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European Union's Common Security and Defence Policy Operations in the Mediterranean: Missions Impossible

Abstract

Arab Spring, Libyan crisis and subsequent explosion of migration created 'perfect storm' for the European Union (EU), challenging the EU as security actor. This research apply Christopher Hill's capability-expectations gap concept on the CSDP, more specifically to the EU's response to the crisis in the Mediterranean, focusing on two aspects. One is the (in)capacity to reach a collective decision, as demonstrated in the EU's response to Libyan crisis 2011. Second aspect is related to the ambitions of the EU's crisis management, focusing on high expectations raised by the EU itself by defining overambitious and unrealistic mandates for three CSDP missions in the Mediterranean: EUFOR Lybia, EUBAM Lybia and EUNAVFOR MED. The main thesis of this article is that the EU's actions as security actor in the Mediterranean represents a major setback for the CSDP, leading to the disillusion when it comes to the EU's capabilities of providing security in its own neighborhood.

Key words: European Union, CSDP, Capability-Expectations Gap, Libya, Mediterranean

Introduction

As HR/VP Catherine Ashton observed on more than one occasion: how the EU operates in its neighborhood and the effectiveness of what it does will define the EU and its role on the international stage in the future (Blockmans 2014: 5). When it comes to the southern neighbor-

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hood, over the recent years the Mediterranean became a testing point for the EU. After Libya has turned to failed state, up to 90 per cent of people crossing the Mediterranean Sea to Europe depart from that country. (UNHCR, 2017) Between 2011 and 2016, some 630,000 irregular migrants and refugees reached Italy via the Central Mediterranean Route (CMR). (European Political Strategy Centre 2017: 1) The CMR has accounted for almost 88% of all recorded deaths along the Mediterranean since 2014 while only accounting for 25% of arrivals. While comparisons between the first two months of 2017 and 2018 may show that arrivals to Italy and deaths dropped from 13,446 in 2017 to 5,247 in 2018, and from 442 to 316, respectively, the rate of death along the CMR has actually increased. By February 2017, for every 30 people who arrived to Italy, 1 person had died; while at the same time 2018, for every 16 people who arrived, 1 person had lost their lives. (Mixed Migration Hub 2018:1,2) Libyan crisis and subsequent explosion of migration created 'perfect storm', which resulted in a major setback for the EU's Common Security and Defence Policy (CSDP). EU's CSDP operations (or lack of it) in the Mediterranean will be analyzed using Hill's concept of Capability-Expectations Gap.

In his famous 1993 article, Christopher Hill (1993: 315) saw the capability–expectations gap as having three primary components, namely, the ability to agree, resource availability, and the instruments at the EU's disposal. (Hill 1993: 315) He defined capabilities as conventional instruments of foreign policy – the use and threat of force, diplomacy, economic carrots and sticks, cultural influence – but also the underlying resources of population, wealth, technology, human capital and economic stability, together with cohesiveness, or the capacity to reach a collective decision and to stick to it. Expectations comprise ambitions or demands of the EU's international behavior which derive from both inside and outside the Union. They can be many and various: political pressures to grant membership, or to provide 'solutions' to the problems of third countries; pressures for economic assistance in the form of aid, trade preferences, intellectual expectations that the EU can resolve the problem of the nation-state, provide a new framework for European order, etc. The gap was seen as potentially dangerous because it could lead to debates over false possibilities both within the EU and between the Union and external supplicants. It would also be likely to produce a disproportionate degree of disillusion and resentment when hopes were inevitably dashed.

