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Confirming and Contesting International Law

The European Union and the United Nations International Law Commission

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**CONFIRMING AND CONTESTING
INTERNATIONAL LAW:**

**THE EUROPEAN UNION
AND THE UNITED NATIONS
INTERNATIONAL LAW COMMISSION**



TERESA M. CABRITA

Confirming and Contesting International Law:
The European Union and the
United Nations International Law Commission

Teresa M. Cabrita

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Confirming and Contesting International Law:
The European Union and the United Nations
International Law Commission

ACADEMISCH PROEFSCHRIFT

ter verkrijging van de graad van doctor
aan de Universiteit van Amsterdam
op gezag van de Rector Magnificus prof. dr. ir. P.P.C.C. Verbeek

ten overstaan van een door het College voor Promoties ingestelde commissie,
in het openbaar te verdedigen in de Aula der Universiteit
op woensdag 11 januari 2023, te 11.00 uur

door
Teresa Mafalda Vieira da Silva Cabrita
geboren te Lisboa

Para a minha avó, que já ensinava
'as letras' muito antes de eu vir ao mundo.

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[O]n the whole, academic subject groups are self-defining, exclusive entities. Each has its own jargon, pecking order, newsletter, professional association ... Each subject, and each conference devoted to it, is a world unto itself, but they cluster together in galaxies.¹

¹ David Lodge, *A Small World* in The Campus Trilogy (Vintage Books 2001) 217.

TABLE OF CONTENTS

Acknowledgments 	ix
List of Acronyms & Abbreviations 	xvii
Introduction Storytelling	1
1. Introduction	1
2. Relevance	3
2.1. The EU’s engagement with the UN International Law Commission ..	3
2.2. Situating this study in the literature.....	6
3. Scope.....	10
3.1. Focus of this thesis	10
3.2. Research question	11
3.3. Angle and framing concepts	14
3.4. Projects analysed	18
4. Methods of analysis	21
5. Terminological clarifications	26
6. Structure	30
1 The Background Story EU autonomy from and through international law	37
1. Introduction	37
2. EU foreign policy objectives and the two dimensions of EU external autonomy	39
3. Protection: the EU Court’s narrative of EU external autonomy	44
3.1. The essential characteristics of the EU legal order	49
3.2. International law in the EU legal order	56
4. Projection: the EU and the development of international law	59
5. The role of recognition in the projection of EU autonomy	66
6. Concluding remarks	73
2 The Scene The UN International Law Commission and the drafting of EU statements	75
1. Introduction	75

2. Geneva: The ILC and international organizations.....	77
2.1. The ILC and the authority of its work.....	77
2.2. International organizations as addressees of international rules	88
2.3. International organizations as sources of evidence of international rules	90
2.4. International organizations as contributors to customary international law.....	96
3. Brussels: Drafting EU statements on ILC projects	102
4. New York: Delivering EU statements on ILC projects.....	111
4.1. EU representation at the UN General Assembly Sixth Committee	113
4.2. EU coordination at the UN General Assembly Sixth Committee ...	122
5. Concluding remarks	128
3 The Law of Treaties	131
1. Introduction	131
2. EU treaty-making and its specificities	135
3. EU statements on the law of treaties in the 1970s and 1980s	142
3.1. Most-favoured-nation clauses in trade agreements	143
3.1.1. <i>Confirmation: the economic integration of developing countries</i>	144
3.1.2. <i>Contestation: the recognition of Community powers and the customs unions issue</i>	146
3.2. Treaties with or between international organizations.....	159
3.2.1. <i>Confirmation: treaty-making capacity and the autonomy of international organizations</i>	162
3.2.2. <i>Contestation: member states and treaties concluded by international organizations</i>	168
4. EU statements on ILC projects revisiting the law of treaties	176
4.1. Subsequent agreements and practice in relation to the interpretation of treaties.....	177
4.1.1. <i>Confirmation: the interpretation of international agreements concluded by the EU</i>	180
4.1.2. <i>Contestation: the interpretation of the EU Treaties</i>	183

4.2. The provisional application of treaties	186
4.2.1. Confirmation: EU provisional application practice as evidence of international rules	189
4.2.2. <i>Contestation: the specificities of the provisional application of treaties by the EU</i>	191
4.3. The effects of armed conflicts on treaties	195
4.3.1. <i>Confirmation: the use of customary rules in the interpretation of international agreements</i>	197
4.3.2. <i>Contestation: the special regime of the EU Treaties</i>	200
5. Accounting for the EU in the codification and development of the law of treaties	203
6. Concluding remarks	211
4 The Responsibility of International Organizations	215
1. Introduction	215
2. The ILC articles on the responsibility of international organizations	217
3. Confirmation: EU practices as evidence of rules of international responsibility	223
3.1. Introduction	223
3.2. The EU as an autonomous and ‘responsible’ international partner	225
4. Contestation: EU practices as a departure from rules of international law	230
4.1. Introduction	230
4.2. The distinct nature of the EU and of its legal order	232
4.3. The attribution of conduct to an organization and member states’ responsibility in connection with the conduct of an international organization	237
4.3.1. <i>The EU’s claim for competence-based responsibility</i>	238
4.3.2. <i>Member states’ responsibility in connection with the conduct of the organization</i>	248
4.4. The EU’s reservations about the regime of circumstances precluding wrongfulness and countermeasures	252
4.4.1. <i>The invocation of circumstances precluding wrongfulness by an international organization</i>	252

