

PEACE & SECURITY

PAIX ET SÉCURITÉ INTERNATIONALES



12

2024



EUROMEDITERRANEAN JOURNAL OF INTERNATIONAL LAW
AND INTERNATIONAL RELATIONS



ISSN 2341-0868

DOI: http://dx.doi.org/10.25267/Paix_secur_int.2024.112

Citation: NIHREIEVA, O. , “BLANC ALTEMIR, A. (Dir.), ORTIZ HERNÁNDEZ, E. (Coord.), COS SÁNCHEZ, P. (Coord.), *The Trade Relations of the European Union with the Rest of the World: An Analysis after the Pandemic and the Russian Invasion of Ukraine*, Aranzadi, Pamplona, 2023, 533 pp.”, *Peace & Security – Paix et Sécurité Internationales*, No 12, 2024.

BLANC ALTEMIR, A. (Dir.), ORTIZ HERNÁNDEZ, E. (Coord.), COS SÁNCHEZ, P. (Coord.), *The Trade Relations of the European Union with the Rest of the World: An Analysis after the Pandemic and the Russian Invasion of Ukraine*, **Aranzadi, Pamplona, 2023, 533 pp.**

The present volume “The Trade Relations of the European Union with the Rest of the World: An Analysis after the Pandemic and the Russian Invasion of Ukraine” is edited by Antonio Blanc Altemir, Full Professor of Public International Law and International Relations at the University of Lleida, Holder of the Jean Monnet Chair “EU, Promoter of Free Trade and Multilateralism”. It represents the outcome of hard analytic work that has summarized the results of the five seminars that took place within the framework of the Jean Monnet Chair during two previous years. They gave the floor to twenty-five experts, professors and lecturers from eleven universities, whose contributions are part of this book. Being concentrated on the EU’s trade relations with the rest of the world it can be considered an encyclopedia to be consulted by those who look for complete and detailed information about the relations of the EU not only with its main trade partners, such as the EFTA states, the UK, the USA, Canada, China, etc., but with many other states from different regions. Indeed, the material is structured according to a geographical criterion, which makes the book very convenient in use. The strong point of the publication is its concentration on the recent challenges for international trade relations created by the Covid-19 pandemic and the 2022 Russian war of aggression against Ukraine. Both of them have led to serious disruption of global markets and supply chains. The situation has been aggravating by rising energy prices and shortages of raw materials. In these conditions it is very important for states to find instruments that would maintain effective supply chains and guarantee an open access to foreign

markets. In this regard, the EU's widespread network of trade agreements proves itself very fruitful.

The book consists of twenty-five chapters that not only provide readers with a full picture of the EU's trade relations with its partners from different regions of the world, but give them a deeper understanding of recent developments in the EU trade policy leading it to a more ambitious and sustainable strategy with trade partners at the international level. These conclusions are made against the backdrop of a thorough analysis of specific conditions in which international trade has been carried out for the last couple of years. The main results of the analysis are described in the Introductory Chapter (by A. Blanc Altemir), which gives preliminary consideration to the issues of the Trump-Biden transition, the effects of Covid-19 pandemic and the Russian invasion of Ukraine started in 2022. Then it follows with new trends in the EU trade policy as a reaction to the above challenges. Among them the reinforcement of legal instruments is stressed. New regulations adopted by the EU authorities relate to such issues as control of foreign direct investments, access to foreign public procurement, counteraction to economic coercion by third countries, due diligence of companies in terms of sustainability, environmental protection, etc. Finally, the Introductory Chapter lays out a vision of the state of trade relations within the EU providing the reader with a general overview of the typology of the EU trade agreements, which is essential for the comprehension of particularities of the EU trade relations with other countries.

