

THE EUROPEAN RESPONSE TO THE LIBYAN CRISIS

AN INQUIRY INTO SOVEREIGNTY

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SUMMARY

This thesis investigates the crisis responses of Italy and the European Union towards the Libyan Civil War, from its outbreak in 2011 to its recent developments. The aim is to explain the actors' challenges to implement a cohesive foreign policy that leads to a resolution of the conflict. To research that, this thesis will investigate to what extent the conceptions of sovereignty of Italy and the EU prevent the Union to implement a cohesive foreign policy towards the Libyan Crisis. This will be done through an interdisciplinary research approach. The method will consist of integrating the historical analysis of the actors' crisis responses with a theoretical framework from political philosophy, defining different conceptions of sovereignty. Findings indicate that the actors' conceptions of sovereignty evolved throughout the different phases of the Libyan Crisis. The found divergence in sovereignty conceptions for two of the three crisis response contexts indicates the effective impact on the EU's challenges to implement a cohesive foreign policy towards the Libyan Crisis.

INTRODUCTION

The Libyan Crisis and the Response of the EU and Italy

In 2011, in the wake of the Arab Uprisings, a NATO-led coalition intervened militarily in Libya dethroning the 42-years standing dictator Colonel Muammar Gaddafi. This intervention was ordered by the United Nations Security Council, which issued the Resolution 1973, proposed by France, Lebanon, and the United Kingdom and carried out by joint NATO forces¹. It was justified on the grounds of the UN 'Responsibility to Protect' innocent civilians threatened by Gaddafi's army². The fall of Gaddafi left Libya in a situation of chaos and power vacuum. Eventually, another civil war began in 2014. Nowadays, the conflict sees the UN-backed Government of National Accord (GNA) fighting the Libyan National Army (LNA) of Field Marshal Khalifa Haftar,

¹ "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions," Meeting Coverage Security Council, United Nations Meetings Coverage and Press Releases, March 17, 2011, <https://www.un.org/press/en/2011/sc10200.doc.htm>.

² Horace Campbell, *NATO's Failure in Libya: Lessons for Africa* (Pretoria, UNITED KINGDOM: Africa Institute of South Africa, 2013), <http://ebookcentral.proquest.com/lib/uunl/detail.action?docID=1352477>.

responding to the House of Representatives in Tobruk.³ This new scenario has been exploited in time by different foreign actors, seeking their interests in the crisis, creating diplomatic tensions in the international arena⁴. In this scenario, the European Union finds itself impotent in front of a crisis happening right outside its borders. The issue I would like to investigate is why the European Union is struggling to implement a coherent and effective foreign policy that leads to a resolution of the Libyan Crisis (2011-present). A manifested reason is a strong division of intents among its member states.

A problem of sovereignty

My hypothesis is that this division can be explained by an existing divergence between the European Union and its member states about their conceptions of sovereignty. Sovereignty is defined as supreme authority within a territory⁵. Historically, since the Peace of Westphalia, the idea of sovereignty has been revolving around the nation-states as the ordering unit in the international system, and therefore the holders of supreme and absolute sovereignty⁶. The EU-Italy divergence in understanding sovereignty needs to be contextualized into the current debate between sovereignty and globalization in the realm of political philosophy. This concerns the Westphalian system being curtailed by a new ‘post-sovereign’ cosmopolitan world due to the emergence of globalization. It exists a tension between the rise of supranational organization, transnational migration and global interconnectedness and the role of the nation-state. Consequently, “the sovereignty of the state, both internally and externally, is being fundamentally questioned”⁷. At the theoretical level, the academic debate concerns “how to define the concept of sovereignty in the era

³ George Frederick Willcoxon, “Contention, Violence and Stalemate in Post-War Libya,” *Mediterranean Politics* 22, no. 1 (January 2, 2017): 91–114, <https://doi.org/10.1080/13629395.2016.1230950>; Frederic Wehrey, “Libya’s Revolution at Two Years: Perils and Achievements,” *Mediterranean Politics* 18, no. 1 (March 1, 2013): 112–18, <https://doi.org/10.1080/13629395.2013.764655>; David D. Kirkpatrick, “Strife in Libya Could Presage Long Civil War,” *The New York Times*, August 24, 2014, sec. World, <https://www.nytimes.com/2014/08/25/world/africa/libyan-unrest.html>.

⁴ Wolfram Lacher, “The Great Carve-up: Libya’s Internationalised Conflicts after Tripoli,” *Stiftung Wissenschaft Und Politik -SWP- Deutsches Institut Für Internationale Politik Und Sicherheit*, SWP Comment, 25/2020 (2020): 4, <https://doi.org/10.18449/2020C25>.

⁵ Daniel Philpott, “Sovereignty,” in *The Oxford Handbook of the History of Political Philosophy* (Oxford University Press, 2011), <https://doi.org/10.1093/oxfordhb/9780199238804.001.0001>.

⁶ Robert H. Jackson, *Sovereignty: The Evolution of an Idea* (Oxford, UNITED KINGDOM: Polity Press, 2007), <http://ebookcentral.proquest.com/lib/uunl/detail.action?docID=1272656>.

⁷ Christian Volk, “The Problem of Sovereignty in Globalized Times,” *Law, Culture and the Humanities*, February 21, 2019, 2, <https://doi.org/10.1177/1743872119828010>.

of globalization when applied to the nation state”⁸ and whether the sovereign states system is declining in favour of a new cosmopolitan world order.⁹

In practical terms, two phenomena have been curtailing contemporary state sovereignty in the post-war world. The first is the growth of internationally sanctioned interventions and UN-peace building operations. These operations violate states’ sovereignty since they “often involve international actors temporarily assuming the duties of sovereign states”, when human rights are threatened¹⁰. The ‘Responsibility to Protect’ invoked during the 2011 UN intervention in Libya is an example of this curtailment.

The second globalization process violating state sovereignty is European integration, “a source of non-absolute sovereignty in the case of states”¹¹, which “gets involved in an ever-widening circle of economic, social, political, and even military affairs in the continent and beyond”¹². In the case of the Libyan Crisis, the EU curtailment of state sovereignty perpetuates in two ways. First, in 2011 The EU was criticised for only aligning its crisis response with the UN positions and inconsistently focusing on humanitarian aid and economic sanctions. Second, the EU tries to pursue an integrated common foreign policy in Libya. In both cases, the Union is affected by internal divisions, with different member states pursuing their domestic interests.¹³ In 2011, The EU member states clashed

⁸ Harry Cephas Charsmar, “Sovereignty Vs Globalization: Indispensable Discourse Due to Relationship,” *International Journal of Political Theory* 4, no. 1 (2020): 130–50.

⁹ Jackson, *Sovereignty*; Miriam Ronzoni, “Two Conceptions of State Sovereignty and Their Implications for Global Institutional Design,” *Critical Review of International Social and Political Philosophy* 15 (December 1, 2012), <https://doi.org/10.1080/13698230.2012.727306>; Charsmar, “Sovereignty Vs Globalization”; Volk, “The Problem of Sovereignty in Globalized Times,” February 21, 2019; Lea Ypi, “Sovereignty, Cosmopolitanism and the Ethics of European Foreign Policy,” *European Journal of Political Theory* 7, no. 3 (July 1, 2008): 349–64, <https://doi.org/10.1177/1474885108089176>; Roland Paris, “The Right to Dominate: How Old Ideas About Sovereignty Pose New Challenges for World Order,” *International Organization* 74, no. 3 (ed 2020): 453–89, <https://doi.org/10.1017/S0020818320000077>; Carmen Pavel, *Divided Sovereignty: International Institutions and the Limits of State Authority* (Oxford: Oxford University Press, 2014), <http://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=846571&site=ehost-live>; Thomas W. Pogge, “Cosmopolitanism and Sovereignty,” *Ethics* 103, no. 1 (October 1, 1992): 48–75, <https://doi.org/10.1086/293470>; Richard Bellamy, “Sovereignty, Post-Sovereignty and Pre-Sovereignty: Three Models of The State, Democracy and Rights Within the EU,” SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, 2003), <https://doi.org/10.2139/ssrn.1530445>; Jean L. Cohen, *Globalization and Sovereignty: Rethinking Legality, Legitimacy, and Constitutionalism* (Cambridge, UNITED KINGDOM: Cambridge University Press, 2012), <http://ebookcentral.proquest.com/lib/uunl/detail.action?docID=989128>; Dieter Grimm, *Sovereignty: The Origin and Future of a Political and Legal Concept* (Columbia University Press, 2015).

¹⁰ Philpott, “Sovereignty,” 569.

¹¹ *Ibid.*

¹² Jackson, *Sovereignty*, 151.

¹³ Nicole Koenig, “Libya and Syria. At the Crossroads of European Neighbourhood Policy and EU Crisis Management,” in *The Routledge Handbook on the European Neighbourhood Policy* (Routledge Handbooks Online, 2017), 358–68, <https://doi.org/10.4324/9781315691244>; Nicole Koenig, “The EU and the Libyan Crisis – In Quest of Coherence?,” *The International Spectator* 46, no. 4 (December 1, 2011): 11–30, <https://doi.org/10.1080/03932729.2011.628089>; Anand

over both the Common Security and Defence Policy (CSDP), and the European Neighbourhood Policy (ENP) thereby preventing their effectiveness. The biggest challenge was Italian diplomatic resistance to European anti-Gaddafi efforts.¹⁴ In fact, since 2011 Italy have been contrasting the EU to maintain its sovereignty by attempting to dictate its autonomous foreign policy towards Libya. By doing so, Italy is resisting a cosmopolitan circumscriptions of state sovereignty. In 2011 Italy opposed the UN-ruled intervention in Libya. The reason was the protection of its interests in the former colony. In fact, in the Gaddafi era, Italy and Libya had established an economic relationship over key sectors of the Italian economy. Italy was the only Libyan economic partner in the EU. Italy concentrated its foreign policy on the preservation of commercial relationships and the prevention of a migratory crisis, a predicted outcome of the NATO intervention. However, due to domestic troubles and external pressures, Italian policymakers had to timidly support NATO¹⁵, a decision then regretted by Prime Minister Silvio Berlusconi.¹⁶

At the same time, Italy contrasts the communitarian foreign policy by pursuing its own in Libya. In the present-day evolution of the war, with the country divided into two blocks, Italy clashed with France, preventing European unity of strategy towards the war. By attempting to preserve its economic interests in the west of Libya and the capital Tripoli, Italy backed the GNA, while actively trying to bring the two parts together. On the other hand, France supported Haftar's LNA. The two Mediterranean countries engaged in a rivalry over who should be the dominant European actor in Libya. This represents another example of the country aiming to maintain its sovereignty despite the UN and the EU's curtailments.¹⁷

Menon, "European Defence Policy from Lisbon to Libya," *Survival* 53, no. 3 (July 1, 2011): 75–90, <https://doi.org/10.1080/00396338.2011.586191>.

¹⁴ Koenig, "Libya and Syria."

¹⁵ Italy provided the alliance with assistance and military bases at the condition that was NATO to lead the operation, fearing that France could exploit the crisis for its economic interests (Campbell).

¹⁶ Ben Lombardi, "The Berlusconi Government and Intervention in Libya," *The International Spectator* 46, no. 4 (December 1, 2011): 31–44, <https://doi.org/10.1080/03932729.2011.628090>.

¹⁷ Federica Saini Fasanotti and Ben Fishman, "How France and Italy's Rivalry Is Hurting Libya," October 31, 2018, <https://www.foreignaffairs.com/articles/france/2018-10-31/how-france-and-italys-rivalry-hurting-libya>.

RESEARCH QUESTION AND BOUNDARIES

Considering the problem statement discussed above, my thesis aims to answer the following question:

To what extent do the different conceptions of sovereignty of Italy and the EU prevent the Union to implement a cohesive foreign policy towards the Libyan Crisis?

A series of sub-questions emerge from this preliminary analysis. First, to answer the research question it is essential to answer the following sub-questions: To what extent can the actors' behaviour be explained according to a consistent conception of sovereignty? How did the respective conceptions change over time and with the evolution of the crisis? These questions will be investigated through an analysis of the historical events from the perspectives of Italy and the EU. These actors' behaviours will be integrated with a theoretical framework from political philosophy, to outline the respective conceptions of sovereignty. The results will define which conceptions of sovereignty characterized the behaviour of the main actors in their crisis response. Eventually, findings will indicate possible conclusions about the extent to which the EU response to the Libyan Crisis has been affected by a divergence with Italy in the found conceptions of sovereignty.

