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Informazioni generali

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Informazioni sul volume

The European Union (EU) plays a key role in today's international community. Yet, in terms of specific areas, aims and tools, EU external policy is still characterized to a significant degree by fragmentation. Considering that human rights can be viewed as an aim that every specific external action should ultimately serve, human rights could play an increasing role in granting coherence to this broad policy as well as to the nexus between internal and external actions.

Thanks to the involvement of academics, practitioners and EU representatives, this collection offers a multi-layered analysis of the relationship between human rights and the EU external policy. This research task was initially undertaken at a dedicated Winter School at the School of Political Sciences of the University of Bologna – Campus of Forlì, in cooperation with the Fondation René Cassin – Institut International des Droits de l'Homme and the Higher School of Economics of Moscow, in 2017. Without aiming to provide a comprehensive analysis of all aspects of such a broad area, this collection attempts to articulate answers to the questions that

emerged in that initial context in order to assess the EU as an autonomous global human rights actor.

The collection opens with an introductory chapter by Marco Balboni and Carmelo Danisi offering a horizontal insight into the scope and content of the human rights-related duties as apply to EU external policy. Three different, but interconnected, sections follow: human rights in the EU's external policy agenda; human rights as a limit to be respected within the framework of EU external policy; and human rights as a value to be promoted through the different areas and tools that make up this broad policy.

Starting with an institutional perspective, in the first Section Natalie Tocci offers a rationale for the evolving role of the EU as a global human rights actor. She advances and explains the notion of "principled pragmatism" that seems to inform the Union's actions worldwide when human rights are at stake (Chapter II). The former Member of European Parliament Barbara Lochbihler then introduces the role of the European Parliament in ensuring that human rights are embedded in EU external policy through an analysis that combines political considerations with an "insider's reading" of the EU Treaties (Chapter III).

The second Section looks at the current fragmented framework to explore existing and potential tools for granting a stronger coherence to, and enforcement of, the EU's human rights obligations worldwide. Chiara Cellerino opens the Section with an investigation of the CJEU's role in the field of the Common Foreign and Security Policy (CFSP), especially in terms of the case law on restrictive measures against natural or legal persons adopted for implementing United Nations sanctions (Chapter IV). In an attempt to verify the role that the Charter of Fundamental Rights of the EU plays in EU external policy, Romain Tinière argues that the Union has been reluctant to use the Charter as a guide for its external actions, preferring instead to resort to international human rights standards in carrying out its external competences (Chapter V). Section II ends with Monica Parodi's analysis of the potential implications of the EU's accession to the ECHR for its external policy, by looking at the CFSP as one of the most sensitive areas of the new round of negotiations. She questions whether the protection of human rights in the CFSP will actually become more effective through a formal accession to the ECHR or whether the same result could be achieved by maintaining the existing framework in light of recent developments (Chapter VI).

The third Section directs our attention to specific policies and cases that have contributed significantly to the shaping of the EU's external human rights policy. First, Marise Cremona analyses how EU trade policy has embedded human rights and questions the practical effects of its commitment in relation to its rhetorical significance (Chapter VII). Second, Sylvie Sarolea investigates EU migration policy and the different tools available to the EU in this field in order

to clarify the role that human rights play in this area (Chapter VIII). Third, Carmelo Danisi scrutinises how the Union is guided by the principles provided for in Articles 3.5 and 21 TEU in its approach towards Western Sahara. The analysis sheds light on the interplay between EU law and international law and, more specifically, self-determination as a peremptory rule of international law in connection with EU external policy (Chapter IX). The Section, and the book, closes with a contribution from Samantha Velluti. In bringing to the fore the new generation of Association Agreements with Eastern European countries and their human rights clauses, the author offers to the reader her perspective on the fragmentation of the EU's human rights external framework (Chapter X).

Overall, authors agree that the role of the EU as a human rights global actor is needed more than ever. It may be true that, as it appears from their contributions, the Union needs time to integrate horizontally human rights across its external policy. Speeding up this process is not an easy task. Yet, the EU brings together two unique conditions in order to fulfil this role. First, it can count on a variety of tools and incentives that both States and other international and regional organisations lack. Second, it seems to be driven by a genuine belief that pursuing these goals in the international arena is not (only) a legal obligation but it is primarily its 'own' global responsibility and in its interests. If the Union is to make the most of these specific qualities, its external human rights policy could also contribute to providing consistency and coherence to the process of European integration even in the difficult times generated by the COVID-19 outbreak.