

BACHELOR THESIS

The High Representative and the Libya Crisis

An Assessment

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List of Abbreviations

EEAS	European External Action Service
EU	European Union
MS	Member States
TEU	Treaty on European Union
CFSP	Common Foreign and Security Policy
HR	High Representative of the Union for Foreign Affairs and Security Policy
EUFOR	European Union Force
OCHA	Office for the Coordination of Humanitarian Affairs
UN	United Nations
R2P	Responsibility to Protect
ESS	European Security Strategy
UNSC	United Nations Security Council
FAC	Foreign Affairs Council
NATO	North Atlantic Treaty Organization

1. Summary

The newly established post of the High Representative faced the 2011 Libya crisis as a first test in conducting CFSP. With the purpose of assessing the HR's work in the crisis from a neo-institutional perspective this thesis elaborates the goals of the post and compares them with concrete activities regarding the situation in Libya in the first half of 2011. It becomes clear that the HR was partly successful in coordinating humanitarian aid, but unsuccessful in conducting CFSP towards a common and comprehensive policy. In playing the bridging function between EU institutions and member states in foreign policy matters the HR failed to reach consensus. One of the reasons the thesis identifies, is that HR Ashton highly relied on a strategy strengthening the humanitarian aid sector, but not resolving the crisis and ending the massive humanitarian rights violations, e.g. through a military approach.

2. Introduction

With the signing of the Lisbon Treaty hopes were raised EU foreign policy finally could walk on one path, instead of many. In order to generate coherence and coordination, the Treaty established the post of the High Representative of the Union for Foreign Affairs and Security Policy. It was assigned to “(...) *conduct the Union's common foreign and security policy* (...)”¹.

The newly established post was tested very soon. All over the Arab world, and thus in the Union's direct neighbourhood, people demanded political and human rights from their autocratic regimes. However these claims lead to enormous protest and in some countries changed to massive human rights violations. A problematic situation emerged also in Libya. Firstly the regime of Muammar Gaddafi tried to oppress the protests with police forces, later with military air strikes leading to thousand of dead civilians. Due to the alarmingly violent approach of the authorities, rebel troops were formed and a brutal civil war emerged.

¹ Article 18 (2) TEU

The massive human rights violations alarmed the world community. Many expected the EU to act, since the events took place in its direct neighbourhood. However the Union was not able to find a common approach towards the crisis. On 17 March 2011 the United Nations Security Council adopted resolution 1973, imposing a no-fly zone on Libya in order to end the Libyan air strikes against civilians and to support the rebel troops.

Operation “Unified Protectors” has been praised as a big success and the NATO was complimented for “(...) an extraordinary job (...)”². The fast and coherent intervention made the success of the Libyan people possible and brought an end to the massive human rights violations. But as much NATO was celebrated for its crisis response, EU crisis management was criticised for failing. The reaction of the EU was seen as slow, divided, uncoordinated and it showed the very narrow limits of CFSP³. EU commissioner Stefan Fuele even criticised EU crisis management for backing dictators through inactivity⁴.

When it comes to theories and approaches towards CFSP and crisis management literature on the topic is immense. In the eyes of many scholars CFSP is meant to fail since member states are not willing to give this source of sovereignty away⁵. However other scholars see that the EU tries to step up towards the challenges in foreign policy and crisis management. The Lisbon Treaty enjoys special attention in this regard. Due to the innovations it is broadly seen as a step towards integration in the foreign policy field. Especially the HR is expected to have the potential to bridge

² Daalder, I. H., & Stavridis, J. G. (2011, October 30). *NATO's Success in Libya*. Retrieved February 11, 2013, from The New York Times: http://www.nytimes.com/2011/10/31/opinion/31iht-eddaalder31.html?_r=0

³ Koenig, N. (2012). The EU and the Libyan Crisis - In Quest of Coherence. *The International Spectator: Italian Journal of International Affairs*, 11 - 30.

⁴ Phillips, L. (2011, March 1). *Europe 'should have backed democrats not dictators,' commissioner says*. Retrieved from EU Observer: <http://euobserver.com/news/31894>

⁵ see for example:

Wagner, W. (2003). Why the EU's common foreign and security policy will remain intergovernmental: a rationalist institutional choice analysis of European crisis management policy. *Journal of European Public Policy*, 576 - 595.

the divided legal competences and institutions in CFSP⁶. Thus a more effective and coordinated crisis management is expected to be possible in theory⁷.

However, an assessment of the High Representative in a specific case is not traceable in the literature, also due to the short period the post exists. This paper aims to fill this gap.

Observing the activities of the EU in the 2011 Libya crisis, the question comes up in how far the HR conducted and coordinated EU crisis management and in how far the post helped to build consensus among the member states. The main research question is designed to give an answer: To what extent was the HR successful in the Libya crisis?

Before illustrating the research on the main research question, an insight on the perception of the thesis is given. The description of the theoretical framework intends to clarify the main research question, giving a clear explanation of the theory and the concepts used.

Firstly, the theoretical perspective of neo-institutionalism, which the thesis argues from, is explained and discussed.

Secondly, the term crisis management is conceptualised. This is especially important since it is a very general term and relates to many diverse challenges in different time frames. The conceptualisation tries to bring this down to a more clear set of tasks and determines a time frame for the research.

The chapter ends with the conceptualisation of success in foreign policy. Because the main research questions aims to measure success, the establishment of a measurement is necessary. This subsection tries to help in this regard.

After the theoretical framework is shown, the second part of the thesis illustrates the research. Splitting the main research question, sub-questions help to consecutively build up the research from the ground. Furthermore they provide a general structure. Firstly, what are the tasks of the HR? In order to give an answer the post of the HR is described by listing relevant Treaty articles and Council decisions, since these are

⁶ (Blockmans & Wessel, The European Union and Crisis Management: Will the Lisbon Treaty Make the EU More Effective?, 2009)

⁷ Hynek, N. (2011). EU crisis management after the Lisbon Treaty: civil–military coordination and the future of the EU OHQ. *European Security*, 81 - 102.

the legal documents creating and framing the post. The tasks are classified and described in 5 groups ⁸ :

- Initiative and Agenda Setting
- Coordination and Consensus building
- Representation and Negotiation
- Implementation
- Crisis management

This classification serves as a guideline and structure throughout the research and analysis parts of the paper.

Secondly, what were the objectives of the HR in the 2011 Libya crisis? Since the objectives of the HR are connected to EU foreign policy objectives, the research goes beyond the above mentioned documents. For the purpose of answering the sub-question general CFSP objectives are drawn from the Treaties and relevant international agreements. In the context of the 2011 Libya crisis, the following subsection combines the objectives with the above mentioned five groups of tasks. The result is a normative, neo-institutionalist picture of activities in the crisis, derived from objectives of the HR.

Thirdly, what were the concrete actions of the HR during the 2011 Libya crisis? Gathering information from manifold sources, this section gives evidence of the actual activities of the HR.

Lastly, how do the objectives and the concrete actions differ? The data gathered in the preceding sections, the objectives and the concrete actions, are compared in the analysis part.

In the end a comprehensive picture is drawn. The conclusions on the sub-questions add up to the main conclusion, showing the extend of success of the HR during the 2011 Libya crisis.

In the course of this paper it will become clear that the expectations scholars put into the post could be fulfilled only partially. One of the reasons is that the style of fulfilling

⁸ The classification was taken from the article
 Paul, J. (2008). EU foreign policy after Lisbon. Will the new High Representative and the External Action Service make a difference? *CAP Policy Analysis*.

the post's tasks highly depends on the person in charge. HR Ashton conducted a civil approach towards crisis management, which was successful. However the approach was neither capable of pursuing all CFSP objectives nor was it supportive in achieving coherence or consensus among the member states.

