

Westfälische Wilhelms-Universität Münster
Institut für Politikwissenschaft
1st supervisor:
Prof. Dr. Sven Bernhard Gareis (WWU)

University of Twente
Faculty of Behavioral, Management and
Social Sciences
2nd supervisor: Dr. Shawn Donnelly (UT)

| BACHELOR THESIS |

The European Union as a collective actor in the Common Foreign and Security Policy?

A case study on the intervention in Libya in 2011

Frauke Rössner
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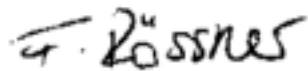
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The European Union as a collective actor in the Common Foreign and Security Policy?
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List of Abbreviations

CI	Classic Intergovernmentalism
CSDP	Common Security and Defence Policy
CSFP	Common Foreign and Security Policy
EU	European Union
HR	High Representative of the European Union for Foreign Affairs and Security Policy
MS	Member States
LI	Liberal Intergovernmentalism
NATO	North Atlantic Treaty Organisation
NFZ	No-Fly-Zone
NTC	National Transitional Council
QMV	Qualified Majority Voting
RQ	Research Question
UK	United Kingdom
UN	United Nations
UNSC	United Nations Security Council
USA	United States of America

1. Introduction and Problem Statement

“(...) I’ve always said that the neighbourhood is the test for the European Union; how we respond to events in our own neighbourhood determines the effectiveness of this Union and of course of the new External Action Service.”

- Catherine Ashton

This quote of the High Representative of the European Union for Foreign Affairs and Security Policy (HR) Catherine Ashton in 2011 represents the claim of the EU for playing an important role in crisis management on the global stage. In order to fulfill this claim, the Common Foreign and Security Policy (CFSP) of the European Union has undergone considerable modification with the coming into force of the treaty of Lisbon in 2009. The CFSP has been redefined by giving more competences to the HR and in addition, the European External Action Service (EEAS) under the lead of the HR, has been established in January 2011. The aim of the restructuring was to create an institution that could coordinate the foreign affairs policies of the Member States (MS) and thus, raise their efficiency. Shortly after the institutional modification of this policy field, the EU faced the challenge of dealing with the severe conflicts in their neighborhood that were triggered from the Arab Spring. Thus they had the opportunity to test the effectiveness of the new CFSP of playing an important role in international crisis management and in coordinating the EU Member States. However, when the United Nation Security Council (UNSC) adopted Resolution 1973, which gave the mandate for the UN Member States and regional organizations, such as the EU, to take the necessary measures in order to protect the Libyan population and establish a No-Fly-Zone over Libya, the EU remained silent. The Union did not collectively get involved in the efforts of the UK and France to react to the conflict in Libya; and therefore, an appropriate crisis management through the Common Security and Defense Policy (CSDP) Framework was not established. Instead the division of the national leaders concerning their opinion about the right approach of EU action seemed to undermine the ability of the HR to execute the leadership of the CFSP and find a common course of action. (Brattberg 2011: 2)

Looking at this division between the MS, there exist different interpretations about the motivations behind national decision making. Liberal Intergovernmentalists would argue that economic factors such as the potential for lucrative oil contracts or investment plans played a role in the domestic preference formation and have influenced the national interest and thus state action. Classic Intergovernmentalists in contrast would assume that the decision of the powerful EU MS to intervene in Libya was taken state autonomously. This suggests that political leaders were not pressured by societal groups or supranational institutions but independently decided to pursue national interests and to strengthen their position in the international community (Hoffmann 1982: 27). Another aspect that needs to be considered are the moral and humanitarian aspects of the conflict that possibly played a role in the de-

cision to intervene with regard to the concept of the “Responsibility to Protect”, which can be recognized as a shared value between the EU-MS. Even though moral values are shared among MS they were interpreted differently. The UK and France were very proactive in forming a response to the crisis in Libya and decided to push for the military intervention with the goal to protect the civilians from the attacks of the Regime. Germany, on the other hand was opposed to military action, as the political leaders found the risks of an intervention too high and the possible results not clear enough. These aspects will be further discussed within the empirical part of the thesis.

This difficulty of finding a common position within the EU poses a great obstacle for the EU’s influence in global conflicts and at the same time undermines the credibility of the CFSP as an international actor of security policy. Therefore, this thesis will focus specifically on the aforementioned problem by looking at the case of Libya and answer the following Research Question.

RQ: What limits and constraints of the EU to deal with international crises as collective actor in the CFSP can be identified by looking at the example of the Libya Conflict of 2011?

It is the goal of the research to point out the main obstacles to common decision making and considering these to give recommendations on how to improve the process and make it more likely for the EU to stand as a strong and unified actor on the global stage.

In the following chapter, the theoretical framework of the research will be explained and the hypothesis to be tested will be defined. In order to conduct this research the study employs an Intergovernmental framework that stresses the difficulties of decision-making within the CFSP due to the different national interests. Furthermore, its counter-theory - Supranationalism - will be illustrated, to give an overview of the theoretical field. From the intergovernmental assumptions a hypothesis will be drawn, which will be tested regarding its congruence with the empirical observations in the case of Libya. Additionally, the chapter will point out the interconnectedness of Supranationalism and Intergovernmentalism within the structure of the CFSP. This part will illustrate the legal basis of the CFSP, the relevant actors as well as the political instruments. The section will also show that the EU is indeed equipped with a crisis response mechanism through the Common Security and Defence Policy (CSDP), which is designed to give the EU operational capacity within the CFSP. However, if not all MS agree on a CSDP mission, it cannot be invoked. Examining the structure of the CFSP will contribute to identifying the constraints that have kept the EU from acting as a collective unit in the Libya conflict.

The third chapter will discuss the methodology that is applied for the research. It will provide an overview on the goals of conducting a congruence analysis and explain the choice of using process tracing as a mean for data collection. Additionally, the limitations of the

concept will be pointed out. The fourth chapter will then focus on the empirical portion of the research. Here, the situation of the civil war in Libya in 2011 will be explained and it will be analysed to what extent the EU operated as a collective actor and what measures were decided on and implemented within the CFSP Framework. Even though it was not possible to find a common position on the question of the military intervention, there existed several measures that were carried out within the CFSP. These measures will help to identify opportunities for future collective action. Furthermore, the role of the NATO and UN within this process will be examined.

In a next step, the second layer of the case study will be conducted. It focuses on the individual actions of EU Member States in Libya outside the EU Framework, especially the operations of the UK, France and Germany, as these illustrate the internal division among MS. Thus, it will be shown that the EU is indeed vulnerable to falling back into patterns of national decision making instead of commonly deciding on collective actions within the designated crisis management framework of the CSDP.

In the conclusion the results of the study will be outlined in order to answer the Research Question of the Thesis. Additionally implications for the EU Common Foreign and Security Policy will be drawn from these results and recommendations for the improvement of common decision making within the CFSP will be highlighted.

2. European Integration Theory

Within the debate of European Integration Theory, there exist different approaches that attempt to explain the process of integration within the European Union, as well as its coming to a halt. In order to analyze the CFSP of the EU, the two most prominent opposing theories of this field - Supranationalism and Intergovernmentalism - will be compared. In this chapter both frameworks will be illustrated and it will be discussed if they can be applied to the CFSP. In order to answer this question the legal structure of the CFSP will be examined as well, which will illustrate the dualism of Intergovernmental and Supranational bodies in foreign policies. Then, it is the goal of the analysis to find out what constraints can keep the EU from acting as a collective actor in the field of foreign politics. The Supranational approach suggests that the supranational actors like the Commission or the EEAS can pull and convince MS to adopt a common decision and thus enable collective action. The Intergovernmentalist explanation assumes the MS as independent decision makers who pursue national interest. In the case that MS have similar interests and support the same positions this could also lead to collective action.