Such an extended introduction let the researchers move to the main issue of the study, i.e., to the problem of a disappearing multilateralism in modern international relations in general and in international trade relations in particular. Being, in the words of one of the authors, J. Alcaide Fernández, "the main achievement of an integrating multilateralism", the EU itself is a promoter of multilateralism. Among many reasons for it, the purpose of the prevention and resolution of international conflicts is emphasized in the publication. Before proceeding with this issue, Chapter 1 (by J. L. De Castro Ruano) provides an in-depth analysis of the concept of multilateralism emphasizing various narratives related to it and contrasting multilateralism and multipolarity as an eroding factor of the former. The crucial role of the USA, the Russian Federation and China in this process is underlined.

At last, this chapter is concentrated on the transformation of a multilateral system of international relations under the pressure of new redistribution of power and new global challenges that have revealed the vulnerabilities of the interconnected world and an urgent need for cooperation. In this regard, the suggestion about the importance of the “reconstruction of multilateralism [...] from an approach different from the Western-centric” looks relevant and well-timed. It is equally true for the conclusions made in connection with the current position of the EU, regarding which the author argues for “greater integration, particularly in the field of security and defense” and strategic autonomy that has been threatened by the war in Ukraine, which has led the EU to “an uncritical alignment with the US”.

In developing the line of multilateralism, Chapter 2 (by J. Alcaide Fernández) moves to a more detailed study of the issues relating to the prevention and resolution of conflicts and the strengthening of international security. Against a historical background, this section describes the international legal acts on the settlement of international disputes through peaceful means. Examined through the prism of an integrated approach to conflicts, in which their prevention is undoubtedly one of the main goals, the relative policies and actions of the European Union are analyzed.

Having explored a theoretical and teleological framework, the volume goes further in its Second Part with a consistent consideration of specific situations in the EU's trade relations with different states, fairly starting with relations between the EU and its ex-member UK, which can achieve a status of a new strategic partner of the Union. Obviously, the topic of “British exit” (“Brexit”) could not be omitted in the study of this kind. Moving from a newly emerged legal regulation of trade relations in the Cooperation Agreement of 2020 to the analysis of the main elements of a potential EU-UK strategic partnership, Chapter 3 (by P. Podadera Rivera and A. Garashchuk) is centered on the economic empirical analysis of probability of the UK becoming a future strategic partner of the EU, which according to the results achieved through the application of the Binary Logistic Model is 70%. The proposed approach takes into account both a strategic component and a historical-cultural factor that have always been relevant in the European context. Thus, the authors' conclusions about an urgent need for a strategic partnership between the EU and the UK look more than reasonable and well grounded. This part

of the publication sets a good example of the successful application of an interdisciplinary approach absolutely necessary for the elaboration of efficient legal solutions in the sphere of international relations.

Next chapters (Chapter 4 by M. Gestri and Chapter 5 by R. Bermejo García) logically proceed with a consideration of the EU's trade relations with other neighboring European countries such as the members of the European Free Trade Association (Iceland, Norway and Liechtenstein) and Switzerland, which being a member of the former is concurrently within a particular legal framework regulating its relations with the EU. Regarding the first group of states, the volume provides detailed information about the origins, evolution and development of the EFTA and the relations between the organizations. It explores the 1992 European Economic Area Agreement with the EU (EEA), its scope and limits of application, a two-pillar institutional structure, the interrelation between the EEA and the EU law, as well as between the EEA law and the domestic law of the EFTA states. As for Switzerland, the whole Chapter 5 is dedicated to the intricate relations of this European state with the EU. First, it dwells on the fundamentals of the above relationship, which are very important for the comprehension of their current state. After it follows with the description and a comparative study of the Bilateral Agreements between the EU and Switzerland of 1999 and 2004. Finally, it comes to the consideration of the Institutional Agreement that was rejected by Switzerland in 2021, analyzing a complex nature of present-day relations between the neighbors that can be characterized on the one hand by "the improbability of integration" and on the other hand by "the impossibility of marginalization". Such a detailed representation of the trade relations of the EU and the EFTA states let the reader achieve a full understanding of tangled trade relations existing between the members of the EU and their close neighbors.

An overview of trade relations of the Union with the European microstates such as Andorra, San Marino, Monaco regulated by a range of bilateral agreements turns out equally interesting. The added value of Chapter 6 (by V. Bou Franch) is provided by the analysis of current negotiations for an economic partnership between these states and the EU that take place from 2015 until now.

