the decision making to resort to war. As he explained to the Parliamentary Labour Party in February 2003: "People say

you are doing this because the Americans are telling you to do it. I keep telling them that it's worse than that. I believe in it" (Riddell 2003). A research using the leadership trait analysis showed that Blair's personality and leadership style was also an influential factor in British policy making during the Iraq crisis (Dyson 2006). Dyson identified that Blair had a high score of "belief in ability to control events", meaning that the prime minister was convinced that he could exercise considerable control over the developments of political events. An example was Blair's confidence that he could cut down the rebels down to 50 before he suffered a serious revolt in the Parliament (Kampfner 2003). It was this false perception that led to Blair's proactive foreign policy against Iraq. It is also found that Blair's lower "conceptual complexity" could explain his tendency to view the situation in Iraq as a moral issue between black and white. He was convinced that toppling Saddam was morally justified. Therefore, he eventually decided to go to war even without the blessing of the UN.

Since the "Big Three" were essentially divided on the Iraq issue, other EU member states had no choice but choose sides between the pro- and anti-war camps, triggering bitter rows and recriminations within the EU. As demonstrated by the "Letter of Eight" the "Vilnius Ten", this predicament also applied to the Central and Eastern European states, which were about to join the EU. Most of these countries quickly chose to stand side by side with the UK-led camp supporting the US, not least because the US was considered to be a more reliable ally against Russia compared to a divided EU (Serfaty 2006). Moreover, since these countries were also waiting to join NATO, it was important for them to appease the US at this critical moment. The problem of the two letters did not lie in their contents but rather in their appearances, which sent a signal of a divided and weak EU. The disagreement within the EU were also reflected at NATO headquarters, where France, Germany and Belgium were sparing no effort to block a plan to use NATO facilities to support Turkish defences in the event of an Iraq war, which was backed by the other sixteen NATO members of which fourteen holding memberships of the EU (Duke 2012).

Before the "Letter of Eight" was released, the HR/SG, Javier Solana had worked hard to push forward a common approach for the EU, and he succeeded during the Greek Presidency when a collective position was reached on 27 January. As the "diplomatic war" among EU member states was becoming increasingly

fierce, Solana began to realize that a common position was beyond reach and kept a low profile throughout the crisis (Hughes 2003). The letter was considered a further "insult" towards Solana, since Britain and Spain had not informed the HR/SG. Solana, who actually first heard about the publication on the radio, was reported to be furious to have been cut out (Gordon and Shapiro 2004: 131). Caught between the divergent interests of EU member states, the HR/SG's role as an EU agent and a consensus-builder on matters of the CFSP was seriously weakened.

6.2.4 An Assessment of EU Representation Coherence in the Iraq Crisis

Regardless of the Union's continuous efforts to strengthen the CFSP for almost a decade, the EU was in serious split over the crisis of Iraq. The lack of agreement among EU member states heavily damaged the Union's presence at the UN as a collective organization. The credibility of the Union's CFSP was undermined since there was rarely any prior consultation within the EU or concertation of the positions of EU member states at the UN. EU representatives, notably the Presidency, the HR/SG and the Commissioner of External Relations were made irrelevant in the impasse of conflicted member states. The analyses of EU decision making process at both horizontal and vertical level above have illustrated the structural deficit of EU representation in the field of the CFSP and the domestically-driven reactions of EU member states to the crisis. This summary section is planning to assess how the EU was represented at the UN on the issue of Iraq from a principal-agent perspective. But the role of the EU was doomed to be downplayed since it was unable to conclude a common position toward Iraq in the first place.

Prior to the adoption of the ToL, the alternate Presidency acted as the leading agent of EU external representation in issues falling into the CFSP. In the case of Iraq, Denmark and Greece in sequence were serving as the EU presidency at the time. Both Denmark and Greece avoided any early categorical positioning and tried to act as a moderator to facilitate collective decision-making of the EU. But their own policy preferences towards Iraq were not even consistent with each other. While Copenhagen embraced Washington's appeal for military intervention, Athens as the successor preferred a peaceful disarmament of Iraq, a policy which was closer to the positions of Germany and France. Limited by their own national policy orientations, it was difficult for the Presidencies to remain impartial, let alone to be an honest

coordinator between the pro- and anti-war camps. The ambitions of the two Presidencies to represent the EU were also different. Before the succession actually took place, Greek Prime Minister Costas Simitis had marked a CFSP on the issue of Iraq as the core of their presidential work. The Greek Council Presidency tried to make the best of an impossible job and was successful in reaching a compromise agreement twice, even though the common stance was just temporary and largely ignored by both camps of EU members. The Greek Presidency's role was limited in merely delaying the rift within the EU rather than solving the intra-EU differences It is worth mentioning that the common positions reached under the Greek Presidency were more desirable to Greece and the anti-war group, indicating that the Presidency might have tried to direct the coordination process towards its preference. As the conflicts within the EU became more intense and irreconcilable, both Presidencies eventually gave up their diplomatic efforts and joined the camp they preferred respectively.

Horizontal coherence in the EU's representation was astonishingly low during the crisis. The EU Presidency's role was rather limited because of EU member states' resistance to make genuine concessions. Although the HR/SG managed to assist the Greek Presidency in facilitating two tentative common statements, his role was quickly diminished by cutting out the preparation of the "Letter of Eight". Both the HR/SG and EU Commissioner of External Relations kept a low profile during the ferocious diplomatic war of EU members. Therefore, there was hardly any meaningful coordination between the two actors. Since a common EU position had never been made, Solana was never invited to address the UNSC regarding the issue of Iraq. The security crisis eventually was reserved for the US and NATO to deal with, while the EU, as a collective actor, was largely sidelined.

Since neither Denmark nor Greece was sitting in the UNSC at the time, the Union had to depend on those members that do serve on the UNSC, especially the two permanent members, i.e. the UK and France to ensure the defence of the Union's positions and interests. The risk of agent deviation was even higher since the UNSC had been considered as a state-centric forum to promote national priorities and interests. During the Iraq crisis, no substantial coordination or concertation among EU members at the level of the UNSC could be observed. A resolution to deal with the crisis through the EU's CFSP never existed. The problem of

“agent losses” was outstanding since EU members have divergent preferences within the EU, which was considered a collective principal. A lack of vertical consistency practically led to a lack of mandate for the agent of the EU to speak up on behalf of the Union. As the divergence between EU member states grew, Solana, Prodi and Patten gradually left the stage of debate and therefore shed little light on the perspectives of EU policy making over Iraq.

Among the EU members that were sitting in the UNSC, Germany and France were united in opposing the US and an invasion of Iraq without the authorization of the UN. German and French leaders were not convinced by America’s rationale for war and argued that a diplomatic solution should be given every chance. Both countries reversed their earlier pro-US policies to assist American-led military operations e.g. in the cases of Kosovo and Afghanistan. Their policy choices over Iraq were largely determined by domestic politics and national preferences. Both leaders of Germany and France were suspected to utilize the widespread war-averse and anti-America sentiment among the European public to win political popularity, both at home and at the international level. Their emphasis that the issue of Iraq should be strictly dealt within the framework of the UN was out of the consideration to constrain and counterbalance American’s sole dominance of issues involving international peace and security. Within the Franco-Germany axis, Chirac clearly played a more significant role than his counterpart Schröder, since France as the veto holder at the UNSC had more leverage to influence proceedings other than to antagonise the US. The French threat to use its veto power was also conceived as an abuse of its UNSC privilege by Britain, Spain and other EU members which were sympathetic to the American approach.

On the other side, the UK, Italy and Spain, along with several Eastern European states that were lining up to join the EU as well as NATO, aligned themselves with the US in support of military intervention. Believing that an Iraq in procession of WMD programmes posed a great threat to the Western world, these countries were determined to remove Saddam’s regime with the use of force, with or without a clear UN mandate. Unsurprisingly, the UK, as a permanent member of the UNSC and a special ally with the US took the lead within the pro-war camp in rallying international support for a US-led military invasion against Iraq.

The absence of cooperation appeared to be more serious when these countries decided to present a united front but excluded anti-war EU members and key figures at the supranational level.

In summary, the EU was largely marginalized during the Iraq crisis since the issue was preferred by EU member states to be tackled at the forum of the UNSC in terms of their relations with the US rather than within the framework of the Union's CFSP mechanism. Foreign policy making of individual EU member states was starkly coloured by domestic considerations rather than collective thinking of common EU interest. As the Iraq crisis has demonstrated, the representative system of the EU prior to the adoption of the ToL had been initially problematic. Furthermore, as the lack of horizontal consistence in EU representation – apart from the structural weaknesses – was largely due to the lack of vertical consistence of EU member states to stick to the agreed EU stance, the question of whether the Union would be able to speak with one voice would depend on whether EU member states could comply with the spirit of the Union's CFSP and make necessary concessions in order to establish a common EU representation in international affairs.

6.3 The EU and the Libya Crisis

The unrest that started in Benghazi in mid-February 2011 soon spread to other regions of Libya and eventually turned into a civil war. Many were killed or injured and thousands became refugees.[132] The worsening political and humanitarian situation raised international concern with many states and IOs, including the UN and the EU, condemning Gaddafi's violent attacks against the protestors. The crisis posed an early serious test for the CFSP-related institutional structures set up by the ToL. It broke out about 14 months after the ratification of the Treaty and just one and a half months after the EEAS was declared operational. It provided an opportunity for the HR and the EEAS to demonstrate leadership in crisis management and show their strength in representing the EU on the world stage. How the EU and its member states responded to this event provides real evidence for the effect of the ToL. Was the Union able to fully utilize the new instruments granted by the ToL and stand as one to handle the security crisis? Or did the remaining weaknesses in its external representation hold the EU back? In this sub-chapter, following a brief account of the background of the Libya crisis, we will examine how EU institutions and EU member states

[132] Estimates of the casualties have widely varied. Human Rights Watch estimated that 230 people were killed in the first five days of unrest. But according to Amnesty International, earlier estimates of the initial clashes in February were exaggerated.

responded to the Libyan crisis and make an assessment of the level of coherence of EU reactions to the incident, especially of whether the structural instruments invented by the ToL had a positive effect on EU external representation in crisis management, which is an inherent part of the EU's CFSP.