2.1. Supranationalism

Supranationalism explains European Integration as the result of the Member States being persuaded to transfer parts of their sovereignty towards the European Level. This suggests that it is not Member States governments but Supranational institutions, such as the Commission, the ECJ and the HR (EEAS) that are the main actors that affect the course of Eu-

ropean Integration and foster the creation of more Supranationalism. The Theory thus views the community-institutions as independent variables and as the principles and not the agents of integration (Tsebelis 2001: 385). It implicates that these Supranational actors have the power to convince and pull the Member States towards collective action that can contradict national preferences and thus lead to unintended consequences for the MS (ibid.: 386).

There are five underlying assumptions that can be found in the theory of Supranationalism. First, it assumes that integration is influenced by various actors and transnational coalitions. It also expects the actors to act rational and self interested but institutions are seen as capable to start acting independently of their creators and develop their own dynamic. As a fourth assumption integration is assumed to be an incremental process as the actors are not capable to predict the outcome of decisions. Finally, the theory assumes that MS can profit from cooperation in a positive-sum game (c.f. Realism), which implies that there is a high incentive to cooperate with other states, as all actors will have an advantage of that cooperation (Niemann/ Ioannou 2015: 2).

Even though the CFSP is legally defined as Intergovernmental and the European Council as well as the Council of the EU take the principal decisions, Supranationalists suggest that the collective action within the CFSP is often a result of many informal and administrative procedures induced by the Commission, the High Representative or the EEAS as an executive power. Arguably, in the daily practice the informal decision-making takes place on a sub-Council level. (Thym 2011: 465) This means that these institutions are expected to be able to convince MS of the necessity to adopt collective action in cases, where externalities can be prevented by cooperation and MS can profit from it. An example in the case of Libya is the cooperation within humanitarian assistance, which was coordinated within the framework of the CFSP and thus prevented the doubling of costs. Consequently, the supranational approach assigns a much power to the European institutions within the policy making and downgrades the significance of domestic political power and its' influence within the process of integration.

However, in some areas MS interests are too different to come to a common position, as it was witnessed in the decision process about the military intervention in Libya. Therefore, the Supranational approach cannot be applied to explain the lack of collective action in this case. This is where the intergovernmental approach provides a better explanation.

2.2. Intergovernmentalism

A second approach to European Integration is the theory of Intergovernmentalism, mainly building on the work of Stanley Hoffmann and his critics on Neofunctionalism. The main assumption of this approach is that Member States are the most important units of European Integration and that collective action only takes place in accordance with the national governments of the Member States. Thus, the promoters of Intergovernmentalism are of the opinion that integration can only happen if “the benefits are high, the costs low and the ex-

pectations considerable” (Hoffmann 1966: 144). However, this approach can be distinguished into two differing configurations. The first configuration was developed by Stanley Hoffman and can be considered as Classic Intergovernmentalism (CI). As stated above, for Hoffmann the nation states remain the basic units of international affairs even though he admits that integration has changed the international system as some sovereignty has been pooled toward the supranational level (Hoffmann 1982: 35). Hoffmann thereby stresses the importance of the distinction between high politics and low politics. He states that in high politics, where vital national interests are at stake, the discrepancies between the states are often too severe as for the nation states to come to an agreement. According to Hoffmann, cooperation is rarely happening as states do not wish to take the risk of cooperating with another state and do not want to jeopardize their autonomy within a field of high politics. They would rather prefer the “certainty of the self-controlled uncertainty of national self reliance”. (Hoffmann 1966:144) This “logic of diversity” suggests that losses in high politics cannot be balanced out with gains in welfare areas, and thus limits cooperation between autonomous states to the area of welfare. (ibid) This argument illustrates the realist origin of the traditional Intergovernmentalism but is at first sight rejected by the fact that a European framework of cooperation in field of high politics exists since the creation of the CFSP. But even though such a framework for cooperation exists since 1993 the MS still have the control over the action taken in this area due to the unanimous voting procedures. This lack of Supranational integration in the CFSP is the precise object of study of this work. Hoffmann further explains the significance that is given to the European institutions by the MS as a mere instrument of the state elites to impose unpopular but necessary policies. Thus, he states that the institutions have actually strengthened the Member States capacity of policy making at the domestic and the foreign level (Hoffmann 1982: 35), which points out that he sees these state elites as the actors of decision making within foreign policies and the institutions as dependent variable. Looking at Libya intervention from an Intergovernmentalist perspective, the action taken by the MS can be seen as a reflection of the power of autonomous states that pursue their interests and want to strengthen their position in the international system.

The second branch within Intergovernmentalism is the so called Liberal Intergovernmentalism (LI) defended by Moravscik. It mirrors the main arguments of Hoffmann but specifies the behavior of Member States in a two step model. He agrees with Hoffmann that the nation state is the basic unit of decision making in the international context but adapts Hoffmanns assumptions regarding the configuration of national interests. He explains the process of decision making in this two stage model within which he emphasized the importance of the first stage - the national preference formation. First of all, he assumes that states are behaving rationally and thus national interests are primary defined by economic costs and benefits. (Moravscik 1993: 480f.) But instead of assuming these preferences as fixed, he opens this black box by using the two stage model. It suggests that while states

are participating in international bargaining, they are continually constrained by the interests of important societal groups that are calculating their gains and losses from the policies in question and form their interests based on these calculations on the national level. These interests are then aggregated through political institutions (ibid: 481). On the second stage the inter-state bargaining on the European level has the goal to realize these previously domestically formed preferences. The outcome of the bargaining process depends on the relative bargaining power of the state. This means that the more essential the issue is for the national interests, the more willing the state actors are to make compromises in order to achieve their goal. States that do not depend on the outcome of the issue can impose conditions from which they can profit in the future. This shows that the bargaining power of the states is not determined by their relative capabilities, as realists would assume, but depends on the relevance of the issue that is on the table. (ibid: 499) The two stage model shows that Moravcsik sees the outcome of the policy making within the EU as a result of the domestic preferences as well as the relative bargaining power of the Member States. This implies that he, like Hoffmann, does not acknowledge the institutions of the EU as independent actors. He also sees the institutional framework rather as an opportunity for national actors to reduce costs of interaction and uncertainty by shifting the enforcement of the agreements away from the influence of domestic politics and delegating it towards the supranational institutions like the Commission the EEAS or the HR (Pollack 2001: 232). Therefore, Moravcsik accounts much influence in the decision making to the domestic actors who are demanding specific policies that are consistent with their interests. Thus, he analyses the decision making process on a lower level than Hoffmann who focuses on the state level. Moravcsik would explain the action of the MS by looking for domestic economic interests that influenced the political actors.

The main difference between LI and CI is the fact that LI assumes that Member states decisions on issue specific cooperation depend on their set of preferences that were configured at the national level by societal groups. This implies that the politicians are pressured by powerful domestic interest groups while aggregating national preferences, which stands in contrast to Hoffmanns argument of state-autonomy. In the Case of the CFSP, which is not primarily an economic and welfare related policy field, this LI approach has less explanatory power than Hoffmanns CI. The only indicator that suggests a relevance of economic factors in the conflict about the intervention in Libya is the potential for oil contracts. The LI perspective would therefore suggest that energy companies and their interest in oil trade with Libya have influenced the national preference formation on the national level and have thus had an impact on the decision to take part in the intervention or not. In this case, it can be assumed that these interests only played a minor role in the conflict of interest between the EU MS, as decisions were rather made on a moral argument and with the objective of emphasizing the state's role within the international system or on the basis of an analysis of the potential for risks or success of the intervention. These observations rather point towards Classic Intergovernmentalism as the most suitable approach to analyse the

reasons of Member States to act autonomously and the lack of European collective action in the Libyan Conflict.