3. Theoretical Framework

3.1 Neo-Institutionalism

As explained above, parts of the research intends to draw a normative picture of the HR objectives with the purpose to compare these to the actual activities. Therefore, it is necessary to argue from a normative perspective on the behaviour of the post. A theory able to give this normative perspective is the theory of neo-institutionalism.

Contrary to rational choice theory, neo-institutionalism assumes that institutions are not merely instruments of actors, but represent autonomous political forces. Consequently institutions play a influential role in foreign policy.

More precisely, the argumentation is build upon assumptions derived from normative and historical institutionalism.

In normative institutionalism the actor within an institution feels obligated to the norms and rules governing the institution. That means in EU context, that the member states feel obligated to the regulations and Treaty provisions the institutions are built upon.

Furthermore the theory assumes that institutions are able to shape decisions and actors interests. It is thus not a neutral institution, like in rational choice theory, but a real actor on the scene, including capacities to intervene in decision and strategy-making processes. With regard to EU foreign policy institutions are thus capable of framing EU external action according to their norms and rules.⁹

Additionally historical institutionalism assumes that once a bargaining process was concluded, meaning an institutional development reached a certain point, this situation is locked-in. This means that the evolution of a institutional arrangement cannot be redeemed. Logically, the outcome of the bargaining shape the future

⁹ Steinmo, S. (2001). The New Institutionalism. In B. Clark, & J. Foweraker, *The Encyclopedia of Democratic Thought*. London: Routledge.

behaviour and development of the institution. Thus institutions follow a certain developmental path, which is reflected in their behaviour ¹⁰.

However, this neo-institutional approach does not leave the member states powers aside. Powers that are especially important in CFSP. But through a neo-institutionalist perspective the powers of institutions are highlighted. This holds also true for the post of the HR. The differences between ideal and reality become more visible through this theory. Different theories, again e.g. rational choice theory, are not able to highlight the aspiration of an institution, but rather focus on the member states. And regarding the influence of member states on the Libya crisis many studies exist already.

Hence the neo-institutionalism is ideal for an assessment of a present institutional development in EU foreign policy.

3.2 Conceptualization of Crisis Management

The intention to improve coherence in EU foreign policy goes hand in hand with the improvement of crisis management. For the purpose of the thesis it is necessary to conceptualise the term crisis management. However the conceptualisation of crisis management seems fuzzy. While the broad notion refers to rapid military operations it also entails civil operations in EU context.

In a general sense crisis management refers to *“the organization, regulation, procedural frameworks and arrangements to contain a crisis and shape its future course while resolution is sought”*, whereby the term Crisis refers to *“an acute situation in which armed force is (likely to be) used”* ¹¹. Thus crisis management is not only defined through a response to a crisis, but also its future course.

The EU specifies these dimensions, even though, due to the unpredictable nature of crises, in depth information are missing. As Article 43(1) TEU ¹² lays down EU crisis

¹⁰ Béland, D. (2005). Ideas, Interests and Institutions: Historical Institutionalism Revisited. In A. Lecours, *New Institutionalism: Theory and Analysis* (pp. 29 - 50). Toronto: University of Toronto Press.

¹¹ Blockmans, S., & Wessel, R. A. (2009). The European Union and Crisis Management: Will the Lisbon Treaty Make the EU More Effective? *Journal of Conflict & Security Law*, p. 269.

¹² *“The tasks referred to in Article 42(1), in the course of which the Union may use civilian and military means, shall include joint disarmament operations, humanitarian and rescue tasks, military*

management consist of several military and civil operations. Nevertheless these tasks are overlapping and sometimes not clearly distinguishable. For instance “joint disarmament operations” and “conflict prevention tasks” could mean the same. The same hold true for “peace-keeping” and “post-conflict stabilization”.

However it is certain that the concept of EU crisis management refers to a variety of military and civil tasks before the outburst, during and after the crisis. Indeed a very broad range of tasks, which need coherent decisions and coordination at all stages.

For the purpose of this paper the time frame of the conceptualisation of crisis management has to be changed. The thesis aims to assess the short-term actions of the HR. This means that the analysis starts with the outburst of the crisis and ends with the opening of the Union’s office in Benghazi. A time frame which was chosen, because all relevant EU and international decisions, also those relating to the long-term management of the crisis, were taken during this time.

3.3 Conceptualisation of Success in Foreign Policy

The literature provides only a few conceptualizations of success in foreign policy and crisis management. One reason is that the history of foreign policy does not provide a lot of clear-cut successes, since too many dimensions are involved and a common understanding of the term success is lacking ¹³.

However the concept of “Success and Failure in Foreign Policy” by David A. Baldwin does not only show a conceptualization of success, but provides also a measurement. Baldwin states that the goals which want to be achieved are most important for success, since foreign-policy is goal oriented. The effectiveness of achieving these goals is the degree of success and thus his first dimension of his measurement.

Nevertheless goals in foreign policy are mostly multifaceted. However, according to Baldwin, success is predominantly measured against the primary goal.

advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.”

¹³ Baldwin, D. A. (2000). Success and failure in Foreign Policy. *Annual Review of Political Science*, 3, 167-182.

The conceptualisation contributes an analytical framework to the paper. Baldwin's measurement of success will be applied as basis for the analysis. Measuring foreign policy objectives against concrete foreign policy activities shows the effectiveness, and thus the success of the post of the HR.

4. The High Representative of the Union for Foreign Affairs and Security Policy

As described before, the key responsibilities of the HR can be grouped in five categories: initiative and agenda setting, coordination and consensus building, representation and negotiating, implementation, crisis management.

4.1 Initiative and agenda setting

One of the tasks of the HR is preparing and chairing the FAC ¹⁴. Thus he is able to set the agenda and shape the outcome of the decision. Furthermore he has the right to propose initiatives in the area of CFSP, alike any member state ¹⁵.

Setting the agenda and thus conducting CFSP is also possible through calling for an extraordinary Council meeting. Article 30 TEU states: *"In cases requiring a rapid decision, the High Representative, of his own motion, or at the request of a Member State, shall convene an extraordinary Council meeting within 48 hours or, in an emergency, within a shorter period."* An important competence with regard to CFSP leadership in crises.

4.2 Coordination and Consensus building

As a requirement to conduct any policy the HR has to reach consensus among the member states in the FAC. This makes the task very complex, since the HR has to play a bridging role between all interests involved and at the same time conduct

¹⁴ Article 18 (3), TEU and Article 27 (1), TEU

¹⁵ Article 22 (2), TEU and Article 30 (1), TEU

CFSP¹⁶. However without the will of the Council the HR is not capable of playing out his unique competences¹⁷. As a consequence, reaching consensus is the HR's principal and probably most difficult task.

Additionally the HR has to coordinate CFSP matters on the horizontal and the vertical level¹⁸. He has to inform and take note of the European Parliaments opinion¹⁹, ensure consistency between the separated CFSP areas in the Council, the Commission²⁰ (in which the post is one of the vice-presidents²¹) and the EEAS and at the same time watch the member states for compliance²².

4.3 Representation and negotiating

The HR is entrusted with the external representation of the Union. A task which is designed to fulfil the need for a single voice in EU foreign policy. It implies the representation towards third countries or regional organizations as well as at international conferences²³. However this does not hold for all CFSP areas, since for instance trade and development fall outside the HR's competences.

If asked by the Council the HR is also capable of negotiating international Treaties or agreements, for instance at the UNSC, on behalf of the Union²⁴. Nevertheless this competence relies again on the will of the Council, which logically has to develop a strong common position prior to the request.