6.3.1 Background

The story behind the Libyan crisis is not an unfamiliar one. Decades of dictatorship and political repression combined with low development, corruption, nepotism and mismanagement had fuelled the grievances and rage of Libyans which were waiting to explode. The Tunisian and Egyptian revolution certainly provided the inspiring sparks and the government's arrest of human rights activist Fathi Terbil released the trigger (Chorin 2012:192). On 15 February 2011 hundreds of demonstrators gathered in Benghazi, protesting the arrest and demanding for reform and the step-down of Muammar Gaddafi, who had been ruling the country over 40 years. After confrontations with national security forces, the protests soon escalated into an armed anti-Gaddafi rebellion and later a full-scale civil war. The opposition forged an interim governing body, the National Transitional Council (NTC), claiming to be the sole representative of the Libyan people. But Gaddafi made it clear that he would rather "die a martyr" than hand over the power (Black 2011a). In response, the government deployed lethal means and excessive force, trying to crack down the unrest.

Considering the widespread and systematic attacks against civilians, on 26 February the UNSC reacted with "unprecedented speed and unanimity" and issued Resolution 1970, which recalled the Libyan authorities' "Responsibility to Protect (R2P)" its citizens, imposed sanctions on Gaddafi and his inner circle. The Resolution also decided to refer the Libyan situation to the International Criminal Court (ICC) for investigation.[133] On 1 March the UNGA suspended Libya's membership of the Human Rights Council. Given that the Libyan authorities failed to comply with Resolution 1970 and the situation in Libya was deteriorating on a daily basis, on 17 March the UNSC adopted Resolution 1973 through which it established a no-fly zone and authorized UN member states to "take all necessary measures" to protect civilians and enforce compliance with the ban on flights. Two days later, in order to implement Resolution 1973,

[133] On 27 June 2011, the ICC issued an arrest warrant for Gaddafi, accusing him of crimes against humanity.

"Operation Odyssey Dawn" – a multinational military operation led by the US, the UK and France – waged a campaign of air strikes against Gaddafi's forces. The US soon withdrew its fighter jets and NATO stepped in on 31 March taking full command of the mission "Operation United Protector" (OUP) under a UN mandate. On 29 March, an international conference of more than thirty-five countries plus the UN and NATO was convened in London to discuss the Libya conflict and world leaders agreed to set up the Libya Contact Group to support the NTC's efforts to overthrow the Gaddafi's regime (The Telegraph 2011).[134] On 15 July, the Libya Contact group recognized the NTC as the legitimate authority of Libya (Black 2011a). Afterward, there was a period of stalemate concerning the military action. Tripoli finally fell on 20 August. After months of intense fighting between the two sides, the conflict ended up with Gaddafi's death on 20 October. He was captured in the Battle of Sirte and was confirmed to be dead shortly.[135] Three days later, the NTC declared the official liberation of Libya and the end of the civil war.

6.3.2 Horizontal Coherence: EU-level Response to the Libya Crisis

The first EU-level response came from the HR, who had been appointed the leadership of EU external representation since the adoption of the ToL. It took five days for the HR to issue a declaration on behalf of the EU expressing her extreme concern of the events unfolding in Libya. She condemned the repression against peaceful demonstrators and urged the Libyan authorities to immediately refrain from further use of violence (European Union 2011a). On 23 February, Ashton issued a second declaration with tougher rhetoric in which she "strongly" condemned the "unacceptable" repression against civilians. The HR declared that the EU was ready to supply humanitarian aid and to take further restrictive measures on the Libyan authorities (European Union 2011b). Later on 6 March the HR sent a fact-finding team to Libya, led by Agostino Miozzo, the EEAS Managing Director for Crisis Response and Operational Coordination – the first international mission of its kind since the violence – to assess humanitarian and evacuation efforts in Libya (European Union 2011c). On 9 March in her speech at the EP, Ashton said that she had asked her Services to look at possible CSDP engagement to support current evacuation and humanitarian efforts

[134] Attendees included foreign ministers and leaders from the UN, the Arab League, the Organization of Islamic Cooperation, the EU and NATO.
[135] Gaddafi's death raised questions about whether he was killed in crossfire when loyalist forces attempted to free him as claimed by the NTC or deliberately executed. Later there was evidence suggesting that Gaddafi was beaten to death by the rebel fighters.

(Europa Press Releases 2011). Unfortunately, a serious proposal on launching a military CSDP mission under the Petersberg tasks to enforce the Libyan no-fly-zone was never put on the table (Brattberg 2011). The bright side is that on 22 May the HR established a liaison office in Benghazi under the management of the EEAS to support the NTC and to bring more efficiency to EU actions. It could be interpreted as a *de facto* recognition of the interim government.

On 23 February, the same day when the HR delivered her second declaration on Libya, the President of the European Council also made a statement addressing the developments in Libya (European Council 2011a). Though the condemnations and demands for the stop of using violence against civilians was similar to the HR's declarations, President Van Rompuy seemed to suggest regime change and democratic transition with the help of the EU when the HR at the time still counted on the Libyan government to "meet its responsibility to protect it population". On 11 March, the President convened an extraordinary European Council meeting to set the strategic direction for future EU policy and action to the situation in Libya. The leaders of EU member states agreed that the Gaddafi's regime had lost legitimacy while the NTC should be considered a "political interlocutor" (European Council 2011b). The Summit also agreed to examine "all necessary options" to protect civilians but failed to approve the enforcement of a no-fly zone proposed by British Prime Minister Cameron, with the joint support of French President Sarkozy. Both German Chancellor Merkel and the HR Ashton were strong opponents to military option with the former emphasizing the lack of a legal basis for a no-fly zone while the latter warning about the risk of "collateral damage" of civilian casualties (Traynor and Watt 2011). The HR, however, did not take a clear position on a military intervention at the beginning nor did she recognize or even publicly meet the NTC (Helwig 2013: 241). The lack of reference of a no-fly zone at the end of the Summit indicated a one-round victory of Ashton but the dispute itself reflected the vertical inconsistence of EU foreign policy over Libya.

In view of the gravity of the situation in Libya, the EU took the initiative to implement restrictive measures against the Libyan authorities that went beyond the UN sanctions. The Council played an important role in establishing EU sanction regime against Libya despite the impasse in the first week of the crisis. On 21 February, at the meeting of FAC, foreign ministers demanded an immediate end of the

violence in Libya. It was the first collective EU reaction since the uprising began. But foreign ministers could not reach a common approach on the subject of imposing sanctions. Italy, Malta and Cyprus found that they were quarrelling with other pro-sanction EU members, notably France, Germany, Finland and the Netherlands. Yet the Council managed to agree on the suspension of the negotiations of EU-Libya framework agreement and other ongoing cooperation contracts with the country as of 22 February.[136] On 28 February the Union marched forward and adopted Decision 2011/137/CFSP, which decided to impose additional restrictive measures beyond UN sanctions. The measures include an arms embargo, an assets freeze and a visa ban on Gaddafi, his family and his closest associates, who were involved in the brutal attacks against the population. Since then the decision has been amended numerous times to modify the coverage and targets of the list. On 10 March, the EU extended the sanctions to key Libyan financial entities. Following Resolution 1973, the EU imposed further sanctions on 21 and 24 March, extending the asset freeze to additional persons and Libyan entities, including the National Oil Corporation and five of its subsidiaries. On 12 April, the Union included 26 energy firms accused of financing Gaddafi's regime to the list of asset freeze, and thereby imposed a de facto oil and gas embargo. On 7 June the EU extended the assets freeze to six Libyan port authorities (Council 2011b). [137]

The EU made a considerable contribution to alleviating the humanitarian emergency during the Libyan crisis. The EU had been at the forefront of the humanitarian response in Libya since the outburst of the conflict. As a whole the Union is the biggest humanitarian donor to Libya. Together with its member states the Union has provided over €150 million for humanitarian aid and civil protection, of which €80 million is contributed by the Commission alone (Balfour et al. 2012: 14). On 20 February, the EU launched the Frontex Joint Operation Hermes 2011 as a response to Italy's formal request for assistance with the massive influx of migrants. Commission President Barroso on 23 February indicated that the EU would support "the aspirations of the Libyan people" (Commission 2011a). On the same day, following the request from the Hungarian Presidency and the HR, the Commission activated the Civil Protection Mechanism to facilitate

[136] Negotiations on the EU-Libya Framework Agreement were officially launched in November 2008. It would have established a comprehensive cooperation in a wide range of areas, including free trade, economic issues, foreign policy, security and other sectoral issues, such as energy, environment, tourism, agriculture, technology and education, etc.
[137] For an overview of EU sanctions on Libya, see http://www.omm.com/newsroom/publication.aspx?pub=1101.

the evacuation of EU citizens and other foreigners from Libya. The Commission also sent two teams of ECHO experts to the borders of Libya with Tunisia and Egypt to analyze the humanitarian needs. Moreover, Minister of State Enik Gyri and Kristalina Georgieva, Commissioner for International Cooperation, Humanitarian Aid and Crisis Response paid personal visits to the Tunisian-Libyan border on 2 and 3 March to show EU engagement and gather first-hand information. The Commission submitted a document of new guidelines to the 11 March meeting of the European Council of the EU's policy toward the Southern Mediterranean. The proposal aimed to help spur the progress of the region on political reform and civil-society building (Commission 2011b). On 1 April, the Council adopted a decision on the establishment of European Union Force (EUFOR) Libya to contribute to the safe movement and evacuation of displaced persons and to support the humanitarian agencies in their activities with specific capabilities to support humanitarian assistance operations, if requested by the UN (Council 2011c). Ashton originally had wanted the EU to authorize a military operation without waiting for the UN's request. However, UN humanitarian chief Valerie Amos was iterated that EUFOR Libya would only be considered as the last resort due to her reservations about using military means to support humanitarian missions (Gottwald 2012). EUFOR Libya turned out to be nothing more than a symbolic gesture.

