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Unpacking Inconsistencies in the European Union's Foreign Policy

Reactions towards human rights violations

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Abstract

This thesis provides a comprehensive analysis of two foreign policy responses towards regimes in third countries who are responsible of serious human rights violations as part of the study of the relation between human rights and EU's foreign policy. Through the use of two case studies, namely the humanitarian crisis in Venezuela in 2017, and Saudi Arabia: Operation Decisive Storm 2015-2019, this thesis seeks to explain how does the inconsistency in the EU's human rights foreign policy towards regimes in third countries who commit serious human rights violations be explained? It will do so by establishing a conceptual framework based on what drives the EU to act in the protection of human rights, including notions of legitimacy, the conceptual definition of coherence and consistency, and the institutional divide between the intergovernmental and community methods. Through the selection of CFSP sanctions as the main foreign policy instrument, both case studies will showcase this divide through the analysis of the EU's reactions, and an in-depth analysis into the internal and external factors influencing the relationship between both actors and a analysis of the effectiveness of sanctions.

This thesis concludes that vertical coherence is the main factor which explains the inconsistency of the EU's human rights foreign policy towards regimes who violate human rights. Since vertical coherence forms part of the intergovernmental method of foreign policy making, the institutional divide is the main illustration of the lack of coherence between EU institutions. Factors influencing vertical coherence are mainly the preference of bilateral relations of the member states over the multilateral, which undermine the normative reach of the EU when promoting human rights through its foreign policy.

Keywords: European Union, Foreign Policy, Human Rights, Restrictive Measures, CFSP, Inconsistency, Coherence

Denne oppgaven gir en omfattende analyse av to utenrikspolitiske reaksjoner overfor regimer i tredjeland som er ansvarlige for alvorlige menneskerettighetsbrudd som en del av studiet av forholdet mellom menneskerettigheter og EUs utenrikspolitikk. Gjennom bruk av to casestudier, nemlig den humanitære krisen i Venezuela i 2017, og Saudi-Arabia: Operation Decisive Storm 2015-2019, søker denne oppgaven å forklare hvordan inkonsekvensen i EUs utenrikspolitikk for menneskerettigheter overfor regimer i tredjeland som begå alvorlige menneskerettighetsbrudd bli

forklart? Det vil den gjøre ved å etablere et konseptuelt rammeverk basert på hva som driver EU til å handle i beskyttelsen av menneskerettighetene, inkludert forestillinger om legitimitet, den konseptuelle definisjonen av sammenheng og konsistens, og det institusjonelle skillet mellom mellomstatlige og fellesskapsmetoder. Gjennom valg av CFSP-sanksjoner som det viktigste utenrikspolitiske instrumentet, vil begge casestudiene vise dette skillet gjennom analyse av EUs reaksjoner, og en grundig analyse av interne og eksterne faktorer som påvirker forholdet mellom begge aktørene og en analyse av effektiviteten av sanksjoner. Denne oppgaven konkluderer med at vertikal koherens er hovedfaktoren som forklarer inkonsekvensen i EUs menneskerettighets utenrikspolitikk overfor regimer som bryter menneskerettighetene. Siden vertikal koherens utgjør en del av den mellomstatlige metoden for utenrikspolitisk utforming, er det institusjonelle skillet hovedillustrasjonen på mangelen på sammenheng mellom EU-institusjonene. Faktorer som påvirker vertikal sammenheng er hovedsakelig preferansen til medlemslandenes bilaterale forbindelser fremfor multilaterale, som undergraver EUs normative rekkevidde når de fremmer menneskerettigheter gjennom sin utenrikspolitikk.

Nøkkelord: EU, utenrikspolitikk, menneskerettigheter, restriktive tiltak, FUSP, inkonsekvens, sammenheng

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I hope this thesis will lead me to continue a new and rewarding chapter in my life.

List of Abbreviations

AQAP -Al-Qaeda in the Arabian Peninsula

EEAS-European External Action Service (EEAS)

EPC -European Political Cooperation (EPC)

HoSG - Heads of State and Government

HR -High Representative (HR)

MERCOSUR -Southern Common Market

ODS -Operation Decisive Storm

SEA-Single European Act (SEA)

TEU- Treaty on European Union (TEU)

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Introduction

The 21th century has seen various political developments outside the borders of the EU have caused severe human rights crisis in third countries. These crises trace their origin back to political causes, which include political crackdowns result of undemocratic elections of state and severe economic instability cause of political ideologies. Africa has seen various developments of these kind, such as in Ethiopia in 2005 result of fraudulent elections in 2005 protests arose and were countered with the death of 200 civilians and wide arrests; the systematic persecution of the Uyghurs in China starting on 2014; a genocide in Myanmar caused by the illiberal government in place, targeting ethnic cultural and religious minorities and causing an ethnic cleansing. This only to name a few examples, however, the existence of more of this cases around the globe have brought scholars to increase the study the foreign policy reactions towards the regimes who cause this violations of human rights.

Since the EU and their member states have a long tradition of respecting and promoting human rights internally, as well as externally through foreign policy, the EU has gained a reputation for an established protector of human rights around the world. It has managed to mainstream the respect and protection of human rights throughout its whole institutional architecture, making policies which align with these principles. Historically, the EU has been characterized by following the same principles of respect and human rights promotion in its foreign policy, which has led to characterization of the EU as a human rights global actor. However, the EU's foreign policy towards regimes who conduct serious human rights violations in this period of time has not been the same, and the analysis of its differences will be the focus of this thesis.

This work will aim to research the foreign policy reactions towards regimes in third countries who have been consistently doing so, as documented by international human rights organizations. This thesis defines “reactions” as part of a relational foreign policy, rather than structural. The elements of study will be the rhetorical and the concrete reactions, such as the application of different instruments, and the issuing of declaratory statements from the EU institutions. After identifying the different reactions of the EU towards human rights violators regimes, the second part of the aim of this work is to explain, through the analysis of primary and secondary sources, the reasons which led to such reactions. The aim includes looking into both external and internal factors influencing the responses, and explain the causal relationships between those factors and such

responses, understood also as foreign policy outcomes. Not only limited to this, but also provide a framework with which to identify the effects the foreign policy outcomes have towards the targets. Regarding the objectives, this thesis will successfully indicate how the foreign policy reactions are illustrated, how are they characterized in terms of continuity by correctly defining the term of inconsistency, establish a causal relationship between factors, internal or external which affect the foreign policy outcomes, and analyze the effects of those outcomes with an included framework.

The interest to focus on this topic from the undermining of legitimacy result of inconsistent foreign policy outcomes, being the inconsistency of sanction application one of the main aspects under questioning. A loss of legitimacy as a human rights actor in the international arena is not something that can be taken lightly. This facts alone, combined with recent crisis in the EU, most notably Brexit, the migrant crisis in 2015, failures in the ENP after the Arab Spring, the rise of BRICS and the uncertainty of the future of the transatlantic relations, signifies that the EU must avoid pitfalls which undermine its strong position in the international arena. Most importantly, since its ideational and foundational values are based on the primacy of the protection of human rights, internally and externally.

Research Question

With the overarching problematic laid down, the research question this thesis will aim to answer will be, How can the inconsistent EU's human rights foreign policy towards regimes in third countries who commit serious human rights violations be explained?

Many scholars and academics mention the shortcomings of EU's foreign policy throughout the years, ever since the creation of the EC in 1957 with the Treaty of Rome. With the Maastricht Treaty coming into force in 1992, new foreign policy mechanisms were introduced, with the inclusion of new tools and instruments. The foreign policy was restructured into two main organisms, or methods. The Community method, which included the Commission and the Parliament, and the Intergovernmental method, including the Council of the EU. The former having autonomy on market related issues, and the latter concerned with security and diplomatic affairs.

Since 1992, the reaction of the EU to different human rights situations around the world has received attention from many scholars, which have characterized the EU's foreign policy as inconsistent, mentioning various reasons for it. Amongst the most criticized topics by scholars that give such inconsistent character to the EU's foreign policy when reacting to human rights issues are the use of instruments, use of declaratory statements, differences between the member states reactions and EU's level reactions, and difference between both the intergovernmental and community foreign policy outcomes. Instruments are criticized upon the basis that they are applied to some actors and not to some, declaratory statements and rhetoric are widely used, but is not followed along with concrete actions. Differences between the rhetorical actions by the Parliament and Commission, versus what the Council does, spark the critics.

This thesis through its research question will aim to give a comprehensive explanation of how such inconsistent foreign policy is illustrated by examining, investigation, and analyzing the EU's reaction to situations in third countries that attempt against human rights. The time frame responds to two logics. Currently, human rights have more legal protection mechanisms than ever before, being the EU one of the international actors who have taken the protection, upkeep and promotion of human rights to its core by including it into its Treaties, namely the Treaty on European Union. Art. 2 of the TEU states that the EU's founding values are human dignity, freedom, democracy, equality, the rule of law and respect for human rights". Membership to the EU requires strict adherence to human rights, democracy and the rule of law principles, and the EU also forms part of relevant human rights frameworks, such as the European Convention on Human Rights and the Council of Europe. The Charter of Fundamental Rights binds the EU institutions to also respect the Charter in its external action, linking those principles and their observance when doing foreign policy.

Inconsistent foreign policy has been linked to loss of legitimacy, and to an actor such as the EU, which has embedded in its institutional framework the respect of human rights and has build a reputation of a human rights defender across the globe, loss of legitimacy in the international arena could bring serious consequences, which can affect the perceived image of the EU, multilateralism initiatives in international organizations, and a possible effect in its pursuit of interests due to its perception as a less legitimate actor in its shared values. The last decade has seen several crises which has challenged the EU, such as Brexit, the Arab Spring, and in human rights the migration

crisis in 2015, where the internal differences between member states were highlighted in regards to their reaction to human rights. Populist movements inside the EU seek to slowly undermine the political union by criticizing the shared values and deeming them as either impositive or unnecessary. A new world order where the supremacy of the West is constantly diminishing is slowly rising, with new and powerful international organizations from the Global South forming important trading blocs and alliances, most notably BRICS. An uncertain future of the Transatlantic relations lies ahead, and a war at the EU's border creates the necessity of an ever-strong EU, with legitimate and coherent external action, and a strong commitment from member states. The involvement of the EU in global governance schemes such as the UN, G7, G20, IMF, and World Bank as well as the participation of its member states could be affected by a loss of legitimacy, where current and future alliances can be undermined when other actors categorize the EU as 'saying one thing but doing another'. Its preference to act in a multilateral way when making association agreements with the wider world makes the foreign policy processes an ever-challenging task, by taking into consideration the implications the spillovers foreign policy outcomes can reach.

These reasons form the basis of the relevance of investigating this topic, and posing such a research question. Defining how this inconsistency is portrayed and analyzing the reasons behind the causal links which provide inconsistency is vital to further to study on how the EU reacts to international situations where human rights are violated in order to advance the literature and the understanding on this topic in order to draw conclusions on the effects of its actions.

Literature Review

The overarching theme of the foreign policy of the EU is a topic that has attracted scholarly interest since the early days of the Union (understood as the EEC with the Treaty of Rome) consequence of the development of the EEC's international negotiations in external trade policy. The books of Cameron (2012), Hill et al. (2017), and Keukeleire & Delreux (2022) present a detailed and complete overview of the foreign policy of the EU. These include historical accounts starting at the post-war period, comprehensive explanations on regards to its nature and character and explanations to its legal frameworks, processes and institutions, account of instruments, current debates and problematics, and a view into the future. These three books from notable scholars in

the field of European and International studies do include the topic of human rights and its relationship with foreign policy. Since Hill et al. (2017), and Keukeleire & Delreux (2022) are the most up to date texts, they were chosen as a guide for this thesis.

The most relevant conclusion from these two works that this thesis will draw upon is that the foreign policy of the EU on human rights presents clear inconsistencies. This conclusion is built upon the studies of several other authors which studied the EU's behavior on the topic and reached such a conclusion. Based on that, the inconsistencies are exemplified through various ways, but most notably through the inconsistent use of foreign policy instruments. It was noted that instrument usage was not applied equally towards different targets presenting equal or similar triggering situations, namely, violations of human rights and democracy.

As both works were ample in the explanation of the processes which produce foreign policy outcomes, another conclusion relevant to the research question of this thesis was presented. It refers to the existing divide between the intergovernmental and community methods in foreign policy, which directly influence the consistency of the foreign policy outputs of the EU. However, these works build on conclusions reached by other secondary sources, and do not provide a self-conducted research analyzing these assumptions, which leads to a key knowledge gap to be filled. But overall, these two aforementioned works serve as a basis for defining and conceptualizing the foreign policy of the EU as a whole, and guides this research into further literature which studies the reasons behind the conclusion that the foreign policy on human rights of the EU is inconsistent, and the relationship between the community - intergovernmental method and inconsistent foreign policy outcomes.

Rosa Balfour, Senior Policy Analyst at the European Policy Centre, through the use of two case studies, studies the relationship between human rights and foreign policy. The inconsistent nature of EU's foreign policy on human rights is the central axis of her work, agreeing on the aforementioned statement in line with the previous literature mentioned, and agrees on an absence of scholarly literature explaining the, "gaps between rhetoric and performance" (Balfour, 2012, pg.2), as well as agreeing on the, "reluctance to criticize human rights failures in the partner¹ countries".

¹ Although no clear definition was given to "partner countries. It then proceeds to mention Belarus, so the definition implied is partner countries are understood more as "third countries".