The research will focus on the events of the Libyan Crisis from 2011 to the present. It will concern mainly foreign and security policy, specifically of the European Union and Italy. Other actors' behaviours will be treated only in relation to Italy and the EU and their sovereignty (for example, the abovementioned France, NATO, and the UN).

LITERATURE REVIEW

The academic debate separately investigates the Libyan Crisis, the foreign policy approaches of Italy and the EU, both in general and specifically towards Libya. By studying the conceptions of sovereignty behind the behaviour of geopolitical actors provides a fundamentally new philosophical-historical approach that incorporates analysis of both the EU and Italy in their foreign policy conduct, as demonstrated by the case of the Libyan Crisis. Through interdisciplinary

research, I will jointly analyse the historical events and the philosophical conceptions that explain them.

This research aims to enrich two major academic debates. The first concerns the obstacles towards the implementation of a communitarian foreign policy of the European Union. In general, the foreign policy of the European Union is “strongly intergovernmental and deferentially sovereigntist”¹⁸. This is mostly due to the member states’ refusal to authorize majority voting in this area. In fact, foreign and security policies are considered sensitive to the national sovereignty of the member states. In this area, the EU integration process formed the Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP) by increasing control upon European institution representing the member states, which in turn interpreted this integration as voluntary coordination.¹⁹ With the Treaty of Lisbon (2009) they got furtherly integrated into the CSDP, without eliminating pre-existing problems. Moreover, the European Union External Action Service (EEAS) was created to overcome the overlapping competencies of the Council and the Commission on external affairs. However, it led to further members’ political struggle for representation. Two further problems hindering the common European foreign policy are the internal political rivalries and the lack of capabilities, which lead to incoherence in the implementation. As member states have the final say over EU military policies by unanimity, these become dependent on the political will of the national governments, and consequently on their domestic dynamics. In this sense, “Union’s reaction to a crisis can be driven ‘more by institutional rivalry than by a truly result-oriented approach’”²⁰. Especially with the CSDP, decisions always result to be small scale due to divisions about whether to intervene and to use military or “‘softer’ forms of power”²¹. An example of this pattern is Germany contrasting the 2011 military intervention in Libya, ideated, and organized by France and the United Kingdom. When it comes to capabilities, funding for military operations often result insufficient, as their allocation happens at a national level.²² In this case, “[i]deological commitment to European integration is of little use when it comes to running operations, and says little or nothing about the willingness of a state to enhance its capabilities or deploy them”²³.

¹⁸ Ypi, “Sovereignty, Cosmopolitanism and the Ethics of European Foreign Policy,” 350.

¹⁹ Sergio Fabbrini, “The European Union and the Libyan Crisis,” SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, April 10, 2014), <https://doi.org/10.2139/ssrn.2423286>.

²⁰ Menon, “European Defence Policy from Lisbon to Libya,” 78.

²¹ Menon, 82.

²² Menon, “European Defence Policy from Lisbon to Libya.”

²³ Menon, 84.

The second debate investigates the development of Italian foreign policy after the Cold War, with a focus on the Mediterranean and North Africa region (MENA). An overarching picture of Italian foreign policy after the Cold War is presented by Del Sarto and Tocci²⁴. They argue that “foreign policy in Italy has been and remains a domain in which politics prevails over policy, and in which the logic of domestic political competition overrides the priority of devising coherent and substantive strategies”²⁵. This results in an oscillation between Europeanism and Atlanticism respectively by centre-left and centre-right governments, who see the two “as competing rather than complementary”²⁶. The former group pushes to maintain a special relationship with the U.S., while the latter supports multilateralism and enhances the EU role on the world stage²⁷. According to the authors, this is “explained by the prevalence of short-term political (and domestic) considerations and the absence of long-term, substantive political strategies”²⁸. This also affects Italian foreign policy towards the MENA, but this policy failed to bring the region at the core of Italian and European foreign policy.²⁹

To answer this research question can not only contribute to the academic debate regarding the foreign policy of the European Union and the Italian one towards the MENA. The societal relevance of this research lies in its potential to identify issues in the crisis response processes of the EU, stemming from the divergence with its member states. To understand what did not work in Libya can shed a light on further developments and implications of the Western conflict responses. This will be possible thanks to an in-depth analysis of the historical events, integrated with the actors’ conceptions of sovereignty through an interdisciplinary research approach.

²⁴ Raffaella A. Del Sarto and Nathalie Tocci, “Italy’s Politics without Policy: Balancing Atlanticism and Europeanism in the Middle East,” *Modern Italy* 13, no. 2 (May 2008): 135–53, <https://doi.org/10.1080/13532940801962033>.

²⁵ Sarto and Tocci, 150.

²⁶ Sarto and Tocci, 149.

²⁷ Maurizio Carbone, “Between Ambition and Ambivalence: Italy and the European Union’s Mediterranean Policy 1,” *Modern Italy* 13, no. 2 (May 2008): 155–68, <https://doi.org/10.1080/13532940801962041>.

²⁸ Sarto and Tocci, “Italy’s Politics without Policy,” 150.

²⁹ Carbone, “Between Ambition and Ambivalence.”

METHODS AND THEORETICAL FRAMEWORK

Justification of interdisciplinary approach

This research aims to answer the research question by taking an interdisciplinary approach. I will apply concepts from political philosophy to analyse historical insights about the European intervention in the Libyan Crisis. In this case, the theoretical framework from political philosophy will help to interpret the behaviour of actors in the historical case. This will be done through an interpretative approach. In this way, the analysis of the historical case aims to explain the idea of sovereignty the actors had before 2011 and how this evolved with the crisis. The choice behind this interdisciplinary approach is related to two aspects of the historical case study. First, the problem statement showed the existence of common ground between the behaviour of actors pursuing foreign policies and concepts from political philosophy. The connection is sovereignty. Italy's refusal to join the coalition to intervene in Libya, or EUs' promotion of its CSDP, can be read as statements of a particular understanding of sovereignty. Analysing the divergence in these conceptions is the scope of this research. That is why the analysis of the historical events and the philosophical lens cannot be understood separately. Second, reading actors' behaviour in a sovereignty light provides more explanatory power than a single disciplinary analysis. That is because by defining the conceptions of sovereignty behind the behaviours of Italy and EU it will be possible to highlight an existing divergence. This will allow assessing the extent to which this divergence prevented a cohesive conflict resolution in Libya, possibly interpreting new causal connections and explanations of the historical case study. Another aspect important for this case study is the political dynamics. An analysis of the decision-making process at a national and European level leading to the decisions taken on Libya can integrate new perspectives on the case study. However, this research overlooks theories and concepts from political science. These have the potential to highlight the pragmatic processes of the Libyan Crisis response, but notions from political philosophy are more suited to explain the developments of actors' behaviour.

Methods and research design

This paper will adopt a qualitative research method and an interpretive approach. It will establish the actors' idea of sovereignty by looking at their explicit behaviour, what their representatives said and did, the motivations and causal factors behind their decisions and statements, analysed through a theoretical framework. First, a theoretical framework will be constructed by relying on literature about sovereignty drawn from political philosophy. I will first identify the main scholarly debates about the concept of sovereignty and select the ones that will help me to analyse my case study. For each of the selected debates, I will then establish key characteristics to connect the historical insights with the different conceptions of sovereignty. Second, I will critically analyse primary and secondary literature about the history of the Libyan Crisis. The goal is to find insights into the behaviour of Italy and the EU in their foreign policies. I will divide the literature research into two sections, respectively with EU and Italy insights. When analysing Italy's actions are going to be considered its policymakers and public figures involved in the Libyan crisis resolution. Contrarily, it is difficult to analyse the 'European Union' as a unitary actor, due to the individual member states' role in the crisis. That is why, this paper will focus on the decisions taken into the context of the EU institutions, such as the Council, the Commission, and by the EU organs and representatives. This will also be the criteria to jointly analyse primary sources through a consistent method.

I will read secondary literature on the history of the Libyan Crisis from an Italian point of view, trying to highlight the main events, acts, and their motivations (or causal factors), with an eye on possible interpretations over Italy's conception of sovereignty and how did that change over time. In this passage, I will understand insights and perspectives from the academic debate about the Italian crisis response. I will then integrate insights from primary sources from the Italian side. These can be public statements (such as memoranda, government declaration, public reports) or evidence from the digital media of the time. In this case, I will also focus on individual actors (policymakers) to understand their role and behaviours. Primary sources will be analysed following historical research methods. I will analyse this through the philosophical framework to understand how Italy's behaviour categorizes in respect of the two sovereignty debates. By confronting the insights with the established characteristics, I can find the Italian position in the debates, which will lead me to outline its conception of sovereignty. Successively, I will do the same for the European Union. I will analyse primary secondary source aiming to get insights on the European side. The European insights will be then analysed through the philosophical framework in the same way as the Italian ones. The results will be the conceptions of sovereignty corresponding to the actors'

behaviours towards the Libyan Crisis. From a confrontation of the two, I will obtain a categorization of the two conceptions, from which it will be finally possible to assess to what extent this issue prevented the implementation of a European unitary foreign policy. This will answer the research question.

Theoretical Framework

This paper's hypothesis is that the main actors behave according to contrasting conceptions of sovereignty. I will test this by analysing empirical data about the actors' behaviour extrapolated from historical literature through the theoretical framework. This theoretical framework relies on existing concepts and debates about sovereignty from literature in the realm of political philosophy. However, the way these are put in relation to each other is a construction of my own. By building an original theoretical framework I can integrate philosophical concepts in the most efficient way to analyse the Libyan Crisis response. Both the different conceptions of sovereignty and their characteristics are drawn from the existing academic literature on the debate between sovereignty and globalization. As previously said, this involves the 'Westphalian' sovereignty system and the 'post-sovereign' cosmopolitanism driven by globalization. In the context of this research, the debate is used to extrapolate different understandings of sovereignty in a purely conceptual form. Any normative evaluation of the events of the Libyan Crisis or judgement in the context of the sovereignty/globalism debate in Global Justice is beyond the scope of this analysis. For this reason, these characteristics take less into consideration legal aspects of the sovereignty debates. An initial literature review showed that the principle of sovereignty can variate according to different conceptions³⁰. I selected two according to their relevance for the Libyan case and schematized them in [Figure 1](#). These are:

1. *Absolute or non-absolute character of sovereignty.*
2. *Configuration of positive and negative dimensions of sovereignty.*

The debate over the absoluteness of sovereignty regards in the case of Italy, the conception that the country has of its own sovereignty in the global arena and towards the intergovernmental and

³⁰ Jackson, *Sovereignty*; Ronzoni, "Two Conceptions of State Sovereignty and Their Implications for Global Institutional Design"; Volk, "The Problem of Sovereignty in Globalized Times," February 21, 2019; Philpott, "Sovereignty"; Robert H. Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge University Press, 1993).

supranational institutions and agreements. On the other hand, this first debate concerns the European Union’s idea of sovereignty, regarding both the Union’s sovereignty in the global arena and towards its members. The second debate refers to the understanding of the two sovereignty dimensions of the Libyan state according to the conceptions of Italy and the EU.

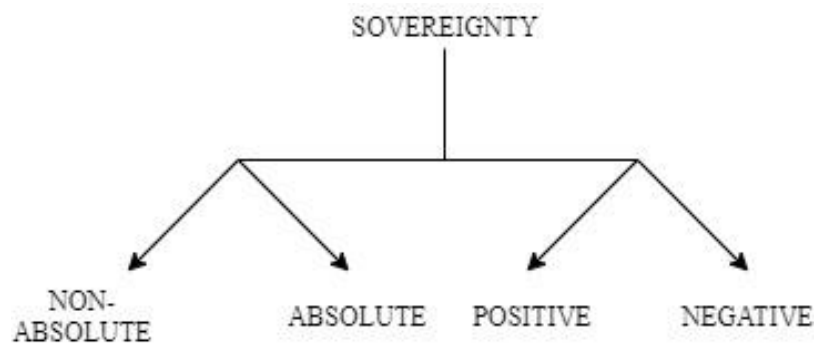


Figure 1: Sovereignty debates included in the theoretical framework.

