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HUMANIZING SECURITY?

THE EU'S RESPONSIBILITY TO PROTECT IN THE LIBYAN CRISIS

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Contents

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1. Introduction

The European Union's response to the Libyan crisis, ranging from the use of humanitarian aid to the option of a military intervention, can be regarded as a first test case for the Common Security and Defence Policy (CSDP) after the Lisbon Treaty. Although aimed at improving the coherence and effectiveness of the EU's foreign and security policy, it has come as no surprise that the expectations shed by the Lisbon Treaty and its newly created institutions such as the European Union External Action Service (EEAS) were premature. As a consequence, a gap opened up between the EU's rhetoric and the actual actions taken during the Libyan crisis.

The military intervention in Libya, led by France and the United Kingdom (UK) and based on Security Council Resolution 1973, revived the debate about the protection of civilians in the context of the responsibility to protect (RtoP) doctrine. Faced with escalating violence in Libya, the United Nations Security Council (UNSC) adopted a range of non-coercive and coercive measures against the Libyan regime on the basis of the RtoP doctrine. It was the first time since the development of RtoP that the UNSC had taken such quick and decisive action explicitly based on the RtoP doctrine. Although claiming to see the protection of civilians as the primary aim and officially supporting the UN's approach to RtoP, the EU has been widely criticized for its slow and incoherent crisis response towards Libya. The difficulties in

applying a coherent course of action can be linked to the lack of a general strategic vision for the CSDP.

The international responses to the Libyan crisis exposed different interpretations of security and responsibility not only at the UN level but also between the EU and its member states. The underlying argument of this paper is that the EU's discursive and practical response to the Libyan crisis was influenced by its understanding of security and responsibility. Thus the question arises: What EU logic of security was at work in the context of the Libyan crisis in 2011? And if that logic did not provide a guide to effective action, why was that the case?

In the post-Cold War era, discourses on international peace and security influenced by globalization, the decline of state power, emerging concepts of multilateralism and new security threats have led to a shift in the perception of security. Tragedies such as the ethnic cleansing of Bosnians by the Serbs and the mass slaughter of the Tutsi population by the Hutus in Rwanda in 1994 challenged traditional security thinking, particularly within the UN, resulting in the development of human security. What is new in this context is the changing and deepening perspective from an exclusively state-based conception of collective security to a people- and community-centred definition of human security. With its focus on individuals as the fundamental referents of security, human security can be seen as underlying framework for the development of the RtoP doctrine.

The RtoP doctrine has clearly informed the construction of EU security policy. On the basis of Sebastian Barnutz's inquiry into the EU's logic of security[1], we can see that it is rooted in three assumptions: First, the EU perceives the CSDP as having the responsibility to act externally in the security field. Second, the process of reasoning in the EU's external action is built upon the meaning of 'people' as the principle addressees of EU policy. Third, the predominant discourses on the responsibility to protect taking place at the UN level affect the EU's reasoning on its international responsibility. More specifically, the meaning of people is thus influenced by the debate on RtoP and applied not only to domestic but also to external policies. In line with what Ian Manners says, the centrality of the concept of human rights and RtoP for EU policies is apparent in the EU's external action.[2]

It is argued that the EU's logic of security in the context of the Libyan crisis reflects the human security concept based on its understanding of

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[1] According to Barnutz, the logic of security in the EU is seen as an intersubjective construction. Security is not an objective phenomenon but is 'constructed in the intersubjective realm'. Security is established when discursive practices take place at the interplay of three different levels: 1) EU identity constructions, 2) perception of challenges as security relevant, 3) security practices and governance (ibid. 2010: 379). On this basis, Barnutz analyzed the EU's discourse in the period from December 1999 until August 2011.

[2] Manners 2006: 192.

responsibility and, more specifically, on its approach to the responsibility to protect. This paper analyses the EU's institutionalized discourse in the context of the crisis in Libya in order to understand the EU's (current) logic of security in the period from the outbreak of the crisis in February until the slow-down of the conflict in September 2011. It then compares this logic to the EU's actual practised crisis management.

The next section will briefly outline the main implications of the human security concept and the responsibility to protect, as well as their relevance for the EU. The subsequent section will analyse the EU's discourse, which will be set in comparison to concrete action within crisis management vis-à-vis Libya. The paper concludes that the EU's logic of security in the context of the Libyan crisis is close to the concept of human security, reflecting the UN's approach to the responsibility to protect. However, in its actual crisis management the EU has been unable to translate this logic into concrete action.

2. Human security and the responsibility to protect – concepts and implications

2.1 Human security

The growing interest in human security since the early 1990s has to be seen in the historical and social context relating to the erosion of the narrow, state-centric, militarized national security paradigm in practical and academic terms.[3] The (traditional) security discourse has changed in line with the idea of human security from military conflict between sovereign states towards the well-being of citizens within states.

Looking at the current state of the art, the development of human security as a concept can be divided into two different "waves of debates".[4] The first round of debate during the early post-Cold War era was characterized by the changing security paradigm and thus was heavily concentrated on the debate between state-centric vs. human security. The discussion on the changing security paradigm not only concerned the broadening dimension but also the deepening of the notion of security captured within three basic questions: 1) Security of whom? 2) Security from what? and 3) Security by what means?

