

## Louvain School of Management

**How consistent are the EU policies and the foreign policies of its Member States?  
The case of Libya.**

Author: Marty Mayne

Supervisor: J-C. Defraigne

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***"After 10 years of conflict in Libya, the country and its people have a new chance" <sup>1</sup>***

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<sup>1</sup> Josep Borrell, High Representative of the Union for Foreign Affairs and Security Policy. (2021). [https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/95383/Operation%20IRINI%20and%20the%20search%20for%20peace%20in%20Libya](https://eeas.europa.eu/headquarters/headquarters-homepage_en/95383/Operation%20IRINI%20and%20the%20search%20for%20peace%20in%20Libya)

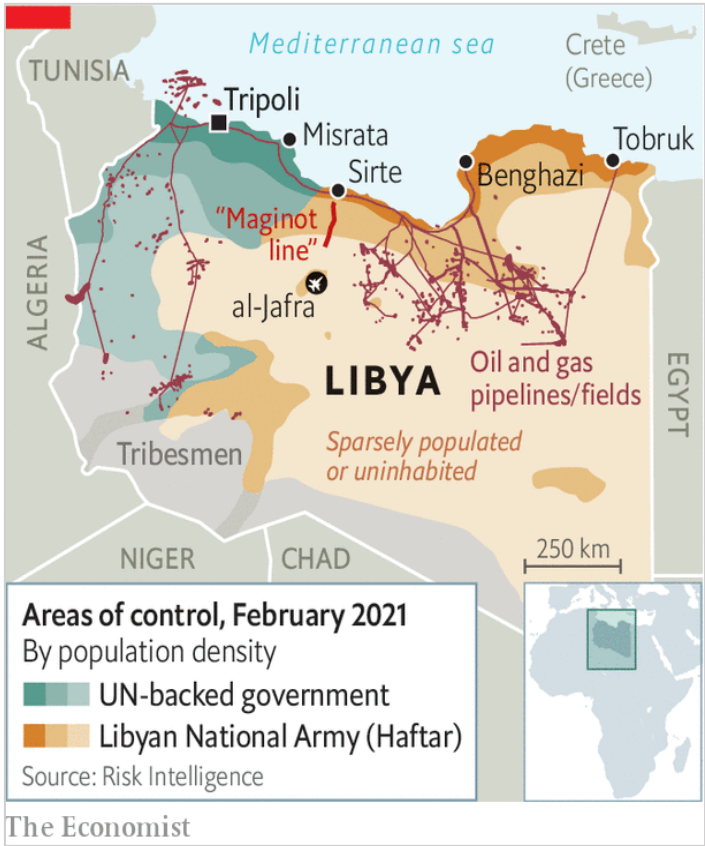
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# Introduction

February 2021, Libyans took the street to celebrate the 10<sup>th</sup> anniversary of the Arab Spring. The democratic movements of 2011, led by a youth population and a civil society demanding decent working and living conditions, have shaken the Arab world. However, 10 years after the revolutions, even though some authoritarian regimes fell, tensions and riots have turned some countries into a more unstable situation. In Libya, socio-economic conditions are worse than during the Qaddafi era and the country has never been so divided. Between armed groups, militias, tribesmen, and two opposing governments fighting for power, Libya is fragmented (*cf.* figure). More worryingly, the uprising in Libya has fed extremism and opened the country to external interference. Indeed, the civil war became a proxy war in which foreign powers defend their own interests and fuel tensions by supporting one side or another and in some cases, both sides. There is nevertheless a glimpse of hope. Recently, a new Prime Minister has been elected and hopefully, recognized by both sides. Abdul Hamid Dbeibeh at this moment leads the interim government and shall follow the UN peace process. All eyes are now turned on the next election in December 2021 however, previous elections in 2014 had turned the country into a civil war.



## The EU's stance and its policies toward Libya

In the case of Libya, the position of the European Union (EU) is clear: it advocates for a democratic regime and fully supports the United Nations (UN)-backed government (EEAS, 2021a). Even though the EU has remained discrete in the Libyan conflict, it has always given its support to the international community and has been reluctant to any direct military intervention.

### **International sanctions**

Back in 2011, when protestors took the street in Libya and Qaddafi's regime started to reprimand them, the UN rapidly adopted sanctions condemning the use of force over the population. Through the Resolution 1970, UN Member States introduced on February 26, 2011, an arms embargo on Libya, a travel ban, and an assets freeze for persons and entities involved in the human rights abuses, mostly Qaddafi's family members and its entourage (UNSC, 2011a). The Council of the EU then decided to implement the resolution but with additional restrictions such as a request for further information regarding goods transported by cargo between an EU Member States and Libya (Europa, 2011). As the violence increased, the UN adopted the following month another Resolution (1973) to recall the precedent measures and to apply a No-Fly Zone (UNSC, 2011b). Today, according to a UN panel of experts, the sanctions and especially the arms embargo, that is, the direct or indirect supply of arms and military equipment into Libya, would remain ineffective. Indeed, Turkey would have backed the Government of National Accord militarily while the Haftar Affiliated Force would have received military equipment from Egypt, Jordan, Russia, and the U.A.E. The EU as well as its Member States would have not infringed the sanctions (Aoun et al., 2021). The EU in fact continues to call for more mediations.

### **The Berlin Conference**

A recent turning point has been the Berlin Conference held in January 2020. Major global and European powers were present to discuss about the Libyan peace process. Contradictorily, states committed themselves to respect the ceasefire and demand for a disarmament of armed groups and militias but at the same time, they demand to fight terrorism. They eventually agreed to refrain from intervening in the armed conflict and comply with the arms



this year, 671 migrants were reported dead near the Libyan coast, 80 % of deaths reported in the whole Mediterranean see (IOM, 2021). The migration problem has become even worse since migrants have been subjected to human trafficking.

Secondly, the terrorist threat must be contained. The Libyan Islamic Fighting Group which was present in Libya for decades had officially renounced violence in 2010 but the revolution and the chaos let place to other extremist groups notably Ansar al-Sharia, affiliated to Al Qaeda, and other groups that gave allegiance to the Islamic State of Iraq and Syria (ISIS) (Henriksen & Larssen, 2016). Those are fighting for local territories, but they have also carried out terrorist operations across Europe.

Thirdly, the arms embargo does not seem to work and as a consequence, there is a proliferation of arms on the Libyan ground as well as in the Sahel region, fueling regional conflicts (id.).

## **EU initiatives**

The EU has already taken measures to fight these issues. It set up the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) which helps Libyan authorities to secure their borders and interrupt organized criminal networks implicated in the smuggling of migrants and human trafficking (EEAS, 2020a). Moreover, the EU imposed restrictions on the export of inflatable boats and outboard motors that are often used for smugglers and human trafficker (Council of the EU, 2017). Then, the EU created the EU Liaison and Planning Cell (EULPC) to offer intelligence and security in close collaboration with the European Gendarmerie (EUROGENDER, n.d). Regarding the arms proliferation, the EU has imposed sanctions on several companies, recently on a Turkish, a Kazakh, and a Jordanian company (Euractiv, 2020) to prevent or at least mitigate this issue. Finally, another big operation undertaken by the EU is the EUNAVFOR MED IRINI in which many EU Member States are cooperating to enforce the UN arms embargo, train the Libyan Coast Guard, and tackle the other issues related to the Libyan conflict (EEAS, 2020b).

## Summary

In sum, the EU has adopted policies with rather short-term effects instead of tackling the underlying causes of instability. Despite imposing sanctions and taking several actions, the EU is a bystander that follows the international community. The EU's position is rather weak and has never been so weak across the MENA region. Its main problem comes from its frequent inability to agree on common foreign and defense policies. MENA countries, therefore, do not perceive the EU as a serious geopolitical actor, an actor that often seeks for an US leadership, but which is increasingly uninterested in involving itself in the region (ECFR, 2019). EU Member States have, however, stronger positions and economic interests (*cf. infra*).

## Belgium

Historic, diplomatic, and economic relations between Libya and the kingdom of Belgium are relatively small. Yet, during the Libyan revolutions, Belgium was among the countries which requested a special meeting in Geneva concerning the violation of human rights. Foreign Minister Vanackere was preoccupied by the situation on the ground and wanted to quickly help the Libyan population (Royaume de Belgique: Affaires étrangères, commerce extérieur et coopération au développement, 2011a). Then, Belgium supported the NATO-led military intervention along with other EU Member States like: Bulgaria, Greece, Romania, Spain, and the Netherlands (Henriksen & Larssen, 2016). Those countries possess definitely less strategic interests compared to France or the UK which were at the front of the initiative, but their goal was to mark their belonging to NATO and affirm the role of the EU on the international stage (Chivvis, 2013). Finally, while the conflict was escalating, Belgium participated in a series of meetings to solve or at least mitigate the conflict e.g., the first international contact meeting on Libya in April, another later in Abu Dhabi, etc.

The international conference on Libya in September 2011 was probably one of the major meetings in which Belgium participated. At the conference, Belgium claimed that it was unfreezing 100 million € of Libyan frozen assets for humanitarian reasons and would release another 6 million € to help with the reconstruction of Libya (Government of Belgium, 2011). In addition to this, while 2.6 million € of the Cooperation budget had already been used to assist Libyan refugees, 3 million € would be used for the democratic transition according to Minister Olivier Chastel, and Minister Vanackere added the amount of 250,000 € from the preventive diplomacy budget. As far as these ministers are concerned, what is important is to ensure that the international funds and those provided by foreign countries are well utilized (Royaume de Belgique: Affaires étrangères, commerce extérieur et coopération au développement, 2011b).

In 2015, via Foreign Minister Didier Reynders, Belgium clearly gave its support to the Government of National Unity and so, to the UN. Reynders called all parties to accept the political agreement and to engage themselves in a political process that would bring peace

and stability (Royaume de Belgique: Affaires étrangères, commerce extérieur et coopération au développement, 2015).

### **Non-permanent member of the UNSC**

Belgium's voice increased when the country became a non-permanent member of the UNSC in 2019-2020. One of its first statements concerned the situation in Libya. Belgium stressed the importance of cooperating with the United Nations Support Mission in Libya (UNSMIL) – the political mission that aims to bring back Libya on the path of peace and democracy, and it also indicated that military interventions were not the solution. What is more, the need of economic reforms was emphasized like the suppression of fuel subsidies and a better management of Libya's revenues (Pecsteen de Buytswerve, 2019).

Moreover, Belgium has adopted a pacific diplomacy like Germany, albeit with less concrete initiatives. To illustrate this, Belgium called all parties to negotiate on the same table and follow the work of Ghassan Salamé who was the Special Representative and Head of the UNSMIL. It also requested a ceasefire and a compliance with the arms embargo enforced by the UN through the Resolution 1970 (Van Vlierberge, 2019). Finally, Belgium has expressed its concern about the use of children in the Libyan conflict, the place of women in the political process (id.), and the lack of support that receives the International Criminal Court (ICC) especially from Egypt and the Libyan National Army, commanded by General Haftar, which do not seem to apply the arrest warrants of ICC fugitives (Pecsteen de Buytswerve, 2020).

### **Frozen Assets**

Before endorsing the role of non-permanent member of the UNSC, a scandal broke out in Belgium and this state affair may have fairly undermined Belgium's mandate. In March 2011, the international community started to impose sanctions to the Qaddafi's regime through Resolution 1970, notably by freezing assets of Qaddafi's entourage (UNSC, 2011). The frozen assets included a fund of 67 billion \$ owned by the Libyan Investment Authority (LIA) (Arnold, 2020) which is the sovereign fund of Libya created several years ago to handle oil revenues and invest a part of the wealth generated. However, it turned out that the LIA's frozen assets were not totally frozen in Belgium.

The revelations came in first from Prince Laurent's lawyers, they found out that the frozen assets were generating millions of interests and dividends that were, despite the UN sanctions, sent abroad to unknown beneficiaries. Prince Laurent, younger brother of King Philippe, had in the past concluded a multimillion deal with Gaddafi. At that time, the prince possessed the Global Sustainable Development Trust (GSDT) and wished to launch a project of reforestation in Libya. However, Libya asked for illegal commissions. Prince Laurent and the GSDT refused what abruptly ended the contract. Subsequently, and after the fall of Qaddafi, the prince sued the government of Fayez al-Sarraj, former Prime Minister of the Government of National Accord. Belgian tribunals then condemned Libya for its illicit behavior with a fine worth today 48 million € in order to compensate damage and interests (RTBF, 2018a). Still, there was no indication which explains how to recoup the money. By searching to recuperate this amount, Prince Laurent and its lawyers discovered the scandal.

A part of Qaddafi's wealth is located in Brussels therefore, it is a great opportunity for Prince Laurent to be repaid. To him, the money was needed to run its non-profit organization, the GSDT. Yet, the repayment with LIA's funds in Belgium has not been authorized (Marks, 2019a), but interests are now frozen because of the judicial affair (RTBF, 2018a). Prince Laurent is obviously furious about this decision and finds the situation unfair as hundreds of millions of euros had already flown out. According to him and its lawyers, it is a means to keep good diplomatic ties between the two countries (Marks, 2019a).

In terms of figures, it is about 14.088 billion € that should be held in Belgium in four different banks: 43 million in BNP Paribas Fortis, 376 million in ING, 869 million in KBC, and 12.8 billion in Euroclear Bank (RTBF, 2018b) (*cf.* Annex 1). The funds held in this latter would have even increased up to 14 billion € thanks to investments made since 2011, in companies like ENI (oil), Finmeccanica (aerospace, defense and security), or UniCredit (bank), all Italians (Paravicini, 2018). The total would then reach 16 billion € of assets which are frozen, unlike the interests or the other financial revenues that have flowed to bank accounts abroad. It is hard to determine who really benefits from those accounts, but it is certain that banks in Belgium play a role in the transfer of interests into accounts notably owned by the LIA. Euroclear declared that 28 million € had been transferred to a HSBC bank account belonging to LIA, and other millions to the Arab Banking Corporation in Bahrain (*id.*). Mohsen Derregia, chief executive of

the LIA in 2012, affirmed that the LIA received about 630 million \$ in one year from the supposedly frozen assets scattered in the world. Sadly, nothing was left for the Libyan people whereas these millions could have assisted humanitarian missions. Instead, the millions were used for legal cases and other political matters (id.).

