



***EUDIPLLO & TRICI-Law Workshop
to be held on 28 April 2023 at the University of Groningen***

**The European Union and the Interpretation of
Customary International Law**

Organisers: Prof. Panos Merkouris and Prof. Ramses A. Wessel

1. Topic

The European Union (EU) not a state, but an international organisation. Yet, as all textbooks explain, the EU is a very special type of international organization to which its Member States have transferred a number of their competences. These competences, together with its status as an international legal person, have over the years allowed the EU to become a global actor in its own right. In its relations with third states and other international organisations, the EU has given itself the brief to not only 'strictly observe', but also to 'develop' international law (Art. 3(5) TEU).

This development of international law is a multi-faceted process. It takes place not only on the basis of written law, through the many international agreements to which the EU is a party, but also through the EU's own practice, be it through contributions to law-making at international conferences and meetings, or more importantly through practice that contributes to the formation, interpretation and application of customary international law (CIL). In light of the [TRICI-Law project](#), and [EUDIPLLO](#), the present workshop aims to focus on one particular aspect: the interpretation of customary international law within and by the EU. In more detail, regarding how interpretation of customary international law is approached, [those who wish to submit an abstract are advised to consult some of the project's findings here.](#)

The workshop will examine this issue by taking a dual perspective:

1. An *outside-in* perspective in which we analyse how CIL has been and is being interpreted in the EU legal order and which choices are made by the legislator and the judiciary. The *outside-in* perspective primarily aims to assess the interpretation of CIL in the case law of the Court of Justice of the European Union (CJEU). The main

questions to be addressed in this context, are, for instance: what methods of interpretation of customary international law have been employed by the CJEU and the other organs of the EU?; to what extent the Court's interpretation (and perhaps also EU's related subsequent practice) is in line with or deviates from common/generally accepted interpretations of customary law in international law? It is no secret that the Court (sometimes in an effort to preserve the identity or autonomy of the Union's legal order) may provide specific interpretations of unwritten international rules that are not necessarily in line, or may move forward at a different pace compared to the rest of the international legal system.

2. 2. An *inside-out* perspective in which specific interpretations of customary international law by the EU may find their way into the global debates and lead to further clarification, development and/or even possible modification of the existing rules. The *inside-out* perspective focuses on the ways in which the EU aims to influence the interpretation of customary international law (or in its own terms, further 'develops' international law). This not only happens through specific interpretations of international rules, but also through practices of the Union in the areas of for instance treaty law and diplomatic and consular law. This *inside-out* perspective may also lead to an inquiry into the blurry lines between interpretation and modification of a rule of customary international law.

2. Application Process

In addition to a number of personal invitations, the present call for papers invites scholars and practitioners to contribute to answering the questions related to the above topics by submitting an abstract.

- Please submit an abstract in a text file (.docx, .odt etc. – not .pdf) of 500 words to trici-law@rug.nl. The following information must be provided with each abstract:
 - The name and affiliation for the author (all co-authors);
 - contact details, including email address and phone number;
 - a CV for all co-authors, including a list of relevant publications.
 - Only one abstract per author will be considered.
- We are looking for a wide range of voices and takes on this topic from all corners of international legal scholarship and practice – both established and early career scholars, practitioners and 'stakeholders' – representing a wide range of views, including critical and main-stream, 'conservative' and 'progressive'. In selecting the speakers, we will aim to secure a balance of views, backgrounds and approaches.
- The deadline for the submission of abstracts is **Friday 24 February 2023**. Applicants will be informed of the selection committee's decision no later than Friday, 3 March 2023. Successful applicants are expected to submit a paper of 3,000–5,000 words no later than 14 April 2023 and will be expected to present their topic for no longer than 20 minutes in their respective panels. Papers from the Workshop will be selected for a publication in a Special Issue of a journal.
- The Workshop organisers will offer a 2-night accommodation in Groningen. Travel costs will also be reimbursed up to an amount depending on point of departure (up to 300 EUR for travelling within Europe; up to 800 EUR for overseas).

3. Organisers

The Workshop is co-organised and co-sponsored by the ERC project on 'The Rules of Interpretation of Customary International Law' ([TRICI-Law project](#)), and [EUDIPLO](#). The TRICI-Law project has received funding from the European Research Council (ERC) under the European Union's Horizon 2020 Research and Innovation Programme (Grant Agreement No. 759728). EUDIPLO is a Jean Monnet Network between the universities of Geneva (Christine Kaddous), Groningen (Ramses Wessel; coordinator), Leuven (Jan Wouters), and Pisa (Sara Poli). It is co-funded under Erasmus+ of the European Union (620295-EPP-1-2020-1-NL-EPPJMO-NETWORK). Associate partners are based in a number of EU neighbouring states, as well as in Africa, Asia, North America, Latin America and Oceania.