4.4.2. <i>The adoption of countermeasures by or against international organizations</i>	254
5. The EU’s final position on the ARIIO and the CJEU’s reliance on these rules.....	258
6. Accounting for the EU in the codification and development of rules on the responsibility of international organizations.....	263
7. Concluding remarks	268
5 Substantive Areas of International Law	271
1. Introduction	271
2. The expulsion of aliens	275
2.1. Introduction	275
2.2. EU powers and practices in the expulsion of ‘third country nationals’	278
2.3. Confirmation: The EU Return Directive and the development of international law.....	282
2.4. Contestation: The special regime of EU citizenship and free movement rights.....	287
3. The protection of persons in the event of disasters	293
3.1. Introduction	293
3.2. EU powers and practices in situations of disaster	296
3.3. Confirmation: The EU as an international disaster relief actor	298
3.4. Contestation: EU reservations about rules imposing obligations of assistance.....	301
4. The prevention and punishment of crimes against humanity	303
4.1. Introduction	303
4.2. EU powers and practices in the prevention and punishment of international crimes.....	306
4.3. Confirmation: The EU as an actor in the fight against impunity for international crimes.....	309
4.4. Contestation (or its absence)	311
5. The protection of the atmosphere.....	312
5.1. Introduction	312

5.2. EU powers and practices in environmental protection.....	316
5.3. Confirmation: The EU as an international environmental actor	318
5.4. Contestation: The ILC's role in promoting the ratification of international agreements	321
6. Accounting for the EU in the codification and development of rules in substantive areas of international law.....	324
7. Concluding remarks	331
Conclusions The Story Told	335
1. Introduction	335
2. Overview: summary of the main findings	335
2.1. Patterns of engagement	339
2.2. Confirmation and contestation	341
2.3. The role of autonomy in the story told	346
3. The reception of EU statements by the ILC	350
4. Outlook: other stories.....	353
I LIST OF STATEMENTS	357
II LIST OF INTERVIEWS	367
LIST OF TREATIES 	369
LIST OF CASES 	373
BIBLIOGRAPHY 	379
SUMMARY 	413
SAMENVATTING 	419

List of Acronyms & Abbreviations |

AALCO	Asian-African Legal Consultative Organization
ACM	Arab Common Market
ACP	African, Caribbean and Pacific Group of States
AFSJ	Area of Freedom, Security and Justice
ARIO	Articles on the Responsibility of International Organizations
ASEAN	Association of Southeast Asian Nations
ASR	Articles on the Responsibility of States for Internationally Wrongful Acts
CAHDI	Council of Europe Committee of Legal Advisers on Public International law
AG	Advocate-General
AUCIL	African Union Commission on International Law
CAH	Crimes Against Humanity
CARICOM	Caribbean Community
CETA	EU-Canada Comprehensive Economic Trade Agreement
CFSP	Common Foreign and Security Policy
CJEU	Court of Justice of the European Union
COJUR	Council Working Group on Public International Law
EACT	Effects of Armed Conflicts on Treaties (draft articles)
EASO	European Union Agency for Asylum
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
ECB	European Central Bank
EEC	European Economic Community
EU	European Union
ECOWAS	Economic Community of West African Countries
ECSC	European Coal and Steel Community
EEAS	European External Action Service
EIA	Environmental Impact Assessment
EOA	Expulsion of Aliens (draft articles)
ESM	European Stability Mechanism
FRONTEX	European Border and Coast Guard Agency

GATT	General Agreement on Tariffs and Trade
ICAO	International Civil Aviation Organization
GAOR	General Assembly Official Records
GC	General Court
GSP	Generalized System of Preferences
IAJC	Inter-American Juridical Committee
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICSID	International Centre for the Settlement of Investment Disputes
IDI	Institut de Droit International
IFRC	International Federation of the Red Cross and Red Crescent Societies
ILA	International Law Association
ILC	International Law Commission
IMO	International Maritime Organization
ITLOS	International Tribunal for the Law of the Sea
IMF	International Monetary Fund
LS	Legal Service
MFN	Most-Favoured-Nation (draft articles)
MoU	Memorandum of Understanding
NEIO	New International Economic Order
PA	Provisional Application (draft articles)
POA	Protection of the Atmosphere (draft articles)
PPED	Protection of Persons in the Event of Disaster (draft articles)
REIO	Regional Economic Integration Organization
RIO	Regional Integration Organization
SASP	Subsequent Agreements and Subsequent Practice (draft articles)
SFRY	Socialist Federal Republic of Yugoslavia
SR	Special Rapporteur
TEC	Treaty establishing the European Community
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TRNC	Turkish Republic of Northern Cyprus
UN	United Nations

UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNTS	United Nations Treaty Series
VCLT	Vienna Convention on the Law of Treaties
VCLT-IO	Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations
WTO	World Trade Organization
YBILC	Yearbook of the International Law Commission