The hypothesis that will be deduced from the CI approach mirrors the assumption that decisions on foreign policy remain in the control of the autonomous states and depend on their national interest. This means that if interests are too diverging, as it was the case in 2011, a common solution is not possible. While France was trying to emphasize its responsibility in the Maghreb region and the UK was trying to push their agenda as military power, Germany was not willing to give up their position as a civil force (“Zivilmacht”) for an intervention whose outcome was not clearly defined. This suggests that MS preferred to preserve their individual position in the international system instead of cooperating to find a common approach to the crisis. Looking at the CI argument, the following assumption can be made about the decision making process concerning the intervention.

H(CI) : As Member States positions and interests were too differing to find a common solution at the European Level, they decided autonomously on their reaction to the conflict in Libya.

Based on this discussion, the study will examine the adequacy of CI regarding the CFSP of the European Union. It will analyze, by looking at the case of Libya, for what reasons European collective action in the field of foreign policy can be difficult to achieve.

2.3. The Common Foreign and Security Policy (CFSP)

After having discussed the two approaches, this section will focus on the question of how the two modes of decision making appear in the structure of the CFSP. Therefore, the structure of this policy area will be described and its particularities concerning the existence of both supranational and intergovernmental actors will be pointed out. This is especially illustrated by the double hat function of the High Representative of the European Union for Foreign Affairs and Security Policy (HR). It is his/her job to bring both fields together and to ensure the coordination between supranational, intergovernmental and national foreign and security policy. The interconnectedness of these fields creates the unique character of the CFSP but makes it also difficult at times to achieve a rapid decision in international crises. The following observations will nevertheless support the claim, which was made in the previous section, that the CFSP is dominated by the MS and thus remains primarily intergovernmental in character.

The goal of strengthening the policy cooperation within a European Foreign Policy had been approached for the first time in the 1950ies as the establishing of a European Defense Community was being considered in the context of the rearmament of Germany after the second World War. This attempt failed due to the refusal of France to engage in the cooper-

ation and thus Germany was instead incorporated in the NATO alliance. It was only twenty years later in 1974 that the thought of a common foreign policy was reestablished. The chiefs of government decided to create the European Political Cooperation (EPC), which can be seen as the predecessor of the CFSP. The EPC was formally framed in 1986 by the Single European Act (SEA). (Algieri 2013)

2.3.1. Legal Basis of the CFSP

The **Treaty of Maastricht** came into force in 1993 and legally established the CFSP of the European Union and appointed clear objectives for this policy area. These were “*to safeguard the common values, fundamental interests and independence of the Union ; to strengthen the security of the Union and its Member States in all ways ; to preserve peace and strengthen international security, (...); to promote international cooperation; to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.*” (Title V Art.J.1 2. TEU)

Nevertheless, the process of decision making remained strictly intergovernmental and the vast majority of the votes had to be unanimous. At the same time instruments of policy making were established within the CFSP in order to structure the actions.

The **Treaty of Amsterdam** that entered into force in 1999 changed the structure of the CFSP insofar as it included that the execution of conclusions could be decided on by a majority vote. But a country could still veto the decision, if its vital interests were at stake. Thus, the structure remained intergovernmental in principle as MS were not willing to pool their competences towards the supranational level. (Becker-Alon 2010: 79) Another novelty was the appointment of the “High Representative of the European Union for Foreign Affairs and Security Policy” who was supposed to strengthen the efficiency and the global impact of the EU in foreign politics. (eeas.europa.eu)

In 2003, the **Treaty of Nice** came into force and changed the voting rights in the council insofar as more majority voting was pursued (Becker-Alon 2010: 79). Furthermore, the provision for a “Common Security and Defence Policy” was given under the constraint that the Member States own security and defence arrangements had to be respected (Art.17 TEU). This limitation within the article demonstrates once more the difficulty of establishing a common foreign policy while respecting the diverse political backgrounds of the Member States.

The **Treaty of Lisbon**, that came into force in 2009, gave the EU a legal status which enabled it to represent itself internationally, and thus raised the Union’s importance as a global actor (Becker-Alon 2010: 46). Adding to that, the treaty included the possibility to create the European External Action Service (EEAS) under the authority of the High Representa-

tive for Foreign Affairs and Security Policy. The HR as its head received more responsibilities. The objective of the EEAS was to support the HR in his/her work and thereby to give the CFSP more strength on the global stage as well as enable it to protect its interests and values more efficiently. It came into action on 1 January 2011 only weeks before the outbreak of the conflict in Libya. (COUNCIL DECISION 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service)

After several amendments of its legal basis, the main functions of the CFSP are defined as the development of relations and partnerships with third countries or organizations as well as the finding of multilateral solutions to common problems (Art. 21 TEU). Adding to the objectives that were already defined in the treaty of Maastricht, there have been added four objectives concerning the fight against poverty and sustainable development. These are: *“to foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty; encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade; help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development; assist populations, countries and regions confronting natural or man-made disasters; and promote an international system based on stronger multilateral cooperation and good global governance.”* (Art 22 TEU)

Considering these developments it is obvious that the EU has grown together regarding its cooperation in the field of external action but nevertheless, Member States are still pulling out of the collaboration and pursuing external policies of their own that may not always be consistent with the positions of other MS, as will be shown in the case of the intervention in Libya.

2.3.2. The Common Security and Defence Policy

The CSDP is integrated in the CFSP and is supposed to strengthen the EU as a global actor and provide it with operational capacity. Its main functions are defined in the Petersberger Tasks. These include to contribute to international crisis management, which means in particular to launch and participate in *“joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation.”* (Art.43 1 TEU)

This catalogue illustrates that the framework was created exactly for cases like Libya, where crisis management is in order.

However, the CSDP does not dispose of military capabilities and thus, has to rely on the civil and military capabilities provided by the Member States. The launch of a mission has to be decided unanimously by the Council and is then coordinated by the High Representa-

tive and the Political and Security Committee. Doing that they are supposed to enable a comprehensive approach to EU crisis management. Additionally, the missions always have to be compatible with the NATO Framework and its security and defense policy and are not supposed to substitute but to complement this cooperation (Art.42-46 TEU).

Especially in their own neighborhood, the EU was expected to execute this burden sharing principle by conducting a mission in the CSDP Framework

2.3.3. Actors of Decision Making

As was said earlier the CFSP remains in principle intergovernmental. This is a result of the **European Council** taking decisions concerning the the main guidelines for the CFSP, and thus, determining the direction of the policies. The European Council consists of the Heads of State or Governments of the Member States and is thus an intergovernmental institution. Most of the votes taken are based on consensus. Only in specific areas the votes demand unanimity or Qualified Majority Voting (QMV). The European Council does not, however, negotiate on EU law but only sets the policy agenda. (Art. 26 1. TEU)

The second intergovernmental institution is the **Council of the European Union** also called the **Council of Ministers**, which is the most important actor within the CFSP as it defines and implements the objectives of the policy. This is done on the basis of the guidelines set by the European Council. In matters of the CFSP the council meets in the configuration of the Foreign Affairs Council (FAC). It is composed of the foreign ministers of the Member States and depending on the subject, the ministers of defence, trade and development can be present as well. It is the main function of the Council to ensure the consistency and effectiveness of the EU External Action. (Art.26 2. TEU) Decisions are taken unanimously with few exceptions of QMV, outlined in Art. 31 2 TEU. In case of unanimous voting MS can abstain from votes, which makes the state not obliged to implement the decision. Thus, any MS can refuse to apply the Council's decisions within the CFSP. Within the area of QMV, any MS can object against the vote to be taken by this method for reasons of vital national interests. The vote will then not be taken. In any case, decisions that have military or defence implications are excluded from QMV. (Art 31 TEU) These voting regulations within the Council demonstrate how limited the supranational decision making within the CFSP is. As any state can prevent the adoption of a decision, it is very difficult to decide on actions that are in consensus with the national interests of all 28 MS.

