L-Università ta' Malta
Mediterranean Academy
of Diplomatic Studies

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Mediterranean Academy of Diplomatic Studies
University of Malta

Med Agenda – Special Issue

Championing Diplomacy in the Mediterranean Eastern Mediterranean and Libya: The Way Forward?

Dr. Monika Wohlfeld (Editor)

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Acknowledgment

In its 30 years of existence, MEDAC has consistently advocated diplomacy as a means for overcoming divisions, tensions and conflict in the Mediterranean region. With this edited publication entitled *"Championing Diplomacy in the Mediterranean – Eastern Mediterranean and Libya: The Way Forward?"*, MEDAC wishes to contribute to thinking about possible ways of championing diplomacy as a way of moving towards more peaceful and co-operative engagement among States of the Mediterranean region.

This publication includes contributions to a Mediterranean Academy of Diplomatic Studies (MEDAC) postgraduate seminar on the same subject matter held in 5 sessions on: 26th October, 28th October, 3rd November, 10th November and 18th November 2020, in a hybrid format, involving contributors engaging in person in Malta and online. The Hon. Minister for Foreign and European Affairs of Malta, **Evarist Bartolo** addressed the participants of the seminar. Amb. **Walter Haßmann**, German Ambassador to Malta, delivered opening remarks.

The authors of the papers presented in this special volume of the Med Agenda engaged during the seminar in a lively interaction with MEDAC students, many of whom are young diplomats from countries of the Mediterranean and beyond. The Seminar was made possible by funding provided by the German Federal Ministry of Foreign Affairs as part of the German Chair for Peace Studies and Conflict Prevention project at MEDAC. The Federal Republic of Germany has been a stakeholder in MEDAC since 2009.

Championing Diplomacy in the Mediterranean

Stephen Calleya

This edited publication entitled *"Championing Diplomacy in the Mediterranean – Eastern Mediterranean and Libya: The Way Forward?"* has emerged from the Mediterranean Academy of Diplomatic Studies postgraduate seminar held during the first semester of the 2020/2021 academic year.

The authors of the papers published in this special edition of the Med Agenda series delivered their respective lectures to the Masters degree students attending the one year programme in Diplomatic Studies offered by MEDAC at the University of Malta. The Seminar provided an opportunity to take stock of developments across the Mediterranean region and focus on multilateral initiatives being promoted to try and mitigate on-going conflicts.

The series of papers included in this publication focus on the influence of the European Union in the Eastern Mediterranean and also in the current civil war in Libya. A comprehensive analysis of the role of the United Nations' role in international dispute settlements is also included in this study.

Taken together the research presented highlights the importance of adopting a multilateral approach when addressing contemporary security challenges. A collective security modality of cooperation allows for a multi-stakeholder approach in negotiations which is conducive to allowing for diverse perspectives to be voiced.

The Mediterranean is host to some of the longest on-going conflicts since the end of the Second World War. Three conflicts have dominated international relations namely the Israel-Palestine conflict, the Cyprus conflict and the Sahara conflict. Numerous diplomatic initiatives have taken place in an attempt to broker a peaceful resolution to each of these international inter-state disputes but to date there has been no successful outcome in any of these cases.

In actual fact the geo-strategic situation across the Mediterranean has today become even more volatile because the conflicts which have been open ended for decades have now been complemented by a series of new conflicts that have emerged in Libya, Syria and Yemen. Only a renewed multilateral approach to mediation in the Mediterranean will provide possible avenues of cooperation that prevent inter-state and sub-regional divisions from becoming permanent features of the twenty–first century Mediterranean.

Multilateral diplomatic initiatives that promote closer Euro-Mediterranean relations are essential as they are necessary to foster the confidence required to supersede the differences that exist between different protagonists across the Mediterranean. Since the upheaval across the Arab world in general and the southern shores of the Mediterranean in particular in 2011 there have not been enough multilateral initiatives launched to try and manage more effectively the instability that has emerged. The time has come to invest both the international political will and economic resources necessary to turn the page on endless conflict and commence a new chapter in Mediterranean relations that is characterised by peace and development.

The Seminar was coordinated by Dr. Monika Wohlfeld, Holder of the German Chair. The Hon. Minister for Foreign and European Affairs, Evarist Bartolo and H. E. Walter Haßmann, Ambassador of Germany to Malta both delivered keynote addresses at the start of the Seminar. The annual MEDAC postgraduate seminar is made possible by funding provided by the German Federal Ministry of Foreign Affairs as part of the German Chair for Peace Studies and Conflict Prevention project at MEDAC.

Professor Stephen C. Calleya
Director
Mediterranean Academy of Diplomatic Studies University of Malta
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Introductory Remarks: Championing Diplomacy in the Mediterranean – a German Perspective

Amb. Walter Haßmann

It was my pleasure to open this German Chair for Peace Studies and Conflict Prevention seminar on 'Championing Diplomacy in the Mediterranean: Eastern Mediterranean and Libya - The Way Forward?' at MEDAC. I congratulate the Academy and the German Chair for focusing on such an important issue for the entire Mediterranean basin. The extremely complex situation of several active conflicts, partially interlinked, leading to tremendous suffering of hundreds of thousands of people, urgently calls for coordinated international resolution efforts. However, established international mechanisms of coordination and cooperation are struggling to retain their effectiveness. In view of this, the German Government recently has, for the first time, presented the entire spectrum and strategic priorities of Germany's multilateral engagement, as well as ways to strengthen and renew multilateralism.

Its leitmotif is a *"proactive multilateralism"*. This refers both to our own commitment and to enabling the multilateral system to tackle global challenges more effectively. Germany has helped to stabilise the multilateral system in recent years, particularly where support has fallen by the wayside, for example in holding firm to the JCPoA, with its pioneering role in climate protection, its engagement in the UN Human Rights Council, its commitment to UNRWA, and with considerable financial contributions to the UN system as a whole (Germany was the second- largest contributor in 2019). In our efforts to tackle the COVID-19 pandemic, we have, from the outset, focused on multilateral solutions with our support for the WHO and the newly created ACT-A structure and its vaccine arm COVAX. In the past years, Germany has contributed to mediation efforts in Afghanistan, Ukraine and in the Mediterranean region, in particular in the Eastern Mediterranean region and in Libya. The 2020 Berlin conference on Libya was a significant investment for German diplomacy in support of the United Nations' effort to address the strife in the conflict-torn country.

The last two years have been particularly noteworthy for Germany diplomacy. In 2019, Germany assumed a two-year non-permanent seat the United Nations Security Council. It took on a wide spectrum of challenges: disarmament, crisis prevention, human rights, as well as climate, security and health policy, to give a few examples. In the second half of 2020, Germany also assumed the Presidency of the Council of the European Union. During its Presidency, Germany supported the EU High Representative, putting itself at the service of a united and responsible European external action policy. The European Union provides a central framework for German foreign, security and development policy. Only jointly can Europe effectively address international challenges and defend its values. And it must

prioritize reaching out to our neighbouring regions and supporting conflict prevention and conflict resolution efforts, sustainable development and connectivity.

I congratulate the Mediterranean Academy for continuing its sterling work on exactly these themes, rising to the extra challenge presented by the pandemic. MEDAC's Masters programme for young diplomats from the Mediterranean region and beyond continued, using a hybrid model of a mixture of in-person and online interaction, teaching and seminars.

The Mediterranean Academy of Diplomatic Studies celebrated its 30th anniversary in 2020. Throughout these last decades, the world in general and the Mediterranean in particular have witnessed many historic developments. As an academic postgraduate centre of excellence, MEDAC has consistently sought to promote a more cooperative and dynamic Mediterranean region through its diplomatic training programmes, which emphasize conflict prevention and peace studies and through its contributions to academic dialogue - conferences, seminars and publications. For more than a decade, the German Chair for Peace Studies and Conflict prevention has been instrumental in all of MEDAC's endeavours.

This seminar touched upon the core issues of the region: how to move forward in the best possible way towards peaceful solutions, based on diplomacy and mediation, to two conflicts in EU's immediate neighbourhood. The contributions to this seminar, collected in this volume, indicate that while the groundwork has been laid, much remains to be done to arrive at a peaceful and prosperous Mediterranean region.

Introduction: Diplomacy in Eastern Mediterranean and Libya

Monika Wohlfeld

Some of the most pressing challenges of the day converge in the Mediterranean region. The region is marked by open conflict, great power competition and involvement of external actors such as China and Russia, but also social and economic challenges, irregular migration, terrorism and climate change, to name some. At the same time, the region lacks an effective and inclusive framework for addressing such challenges in a comprehensive way. Efforts aimed at advancing diplomacy and mediation are thus undertaken in a fluid and at times difficult regional setting and a changing global situation.

This publication focuses on diplomacy and mediation in two sub-regions of the Mediterranean region – the Eastern Mediterranean and Libya. The conflicts in Eastern Mediterranean are complex and intertwining. Conflict in the Eastern Mediterranean, involving Greece, Turkey and Cyprus is not new. As Nathalie Tocci writes, 'One only needs to rewind back to the 1996 crisis over the islets of Imia/Kardak, the 1974 Turkish military intervention and ensuing occupation of Northern Cyprus or the 1963 constitutional breakdown of the bizonal and bicommunal Republic of Cyprus to recall the most salient milestones of a set of conflicts which have alternated between open hostility and partial reconciliation since Greek independence in 1830.'[1] The efforts aimed at finding a diplomatic solution have stretched over past decades. But the most recent years delivered further complications, related to Turkey's role in the conflict in Syria and Libya and the involvement of additional factors such as the discovery of gas fields and consequent involvement of additional actors.

Bichara Khader tackles the situation in the Eastern Mediterranean in his contribution to this volume. He argues that the escalation of the situation in the Eastern Mediterranean constitutes 'a serious headache for the EU'. Khader compares and contrasts approaches of key EU member states, arguing that the EU does not speak with one voice and is divided on how to proceed. He spells out clearly that EU-Turkey relations have rarely been worse. And while the EU can possibly afford to wait some more years for a solution to the Cyprus issue, it surely cannot afford to find a solution to hot conflicts such as the conflict in Libya – where it requires the cooperation of Turkey.

Dimitrios Triantaphyllou focuses on Greek-Turkish relations in a wider context. He agrees to the need to champion diplomacy in the Eastern Mediterranean, but observes that the context of

[1] Nathalie Tocci, Unpacking the Conflict in the Eastern Mediterranean. IAI Commentaries 20/70, October 2020. https://www.iai.it/en/pubblicazioni/unpacking-conflict- eastern-mediterranean

the conflict in that subregion can only be described as being in flux. US foreign policy priorities, US-EU relations, US-Turkey relations, EU- Turkey relations, EU foreign policy, the interactions between Russia and the West, the UK's post-Brexit relationship with the EU and the United States, China's growing influence, the ramifications of the existentialist threats of climate change and pandemics are all of importance. Triantaphyllou suggests that this "liquid world" has ramifications for the Aegean and Eastern Mediterranean and, by extension, the relations between the European Union and Turkey and between Greece and Turkey. In this emerging world order, Turkey projects itself as a significant regional pole. Triantaphyllou foresees gridlock and uncertainty on how to address the conflict in the Eastern Mediterranean and analyzes two different scenarios – one in which, the EU attempts to make do without a fundamental rethink of the relations with Turkey, and one in which a paradigmatic reconsideration of these relations take place. He makes the case for the latter, but acknowledges that this would be a complex and longer-term undertaking.

One of the key challenges to peace and security in the Mediterranean region is the conflict in Libya. Its difficult internal dynamics, the involvement of neighboring states and regional powers, the interests of Russia, Turkey and the Gulf States, combined with EU's internal divisions on the way forward create a conflict, which some see as being 'among the most intractable conflicts in the world today'[2] and 'one of the most intractable conflicts leftover from the "Arab spring" a decade ago.'[3] ***Asma Dekna*** discusses the role of the EU in Libya. Her verdict is clear: the EU remains largely marginalized, disunited and incoherent in its approach to Libya. Various EU Member States have developed relationships with different groups in the country. However, the interests of member states are often conflicting. That undermines the trust in the EU as a credible partner in Libya. Dekna sees the response to the Libya crisis as a crucial test for the EU's Lisbon Treaty, especially the decision-making regime and approach to foreign and defence policies. Dekna traces the history of relations between the EU and Libya since 2011, as well as the policies of individual EU states towards Libya. She describes the Berlin Conference on Libya as a lost opportunity for the EU to overcome the divisions among its member states and come together in support of the German approach. Dekna identifies the EU's indecisiveness and incoherence in Libya, coupled with USA isolationism, as giving rise to increased Turkish presence in the EU's eastern and southern neighbourhood. However, she argues that it is not too late for the EU to have a more unified stance on and prominent role in the Libyan crisis. The EU can still build a more coherent strategy towards Libya and reinstate its influence over its southern neighborhood.