4.4 Implementation

Implementing Council decisions in CFSP is a HR responsibility²⁵. In doing so it is supported by the EEAS²⁶, serving as an implementation instrument. The room for

¹⁶ The HR's role of "conducting CFSP" is written down in several Treaty Articles, e.g. Article 21 (3) TEU

¹⁷ see e.g. Article 24 (1), TEU

¹⁸ Article 26 (2), TEU

¹⁹ Article 27 (3), TEU

²⁰ Article 21 (3), TEU

²¹ Article 18 (4), TEU

²² Article 24 (3), TEU

²³ Article 27 (2), TEU

²⁴ Article 34, TEU

²⁵ Article 27 (1), TEU

²⁶ Article 27 (3), TEU

manoeuvre is limited by the Council decision and is thus again dependent on the will of the member states.

4.5 Crisis management

Following the logic of the conceptualization of crisis management, all above mentioned tasks are part of it. However it is listed because the Treaty of Lisbon explicitly gives the HR the competence to conduct crisis management.

Article 38 TEU states that the Political and Security Committee exercises political control and strategic direction of crisis management operations. This happens under the responsibility of the HR and the Council. Furthermore Article 43 (2) TEU gives the HR the competence to coordinate civilian and military aspects of crisis management missions. Thus the HR has high level competences in crisis management. Nevertheless these competences can be conducted only under the authority of the Council. Hence the Council adopts decisions regarding crisis management, the HR and the EEAS coordinate the military and civilian aspects according to the decisions. However this task is again intertwined with the task of consensus building in the FAC.

4.6 Conclusion

In conclusion the HR has to fulfil many and complex tasks. Conducting CFSP, achieve coherence among the, especially in CFSP matters, often discordant member states, implement Council decisions, monitor member states for compliance and represent the EU externally, to name just some of the tasks. To further complicate this challenge, the HR is highly dependent on the will of the Council. The HR's possibilities to influence EU foreign policy and crisis management are limited to agenda setting, proposing initiatives and having a voice in the Council, the FAC and the Commission. Consequently the post's powers are heavily dependent on the personal characteristics of the person in charge.

5. Objectives

The neo-institutional approach assumes that institutions are capable of autonomously shaping their actions and strategies. However they are bound by the rules and norms they were given. In the following chapter these rules and norms, or objectives in a narrow sense, are elaborated.

Discussing the objectives of the HR implies discussing the objectives of EU foreign policy in general. As discussed above, the HR conducts EU foreign, security and defence policies. It is involved in all foreign policy decisions at EU level, besides development and trade. However, to find CFSP objectives or overarching strategies is more complicated as it seems on the surface. A multitude of scholars dealt with the problem of defining an EU approach towards external policy. Problems going along with these discussions are manifold. First of all and probably the all adumbrating issue is that the EU itself does not have a clear vision or definition as such. An institutional construct which is not able to clearly identify itself on the inside is hardly believed to define itself on the outside. Realist or liberalist views, federalism or neo-functionalism, perspectives and theories are manifold in this regard. But a clear, common understanding is missing ²⁷.

Some can argue that external policy objectives are written down in the Treaties and strategies like the European Security Strategy are existing. Nevertheless these objectives and strategies are to a certain extent very broad and a clear approach remains unclear ²⁸. This means that even though the HR and the EEAS have to fulfil certain tasks, their mandates do not go along with an overarching strategy towards certain issues, which comes more than ever visible in the case of a crisis. Specific objectives, and especially the approach how to achieve these objectives, are missing in such cases.

²⁷ For a detailed discussion see Hill, C., & Smith, M. (2008). *International Relations and the European Union*. New York: Oxford University Press.

²⁸ Thomas, D. C., & Tonra, B. (2012). To What Ends EU Foreign Policy? Contending Approaches to the Union's Diplomatic Objectives and Representation. *The Hague Journal of Diplomacy*, 11 - 29. p.12.

The following chapters try to derive external EU objectives and strategies and connect them with the post of the HR in order to build a normative perspective.

5.1 CFSP objectives

The Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU) states, among other Lisbon Treaty articles, that the HR and the EEAS are “(...)conducting the Union’s CFSP in accordance with the provisions of the Treaty(...)”.

The first general objectives in the Treaty of Lisbon are stated in Article 3(5):

“In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.”

The wording and intention of the Article seems very romantic. An approach which does not change when it comes to foreign policy objectives. Hence drawing objectives for the HR from these Articles seems very idealistic at the first sight. But the legal bindingness of the TEU is incontestable and also enforceable²⁹. Following this logic, for the purpose of this thesis three objectives are extracted from Art. 3(5) TEU: *protection of EU citizens, contribution to peace and security, protection of human rights and strict observance of international law.*

Since the introduction of the Lisbon Treaty more specific external policy objectives are written in Article 21 TEU³⁰. The first part of paragraph one states:

²⁹ Wessel, R. A., & Van Vooren, B. (2012). External Representation and the European External Action Service: Selected Legal Challenges. *CLEER Working Papers*, 5, 23. p.61.

³⁰ Before these objectives were separated. But since the Lisbon Treaty abandoned the pillar structure, all foreign policy objectives were merged in Article 21 TEU.

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

According to this paragraph all actions of the HR should be based on the core principles of the Union. Furthermore it is explicitly stated that the EU seeks to promote these principles in the wider world. Hence one objective of the HR is to foster the core EU principles on the international scene, especially in states contravening these principles. A hint on how to promote these general principles is given in the second part of the first paragraph:

“The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.”

The definition of a *common problem* with states sharing the Unions core principles is left out. An issue which will be discussed later in this chapter. Most important in this paragraph is the claim to foster “multilateral solutions” ³¹. Again, one of the tasks referred to in the Council Decision of 26 July 2010 is to enhance coordination in CFSP. Following this logic this means that the HR should coordinate the work of all EU institutions involved in order to find a multilateral solution.

The second paragraph of Article 21 defines the external objectives of the Union in a more clear manner:

“The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:

(...)

³¹ Multilateral refers to relations with states or international organisations outside the European Union

(b) consolidate and support democracy, the rule of law, human rights and the principles of international law;

(c) preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders;

(...)

(g) assist populations, countries and regions confronting natural or man-made disasters;

(...)”

This more clear worded paragraph reflects the high ambitions of the Union. In fact it assigns the HR, responsible for conducting the CFSP, with a large list of objectives. Nevertheless they remain vague, as elaborated before. Again the promotion of EU core values in the wider world is in the focus. Two objectives worth special attention are *prevent conflicts* and *assist populations confronting man-made disasters*, since they notably apply to the 2011 Libya crisis.

Article 22 TEU gives the European Council the responsibility to further indentify strategic interests and objectives in the foreign policy area. The HR can contribute proposals to that development.

Another objective, if not legally binding, is a UN initiative called “*Responsibility to Protect*” (R2P). This initiative also applies to the EU, as a regional community, since the EU member states signed the initiative in 2005. R2P’s objective is to “*prevent and halt genocide and mass atrocities*”³². Within this UN Framework the basis principle is human security. It is the international Community’s responsibility “*to prevent, to react in the event that prevention failed, and to rebuild societies where protection had failed*”³³. The EU’s commitment to the initiative is reflected in the 2008 Implementation of the European Security Strategy (ESS): “*With respect to core human rights, the EU should continue to advance the agreement reached at the UN*

³² UN General Assembly, *Implementing the responsibility to protect : report of the Secretary-General*, 12 January 2009, A/63/677,

³³ Paul, J. (2008). EU foreign policy after Lisbon. Will the new High Representative and the External Action Service make a difference? *CAP Policy Analysis*.

World Summit in 2005, that we hold a shared responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”³⁴

Some can argue that the R2P is not part of EU or international law. However it is a concept which the EU strongly and explicitly supports. The CFSP objectives taken from the TEU are further strengthened and, especially for the case of the Libya crisis, further defined. The protection of populations from human rights violations is called a shared responsibility. Logically, this falls within the definition of a *common problem* mentioned in the first paragraph of Article 21 TEU. But since R2P is not legally binding it is hardly an EU foreign policy objective. Nevertheless it is worth mentioning in this context, because it shows a more concrete approach to the general EU foreign affairs objectives in the Treaty and further defines Article 21 TEU.