Since 1993, the capability–expectations gap has narrowed considerably. The EU enlarged considerably, augmenting its territory, popula-

tion, economic size, etc. During almost twenty years since Cologne and Helsinki 1999 European Councils, the CSDP has been a rapidly evolving policy: numerous steps have been taken towards endowing CSDP with the institutional structures and civil/military instruments. Under the framework of the CSDP, the EU has launched over 30 missions and operations. Today, the EU has access to the civilian and military capabilities which are governed by a comprehensive institutional structure. (Toje 2008: 124) However, the capability-expectations gap is still pertinent. This research applied Hill's concept (originally related to the EC's foreign relations in general) on the CSDP, more specifically to the crisis in the Mediterranean since the Arab Spring, focusing on two aspects. One is the (in)capacity to reach a collective decision, or vertical incoherence, which refers to the coherence between a policy at the EU level and the individual EU Member States policies in the same sphere, to 'the extent to which the foreign policy activities of individual EU states actually mesh with those of the Union' (Hertog, Stross, 2013: 377-378), which is analyzed by using the case of the EU's response to the Libya crisis (part one). Why Libya crisis? Given the very nature of the Libya crisis (democratic aspirations), its scale (a relatively small area affected) and its location (being close to Europe), many saw this as a golden opportunity for the EU to take lead. (Lindström, Zetterlund 2012: 53) Second aspect is related to the ambitions of the EU's crisis management, focusing on high expectations raised by the EU itself by defining overambitious and unrealistic mandates for three CSDP missions in the Mediterranean: EUFOR Lybia, EUBAM Lybia and EUNAVFOR MED (part two). The main thesis of this article is that the EU's actions as security actor in the Mediterranean represents a major setback for the CSDP, leading to the disillusion when it comes to the EU's capabilities of providing security in its own neighborhood.

Opening the Vertical Incoherence Pandora's Box: The EU's Response to the Libyan Crisis

In words of former president of the European Commission, "Europe counts when we speak with a strong and united voice". (Barosso 2010: 3) Speaking with one voice has been the European Economic Community/European Union's ambition for decades (Davignon Report, 1970: 2; London Report 1981:2; Copenhagen Report, 1973: 2; SEA, 1987: 13). According to Maastricht Treaty article J.5, Member States which are also members of the United Nations Security Council (UNSC) will concert

and keep the other Member States fully informed. Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defense of the positions and the interests of the Union.[2] Amsterdam Treaty, in article J.1 further promotes solidarity: the Member States shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. According to Lisbon Treaty article 16, before undertaking any action on the international scene or entering into any commitment which could affect the Union's interests, each Member State shall consult the others within the European Council or the Council. Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene. In Libyan 2011 crisis, however, the EU gave the rest of the world yet another opportunity to see its internal divisions.

Riots in Benghazi started on 15 February 2011 and quickly resulted in an uncoordinated cacophony instead of a common EU position. On 5 March, opposition forces established the Transitional National Council (TNC), presenting itself as the sole representative of all Libya. One day ahead of the extraordinary European Council on 11 March, which had been summoned after a request from France and the UK to reach agreement on developments in Libya, in a unilateral move France recognized the TNC as the sole legitimate representative of the Libyan people and announced the exchange of ambassadors ("la diplomatie électrochoc" aimed at pushing the other member states to position themselves on the issue), leaving other EU member states displeased and preventing the evolution of a common EU strategy towards the TNC. (Koenig 2011: 10) In spite of that move, the European Council considered the TNC it as "a political interlocutor". (Koenig 2011: 10) Italy came second in Europe in recognizing the NTC in April, while the UK gave its formal recognition only on July. Amid a major military and humanitarian crisis, it took more than six months for EU member states to reach an overall consensus on the matter, until Sweden eventually recognized the NTC, in September 2011. (Ivashchenko-Stadnik et al. 2017: 12)

But perhaps the most blatant manifestation of vertical incoherence has regarded the military intervention in Libya itself. In a letter sent to the European Council, David Cameron and Nicolas Sarkozy both advocated for the implementation of a no-fly-zone (NFZ) and asked to keep the door open for a military intervention to protect civilians, while other countries, and most famously Germany, showed reluctance, which led to the rejection of military intervention at the European Council

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2)   See also Amsterdam Treaty, article J.9, and Lisbon Treaty, article 19.

meeting on 11 March. (Louati 2011) Another early French proposal – that the EU should manage the maritime embargo given its experiences from the Horn of Africa – also fell through due to lacking political will among member states. (Lindström, Zetterlund 2012: 52) European Council concluded that, in order to protect the civilian population, Member States will examine all necessary options, provided that there is a demonstrable need, a clear legal basis and support from the region. (European Council 2011)