Omar Grech's essay provides an overview of the role of the United Nations (UN) in international dispute settlement. Grech examines the relevant UN Charter provisions that regulate the UN's role in this context and then provides some thoughts on the application of these provisions in practice in the Libya and Syria scenarios. He discusses the scope of the UN's role in the sphere of international dispute settlement as well as the practical limitations, which preclude the UN system from functioning effectively in this field. The limitations of the UN dispute resolution procedures and mechanisms were particularly visible in the context of the Syrian conflict and the Libyan civil strife. Firstly, the UN focuses mainly on interstate disputes. However, most threats to international peace and security today involve non-state actors. The UN and the international community as a whole still face difficulties in securing effective cooperation of

[2] Edward P. Joseph & Jeffrey A. Stacey, The War in Libya: Ribe (sic) for Resolution (2). Libya Tribune, n.d. http://en.minbarlibya.org/2020/07/25/17402/

[3] Divided Libya marks 10th anniversary of 2011 uprising. Middle East Online, 17 Feb 2021. https://middle-east-online.com/en/divided-libya-marks-10th-anniversary-2011-uprising

non-state actors in complying with Security Council (SC) resolutions. Secondly, the P5 veto procedure continues to stress the system as the requirements of international peace and security often conflict with the national interests of SC permanent members. Thirdly, the enforcement of SC Resolutions remains problematic - for example, the arms embargoes in respect of Libya and Syria have been routinely flouted. This aspect is linked to a number of factors, including: (i) unless the UN SC authorises coercive measures to enforce SC resolutions, reliance on the good will of the disputing parties is often insufficient (ii) increasingly, states are interfering in domestic disputes occurring in other states such as in Syria and Libya either directly or by using mercenaries and (iii) non-state actors in the form of transnational criminal networks, private armed groups etc. are difficult to contain.

The volume's contributions highlight the challenges to regional and global peace and security that emerge in the Mediterranean. They locate these challenges in the context of an increasingly changing and complex inter-linkage of issues, actors and interests. Diplomacy and peaceful conflict resolution must be highlighted and actively supported by actors such as the United Nations and the European Union and its member states, if this new 'fluid world' is not to be characterised by ever growing geopolitical competition and law of the strongest.

EU and the Eastern Mediterranean Tinderbox

Bichara Khader

Introduction

Although Turkey has been recognized as a candidate country to European membership, in 2005, EU -Turkey relations have, since, run off the cliff. Already in 2005, many European analysts and media commentators lambasted this EU initiative arguing that only 3 % of Turkish territory lies in the European continent, that it is a Muslim country, that, if admitted in the European Club, it would cost a lot of money. More importantly, some European States did not hide their opposition. Before becoming President, Nicolas Sarkozy, in his campaign speech in February 2007, did not beat around the bush and put it bluntly: Turkey has no place in Europe.

Since then, relations turned sour : a spate of Turkish moves strained EU–Turkey relations to almost a breaking point: Turkish clampdown on opposition after the botched military coup of 2016, to oust President Erdogan, the weaponization of the migrants issue in 2016, the three Turkish cross-border military operations in Syrian territory, the signing of a Memorandum of Understanding with the UN- recognized government of Tripoli regarding the maritime continental shelf and Exclusive Economic zones (2019) and lately the deployment of gas research vessels in Eastern Mediterranean (2020).

All these initiatives have been severely criticized in many European capitals and EU official circles, as 'erratic', 'hostile', 'aggressive' or even 'illegal'. Many analysts of European think-tanks espoused the same terminology to describe Erdogan's behaviour, departing from cool-headed analysis. Whether on Syria, Libya or East Mediterranean, Turkish policies do not take place in a vacuum. To be understood, one has to take into consideration the structural and conjunctural determinants of Turkish foreign policy and Turkey's perception of its own security[1].

As many Turkish analysts argue, since the end of the Ottoman Empire, Turkey has been connected to the West, as a westernized and secular republic (Mustafa Kemal Ataturk), and since 1952, as a faithful ally (NATO member). Yet, in spite of being anchored in the Western alliance, Turkey's national security policy continues to be influenced by what is called the 'Sèvres syndrome', that is 'the *conviction* that the external world is trying to weaken and divide Turkey'.[2]

This perception has been exacerbated since the electoral victory of the "Justice and

[1] See Mustafa Aydin: *The determinants of Turkish Foreign Policy and Turkey's European vocation*, in Review of International Affairs,3 (2), December 2003, pp.306-331.

[2] Idem

Development Party" in 2002 and the new orientation of Turkish foreign policy based on the 'militarization of its foreign policy instruments as integral power calculus in Turkish decision-making'[3],leading to increased assertiveness of Turkish foreign policy domestically and abroad.

Three factors may explain this 'new assertiveness': first an increased frustration with the European Union perceived as failing the hopes of Turkey of joining the Community, second the great concern in Turkey about its immediate security, mainly after the invasion of Iraq by the USA in 2003, which put again the Kurdish question on the front-burner, the internal strife in neighbouring Syria and its fall- out on Turkish security, and lately the discovery of gas in Eastern Mediterranean and the renewed bitterness between Turkey and Greece.

Considered 'provocative' or 'irrational' by EU officials and many analysts, latest Turkish foreign policy initiatives, whether in Syria, in Libya or in Eastern Mediterranean, proved Turkey's ability:

- To safeguard its security interests (with three successful cross-border offensives in Syria against the Kurds).
- To project power by sending arms and troops to the legitimate government of Libya, tipping the military balance of the internal strife in favour of the government of Tripoli, thus facilitating the August 2020 cease-fire agreement.
- And finally, to assert its interests in Eastern Mediterranean, without bowing to the threats of some European countries, who backed the two Mediterranean member states: Greece and Cyprus.

While there is a wide approval of these policies at home, in spite of the economic woes of the country, there is no doubt that Turkish coercive diplomacy is putting Turkey at loggerheads with many regional powers and many European capitals. Yet Turkey cannot back off risking a reputational cost and it cannot escalate tension further as it might spiral out of control.

In this article I argue that Turkey's policies are not as erratic as they appear to be, that Turkey's claims in Eastern Mediterranean deserve to be taken into account, but also, that the systematic use of military instruments to achieve national interests is a dangerous game that can backfire and therefore, there is an urgent need of reactivation of diplomatic tools to address Turkey's security concerns in Syria, and put talks back on track and defuse the row, mainly in Eastern Mediterranean, or 'risk sparking a catastrophe', as the German Foreign Minister, Heiko Maas warned. Unfortunately, whether in Syria or in the Eastern Mediterranean, the EU has been incapable of playing a robust, even-handed mediating role, thus leaving the door open for solitary manoeuvres by some Member States, mainly France and Germany. The Eastern Mediterranean crisis offers the EU a golden opportunity to chart a new course of action and demonstrate its actorship and unity of purpose.

Turkey and Syria

For decades, Turkey turned its back to its Arab neighbourhood and chose not to meddle in Middle Eastern affairs. Historical animosity and the Western leaning of the New Turkey after the Kemalist revolution explain to a large extent this neglect. But the increasing needs of energy by the blooming Turkish economy and the economic opportunities offered by the Arab countries forced Turkey to turn the page of acrimony and kick-start a new relation with its

[3] Saban Kardas »*Understanding Turkey's coercive diplomacy"*, in www.gmfus.org/ publications , 13 August 2020.

Arab and even Iranian neighbours, epitomized by the slogan 'zero problems with neighbours', coined by Ahmed Davutoglu, ex-minister of Foreign Affairs of the Justice and Development Party. The idea behind the slogan is that Turkey must make way to a more pro-active foreign policy, based on the so -called 'strategic depth' and aiming at protecting Turkey's security and economic interests and projecting Turkey as a 'core state' in the region and beyond. Soft power and public diplomacy were deployed in great effectiveness in Arab countries where Turkey became an important trading partner, a staunch backer of the Palestinian cause, contributing to UN forces in Lebanon, mediating in the nuclear stand-off with Iran and even assuming a leadership position in the Organisation of the Islamic Conference (OIC).

With the Arab Spring in 2011, the harsh reaction of the Syrian regime against protestors who called for freedom (starting in March 2011), the surge of the Islamic State (ISIS) in 2014, and the enhardened PKK party in Syria and Iraq, Turkey's soft diplomacy in the Middle East was challenged. Turkey found itself stuck and embroiled in the Syrian crisis as it was caught off-guard and unprepared by the Arab Spring and its consequences. Turkey had to take sides often in support of Muslim Brotherhood Parties with the negative result of strained relations with Egypt under Sisi, with Saudi Arabia, the Arab Emirates and Bahrain, all of them important trading partners.

But the major challenge came from Syria as Kurdish militants, often protected by the USA, raised their profile. Considering that its security was at risk, Turkey launched three offensives (the Shield of the Euphrates in 2016, Olive Branch in 2018 and the Peace Spring in 2019)[4], to eradicate Turkish militants, considered as terrorists by Turkey.

These offensives came in the aftermath of a failed coup against Erdogan. At home Turkish military offensives whipped up a renewed nationalist fervour allowing Erdogan to tighten his grip on power and silence his critics. By reuniting the nation behind his army, Erdogan appeared as another Ataturk seeking to reverse his tottering popularity by diverting attention from economic meltdown. He also appeared to be partnering with Putin, proving his ability to act independently of Washington without breaking with the West.

Soon after the launch of the October 2019 military offensive in North-East Syria, the EU called Turkey to cease its 'unilateral military actions'. In a press release, on the 9th of October 2019, the EU estimated that the Turkish offensive 'threatens the progress of the Global Coalition against Daesh', risks 'protracted instability in North East Syria' but, at the same time, recognizes 'Turkey's security concerns that should be addressed through political and diplomatic means'.

As Turkey did not budge, some European countries threatened to suspend arms sales to Turkey. In reaction, Erdogan said, on 10 October, that he would open the gates and send around 3.6 million refugees to Europe. The threat prompted an immediate rebuke from the President of the Council, Donald Tusk: '*We will never accept that refuges are weaponised and used to blackmail us'*. Turkey remained un-impressed.

Left with little leverage, the EU's reaction remained vocal and measured. Turkey is a NATO member, an important trading partner of the EU (with total trade oscillating between 90 and 100 billion Euros) and there is an important Turkish diaspora in Europe, mainly in Germany. On the other hand, the EU does not speak with one voice. It is symptomatic that, in November 2019, in

[4] Bichara Khader:"*The October 2019 Turkish offensive in North-East Syria: a pyrrhic victory?*", in Rivista de Studi Politici Internationali, January-March 2020, pp.11-27.

the midst of the crisis, Erdogan was welcomed in Hungary where in a joint press conference, Victor Orban said: "*Turkey can count on our support within the best of our abilities*".

In a more constructive move, German Minister of Defence, Annegret Kramp- Karrenbauer proposed to *'establish an internationally-controlled safe zone in Northern Syria'*. It was an excellent idea which would have given the EU a prominent role in Syria. But obviously the proposal has been turned down by other European member states, for not been practical.

Turkish military offensives in Syria constitute a clear signal that Turkey is determined to assert strategic autonomy and regional leadership through 'coercive diplomacy'[5].

Turkey and Eastern Mediterranean

While Turkish offensives in Syria were motivated by the necessity to thwart 'existential threats to the country's survival and territorial integrity', Turkey's policies in Libya and East Mediterranean have been tied to, what it calls *'legitimate sovereign rights'*. What is this all about?

Greece-Turkey rivalry is entrenched in history, almost since the defeat of the Greek in Asia minor and the fall of Constantinople on 29th May 1463, and the subsequent collapse of the Byzantine Empire. Therefore, Greek historic memory is replete with anti-Turkish sentiment.

More recently, relations deteriorated after a Greek Coup in 1974 which attempted to annex Cyprus to Greece, prompting the Turkish invasion of North Cyprus. This resulted in the division of the Island, leading to the unilateral declaration of independence of the Turkish Republic of North Cyprus in 1983, recognized only by Turkey. Since then, Turkey maintains a military force in North Cyprus and all attempts-including the 2004 referendum on the UN's Annan Plan for reunification- to reach a solution to the Cyprus division have failed. It is against this background that we must understand the current crisis in the East Mediterranean, which is intimately linked to the discovery of gas fields offshore.

The East Mediterranean gas big story started in 2009-2015 with the discoveries of the Tamar and Leviathan fields off the shore of Israel and Aphrodite field off the shore of Cyprus, and, more importantly, the discovery, in 2015, by the Italian company, ENI, of ZOHR vast deposits of natural gas in Egyptian waters. The three countries started negotiations to construct a gas pipeline, called EastMED pipeline connecting the fields to European markets, and using the existing Egyptian LNG facilities in IDKU and Damietta.

