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**FACULTAT DE CIÈNCIES POLÍTiques I SOCIOLOGIA**



**TREBALL DE FI DE GRAU**

**EXECUTIVE SUMMARY**

# **The EU promotion of human rights in its external action**

## **Analyzing the case of Eritrea**

**Author: Ainhoa Ordóñez Arrais**

**Tutor: Montserrat Pi i Llorens**

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Being one of the major international promoters of human rights in a globally worsening scenario, the EU has reviewed its legislation and adopted new measures to effectively promote human rights in its external action. But how is it doing so? This paper aims to examine the legal framework that allows the Union to promote human rights abroad and how it introduces them in its relationships with third countries; and address the main strategies and instruments adopted. It is known that the EU adopts sanctions to condemn violations, but does it use other mechanisms? Lastly, I will examine their application in the Eritrean case.

The founding treaties of the EU establish, in article 2 of the TEU, the respect for human rights, democracy, and the rule of law as founding principles of the Union. Likewise, Article 21 of the TEU states that the principles in article 2 must guide the Union's external action.

The EU has adopted 4-year Action Plans, building five main lines on actions to work on to achieve their respect. The 2020-2024 Action Plan gathers a list of instruments, which I have classified into four categories: political, juridical, economic, and financial. I have applied the most used mechanism from each class to Eritrea: (a) dialogues; (b) Human Rights clause; (c) sanctions; and (d) NDICI. It has a wide range of instruments covering different dimensions, so we may not find problems in the scope of the instruments but rather in their application or effectiveness.

Eritrea is a repressive state where human rights are not protected. They are violated domestically and in its intervention in the Tigray conflict in Ethiopia. According to a Joint Investigation Report by the EHRC-OHCHR (2022), the Eritrean Defense Forces (EDF) have infringed international human rights, humanitarian and refugee laws. The EDF is accused of attacking two refugee camps in Tigray, holding nearly 20.000 Eritrean refugees who had fled torture and repression in Eritrea. Plus, the Eritrean government violated the principle of non-refoulement, a norm under international customary law, by forcing Eritrean refugees to return to the country (EHRC-OHCHR, 2022; Mersie et al., 2021).

In this context, the EU has decided to activate its instruments and intervene. Considering the primacy of positive responses over negative ones, the Union launched political dialogues with Eritrea under articles 8 and 96 of the new Cotonou Agreement and asked the government to withdraw its troops from Tigray (EU, 2021a; Kinzelbach, 2009). Furthermore, the respect for human rights, democracy, and the rule of law are introduced in the agreement as an essential element (art. 9(7)), with a 'non-fulfillment' clause (art. 101) (EU and OACPS, 2021). Under the latter clause, if an essential element is violated, a state party can adopt measures condemning this violation or suspend, in whole or in part, the treaty (Bartels, 2005; European Parliament, 2014). Moreover, it adopted sanctions under the new European Human Rights Sanctions Regime of December 2020 for serious human rights violations. These include an asset freeze and the freeze of funds to those individuals or entities listed directly or indirectly, and a traveling ban on those listed (Reuters, 2022).

In this case, the sanctions target the Eritrean National Security Office, which the Union has directly accused of those violations (EU, 2021b). Additionally, the EU has been debating on whether to de-commit some of the funds initially allocated to Eritrea, namely NDICI funds and funds coming from the EU's Emergency Trust Fund for Africa (Chadwick, 2021; HRCE, 2021).

All things considered, the European Union does have a wide range of instruments available to promote the protection of human rights in third countries, and it has proved to be able to promote them globally, integrating this element into the politics of other states, through dialogues and the human rights clause. Yet, it cannot guarantee their respect.

The EU has instruments to pressure states to comply with those obligations, whether they are positive or negative responses. From what we have seen with Eritrea, despite introducing human rights as an essential element, Eritrea has violated them, and I found no evidence of the activation of this clause. It makes no sense to introduce human rights as an essential element if their violation does not trigger the adoption of measures condemning it. It is likely that activating that clause and suspending the agreement may be more costly than adopting unilateral sanctions. Considering that the Eritrean forces have not yet left Ethiopia, I question the effectiveness of the restrictive measures adopted. Nevertheless, it is still early to properly assess whether these sanctions are effective or not.

Ultimately, we can say that the European Union is capable of influencing third states' policies on human rights, and it does promote their respect. However, what seems to slip away from the Union's control is their effective implementation and protection.

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