



A Role to Play for Interest Groups in EU Foreign and Security Policy: The Case of Migration Focused EU - Libya Policies

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A Role to Play for Interest Groups in EU Foreign and Security Policy: The Case of Migration Focused EU - Libya Policies

Policy Brief

by Erman Atak

Executive Summary

Following the fall of Gaddafi, Libya has fallen apart, and this vast and resource-rich country with around 1,800 km coastline to the southern side of the central Mediterranean has become a failed state. The crisis stemming from Libya has significant impact on the EU: Not only for irregular migration but also due to its security, economic and geopolitical importance to EU. Despite this multifaceted significance, EU Libya policies have been focusing on the migration dimension of the crisis and making use of non-functioning Common Security and Defence Policy (CSDP) missions as the primary policy tool. That is why the EU missed the opportunity to solve the crisis from an early age and has been sidelined with the escalating conflict. In the absence of EU, rival international actors took over the Libya dossier and started to shape the developments per their interests. If the EU does not take lessons from previous mistakes, it will soon lose its influence over Libya, which might turn out to be quite detrimental for its interests. As this is a multifaceted and multi-dimensional web of relations, the policy paper at hand focuses explicitly on the “migration” dimension and makes inferences based on this narrower scope.

Interest Groups (IGs) are prominent actors in the migration dimension of the Libya crisis. This policy paper depicts that there are at least 738 IGs concerned with European or global level migration & asylum policies, and they have had hundreds of interactions with members of the EU Commission and Parliament. IGs have been spending money, energy and other resources to influence the EU policies in this field. However, up to now, just like EU Libya policies, their efforts on migration-related problems stemming from Libya has failed. Following a comprehensive description of the current status of migration dimension of EU Libya policies together with the role of various IGs, this policy brief examines the causes of (in)effectiveness of IGs' efforts in influencing EU policies. It argues that public salience, internal security concerns of the member states and highly politicised nature of the migration issue makes it difficult for IGs to be influence. Irregular migration is not a matter on its own; it is a consequence of a causal link. In solving the issue, the EU needs a multifaceted approach, which considers IGs an integral partner and utilises IGs soft power, knowledge and expertise to increase the EU's leverage.

The policy paper at hand recommends EU and IGs to develop a partnership model which requires coordination and assistance in Libya matters, without damaging the neutral interlocutor position of the IGs. This new model foresees IG support in handling IDPs, refugees/irregular migrants, training and monitoring of the Libyan officials, or in reporting about the humanitarian aspects. Requires EU to utilise IGs in addressing the sources of grievances between local ethnic, tribal and religious groups, or facilitating the truth-seeking ventures and repairing the relations between rival groups. IGs can support EU policies by providing mentorship to sovereign economic, financial, auditing institutions or malfunctioning judiciary, public health or education institutions. EU should benefit from IGs in the prevention of radicalisation/extremism, as well.

For the sake of preventing the emergence of several and conflicting member state Libya policies, EU supranational bodies should lead to the process vis á vis overall EU interests. To save IGs from the complex power-sharing structure, European External Action Service should undertake the one single coordinator role with IGs. EU officials should encourage or –if need be– stipulate Libyan authorities to cooperate with IGs in their operations for Libya. EU may consider using military CSDP operations or EU battlegroup to protect the peace process from spoilers or destructive foreign meddling or defend the governing institutions from the impact of various militia groups and enforce the arms embargo. EU should also activate a competent

sanctions policy against the spoilers of the process. Another crucial task for the EU will be the construction of a unified and reliable security apparatus. IGs can build the support that the EU requires on the ground. EU requirements overlap with IGs interests; they both need to construct a thriving society, inclusive politics, and good governance, which will make Libya a hard-to-find neighbour/ally to the EU.

1. Introduction

The crisis in Libya is still unfolding. Since the fall of Moammar Gadhafi in 2011, Libya failed to make the transition to lasting peace and stability. Internal conflicts and destructive external interferences wiped out a ruling government authority over vast Libyan territory and coastline. Libya, once a final destination, now became a transit country for thousands of irregular migrants and asylum seekers, coming from Africa, the Middle East and Central Asia aspiring to reach Europe. From the EU perspective, among other contemporary conflicts/crises, Libya has a special significance. Owing to its geographical proximity and political, economic, military or security links to the EU, developments in Libya impact Europe. The country is home to the most commonly used migration routes and embarkation points for EU-aspiring irregular migration flows. Rich hydrocarbon or solar reserves of such a near neighbour have the potential to alleviate European from dependency on Russian reserves. Libya's 1.8 million km² land is a buffer to a space stretching between sub-Saharan Africa, Sahel and Europe. Its more than 1700 km coastline on the southern side of the Mediterranean is a part of the rising geostrategic competition and power politics in the region. When left to the influence of rival international actors, Libya's sea/airports might be used to project force or extend rival Anti-Access/Area Denial (A2/AD¹) coverage over Europe, which constitutes a significant contemporary security threat. Therefore, having a democratic, economically stable and friendly government in Libya is consequential for the EU.

