

CALL FOR PAPERS

Joint ESIL IG ‘EU as a Global Actor’ – CLEER Workshop: EU Trade Agreements and the Duty to Respect Human Rights Abroad

The T.M.C. Asser Institute, the Centre for the Law of EU External Relations (CLEER) and the ESIL Interest Group on the EU as a Global Actor invite submissions of abstracts for a workshop on ‘EU Trade Agreements and the Duty to Respect Human Rights Abroad’. The workshop will take place at the Asser Institute in The Hague, on 11 December 2019.

Workshop Theme: In recent years, the issue of whether human rights obligations incumbent upon the EU have an extraterritorial scope has gained much salience. Recent developments, including the Western Sahara litigation before the CJEU concerning the conclusion of a trade agreement extending to a territory whose people are denied the right to self-determination by an EU trading partner attest to the increasing significance of answering questions of ‘extraterritoriality’ of EU human rights obligations in the context of trade agreements.

To what extent is the EU bound by human rights obligations towards individuals outside the territory of its Member States when it concludes trade agreements with third countries? Under international law, questions of ‘extraterritoriality’ of human rights obligations are notoriously complex and the term itself is multi-interpretable. While ‘extraterritoriality’ may refer to the conduct of a subject of international law outside its borders, it can also extend to cases where mere territorial conduct (such as the adoption of legislation) may have extraterritorial impact on the enjoyment of human rights by individuals in third countries. The relevant international human rights framework – especially in cases pertaining to the extraterritorial impact of domestic measures – has been described as fragmented and even contradictory. Any attempt to apply this complex (and still nebulous) framework in the context of the EU is further frustrated by the extant ambivalence in the EU’s own system for the promotion and protection of human rights. While the EU does not enjoy a general competence in the field of human rights, the changes introduced by the Lisbon Treaty make it abundantly clear that human rights have become an important component of EU external action. Art. 3(5) TEU provides that the EU shall contribute to the promotion of human rights while Art. 21(1) places human rights at the centre of the EU’s external action by providing that “the Union’s action on the international scene shall be guided by the



principles which have inspired its own creation” – including democracy, the rule of law and the universality and indivisibility of human rights.

At the same time, the discrepancy between the lack of general competence in human rights and the premium placed on human rights as a value in the EU’s external action generates a number of questions. Is the EU bound to protect human rights extraterritorially and if so, what is the legal basis for this duty? These questions are associated with the extent to which Art. 3(5) and 21 TEU can produce normative effects as well as with the issue of whether the EU Charter of Fundamental Rights establishes a duty to respect/protect human rights outside the territory of Member States.

In this light, this workshop aims to explore the question of whether the EU is bound by human rights obligations towards individuals outside the territory of its Member States when it concludes trade agreements with third countries.

Abstracts are invited that address one or more of the following aspects:

- Is the EU bound to respect human rights extraterritorially when it concludes trade agreements with third countries, and if so, what is the legal basis for this duty?
- To what extent are Art. 3(5) and 21 TEU relevant in the context of the debate regarding the EU’s extraterritorial human rights obligations?
- To what extent is international law relevant in the context of the debate regarding the EU’s extraterritorial human rights obligations?
- How can other areas of international law (such as due diligence, responsibility of international organisations) have an impact on the debate regarding the EU’s extraterritorial human rights obligations?

The abstracts should contain a one-page (500 words max.) description of the proposed paper and are to be accompanied by a CV of the author/s. The abstracts are to be sent to Ramses Wessel (ramses.wessel@utwente.nl) and Eva Kassoti (E.Kassoti@asser.nl) by 15 July 2019. Successful applicants will be notified by 15 September 2019. The proposed paper must not cover previously published work. The complete papers (8.000-10.000 words) must be submitted by 15 November 2019 in order to be communicated to the other participants in the workshop. It is the intention of the organisers to seek publication of the papers in the CLEER papers subject to applicable peer review processes.