Her argument is strengthened by the works of (Bicchi, 2004, Youngs, 2005, Aliboni 2005, Balfour 2006, as cited in Balfour, 2012) mentioning the lack of use of human rights clauses against South Mediterranean Countries, as well as (Crawford 1998, K. Smith 1998b, Olsen 2000, K. Smith 2001, Ward 1998, Youngs 2001, K. Smith 2003, as cited in Balfour, 2012), pointing out inconsistencies and double standards of the EU which can come in conflict with secondary or other foreign policy priorities. Furthermore, establishes a need for more empirical research examining the EU foreign policy gap between rhetoric and performance, and the “little attention paid to the processes behind policy-making in Brussels” (Balfour, 2012). Legitimacy from the EU on human rights is agreed to be partial. On one hand, the EU subscribes to international laws and norms, but jeopardize it consequence of its inconsistent and incoherent behavior on its human rights foreign policy behaviors, as her case studies conclude, “cognitive diversity of views among the EU member states and institutions that helped explain the outcome of a declaratory policy backed by little action” (Balfour, 2012).

The works of Del Biondo (2011), Fioramonti (2013), Del Biondo (2015a), Del Biondo (2015b), Saltnes (2017); Saltnes, (2018) advance the literature by basing themselves on the premise that the EU presents an inconsistent human rights foreign policy and thus seek out to investigate ways in which that inconsistency is portrayed or exemplified, and the reasons behind that inconsistency.

Del Biondo (2011), Saltnes (2013), Fioramonti (2013), Del Biondo (2015a), (2015b) study the lack of consistency in the application of sanctions to third countries under the ACP partnership, consequence of their violation of human rights, democratic principles, and the rule of law. The foreign policy instruments studied here are named as ‘sanctions’, and referred to and study as the suspension of aid (defined also as aid conditionality) under the Cotonou Agreement. This convention rules the partnership with the ACP countries and the EU. Article 96 of this agreement defines that, violation of principles of human rights and democracy, would trigger a negative conditionality tool, in this case, the suspension of aid. However, mention of sanctions as defined under the CFSP, is not present, which does leave a gap to be filled in the study of this instrument. Few works were found to analyze CFSP sanctions, apart from Balfour (2012) and Del Biondo (2015b). Giumelli (2013) does bring a comprehensive understanding of the instrument, providing an analytical framework to evaluate when the sanctions have been applied.

This thesis agrees and builds on the premises set by Giumelli (2013) of where its mentions that sanctions should be looked at how they influence individuals and non-state entities essentially to the purpose rather than their objectives, as well as measuring their effectiveness by taking a different criteria than just a behavioral change from the target. This simplistic approach severely overestimates the effect of sanctions and what they can achieve, and thus must be looked with a different approach. This defines that the issuing of CFSP sanctions as a foreign policy outcome, is not only focused on the objective of what it aims to end (the violations of human rights) but it is also an important tool which creates pressure on the target, as well as positioning the EU as a human rights based international actor. The foreign policy outcomes, whether consistent or inconsistent, affect the perceptions of the EU from abroad. Such perceptions and outcomes also affect the legitimacy of the EU, which talks to the relevance of this topic of this thesis, as well as being a vital factor to understand the foreign policy processes behind it.

As well, this thesis will also build on the criteria established by Giumelli (2013) for case selection, which is based solely on human rights and democracy violations. This contrasts with the works of Del Biondo (2011a), Saltnes (2013), Fioramonti (2013), Del Biondo (2015a), (2015b), where cases were selected by the same criteria, but only on countries belonging to the ACP partnership. Countries who were not part of the Cotonou Partnership were disregarded. Giumelli (2013) breaks free from this and selects cases independently on their association with the EU. This is also related to the fact that CFSP sanctions are issued independently, regardless of any association agreement the EU may possess with the country in question. This thesis finds this distinction useful, due to selecting only cases in countries with association agreements does not provide the basis for an accurate study, due to the fact that the EU does not issue a reaction only to countries with human rights clauses in Association Agreements. For this thesis, choosing the case studies on the premises of a presence of human rights violations, it is possible to showcase directly the commitment that the EU has towards the fact of promoting and respecting human rights, not being pushed or guided to do it by clauses in association agreements. This thesis considers that CFSP restrictive measures, an independent foreign policy reaction to a third country regardless of an association agreement clause is the highest level of commitment to the promotion of human rights in the foreign policy, as stated in Art. 21 of the TEU.

These studies also overlook the important institutional divide between intergovernmental and community method foreign policy method making processes, which is crucial to understanding the reasons behind policy outcomes, which this thesis will aim to answer. These studies are more focused on the analysis of the policy outcomes in themselves and a further analysis of those, in order to produce qualitative conclusions on those findings and the meaning for that for relevant theories such as Normative Power Europe or neo-realist interpretations. For example, the works of Saltnes (2015), (2017) have a focus on explaining the relationship between the priorities that drive the EU on to making such decisions, and thus, concluding on findings which support either normative or neorealist assumptions to attach those characterizations to the EU as an international actor. To exemplify this, in her first work, Del Biondo (2015a) begins her first work taking a testing approach, where the policy outcomes from selected case studies were taken, and using them to prove whether their motivations come from an interest or normative point of view.

Further on, the study of Saltnes (2017), on the same principle of trying to classify the EU as certain type of international actor based on the application of sanctions to human rights violator regimes, however this time, she concludes that it is not only because of interest based motivations, but also by the clash of different norms. This thus explains that the failure to implement sanctions does not come as a direct prioritization of interest, but that the prioritization of another norm explains why sanctions are not issued. This was explained by portraying that the continuation of development aid was more important than applying an aid suspension. What this in turn leaves up to question is, what makes the EU, an international actor *sui generis*, act the way it does. These two studies by Saltnes do lack an explanation which illustrate the institutional divide which produce such policy outcomes, selection of a cases study under the ACP partnership, and focusing only in the instrument of aid suspension under the ACP partnership.

These studies also lack to pinpoint a concrete definition of consistency. Studies use the same terminology of “inconsistency”, however none takes an explanatory approach first to adequately define it. This thesis will further advance the literature by providing a clarification and explanation of the term. By conclusion and inferring, it is possible to understand that the studies mention inconsistency as a result of not issuing restrictive measures to all governments that perpetrate human rights violations. However, no clear conceptual definition is given, and thus this work will

provide a conceptual definition for it, advancing the literature on this topic and making the analysis conceptually clear and concise.

These six studies provide two thematic gaps. As a general inquiry and research objective, they are focused on establishing a causal relationship between reasons which explain the inconsistency of the foreign policy of the EU towards violations of human rights and democracy. They focus on a specific geographic region, which are countries located in Sub-Saharan Africa. Case studies are the primary methodologies on which these six studies carry out their investigations, and the geographic focus has narrowed the study of the foreign policy instruments utilized by the EU to instruments defined under the Cotonou Partnership. These are aid suspension and budget support cuts under the Article 96 of the Cotonou Partnership, and rhetorical action. For example, Del Biondo (2015b) does include CFSP sanctions in her study, on only 4 out of 16 cases. Nevertheless, the only analysis done is limited to whether or not they were imposed, and the study behind the processes which lead to such outcomes studied in a limited way. This is due to the high number of cases which do not provide the opportunity for a in depth study, and the lack of attention to the institutional divide mentioned by Balfour (2012). As well, no account for coherence or consistency conceptual frameworks are defined, and cases are selected not on the gravity of the violations to human rights, but only if they were present.

Methodology

In order to answer the research question, the methodology chosen to answer will be a qualitative, multiple case study. A case study method was chosen based on Yin (2018) criteria. First, it responds to a “how” question, aimed at finding out a process, or series of events/processes through which the member states influence the foreign policy outcomes. “How and why questions are more explanatory and likely to lead to the use of a case study, history, or experiment as the preferred research method. This is because such questions deal with the tracing of operational processes over time” (Yin, 2018). As well, since the case studies that will be selected are contemporary, this method applies to such kind of event (Yin, 2018).

A multiple single case study analysis will be chosen over a single case study. This with the aim to compare trends, patterns or differences amongst the different cases and thus reach an appropriate conclusion involving different actions from the member states. Since the overarching topic of this thesis is inconsistency, it reinforces the use of several case studies involving different instances of situations, as opposed to using only one case study, where consistency, or the lack of it, would be impossible to exemplify.

The selection of this thesis to use of case studies follow the same methodological approach as the works mentioned in the literature review, which it considers an adequate methodology to go in depth into the causal relationships which produce foreign policy outcomes. Based on the literature review, this thesis considers that focusing on CFSP restrictive measures and declaratory statements does accurately illustrate the divide between the community and intergovernmental methods. Thus, by choosing situations for the case studies which present this divide, the divide can be portrayed and analyzed, filling in the knowledge gaps previously mentioned. Considering the fact that the foreign policy is inconsistent, the selection of situations for the case studies will be done by the selection with cases which present a contrasting response from the EU, in order to study the inconsistency of the foreign policy reactions between both case studies.

What this thesis will do differently than previous works is, through a smaller selection of case studies, namely two case studies, examine in more detail and depth with primary sources how the institutional divide is illustrated. This contrasts against previous studies, which through a large selection of cases (more than four), hypothesized that the presence of an interest from the EU in the target country will stop the application of restrictive measures due to the consequences it will

pose to its interest. Although this thesis agrees and builds upon the fact of the inconsistent character of the EU's foreign policy, it will analyze the processes which led to those inconsistent foreign policy outcomes through the use of primary sources contrasted with the use of secondary sources.

Two cases will be selected, as mentioned, with the aim of providing comparable evidence, which will advance the literature and clearly, answering the research question with the use of results collected from two different cases. The selection of the case studies will be done based on the following criteria.

A) A situation, development or event where human rights were violated in an important manner.

The violations of democracy or other violations to other ideational values of the EU will not be taken into account for the selection of the cases. Since the overarching purpose of the thesis will be to explain the inconsistencies of the foreign policy towards human rights violators, the cases chosen will be selected based on the violation of human rights specifically.

B) Where those violations are caused by a legally recognized state outside of the EU.

Violations by civil or terrorist groups will not be taken into consideration, since this thesis is aimed at explaining reactions towards legally recognized states in the international system. In order to study EU's reaction to other actors, including non-legitimized non-state actors, a different study is needed.

C) A registered rhetorical response from the EU resulting from the Community method of foreign policy.

A rhetorical response from the Community method, the Commission or the EU Parliament, is needed to showcase the institutional divide. As well, a rhetorical response acknowledging the situation, it is legitimized. A non-legitimized situation can not be studied due to the simple fact that the EU will not have the need to act against if it has not been legitimized. By stating that a situation is legitimate, it means that a human rights violation situation has been documented, and that there are clear and undeniable culprits, which in these following cases, are government officials from a third-country.

D) Not bound by a human rights clause from a Partnership Agreement.

Since the aim will be to study CFSP sanctions, cases where this clause does not exist will provide a farther advance in the literature, also responding to the gap in the literature found for case studies to focus on cases bound by these instruments.

E) Contemporary cases

Since the methodology chose is a case study, Yin (2018) establishes that the events studied must be contemporary in nature, and opposed to entirely historical events. This makes the need to focus on contemporary cases. Based on these already set criteria, two situations have been chosen for the case studies.

- 1) Saudi Arabia's Operation Decisive Storm 2015-2021
- 2) Venezuela: Humanitarian Crisis 2017

The humanitarian crisis in Yemen has been denoted by as the “world’s worst humanitarian crisis” (UNHCR, 2018). Starting in 2011, the political conflict brought along with it a list of human rights violations by the at the moment, authoritarian regime of Abdullah Saleh. This crisis has various phases, but this thesis will focus on the period 2015 - 2021, where the Operation Decisive Storm began. Operation Decisive Storm is a military operation led by Saudi Arabia in a multinational coalition of states, which its main objective is to fight the Houthis (the anti-government militia) through a series of airstrike bombings and a naval blockade. The ODS came to considerably worsen the already going on humanitarian crisis.

Based on reports from Amnesty International, the ODS has been constantly and indiscriminately attacking civilian targets, such as health and education facilities, sports and recreation centers, residential areas, causing the death of numerous innocents. As well, the blockade has stopped the much needed humanitarian assistance to enter the country. The government of Saudi Arabia is guilty of this perpetrations as leader of the ODS, and after repeated calls from the Commission to put into place restrictive measures, they have been ignored by the Council repeatedly.

Regarding the Humanitarian Crisis in Venezuela started as a consequence of the ongoing crisis since the economic recession happening already since 2014. Since the economy was heavily reliant on oil exports, the 2015 price breakdown in the international market deeply severed the crisis, on which discontent began to erupt, and worsened the humanitarian crisis of necessities shortages. By 2017, the government of Maduro was found to have violated important human rights such as

freedom of assembly, freedom of expression, excessive use of force, arbitrary arrests and detentions, torture and ill-treatment and enforced disappearances (Amnesty, 2018). All of this to a population that was already in a humanitarian crisis without access to basic needs such as food, schools, and hospitals.

The data that will be collected for this study includes mostly primary sources such as documents from the EU institutions, such as the Parliament, the Commission, the Council and any other relevant EU institution. As well, newspaper articles and reports from human rights international organizations will be taken to analyze pertinent information on the humanitarian situation. Secondary sources will be the base for the collection of information for several points of the Chapters, specifically on the second and third topics, explained further in this section.

The structure of the thesis will start with a conceptual framework, which is needed as part of the literature gaps found in the literature review. Chapter 2 will explain the cases in more detail, as well as analyzing the data, in an individual case manner. The discussion will deal with the analysis of the results, finding comparisons, trends, similarities or patterns, to later move on to the conclusions in order to link the facts studied. The first chapter will start with identifying and clarifying key concepts which are necessary to explain to provide a conceptual framework to explain the topics which the literature review found gaps to be filled on. Those topics are the institutional divide, the interest driven logic, and the efficiency of sanctions.

Chapter 1 will begin by identifying why the EU needs to act towards situations in third countries that present serious violations of human rights. It will do so by exploring the legal framework of human rights protection as defined in the Treaty on European Union, as well as different obligations it has taken over the years to protect human rights. These part relates to the research question because it responds to an intrinsic belief associated with the question in itself, why act?, which is also related to the relevance of the topic.