However, EU policymakers, mostly, look at this multi-dimensional crisis from unilateral migration blinkers, which results in unfit policies. As a consequence of these ineffective policies, the EU has lost its leverage to influence the developments in Libya. Russia and Turkey have filled that gap and started to exploit the crisis in Libya per their national interests. If the EU does not take lessons from its previous mistakes, it will soon lose influence over Libya, which might turn out to be quite detrimental for EU interests. Although there is a multifaceted and multi-dimensional web of relations that play a role, the policy paper at hand focuses explicitly on the "migration" dimension and makes inferences based on this narrower scope. It is true that "migration" per se is not much noteworthy for ending the crisis itself. However, it is an issue that has become a source of dissent, contention and competition among different member states and IGs. Discussions around irregular migration, stemming from Libya, has been threatening the solidarity and damaging the reputation of the EU, particularly since 2015.²

The migration aspect of the crisis is highly politicised and attracts quite many Interest Groups (IGs).³ IGs have been investing much resource to influence EU policies in this field. Many professional consultancy and law firms, companies & groups, trade unions, business associations, non-governmental organisations/platforms/networks, think tanks, research/academic institutions, and organisations representing religious communities, local, regional, municipal authorities are lobbying to influence EU Libya policies by their area of interests.⁴ However, up to now, just like EU Libya policies, the efforts of IGs—a potent and dynamic soft power tool that EU's opponents don't have—to solve the migration-related problems stemming from Libya has failed. It is a pity that despite all the spent EU and IG resources, the problem is still there. The literature argues that public sector needs IGs when they are not able to produce the necessary resources themselves⁵. In the current settings, the EU's capabilities to influence the developments in Libya are quite limited and in need of resources that IGs can mobilise. The resources that IGs can deliver are not limited to financial; those can include conveying legitimacy, triggering public support and providing information, knowledge or expertise, as well. VII. These groups have vital know-how, strong local connections and sometimes direct presence on the field where EU officials do not possess. Redesigning the efforts of both actors in a joint approach can trigger a breakthrough. This policy paper intends to analyse⁶ the migration dimension of EU Libya policies together with the role of various IGs and provide policy recommendations to solve the crisis in a comprehensive approach.

2. What the EU did regarding the crisis in Libya

Over the years, the Common Security and Defence Policy (CSDP) missions have been the primary tool leveraged by the EU to address the migration crisis.⁷ As an integral part of Common Foreign and Security Policy, CSDP defines the EU political and military structures, operations and missions abroad. In the Libya case, the EU has drawn on civilian or military CSDP operations as crisis management and foreign policy tools. ‘Operation Sophia’, ‘Operation Irini’ and ‘EU Border Assistance Mission in Libya (EUBAM)’ have been the three CSDP missions employed by EU, up to now. EUBAM is the first CSDP mission to tackle the migration crisis stemming from Libya. Unlike the other two military CSDP missions, EUBAM is a civilian border assistance mission. Reflecting the EU’s sensitivity against migration, it aims to increase border protection capabilities at Libya’s land, sea and air borders.

The number of migrants stemming from Libya peaked in 2015. This was, at the same time, the deadliest year for migrants/refugees with 2892 estimated death⁸ in the Central Mediterranean. With the insistence of the new EU foreign policy chief, Federica Mogherini, a military CSDP operation, EUNAVFOR-Med’ Operation Sophia’ was launched in May 2015. The Council Decision described the task of the operation as: *“contributing to the disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean (EUNAVFOR MED), achieved by undertaking systematic efforts to identify, capture and dispose of vessels and assets used or suspected of being used by smugglers or traffickers”*⁹ The success of this mission was dependent on being able to conduct operations inside Libyan territorial waters and Libyan territory, where human smugglers¹⁰ were active. Operating in Libyan territory was contingent on the consent of either Libyan authorities or UN Security Council (UNSC). Pursuant to consultations with both sides, key EU decision-makers concluded neither Libyan authorities nor the UNSC would give the necessary consent^{11,12}.

Still, the EU insisted on initiating a CSDP mission. Following the first year of the operation, it was evident that only by operating at the high seas, Operation Sophia would not be able to achieve its task of disrupting the business model of the migrant smugglers. Supportive to this conclusion, the official’ six-monthly reports’ of Sophia Operational Headquarters showed even though some of the smugglers were arrested, and their vessels were destroyed, migrant smugglers adapted to changing conditions and maintained their business. According to these reports, Operation Sophia’s actions forced the smugglers to make use of less sea-worthy rubber boats (dinghies) and leaving the control of the dinghies to the migrants in the boats for the sake of saving their men from getting arrested¹³; which entails a more dangerous journey for the migrants. According to data from UN agencies,¹⁴ a significant amount of people still set off on this dangerous journey. Despite these facts, instead of terminating the mission, the EU insisted on keeping this military mission up by amending its mandate, until being changed with another military CSDP mission in 2020.

Similarly, in the first months of his term, to address the widening crisis in Libya, the successor of Mogherini, Joseph Borrell, resorted to another military CSDP mission. The primary task of the Operation Irini, which was established in March 2020¹⁵ (Council 2020), is enforcement of the Libya arms embargo. Disruption of the business model of human smuggling and trafficking has been added as a secondary task. Comparable to its predecessor, it seems impossible for Irini to achieve its tasks. Many EU member states refrain from participating in the mission, due to their migration-related concerns. Currently, Irini operates with only one ship¹⁶ which is given by the host nation, Italy. On the other hand, arms still pour into Libya not only from the Mediterranean but also from air and land routes, especially for the eastern Libya factions. Thus, Operation Irini is discerned as a biased mission against western Libya factions, which weakens the EU’s stance as an impartial reliable actor. Further, it hurts the EU’s cohesion on Libya matters; Therefore, Irini can be argued to be far from both enforcing UN arms embargo and disrupting the business model of the migrant smugglers.

Despite its multifaceted nature, the EU foreign policymakers have focused on stemming the migration, insisted on CSDPs, and refrained from assuming a considerable responsibility to build peace and stability in Libya. EU policies, which contributed to the deterioration of the crisis with the possibility of turning into a regional crisis, have not been capable of solving the problem of migration.

3. Interest Group interactions with EU officials

According to the EU Transparency Register, there are 738 IGs concerned with European or global level migration & asylum policies. As Libya related migration is a foreign policy topic, IGs with a regional or local level migration interest are not included in this number. As seen on the Chart-1, the biggest group interested in EU migration policies is NGOs, followed by think tanks, companies and trade associations in order. IG activities at the member state capitals are not a part of this study. Member state governments and parliaments exercise different approaches in the registration of their interactions with IGs and collection of all that data requires independent research.