Didier Reynders, Belgian Minister of Finance until December 2011, was at that time responsible for the authorization of the interest payments. Yet, he said to have taken no decision regarding the transfers (Marks, 2018b). Nevertheless, he wrote a letter (*cf.* Annex 2) to the Foreign Minister of Libya asking for the payment of commercial contracts that was due to Belgian companies such as FN Herstal or other companies in the defense and security sector that aimed to reinforce the Libyan security forces. The amount would correspond to 30 million € including 536,087 € for FN Herstal and 4.2 million € for CK technology (Marks, 2019b). To Reynders, a part of the frozen assets could be released to pay the business debt. Afterward, the minister wrote a second letter in 2015 to the Libyan embassy concerning the 48 million € of the GSDT of Prince Laurent, demanding that Libya respects the decision of the Belgian court (Politico, 2015). Former Prime Minister Charles Michel responded to this by writing a letter to the advocates saying that Belgium cannot go against the decisions of the UN and consequently, a common agreement must be found between the parties, but not the use of the frozen assets (at least at the moment) (Michel, 2015). What is more, the UNSC has recently rejected the proposition of Belgium to recuperate the 48 million € for the GSDT from Libya's frozen assets (Al-Khazin, 2021).

### **Violation of international sanctions**

According to Belgian government, the transfer of payment to other bank accounts was perfectly legal and there was no need for a special authorization (Paravicini, 2018). Besides, it was in accordance with the Working Party of Foreign Relations Counsellors (RELEX) which deals with legal and financial problems of the Common Foreign and Security Policy (CFSP) and since 2004, had incorporated an expert group responsible for the uniformization and the implementation of the EU sanctions (Council of the EU, 2017). At a RELEX meeting, in October 2011, EU Member States agreed that the sanctions on Libya, regarding the frozen assets, do not apply to the interests or other financial revenues generated after September 2011 (European Parliament, 2018).

However, the UN is not of the same opinion. One of its panel of experts argued that this case was a violation of international sanctions (UNSC, 2018). According to Resolution 1970 (2011):

*“[The UNSC] Decides that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 17 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;”*(UNSC, 2011, para. 20).

Therefore, payments to the LIA from frozen assets in Belgium, directly or indirectly, shall not be authorized unless it is for payments under contracts, agreements, or obligations that occurred before the adoption of the resolution. The reason is to avoid the misuse of funds as the country is still affected by instability, corruption, and disputes over the legitimacy of its authorities (UNSC, 2018). Some assets are still frozen in order to be used in the future for the reconstruction of the country and shall in principle be at the disposition of the population, but the situation needs to be stabilized first (Marks, 2018a). At this time, it is difficult to say whether a part of these funds has been used and who were the beneficiaries.

### **Arms trafficking**

The UN is right, there can be or have been a misuse of those funds. Lately, rumors have accused Belgium of financing militia and terrorism through the funds, but also of arms trafficking. Two airplanes in Ostend would have been seized transporting arms (RTBF, 2018b). Some Libyan sources as well as the UN have suspicions. Airplanes from Ostend airport often take off for Libya and sometimes land in the UAE, a country which is not neutral in the conflict and has already handled weapons at destination to Libya (Het Laatste Nieuws, 2015a). As a matter of fact, it is not certain whether the implication of Belgium in arms smuggling is true. Ostend airport denied any implications and CEO's airport is ready to fill a complaint against the allegations (Het Laatste Nieuws, 2015b). From November 2014 to April 2015, there were twelve flights at the destination of Libya, all of them were checked by customs and no irregularities were found (Het Laatste Nieuws, 2015c). Other accusations came from the spokesperson of General Haftar, Ahmed Al-Mismari, who declared to be in possession of

documents that proves the implication of Belgium in arms trafficking with terrorist groups like Al-Qaeda and Muslim Brotherhood (Benbrahim, 2018). No clear evidence can however affirm that, nor a potential link between the interest payments and the smuggling of arms, what LIA confirmed (Marks, 2018b).

Besides, the EU military operation “EUNAVFOR MED Operation SOPHIA” seized in May 2017, close to Libyan territorial waters, some arms and military equipment that were made in Belgium. Indeed, the vessel EL Mukhtar transported machine gun and ammunition manufactured by FN Herstal, a Belgian company (*cf.* Annex 3). Hopefully, the ammunition dates to the 1980s and the machine gun had been shipped in 1976 (UNSC, 2018). Therefore, Belgium cannot be subject to a violation of the arms embargo in this case. However, the proliferation of arms remains a problem in the region. For example, six self-loading rifles made in Belgium have already been seized in Niger and they could potentially come from the great instability within Libya that has left plenty of weapons in circulation (*id.*).

## **Summary**

Despite having small relations with Libya, Belgium turned out to be implicated in a big scandal about Libyan frozen assets and another one about a possible violation of the UN arms embargo. These reflect a bad image of Belgium which was a dedicated non-permanent member of the UNSC. Belgium has rapidly taken the crisis in Libya seriously and has relatively played a role to mitigate the tensions and improve the situation. The country helped during the 2011 military intervention but has realized that there was no need for other military interventions and since then, it has adopted a more pacific stance and has followed the UN-peace process. Moreover, it has unfrozen 100 million € of Libyan frozen assets and released more than 11 million € from various budgets for humanitarian reasons however, knowing that more than 16 billion € of frozen assets are held in bank accounts in Belgium, it is not so significant. There should have been a better management of the funds that would have greatly helped the Libyan people. Instead, there have been some negligence and mistakes that led millions of euros to disappear. And now, Belgian officials seem more preoccupied by the reimbursement to Belgian companies (30 million €) and to Prince Laurent’s foundation (48 million €) than to the reconstruction of Libya.

## France

Paris, along with London, facilitated and accelerated the downfall of Qaddafi. These two countries were the first to intervene in the conflict and support the rebels. Shortly after the Libyan uprising, the French Republic publicly announced to back the National Transitional Council (NTC) as the legitimate new government. The French were the first to recognize the NTC with the hope of bringing the country on a more liberal path and strengthening their business relations (Van Genugten, 2016). While President Nicolas Sarkozy found support within the European Parliament which demanded EU Member States to adopt the same stance, the EU's foreign affairs cabinet had a more cautious approach. So did Spain and Italy which wanted a common position from the EU (BBC, 2011). In fact, France has often been accused of following its own interests in Libya especially when supporting General Haftar and thus, contradicting the EU stance.

### **Historic relations**

When the Italians took over Libya in the early 20<sup>th</sup> century, the French were more preoccupied by its *Françafrique* including *inter alia* Tunisia, Algeria, and Chad – neighboring countries of Libya. At that time, Paris tried to consolidate and maintain its global standing (Van Genugten, 2016). For a while, Italy occupied the three Libyan regions: Cyrenaica in the east, Tripolitania in the west, and Fezzan in the southwest (*cf.* Annex 4). But in the aftermath of World War II, French troops that had fought against the Italians in the south of Libya concluded an agreement with the British to occupy a major part of the desert lands of Fezzan, a region with few economic value, but where France could use it as a springboard, mainly with military bases, to its nearby colonies. While Britain took over the eastern province of Cyrenaica which was considered as more strategic with fertile soils and coastal areas (Jennings, 2015).

After several years of control by the French and the British, a monarchy was instituted in the early 1950s. Libya became constitutionally an independent state but in fact remained a pseudo-protectorate of Britain for almost two decades. France did not have much to say, the king Idris rather relied on the British especially for its foreign policy and all economic and financial matters (Van Genugten, 2016). Obviously, the country stayed dependent on foreign powers and had difficulties to build up strong political institutions. The discovery of important

oil reserves has not given more independence to Libya because it still needed all the knowledge, technology, capital investments, and technical expertise of the West for the extraction and management of the oil. Libya became a rentier state relying on external rents and the market demand for oil (Bå Sund, 2019).

### **UTA Flight 772**

The arrival of Qaddafi as head of state changed Libya profoundly, but that did not immediately enhance external relations with France. In 1989, the Qaddafi government was even suspected to have committed a terrorist attack on the UTA Flight 772 (French airline), killing all passengers and thus, not improving diplomatic relations between the two countries (Henriksen & Larssen, 2016). In fact, at that time, Paris was not really a priority for Qaddafi and vice versa. Moreover, Libya was diving into international isolation and had to face international sanctions in the 1990s. When sanctions were lifted at the dawn of the 21<sup>st</sup> century, Qaddafi was flirting again with the West, but then-French President Jacques Chirac (from 1995 to 2007) did not succeed in developing strong diplomatic relations (US embassy, 2004). Relations improved when Nicolas Sarkozy launched his campaign to become president of the Fifth Republic in 2007. Indeed, Sarkozy wished to reap the (economic) benefits of a stronger alliance (Mikail, 2005). Also, because the leader of the revolution would have financed Sarkozy's campaign in exchange for an international support and a juridical help in the UTA Flight 772 dossier (Cash investigation, 2018). Nonetheless, the Sarkozy-Qaddafi relation did not last as France initiated the downfall of Qaddafi (Henriksen & Larssen, 2016).

### **Arms contracts**

Prior to the Libyan revolutions, ties between France and Libya were flourishing thanks to the elected President Nicolas Sarkozy. Shortly after its election, Sarkozy took off for Tripoli, accompanied by his then-wife Cécilia, to discuss about health workers who were detained in a Libyan prison. Six Bulgarians and one Palestinian would have unfortunately infected children with HIV. According to some health experts, the poor sanitary conditions and the negligent procedures are the cause of the incident, but not the medical staff. This was a famous humanitarian cause, and the great involvement of the French President caught by surprise the public opinion. In the end, the medical workers were released partly thanks to Sarkozy government in exchange for long-term medical treatments for the victims and financing of the

restoration of the Benghazi hospital (Crumley, 2007a). During those diplomatic visits to Tripoli, it was also an opportunity for Sarkozy to conclude important economic deals. Criticism arose, politicians argued that France's involvement in this affair was only for a lucrative arms deal (L'Obs, 2007). Saif al-Islam, second son of Qaddafi, told *Le Monde* (French press agency) that Sarkozy would have signed a military and defense cooperation agreement between the two nations. The contract would have included training of military officers and selling of arms. While the link between contracts and the health workers affair is uncertain, it is clear that trainings have been given to Libyan military officers until the Arab Spring and weapons were sold, not to mention the memorandum signed about a potential nuclear deal (Ayad & Nougayrède, 2012). To Hervé Morin, former Minister of Defense, the arms contract was already in preparation since February 2007, a couple of months before Sarkozy's investiture and its involvement in the dossier, nevertheless, its visits may have facilitated the signature of contracts, notably an arms contract worth 296 million € (France Inter, 2007). This contract would correspond to two separate deals with the subsidiary of EADS (part of Airbus group), one for Milan missiles and another one for communication systems. These were the first arms agreements concluded with a EU Member State since the sanctions on Libya were lifted in 2004 (DW, 2007).

When it was the turn for Qaddafi to come to Paris, a lot of ink was spilled. The great leader made his come back to the Elysée after 34 years of absence and as a result, France became one of the first Western countries to rehost the leader. In Rama Yade's view, former secretary of state for foreign affairs and human rights within Sarkozy's government, the visit was a nonsense, Qaddafi was a dictator that did not respect human rights (Crumley, 2007b). However, Sarkozy believed that one needed to encourage those who fights terrorism and turns their back on weapons of mass destruction. But behind this rhetoric, a series of contracts and agreements in the arms, aeronautics, and nuclear industry were signed during the visit for a total of 10 billion €. Massive military equipment and weapons were sold namely for the Qaddafi's special guard (Nougayrède, Tuquoi & Zecchini, 2007). An important fact as this special guard played a big role in the battle against the rebels.

## **Illicit financial flows**

Since March 2018, Nicolas Sarkozy is indicted of passive corruption, embezzlement of Libyan public funds, and illegal financing for its campaign of 2007. He could face up to 10 years of prison with a fine of 150,000 €, the first French president that could be sentenced to jail. Accusations claim that a lot of cash would have circulated within its party – l'Union pour un Mouvement Populaire (UMP), renamed today “Les Républicains”. As a matter of fact, some cash can be used for a campaign but usually, there is not much; besides, the French law authorizes donations for a candidate but maximum 4600 € per donation with only 150 € in cash. According to investigators, the amount of donations would have reached 7 million € with 150,000 € in cash, but according to Taher Daech, close collaborator of Qaddafi’s regime, it would correspond to 57 million € (Cash investigation, 2018).

It all starts when the investigative journal *Mediapart* published online a letter signed by Moussa Koussa (*cf.* Annex 5). In December 2006, the former head of Libya's foreign intelligence services wrote down that Libya was eager to finance the electoral campaign of Nicolas Sarkozy for the amount of 50 million €. More than the 20 million € which were officially declared by Sarkozy’s electoral team (Arfi & Laske, 2016). It is not sure whether this amount has been received or not, but this has become a state affair in which many of Sarkozy’s entourage may be involved, notably Nicolas Bazire, Jean-François Copé, Thierry Gaubert, and Claude Guéant. The businessman Ziad Takieddine would have also played a role in financing arrangements along with Brice Hortefeux and through a Swiss bank and a Panama account (Arfi & Laske, 2012a). On the Libyan side, several political figures declared to have proof of this affair such as Saif al-Islam or Abdallah Senoussi (former head of the secret services and principal convicted in the UTA Flight 772 dossier), but little has been disclosed. Nonetheless, the former head of the Libyan government, Baghdadi Ali al-Mahmoudi, confirmed to *Mediapart* that the letter had been written under its authority (Arfi & Laske, 2012b), and Moftah Missouri, Qaddafi’s official interpreter, verified the letter and acquiesced its authenticity. The former even added that 20 million € had been transferred in cash and that Claude Guéant had close diplomatic and business relations with Bachir Saleh, then-head of the Libyan African Portfolio (Franceinfo, 2013).

The question is then to know whether this scandal is true or whether it is a conspiracy against the leader who led the coalition against Qaddafi's government in 2011. In an exclusive interview on TF1, Sarkozy affirmed that the letter of Moussa Koussa is completely false, he added that if he had received money from Qaddafi, he would have been more grateful and would have not led the coalition (LCI, 2018). It is true that accusations mainly come from Libya and from people who were close to Qaddafi. Moreover, there is little evidence. Saif al-Islam declared in an interview with Euronews, during the Libyan revolutions, that: *"Sarkozy must repay Libya the money he took for his election campaign [...] Very soon, we will publish all the details and the documents, and the banking pay slips."* (Abellan Matamoros, 2018). Ten years after, one is still waiting for those. In addition, Ziad Takieddine who had affirmed to have delivered 5 million € in cash to Sarkozy's electoral team, now says that there were no illegal financial flows (France 24, 2020).

