

UNIVERSITY OF OXFORD
FACULTY OF LAW
THE EU AS AN ACTOR IN INTERNATIONAL LAW
SEMINAR VIII:
PROMOTION OF INTERNATIONAL LAW
BY THE EUROPEAN UNION: HUMAN RIGHTS

Questions for Discussion:

- What are the EU's human rights obligations under international law?
- Is the EU/EC competent to act in the field of human rights?
- What instruments or measures are available to the EU/EC to engage in international human rights activities?
- How do human rights clauses operate?
- Do human rights clauses in development and cooperation agreements constitute an abuse of power on the part of the EC?
- Are human rights clauses open to challenge under international law?
- What are the human rights obligations of the contracting parties under human rights clauses, i.e. which human rights are protected?
- Who decides on disputes on the application of human rights clauses?
- How are human rights clauses implemented under EC/EU law?
- Is there a duty of uniform application of human rights clauses? and, if so, does the EC have to suspend the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part [OJ 2000 L 147, 21 June 2000, p. 3] in the light of the ICJ's Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory of 9 July 2004 [<http://www.icj-cij.org>]?

Basic Reading:

Eeckhout, P., *External Relations of the European Union. Legal and Constitutional Foundations*, 2004, 465-484

Cases:

*Case C-268/94, *The Portuguese Republic v. The Council of the European Union* [1996] ECJ Reports I-6177, available at <http://eur-lex.europa.eu/>

Further Reading:

- *Brandtner, B./Rosas, A., Human Rights in the External Relations of the European Community: An Analysis of Doctrine and Practice, *European Journal of International Law* 9 (1998), 468
- *Cannizzaro, E., The Scope of EU Foreign Power: Is the EC Competent to Conclude Agreements with Third States including Human Rights Clauses?, in: E. Cannizzaro (ed.), *The European Union as an Actor in International Relations*, 2002, 297
- Der-Chin Horng, The Human Rights Clauses in the European Union's External Trade and Developing Agreements, *European Law Journal* 9 (2003), 677 - 698
- Cremona, M., Human Rights and Democracy Clauses in the EC's Trade Agreements, in: D.O. Keefe/N. Emiliou (eds.), *The European Union and World Trade Law: After the GATT*

Uruguay Round, 1996, 62

McGoldrick, D., The European Union after Amsterdam: An Organization with General Human Rights Competence?, in: D.O. Keefe/P. Twomey (eds.), *Legal Issues of the Amsterdam Treaty*, 1994, 249

Riedel, E./Will, M., Human Rights Clauses in External Agreements of the EC, in: P. Alston (ed.), *The EU and Human Rights*, 1999, 723

Works of General Reference:

Bartels, Lorand, *Human Rights Conditionality in the EU's International Agreements* (Oxford: Oxford University Press, 2005)

Bulterman, Mielle, *Human Rights in the Treaty Relations of the European Community. Real Virtues or Virtual Reality?* (Antwerpen: Intersentia, 2001)

Williams, Andrew, *EU Human Rights Policies. A Study in Irony* (Oxford: Oxford University Press, 2004)