However, human security does not bypass the traditional state-centric security paradigm. In fact, human security accepts the state as the main provider of security but adds two important conditions. First, in contrast to the realist paradigm, human security considers the democratic, rights-based state to be the most effective and legitimate provider of security. Second,

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[3] See Seppä 2011.
[4] Ibid.: 135.

sovereignty is redefined as responsibility and is therefore conditional upon the state's willingness and ability to provide human security.[5] Apart from the changing referent object, human security promotes different means to protect security. As opposed to the hard power of the military, security should be provided by soft power, long-term cooperation and preventive measures.

The subsequent and ongoing debate has focused on different schools and definitions within the human security concept, whereas a distinction between political definitions on the one hand and academic definitions on the other should be made.[6]
Within the political discourse, the concept of human security has been defined in many different ways by a variety of actors according to their own interests and fears. Since the concept was developed and mainly promoted in the first instance by the UNDP 1994 Human Development Report, it has been on the political agenda for more than a decade now. The UNDP originally defined human security as the "freedom from fear and from want".[7] As a people-centred approach, the UNDP more specifically identified seven security dimensions: economic, food, health, environmental, personal, community and political security.

Deriving from the UNDP's interpretation of the human security concept, the meta-debate at the academic level is mostly located between the minimalist/ narrow and the maximalist/ broad definitions of human security.
The most minimalist/narrow definitions of human security focus on the notion of 'freedom from fear', meaning to ensure the individual's safety from direct threat and referring to their physical integrity and the satisfaction of basic needs. According to Keith Krause, a narrow definition of human security is the only one possible, justified by its analytical quality and its policy applicability in opposition to the maximalist/ broad approaches encompassing both 'freedom from fear' and 'freedom from want', which are criticized as constituting a useless "shopping list of threats".[8]

The main critique of human security as a concept refers to the vagueness of the idea and its broadness especially concerning the epistemology of threats. The human security approach is said to be conceptually hollow and, moreover, of very little use in theoretical terms. For Roland Paris human security is nothing more than "hot air".[9] Furthermore, the 'securitization' of economic, social, political, environmental and human rights issues is

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[5] Tadjbakhsh/ Chenoy 2007: 238.
[6] A detailed overview and classification of academic and political definitions of human security has been provided by Shahrbanou Tadjbakhsh and Anuradha Chenoy (2007: 7-139).
[7] 'Freedom from fear' refers to violent threats to individuals' physical well-being, while 'freedom from want' includes threats such as hunger, disease and natural disasters (UNDP 1994).
[8] See Krause 2004.
[9] Paris 2001: 96.

constantly criticized by many scholars who see the broadening of the term 'security' leading to the point where it loses its signification.[10]

The political implications of the human security critique namely refer to the challenged role of the nation state as the only provider of security. According to Barry Buzan, the expansion of the security definition will lead to an increased use of force, justified by the international community as their 'responsibility'.[11] Once again, it can be counter-argued that human security promotes the democratization of security and international relations.[12] According to Taylor Owen, the 'responsibility' of the international community should include long-term engagements instead of merely short-term interventions.[13] Thereby, the provider of security should be constituted by diverse actors bringing together states and other actors, such as international and non-governmental organizations. Taken on the political agenda, the concept of human security is criticized as being used by dominant powers to legitimize self-interested interventionism. Therefore, the creation of the RtoP doctrine by the United Nations establishing guidelines for intervention can be seen as an attempt to antagonize the use of a merely military intervention and as a check with regard to Western imperialism.

2.2 The responsibility to protect

It was during the 1999 crisis in Kosovo that the former UN Secretary-General Kofi Annan wrote a landmark article in which he essentially challenged the traditional view on state sovereignty and the non-intervention principle, claiming that the principle of sovereignty contained in the UN Charter should be interpreted as a responsibility to protect individuals.[14] Taken up by the International Commission on Intervention and State Responsibility (ICISS), the idea was based on a traditional concept of sovereignty. Thus, states have the primary responsibility to protect their own citizens. Yet, when states cannot or would no longer protect their citizens in the face of a serious crisis, the responsibility to intervene shifts towards the international community of states. Thereby, the responsibility of the international community refers to three points: "To prevent, to react in the event that prevention failed, and to rebuild societies where protection had failed."[15]

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[10] For a detailed overview of the human security critiques and counter-critiques, see Tadjbakhsh and Chenoy (2007).
[11] See Buzan 2004.
[12] See Axworthy 2004.
[13] See Owen 2004.
[14] Initially, the notion of 'sovereignty as responsibility' focused on the responsibilities of governments to protect their own people and thereby maintained the traditional perspective that the state is the best provider of security. The idea can be traced back to the works of Francis Deng and Boutros-Boutros Ghali on the protection of Internally Displaced People (IDP; see Bellamy 2011).
[15] MacFarlane/ Khong 2006: 178.

The Commission's approach towards the 'responsibility to react' was more concrete as it set out a list of six criteria to guide decision-making: (1) the threshold of a 'just cause', (2) an intervention should be based on the 'right intention', (3) the option of an intervention should be the 'last resort', (4) the means of the intervention should be 'proportional', (5) it should have 'reasonable prospects', and (6) it should be legitimized by the 'right authority'.

During the 2005 World Summit Outcome Document, the UN member states agreed on three major components of the RtoP: (1) formal recognition of the responsibility of sovereigns to protect their own population; (2) a commitment to develop the institutional capacities and behaviours necessary to prevent genocide and mass atrocities, assist states in the fulfilment of their responsibility, and improve the effectiveness of peaceful and consensual measure; (3) a reaffirmation of the idea that the Security Council has the authority to intervene if deemed adequate.