5.2 High Representative objectives

From a neo-institutional perspective the HR should be able to influence and shape the policy outcome. Norms and objectives set by the Treaty of Lisbon govern the post's activities.

In the prior chapter the HR's tasks were classified into five groups: initiative and agenda setting, coordination and consensus building, representation and negotiating, implementation, crisis management. This chapter tries to assign the above elaborated objectives to these tasks.

5.2.1 Initiative and agenda setting

As chair of the Foreign Affairs Council the HR has the power to steer CFSP affairs through agenda setting, but also by proposing initiatives. This means that the HR was capable of shaping the decisions with regard to the Libya crisis. An objective derived from these powers is that the HR should have proposed an initiative which contributes to a solution of the Libya crisis, in the case an initiative from a member state was not already existing. More concrete, in the wake of the crisis the initiative should have included measures to *protect EU citizens* in Libya and to monitor the

³⁴ Council of the European Union. (2008). *Report on the Implementation of the European Security Strategy - Providing Security in a Changing World*. Brussels. p. 26.

strict observance of international law. EU foreign policy objectives also include the *prevention of conflicts*, the initiative should have incorporated this. It is of course open for debate how the Libya crisis should have been prevented and if the dimension of the crisis was predictable. However the Treaty clearly states *conflict prevention* and, from a neo-institutionalist perspective, the proposal should have also included measures trying to avoid the crisis. A fact that is further strengthened by the R2P initiative.

After the outburst of the crisis another initiative should have been proposed by the HR. It should have included measures that again *protects EU citizens in Libya, contributes to peace and security, protects the Libyan population from human rights violations, assists the Libyan population with regard to the humanitarian situation and promotes multilateral solutions*. This means that the initiative should have fostered a solution on international level, pursuing the aforementioned objectives. Again a proposal would have not been necessary if a similar initiative has been already proposed.

Additionally, a proposal pursuing the democratic reconstruction of the Libyan state should have incorporated the *promotion of the strict observance of international law, the protection of human rights, the prevention of further conflicts, the democratic rebuilding of the society and the assistance to the Libyan population with regard to the humanitarian situation*. Once more this should have happened under the banner of a *multilateral approach*.

5.2.2 Coordination and Consensus building

Probably the most important task of the HR. Coordinate the different levels and areas involved in CFSP and ensure compliance and consistency of the member states with CFSP goals, are at the very core of the HR tasks. In the context of the Libya crisis this means nothing more than bringing the member states together in order to reach a compromise which pursues CFSP objectives. Logically, this implies convincing the member states to vote for the aforementioned initiatives in the Council or reach a consensus of equal value.

Additionally the HR has to ensure horizontal and vertical coordination. This means that the efforts, for instance with regard to humanitarian assistance, have to be consistent. It is the HRs task to prevent double-headed, ineffective actions from the Unions side.

5.2.3 Representation and negotiating

The HR has to represent the CFSP objectives to the wider world. Clear statements what the EU stand for are expected. This means demanding the end of violence, representing solidarity with Libya and actively promoting EU values. This has to happen not only in the form of statements but also through negotiations with third countries, for instance in the UNSC in which the HR can represent its position on behalf of the Union. Admittedly this can only happen if a common EU position is reached and the HR is requested to speak on behalf of the member states ³⁵. However in the chain of normative objectives from a neo-institutional perspective, in which the treaty objectives and norms govern the HR's behaviour, this should have happened.

5.2.4 Implementation

Another element of the posts tasks is the implementation of Council decisions. As discussed, the outcome should already have been shaped by the HR's initiative. Therefore the objective of the implementation is written down in the related Council decision. The EEAS serves as an instrument for the implementation. Again the objectives should be the same as the initiatives discussed in the beginning of this chapter.

5.2.5 Crisis management

All of the tasks and objectives apply to crisis management. Nevertheless, the Treaties and the Council decision of 26 July 2010 explicitly give the HR and the EEAS the responsibility to coordinate and conduct civil and military dimensions of crisis management within the PSC. Once more, also crisis management should have

³⁵ Article 34, TEU (2009)

catered to the objectives mentioned in the initiatives the HR should have proposed in the Council.

5.3 Conclusion

Concluding, the foreign policy objectives of the EU are ambitious and due to an unclear self-conception, they sometimes remain unclear. However the chapter identified relevant CFSP objectives. To name just a few, *protection of EU citizens, contribution to peace and security, protection of human rights and strict observance of international law* are the headlines of the external pretensions.

Furthermore, the chapter connected the objectives with the tasks described in the prior chapter. The result is a description of a normative, neo-institutionalist blueprint for the HR's behaviour during the Libya crisis. Hence the chapter answered the second sub-question "*what were the objectives of the HR in the 2011 Libya crisis?*". It became clear that the competence to propose initiatives and the task of consensus building in the Council are the most important in order to achieve EU foreign policy objectives.

6. Concrete actions

In the following chapter concrete actions of the HR are described. Starting from the beginning of the crisis in February 2011 the description ends with the opening of a EU office in Benghazi in May 2011, marking a first cesura in EU involvement in the crisis.

After the outburst of the crisis around the 17th of February, a first declaration on behalf of the Union was published by HR Catherine Ashton on 20 February 2011. The declaration made clear that the EU is condemning the use of violence and the breach of human rights, expressing the Unions extreme concerns to the situation in Libya. She further urges the Libyan authorities to respect the peoples demand for democracy and freedom and for the immediate stop of violence. "*The European*

Union expects full cooperation by the authorities in protecting EU citizens” is her last statement in the declaration ³⁶.

This first statement reflects the objectives elaborated for the representation tasks of the HR. From the beginning of the crisis Ashton tries to give a direction of EU foreign policy towards protection of human rights and solidarity with the demonstrators. Therefore a clear statement on what the EU stands for and who it stands by is given. Furthermore she immediately puts pressure on the Libyan authorities in order to protect EU citizens.

The Situation Centre in the EEAS has been activated immediately, in order “*to allow rapid exchange of information and most effective use of resources*” ³⁷.

The first possibility for the HR to propose an initiative, as described in the previous chapter, was at the Foreign Affairs Council meeting on 21 February 2011, which Catherine Ashton presided. Concerning the Libya crisis the main results are the same as in the preceding declaration. However, no concrete actions were decided or mentioned ³⁸.

On 23 February 2011 Catherine Ashton published her second declaration. This time her words became stronger and more concrete: “*These brutal mass violations of human rights are unacceptable.*” ³⁹ She repeated the Union’s demand for an immediate stop of violence but further adds to the statement, that the EU stands by the Libyan people. Furthermore the HR welcomes the UN Security Council statement of 22 February 2011 and the Arab League statement from the same day. As the UNSC and the Arab League the EU expresses its will to provide humanitarian assistance. Finally the declaration states that negotiation with the Libyan regime

³⁶ High Representative Catherine Ashton. (2011, February 20). Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on events in Libya. Brussels. Retrieved from European Union: http://europa.eu/rapid/press-release_PESC-11-33_en.htm

³⁷ Joint Communication of the Commission and the High Representative on a Partnership for Democracy and Shared Prosperity with the Southern Mediterranean, COM(2011) 200 final

³⁸ Council of the European Union (2011, February 21), *Main results of the Foreign Affairs Council* [Press release]. Retrieved

from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/119435.pdf

³⁹ High Representative Catherine Ashton. (2011, February 23). Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on Libya. Brussels. Retrieved from European Union:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/119453.pdf

under the EU-Libya Framework Agreement are abrogated and that the persons responsible for the human rights breaches will be held accountable for their actions. This statement shows the HR's will to act, since she actively puts pressure on the Gaddafi regime that they will be held responsible for their actions. Additionally Ashton emphasises an EU approach as part of a multilateral solution.