Different reasons were given when member states tried to explain their reluctance to get involved in Libya: Romania argued it was not yet "the moment" for a military solution in Libya and that a NFZ was something only NATO could undertake, some thought the UK-French proposals were leaning towards "regime change" and did not want to take part for that reason, others interpreted the Libya intervention as being motivated by oil interests, while somewhat surprisingly, Poland – traditionally viewed as being Atlanticist – distanced itself from the intervention, having no direct interests in Libya and being already involved in Afghanistan. (Lindström, Zetterlund 2012: 52, 53) The Estonian President stated: "Poland and Estonia know well that bringing down a despotic regime is easy, but what's much harder is to build up a new democratic society". (Louati 2011) However, despite the fact that more than half of EU's member states refused to get involved in Libya, it was the German opposition which surprised the most, although some EU member states who shared Berlin's misgivings about the intervention could hide behind the German position. (Lindström, Zetterlund 2012: 53)

The European Council was then followed by negotiations at the UN and the adoption of Resolution 1973 (with ten in favour and five abstentions - Brazil, China, Germany, India and Russia) to implement a no-fly-zone and to take all necessary measures to protect civilians under threat of attack in the country, while excluding a foreign occupation force of any form on any part of Libyan territory. (Louati 2011) On 18 March, Germany broke ranks with its EU and NATO partners and abstained in the vote on UNSC resolution 1973, catching most of its allies off guard and angering them - this was the first time Berlin did not vote along with at least one of its NATO allies, which German foreign minister Westerwelle officially justified by stating that the risks of a German participation in military engagement were considered to outweigh the benefits. (Koenig 2011: 11) This evoked painful memories of the Iraq debacle almost a decade ago. Why did Germany voted

in that manner? There are several reasons. Germany's political system builds on a process of consultations, and tends to be slow. It seems that, in the case of Libya, events simply unfolded too quickly for Germany's policy-making machine, chancellor Angela Merkel and her advisors at the time were preoccupied by other pressing issues, most notably the euro crisis, while the Defence Minister, Thomas de Maiziere, had only been on that post since 2 March 2011, Foreign Minister Westerwelle had little foreign policy experience and his focus and strengths were seen to rather be domestic politics - being relatively inexperienced in the foreign policy field, it is also possible that he did not fully comprehend the potential implications of voting against allies, but also one should not forget experiences from the protracted fighting in Afghanistan which fueled such fear of getting trapped in another drawn-out conflict. (Lindström, Zetterlund 2012: 27) Electoral considerations also probably played a role in the Chancellor's decision, as well the fact that, because of German past and its subsequent reluctance towards military engagement, Germany is attached to the civilian identity of the EU and its desire to shape normative power Europe appears as fundamentally at odds with the vision defended by Britain and France. (Louati, 2011) It should be added that there was poor coordination between allies in the UN. Berlin did not think it was about to choose a separate path than its allies as it had received indications that the US would not support the resolution. When, on March 15, the US administration decided to vote yes, Berlin was caught off guard and there was little time for the political and diplomatic machinery to change track. (Lindström, Zetterlund 2012: 29)

There are a number of reasons for why France took lead in advocating prompt action in Libya: the operation became something of a test case of French full reintegration into NATO's military command structure in 2009, France didn't want to be sidelined, it viewed it as an opportunity for Paris and London to join forces after the signing of the bilateral defence treaty in November 2010, there was a strong desire to set things right after having acted slowly in the beginning of the Arab Spring, and President Nicolas Sarkozy likely viewed the crisis as an opportunity to gain voters ahead of the upcoming Presidential elections in April 2012, since the president suffered record low popularity at the time, with one poll on March 13 showing disapproval ratings at 71 per cent – making him the least popular right-wing president ever in France. (Lindström, Zetterlund 2012: 19, 20)

