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Confirming and Contesting International Law

The European Union and the United Nations International Law Commission

Vieira da Silva Cabrita, T.M.

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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.

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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