The Council of the European Union is being supported by the **Political and Security Committee**, which is a permanent structure of the Council. The main functions of the PSC are to deal with crisis situations and to examine the different alternatives that are considered as a Unions response. In order to do that, the agency observes the international situation and then defines policies in the area of the CFSP for the Council to discuss. Further-

more, it is their function to monitor the implementation of the agreed policies. (Art. 38 TEU)

As mentioned above, the **High Representative of the European Union for Foreign Affairs and Security Policy** is the coordination point of the CFSP. Thereby he/she fulfills a double function: The HR is appointed by the European Council and Chairs the foreign Affairs Council, while representing the EU in matters of the CFSP. At the same time, the HR has the role of the Vice President of the **European Commission**, which can make propositions for the CFSP and steers the external action in fields as Development and Humanitarian Policy. Thus, the HR is supposed to connect and find consensus between the supranational and intergovernmental institutions of the CFSP and steer it into the direction that has been decided by the European Council. (Art. 18; 27 TEU) In order to have the tools to implement the decisions he/she is supported by the **European External Action Service** of which he/she is the head of. In the EEAS members of the commission as well as diplomats from each MS are working together with the objective to ensure the effective cooperation between the EU and the Member States and the consistent implementation of the CFSP. The EEAS also coordinates the EU representative offices in the world. (Council Decision 2010/427/EU) Thus, the agency can be seen as the executive bureau of the CFSP and reflects again the interconnectedness of intergovernmental and supranational institutions.

2.3.4. Policy Instruments

The Council of the European Union is provided with three main instruments in order to implement the CFSP.

The **Common Position** is a decision that defines “the approach of the Union to a particular matter of a geographical or thematic nature.” These positions have to be respected by the MSS' national policies. The votes are taken unanimously. (Art 29 TEU)

The Instrument of the **Joint Action** is used if the Union wants to become operative in a international situation. The Council thereby has to define the duration and the objectives of the operation as well as the means necessary for its execution. Identical to the Common Position, the decisions are taken unanimously. (Art.28 TEU)

The **Common Strategy** can be decided unanimously by the Chiefs of Government in the European Council. They are supposed to define an overall concept for a particular matter of foreign policy and can include specific measures that have to be carried out by all MS. The duration of the strategy and the means necessary have to be defined by the European Council. The Council can in referral to that Strategy decide on a Common Position or Common Action by QMV. (Art. 22 1 , 31 TEU)

These instruments of the CFSP are supposed to achieve a common approach towards international issues. Nevertheless, it is difficult to adopt these decisions as they are always linked to an unanimous vote by either the Foreign Ministers of the MS in the Council or the Chiefs of Government in the European Council. Matters of military and defense issues are completely inaccessible through a QMV and even where this voting method is pursued, MS can refuse to apply the decision by abstention of their vote on the matter. Thus especially in sensitive matters of CFSP, from a legal perspective, it is clear that decisions are in general taken on an intergovernmental level, which gives MS the possibility to intervene with a veto. Besides the fact that the parliament only holds a consulting role within the CFSP the European Court of Justice, neither has jurisdiction in the CFSP matters (Art. 24 1 ; 36 TEU). As explained above the commission only plays a role when it comes to development and humanitarian aids (Europeaid, ENP). This is a further indicator that the Member States hold the majority of the power in this policy area and supranational bodies only play a consulting and minor role. The legal framework of the CFSP thus supports the claim of the applicability of the Intergovernmentalist framework.

3. Methodology and Limits

In order to evaluate if the above described decision-making process can hinder the EU to function as a common actor in the case of an international crisis, it will be analyzed, how this structure within the CFSP influenced the action of the EU in the Libya Conflict in 2011 and what limits it reveals. In order to answer this RQ, the Research Design includes the method of Congruence Analysis and integrates a case study within this framework. The use of the congruence analysis implies that the researcher has the objective to show the congruence of the empirical observations within a case with the predictions that were drawn from a theory (Blatter 2012: 11). In this case the Intergovernmental approach is analyzed concerning its explanatory power for the CFSP action. In order to do that the research will test, if the hypothesis about the EU action in the case of the Libya Conflict in 2011, is congruent with the empirical observations or if the observations contradict the hypothesis and thus reject the application of the theory.

In order to test the hypothesis it needs to be operationalized. One main assumption of the prediction is the concept of state autonomy. Hoffmann defines autonomy as the capacity of a state to resist certain pressures and as a result produce its own ideas and goals as well as the capacity to turn these preferences into decisions (Hoffmann 1982: 27). H(CI) predicts that MS alone have the power to take decisions and thus assumes a strong autonomy for the nation state. To test this assumption the study will take national governments' independent decision making about the Libya intervention as an indicator.

Furthermore H(CI) assumes that MS interests were too diverging, which prevented collective action in this case. The second empirical indicator for this assumption will therefore be the differing national positions of EU MS concerning the intervention. This will also con-

tribute to answer the question why the Member States acted individually and what interests were involved.

The empirical observations necessary for this analysis will be produced by conducting a case study on the intervention in Libya in 2011 regarding the EU action as well as the individual actions of MS. The case of Libya was chosen, as this intervention is a crucial example of important but controversial, international decision making and thus provides an excellent case to analyze the constraints of the EU decision making process in the CFSP.

In order to reveal the relationships between the different factors that lead to the predicted outcome of EU action in Libya, the method of Process Tracing will be applied complementary to the Congruence Analysis. This method is defined by Collier as:

“the systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator.” (Collier 2011: 823).

After having pointed out the supranational and intergovernmental traits of the institutional setting of the CFSP and its' mode of decision making in Chapter 2, the following analysis will focus on tracing the action concerning the conflict in Libya in 2011. To give an insight into this context the situation of the civil war in Libya in 2011 is illustrated, using empirical data from the Heidelberg Conflict Barometer as well as country reports from qualified research institutes (see Literature). Furthermore, the legal documents concerning the EU action in Libya will be evaluated in order to define the extent to which the EU operated as a collective actor and what measures were decided on and implemented within the CFSP framework. The second layer of the case study will then focus on the individual actions of EU Member States in Libya outside the EU framework. Using documents such as parliamentary debates that provide evidence on crucial decisions of EU Member States it will be shown how the EU is vulnerable to falling back into patterns of national decision making instead of making common decisions on collective actions within the realm of the CFSP. Additionally, news articles from the qualitative press will be used to provide background information. The empirical results of this process tracing are then used to test the validity of the predictions of the Hypothesis.

Finally the limits of the research design need to be considered. The study aims at qualitatively analyzing the potential of the EU as an actor in security policy by looking at the example of the conflict in Libya in 2011. As this does not include a quantitative analysis the issue of internal validity can be neglected. The only pressing criterion that needs to be verified is the concept validity. This requests that, for the congruence analysis to be valid, the hypothesis actually has to express the meaning of the theory in question (Mills 2010: 211). In chapter 2 it was made clear that the hypothesis reflects the main assumption of CI. The prediction of H(CI) that the decisions concerning the intervention in Libya were taken au-

tonomously by MS because positions were too different to act collectively is consistent with the theory of CI as its' main statement is that Member States are the decisive units within the decision making of the EU. This interrelatedness of the hypothesis and the theory shows that the concept validity of the research design is given.

