

European Society of International Law
Interest Group The European Union as a Global Actor
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The Contribution of the European Union to the International Legal Order

La contribution de l'Union européenne à l'ordre juridique international

CALL FOR PAPERS

The coming of age of the EU as a global actor slowly turns the EU from a recipient into a contributor to the further development of international law. Since the Treaty of Lisbon in particular, the EU treaties reveal the EU's global ambitions in this area, which basically boil down to the idea that the EU should – at least partly – shift its focus from its own Member States to third states – thereby even limiting the possibilities for the Member States to contribute to international law-making.

The relationship between EU law and international law has been studied extensively. Yet, this workshop is not about the effects *of* international law, but rather about the effects *on* international law. So, where the question of the 'Europeanisation of international law' is usually understood as dealing with the way in which international law is 'Europeanised' when it becomes part of the EU legal order (leading to questions on the emergence of a distinct European system of international law or the consequences of this 'Europeanisation' for the unity and coherence of public international law), this workshop aims to assess the way in which international law is 'Europeanised' outside the EU.

By now the EU has a legal relationship with almost all states in the world and it is an active participant in many international organizations (either directly or through its Member States). It has been held that the EU is a global normative actor, in particular in the promotion of its own values and by influencing global policy-making. Yet, influencing policies is not the same as influencing legal norms. International law is known for its quite strict rules on what it considers to be a legitimate source. The question is to which extent EU practice may indeed contribute to international law-making.

Article 3(5) TEU is quite clear on the notion that the EU's role is not limited to internal law-making: "In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and *the development of international law*, including respect for the principles of the United Nations Charter."

In doing so, the European Union seeks inspiration in its own development. Article 21(1) TEU provides: "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.”

References to international law can be found throughout the Treaties. The same holds true for the United Nations. In fact, the attention to the United Nations and its principles in the EU treaties is overwhelming; the United Nations is referred to 19 times in the current EU treaties (including the Protocols and Declarations). The EU obviously regards many of its actions as being part of a global governance programme.

Going back in time, ‘Europe’ has of course always played a large role in international law-making. The question whether international law is a European invention forms the source of extensive academic debates. These debates, however, focus on the role of European states in international law-making, whereas the present workshop aims to look at the role of the European Union. Over the years, this distinct level of governance and law-making not only obtained its own internal dynamic, but equally put its mark on the development of key areas of international law, such as international trade law and environmental law.

The key question leading the workshop will be to which extent the European Union is able to have an effect on the development of international law, both in a doctrinal and a practical manner.

Papers may be in both English and French. Please mail your title and short abstract as soon as possible to ramses.wessel@utwente.nl. Proposals will be selected by the IG Coordinators. Please feel free to distribute this call to others. More information on the ESIL Annual Conference can be found here: <http://esil.rgs.liv>

The Interest Group Coordinators

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