Characteristics of sovereignty into the two debates

This part of the framework consists of drawing some explanatory characteristics that allow conceptualizing the actors’ behaviour into a philosophical conception of sovereignty, in the context of the abovementioned debates (1 and 2). By comparing the actors’ behaviour to these characteristics, it will be possible to categorize the positions of the EU and Italy about each of the two dimensions above. The outcome of this analysis will indicate the actors’ conception of sovereignty. Here are presented the characteristics of the different conceptions in the two debates.

DEBATE 1: Absolute or non-absolute character of sovereignty.

The debate over the absoluteness of sovereignty concerns, at a conceptual level, whether the holder of authority can be sovereign in some affairs and not in others. Absoluteness is a matter of the scope of authority³¹. For example, Italy can conceive its authority as non-absolute sovereign, thereby “pooling” sections of its sovereignty at a European level. Alternatively, it might exercise a foreign policy towards Libya ignoring EU accords, asserting its absolute sovereignty over this specific

³¹ Philpott, “Sovereignty,” 563.

aspect. These various conceptions can lead actors to assume different positions in the global arena. In general, the state sovereignty system and its supporters see sovereignty as absolute³². On the other hand, ‘post-sovereign’ cosmopolitans see it as conditional to human rights concerns and states’ accountability³³. First, a categorical division: sovereignty can be either absolute or non-absolute. According to this, we can identify different characteristics.

ABSOLUTE SOVEREIGNTY

Most of the literature identifies three defining characteristics of absolute sovereignty, expressed in different ways³⁴. As synthesized by Bellamy, sovereignty “must be ‘absolute’ because independence cannot be qualified or limited, ‘unitary’, because it must apply to all matters and cannot be shared or divided, and ‘supreme’, because it must be final”³⁵. Sovereignty is defined as supreme authority within a territory³⁶. “‘Supremacy’ means the highest and final authority from which no further appeal is available ... ‘Independent’ means constitutionally separate ... and self-governing”³⁷. The two are essential characteristics determining the states’ authority towards their citizens (**supremacy**) and in the international order (**independence**). Both are necessary but not sufficient conditions for a state to be sovereign, and for its sovereignty to be absolute. As Volk explains, “the terms or the conditions of the concept of sovereignty, demand that when an object – law, people, state – is to be endowed the status of sovereignty, this object must be granted an unlimited and absolute “validity” or power”³⁸. Moreover, without independent jurisdiction, the state would be dependent on an external authority, which will, in turn, be the ultimate sovereign.³⁹ Sovereignty cannot be partial. It cannot be shared or distributed because no agent will have the final decision⁴⁰. Classic theorists such as Bodin and Hobbes⁴¹, Schmidt and Kelsen⁴² recognized sovereignty as **unitary** and indivisible. As Volk explains, “two sovereigns within one order are

³² Bellamy, “Sovereignty, Post-Sovereignty and Pre-Sovereignty,” 168.

³³ Pogge, “Cosmopolitanism and Sovereignty.”

³⁴ Jacques Maritain, “The Concept of Sovereignty,” *The American Political Science Review* 44, no. 2 (1950): 343–57, <https://doi.org/10.2307/1950275>.

³⁵ Bellamy, “Sovereignty, Post-Sovereignty and Pre-Sovereignty,” 175.

³⁶ Philpott, “Sovereignty.”

³⁷ Jackson, *Sovereignty*, 10.

³⁸ Christian Volk, “The Problem of Sovereignty in Globalized Times,” *Law, Culture and the Humanities*, February 21, 2019, 8, <https://doi.org/10.1177/1743872119828010>.

³⁹ Jackson, *Sovereignty*.

⁴⁰ Bellamy, “Sovereignty, Post-Sovereignty and Pre-Sovereignty,” 171.

⁴¹ Bellamy, “Sovereignty, Post-Sovereignty and Pre-Sovereignty.”

⁴² Volk, “The Problem of Sovereignty in Globalized Times,” February 21, 2019.

conceptually inconceivable ... the accompanying “simultaneous validity of two systems of norms” leads to contradiction and conflict”⁴³.

NON-ABSOLUTE SOVEREIGNTY

As previously anticipated, post-sovereign cosmopolitans overcome the Westphalian conception of absolute sovereignty. They consider it a potential threat to human rights and an impediment to external defence against oppressive regimes⁴⁴. The answer is the establishment and activities of domestic and international courts, regulatory agencies, intergovernmental organisations, which “can all operate as supreme authorities in discreet areas without being either absolute or unitary”⁴⁵. The different thinkers argue for alternative curtailments of state sovereignty, making it conditional to different parameters (this frameworks’ ‘characteristics’). According to the reviewed literature from political theory and philosophy connected to the Libyan case study, it is possible to elaborate two circumstances that entail a non-absolute conception of sovereignty. These are:

- a. When sovereignty is divided
- b. When sovereignty is conditional upon **responsibility** and **accountability**

a. Divided Sovereignty

The concept of divided sovereignty implies that “the authority to carry out the popular will can be divided among several institutions at the domestic and international level, not just among domestic institutions”⁴⁶. It understands sovereignty as a non-binary continuum, “something one can possess more or less of, over more or fewer areas of decision making”⁴⁷. In this way, the unitarity and independence conditions of states’ authority are reduced by international agreements and organisations⁴⁸. As Pavel explains, “[f]ederative political arrangements show that sovereignty can be divided without being dissolved”⁴⁹. In the context of this case study, the European Union is an example of divided sovereignty, in which independent member states transfer part of their sovereignty to the intergovernmental level. Since the implementation of the Maastricht Treaty in 1992, this process works according to the principle of subsidiarity, stating that “decisions about policy should be made at the level at which they are most appropriate”⁵⁰. The CSDP and the

⁴³ Volk, 8.

⁴⁴ Bellamy, “Sovereignty, Post-Sovereignty and Pre-Sovereignty,” 168.

⁴⁵ Bellamy, 177.

⁴⁶ Carmen Pavel, *Divided Sovereignty*, xiv.

⁴⁷ Carmen Pavel, 20.

⁴⁸ Bellamy, “Sovereignty, Post-Sovereignty and Pre-Sovereignty,” 176.

⁴⁹ Carmen Pavel, *Divided Sovereignty*, 21.

⁵⁰ Carmen Pavel, 22.

voluntary coordination outlined in the literature review are examples of divided sovereignty. Their role in the Libyan Crisis response and eventual contrasts among EU members states are going to be analysed in this case study.

b. Conditional Sovereignty

Both Pavel and Pogge see federalism as a solution to overcome states' sovereignty failures in protecting human rights⁵¹. Another form of non-absolute sovereignty rejects the characteristics of supremacy and independence of state sovereignty, making it conditional to states' behaviour in respect to human rights. At a theoretical level, the dynamics of possession and exercise of power intrinsic to sovereignty raise concerns of **responsibility**. As the sovereign holds the Hobbesian 'sword of war' (military power) and 'sword of justice' (police power), "that raises fundamental questions of accountability and answerability"⁵². This refers to the states' internal dimension, where it is responsible for and **accountable** towards its own citizens. This makes sovereignty "conditional on its responsible implementation"⁵³. In case this does not hold, international institutions and organization intervene to curtail it. It is possible to connect these characteristics with the practice of UN interventions described in the introduction. In the case of the Libyan Crisis, these were embraced by the EU and opposed by Italy. The driving principle behind UN interventions is the 'Responsibility to Protect' (R2P)⁵⁴. As explained in the United Nation 2005 World Summit Outcome Document: "State sovereignty carried with it the obligation of the State to protect its own people, and that if the State was unwilling or unable to do so, the responsibility shifted to the international community to use diplomatic, humanitarian and other means to protect them"⁵⁵. Therefore, sovereignty becomes conditional on of state's responsibility, which makes it a non-absolute sovereign, and internally responsible and accountable for its actions. This position assumes a different perspective in the second debate between positive and negative configurations of sovereignty, explained in the next section. In conclusion, by analysing Italy and the European Union in their response to the crisis through the lens of supremacy, independence and unitarity on

⁵¹ Pogge, "Cosmopolitanism and Sovereignty," 60; Carmen Pavel, *Divided Sovereignty*; Katrin Flikschuh, "Kant's Sovereignty Dilemma: A Contemporary Analysis," *Journal of Political Philosophy* 18, no. 4 (2010): 469–93, <https://doi.org/10.1111/j.1467-9760.2010.00361.x>.

⁵² Jackson, *Sovereignty*, 18.

⁵³ Nathalie Tocci, "On Power and Norms: Libya, Syria and the Responsibility to Protect," *Global Responsibility to Protect* 8, no. 1 (2016): 66.

⁵⁴ Anne Peters, "Humanity as the A and Ω of Sovereignty," *European Journal of International Law* 20, no. 3 (August 1, 2009): 513–44, <https://doi.org/10.1093/ejil/chp026>.

⁵⁵ United Nations, "United Nations Office on Genocide Prevention and the Responsibility to Protect," accessed May 17, 2021, <https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml>.

one side versus divisibility, accountability and responsibility it will be possible to define their conceptions of sovereignty in respect of the absolute / non-absolute debate. It is useful to furtherly schematize the structure of the theoretical framework as in Figure 2.

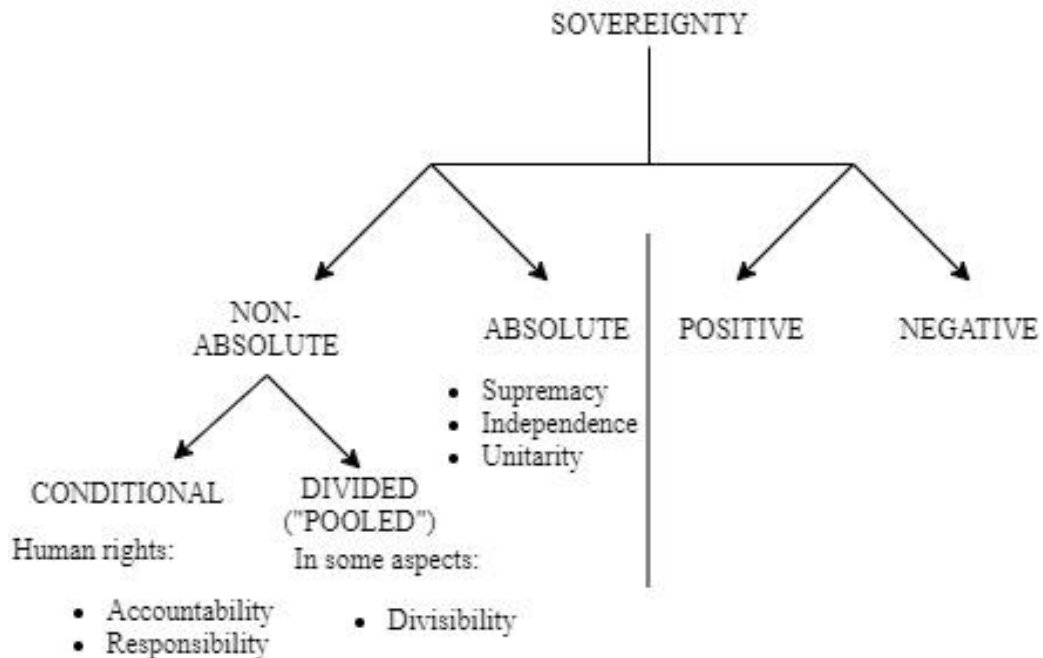


Figure 2: Structure and characteristics of Debate 1 (absolute vs. non-absolute character of sovereignty)

DEBATE 2: Configuration of positive and negative dimensions of sovereignty.

Another relevant debate in political philosophy concerning sovereignty and recognizable in the Libyan case is the distinction between two different dimensions of state sovereignty, namely positive and negative. This debate does not discuss two mutually exclusive concepts of sovereignty, but different existing aspects of sovereignty, in the ways it is intended⁵⁶. In general, “[a] holder of sovereignty wields authority within a territory but also, at the same time, vis-à-vis outside states and organizations, from whom it may legitimately expect non-interference”⁵⁷. Along these two

⁵⁶ Philpott, “Sovereignty,” 563.