Regardless of the limited role of the Parliament in the CFSP/CSDP area, the EP managed to play a facilitating function by urging the EU to take actions and supporting efficient spending accordingly in dealing with the Libya crisis. On 21 February, then Parliament President Jerzy Buzek made an early statement condemning the brutal use of force against protestors and warned the Libyan authorities that those who carried out atrocities would be held accountable (European Parliament 2011b). On 23 February, the President declared that Gaddafi's regime had lost legitimacy and the Libyan dictator had to go. On 8 March NTC representatives visited the EP and called for the EU's recognition as well as a no-fly zone. In response, Buzek made a speech three days later on the extraordinary European Council suggesting a stronger EU presence in Libya and the recognition of the NTC (European Parliament 2011c). He said at the end of his speech: "We have a rendezvous with history, so let us not miss it this time!" The EP is also well known for its role as a fervent critic toward the EU's response to Libya and the Arab Spring in general (Koenig 2011).

The harsh critiques from the parliament offered the EU, particularly the HR, an opportunity to adjust its strategies in accordance to the dramatic development of the Union's southern neighbourhood, and formed a certain pressure on EU member states to better coordinate their national policies in resolving the crisis.

6.3.3 Vertical Coherence: Divergent Reactions from EU Member States

It must be acknowledged that Brussels' reactions to the Libya crisis were, though not swift or consistent enough, appropriate in general. The Union's overall contribution to supplying humanitarian aid and evacuation of EU citizens was considerable. However, EU leaderships in foreign policy, the HR and the EEAS in particular could have played a bigger role if they were not trapped in the tensions between EU member states. Just like in the case of the Balkans in the 1990s and the Iraq crisis analyzed above, national leaders once again put national interests and domestic politics on top of EU common interest over Libya and openly criticised each other over how the EU should react to the crisis. The inconsistency undermined the Union's credibility and the HR's leadership over EU foreign policy. There are experts who commented that EU splits over Libya were nowhere as high as over Iraq (e.g. Rosemberg 2011), while others sharply criticised its lack of leadership and coherence in crisis management (e.g. Brattberg 2011; Santini and Varvelli 2011). Some analysts even believed that the EU "hit rock bottom on Libya" and came up with the conclusion that the high expectations for the ToL were premature since the EU failed to speak with one voice and to get its act together during the Libyan crisis (Asseburg 2013). From a certain perspective, the divergence of the Union this time even exceeded that of Iraq, given that people would have higher expectations for a more coherent EU foreign policy after the ToL entered into force.

The situation in Libya posted another humanitarian crisis at the EU's doorstep. It reminded Europeans of the bitter memories of the inaction of Western countries in the Srebrenica and Rwanda massacre. It seemed that European leaders were determined to correct their misdeeds in the past and uphold the UN's policy of R2P. EU member states were among the first countries to condemn the use of force of the Libyan authorities and to call for the immediate stop of violent repression. Their attitudes toward supplying humanitarian aid to Libya and imposing sanctions against Gaddafi's regime were generally consistent with EU-level responses. But the harmony did not last long. EU members soon found that they were poles apart when national

interests and domestic politics were factored into the cost-benefit calculations. They were mainly in discord with each other over four matters: (1) military intervention; (2) the role of NATO; (3) the status of the NTC; (4) migrants and refugees.

(1) *Military Intervention*

Military intervention was the most contentious issue among EU member states. The EU repeated its failure in the cases of Kosovo and Iraq by splitting into two camps when the "Big Three" became divided. France and the UK were enthusiastic about the military operation against Gaddafi's regime, while Germany held eminent skepticism on military engagement. The divergence within the EU had become open and obvious at the G8 meeting held in Paris in mid-March, during which France, the UK and Canada advocated enforcing a no-fly zone in Libya while Germany, the US and Russia tended to disagree. When French Foreign Minister Alain Juppé claimed that their plan of implementing a no-fly zone had got a broad support, his German colleague Westerwelle even intervened and corrected that notion (Rinke 2011). The divergence peaked when Germany sided with China, Russia, Brazil and India (the so-called BRICs) and abstained in the vote on UNSC Resolution 1973, which lent legitimacy to military intervention of Libya. Germany's abstention caused storms of debate and criticism across the EU. While the abstentions of Russia and China were understood as a *de facto* affirmative vote since they could have simply vetoed the resolution, Germany's abstention was perceived as a "no" by its allies and EU peers. It was considered a grave damage to the EU's credibility as a collective actor, not to mention that Paris and London were rather irritated and disappointed by Berlin's absence in the military alliance. Germany was not the only one to blame though. During the Libya crisis, national interests and domestic politics were dominant concerns for EU members.

Activism could be ascertained all along the decision-making process of France on the Libya crisis. Together with Britain, France assumed a leading role in pushing for the adoption of Resolution 1973 and spearheaded in the coalition military operation. As early as 23 February, Sarkozy had called for a no-fly zone over Libya. On 19 March, France was the first to initiate the airstrike campaign against Gaddafi's forces. During that time, an international conference on Libya was being held in Paris, with attendees including the leaders of allied countries plus EU HR Ashton and UN Secretary-General Ban Ki-moon. The

fact that France had started the attacks even before the end of this meeting caused widespread irritation among other allies and EU countries. Some critics pointed out that it appeared that Sarkozy was trying to steal the thunder and raise personal profile. Paris argued that they only acted hastily as time seemed to be running out since Gaddafi's troops were advancing toward Benghazi despite a ceasefire and the risk the city would be taken was high. But some diplomats said that it was French insistence on the meeting that had delayed the coalition's military action.

This activism of France toward Libya was rooted in its colonial history of the Magreb Africa (Santini and Varvelli 2011). History has demonstrated that France did not hesitate to take military actions to intervene the affairs of its former colonies, such as in the cases of the Ivory Coast in 2001 and Chad in 2008. Its privileged status in the UNSC gives France more leverage to bypass the EU when necessary. The operation thus provided France with an opportunity to show its sense of responsibility as a permanent UNSC member.

National interests and domestic politics played a decisive role in French decision-making on the issue of Libya. It is firstly seen as a correction of the mistake committed in the case of Tunisia, which cost the job of the former Foreign Minister Michèle Alliot-Marie.[138] During the crisis, there was a pro-intervention tendency among the French public. As the 2012 French presidential election approached, it is believed that Sarkozy was trying to gain voters through a tough position on Libya at a time of decreased domestic popularity. Energy and economic interests were certainly considered in the decision-making. Libya is Africa's second largest crude oil producer and has the largest proven reserves in Africa. In 2010, Europe received over 85 percent of Libya's crude exports. Before the uprising, it was the third largest external supplier of oil and the fifth largest external supplier of gas to the EU (Bosse 2011). It contributed France's 16 percent of total crude imports (IEA 2011). Since it was commonly agreed that Gaddafi would have to go, it was crucial to "invest" the winning party to ensure future energy interest through an advantageous presence in Libya and a pro-NTC stance. The French newspaper Libération on 3 April published a letter referring to a secret deal, in which the NTC agreed to reserve "35 percent of total crude oil" in exchange for the full support of France. The French foreign ministry denied the existence of such a letter. But it is true that

[138] When the Tunisian revolution started, then Foreign Minister Michèle Alliot-Marie was taking a holiday in Tunisia. It was reported that the Minister had even offered the Tunisian dictator Ben Ali to send France's security forces to assist in quelling the uprising. Facing strong criticism she resigned in February 2011.

rebel leaders had already indicated that countries active in supporting their revolution, especially France and the UK, should expect to be treated favourably once the war was over (Lutterbeck 2009).

Additionally, President Sarkozy himself was a key factor behind the decision to militarily intervene. From the very beginning, the French President had been seeing the Libyan crisis in personal terms. It offered an opportunity for him to mark the history and outperform his predecessors as a man of action. He also hoped for the regain of reputation by resetting the strategy toward the Arab Spring and by wiping away the embarrassment after Gaddafi's notorious visit in 2007. Besides, Sarkozy held resentment toward Gaddafi, the man who openly criticised or even humiliated him multiple times (Asseburg 2013).

Like France, Britain was a firm advocate of the military intervention in Libya. While initially hoping that sanctions would be sufficient to force Gaddafi to surrender, Prime Minister David Cameron on 28 February instructed the British Ministry of Defence to draw up plans for a no-fly zone, as Gaddafi showed no intention to stop attacks against the rebels or cede his power. On 10 March in a letter jointly sent by Sarkozy and Cameron to President Van Rompuy of the European Council, they proposed to their European partners and allies to provide support for "all possible contingencies" in Libya, including a no-fly zone or other options against air attacks. Concurrently, French and British delegations to the UN were working together on a UNSC draft, which was later adopted as Resolution 1973. Two days later, the UK, along with France and the US, co-led the military strikes against Gaddafi's regime. Albeit Cameron had secured a cross-party support for the military operation, he had an open breach during the process with his defence chief over the aim of the action when Cameron said the tyrant could be a legitimate target while Sir Richards said Gaddafi was "absolutely not" (Chorin 2012). Until mid-April, it turned out to be crystal clear that regime change was going to be one of the objectives of the military operation. Sarkozy, Cameron and US President Barack Obama jointly stated in a letter that it would be impossible to imagine Libya's future with Gaddafi in power or even playing a part of it. The letter also reassured that the dictator would be held accountable for his crimes. This position was sharply demarcated from some previous options that opted for a peaceful solution through political dialogue or granting exile for Gaddafi, once supported by Italy and Germany (Shipman 2011).