In 2009, the UN Secretary-General Ban Ki-moon released a report on "Implementing the responsibility to protect", proposing a comprehensive strategy for the implementation of what he then called the RtoP's three pillars. The report was well received, attested to by the ensuing debate in the General Assembly where a vast majority of the member states reaffirmed their commitment to the prevention and halting of mass atrocities. Over 50 states endorsed the proposed three pillar strategy and there was unanimity on the importance of the first two pillars and the fundamental obligation to prevent mass atrocity crimes. The member states also agreed on restricting the scope of the RtoP to the four crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. There was less agreement on the third pillar. Non-Western governments in particular argued that emphasis should be put on peaceful measures under Chapter VI and VIII of the UN Charter instead of coercive measures under Chapter VII.[16]

However, RtoP has been and remains subject to a broad range of criticism. Many, especially non-Western countries, see RtoP as a dangerous and imperialist doctrine that undermines the sovereignty and political autonomy of the weaker states. They believe that RtoP poses a threat to state sovereignty by misusing the concept of human rights protection, establishing a new form of colonialism. The RtoP doctrine is accused of being used by powerful states (meaning those who have the means to intervene) as a "Trojan Horse" for hard interests in other weaker states. This is also related to the exclusive authority of the UNSC to authorize the use of force. Conversely, the concept has been criticized for offering little actual protection to vulnerable populations, reducing it to rhetorical posturing as history has shown in the case of Darfur. [17]

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[16] Bellamy 2011: 44.
[17] See ibid. 2010.

Within the UN framework, human security can be seen as the basis of the RtoP concept. In his 1999 report, Kofi Annan underlined the connection between systematic and widespread violations of the rights of civilians and of breakdowns in international peace and security. Nevertheless, the conceptual interrelation between a human security approach with its various interpretations and the RtoP doctrine raises some as yet unanswered questions. Since adopting a broad human security approach could lead to the fatigue and overstretching of the very notion of intervention, the question arises as to whether human security is interventionist by nature. How does the human security perspective differentiate between the right and the duty of intervention?

It has been further argued by opponents of the RtoP doctrine that human security is simply a discursive construction to justify humanitarian interventions. This critique also refers back to the core dilemma of the RtoP doctrine enshrined in the UN Charter, where the principle of sovereignty is challenged by the protection of human rights.

In line with what Keith Krause says, it is only possible to link human security with specific policy initiatives – such as RtoP – when focussing on a narrow definition of human security in the sense of 'freedom from fear'. Otherwise, he sees the concept as being nothing more than a "shopping bag".[18]

This section has shown that human security is not yet a coherent concept nor a school of thought. There are different and sometimes competing conceptions of human security. As a demonstration of change, the emergence of human security which reflects the impact of values and norms in international relations can be explained with reference to social constructivist thought.[19] From a constructivist perspective, the interpretation of human security is made and shaped by the actors using it and it differs across different contexts.

In theoretical terms, the interrelation between human security and the responsibility to protect can be linked with the concept of practical rationality defined as 'appropriateness' and being opposed to the concept of rational choice. Practical rationality essentially depends on language, by which ideas and norms are diffused and institutionalized as a mechanism for the construction of the social reality. The behaviour of actors is shaped by norms that define the standards of appropriateness. According to Peter Katzenstein, actors face security choices and act upon them, not only in the context of their physical or military capabilities but also on the basis of

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[18] See Krause 2007.
[19] See Newman 2001: 240. A lengthy exploration of the different constructivist approaches is unfortunately beyond the scope of this paper. The main argument is that behaviour, interests and relationships are socially constructed and can therefore change. Moreover, values and ideas can have an impact upon international relations (see *inter alia* Katzenstein 1996).

normative understandings.[20] Seeing human security as a normative concept in line with Newman, it implies "(…) an ethical responsibility to re-orient security around the individual in line with internationally recognized human rights (…)".[21]

2.3 Relevance for the EU

In line with the development at the UN level, the European shift regarding the concept of security since the end of the Cold War manifested itself in Javier Solana's Thessaloniki Summit document "A secure Europe in a Better World". The European Security Strategy (ESS) from 2003 embraced the human security perspective in addition to a traditional state security view but in contrast to the 2002 National Security Strategy of the United States of America (USNSS). Opposing George W. Bush Jr.'s "go it alone" approach, the EU strategy emphasized the notion of people-centred solutions combined with cooperative engagement.[22] It has been argued that the drafting of an ESS was mainly triggered by the US decision to go to war in Iraq while the EU failed to reach an agreement on how to tackle the Iraq crisis and the US attempts to influence the policies of its European allies.[23]

Whereas the USNSS emphasizes the notion of 'pre-emption' as a unilateralist approach to national security, the ESS commits the EU to a multilateral approach to security challenges in accordance with international law and the UN Charter. However, the principle of effective multilateralism outlined in the EES does not preclude the use of force as a last resort.[24] The ESS has been seen as a necessary response to the profound changes in the international security environment, moving beyond a traditional military assessment.[25] Javier Solana described the new security environment by including poverty, energy dependence, climate change and bad governance as challenges the EU has to address. Thereby, the ESS identifies several traditional concerns related to the proliferation of WMD, terrorism, failed state and organized crime next to the new challenges. Europe is supposed to meet these challenges with a range of diplomatic, development, economic, humanitarian and military instruments.