It is hard to understand the case, and the investigation was and is still difficult as many persons died in the conflict and documents have been destroyed. What is more certain is the unreported 500,000 € that Claude Guéant received for dubious Dutch paintings worth ten times less and involving in the transaction Bashir Saleh and Alexandre Djouhri, two men in direct contact with Libyan funds (Mcnicoll, 2018). Another certitude is the deterioration of Sarkozy's image because of this affair but also due to other scandals like the Bettencourt scandal, the phone tapping scandal, or the Bygmalion scandal in which he is accused of spending funds beyond the legal limit for its 2012 reelection campaign. These scandals and all charges that he is still facing today may have dropped all chances for its possible comeback on the forefront of the political scene.

## **Military intervention**

Without a doubt, France led the military intervention in Libya in 2011. The French Republic persuaded the international community to intervene, and the UK policy quickly followed the French decision, so did the US later. They even prepared together the draft on Resolution 1973 prior to the UNSC meeting (UNSC, 2011). While the UK foreign affairs committee criticized the decision made by David Cameron stating that the threat in Benghazi was exaggerated and that there were political alternatives to a military means (House of Commons Foreign Affairs

Committee, 2016), in France, it has been well perceived. The first days of the intervention, a poll conducted by IFOP (2011) reported that 66 % of the French were in favor of the military intervention with 21 % supporting the total use of force.

The reasons behind this proactive intervention are manifold. The US State Department released in late 2015 a conversation between the US Secretary of State Hillary Clinton and her adviser Sidney Blumenthal dating from 2011. Blumenthal (2011) had a conversation with French intelligence officers and explained to Hillary the reasons behind which are:

- 1. Gaining a larger share of Libya's oil production,*
- 2. Increasing French influence in North Africa,*
- 3. Improving the internal political situation in France,*
- 4. Providing the French military an opportunity to reassert its position in the world,*
- 5. Concerns about Qaddafi's long-term plans to supplant France as the dominant power in Francophone Africa<sup>2</sup>.*

Other reasons are mentioned by Campbell (2013): France wanted to intervene rapidly in order to protect the Libyan population and avoid a genocide, but it could also be a reaction to the previous Arab revolutions in which France failed to support the revolutionaries and was criticized for its political decisions, especially in Tunisia against Ben Ali. Finally, the decision to intervene, made by Sarkozy, would have led him to political gains despite its non-reelection (The Economist, 2011). It goes without saying that there were economic interests at stake too (*see infra*).

## **A double game**

Today, France is much more involved in diplomatic dialogues with Libyan authorities. Compared to Sarkozy, Macron has adopted a more friendly foreign policy with Libya; he criticized the NATO-led intervention of 2011 and claimed that the West now has a

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<sup>2</sup> That comes from the pan-Africanism ideology that Qaddafi wished to establish. One of its objectives was to create a pan-African currency, thanks to its huge reserve of gold and silver, that would supplant the other currencies notably the West African CFA franc (Blumenthal, 2011).

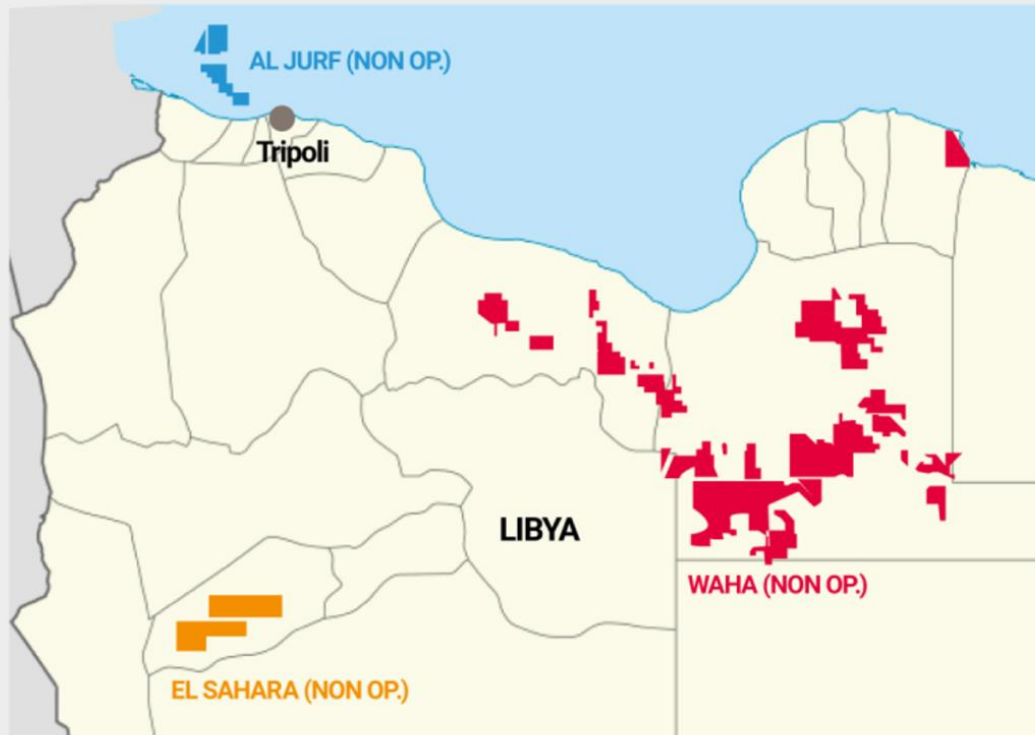
responsibility toward Libya for having left the country in chaos (France 24, 2018). Moreover, he is now at the forefront of the international stage to ask for the withdrawal of foreign troops, using Joe Biden's leverage to put pressure on Russia and Turkey (Momtaz, 2021).

However, France has also received a lot of criticism and has been accused of playing a double game. Officially, the country supports the UN-backed government but positioned itself as a mediator. Indeed, French officials had several times met the former Prime Minister Fayez al-Sarraj as well as the opposition with General Haftar. They had even organized a meeting between them (France Diplomatie, 2021). The problem is that the French government would have provided intelligence to the General or even arms (France 24, 2019). Like in Mali, Paris gave its support to several parties because Sarraj was unable to bring back peace in his country and Haftar was a great asset to fight terrorism (Honung, 2019; Taylor, 2019). When supporting both sides, a problem occurs when they fight against each other. This is what happened when Haftar's troops, armed forces trained and equipped thanks to France, tried to take over Tripoli (Taylor, 2019). Another problem is the fact that France is the third largest exporter of arms in the world and its main clients are Egypt and Saudi Arabia (Sipri, 2019), both allies of Haftar. As a result, arms could have been indirectly transferred into Libya, violating the UN arms embargo.

### **Economic interests**

Of course, France has several economic interests in Libya which can explain its double position. For instance, under the EUBAM framework, it has concluded a contract to provide security services in Tripoli (office of the UN-backed government) worth 21 million \$ (EEAS, 2021b). On the other hand, the multinational company Total is well present in the oil crescent area which is controlled by General Haftar and where 80 % of Libya's oil production is located. The company is also established in El Sharara the largest oil field (about 300,000 barrels/day) out of the oil crescent and is currently the second top foreign company in Libya's oil production, far behind the giant Italian ENI (United World International, 2020):

## TOTAL IN LIBYA

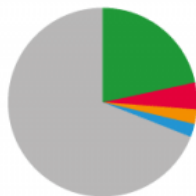


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## THE SHARE OF TOP 4 FOREIGN COMPANIES IN LIBYA'S OIL PRODUCTION (2018)



ALL PRODUCTION – 951,000 BBL/D



|        |                 |
|--------|-----------------|
| ENI    | – 302,000 BBL/D |
| TOTAL  | – 63,000 BBL/D  |
| REPSOL | – 35,663 BBL/D  |
| OMV    | – 30,000 BBL/D  |
| OTHER  | – 520,337 BBL/D |

uwidata.com

Source: United World International, 2020

Therefore, by supporting one side or another, it is a way for France to secure its military and oil contracts or even obtain a bigger share of the pie. The French government may have concluded in the past an agreement with the NTC to acquire (with Qatar) 35 % of oil contracts (De Filippis, 2011). That could explain why France was the first to support the NTC. The former nevertheless denied the agreement, so did Total. Yet, Total was among the first companies to visit Benghazi after the revolutions to establish first contacts with the NTC (Le monde, 2011).

## Summary

France launched on its own a military intervention in 2011 and then led the NATO intervention to overthrow Qaddafi. Behind these interventions, there were many reasons as explained *supra*. It is quite surprising because Sarkozy and Qaddafi had nurtured close relations. They had completed numerous diplomatic visits and had together concluded important deals. It is worth wondering why Sarkozy turned its back on Qaddafi. Perhaps it did not maintain its contracts or perhaps it was to avoid the disclosure of Qaddafi's involvement in the financing of Sarkozy's presidential campaign.

By quickly recognizing the NTC, France hoped to rebuild economic relations or even gain strategic assets like it did in the past when it controlled the Fezzan region. Today, France is still concerned about the situation in Libya as well as in the Sahel region. The support to Haftar is driven by the will to secure oil contracts and stop the proliferation of arms in the region. Furthermore, Haftar helps to fight terrorist groups that threaten the fragile stability in Chad, Niger, and Mali where French military troops are located under the operation Barkhane, but also terrorists who could go back to France.

Nonetheless, Paris maintains dialogues with Libyan authorities for the economic and political reconstruction of the country, but that remains difficult because of the ongoing instability and insecurity. Compared to Sarkozy, Macron has adopted a different policy and affirmed that the West has a responsibility toward Libya, but France in particular as it led the military intervention and had provided military equipment and training to Libyan military officers prior to the uprising. Still today, the French government has been accused of providing intelligence to General Haftar or even arms. Supporting Haftar can help to mitigate the proliferation of arms and terrorism, but it has also fueled tensions.

## Germany

The German-Libyan diplomatic relations had remained discrete on the international stage until Germany decided to abstain on the UN Resolution 1973 in March 2011. Germany, a strong advocate of multilateralism, took by surprise the international community by joining the BRIC in the decision of abstaining and renouncing to formally participate in the NATO mission. In this case, Germany did not support France and the UK what underlines the difficulty to reach a common EU position.

### **Relations in the 1980s-1990s**

In the past, Germany had already adopted a more friendly diplomatic approach toward Libya. Throughout the 1990s, the UN Security Council (UNSC) adopted several sanctions e.g., Resolutions 731, 748, and 883 that included a travel ban, an arms embargo, a ban on oil-related equipment, a reduction of diplomatic representations, and an asset freezing. During that decade, there were two camps: one, led by the US, that tried to tighten the sanctions and the other one, led by Germany along with China, Italy, and Russia, that were more in favor of an easing (Van Genugten, 2016). The sanctions were somewhat proportionate to the fierce diplomatic policy that Qaddafi had nurtured in the 70s-80s. The regime was accused of terrorist attacks in Europe and giving support to various rebel groups. As a result, Libya became for a while a pariah state i.e., a state rejected by the international community. President Reagan even described Libya as 'The mad dog of the Middle East' (Henriksen & Larssen, 2016).

Germany was among the European countries which faced a terrorist attack. In 1986, a bomb exploded at *La Belle* (a West Berlin discotheque) killing 3 individuals and wounding more than 200 hundred people (Tagliabue, 1986). Despite being on the German soil, the target was surely the Americans rather than Germans because it was a popular discotheque for American troop, located near the US Army housing, and the previous terrorist attacks (in Athens and Madrid the year before) had already targeted American soldiers (id.). At the beginning, Libyan authorities denied any responsibility for the attack; however, after the reunification of Germany, pieces of evidence were found linking the Libyan embassy of East Berlin to the attack. A trial started several years later and in the end, terrorists were arrested and put in jail

(Malinarich, 2001). This incident certainly deteriorated relations between Libya and the West, in particular Germany. Nevertheless, as the attack was not targeting Germany per se and there was eventually a trial condemning the terrorists, Germany was then perhaps more inclined to rebuild its relationships with Libya, notwithstanding that the German government was more preoccupied by its reunification than its foreign policies. Germany also understood that the multilateral sanctions were hurting much more the Libyan economy, and corruption and black markets were growing (Van Genugten, 2016). Easing sanctions was therefore the objective of German officials whereas on the American side it was the opposite. The Americans had still not digested political clashes and the multiple terrorist attacks.

### **The abstention on Resolution 1973**

The recent abstention in March 2011 shows again a more pacific state of Germany. Yet, criticism arose. Germany had just joined the UNSC two months before as a non-permanent member and that new status conferred it a certain responsibility for international affairs. Berlin clearly stated that it would be *“a reliable, responsible and committed partner [...] but it also stands for a culture of military restraint [and] peace building in the sense of post-conflict peace consolidation and conflict prevention.”* (Auswärtiges Amt, 2011). Following this statement, Guido Westerwelle, then-Foreign Minister, agreed with the UN Resolution 1970 a couple of weeks later which condemned the use of force by the government of Qaddafi against civilians, imposing a series of international sanctions. But German officials abstained on Resolution 1973 which set the legal basis for military intervention, demanding a ceasefire and a no-fly zone. Peter Wittig, UN ambassador, expressed his concern during a UNSC meeting regarding the resolution 1973. According to him, there are risks of a large-scale loss of life, fueling a conflict that would last longer and spread itself wider in the region, and a possible failure of the implementation of the resolution. Wittig would have rather wished an increase of political pressure and harsher economic and financial sanctions (UNSC, 2011). Nonetheless, it is uncertain that those would have prevented civilian casualties.

Germany was not alone in its decision, four other members of the UNSC out of the fifteen abstained. These are Brazil, Russia, India, and China, also called the ‘BRIC’ countries which are often in contradiction to Western decisions and interventions, especially China which has been adopting a policy of non-intervention. Also, the Chinese Communist Party has been

accused of violation of human rights multiple times, but it would likewise not tolerate a foreign interference in its domestic policies. Germany has nonetheless a different approach and has often been a reliable ally and important actor in international affairs. The result of the abstention is the exclusion of Germany from an international intervention, but that was perceived by many, especially by EU Member States like France and the UK, as a lack of solidarity.

### **Responsibility to Protect (R2P)**

It is worth bearing in mind that an abstention does not translate itself into an obstruction to the mission. Instead, that must be interpreted as a constructive decision that is often used for the EU's Common Security and Defense Policy as well as within NATO known as the "silent procedure" (Berenskoetter, 2012). However, there exists a Responsibility to Protect (R2P). An international principle that appeared in the early 2000s, in the aftermath of the Rwanda genocide and the Yugoslav Wars. R2P tries to find a balance between sovereignty, responsibility, protection, and intervention. According to the rapport of the General Assembly of the United Nations (2005):

*"Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability."* (138, p.30).

