


Global Europe: Legal and Policy Issues of the EU's External Action

Volume 2

Editors-in-Chief

Narin Idriz , T.M.C. Asser Institute, The Hague, The Netherlands

Eva Kassoti, T.M.C. Asser Institute, The Hague, The Netherlands

Advisory Editors

Elaine Fahey, Institute for the Study of European Law, City University London, City Law School, London, UK

Ramses A. Wessel, Faculty of Law, University of Groningen, Groningen, The Netherlands

Katja Ziegler, University of Leicester, Leicester, UK

The *Global Europe Book Series: Legal and Policy Issues of the EU's External Action Series* is a peer-reviewed book series that explores the legal and policy issues pertaining to the EU's global actorness. The editors of the book series welcome edited volumes as well as monographs exploring the EU's identity as an international actor. The coverage extends to submissions identifying the internal and external factors that may challenge the EU's capacity to exercise value-based global leadership on crucial issues affecting European citizens as well as those from other parts of the world; critically reflecting on whether the external projection of the EU as a virtuous normative power comports with its practice on the ground as well as addressing the descriptive, normative and conceptual challenges that complement the ever-expanding global reach of EU law.

Eva Kassoti · Narin Idriz
Editors

The Principle of Solidarity

International and EU Law Perspectives



ASSER PRESS



Springer

Editors

Eva Kassoti
T.M.C. Asser Institute
The Hague, The Netherlands

Narin Idriz 
T.M.C. Asser Institute
The Hague, The Netherlands

ISSN 2666-4828 ISSN 2666-4836 (electronic)
Global Europe: Legal and Policy Issues of the EU's External Action
ISBN 978-94-6265-574-4 ISBN 978-94-6265-575-1 (eBook)
<https://doi.org/10.1007/978-94-6265-575-1>

Published by T.M.C. ASSER PRESS, The Hague, The Netherlands www.asserpress.nl
Produced and distributed for T.M.C. ASSER PRESS by Springer-Verlag Berlin Heidelberg

© T.M.C. ASSER PRESS and the authors 2023

No part of this work may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, microfilming, recording or otherwise, without written permission from the Publisher, with the exception of any material supplied specifically for the purpose of being entered and executed on a computer system, for exclusive use by the purchaser of the work.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

This T.M.C. ASSER PRESS imprint is published by the registered company Springer-Verlag GmbH, DE, part of Springer Nature.

The registered company address is: Heidelberger Platz 3, 14197 Berlin, Germany

Contents

1	‘The Kindness of Strangers’—Solidarity in International and EU Law: An Introduction	1
	Eva Kassoti and Narin Idriz	
Part I Solidarity: An International Law Perspective		
2	In Search of Solidarity in International Law	17
	Dire Tladi	
3	Solidarity as an International Legal Norm	29
	Craig Eggett	
4	The Principle of Solidarity in the Law of Transboundary Groundwater	55
	Petr Stejskal	
5	Global Environmental Issues and International Solidarity: Between Myth and Reality	75
	Vonintsoa Rafaly	
6	Anti-legal? Georges Scelle’s Solidarity, French Sociological School, and the Backlash Against International Investment Law in Africa	99
	Tomasz Milej	
7	Differential Treatment for Developing Countries as a Manifestation of Solidarity: Overcoming New Challenges by Going Back to the Basics	129
	Athar Ud Din	
Part II Solidarity: An EU Law Perspective		
8	Thinking About Solidarity and EU Law	153
	Eleanor Sharpston	

9	Why the European Commission’s Pragmatic Approach to Asylum Is Not Enough: Re-imagining Solidarity as a New Form of Conducting Regional Politics	163
	Eleni Karageorgiou	
10	Solidarity in EU Immigration and Asylum Law: A Corpus Linguistic Analysis	181
	Laura Mastroianni	
11	External Solidarity in Integrated Border Management: The Role of EU Migration Agencies	209
	Mariana Gkliati and Salvatore Fabio Nicolosi	
12	The Solidarity Principle in the Context of the CFSP: The Adoption of Restrictive Measures as an Expression of Solidarity?	237
	Anna Pau	
13	The Many Faces of Solidarity and Its Role in the Jurisprudence of the Area of Freedom, Security and Justice	261
	Alina Carrozzini and Luigi Lonardo	
14	Reflections on the Legal Content of Solidarity in EU Law Under the Lens of the Covid-19 Pandemic	281
	Susanna Villani	