⁵⁷ Philpott, 563.

dimensions, commonly referred to as internal and external sovereignty⁵⁸, lies the more conceptual distinction between positive and negative sovereignty⁵⁹.

CHARACTERISTICS OF POSITIVE AND NEGATIVE SOVEREIGNTY

Negative sovereignty is understood as the freedom from external interference enjoyed by a sovereign state⁶⁰. A state is negatively sovereign “whether or not it is capable and has the necessary resources to use such an immunity to self-assigned ends”⁶¹. Positive sovereignty “indicates the capacity of states to be their own masters by making, and effectively implementing, meaningful discretionary choices on crucial institutional and policy matters”⁶². A government is considered positively sovereign when both enjoy rights of non-intervention at the international level and is also capable to provide **fundamental political goods** (security, rights, ...) to its citizens. Positive sovereignty is an internally enabling condition, understood as sovereign states’ freedom to fulfil their own independence. For this to be fulfilled it is necessary to rely on rulers’ **responsibility** towards their citizens.⁶³ Moreover, according to Jackson, in the realm of negative sovereignty, “[o]ne can therefore think of **independence** and **nonintervention** as the distinctive and reciprocal rights and duties of an international social contract between states”⁶⁴. While negative sovereignty is a categorical condition, self-determination is a relative and changing condition, as self-determination is a matter of degree. Some states, defined by Jackson as ‘quasi-states’, enjoy negative sovereignty even though they lack institutions and governance capable to ensure their positive sovereignty. This guarantees them external independence without being accountable for

⁵⁸ Philpott, “Sovereignty”; Volk, “The Problem of Sovereignty in Globalized Times,” February 21, 2019; Jackson, *Sovereignty*.

⁵⁹ Ronzoni, “Two Conceptions of State Sovereignty and Their Implications for Global Institutional Design”; Jackson, *Quasi-States*; Johannes Plagemann, “The Transformation of Sovereignty,” in *Cosmopolitanism in a Multipolar World: Soft Sovereignty in Democratic Regional Powers*, ed. Johannes Plagemann, International Political Theory (London: Palgrave Macmillan UK, 2015), 45–54, https://doi.org/10.1057/9781137488220_3.

⁶⁰ Ronzoni, “Two Conceptions of State Sovereignty and Their Implications for Global Institutional Design,” 577; Jackson, *Quasi-States*.

⁶¹ Ronzoni, “Two Conceptions of State Sovereignty and Their Implications for Global Institutional Design,” 577.

⁶² *Ibid.*

⁶³ Jackson, *Quasi-States*, 29; Ronzoni, “Two Conceptions of State Sovereignty and Their Implications for Global Institutional Design,” 578.

⁶⁴ Jackson, *Quasi-States*, 27. My bold.

their lacking responsibility.⁶⁵ The opposite is not possible, as “internal sovereignty ... can only exist to the extent that external sovereignty protects it against interventions from outside”⁶⁶.

The characteristics from Debate 2 can be added to the theoretical framework scheme, completed in Figure 3.

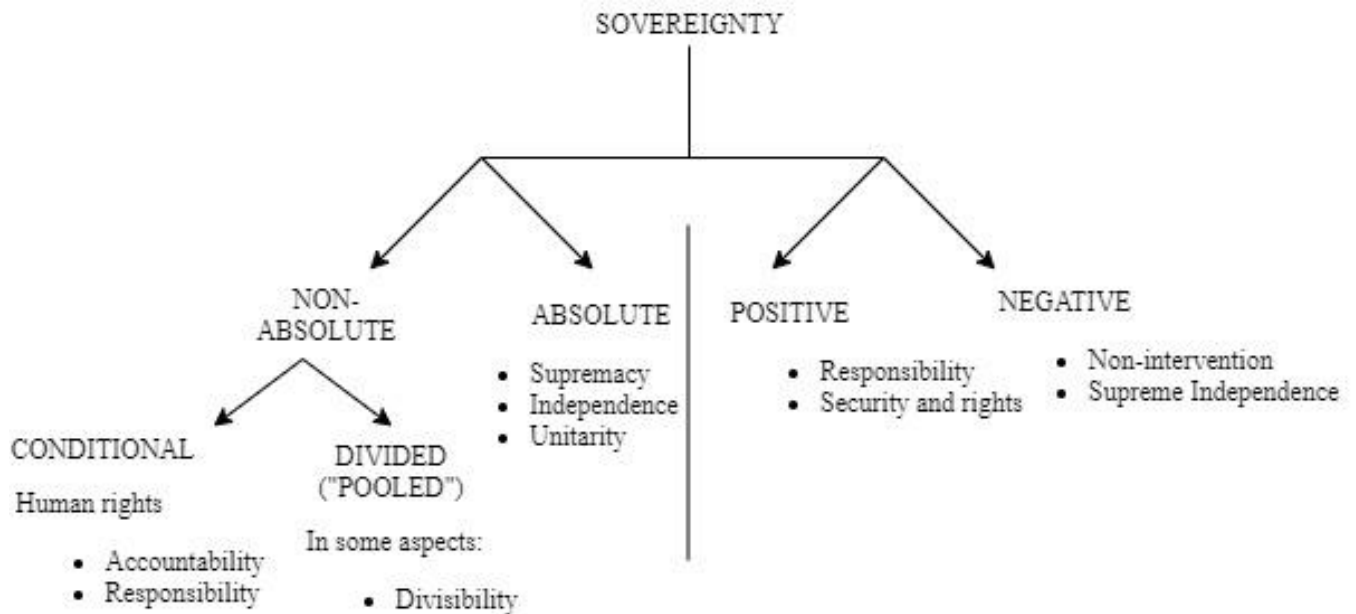


Figure 3: Theoretical framework completed with characteristics from debates 1-2

By studying the actors’ behaviour through these characteristics, it will be possible to understand their idea with respect to the intertwining of the positive and negative dimensions of sovereignty. For example, this part of the analysis aims to understand whether they believe that one dimension holds in function of the other, whether they treat one dimension with a higher preference rank in the international action.

⁶⁵ Jackson, *Quasi-States*; Maritain, “The Concept of Sovereignty.”

⁶⁶ Dieter Grimm, “Post-Sovereignty?,” in *Sovereignty in Action*, ed. Bas Leijssenaar and Neil Walker (Cambridge: Cambridge University Press, 2019), 23, <https://doi.org/10.1017/9781108692502.002>.

THE RESPONSE TO THE LIBYAN CRISIS

For the sake of clarity, the evidence's periodization is divided between the 2011 intervention and the successive conflict evolution. By following the historical development of the Libyan civil wars, the division aims to highlight the 2011 intervention to dethrone Gaddafi and the different reactions from Italy and the EU, by putting them in contrast with the successive events.

THE ITALIAN RESPONSE TO THE LIBYAN CRISIS

The 2008 Treaty of Friendship

In order to understand Italy's response to the outbreak of the Arab Uprisings in Libya and its positions in the context of the 2011 NATO intervention, it is necessary a step back. On the 30th of August 2008, Colonel Muammar Gaddafi and the Italian Prime Minister Silvio Berlusconi met in the Libyan capital to sign the "Treaty of Friendship, Partnership and Cooperation" (TFPC)⁶⁷. The treaty aimed at restoring the diplomatic relationship between the two countries after years of tensions connected to the shared colonial past. The symbolically reconciled the damages of the Italian colonial rule in Libya⁶⁸. While operating in the framework of their respective intergovernmental unions, this cooperation involved the satisfaction of a series of mutual interests, from economic ties to migration control. The TFPC (different from a "nonaggression" pact) was compatible with the NATO Treaty, as being legally subjected to operations "under UN authorisation that set out from Italian territory"⁶⁹. Therefore, in 2011 Italy could join the NATO coalition against Libya in accordance with international legality.

The 2011 Crisis and Intervention

⁶⁷ "Trattato di Amicizia, Partenariato e Cooperazione tra la Repubblica Italiana e la Grande Giamahiria Araba Libica Popolare Socialista." [Treaty of Friendship, Partnership and Cooperation between the Italian Republic and the Socialist People's Libyan Arab Jamahiriya], (Aug. 30, 2008), in *Complici. La relazione pericolosa tra l'Italia e il regime di Gheddafi*, Giampiero Gramaglia and Luigi Garofalo (Eir, 2011).

⁶⁸ Natalino Ronzitti, "The Treaty on Friendship, Partnership and Cooperation between Italy and Libya: New Prospects for Cooperation in the Mediterranean?," *Bulletin of Italian Politics* 1, no. 1 (2009): 125–33.

⁶⁹ Ronzitti, 128.

After the outbreak of the protests in Benghazi in February 2011, the position of Gaddafi and its government was at risk. When the dictator bombed civilians controlling Benghazi, the international community moved to prevent possible human rights violations. The UN Security Council issued Resolution 1970, ruling an arms embargo on Libya and Gaddafi's assets to be frozen.⁷⁰ For Italy, the unstable position of the Libyan allied regime was more problematic than for any other country involved. This is because other than a troubled colonial past, Italy shared with Libya economic investments, migration accords and essential energetic supplies connected to ENI, the state-owned Italian oil company⁷¹. Moreover, after the signing of the Treaty of Friendship, Gaddafi and the Italian Prime Minister Silvio Berlusconi developed a personal relationship, consolidated by economic interests⁷². While the revolts were increasing in Cyrenaica, Berlusconi declared that he "won't disturb Gaddafi", calling him a man of great wisdom, loved by the Libyans who would not revolt against him⁷³. Berlusconi's ambiguous behaviour testified the "hesitancy and hedging"⁷⁴ that affected the first phase of Italy's crisis response in Libya. Italian authorities wanted to isolate the bilateral relationship from the crisis but were reluctant to abandon such a key ally. A regime change in Libya would have compromised "national political and strategic interests"⁷⁵. The deterioration of the commercial relationship would have harmed the Italian fragile economy. At the same time, the outbreak of a sudden immigration flow from the Libyan coasts would have generated a migratory crisis. The result of both would have been a huge loss of public and political consensus, threatening the cohesion of the governing coalition. Italy started acting through 'quiet diplomacy'⁷⁶, playing a double role by discarding Gaddafi and trying to avoid its removal. Berlusconi blamed it as a mistake referring the general to the ICC, as it would undermine compromise efforts. Italy also opposed economic sanctions against Libya, and its Foreign Affairs Minister Franco Frattini argued to the European allies that opposing Gaddafi was a risk for the unity of Libya.⁷⁷ Despite its attempts to minimize the domestic damages from the post-Gaddafi transition, Italy could not ignore its Atlantic and European alliances, nor the international organs strongly condemning Gaddafi's regime for its violent repression of the uprisings. On 17 March 2011, the UN Security Council

⁷⁰ Campbell, *NATO's Failure in Libya*, 2013.

⁷¹ Elisabetta Brighi and Marta Musso, "Italy in the Middle East and the Mediterranean: Evolving Relations with Egypt and Libya," *Italian Politics* 32, no. 1 (September 1, 2017): 70–89, <https://doi.org/10.3167/ip.2017.320106>; Lombardi, "The Berlusconi Government and Intervention in Libya."

⁷² Lombardi, "The Berlusconi Government and Intervention in Libya"; Saskia van Genugten, *Libya in Western Foreign Policies, 1911–2011, Security, Conflict and Cooperation in the Contemporary World* (Palgrave Macmillan UK, 2016), <https://doi.org/10.1057/978-1-137-48950-0>.

⁷³ Genugten, *Libya in Western Foreign Policies, 1911–2011*, 149.

⁷⁴ Lombardi, "The Berlusconi Government and Intervention in Libya," 35.

⁷⁵ Lombardi, 42.

⁷⁶ Lombardi, 35.