*"The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means."* (139, p.30).

Therefore, if any government is not capable of protecting its own citizens or puts them directly at risk, the international community has an obligation to intervene. In the case of Libya, Germany did not militarily want to. In fact, the Arab Spring in Libya turned out to be different from its neighboring countries Tunisia and Egypt. At that time, the resistance movement was not as broad (mostly in the region of Benghazi) nor specifically targeting civilians. In his

infamous speech of February 2011, Qaddafi made it clear that it would fight any protests, calling them 'cockroaches', but protect any other Libyan civilians (Times Malta, 2011). The resistance had taken up arms too, but quickly frictions within started to appear, reflecting the longstanding tribal divisions. Berlin then understood the risk of being entangled in a conflict that it would not understand. In addition, although Berlin officials agreed with a regime change, they realized that it would be difficult to achieve it with a No-Fly Zone (Berenskoetter, 2012). Similarly to the intervention in Iraq in 2003, Germany supports any civilian measures and sanctions in order to protect civilians and put an end to the oppressing regime. It abstained on a military intervention for a pacific reason, but also because the *Bundesregierung* was convinced that the conflict did not pose a threat to the European peace and security (id.). Germany advocates for a responsibility to protect, but not for a responsibility to intervene militarily in any armed conflict. Nevertheless, in return, Germany has for instance taken over Airborne Warning and Control System (AWACS) in Afghanistan, flights that help for surveillance operations, in order to liberate other NATO planes to carry out the No-Fly Zone in Libya (Miskimmon, 2012). Polenz, former member of the German delegation to the NATO Parliamentary Assembly, even declared that it was up to NATO to decide how Germany can help to enforce it (Hallam, 2011).

### **Military international interventions**

Many parallels have been made between Germany's abstention in Libya and Germany's interventions in other conflicts. While the R2P principle has been well integrated in Germany's foreign and security policies and the country is a big financial contributor to UN peace missions, the *Bundeswehr* (Germany's armed force) deployment abroad remains low. In August 2011, it corresponded to 0.28% for UN missions, 0.79% for EU missions, and 4.75% for NATO missions (Brozus & von Farkas, 2012). Put into perspective, the only significant deployment of German personnel was in Kosovo:

**Table 1: International interventions in R2P situations since Kosovo**

| Year      | Country                | International Peacekeeping Mission | International personnel                            | German personnel |
|-----------|------------------------|------------------------------------|--|------------------|
|           |                        |                                    | (includes military, police and civilian personnel) |                  |
| from 1999 | Kosovo/<br>Yugoslavia  | KFOR (NATO)                        | 5,576  | 872              |
|           |                        | UNMIK (UN)                         | 182  | 5                |
|           |                        | EULEX Kosovo (EU)                  | 2,584  | 109              |
| from 2004 | Darfur/<br>Sudan       | AMIS (AU)                          | Max. 7,000   | 5                |
|           |                        | UNAMID (UN)                        | 24,630   | 6                |
|           |                        | MINURCAT (UN)                      | 4,760  | 0                |
|           |                        | EUFOR TCHAD/RCA (EU)               | 3,700  | 4                |
| from 2004 | Côte d'Ivoire          | UNOCI (UN)                         | 9,989  | 1                |
| from 2010 | Dem. Republic of Congo | MONUSCO (UN)                       | 20,555   | 10               |
| 2011      | Libya                  | Unified Protector (NATO)           | Max. 8,000   | 0                |
| from 2011 | South Sudan            | UNMISS (UN)                        | 7,900  | 18               |
| 2012      | Syria                  | UNSMIS (UN)                        | 410  | 1                |

Source: Based on information from UN documents on peacekeeping missions (<http://www.un.org/en/peacekeeping/>), the International Coalition for the Responsibility to Protect (<http://www.responsibilitytoprotect.org/index.php/crises>), NATO (<http://www.nato.int/>) and the Center for International Peace Operations ([http://www.zif-berlin.org/fileadmin/uploads/analyse/dokumente/veroeffentlichungen/International\\_Personnel\\_2011\\_EN.pdf](http://www.zif-berlin.org/fileadmin/uploads/analyse/dokumente/veroeffentlichungen/International_Personnel_2011_EN.pdf)).

Source: Brozus & von Farkas, 2012.

The Kosovo war is a particular case of Germany's intervention that marked the first time that Germany decided to engage its soldiers in an armed conflict since World War II. Unlike in the Libyan conflict, the initiative came from NATO itself and not from a will of diverse nations to assemble their unilateral interventions under one command. Another difference is the evidence of mass atrocities in Kosovo in 1999 which convinced the *Bundesregierung* to intervene. The *Bundestag* eventually agreed for a military intervention with a purpose of protecting the civilian population but without taking the part of any side (Schröder, 1999) whereas in Libya it may have been difficult to not do so. Two other reasons for the Kosovo intervention by Germany may be the pressure from its European allies and the prevention of refugees (Maull, 2010).

In 2011, at the time of the foreign intervention in Libya, Germany was participating in at least 10 international missions. 5,350 German troops were deployed in Afghanistan to help missions under NATO's command as well as in the Balkans with missions in Kosovo (KFOR) and in Bosnia (EUFOR), in the Mediterranean region (UNIFIL and Active Endeavour), and at the Horn of Africa (ATALANTA) (Brockmeier, 2012). Still, Germany's interventions abroad are in general with a purpose of peace building or humanitarian reasons rather than fighting against dictatorial regimes. It also aims at supporting allies, but the use of force remains more controversial in Germany than its partners (id.).

### **History and political debate**

Germany's history is also a reason why German officials prefer to not intervene militarily. In the last century, the country had spurred the two World Wars because of its aggressive expansionist policy. Since then, governments and the *Bundestag* have often decided for Germany to be a discrete military actor. In addition, the constitution or any founding document of Germany's modern democracy dissuades that (Hallam, 2011). Today's German foreign and security policy is centered around multilateralism and peace building instead of war fighting. One reason is to avoid international isolation that the country had suffered in the inter-war period. Taking the words of political scientist Mr. Schwarz, the German political culture shifted from an "obsession with power" (with the Nazism) to a "forgetting power" (Herf, 2011).

Yet, military interventions can launch a political debate within Germany and perturbate the political scene. A debate that really began in the early 1990s during the Gulf War in which Germany, put under pressure by the public opinion, did not support the intervention militarily despite the wish of the US but still provided financial supports (Brockmeier, 2012). Similarly, in 1993, frictions also appeared within the coalition government (the same political parties during the Libyan uprising) concerning the involvement of the *Bundeswehr* for NATO missions in Bosnia and the enforcement of a No-Fly Zone (Longhurst, 2004). In this last conflict, the "history argument" was released (Dorff, 1997). Several years later, in the case of Kosovo, the coalition government of that time, composed of Social Democrats and Greens, almost collapsed because of the intervention (Brozus & von Farkas, 2012). This time, it shows a contradiction in the discourse which, at the beginning of the 1990s, used the German history

to not intervene abroad because of the atrocities it had committed. However, the discourse shifted, and the argument of the German history was rather used to intervene militarily in order to prevent any massacre (Simms, 2003).

More recently, the abstention on the intervention in Libya has been largely well received in Berlin (Hallam, 2011) even in the public opinion. After a poll conducted by Bild (2011), 62% of Germans were in favor of the use of force against Qaddafi, but only 29% supported the participation of the *Bundeswehr*. And, 65 % of Germans agreed with the decision of abstention. A perfect timing as state elections occurred one week after the vote on the Resolution (Berenskoetter, 2012). In 2003, during the American-led intervention in Iraq, the Federal Republic was also occupying a seat at the UNSC and opposed to the invasion. Gerhard Schröder, then-Chancellor of Germany, made this decision a political affair to gain significant votes for national elections in spite of critics made by the CDU and their leader Angela Merkel who argued that the Schröder Government was hurting the transatlantic relations, isolating the country from the international community (Brockmeier, 2012).

### **Economic interests**

Germany's interests over Libya have long been minor and that can also explain why Germany adopted a low profile at the beginning of the Libyan uprising.

During colonial times, Germany did not have eyes on Libya, it had other colonial interests instead, and during the two World Wars, Germany left its war ally Italy handling the situation on the ground. The discovery of Libyan oil has however increased Germany's attention, and the attention of plenty other nations too. In the 1970s, West Germany had become the second consumer of Libyan oil with 18.5% just behind Italy with 23.9% (ENI, 1973 cited by Van Genugten, 2016). More recently, in 2010, Germany counted for 10% of Libyan oil exports behind Italy (28%), France (15%), and China (11%) (*cf.* Annex 6). In addition to oil-imports interests, several German MNEs implemented themselves in Libya during Qaddafi's regime. For example: *Siemens* helped in the construction of the famous "Great Man-Made River", *Wintershall* (subsidiary of BASF) has been operating in several oil fields, *Dea* (subsidiary of the Essen corporation RWE) possesses licenses for oil and gas extraction, and *Bilfinger Berger* has built motorways and a gas turbine power station (Rippert, 2011). There have definitely been

some business interests in Libya, albeit smaller compared to other big European powers like France or Italy and insignificant compared to the size of Germany's economy. Finally, there was a security-political partnership between the two countries that aimed at enhancing internal security through training of Libyan soldiers and police officers and providing military armament – in the last three years before the uprising, Libya would have received more than 80 million € of German military exports (id.).

Therefore, as military operations are very expensive, the ratio cost/benefits that Peter Wittig mentioned may have been too high, not to mention the protracted Eurozone crisis that added some pressure to the German government.

### **Transition to democracy**

Germany's role has always been to support Libya in its transition to democracy rather than intervening militarily. More particularly, in September 2019, the federal government launched an initiative called the "Berlin Process", a series of diplomatic meetings that helped the UN peace process in Libya. Specifically, the Berlin Process gathered the international community, together with the EU, to work on building democratic institutions, with a legitimate government, and implement economic reforms (Auswärtiges Amt, 2021a). The goal was also to bring together foreign powers which had fueled the conflict by notably breaching the arms embargo or providing financial resources and to establish a ceasefire. In the end, those meetings led to the first Berlin Conference held on January 19, 2020. The major outcome of this summit was the creation of the Libyan Political Dialogue Forum (LPDF) that is responsible for the political process meanwhile economic reforms are being discussed in other committees (id.).

Even though some foreign powers used the German-led initiative to sustain their own interests (Megerisi & Wildangel, 2019), a lot of progress has been made since the first meetings of the Berlin process. A ceasefire was eventually signed on October 23, 2020 and a unified government was formed in February 2021 with the appointment of Dbeibah as Prime Minister. These remain however two big challenges in the transition to democracy. First, the ceasefire agreement included the withdrawal of foreign fighters and military forces as well as heavy weapons within the three months after the signature. The reality is different, though.

Armed groups are still present in the country and control some regions. Moreover, Russia and Turkey seem to have reinforced their presence (Lacher, 2021). According to the UN, 20,000 foreign fighters are still in Libya. To solve this, Germany has been conducting talks with foreign powers (Deutsche Welle, 2021). Second, the current political formation is composed of an interim government that will last until the next elections in December 2021. The problem with these elections is that it could trigger a new political crisis as it happened in 2014. While European officials are quite satisfied with the new interim government and present it as a success of their diplomatic dialogues, it is uncertain that Dbeibah and members of its government will stay in power. More worryingly, elections could not have the conditions needed for being free, fair, and secure; violence and obstructions may take place in numerous places, especially where sympathizers of General Haftar are located (Lacher, 2021).

The Second Berlin Conference, recently held on June 23, 2021, tried to address those issues. The different nations and international organizations restate the commitments of the last conference notably the implementation of the Ceasefire Agreement and the holding of democratic elections. Turkey nevertheless introduced a reservation on the motion about the withdrawal of foreign fighters (Auswärtiges Amt, 2021b). Despite that, German Foreign Minister Heiko Maas is optimistic but argues that for a long-term perspective, the country needs the presence of some international organizations like the EU (Deutsche Welle, 2021). The country also needs a military command structure not only to secure the elections and avoid manipulation of the results but also to reestablish a unified authority. Regarding the security of the populations and the stability of the country, the German Federal Foreign Office has given 640,000 € to an international NGO to handle arms and explosive disposal and also to train the Libyan security authorities to be able to do it independently (Auswärtiges Amt, 2021c).

## Summary

When Germany joined the UNSC in 2011, it did not imagine that it would rapidly face criticism regarding its foreign policies. By joining the UNSC, Germany was given a certain responsibility to act and take decisions but also a solidarity toward the international community. The abstention to the UN Resolution was perceived by France as a lack of solidarity meanwhile other nations found out the decision surprising. Not really surprising if one looks at Germany's past foreign policy or its commitment to the UNSC regarding "its culture of military restraint" just after endorsing the role of non-permanent member for two years.

Peter Wittig was right, military interventions in Libya have fueled the conflict that has lasted longer than expected and has spread itself wider in the region. The Responsibility to Protect is not enough to intervene militarily, especially in Germany where the use of force remains more controversial. Indeed, Germany's foreign and security policy is centered around multilateralism and peace building instead of war fighting, the *Bundeswehr* deployment abroad remains low, and Germany has learned from past conflicts. Today, Germany strives to improve the situation in Libya through diplomatic dialogues and peaceful actions notably the Berlin process. However, it may, in certain cases, not be sufficient.

## Italy

### **Colonial past**

When Italy established its colonial presence in 1911, it started to build up a special relationship with Libya, notably thanks to strong economic ties. However, despite the geographical proximity, Italian foreign trade with Libya was insignificant at the beginning. To illustrate this, trade with the region Tripolitania corresponded to less than 0.1 % of total Italian foreign trade in 1905 (De Rosa, 2001). Thus, there were no real economic interests at first. For Rome, it was a way to first gain international respect and recognition and second, mitigate its problem of overpopulation and starvation. Still, the colonization was accompanied by some diplomatic tensions with France and Britain (Van Genugten, 2016).

Over the years, Italy helped the country to develop itself. For instance, it was the first country to unify the three Libyan regions in 1934: Cyrenaica, Tripolitania, and Fezzan (Atkinson, 1996), and the first to start oil exploration in the Sirte basin several years later with Azienda Generale Italiana Petroli (Gurney, 1996), former name of ENI – the Italian multinational oil and gas company. For the first time, Libya was unified under one central authority and could gain more dependence over foreign powers thanks to its important reserves of oil.