In January 2019, the energy ministers of Cyprus, Egypt, Greece, Jordan and representatives of Italy and the Palestinian authority met in Cairo and set up an informal Eastern Mediterranean gas forum which became in 2020, a recognized Intergovernmental regional organisation, with full membership of Egypt, Greece, Israel, Jordan, Cyprus, and Italy. The aim of the Forum was the development of a regional natural gas market, taking advantage of existing liquefied natural gas facilities in Egypt. To that purpose, Egypt and Cyprus agreed to construct a pipeline connecting the "Aphrodite" gas field to Egypt's LNG facilities. It was assumed that the project will attract foreign investment and foster cooperative engagement and regional integration.

Turkey was angered by both the establishment of the Gas Forum and the pipeline project, for five reasons: Turkey is cut off the Forum, Turkish North Republic of Cyprus is not consulted, Syria and Lebanon are not invited to join, the gas projected pipeline would cross,

[5] Saban Kardas: "*Understanding Turkey's coercive diplomacy*", www.gmfus.org/ publications , August 13,2020.

what the Turks claim, Turkish Continental shelf and Exclusive Economic Zone (EEZ), and the pipeline project is seen as competing with Turkstream, inaugurated in 2020, and other gas pipelines crossing through Turkey, which promoted itself as a hub and a corridor for Gas supplies to Europe. In a nutshell, as a spokesman of the Turkish Foreign ministry put it: the forum is an "*anti-Ankara bloc*"[6].

Turkey reacted by starting its own exploration activities offshore of North Cyprus, considered illegal by the EU. In a step further, on November 27,2019, Turkey signed a maritime agreement with the recognized Libyan government of Tripoli, triggering a prompt rebuke from Greece, which considered the deal as "*verging on the ridiculous*" as "*it ignores something which is blatantly obvious* ",[7] namely the islands of Crete and Kastellorizo. Greece claimed that the new delimitation of the Turkish Continental Shelf overlays Greek islands' continental shelf.

Egypt dismissed the deal on the grounds that it has no legal effect as the Government of Tripoli has no authority to act unilaterally without the backing of the Parliament (the Tobruk parliament). Finally, the EU condemned the deal considering it as not legally binding on third parties. Turkey retaliated by opening its borders to refugees eager to reach Europe through Greece, and in a further escalation, in July 2020, converted Hagia Sophia in Istanbul into a mosque, annulling a 1934 presidential decree that made it a museum.

In a tit-for-tat reaction, the Greek parliament ratified, on 27 August 2020, a maritime agreement between Greece and Egypt. The EU, this time, did not react. But the Turkish foreign Ministry slammed the agreement arguing that Greece and Egypt share no sea borders, and that the demarcated area in the deal is located on Turkey's continental shelf and therefore the deal is null and void.

In the meantime, Turkey sent its gas research vessel, Oruç Reis, to East Mediterranean waters, protected by military warships in a clear signal that it is prepared to defend its interests at any cost. The vessel sailed south of Kastellorizo in a zone claimed by both Greece and Turkey. In Turkish eyes, this tiny Greek island that is only 2 kilometres off Turkish mainland, with a total surface area of less than 10 square kilometres cannot have a continental shelf of 40.000 square kilometres, as Greece claims[8].

The row, however, should be understood in wider perspective as Turkey wanted to send a message to Southern Cyprus that it has not the right to sell gas resources "*in the absence of a prior agreement over the fair distribution of revenues between the island's Turkish and Greek communities*"[9].

EU Reaction to the Escalation in the East Mediterranean

The escalation between Greece and Cyprus on the one hand and Turkey on the other hand constituted a serious headache for the EU. Greece and Cyprus are member States, while Turkey is not, but both Turkey and Greece are NATO members, but Cyprus is not. The EU is thus caught between the devil and the deep blue sea. The confrontation between two NATO members is worrisome. But at the same time, Erdogan's risk-taking could spiral out of control. Therefore, the EU reacted by denouncing the illegal gas drilling by Turkey off the

[6] Quoted by www.middleeastmonitor.com, 23 September 2020.
[7] Statement by the Greek Foreign Minister, NikosDendias.
[8] Sinan Ulgen: "European Foreign Policy is drowning in the Mediterranean", in Judy Dempsey's Strategic Europe - 29 September 2020 https://carnegieeurope.eu/strategiceurope/82808
[9] Sinan Ulgen: ibid.

coast of Cyprus and the exploration efforts in an area contested by Cyprus and Greece but stopped short of imposing significant sanctions on Turkey.

Again, however, the EU found itself stuck in its own divisions with voices calling for a tough stand against Turkey and other voices calling for dialogue and appeasement. In the first group, we find France and in the second we have Germany.

For reasons which go beyond the scope of this paper, French-Turkish relations have rarely been smooth. In Eastern Mediterranean dispute, France chose to be 'the tough guy', and presented itself as the staunch backer of Greece. It sent military frigates to East Mediterranean, risking a naval incident with Turkish warships (in June 2020). Later, from 26 to 28 of August 2020, France organized military exercises, dubbed "Economia", with Greece, Cyprus, and Italy in order to "*deter Turkey from pursuing forays in the gas fields*"[10]. After the start of the exercise, French Defence Minister, Florence Parly, told reporters that "*Eastern Mediterranean cannot become the playing field for the ambitions of some*"[11].

Few days later, President Macron chaired the 7th session of MED 7 Summit (France, Italy Spain, Portugal, Greece, Cyprus, and Malta) in Corsica, on 10th September, 2020 calling for "Pax Mediterranean". Turkey was not invited triggering speculation that the Summit was an anti-Turkish Summit.

In October 2020, the Cartoon row ignited more tensions between France and Turkey as Erdogan called for the boycott of French goods. He went even further insulting the French President, Macron, by suggesting that Macron needed "*his mental health tested*" prompting an angry response from the French President in an interview to the Al-Jazeera Channel, late October, accusing Turkey of adopting a "*bellicose stance towards its NATO allies*" and saying that tensions could ease if his Turkish counterpart, Erdogan, *"showed respect and did not tell lies"*. He also noted that "*Turkey has imperial inclinations in the region*" and that "*these imperial inclinations are not a good thing for the stability of the region*".

Germany did not follow suit and tried to mediate between Greece and Turkey, adopting a more even-handed policy, avoiding to automatically align itself with one of the two contenders, although, the German Foreign Minister did not hide his frustration of Turkish "*destabilizing policy*"[12]. Yet, by *keeping the channels of dialogue open*, German Diplomacy remained faithful to its traditional rejection of the "Gunboat diplomacy".

But it must be recognized that Germany cannot afford to turn its back to Turkey and engage in acrimonious accusations: it has an important Turkish diaspora; Turkey is an important trading partner and Germany has been the initiator of the EU-Turkey refugee deal in 2016. In contrast to France's policy, Germany has approached the Greek-Turkish row more carefully and constructively trying to avoid a risky escalation and to damper down the tensions. "*Any spark, even the smallest could lead to disaster*", warned Heiko Maas.

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[10] Tara Varma, Views from the capitals: Gas conflict in the Eastern Mediterranean, 16 September 2020. https://ecfr.eu/article/vfc_views_from_the_capitals_gas_conflict_in_the_eastern_medi- terranean/

[11] Quoted by www.thediplomaticaffairs.com 28 August 2020. https://www.thediplomaticaffairs.com/2020/08/28/tensions-in-the-eastern-mediterrane- an-crisis-between-turkey-and-greece/

[12] Remark by German Foreign Minister at the French Ambassadors conference in August 2020 quoted by Jana Puglierin: "Berlin: keeping the channels of dialogue open", in ecfr.eu 16 September 2020. https://ecfr.eu/article/vfc_views_from_the_capitals_gas_conflict_in_the_eastern_medi- terranean/

To avert any risk of military escalation, Germany hosted, in July 2020, a high-level meeting between Greece and Turkey, the first of its kind since the failed coup in 2016. Germany made clear that there is a political way out of the deadlock. Regrettably, German position has been undermined by the militarisation of the conflict by some European hardliners.

This explains the German irritation with France for not consulting Berlin before dispatching warships to the Aegean Sea. It is in this context, that, on 20 August 2020, few days before the military exercises in Eastern Mediterranean, Angela Merkel paid a visit to Macron at his summer residence at Fort de Bregançon. Her words could not be clearer: "*There are different possibilities of action, as France did, by sending a ship and promising support. On the other side, we have tried to get the dialogue between Turkey and Greece going again…Military presence without a diplomatic solution is counter-productive as it leads to escalation. You have to do both and that's what we are doing"*. In other statements, Angela Merkel said that "*she is not a fan of gunboat diplomacy".*

Clearly, German approach was the best: diplomacy first. No surprise, as the New York Times put it[13] that "*EU foreign ministers endorsed Germany's position".* This did not prevent some French commentators of harshly criticising the German position, accusing Berlin of *"moral and strategic collapse"*(Benjamin Haddad of the Atlantic Council), or "*putting at the same level, on the one hand, the attacked EU partner, Greece, and the partner that comes to support it, and, on the other hand, the aggressor*" (Gérard Araud, a former French ambassador in Washington)[14]. These harsh comments provoked angered reactions in German intellectual circles. Ulrich Speck of the German Marshall Fund retorted that French foreign policy is "*an old power politics with the goal to maximise French influence".*

Although Italy and Spain took part in the MED 7 Summit, obviously they leaned towards the German approach. The Italian Minister of Defence, Lorenzo Guerini, was clear saying, on the side lines of the informal meeting in Berlin: "*I reaffirm the position of Italy asserting the principles of international law but also at seeking political solutions to ease the tension…"*[15].

Italy is loath to play the role of warmonger or troublemaker in Eastern Mediterranean. Its energy company, ENI, is a major explorer of gas fields (the 2015 ZOHR gas field in Egypt) and major operator of natural gas development in Cyprus and elsewhere. Therefore, it is not in the interest of Italy or Eni to leave Turkey off the map as it remains, whether we like or not, an important geopolitical actor in Eastern Mediterranean. That is why Italy adopted a less-confrontational position in the Greek-Turkish row.

The Spanish position is aptly summarized by Jose Torreblanca: Eastern Mediterranean dispute "*does not feature high on the political and media agenda in Spain"*[16]. The country is currently trying to cope with the Coronavirus epidemic, it has no vital interests in Eastern Mediterranean, and its Energy company, Repsol, is less involved in gas exploration. Spain has thus less animosity against Turkey. On the contrary, Spain has historically supported Turkey's

[13] New York Times, 30 August 2020.
[14] Joseph de WECK: "*Pariscope: Hegelian diplomacy in the Eastern Mediterrane- an*", www.internationalpolitik.de/eu/
[15] Quoted by www.thediplomaticaffairs.com 28 August 2020.
[16] Jose Torreblanca: "*Madrid exercising rhetoric containment*", in ecfr.eu 16 September 2020.https://ecfr.eu/article/vfc_views_from_the_capitals_gas_conflict_in_the_eastern_medi- terranean/

bid to EU's membership and both countries launched the "Alliance of civilisations" in 2007. For all these reasons, Spain exercised what Jose Torreblanca called *"rhetoric containment"*.

These differentiated positions clearly indicate that the EU does not speak with one voice. Yet, Eastern Mediterranean dispute poses key test for the EU and offers a golden opportunity for the EU to show unity of purpose and leadership. This requires better coordination between France and Germany and the adoption by the EU of a holistic approach to the region with respect to the delimitation of the EEZ and continental shelves between Turkey and Greece, Turkey and Cyprus, Israel and Lebanon, Israel and the Palestinian authority, Libya, and Egypt.

The proposal of the President of the European Council, Charles Michel, of a multilateral Conference with all stakeholders, goes in the right direction. Should EU's diplomacy seize this moment and organise this conference, it would not only contribute to regional stability but also foster regional integration which has been the proclaimed goal of all EU-MED policies since 1995. German diplomacy has averted the risk of military confrontation in Eastern Mediterranean. EU's diplomacy can build on that achievement and go to the roots of the instability. This requires decisive and coordinated diplomatic action to reconcile Greece and Turkey by drawing up their respective EEZ's and Continental shelves and to resolve outstanding issues such as the Cyprus Question and the Libyan internal strife.

While the solution of the Cyprus question may take years, the Libyan crisis requires an urgent and decisive mediating engagement of the EU, as some EU member states, namely France and Italy, backed rival sides, while Germany tried to mend the fences by organizing the Berlin Conference on Libya (January 2020), laying bare the lack of EU cohesion. Moreover, the Libyan crisis draws in regional and non- regional backers and determine, to a large extent, the security of its neighbouring countries, mainly Egypt, Tunisia, and Algeria, and even the security of some African states. Fortunately, Libya may see the end of the tunnel. Indeed, on 18 August 2020, the warring parties in Libya agreed on a permanent cease-fire. The EU has worked hard, with the United Nations, to achieve this goal. Now, it must do its utmost to monitor and consolidate the cease-fire and actively participate in the political negotiations for a lasting stabilisation of Libya.