With the need for the EU to act against violations of human rights in third countries laid down, I will further move on to clarify the definition of coherence and consistency on foreign policy, concepts which the literature review found to be underexplained and constantly mixed, limiting a thorough understanding of the concept of inconsistencies. At the same time, it will clarify the research question to the reader, in case it was victim of this misunderstanding from the very beginning. The understanding of coherence and consistency is a prerequisite to understand the first

topic gap, which is the institutional divide, or the institutional bifurcation of foreign policy (which will be illustrated with primary sources in Chapter 3 with the respective case studies). Without a clear definition of what coherence and consistency entails, I risk creating a wrong analysis of the human rights foreign policy inconsistency, further repeating mistakes found in the literature review, and which this work aims to clarify and advance the literature on.

Since restrictive measures under the CFSP are the main instrument of study in this thesis, due to the selection of the instrument for its accurate illustration of the inconsistency of the EU's human rights foreign policy, and on where the institutional divide is clearly emphasized, is clearly related to the dynamics of interest being that they require a unified position in the Council from member states, an understanding of the policy processes that lead to it must be explained. This will be done by explaining the policy processes behind the application of a CFSP sanction, and an explanation to clarify the difference between the term of sanction and restrictive measure and the change it has been subject to when used in the literature to refer to mainly economic and trade embargoes. At the same time, the study of restrictive measures also illustrates the institutional divide between the two foreign policy systems.

The second topic will be the interest driven logic. The literature review found important gaps in the examined case studies previously done. A selection of a high number of cases and a reductionist approach that limited itself to only establish the presence or absence of "an interest" yielded an underexamination of the accounts of the type of interests, different types of actors and dynamics at interplay and an examination of the relationship between the EU and such region. Which, as mentioned before, the EU does not base its external relations on a unilateral manner, but in a multilateral manner. Understanding this is key to pinpoint the interests that the EU possesses. By identifying these points, this thesis relates to the studies reviewed in the literature review where one of their main points was whether the EU does not apply sanctions to countries on there are interests. The through study further in Chapter 3 will work as a basis for future research aiming at explaining the hypothesis linking the presence of interests and the absence of sanctions. Since the research question of this thesis is to explain the inconsistent human rights foreign policy, the conclusions drawn from this subtopic are not aimed to explain as the whole the reason for the foreign policy inconsistency, rather, it will seek to respond which types of interests are present, and how could that take an effect on the foreign policy of the EU.

The third topic will be through the study of efficiency of sanctions. The approach taken by Giumelli (2013) will be used as a framework for analyzing the effectiveness of sanctions. Since the literature review points out gaps in the understanding of the results of sanctions, without relating them to their main purpose or logic of applications (this refers to the reasons behind their application and not their objectives per se), an analysis of this aspect is required to fully address the question of how the inconsistent EU's foreign policy on human rights can be explained. Rather than creating a simplistic approach that analyses the efficacy of restrictive measures on whether the human rights violations stopped or not, it will focus on the effects and the logic behind the application of such measures. As in only one of the cases studies restrictive measures were applied, it will only be used on that case.

Regarding the limitations of the study, one has been found regarding the depth of the analysis and the factors taken into account in the second case study, specifically, in the geopolitical considerations surrounding the conflict in Yemen. This thesis presents an analysis overviewing it, taking into account the main constraints and factors, however, an historical account involving different actors would have optimal.

Chapter 1: Conceptual Framework

Before dwelling into the case studies, this section aims to explain several core concepts crucial to understanding the foreign policy of the EU and examine how human rights are externalized through the use of instruments responding the gaps in the literature review. This conceptual definitions will help to create the structure for the understanding of the foreign policy towards

Why does the EU needs to act (sanction)?

A primary concern that revolves around this thesis is, why does the EU need to sanction human rights violators in third countries? Even so when both parties are not part of a legal framework, which by use of their own sovereignty, have signed and formed part, stating that failure to commit to human rights principles, and in explicit cases where there is a confirmed, persistent and serious human rights violations, the use of foreign policy instruments will be applied as a measure to stop such violations. Since this is not present, then the question of why is the EU interfering in the internal affairs of a third country, clearly violating the principle of non-intervention arises. The EU acts on the basis of its treaties, which respond to its founding principles. Article 21 of the TEU mentions,

The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

The consolidation and support of democracy, rule of law, human rights and the principles of international law is also stated in the same article, alongside with the preservation of peace, prevention of conflicts and strengthening international security, following the principles of the Helsinki Act and the United Nations Charter.

Legitimacy

The purpose of this section is to evaluate the reasons why legitimacy is necessary, but elaborate on how inconsistencies in the foreign policy outcomes affects legitimacy. It relates to the research question related to the previous topic. As this thesis refers to human rights foreign policy, its legitimacy on its external action is given by a synergy between its legal framework, understood as Art.2, Art. 3, Art. 6., and Art. 21 TEU, and its foreign policy outcomes.

The EU, as a *sui generis* international actor, has gained its foothold through the years. Many definitions have been coined by scholars, which have tried to define the nature of the EU. Terms such as market power Europe (author) , normative power Europe, (manners) civilian power Europe (XXX) all have tried to define what type of power does the EU fits into to give it a new characterization. All of these conceptions differ in a basic principle, which is their understanding of how political power is expressed.

However, a basic principle for all international actors lies in their legitimacy. Conceptually defined, legitimacy stands as the, “justified use of political power” (Beetham, 2013 in Hill. Et al 2017). Hill et. al, has coined three “publics” whom it does need to be legitimate with, citizens of its member states, governments of member states, and other actors in the international system. Since this thesis is focused on the foreign policy of the EU, the other actors in the international system are relevant for this study, however is worth briefly mentioning the other two for a deeper understanding.

Hill. Et al (2017) questioned the standards where the EU’s international role needs to be legitimate. For its citizens, he mentioned that the policy outcomes must fulfill the expectations which help member states achieve their obligations to its citizens, in order to achieve their obligations such as rights, justice and welfare. The legitimacy of the EU compared against individual member states foreign policies lies in a “scale” factor,

Second, a removal from inconsistencies between national policies, supported from a heavy securitized notion (Jervis, 1976 as cited in Hill et. al 2017). Coordination as well constructs a safer net against threats from the outside, where the coordination of a common policy reduces possible conflicts between member states by having an aligned policy towards a common perceived threat.

(M. Smith 1996b, 249, as cited in Hill et. al 2017) touches upon the security argument, where he states that part of the development of the CFSP, where access to the single market, and membership into the Union itself was an effective foreign policy tool to leverage against security concerns in third states. It managed to eliminate the threat of war in the eastern neighborhood and bring democracy and the rule of law with the promise of membership to the Union. The eastern European states will have not considered membership in the EU if it wasn't for the legitimacy that the EU possessed in norms. All member states at the time before the eastern enlargement possessed solid democracies, rule of law was imperative to the political functioning of each member state. New members, such as Greece in 2001, who were in a different position of the developed economies of the big four, saw a delivery of promises and an improvement in certain points which gave the EU legitimacy against the new potential member states. The legitimacy of the discourses and actions of the EU in the areas of trade and norms (democracy, rule of law and human rights), allowed for its foreign policy to be a success, amongst other factors. Whether legitimacy from the EU would not have been present, the success in the eastern enlargement would have seen a different outcome.

Shifting now on to human rights, the Normative Power Europe definition by Ian Manners utilizes the example of the abolition of the death penalty as its main example to justify its definition of the EU as a normative power. The decision of the EU to pursue the abolition of the death penalty can be traced/explained by its legal basis in the articles found in the TEU stating a defense and promotion of the EU's values in its international action. Member states started to also abolish internally death penalties, the topic was raised in international forums not only by the EU, but also by its member states by interventions in the presidency of the Commission, by the Finnish foreign minister Tarja Halinen in the UN General Assembly also even by contacting directly George W. Bush regarding a legal case. Joint efforts from the EU's institutions, including the Council, worked in synergy to reach a common objective (Manners, 2002). Now, all of the aforementioned efforts provided the EU with legitimacy to able to influence third states into adopting the EU's view. This is also a great example to illustrate the need of legitimacy in human rights foreign policy, due that, as Manners mentions, in this situation instrumental was not applied. There was no need for coercion by applying the use of instruments. This exemplifies the power of legitimacy. Whereas members states would not have abolished the death penalty, the EU having a long history of human rights abuses in regards to the execution of prisoners and a lack of coordination from EU institutions in raising the issue internationally, a request like this would have come out as a mere

request without any justification nor credibility. It can be concluded that legitimacy is crucial to the promotion of norms, and could be a requirement before a normative agenda could be pushed.

As an ideational and founding idea and core value of the EU, the promotion and respect of human rights its not an exclusive, stand alone principle in the working strands of the EU. In fact, it's an idea which encompasses all of its external action.

Scholars such as Balfour (2012) have mentioned the lack of the existence of a clear and defined foreign policy on human rights. As its stated, “the EU does not have a foreign policy on human rights, it has bullet points”. As exemplified in the work of Saltnes (2018), one of the instruments that helps reach the objective as stated in the article TEU, is the use of the human rights clause. This instrumented is “located” in the Association Agreements with different partners

Coherence and Consistency

Based on the literature gaps, previous studies failed to provide a conceptual definition on what is understood by consistency and compare it to definitions of coherence. This thesis finds it crucial to define and build upon both definitions and clearly conceptualize both terms, in order to advance the literature and provide an adequate research framework and a later result analysis.

The formulation of the foreign policy of the EU involves an intricate web involving a variety of actors, institutions, and policy making mechanisms. Taking a bottom-up approach through the member states and how their influence is exerted in the European Council, this thesis will evaluate how does that affect the foreign policy outcomes.

As Keukeleire & Delreux (2022) mentions, the foreign policy of the EU is of a multilevel nature. “Characteristic of EU foreign policy making – echoing the nature of the political system of the EU in general – is the interaction between the national and EU levels, with the center of gravity and the nature of this interaction varying according to the issue at hand” (Keukeleire & Delreux, 2022).

As Gebhard (2017) mentions, “The EU has never had a built in and purposive institutional framework that would allow for concerted external action”. Without an institutional framework that ensures concerted external action and centers of gravity falling into different places depending on the issues at hand, the coherence and consistency of foreign policy outcomes is then left to the alignment of priorities, objectives and interests from the institutions and actors involved. When

talking about human rights foreign policy, and more specifically CFSP restrictive measures, the center of gravity falls into the Council of the EU. This entity is responsible for the issuing and application of restrictive measures to human rights violators.

The literature review mentioned various concepts, amongst them the “divide between rhetoric and practice”, mentioned by Balfour (2012). This thesis interprets this concept in line with coherence and consistency. The divide between rhetoric and practice, signifies a lack of coherence.

Historical context

The problem of having a coherent/consistent foreign policy is not a recent problematic, but one that has been present since the early days of European Integration. The lack of regulatory frameworks, such as institutions or regulations dedicated to the legislation and adoption of foreign policy left the responsibility directly to the member states for the coordination of foreign policy action. A brief historical account is needed to better understand the reasons behind the problematic that carries on to this day, as well as understanding the reasons behind the solutions.

The need for the member states to cooperate in foreign policy matters brought the creation of the European Political Cooperation (EPC) in 1970, and with it, the term of coherence as a need to bring together different strands of EU’s external relations, in both strategy and in procedure (Gebhard, 2017). However, a need to align the policies between the EC and the European Commission, and the policies of the EPC to ensure a consistency/coherence requirement, brought the Single European Act (SEA) later in 1987. An intergovernmental attempt to ensure that the internal market was balanced by a foreign policy dimension, and introduced the coherence-consistency requirement, which stipulated that the external policies of the ECC and the ones agreed in the framework of the EPC ought to be in line with each other.

Title III, Article 30 stipulates that the external policies of the EC and the policies agreed in the EPC must be consistent. The Presidency and the Commission, each within its own sphere of competence, shall have special responsibility for ensuring that such consistency is sought and maintained. (SEA, Title III, Article 30)

This attempt signified political will from the member states to produce synergies between both the EC and the EPC, and ensure that foreign policy outcomes had this same characteristics. However, bringing back the definitions of a multileveled foreign policy and the institutional bifurcation, or

divide, of foreign policy processes, it is possible to define this as the birth of both concepts. Since the EC and the EPC were “two policy realms” (Gebhard 2017), both with different policy making processes, this point in time can be taken as the starting point for both concepts mentioned above.

The EPC was the predecessor of the later CFSP adopted in the Maastricht Treaty, where the divide was not solved, but instead a joint responsibility was assigned to the Council and the Commission to again, maintain the coherence and consistency between foreign policy. The Treaty of Amsterdam did not bring solutions either, and the Treaty of Nice only reiterated the previously stated responsibility from the Council and the Commission.

It was not until 2009 with the Treaty of Lisbon that introduced an appointed president for the European Council instead of a rotating one from each member state, a renewed role for the High Representative as the HR of the EU for Foreign Affairs and Security Policy, which will also carry the title of Vice President of the Commission and was ensured the consistency and coherence between both strands of external action, and the establishment of the European External Action Service (EEAS) to aid the HR.

Despite these efforts, foreign policy processes under Lisbon were kept under the old structures, the intergovernmental, mostly on CFSP related issues, (including the application of restrictive measures), and the community method. Term often called as the “Paradox of Lisbon” (Schout and Wolff, 2012, in Gebhard, 2017). It is exactly in this bifurcation where the failures to act consistently and coherently are most notable when regarding human rights foreign policy. With the historical account finished, moving to the definition of the concepts of coherence and consistency.