In order to facilitate the evacuation of EU citizens, the EU Civil Protection Mechanism (MIC) was activated on the same day. In this regard it was supported by the EU Military Staff. These mechanisms fall under the legislation of the Commission. However their activation and implementation happened under close cooperation with the EEAS Situation Centre ⁴⁰.

Hungary, at that time holding the Council presidency, was the host of an informal meeting of the ministers of defence on 25 February 2011. The meeting was chaired by HR Ashton, who put the Libya crisis on the agenda on short notice. She actively promoted the coordination of evacuation of EU citizens, since not all member states had delegations on the ground. Furthermore travel restrictions and asset freezing were discussed. However HR Ashton explicitly mentioned that the “(...) *possibility of deploying EU military forces in Libya is not on the table* (...)” ⁴¹.

For the first time during the crisis HR Ashton actively engaged in the discussions on Council level. She uses her power to set the agenda and tries to build consensus among the ministers of defence. In coordinating the evacuation of EU citizens, she further uses her competences to pursue a Treaty objective.

In the course of the following days the HR attended meetings with the Russian foreign minister, the US Secretary of State and the United Nations Human Rights Council. On 28 February Ashton gave a speech in front of the Human Rights Council. With regard to the Libya crisis she repeated the content of the declaration of 23 February 2011 ⁴².

⁴⁰ European External Action Service. (2011, March 10). *Developments in Libya: an overview of the EU's response*. Retrieved February 14, 2013, from European Union External Action: http://eeas.europa.eu/top_stories/2011/040311_en.htm

⁴¹ Hungarian Presidency of the Council of the European Union. (2011, February 25). *EU does not rule out sanctions against Libya*. Retrieved February 15, 2013, from EU 2011: <http://www.eu2011.hu/news/eu-considers-sanctions-against-libya>

⁴² High Representative Catherine Ashton (2011, February 28). *Speech before the Human Rights Council*. Speech presented at the 16th Session of the Human Rights Council, Geneva.

Taking part in such meetings and Councils, Ashton fulfils her task of representation and negotiation with third countries. Since she repeated the content of the second declaration in her speech, she promotes a common EU standpoint based on general EU values.

The first concrete EU actions were decided on the same day. Following the UNSC resolution 1970 of 26 February, also the Council of the European Union firstly imposed restrictive measures on the Libyan authorities. A ban of supply of arms, ammunition and related material to Libya was decided. Furthermore a visa ban on 16 persons related to the regime and a freeze of the possessions of Gaddafi and five members of his family were incorporated in the Council decision ⁴³. However this decision is exactly in line with the UNSC resolution 1970 ⁴⁴. In addition the Council extended the supply ban with additional equipment which could be used for repression. Since neither minutes from the UNSC, nor from the Council of the European Union are available it is arguable whether these first concrete actions could be attributed to the work of the HR.

Nevertheless the HR set the agenda of the informal meeting of the ministers of defence three days before. As explained, she actively promoted the discussion about sanctions at the meeting. Certainly a step towards consensus, but since the EU sanctions are so similar to the UN sanctions, it is questionable whether this was more than a preparatory activity on a lower level.

On 6th of March HR Ashton sent a EEAS fact-finding team to Libya. The team was lead by Managing Director in the EEAS for Crisis Response and Operational Coordination. Its purpose was to assess the humanitarian situation and the evacuation efforts in Libya, in order to see which additional activities were needed ⁴⁵.

Due to the ongoing violence in Libya HR Ashton calls for an extraordinary, informal Foreign Affairs Council meeting on 10 March 2011. The aim of the informal meeting

⁴³ Council Decision No. (2011/137/CFSP) concerning restrictive measures in view of the situation in Libya, 2011 O.J. L 58/53.

⁴⁴ U.N. Security Council, 6491th Meeting. "Resolution 1970 (2011) [Peace and Security in Africa]" (S/RES/1970). 26 February 2011.

⁴⁵ EU press releases. (6 March 2011). *EU High Representative Catherine Ashton sends fact-finding team to Libya ahead of European Council*. (A 092/11). Retrieved from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/119614.pdf.

was to assess the situation in Libya in order to find and prepare a coherent response, which should be further discussed on the formal extraordinary meeting a day later ⁴⁶. On this meeting, the Commission and the HR proposed the *Partnership for Democracy and Shared Prosperity with the Southern Mediterranean*, a paper that first of all shows the new EU approach towards the Middle East. This includes the “targeted support for democratic transformation and institution-building”, “a close partnership with the people” and a “boost for economic growth, development and job creation” ⁴⁷. The proposal also includes a list of the immediate responses by EU institutions. They focused on the evacuation of EU citizens and first humanitarian assistance at the neighbouring borders.

At the extraordinary Council meeting of 11 March 2011 also the possibility of a no-fly zone over Libya was discussed. In this regard, the position of HR Ashton is clear. Upon arrival Ashton stated that the EU has to think about such a decision very intensely. She repeatedly mentioned that a decision about a no-fly zone has to be taken in close cooperation with the Arab League and the legal basis has to come from the UNSC ⁴⁸. Her doubts towards a no-fly zone were also articulated during the discussions, in which she argued that the risk of civilian casualties is too high and the effect is questionable. She urged for international political and economical pressure, but refused a military approach in front of the Council, for which she was criticised by French president Nicolas Sarkozy and British prime minister David Cameron ⁴⁹.

It becomes clear that the crisis management approach of HR Ashton is civilian. An approach which misses pursuing the Treaty objective of *protection of human rights*. But remarkably HR Ashton raised her voice against the French president and the

⁴⁶ EU Press Release. (3 March 2011). *High Representative Catherine Ashton convenes an extraordinary Foreign Affairs Council*. (A 083/11). Brussels.

⁴⁷ Commission Press Release, IP/11/268 (2011, March 8).

⁴⁸ See for example:

EU press releases. (2011). *Main remarks by High Representative Catherine Ashton upon arrival at the extraordinary Foreign Affairs Council meeting on Libya and Southern Neighbourhood*. (A 097/11). Brussels: Retrieved from

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/119734.pdf.

or EU press releases. (2011). *Remarks by EU High Representative Catherine Ashton on arrival to the Extraordinary European Council* (A 102/11). Brussels: Retrieved from

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/119777.pdf.

⁴⁹ Ian Traynor, N. W. (2011, March 14). Libya no-fly zone plan rejected by EU leaders, *The Guardian*. Retrieved from <http://www.guardian.co.uk/world/2011/mar/11/libya-no-fly-zone-plan-rejected>

prime minister in order to conduct EU crisis management, admittedly strongly backed by the German Chancellor.

Besides imposing stronger and additional sanctions, the Council could not agree on any concrete actions concerning Libya. Hence HR Ashton was not able to build consensus among the member states in view of a comprehensive solution. Nevertheless the final declaration states that “*the safety of the people must be ensured by all necessary means*”⁵⁰. A phrase which goes clearly beyond civilian crisis management. The conditions for examining these means are “*a demonstrable need, a clear legal basis and support from the region*”.

On 12 March 2011 the Arab League called the UN to launch a No-Fly zone over Libya⁵¹. On 17 March 2011 the UNSC voted in favour of the establishment of a no-fly zone. Germany abstained, being the only EU UNSC member not voting in favour of resolution 1973⁵². In view of the conditions set by the Council declaration and the argumentation of HR Ashton, the UNSC Resolution should have been implemented into EU framework as soon as possible.

According to her tasks HR Ashton should have built consensus among the member states in order to fully contribute to the multilateral solution. After the Paris Summit of 19 March, which HR Ashton was participating, an international alliance, lead by France and the UK, immediately started to enforce a no-fly zone⁵³. An intervention enforced outside EU framework, but with participation of 10 EU member states⁵⁴.