Chart 1: Groups with an Interest in Migration

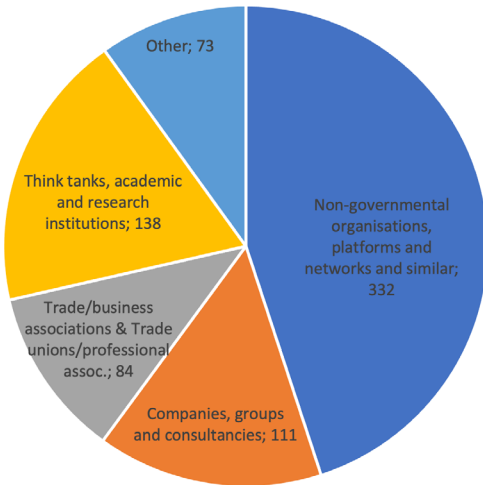
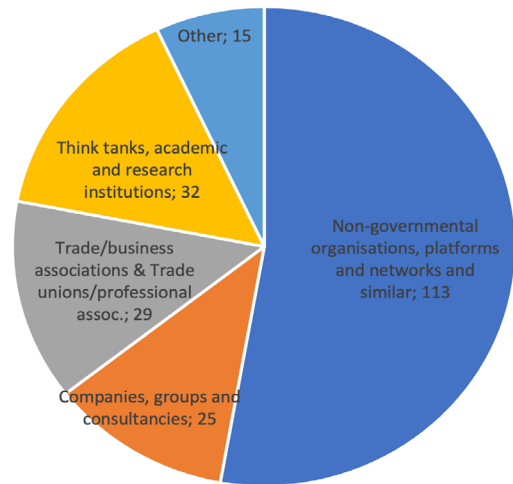


Chart 2: Commission - Interest Representatives Meetings



The number of meetings between IG representatives and EU officials is another important indicator of the role of lobby groups in EU migration-related policymaking. IGs had 140¹⁷ meetings with Commissioners, cabinet members or director-generals (DGs) of Junker Commission (2014-2019). Since the Von der Leyen Commission took over the office in 2019, already there have been 74 meetings¹⁸. Distribution of these meetings among IGs is seen on the Chart-2. The data of the EU Transparency Register (TR) goes downward till 2014 and contains almost 12,000 registered IGs. There are, however, some limitations of this register: It involves the meetings only with Commissioners, their cabinet members and DGs, the rest of the interactions between IG and EU officials are not registered. Additionally, registration to TR is not mandatory and informal meetings outside EU institutions are not covered. Nevertheless, TR is reliable and the most comprehensive data resource on the activities of EU IGs.

Interviewed EU officials fall into both groups those who are obliged and not obliged to register their meetings with IGs. According to EU officials, their meetings with IGs is essential for doing their work in a better way.

“As a political organisation, we want to understand their arguments, gain a better situational awareness and prepare response accordingly. Additionally, to assess our policies, we need their constructive proposals.” (Interview 13) “Their positions are reflected in our background information. We take into account what those other actors say to shape the environment and also to learn who are active in the environment that we will conduct an operation. We also use their input to have a better situational awareness and to be able to address the issues related to the operation. (Interview 14)

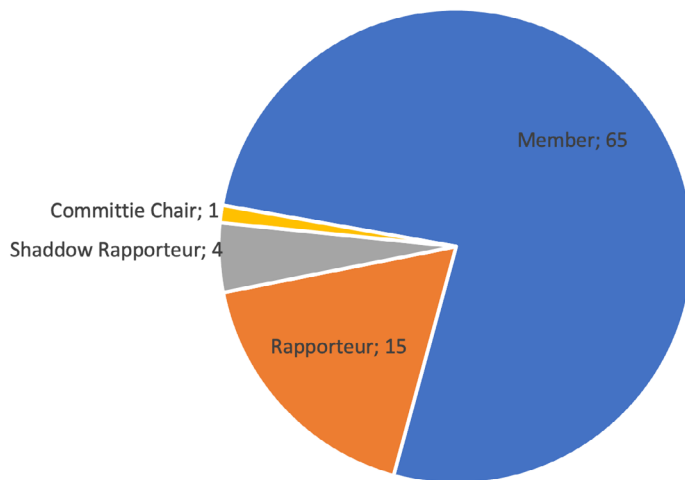
Another indicator is IG meetings with Members of the European Parliament (MEPs). While Rapporteurs, Shadow Rapporteurs and Committee Chairs are obliged to publish their meetings with interests’ representatives, other MEPs do that only voluntarily. EU project Integrity Watch¹⁹ has been extracting the IG meetings data from the website of the European Parliament. According to the data extracted by Integrity Watch, since 2019, IG representatives met with MEPs at least 85 times to discuss EU migration policies (see Chart-3). Un-

fortunately, members of the Council of the EU are not obliged to publish their meetings with IG representatives, and there is no standard registry to record their interactions with IGs.

In addition to official or unofficial in-person, online or phone meetings, IGs communicate their positions to EU officials through publications, media campaigns, direct or open letters and activities. The answers of the IG representatives to the interview questions underpin the intensity of their efforts in lobbying EU officials to influence the migration dimension of EU Libya policy:

“We are also in coordination with EEAS...With the cabinet of Mogherini we interact a lot on Libya” (Interview 19) “We take those observations, findings and recommendations to Brussels to convince them to do things differently...via our classic sort of public communications methods: press releases, op-eds, policy papers and reports, also direct meetings with commission.” (Interview 18) “We have a regular dialogue with the European External Action Service on the CSDP operations.” (Interview 8)

Chart-3: MEP Interest Representatives Meetings



According to data at hand, it is evident that IGs registered to EU TR have no difficulty to access EU policy-makers to lobby their migration and Libya related positions to EU officials. This, however, brings us to the question of influence: To what extent IGs influenced the migration dimension of EU Libya policymaking? This policy paper predicates its assessments upon the perceptions of IG representatives on their influence.