Conclusion

I want to conclude by stating the obvious: EU-Turkey relations have rarely been worse. Turkey constantly lambasts the so-called EU's patronizing, procrastination, arrogance, and even creeping islamophobia. While the EU accuses Turkey of systematically militarising its foreign policy, destroying the rule of law, destabilizing neighbouring countries, weaponizing refugees, distancing itself from the west[17] and cosying up with Russia.

Such a situation is unhealthy and risky, as it may degenerate and fester. One may bank on Erdogan's tottering popularity and, possibly, an electoral resounding defeat. But politics in Turkey are unpredictable. In the meantime, the EU must "chart a new course of action" which goes beyond exclusion, finger-pointing, demonisation, unilateral decision-making, or gunboat diplomacy.

To start with, the EU must take into account the legitimate claims of all parties, avoid blind support for one party in the conflict, and try to find a common ground for cooperative security and

[17] Marc Pierini: "*How the European Union should tackle Turkey's hostility*", Carnegie Europe, commentary, 3 November 2020.

shared prosperity. In the Eastern Mediterranean, in particular, Turkey is not necessarily the 'villain of the piece'. It has legitimate rights as Greece and Cyprus. EU diplomacy has to take this into consideration.

It is noteworthy that of the 13 maritime boundaries in Eastern Mediterranean, 11 of them remain unresolved or disputed[18]. The EU should push for inclusion and equitable resolution of such disputes, as disagreements over maritime boundaries may hinder the region's prosperity, or even, destabilize the whole Mediterranean region, with negative spill-over in terms of irregular migration, scattered acts of terrorism, severe drop in trade relations and increasing cultural disenchantment. In summary, the EU needs a holistic approach to the regions' concerns and stakes. It should not allow fierce competition on energy resources to ignite the Mediterranean tinderbox.

[18] "*In Eastern Mediterranean, resolving maritime boundaries becomes key*" by Jonathan roberts and John B. Craig, Opinion Contributors — 04/11/20 https://thehill.com/opinion/international/492341-as-eyes-turn-to-the-eastern-mediter- ranean-resolving-maritime-boundary

Placing Greek–Turkish Relations in a Wider Context

Dimitrios Triantaphyllou

The need to champion diplomacy in the Eastern Mediterranean and the Aegean is a given. This has always been the case, even during the Cold War years since the two primary NATO member states in the Alliance's Southern Flank, Greece and Turkey, have been at odds with each other, divided over a growing number of issues in their respective lebensraums with repercussions regarding sovereign rights and, even, sovereignty in certain cases. While the Cold War dynamics implied the maintenance of a modicum of uneasy peace as the Soviet threat was real; the post-Cold War era has not necessarily been marked by some sort of consensus in part due to its unstable nature and the evident shift away from a multilateral to a multipolar world. As such, the current reality shows that the region is a long way from long-term stable confidence- and trust-building mechanisms given the extended nature of the current crisis among many of the Eastern Mediterranean stakeholders, whether regional or extra-regional.

In juxtaposition to the cases of Syria and Libya or other conflict zones in the European Union's Southern neighborhood such as the Sahel, the role of the EU is at the core of the challenges in the Eastern Mediterranean. The nature of Turkey's relationship with the European Union fundamentally complicates the trust-building process given the former's status as a candidate state. This both binds the EU and Turkey to a more normative and comprehensive relationship than with other neighboring countries as well as creates friction given Turkey's regional power status and potential.

In fact, the flareup between the Palestinians and Israel in May 2021 and the Turkish government's attempts to use the identity card in order to mobilize the Ummah across the globe in order to augment the potential of its leadership role in the Muslim world and upend the status quo while placing leading Muslim stakeholders in the region such as Egypt, Jordan, and the UAE on the defensive is indicative of the fragility of the regional order. This development undoubtedly has a direct impact on Turkey's relations with the EU as accompanying the rallying cry for a global Muslim front in favor of Palestinian demands (if not against Israeli actions) are the simultaneous statements by some of Turkey's highest political figures of the threat of increasing Islamophobia in Europe.[1]

[1] According to Turkey's President, Recep Tayyip Erdogan, "Europe, which is home to 35 million Muslims, including 6 million Turks, is now increasingly turning into an open- air prison for our brothers and sisters." See "Europe becoming open prison for Muslims: Erdoğan", *HurriyetDaily News* (13 May 2021), https://www.hurriyetdailynews.com/europe-becoming-open-prison-for-muslims-erdogan-164698

In order to effectively hope to improve the relationship between the EU and Turkey, it is important to recognize that a multifaceted phase of strategic realignment is underway both within countries and between them. Everything is currently in flux be it in terms of US foreign policy priorities, US-EU relations, US-Turkey relations, EU-Turkey relations, EU foreign policy, etc. This fluidity further extends, inter alia, to the interactions between Russia and the West, the UK's post-Brexit relationship with the EU and the United States, China's growing influence, the ramifications of the existentialist threats of climate change and pandemics. This "liquid world" context has considerable ramifications for the Aegean and Eastern Mediterranean and, by extension the current and future state of relations between the European Union and Turkey, and consequently between Greece and Turkey, where in the absence of the levers or the checks provided by the accession process, gridlock and uncertainty on how to move forward is evident.[2]

Furthermore, today's complex polycentric world compounded by inter Alliance ruptures, strategic drifts, and foreign malign influences is also further connected with the emergence of linkages that were not as striking previously. The growing arc of connectivity between the Black Sea Region, the Aegean Sea, both the Eastern and Central Mediterranean, and the Gulf is evidence of a changing geopolitical context which implies that the bilateral relationship between Greece and Turkey cannot be seen or dealt with in isolation from the EU-Turkey relationship or even the Washington-Ankara tandem.

In fact, from an EU point of view, two important perspectives or options stand out, with reference to its relations with Turkey. The first, accounting for the divergences between member states, attempts to make do without a fundamental rethink of the relations between the two sides. The second reflects on a paradigmatic reconsideration of the relationship, which is predicated institutionally on the accession process, but is fundamentally frozen, if not irretrievably damaged. In fact, even if Turkey's accession process were for some reason to begin to move forward, it would still need some tinkering to allow for the dynamics of the current state of play in the international order, i.e., the evident emergence of a multipolar world order in which Turkey projects itself as a significant regional pole. In other words, in the absence of the levers and the leverage provided by the accession process, the relationship between the European Union and Turkey is one of a level playing field as the latter does not have to play by the rules, norms, values, and obligations encapsulated in the accession process.

Although the second option seems to be a rather lame duck one at the moment, it should be given more consideration as the inability on the part of the European Union to devise a comprehensive strategy for Turkey, is reflective of the Union's failure to project and protect clearly its interests. In fact, the successive European Council Conclusions of October 2020, December 2020, and March 2021 all reflect an attempt to promote a positive agenda between the two sides predicated upon behavior change by Turkey to be evaluated by the next relevant European Council.[3] As things stand today, according to the European Council Statement of 25 March 2021, the European Council of June 2021 is the next benchmark to

[2] The term "liquid world" is borrowed from Zygmunt Bauman's "liquid modernity" which he describes as an *interregnum* or a transitory state to describe societal change. See Simon Tabet (2017). "Interview with Zygmunt Bauman: From the Modern Project to the Liquid World", in *Global Public Life*, 34, 7-8, pp. 131-146.

[3] European Council Conclusions, 15-16 October 2020, https://www.consilium.europa.eu/en/press/press-releases/2020/10/16/european-council-conclusions-15-16-october-2020/
European Council Conclusions, 10-11 December 2020, https://www.consilium.europa.eu/media/47296/1011-12-20-euco-conclusions-en.pdf Statement by the Members of the European Council, 25 March 2021, https://www.consilium.europa.eu/media/48976/250321-vtc-euco-statement-en.pdf

monitor progress in relations between the Union and Turkey.[4] The EU's relationship with Turkey is inexorably linked to the debate regarding the need for Strategic Autonomy, or what the European Council for Foreign Relations (ECFR) refers to as Strategic Sovereignty[5], and the off-again on-again Conference on the Future of Europe which was officially launched on 9 May 2021. While the Strategic Autonomy debate has been a rhetorical one to date with no serious attempts to formulate and implement one, albeit the growing number of regional and global challenges, the Conference on the Future of Europe is going forward against the backdrop of a clash between the European Council and the European Parliament and serious doubts as to whether its relevance can have an impact on the hearts and minds of Europe's citizens.[6]

In this new Geopolitical Age, the role of the United States, and in particular that of the Biden Administration, in the region is also of relevance because it reflects an attempt to turn the tables on the transactionalism of the region's stakeholders by ensuring that the parameters of the relations between the region's states, in particular Greece and Turkey, will be established by Washington in its quest to reinforce its regional strategic interests as part of its global national security priorities. In other words, the role of the United States as a balancer is one that transcends the Atlantic Alliance, in that it aims to ensure that it has access to physical assets in the region both for the sake of keeping the calm there as well as for countering the Russian influence in the Black Sea Region, the Middle East, and the Central Mediterranean.

Nevertheless, the great turmoil in the regional and international environment cannot be overcome in a few months. Although one could make the case that this is constant in the international arena; these times are extraordinary, occurring every once in a while, with the need to interpret them correctly having become a necessity. Our era is marked by a world in transition. One of a shift from multilateralism to a multipolar world where many of the poles, especially the great powers that have been at the core of the multilateral world and have benefited from it -especially the permanent members of the UN Security Council - are themselves involved in the shaping of the emerging multipolar world in conjunction with the rise of a number of smaller regional or "middle powers" that seek a stake in the multipolar world as poles themselves.[7] It has been exacerbated by the fissures within the West dating

[4] According to Paragraph 19 of 25 March 2021 Statement by the Members of the European Council, "We will continue to closely monitor developments and seek a coordinated approach with partners. The European Council will revert to this matter at its meet- ing in June." https://www.consilium.europa.eu/media/48976/250321-vtc-euco-state- ment-en.pdf.

[5] According to the ECFR, "To prosper and maintain their independence in a world of geopolitical competition, Europeans must address the interlinked security and economic challenges other powerful states present – without withdrawing their support for a rules based order and the transatlantic alliance. This means creating a new idea of "strategic sovereignty", as well as establishing institutions and empowering individuals that see strategic sovereignty as part of their identity and in their own interest. Most fundamentally, the EU needs to learn to think like a geopolitical power. See, https://ecfr.eu/european- power/european_sovereignty/

[6] According to the Joint Declaration of 10 March 2021 by the European Commission, the Council, and the European Parliament, the Conference on the Future of Europe, "The European Union has to show that it can provide answers to citizens' concerns and ambitions. European policy must provide inclusive answers to our generation-defining tasks: achieving the green and digital transition, while strengthening Europe's resilience, its social contract and European industry's competitiveness. It must address inequalities and ensure the European Union is a fair, sustainable, innovative and competitive economy that leaves no one behind. To address geopolitical challenges in the post COVID-19 global environment, Europe needs to be more assertive, taking a leading global role in promoting its values and standards in a world increasingly in turmoil….The Conference on the Future of Europe is a citizens-focused, bottom-up exercise for Europeans to have their say on what they expect from the European Union. It will give citizens a greater role in shaping the Union's future policies and ambitions, improving its resilience." https://ec.europa.eu/info/ files/joint-declaration-conference-future-europe_en

[7] A "middle power" in international relations could be defined as "a state that holds a position in the international

back to, at least 2003, with the choices that European allies had to make regarding whether to support the US invasion of Iraq.

This trend has been compounded since with the emergence of transactionalism[8] in international relations, in particular over the course of the Trump administration (January 2017 – January 2021) which sought to unravel some of the more recent successes of the multilateral order. These include Iran Deal of July 2015 (the so- called JCPOA - Joint Comprehensive Plan of Action), the climate Paris Agreement of December 2015, as well as a number of trade deals that have been the bedrock of multilateralism such as attempting to rewrite the North American Free Trade Agreement (NAFTA), withdrawing from the Trans Pacific Partnership (TPP), undermining NATO from within, and many other acts in the promotion of the America First agenda.[9] This has fundamentally weakened attempts to counter the rising China challenge with has both economic and geopolitical implications, the challenges posed by a declining Russia acting as a systemic disruptor, the growing cyber threat in all its manifestations including its use to promote disinformation campaigns, etc.

All of this has led to the United States to become more inward-looking (i.e., America First) with less focus on transatlantic relations or multilateralism thereby undermining key institutions such as the United Nations, the North Atlantic Treaty Organization, the Bretton Woods institutions such as the World Bank and the International Monetary Fund, and the World Trade Organization. These challenges remain in place as the new Biden Administration tries to make sense of the policies and the world it has it has inherited.[10]

The transition from multilateralism to a polycentric world order raises the question whether the former is too connected to particular historical contexts. The evolving postwar order, in particular, led to the creation and rise of multilateral institutions within the context of the nuclear age, bipolarity, superpower dynamics, thereby tying multilateralism to a particular historical context. Its contestation some three decades into the post-Cold War era is a case in point.