The motivation behind the UK's decision in Libya was a combination of many factors. As other European leaders, addressing the humanitarian need was obviously one concern of British leaderships. R2P was a core concept behind British decision-making, at least in British official statements. Undoubtedly domestic-related interests were involved. Strategically speaking, a stable Libya would be more preferable for the UK. But Gaddafi's autocratic rule in Libya, his involvement in the Lockerbie bombing and his support for the Irish Republican Army convinced the UK that it would be less risky to have him toppled down. Energy interests were seriously considered in the UK's decision-making. The UK had not benefited from Libya's rich oil reserves as much as other EU countries did. Up to 2010, Libya's crude exports merely accounted for 8.5 percent of total British oil imports (Europa 2011). Prior to the uprising, British major energy corporation BP had no production in Libya. Though the company had started drilling in the west of Libya, the project was suspended when the turmoil burst. Recalling the precedent that the Labour government once acquiesced in the release of the Lockerbie bomber Abdelbaset al-Megrahi in exchange for massive oil concessions to British major energy corporation BP (Chappell 2011), it was highly possible that Cameron's government wanted to secure more energy and commercial benefits by supporting the opposition, which was expected to win with some "help". For Cameron, intervention was an easy decision to make since he did not face the pressure of elections at the time. Moreover, military intervention was welcome among the British public and across political lines. Taking an assertive position was actually helpful in adding to the reputation of Cameron personally as a political leader as well as that of the UK as an international power with considerable military ability.

One day before the vote on Resolution 1973, Chancellor Angela Merkel made it clear in an interview that she remained sceptical of an outside military intervention and thus could not lead Germany into a mission with an uncertain ending (Brockmeier 2012). Berlin's abstention certainly caused unpleasantness and disappointment for its allies. But its initial reaction to the crisis was by no means neutral or passive. As a matter of fact, Germany stood at the fore of the first wave of condemnation of the atrocities that perpetrated the Libyan government and called for far-reaching sanctions against Gaddafi's regime. Berlin also played a significant role in urging for a clearer and united EU stance against the tyrant. German delegations to the UN

were actively involved in drafting and pushing for the passing of Resolution 1970. But when it came to military intervention, Germany became rather sceptical and its reaction appeared to be inconsistent. At first, it seemed if the three conditions set up at the extraordinary EU summit – namely a demonstrable need, a clear legal basis and support from the region – were met, Berlin would agree to enforce the no-fly zone in terms of military action (Traynor and Watt 2011). Yet when the Arab League's support had been confirmed[139] and a UN mandate was within reach, even when a phrase " excluding an occupation force" was included in the resolution, Germany still opted for abstention and non-participation. From the view of Germany however, "the question of military intervention and German participation in it was quite a separate matter" (Federal Foreign Office 2011b). Instead, Berlin preferred a solution through political dialogue and tightened sanctions. Major concerns shared by German policy-makers, including the Chancellor, Foreign Minister Guido Westerwelle and Defence Minister Thomas de Maizière, were the uncertainty of military instruments for humanitarian cause, the danger of fuelling terrorists or Islamic radicals in a Libya of political vacuum, the possibility of large casualties as well as the risk of a protracted war. These concerns sounded well-grounded but one could not rule out the possibility that they were exaggerated to deemphasize other domestic factors.

Germany's reluctance to resort to military action was deeply rooted in its longstanding non-interventionist tradition in foreign policy. The legacy of World War II made military action a very controversial subject in Germany. Unlike the French and British counterparts who could gain politically from an intervention, German politicians faced a population much more critical towards the use of force. Due to large domestic opposition, Germany did not join the US and the UK in the Iraq war. Even its military participation in Afghanistan was becoming increasingly unpopular. At the time of the crisis, an Emnid poll showed that 66 percent of Germans opposed German participation in military action in Libya (Pidd 2011). The nuclear calamity that happened on 11 March in Fukushima triggered fierce criticism against the government's nuclear energy policy. It was speculated that both the Christian Democratic Union (CDU) and the Free Democratic Party (FDP) were suffering a fall in popularity. As leaders of these two parties

[139] The Arab League called on 12 March for imposing immediately a no-fly zone in Libya.

respectively, the last thing Merkel and Westerwelle would want was to further lose voters on this sensitive matter in the upcoming state elections (Reguly 2011). Unfortunately, the cautious stance taken by the coalition government did not save them from the fiasco of state elections. In Baden-Württemberg, the FDP barely passed the 5 percent constitutional barrier to get into the parliament, while the CDU suffered great loss to the Greens in this region, which had been its historical base for about sixty years. The FDP were voted out of the regional parliament in Rheinland-Pfalz (Dempsey 2011).

Berlin's steadfast stance on abstaining from the Resolution could also be partially attributed to its miscalculation of Washington's intention. The whole time Berlin believed that a military intervention was also an undesirable result for Washington. Only on 16 March, Germany's Ambassador to the UN, Peter Wittig, was notified by his American counterpart Susan Rice via the phone about the dramatic change of US position (Brockmeier 2012). With absent knowledge that the position of the US was about to change, Westerwelle had just given a speech on the morning of that day at *Bundestag* in which he reaffirmed Germany's great scepticism of a military intervention in the form of a no-fly zone. The sudden shift of Washington's attitude left Berlin little room to reconsider its position otherwise it might cost the credibility and consistency of German foreign policy. Besides, there was not enough time to consult with parliamentarians for other options, let alone to get their approval for military action. The remaining question for the German Chancellery was what to do with the vote. Voting "no" was obviously not an option since Germany would not want to take the blame for blocking the Resolution when Berlin was informed that neither Russia nor China would veto against it. It was considered impossible for Germany to vote "yes" on the resolution without making actual military commitments. Berlin decided to abstain once Germany was ensured that Portugal[140] would vote for the resolution, an action which would secure the majority for the resolution to be adopted (Rinke 2011).

Moreover, the influence of Westerwelle as Foreign Minister was crucial during the decision-making process. He was personally devoted to pushing for Germany's abstention on the resolution. As a staunch adherent of "military restraint", Westerwelle had openly upheld this principle in many occasions since

[140] Portugal was serving on the UNSC during the time.

assuming office. For example, a month prior to the Libya crisis, in his statement on 2 January following the start of Germany's two-year term of a non-permanent member in the UNSC, Westerwelle said that Germany would shoulder its special international responsibilities but in the meantime stand for a culture of military restraint (Federal Foreign Office 2011a). Those who believe that Germany's abstention was a mistake tend to blame Westerwelle's incompetence and inexperience in foreign policy. To a certain degree it makes sense since the German Foreign Office did fail to capture the signal that the US would reverse their tune. It could be true that the Foreign Minister did not fully understand the consequences of the abstention for Germany's external relations. As the leader of the FDP simultaneously, the Foreign Minister was suffering a lot of pressure from his own party because of the imminent state elections, the disastrous result of which later nearly cost his entire career. On 3 April, Westerwelle was forced to resign his position as the leader of the FDP as the Deputy Chancellor as well. But he was able to keep the job as the Foreign Minister.

Another explanation for Germany's scepticism could be that Berlin thought that Paris and London's obsession with military intervention was questionable. Sarkozy's enthusiasm toward military intervention really put Berlin on alert, especially considering his plan in 2007 to establish a Union of the Mediterranean, which would involve all Mediterranean littoral countries while excluding Germany. The Federal government had reason to worry if France was planning to isolate Germany again in the case of Libya. Berlin also had concerns whether London and Paris were purely after Libya's oil, commercial interests and other potential spoils. German Development Minister Dirk Niebel once accused the military alliance of hypocrisy by pointing out that those countries which were dropping bombings in Libya were still drawing oil there (Lindström and Zetterlund 2012: 26). On 24 March, Merkel proposed for a complete oil embargo against Libya at the EU Summit and called on the international community to stop doing business with Gaddafi's regime. It seemed to be a *de facto* confirmation of Niebel's accusation. However, Germany is not exceptional in this regard. It is true that Germany, during the time of the crisis, had fewer economic interests at stake in Libya, compared to other EU countries, e.g. Italy or France. Libya only contributed 7.7 percent of total crude German imports at the time (IEA 2011). But it could be that Berlin was thinking about long-term interests in Libya, which required prudence not to so quickly take sides when the outcome was yet uncertain.

Some even wonder if Berlin's choice to abstain on the resolution together with the BRICs implied a strategic change of foreign policy, since Germany happened to have particularly strong commercial interests in these countries (Nethery 2011).

What is worth mentioning is that although Berlin made it clear that no German troops would take part in the military operation against Libya, Germany switched their tune slightly a day after Resolution 1973 was approved. Both the Foreign Minister and the Chancellor were careful not to accuse those who had voted for the Resolution. While Westerwelle said in this declaration at *Bundestag* "respect and understand" those who chose to support a military intervention in Libya (Federal Foreign Office 2011b), Merkel went further by saying that Germany unreservedly "shared the goals" of the Resolution (Peel 2011). This change may explain why Germany was actively engaged in providing assistance to the coalition operation. A week after the vote, it sent 300 troops to assist Airborne Warning and Control System (AWACS) mission in Afghanistan to relieve the burden of NATO and free up NATO capacities for the operation in Libya. German Defense Minister Thomas de Maizière expressed in June Germany's intention to provide troops to EU missions for reconstruction and humanitarian purposes in Libya. It was also found that over a hundred German soldiers were actually involved in selecting bombing targets for alliance airstrikes. It appeared that Berlin attempted to repair the wound done by the abstention to its ties with its traditional allies.

As the "Big Three" could not reach a common ground on the issue of military intervention, it was not surprising that the EU became sidelined when the operation started. The fact that other EU members also held diverse opinions on the issue further "stirred up" the trouble, indicating the harsh truth that a coherent EU foreign policy that the ToL wished to establish had not been established yet, at least in the case of Libya.