4. Influence: The perception of interest groups representatives

Interviews with IGs reveal that migration dimension of the Libya crisis concerns the IGs from different perspectives. In general, NGOs focus on humanitarian, militarisation and externalisation of borders point of view; shipping industry focuses on getting over the impacts of irregular migration on their commercial operations, think tanks wapproach the subject from EU cohesion point of view; companies and consultancies are reluctant to share their interests. EU CSDP Operation Sophia is seen as an integral part of interactions between EU officials and IGs. “Operation Sophia cannot really be disentangled from the Libyan discussion. Most of the organisation were linking Operation Sophia with the realities from the ground in Libya and the work we could do to support and evacuate migrants and so forth.” (Interview 23) Representatives from humanitarian NGOs and shipping industry are the two most outspoken groups of interest about migration matters.

Together with peaking number of drowned migrants in the Mediterranean, these groups increased their efforts to influence EU policies. “The tragedy of two shipwrecks killed over a thousand people in April 2015 was a moment when the setting up of the operation might have to some extend demonstrated that governments were hearing to the message that they were received from civil society.” (Interview 12) As seen in this state-

ment, some NGO representatives perceive the establishment of a military CSDP - Operation Sophia linked to their efforts for urging the EU to do something to prevent migrants from drowning in the Mediterranean. A similar perception goes for the representatives of the shipping industry, as well. *"We know that our position is reflected during the decision-making discussions by several member States."* (Interview 22) *"We were calling for governments to fulfil their search and rescue obligations under international law. We were not asking specifically for a military operation, but so the idea for the military operation came from within Europe"* (Interview 20) Think tank representatives consider themselves influential as well. They are, however, cautious about asserting that the EU takes decisions as a result of their lobbying efforts. *"It is always a lot of different things coming together... it is very difficult to say how your idea has ultimately come out in a policy mix. It is like if you make a soup, right, and you put it in many ingredients into the soup, but when the soup goes into the mixer, the ingredients all become merged."* (Interview 8)

For the NGOs, another important point of attention was the training of the Libyan Coastguards (LCG). NGOs were complaining about the EU training support to LCG, because of the human rights violations of the latter against the refugees/migrants. The main argument of the NGOs was that the EU should ensure the humanitarian conduct of the parties that receive funding and training from the EU. The mandate of the operation was amended, in June 2016, and inter-alia "Capacity building and training of Libyan Coast Guard and Navy" was added to Operation Sophia mandate. In the period following this amendment, operational capabilities and area of responsibility of the LCG at sea grew. Accordingly, the number of refugees/migrants intercepted and returned to Libya considerably increased. Human rights violations of LCG, however, were a significant problem. NGOs lobbied EU authorities to urge them for not collaborating with LCG in their human rights violations. Interviewed NGO representatives believe that as a result of their lobby efforts, the EU decided to amend Operation Sophia's mandate.

"When monitoring of the LCG was included in the mandate, it reflected the recommendations in that direction we had shared with decision-makers at different levels. And with us many other NGOs. (Interview 12) "We were involved with EU officials with EU Commission, EEAS, as well as with a number Home Affairs teams/advisors of EU MSs in Brussels, as well as their migration people in the capitals. Within the EU Commission, our main interlocutors were DG Home and EEAS. Most of the discussions either hosted by EEAS or took place around the teams from EEAS." (Interview 24) *"Together with other NGOs we were lobbying for monitoring the inhumanitarian conduct of LCG"* (Interview 19) *"And, we were following up on the activities and behavioural conduct of LCG members, who have undergone the training... (on monitoring subject) I recall meetings with Commission officials including representatives from EEAS."* (Interview 18)

One year after the inclusion of training of LCG Sophia's mandate, in July 2017, Council of the EU decided to add a supporting task to monitor the capacity building and training of LCG to be established in close coordination with other relevant stakeholders²⁰. Based on this Council Decision, in October 2017, Operation Sophia began to monitor LCG through collecting information from LCG operations room, remotely monitoring, go-pro camera systems and periodic meetings²¹(EUNAVFOR-Med 2016). This was a significant change in the position of the EU. Just one year after her decision of capacity building and training of LCG, EU was required to amend its decision and incorporated the monitoring of the conducts of the LCG. NGOs were, however, not completely satisfied with the implementation of the monitoring of LCG. They think that monitoring of LCG ultimately turned in to another eyeservice, rather than an actual mechanism to prevent wrongdoings of LCG.

"This does not mean that we are satisfied with how the monitoring has been conducted" (Interview 12) *"It is certainly our view that while they instituted some kind of monitoring, it seems to be focused on activities/metrics, as opposed to monitoring the conduct. We were pushing for an independent monitoring mechanism."* (Interview 18) *"They have no presence on the ground, so they cannot monitor anything. So that is the pressure that we were putting."* (Interview 19)

The lack of humanitarian perspective and insufficient SAR capacity in EU migration policy was always a lobbying subject for IGs. Eventually, when the CSDP operations set out without naval assets as of March 2019, owing to the disagreements among EU member states over disembarkation of saved migrants, the (semi) ap-

proval of all IGs turned into a disappointment. One year later, in March 2020, Operation Sophia was entirely abolished. Interviewed NGO and shipping industry representatives state that they lobbied a lot to change the EU decision and bring the ships back on the sea.