The second capstone of multilateralism is its normative component with the need to address the barbarity, yet rationality of war, as well as the "no rationality" of the Nazi hatred and the concentration camps that were extermination machines.[11] This led to the drafting and adoption

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power spectrum that is in the "middle"—below that of a superpower, which wields vastly superior influence over all other states, or of a great power, but with sufficient ability to shape international events." See Encyclopedia Britannica, https://www.britannica.com/topic/middle-power

[8] Transactionalism could be defined"as a foreign policy approach that favours bilateral to multilateral relations, focuses on short-term wins rather than longer-term strategic foresight, adheres to a zero-sum worldview where all gains are relative and reciprocity is absent, rejects value-based policymaking, and does not follow a grand strategy." See Galib Bashirov and Ihsan Yilmaz. (2020)"The rise of transactionalism in international relations: evidence from Turkey's relations with the European Union", *Australian Journal of Interna- tional Affairs* 74:2, pages 165-184.

[9] References to Trump's America First foreign policy can be found in this Council on Foreign Relations (CFR) compilation of articles written for the CFR during Donald Trump's tenure. See https://www.cfr.org/timeline/trumps-foreign-policy-moments

[10] Some of these challenges were addressed by Anthony Blinken in his statement before US Senate Committee on Foreign Relations deliberating his nomination to become Secretary of State. See https://www.foreign.senate.gov/imo/media/doc/011921_Blinken_ Testimony.pdf.

[11] As Primo Levi, the Auschwitz survivor, explains: "The war can be explained, but Auschwitz has nothing to do with the war; it was not an episode in it, nor an extreme form of it. War is always a terrible fact, to be deprecated; but it is in us, it has its rationality, we "understand" it. There is no rationality in the Nazi hatred. It is a hate that

of the Universal Declaration of Human Rights in 1948 providing the normative framework of the liberal multilateral world order which has been strongly defended by western liberal democracies because one can fundamentally seek political and legal recourse if any of the 30 rights enshrined in the Declaration are violated without fear of retribution, thereby giving rise to Western values and norms, the fundamentals of rule of law, and the protection of human rights within the normative but very tangible space called the European Union which is the par excellence example of multilateralism.

Yet, the US's divergence from multilateralism coupled with its refocusing on Asia and China has led European countries both within the EU framework and outside it as well as other states, the so-called third states to the EU, to reconsider their prerogatives and priorities in the face of systemic change. Some have come to this realization or conclusion of the need to reconsider their strategic priorities in the wake of the evolution of alternatives to multilateralism and the institutions that espouse it and of which they are long standing members, or they still seek to join, while others are only more recently waking to that fact.

In other words, the systemic change underway (which I posit), or systemic disorder has undoubtedly given rise to a Geopolitical Age; yet another iteration meant to define the flux that has marked the three decades since the end of the Cold War – from the end of history and the emergence of the American Century; to growing great power cooperation and competition (notice the absence of the term "superpower") some have described as a Cold Peace to the Geopolitical Age where, for example, for the European Union, China is portrayed simultaneously as a partner, a competitor, and a rival.

Mark Leonard and Jeremy Shapiro correctly note, that for the EU, "China's increasing strength and assertiveness, combined with its authoritarian ethos, represents the biggest challenge. But China's "wolf warrior" diplomacy is part of a wider pattern of states – from Russia and Turkey to Saudi Arabia and Iran, to the United Arab Emirates and even the EU's closest ally, the United States – instrumentalising interdependence to achieve geopolitical goals. As a result, the foundation on which the European Union was built – a rules-based multilateral system and an ever more globalised economic system – has grown increasingly wobbly."[12] For the EU as a whole, the debate to the challenge and how to address it is fairly recent with all the talk about strategic autonomy and strategic sovereignty as well as the need for a more Geopolitical Commission and, by extension, a Geopolitical Union.[13]

This implies a recalibration of the EU's role in order to strengthen its leverage or bargaining power and capacity to act in concert with its values and interests. Polling conducted in 2020[14]

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is not in us; it is outside man, it is a poison fruit sprung form the deadly trunk of fascism, although outside and beyond fascism itself. If understanding is impossible, however, knowledge is imperative, because what happened could happen again. Conscience can be seduced and obscured again: even our consciences." See https://newrepublic.com/article/119959/interview-pri- mo-levi-survival-auschwitz

[12] Leonard, M. and Shapiro, J. (2020) *Sovereign Europe, Dangerous World: Five Agendas To Protect Europe's Capacity To Act, Policy Brief*. Available at: https://ecfr.eu/wp- content/uploads/Sovereign-Europe-dangerous-world-Five-agendas-to-protect-Europes- capacity-to-act.pdf

[13] *#EUstrivesformore - President-elect von der Leyen unveils her 'geopolitical Commission'*, *EUReporter*. Available at: https://www.eureporter.co/frontpage/2019/09/10/ vdlcommission-president-elect-von-der-leyen-unveils-her-line-up/ See also, Lehne, S. (2020) *How the EU Can Survive in a Geopolitical Age*, *Carnegie*. Available at: https://carnegieeurope.eu/2020/02/25/how-eu-can-survive-in-geopolitical-age-pub-81132

[14] Leonard, M. and Krastev, I. (2020) *Europe's pandemic politics: How the virus has changed the public's worldview*, *ECFR*. Available at: https://ecfr.eu/publication/europes_ pandemic_politics_how_the_virus_has_changed_the_publics_worldview/

by the European Council on Foreign Relations consistently shows that large numbers of EU citizens want an EU that has this power and that can control its external borders, promote more resilient supply chains, and act decisively on climate change.[15]

In terms of the EU's adaptation to this new world, some success is already in evidence in particular in coming together with coping with the impact of the coronavirus and putting some order to the national competition for the acquisition of masks, antiseptics, and medical equipment that were in short supply, Since the initial shock, the EU has regrouped with more coordinated action, including its ability to purchase the requisite vaccines which once approved would be distributed to member states in concert and with common protocols.

Thus, in addressing the end of the age of innocence, the EU finds itself in the midst of a strategic shift towards ensuring stability and resilience. In other words, the EU is attempting to reevaluate its policies, instruments, the requisite and proper mix of sticks and carrots where the term "power" and its applications plays a key role. According to Josep Borrell, the EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission, strategic autonomy is more salient than ever "because the world has changed. It is difficult to claim to be a "political union" able to act as a "global player" and as a "geopolitical Commission" without being "autonomous"."[16]

According to Borrell, three key factors make the need for EU strategic autonomy more salient than ever. The first is the shrinking "weight of Europe" in the world from a quarter of the world's wealth three decades ago, to no more than 11% of global GNP in 2040. This implies that if "we do not act together now, we will become irrelevant as many have argued cogently. Strategic autonomy is, in this perspective, a process of political survival." The second factor is the transformation of economic interdependence from being the backbone of multiculturalism to "becoming politically very[17] conflictual. And what was traditionally called soft power is becoming an instrument of hard power." The third factor has to do with the systemic "shift in the world's focus towards Asia, particularly in US policy." This implies that the EU and its member states have to do more for their own security. The growing number of conflicts on the EU's periphery, thus, increasingly become predominantly the EU's concerns as the United States has been trying to minimize its role. Yet, as Borrell notes, in conflicts such as the ones in Nagorno-Karabakh, Libya, and Syria, "we are witnessing an exclusion of Europe from the settlement of conflicts in favour of Russia and Turkey."[18]

When it comes to Turkey, an EU candidate state which increasingly does not act like one, its behavior could to a great extent be explained by the fact that it is also affected by systemic change and its interpretation of its impact on its national security. Perennially seeing itself as an outlier, both in geographic and normative terms, Turkey is seeking, within the purview of the self-help doctrine, to rationalize its power via the development and practice of more autonomous action and foreign policymaking. Ankara, rightly or wrongly, is evermore convinced that the West – institutionally represented by NATO, the EU, and the presence of the United States – neither understands its security concerns nor provides the requisite guarantees to protect and defend its interests. As such, with projections of demographic growth to a country

[15] Ibid.
[16] Borell, J. (2020) 'Why European strategic autonomy matters', *EEAS*. Available at: https://eeas.europa.eu/headquarters/headquarters-homepage/89865/why-european- strategic-autonomy-mat
[17] Ibid.
[18] Ibid.

of at least 100 million within the next 20 years, and growth models showing that it will become a top 10 global economy over the middle to long term, Turkey has sought to strengthen its claim or stake to being a significant pole in this Geopolitical Age. This has been coupled with a strategic drift away from the West that could potentially lead to a strategic reorientation. Hence, its impact on the normative multilateral framework that defines the West and, the EU, in particular, which seeks to redefine itself without losing its soul.

In a recent article, Charles Kupchan makes the case against the "us versus them approach" which defines "today's geopolitics as a clash between democracy and autocracy" adopted by the Biden Administration in its foreign policy. Writes Kupchan: "In this emerging world, democratic governance will still retain its intrinsic advantage: humans prefer freedom. But for the first time since its emergence as a global power in the 1940s, the US now faces in China a full-spectrum competitor. And because the US needs China's help to rein in North Korea, arrest global warming, and tackle other transnational issues, it had better start mapping out a strategy that is not just about 'us versus them'."[19] Much the same case could be made for the EU as it seeks to redefine its interests. Herein lies the complexity of the Greek-Turkish conundrum.

Consequently, both Greece and Turkey, marked by their history and geography, cannot avoid rationalizing their relationship within a wider context where actors such as the EU and the US undeniable have interests to project and defend as well as have a role to play in moderating the complexity of the bilateral ties between Athens and Ankara, while guiding the two sides towards a resolution of their key differences.

[19] A. Kupchan, C. (2021) *Biden's Foreign Policy Needs a Course Correction*, *Project Syndicate*. Available at: https://www.project-syndicate.org/commentary/biden-foreign-policy-cold-war-ideology-or-twenty-first-century-pragmatism-by-charles-a-kupchan-2021-05

The EU and the Libyan Crisis: Marginalized, Disunited and Incoherent

Asma Dekna

The EU remains largely marginalized, disunited and incoherent in its approach to the Libyan crisis. Member States have unilaterally developed relationships with different groups in the country, pursuing often conflicting interests and undermining the trust in the EU as a credible partner in the process. In fact, the Libyan crisis proved to be a crucial test for the Lisbon Treaty, highlighting the deficiencies of the dual decision-making regime[1] and the weakness of the intergovernmental approach to foreign and defence policies[2]. This paper looks at the evolving role that the EU, and EU member states, have played in the Libyan crisis.

Planting the Seeds of Disagreement: Resolution 1973

Libya and the EU do not go far back. Except for a few EU member states like Italy, UK and France, Libya continued to have limited and cautious interactions with the EU, unlike its other North African neighbours. Indeed, Libya refused to join the Union for the Mediterranean (UfM) out of fear that the EU would impose its conditions on the region, and negotiations with the EU did not result in any Association or Trade Agreement, making it the only Southern Mediterranean state, alongside Syria, which did not have a formal framework for cooperation with the EU.

However, 2011 saw the rise of a new era in Libyan politics and an opportunity to reshape Libyan-EU relations. After the widespread protests in Libya were met with brutal violence from the regime's forces, France and the UK led advocacy efforts to pass resolution 1973 at the United Nations Security Council (UNSC) establishing a no-fly zone and giving a legal basis for foreign military intervention. This increased interest of two major EU member states in Libyan affairs took many by surprise but it served the political aspirations of both countries and their leaders well. For France, this was an opportunity to show French leadership in the Mediterranean basin, mirroring Sarkozy's dream of a stronger Mediterranean union with French leadership.[3] For the UK, this was an opportunity to undo the negative perceptions around its involvement in the Afghanistan war, which it was still wrestling with[4] and to re-

[1] Fabbrini, S., 2014. The European Union and the Libyan Crisis. [online] Available at: http://docenti.luiss.it/protected-uploads/701/2017/11/20171114182022-Fabbrini- The-European-Union-and-the-Libyan-Crisis.pdf
[2] Fabbrini, S., 2014. The European Union and the Libyan Crisis. Research Gate. Available at: https://www.researchgate.net/publication/263326293_The_European_Un- ion_and_the_Libyan_crisis
[3] L'Europe et la Mediterranean: Geopolitique de la Proximite, Bichara Khader.
[4] Johnson, A. and Mueen, S. (2012) *Short War, Long Shadow. The Political and Military Legacies of the 2011 Libya Campaign*, *RUSI*. Available at: https://rusi.org/sites/default/files/201203_whr_short_war_long_shadow_0.pdf

instate belief in the military capabilities of the British army[5]. Whilst Germany voiced its concern over the regime's use of force against protestors very early on, and suggested that sanctions should be considered, Germany continued to rule out a military intervention[6]. This marked the beginning of the diverging of views and approaches of different EU member states towards the Libyan crisis. While France and the UK were looking outwards towards ascertaining their military dominance over the EU's neighbourhood, Germany was looking inwards, both towards solidifying the European Union after the economic crisis, as well as towards its own electorate, many of whom were not in favour of a military intervention[7]. Italy continued to protect its interests in Libya and took a step back throughout the process. However, after Gaddafi was successfully toppled, and the country was handed over to Libya's National Transitional Council, the EU continued to be incoherent in its approach to Libya, and ad hoc initiatives were instead implemented by individual member states.