Nonetheless, until World War II, Italy used Libya mainly to develop its own interests and without seeking the development of the local populations. At that time, Italy met the need of natural resources and new markets because of its industrial revolution and thus, extracted as much as possible those in Libya. Moreover, instead of using the local labor force, it used Italian workers; *“Italia needed Libya without the Libyans”* (Oyeniya 2019). As a result, not many skilled workers emerged while it is essential for the creation and the functioning of an independent state. Finally, the Libyan population would have been reduced by 25 % during the colonial times and would have been traumatized (Ahmida, 1994).

### **After the colonization**

In the aftermath of World War II, Italy had to give up its territories to the winners of the war but kept its influence, though. While France, Great Britain, and the US were in control of

military and strategic assets, the Italian community, estimated at 40-50 thousand, was still in possession of most of the small, local economy and of the fertile soil of Tripolitania (Roumani, 2008). International trade nevertheless shifted as the UK became the first country in terms of exports (702,081 £) and imports (1,687,320 £) with Libya, followed by Italy with 604,633 £ and 570,524 £ respectively (Banco di Roma, 1950).

The arrival of Qaddafi will change the game. Most of British companies were expelled under its command as well as Italian companies (Oyenyi 2019). Foreign powers were not welcome anymore. In the 1970s and 1980s, when relations between Tripoli and Western powers were even more deteriorating, commercial links with Italy nonetheless flourished. For example, Qaddafi agreed to increase export of oil to Italy and granted favorable terms to ENI (ENI, 1979). At the same time, the company Sirti obtained a huge contract to operate the national telecommunication network (Van Genugten, 2016). Tensions increased a bit when in 1986 Libya unleashed a bomb near the coastal waters of Lampedusa (Italia) in response to the US attack in Tripoli and Benghazi (Ronzitti, 2009). Afterward, Silvio Berlusconi, former Italian Prime Minister, gave a new impetus to the Italian-Libyan relationship. In 2008, he was the first head of state to recognize and apologize for the colonial past in Libya and during a political visit, he signed the Benghazi Treaty which is a cooperation agreement including many bilateral deals. Not surprisingly, ENI succeeded to extend its oil and gas contracts for the next three decades at least and other important Italian firms were assured to obtain a part of the Libyan market (id.) such as Sirti or Finmeccanica in telecommunication (Southwood, 2008).

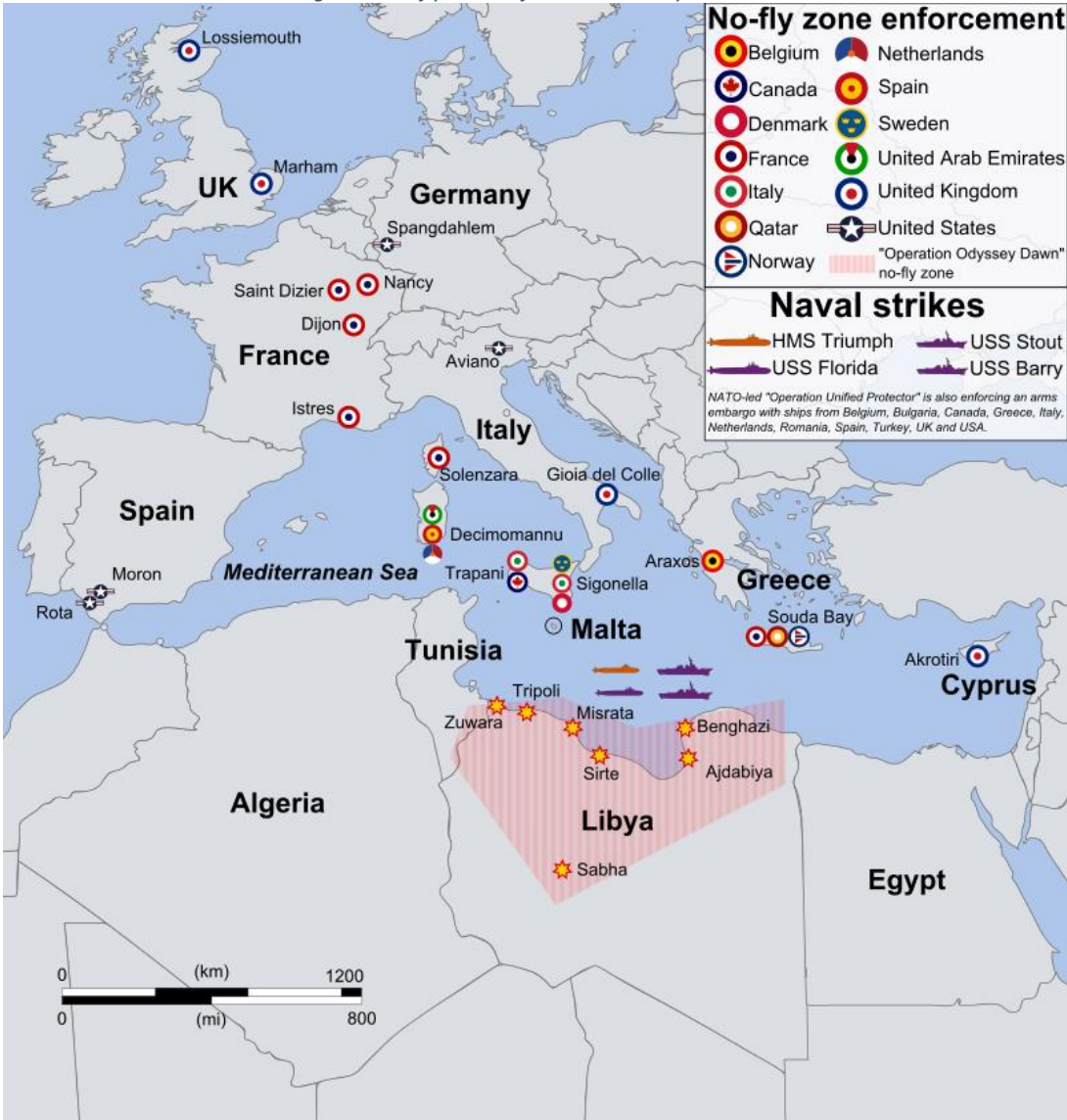
### **Military assistance**

The military intervention of 2011 led by France and the UK will obtain support from other EU Member States, but Italy waited until the last moment to join the international coalition (Henriksen and Larssen, 2016). Rome had strong ties with Tripoli and did not want to intervene too abruptly as it had a lot to lose. Indeed, a high instability in Libya would put at risk its energy supply and would increase the influx of migrants. Moreover, Italy was reluctant with the idea of regime change because it had nurtured good relations with Qaddafi that helped him to control the influx of migrants (id.), it had maintained a strong economic presence and above all, it was worried about the consequences of the intervention and how Europe will react thereafter (Van Genugten, 2016). Matteo Renzi, former Italian Prime Minister, confirmed that

France (and Qatar) played a big role in the downfall of Qaddafi; however, they triggered an unprecedented humanitarian crisis that Italy must partly handle, he said (Mufson, 2015).

In the end, the peninsula had a key role in the NATO-led mission “Operation Unified Protector”. Italy put at disposition its military bases, close to Libya (cf. figure 2), to carry out a series of airstrikes and destroy military infrastructures of the Qaddafi regime (Van Genugten, 2016). However, Italy wished to end the military intervention rapidly to provide humanitarian aid. Franco Frattini, former Foreign Minister, called for a ceasefire especially after NATO troops hit a residence composed of Libyan civilians (Nadeau, 2011).

Figure 2: No-fly zone enforcement in Libya in 2011



Source: Wikipedia, 2011

More recently, Italy created the Assistance and Support Mission in Libya (MIASIT), a military mission with 400 personnel. The objectives are multiple. As for example, a task force called *Hippocrates* has been deployed in Misrata for a humanitarian mission. But the center of the operations, located in Tripoli, principally aims to give training and technical assistance to local authorities (United World International, 2020a).

## **New governments**

Today, the former colonial power still has eyes on Libya and to maintain close ties, it has to dialogue with new governments. After France recognized the National Transitional Council (NTC), the first interim government after the uprising, Italy decided to do the same and by doing so, it definitely rejected Qaddafi. According to Frattini, Qaddafi had no credible response to put an end to the Libyan crisis. That is the reason why Frattini started talks with Ali al-Essawi, the NTC representative (BBC, 2011).

Since then, there have been a lot of political changes. The Italian government started to support the Government of National Accord (GNA) which was the interim government backed by the international community. The goal was to secure its oil and financial contracts. Nevertheless, Rome fears that the French company Total benefits from the situation to increase its presence. Therefore, the Italian diplomacy considers General Haftar, who controls the oil crescent as an essential interlocutor too (France 24, 2019). So, while Italy has long supported the GNA, it is now supporting both sides (Megerisi & Varvelli), the stability of the country has in fact become more important. Besides, the Italian Prime Minister Mario Draghi urged to maintain the ceasefire (Reuteurs, 2021). Concretely, Italy keeps a diplomatic representation in Tripoli through its embassy (one of the rare nations to do so) as well as in Tobruk with a consulate. In addition, the head of Italian foreign intelligence Giovanni Caravelli was often in contact with former President Sarraj and General Haftar, as did other Italian high-level representatives (United World International, 2020a). Now, Mario Draghi, current Italian Prime Minister, is nurturing talks with the new interim Prime Minister of Libya Abdulhamid Dbeibah in order to rebuild the ancient friendship of the two countries but also secure economic deals (Mezran & Pavia, 2021).

## Migration

In the Benghazi Treaty, the agreement signed in 2008 by Qaddafi and Berlusconi, there was already a major part dedicated to migration. The goal was to reduce illegal immigration through two main aspects: 1. with patrol boats supplied by Italy that would control Libyan coasts and 2. Libyan land borders shall be monitored by a satellite detection system funded by Italy and the EU (Article 19, Benghazi Treaty). No Italian police forces would be deployed, the Libyan coast guard and Libyan forces would be in charge. This article nonetheless raised concerns about human rights. Indeed, there was still the question about the fate of the migrants (Ronzitti, 2009). That put at odds its relations with other EU Member States, and the European Court for Human Rights even ruled that it was a violation of the European Convention on Human Rights (id.). But for Libya, one of the rare states to have not signed the UN Refugee Convention of 1951 (UNHCR, 2015), it did not seem to be a big concern. In the end, the Benghazi Treaty did not last long and was rapidly suspended before it was fully implemented (Governo Italiano, Presidenza del Consiglio dei Ministri, 2011).

It goes without saying that Italy still wishes to reduce the influx of migrants coming from Libya and arriving in its own territories, especially on its infamous island of Lampedusa. The Arab Spring and the longstanding instability in Libya have not helped to mitigate the problem of migrants. To tackle this problem, Italy welcomed the NTC leader in late 2011 (id.), but the peninsula mainly concluded agreements with the government in Tripoli and militias to manage the migrants (Rigoulet-Roze, 2019). Draghi has also praised the EU which offered financial assistance but demanded the EU to pay more attention to the situation. In May 2021, 13,000 migrants had already landed on the Italian coast (Amanta, 2021). Still, the EU's home affairs commissioner claimed that the EU did not receive any offers from Member States to accept new migrants from Italy (Buccarello, 2021). The problem is that there has been an increasing sentiment of anti-immigration across Europe. The social problem has now become a political debate.

## **Summary**

The relation between Italy and Libya is a classic case of center-periphery in which the colonial power used the country colonized as its own advantage. Traces of the colonial period can still be observed today especially with the economic relations between the two countries. Surprisingly, Italy did not lead the 2011 military intervention and waited until the last moment to join the coalition. In fact, it feared that the EU Member States underestimated the consequences of the intervention and the assistance that would be needed in the postwar period. Nonetheless, a high instability in Libya would put at risk its energy supply and would increase the influx of migrants. Italy therefore joined the NATO-led mission and put at disposition its military bases that played a key role. Italy is still present on the ground with its Assistance and Support Mission in Libya (MIASIT). The stability and security in Libya are in its interests and is a fervent advocate of the ceasefire as well as the EUNAVFOR MED in which Rear Admiral Fabio Agostini led the operations from the headquarters in Rome. Finally, in order to control the influx of migrants and secure its economic interests, Italy supports the GNA and at the same time, supports Haftar to secure its oil contracts.

## Economic analysis

Despite its geographical proximity, Libya is not one of the main economic partners of the EU nor the one of EU Member States. Its colonial past has left traces, Italy was and is still its main economic partner. Nevertheless, apart from the energy dependency, Libya is not relatively and economically important to Italy (and to the other EU Member States). The problem comes from its lack of natural resources. Fertile soils are rare in Libya because the country is surrounded by the Sahara Desert with no mountains to make a climate separation. The intensive use of resources during colonial times did surely not help either. Of course, Libya has the advantage of hosting one of the biggest reserves of oil in the world, but it has become dependent on oil-exports and foreign expertise. On top of it, there is a clear lack of economic development since decades.

The arrival of Qaddafi in the mid-20<sup>th</sup> century gave some hope to a country which was desperately looking for a new leader. He started to put Libya back on track with huge projects and investment plans such as nationalization of some industries, exploitation of oil and gas, etc. The most remarkable project was probably the Great Man-Made River which provided jobs, agricultural products, and abundant water supply. However, isolating diplomatically Libya from the world was certainly not the right move to make as it led to an economic isolation for a while too. In the late 2000s, Libya's foreign relations with the West was at its peak and it was accompanied with many economic deals (*cf.* France and Italy sections). However, the Libyan uprising has left the country with an unprecedented crisis and instability which do not foster economic development whereas neighboring countries like Egypt and Tunisia also faced revolutions but have risen up.

## International Trade

In terms of figures, table 1 shows the 2019 trade relations between the EU/EU Member States and Libya (in million €).

Table 1: EU27 and EU Member States trade relations (2019) with Libya (exports to Libya and import from Libya)

|                              | EU27    | Belgium | France | Germany | Italy  |
|------------------------------|---------|---------|--------|---------|--------|
| <b>Exports (M€)</b>          | 4,450   | 260     | 187.6  | 433     | 1,241  |
| <b>Imports (M€)</b>          | 15,916  | 43.8    | 1,431  | 3,527   | 4,266  |
| <b>Trade Balance</b>         | -11,466 | 216.2   | -1,243 | -3,094  | -3,025 |
| <b>Total Trade</b>           | 20,366  | 303.8   | 1,618  | 3,961   | 5,507  |
| <b>% Of Total Trade EU27</b> | 100 %   | 1.5 %   | 8 %    | 19 %    | 27 %   |

Data from: Belgian Foreign Trade Agency (2021), European Commission (2020), Ministère de l'Europe et des affaires étrangères (2021), & OEC World (2021). Average conversion rate in 2019: 1\$ = 0.8931€.