Lindstrom and Zetterlund account several reasons behind the UK involvement. The UK, together with France, assumed the lead in pushing for and carrying out the military intervention in Libya. British Prime Minister David Cameron was first in proposing the idea of a NFZ over Libya. The campaign also became a test case for the recently established National Security Council (NSC). Already on March 7, five days ahead of extraordinary European Council, media reported for the first time that the French and British missions to the UN were drafting a Security Council Resolution proposing a NFZ over Libya, with the UK in the lead. When it became clear that the US was only prepared to lead the military mission in its initial phase, Washington's call for someone else to take lead in Libya likely played a role. It is possible that the UK was eager to step up to those demands in order to preserve its 'Special Relationship' with the US and its role as a major European power. Of great importance was also that the Libya intervention enjoyed large domestic support among the public as well as across political lines. (Lindström, Zetterlund 2012: 31-37)

When the international community eventually decided to respond to the Libya crisis, a coalition led by the US, France and the UK first undertook the responsibility of implementing the NFZ and launched air strikes. Only five EU's member states participated in strike missions (France, UK, Denmark, Belgium and Italy), four member states participated with air support (Sweden, Spain, Netherlands and Greece) and two participated in the naval operation to enforce the arms embargo (Bulgaria and Romania). Initially, under US coordination, French, British and US military operations were conducted under the different code names of Operation Harmattan (France), Operation Ellamy (UK), and Operation Odyssey Dawn (US). At the initial stage of the uprisings in Libya, it was unclear whether NATO would have a role at all, which highlighted the existence of a further cleavage among EU member states: the UK saw NATO command and control structures as the sole option, France advocated for a bilateral solution with the UK in an EU mission, and Italy argued in favor of a "broader regional consensus" under a NATO flag to dilute Paris's influence. (Ivashchenko-Stadnik et al. 2017:13) To prevent the Alliance from taking over full control of the operation, French diplomats   also pushed for a parallel diplomatic process in the EU with the goal to create a coalition of countries led by France and the UK with a strong EU involvement, but from the very beginning, this was seen as an "absurd idea" by other EU and NATO diplomats, because not only did EU member states not agree on Libya, but also, none of the other member states wanted a strong EU involve-

ment because the EU clearly lacked   the command structure and capacities. (Adler-Nissen, Pouliot 2014: 16) On 24th March, an agreement was reached at NATO and the operation was handed over to the Atlantic Alliance, with the launching of Operation Unified Protector.

What is also important, no serious proposal about launching a military CSDP mission to enforce the Libyan no-fly-zone was ever put on the table. (Brattberg, 2011: 1) Instead, national leaders, seemingly more preoccupied with playing domestic politics than addressing the situation, have openly quarreled over the right course of EU (in)action, and in certain respects, the divisiveness over Libya even surpasses that of Iraq, since expectations of a coherent EU line are much higher today than they were a decade ago. (Brattberg, 2011: 2) All in all, the performance of the EU was met with sharp criticism: the EU's reaction was criticized for being too slow, too weak, too divided, and essentially incoherent. (Koenig 2011: 3)

CSDP in the Mediterranean: Missions Impossible?

Since 2011, the EU has deployed three CSDP missions[3] in the Mediterranean: EUFOR Libya, EUBAM Libya and EUNAVFOR MED, but all three turned out to be "missions impossibles", albeit for different reasons.

EUFOR Libya
French diplomats pressured the EEAS to draft proposals for a humanitarian EU mission in   Libya to avoid NATO from   t a k - ing over the leadership, and just one day after the launching of operation Unified Protector, the EU launched a CSDP mission, EUFOR Libya, tasked with assisting the rescue operations. If requested by the UN Office for the Coordination of Humanitarian Affairs (OCHA), EUFOR would be deployed to Libya to secure the movement and evacuation of displaced persons and to support humanitarian agencies in their work. (Koenig 2011:5) However in the subsequent weeks humanitarian actors never requested the intervention of EUFOR, and the mission was discontinued a few months later. (Adler-Nissen, Pouliot 2014: 16) The short-lived and somewhat enigmatic parabola of EUFOR Libya further stresses the initial lack of coordination and preparation that characterised the EU's response to the quick unfolding of the crisis in Libya.

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3)   Other EU missions in the Mediterranean, such as Frontex Joint Operation Hermes or Triton, not being CSDP missions, are beyond the scope of this article.