Italy, like other EU countries, rapidly offered humanitarian help to the Libyan people by sending food and health kits in the earliest days of the crisis. Italy also assisted evacuating EU citizens and other people who wanted to leave Libya (Miranda 2011). But unlike other EU members, Italy had most interests at stake in case of an anarchic Libya because of its decades of a cultivated relationship with the country. It explains why Italy's initial response to the upheaval in Libya was slow and soft. Its view on intervening by military terms was even more ambiguous. A few days after the eruption of the turmoil in Libya, when asked whether

he had contacted Gaddafi with regard to the uprising, Prime Minister Berlusconi replied that he did not want to "disturb" anyone when the situation was still in flux (Babington 2011). Such a reaction was clearly not in line with the prevailing condemnation from Brussels and other EU capitals. Berlusconi's failure to timely deplore Gaddafi's bloody repression encountered furious criticism of his indulgence of brutality. Oppositions argued that Berlusconi could have used his personal ties with Gaddafi to press for a halt of the violence rather than standing idle (Human Rights Watch 2011).

In the face of heavy accusations, the Prime Minister turned "alarmed" on 21 February at the escalation of the clashes in Libya. He finally broke the silence by describing the use of force as "unacceptable" (Babington 2011). On the same day, Foreign Minister Franco Frattini made an identical speech at EU foreign ministers meeting. Yet it seemed that back then Rome still had hope Tripoli taking the responsibility to terminate the bloodshed and protect its own people. At the meeting, a number of EU countries, notably Germany and Finland, proposed a visa ban and asset freeze on Gaddafi along with his closest associates. Italy on the contrary declined to impose strict sanctions on Libya due to the fear – a common concern shared by Malta – that the collapse of Gaddafi' regime would lead to a mass exodus of refugees and an Islamic emirate on EU borders. Frattini even warned that the EU should not export democracy to the region. As a result, no decision was reached on the particular issue that day. Frattini instead proposed a "new Marshall plan" as an alternative, which would mobilize funds to assist the democratic transition and social construction of Libya.

In the first few weeks of the unrest, Rome was indeed struggling in a dilemma between its longstanding close relationship with Tripoli and its due loyalties to its Western allies. As the situation unfolded, Italy was going through a transition of its attitudes toward Libya. On 22 February, Berlusconi called Gaddafi one last time following the Colonel's frightening television appearance that afternoon in which he swore that he would remain in power and fight until "the last drop of his blood". He also lambasted Italy and the US for having supplied arms to the opponents. In their conversation, Berlusconi rejected the charges and urged Gaddafi to seek a peaceful solution for the revolt. His advice failed to serve its purpose when the Libyan leader informed him that "everything was going fine" in Tripoli (Black 2011b). Ironically, merely four days

later, Berlusconi claimed that Gaddafi had lost effective control of events. It was no coincidence that on the same day Italy announced the suspension of the Treaty of Friendship, Partnership and Cooperation with Libya, a bilateral agreement signed in 2008 which included a non-aggression clause forbidding the use of the territories of the two countries for any hostile act against each other (Miranda 2011). The abolishment of this treaty paved the way for Italy's military contribution to the operation against Libya later. Under the pressing requests of its allies and the NTC, and most importantly realizing that Gaddafi's days were numbered, Italian leaders felt that they could no longer remain a spectator but had to jump on board with their traditional allies to impose sanctions, and later the no-fly zone over Libya, no matter how uncomforting it was.

In early March Italy imposed a freeze on Gaddafi-related assets as a support for wider EU and UN sanctions. Shortly after the adoption of Resolution 1973, Italy agreed to make its seven air bases available for the implementation of the no-fly zone and provide logistic support for the OUP. Yet its military contribution was subject to strict restrictions on engaging in combat. It revealed Italy's hesitation to completely sever the ties with Tripoli. But when April was approaching, Italy once again adjusted its line. It looked like Rome was preparing to discard Gaddafi's regime when Frattini met the NTC's representatives on 29 March at the London Conference on Libya. He later commented that Gaddafi's departure was the precondition for a solution to the conflict (Rizzo and Lucas 2011). It took only a few days for Italy to officially recognize the NTC as the "only legitimate interlocutor" of Libya. Until mid-April, it was reported that Rome no longer held official relations with the Libyan government. Moreover, Italy was thought to be a significant contributor to EUFOR Libya for the purpose of humanitarian aid since the mission would be put under the command of an Italian Admiral, Claudio Gaudiosi. On 20 April, Defence Minister Ignazio La Russa announced that Italy would join France and Britain in dispatching military advisors to assist the Benghazi-based rebels. He affirmed that the advisors were only for training purposes and would not be deployed on the battlefield (Cowell and Samaiya 2011). It was consistent with Italy's earlier declaration that it would not participate in the air raids. However, on 25 April Berlusconi called Obama and expressed that Italy was ready to increase the military pressure on Gaddafi's regime by authorizing the use of Italian air

force to take targeted military action. Italy later deployed eight combat aircraft for airstrikes on 27 April with additional aircrafts patrolling the no-fly zone.

Meanwhile, Berlusconi's behaviour was "awkward". On one hand, he approved both UNSC resolutions over Libya and joined the allies to impose sanctions and no-fly zone. On the other, during the same time when Italy was assisting NATO-led airstrikes against Gaddafi's forces, the Prime Minister was sending confusing messages that he felt uncomfortable with Italy's involvement in the military intervention yet had no choice but go along with it. It was reported that Rome once hoped to seal a deal with Gaddafi for his "honourable exit" in exchange for a peaceful settlement (e.g. Nadeau 2011). But Gaddafi had repeatedly rejected any suggestion that he should relinquish power and leave the country. As the situation developed dramatically, Berlusconi eventually had to admit that the momentum of persuading Gaddafi to accept an exile had been lost. He blamed that the referral of Gaddafi to the ICC left the Libyan leader no room to compromise but therefore had to fight until the bitter end.

Italy's decision-making process in respect to the military intervention in Libya was far from swift or coherent. But on the other side, Rome's course can also be defined as cautious and adaptive based on considerations of national priorities. As Berlusconi said, the events in Libya, "affect our trade relations, our energy supplies and our own security" (Lombardi 2011: 35). Italy's earlier inaction had everything to do with its concern not to jeopardize these interests.

Before the conflict, Italy was Libya's largest trading partner. According to the data provided by Eurostat, the volume of Italo-Libyan commerce was nearly four times the size of that with Libya's next biggest EU trading partner Germany (Picardi 2011). Italy provided almost 20 percent of Libyan imports and consumed over 40 percent of Libyan exports, of which energy took the largest proportion. It obtained around a quarter of its crude oil and about 13 percent of its natural gas from Libya (IEA 2011), making Tripoli its top oil supplier and third largest gas provider. The Italian energy giant ENI played a dominant role of oil production in Libya. It also operated the subsea pipeline Greenstream, which delivered natural gas from Libya to Sicily across the Mediterranean Sea. But on 22 February, ENI had to cut its gas supplies due to the interruption by the riot. Italy had all kinds of investments worth an estimated $11 billion in Libya, mostly

concentrating on energy or infrastructure construction projects (Varvelli 2010). Italy was supposed to seal a number of large defense deals with Libya in 2011. Libya, vice versa, purchased a large amount of stakes from Italy's major economic entities. Together Libya's Central Bank and the Libyan Investment Authority (LIA) owned about 7.5 percent stake in Unicredit, the largest banking system of Italy. There were other Libyan investments spanning various sectors, such as energy (e.g. ENI), telecommunications (e.g. Retelit), automobile manufacture (e.g. FIAT), and aircraft manufacture (e.g. Finmeccanica). The LIA even had a 7.5 percent stake in Juventus, a famous football club (Dionisi 2011). Until 2010, Libya had become an influential shareholder of Italy's economy. The economies of the two countries were so intertwined that the Italian stock market declined by 3.6 percent following the first weekend of the crisis (Picardi 2011). Besides, the Euro-zone crisis that erupted in late 2009 had already made Italy's economy very vulnerable. If Libya were to withdraw all of its investments, it could be a lethal blow to Italy's already broken economy. Therefore, it was of great importance for Italy to secure its economic interests in Libya.

The lucrative businesses Italy had in Libya were built on a long-established rapprochement of the two countries. Italy had adopted an inclusive strategy toward the West when Libya was still considered a pariah by the Western world. During that period, Rome was the only Western interlocutor for Tripoli. Not only had Italy been playing a bridge role between Libya and the West, but it also had been trying to reintegrate Libya to the international community. In 2004, international sanctions on Libya were lifted because of Gaddafi's promises to give up the pursuit of weapons of mass destruction and to halt the sponsorship of terrorism. With this obstacle removed, Italo-Libyan businesses and other forms of cooperation began to boom. Their bilateral relations were consummated in 2008 when Berlusconi and Gaddafi signed the Friendship Treaty, according to which Italy, as Libya's former colonial ruler, agreed to pay $5 billion compensations for its past wrongdoings and in return Libya would assist Italy in controlling migration flows. The collapse of the Libyan government could mean years of efforts going in vain. It was understandable that Italy found it difficult to just throw the privileged ties away, especially when it was unsure whether the NTC, which was also known too little by Rome at that time, had the capability to overthrow Gaddafi or not.

Italo-Libyan “friendship” went beyond commercial, energy and strategic interests. Personal contacts have been an indispensible part of Berlusconi’s charisma. Without exception, the Prime Minister had cultivated intimate personal ties with the Libyan tyrant. The two leaders had paid multiple visits to each other. Each time, Gaddafi was treated with warm hospitality. Berlusconi once even kissed Gaddafi's hand when they met at the meeting of the Arab League, an honour usually reserved for the Pope (Nadeau 2011). Five months before the outbreak of uprising, Berlusconi had just hosted a flamboyant celebration ceremony for Gaddafi of the second anniversary of the signing of the Friendship Treaty. The Prime Minister also openly declared several times that what was happening in Libya hit him personally. When it appeared that the conflict had fallen into a stalemate as months of airstrikes were not able to topple Gaddafi, Berlusconi tried to broker a deal of a “quite exit” for Gaddafi to avoid the trial of the ICC. Even after Italy’s participation in the OUP operations, Berlusconi confessed that the decision to get involved entailed personal difficulties for him and he felt saddened for his “friend” Gaddafi (Dionisi 2011).