⁷⁷ Lombardi, "The Berlusconi Government and Intervention in Libya."

issued Resolution 1973, creating a ‘no-fly zone’ to protect Libyan civilians. This furtherly constrained Italian policymakers’ attempts. Furthermore, the U.S. and the European governments alienated Italy from the decisional process and lobbied to have Italy on their side of the battle.⁷⁸ At this point, a change happened in the Italian policy attitude. Frattini’s hopes for a ceasefire with Gaddafi exiled vanished in front of French and British determination to oust the dictator.⁷⁹ Under its allies’ pressures, Italy allowed NATO to use seven air bases, from where got launched “against Libya’s military infrastructure and against personal assets of the Qaddafi regime”⁸⁰. Afterwards, Italy followed France in recognizing the anti-Gaddafi rebels of the National Transitional Council (NTC) as a legitimate “voice of the Libyan people”⁸¹, confirming the regime change and leaving apart its previous doubts about militarily supporting the anti-Gaddafi rebels⁸². In late April, the Italian government accepted NATO’s requests to directly participate in air bombings against Libya, overcoming Berlusconi’s resistance⁸³. At the same time, Italy kept logistically supporting Gaddafi’s family⁸⁴. On a public level, the government rhetoric towards the situation in Libya changed with its position on the battlefield. The framing of the crisis shifted towards the ‘humanitarian’ context. The protections of civilians’ rights became the “priority goal” of the government⁸⁵. Italy then took the lead of EUFOR Libya, an EU-led military operation to enforce the UN arms embargo and provide humanitarian support⁸⁶.

The Post-Gaddafi Civil War

After the difficult events of the 2011 revolution, Italy established good diplomatic relationships with the NTC authorities, who visited Rome in December meeting the new Prime Minister Mario Monti. In this phase, “the Libyan–Italian bond was not so much a personal matter but rather an

⁷⁸ Lombardi; Michela Ceccorulli and Fabrizio Coticchia, “Multidimensional Threats and Military Engagement: The Case of the Italian Intervention in Libya,” *Mediterranean Politics* 20, no. 3 (September 2, 2015): 303–21, <https://doi.org/10.1080/13629395.2015.1042245>.

⁷⁹ Campbell, *NATO’s Failure in Libya*, 2013; Lombardi, “The Berlusconi Government and Intervention in Libya.”

⁸⁰ Genugten, *Libya in Western Foreign Policies, 1911–2011*, 158.

⁸¹ Lombardi, “The Berlusconi Government and Intervention in Libya,” 36.

⁸² Osvaldo Croci and Marco Valigi, “Italy and the International Intervention In Libya,” *Italian Politics* 27, no. 1 (September 1, 2012): 191–206, <https://doi.org/10.3167/ip.2012.270111>.

⁸³ *Commissioni Riunite Affari Esteri e Comunitari (III) — Difesa (IV) della Camera dei Deputati e Affari Esteri, Emigrazione (3a) — Difesa (4a) del Senato della Repubblica* (hereafter *CRSR*), April 19, 2011.

https://leg16.camera.it/29?tipoAttivita=governo&tipoVisAtt=3&tipoPersona=Governo_61_7_3&shadow_deputato=50139 .

⁸⁴ Campbell, *NATO’s Failure in Libya*, 2013.

⁸⁵ *Assemblea Generale del Senato* [Senate, General Assembly], 23 March 2011, V.

https://leg16.camera.it/29?tipoAttivita=governo&tipoVisAtt=3&tipoPersona=Governo_61_7_3&shadow_deputato=50139 .

⁸⁶ Ceccorulli and Coticchia, “Multidimensional Threats and Military Engagement.”

essential foreign policy objective”⁸⁷. This is mainly due to oil interests being at stake. Already in 2011, ENI had exercised its influence for Italy to recognize and support the rebels. This allowed them to build ties with the new Libyan authorities and restart gas distribution in August and oil production in November 2011.⁸⁸ However, on the 16th of May 2014 hostilities begun again after Field Marshal Khalifa Haftar led the LNA to a military operation in Benghazi to oust Islamist militias. This action sparked a separation of the country into two blocks, with militias and armed forces divided into pro-Tripoli or pro-LNA.⁸⁹ Furthermore, following a wave of terrorist attacks on European soil, the fight against the Islamic State in the region became a security priority for Italy and its allies. In this phase, Italy decided to attain the framework of the UN Security Council. It allied with the Tripoli government of Fayeze al-Sarraj, installed by the UN-sponsored 2015 Libyan Political Agreement (LPA). Afterwards, the new centre-left government of Matteo Renzi outlined its foreign policy goals towards Libya. It prioritized the stabilization of political institutions in the country to consolidate the fight against ISIS and human trafficking on the coast. To do so, the Italian government gave it availability to envoy security forces in Libya and proposed to lead a peacekeeping mission to stabilize the country. This aimed not only to protect more directly Italian domestic interests in the country, but also to have an opportunity to gain a prominent mediation role in the European and Atlantic contexts. Moreover, in line with Italy’s long-lasting efforts, Renzi tried to coordinate Italian immigration issues at a European level. In this context, the EU incorporated Italian ‘search and rescue’ program in a new CSDP operation called “EUNAVFORMED”. Italy’s aim was to obtain from the EU a “fair” redistribution of duties and responsibilities, essential in the context of the resolution of the Libyan crisis. Finally, the government openly defended ENI’s interests in the export and production of Libyan oil, supporting its activities in the country and delegating to them security tasks. In March 2015 Italy intervened to protect ENI’s offshore platforms through the operation “Mare Sicuro” (“Safe Sea”).⁹⁰ After years of civil war in Libya, Italy was the first EU country to reopen its embassy on 10 January 2017. Despite the huge cost in negotiations, this act revealed Italy’s “insurance policy” to maintain influence in the former colony⁹¹. Another important 2017 agreement between Italy and Libya was the “Memorandum of Understanding” (MoU)⁹², which extended the migration accords of the TFPC.

⁸⁷ Genugten, *Libya in Western Foreign Policies, 1911–2011*, 158.

⁸⁸ Genugten, *Libya in Western Foreign Policies, 1911–2011*; H. Campbell, *NATO’s Failure in Libya: Lessons for Africa*, 2012.

⁸⁹ Kirkpatrick, “Strife in Libya Could Presage Long Civil War.”

⁹⁰ Roberto Aliboni, “La politica libica dell’Italia,” *Documenti IAI* 16, no. 10 (June 2016): 10; Brighi and Musso, “Italy in the Middle East and the Mediterranean.”

⁹¹ Brighi and Musso, “Italy in the Middle East and the Mediterranean,” 72.

⁹² “Memorandum d’intesa sulla cooperazione nel campo dello sviluppo, del contrasto all’immigrazione illegale, al traffico di esseri umani, al contrabbando e sul rafforzamento della sicurezza delle frontiere tra lo Stato della Libia e la

The new treaty aims to fight “illegal migration” by preventing migrants to leave Libya. This is ensured by Italy training and funding Libyan authorities for border security, including detention centres, armed militias, and training to the Libyan coastguard.⁹³

Finally, Italy came to contrast with France in a struggle for energy and security. Since 2015, Paris has been adopting a ‘security-first’ approach to the Libyan crisis, prioritizing its national interests, seeking military and energetic security by contending with Italy influence in the country. In 2015, France opted for supporting Haftar, convinced by its results in securing the east of Libya from jihadists militias. France supported the ‘Cyrenaica Strongman’ by providing the LNA with special forces, military advisers, and weapons. This is in contrast with Italian support for the GNA, under the guidance of the United Nations Support Mission in Libya (UNSMIL).⁹⁴ That is why, Italian strategy to contrast France consisted in limiting the number of mediating parts and relying on the Head of UNSMIL Ghassan Salamé, as declared by the former Italian Minister of Foreign Affairs Alfano⁹⁵.

ANALYSIS

In this section, this research aims to find common ground between Italy’s decisions and behaviour towards the Libyan crisis and the philosophical theoretical framework. The integration of the historical chronological insights with the characteristics of sovereignty will outline Italy’s conception of sovereignty in the various stages of the Libyan Crisis. The first debate on the absoluteness of sovereignty concerns the Italian conception of its own sovereignty in the global arena. The second debate analyses whether the Italian conception of sovereignty intends a positive or the negative dimension of Libyan sovereignty holding in function of the other.

Repubblica Italiana” (hereafter: MoU) [Memorandum of Understanding], (Feb. 2, 2017), <https://www.governo.it/sites/governo.it/files/Libia.pdf>.

⁹³ Elisa Vari, “Italy-Libya Memorandum of Understanding Italy’s International Obligations,” *Hastings International and Comparative Law Review* 43, no. 1 (2020): [i]-134; “MoU”, February 2, 2017.

⁹⁴ Aliboni, “La politica libica dell’Italia”; Lorenzo Falchi, “Italy and France at Odds over Libya?,” *Istituto Affari Internazionali*, IAI Commentaries, 17, no. 09 (August 4, 2017): 5; Elisabetta Recher, “Italy and France: The effects of competition between allies on the regional stability in Northern Africa and on the European Union (an Italian perspective),” *AIES*, AIES Fokus, no. 5/2019 (July 17, 2019): 1–5; Matteo Ilardo, “The Rivalry between France and Italy over Libya,” *AIES*, AIES Fokus, no. 5/2018 (August 9, 2018), <https://www.aies.at/publikationen/2018/fokus-18-05.php>.

⁹⁵ Angelino Alfano, Alfano: «In Libia troppe iniziative. Unifichiamo gli sforzi sulla mediazione Onu», *La Stampa*, July 25, 2017, https://www.esteri.it/mae/it/sala_stampa/interviste/alfano-in-libia-troppe-iniziative.html.

The Treaty of Friendship

With the TFPC, Italy and Libya started a “‘special and privileged’ relationship ... without forgetting the roles that they pursue, respectively, in the European Union and the African Union”⁹⁶. In this sense, Italy’s willingness to embed the treaty in the framework of its European and Atlantic alliances is connectable to a conception of “pooled” sovereignty. In fact, the EU got directly involved in Italy’s foreign policy by financing border patrolling operations to control migration flows (Art. 19)⁹⁷. Moreover, Article 6 affirms that the partners “act according to the respective legislations, to the objectives and the principles of the Charter of the United Nations and the Universal Declaration of Human Rights”⁹⁸. Moreover, the TFPC stresses “respect for sovereign equality, prohibition of the threat or use of force, non-interference in internal affairs, respect for human rights and fundamental freedoms”⁹⁹. This makes the “respect for sovereign equality” conditional to the mutual commitment to respect human rights and fundamental freedom. In this sense, with this treaty, Italy demonstrates its adherence to a non-absolute conception of sovereignty. However, a deeper analysis of the TFPC conditions can challenge this interpretation. According to Ronzitti, the mention of human rights respect was done “to allow Italy to ask that they be respected, even though the Declaration is not a legally binding instrument”¹⁰⁰. Historically, the economic cooperation between the two countries sustained the Gaddafi regime¹⁰¹. In this regard, through the TFPC Berlusconi and its ministers aimed at consolidating the Italian economic privileges in Libya, deteriorated during the previous decades of the bilateral relationship. In this sense, the treaty increased trade relations, Libyan investment in Italy and ENI activities in Libya¹⁰². Moreover, “[s]ince the work will be carried out in a non-EU country, EC legislation relative to contracts does not hold and the exclusive restriction favouring Italian companies is fully legitimate”¹⁰³. This is a clear indicator of Italy’s willingness to surmount EU laws to favour its firms’ interests. The latter ultimately emerge as the main reason behind the TFPC. Italy was therefore strategically building in

⁹⁶ Ronzitti, “The Treaty on Friendship, Partnership and Cooperation between Italy and Libya: New Prospects for Cooperation in the Mediterranean?,” 127.

⁹⁷ “Trattato di Amicizia, Partenariato e Cooperazione tra la Repubblica Italiana e la Grande Giamahiria Araba Libica Popolare Socialista.” [Treaty of Friendship, Partnership and Cooperation between the Italian Republic and the Socialist People's Libyan Arab Jamahiriya], (Aug. 30, 2008), in *Complici. La relazione pericolosa tra l'Italia e il regime di Gheddafi*, Giampiero Gramaglia and Luigi Garofalo (Eir, 2011).

⁹⁸ Ibid. (My translation).

⁹⁹ Ronzitti, “The Treaty on Friendship, Partnership and Cooperation between Italy and Libya: New Prospects for Cooperation in the Mediterranean?,” 127.

¹⁰⁰ Ronzitti, 128.