The total EU trade with Libya amount to a bit more than 20 billion € which places Libya the 35e trade partner with the EU and with only 0.5% of total EU trade with the world (European Commission, 2020). This does not translate a strong economic dependency with Libya. There is however an important trade deficit (-11 B€) that comes almost exclusively from Libyan oil-exports (European Commission, 2021).

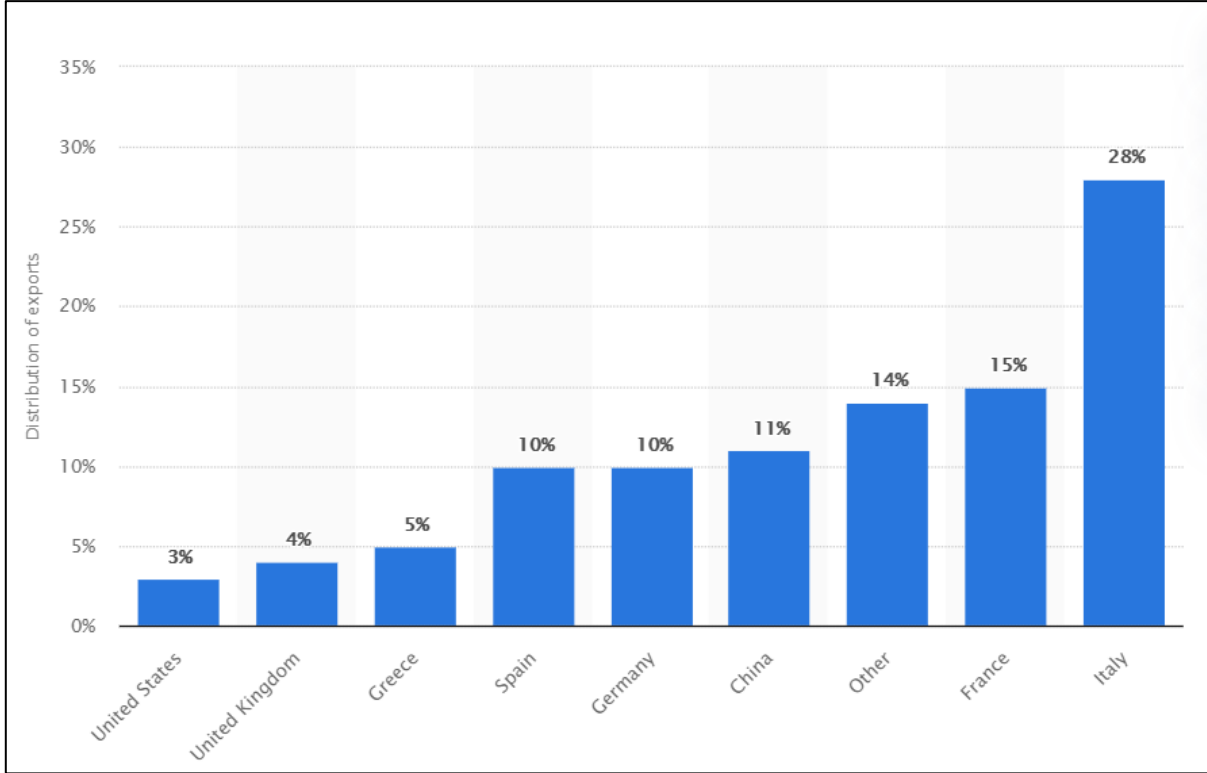
France, Germany, and Italy also have a trade deficit with Libya (-1.2 B€, -3 B€, -3 B€, respectively) which mainly comes from oil imports (between 95% and 100%). While exports to Libya are primarily: chemical products, machines equipment, and agricultural food except for Italy which exports a lot of refined petroleum too (OEC World, 2021). Indubitably, Italy is the first EU Member States in terms of trade with Libya (5.5 B€, 27%) and Germany second (3.9 B€, 19%) ahead of France (1.6 B€, 8%).

Belgium, unlike the other EU Member States, possesses a small trade surplus with Libya (216.2 M €). That is because it does not import a significant amount of oil from Libya. Instead, it imports mineral products (85%) and precious metals/stones (10%) for about 43.8 M€ (Belgian Foreign Trade Agency, 2021), but it is still a small amount.

## Oil dependency

As highlighted above, Libya’s exports are mainly composed of crude petroleum (85.7 %) which is at 84 % for Europe (*cf.* Annex 7) but also petroleum gas (5 %) at destination to Italy as well as refined petroleum and gold (OEC World, 2021). The following figure shows the percentage of Libya’s oil exports in 2010 by country (*or cf.* Annex 6):

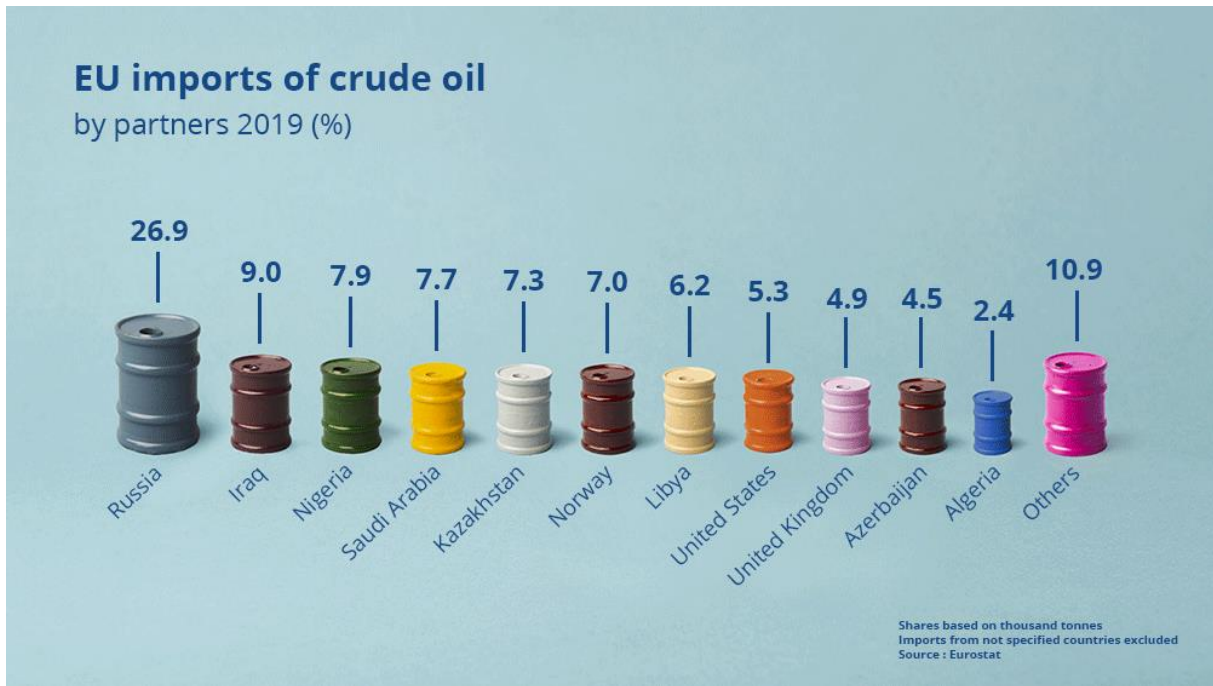
Figure 3: the percentage of Libya’s oil exports in 2010 by country



Source: Statista, 2011

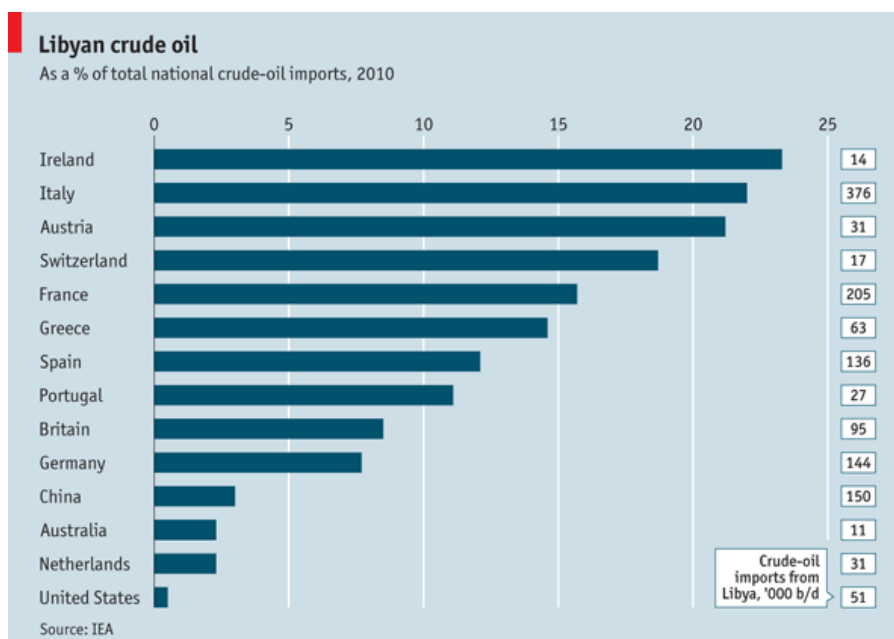
With 28 % of oil exports, Italy is the main destination followed by France (15 %), China (11 %), and Germany (10 %). Italy has always been the main importer of Libyan oil whereas West Germany has long been the second, but it has been supplanted by France and recently China (CIA, 1986). Thus, while Libya relies on Europe for its exports, the EU imports of crude oil from Libya corresponds to only 6.2 % of total imports of crude oil (*cf.* figure 4). The EU rather depends on Russia (and Norway) for its imports of crude oil as well as natural gas and solid fuels (Eurostat, n.d.). The 2011 revolution in Libya had some effects on oil trade between the EU and Libya. Prior to the uprising, in 2010, EU imports of crude oil from Libya corresponded to 10 % and since the major blockage of June 2011, the percentage has been significantly reduced (Tsakiris, 2014).

Figure 4: EU imports of crude oil by partners in 2019 (%)



Source: Eurostat, n.d.

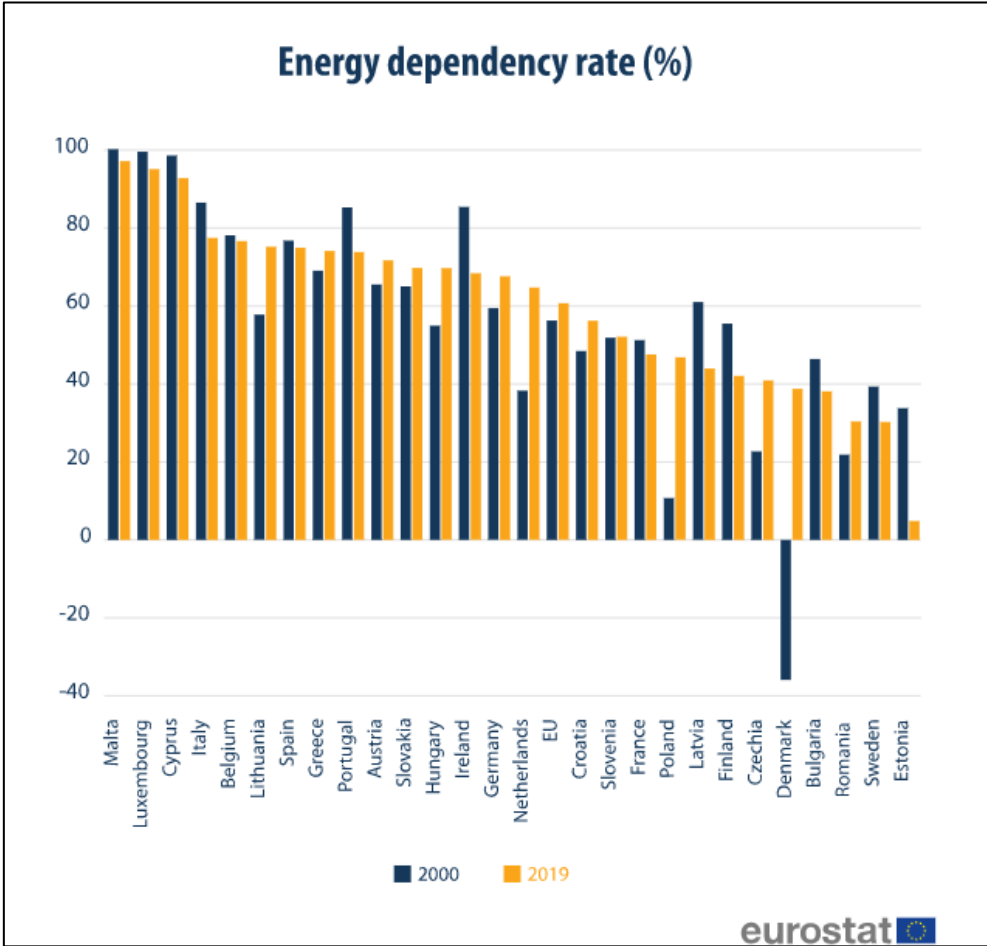
Belgium is even less dependent on the Libyan oil. Most imports from Libya are related to oil, but it is only 0.2 % of Belgium’s total oil imports, it imports oil from neighboring countries instead (OEC World, 2021). Some refined petroleum can nevertheless come indirectly from Libya. On the other side, France, Germany, and particularly Italy are more dependent on Libyan crude oil as shown on the next figure with the Libyan crude oil as a % of total national crude-oil-imports in 2010:



Source: The Economist, 2011

As a matter of fact, Italy is dependent on foreign energy supply. Its energy dependency rate is one of the highest within the EU (around 80 %), Germany also to a lesser extent with less than 70% today, but France is relatively less dependent (around 50%) (cf. figure 5).

Figure 5: Energy dependency rate in 2000 - 2019 for EU Member States (%)



Source: The Economist, 2011

To counter its energy dependency, the giant ENI has maintained its strong presence in Libya even when the country was facing international sanctions (Ronzitti, 2009). ENI is also willing to offer more favorable terms as it did in the past. In the 1950s, ENI had offered more favorable terms, compared to the Seven Sisters, to Arab states that began to regain control over their oil industry (Van Genugten, 2016). Today, ENI continues to dialogue with Libyan authorities to secure its contracts, the Benghazi treaty had extended the contracts for three decades, but the political instability does no longer guarantee the holding of the contracts. Concretely, representatives of ENI met Haftar during his visits to Italy (United World International, 2020) while the opposition with al-Sarraj met ENI’s CEO in Tripoli (ENI, 2020)

and more recently, ENI's CEO met the new Libyan Prime Minister Dbeibah shortly after its elections (ENI, 2021). So did France (*cf.* France section).