Following a geographical proximity criterion as well as a criterion of EU membership aspiration, the volume proceeds with the examination of

complex relations between the states of Western Balkans (Albania, Bosnia and Herzegovina, Kosovo, Montenegro, the Republic of North Macedonia and Serbia) and the EU (Chapter 7 by P. Cisneros Cristóbal). Being at the different stages of an integration process, in the words of the author, these states can be characterized by a common feeling of “fatigue in the face of an accession that fails to materialize”. Consequently, it “favors the influence of other actors such as Russia, China or Türkiye in the region”, which should be a reason for concerns from the EU. Due to the fact that an important role in the above relations regulation is played by the Stabilization and Association Agreements, the installment pays special attention to their consideration.

The relations between Türkiye and the EU are characterized by the same feeling of fatigue on the part of Turkish people, but can be considered even more tense and intricate. Türkiye’s membership in the NATO, its importance for the control of migration flows towards the EU, obvious undemocratic internal tendencies significantly complicate its relations with the EU and its possible future accession to it. Concerning trade relations, they are quite intensive and fall under a specific regulation owing to Türkiye’s participation in the Custom Union with the EU since 1995. In this regard, Chapter 8 (by N. Aldaz Ibañez) provides the analysis of legal and economic components conditioning their development.

As expected, the book follows with the evaluation of trade relations between the EU and Eastern European countries, among which the cases of Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine are considered. Obviously, the intensity and the character of trade relations between these states and the EU are distinct given the fact that three of them, namely Georgia, Moldova and Ukraine, have opted for a European integration vector of their development, while the others have not been interested in this opportunity. In this regard, in developing the topic of the Eastern Partnership, Chapter 9 (by V. Rodríguez Prieto) provides information about the deep and comprehensive free trade areas established by the Association Agreements with the former in contrast with other types of trade cooperation carried out with the latter. Particular attention is paid to tense relations between the EU and Belarus harshened by its support of the 2022 Russian aggression against Ukraine and its endeavors to “weaponize” migration, which led to the EU – Belarus border crisis in 2021-2023.

Further the volume moves to the Euro-Mediterranean region countries and their trade relations with the Union. Chapter 10 (by R. Pérez Salom) embraces a broad range of so-called third Mediterranean states from the East to the West of the region that have different economic and political situations and, thus, distinct weight in the EU trade flows. Paying close attention to differences in the legal regime of trade between this region states and the EU, the study aims to concentrate on general tendencies of trade relations development and possible future solutions that can be embodied in new trade agreements, some of which will probably lead to the establishment of a deep a comprehensive free trade area.

Leaving the European region, Parts 4, 5 and 6 of the publication are dedicated to the EU trade relations with North, Central and South America, Asia, Africa and Oceania correspondingly. Due to the fact that the above relations with American states are historically more intensive, the authors have done a good job analyzing and summarizing different types of legal regimes that govern trade relations of the EU with various states or groups of states within the region. Starting with the peculiarities of the Comprehensive Economic and Trade Agreement with Canada (Chapter 11 by P. Cos Sánchez), which belongs to the group of so-called “new-generation EU agreements”, they further with the problems in the EU – US trade arisen during the period of Trumps’ presidency and the frustrated Transatlantic Trade and Investment Partnership and focuses on the prospects for the development of transatlantic trade relations (Chapter 12 by A. Manero Salvador). In order to complete the picture of Northern and Central America the volume moves to the modernized EU – Mexico Free Trade Agreement of 2018 (Chapter 13 by A. Colom Gorges) and the EU – Central America Association Agreement of 2012 (Chapter 14 by E. C. Díaz Galán) discovering their advantages and possible future challenges that the parties to the agreements can meet on the way to their implementation. Finally, it closes the analysis of the Western hemisphere – EU trade relations by depicting the trade relations of the EU with Colombia, Peru and Ecuador formalized through the Trade Agreement of 2013, which Ecuador joined it in 2017 (Chapter 15 by D. Presta Novello). In addition, Chapter 16 (by G. Coppelli Ortiz) addresses the issue of its trade relations with Chile regulated by the EU – Chile Association Agreement of 2002, which has undergone a significant modernization since 2017 in order to

be substituted by a new-generation Advanced Framework Agreement finally signed on 13 December 2023, and the EU – Mercosur trade relations that are pending their final regulation by a new Free Trade Association Agreement, which is still at the stage of negotiations between the parties.