Libya, the EU and Migration: The Italian Presence

Migration remained a main concern for the EU, especially for member states at Europe's southern borders - Italy and Malta, who continued to receive most of the migrants crossing from Libya. Migration in Libya first emerged as a political tool used by Gaddafi to pressure the EU, but after 2011, the smuggling business in Libya bloomed and the numbers of migrants raised exponentially. Italy started to re-emerge as an important player, interested in protecting its historic interests in Libya as well as limiting migration flows. Italy's *realpolitik* approach to the Libyan crisis meant that it engaged with different actors and groups who had *de facto* power in Libya and solidified its presence through various formal and informal groups. Italy held talks and funded tribes, armed groups, city-based institutions and found it more fruitful to engage with ministries and units within the government, as opposed to approaching the government as a whole[8]. Italy developed a close cooperation with the Libyan Coast Guards and continued to have close relations with the GNA, more specifically, the Ministry of Defence, which controls most of the shores from where migrants take off. Italy played along with the current holders of power and was indeed successful for a while in minimising the migration flow through the central Mediterranean route. Aldo Liga called it a 'multi-track approach'[9]. However, whilst navigating through its local partners in Libya, and being primarily occupied with migration issues, Italy was unable to impose a political presence that allowed it to be a shaper of the Libyan political scene. Whilst Italy used its alliances with local actors and groups to support the formation of the GNA in 2015 and its instalment in Tripoli in 2016[10], its reliance on these actors meant it played a less prominent role in the GNA/LNA[11] conflict. Italy's approach was issue-based, and its interests remained narrow, undermining its ability to act as a credible peace broker. In fact, its failed attempts to bring both Sarraj and Haftar together for peace talks embarrassed its leader and highlighted Italy's decreasing influence against other more influential EU member states.

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[5] Ibid.

[6] Fabbrini, S., 2014. The European Union and the Libyan Crisis. [online] Available at: http://docenti.luiss.it/protected-uploads/701/2017/11/20171114182022-Fabbrini- The-European-Union-and-the-Libyan-Crisis.pdf

[7] Rousseau, R., 2011. Why Germany Abstained on UN Resolution 1973 on Libya. Foreign Policy. Available at: https://www.foreignpolicyjournal.com/2011/06/22/why-germany-abstained-on-un-reso- lution-1973-on-libya/

[8] Liga, A., 2018. "Playing With Molecules" The Italian Approach to Libya. Available at: https://www.ifri.org/sites/default/files/atoms/files/ playing_with_molecules_the_italian_approach_to_libya.pdf

[9] Ibid.

[10] Megerisi, T., Varvelli, A., 2020. Italy's Chance in Libya. ECFR. Available at: https://ecfr.eu/article/commentary_italys_chance_in_libya/

[11] Libyan National Army

France's Military Adventures in Libya; German and Italian Responses

France remained largely silent on Libyan affairs, until when in 2014, General Haftar surfaced as an important military and political figure in Libya, leading Operations Dignity against the increasing Islamist groups in Benghazi, Libya's second largest city and its eastern capital. France was taken by Haftar's charismatic character and ability to unite eastern tribes against the Islamist groups[12], and saw in him a potential partner, which could limit Islamist and extremist presence in Libya (and potentially the region). In 2015, France started to quietly support Haftar's growing troops[13] where a helicopter accident which killed three undercover French soldiers in 2016 in Libya's East, brought to the surface the physical military presence of French soldiers on Libyan soil.

The Libyan National Army's (LNA) assault on the Libyan capital in April 2019, in an attempt to unite the country under Haftar's military rule, further highlighted the division in the EU's approach to the Libyan crisis. Whilst France continued to recognise the GNA, it supplied Haftar's LNA with arms, trained his troops and acted as his advocate in international fora. France joined the regional UAE-Kingdom of Saudi Arabia-Egypt axis against the seemingly losing Qatari/Turkish axis, transferring the Libyan conflict into a regional proxy war[14]. After Haftar's embarrassing loss in the war for the capital, many argued that France was misguided in thinking that Haftar's charisma, which worked well with the Eastern tribes and armed groups, could work in Libya's West and South[15]. In fact, the Italians, much more experienced with Libya's West, thought differently and were hesitant to foster a relationship with Haftar openly. However, Italy's support to the GNA was not as strong or blatant as France's to Haftar, as it tried to keep its distance in case of a Haftar victory. This left the GNA seeking stronger allies who were willing to play a more prominent role in its protection.

Germany, on the other hand, has been playing a much quieter role of being a mediator and an interlocutor. It kept the same distance from both warring parties and was indirectly selling arms to both of them[16], showing that it was not invested in any of their vision. Germany's real expertise lies in navigating around the international scene as opposed to Libya's local political dynamics[17], and it tried to use that to its favour in Libya through the Berlin conference.

The vacuum left by an unassertive EU in Libya, and a discredited France, was soon exploited by other regional and international powers. The UAE, Russia, Kingdom of Saudi Arabia and Egypt continued to actively support Haftar alongside France in the 2019 civil conflict and up until the Turkish deployment of troops to Tripoli, it seemed that the LNA was about to have a sweeping victory. However, the Libyan-Turkish maritime agreement flipped the situation. The maritime agreement significantly redrew the boundaries of the Eastern Mediterranean, and strengthened Turkey's power in the region, whilst supplying the GNA with the needed militants to stop the LNA offensive on the capital. It was a classic win-win situation for both parties, steering a victorious GNA away from its indecisive European allies towards the arms of the Turks.

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[12] Taylor, P., 2019. France's Double Game in Libya. POLITICO. Available at: https://www.politico.eu/article/frances-double-game-in-libya-nato-un-khalifa-haftar/

[13] Ibid.

[14] Ibid.

[15] Ibid.

[16] Pladson, K., 2020. Germany Exports Millions in Arms to Libya War Belligerents Despite Embargo. DW. Available at: https://www.dw.com/en/germany-exports-millions- in-arms-to-libya-war-belligerents-despite-embargo/a-53469291

[17] Megerisi, T., Wildangel, R., 2019. Germany's Quiet Leadership on the Libyan War. ECFR. Available at: https://ecfr.eu/article/commentary_germanys_quiet_leadership_on_ the_libyan_war/

The Emergence of Smaller EU Member States: Greece, Cyprus and Malta

The Libyan-Turkish maritime agreement brought two distant EU member states in the conflict. Greece and Cyprus have had various maritime disputes with Turkey and the agreement effected their maritime claims in the Eastern Mediterranean[18], leading both countries to make a strong stand against the GNA. Greece expelled the Libyan ambassador to Athens and the EU issued a statement of support to Greece and Cyprus. Greece later joined the UAE-Kingdom of Saudi Arabia-Egypt-France axis in the Libyan conflict and the Greek Prime Minister soon visited eastern Libya to meet Haftar, who in return, promised to acknowledge the non-validity of the agreement if he was to come out of the war victorious[19].

A possible initiative which could have re-instated trust in the EU and its policies towards Libya was the European Union Naval Force Mediterranean Operation IRINI (EUNAVFOR MED IRINI), launched in April 2020 with the aim to enforce the arms embargo imposed by the UNSC Resolution 1973. However, the credibility of the EU and its IRINI operation was soon questioned as a number of EU countries were themselves involved in the sale of arms to Libya. It was felt that this operation was specifically targeting Turkish arms flow to the GNA, therefore, disadvantaging the GNA in its fight against the LNA. This pushed another small EU member state to take a bolder stance in the Libyan conflict, where Malta, left alone to deal with a growing migration crisis by the EU, pulled out of providing any military support to the EU's Operation IRINI[20]. Malta later issued a joint statement with Libya's GNA and Turkey expressing their reservations on the Operation IRINI. Since then, we continued to see increasing Maltese interaction with the GNA-Turkish axis. This showed again the deep divisions within the EU as different member states continued to support different warring factions.

The Berlin Conference: A Lost Opportunity for Redemption

The Berlin Conference could have been another opportunity for the EU to come together behind German leadership, and to shape a common vision for an EU policy towards the Libyan crisis. Unfortunately, it merely highlighted the marginalised role of the EU and EU member states in comparison to the growing influence and presence of Turkey and Russia in Libya. The Berlin Conference showcased Germany's ability to navigate through international partners and to bring together regional powers to discuss the way forward. However, its inability and unwillingness to engage with local actors reminded many of the 1880s Berlin Conference where European powers met to decide who maintains control of which parts in Africa.

The Berlin Conference came out with several recommendations but to be materialised, these recommendations required either strong international pressure on all actors involved in the war or a strong local political will. Unfortunately, local political will to end the war was missing and a disunited EU and uninterested USA could not provide the required international pressure, so the ceasefire agreed upon soon collapsed and the war continued to rage in Libya. It was only once we saw renewed USA interest in Libya that the Berlin recommendations were picked up again and progress was made in these recommendations.

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[18] Baker, L., Gumrukcu, T., Kambas, M., 2019. Reuters. Turkey-Libya Maritime Deal Rattles East Mediterranean. Available at: https://www.reuters.com/article/us-turkey- libya-eastmed-tensions-explain/turkey-libya-maritime-deal-rattles-east-mediterranean- idUSKBN1YT0JK

[19] Kritikou, N., 2020. Haftar Agrees to Tear Up Libya-Turkey Maritime Deal: Greece. EuroNews. Available at: https://www.euronews.com/2020/01/17/libya-s-haftar-holds- talks-in-athens-ahead-of-berlin-summit

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The EU Marginalised Once Again; The Second Libyan Transition

As a result of renewed USA interests in Libya, a USA backed Libyan Political Dialogue Forum (LPDF) was initiated at the end of 2020, leading up to a roadmap towards elections on 24th December 2021 and a new transitional government. The Libyan political crisis was once again steered away from the EU towards other US-dominated instruments such as the UN Security Council and the UN Special Mission in Libya. Through the LPDF, a united government headed by businessman Abdul Hamid Dabaiba was established in Tripoli, where Turkish troops and mercenaries are based, with a Presidency Council with limited powers based in Sirte, largely controlled by Russian mercenaries. The biggest political losers are once again EU member states, who have lost their influence in Libya and undermined their credibility in the international fora. The new transitional government now has more leverage to negotiate with its EU partners, as it no longer heavily relies on their support. Libya's Minister of Foreign Affairs is a USA-graduate and its head of the Presidency Council, who represents Libya internationally, is the previously expelled Libyan ambassador to Greece. Libya's new Minister of Foreign Affairs has stated on numerous occasions that Libya will not act as Europe's border guards, and the Libyan Prime Minister has explicitly stated that the migration crisis is not a priority for his government. Evidently, the Libyan government is looking for partners who are willing to provide more holistic cooperation and support, beyond the issue-based approach of Italy; or the narrow exploitive one-winner- takes-all approach of France.

The 2019 Libyan civil conflict has truly been a test of EU leadership in its neighbourhood. It was soon evident that Libya was a new battlefield in which the EU and its member states were not particularly experienced. The EU's indecisiveness and incoherence in Libya, coupled with USA isolationism in 2019, resulted in the increased Turkish presence in the EU's eastern and southern neighbourhood. Turkey now has control and influence over two migration routes towards Europe- eastern and southern routes - putting Turkey in an even stronger negotiating position with the EU. Russia, who has been investing in the energy sector in the Mediterranean basin, is now also politically and militarily present in the EU's southern neighbourhood and has a stronger presence in the Mediterranean. The EU is now surrounded with powerful regional powers who are not allies.

Moving Ahead; Re-instating Trust in the EU's Foreign Policy

It is not too late for the EU to have a more prominent role in the Libyan transition. A united EU strategy towards Libya could bring together Italy's long-standing experience and contacts with Libya's western groups and factions, capitalise on French ties with Libya's east and south, utilise Germany's neutral position and international influence, to shape an approach of partnership and stabilisation. A coherent EU strategy for Libya would need to tackle pertinent issues such as migration, presence of extremist groups and Turkish enlargement in eastern Mediterranean. It must recognise EU member states' economic interests in Libya's oil and gas industry and design an approach which avoids division within the EU. Re- instating trust in the EU and its leadership in the region would also mean stopping member states from breaching the arms embargo in Libya and revisiting the IRINI operation to be more effective and comprehensive. The EU must equally recognize the deep Turkish presence in Libya, and open dialogue with Turkey towards a more cooperative approach to the Libyan crisis – after all, after the 2019 civil conflict, Turkey is perceived by many Libyans as the savior from Haftar's military rule.