Bertea (2005) in Gebhard (2017), defines coherence as superordinate to the notion of consistency, being coherence as seen as a high stage of harmonization, presupposing a set of more primitive secondary conditions such as comprehensiveness, completeness, continuity and consistency. Missiroli (2001) in Gebhard (2017), defines consistency as a minimal requirement for coherence in that it exemplifies a lack of contradictions, while coherence is seen as the forming of synergies that signifies connections between several factors. Gauttier (2004) in Gebhard (2017), also builds on the concept of consistency as the lack of contradictions in external activity in different areas of foreign policy, and implies it as prerequisite for the existence of coherence.

With these authors, Gebhard (2017) concludes that the definition of coherence refers to the quality of a process which ideally, the single entities involved, join together in a synergetic procedural whole, while consistency refers to outcomes produced by those systems. They also refer to different notions in time and space, as where consistency can be measured over a period of time, and provide continuity or not, but coherence remains a matter of quality of interaction between organizational entities that goes beyond the consistency of particular actions with previous ones (Gebhard, 2017). This definition goes in line with the works of Del Biondo (2011a), Saltnes (2013), Fioramonti (2013), Del Biondo (2015a), (2015b), who by analyzing comparing and contrasting the use of foreign policy instruments, namely sanctions, found out that its application was of an inconsistent character.

Gebhard (2017) defined four types of coherence based on the relationship between the intergovernmental and supranational domain of the EU external action, which are important to define based on the literature gaps.

The most relevant categorization of coherence for this thesis is defined as vertical and horizontal coherence. When the member state positions and policies align with the common position at the Union level, is defined as vertical coherence. When the statements and actions from different EU institutions align and produce synergies, its referred to as horizontal coherence. For this to happen, member states a general compliance with the political commitments laid down in the treaties is necessary, but also ensuring a technical compatibility of specific national policies aligned with common policies at the EU level. The decision to apply restrictive measures on the CFSP framework exemplifies vertical coherence. This will be explained further in Chapter 3 with the case studies. Another area where this is visible is in the Council working groups. Unified decisions (as in regard to issuing restrictive measures) can be the victim of political differences, where member states exert their power directly which influences in the qualified majority voting in the Council, process which will be detailed further in this chapter.

Much of the legitimacy of an international actor is given by the coherence and consistency of its foreign policy. Failure to act coherently and consistently, poses a threat to its legitimacy, which thus negatively influences its lack of credibility in the international system, carrying a loss of power to promote its interest and objectives is considerably reduced, argument that will be explained next.

Member States in the Council

Having already established the different policy making methods, the intergovernmental and community method, a further look into the intergovernmental method is required, since in order to answer the research question, its necessary to look more closely into the channels member states exert their influence in the Council. As well, this forms part to understanding the institutional divide and explaining the interinstitutional channels member states possess to exert their influence at the EU level. The issuing of sanctions is regulated under the CFSP, in which the intergovernmental method is the predominant decision maker.

The main principle that the intergovernmental method achieves is the member state's retention of control over policymaking from the EU. Through intergovernmental integration, "the member states transfer competencies to the EU but so that governments retain strict control over policymaking within the Union's institutional framework through the dominant position of the Council and the application of the unanimity rule in its decision-making" (Keukeleire & Delreux, 2022).

The heavy political weight that sanctioning a third country implies, not only at the international level, but at the internal level, where the 27 member states are bound to apply such sanctions, explains why it is contained in the CFSP, and explains why its such a heavyweight foreign policy decision.

At the European Council, a convergence of policymaking lines from all policy areas takes place, which gives it a pivotal role in the policy outcomes of the EU. The heads of state and government of the member states and the president of the Commission form the European Council, as well as the HR from the EEAS.

Art. 15 TEU, defines a presidency for the European Council on a two and a half year term, which under its responsibilities include the international representation of the EU on CFSP issues, without prejudice to the powers of the HR of the Union for Foreign Affairs and Security Policy. Meetings such as the G7 and G20, bilateral summit meetings, or any meeting attended by HoSG. As well, when topics are not limited to the CFSP, the president of the Commission is also present.

Since the European Council does not possess a formal role at legislating foreign policy, it's the organization in charge of consenting the adoption of decisions. Amongst important decision taken

by the European Council, the direction of the EU following the Arab Spring in 2011 was a turning point for foreign policy of the EU. Characterized as a failure, the decision to maintain support for anti-democratic and human rights violating regimes in order to maintain stability based on a security discourse was adopted by the European Council.

As Keukeleire mentions, “push-decision making forward from the highest political level, they make crucial intergovernmental and inter-institutional bargains on the most sensitive issues, and they confer legitimacy and visibility on decision and policy documents essential for both internal and external audiences” (Keukeleire & Delreux, 2022).

As in any consensus based organism, being composed of 27 HoSG, each with its own set of interests to protect at home, reaching consensus can be a difficult process, specially in the case where a member state or a group of them see their interests affected or jeopardized by a policy outcome adopted in the European Council.

Important to note is the non-exclusivity of foreign affairs topics in the meetings, where a tight agenda constraints time and pushes the most pressing issues to the top, sometimes postponing discussion of certain items the agendas for subsequent meetings, which in turn causes certain policies be delayed.

Since the role of the HoSG in the European Council is not legislative, the substructures below which raise the agendas up to the final stage where the HoSG take a final consensus, are responsible for generation of the EU foreign policymaking. Inside the European Council, the substructure of the Foreign Affairs Council is the previous step where policy is legislated before it passes to the HoSG. This substructure is composed by the foreign affairs ministers of the 27 member states, another space where member states exert their force which shapes the EU policy outcomes.

At the ministerial meeting, the agenda with the Agreed Points, also called “A points” is given by the Committee of Permanent Representatives (COREPER), located at a lower level. Inside the Political and Security Committee. They agree with the A points, however not all of them have the chance to be discussed, leaving the most pressing issues at the top. Also, the number of foreign ministers, senior diplomats and advisers from the member states, the HR/VP, and EEAS officials

attend the meetings. The space for formal, open debate is very limited, and happens informally at the informal lunch meetings, attended by ministers.

The importance of ministerial meetings lies in that fact that they lead to a culmination point of consultations, meetings and decisions on lower, diplomatic and bureaucratic levels. Preparing for council meetings necessitates an intensive negotiation process that in turn pushes EU foreign policymaking forward.

COREPER is the senior preparatory body for the Council and is composed of two formations. COREPER II, composed of the member states Permanent Representatives to the EU (ambassadors, a representative of the Commission, and from the EEAS when foreign policy is discussed. Meets at least once a week, and is the central clearing house for all preparatory work for the Foreign Affairs Council meeting, determines the final agenda and oversees work from all other preparatory committees. COREPER I composed of the members states Deputy Permanent Representative, prepares other Council configurations.

The PSC is a key institutional locus for day to day exchanges between members states in foreign policy, and under the responsibility of the Council and of the HR, the political control and strategic direction of the EU's military and civilian crisis management operations (Art. 38 TEU). Important to note that the meetings of the COREPER and PSC are only discussing topics of CFSP/CDSP nature.

Sanctions Regime

The term "sanctions" has been used in the literature to refer to various foreign policy instruments throughout the history of the EU. Since this thesis is studying and referring to the application of restrictive measures as defined in Art. of the TEU. As mentioned in the literature review, there is gap that studies sanctions outside association agreements (such as the Cotonou Agreement) and a need to study autonomous CFSP sanctions is needed. Parallel to this fact, an understanding of the CFSP sanctions is needed in relation to answering the research question.

The introduction of the CFSP in the Maastrich Treaty introduced this new instrument of foreign policy, referred to as "political sanctions" (Giumelli, 2013). They shifted the paradigm at the moment as to the understanding of the term sanctions, since by that time, the term was understood in line with economic sanctions issued by the Commission. The change brought by the CFSP was

that now sanctions differed in its policy making processes as well as the sanction in itself. While economic sanctions aimed at either reducing or modifying trade agreements with the purpose of coercing the target to stop the situation which triggered the application of the sanction (ex. Violation of human rights or democratic principles), political sanctions under the CFSP aimed also at the stopping of the triggering situation, but through different methods. These new methods included arms embargoes, travel bans, financial restrictions and commodity and service boycotts.

Sanctions practices shifted to an approach which directly targeted the entities and individual persons responsible for the triggering situation. An example of this is the introduction of the travel bans and assets freeze. The purpose is to, with the experience acquired with the application of measures to whole countries such as embargoes and suspension of aid. Aid recipients which were victim of an aid cutoff, saw a decrease in important indicators specially of human development and worsening of current crisis (if there were any). As an example, Saltnes (2017), mention the case of Rwanda, which possessed positive indicators for development policy, partnership, aid effectiveness, economic development, and poverty reduction by 2003. That year, the country witnessed faults in democracy and human rights, such as “manipulation and intimidation in the election process” and elections “tainted by frauds and irregularities” (Agence Europe, 2003) in Saltnes (2017). The application of aid suspension would only affect the population of Rwanda by halting economic development thanks to the successful channeling of aid income, and the governmental officers who perpetrated the democracy and human rights violations would not be hold accountable directly.

Another notable example which explains the EU’s approach to targeted sanctions, is the example of the experience and situation that took place in Iraq in the period between 1990-2000 with the sanction regime imposed by the UNSC (Alnasrawi, 2001). Although not put into place by the EU or any of the member states directly result CFSP foreign policy processes, member states learned from the experiences in this situation to not follow them themselves and instead, lobbied in the UN to modify the structure and move it into a targeted measure to, “hit the individuals and the elite groups responsible for the policies being condemned” (Portela, 2016).

Regarding the legal basis for sanctions, three documents regulate the use of this foreign policy instrument, apart from the Treaty on European Union (TEU). A) The Basic Principles on the Use of Restrictive Measures. B) Guidelines on Implementation and Evaluation of Restrictive Measures,

and C) The EU Best Practices for the Effective Implementation of Restrictive Measures. Document B was the first one to get adopted in 2003 and last updated in 2018, contains definitions and directives on how to design and implement restrictive measures. Document A, approved in 2004 at the request of the Council, was approved by the Political and Security Committee (PSC) to develop a framework for increasing the effectiveness when applying sanctions. Document C approved in 2008 deals with the information on how to correctly identify individuals or entities for sanctioning, as well as administrative modalities for the freezing of assets and banning of products (Giumelli, 2013)

The Effects of Sanctions

The coercive element of sanctions, “seeks a behavioral change on the part of targets. This influence is exercised through causing damage that alters the costs/benefits calculation of targets and creates the incentives for them to embark on specific policies” (Giumelli, 2013). Giumelli (2013) then mentions that their essence is to ask the targets to do something they are capable of doing, without compromising their political survival. This definition clearly evokes the use of a type of force and a supremacy and clear advantage over the other, related in a sense to, but far from the common carrots and sticks definition.

Since this thesis is focused on the EU’s reaction to human rights violations towards governments, the only type of coercive sanctions that could fall into this category are trade or economic embargoes. However, two problems are presented with these types of sanctions. First, they would only successfully constrain the target in the case that a country which is heavily, or highly dependent on the trade with the EU so that it will see its economy at serious risk and so it naturally stops the violation of human rights. The EU has resorted to a change in its type of sanctions, where it has learned from previous sanctions practice in Africa that economic embargoes affect mayoritarily the innocent population. The change of attitude and practices from the government is something that is not guaranteed, and thus the situation is at risk of worsening with a deteriorating economic situation and worsening of human rights violations. This shift is reflected in the institutional framework, where the Guidelines on the use of restrictive measures document by the Council attests to the change into sanctions being more targeted to inflict directly on the guilty parties of the acts, rather than on the innocent population.

The constraining aspect of sanctions aims at, “undermining the capabilities of targets to achieve policy objectives”, they intend to weaken the target’s capacity to embark on specific policies, but without a clear lack of request for such (Giumelli, 2013). A restrictive measure that clearly exemplifies the latter is an arms embargo. The situation taking place in Yemen, studied in Chapter 2 further on, mentions a case where an arms embargo presents an optimal case for the weakening of the target’s (Saudi Arabia) capacity to embark on its military operation causing the death of innocent civilians. By restricting the flow of bomber jets, the capacity of the Saudi-led coalition would be greatly reduced (further analysis in upcoming chapters).

Thirdly, the signalling aspect targets, “ways that do not directly impose material damage, so sanctions that do not extract heavy tolls from targets” (Giumelli, 2013), and the existence of international audiences from the international community, states, populations, non-state entities and individuals (Giumelli, 2013). And most importantly, their distinctive character is that the effects caused are not the product of economic damage (Giumelli, 2013).

The sole fact of the application of restrictive measures towards a target represents a signaling towards the international community, including international organizations, NGO’s both in the EU and in the third country, and internal audiences inside the EU, such as political parties in members states (in power and not in power) and the public opinion. All of the aforementioned audiences will have a reaction towards the fact that the EU decided to apply sanctions. The effects of what these reactions could mean for the EU, as well as the specific effects it has on the case studies will be studied further in the coming chapters.

Chapter 2. Case Studies

Venezuela: Humanitarian Crisis 2017

Account for Human Rights Violations

This section responds to the need to illustrate the violations of human rights in the period 2017. As part of the justification of choosing this situation for a case study. This based on the gaps of the literature to study cases with serious violations of human rights in this period of study, as well as the failure to include an in depth study of the violations of human rights cause in the countries chosen for the case studies.

The situation in Venezuela was of exceptional character due to its size outreach in terms of population affected, velocity of the escalation of conflicts and the severity of the violations, combined with the faults in democracy and the rule of law.

Deadly force was used in the killings of 14 demonstrators with harmful ammunition such as buckshot, marbles and metal rod pieces. Violations of the right to physical integrity during protests, which also affected children in accounts for 53 of them. In the first 100 days of demonstration, an estimation of 12,000 people were injured from the armed forces. Response of the authorities from the Attorney- General Office was not very cooperative by failing to identify individual officers involved in specific operations. The authorities also did not condemned incidents of excessive force²³, and the OHCHR observed a demeaning language and violent threats to opposition leaders. A characterization of the opposition as terrorists was common from the government authorities and threats to detain such leaders were issued (OHCHR, 2017). Violent house raids and destruction of property with the allegations of detaining protesters, and excessive use of force into residential areas with destruction of property affected the right to housing and privacy. These raids were organized by several government organizations. No legal reason, such as warrants were issued to participate in those raids, they were simply performed close to barricades and protesters places of organization. (OHCHR, 2017).