Moving to the Eastern hemisphere, the volume proceeds with the analysis of the EU-Japan Economic Partnership Agreement of 2018 (Chapter 17 by C. Tirado Robles), the EU-India Cooperation Agreement of 2004, which probably will be soon substituted by a new free trade zone agreement (Chapter 19 by E. Martínez Pérez), the new generation EU Free Trade Agreements with South Korea (2009) (Chapter 20 by E. Ortiz Hernández), Singapore (2018) and Vietnam (2019) (Chapter 21 by M. Moltó Aribau). In addition, it touches upon more problematic relations with China (Chapter 18 by S. Salinas Alcega) and the ASEAN member states (Chapter 21 by M. Moltó Aribau) that still lack a complex legal regulation by means of comprehensive trade agreements.

Eventually, the book represents the research on the relations of the EU with a group of African, Caribbean and Pacific countries in the post-Cotonou Agreement stage regulated through the network of regional protocols and regional partnership agreements and a new Framework Partnership Agreement with the members of the OACPS finally signed in 2023 (Chapter 22 by J. E. Esteve Moltó). Furthermore, trade agreements between the EU and South Africa (Chapter 23 by R. M. Florensa Guiu) and the Free Trade Agreements between it and Australia and New Zealand (Chapter 24 by B. Escardíbul Ferrá) are also analyzed. If the FTA Agreement with New Zealand was finally signed in 2023, the analogous treaty with Australia is still pending conclusion due to the lack of a compromise concerning access to agricultural markets.

A very complicated and ambitious task, which has been accomplished successfully by the authors of the book, can easily explain a few aspects that have been overlooked. Thus, in the context of the topics considered above, the emphasis on the prevention and peaceful resolution of conflicts placed in Chapter 2 seems to be a deviation from the general theme of the volume. Even though the significant role of the EU in this process is beyond any doubt, its consideration in a closer connection with the EU's trade relations and relevant conclusions made at the end of the chapter would have enriched the research outcomes.

Furthermore, given a speed-up accession procedure activated in the context of the above aggression for Georgia, Moldova and Ukraine and their current candidate status, it appears that in Chapter 9 more attention should have been paid to the present state of implementation of the Association Agreements and the problems that the above candidates have been facing in this process, in particular, in relation to their free trade zone obligations.

Lastly, though the study at hand deserves the highest praise for its complex and systematizing character, which is the result of hard work and dedication of the authors, it still could have been completed by the reference to another facet of the multilateralism crisis that international trade has been living through, namely the blockage of the Appellate Body of the Dispute Settlement Body of the WTO by the US since 2019. Being an effective means for the solution of international trade disputes, for the moment this mechanism is unfortunately halted, which can be one of the reasons for the recent activation of EU trade agreements negotiation process with many countries. Providing the EU with additional machinery for disputes settlement and enforcement, these agreements can become an effectively substitute for the WTO mechanism being in limbo for already five years.

On a final note, it should be stressed that the above structure and content of the volume makes it exceptionally useful for those who eager for the whole and comprehensive picture of a widespread and complex network of numerous trade agreements concluded by the EU with many countries and international organizations around the globe. Having different purposes, content and scope, these agreements guarantee for the Union and its member states a stable position in global trade and access to internal markets. It is especially significant in the light of challenges that international economy has been facing for the last years.