As we are only observing one crucial case of the CFSP, that is the conflict in Libya in 2011, it is impossible to generalize from this one case to the entire range of CFSP actions. Considering this, the external validity is not very high and still needs to be proven by comparing the case of Libya with other cases of CFSP actions. On the other hand, it is also the goal of this study to describe the case of Libya in detail as this conflict is still not resolved and it therefore is important to acknowledge the missed opportunities of the past in order to change that pattern in the future. As every conflict is different, it is not advisable to generalize from one observation to other cases. Therefore the study will take the case of Libya only as one example to point out possible limits and constraints of the CFSP.

A second limitation to the study could be that the research will be conducted by looking through the theoretical lens (Mills 2010:) of Intergovernmentalism which could cause a biased analysis. This obstacle is balanced out by discussing the opposed school of supranationalism in the EU context as well and thus giving the researcher and the reader the possibility of comparing these two lenses, while observing the scenario under study. Of course there are various theories that are being neglected in this research but with the main counter paradigm being discussed it provides the most important alternative for the reader.

4. Analysis

The following chapter will examine the action taken by the EU and by individual MS in order to find evidence for the prediction in the hypothesis and to point out the constraints that the CFSP has to face in international crises.

4.1. The EU in Libya

The outbreak of the Libyan crisis in 2011 took place only weeks after the creation of the EEAS and posed an unexpected challenge to the new structures of the CFSP. The conflict was so severe that the United Nations responded with a UN Resolution that included restrictive measures as well as the creation of a No Fly Zone over the Libyan territory in order to prevent air strikes against civilians. The EU supported the Libyan population with humanitarian action, but when it came to the deployment of military in the war zone, the MS were not able to find a common solution and thus blocked the creation of a crisis management mission within the CFSP framework. As some MS wanted to intervene with force and others preferred a solely diplomatic approach to the conflict, it was not possible for the EU to react to the crisis as a collective actor without the MS reaching a consensus on the question first.

In this section, the origin and the course of the conflict in Libya is described. In a second step the UN Resolutions on Libya and their controversy are discussed and it is analyzed which measures were taken by the EU in congruence with the Resolution and what obstacles were opposed to its implementation.

4.1.1. The Conflict in Libya

The conflict in Libya was a consequence of the uprisals during the course of the so called Arab Spring. The protests originated in the critical living and political conditions in many of the Arabic States in the Maghreb Region and the Middle East. As a reaction, millions of protestors took the streets and demanded political reforms. In Libya however, the Regime responded with drastic and violent measures against the protestors. This triggered a civil war over the national power and the political orientation between the Regime of Muammar Gaddafi and the opposition forces (Altintop/Kindel 2011: 100 f.). The first protests in Libya started on 17 February 2011 and were directed against the repression of the civil society by the the Gaddafi government. As the protests were more violent than their predecessors in Tunisia and Egypt, the government forces reacted with a brutal suppression. The violence against their own people caused several military officials to change sides towards the protestors. As the traditional tribal structures of the countries had always remained strong, these officials preferred to stand on the side of their tribes rather than with Gaddafi. This resulted in the collapse of the governmental structures and gave the anti-governmental groups the opportunity to establish the National Transitional Council (NTC) as their leader (Lacher 2011). In the course of this highly violent conflict the opposition groups and the government fought over the control in important cities and caused between 10,000 and 15,000 casualties, while numbers of civilian deaths remain unknown (Altintop/Kindel 2011: 100 f.). As the conflict became increasingly violent, the UN Security Council decided on March 17 to protect the civilians by establishing a No-Fly-Zone (NFZ) in Libya to keep the government from flying air strikes. US and European MS Airplanes bombed Libyan government sites to enforce the NFZ. On 31 March, the NATO took over the intervention and supported the opposition forces under the NTC to gain control over several cities and continued to bomb Tripoli to weaken the regime. The clashes between the two sides continued violently until August, when the NTC took over Tripoli and was recognized by the UN as the official Libyan government.

Nevertheless, the conflict continued as the NTC was still fighting the remaining Gaddafi supporters. On 20 October 2011 Gaddafi was killed and consequently the NATO ended their intervention on 31 October 2011 (Altintop/Kindel 2011: 100 f.). However, the fights went on after that and a stabilization of the country has since then not been possible.

4.1.2. UN Resolutions on Libya and the NATO Intervention

After the start of the protests in February 2011 in Libya the United Nations Security Council adopted the Resolution 1970 on 26 February due to the violence and the use of force

against civilians in Libya. The resolution demanded an immediate end of violence by the government and the taking of steps to fulfill the demands of the population. Additionally, they imposed an arms embargo on Libya, which requested all UN Member States to prevent the supply and transfer of any kind of military support towards Libya. Finally the Resolution imposed travel bans and asset freezes on several government persons and entities. This Resolution was the first attempt to make the Libyan authorities comply with the demands of the Resolution and reach a ceasefire to protect the Libyan population. (UNSC Resolution 1970) The Resolution was adopted unanimously by the Members of the UNSC.

As these demands of the UN were not complied with by the Libyan authorities the UNSC decided on 17 March 2011 to adopt Resolution 1973 on Libya in order to protect the civilians from the violence of the the Government. By referring to the Resolution 1970 the Security Council authorized the UN Member states “ *to take all necessary measures, (...) to protect civilians and civilian populated areas under threat of attack (...).*” (UNSC Resolution 1973) The second measure was the implementation of a NFZ over Libyan territory which authorized UN Member States by “ *acting nationally or through regional organizations or arrangements, to take all necessary measures to enforce compliance with the ban on flights (...).*” (ibid) In congruence with that they imposed a flight ban on all Libyan flights over UN-Member States territory and added additional travel bans and asset freezes on Libyan authorities. (ibid) The resolution was not unanimously adopted, as five members of the Security Council abstained from the vote. While the UK and France were supporting their opinion to implement a NFZ, Germany abstained from their vote in the UNSC, taking an unusual alliance with Brazil, Russia, India and China. (UN Voting Records) This vote showed the internal divisions of the EU to the rest of the world.

On 22 March 2011, the NATO decided to enforce the in UN Resolution 1970 and imposed an arms embargo against Libya by sending ships to the Mediterranean Sea with the goal to cut of the arms supply and mercenary flow to Libya by sea (nato.int, NATO and Libya). Even though, with the establishment of the CSDP, the EU was expected to conduct the missions in their direct neighborhood, it neglected to do so in Libya due to the controversial stands of the EU Member States. The EU did thus not contribute to the principle of burden sharing between the NATO and the CSDP. Therefore, on 31 March the NATO took over the international military operation to enforce the NFZ over Libya under the name “Operation Unified Protector” (OUP). The operation had three components: first, the “ *enforcing of an arms embargo in the Mediterranean Sea to prevent the transfer of arms, related materials and mercenaries to Libya*”; second, the “ *enforcing a no-fly zone to prevent aircrafts from bombing civilian targets*”; and third, the “ *conducting of air and naval strikes against military forces involved in attacks or threatening to attack Libyan civilians and civilian populated areas.*” (NATO and Libya http://www.nato.int/cps/en/natolive/topics_71652.htm)

The mission was reaffirmed by the NATO defence Ministers and the UN Resolution 2009 and was carried out until 31 October 2011, when it ended after the death of Muammar Gaddafi in battle. Only five of the 27 MS of the EU participated in the strike operation. These were France, Great Britain, Belgium, Denmark and Italy. Moreover, some countries provided air and naval support for the mission. (nato.int: Nato and Libya, Facts and Figures) But the small number of MS actively participating in the intervention is an indicator of the division of stands between them.