Another important consideration is undoing the harm that France and other EU member states have done to Europe's credibility due to their support to Haftar's military rule. The EU

must capitalize on the upcoming second Berlin Conference in June and the Libyan national elections in December 2021 to improve its image locally in Libya and regionally. This includes explicit political and technical support towards Libya's upcoming elections and sending a clear message of the EU's support for democracy and democratization.

The EU has an opportunity to reinstate its influence over its southern neighborhood by using its member states' presence in Libya to build a more coherent and comprehensive strategy in Libya. If not, the EU will continue to be threatened and sidelined by its growing neighbors: Russia and Turkey. The upcoming elections could be a good start to build trust again and try to overshadow the influence of other regional powers.

An Overview of the Role of the United Nations in International Dispute Settlement

Omar Grech

Introduction

This essay provides an overview of the role of the United Nations (UN) in international dispute settlement. It will examine the relevant UN Charter provisions that regulate the UN's role in this context and then proceed to provide some thoughts on the application of these provisions in practice in the Libya and Syria scenarios. In essence, the scope of the UN's role in the sphere of international dispute settlement are highlighted as well as the practical limitations which preclude the UN system from functioning effectively in this field.

The UN was established with the primary aim of maintaining international peace and security and therefore the Charter devotes significant attention to promoting the peaceful settlement of international disputes. Indeed, the whole *raison d'etre* for the establishment of the UN was the management and peaceful resolution of international disputes. This is emphasised in the Charter's Preamble and focused upon in the introductory provisions. Indeed, in Article 2(3), the Charter requires that member states resolve disputes peacefully:

> *All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.*

It is worth noting that the Charter refers throughout to 'international disputes', which implies that the resolution of internal disputes within a state is not a matter for the UN to become involved in. Moreover, the Charter acknowledges that the principle of non-intervention in the internal affairs of a state is a founding principle of the UN[1]. This principle of non-intervention in domestic affairs coupled with the fact that most armed conflicts at the time were of an international character meant that the UN structure was geared towards the management and peaceful resolution of international disputes. In the years following the establishment of the UN, and particularly the post-Cold-War years, the rise of internal disputes and conflicts became a major challenge for the UN, which had to interpret and adapt its mandate to deal with this trend.

[1] Article 2 (7) states "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdic- tion of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

In the first instance the ways in which states are to resolve their disputes is effectively left to their discretion. While article provides some guidance as to which methods of dispute settlement may be deployed by the states concerned, ultimately they are free to choose any 'peaceful means'. The means suggested by the Charter to the disputing parties are a mix of traditional judicial and diplomatic mechanisms, including negotiation, mediation, conciliation, arbitration and judicial settlement. The Charter also envisages the possibility of resorting to regional agencies or arrangements to achieve settlement. This latter point is worth highlighting given the increasing role played by regional organisations such as the Organization for Security and Cooperation in Europe, the European Union and the African Union, in peace diplomacy.

The UN's approach to international dispute settlement is centred around the Security Council (SC), to which the Charter assigns primary responsibility for maintaining international peace and security. Over the years tensions have arisen between the General Assembly (GA) and the SC as to the extent of GA action in this field, especially when the SC is seized of a matter concerning international peace and security. While the GA has, routinely and uncontroversially, called for peaceful resolution of various disputes and armed conflicts, the extent to which it can take the initiative where the SC is unwilling or unable to act, remains arguable even after the adoption in November 1950 of the Uniting for Peace Resolution[2].

The Role of the Security Council

The role of the SC as the primary node of international dispute settlement is framed around the concept of efficacy and speed. The SC, unlike the GA, is in continuous session and therefore able to take cognizance of any disputes that threaten international peace and security as they arise. In fact, Article 24 states that:

> *In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.*

The hypothesis upon which this article rests is that the SC is able to provide both promptness and effectiveness. However, the reality on the ground has shown that whereas the SC is able to seize itself an international dispute or a situation threatening peace and security quite promptly, this punctuality had seldom translated into early effective action.

The UN Member States not only assign primary responsibility for the maintenance of peace and security to the SC but also have a clear legal obligation to implement SC decisions. This obligation arises out of Article 25 where the Member States undertake that they "agree to accept and carry out the decisions of the Security Council in accordance with the present Charter". It is, however, pertinent to note that this obligation relates only to decisions of the SC and since decisions are only taken in respect of resolutions passed under Chapter VII of

[2] United Nations General Assembly Resolution 377 of 3 November 1950 which, "Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security."

the Charter, it can be said that the legal obligation to execute SC decisions only pertains to when the SC issues decisions while acting under Chapter VII.

In this context it is appropriate to distinguish between the action of the SC when it operates under Chapter VI of the Charter and actions of the SC arising out of its powers under Chapter VII. Chapter VI may be described as the UN SC's 'diplomatic mandate' where it is empowered to investigate disputes, recommend dispute settlement procedures and generally act to mediate between the disputing parties. In fact, none of the provisions in Chapter VI provide the SC with authority to enforce any dispute settlement mechanism or procedure. Chapter VI instead allows the SC to recommend diplomatic or judicial settlement procedures to the disputing parties. Once again it is worth highlighting that even here the type of dispute which the SC is authorised to investigate and involve itself in is characterised as "any dispute, or any situation which might lead to international friction". The international character of the situation is repeated from Article 2 although in slightly different terms. This however has not stopped the SC from involving itself in domestic situations such as Libya in 2011. Ever since the Yugoslav conflict of the early 1990s, the SC has involved itself in domestic conflicts whenever it considers that such conflicts may endanger international peace and security.

While Chapter VI, in practice, only authorises the SC to recommend diplomatic or judicial modes of dispute settlement, it does oblige parties to a dispute who are unable to settle peacefully to refer the matter to the SC. Once referred to the SC though, the Council has no coercive means of imposing a resolution or even a procedure under Chapter VI. In fact, while Article 37 obliges disputing states to refer the matter to the SC, the Council may "decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate". Thus, the SC may either recommend dispute settlement procedures or alternatively recommend a settlement itself.

The SC's coercive powers are limited to when it operates under Chapter VII. In this context, Article 39 is the provision which may activate the procedures envisaged in Chapter VII. This provision allows the SC to characterise a dispute or situation as one that may lead to an actual 'threat to the peace, breach of the peace, or act of aggression'. Once the Council has made such a determination, it may proceed to utilise the tools provided for in Chapter VII in respect of the situation/dispute concerned.

The mechanisms envisaged in Chapter VII for dealing with situations which endanger international peace and security are effectively two-fold: the use of various types of economic sanctions (such as trade embargoes) and the authorisation of the use of force. In reality, the SC has interpreted its powers under Chapter VII more variedly. Under the auspices of Chapter VII, the SC has established peace-keeping operations and also international criminal tribunals neither of which are explicitly mandated in the Charter.

Concluding Observations

The limitations of the UN dispute resolution procedures and mechanisms were particularly visible in the context of the Syrian conflict and the Libyan civil strife. The SC has adopted 26 resolutions since 2013 which dealt with various issues including humanitarian access, peace talks and chemical weapons in Syria (including R2P).

None of these SC resolutions have been fully implemented. Moreover, 10 draft UNSC resolutions were vetoed jointly by Russia and China while another 6 were vetoed by Russia

alone. In this context, it is worth noting that:

- on 8 and 10 July 2020 the exercise of the veto led to the blocking of the renewal of mandate for cross-border aid deliveries in Syria, while
- on the 11 July 2020, SC Resolution 2533 permitting border crossings through one opening (Bab al-Hawa), restricting food and medical supplies in northern Syria (Bab al-Salam crossing) was adopted.

In the case of Syria and the use of chemical weapons during the conflict within Syria, the SC was unable to adopt a resolution which would ensure the investigation and prosecution of those who ordered the commission of acts which amounted to war crimes and/or crimes against humanity. Instead, the SC on the 7 August 2015 adopted Resolution 2235 with the recommendation to establish a Joint Investigative Mechanism to determine responsibility for use of chemical weapons. As of the end of 2020 the persons who ordered these chemical weapon attacks remain at large.

In the case of Libya, once again a large number of SC resolutions have been adopted in terms of Chapter VII. These have mainly focused on three aspects (i) establishing a UN mission UNMISIL, (ii) requiring the warring factions to cease hostilities and (iii) ordering an arms embargo and prohibiting unauthorised export of petroleum and related products from Libya. The deal for a 'permanent ceasefire' signed by the conflicting parties in Libya in October 2020 offers hope that the UN mediation has after many years proved successful. One will need to assess whether the ceasefire holds. This will depend on various factors, including the extent to which the arms and petroleum SC resolutions are complied with. In Syria there has been no ceasefire and UN efforts have failed thus far in terms of ending violence and also securing justice for victims of war crimes and crimes against humanity.

This brief exploration of the role of the UN in international dispute settlement on the basis of its mandate, as established in the Charter, reveals a number of shortcomings in the speedy and effective resolution of disputes. Firstly, the UN as an organisation composed of states and intended primarily to regulate the behaviour of states focuses on interstate disputes. However, unlike in 1945, nowadays and at least since the 1990s most threats to international peace and security involve non-state actors. The UN and the international community as a whole still face difficulties in securing effective cooperation of non-state actors in complying with SC resolutions.

Secondly, the P5 veto procedure continues to stress the system as the requirements of international peace and security often conflict with the national interests of SC permanent members. This is probably the most insurmountable of the challenges faced by the UN in terms of lending more legitimacy to its dispute settlement and conflict resolution mechanisms as well as in rendering them timelier and more effective.

Thirdly, the enforcement of SC Resolutions remains problematic: for example, the arms embargoes in respect of Libya and Syria have been routinely flouted[3]. This aspect is linked to a number of factors, including: (i) unless the UN SC authorises coercive measures to enforce SC resolutions, reliance on the good will of the disputing parties is often insufficient

[3] See for example on Libya: https://apnews.com/article/turkey-north-africa-qatar-libya-united-arab-emirates-20a2ad- 9c585f40ec291585dbf8e9ed22 and on Syria: https://reliefweb.int/report/syrian-arab-republic/un-security-council-cease- fire-violated-two-hospitals-attacked-20-killed

(ii) increasingly states are interfering in domestic disputes occurring in other states such as in Syria and Libya either directly or by using mercenaries and (iii) non-state actors in the form of transnational criminal networks, private armed groups etc are difficult to contain. Without the authorisation of coercive measures in case of non-compliance and effective systems of transnational cooperation for sanction monitoring, enforcement will remain challenging.

Authors

Professor Stephen Calleya

Stephen Calleya is Director of MEDAC and Professor in International Relations. Professor Calleya is advisor to the Ministry of Foreign Affairs of Malta and is also visiting professor at the Centre for European Integration Studies (ZEI) at the University of Bonn. He wrote, edited and published several books and articles and is a regular commentator on international affairs on broadcast media. His most recent book is Security Challenges in the Mediterranean, Mare Nostrum (Routledge, 2013) and Professor Calleya contributed the chapter "Developing States Diplomacy" in The Sage Handbook of Diplomacy (edited by Costas M. Constantinople, Pauline Kerr and Paul Sharp, Sage 2016).

Ms Asma Dekna

Asma Dekna is a practitioner working on open governance, combining the fields of law, governance and innovation management and is a researcher in the field of law and society. In Libya, Asma Dekna has worked on numerous governance projects, including transparency and accountability of Libyan local governments, local justice mechanisms and local governance strategic planning. Internationally, Asma has chaired a committee within the Maltese Human Rights Directorate to support innovative policy making on the issue of migration and integration, and has set up an organisation to bring together Libyan diaspora in the EU in supporting Libya's transition. Asma's research projects include researching transitional justice mechanisms in countries in transition, reporting on the implementation of legal provisions in Libya related to emergency powers, using design anthropology theories to propose reform and innovation within the justice field. Asma's interest in regional political dynamics ensured her continuous involvement in Mediterranean diplomacy, including participation in 5+5 (Western Mediterranean) meetings and discussions, advocating for Euro-Mediterranean policies and strengthening AU-EU partnerships. Asma is an alumna of the Mediterranean Academy of Diplomatic Studies.

Dr. Omar Grech

Dr. Omar Grech served as the first Director of the Centre for the Study and Practice and Conflict Resolution and is Senior Lecturer within the Department of International Law, Faculty of Laws, both at the University of Malta. He holds an LL.D. from the University of Malta and a Ph.D. from the University of Limerick, Ireland. In 2017, he served as Co-Chair of the European Union Council Working Group on Public International Law and the Working Group on the International Criminal Court during Malta's Presidency of the Council of the European Union. His recent publications include: Human Rights and the Northern Ireland Conflict: Law, Politics and Conflict, 2018 published by Routledge; The Libyan conflict and migration across the Mediterranean: Is there a role for Ireland? in the Defence Forces Review 2020, published by the Irish Defence Forces and Covid 19 and Migration in Conflict Resolution after the Pandemic (ed. R. Rubenstein and S. Simmons) 2021, published by Routledge.