A consensus among EU member states could not be reached. Indeed HR Ashton⁵⁵ and President of the European Council Herman Van Rompuy⁵⁶ welcomed the

⁵⁰ Council Declaration No. (EUCO 7/1/11) on the Extraordinary European Council of 11 March 2011

⁵¹ Richard Leiby, M. M. (2011, 12 March 2011). Arab League asks U.N. for no-fly zone over Libya, *The Washington Post*. Retrieved from http://articles.washingtonpost.com/2011-03-12/world/35208628_1_arab-league-gaddafi-moussa

⁵² U.N. Security Council, 6498th Meeting. "Resolution 1973 (2011) [No-Fly zone in Libya]" (S/RES/1973). 17 March 2011.

⁵³ AFP. (2011, 19 March 2011). Libyan intervention underway after Paris summit, *ABC News*. Retrieved from <http://www.abc.net.au/news/2011-03-19/libyan-intervention-underway-after-paris-summit/2651056>

⁵⁴ France, Italy, UK, Denmark, Spain, Belgium, the Netherlands, Greece, Sweden, Bulgaria

⁵⁵ EU press releases. (19 March 2011). *Statement by the High Representative Catherine Ashton, on Libya*. (A 116/11). Retrieved from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/120045.pdf.

⁵⁶ EU press releases. (17 March 2011). *Joint statement by President of the European Council Herman Van Rompuy, and EU High Representative Catherine Ashton on UN Security Council resolution on*

resolution in several statements, expressing their will of implementation, but a statement towards the military approach of the resolution is impossible to find. This becomes also visible in the declaration of the FAC on 21 March 2011 which, besides further sanctions, almost totally relies on a civilian approach towards crisis management. One exception is the will to “*provide CSDP support to humanitarian assistance in response to a request from OCHA and under the coordinating role of the UN*”⁵⁷.

This minimum consensus on a military approach was further elaborated and finally decided on 1 April. The task of the *EUFOR Libya* was to support humanitarian agencies on the ground and to ensure the safe movement and evacuation of displaced persons⁵⁸. The political control and strategic direction should have been set by the PSC, which acts under the responsibility of the Council and the HR. However *EUFOR Libya* was never requested by the UN Office for the Coordination of Humanitarian Affairs and thus never came into force.

The introduction of *EUFOR Libya* was also part of the Extraordinary Council meeting on 24/25 March 2011. Besides this minimum military approach, a civilian strategy, the strengthening of humanitarian assistance, was decided. Again the Council demanded the Gaddafi regime to step down and a democratic transition lead by the Libyan people. Furthermore the Council welcomed that through the no-fly zone “*a bloodbath has been avoided, thousands of lives have been saved.*”⁵⁹

A statement by HR Ashton to the meeting is missing. Indeed it seems that from this moment on HR Ashton moved to the background regarding the solution of the Libya crisis.

Since the international intervention under Resolution 1973 was successful, a common EU military approach was not on the table anymore. During following

Libya. (A 110/11). Retrieved from

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/120012.pdf.

⁵⁷ Council of the European Union (2011, March 21), *Council conclusions on Libya* [Press release]. Retrieved

from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/120065.pdf

⁵⁸ Council Decision No. (2011/210/CFSP) of 1 April 2011 on a European Union military operation in support of humanitarian assistance operations in response to the crisis situation in Libya (*EUFOR Libya*)

⁵⁹ President of the European Council Herman van Rompuy. (2011, March 24). Remarks by Herman van Rompuy

President of the European Council following the meeting of the European Council. Brussels. Retrieved from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/120292.pdf#page=2

conferences and meetings HR Ashton stressed the humanitarian assistance of the Union ⁶⁰. The ongoing support was also expressed by the announcement of HR Ashton to open an EU office in Benghazi in order to “*support people, civil society, and the interim transitional national council*” ⁶¹. The office was officially opened on 22 May 2011 ⁶². At that time the Gadaffi regime was still in charge. However this action reflects the task of initiative setting and representation, pursuing the objectives of democratic rebuilding of the society and the assistance to the Libyan population.

The civilian approach of the Union, mainly relying on humanitarian assistance at the borders and coordination of human rights organizations, reached a total amount of about 125 million Euro at that time ⁶³. The coordination of the resources was mainly in the responsibility of Kristalina Georgieva, Commissioner for International Cooperation, Humanitarian Aid and Crisis Response.

6.1 Conclusion

In conclusion HR Ashton carried out several concrete activities with regard to the Libya crisis. She coordinated the successful protection of EU citizens, put the Libya crisis on the agenda of the Council, represented the EU position externally, promoted sanctions, called extraordinary meetings, etc.. Especially in the beginning of the crisis she actively worked on pursuing the objectives. However her efforts slowly decreased and she heavily relied on a civilian approach.

⁶⁰ EU press releases. (2011). *Statement by the High Representative following the London Conference on Libya*. (A 129/11). Brussels: Retrieved from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/120376.pdf.

⁶¹ Hinton-Beales, D. (2011). Ashton announces plans for EU office in Benghazi, from http://www.theparliament.com/latest-news/article/newsarticle/ashton-announces-plans-for-eu-office-in-benghazi/#.UUxUjRdFV_A

⁶² European External Action Service. (2011, May 22). *EU High Representative Catherine Ashton opens European Union office in Benghazi*. Retrieved March 04, 2013, from European Union External Action: http://eeas.europa.eu/top_stories/2011/220511_en.htm

⁶³ Brattberg, E. (2011). *Opportunities lost, opportunities seized: the Libya crisis as Europe's perfect storm*. Brussels: European Policy Centre.

7. Analysis

In the previous two chapters the objectives of the HR were elaborated and the concrete actions were shown. In this chapter the gap between the two will be analysed, showing the effectiveness and thus the success of HR Ashton's work.

7.1 Initiative and Agenda setting

The record of the HR pursuing the objectives with regard to initiative and agenda setting in the Libya crisis is mixed. In fact this power was used three times during the time frame this thesis is analysing.

Firstly, HR Ashton called for an extraordinary FAC on Libya and was thus able to set the agenda and shape the discussion.

Secondly, she and the Commission proposed the *Partnership for Democracy and Shared Prosperity with the Southern Mediterranean* at the extraordinary Council meeting of 11 March 2011. The objectives pursued in this initiative reflects the normative objectives to a broad extent. In fact the objectives of *protecting EU citizens* in Libya, *contribution to peace and security* (in the medium- and long term), the *assistance* to the Libyan population *with regard to the humanitarian situation* and partly the *promotion of a multilateral solution* were met.

But the *protection* of the Libyan population from *human rights violations* is by no means given. This would have also contributed to short-term *peace and security* in Libya. The initiative once more reflects the crisis management strategy of HR Ashton, which is not able to pursue all objectives, since a short-term response in order to end the violence is not feasible in this civilian approach.

Thirdly, HR Ashton opened a EU delegation in Libya already during the crisis. This concrete action shows the will to pursue the aims elaborated in this thesis, again through a civilian strategy. But since at that time an EU military approach was both, neither necessary nor possible, it fully reveal EU foreign policy objectives.

However, this thesis elaborated three kinds of initiatives the HR should have proposed. During the course of the crisis the HR did not use the power of initiative and agenda setting to follow the posts norms. But it seems that HR Ashton, from the beginning of the crisis, was not willing to propose a common military action, thus satisfying the full range of objectives, at all. This means, in terms of the conceptualization of success in foreign policy by Baldwin, that the work of HR Ashton lacks effectiveness.

7.2 Coordination and consensus building

Again, the records of the HR is mixed. Especially with regard to the *protection of EU citizens* the work of the HR and the EEAS Situation Centre strongly contributed. Coordination with the member states as well as with the Commission and its instruments took place in a very fast and effective manner, leading to about 7500 successfully evacuated persons ⁶⁴.