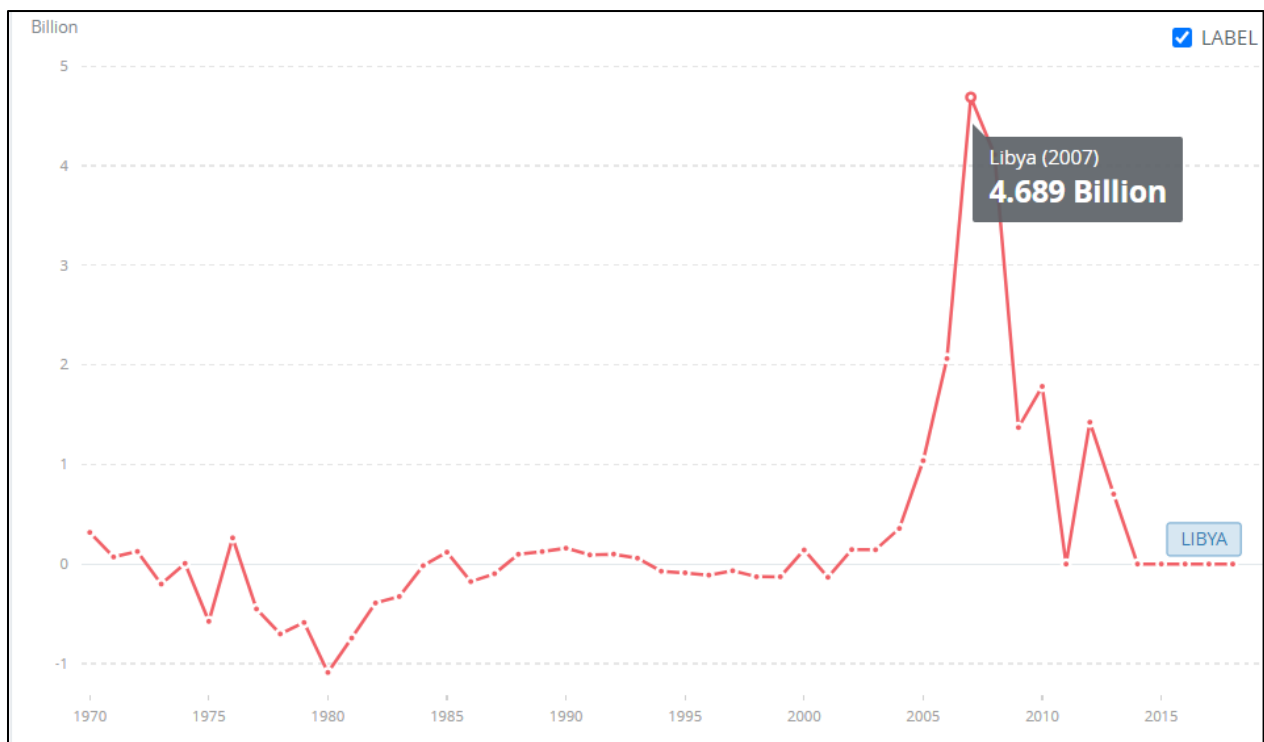
It is in fact necessary for foreign nations to start talks about oil with Libyan authorities. The relations between the National Oil Company (NOC), the state-owned company which manages the oil-exports, and the governments in Libya are complex and unstable. Due to the absence of a legitimate, stable, and unified government, the NOC has been operating as a separate political entity. The state-owned company is located in Tripoli and has followed the decisions of the Government of National Accord (GNA) but has also supported the Libyan National Army (LNA) of General Haftar (United World International, 2020b). As a result, foreign powers are following the same strategy by talking to the different military and political forces to extract the best cooperation.

Since the nationalization of the oil industry by Qaddafi, local companies (subsidiaries of the NOC) have been operating in the oil fields in close collaboration or through joint ventures with foreign companies mainly from Italy and France but also Germany (*cf.* Annex 8) (United World International, 2020a) therefore, they have their say. The problem is that the different subsidiaries of the NOC has sometimes acted independently like the Arabian Gulf Oil Company (AGOCO) which financed rebels for the uprising of 2011. In addition to the fact that they are acting on their own, they became increasingly seized by the Petroleum Facilities Guard (PFG) (United World International, 2020b) which can protect oil reserves but could also act independently and smuggle oil.

## Foreign Direct Investment (FDI)

The net inflows of Foreign Direct Investments (FDI) in Libya are displayed on figure 6. One can observe a rise of FDI inflows in the mid-2000s which correspond to the period when the UN lifted its sanctions over Libya and when the country was opening again to the world. It is also the period when Italy (with Berlusconi) and France (with Sarkozy) concluded a lot of economic deals with Qaddafi. However, FDI flows stopped in 2011 because of the revolutions and it came to a standstill after 2014. It is uncertain whether the series of contracts that were concluded between Sarkozy and Qaddafi worth 10 billion € are translated on the graph whether they have been fulfilled or have been stopped due to the revolutions.

Figure 6: Foreign direct investment, net inflows (BoP, current US\$) - Libya



Source: The World Bank Group, 2021

Prior to the revolutions, Italy and France were the main investors in Libya in terms of FDI (in million €) (cf. table 2). They both have approximatively the same amount of FDI outflows to Libya: 52 M€ and 51.7 M€ respectively. While Belgium is almost nonexistent and Germany had a negative FDI flow. In terms of FDI inflows, Italy is first with 46.6 M€ ahead of France with 25 M€. Nonetheless, those amounts are very small on the international market.

Table 2 : FDI outflows (to Libya) and inflows (from Libya) in 2010

|                        | Belgium | France | Germany | Italy |
|------------------------|---------|--------|---------|-------|
| <b>flows: out (M€)</b> | 0       | 52     | -146    | 51.7  |
| <b>flows: in (M€)</b>  | 2       | 25     | -71     | 46.6  |
| <b>flows: balance</b>  | -2      | 27     | -75     | 5.1   |

Data from: OECD stat (2021)

Despite the recent improvements in the stabilization of the country (the ceasefire and the election of Dbeibah), it is still risky to invest in Libya. Investors are cautious about entering into a fragilized, divided country. More importantly, the country needs structural reforms and well-functioning institutions. The benefits and weaknesses of investing to Libya can be seen on table 3. However, weaknesses clearly outweigh the benefits.

Table 3: Benefits and Weaknesses of investing in Libya

| Benefits   | Weaknesses   |
|--|--|
| Geographical Location: between Europe, Africa, and the Middle East | Political instability & inefficient administration                 |
| Oil and gas reserves   | Dependency on oil  |
| Liberalization policies  | Involvement of the State in the economy                            |
| Low level of foreign debt  | Lack of loans  |
| Dynamic demography   | High unemployment rate   |
|  | Imports restrictions   |
|  | Ongoing violence & human trafficking, proliferation of arms/ drugs |

Source: Export Entreprises SA, 2021.

## Conclusion

Throughout this thesis, relations between the EU/EU Member States and Libya have been highlighted. A summary of those different relations can be found below (cf. table 4). The goal was to analyze the various relations that Libya had built up since the beginning of the 20<sup>th</sup> century and evaluate whether the EU policies toward Libya are consistent with foreign policies of its Member States. While the position of the EU toward Libya is clear, those of its Member States may not.

Table 4: Summary of the relations between the EU/ EU Member States and Libya

|                            | The EU     | Belgium    | France            | Germany    | Italy             |
|----------------------------|------------|------------|-------------------|------------|-------------------|
| Historic relations         | None       | None       | Medium            | Small      | Strong            |
| Diplomatic relations       | Small      | Small      | Strong            | Small      | Strong            |
| Economic relations         | Small      | Small      | Relatively Strong | Medium     | Relatively Strong |
| 2011 military intervention | Absent     | Medium     | Strong            | Abstain    | Medium            |
| Haftar/ Sarraj             | Sarraj     | Sarraj     | Both              | Neutral    | Both              |
| Financial flows            | Small      | High       | High              | Small      | High              |
| UN-peace process           | Strong     | Strong     | Strong            | Strong     | Strong            |
| Terrorist threat           | Strong     | Strong     | Strong            | Strong     | Strong            |
| Migration                  | Indirectly | Indirectly | Indirectly        | Indirectly | Directly          |

The colonial past of Libya has left some traces within its relations with EU Member States. Indeed, Italy has strong **historic, diplomatic, and economic relations** with Libya while relations with Belgium and with the EU in general are small or nonexistent. The case of France is particular as it occupied for a while the Fezzan region but, even though it did not stay long, it has succeeded to nurture strong diplomatic relations (especially during Sarkozy government) and strong economic relations by securing oil-production and -exports contracts. Whereas Germany which had small relations with Libya in the past, namely because West Germany was importing a large quantity of oil, it has not maintained strong economic ties nor strong diplomatic relations. Having different degrees of relations with Libya, partly explains why EU Member States adopt different positions. Another reason why there exists a significant difference between relations Libya-Member States and Libya-the EU is due to Qaddafi. He had

often rejected the participation of Libya in EU projects. Instead, he preferred to deal with individual Member States to keep a certain degree of freedom (Van Genugten, 2016).

Afterward, the EU is a strong advocate of Tripoli's government (and of the former Prime Minister Sarraj). It clearly supports the international community's stance and has always followed the UN directives as well as the sanctions imposed (and even added some). Moreover, it has always been reluctant to any military intervention and was discrete in its position, especially during the 2011 revolution. Now, the Union has put in place several mechanisms to fight the consequences of the constant instability of Libya.

The EU Member States are also officially supporting the UN-backed government (with the former Prime Minister Sarraj) to stay consistent with the EU's position, albeit Germany would like to stay neutral. However, some of EU member states have economic interests in Libya, notably oil and gas contracts. While some are also directly involved in the fight against terrorism and/or mitigation of the influx of migrants. Italy is at the front of the migration issue and France has made the terrorist threat a priority. While Libyan authorities and militias seem to help with the problem of migration, Haftar is an important actor in the fight against terrorism and the mitigation of the proliferation of arms.

The EU faces the consequences of the war in Libya directly and indirectly. However, EU Member States do not face the problems at the same scale. Either they are more affected, or they put the problem as top priority in their foreign policy. Nonetheless, they are all engaged in diplomatic dialogues with Libyan authorities and the UN in order to rebuild the devastated country and prepare credible elections. The EU must continue to work with the international community to build democratic institutions, with a legitimate government, and implement economic reforms. Two big challenges remain: the maintenance of a ceasefire and the next elections. It must also gather its Member States under one common position as analyzed in this paper, there is not always a consistency between the EU policies and the foreign policies of its Member States due to various reasons. Compared to the international community (e.g., with the UN or NATO), the EU has clearly less weight on the international stage and even less when it can not show a common position with its Member States. The EU will stay discrete and not credible if it does not change its foreign policy. The Strategic Compass is a good step to respond to future external crises, but it will surely not be enough.



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## Annex 1: Frozen assets in bank accounts in Belgium

**Table 1: frozen assets EUROCLEAR on July 16, 2012**

| <u>NAME</u>                                     | <u>Account number</u> | <u>Value portfolio in EUR</u> | <u>Value cash in EUR</u> |
|---|-----------------------|-------------------------------|--------------------------|
| ARAB BANKING CORP FOR THE ACCOUNT OF LIA        | 14958                 | 5.895.416.601,95              | 413.105.903,69           |
| HSBC SECURITIES SERVICES FOR THE ACCOUNT OF LIA | 17640                 | 2.697.610.875,84              | 224.221.161,79           |
| ARAB BANKING CORP FOR THE ACCOUNT OF LAFICO     | 93373                 | 2.141.380.374,94              | 170.350.548,91           |
| ARAB BANKING CORP FOR THE ACCOUNT OF LAFICO     | 97842                 | 666.630.717,10                | 126.753.716,83           |

**Table 2: accounts with BNPPARIBAS :**

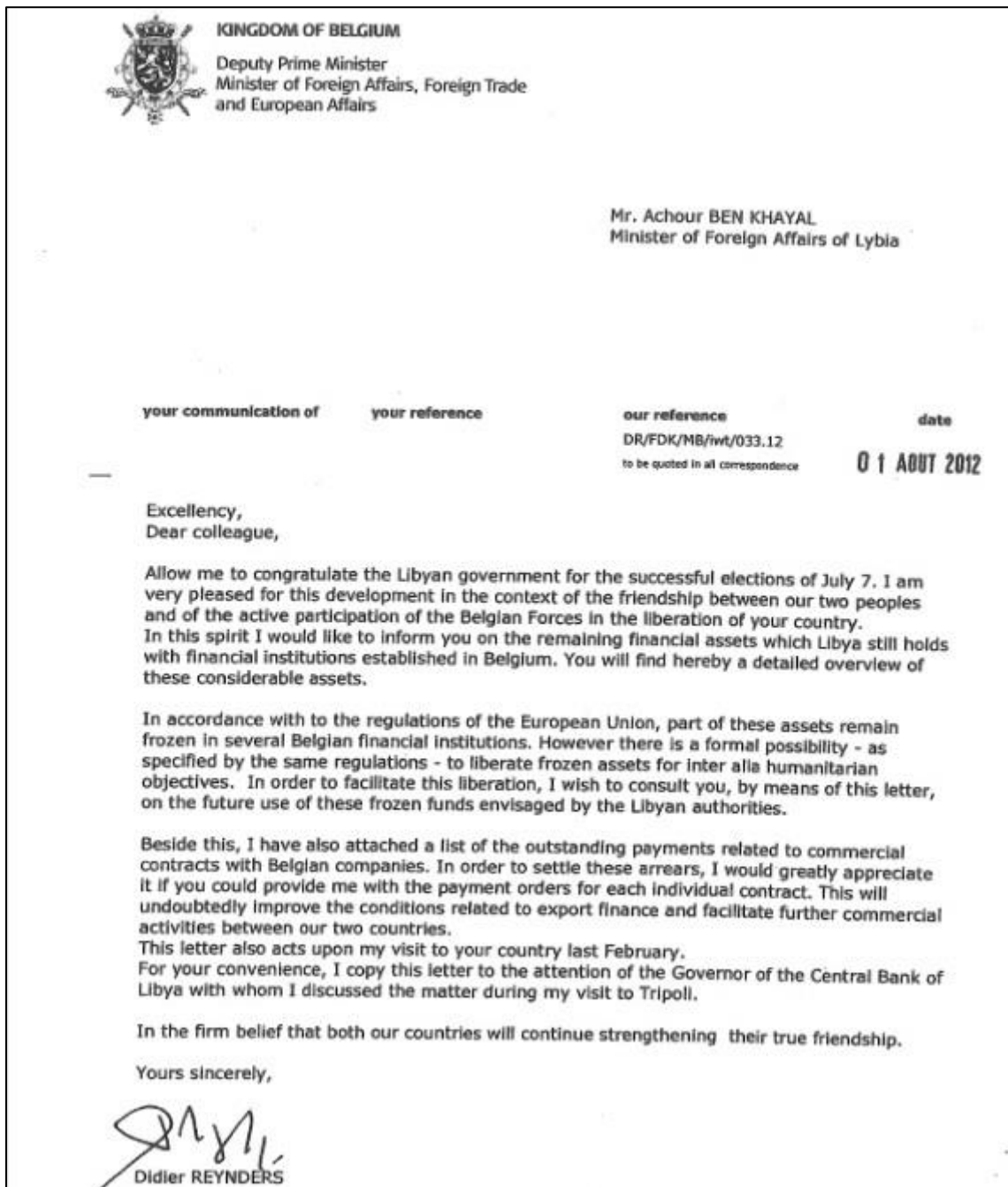
| <u>NAME</u>                         | <u>Account number</u> | <u>BALANCE 10/07/2012</u> |
|-------------------------------------|-----------------------|---------------------------|
| BANQUE SAHELO-SAHARIENNE POUR L'ENV | 291111232122EUR       | 4.660,00                  |
| BANQUE SAHELO-SAHARIENNE POUR L'ENV | 291111232122USD       | 5.000,00                  |
| SAHARA BANK                         | 291114187790EUR       | 17.341,80                 |
| WAHDA BK                            | 291114187891EUR       | 81.103,76                 |
| LIBYAN ARAB FOREIGN BK SAL TRIPOLI  | 291114187992JPY       | 0                         |
| CENTRAL BK OF LIBYA                 | 291114188295EUR       | 2.163.896,75              |
| NATIONAL CIAL BK ACC.DIV.           | 291114188501EUR       | 222.864,23                |
| GUMHOURIA BANK                      | 291119125393EUR       | 21.184,71                 |