Olena Nihreieva

Visiting Professor (Univ. Cadiz), Associate Professor (Univ. Odessa)

TABLE OF CONTENTS / January-December 2024 / No 12

IN MEMORIAM

Miguel GARCÍA GARCÍA-REVILLO
Prof^a Dr^a Eva María Vázquez Gómez, In Memoriam
Xabier FERNÁNDEZ PONS
En recuerdo de la Dra. Marta Ortega Gómez

EDITORIAL

Xabier PONS RAFOLS
La guerra en Gaza y el conflicto palestino-israelí: Un punto de inflexión en medio de un ciclo sin fin de violencia
Xabier PONS RAFOLS
The war in Gaza and the Israeli-Palestinian conflict: A turning point in the midst of an endless cycle of violence
Gloria FERNÁNDEZ ARRIBAS
The war in Gaza and the Israeli-Palestinian conflict: A turning point in the midst of an endless cycle of violence

STUDIES

Gustavo DE LA ORDEN BOSCH
Pre-entry screening and border procedures as new detention landscape in the EU Pact on Migration and Asylum. The Spanish borders as a laboratory for immobility policies
Clara BOSCH MARCH
De Melilla a Estrasburgo: un análisis de la inspiración española en el giro del TEDH con respecto al Artículo 4 del Protocolo N.º 4 CEDH
Natalie ROS
What is Blue Colonialism?
Francesco SEATZU, Nicolás CARRILLO SANTARELLI
On the law, work and functioning of the EU agency for cybersecurity

NOTES

Ladislav NZE BEKALE
L'efficacité des instruments de gouvernance foncière de l'Union Africaine dans la prévention des conflits fonciers en Afrique : Quelles perspectives ?

AGORA

Juan SOROETA LICERAS
Las ocupaciones militares de Palestina y del Sahara Occidental por Israel y Marruecos, dos ejemplos jurídicamente equiparables de violación grave del derecho internacional
Paloma GONZÁLEZ GÓMEZ DEL NIÑO
La Rivalidad entre Argelia y Marruecos. Un análisis de la ruptura de relaciones diplomáticas de 2021 desde el Derecho Internacional y las Relaciones Internacionales
Miguel ACOSTA SÁNCHEZ
Sobre la frontera terrestre de Melilla y la demarcación en la zona del Barrio Chino: La aplicación del principio de territorialidad tras los sucesos de junio de 2022

HOMENAJE AL PROFESOR LIÑÁN NOGUERAS

Antonio SÁNCHEZ ORTEGA
Análisis y tipificación del Sistema Internacional Contemporáneo.
Una aproximación desde el realismo estructural y las teorías de sistemas

DOCUMENTATION

Documentación I. Statement by Professors of International Law and International Relations on the situation in Gaza - Declaración de Profesores/as de Derecho Internacional y Relaciones Internacionales sobre la situación en Gaza (versiones en inglés y español)
Documentación II. Gaza: Hamas and Israel war crimes- Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel

ANNOTATED BIBLIOGRAPHY

ZABALA ROLDÁN, P., La diplomacia digital de la Unión Europea: pandemia y lucha contra la desinformación, Madrid, Reus, 2022, 180 pp. XVI Premio Andaluz de Investigación sobre Integración Europea. Por F. A. DOMÍNGUEZ DÍAZ
LÓPEZ ULLA, J. M., QUIÑONES ANDRADE, R. G., Niños, niñas y adolescentes migrantes no acompañados en Andalucía: un enfoque de derechos, Aranzadi, Cizur Menor, 2023, 135 pp. Por E. GIRÓN REGUERA
BLANC ALTEMIR, A. (Dir.), ORTIZ HERNÁNDEZ, E. (Coord.), COS SÁNCHEZ, P. (Coord.), The Trade Relations of the European Union with the Rest of the World: An Analysis after the Pandemic and the Russian Invasion of Ukraine, Aranzadi, Pamplona, 2023, 533 pp. By O. NIHREIEVA
CATALDI, G. - HILPOLD, P. (eds.), Migration and Asylum Policies System's National and Supranational Regimes, Napoli, Editoriale Scientifica, 2023, 283 pp. By M. PORCHIA