“We have criticised the decision to remove vessels from Sophia.” (Interview 12) “If the mission is to continue, it should continue with the vessels back on the water. We lamented the decision that was forced by Italy to remove the naval assets.” (Interview 18) “(Since the suspension of ships) We ask for the deployments of Naval assets, we think that is crucial.” (Interview 22)

IGs did not succeed to have naval assets back to the off the coast of Libya again. Operation Irini replaced Sophia from March 2020 onwards. However, the dominant anti-migration sentiment does not change. For the sake of preventing the Operation Irini vessels from participating in SAR missions, its area of operation was drawn to a location in the central Mediterranean, away from potential migration routes and SAR incidents. NGOs have defined the EU’s involvement in capacity building of the LCG as the externalisation of EU migration policy and criticise migrants being pulled back to unsafe Libya. *“We have criticised the Sophia, including the Cooperation with Libyan Coastguard to its mandate, as an instrument to externalising the border control to the Libyans.”* (Interview 12) Similarly, IGs have been criticising the denial of NGO boats from member state ports. NGOs have been lobbying for the allocation of a disembarkation location to the NGO SAR boats at one of the nearest EU member states. *“Because we believe that the current focus leads to criminalising NGOs. Recently, NGO boats rescuing migrants are denied from ports and criminalised in their SAR work.”* (Interview 4)

Overall, the self-perception of the IGs regarding their success in lobbying is fluctuating. While the government ships were on sea IGs perceive themselves, to some extent, successful. However, since the ships have been taken away from the sea, the perception has changed to a total failure. Interviewees agree that despite their top gear, they are not able to change EU migration policies.

“Sophia is doing the opposite of what we would like it to do.” (Interview 12) “Overall, we have all failed to shape EU migration policies more humanely.” (Interview 19) “I wish I could be more optimistic about making it sound like; we made a huge difference but, no... No, we did not have the impact we wanted to have” (Interview 18) “No (our lobbying was not successful), they decided to discontinue the operation. And they attack the NGOs that were providing SAR. So absolutely not.” (Interview 3) “Unfortunately not.” (Interview 5) “But I cannot say that it impacted the EU decisions made.” (Interview 4)

5. Analyses of the current impact of IGs on EU migration/Libya policy

It appears that the influence of IGs in the migration dimension of EU-Libya policies remains quite limited. Member states consider the migration subject closely related to their security, and thus they are unwilling to leave the decision in this topic to supranational EU bodies. Most of the time, the decisions on migration policies are cooked in member state capitals. The intensity of lobby efforts over EU supranational institutions does have minimal influence over the decisions of individual capitals: As in the example of Hungary, member states bring their priorities forward in security-related topics. Hungarian decision-makers, which usually have little sway in EU policies, have not changed their hard-line anti-migration stance despite intense pressure from EU institutions and other member states.

Discussions around the migration stemming from Libya is highly politicised. Therefore, migration-related decisions have a direct impact on the level of public support and voting rates of national politicians. As argued by Dur, public salience of an issue impacts the level of IGs influence.²² Since the public is highly attentive to migration, policymakers prefer to act by the popular political climate, rather than listening to the recommendations of IGs. The prevailing political climate may be quite volatile. Terror attacks in EU cities, unemployment rates or economic recession may cause dramatic changes in the public opinion towards migration. As has happened in Italy; the country that was once a coordinator of naval ships in the Mediterranean adopted a precisely opposite position on EU migration policy afterwards. Exploiting the general dissatisfaction of Italians from EU migration policies, a far-right sentiment, under the leadership of Italian politician Matteo

Salvini —served as Deputy Prime Minister and Interior Minister from 1 June 2018 to 5 September 2019— has dominated the Italian government. Even though Salvini has left the office and government has reshuffled, due to the public salience of migration, subsequent Italian politicians have not dared to change to a more migration friendly policy. The popular political climate is expansionary. Many other member states experience a rise in similar anti-migration sentiments among their voters. Thus, despite intense efforts of the IGs, they refrain from more tolerant migration strategies.

When the member states have different opinions, it is challenging for EU institutions to reach an agreement and make a decision. One should not overemphasise the importance of the meetings between IGs and EU officials in achieving impact because most essential decisions are taken at the political level. At the political level, influencing public opinion, building frames and narratives may produce more impact. On the other hand, changing the overall dynamics of EU foreign and security policy is not in the hands of EU officials. EU officials emphasise that in interviews: *“(Our meetings with IGs) has not changed any decisions. Because they are targeting the wrong audience: Decisions are taken by the member states.”* (Interview 13) However, it should be noted that IGs and their interlocutors inside EU institutions are not powerless on decision-making regarding the migration and military operation. The role played by NGOs in the process of incorporating the monitoring of LCG to the mandate of Operation Sophia is an example of their impact on EU decisions. EU is not present in Libya, but NGOs are, or business groups have connections inside the country. These groups follow the developments and internal dynamics of the country through their people on the field. Thus, they have valuable first-hand knowledge. They use this knowledge for lobbying and influencing EU policies according to their interests. Based on the data collected from these NGO, business or other stakeholder representatives, EU officials prepare mission reports, policy proposals, strategic reviews, course of actions and decision proposals. *“We hear what they say to understand the environment fully. We use that information in our strategic reviews. Strategic reviews are precise and accurate understanding of the operational environment. We listen to them, be aware of their concerns and prepare our proposals to member states. All we do is to define and ensure that everybody understands what is happening. Following the expressed concerns and to set the scene for decision-makers.”* (Interview 14) That is to say that, the perception of pure intergovernmentalism in decisions regarding the EU foreign policy does not reflect the whole truth.

6. Why CSDP?

Remarkably, CSDP missions have been chosen as a primary tool to address the migration dimension of Libya Crisis. There are many reasons for that. First of all, they exist to demonstrate the EU's cohesion and cooperation. Without considering its ability to achieve designated tasks, CSPDs are used as a stage to showcase the harmony among EU member states. Additionally, launching a military CSDP for a matter indicative of the level of importance that the EU attaches to that specific matter. When the numbers of drowned migrants increase, a military CSDP shows that the EU attributes so much importance that set the EU soldiers to motion to stop the human sufferings in the Mediterranean.

At the same time, EU policymakers are very much concerned about the rising anti-migration sentiment. Thus, their decisions must satisfy the public expectations, commonly foreseeing their leaders hold their borders fortified. A military operation on the EU maritime borders aims to address such kind of expectations as well. Thereby, a CSDP satisfies both anti and pro-migration sentiment in the EU.