Domestic politics were amid influential determinants of Italy’s decision-making. During the crisis, Italian leaderships were paying extreme attention to the repercussions on the migration flows from North Africa if Gaddafi was going to fall, a growing problem that had been given the Italian government headaches for years. The core of the 2008 Italo-Libyan Friendship Treaty lied in their bilateral cooperation on migration control. Berlusconi justified its deal with the “devil” by fulfilling his election promise of combating illegal immigration, which appeared to have bought him some domestic support. Since the riots burst out, coast controls on the side of Libya were basically paralyzed because of the war. The sudden arrival of over 5,000 Tunisians at Lampedusa caused a panic in Italy that the threat of a “biblical exodus” of refugees was real and imminent. What was more terrifying was the possible infiltration of Islamic fundamentalists and terrorists along with the migrants. Even though the Prime Minister was not facing an upcoming election, he had to properly address these domestic concerns to earn or maintain popularity, especially when his personal reputation was already declining. In addition, the Northern League (*Lega Nord*), a key partner of Berlusconi’s ruling coalition, was well-known for its anti-immigration policy. It was Italian Interior Minister Roberto Maroni, a leading member of the Northern League, who first spoke about

the “catastrophic influx” of immigrants. The Northern League intensely objected to Italy’s engagement in a military intervention. Berlusconi’s hands were tied from taking an active role in the OUP operation as he was under the pressure of the Northern League to withdraw. The charges against Berlusconi of paying for sex with an underage girl made the Prime Minister more than ever need the support from the Northern League. The combination of these elements explains why Italy appeared to be cold to the idea of military intervention. It was the focus on migration and refugees that diverted Italy’s attention.

It is fair to say that Paris and London’s enthusiasm about intervention in military terms and Washington’s turnabout to support the Anglo-French plan must have contributed to the transformation of Rome’s course toward Libya. The same could be said about the pressing requests from the NTC and the appeal for humanitarian aid from the international community. However, it was national interests and domestic politics that were truly decisive in determining Italy’s pendulous reaction to the crisis. No matter how different it appeared to be from Britain’s or France’s approaches, Italy merely followed their steps in prioritizing national interests ahead of the collective ones of the EU. From this point of view, the logic behind Italy’s ambiguity in its policy over Libya becomes simpler to comprehend: in case Gaddafi survived this war, Italy could have resumed its business with Libya as usual and might even get more profitable contracts because of Rome’s sympathy toward the Colonel; in contrast, if the NTC won, Rome would also be in a better position to refresh the deals with the new Libyan government because of its support to the sanctions and military intervention, as well as its support to the NTC. Either way, Italy would be able to reduce its loss caused by the turmoil to the minimum.

Following Germany, Poland was the second EU member that caught the alliance by surprise on the issue of the military intervention in Libya. Traditionally being an Atlanticist, Poland had participated in the military missions in both Iraq and Afghanistan. But this time Warsaw aligned with Berlin and refused to be militarily involved though it pledged to provide humanitarian aid and help with a post-Gaddafi democratic transition. For Warsaw, the situation in Libya was an “internal problem” that did not particularly interest Poland since it barely had any direct business ties with Tripoli. Polish leaders argued that a neutral position would improve the mediation room for Poland as the EU Presidency between the EU and the Arab world.

Besides, its participation in Afghanistan left Poland no extra military capabilities to get involved in Libya as well. Neither the Polish public nor its main political parties supported Poland's engagement in the military operation. The Polish government had to be careful with this sensitive issue because the parliamentary elections were approaching (Dylla 2011).

Divisions of EU member states on military intervention were further exemplified in their disagreements over the Concept of Operations (CONOPS) for EUFOR Libya. The CONOPS was one of the stages of planning the EUFOR Libya mission, which consisted of a military deployment for humanitarian purposes (V. A. Schmidt 2012). The FAC on 12 April failed to adopt the CONOPS, however, due to the reservations of Sweden and Finland. Swedish Foreign Minister Carl Bildt thought that the CONOPS plan was too premature and too military. Finland, as another contributor of the Nordic Battle Group, shared the idea. Finnish Foreign Minister Alexander Stubb warned the risk of getting into a "stalemate" as in the Kosovo situation (Gottwald 2012). EUFOR Libya, from the outset of its creation, was not fully supported by all EU members or was considered seriously by the UN. Eventually, EUFOR Libya was nothing more than a mere "skeleton".

Last but not least, even those EU countries that did participate in the multinational military intervention were not exactly on the same page in terms of contributions. Of the twenty-one EU member states of NATO, only ten committed militarily to the mission. Bulgaria and Romania clarified that they would only take part in the naval dimension of the arms embargo. There were initially four EU countries, namely the UK, France, Belgium and Denmark, that participated in the airstrikes of targets on the ground. Italy joined them only in late April with limited contributions. The Netherlands, Spain, Greece and Sweden all set strict restrictions preventing themselves of getting involved on the battlefield. It was reported that at the FAC meeting on 12 April, Spain even rejected the requests straightforward from France and Britain for greater military commitments (Asseburg 2013). No wonder that the Anglo-French alliance was deeply frustrated during the whole operation because they felt that they were doing all the heavy work. The military operation was carried out under the joint leadership of France, the UK and the US from the beginning. Later the US stepped back to allow NATO to assume the control of military operations. A collective EU presence was

invisible the whole time since member states never came close to agree on a proposal of military mission within the CSDP framework.

(2) *The Role of NATO*

Official military intervention in Libya began with a multinational campaign under a three-pronged leadership of France, the UK and the US. As mentioned earlier, Obama's administration was hesitant about getting involved militarily at the onset of the uprising. Albeit the US changed its mind at the eleven hour and swung around to supporting the no-fly zone, Washington made sure that the engagement would be limited both in scope and time within a multinational framework. The US was so anxious to hand over the command of military operations to the alliance that the US reduced its involvement and took on a sort of supporting role less than two weeks after the first offensive. NATO was considered a preferable option. By bringing NATO on board not only could Washington lead from behind but also could shift the responsibilities to its European allies. This proposition however raised internal disputes inside the alliance, except that this time the deepest rift was within the Anglo-French coalition.

The first reaction of France had been strong resistance to letting NATO lead the operation. Paris argued that NATO-leadership would give the Arab world a wrong impression that the alliance was dominated by the US. France had a history of a bittersweet relationship with NATO. During Charles de Gaulle's presidency, France removed all its armed forces out of NATO's integrated command in 1966. Although Sarkozy himself championed a campaign in 2009 to reintegrate French military forces into the NATO structure, the inclination to have independent defence was ingrained in French policy-makers. NATO was also afraid that other NATO members, Germany and Turkey in particular, would hinder NATO's action. Instead, France suggested a Franco-British joint command. Sarkozy saw the Libyan crisis a perfect opportunity to test the bilateral defense treaty signed with the UK in November 2010 and to present France as a capable military power independent of the US. When the suggestion was refused by the UK, which favoured a NATO command, France finally gave in but made sure that political control would fall under a separate body other than the North Atlantic Council (NAC). Insisted by France, the Libya Contact Group was charged with political coordination. The NAC turned out to be a secondary forum while important

operation decisions were taking place in Paris, London and Washington as well as the capitals of participating allies, not least the other five countries contributing to airstrike missions (Johnson and Mueen 2012).[141]

Both the UK and Italy preferred a NATO command of the Libyan operation. After it heard about the US intention to surrender leadership to NATO, London started right away to gather support for it to happen. The UK was "absolutely in line" with the US in preparing a no-fly zone over Libya (BBC News 2011). The close collaboration with France did not change Britain's perception about the importance of the transatlantic relationship in its security policy. Cameron's preference for NATO over the EU was clearly expressed when he said that he did not expect the EU to become a military alliance, and NTAO would be the UK's alliance in this respect after his suggestion of a NATO-led enforcement of a no-fly zone in Libya was rebuffed by other EU member states at the emergency EU Summit on 11 March (Traynor and Watt 2011). Besides, NATO was believed to be more experienced in dealing with military operations given its previous experiences in Bosnia and Kosovo in the 1990s, in comparison with the new-established Anglo-French defense cooperation. Italy saw NATO heading the mission as the sole option; otherwise it would withdraw its authorization for the use of Italian military bases (Lombardi 2011). Italy's preference FOR NATO lied in its deep concern that otherwise France would subsequently take the lead. It would mitigate Italy's influence in the region and endanger its chances to win more lucrative contracts when the war was over. Luxembourg also present NATO's command as a precondition of its participation in the coalition operations.

Germany and Turkey had opposed a NATO participation in air strikes against Gaddafi's forces because it would go beyond the UN mandate according to their perceptions. But after the passage of Resolution 1973, both countries softened their tones and decided to back or at least not to block NATO's leadership of the mission. Trying to make amends for its abstention on the UNSC Resolution, Germany also agreed to dispatch 300 German troops to support the AWACS operation in Afghanistan, thus freeing up NATO capacities for the Libyan operation. Turkey at first chose a cautious path because it had concerns about its

[141] Of the 28 NATO members, only eight countries contributed to airstrike missions, including the US, the UK, France, Belgium, Canada, Denmark, Norway and Italy.

standing in the Muslim world. But Turkey considered that it would be worse if France was going to lead the operation. France had been impeding Turkey's accession to the EU for years. Ankara was irritated when Sarkozy did not invite Turkey to the 19 March summit on Libya held in Paris. In the end, Turkey made a decision not to block NATO from taking the lead in the airstrikes against Gaddafi's forces.