Torture and ill-treatment of persons including children was documented in the victims of detentions. They were subjected to one or more forms of cruel, inhuman, or degrading treatment or punishment, in some cases incurring in torture. They were intended to punish, humiliate and

terrorize the victims, with the purpose of information extraction to prosecute anti-government activities. This was confirmed by the access of medical records by the OHCHR which evidenced the reports of torture and ill-treatment (OHCHR, 2017). Ill-treatment during arrest, torture and ill-treatment in detention, as well as the detention conditions were not met by international human rights standards, constituting cruel, inhuman and degrading treatment. Arbitrary detentions and violations of the due process were also documented, being characterized as arbitrary because of the due process violations of human rights, and detentions were caused by the exercise of free expression and freedom of assembly. Detainees were deprived of their right to know why they were being detained, and not allowed to see their families nor a lawyer (OHCHR, 2017). In the category, several enforced disappearances were also documented.

Military justice was used against civilians, by bringing civilians onto military courts. The numbers increased since the beginning of the protests, 609 civilians including 7 children were arrested and sent to military tribunals. Military judges in the courts could not be considered independent as they were active members of armed forces, subject to a hierarchical structure of the government. Violations of the right to peaceful assembly were systematically violated by the repression of peaceful assembly, by the repression of protests by criminalizing individuals who made use of this right and by imposing restrictions on this right. Anti-government protests were not permitted to reach their intended destination. Even after Decree No. 2323, which made constitutional protection of the right to peaceful assembly, laws were issued which criminalized protests and imposed restrictions on this right (OHCHR, 2017). Violations of the right to freedom of expression against media outlets, journalists and other media workers escalated in April.

Reporters and photojournalists were the most affected. The attacks included physical attacks with the use of tear gas canisters and plastic pellets, with arbitrary detention, confiscation, and destruction of equipment. They were also victims of excessive use of force, and attacks were intended to avoid covering protests. Media outlets were also closed and some were sanctioned, 24 radio stations were closed down, and TV channels were also limited (OHCHR, 2017). Lastly, attacks against restrictions on members of opposition parties, by attacking and harassing leaders and other members of opposition. 90 physical attacks and 44 acts of intimidation in the first semester of 2017. Several governors were disqualified from holding public offices because of their support for the opposition. The freedom of movement has been limited by the authorities to

opposition leaders by withholding their passports. Notable example is Henrique Capriles, who had his passport taken away by the authorities when on his way to meet the Human Rights Commissioner for Human Rights in New York (OHCHR, 2017).

Reports by Amnesty (2018) include violations of freedom of expression with the closure of 50 radio stations despite the Inter-American Court of Human Rights issued a ruling from 2015 that such closures attempt violate freedom of expression. Freedom of assembly with 120 persons killed and more than 1000 wounded in demonstrations, and 5000 people arrested for protesting. Excessive use of force with the use of military force against the demonstrators who protested against the government. Arbitrary arrests and detentions, torture and ill treatment, and enforced disappearances were also part of the list.

Based on these accounts, the violation of human rights responds to an illiberal government repressing a population that strives to political freedom and fair elections. The government of Maduro and its predecessor, Hugo Chavez, have long been in power and the population protests against the illegitimate measures that the Maduro regime wishes to impose. There are no justifications from the Maduro regime for these human rights violations, and so it does not respond to any other logic rather than the repression of pro-democratic movements which aim to promote democracy in Venezuela. No racial, ethnic, migratory nor anti-terrorist discourses have been issued from the regime, nor found in the media either.

Finding Coherence and Consistency in the EU's Reactions

This section will study the primary sources gathered from the EU institutions regarding the foreign policy responses to the human rights violations Venezuela for the period 2017-2021. The objective is to illustrate the institutional divide in the responses from the EU institutions and indicate an assessment of their coherence, by indicating a level of it in the assessment of this section as well as they type of coherence based on the definitions previously defined in the conceptual framework. This responds to fill in the literature gap of the study of institutional divide in individual case studies as well as the correct definition of coherence and consistency, and an analysis of the institutional responses based on primary sources thus defining their level of coherence and consistency.

By April 2017, the EP released resolution 2017/2651(RSP) (2017), which, “condemned the unconstitutional violation of the democratic order in Venezuela”, “Expresses grave concern at the seriously deteriorating situation as regards democracy, human rights and the socio-economic situation in Venezuela, in a growing climate of political and social instability”, “Calls on the Venezuelan Government to ensure the immediate and unconditional release of all political prisoners”, “Strongly condemns the brutal repression exercised by the Venezuelan security forces”, “Calls on the Venezuelan authorities to allow humanitarian aid into the country as a matter of urgency and to grant access to the international organizations that wish to assist the worst affected sectors of society”, “Reiterates its urgent request for a European Parliament delegation to be sent to Venezuela and for a dialogue to be held with all sectors involved in the conflict as soon as possible” (European Parliament, 2017a). A coherent line can also be observed in this statement, following the main points of the discourse of peaceful solution to the conflict and condemnation of the repression exerted by the government.

On early September, MEP’s called for EU sanctions to be put in place, as well as the non-recognition of the Constituent Assembly in Venezuela, and designated Latin American and the Caribbean region a “more than ever a key EU partner” (European Parliament, 2017b). It, “urged EU foreign policy chief Federica Mogherini and the European Council to consider freezing the EU assets of all those involved in the serious violations of human rights in Venezuela and restricting their access to EU territory” (European Parliament, 2017b). With this call from the EP, it is now up to the Council to ensure that horizontal coherence is established, and the whole response to the EU follows a coherent line.

The EEAS released a statement by the spokesperson late in March, (EEAS, 2017a), where the “European Union recalls that full respect of the Constitution, democratic principles, rule of law and separation of powers is crucial for the country to achieve a peaceful outcome to the current difficult situation and to regain political stability”, and called the governments to “work together in full respect of the human rights and fundamental freedoms”.

On June 2017, a three lined statement from the spokesperson was released, where acts of violence against the National Assembly were acknowledged. “We expect authorities to ensure the security of democratically elected representatives of the people and the integrity of the democratic institutions”, “A peaceful solution to the crisis will only come from dialogue and political will. It

is urgently needed for the sake of Venezuelan people who deserve to live in security and peace” (EEAS, 2017b).

Later on July 2017, another statement was released, which began with the, “preoccupation for the fate of democracy in Venezuela”. It states the responsibility from the Government of Venezuela, without stating if it refers to Maduro’s regime or not, to ensure the respect for the rule of law and fundamental rights, mentioning only freedom of expression and the right to peacefully demonstrate. It also mentions the existence of legitimate, democratically elected institutions, on whose the responsibility to find a negotiated solution to the crisis falls upon. And finishing, mentions the concern of other countries and partners across the world of the democracy of Venezuela, and continuing efforts from the EU to provide a solution to the crises” (EEAS, 2017c).

On May 15, the Council Conclusions were released, where the EU supports the efforts to facilitate an urgent, constructive, and effective dialogue, calls to investigation of all incidents of violence, a call to respect human rights, and refrain from violent acts, as well as recalling that the use of military courts to try civilians is against international law. It mentions the increasing of political polarization, and its negative effect on the violence which have caused multiple deaths and injuries. Point 3 mentions that the use of force will not resolve the crisis, and the respect to peacefully demonstrate must be ensured. It also recalls that the use of military courts to try civilians is against goes against international law. Point 4 expresses the expectation of the EU for the political actors to work in a constructive manner towards the solution of the crisis, fully respecting human rights, institutions, and separation of powers. Release of jailed political opponents and respect for constitutional rights of all political opponents and the respect of the constitutional rights of political actors is expected (Council, 2017)

On 26 July 2017, the High Representative issued a longer statement than before. It recognized the National Assembly as the legitimate legislative body and its importance to preserve the confidence of the citizens (EEAS, 2017b). It aligns in all points with the declarations of the Council, ensuring coherence in its statements. The mention of the violations of human rights including the excessive use of force, massive detentions and civilian trials by military courts are mentioned, in line with the Council statements. It does respect the National Assembly as the legitimate legislative body, which is crucial for the preservation of the confidence of the citizens in the State and the judicial system.

The following statement equally does shows concern between the humanitarian situation and the state of democracy in the country. “The people of Venezuela are living in very difficult conditions, with severe shortages of food and medicines. Commonly agreed solutions are needed urgently to alleviate the plight of the people” (EEAS, 2017b). The statement also includes the direct naming of a government official who was moved from prison to house arrest, and with that urgency in mind, consider the de-escalation of tensions and the fostering of better conditions for the resumption of efforts towards a peaceful negotiated solution. Even so, the EU offers its disposition to offer mediation initiatives alongside with other regional actors to find a peaceful and democratic solution to the country. Both concerns for the human rights and the democratic are openly spoken, and the push of offering mediation efforts comes as the tradition of the EU to push the normative agenda historically to the Venezuelan and Latin American region, and the acceptance of the Latin American actors of such agenda. For a statement to have such a high degree of outspokenness and willingness to mediate efforts, the relationship between both actors must be of mutual respect and observance to the human rights and democracy principles. This statement also follows the coherence line of the Parliament and Council.

On 13 November, Council Decision (CFSP) 2017/2074 applied CFSP restrictive measures to Venezuela. An arms embargo and the admission on restrictions and the assets freeze of individuals found ‘responsible for serious human rights violations or abuses or the repression of civil society and democratic opposition in Venezuela. This Council decision also follows the same level of coherence in line with previous declarations from HR and Parliament, as well as previous Council conclusions. Point 3 of this statement starts with the repetition of the support for the efforts to facilitate dialogue between the government and the parliamentary to create conditions for a peaceful solution, as well as the cooperation from the Union to address the most urgent needs to find again, peaceful and democratic solutions. The Union’s regret for the election of a Constituent Assembly which risked undermining the legitimate institutions was expressed in Point 6, and issued a strong statement calling the “readiness to gradually step up its response in case democratic principles were further undermined and the Constitution was not respected” (Council, 2017).

In regard to this context, the Council (2017) decided to impose,

Targeted restrictive measures against certain natural and legal persons responsible for serious human rights violations or abuses, or the repression of civil society and democratic

opposition and persons, entities, and bodies whose actions, policies or activities undermine democracy of the rule of law in Venezuela, as well, persons, entities, and bodies associated with them.

Not only this, but an arms embargo was also issued to avoid the continuation of internal repression. The line of this Council Decision follows the discursive line of the EEAS of the democratic support, peaceful resolution of the conflict, and the view that ensuring a democratic solution will stop the violation of human rights.

EU – Venezuela Relations

The relationship between the EU and Latin America is marked by economic interests and cooperation amongst countries and organized mayoritarily around regional integration schemes, such as MERCOSUR, Andin Community and Central America. Countries with bilateral agreements include only Mexico and Chile, and various Caribbean countries are under the ACP partnership. Venezuela forms part of MERCOSUR, also including Argentina, Brazil, Uruguay, and Paraguay.

Examples of EU foreign policy reactions to internal conflicts in the Latin American region, include the Colombian conflict throughout the early 2000's. Observation of how the EU's reaction to past crisis which affected human rights in the past exhibits trends and patterns in the priorities the EU wants to promote in the region.

The reaction from the EU to the Colombian conflict was marked by an assertive, concise, coherent and consistent support of human rights, democracy and the rule of law illustrated by several documents and strategy papers, such as the Andean program on human rights for democracy on 2002-2005, and a EU-CAN strategy result of the Second Summit at Madrid in 2002 (De Lombaerde et al., 2010).

According to De Lombaerde et al., (2010), three main points stand out in the reaction from the EU to the Colombian conflict. First, a high level of coherence amongst the EU, which based on the characterization made in Chapter 1, the author seems to implicitly agree with it, as he mentions the coordination of all the actors in their policies, actors including member states individually, member states positions in the Council, the EC and the Parliament and as well as civil society organizations. Also mentions the efforts through international organizations, such as the UN and

cooperation with the regional organizations in Latin America to foster and advance the Peace Process and respect for human rights. Second, it characterizes the relationship between both regions as secondary in nature to each other, the relationship with Washington being the primordial one for both sides. “The US bilateralism and its growing political, economical and military presence in the region, creates a divergent view on what an appropriate counter strategy should be”, and “the low level of economic interdependence between the two regions” (De Lombaerde et al., 2010) supports this point.

Shifting the attention now to Venezuela, by connecting several points, it can be concluded that a coherent foreign policy response from member states and EU institutions responds to the fact that taking an assertive stance and application of instruments does not pose any interference to interests of any other nature, be geopolitical, trade or security related.

To begin with, the only member state to have considerable influence in the EU’s relations with Venezuela is Spain. France has its interests and influence set in its ex-African and Caribbean colonies, the UK. With the entering of Spain to the EU, came the interest to link more Latin America in the EU’s external relations.

As the second more important player outside America, the importance of Latin America from Spain lies in the historical, cultural, linguistic, and religious traditions, on which the relations between both actors have characterized by (Malamud, 2006). Trade and economic interests based on the presence of foreign direct investment from Spain in Latin America is present in Venezuela, as well as Brazil, Mexico, Chile and Argentina (Malamud, 2006), countries with sizeable populations and economies. The EU respects the sub integration schemes in Latin America, shown in its negotiating schemes with different blocks. With MERCOSUR (Venezuela being part of), an Association Agreement was signed in 2000 based on political dialogue, cooperation aid and a free trade area. Projects such as renewable energy, infrastructure, science and technology and strengthening of civil society and institutional strengthening are the pillars of what the EU seeks to promote with the region (Roy, 2012).