In this context, CSDPs were balanced migration policies for the crisis in Libya. In this balance, IGs, willing to have government SAR ships on the Mediterranean, consented to the naval ships deployed to fight against migrant smugglers. IGs were aware of the fact that the EU did not initiate this operation for saving people from distress boats, however, were supportive of this policy. *“Even though SAR is not the primary mandate of the mission, it did save tens of thousands of lives... We support the continuation of Sophia in the forms of greater SAR capacity.”* (Interview 18) The main reason for IG support was the presence of naval assets on the sea, which will oblige government ships to conduct SAR operations under international law. In other words, IGs realised their weakness in the eye of the popular political climate and have contented with what they have. However, since 2018/2019, the balance has come unhinged and dominant anti-migration sentiment has surpassed IGs' expectations.

Additionally, it is worth taking a closer look at if disrupting the business model of the smugglers would solve the migration problem or human tragedy in the Mediterranean or the crisis in Libya. As long as the root causes are present, there will be people ready to spend all their assets to escape from their homelands. This is a vast market, and there will always be someone to fill the gap and facilitate the escape of those desperate people. Thus, it is not practically possible to destroy the business of people smugglers. Consequently, it is fair to say that military CSDP missions off the coast of Libya have neither served the desired end states written in respective Council decisions nor achieve a sustainable Libya policy which would lead to a conflict-free neighbour. CSDPs that EU appealed, indeed, are politically a correct move and eased the pressure on the policymakers. They are, however, not a correct move to solve the actual migration problem deriving from Libya.

7. Discussion of Policy Options

Libya has the potential of being a new Dubai on the southern side of the Mediterranean. Good relations with stable, prosperous and democratic Libya will be a powerful ally for the EU in dealing with the root causes of the migration problem, political problems threatening EU's cohesion, conventional and unconventional security threats from the eastern Mediterranean and MENA region or in connecting EU to eastern and southern markets. Therefore, it is definitely worth all the efforts for solving the issues that Libya is facing today. Dealing with irregular migration is essential for the EU, but it is not a problem on its own. It is a consequence. Closing the EU sea borders with military measures, and letting Libya go off in a terrible mess will not save the EU either. As seen in the current political context, despite all the efforts irregular migration is still an issue that has become a source of contention among different member states and IGs, which is threatening the cohesion and harming the eminence of the EU. To solve that problem, the EU needs to address the causes of the problem with a more comprehensive strategy, which requires an influential EU presence on the ground.

Libya needs an honest, impartial and competent peace broker, who will assist in the reconciliation and reconstruction processes, for which IGs and EU institutions can join their powers. Social, humanitarian and economic perspectives play a role in solving the crisis in Libya, to which IGs can add an unmatched value and fill EU's shortcomings. IGs can help EU policies to infiltrate into Libya. Following the revolution in 2011, the US, NATO and EU left the construction of the new order to Libyans. However, almost 40 years of Ghaddafi rule destroyed Libyan institutions and civil society, the absence of which contributed to the current messy stalemate in the country. In the absence of a healthy civil society in Libya, European IGs can effectively fill that gap; support and sponsor local civil society to develop capabilities and play their expected roles. As depicted in the previous sections, many IGs from various fields have been actively seeking to influence EU policies in this field. Derived from the first-hand knowledge of their agents stationed inside Libya or Mediterranean, these IGs have a tremendous amount of expertise on Libya, untangling social, political or economic disputes and the migration subject matters. IGs can revive the civil society in Libya, which would increase the legitimacy of the peace-building efforts undertaken by the EU. As argued by Fraihat²³ and Nilsson²⁴, Libyan civil society —empowered by European NGOs— can play an essential role in the inclusion of all local perspectives and actors to the negotiation process, which would lead to a durable peace. Libya is a country where local identity and regional belonging have a significant impact on governance. Ethnic, tribal and religious groups are the sub-elements of local identity. In most of the cases, these local groups have their armed militias. When combined with historical grievances formed by large internal disturbances, such a strong local identity becomes a source of persistent enmity among rival local groups or cities. At the macro-level EU can play the role of peace broker, but at the local level, EU needs IGs to play a crucial role as a peace broker. For a country-wide reconciliation, local groups need to reconcile first.

Local-level disagreements are one of the reasons for the failure of dozens of peace processes/agreements. Additionally, in the post-Ghaddafi era, such kind of local enmity produced hundreds of thousands of Internally Displaced People²⁵ (IDPs)²⁶. Since 2014, polarisation has intensified like none before, with arbitrary detentions, torture/ill-treatment and other atrocities against rival groups. Foreign government actors are having difficulties in penetrating local dynamics and dissolving these problems. Owing to their neutral position

and well-accepted expertise, the efforts of NGO agents may get more local acceptance. Using their neutral position, IGs can infiltrate local relations and catalyse peace process like oil in between the gears. They can engage with local actors, collect and distribute the necessary information, and stimulate rational deed.

At the humanitarian end, IGs can collaborate with Libyan institutions and train their staff employed in infamous migrant detention centres, Libya Coastguards and other migration-related government bodies. IGs can be instrumental in monitoring the humanitarian conduct of Libyan officials. An impartial international group of experts can best do efficient monitoring and reporting. IGs have the required resources for training, monitoring and reporting missions. EU officials can find political and economic tools to encourage Libyan authorities to cooperate with IGs on humanitarian matters. Besides, with their agents in the field, IGs can help EU in mapping the operating environment of the human smugglers, human, oil and arms traffickers or other illicit activities, which would spoil the transition process of Libya to maintain their business.