4.1.3. The EU Measures

The EU MS were divided concerning the decision on a military intervention as France and the UK were pushing for the intervention, while Germany was against the military action and thus abstained from the vote of the UNSC Resolution. There were, nevertheless, several measures taken as a collective actor. A Regulation on restrictive measures consistent with UNSC 1970 was adopted already on 28 February 2011. The political direction of the EU was decided at the extraordinary meeting of the European Council on 11 March 2011 that was summoned mainly by France and the UK to discuss the developments in Libya and the southern neighborhood. On this meeting the EU collectively called upon Gaddafi to step down and decided to stop any cooperation with the government. At the same time, the proposal of France and the UK for a common participation of the EU in a military intervention was rejected by the other MS. They were only able to come to a consensus on the review of the necessity to take action by each MS individually and on the establishment of further restrictive measures following the UN Resolution 1970 (EUCO 7/1/11 REV 1). Consistent with these guidelines, the implementation of the NFZ, that had been adopted by the UN Resolution 1973 was acknowledged by the Council of the EU by adopting COUNCIL DECISION 2011/178/CFSP. It called on the MS to “*prevent flights by aircraft under their jurisdiction in the Libyan airspace*”. However, it did not include the enforcement of the NFZ by military means.

The European Council declared in its conclusion of 11 March 2011 that the EU “*stands ready to help Libya build a constitutional state and develop the rule of law*” (EUCO 7/1/11 REV 1). Furthermore, a total of €155 Million was contributed to humanitarian assistance in Libya in the year 2011 (Annual Report HR 14605/1/12 REV 1).

With the same goal to provide humanitarian support in Libya, the CSDP Mission EUFOR Lybia was adopted on 1 April 2011 after a proposal from the HR Catherine Ashton. The mission included the safe movement of displaced persons and the support of humanitarian agencies (CD 2011/210/CFSP). However, the mission remained never implemented, as it depended on the demand of the UN Office for the Coordination of Humanitarian Affairs, which was never put in place. The HR also participated in the talks with the Libya Contact Group to find a solution to the conflict and support the NTC. (Annual Report HR 14605/1/12 REV 1).

The softness of these measures shows that they can only be seen as a reflection of the lowest common denominator of the MS positions. Most of the reactions of the EU remained in mere statements about the support of the population in Libya and the condemnation of the attacks against civilians but not in the actual acting on these conclusions by making use of the instruments of the CFSP.

Looking at Hoffmanns assumptions about the autonomous acting of the MS, these collective measures seem contradictory at first sight. However, the MS only agreed to collective measures that were consistent with their national position and where they could not be locked in by adopting them. Considering that a MS can always veto a decision that is not in their interests, the collective measures by the EU could only be agreed on because the MS had already autonomously positioned themselves in a similar way nationally. In this case, the decision of providing humanitarian assistance and to participate in the diplomatic talks is certainly based on common values within the EU and the conviction that collective action would allow a better coordination and allocation of the assistance and thus reduce costs. This indicates that the MS were not supranationally pressured into any kind of cooperation but formed their own decisions on a rational basis and then made use of the EU framework to implement them more effectively, which produced mutual gains. Measures that were conflicting with the autonomy of the MS, such as common military action, could not be agreed on. Therefore, it can be concluded that the states acted autonomously even though they agreed to certain collective action within the Framework of the CFSP.

4.1.4.Obstacles to Collective Action

The question of why there were only minimal measures taken on a common basis by the EU can first be explained by looking at the structure of the functioning of the CFSP. As explained under section 2.3., the decisions concerning the action within this policy field are taken by the Foreign Affairs Council which needs to decide unanimously. If the MS are not able to agree on collective action, it is not possible to adopt a decision for the EU that is inconsistent with the interests of one or more MS. The different political agendas of the MS at the moment of debate were too different to find a common solution fast enough. Furthermore the EEAS, as an executive service, can only take action if a decision by the Council precedes. Thus the hands of the HR Catherine Ashton were tied to actually execute leadership in foreign policy in Libya (Thym 2011: 456).

Adding to the obstacles posed by the legal framework, is the fact that the decision making in a case of a crisis apparently takes too much time for MS to agree on a position that every MS can accept. Therefore, MS are tempted to start developing their own positions and measures before there is a common position for the EU. Referring to Moravscik's theory of LI, these national positions would be seen as influenced by domestic actors that form their preferences about the policies on a cost-benefit basis. As this is a liberal approach to preference formation, it assumes that economic factors are crucial in that process. In this specific case however, the measures that were taken collectively were mostly value oriented.

As the EU was expected by the international community to react to the crisis, at least humanitarian and diplomatic efforts as well as sanctions were obligatory. Even though, especially economic sanctions can have a negative effect on domestic actors' interests, the MS collectively adopted them. Thus, there was no evidence found that economic factors have played a role in the national preference formation towards these collective measures. Nevertheless, different positions on the reaction towards the crisis created obstacles to act unified. From a LI view, these might have been partly supported by oil interests, as it is discussed in the following chapter. In spite of these economic factors the following chapter will show evidence that the main motivation to intervene or to abstain in Libya was stemming from the political leaders that were taking autonomous decisions and were not subject to pressures from domestic interest groups. Thus, the assumption of Moravscik about the domestic actors prevailing in the process of national preference formation does neither apply to this case of collective EU measures nor to the individual measures of MS.

The observations rather support the hypothesis H(CI) which states that most measures in the Libya conflict were taken outside the EU Framework by autonomously acting MS, who wanted to strengthen their position in the international environment by pushing their individual agenda. As we will see in the following section of the analysis, the MS were too involved in these national politics to come to an agreement on the Libya question.

4.2.Libya Policies of the EU Member States outside the European Framework

As described in the preceding section, collective action by the EU was limited to sanctions, financial support of humanitarian efforts and to statements of political intent. The mandate of the UN to enforce the NFZ was not adopted by the Union as a whole, which puts their capability to stand as a collective actor into question. With the goal to analyze the actions that were taken by individual EU MS in the Libya intervention, this section will point out the different political stances of the three big MS France, Germany and Great Britain. This analysis is to support the hypothesis argument that MS autonomously formed positions were too diverging to come to a consensus on a collective EU-stand.

4.2.1. France

The first MS to push for the implementation of the NFZ in Libya and played a decisive role in convincing the UN of this measure was **France** under the lead of President Nicolas Sarkozy (Louati 2012). Moreover, they were the first country to recognize the NTC as the legitimate government of Libya on 10 March 2011 without first coming to an agreement with the other EU MS, and thus, their unilateral reaction caused considerable irritation (Cowell/Erlanger 2011). They were also the first to launch air strikes against the Gaddafi Government on 19 March 2011 only two days after the Resolution 1973 was adopted and while the emergency meeting in Paris on the situation in Libya was still being held. This lead to controversial opinions by the participants of the meeting such as the General Secre-

tary of the Arab League, the UN Secretary General and the EU HR who felt that the insistence of France on the meeting had delayed the military efforts of the alliance. France was criticized for not fully coordinating the attacks with other countries (Kirkpatrick et. al. 2011). The country supported their interventionist policy by stressing that Benghazi was being under attack and that it was possible that the city would fall if the alliance would not act quickly. This first operation of the intervention “Odyssey Dawn” was supported by the US and the UK (Taylor 2011). The Prime Minister Francois Fillon defended Sarkozy’s decision in the Assemblée Nationale on march 22: “*Le Président de la République, fidèle aux valeurs qui fondent notre nation, s’est refusé à une telle indignité. Avec le soutien déterminant du Royaume-Uni, il a su faire appel au courage de la communauté internationale et imposer au régime de Kadhafi une épreuve de force.*” (Fillon: Assemblée Nationale: Première séance du mardi 22 mars 2011). He stressed the importance of solidarity with the Libyan people by taking multilateral military action.