Within the EU discourse, and in particular concerning the security dimension of its foreign policy, the human security idea has nevertheless rarely been adopted expressively to date. Yet, pointing to the changing security paradigm, the concept has been applied to evaluate the CSDP and proposed to Solana as a conformable approach within the 2004 Barcelona and 2007

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[20] See Katzenstein 1996.
[21] Newman 2010: 78.
[22] See Liotta/ Owen 2006.
[23] See Toje 2005.
[24] Ibid.
[25] See Quille 2004.

Madrid Report of the Human Security Study Group led by Mary Kaldor.[26] Moreover, it has been argued that the EU is 'doing' human security, yet without explicitly using the term in its official language and documents.[27] In this respect, the question arises as to which approach towards human security is being adopted by the EU either implicitly or explicitly.

A basic commitment to a broad definition of human security can be seen in Article 21 of the Treaty on European Union about the general provisions of the EU's external action. It lists among other objectives the strengthening of international security, the consolidation and support of democracy, the rule of law, human rights and the principles of international law. More specifically, the ESS set out what constitutes a threat to national and global security by listing five key threats: terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organized crime. It also reflects the changing security environment by recognizing the shift from a merely military conception of security to the inclusion of social, economic and environmental security threats.[28]

The Report on the Implementation of the ESS, issued in 2008 and aimed at reinforcing the previous security strategy, reflects the human security agenda more explicitly: "(…), the EU already contributes to a more secure world. We have worked to build human security, by reducing poverty and inequality, promoting good governance and human rights, assisting development, and addressing the root causes of conflict and insecurity." Concerning the EU's role in crisis management, it is moreover stated: "We need to continue mainstreaming human rights issues in all activities in this field, including ESDP missions, through a people-based approach coherent with the concept of human security."[29]

Based on the founding premise that the international order should be grounded in respect for human rights and fundamental freedoms, the EU advocates the institutionalization of international and multilateral cooperation instead of military alliances and balance of power tactics.[30] It thus aims at promoting human security through an 'effective multilateralism': "Everything the EU has done in the field of security has been linked to UN objectives."[31] Although the implementation report could be seen as a breakthrough of the institutionalization of human security within the EU, little attention was actually given to defining it as a core narrative.

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[26] In 2010 the first Report of the EU-Russia Human Security Study Group was published proposing a human security agenda for the EU's relations with Russia.
[27] Kaldor et al. 2007: 274.
[28] European Security Strategy 2003.
[29] Report on the Implementation of the European Security Strategy 2008.
[30] See Gropas 2006.
[31] Report on the Implementation of the European Security Strategy 2008.

The development component of human security has been further enshrined in the 2005 European Union Consensus on Development, wherein human security is mentioned as a goal of the EU's development policy.[32] Finally, the EU has been active in supporting the broad understanding of human security within the UN by promoting certain human security initiatives, such as the prohibition of landmines and the negotiations on cluster bombs.[33] The Madrid Report of the Human Security Study Group from 2007 "A European Way of Security" proposed a human security doctrine for the EU by recommending that the Lisbon Treaty should include a declaration of commitment to human security principles, that all E/CSDP missions should be placed under civilian leadership, and that human security principles should be included in all mission mandates and training programmes. It advises a commitment to six principles of operation in situations of insecurity.

- *The primacy for human rights*: Civilian and military initiatives should prioritize the protection of civilians over military victory and temporary suppression of violence.
- *The establishment of a legal political authority*: Any outside intervention must strive to create a legitimate political authority.
- *A bottom-up approach on the ground*: Intensive consultation with local people by involving civil society, women, young people.
- *Effective multilateralism*: A commitment to work in the framework of international law, alongside other international and regional agencies, individual state and non-state actors.
- *An integrated regional approach*: Regional dialogues and action in neighbouring countries should be systematically integrated into policies for crisis.
- *Clear and transparent strategic direction*: In case of an external intervention by the EU, it should be based on a clear legal authorization, transparent mandates and a coherent overall strategy. [34]

Although the concept and its operational implications were criticized by some EU member states, others – namely Finland – used its EU presidency in 2006 to commission the above-mentioned Madrid Report and continued to push bilaterally for a more explicit normative focus within the E/CSDP.

The European Commission has promoted human security even more explicitly. Former Commissioner for External Relations (RELEX) Benita Ferrero-Waldner has invoked the concept in several speeches, affirming her commitment to further push for the adoption of human security within the E/CSDP.[35] Thereby, the Commission's definition of human security differs from that of the UN in combining physical protection and material security,

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[32] Official Journal of the European Union 2006.
[33] See Bouchard/ Alcalde 2008.
[34] See Human Security Study Group 2007.
[35] See Ferrero-Waldner 2005; 2006.

while also locating it within the crisis management and conflict resolution policy framework.[36]

Despite these attempts to define human security and embed it within EU practice, the concept as defined in the Madrid Report, for example, did not materialize. More concretely, this means that important implications of the concept are reflected in fundamental EU documents. However, the EU remains reluctant to use the term 'human security' explicitly, particularly in the area of the CSDP.