(Ivashchenko-Stadnik et al. 2017:13) It is striking that the CSDP instrument was not even called upon when it came to evacuating EU citizens, which was instead carried out by Member States on their own, though coordinated by the Commission through DG ECHO. (Brattberg 2011: 1,2)

EUBAM Libya

The migratory consequences of the Arab Spring soon became a bone of contention within the EU. The EUBAM (EU Border Assistance Mission) in Libya, launched in May 2013, had very ambitious mandate: to support the Libyan authorities to develop capacity for enhancing the security of Libya's land, sea and air borders in the short term and to develop a broader Integrated Border Management (IBM) strategy in the longer term, especially through training, mentoring and advice (Council Decision 2013: art. 2, 3) It was quite an unrealistic task, one that would need years of stability and institution building in order to be realized. However, EU authorities adopted a predominantly technical, rather than political, approach to border management and security, and the assumptions upon which EUBAM was constructed failed to realise that border control in Libya had been long standing issue, fragmented by design, not by accident, since it was ensured through patronage networks - reforming such a deep-seated structure thus amounted to an eminently political challenge, not to a mere technical exercise. (Ivashchenko-Stadnik et al. 2017: 19)

Naivety soon became obvious. After the removal of Qadhafi regime, a power vacuum was created which led to a division of the country into two main opposing political blocks and an array of violent subgroups and conflicting interests. Libya has turned into a failing state and the country suffered from insecurity and instability, which prevented the establishment of a systemic relationship between the mission and Libyan interlocutors. As the mission's task was to build government capacity in terms of border control, it fell directly into a minefield of fractions of elites pulling in different directions, all interested in using the mission to their own advantage. (Højstrup Christensen et al. 2018: 6) The mission had to be withdrawn a year later due to a further deterioration of the security situation. The largest majority of international actors and stakeholders quit Libya during the summer of 2014, including EUBAM, and were temporarily relocated in Tunis. EUBAM was de facto put 'on hold' in February 2015, and its personnel reduced to the very minimum required to keep the mission formally open. (Ivashchenko-Stadnik et al. 2017: 21, 26)

According to Højstrup Christensen et al. analysis, the EU seemed confident that it could handle the situation in Libya, which shows a mismatch between political desire and the actual capability to deliver a solution that would have prevented the Libyan security sector and the whole country from collapsing. Furthermore, a lack of historical consideration arguably also played a significant role in the mission's outcome, because the EU did not fully take into account during its planning the stateless nature of Libya, and according to mission planners, this is where the EU really 'got lost'. The EU considered Libya like any other country, despite the fact that it had no central structure or administration, which would have been essential elements needed to secure both effectiveness and sustainability. (Højstrup Christensen et al. 2018: 7)

Why the the mission shortcomings were not foreseen? Reportedly, doubts were raised within the EEAS Department for Crisis Response and Operational Coordination, but Member States could not reach a consensus, and yet they wanted a mission to say that at least they were doing something, which resulted in a compromise on a relatively empty mandate, creating mission which will be a complete failure because its assumptions were based on naivety and wishful thinking. (Ivashchenko-Stadnik et al. 2017: 19) The political ambitions of EU member states affected the decision-making process to the level that a mission, which was not up to the challenge, was launched. (Højstrup Christensen et al. 2018: 9)

EUNAVFOR MED

The failure of EUBAM did not prevent the launching of yet another mission impossible. On 22 June 2015 - two months after 900 migrants lost their lives in a single shipwreck - the EU launched a EU military operation in the Southern Central Mediterranean (EUNAVFOR MED[4]). The aim of this operation is to undertake systematic efforts to identify, capture and dispose of vessels as well as enabling assets used or suspected of being used by migrant smugglers or traffickers, which only confirmed long standing securitization of migration phenomenon (Glušac 2014: 160). EUNAVFOR MED was to be conducted in sequential phases: the first consists of the deployment of forces to build a comprehensive understanding of smuggling activity and methods (completed); phase two foresees the boarding, search, seizure and diversion of smugglers' vessels on the high seas under the conditions provided for by applicable