¹⁰¹ Arturo Varvelli, “Italy and Libya: Renewing a Special Relationship,” *The International Spectator* 45, no. 3 (September 1, 2010): 117–30, <https://doi.org/10.1080/03932729.2010.504627>.

¹⁰² Ronzitti, “The Treaty on Friendship, Partnership and Cooperation between Italy and Libya: New Prospects for Cooperation in the Mediterranean?”

¹⁰³ Ronzitti, 128.

Libya a scenario of **independent** operativity for its foreign policy. This places Italy's foreign policy out of the framework of the EU, with the Italian state conceiving itself as the sole holder of sovereignty in its foreign policy (**unitarity**). About the second debate, as Varvelli argues, "in the classic 'stability or democracy dilemma', Italy has always chosen the former, contributing more than any other country to strengthening Qadhafi's regime"¹⁰⁴. By signing the TFPC, Italy ignored the incapability of Gaddafi's regime to satisfy the democratic and security rights of the Libyan citizens. This was done to favour the regime's internal stability to guarantee mutual gains, by solidifying its negative sovereignty. **Non-interference** is a key aspect of negative sovereignty, which seems favoured by the Italian authorities in this treaty. By declaring the "respect for sovereign equality" Italy guaranteed **supreme independence** to the Libyan regime in its internal affairs. This reverses the commitment to human rights protection and binds the framework of intergovernmental cooperation to mutual domestic interests. In conclusion, the TFPC suggests an Italian absolute conception of its own sovereignty in the global arena, by conducting an independent foreign policy towards Libya. Therefore, Italy opted for reinforcing Libya's negative sovereignty by guaranteeing its regime independence and stability, disregarding its anti-democratic attitude.

The 2011 Intervention

Italy's crisis response to the 2011 Arab Uprisings in Libya was characterized by two phases. In the first one, Berlusconi's government tried to protect Gaddafi's rule, whose stability had been enhancing since the TFPC. To do this, Italy tried different solutions, from proposing a ceasefire and Gaddafi's exile to secret support. It addressed these proposals both at a national and EU level. However, Italy found itself trapped between domestic interests and global duties. As many sources testify, the Italian government saw in the fall of Gaddafi and the consequent uncertain future in Libya an imminent danger for its economic, political, personal and security needs. According to Italy's conception, these went beyond the political and humanitarian demands of the Libyan population. Berlusconi himself, during a speech at the end of February 2011, declared that other than Libyans' desires for freedom and democracy, in Libya were at stake the Italian commercial relationships, energetic supplies and security needs¹⁰⁵. From this behaviour, it is possible to interpret an absolute conception of sovereignty. The Italian government's actions were shaped by

¹⁰⁴ Varvelli, "Italy and Libya," 130.

¹⁰⁵ Alessio Grazioli, and Pantheon, "46° Congresso Nazionale del Partito Repubblicano Italiano - seconda giornata." *Radio Radicale* (February 26, 2011), <https://www.radioradicale.it/scheda/322070/46deg-congresso-nazionale-del-partito-repubblicano-italiano-seconda-giornata?i=553821>, accessed on June 6, 2021.

the necessity to be the ultimate authority in securing its domestic interests (**supremacy**), and to get over the interference from the international community (**independence**). This latter was eager to dethrone Gaddafi and protect the civilians from its violence, moved by the R2P. However, Italian behaviour does not totally correspond to an absolute conception of sovereignty. In fact, Italy kept relying on the European framework to put forward its agenda¹⁰⁶. This does not conform with the unitarity condition, as Italy's foreign policy battles were still fought at a European level. For example, in the Assembly of the House of Representatives on 9 March 2011, Frattini asserted Italy's role to sensitize the EU on the Libyan issues, but also that the important decision about the implementation of UN Resolutions needs to be legitimized "by NATO mandate or a decision of the European Union"¹⁰⁷. This denotes Italy acting according to the same **division** of sovereignty to the European level as in the framing of the TFPC. In general, the Italian conception of its sovereignty in the context of the Libyan crisis did not evolve since 2008, when the choice between the stability of the country and the protection of its citizens' rights favoured the former. In this context, Frattini promoted Gaddafi's exile as a solution to protect the Libyan population¹⁰⁸. This denotes a negative conception of sovereignty prevailing over Gaddafi's marked incapability to enhance the wellbeing of its population. Moreover, this behaviour enriches the existing literature by reinforcing the claim by Del Sarto, Tocci and Carbone¹⁰⁹. The Italian foreign policy was indeed dependent on the political position of the government in charge, and the agenda at stake. In this sense, not even the Arab Uprisings and the civil war undermined the continuity of Berlusconi's foreign policy.

From the successive change in foreign policy, with Italy joining Operation 'Unified Protector' and suddenly framing the crisis in humanitarian terms, it is possible to interpret a sudden shift in Italy's conception of sovereignty. Towards the end of March 2011, Italy saw its position as a no-win situation. As the serious threats from the Gaddafi family testified¹¹⁰, in the case of Gaddafi regaining the country, Italy would have paid for the betrayal, losing economic ties and migration control. It was for these reasons that, ultimately, the Italian government joined NATO's Operation

¹⁰⁶ Croci and Valigi, "Italy and the International Intervention In Libya."

¹⁰⁷ *Commissioni Riunite Affari Esteri e Comunitari (III) — Politiche dell'Unione Europea (XIV) della Camera dei Deputati e Affari Esteri, Emigrazione (3a) — Politiche dell'Unione Europea (14a) del Senato della Repubblica* (hereafter *CRSR*), March 9, 2011, 5.

https://leg16.camera.it/29?tipoAttivita=governo&tipoVisAtt=3&tipoPersona=Governo_61_7_3&shadow_deputato=50139.

¹⁰⁸ *Assemblea Generale del Senato*, March 23, 2011, V.

¹⁰⁹ Sarto and Tocci, "Italy's Politics without Policy"; Carbone, "Between Ambition and Ambivalence."

¹¹⁰ Francesco Verderami, "Berlusconi: «Gheddafi Mi Vuole Morto Lo so Che Me l'ha Giurata»,» *Corriere Della Sera*, July 30, 2011, https://www.corriere.it/politica/11_luglio_30/verderami_gheddafo_berlusconi_d9d7012a-ba72-11e0-9ed5-57850404ec1a.shtml.

‘Unified Protector’.¹¹¹ It is possible to analyse this sudden change as a reluctant acceptance of a non-absolute conception of Italian sovereignty in the global arena. Italy ultimately accepted to join the intervention and to protect Libyans’ rights. Upon encouragement by its allies, the Italian government embraced the principle of the R2P. From that moment on, R2P shaped the government engagement with the ‘humanitarian crisis’ as a moral duty¹¹². According to the theoretical framework, in this case, sovereignty becomes conditional to the **responsibility** of Libyan’s ruler, who is **accountable** for its actions towards the different supranational and intergovernmental institutions. Italy’s direct involvement in a subsequent humanitarian operation reinforces this view, together with the shift in frame towards the humanitarian emergency. Moreover, Italy’s incoherent decision to recognize the NTC and support the anti-Gaddafi rebels points to the Italian unitary foreign policy being curtailed by the pressures of its European and Atlantic allies (**divided sovereignty**). Finally, as previously explained, the UN intervention violated Libya’s negative sovereignty. For the UN-led coalition, this latter was valid only in function of the responsibilities of the Libyan government (positive sovereignty), Italy included.

The Post-Gaddafi Civil War

The Italian response to the Libyan crisis shifted significantly after the fall of the former ally Gaddafi. With the civil war not over yet, Italy’s relationship with the anti-Gaddafi rebels was pushed by the national oil company ENI, eager to restart energy production and distribution from a key partner like Libya. In this sense, Italy allowed ENI to conduct an autonomous foreign policy in Libya, rivalling the European allied France for energetic supplies in the country¹¹³. When necessary, the state offered independent operativity and direct support, as in the case of “Mare Sicuro”. In this sense, “Italy’s foreign policy toward ... Libya in 2016 seems to have been driven by an uneasy combination of at times overlapping, at other times divergent, national and corporate interests”¹¹⁴. Therefore, it is possible to categorize this energetic foreign policy as an absolute conception of Italian sovereignty. Italy security needs required the post-Berlusconi governments to openly develop an **independent** action framework for ENI, contrasting European allies such as France.

¹¹¹ Lombardi, “The Berlusconi Government and Intervention in Libya”; Ceccorulli and Coticchia, “Multidimensional Threats and Military Engagement”; Tocci, “On Power and Norms.”

¹¹² Ceccorulli and Coticchia, “Multidimensional Threats and Military Engagement.”; *APCL*, March 24, 2011, 9.

¹¹³ Brighi and Musso, “Italy in the Middle East and the Mediterranean”; Aliboni, “La politica libica dell’Italia”; Ilardo, “The Rivalry between France and Italy over Libya”; Recher, “Italy and France”; Falchi, “Italy and France at Odds over Libya?”

¹¹⁴ Brighi and Musso, “Italy in the Middle East and the Mediterranean,” 74.

The same idea of sovereignty emerges from an analysis of Italy's migration policy in the period. The implementation of the MoU and the alleged critiques from human rights advocates¹¹⁵, testifies Italy's prioritization of domestic needs over human rights. In practice, through the MoU Italy was indirectly supporting the numerous human rights abuses that these actors perpetuate on migrants, while "making sure to delegate the "dirty work" of pushing away migrants to Libyan authorities and trying to prevent crossings into its waters in order to circumvent international obligations"¹¹⁶. Italy and the EU might be held accountable under international law instruments for the human rights violations inflicted upon migrants. Therefore, the MoU resulted in another example of how the Italian response to the Libyan crisis was aimed at enhancing domestic security, without regards for the human rights of the people subjected to these treaties. Accordingly, Italy aims to exercise **supreme** authority over migration flows in the country. Moreover, the MoU represents a way for Italy to go beyond the CSDP operations and implement an **independent** foreign policy outside the intergovernmental treaties of the UN and the EU protecting human rights, which might in turn condemn Italy.¹¹⁷ Nevertheless, the successful attempt by Renzi's government to include the migration issue into a European policy succeed, for example with the creation of "EUNAVFORMED" in 2015. This foreign policy strategy is in accordance with the attempt to solve also the most pressing issues at the intergovernmental level, in accordance with the Italian treaties and alliances. As in the previous cases, this represents a commitment to a **division** of Italian sovereignty in foreign policy, which is intended as a federative level and implemented according to the principle of subsidiarity. Another evidence for this conception comes from the decision of post-Gaddafi Italian governments to operate in accordance with the United Nations framework. The direct support offered by Renzi's government to the mission UNSMIL and its endorsement and financing to the GNA reinforces this idea.

For what concerns the approach towards Libyan sovereignty, after the fall of Gaddafi Italy increased its interventionism. Especially after 2014, with the rise of the Islamic State and the outbreak of another civil war, the recurring Italian interests in Libya, especially security, migration and energetic supplies, required direct intervention. That is why Italy tried to consolidate influence in the country, by reopening its embassy in Tripoli, directly involving the Libyan authorities in the implementation of the MoU and protected ENI in securing energetic supplies locally. More broadly, Italy committed to a political stabilization of the country and proposed to lead a peacekeeping operation. These efforts represent a shift to a conception of sovereignty where the positive

¹¹⁵ Vari, "Italy-Libya Memorandum of Understanding Italy's International Obligations."

¹¹⁶ Vari, 106.

¹¹⁷ Vari, "Italy-Libya Memorandum of Understanding Italy's International Obligations."

dimension and the achievement of fundamental rights and security is more urgent than leaving Libya in its own hands. Even though Italian interests were as usual the goal behind this shift, Renzi and its successors understood that an approach more prone to enhancing Libya's positive sovereignty was the way to achieve these goals. As previously explained, in Italy's post-Gaddafi idea of Libyan positive sovereignty, the responsibility of the Libyan authorities toward human rights was not fully enhanced.