Similarly, IGs expertise and impartial and reliable interlocutor role can be put into service in reforming Libyan institutions. IGs can assist in empowering Libya's sovereign institutions, which play a crucial role in Libya's economic governance, management of rich hydrocarbon resources, government auditing bodies or investment authorities. Assistance on institutional reform election support involves political bodies as well. IGs can be beneficial in empowering democratic transition, supporting local and general elections, the formation of new political parties and enabling other democratic institutions. IGs can assist Libya's transformation in almost all other institutional areas. With the encouragement of the EU, collaboration with IGs may transform into an altogether mentorship to other key Libya institutions, i.e., judiciary, education, health and agriculture.

IG guidance in the transition process would prevent the people and institutions against the influence of the radical and extremist ideologies. Historically the majority of Libyans are distanced from extremism, however, as seen in 2015–2016 ISIS dominance in Sirte region, such kind of radical currents are highly resourceful in filling the power gaps in the Muslim countries. IGs can support EU policies in preventing the diffusion of terrorist groups into Libya and Libyans by addressing the well-known root causes, such as lack of education and connection with the outer world or high unemployment rates.

Libya has Africa's largest proved high-quality oil reserves, and fifth-largest gas reserves, although, unending turmoil in the country hinders the large-scale exploration programs²⁷. Additionally, Libya's huge desert areas with high solar radiation are waiting for more research, exploration and investment. Libya's resources would ease both Libya's and EU's energy problems. EU has been struggling to differentiate oil and gas providers to decrease her dependency on Russian hydrocarbons and seeking opportunities to increase renewable energy capacity. In coordination with EU, IGs can assist Libya in transforming this potential into a win-win scenario for all parties — Libya, Libyans, EU, IGs and EU citizens. IGs specialised in energy, finance and economy with their business network, infrastructure and technology can guide and partner with Libyan institutions in sustainably benefiting from their potential and prevent this richness turn into a resource curse. IGs with economic and financial expertise can support Central Bank of Libya (CBL), Libya Investment Agency (LIA) and Libya Audit Bureau (LAB) in the technical areas. These are the three critical institutions for a fair wealth share in Libya. Various militia groups are benefiting from the conflict economy. IGs can assist EU actions in this field by conducting impartial efficiency analyses and providing improvement reports according to the outcomes of their analyses. Economic recovery prepossesses breaking militia power by increasing employment, education/training opportunities for the young generation mostly recruited by armed militia groups, who currently have not many alternative options. Generating alternatives, eventually, makes being a member of armed militia groups less appealing.

8. Recommendations

Libya matters far greater than intercepting refugee/migration flows. In solving the issue, the EU needs a multifaceted approach, which considers IGs an integral partner. EU institutions should collaborate with IGs and employ their expertise in developing a sustainable Libya policy. However, to employ IGs as a soft power to facilitate EU policies, the EU needs to hear IGs expertise and incorporate them to the decision-making mechanism as well. New partnership model should structure the coordination and assistance relations between EU and IGs, without damaging the neutral interlocutor position of the IGs.

The new partnership model with the EU will extend the reach of the IGs; thus, they should re-define their contributions to Libya, considering the expectations from IGs as described in the previous section. IGs should be ready to support IDPs, handling of refugees/irregular migrants, training and monitoring of the Libyan officials, and reporting about their humanitarian conduct. IGs should sharpen their mediating abilities to be used in dealing with local enmities and initiating the national reconciliation process. IGs should be ready to facilitate activities in addressing the source of grievances between local ethnic, tribal and religious groups, or catalyse the truth-seeking ventures to repair the relations between rival groups. Likewise, IGs should be ready to provide mentorship to sovereign economic, financial, auditing institutions or malfunctioning judiciary, public health or education institutions. IGs should also focus on the prevention of radicalisation and diffusion of extremist ideologies among the Libyan population.

The activities of so many IGs working on same or different aspects of the crisis may exhibit a scattered behaviour, which requires the EU to assume the coordination and orchestration of IG efforts. European External Action Service can be a single point of contact and coordination body. Single point of contact will simplify the complexities originating from the power-sharing nature of the EU. On the other hand, EU officials should encourage or —if need be— stipulate Libyan authorities to cooperate with IGs in training their staff on humanitarian issues and allowing IG representatives to monitor their operations both inside Libya and on the coastguard ships in the Mediterranean.

For the sake of preventing the emergence of several and conflicting member state Libya policies, the leaders of the EU supranational bodies, head of EU Council, Commission and Foreign Policy (HR/VP) should take the lead of the process vis à vis overall EU interests. EU member states, which are most affected from the crisis in Libya, e.g., Italy, France, Malta, Hungary or Austria, should stop following their conflicting Libya agendas, and supporting rival factions inside Libya. EU military power (military operations or EU Battle-group) should focus on preventing destructive foreign meddling, the flow of foreign fighters and enforcing the arms embargo. Synchronously, EU should start constructing a unified and reliable security apparatus, making use of its neutral interlocutor position and competent sanctions against the spoilers of the process.

9. Conclusion

The turmoil in Libya is going from bad to worse. EU policies regarding this crisis stuck to its migration dimension. A significant majority of the discussions turn around the CSDP operation. Focus on migration restricts scope of the EU's vision on the crisis and hinders a comprehensive policy to solve the problems in Libya effectively. If the EU continues making the same mistakes, the crisis in Libya will be more detrimental to EU cohesion and interests. Suppose the EU and IGs decide to combine and coordinate their powers. This new setting will bring about a panacea, which can solve the problem and satisfy the migration sensitive general public, IGs and policymakers. IGs can add a significant value to such a comprehensive approach. IGs can build the support that the EU requires on the ground. EU requirements overlap with IGs interests; they both need to construct a thriving society, inclusive politics, and good governance, which will make Libya a hard-to-find neighbour/ally to the EU.

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2. The interviews conducted in this policy paper conducted as part of an NWO-Hestia project (VidW. 1154.18.037 7633) linked to Dr Giselle Bosse's Aspasia project.