**Table 3: accounts with ING :**

| <u>NAME</u>         | <u>Account number</u> | <u>BALANCE</u> |
|---------------------|-----------------------|----------------|
| CENTRAL BK OF LIBYA | EUR                   | 220.000.000    |
| CENTRAL BK OF LIBYA | USD                   | 340.000.000    |

Source: Intel Today, 2020.

## Annex 2: Letter of Reynders to Libyan government



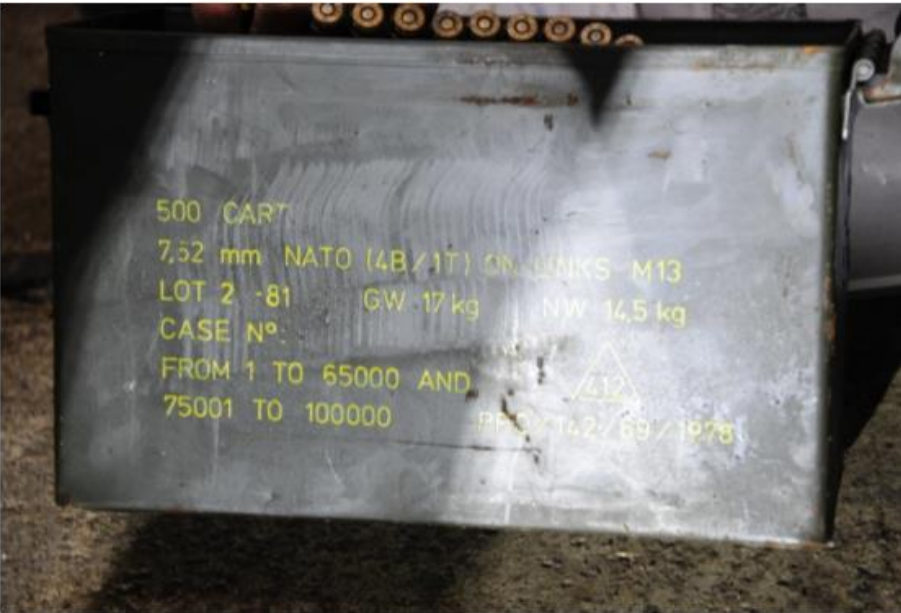
Source: Intel Today, 2020.

Annex 3: Arms seized by EUNAVFOR Operation Sofia

Photograph 7: 7.62 MAG general purpose machine gun

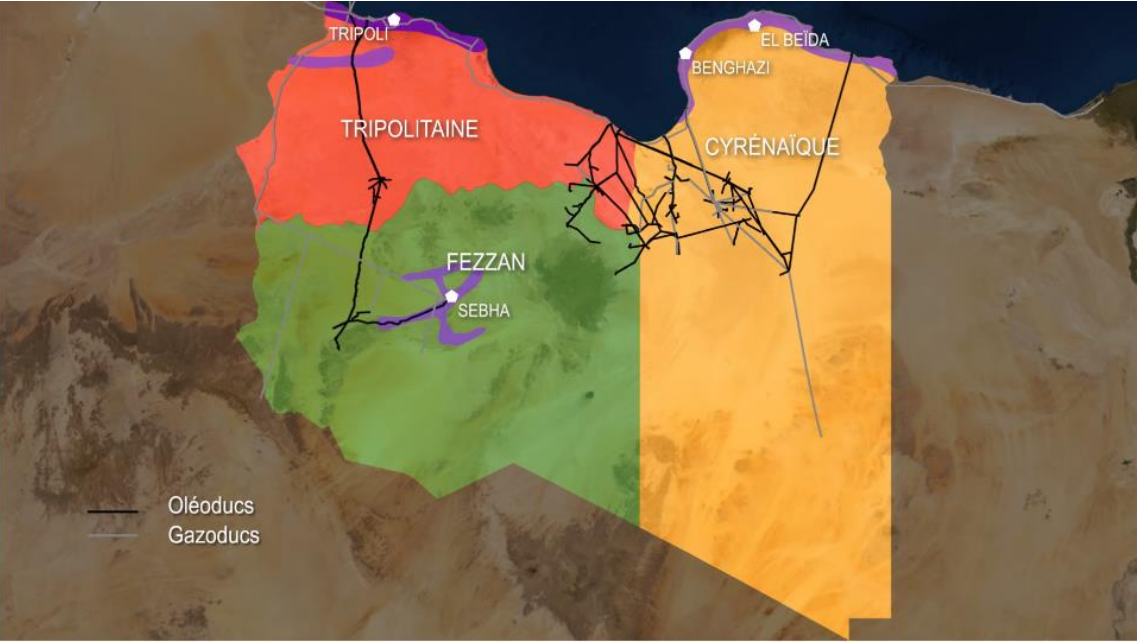


Photograph 8: 7.62 ammunition



Source: UNSC, 2018.

Annex 4: The three Libyan regions



Source: Le monde en cartes, 2020

## Annex 5: Letter of Moussa Imuhamad Koussa

Translated by Mediapart:

Jamahirya arabe libyenne populaire glorieuse  
« Pas de démocratie sans conférence populaire »

Date : 10. 12. 2006

Correspondant à : 10. 12. 1375

N° 1917 68 P

Service de la sécurité extérieure

Frère / Président du Fonds libyen des investissements africains

Que la paix soit sur vous...

En référence aux instructions émises par le bureau de liaison du comité populaire général concernant l'approbation d'appuyer la campagne électorale du candidat aux élections présidentielles, Monsieur / Nicolas Sarkozy, pour un montant d'une valeur de cinquante millions d'euros.

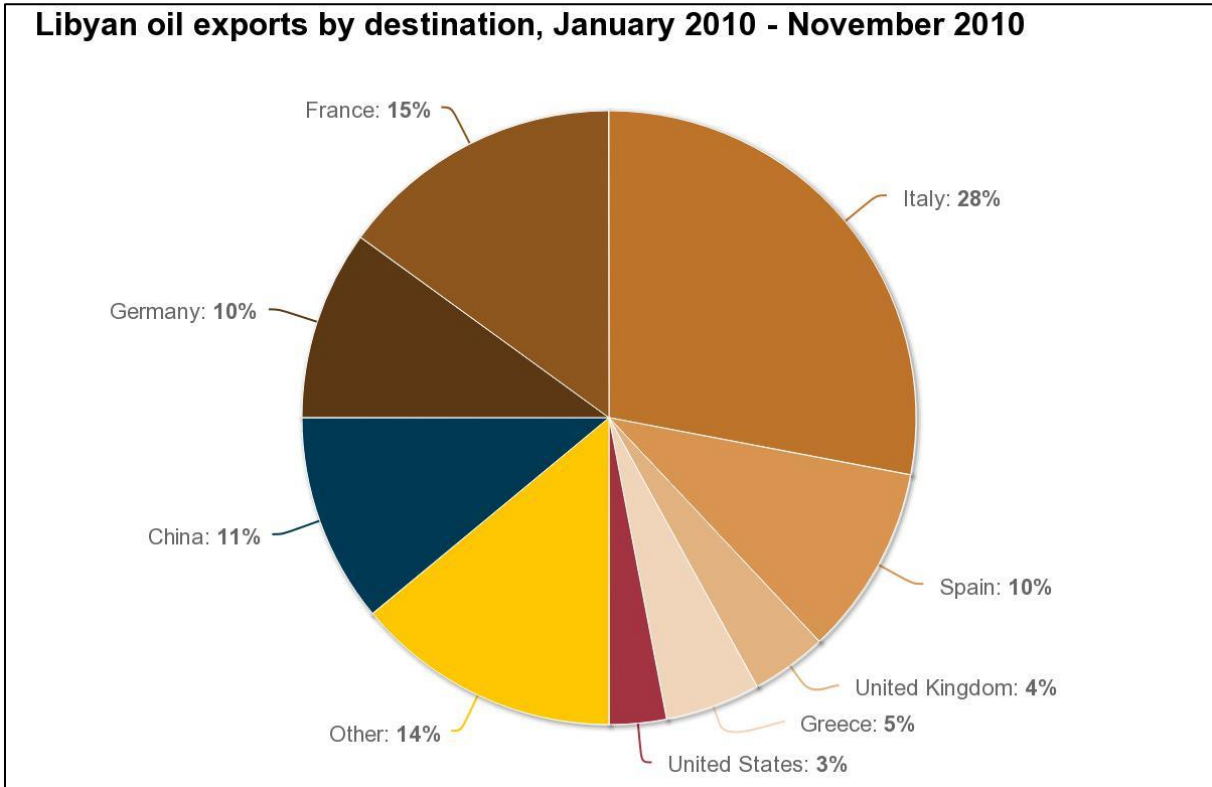
Nous vous confirmons l'accord de principe quant au sujet cité ci-dessus, et ce après avoir pris connaissance du procès-verbal de la réunion tenue le 6. 10. 2006, à laquelle ont participé de notre côté le directeur des services de renseignements libyens, et le président du Fonds libyen des investissements africains, et du côté français, Monsieur /Brice Hortefeux, et Monsieur / Ziad Takieddine, et au cours de laquelle un accord a été conclu pour déterminer le montant et le mode de paiement.

Que la paix soit sur vous et la miséricorde de Dieu et ses bénédictions...

Moussa Imuhamad Koussa

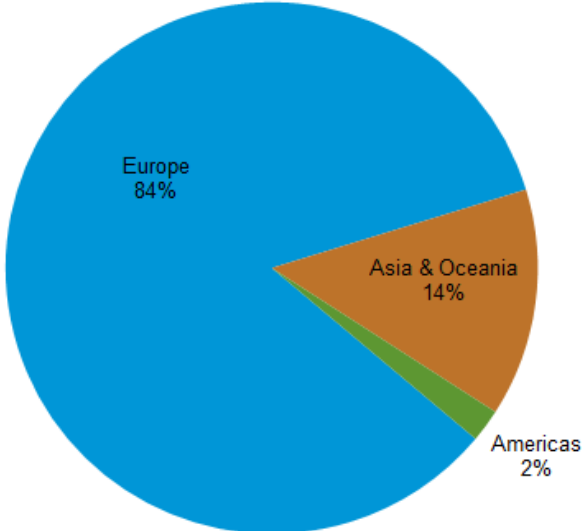
Chef du service de la sécurité extérieure  
-----


Annex 6: Libyan oil exports by country in 2010



























Source: EIA, 2011.

Annex 7: Libya’s exports of crude oil, 2014.



 Note: Total crude oil exports averaged 375,000 barrels per day.  
Source: Eurostat, Lloyd's List Intelligence (APEX), Global Trade Information Services

## Annex 8: NOC Affiliates and Joint Ventures.

| <b>NOC (THE NATIONAL OIL CORPORATION):</b>   |  |
|--|--|
| <ul style="list-style-type: none"> <li>Affiliated NOC companies (fully owned by NOC)               <ul style="list-style-type: none"> <li>Arabian Gulf Oil Company (AGOCO)</li> <li>Brega Petroleum Marketing</li> <li>Jowfe Oil Technology</li> <li>National Drilling and Workover Company</li> <li>North African Geophysical</li> </ul> </li> </ul>  | <ul style="list-style-type: none"> <li>Petro Air</li> <li>Ras Lanuf Oil and Gas Processing Company</li> <li>Sirte Oil Company</li> <li>Taknia Libya Engineering</li> <li>Zawia Oil Refining Company</li> </ul> |
| <b>JOINT VENTURE COMPANIES (NOC–FOREIGN):</b>  |  |
| Akakus Oil Operations  |  |
| NOC  REPSOL  OMV  TOTAL  Equinor  |  |
| Harouge Oil Operations   |  |
| NOC  SUNCOR Energy   |  |
| Libyan Emirates Refining Company   |  |
| NOC  Trasta Energy   |  |
| Mabruk Oil Operations  |  |
| NOC  TOTAL   |  |
| Mellitah Oil and Gas   |  |
| NOC  ENI   |  |
| Nafusa Oil Operations  |  |
| NOC  MedcoEnergi   |  |
| Waha Oil Company   |  |
| NOC  TOTAL  ConocoPhillips  Hess Corp    |  |
| Zueitina Oil Company   |  |
| NOC  Occidental Petroleum Corporation  OMV    |  |
| Sarir Oil Operations   |  |
| NOC  Wintershall Aktiengesellschaft (WIAG)   |  |

uwidata.com

Source: United World International, 2020b