With regard to the RtoP doctrine, the EU started to engage with this concept shortly after it had been designed by the ICISS. Referring to concepts of the EU as a normative power[37], it has been interpreted that the EU welcomed the RtoP doctrine because it initiated this norm in the first place.[38] The EU expressed its support in a statement issued by the EU Presidency in April 2005 by acknowledging that if a state is unable or unwilling to protect its own citizens in a situation of genocide, war crimes, crimes against humanity or gross human rights violations, the international community will have the responsibility to help protect these citizens. It furthermore underlined that only if diplomatic and humanitarian measures do not show any immediate effect, it lies within the authority of the UN Security to permit enforcement measures as a last resort. At the same time, the EU emphasized the importance of the prevention component of the RtoP.
A reference to RtoP appears for the first time in the Consensus on Development from November 2005. The 2008 Report on the Implementation of the ESS created an even closer link between the EU's interpretation of human security and the RtoP agenda. It states, "Sovereign governments must take responsibility for the consequences of their actions and hold a shared responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity".[39]

Arguably, the EU adopted the human security concept mainly as an instrument of external relations, in cases of humanitarian crises, human rights and development concerns, and refrained from applying it within its own borders. For the EU, RtoP can thus be seen as a normative precept for the implementation of a human security paradigm.[40]

Apart from the EU's rhetoric on human security and the responsibility to protect, it is also important to look at the development of EU capabilities in the area of crisis management. The developments in the approach to international intervention took place without much direct involvement by the EU, although the possibility of peace-keeping by EU forces has been

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[36] See Martin/ Owen 2010.
[37] See for example Manners 2002.
[38] See Dembinski/ Reinhold 2011.
[39] Council of the European Union 2008: 2.
[40] UNDP/ UNU-CRIS 2009.

discussed since the adoption of the Petersberg Tasks in 1992, partly influenced by the failure of the EU regarding the Yugoslav crisis in the early 1990s.

When looking at the field of crisis management in the light of the human security concept, it is not only about intervening where a ceasefire is concerned, but also integrates civilian aspects such as returning to good governance, an administration, and police structures, as well as ensuring economic development.[41] In line with the changes within the international system, the character of crisis management has altered and the overall importance of military force within the classic intervention paradigm has declined.[42]

In fact, the EU has combined the military and civilian components of crisis management with the possibility of military intervention in crisis management since the European Council in 1999, and the possibility of civilian missions in crisis management (police, justice, civil administration and civilian protection) since the European Council in Feira in 2000.[43] The concept of Civil-Military Coordination (CMCO) was recently reinforced by the establishment of the European External Action Service (EEAS) since the Lisbon Treaty, with the aim to enhance coordination between civilian and military actors at all stages of crisis management, particularly at the strategic planning phase. The concept of CMCO can be seen as the key component of what is mostly called a European comprehensive approach to crisis management.[44] As a new structure within the EEAS, the CMCO is incorporated by the Crisis Management Planning Directorate (CMPD). But the CMCO used in the framework of the CSDP can also be found in the services of the European Commission. Instruments belonging to the comprehensive approach to crisis management are the stability instrument, humanitarian aid, the community mechanism for civilian protection, programmes for reconstruction and development, as well as economic support measures. However, in order to efficiently address crisis scenarios as in Sudan since 2003 for example, EU military or civilian capabilities have been criticized for not yet being sufficient in terms of quantity.[45]

Another aspect of the EU's approach to crisis management is cooperation with other international actors along the lines of effective multilateralism as stated in the EES. While in terms of civilian crisis management the establishment of an institutionalized EU-UN cooperation may be perceived, their collaboration in military aspects remains a more sensitive issue.[46] An institutionalized EU-NATO coordination, based on the Berlin Plus

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[41] Wendling 2010: 14.
[42] Major/ Moelling 2010: 18.
[43] Wendling 2010: 26.
[44] Ibid.: 30
[45] Major/ Moelling 2010: 18.
[46] Wendling 2010: 33.

arrangements, is still often politically blocked, which prevents a comprehensive combination of the civilian EU components and the more developed military means by NATO within crisis management.
Finally, the development of the crisis management capabilities should again be linked to the EU's logic of security. The analysis has shown that the EU remains reluctant to use the term 'human security' explicitly within important documents regarding its external action. Moreover, the concept has not been adopted within the CSDP and can thus not be found in operational documents such as mission mandates. On the other hand, it can be concluded that the changing security paradigm has influenced the EU's security and defence policy, which is reflected in the attempt to bridge civilian and military capabilities.

The Libyan crisis as a first test case for the CSDP after Lisbon not only revealed a gap between the EU's rhetoric and its actual action but also an imbalance between the use of military and civilian crisis management. The following section will take a closer look at the EU's response to the Libyan crisis by starting with an analysis of the EU's discourse and by subsequently viewing it in relation to its concrete action.