THE EUROPEAN UNION'S RESPONSE TO THE LIBYAN CRISIS

The 2011 Crisis and Intervention

In the context of the response to the outbreak of the Libyan Crisis in 2011, the EU adapted its operational framework to the UN Security Council decisions. It mainly sided the NATO intervention with humanitarian assistance, to provide emergency support to the population. The military intervention decision was characterized by ideological divergences between EU member states¹¹⁸. Only when, on 17 March, the UNSC approved a military intervention under Resolution 1973, the EU High Representative of Foreign Affairs followed. On early 20 March, alarmed by Gaddafi's imminent seize of Benghazi, France invoked the R2P principle and carried airstrikes against Gaddafi forces, followed by Great Britain and the U.S. The same day, in an emergency meeting, French President Sarkozy reunited some EU, UN, American and Arab representatives to prepare a military action in Libya.¹¹⁹ On 21 March, EU foreign ministers endorsed the airstrikes, pledging the UNSC resolution for its response to Gaddafi's threats calling its members to follow the principle of the R2P¹²⁰. Successively, the EU's implemented economic sanctions. First, the European Council implemented the sanctions of the UNSC Resolutions, such as arms embargo and asset freeze for members of the Gaddafi regime. The EU also took an independent initiative under the CFSP framework, by imposing a de facto oil embargo and freezing NOC members' assets.

¹¹⁸ Menon, "European Defence Policy from Lisbon to Libya"; Koenig, "The EU and the Libyan Crisis – In Quest of Coherence?"; Fabbrini, "The European Union and the Libyan Crisis"; Ludovica Marchi, "The EU in Libya and the Collapse of the CSDP," *US-China Law Review* 14, no. 5 (2017): 284–93.

¹¹⁹ Fabbrini, "The European Union and the Libyan Crisis."

¹²⁰ *Cover Note from General Secretariat of the European Council*, European Council, March 24/25, 2011. <https://www.consilium.europa.eu/en/documents-publications/public-register/meeting-documents>.

These assets were successively allocated to the NTC, following UN approval.¹²¹ Likewise, the diplomatic and humanitarian activities of the EU generated further discrepancies among member states and raised critiques on the overall role of the Union in responding to the crisis. The EU's diplomatic activity aimed at a peaceful resolution of the conflict, to protect the Libyans. In this light, the EU recognized the NTC, although only as a 'political interlocutor'. This was an incoherent move, dictated by the domestic needs of some member states. In fact, like in the case of the airstrikes, France dictated the NTC legitimization as representative of the Libyan population, preventing the EU to develop a common policy towards the rebels.¹²² The EU recognized the NTC as a "political interlocutor". Italy followed the French line on 4 April, pointing out: "If others don't play by EU rules, we have to find our own way. But this should have been decided at EU level"¹²³. EU crisis response in Libya was then framed in a humanitarian character. In late February, the European Commission implemented two emergency tools from the Directorate General (DG) for Humanitarian Aid and Civil Protection (ECHO), respectively the civil protection mechanism and humanitarian assistance¹²⁴. Moreover, on April 1st the European Council launched the EUFOR Libya. This was a military operation aimed at assisting humanitarian missions in the country, commanded by Italy. This operation generated tensions among the EU member states, divided over the need to deploy military means for humanitarian purposes. In general, member states were not in favour of a CSDP military mission. Therefore, EUFOR was shaped with sole humanitarian purposes. This was represented as the smallest common denominator, meaning a minimum role for the EU in the overall crisis response. It turned out to be a "symbolic gesture ... to reinforce the UN's efforts in the humanitarian field"¹²⁵. Ultimately, the operation was never implemented, as the OCHA never activated it. The implementation of a CSDP operation was not even taken into consideration in the context of the Libyan crisis response. This resulted from the growing disagreements among member states over its modalities and political implications, and from the policymakers' need to deal with domestic problems. A European CSDP operation was in no one's plans nor interests. The NATO framework allowed EU states to overcome the lack of capabilities and uncertainty by relying on U.S. support.¹²⁶

¹²¹ Koenig, "The EU and the Libyan Crisis – In Quest of Coherence?"

¹²² Fabbrini, "The European Union and the Libyan Crisis"; Koenig, "The EU and the Libyan Crisis – In Quest of Coherence?"

¹²³ Koenig, "The EU and the Libyan Crisis – In Quest of Coherence?," 21.

¹²⁴ Koenig, "The EU and the Libyan Crisis – In Quest of Coherence?"

¹²⁵ Koenig, 22.

¹²⁶ Fabbrini, "The European Union and the Libyan Crisis"; Menon, "European Defence Policy from Lisbon to Libya"; Marchi, "The EU in Libya and the Collapse of the CSDP"; Koenig, "The EU and the Libyan Crisis – In Quest of Coherence?"

The Post-Gaddafi Civil War

The European Union kept enforcing its foreign policy towards Libya on the lines of its 2011 response to the Arab Uprisings. In general, it relied on the action framework of the UNSMIL. Already in 2011, the European Union tried to include back Libya in its ENP, focusing on civil society support, public administration capacity-building and the management of migration flows. Successively, the evolving of the crisis led to the ENP moving resources to security-related goals. Once again, the limitations of the policy were the internal divisions and the disconnectedness with the other CSDP operations. With the outbreak of the civil war in 2014, the Union's framing of the crisis "shifted back into a short-term crisis response mode"¹²⁷. ENP activities vanished from the foreign policy plan. Migration management and securitization operations became the political priority, to assist EU members' requests and help the UN-led mediation efforts.¹²⁸

On 22 June 2015, the European Council launched "EUNAVFOR MED - Operation Sophia", a CSDP mission to contrast migrant smugglers and human traffickers. The aim of the operation was to assist Italy in dealing with the crisis while preventing loss of life at sea. The mission was furtherly implemented with the task of enforcing the maritime embargo in the Libyan seas and training the Libyan coastguard to combat migrants smuggling. Moreover, on 3 February 2017, the European Council redacted the Malta Declaration. With this agreement, the EU committed to "continuing support to efforts and initiatives from individual Member States directly engaged with Libya; in this respect, the EU welcomes and is ready to support Italy in its implementation of the Memorandum of Understanding signed on 2 February 2017 by the Italian Authorities and Chairman of the Presidential Council al-Serraj"¹²⁹.

The deterioration of Libya's security governance in the post-Gaddafi power transition challenged the impact of these operations. The training of the Libyan coastguard under EUNAVFOR and the MoU received alerts by UN organs for human rights violations¹³⁰. Another significant EU foreign policy towards Libya was the civilian CSDP-mission EUBAM Libya (EU Integrated Border

¹²⁷ Koenig, "Libya and Syria," 362.

¹²⁸ Koenig, "Libya and Syria"; Assem Dandashly, "The EU Response to Regime Change in the Wake of the Arab Revolt: Differential Implementation," *Journal of European Integration* 37, no. 1 (January 2, 2015): 37–56, <https://doi.org/10.1080/07036337.2014.975988>.

¹²⁹ European Council, "Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route." [2017 Malta Declaration], February 3, 2017, <https://www.consilium.europa.eu/en/press/press-releases/2017/02/03/malta-declaration>, accessed on June 17, 2021.

¹³⁰ Chiara Loschi, Luca Raineri, and Francesco Strazzari, "The Implementation of EU Crisis Response in Libya: Bridging Theory and Practice," *EUNPAK Project*, EUNPAK Working Paper, D.6.02 (April 1, 2018).

Management Assistance Mission). This was launched in 2013 together with UNSMIL to help Libyan authorities with border management. However, the pressure from EU member states' leaders on how to deal with irregular migration and the volatile security conditions following the LPA undermined its effective implementation. Therefore, EUBAM became a compromise between member states willing to use the operation to secure their domestic needs. The EU also provided funding and assistance to tackle the causes of irregular migration through the EU Emergency Trust Fund (EUTF). This helped supporting local authorities in migration management and distributing UN shelter items, facilitating the access of humanitarian actors to protect migrants. Moreover, the EU continued its humanitarian assistance to the victims of the Libyan civil war through the ECHO. This organ coordinated UN and other international organizations to provide humanitarian assistance locally. In general, humanitarian aid activities got channelled to buffer the urgent migratory crisis, aiming to protect the rights of the migrants transiting through Libya. This was the outcome of the EU member states framing the Libyan crisis mainly as a migratory one. This approach was widely criticized, as it excluded local actors and authorities.¹³¹

ANALYSIS

In this section, this research aims to find common ground between the European Union's decisions and behaviour towards the Libyan Crisis and the theoretical framework. The integration of the historical insights with the characteristics of sovereignty will outline the EU's conception of sovereignty in the various stages of the Libyan Crisis. To analyse the EU's idea of the absoluteness of sovereignty, it is possible to look at the sovereignty of the EU towards its members and of the Union itself in the global area, in respect to supranational and intergovernmental actors. The second debate refers to the EU understanding of the two sovereignty dimensions, analysed through the case of Libyan sovereignty.

The 2011 Crisis and Intervention

On 25 February 2011, EU High Representative for Foreign Affairs Catherine Ashton made a speech at Corvinus University, Budapest. In this speech, Baroness Ashton outlined some essential features of the EU foreign policy at the time of the Libyan Crisis. This latter was accordingly built on four principles, to be pursued cohesively: co-operation, sovereignty, democracy, and stability.

¹³¹ Loschi, Raineri, and Strazzari; Koenig, "Libya and Syria"; Dandashly, "The EU Response to Regime Change in the Wake of the Arab Revolt."

Cooperation, security, and democracy, intended as the best way to promote human rights, committed the EU to a non-absolute conception of sovereignty. This is because, in the ideal multilateral world that protects human rights and promotes democratic values, states are **responsible** for their citizens' security and rights, and **accountable** to the supranational norms and international organizations. Their sovereignty is therefore conditional to states' respecting human rights and providing security to their citizens. In this light, Ashton justified the intervention in Libya as Gaddafi's "outrageous behaviour in the past few days demands we send him back into the cold"¹³². By referring to the actions stated above, this conception is confirmed by adapting its decision in reliance with the UN framework, endorsing in various meetings the R2P principle. In this sense, Tocci's interpretation is that when global actors commit to intervene in a country in the name of the R2P, "they all implicitly accept the notion that state sovereignty is conditional on its responsible implementation"¹³³. In this context, the EU also adopted sanctions meant to deprive the regime of resources for repression. Also, regardless of their final utility and legitimacy, the humanitarian operations implemented by the EU fit this framework and complete the picture of a European **conditional** conception of sovereignty. To complete the EU's conception of non-absolute sovereignty, it is useful to understand two more factors stated above. The failure of the CSDP and the recognition of the NTC emerged out of internal divisions among EU member states. This indicates a duality inside the EU conception of its members' sovereignty. At a communitarian level, the EU promotes an integrated foreign policy in accordance with a conception of **divided** sovereignty. However, in the case of the response to the Arab Uprisings, member states' domestic interests overcame this view. Each of them demonstrated a unitary conception of sovereignty in foreign affairs, together with a determination to be supreme and independent in pursuing the interests of their citizens (absolute sovereignty). This was for example the case with France pushing the EU towards the recognition of the NTC. In conclusion, voluntary coordination in EU foreign policy made emerge states' absolute sovereignty behind the "pooling" principle of subsidiarity. Moreover, the EU support for the UN intervention, the sanctions against the regime and the humanitarian missions show the Union's belief in the primacy of positive sovereignty over its negative dimension. Ashton's speech confirms this view:

¹³² Catherine Ashton, "A world built on co-operation, sovereignty, democracy and stability" (speech, Corvinus University, Budapest, February 25, 2011), European Commission, https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_11_126.

¹³³ Tocci, "On Power and Norms," 66.

We need to help societies that wish to make the transition do so in the way that both minimises instability and enhances democracy. ... We can no more force a sovereign country to choose democracy than we can tell the sun to shine or the grass to grow. Our role should be to support countries that decide for themselves that they want to move to democracy.¹³⁴

Accordingly, the Union favoured direct intervention in Libya to secure the respect of the human rights of Libyans and to help the new NTC government providing fundamental needs. This overcomes even Ashtons' own principle that "every country deserves respect, and the chance to decide its own destiny"¹³⁵.

The Post-Gaddafi Civil War

The post-Gaddafi reconstruction is being a challenging effort for both the European Union and its members. By relying once more on the crisis response of the UNSMIL, the EU found in the support of the GNA a window of democratic development. This goes together with the EU active involvement in humanitarian and societal stabilization support policies in Libya, for example through the EUTF.¹³⁶ It is possible to interpret this phase as a continuation of the European path of promotion of rights and democratic stability by direct intervention, to enhance Libya's positive sovereignty.