Consensus was also reached in the civilian approach and *humanitarian assistance* was given in a swift and comprehensive way. Again, the activities were only helping the immediate humanitarian needs but not stopping the human rights violations.

This goal was tried to achieve by political and economical pressure. A consensus was found very fast, leading to sanctions and freezing the assets of the Gaddafi regime. Remarkably the EU measures in this regard are to a certain extent the exact copy of UNSC resolution 1970. Even though they were extended a number of times, the work of HR Ashton takes a back seat in this regard.

Additionally the Council approved a strategy for the short- and medium-term contribution towards a *rebuilding of the Libyan society*, worked out by the HR and the Commission. HR Ashton took part in the strategy-making process and was able to reach consensus among the member states.

However it is very interesting that nearly all instruments and mechanisms were activated and coordinated by the Commission, according to the proposal. Besides the activation of the Situation Centre, in order to exchange information, the EEAS is not

⁶⁴ European External Action Service. (2011). *EU: Factsheet on military assistance on Libya*. Brussels: European Union External Action.

mentioned in the paper. Also the HR does not play a bigger role with regard to any specific actions.

Altogether the proposal tries to develop a short- and medium-term strategy, in which the Commission plays the main role and the HR and the EEAS give the impression of background players. So with regard to her power of initiative setting and the objectives set out before, this proposal is a very weak approach. It pursues the objectives of protecting EU citizens and it tries to contribute to medium-term peace and security. It does not, however, protect the Libyan population from human rights violations nor does it promote multilateral solutions. The proposal gives the impression that the HR and the EEAS do not play their intended leading role in this regard.

Furthermore, the HR was not able to bring the member states together and to present a coherent short-term EU tactic towards a solution ending the crisis. Some can argue that this is a very difficult task, especially when the big players UK and France on the one side and Germany on the other side are favouring very different positions. But from a neo-institutionalist perspective this should have happened. A point of critique is that HR Ashton strongly defended the civilian approach at the extraordinary Council meeting on 11 March 2011 against France and the UK. This is contrary to her task of reaching consensus to ensure compliance and consistency of the member states with CFSP goals. If even the post that is intended to steer and help achieving coherence is not willing to slightly move away from its position, a compromise is very difficult to develop.

Also after the UNSC adopted Resolution 1973 HR Ashton does not actively try to build consensus. Of course again under the background of the German opposition towards a military approach, HR Ashton failed fulfilling her task to pursue the objective of *protecting* Libyan citizens *from human rights violations*.

7.3 Representation and negotiating

From the beginning of the crisis HR Ashton declared solidarity with the Libyan people. She actively represented the Unions values and demanded an end of

violence. Furthermore she repeated this position at any possible occasion. Hence she fulfilled the task of representation.

Furthermore she negotiated with third countries and regional organisations about solutions towards the crisis. Though her negotiation powers were limited, since she lacked a mandate from the Council, she communicated with international and regional decision-makers.

But again, a fact that runs through the whole paper, it made the impression that HR Ashton promotes the civilian approach rather than a comprehensive approach. This becomes clear in almost all statements, speeches and declarations, in which she always stresses the need and the commitment of the Union to humanitarian assistance, but never stated any solution towards ending the violence. Also the possibility of a no-fly zone was not supported by her statements and even attacked due to the uncertain effect and the possibility of civilian casualties.

Especially with regard to the Unions division in this topic, it is highly doubtful whether this behaviour stimulates external coherence in EU foreign policy. Furthermore it does again not promote a solution to the human rights violations the Libyan people were facing.

7.4 Implementation

Since the task of implementation means implementing Council decisions, HR Ashton fulfilled this task. Supported by the EEAS and the member states, the Council decisions, which included sanctions and the freezing of assets, were fully implemented.

7.5 Crisis management

As already explained, all of the tasks above additionally refer to crisis management. In detail the task stands for conducting and coordinate the PSC, together with the Council. However isolating the PSC from the process, especially with regard to

preparatory work for the Council, is not possible. Hence an assessment of the work of HR Ashton in the PSC is unfeasible.

7.6 Conclusion

The objectives and the concrete actions differ in several areas, but are also consistent in some points.

Firstly, they were consistent with the objectives of protecting EU citizens and external representation. HR Ashton represented the EU position at several occasions, even though this position was due to manifold different opinions of the member states not always easy to define. However concrete decisions, e.g. sanctions, lead to a minimal common position, which was represented externally.

Secondly, some objectives only partially differ from the activities. Especially consensus building, which runs through all activities by the Council, has a mixed record. Consensus was found in imposing sanctions or humanitarian assistance, but is missing in finding a common approach to the crisis. But as elaborated before this is one of the most important tasks in order to achieve the objectives.

Thirdly, the objectives differ with regard to the *promotion of multilateral solutions*, *strict observance of international law* and *contribution to peace and security*. Some can argue that parts of those objective are met on a very minimum standard, since there were multilateral approaches, e.g. in humanitarian assistance or that humanitarian assistance contributes to peace and security. However the most important objective with regard to the crisis, which is dependent on the aforementioned objective was not reached: *Protection from human rights violations*. From a neo-institutionalist perspective HR Ashton should have actively engaged and shaped the achievement of these objectives. However, her engagement was contrary. As explained above, she was not willing to move away from the civilian approach and was thus not able to reach consensus among the member states. Ashtons behaviour thus sometimes strongly contravenes with the objectives.

8. Conclusion

The thesis tried to assess the work of the HR during the Libya crisis from a neo-institutionalist perspective. It elaborated the objectives and described the concrete actions in order to find possible shortcomings. The picture which was drawn is multilayered. At the beginning of the crisis it seemed that HR Ashton actively tried to conduct EU foreign policy in order to bring the member states to an active engagement ending the crisis. She coordinated EU citizen evacuation and called for emergency meetings urging the member states to find a solution. Some objectives were met, especially with regard to humanitarian aid.

But this thesis comes to the conclusion that the objective, which is the most important in terms of a short-term solution, was not met at all: The protection of the Libyan population from human rights violations. An objective which, assessing the situation in Libya at that time, could not be reached through a civilian approach. HR Ashton reluctantly relied on the strategy, which is contrary to her task of consensus building and in this case, most probably contrary to the overarching, short-term crisis management objective. Without consensus in the Council, the objectives of her post are of no meaning.

Most striking in this regard is the fact that HR Aston does not want to promote a military approach. She actively tries to prevent a common EU military action. Even though this meets the neo-institutionalist assumption of an autonomous institution as political actor, her way of conducting EU foreign policy in the Libya crisis was not able to pursue the institutional norms.

The gap between the objectives and the concrete actions is big, since the principal aim, which all other objectives are built upon, could not be achieved. Furthermore, even though many objectives were reached, the impact of the HR was minimal. This becomes especially visible in the list of conducted operations in the initiative of the Commission and the HR, proposed on 11 March 2011. The Commission was the driving force behind the humanitarian assistance, which was highlighted as a success in EU crisis management. Unfortunately it is unfeasible to isolate the work of the HR

as one of the Commission Vice-Presidents from this process. Looking on her agenda of that time frame, it seems that her influence is rather low ⁶⁵.

Therefore, the extent of success of the HR in the 2011 Libya crisis is minimal. Primary objectives were missed, the HR as autonomous political actor influencing EU foreign policy and crisis management plays a background role.

The assessment of the HR in the Libya crisis shows that the outcome and style of the post is also dependent on the person in charge. HR Ashton does not make the impression of conducting the Union's crisis management during the Libya crisis and is thus not able to achieve full success. However, due to the complexity and inapprehensible number of tasks, especially with regard to consensus building in the Council, significant doubts remain whether the HR's post is designed to achieve full success in crisis management. Further research in this field needs to be done.