3.   The EU's response to the Libyan crisis

3.1 The EU's discourse

Representing the common position of the EU member states, the High Representative of the EU for Foreign Affairs and Security Policy (HR) Catherine Ashton first reacted to the unfolding events in Libya on 20 February 2011. A declaration was issued stating that the EU "condemn[s] the repression against peaceful demonstrators and deplore[s] the violence and death of civilians." The EU moreover urged the Libyan "authorities (…) to immediately refrain from further use of violence (…)".[47] The EU thereby acknowledged that the Libyan regime under Gaddafi demonstrated a threat to the security of the people in Libya. Shortly after that, it also assumed its responsibility to act, but not without a request by the Libyan people. On 23 February 2011, President of the European Council Herman Van Rompuy stated that the EU "should not be patronizing, but should also not shy away from using its political and moral responsibility."[48] "While the decision on the future of Libya should be made by its citizens, the EU's (…) responsibility is to help."[49]

From the very beginning of the EU's reaction to the crisis in Libya, the HR emphasized the people-centred perspective as well as the primacy of human

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[47] Ashton 2011c.
[48] Van Rompuy 2011d.
[49] Ibid.

rights within EU crisis management. "(…) human rights is what I call the silver thread that runs through everything that we do in the External Action Service and it's at the core of our response to the developing situations in Libya and beyond."[50] In the same context she emphasized that "the crisis in Libya and the events that have unfolded in North Africa and the Middle East require a coordinated and comprehensive international response. The EU cannot act in isolation and as I have always said the international community is stronger and more effective if it works together."[51]
The responsibility to act as one actor but also together with other state and regional organizations was confirmed by Catherine Ashton when she stated that "we are working closely with our partners – the UN, NATO, USA, Turkey, the Arab League and many others with whom we are in constant contact. And we have our own responsibility."[52]

The European Commission took the discourse on the EU's responsibility one step further. Kristalina Georgieva[53] urged the EU to step up not only in the protection of its own citizens but also of the Libyan people. "The unleashing of violence in Libya has triggered a major humanitarian crisis at Europe's doorstep. Europe's values and interests command us to act decisively and this is what we are doing. Europe has mobilized itself not only to evacuate EU citizens in a coordinated and speedy manner, but also to address the dire needs of people suffering - whether refugees fleeing Libya or those trapped by conflict inside the country".[54]

With the unfolding of the Libyan conflict the discourse came closer to the RtoP doctrine as proposed in the 2005 World Summit Outcome. Ostensibly referring to the RtoP principles, Van Rompuy stated the following on 11 March 2011: "In order to protect the civilian population, Member States will examine all necessary options, provided that there is a demonstrable need, a clear legal basis and support from the region. We will work with the United Nations, the Arab League, the African Union and our international partners to respond to the crisis."[55] This reflects the interpretation of RtoP by the ICISS in 2001 and more specifically the principles of a 'just cause', the 'legal authority' and the 'right intention'.

After the vote on Resolution 1973 in the UNSC on 17 March 2011, van Rompuy and Ashton agreed that it "provides a clear legal basis for the members of the international community to provide protection to the civilian population. (…) The European Union is ready to implement this Resolution within its mandate and competences."[56] Catherine Ashton moreover

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[50] Ashton 2011a.
[51] Ibid.
[52] Ashton 2011f.
[53] Commissioner for International Cooperation, Humanitarian Aid and Crisis Response.
[54] European Commission 2011a.
[55] Van Rompuy 2011c. This was also stated in the declaration on the Extraordinary European Council meeting on 11 March 2011.
[56] Van Rompuy/Ashton 2011.

confirmed one day later that "Resolution 1973 means that the conditions that were set out (…) by the European Council are now fulfilled."[57] The EU's discourse was arguably influenced by the UN's interpretation of the RtoP doctrine, although not all EU member states supported the approach taken by the UNSC towards the Libyan crisis. Germany amongst others significantly abstained in the respective voting on Resolution 1973.

However, in its Conclusions of 24 March, the European Council "expressed its satisfaction after the adoption of UN Security Council Resolution 1973, which expressed the principle of the responsibility to protect, and underlined its determination to contribute to its implementation."[58] In this context Van Rompuy emphasized that "the European Council wants the safety of the Libyan people to be secure by all necessary means."[59] At the same time he affirmed that the "EU's main aim is the protection of the civilian population and support for the possibility for the Libyan people to realize their aspirations for a democratic society."[60] As this protection was no longer provided by the Gaddafi regime who – on the contrary – posed a threat to the Libyan people, the Council started urging Gaddafi to relinquish power.[61]

In July 2011, the Libya Contact Group[62] agreed to deal with the TNC as the "legitimate governing authority in Libya", a decision that has been backed by the European Union. During the Foreign Affairs Council meeting on 20 June 2011 the EU welcomed the "Road to Democratic Libya" presented by the TNC and expressed its readiness "to assist the TNC in developing its capacity to assume its responsibilities and uphold the rule of law".[63] Catherine Ashton thus referred the responsibility to protect the Libyan people back to its own authorities: "I call on the National Transitional Council and opposition forces to ensure the protection of civilians, to fully respect international human rights and humanitarian law and to act with responsibility in the interests of maintaining peace and stability throughout the country."[64] Thereby, the EU moved back to the first pillar of the RtoP doctrine according to which sovereigns have the responsibility to protect their own population. Coming closer to an end to the violent conflict in Libya as well as an end to Gaddafi's regime, Van Rompuy stated: "As we subscribed to the 'responsibility to protect', we should similarly subscribe to the 'responsibility to assist' Libya in building itself. We were, we are and we will be on your side in facing these tremendous challenges."[65]

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[57] Ashton 2011e.
[58] European Council 2011a.
[59] Van Rompuy 2011b.
[60] European Council 2011c.
[61] Ibid.
[62] The Libya contact group was set up in March 2011 with the participation of 21 countries as well as representatives from the UN, the EU, NATO, the Arab League, the Organization of the Islamic Conference and the Cooperation Council for the Arab Gulf States initially to guide the international intervention in Libya. It has been chaired by the State of Qatar and the UK.
[63] European Council 2011d.
[64] Ashton 2011d.
[65] Van Rompuy 2011a, referring to the Libyan people.