Another measure by France was the initiation of the Libya Contact Group, which was then established on the Libya Conference in London on 29 March 2011 and served as a forum for governments and International Organisations, such as the UN, EU, NATO, the Arab League and the Islamic Conference as well as the Cooperation Council for Arab Gulf States (<http://www.nato.int>). Despite the doubts of several MS on the intervention, France pushed their agenda unilaterally without considering stepping back for the sake of a common European stand.

There are several possible motivations that explain the proactive stand of France towards the intervention in Libya. First of all, Sarkozy wanted to show his country’s support of human rights by supporting the opposition in Libya and wanted to make up for the hesitant reaction of France to the Arab Spring in Tunisia and Egypt. With a large part of the population in France originating from the Maghreb Region, the country had considerable reason for taking responsibility in the region. Furthermore Sarkozy most likely considered electoral gains, as his popularity was very low only one year before the next presidential elections (Santini/Varvelli 2011). As the French support for the intervention was very high with 64% of the population in favor it gave Sarkozy the possibility to push his own agenda of presenting himself as active leader in the international field. Another important issue for France was their aversion to the NATO alliance taking lead in the intervention (Cowell/Erlanger 2011), which can also be seen as their motivation to initiate the Libya Contact Group as a political steering committee.

4.2.2. Germany

In the process of finding a common strategy for the Libya question, **Germany** ended up being the most reluctant MS towards the implementation of a NFZ and thus, abstained from the vote for the UNSC 1973. This decision showed the conflict of opinion between the MS about the military intervention. In Germany, disagreement about a participation in the intervention was very high between the political parties and the government decided to

even remove their soldiers from the NATO fleet in the Mediterranean Sea (Louati 2011). However, the Chancellor Angela Merkel as well as the foreign Minister Guido Westerwelle publicly supported the Resolution 1973 but at the same time defended their abstention from the vote:

“In der Abwägung der Argumente sind wir zu dem Ergebnis gekommen, dass wir uns mit deutschen Soldaten an einem solchen Kampfeinsatz in Libyen nicht beteiligen werden. Deswegen hat sich die Bundesregierung, hat sich Deutschland im Sicherheitsrat der Vereinten Nationen enthalten. Ich bitte um Ihre Unterstützung für diese Position” (Westerwelle in Regierungserklärung 18.3.2011)

The main argument for abstaining in the vote was that the risks of a military intervention, which would be necessary to enforce the NFZ, were estimated as to high by the German government. For that reason they decided that German soldiers should not participate in the mission. This decision can also be seen in the context of German history and the developments in the Afghanistan War that left a doubt to commit to another military intervention (Berenkoetter 2011). In any case, the decision to deploy German military depends on the approval of the parliament in Germany. Thus, it was unlikely considering the reluctance towards military action that the Bundestag would have approved the intervention. Another reason for the abstention might have been the upcoming regional elections, which gave much power to the public opinion that was not in favor of German military participating in the mission. Besides the abstention of their vote in the UNSC, Germany supported the Resolution regarding the sanctions and the humanitarian assistance as well as the calling on Gaddafi to step down (Regierungserklärung 2011).

4.2.3. United Kingdom

A very strong supporter of the proposition of France to impose a NFZ in Libya was the **United Kingdom**. Although in the beginning the government was divided on how to respond to the crisis in Libya, it then quickly came to the decision to push for a military intervention. Together with France, the UK participated in drafting the Resolution 1973 in the UNSC and participated in the operation “Odyssey Dawn” that was started on 20 May (Taylor 2011). On 18 March 2011 David Cameron made a statement on the Resolution 1973 where he supported the need for an intervention and the participation of the UK:

“At Cabinet this morning, we agreed that the UK will play its part. Our forces will join an international operation to enforce the resolution if Gaddafi fails to comply with the demand that he end attacks on civilians. The Defence Secretary and I have now instructed the Chief of the Defence Staff to work urgently with our allies to put in place the appropriate military measures to enforce the resolution, including a no-fly zone. (...) in the coming hours they will move to air bases from where they can start to take the necessary action.” (Cameron in House of Commons 18 March 2011)

This moral justification of the intervention illustrates the strong believe of the UK in the principle of R2P¹. However, the two leading countries disagreed on how to continue the execution of the intervention. The UK was in favor of finding a permanent solution in the NATO framework, while France was considering a bilateral cooperation with the UK within the framework of the franco-british defense treaty they had signed in 2010 (IISS 2011). Finally, the UK convinced France of the advantages of NATO taking control, as the alliance already had experience in leading multinational operations. The UK then participated in the air strikes lead by the NATO and officially recognized the NTC in July 2011.

The motivation for the UK to push for the intervention lies mainly in the call of the USA for someone else to take the lead. Washington had expected the EU to establish a mission responding to the Mandate of UNSC 1973 within the framework of the CSDP. As this was not the case, the UK wanted to emphasize their special relationship with the USA and act in their role as a major European military power (IISS 2011). Adding to that, the intervention had strong domestic support by the British public, which gave Prime Minister David Cameron the possibility to show the public his responsibility as an international leader. The strong parliamentary support of 557:13 in favor of the intervention confirmed this (www.publications.parliament.uk).

It is possible that oil interests also played a role in the willingness of the UK to intervene in Libya, as rebel leaders promised oil contracts for companies from supporting countries. Contrary to France, Germany and Italy who had already established oil deals with the Gaddafi Government, for the UK the intervention had a considerable economic potential (Borger/Macalister 2011) The actions of Cameron show that he viewed the NATO Alliance as more suitable for a military mission than any EU framework such as the CSDP. This preference mirrors the fact that there was never any attempt to frame the Libyan Intervention as an EU Crisis Management Mission within the CFSP (IISS 2011).

5. Implications for CFSP Policy Making

These actions by the MS illustrate that most measures were decided and carried out in the framework of the UN and the NATO while the EU remained silent. The lead of the UK and France in the planning of the UN Resolution, as well as the intervention, can be opposed to the abstention from the vote by Germany in the UNSC. It indicates the difficulty of finding consensus within the EU framework in the policy field of the CFSP, which leads to the preference of MS to take action individually.

Even though the council decided to collectively impose restrictive measures and the HR proposal to establish the humanitarian mission EUFOR Libya was successful, the EU failed to find an effective common approach to the mandate given by the UNSC 1973. MS re-

¹ R2P: Responsibility to Protect: “the international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations.” (un.org)

mained conscious of their own interests instead of looking at the possible profits from cooperation within the CFSP, which indicates a lack of supranational integration in this case. Even though the Council adopted common conclusions, they always left leeway for MS to act as they pleased. This problem has its origin in the institutional structure of the CFSP, as it was illustrated in chapter 2.3. The decision making process remains intergovernmental except for a few cases of QMV that are rarely applied. But regardless of the legal basis, the argument of common values of EU MS was neither supported by the empirical evidence as is illustrated by the different views of France and UK compared to Germany. The R2P Principle was interpreted differently by each state. As the HR and the EEAS were always dependent on the decisions of the Council of Foreign Affairs, their hands were tied which shows that the power within the CFSP can not be attributed to its Community Institutions. This analysis thus confirms that the supranational paradigm is not prevailing in the foreign policy of the EU.