Now, regarding the geopolitical plays between Latin America and the EU, the Study from the Directorate General for External Policies from the EP from 2017, the year of the start of the Venezuelan crisis presents valuable data regarding the priorities of the EU. The document states an increase of the presence of Asia, more specifically China in the region. An important increase

in FDI from China and the rise of Latin America as the second most important trading partner after the United States are important milestones. Apart from the increase in the bilateral and economic trade links, the document highlights the developing of ties of China with regional organizations apart from the bilateral and economic trade links. Notably, dialogues with MERCOSUR, CARICOM and CELAC, and the creation of a new forum called the Forum of East Asia Latin American Cooperation. Diplomatic visits have considerably increased to various countries, and the newly developed Cooperation Plans and China-Latin America and Caribbean policy papers from November 2016.

The document mentions that tensions with the United States have pushed China into creating a relationship with the region on a long-term basis, where the region is unsure of the turn that the by-then Trump administration was going to direct the foreign relations with the region. Latin America's strategic importance to Beijing lies on the presence of natural resources and food, the award to China from the Latin American countries who granted China a market economy status, recognition not given to the EU nor the US, and the support from 11 countries to Taiwan makes Beijing want to shift this support to an "only China" policy. And, the most notable point made by this document mentions that the active engagement with Latin America corresponds to a strategy of power projection and reflects the country's objective of promoting a multipolar economic and political international order (European Parliament, 2017).

This point is crucial for the understanding of the EU's human rights foreign policy towards the conflict in Venezuela. Linking the statement that China is trying to promote a multipolar political international order to what is mentioned earlier in the study which states, "it identifies co-existing centrifugal forces in Europe that diminish the EU's capacity and normative positions in global governance" (European Parliament, 2017). The normative stance in Latin America has been the main driver of the relationship, where values such as democracy, human rights and the rule of law have been primordial. They are the basis to set the economic relation. The managing of the Colombian conflict has advanced the position the EU in the region as an actor with a focus on these normative principles. As the EU sees its position as a normative influencer threatened, it is natural to expect a firm reaction against a situation that undermines human rights in a country that also presents a record of democracy violations and undermines the rule of law with the Constituent Assembly. The fast reaction that the EU presented in the case of Venezuela can be a causal response

to not assert back its normative influence in a region when it perceives competitors in its normative stance.

With the recognition of the National Assembly of Juan Guaido as the official governing body by the EU, comes the de-legitimization of the Maduro regime. This action sends also the message that the EU does not support any government who also fails to comply with democratic and rule of law norms. By taking this stance, this can be linked with the signalling effect that will be explained continuously.

Effect of Sanctions

The objectives laid down in the methodology established the examination of the effects that sanctions caused in the case studies. As Giumelli (2013) mentions, a reductive approach merely focused on behavioral change cannot be taken. This section will study the effects sanctions had based on the framework defined by Guimelli (2013) to asses their effectiveness.

On a first note, a coercing effect would require a behavioral change by an explicit request for action, and a damage that will alter the cost/benefit calculations and create incentives to embark on specific policies (Giumelli, 2013). An implicit request is made by both Council Decision (CFSP) 2017/2074 on the 10 of the preliminary points by acknowledging the deterioration of the human rights violations, the democracy and the rule of law situation, and specially point 10, stating that its aim is to foster a peaceful process which leads to a peaceful negotiated solution. Based on this it can be concluded that the aims of the sanctions clearly state a behavioral change, namely facilitate, and promote the process to restore democracy in the country and stop the violation of human rights, and the acts which create a deterioration of the humanitarian situation, such as ensuring food security and a reduction in crime and violence.

The restrictive measures put in place are targeted, meaning the purpose is only affecting the responsible parties for the acts which deteriorate democracy and human rights. Top military officials, general attorneys and government ministers were the targets of these measures. Revisiting the definition of coercion, it must apply damage to alter the cost/benefit analysis of the target. Restrictions on admissions, and financial restrictions fit into this category. By applying a direct 'damage' to the targets, the cost/benefit calculation can be done. However, is it freezing the accounts from their European bank accounts, if any, and not allowing them visit any of the member

states make the targeted officials leave their positions in power, on which they have accounted their whole political life for such a position? The existence of fiscal paradises would easily be a solution for them, and the freezing of financial assets would only pose a problem if they had enterprises or accounts in their name in European banks. An important flow of assets must have been taking place, and to a big number of individuals, in order for them to start considering them enough 'punishment' to being a process of democratization, which will eventually lead them into further possible criminal trials, national and international, and further bans to their persons. EU sanctions, as one variable in the conflict which other international actors are at interplay, are one of the pressure points the Maduro regime possesses. The United States also imposed restrictions on Venezuela on this specific period, 2017. "An executive order prohibiting U.S. citizens from purchasing Venezuelan government debt, specifically targeting Venezuela's state owned oil company Petroleos de Venezuela S.A. This mandate also restricted the Venezuelan government's access to U. S. debt and equity markets to limit Maduro's ability to finance illicit activities and pay off military officials" (Rendon & Price, 2019)

The "petromoneda" (translated as the 'petrocoin'), an attempt from the illegitimate Venezuelan authorities to circumvent the sanctions from the United States was banned, as well as cutting off its subsidiary entities from the financing of international debt, which blocked officials from selling public assets (Rendon & Price, 2019). The synergies created between EU and the United States sanctions, and creation of the petrocoin, indicate that the cost of incurring in anti-democratic and anti-humanitarian practices considerably rose. However, that cost hasn't been high enough to ensure a democratic shift in the country and the establishment of a joint assembly which include Guaido's National Assembly. Unfortunately, the same goes for the human rights violations. A report from the 2019 Human Rights Watch (2019) and Amnesty International (2019) mention the same crimes being committed by the government, amongst which they include extrajudicial executions, arbitrary detentions, and deaths and injuries caused by the excessive use of force. Recalling the objective previously mentioned of analyzing the sanctions not only by the change of behavior logic, but to the constraining logic, it can be concluded that the application of restrictive measures did incur in the constraining aspect successfully, as pressure points were done an effectively materialized.

The signalling aspect is also present. The presence of audiences inside the EU, as well as outside, the Latin American region and in the wider world, interpreted the coherent stance from the EU towards the Venezuela regime as an statement which promotes the values of the EU and raises its legitimacy as a human rights defending actor. This comes to strengthen the image of an actor committed to advance the human rights in the Latin American region, and repeated calls to offer the mediation of a peace process supports and strengthen this claim.

Saudi Arabia: Operation Decisive Storm 2015-2021

This next case study will encompass the period from the 26 of March 2015, to 2021. This time period responds to the launching of the Operation Decisive Storm, led by the Saudi Arabian led coalition forces, and the extending it until 2019 comes from the phase of the conflict reaching a new point where a Saudi Arabia announced a ceasefire of the ODS, establishing the end of the period at the start of 2015.

Account for the Human Rights Violations

“Yemen is the world’s largest humanitarian crisis, with at least 8 million people on the brink of famine and nearly 1 million suspected to be infected with cholera. This crisis is linked directly to the ongoing armed conflict” (Human Rights Watch, 2018).

Before accounting the severity of the violation of human rights, the importance of understanding the legal basis and justifications for the operation need to be met. Since in this case sanctions were not issued, the justifications need to be described first in order to further analyze the response from the EU in regards to this episode.

After a conflict which started in 2011, a civil war in 2014. The war took took a negative turn for the official forces under the presidency of Mansour Hadi, when the Houthi rebel forces rapidly took control of the capital city of Sana’a. Hadi fled to the border country of Saudi Arabia, where the allied monarchy took him in.

The operation was launched from a direct request from president Hadi to restore control in the country from the rebel takeover. The Saudi led-coalition, (also including the participation of the United States (Human Rights Watch, 2016) formed by the countries of the United Arab Emirates,

Bahrain, Qatar, and Kuwait, presented a letter to the United Nations on the 26 of March, 2015, stating

“Serious and extremely dangerous decline in security in the Republic of Yemen, a decline caused by the ongoing acts of aggression and the incessant attacks against the country’s sovereignty that are being committed by the Houthi coup orchestrators, with the aim of dismembering Yemen and undermining its security and stability” (Qatar, 2015)

The coalition mentions that efforts to stop the criminal attacks from the Houthis to their peoples, and the attempts to reach a peaceful solution to the conflict have not materialized and have been rejected by the Houthi counterparts. Through a worrisome tone in their voice, the coalition seem concerned at the situation of the country of Yemen, highlighting the shared religion as an important factor. Later on to mention a direct statement linking the Houthi militias and regional powers which are seeking to extend the influence of region with the advancement of the conflict, and further threatening the security to international peace and security. Also a threat from Al Qaeda could exploit the situation of current instability situation which could drive the country into more violence and division (Qatar, 2015). And to finish, in accordance to the right of self-defense on Article 51 of the Charter of the UN, along with Charter of the League of Arab States and the Treaty on Joint Defense calls for a military intervention which aims to protect Yemen and its peoples from the Houthi threat, Al-Qaida and the Islamic State in Iraq (Qatar, 2015).

To summarize the basis for the start of the Operation was based on a explicit request from the president of Yemen, a need to eradicate a threat from regional powers affecting the security and integrity of the people’s of Yemen and the eradication of a possible foothold of Al-Qaeda, and on principles of international law such as the Charter of the UN, League of Arab States and Treaty on Joint Defense.

Moving on, its now needed to offer a description to the human rights violations caused by the ODS in Yemen. By 2016, the report from Human Rights Watch (2016) mentions countless airstrikes, such as bombings in camps for internally displaced persons, a dairy factory, and common homes, which amount to around 100 civilian deaths just in the period from March to May, and which kept happening through the year. The use of Cluster Munitions (Coalition states not being part of the Convention on Cluster Munitions) and, also against civilians (Human Rights Watch, 2016).

Two years later, “5,295 civilians killed and 8,873 wounded, according the UN human rights office” (Human Rights Watch, 2017) were reported. The coalition forces did not stop the use or engaging into cluster munitions; harassment, threatening and attacking of Yemeni activists and journalists; and arbitrary detention and forced disappearances (Human Rights Watch, 2017). The document also cited the OHCHR (2017) stating that, “The UN Office of the UN High Commissioner for Human Rights (OHCHR) office reported in September that coalition airstrikes remain “the leading cause of civilian casualties” (Human Rights Watch, 2017). As well, the continuation of arbitrary detentions, torture and enforced disappearances has not stopped. Perhaps the most controversial action from the coalition lies in their restrictions on imports, blocking on all entry points to Yemen, including commercial flights and affecting medical patients who seek treatment abroad. Blockading the access to certain areas under Houthi control were made to NGO’s. The coalition forces also failed to escape the ill-treatment of children, which were condemned for grave violations against children during armed conflict (Human Rights Watch, 2017).

2022 marked the seventh year of the conflict, and the death of nearly a quarter million people, 4 million internally displaced and continued violations of human rights which now amounted to war crimes, as mentioned by the UN Group of Eminent International and Regional Experts (GEE) on Yemen (Human Rights Watch, 2022). The coalition was documented to have been using starvation as a weapon of war, from the Yemeni human rights group Mwatana and Global Human Rights Compliance (Human Rights Watch, 2022). Around 10 million children in the conflict are in need of humanitarian assistance or protection, children being a quarter of all civilian casualties. They are also victims of severe acute malnutrition with 2.3 million children’s victims of it. The coalition has also been found guilty of recruiting children, using them in hostilities and detaining them (Human Rights Watch, 2022). As well, Human Rights Watch (2022) condemns the UN Secretary General Antonio Guterres for failing to include the coalition in the “list of shame” of parties responsible for grave violations against children.

Finding Coherence and Consistency in the EU’s Reactions

The EP has released five resolutions on the humanitarian and political situation in Yemen since 2015 until 2021. Two months after the ODS was launched, the EP released its first statement. It already acknowledged the number of people at risk, including children, the risks for the stability for the region in the Horn of Africa, Red Sea and the wider Middle East.

It already acknowledges the killing of civilians, violation of international humanitarian law and the of the internationally banned cluster bombs by the coalition led by Saudi Arabia, as well as the blockade that had dramatic effects on almost 80% of the civilian population in need of food, water and medical supplies. The presence of Al-Qaeda in the Arabian Peninsula and its possible benefits from the worsening of the situation by expanding presence and augmenting the number of scale of its terrorists attacks, as well as the Islamic State has established presence in Yemen. Aside from the recognition of the violations and faults of the coalition, it takes a strong stance and condemns this party consequence of its airstrikes and the naval blockade imposed, which instead of bringing peace to the country has further destabilized it and provided fertile grounds for the expansion of terrorist and extremist organizations (European Parliament, 2015).

The statement from the HR/VP on January 2015 condemned the fighting that took place in Sana'a around the presidential palace that aimed at derailing Yemen's democratic transition under the Gulf Cooperation Council Initiative shows the support the implicit support the EU has towards the members of the Gulf Cooperation Council initiative. This depicts the alignment of the EU with the GCC's handling of the situation product of the relationship both actors have and the different priorities it has towards the region result of decades of cooperation. This will be discussed further.