Annex: List of Interviews

Interview 1:	Trade and business associations, September 2019, phone interview
Interview 2:	Thinktank, October 2019, Skype interview
Interview 3:	Non-Governmental Organisation, October 2019, Skype interview
Interview 4:	Non-Governmental Organisation, September 2019, Skype interview
Interview 5:	Non-Governmental Organisation, September 2019, Brussels
Interview 6:	Non-Governmental Organisation, October 2019, Skype
Interview 7:	Professional consultancies, October 2019, Phone Interview
Interview 8:	Thinktank, and October 2019, Skype interview
Interview 9:	Non-Governmental Organisation, October 2019, Skype Interview
Interview 10:	Non-Governmental Organisation, September 2019, Brussels
Interview 11:	Company, November 2019, Phone Interview
Interview 12:	Non-Governmental Organisation, December 2019, Skype Interview
Interview 13:	EU Official from EEAS, December 2019, Brussels
Interview 14:	EU Official from EEAS, December 2019, Brussels
Interview 15:	EU Official from EEAS, December 2019, Brussels
Interview 16:	EU Official from EU Commission, December 2019, Brussels
Interview 17:	EU Official from EEAS/EUMS, December 2019, Brussels
Interview 18:	Non-Governmental Organisation, January 2020, Skype interview
Interview 19:	Non-Governmental Organisation, January 2020, Skype interview
Interview 20:	Trade and business associations, February 2020, Skype interview
Interview 21:	EU Official, February 2020, Written answer to the questionnaire
Interview 22:	Trade and business associations, March 2020, Skype interview
Interview 23:	EU Official, April 2020, Skype interview
Interview 24:	Non-Governmental Organisation, February 2020, Skype interview

Endnotes

- 1 A2AD is a popular military strategy making use of short- and long-range capabilities and actions to prevent opposing forces entering into or limiting the freedom of action within an operational area.
- 2 The number of refugees/migrant coming to Europe from the Mediterranean peaked in 2015.
- 3 With interest groups, this paper refers to non-state organisations, trying to influence EU policymaking but not working towards a governing position Benedetta Voltolini, *Lobbying in EU Foreign Policy-Making: The Case of the Israeli-Palestinian Conflict* (Routledge, 2015), Jan Beyers, Rainer Eising, and William Maloney, 'Researching Interest Group Politics in Europe and Elsewhere: Much We Study, Little We Know?', *West European Politics*, 31/6 (2008), 1103-28.
- 4 Main IG interest areas are as follows: Migration/asylum, borders and security or humanitarian aid and civil protection, foreign affairs and security, neighbourhood policy, maritime affairs, energy, trade, economy, banking and financial services, business/industry, international co-operation/development, justice, rule of law, education/training, public health, youth and food safety.
- 5 Dür, Andreas (2008), 'Interest Groups in the European Union: How Powerful Are They?', *West European Politics*, 31 (6), 1212-30.
- 6 In order to increase the accuracy of the findings and deduce reliable results, the research has relied on mixed methods as the methodology that include semi-structured qualitative interviews with representatives of those IGs and EU officials alongside literature review and desk research. The interviews have been conducted between September 2019 and April 2020 as part of NWO-Hestia project (VidW. 1154.18.037 7633) linked to Dr Giselle Bosse's Aspasia project.
- 7 Frontex operations are not considered, due to fact that they are conducted in the vicinity of EU territorial waters with a limited scope.
- 8 <<https://missingmigrants.iom.int/over-3770-migrants-have-died-trying-cross-mediterranean-europe-2015>> accessed 27 August 2020.
- 9 <<https://www.operation sophia.eu/wp-content/uploads/2018/03/Council-Decision-CFSP-2015778-of-18-May-2015.pdf>> accessed 18 July 2020.
- 10 It should be noted that migrant smugglers are not the same with human traffickers. While human traffickers exploiting women, men or children for the purpose of forced labour or using use as sexual commodity, migrants smugglers are the service providers to the migrants in illegal crossing of the borders Theodore Baird, 'Defining Human Smuggling in Migration Research: An Appraisal and Critique', Robert Schuman Centre for Advanced Studies Research Paper No. RSCAS, 30 (2016).
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- 15 Council (2020), 'COUNCIL DECISION (CFSP) of 31 March 2020 on a European Union military operation in the Mediterranean (EUNAVFOR MED IRINI)'.
- 16 <https://www.operationirini.eu/media_category/assets/?deployment=any&tax=media_category&categories=&nation=&search_archive=filter> accessed 23 September 2020.
- 17 Source: <<https://www.integritywatch.eu>> Integrity Watch project is co-funded by the European Commission and the Open Society Initiative for Europe (OSIFE), with a contribution by the King Baudouin Foundation (KBF).
- 18 As of September 2020
- 19 <https://www.integritywatch.eu/about.php?section=4>
- 20 <<https://www.operationsophia.eu/wp-content/uploads/2018/03/EU-Council-Decision-13852017.pdf>> accessed 21 September 2020.
- 21 EUNAVFOR-Med (n 16).
- 22 Dur (n 5)
- 23 (2016), *Unfinished Revolutions: Yemen, Libya, and Tunisia After the Arab Spring* (New Haven: Yale University Press).
- 24 (2012), 'Anchoring the Peace: Civil Society Actors in Peace Accords and Durable Peace', *International Interactions*, 38 (2), 243-66.
- 25 According to IOM Displacement Tracking Matrix, Libya IDP and Returnee Report (March - April 2020) there are more than 400 thousand IDP s inside Libya, however, not all of them became IDP in the post-Gaddafi era.
- 26 The immense majority of those people travelling towards the EU are not Libyans, therefore supports to stop irregular migration have not much gravity in the eyes of Libyans and do not make a significant contribution to ending the crisis. Thus, from Libya point of view, IDPs have much more significance on ending the crisis.
- 27 US Energy Information Agency <<https://www.eia.gov/international/analysis/country/LBY>> accessed 06 October 2020.