There is also only minimal evidence that domestic preference formation was influenced by powerful interest groups as LI would predict. As the time frame was very short, it can be assumed that the decisions were not influenced by societal groups but were rather reflecting the agendas of the national governments. The only reference given to domestic preferences, is the factor of oil. With Libya, as an oil rich country, about to experience a massive turnover, it is not absurd to look for incentives to intervene that were triggered by oil interests. Sources claim that this economic potential was also a motivation for the UK and France to intervene and support the NTC. Major companies like BP and TOTAL might have played a role in the process of national preference formation. Nevertheless, there are no clear indicators for such lobbying processes and the analysis underpins that there exists more evidence supporting the claim of Classic Intergovernmentalism that national leaders were independent decision makers.

The theoretical approach of Classic Intergovernmentalism thus, finds more consistent application in this context. The hypothesis *H(CI) : As Member States positions and interests were too differing to find a common solution at the European Level, they decided autonomously on their reaction to the conflict in Libya.* is confirmed by the empirical evidence in Chapter 4.2. France was most concerned about defending its integrity after having had tight bonds with the Gaddafi Regime and wanted to make up for their hesitant reaction to the uprisals in Tunisia and Egypt. Sarkozy, as the French president, wanted to form his legacy as a strong political leader and raise his popularity in the country. This indicates that France was acting autonomously to defend its position in the international system and did not answer to internal pressures. The claim is supported by the fact that Sarkozy did not ask for the parliamentary approval before the intervention but only discussed the issue three days after the air strikes had started.

The same pattern could be observed for the UK, which preferred to strengthen their ties with the USA instead of pleading for common action within a CSDP mission. Cameron as

well as Sarkozy wanted to emphasize their role as a major European military power that can take responsibility to save civilians in Libya from the regime. The fact that a common European approach could have been more effective than a NATO led intervention of the willing, was not considered. It seemed clear very early after the first protests in February 2011, that the UK and France would intervene, no matter what. This observation provides evidence that they are autonomous States that push their interests and form their decisions independently.

Germany, on the other hand, stayed in their role of a “Zivilmacht” and was not willing to agree on military action. Thus the veto of Germany prevented any attempts to create a military mission within the CSDP and intervene collectively. What was possible was the establishment of the humanitarian mission EUFOR, which albeit never launched, would have presented a collective approach. Unfortunately, this came too late to be integrated in the NATO mission that had already been started. In any case, the fact that the UK and France intervened individually on the argument of the R2P concept while Germany was against any military action, shows the internal division of the EU MS and the different perspectives on foreign policies. These differing positions lead to individual decision making, as Hoffmann predicts it from autonomous states.

6. Conclusion

This analysis leaves the task of answering the Research Question that was asked in the first Chapter.

RQ: What limits and constraints of the EU to deal with international crises as collective actor in the CFSP can be identified by looking at the example of the Libya Conflict of 2011?

In order to answer this question, the study first compared different theoretical frameworks that all have differing perspectives on the topic. Supranationalism supports the claim that the EU-Institutions have the power to pool MS towards common positions and collective action, while LI and CI supported the opposite opinion, that MS always have the last word in the decision making process of the CFSP. LI thereby focused on the domestic preference formation through interests groups that are then aggregated by political institutions and supported by the national leaders. The three approaches were discussed, and it was concluded that the framework of the Classic Intergovernmentalism suits best to be employed to answer the RQ. Following that the unique institutional structure of the CFSP was analysed and it was pointed out that this policy field incorporates both supranational and intergovernmental actors. This is especially illustrated by looking at the double function of the HR as the head of the intergovernmental Council and the Vice President of the Commission. However, it was concluded that even though it is the HR's function to bring these fields together and represent the CFSP on the global stage, the formal decision making process is taking place on the basis of the national interests and not of the community method. The majority of the decisions have to be taken unanimously and can be vetoed if one state sees

his national interests affected. This legal evidence confirmed the Intergovernmentalist claim and was then supported by analysing an actual example of CFSP decision making - the Libya intervention.

To answer the RQ, the conflict in Libya and the action of the EU and its MS were examined in a next step. It is clear to see that the EU remained silent due to the internal quarrels of the MS, which could not find a common position. Even though a EU framework for crisis management existed with the CSDP, and even though Libya is a direct neighbour of the EU, the crisis management was carried out in the framework of the NATO, as the division among MS was too severe. Only after the intervention had already started, the MS agreed on the proposal of the HR to create the humanitarian mission EUFOR, that was however, never implemented. The EU was not able to agree on effective common action and merely made common statements. As a common strategy of the EU was missing, the MS developed each their own approach how to react to the situation. Thus, the UK and France pushed for an intervention and even convinced the UNSC to adopt the Resolution 1973 that imposed a NFZ over Libya, while Germany preferred to abstain in the vote and thus sent a message against the military intervention only supporting the Resolution concerning sanctions, humanitarian action and financial contributions. Therefore, the reasons for the MS to participate or abstain in the intervention are to be found solely in their national interests as CI suggests.

In order to answer the RQ, we also need to look at the global perspective and see the case of Libya as an example for the limits of the CFSP. The difficulty of decision making lies in the institutional context of the policy field that ensures that national sovereignty cannot be overruled by a majority vote in this field of high national interest. If the Council cannot find a common position the HR can not represent a Common Policy, therefore, the effectiveness of the CFSP always depends on the opinions of the MS and their ability to come to a common European position. This is a considerable constraint but nevertheless cooperation can work if MS agree on an issue, which is shown by ongoing and completed CSDP missions. Another limitation is posed by the fact that the EU does not hold their own military forces, and therefore, always depends on the willingness of the MS to provide their resources for the mission after having agreed to one.

However, as international crises often trigger very different and controversial opinions these accords are often hard to achieve. States are always at risk to falling back into patterns of national decision making instead of committing to the Union as a whole. Adding to that, the deliberation and decision making process in this intergovernmental system is often very time consuming and can prevent a quick reaction from the EU to international crises.

The analysis of the Libyan case shows that the CFSP is not integrated to a degree where the MS feel committed to act on a common European approach. It implies that for the EU to permanently stand collectively on the global stage, more integration has to take place in the policy field of foreign relations. As one of the richest regions in the world, it should be the

goal for the EU to effectively react to international conflict and crisis, which can only be realized collectively, with the support of all MS. A united stand has much more authority than the voices of the individual MS that support different positions. If the Union is willing to realize a framework like the CFSP, it should also be able to permanently engage in this cooperation. As the main obstacle to this is the unanimous decision making process in the Council that can block all action, it needs to be considered if more QMV would be an appropriate solution. This would also imply that decisions taken by QMV have to be supported by all MS. The current curtailing of decisions through the veto of one MS is counterproductive especially under the consideration that the Union is becoming larger and already comprises 28 MS. Thus, the hope of Catherine Ashton, stated at the beginning of this thesis, for the Union to represent a collective and thus, more effective actor on the global stage, will depend on the willingness of the MS to leave the intergovernmental procedures of the CFSP behind and to indulge in more supranational cooperation. This would also imply that the MS would have to continuously provide their civil and military resources to the EU missions instead of only doing so if it is consistent with their national position. If this step to more supranational cooperation within the CFSP cannot be achieved the EU could become a bystander while NATO and UNO take over the main crisis management. This would give more leeway to the MS to pursue their choice of action independently as it was the case in the Libya conflict. Contrary to that, it should be the goal for the EU to work together with these other International Organizations in order to share responsibility continuously.

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