Nevertheless, the successive "implosion" of Libyan security and the beginning of another civil war made the EU shift its crisis response to short term security concerns¹³⁷. In fact, with the deterioration of security in Libya, the EU increasingly framed the situation as a purely migratory crisis. In practice, Koenig argues, "the EU's focus shifted towards the symptoms of the Libyan conflict"¹³⁸. The conflict dynamics were considered too complex and multifaceted, therefore resources got channelled to measures reinforcing security. Accordingly, the EU adopted solutions aimed at tackling the repercussion of the crisis on Europe, especially in terms of terrorism and migration. It did so by implementing on-the-ground measures to deal with the specific needs of

¹³⁴ Ibid.

¹³⁵ Catherine Ashton, "A world built on co-operation, sovereignty, democracy and stability".

¹³⁶ Florence Gaub, "The EU and Libya and the Art of the Possible," *The International Spectator* 49, no. 3 (July 3, 2014): 40–53, <https://doi.org/10.1080/03932729.2014.937093>; Dandashly, "The EU Response to Regime Change in the Wake of the Arab Revolt."

¹³⁷ Gaub, "The EU and Libya and the Art of the Possible."

¹³⁸ Koenig, "Libya and Syria," 362.

individual member states.¹³⁹ Two consequences stem from this change of behaviour. First, to comply with member states' needs, some EU-sponsored policies ignored human rights concerns. An example was the incorporation of Italy's migratory policy in the EU framework. In the cases of the EUNFORMED and the MoU, the EU became co-financer of the Libyan detention centres and the training of the Libyan coast guard. In both instances, human rights abuses have been signalled.¹⁴⁰ These cases of human rights degradation undermined the efficiency of the entire European crisis response, by highlighting "the gap between intention and implementation"¹⁴¹. On the other hand, the same issues point to a strong contradiction between the EU commitment to human rights promotion. When implementing these policies, the EU looked at its members' domestic concerns and electoral deadlines, proposing short-term solutions that alienated local actors and authorities.¹⁴² Second, internal rivalries result reinforced, as the individual states seek to promote their security interests at a EU level. In this sense, "the limited EU role has pushed member states to play a more active role at various institutional and political levels ... When member states feel their interests are threatened ... they take initiatives themselves"¹⁴³. For example, in the context of EUBAM, while Italy wanted the mission to focus on the maritime borders (migration) France pushed for moving it to the southern borders (terrorism). The result was "was a 'crawl-walk-run' approach with an initial focus on the capital and a gradual extension to border 'hotspots'"¹⁴⁴. In this sense, internal divisions did not fade away with the elimination of Gaddafi. The voluntary coordination framework of the communitarian foreign policy allowed member states to pursue their unitary foreign policy, while the EU tries to comply with all of them by including their needs in communitarian operations (**divided** sovereignty).

In general, while it is not possible to claim that the EU shifted to conceive sovereignty in an absolute way, this approach demonstrates that for the EU sovereignty ceased to be conditional on responsibility and accountability. On the other hand, it is possible to interpret the EU conception of its own sovereignty in the international arena as a strive to be the ultimate policymaker addressing the needs of its internal population (**supremacy**). Accordingly, "[t]his prioritization of the EU interests, and what instruments and tools to pursue these interests is based on the domestic politics

¹³⁹ Dandashly, "The EU Response to Regime Change in the Wake of the Arab Revolt"; Loschi, Raineri, and Strazzari, "The Implementation of EU Crisis Response in Libya."

¹⁴⁰ Loschi, Raineri, and Strazzari, "The Implementation of EU Crisis Response in Libya"; Dandashly, "The EU Response to Regime Change in the Wake of the Arab Revolt"; Vari, "Italy-Libya Memorandum of Understanding Italy's International Obligations."

¹⁴¹ Loschi, Raineri, and Strazzari, "The Implementation of EU Crisis Response in Libya," 7.

¹⁴² Loschi, Raineri, and Strazzari, "The Implementation of EU Crisis Response in Libya"; Dandashly, "The EU Response to Regime Change in the Wake of the Arab Revolt."

¹⁴³ Dandashly, "The EU Response to Regime Change in the Wake of the Arab Revolt," 53.

¹⁴⁴ Koenig, "Libya and Syria. At the Crossroads of European Neighbourhood Policy and EU Crisis Management," 361.

of the targeted countries and is clearly reflected in the cases at hand”¹⁴⁵. Moreover, the EU’s implementation of these crisis responses was denounced and censured by UN agencies and human rights organizations¹⁴⁶. This did not prevent the EU to exercise its **independence** in promoting its member states’ interests, disregarding Libyan society and intergovernmental frameworks of conditional sovereignty.

A SOVEREIGNTY DIVERGENCE?

In this final section, I will confront the two conceptions of sovereignty in respect to debates 1-2 to discuss similarities and differences, thereby answer the sub-question outlined in the introduction. Finally, I will draw a general assessment of the impact of the hypothesized foreign policy divergence. First, it is again useful to schematize the results of the analysis sections in Figure 4.

ACTOR	DEBATE	Before the 2011 intervention	During the 2011 Intervention	Post-Gaddafi period
Italy	1	ABSOLUTE	NON-ABSOLUTE	NON-COHESIVE: Non-conditional (independence, supremacy) Divisibility
	2	NEGATIVE	POSITIVE	POSITIVE
EU	1	NON-ABSOLUTE		NON-COHESIVE: Non-conditional (independence, supremacy) Divisibility
	2	POSITIVE		POSITIVE

Figure 4: Analysis results, conceptions of sovereignty of the EU and Italy

¹⁴⁵ Dandashly, “The EU Response to Regime Change in the Wake of the Arab Revolt,” 52.

¹⁴⁶ Loschi, Raineri, and Strazzari, “The Implementation of EU Crisis Response in Libya.”

The conceptions of sovereignty of both actors have not been consistent over time. However, their interpretations changed over time, as the actor adapted to new situations. For example, this was the case with Italy, which shifted three different conceptions in three different scenarios. This reflects what outlined by the literature review, with Italian foreign policy being strictly related to domestic dynamics and short-term goals. On the other hand, the European divided conception of sovereignty in foreign policy was consistently undermined by its members' approach to foreign policy, favouring unitarity. In this sense, historical research showed that the actions and choices of the EU and Italy in the context of the Libyan Crisis not always reflected consistent conceptions of sovereignty.

This paper investigated to what extent the distinct conceptions of sovereignty of Italy and the EU prevent the Union to implement a cohesive foreign policy towards the Libyan Crisis. Now that the two evolving conceptions of sovereignty have been outlined, it is possible to assess the impact of the divergence between the European and Italian conceptions. The two actors' conceptions coincided only in the context of the 2011 NATO intervention in Libya. By referring to the historical analysis, it is possible to notice that this was the only instance in which Italy aligned to the EU foreign policy framework without directing pursuing domestic interests in contrast. The pre-2011 period was the one in which the divergence was most accentuated. This saw, for example, Italy enhancing the negative sovereignty of Gaddafi's regime despite its poor democratic performances. On the other hand, the EU and Italy could not even cooperate effectively when working together towards Libyan positive sovereignty. In the case of the post-Gaddafi period, despite a similar pattern of non-cohesivity in their sovereignty conceptions, they ended up favouring human rights abuses.

This confrontation between the insights in [Figure 4](#) and the historical analysis indicates the relevance and effective impact of this divergence in sovereignty conceptions. It is, therefore, possible to conclude that the shift in the latter had an impact on the overall European crisis response in Libya.

CONCLUSION

This research aimed to analyse the European response to the Libyan Crisis (2011-present) by highlighting the divergence in the foreign policies of Italy and of the European Union. An initial approach to the historical case study focused on Italy's "obstinate" behaviour towards the crisis response of the UN and the EU. First, the Italian government stood against the NATO-led intervention to dethrone Gaddafi. Successively, Italy became one of the challenges hindering the European Union from implementing a cohesive and effective foreign policy towards Libya. Accordingly, while implementing its own foreign policy towards Libya, Italy contrasted two curtailments of state sovereignty perpetrated by supranational and intergovernmental actors in a globalized world. This first analysis meant that a purely historical research approach would have overlooked some key dynamics stemming from the events of the Libyan Crisis response. An analysis of the actors' conceptions of sovereignty was needed to add explanatory power to actors' behaviour in the context of the case study. In this way, a study of sovereignty was chosen to create common ground between political philosophy and foreign policy. That is why this thesis approached the issue from an interdisciplinary research perspective. The goal was to answer the following research question:

To what extent do the different conceptions of sovereignty of Italy and the EU prevent the Union to implement a cohesive foreign policy towards the Libyan Crisis?

First, a theoretical framework has been constructed by studying theories and notions from political philosophy. This outlined different philosophical conceptions of sovereignty, selected by their relevance with the case study. These were categorized into two debates: about the absoluteness of sovereignty and the prevalence of the positive or negative dimension of sovereignty. Some key characteristics have been outlined through a further philosophical literature review, to connect the two debates with the actors' behaviours. These latter have been researched through an historical analysis, including primary and secondary sources. The following analysis was carried through an interpretative method and allowed to categorize the behaviour of Italy and of the European Union into their positions in the two debates. This outlined their distinct conceptions of sovereignty in the different phases of the Libyan Crisis.

Before joining the Operation ‘Unified Protector’, Italy’s foreign policy towards Libya was characterized by an absolute conception of Italian sovereignty and, consequently, the support for the negative dimension of Libyan sovereignty. Although in the analysed cases Italy deliberately operated in accordance with the EU framework, domestic aims were at the basis of the Italian foreign policy towards Libya. This is demonstrated by the cases in which Italian interests prevailed over the EU actions and norms, for example with the privileges to Italian companies in the TFPC and the indiscriminate attempts to support Gaddafi until the last moments, making Italian sovereignty unitary in foreign policy. The supreme independence of a non-democratic regime, incapable to provide security and rights to its citizens did not represent an obstacle for Italian interests, which committed to its negative sovereignty. On the other hand, when the Italian government understood that Gaddafi was lost to the consequences of a conditional conception of sovereignty, it aligned to the EU ideals and joined the 2011 intervention. On the other hand, the European Union remained consistent on its non-absolute conception of sovereignty, reinforced by human rights conditionality and commitment to enhance the positive dimension of Libya’s sovereignty. The outbreak of a new civil war and the increasing security issues in Libya blurred the conceptions of sovereignty in the actors’ foreign policies. Consequently, in this phase, Italy and the EU conceptions of sovereignty has been categorized as “non-cohesive”. Italy could exercise its supreme sovereignty by controlling its domestic migration flows and energy policies. While doing so, it dragged its policies, non-conditional on human rights concerns, into the EU framework of “pooled” sovereignty in foreign policy. At the same time, the European Union had to abandon Ashton’s four pillars to collectively deal with the domestic security issues of its member states. This led the Union to develop a conception of sovereignty non-conditional on human rights, expressed by a divided sovereignty in foreign policy. This is ultimately failing to overcome the member states’ dynamics and implement a cohesive and “re-constructive” response to the Libyan Crisis.

These insights categorize the EU and Italy’s distinct conceptions of sovereignty throughout the different phases of the Libyan Crisis. This points to an existing divergence, which was attenuated only in the context of the 2011 NATO intervention. The divergence in the preceding and following period points to the significant impact of the different conceptions of sovereignty of the EU and Italy on the former’s capabilities to implement a cohesive response towards the Libyan Crisis. These findings enrich the academic debate by adding an interdisciplinary perspective to the literature discussing the challenges to a common European foreign policy and the dynamics of the Italian foreign policy towards the MENA region. Moreover, they shed a light on different problematics of the EU crisis response processes, by pointing out some divergences with its member states, especially Italy.

While researching this issue, it was possible to recognise different limitations in the boundaries and analytical methods. To highlight the sovereignty divergence between Italy and the EU, the role of other states such as France, Great Britain and the U.S. has been overlooked. These actors played a determinant role in shaping the events of the Libyan Crisis. Further research should include them. Another matter that would have deserved a primary role in this analysis is the bilateral relationship between Libya and Italy. By going further back in time, it would be possible to include the colonial and Cold War relationships of these actors, to understand how these latter affected the present-day events.

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