The analysis of the EU's discourse surrounding the unfolding crisis in Libya leads to the conclusion that the EU's logic at work is closely related to the human security concept. It reflects the changing security paradigm and a people-centred approach within the EU's crisis response. Moreover, the EU as a whole committed itself to the RtoP doctrine. It backed the approach taken by the UN in implementing Resolution 1973. According to the EU, three crucial principles of the RtoP doctrine – namely, the 'right authority', a 'just cause' and the 'right intention' – were given. It repeatedly affirmed its responsibility to react, to protect and to rebuild. The question of whether the EU's rhetoric was successfully translated into action and whether it was supported by its member states will be addressed in the following section.

3.2 EU crisis management in practice

In its discourse, the EU assumed its responsibility to react soon after the outbreak of the crisis in February 2011. However, it took almost a month following the initial outbreak of the crisis to convene an emergency meeting of European leaders in Brussels on 11 March 2011. During the Extraordinary Council meeting, member states agreed that Gaddafi had lost all his legitimacy and urged him to step down. The Council moreover welcomed the creation of the Transitional National Council (TNC) in Benghazi[66], which was initially considered as a political interlocutor.[67] On 22 May the EU opened a Liaison office in Benghazi in order to support "the nascent democratic Libya in border management, security reform, the economy, health, education and in building civil society."[68]

The European Commission reacted by putting into effect two of its disposable crisis management instruments: the civil protection mechanism, by which approximately 5,800 EU citizens have been brought back to their home countries, and humanitarian assistance, under which the Commission together with some member states had provided over €144.8 million for humanitarian aid and civil protection until 30 May.[69] Additionally, EU field experts in humanitarian aid and civil protection have been deployed inside Libya and on its borders with Tunisia, Egypt, Algeria and Chad.[70] Regarding the migrant influx from North Africa, the EU responded to Italy's formal request for support and launched Frontex Joint Operation Hermes 2011, mandated to assist Italian authorities in coping with ongoing and prospective migratory flows.[71]

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[66] The TNC moved from Benghazi to Tripoli in August 2011.
[67] European Council 2011b.
[68] See Vogel 2011.
[69] European Commission 2011.
[70] Ibid.
[71] FRONTEX News 2011.

The EU implemented the sanctions authorized by the United Nations Security Council (UNSC) and went even further. Council decision 2011/137/CFSP aimed at implementing UNSC resolution 1970 requesting an arms embargo and targeted sanctions. Council decision 2011/137/CFSP was amended according to UNSC resolution 1973 with the aim of implementing the no-fly zone and extending the asset freeze to additional persons as well as to the Libyan National Oil Cooperation and five of its subsidiaries. These restrictive measures had been extended further on 12 April and on 7 June 2011.

On 1 April the European Council issued the decision to set up a military mission, called EUFOR Libya. Tied to a request made by the UN Office for the Coordination of Humanitarian Affairs (OCHA), EUFOR Libya would be deployed with the aim of contributing to the safe movement and evacuation of displaced persons and of supporting the delivery of humanitarian aid.[72] In April 2011 the EU decided to offer EUFOR Libya in support of the UN's efforts in its humanitarian work. Although "human security has been the primary motive for setting up EUFOR Libya, it was legally created very quickly and thus not very concretely defined".[73] In response to the offer made by the EU, UN humanitarian chief Valerie Amos expressed concerns about the "blurred lines" between military and humanitarian action and said that EUFOR Libya was considered a measure of last resort.[74]

A Concept of Operations (CONOPS) for EUFOR Libya was developed during an extraordinary meeting of the EU Military Committee on 11 April, but the Foreign Affairs Council on 12 April approved neither the CONOPS nor an Operation Plan for a potential EUFOR mission, since Sweden was opposed to making such a decision during the Council meeting. Significantly, Sweden was the framework nation of one of the two Battlegroups on stand-by, whose deployment was considered in the context of Libya.[75] As part of the Nordic Battlegroup Finland also expressed concerns about the deployment of ground troops. Finnish Foreign Minister Alexander Stubb warned of getting into a "stalemate" leading to "more of a Kosovo situation (…)".[76] The EU's response in setting up EUFOR Libya was not supported by all member states, nor did it seem to fulfil the UN's needs and thus appeared to be rather a symbolic gesture.[77]

Following the UNSC decision on Resolution 1973, the Foreign Affairs Council stated its determination to support the implementation of the actions taken by the UNSC necessary to protect the civilian population in Libya. The actual action taken on the EU level was nevertheless limited to the

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[72] Official Journal of the European Union 2011b.
[73] Interview with a Finnish civil servant, 8 July 2011.
[74] EuBusiness 2011.
[75] See Bloching 2011.
[76] See Marsden 2011.
[77] See Koenig 2011.

implementation of sanctions and the provision of humanitarian aid. The EU's handling of the Libyan crisis has thus attracted a lot of criticism concerning its passivity and also regarding its indecision.[78]

The fact that there was disagreement concerning the practical implementation of RtoP with military means cannot only be seen in the disagreement about setting up EUFOR Libya but moreover in Germany's abstention from the UNSC voting on Resolution 1973 and its reluctance to support the military intervention in Libya. Although the EU officially fully supported the RtoP approach taken by the UN and aimed implicitly at ensuring the protection of civilians throughout its crisis response, disagreement among the member states on the actual implementation of RtoP revealed different interpretations. Heads of state and governments eventually agreed on the need for Gaddafi to cede power, but the EU member states remained at odds with each other on how best to respond to the crisis. Significantly, the three biggest EU member states – France, Britain and Germany – openly opposed each other in the UNSC voting on the no-fly zone over Libya. On the one hand, the differing European responses to the Libyan crisis reveal once more the difficulties the EU faces in having one common foreign and security policy. On the other hand, the apparent weakness in the EU's crisis response has been linked to the lack of leadership, with the HR being pulled in different directions by national leaders, as well as with the still premature institutional set-up of the EEAS.