On 31 March NATO took full control of military operations in Libya. As one looks back, it was only natural that NATO instead of the EU stepped in and took charge of the intervention. The EU did not possess the capability to conduct a complicated military intervention on short notice. For instance, it took only two weeks for NATO to come up with possible operational plans for the Libyan crisis, while it took the EU two months to reach the same planning stage (Koenig 2012). But most importantly, the EU was not able to reach a common approach among its member states of how to best address the Libyan crisis in the first place.

(3) ***The Status of the NTC***

EU members further split over, *inter alia*, the status of the Benghazi-based rebels. With no exception, their policies toward the rebels and the NTC were based on a cost-benefit analysis of the potential commercial and energy interests they could obtain in a post-Gaddafi Libya.

France and Britain in particular advocated early on for assisting the anti-Gaddafi rebels in Libya. In their joint letter addressed to Van Rompuy on 10 March, Sarkozy and Cameron expressed their support to the interim government and called on the EU to send a "clear political signal" that the NTC would be seen as a valid political interlocutor. On the same day, France took the lead becoming the first country to recognise the NTC as the sole legitimate authority of Libya without consulting other EU members beforehand, not even Britain. At the extraordinary European Council meeting the following day, the entire group of EU members was irritated by the French unilateral move, arguing that it prevented the evolution of a common EU strategy towards the NTC. The European Council then merely recognized the TNC as "a political interlocutor".

Both France and the UK were initiators of the Libya Contact Group, which was created in the London conference on Libya chaired by British Foreign Secretary William Hague. The UK also co-chaired the Group's first meeting in Doha on 13 April. In late April, Britain, along with France and Italy, sent military

advisors to Benghazi to help the Libyan rebels improve their military organization, communications and logistics. During the visit of the NTC's Mustafa Abdul Jalil to London, Hague welcomed him as the head of the legitimate representative of the Libyan people. Cameron also invited the NTC to establish an office at London when he met with Jalil that day. It was the first such offer made by a foreign government. But the British Foreign Office waited only until July 27 to give its formal recognition to the NTC as the sole governmental authority in Libya.

Germany approached the rebels' interim authority with prudence, making sure that German forces would not be entangled into an uncertain internal conflict on behalf of a group of insurgents without knowing whom they represented and what their goals were. Merkel was particularly annoyed when Sarkozy rushed into the recognition of the NTC without consulting with Berlin in advance. Therefore, the visit of Foreign Minister Westerwelle to Benghazi on 13 June came rather unexpected. In company with Development Minister Dirk Niebel, Westerwelle made a stop in Libya while on his way to a planned trip to Israel and the Palestinian territories. After a three-hour talk with rebel leaders, the Foreign Minsiter recognized the NTC as the legitimate representative of the Libyan people. Germany then became the thirteenth nation that recognized the NTC. Germany would also open a small mission in Benghazi.

Given Italy's compassion for Gaddafi's regime and its duplicitous attitude toward military intervention, it was shocking that Italy was the third country after France and Qatar that recognized the NTC as the sole legitimate government of Libya. Early on Rome had sincere doubts about the rebels and the NTC. On 21 February, Foreign Minister Frattini voiced the potential threat of having an Islamic Arab Emirate at EU borders. But once the NTC was seen as a valid political interlocutor by the West, it started drawing the blueprint about Tripoli's future foreign relations in a post-Gaddafi era. The documents issued by the NTC inferred that those countries that had helped them would be granted preferential treatment in a post-war Libya. Italy certainly would not want to lose its leverage to France or Britain. Therefore, Rome sped up the contact with the rebels. In late March Frattini met with representatives of the NTC at the London Conference. A few days later, ENI CEO Paolo Scaroni paid a visit to the NTC's leadership. According to the feedback he brought back from Benghazi, it appeared that the NTC was willing to respect the business

contracts with Italian firms, including those with ENI (Lombardi 2011). Swiftly after Scaroni's visit, Frattini announced the recognition of the NTC on 4 April after a meeting with the NTC's foreign envoy, Ali al-Essawi in Rome. Italy also agreed to host the upcoming meeting of the Libya Contact Group in May. On 17 June, Italy reached an agreement with the NTC in which the latter promised to honour Libya's previous agreements with Italy and to co-manage with Italy the problem of illegal immigration (Maccanico 2011). On 25 August, Berlusconi announced the release of frozen assets worth €350 million to the NTC for the reconstruction of Libya. The Prime Minister also confirmed that the ENI firm would soon sign an accord with the NTC to supply a large amount of gasoline and diesel fuel for the needs of the Libyan people (Farnesina 2011). Despite its initial vacillation Italy's quick decision to turn away from Gaddafi and support the NTC finally got paid.

(4) *Migrants and Refugees*

Coping with the problem of irregular migration from North Africa had been identified as a priority of the EU since 2009 by the European Council (Europa 2011). Yet the Libya crisis marked another failed test of EU solidarity on migration flows. As the security situation in Libya was deteriorating, hundreds of thousands of people were fleeing out of the country and seeking their way to the shores of Europe. Early on Gaddafi threatened that Tripoli would stop the cooperation with the EU on controlling illegal migration from North Africa if the Union continued to support anti-government protesters. Brussels rejected Gaddafi's blackmail right away. But the same determination could not be attributed to Italy, which was at the frontline due to its geographic proximity. While most EU countries were busy condemning Gaddafi's bloody repression against civilians and proposing possible sanctions against the Libyan authority, Italy, foreseeing a catastrophic influx underway, aligned with Malta and Cyprus and insisted that the imminent threat of large migratory movements must be prioritized.

A couple of days before the eruption of the Libyan crisis, over 5,000 Tunisian illegal immigrants had landed on Italy's small island Lampedusa, leading to a declared humanitarian emergency by the government. When Libya fell into turmoil, Foreign Minister Frattini estimated that up to 300,000 of migrants would swarm into Europe since anti-immigrant controls on the coasts of Libya had become nonexistent. Interior

Minister Maroni warned about the numbers of refugees and asylum seekers could reach 1.5 million and the situation could get even worse (Maccanico 2011). Italy's concerns about the repercussions of African refugees partially explained its ambiguity toward Gaddafi's regime. The Friendship Treaty the two countries signed in 2008 included a secret deal according to which Italy and Libya had established joint patrolling and electronic surveillance of the Libyan coasts to prevent illegal migration. Although this "pushback" practice was harshly criticised by the Catholic Church and human rights groups, the Italian government considered it a success since the number of illegal immigrants had dropped by 98 percent between 2008 and 2010 (Lombardi 2011). Italy did not rush into advocating regime change because Rome was unwilling to see its migration control efforts fall into nothing in a collapsed Libya. By then it was uncertain whether the rebels could win the war and whether they would honour the previous Italo-Libyan agreement of migration control.

As the numbers of refugees mounted, Rome turned to Brussels for assistance in mid-February. Italy first asked the EU to set up a €100 million emergency solidarity fund to ease the burden of Italy and five other Mediterranean countries.[142] It then requested Frontex to strengthen its patrolling surveillance of the costs of North Africa to detect and prevent illegal immigration. Italy also called for "a common asylum policy" to redistribute asylum seekers throughout the EU.

In response, the EU on 20 February launched Joint Operation Hermes, an Italy-led Frontex operation to monitor the migratory movements. The European Council on 11 March called for a rapid agreement among member states so that further human and technical resources could be provided to Frontex (European Council 2011b). However, northern and western EU members believed that Italy was just crying the wolf and refused to contribute to the funding or reallocate migrants across the EU. "There is no refugee influx right now", German Interior Minister Thomas de Maizière said on 24 February, "let's not provoke one by talking about it".[143] The notion was widely shared by his Hungarian, Belgian, Austrian and Swedish counterparts. Swedish Migration and Asylum Minister Tobias Billstrom even pointed out that other EU members had taken far more migrants in the past years without begging for help (Chaffin 2011). EU Home

[142] The five countries are France, Spain, Greece, Malta and Cyprus.
[143] Thomas de Maizi ère later became Defence Minister on 3 March 2011 and he was succeeded by Hans-Peter Friedrich.

Affairs Commissioner Cecilia Malmström also echoed that it was too early to do anything additional for a situation that had not come yet.

Together with Malta and Cyprus, Italy tried to enactive the Temporary Protective Directive of the EU, a directive set up in 2001 after the Kosovo war that would automatically allow free circulation of refugees across the EU (Mara 2011). The proposal was again turned down by other EU countries and the Commission as premature. Feeling very much isolated, Italy decided to act on its own to tackle the surge of immigrants. From 5 April, Rome began to issue temporary residence permits to roughly 25,000 refugees, which would allow them to move freely throughout the Schengen area. At the Justice and Home Affairs Council in Luxembourg on 11 April, a number of EU members rallied around France and Germany, accused Italy of violating the "Schengen spirit" and threatened to restore border controls. Italian leaderships in return accused other EU member states for their unwillingness to show solidarity and even questioned the value of EU membership (Pop 2011).

The discords within the EU on migration influx culminated after mid-April, when France blocked the trains coming from Italy carrying North African migrants and subsequently declared that it would consider the suspension of its Schengen obligations. Paris was furious about Rome's decision to grant the migrants temporary travel visas with full acknowledgement that many of the French-speaking refugees were heading to France. After ten days of recriminations, the two countries finally overcame the tensions because of a compromise made by Italy. On 26 April, one day following Italy's approval of commitments to the NATO-led airstrikes in Libya, France and Italy agreed on a joint initiative – during a visit to Rome by Sarkozy – calling the EU to allow member states to tighten Schengen controls in exceptional circumstances such as the Libya crisis.