⁶⁵ In fact, from the beginning of the crisis and the opening of the office in Benghazi, Ashton took part in 4 Commission College meetings, sometimes at the same day chairing a FAC. For the agenda see European External Action Service. (2011). *High Representative Catherine Ashton - Agenda - archive - 2011*. Retrieved March 10, 2013, from European Union External Action: <http://www.eeas.europa.eu/agenda/2011/>

9. Bibliography

AFP. (2011, 19 March 2011). Libyan intervention underway after Paris summit, *ABC News*. Retrieved from <http://www.abc.net.au/news/2011-03-19/libyan-intervention-underway-after-paris-summit/2651056>

Baldwin, D. A. (2000). Success and failure in Foreign Policy. *Annual Review of Political Science*, 3, 167-182.

Béland, D. (2005). Ideas, Interests and Institutions: Historical Institutionalism Revisited. In A. Lecours, *New Institutionalism: Theory and Analysis* (pp. 29 - 50). Toronto: University of Toronto Press.

Blockmans, S., & Laatsit, M.-L. (2012). The European External Action Service: Enhancing Coherence in EU External Action? In *EU External Relations Law and Policy in the Post-Lisbon Era* (pp. 135 - 159). The Hague: Asser Press.

Blockmans, S., & Wessel, R. A. (2009). The European Union and Crisis Management: Will the Lisbon Treaty Make the EU More Effective? *Journal of Conflict & Security Law*.

Brattberg, E. (2011). *Opportunities lost, opportunities seized: the Libya crisis as Europe's perfect storm*. Brussels: European Policy Centre.

Commission Press Release, IP/11/268 (2011, March 8).

Council Decision No. (2011/137/CFSP) concerning restrictive measures in view of the situation in Libya, 2011 O.J. L 58/53.

Council Declaration No. (EUCO 7/1/11) on the Extraordinary European Council of 11 March 2011

Council of the European Union. (2008). *Report on the Implementation of the European Security Strategy - Providing Security in a Changing World*. Brussels.

Council of the European Union (2011, February 21), *Main results of the Foreign Affairs Council* [Press release]. Retrieved from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/119435.pdf

Daalder, I. H., & Stavridis, J. G. (2011, October 30). *NATO's Success in Libya*.

Retrieved February 11, 2013, from The New York Times:

http://www.nytimes.com/2011/10/31/opinion/31iht-eddaalder31.html?_r=0

EU Press Release. (3 March 2011). *High Representative Catherine Ashton convenes an extraordinary Foreign Affairs Council*. (A 083/11). Brussels.

EU press releases. (6 March 2011). *EU High Representative Catherine Ashton sends fact-finding team to Libya ahead of European Council*. (A 092/11). Retrieved from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/119614.pdf.

EU press releases. (19 March 2011). *Statement by the High Representative Catherine Ashton, on Libya*. (A 116/11). Retrieved from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/120045.pdf.

EU press releases. (17 March 2011). *Joint statement by President of the European Council Herman Van Rompuy, and EU High Representative Catherine Ashton on UN Security Council resolution on Libya*. (A 110/11). Retrieved from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/120012.pdf.

EU press releases. (2011). *Main remarks by High Representative Catherine Ashton upon arrival at the extraordinary Foreign Affairs Council meeting on Libya and Southern Neighbourhood*. (A 097/11). Brussels: Retrieved from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/119734.pdf.

EU press releases. (2011). *Remarks by EU High Representative Catherine Ashton on arrival to the Extraordinary European Council* (A 102/11). Brussels: Retrieved from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/119777.pdf.

European External Action Service. (2011, March 10). *Developments in Libya: an overview of the EU's response*. Retrieved February 14, 2013, from European Union External Action: http://eeas.europa.eu/top_stories/2011/040311_en.htm

European External Action Service. (2011, May 22). *EU High Representative Catherine Ashton opens European Union office in Benghazi*. Retrieved March 04, 2013, from European Union External Action: http://eeas.europa.eu/top_stories/2011/220511_en.htm

European External Action Service. (2011). *EU: Factsheet on military assistance on Libya*. Brussels: European Union External Action.

European External Action Service. (2011). *High Representative Catherine Ashton - Agenda - archive - 2011*. Retrieved March 10, 2013, from European Union External Action: <http://www.eeas.europa.eu/agenda/2011/>

High Representative Catherine Ashton. (2011, February 20). Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on events in Libya. Brussels. Retrieved from European Union: http://europa.eu/rapid/press-release_PESC-11-33_en.htm

High Representative Catherine Ashton. (2011, February 23). Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on Libya. Brussels. Retrieved from European Union: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/119453.pdf

High Representative Catherine Ashton (2011, February 28). *Speech before the Human Rights Council*. Speech presented at the 16th Session of the Human Rights Council, Geneva.

Hill, C., & Smith, M. (2008). *International Relations and the European Union*. New York: Oxford University Press.

Hungarian Presidency of the Council of the European Union. (2011, February 25). *EU does not rule out sanctions against Libya*. Retrieved February 15, 2013, from EU 2011: <http://www.eu2011.hu/news/eu-considers-sanctions-against-libya>

Hinton-Beales, D. (2011). Ashton announces plans for EU office in Benghazi, from http://www.theparliament.com/latest-news/article/newsarticle/ashton-announces-plans-for-eu-office-in-benghazi/#.UUxUjRdFV_A

Hynek, N. (2011). EU crisis management after the Lisbon Treaty: civil–military coordination and the future of the EU OHQ. *European Security*, 81 - 102.

Ian Traynor, N. W. (2011, March 14). Libya no-fly zone plan rejected by EU leaders, *The Guardian*. Retrieved from <http://www.guardian.co.uk/world/2011/mar/11/libya-no-fly-zone-plan-rejected>

Joint Communication of the Commission and the High Representative on a Partnership for Democracy and Shared Prosperity with the Southern Mediterranean, COM(2011) 200 final

Koenig, N. (2012). The EU and the Libyan Crisis - In Quest of Coherence. *The International Spectator: Italian Journal of International Affairs*, 11 - 30.

Paul, J. (2008). EU foreign policy after Lisbon. Will the new High Representative and the External Action Service make a difference? *CAP Policy Analysis*.

Phillips, L. (2011, March 1). *Europe 'should have backed democrats not dictators,' commissioner says*. Retrieved from EU Observer: <http://euobserver.com/news/31894>

Richard Leiby, M. M. (2011, 12 March 2011). Arab League asks U.N. for no-fly zone over Libya, *The Washington Post*. Retrieved from http://articles.washingtonpost.com/2011-03-12/world/35208628_1_arab-league-gaddafi-moussa

Steinmo, S. (2001). The New Institutionalism. In B. Clark, & J. Foweraker, *The Encyclopedia of Democratic Thought*. London: Routledge.

Thomas, D. C., & Tonra, B. (2012). To What Ends EU Foreign Policy? Contending Approaches to the Union's Diplomatic Objectives and Representation. *The Hague Journal of Diplomacy*, 11 - 29.

UN General Assembly, *Implementing the responsibility to protect : report of the Secretary-General*, 12 January 2009, A/63/677,

U.N. Security Council, 6491th Meeting. "Resolution 1970 (2011) [Peace and Security in Africa]" (S/RES/1970). 26 February 2011.

U.N. Security Council, 6498th Meeting. "Resolution 1973 (2011) [No-Fly zone in Libya]" (S/RES/1973). 17 March 2011.

Wagner, W. (2003). Why the EU's common foreign and security policy will remain intergovernmental: a rationalist institutional choice analysis of European crisis management policy. *Journal of European Public Policy*, 576 - 595.

Wessel, R. A., & Van Vooren, B. (2012). External Representation and the European External Action Service: Selected Legal Challenges. *CLEER Working Papers*, 5, 23.