Both Council Conclusions from 2015 were considerably much more reserved than the EP's resolution, however these came just two months after the start of operation ODS. Regarding the coalition operation, the Council, "recalls that the ultimate solution to this crisis must be a political one and stands with the international community in its call for an inclusive political process" (Council, 2015a.). The language here was much more political, giving support to the framework provided by the Gulf Cooperation Council initiative, National Dialogues Conference's outcomes and the Peace and National Partnership Agreement, and reiterates that only a political solution to the conflict is viable. Intrinsicly, the EU supports the GCC efforts. Up until this moment, the institutional divide has been mayoritarily coherent, with both Council, Parliament and HR/VP with statements in line. An only noteworthy difference affecting that coherence lies on the use of words and language condemning the specific actions of the coalition, present in the Parliaments statement but not in the Council. Council Conclusions from November exhibit the same pattern, calling on parties to engage in flexible and constructive manner, and being "extremely concerned" at the impact of ongoing hostilities (Council, 2015b). It does urge the respect all the principles of

humanity and adhere to international humanitarian law and mentions that the EU and the member states highlight the need for a strategic approach of the international community the Government of Yemen for the reconstruction of the country (Council, 2015b). Certainly a last statement which illustrate the comprehension of the member states that they are not the only actors present in this conflict, which implies that a synergy of actions from the international community is needed more than isolated actions from their part to bring solutions to the conflict.

2016 brought the next resolution by the EP, and with it, the first signs of incoherence portrayed by the institutional divide mentioned by Balfour (2013). The European Parliament Resolution of 25 February 2016 on the Humanitarian Situation in Yemen (2016) takes a stronger stance against the coalition and its dire effects on the humanitarian situation. Point B recognizes that the Saudi led intervention “has led to disastrous humanitarian situation that affects the population across the country, brings serious implications for the region and constitutes a threat to international peace and security, and members of Yemen’s civilian population are the first victims of the current military escalation” (European Parliament, 2016). Point G mentions the striking of civilian targets by the coalition airstrikes, Point N specially, mentions the violation of certain member states the Common Position 2008/944/CFSP on arms export control, ruling the authorizing of arms licenses by Member States when there is a clear risk that the exported material will be used for committing serious violations of international humanitarian law. The language has now shifted from “condemn” to “expressing grave concern’ at the human rights situation, and airstrikes by the coalition and the naval blockade. It “calls” on all sides to comply with international humanitarian law and ensure protection of civilians and refrain from directly targeting civilian infrastructure.

Point 7 provides an important point in the coherence aspect. It calls on the VP/HR to launch an initiative aimed at imposing an EU arms embargo against Saudi Arabia, given the serious allegations of breaches of international humanitarian law by Saudi Arabia in Yemen and the continuing licensing of weapons is against Council Common Position 2008/944/CFSP of 8 December 2008 (European Parliament, 2016). As well, “stresses” that only a political situation is the only way out of the crisis, and believes that Saudi Arabia and Iran are instrumental in resolving the crisis, urging both sides to work pragmatically and in good faith to end the fight in Yemen.

In comparison to the 2015 resolution, 2016 resolution portrays a consistent stance, however a change in the language to words such as instruct, stress, believes and specially, call, is noted, and

thus affect a language consistency, but the underlying topics as acknowledging the coalition as the perpetrator of serious human rights violations, is still consistent. Since the EP first resolution came in January 2015, and the Council Conclusion came in April 2015, a the change in the language from the EP could be more cautious at seeing how the Council reacted.

The consistency of the EP's stance has been present for this two years in examination. Coherence does change however, when we consider the reaction from the Council in 2017. The same points being emphasized as both resolutions from 2015 show consistency, but break the coherence by not issuing restrictive measures, namely arms embargo. While the Council has consistently mentioned that the conflict needs to have a political solution and not a military one, (Council, 2015a, 2015b, 2017), the Council appears to avoid the condemnation of the actions of the coalition by issuing more than declaratory statements. Although is important to bring out the UN Security Council Arms Embargo from 2014, it fails again to condemn the coalition, by only targeting Houthi's Militias. As well, the continuation of arms exports from EU member states fail to respect the Common Position 2008/944 on Arms Exports.

The Parliament Resolution on 2017 follows the consistency of previous resolutions. It points out the coalition blockade of the ports where commercial and humanitarian goods are received accounting for 80% of all the imports received, is further exacerbating the humanitarian situation. As well, the coalition led airstrikes have intensified and are the cause for civilian casualties, which are catalogued as war crimes. A new point was added were it takes geopolitical considerations pointing the risk of the conflict to expand and affect the stability of the region, for proximal regions such as the Horn of Africa and presence of the AQAP and ISIS/Daesh and the terrorist attacks carried out by them. It also reiterated the continuous violation of the Common Position 2008/944/CFSP, and calls on the VP/HR to launch (for second time) an initiative to impose an EU arms embargo against Saudi Arabia.

The Council Conclusion from 25 June 2018, do not provide that coherence. It limits to the condemnation of the attacks against civilians by all parties, the need to ensure accountability for the human rights violations by all parties, and taking measure to ensure effective, impartial and independent investigations into the alleged violations and abuses of human rights, calls on the responsibility of the government of Yemen to fight against terrorist groups, and to ensure that the government is carrying out its responsibilities to public servants to keep the country running, and

mentioning the functioning of the Central Bank of Yemen. The VP/HR failed to launch an initiative, and the Council did not make any mention of establishing an arms embargo to Saudi Arabia. It however, mentions, “the EU also reiterates the strict application of the rules set in the Common Position 2008/944 on arms exports” (Council, 2018).

To the present day, coherence has been lacking in both responses and initiatives from the Council and Parliament. Repeated calls for the Parliament to apply an arms embargo on Saudi Arabia has not yet come to this day.

EU and Saudi Arabia Relations

In order to understand the relationship which governs the EU and Saudi Arabia, an overview of the nature of the relationship between both actors must be studied. The study of this relationship is relevant for the research question in the sense that the structural dynamics governing both actors establish a link between the different policy reactions against human rights violations for the EU. Since one of the gaps in the literature review was the lack of the case studies to make an in-depth study analyzing the relationship between both the EU and the actor in question, the purpose of the section is to fill in that gap. By establishing key points in the relationship between both actors, the results will be later analyzed in the discussion in order to establish possible causal relationships which explain the foreign policy reaction of the EU towards Saudi Arabia.

The EU and Saudi Arabia first established relations with the signing in 1989 of the EU-GCC Cooperation Agreement. Its aim had an economic foreground, but also st strengthen the regional interdependence and to start political dialogue. Cooperation in the areas of energy, agriculture, fisheries, investment, technology, environment, and media. It also had a geostrategic objective, with the aim of strengthening the stability in the region, secure the energy supplies and diversify the economies in the GCC. However, the only topics that have been exploited are trade and economic issues, leaving out of the picture environmental protection related issues, where political dialogue and cooperation became a fruitless exercise (Colombo, (2021). This is supported by the argument made by Schumacher (2012), where he states that the intergovernmental cooperation frameworks have not had success in the promotion of human rights and democracy.

This differs to mainly the establishment of relations with MERCOSUR, where political dialogue on topic such as human rights has not been a challenge for the EU to push, since it hasn't been

encountered with any resistance with members of the organization. The same can not be said for the GCC, where the pushing of these issues has been cautious and reserved, as can be noted from the start of the diplomatic relationship of the EU and points laid down in the Cooperation Agreement.

Colombo (2021) establishes three structural constraints which affect the relationship between the EU and the GCC. A bilateral vs multilateral cooperation constrain, economical constraints, and the institutional and people to people relations. The first constrain relates to the primacy of the bilateral cooperation of the member states vs the EU approach to the region. France and the UK had historical ties with the Saudi Arabian Kingdom since colonial times and this bilateral characteristic of the relationship has been present until now.

A Free Trade Agreement, or FTA, was initiated in 1990 but cancelled by the GCC members in 2008, on the grounds that too many concessions were made to the EU. This increased distrust in the relationship, which was maintained only by Joint Council and Ministerial Meetings, and expert meetings. A Joint Action Programme came in 2010, but its lack of strength was not enough to overcome the GCC distrust in the EU, which led to a freezing of the relationship in 2014, on which it had not been revitalized after (Colombo, 2021, p.14). Since the Operation Decisive Storm was launched in 2015 and a year later the reports on the human rights violations started to appear, a sudden application of a restrictive measures will in fact come as an completely unexpected surprise to Saudi Arabia and the GCC, where human rights issues have not been pushed through its relationship.

On the economic constrains, the effect of the bilateral preferences and the reluctance from the EU to integrate a human rights agenda inside the economic agenda, has made the relationship strictly economical. As an example, the inclusion of human rights in the FTA negotiations were met by a rejection of the inclusion of this conditionality clauses (Colombo, 2021, p. 21). The failure to push harder the topic of human rights can be explained by the different views that each member state posses in regards to how the topic should be treated (Schumacher, 2012). Lastly, from a institutional and people to people relations, there is From a socio-political perspective, “any attempt by the EU to promote governance reforms or to advocate for the respect of human rights has been regarded as an unwarranted interference with the domestic development of these countries” (Colombo, 2021, p. 21).

Economic Interests

Both the EU and GCC both possess a high income per capita and good performing economies, which makes both actors good trading partners. On exports, the GCC relies on energy materials and imports most parts of goods consumed domestically, being the EU the primary partner, followed by China, and the GCC the fifth trading partner to the EU (Al-Ubaydli, 2021). This means that important industries produce trade flow from the EU to the GCC countries, meaning that there is the possibility that there is important lobbying in the industries to the member states to push their governments into furthering on their interest, bilaterally or by the EU means. Since the EU relationship and the GCC has a trade focus and cooperation in political topics has been low, the implementation of restrictive measures can come as an unexpected weight that will further strain the relationship. As mentioned, “the EU’s emphasis on certain human rights and labour standards issues created an impediment and in 2008 the GCC unilaterally suspended negotiations” (Al-Ubaydli, 2021). A link can be established between the negative relationship existing between the pushing of the human rights agenda from the EU, with this as a supporting fact.

2015 marked a period of GCC integration due to the oil price crash of 2014, and their economic policies aligned in order to reach common objectives of securing new markets for oil exports, and attracting FDI (Al-Ubaydli, 2021). Taking into account that most of their joint economies are based on oil exports, a united GCC in trade policy, with now new options in South East Asia for a potential long term partner, its in the best interest of the EU to keep the economic relationship thriving, by avoiding any pitfalls which might undermine this relationship. Recalling that the start of the Operation Decisive Storm began in 2015, and as a coalition made under Saudi Arabia, the application of restrictive measures to members of the Saudi monarchy would imply a serious dent in the economic relationship between the EU and Saudi Arabia, and the GCC. This based on the previous statement where the push of human rights agendas undermined the economic negotiations at the time.

The promotion of values by the EU also did not had a very successful outcome, as was the failure of reciprocation of environmental concerns to the trade agreement between the EU and GCC during the 90’s. Also in the topic of human rights, GCC negotiators regarded as irrelevant the human rights and illegal migration clauses pushed by the Commission in the negotiation of the Free Trade Agreement, factor which influenced the stop of the negotiations (Al-Ubaydli, 2021).

Further supporting the existence of a negative relationship between the push of a human rights agenda and the reaction by the GCC.

Identifying the trade in goods provides another good argument which strengthens the conservation of the trade relationship.

The presence of important trade flows from the EU to Saudi Arabia poses an important reason for the EU to value the trade flow. The aircraft industry is the largest export from the EU in 2014, and it is owned by capital coming from Germany, France and Spain combined. Apart from commercial jets, the aircraft trade flows include the sale of military jets produced France, United Kingdom and Germany (Al-Ubaydli, 2021). With this being said, the indication of an important trade flow originating by powerful private capitals in the most important economies of the EU, namely France, Germany and the UK are interested in the continuation, or preservation of the trade links between the EU and Saudi Arabia. Relating this fact to the avoidance of the member states to reach a common position in the Council to impose restrictive measures, more specifically, an arms embargo to Saudi Arabia, a link can be established between a possible lobbying strategy from the industry in each of these member states in order to avoid reaching common position which will harm the industry. Having in mind based on a report from the EP in 2017, indicating the indicators of trade between Saudi Arabia and the EU, France and the UK both possess a surplus of more than 50% in exports amounting to a total of 8,5 billion euros for France and 6,8 billion euros for the UK. The sale of vehicles and aircraft represent 15,6% of the totality of goods exported from the EU to Saudi Arabia, the value of arms export licenses issued by EU member states to Saudi Arabia amount up to 22 billion euros, 75% of it owned by France, and Saudi Arabia representing 11,4% of the arms sales globally (European Parliament, 2017), supports the argument that there could be important forces inside member states lobbying for the continuation of an trade relationship with the Middle Eastern power.

Regarding oils imports from the EU, Saudi Arabia provides 6% of the total percentage of oil imports to the EU in 2019 (Ghafar & Colombo, 2021). Although it may seem like a low number, the dependency rate from different member states varies in regard to oil dependencies. So for example, the member states with a high dependency rate from oil in 2015 were Belgium, Ireland, Greece, Spain, Italy, Austria and Portugal, with values above 70% (Wright, 2021). Naturally, these member states will be interested in keeping a variety of suppliers, and the risk of cutting a supplier

which forms an important percentual part will have disastrous consequences on the price of this material. This fact gives strength to the argument that member states have pursued bilateral deals with GCC countries, which undermine the overall EU presence and reducing its leverage, while a current geopolitical economy shift towards new markets of oil in the east, specially South and East Asia would mean a logical turn from the EU as a potential long term trading partner (Colombo, 2021).

Geopolitical Considerations

There are two important factors to analyze when considering the geopolitical considerations. The first factor relates to the logic of the intervention of Saudi Arabia in the Yemen conflict being justified under a security inducing operation. The volatility of the situation in the country, left alone, poses two risks. First, the takeover of the country by the rebel forces backed by Iran, and the risk of a terrorist foothold in the country getting bigger, and thus, destabilizing the border not only of Saudi Arabia but the greater region, including the Horn of Africa. As Munteanu (2015) mentions, the presence of the AQAP in Yemen poses a threat to the stability of the Gulf monarchies, and the failure to maintain stability in Yemen is seen as a failure of the GCC.