6.3.4 An Assessment of EU Representation Coherence in the Libya Crisis

The unrest of Libya posed a security threat in the southern backyard of the EU and triggered an unprecedented surge of migration to Europe. But it also offered a precious opportunity to have the new institutional instruments brought by the ToL tested in the CFSP/CSDP field. It could be a chance for the HR and the EEAS to demonstrate their representative capabilities and their leadership in the EU's foreign policy

to the world. It was expected that the EU would be better fitted to take action than it was during the Iraq war and the Balkan crisis because of the implementation of the ToL. However, the performance of the EU and its member states during this crisis once again revealed how difficult it was for the Union to shape a common foreign policy so that it could tackle foreign policy challenges as a united collective organization. Despite its generous humanitarian assistance and swift action to evacuate EU citizens, the Union was sharply criticised for its lack of leadership and coherence in crisis management. EU member states clashed on various aspects about how to best address the crisis, leading to the absence of a common EU strategy toward Libya and a marginalized EU presence during the progress of conflict management.

The newly established joint agent of EU external representation, namely the HR and the President, took the leadership in expressing the Union over the developments unfolding in Libya. With the competences granted by the ToL, both representatives were able to show a high profile on the world stage by issuing a series of declarations on behalf of the Union in the early stages of the riots and by condemning Gaddafi's use of forces against civilians and calling for an immediate halt of the violence. There was no evidence that either the HR or the President was by any means compromised by domestic politics or national interests. However it appeared that the declarations released by the two leaderships were not well coordinated. For instance, in one of his statements of early February, Van Rompuy talked about regime change while the HR was obviously not ready to accept that course. Small as the dissonance was, it however demonstrated that a continual divided EU representation between the HR and the President could cause contradictions in EU foreign policy if the two leaderships were lacking communication.

Indeed, Ashton deserved some credit for the dispatch of an EEAS-led fact-finding team to Libya and the opening of a liaison office in Benghazi. But the HR was under fire by presenting a low-profile stand rather than taking the initiative. As the foreign policy chief, Ashton did not take the lead in calling for sanctions against Gaddafi's regime. Nor was she able to push forward a common approach fast enough on imposing sanctions as the head of the FAC. EU foreign ministers spent a whole week debating the subject, while the HR seemed to be satisfied that at lowest denominator there was a consensus on providing humanitarian support (Asseburg 2013). Furthermore, by admitting that it was up to member states to implement sanctions,

the HR *de facto* gave up her responsibility to ensure compliance of member states with the Union's action in the CFSP area. Ashton was late to make a statement that Gaddafi should go and to make contact with the NTC (Helwig et al. 2013:22). Nor was she able to harmonize EU member states' diverge at preferences on enforcing a no-fly zone under the UN mandate. In fact, the HR herself clashed with Cameron and Sarkozy on this particular matter. Therefore, she was not invited to play a part when France and the UK were jointly pushing forward the adoption of Resolution 1973 at the UNSC. Most important of all, as EU representative in the CFSP field, she failed to foster a joint EU mission within the framework of CSDP, despite the two EU countries, i.e. the UK and France were spearheading the military operation against Libya.

The new-launched EEAS did not contribute to an increase in inter-institutional coherence either. Its relationship with the Commission, especially the ECHO, was not as smooth as it should have been due to the different working cultures. The EEAS was responsible for strategic guidance and coordination, but financial instruments and their implementation remained in the hands of the Commission. The EEAS also lacked experience in dealing with the crisis since crisis management structures used to function under the Council Secretariat and were only transferred to the EEAS in 2010.

Apart from the reason of capacity deficit, the agent was paralyzed due to the high preference heterogeneity among the actors of the collective principal, in this case, the EU. In other words, the HR was not able to better represent the Union because she was trapped in the cost-benefit calculations of member states based on divergent national interests and policy preferences. In other words, EU countries disagreed with each other on various aspects of how to handle the Libya crisis. The requirement of unanimity for decision-making in CFSP/CSDP matters made a common EU position on the military intervention in Libya impossible.

France and Britain, with stronger military capabilities, were proactive in enforcing a no-fly zone over Libya in terms of military intervention. When it appeared hopeless to reach a common EU position on this issue due to the strong opposition from Germany and the initial scepticism of Italy, the two countries decided to circumvent the Union and align with the US to conduct the airstrikes anyway. France even started the campaign against Gaddafi's forces ahead of the UK. As the two EU countries that enjoy permanent seats

in the UNSC, France and the UK were supposed to defend the EU's position and interests in concert with other EU members sitting in the UNSC, i.e. Germany and Portugal at that moment. However, there was no coordination or concertation at this level whatsoever when the France and the UK aligned themselves with Lebanon rather than their EU peers on draft Resolution 1973, which was later supported by the US as well. The HR was not involved in the process or invited to present the Union's position because a joint position was never defined. Portugal, as expected, chose to support the Franco-British initiative, while Germany decided to abstain in the vote on this resolution. Agent deviation was obvious in this case. These countries tended to focus on their national preferences rather than representing the Union.

The problem of "dual loyalty" can be detected with the P2. As permanent members of the UNSC, they also share the obligation to maintain international peace and security, especially when it matches their national interests. After Resolution 1973 was adopted, Paris and London perceived their joint military actions along with Washington as their duty under the UN mandate. The appearance of NATO further complicated the principal-agent relationships. As most EU members were also members of NATO, the loyalty problem became more salient. When NATO agreed to take full command of military operations in Libya, EU members also had to fulfil their commitments to NATO, although in reality they contributed to the mission to widely differing extents. For France and the UK, when they saw the EU's lack of readiness to get involved in military intervention, it was only natural that they chose to side with a more preferable principal, which is NATO. Not only was the EU sidelined in preparing Resolution 1973, it was also marginalized in its enforcement. The EU could be an ideal structure through which to deal with a crisis at its doorstep, as the US was adjusting its security strategy and would have liked to see the Union shoulder more responsibilities. But instead, the Union could only concentrate on tightening sanctions against Gaddafi's regime and organizing humanitarian efforts.

It must be pointed out that two new EU members, Malta and Cyprus, did align themselves with Italy and contributed to the postponement of the EU's sanctions against Gaddafi and his inner circle due to their concerns of a migration exodus. But like Italy, their concerns were mainly based on geographic proximity, not their new membership. No similar issue were found with other new EU members that joined the Union

in the last wave of EU enlargement. Therefore, it would be too assertive to jump to the conclusion that enlargement caused incoherence of EU representation in dealing with the Libya crisis.

In a nutshell, the EU stood little more coherent and unified than it was prior to the ToL. The institutional instruments created by the ToL were not sufficient to bring a common EU foreign policy or a unified crisis management. It still largely depends on if EU member states are willing to put their national interests and domestic politics aside and work genuinely with each other on a common ground. The Libya crisis once again demonstrated the incoherence and inefficiency in EU representation. But meanwhile it offered an opportunity for the Union to establish new initiatives to improve the leadership capacity of the HR and the EEAS under her authority. Most importantly, it offered an opportunity for EU member states to allow a common EU policy to work in the reconstruction of a post-Gaddafi Libya.

6.4 A Cross-Case Comparison

During the Iraq war, the rotating Presidency was acting as the Union's leading agent. As analyzed in the previous section, neither the Danish nor the Greek Presidency was able to keep a high profile in representing the EU. Both Presidencies were generally reluctant to make clear positions at an earlier stage, not until they had figured out the preferences of other EU member states. In comparison, the refashioned HR, with extensive competences granted by the ToL, was willing to take the lead from the very beginning and issued various statements on behalf of the Union. In this sense, the collective presence of the EU on the world stage was somewhat improved. However, as the conflict, especially the possibility of military intervention, became further politicized, the role of the HR as the Union's representative started to be overshadowed by national leaders. EU delegation structure was more streamlined in the case of Libya crisis, since the rotating Presidency had been replaced by fixed posts, namely the President and the HR. The problem of discontinuity was to a certain degree reduced. But the ToL continued to divide EU representation between different foreign policy actors. There was a risk of inconsistent representation across different EU institutions. Agent capacity was also strengthened in a limited way. During the Iraq war, both Presidencies eventually yielded to national preferences and joined different camps, rather than fulfil their responsibilities in coordinating and facilitating common EU approaches. By choosing different sides, they actually

contributed to the split of the EU, which further reduced the vertical coherence. On the contrary, there was no evidence suggesting deliberate agent slack from the HR or the President during the Libya crisis. However, the autonomy enjoyed by the HR, was still to a large degree confined by the preference heterogeneity among EU member states. Moreover, it appeared that EU member states remained to be reluctant about the competence transfer when foreign policy and security issue were involved. In other words, when it came to sensitive issues, such as the use of force in third countries, EU member states still felt uncomfortable to entrust the HR to represent their national interests. All in all, the limited reform brought by the ToL to the EU's representation structure might have improved some aspects of EU representation coherence, especially in the terms of format and articulation. But at the end of the day, it will depends on the willingness of EU member states to allow the HR and EU representatives to fully act within their competences, not least when there are still some agency problems left unsolved, as explained earlier in Chapter 4.

Whereas the case studies are conducted under the "most similar system" design, some differences can still be identified between the Iraq war and the Libya crisis: first, although for both conflicts, foreign military interventions contributed to the overthrow of the dictators, for the case of Iraq, the justification was based on the assumption that Saddam possessed considerable amount of WMD, whereas for the case of Libya, intervention was mainly for the purpose of assisting the rebels; second, the action in Libya was authorized by the UNSC, while the military action conducted by the US-led coalition did not get a clear UN mandate; moreover, the Libya crisis started with an unrest against Gaddafi's regime, whereas in 2002-2003, there was no such massive popular demonstration against Saddam; fourth, the Arab League opposed US-led invasion against Iraq, it actually welcomed the military action in Libya; fifth, the military intervention in Iraq led to a long-term occupation whereas the Libya civil war was subject to strict military missions that did not lead to occupation; finally, the US took the lead in the invasion against Saddam's regime while during the Libya crisis, it was France and the UK, and later the NATO that was leading the action implementing the no-fly zone, whereas the US was sitting behind the scene. These differences are by no means exclusive and it would be interesting to see how these factors may influence EU representation coherence in the future.