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4)   Also called Operation Sophia, after a name of the baby who was born on 24 August 2015 on board the German frigate Schleswig-Holstein, operating in the Central Mediterranean Sea as part of EUNAVFOR MED Task Force.

international law (since October 2015, the operation moved to phase 2 International Waters), and this activity will be extended into Territorial Waters upon the release of any applicable United Nation Security Council Resolution (UNSCR) and the concerned coastal State consent; the third phase would include the taking of operational measures against vessels and related assets suspected of being used for human smuggling or trafficking inside the coastal states territory, which is again subject to the necessary legal framework established by UNSCR and following coastal state consent. (EEAS 2018)

EUNAVFOR MED drew criticism from international partners and the general public alike, raising fears about unacceptable levels of violence and collateral damage. As Giovanni Faleg and Steven Blockmans point out the problems of EUNAVFOR MED lie less in clumsy public diplomacy than in the perilous mismatch between its stated objectives and the absence of a clear strategy and mandate, and this creates both operational and political risks for member states. Phase one of the operation (which did not need a UNSCR because surveillance is executed in international waters and airspace) has begun with no legal mandate to carry out the crucial phases two and three for which (except for the action in international waters) UNSCR and Libyan consent are needed (Faleg, Blockmans 2015: 3), which severely undermines the capacity of the mission to carry out the mandate for which it was initially designed.

In spite of these uncertainties, the mission EUNAVFOR MED was approved in the record time of a couple of months, reportedly under great pressure since EU leaders wanted to show something to their constituencies. (Ivashchenko-Stadnik et al. 2017: 31) In the meantime, neither the expected UNSC mandate nor an invitation by the Libyan authorities to conduct operations on the Libyan shores materialised. (Ivashchenko-Stadnik et al. 2017: 31) The situation partially changed on 14 June 2016, when the UNSC adopted Resolution 2292 authorizing UN Member States, acting nationally or through regional organizations, to inspect vessels on the high seas off the coast of Libya believed to be in violation of the embargo of arms and related materiel into Libya. (UNSC 2016). Drawing on this legal ground, on 20 June 2016 the Council of the EU added two supporting tasks in the EUNAVFOR MED mandate: training of the Libyan coastguards and navy, and contributing to the implementation of the UN arms embargo on the high seas off the coast of Libya. (EEAS, 2018) According to Amnesty International, the centerpiece of EU strategy has been cooperation with the Libyan coastguard. European governments have provided the Libyan coastguard with training and assets and have encouraged it to intercept refugees and

migrant boats trying to reach international waters. This strategy is aiming to stop departures, but is in fact exposing refugees and migrants to even greater risks at sea and, when intercepted, to disembarkation back in Libya, where they face horrific conditions in detention and torture. (Amnesty International 2017: 5) As far as the second task is concerned, there is only limited and sporadic evidence of arms smuggling across the Channel of Sicily, where EUNAVFOR MED is deployed, while major flows of arms trafficking are connecting Libya to the broader Middle East, North African and the Sahelian regions (Ivashchenko-Stadnik et al. 2017: 32).

Conclusion

A prerequisite for an effective EU foreign policy is the ability to speak with one credible voice. In matters concerning a Western military intervention, extending recognition to the Libyan opposition, and dealing with the increase of migrants, there was disagreement among the EU member states, and once again, it became clear that during times of crisis, in particular, foreign policy remains the domain of the individual member states (Nunlist 2015: 2). The EU has received extensive criticism for its inaction and indecision over Libya. The EU's failure to act in Libya severely damaged the CSDP and questioned not only the EU's capability as a crisis manager but also the EU's strategic objectives and priorities (Lindström, Zetterlund 2012: 51). The EU's mixed track record in Mediterranean raises some questions about the EU's efforts to forge a common foreign policy and what are the implications for the kind of actor the EU should strive to be on the international stage? (Brattberg 2011: 2) The EU has continued to lose credibility by launching three CSDP "missions impossible": one that never intervened, the other based on naivety and wishful thinking, and third that has begun with no legal mandate to carry out its crucial phases.

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