The second factor relates to the fact that Yemen is considered a proxy war between Saudi Arabia and Iran, needs any foreign policy reaction to be as cautious as possible, since the complexity of the conflict goes beyond these two powers and involves global power blocks and long term interests which need to be taken into consideration before any political outcome. The cautious language used by the Council in its statements on the ODS seem to understand this perfectly. This thesis considers that the geopolitical related reasons possess strong explanatory power which explains the incoherent and inconsistent reaction that the EU has taken towards Saudi Arabia.

The links between the Houthi forces and Iran have been stated, by the indication of military training of the Houthis by the Iranian Revolutionary Guards and Hezbollah, as well as shipments of weapons of Iranian arms to Yemen (Munteanu, 2015). The geographic location of Yemen is of interest to Iranian interests. By controlling the strait of Bab el Mandeb, it will have an influence over the shipping of energy goods from the East side of the world, which will affect the Western economies and energy interests, as well as being able to have contact with Hamas by its access to the Red Sea (Munteanu, 2015). The fulfillment of these actions could lead to a possible awakening of a Shiite Axis, posing a risk to Saudi Arabia and Bahrain (Munteanu, 2015). With these possible

consequences in this geopolitical context, the EU must be increasingly cautious on the effects that its foreign policy may pose.

The risk of a destabilized GCC will bring implications also to the Horn of Africa, to the Palestinian conflict, and to the Northern Mediterranean. For the EU and its member states, the destabilization of this region poses a threat to security and economic stability, something which the EU has strived hard to achieve with foreign policy efforts such as the ENP. In the wider geopolitical context, the disapproval of Russia towards the ENP based on the failure to accept a hegemonic 'normative' area based on European values, and the questioning of Russia of the interaction towards the EU based on the 'European Values', is notable to point out (Haukkala, 2008). The link between Russia and Iran could signify the back turning of Russia towards the EU, and with a foothold of an Iranian axis in the Middle East, it's in the EU's best interests to maintain not only the *status quo*, by not interfering directly into the Saudi coalition, which aims to preserve this stability.

It's important to remember the nature of the GCC and the logic of its creation. Based on Duglin (2010), it was created in 1985, it was intended as an associative organization between the monarchies of the region with three objectives, to provide a safer regional environment not compromised by outside threats forming joint commands and defense networks, the enhancement of economic development, and to establish a strong club to be able to respond to local threats and changes on the world scene (Duglin, 2010). However, progress has been halted due to internal rivalries of the monarchies, conflicts such as the Yemen war who rose tensions between Saudi Arabia and Yemen and the terrorist attacks which influence negatively the relations between the United States and the GCC (Duglin, 2010). Although it considerably lacks the union at a EU level, the GCC managed to unite in the military endeavor to fight in Yemen to achieve the objectives of stabilization of security and the elimination of the insurgence threat of the Houthis.

The GCC states have pledged their allegiance to the fight against the Saudis in order to fight against the Houthis in Yemen. The importance of Yemen for the GCC lies in its security and economical importance to the stabilization and improvement of area of the GCC. Military operations form part of a reactionary policy, since there is a structural plan from the GCC to improve the political and economic conditions in Yemen so it can potentially be a member of the Union.

Security linked issues, economic development and immigration issues have been marked by officials from Kuwait as the main points which need to be worked in Yemen. The security linked

issues match the security considerations from the EU and United States regarding the anti-terrorist threat and stability of the greater region, and such link between both regions is shared among Saudi Arabia, which is aiming to fulfill through the ODS. If both regions have the same concern regarding security, the implicit support from the EU to the objectives of Saudi Arabia with the application of the ODS possess a causal reason for the reluctance to apply restrictive measures towards Saudi officials, and explain the cautious and limited statements of the Council regarding the condemnation of Saudi Arabia.

Discussion

For Venezuela, the relationship between the EU and Latin America is built on common values, and an important weight is shared in human rights and democracy. Both regions seem to align with the promotion of these norms, and the presence of the EU in Colombia mediating the situation proves this point. It is uncommon then, for a strong stance supporting democracy and human rights against a government who is undermining the very nature of the core values of the EU. The fast and coherent foreign policy outcomes from the EU is not a new phenomenon, as the experience in Colombia has proven already. A main characterization of the relationship between Latin America and Europe is based on historical, cultural, and societal ties, which means that the channels of communication are known and both sides know what to expect from each other.

Multilateralism has been constant with the involvement of the EU in the region, mainly illustrated by its trade policies and Cooperation Agreement which respect the regional integration schemes. Much of the human rights and normative promotion has been pushed through this channel, with a positive reception from Latin American countries. With a strong normative foothold in the region, sharing of historical and cultural ties, an overall consistency of the foreign policy outcomes regarding human rights is present, with the EU being considerably outspoken.

The absence of strong geopolitical considerations involving security risks for any of the member states, gives way to the opening of the normative agenda, supported by the shared cultural and historical ties. The geopolitical aspect, as mentioned in the previous section, does have a supporting fact which justifies and promotes an even stronger normative presence in the region. That is, the involvement of China. With an assertive and objective driven foreign policy, China has managed to establish a foothold in the continent, which not withstanding their cultural nor historical ties, are bound together by a strong common interest, trade. However, this does not pose

any direct threat to European trade flows. The real threat comes from the change of the ideational values of maximization of economies, where China's interest could be linked to the future establishment of trade deals which favors the extraction of raw materials to fuel its economy. China entering the area of influence of the United States, does not fit well with the historical geopolitical interests of the American hegemon. Thus, the Western ideas needs to be felt strongly, and Latin American nations need to know that the EU will support them in their quest for democracy and the maintenance of an equative and supportive trade relationship. Since multilateralism has not been undermined by bilateralism, the stronger EU presence allows it to extend its normative agenda in Venezuela.

In Saudi Arabia, results found a strained relationship between the EU and the GCC. The preference for bilateralism has severely undermined the presence of the EU, specially when it comes to the promotion of principles and ideas, where human rights are located. This bilateral negotiations by the member states can be explained mainly by the advancement of their own trade objectives and energy security. This falls in line with the trade flows between Saudi Arabia and member states. The presence of important industries also strengthens this argument, where the possibility of influence of a powerful lobbying sector inside member states, keeps them prioritizing the economic relationship with Saudi Arabia. Since the preference of bilateralism explains the undermining of the EU in the promotion of its ideas and values, this causes an effect visible in the outputs of foreign policy and is showcased by the institutional divide. While the Community method can produce foreign policy outcomes in line with the EU's norms and values, the failure of the intergovernmental method from issuing restrictive measures is influenced, causing the Council to ignore the recommendations and calls from the Parliament to issue an arms embargo to Saudi Arabia. This coming as a consequence of the members states exerting their influence trough the different pathways in the Council.

However, a questions arises. Looking at the factual information, trade for Saudi Arabia with the EU represents an imbalance where the cost of losing the trade benefits is higher for the GCC, being that the trade imbalance is higher for Saudi Arabia. However, the trade flows exerted from the EU have a higher value and power. While supposing a sudden cancellation of trade benefits between both actors, the cost for the industries inside the EU will be higher than the cost incurred for Saudi Arabia. This is because the aircraft industries benefit from the expansion of the aviation sector in

the GCC region, and the military sector benefits from conflict. Thus, this supposed sudden cancellation will bring a serious loss to European industries due the nature of the contracts of aircrafts, which involve huge investments in production and labour costs and the long times of production, where finding new markets will be an incredibly costly task. On the other hand, Saudi Arabia will suffer a sudden shock in the economy, having lack of products to keep the economy moving, and buyers for their petroleum. Imbalances will create fluctuation in prices on which its effects will surpass both regions, and consequences will be catastrophic for both sides. Taking this scenario out of the question, then another question can be posed, and it is, the EU has a leverage in the case that it actually applies the restrictive measures. Both actors, but the GCC in particular, will not risk the consequences of stopping trade due to its high cost. So, by this inference, this thesis considers that trade alone does not explain the failure to apply restrictive measures to Saudi Arabia cause of the human rights violations.

Trade is not the only factor which promotes the bilateral cooperation between member states and members of the GCC. Geopolitical considerations, mainly being the respect and alignment with an anti-terrorist agenda and promotion of security are important concerns for individual member states. The EU does not want to risk an unstable vicinity, and the AQAP threat in the region poses a risk worth not taking the chance. It is thus, a real challenge for the EU to go against the justification of the ODS. Issuing an arms embargo against Saudi Arabia, and putting top officials in a list of restricted individuals with frozen assets, does a very negative job considering the signalling effect that this would bring onto Saudi Arabia. Publics around the world, specially in the West, will now characterize Saudi Arabia as a ‘human rights violator’, a factor that will not fall well for the already strained relationship between both actors. Assuming this were possible, due to that the impossibility of reaching a vertical coherence or the presence of bilateralism will not allow for CFSP restrictive measures to be issued.

Vertical incoherence can explain the difference between the difference in length and language of the Council statements, taking into comparison both case studies. Short and brief in length, and cautious language characterize the Council statements referring to the actions of Saudi Arabia. Long and decisive statements with strong character characterize them against Venezuela. Which presents the textbook definition of inconsistency, different foreign policy outcomes in relations to similar triggering situations. An aspect which is consistent, are the statement of the EP throughout

both of the case studies. Consistent length, language, condemnation of the acts, and support for the democratic shift are consistent points raised throughout.

Conclusions

This thesis started with the aim of studying the foreign policy reactions of the EU towards regimes who were found to commit serious violations of human rights. The justification and overall aim of creating such a research and have this specific aim responds to the EU's commitment to protect and promote human rights in the wider world through its foreign policy, as stated in Art. 21 of the TEU. Since the human rights foreign policy of the EU has been characterized as inconsistent, its imperative to use this study as a bridge to understand how this inconsistency can be explained. As per the objectives, the thesis set out to establish how that inconsistency is illustrated, by identifying which instruments and actions does the EU apply for it to be characterized as inconsistent. Also, to conceptually define what is inconsistent, establish a causal relationship between internal or external factors which affect the outcomes of foreign policy and include a framework within which to analyze them. To understand this, the research question posed was, how can the inconsistent EU's human rights foreign policy towards regimes in third countries who commit serious human rights violations be explained? The literature review provided various thematic gaps which this thesis set out to fulfill.

Firstly, the identification of an interinstitutional divide, and the analysis of how this divide could explain the inconsistency of the foreign policy; the lack of a conceptual definition of consistency and coherence, and its analysis vis-a-vis the institutional divide; the study of a different policy instrument, not being the human rights clauses under Association Agreements nor suspension of aid; the in-depth study of the interests which could undermine the application of restrictive measures; the study of contemporary case studies, and in different geographical regions other than Sub-Saharan Africa, or countries bordering the EU. To address these gaps, this thesis followed a qualitative case study methodology. It selected the cases of Saudi Arabia: Operation Decisive Storm 2015-2021, and Venezuela: Humanitarian Crisis in 2017 following the logic of contemporary case studies, and with the case of Venezuela, added the study of a region which does not appear as often in the studies of foreign policy and human rights. The selection of the instrument of CFSP restrictive measures was chosen, due that it illustrated the institutional divide in foreign policy. The conceptual framework of the members states in the Council was set out to

explain how in depth how the influence is exerted by these actors through the Council, the intergovernmental method responsible for issuing restrictive measures. This was clearly visible in both case studies, where the intergovernmental reaction was analyzed against the rhetorical one. And lastly, the conceptualization of coherence and consistency justifies itself to provide the understanding of the interinstitutional divide and the different types of coherence it posed by analyzing the foreign policy reactions.

For both cases, primary sources were collected for the analysis of the interinstitutional divide. Data from the EP, EEAS and the Council was taken. For the study of the interest considerations, secondary sources were analyzed. For the first case study, a framework to study the effectiveness of sanctions was applied. Both cases were then later analyzed to include similarities, patterns and trends linking the EU's reactions, analyzing their consistency and coherence, and the causal relationships between the interests and those reactions, successfully being able to answer the research question.

The inconsistent EU's human rights foreign policy towards regimes in third countries who commit serious human rights violations can be explained by the lack of the unified positions of the member states in the Council, which is defined as lack of vertical coherence. The case studies showcase a situation where, vertical coherence was present in the approach towards human rights and this signified the successful implementation of CFSP restrictive measures, coming from the existence of vertical coherence. Different to the case of Saudi Arabia, where the inexistence of vertical coherence caused an inconsistent foreign policy reaction, as comparing it to the previous foreign policy reaction towards Venezuela. Since inconsistency is illustrated throughout the different policy outcomes to situations of equal, or very similar triggering situations, this inconsistent foreign policy reaction is cause of this. However, this inconsistency is only illustrated through the Council. The European Parliament presented a high level of consistency when comparing both case studies.

The variety of interests possess clear and concise explanatory power to explain the absence of vertical coherence. Shared values and historical links between a few member states and Latin America, plus the low importance given to geopolitical considerations from member states to the region, can explain the easiness, readiness and speed of the vertical coherence which produced a coherent foreign policy output towards the human rights in Venezuela for the 2017 period. Low

vertical coherence due to the existence of strong geopolitical considerations, and preference of bilateralism over multilateralism explain the inconsistent and incoherent foreign policy reaction towards the violations of human rights towards Saudi Arabia in the period 2015 to 2021. The configuration of the foreign policy systems, through their divisions in the community and intergovernmental methods produces incoherences. Since the member states wish to maintain their sovereignty by taking defense and security considerations by unanimous decision in the Council, incoherences are bound to happen, as well as inconsistencies, since the approach from member states is different towards different regions in the world.

Regarding the opportunities for future research, both case studies present an ample opportunity to link theoretical notions of Normative Power Europe to the behavior of the EU when it acts in a coherent manner, as well as the implications for this characterization when it does not act in this way. Neorealist interpretations can be used to counter this Normative arguments, also with the use of contemporary studies. In a world where the future is every time more uncertain, these actions by the EU can pose a response to the constant scholarly discussion of the Normative Power notions.

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