Multilateral cooperation in the framework of the Libya Contact Group also revealed its limits. Significantly, the African Union (AU) – an important regional player in solving the Libyan conflict – attended the meeting merely as an invitee. Opposing the approaches of the EU and NATO, the AU was against the establishment of a no-fly zone and in favour of a political solution, which would have included Gaddafi. Accordingly, the AU also rejected the ICC's arrest warrant for Gaddafi.

The analysis of the EU's actual crisis response reveals the imbalance between military and civilian crisis management and moreover the lack of an integrated civil-military approach. While the EU was successful in the area of civilian crisis management, a response using its military capabilities remained virtually non-existent. Not only did the EU's proposal to deploy a military CSDP mission in Libya seem ill-designed, it was also opposed by some EU member states, such as Finland and Sweden.

When comparing the EU's rhetoric to the practical implementation of its crisis response, a gap between discourses and actions appears. Different logics of security seem to be at work among the EU member states, particularly concerning the notion of responsibility, contradicting the stated approach of EU representatives such as Catherine Ashton and Herman Van

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[78] See Brattberg 2011.

Rompuy. The EU openly supported a people-centred approach in its crisis response and backed the UN's application of the RtoP doctrine. But it remained unable to translate its logic of security into action due to disagreement and a lack of support among the EU member states.

4. Conclusion

The EU's response towards the Libyan crisis in 2011 can be seen as one indicator of the current logic of security at work in its words and deeds. Linking the empirical evidence with the general relevance of the human security concept and of the RtoP doctrine for the EU, three conclusions can be drawn:

1. First, the protection of civilians has been declared as being the main aim in the EU's response to the crisis in Libya. The EU's discourse thus reflects the changing security paradigm from a state-centric towards a people-centred approach to security. Talking to EU officials in Brussels, there seemed to be agreement on the fact that human security is and has been the primary motive for the EU's crisis response to Libya. The EU thus adopts human security as a perspective in its security policies. However, a common understanding of how the concept of human security is defined and what it implies in strategic, operational and organizational terms is still absent. This is also the main reason for the EU's continued reluctance to explicitly use the term 'human security' in its CSDP guidelines and decisions.

2. Second, when linked to RtoP, the EU refers to a narrow definition of human security, meaning the protection of civilians from physical threats. The EU uses the responsibility to protect as a framework for the implementation of a human security paradigm. In line with Newman's definition of human security as a normative concept, the EU acted according to its normative understanding of human security – this being the re-orientation of security around the individual – but was constrained in its possibility to react by the intergovernmental set-up of the CSDP.

3. Third, for the EU, ensuring human security in terms of protecting civilians seems to be possible only with civilian means. In its actual crisis response, the EU has certainly been successful not only in protecting EU citizens as well as third-country nationals living in the conflict zone, but also in the delivery of humanitarian aid and the implementation of restrictive measures against the Libyan regime. The EU would also have had the physical capabilities to contribute to the military intervention against the Gaddafi regime, but was blocked by diverging interests among its member states.

The EU has constantly tried to increase its military power by merging military and civilian means into a Common Security and Defence Policy. But it has mostly failed to implement military methods and concentrated more on humanitarian crises and natural disasters. The Libyan crisis has shown once more that the EU's response has mainly focused on 'soft' security actions, such as civil protection and humanitarian assistance. Consequently, the EU still faces a gap between its expectations and needs and the instruments available.

As the EU's handling of the 'Arab Spring' was generally criticized, the call for an overhaul of the EU's Mediterranean policies became louder. Accordingly, in March 2011 the extraordinary European Council endorsed a new Partnership concept for the Mediterranean, namely building on the support of democratic transition processes and institution-building and based on the 'more-for-more' principle. In the same context, the EU presented a review of the European Neighbourhood Policy (ENP) in May 2011. However, the ENP review offers few operationally meaningful terms concerning the democracy promotion aims and thus reaffirms the fact that the EU is reactive to events in the neighbourhood rather than setting their direction.[79]

This analysis has shown that the EU has adopted the changing security paradigm and the human security perspective within the framework of RtoP. The adoption of a clear human security strategy based on the principles proposed in the 2007 Madrid Report by the Human Security Study Group could help in establishing a more general strategic direction by mainstreaming the protection of civilians within the EU's response to a crisis such as the one in Libya in 2011. Focusing on its strengths – namely humanitarian assistance and civil protection – and rethinking its 'grand strategy' of human security could potentially narrow the gap between expectations and capabilities. However, such a strategy will only be reflected in actual practice if EU member states share the same logic of security.

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[79] See Emerson 2011; Raik 2011.

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