Professor Bichara Khader

Professor Bichara Khader is the Director of the Arab Study and Research Centre (C.E.R.M.A.C) at the Catholic University of Louvain. He majored in Political, Economic and Social Sciences and obtained his Master's degree in international relations from the Johns Hopkins University, Bologna Centre. Bichara Khader earned a Ph.D. in Political, Economic and Social Sciences from the Catholic University of Louvain, where he was appointed Professor at the Faculty of Political, Economic and Social Sciences. He was a member of the Group of High Experts on European Foreign and Security Policy (European Commission 1998-2000), and a member of the Group of wise men on Euro-Mediterranean cultural dialogue (European Presidency 2003-2004). He has written extensively on the Mediterranean, Middle East and Euro-Mediterranean relations.

Prof. Dimitrios Triantaphyllou

Dimitrios Triantaphyllou is Professor of International Relations and Director of the Center for International and European Studies at Kadir Has University in Istanbul. He holds a BA from the University of California, Berkeley and an MA and PhD from the Fletcher School of Law and Diplomacy, Tufts University. He has previously served in various capacities in a number of research and academic institutions such as the Hellenic Foundation for European and Foreign Policy, Athens; the EU Institute for Security Studies, Paris; the Hellenic Observatory at the London School of Economics; the University of the Aegean, Rhodes; and the International Center for Black Sea Studies. Athens. He also served as an advisor at the Hellenic Ministry for Foreign Affairs. He is Associate Editor of *Southeast European and Black Sea Studies* (SSCI indexed); a member of the Greek-Turkish Forum; co-convener of the Commission on the Black Sea; a member of the Advisory Boards of the Black Sea Trust for Regional Cooperation, the International Institute for Peace, Vienna; the Black Sea NGO Forum, and the Corporate Social Responsibility Association of Turkey. His more recent applied and research interests include Greek-Turkish Relations, Turkish Foreign Policy, Black Sea Security and Politics; and EU foreign and neighbourhood policies.

Dr. Monika Wohlfeld

Dr. Monika Wohlfeld is the holder of the Chair in Peace Studies and Conflict Prevention, established at the Mediterranean Academy of Diplomatic Studies (MEDAC) in Malta by the German Ministry of Foreign Affairs. Previously she was the Deputy Director of the Conflict Prevention Centre of the Organization for Security and Co-operation in Europe, responsible for field operations. She served as Head of External Co-operation of the OSCE and as Senior Diplomatic Adviser to the Secretary General. She has been a Senior Research Fellow at the Western European Union Institute for Security Studies in Paris, and Researcher at the War Studies Department at King's College London. Dr. Wohlfeld holds a PhD in War Studies from King's College London and a Master's degree in Strategic Studies from the University of Calgary. Dr. Monika Wohlfeld has published widely on matters related to European security, European institutions, regional co-operation, conflict prevention, crisis management, and the Mediterranean.

L-Università ta' Malta

Mediterranean Academy of Diplomatic Studies

University of Malta
Msida MSD 2080, Malta

Tel: +356 2340 2821

www.um.edu.mt/medac

German Chair Postgraduate Seminar
(financed by the German Federal Ministry for Foreign Affairs)

Championing Diplomacy in the Mediterranean Eastern Mediterranean and Libya: The Way Forward?

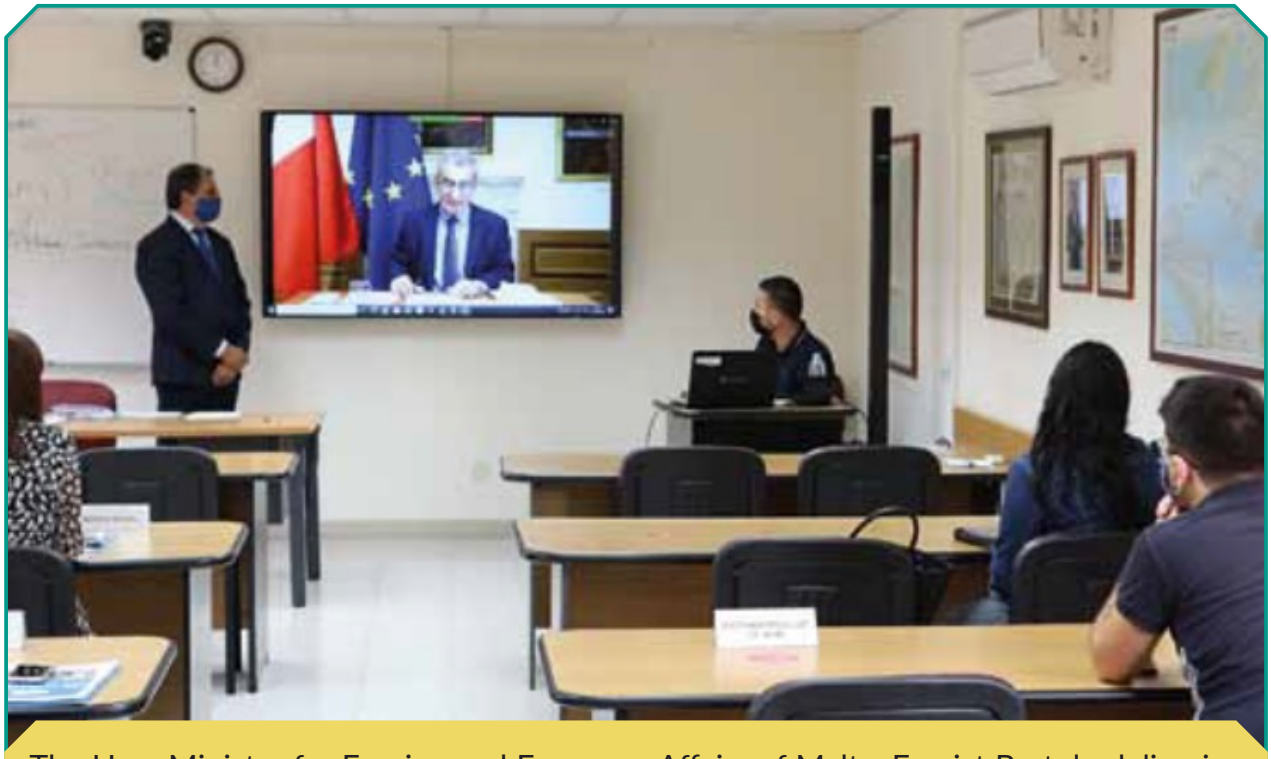
26 October 2020 (11:30-12:00)
Keynote speech: The Hon. Minister for Foreign and European Affairs of Malta, Evarist Bartolo (Recorded)

28 October 2020 (10:00-11:30)
Welcome and Opening Remarks
Prof. Stephen Calleya, Director, MEDAC
Amb. Walter Haßmann, German Ambassador to Malta, Malta

3 November 2020 (11:00-13:00)
Conflict in the Euro-Mediterranean region: Taking stock of diplomatic formats
Chair: Dr. Monika Wohlfeld, MEDAC, Malta
Prof. Bichara Khader, Prof (ret.) Université catholique de Louvain, Louvain, Belgium
Mr. Claude Bonello, Director, DG Political and EU Affairs, Ministry for Foreign and European Affairs, Malta

10 November 2020 (11:00-13:00)
Multilateralism and diplomacy: The role of the EU
Chair: Dr. Derek Lutterbeck, MEDAC, Malta
Dr. Elena Grech, Head of the EC Representation, Malta
Ms. AsmaDekna, Programme Officer (Libya), Democracy Reporting International, Tunis, Tunisia

18 November 2020 (11:00-13:00)
Mediation: the way forward?
Chair: Ms. Lourdes Pullicino, MEDAC, Malta
Dr. Omar Grech, Director, Centre for the Study and Practice of Conflict Resolution, University of Malta
Prof. Dimitris Triantophyllou, Director, Center for International and European Studies, Kadir Has University, Turkey



The Hon. Minister for Foreign and European Affairs of Malta, Evarist Bartolo delivering a keynote address to MEDAC academics and postgraduate students during the German Chair Seminar on Championing Diplomacy in the Mediterranean – Eastern Mediterranean and Libya: The Way Forward?. Prof. Stephen Calleya, Director of MEDAC, chaired the session.

Amb. Walter Haßmann, German Ambassador to Malta, delivering his opening remarks during the opening session of the Seminar.

Amb. Walter Haßmann, German Ambassador to Malta, delivering opening remarks at the opening session of the Seminar: "Championing Diplomacy in the Mediterranean – Eastern Mediterranean and Libya: The Way Forward?"

Prof. Bichara Khader, Prof (ret.) Université catholique de Louvain, Louvain, Belgium and Mr. Claude Bonello, Director, DG Political and EU Affairs, Ministry for Foreign and European Affairs, Malta, during the 2nd session of the seminar on Conflict in the Euro-Mediterranean region: Taking stock of diplomatic formats. Dr. Monika Wohlfeld, the Holder of the German Chair for Peace Studies and Conflict Prevention at MEDAC, chaired the session.

MEDAC's postgraduate students during the seminar.

Mr. Claude Bonello, Director, DG Political and EU Affairs, Ministry for Foreign and European Affairs, Malta addressing the seminar during the 2nd session.

Dr. Elena Grech, Head of European Commission Representation in Malta during the third session of the seminar devoted to the topic of Multilateralism and diplomacy: The role of the EU. Dr. Derek Lutterbeck, Deputy Director of MEDAC and Holder of the Swiss Chair, chaired the session.

Ms. Asma Dekna, Programme Officer (Libya) at Democracy Reporting International in Tunisia and MEDAC alumna during the third session of the seminar.

Dr. Omar Grech, Director of the Centre for the Study and Practice of Conflict Resolution, University of Malta during the fourth session of the seminar on Mediation: the way for- ward?. The session was chaired by Ms Lourdes Pullicino, Lecturer at MEDAC.

Prof. Dimitris Triantophyllou, Director, Center for International and European Studies, Kadir Has University, Turkey, during the fourth session of the seminar devoted to the theme Mediation: the way forward?.

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MEDAC's Barcelona#25 Event: 1997 Malta Ministerial Euro-Med Conference

Godfrey A. Pirotta (2021)
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Prof. Stephen Calleya (Editor) (2020)
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Monika Wohlfeld (Editor) (2020)
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John A. Consiglio (2018)
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Contemporary Euro-Mediterranean Relations

H.E. Federica Mogherini, EU High Repr. for Foreign Affairs and Security Policy (2016)
"The Mediterranean and the Global Strategy"

Essays in Honour of Dr. Joe Borg (2016), Perspectives in a Changing Mediterranean

D. Lutterbeck and M. Wohlfeld (2016) OSCE Code of Conduct: Outreach Conference for the Southern Mediterranean Region

Hon. Didier Burkhalter (2016) "Good Offices: A Swiss Speciality"

Prof. S. Calleya and M. Wohlfeld (2016)
Helsinki plus 40: The Mediterranean Chapter of the Helsinki Final Act and the Future of Mediterranean Co-operation

Prof. Guido de Marco (2016) "ESSAYS IN DIPLOMACY 1992 - 2010"

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About MEDAC

The Mediterranean Academy of Diplomatic Studies (MEDAC)
is an institution of higher learning at the University of Malta offering advanced degrees in diplomacy and conflict resolution with a focus on Mediterranean issues.

MEDAC was established in 1990 pursuant to an agreement between the governments of Malta and Switzerland. The Geneva Graduate Institute of International and Development Studies (HEID) was among MEDAC's first foreign partners. In 2009, MEDAC concluded an agreement with the German Federal Foreign Office and established a German Chair in Peace Studies and Conflict Prevention. More recently, MEDAC established a partnership with the Konrad-Adenauer-Stiftung Regional Programme Political Dialogue and Regional Integration in the Southern Mediterranean, providing scholarships for students and young diplomats from the MENA region.

In academic year 2019/2020 MEDAC celebrated its 30th anniversary. Since its inception, MEDAC has acquired a solid reputation both as an academic institution and as a practical training platform. We are fortunate to count over 850 alumni from 63 different countries who have completed successfully the post-graduate courses offered by the Academy.

Academy Courses
- Master of Arts in Diplomatic Studies (M.A.)
- Master of Diplomacy (M.Dip.)
- Diploma in Diplomacy (DDS)

See details of all courses on the website:
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MEDAC
Mediterranean Academy of Diplomatic Studies
University of Malta

Mediterranean Academy of Diplomatic Studies
University of Malta
Msida MSD 2080, MALTA
Tel: +356 2340 2821, Fax: +356 2148 3091
e-mail: medac@um.edu.mt
www.um.edu.mt/medac
www.facebook.com/um.medac