CARI / CONSEJO ARGENTINO PARA LAS RELACIONES INTERNACIONALES

Boletín Informativo

Instituto de Derecho Internacional Año 9 – Número 23 – agosto 2018 ISSN 1853-2802

Boletín Informativo
Cuatrimestral
Instituto de Derecho Internacional
Año 9 – Nº 23 – agosto 2018
Período de Información: abril a agosto de 2018

CONSEJO ARGENTINO PARA LAS RELACIONES INTERNACIONALES
Uruguay 1037, piso 1º
C1016ACA Buenos Aires
Tel. 005411 4811 0071 al 74
Fax 005411 4815 4742
www.cari.org.ar
cari@cari.org.ar

Editorial

Con satisfacción hacemos entrega del vigésimo tercer número del boletín informativo del Instituto de Derecho Internacional del CARI, dedicado a facilitar el seguimiento de las cuestiones más relevantes relacionadas con el derecho internacional.

Como ya es costumbre, y con la estructura característica, de cada Boletin se presentan las diversas áreas informativas y la destacada entrevista. Entre las áreas informativas se encuentran los contenidos de grandes obras bibliográficas del derecho internacional, capacitaciones académicas y online en materia de relaciones internacionales y derecho internacional, recientes fallos de tribunales internacionales y la actualización de la información nacional en materia de vigencia de tratados internacionales.

En la sección entrevista, el Dr. Antonio Remiro Brotóns, catedrático de Derecho Internacional Público y Relaciones Internacionales en la Universidad Autónoma de Madrid nos ilumina con su visión y comentarios sobre la situación actual del Derecho Internacional.

La coyuntura internacional a su vez nos remarca, en el año en que Argentina preside el G20 y el CARI copreside el T20, la continua necesidad de seguir abrogando por el estudio, debate, y respeto permanente por las diferentes visiones del mundo.

Esperamos disfruten de la lectura del corriente boletín como nosotros lo hicimos de su edición, sabiendo la importancia de sostener en el tiempo este tipo de actividades y publicaciones que refuerzan la relevancia de la mirada del Derecho Internacional y las relaciones internacionales sobre la actividad humana.

Pablo Strada

Secciones

Sección 1 / Agenda Internacional

Últimas noticias destacadas desde abril 2018 a agosto 2018.

08 de abril de 2018

Preocupación del Secretario General de la ONU ante la posible utilización de armas químicas contra la población civil en la localidad siria de Duma, en Guta Oriental.

El funcionario afirmó que, de confirmarse la veracidad del suceso, será necesario realizar una "investigación exhaustiva". El Guterres señaló que resulta "fundamental" proteger los derechos de los civiles e instó al cese de las hostilidades, restablecer la calma y respetar la Resolución 2401 del Consejo de Seguridad.

Fuente: https://news.un.org/es/story/2018/04/1430621

---

20 de abril de 2018

Argentina, Brasil, Chile, Colombia, Paraguay y Perú suspendieron su participación en Unasur

Los gobiernos argumentaron en un comunicado enviado al canciller boliviano, Fernando Huanacuni, que dejarían de participar en las actividades de la Unasur debido a problemas de funcionamiento del bloque y que la decisión responde "a la urgente necesidad de resolver la situación de acefalía de la organización".

Fuente: https://www.infobae.com/america/america-latina/2018/04/20/argentina-brasil-chile-colombia-paraguay-y-peru-se-retiraron-de-la-unasur/

---

20 de abril de 2018

Nicaragua reclama a Costa Rica por injerencia en sus asuntos internos

Mediante comunicación oficial dirigida a la Cancillería de Costa Rica, le cuestiona las expresiones críticas de Christian Guillermet, Director General de Política Exterior de Costa Rica, respecto del cierre de un medio de comunicación dispuesto por el gobierno de Daniel Ortega y que se trata de una cuestión que sólo compete al Estado en su ámbito interno, basado en los principios de no injerencia y no intervención.

Fuente: https://www.larepublica.net/noticia/nicaragua-reclama-a-costa-rica-por-injerencia-en-asuntos-internos

16 de mayo de 2018

41° Reunión Consultiva del Tratado Antártico

Se realizó en el Ministerio de Relaciones Exteriores y Culto de la Nación y contó con la presencia de Delegaciones pertenecientes a 53 Estados, junto a más de una docena de expertos y organizaciones internacionales. Asimismo, en el marco de la reunión se suscribieron dos nuevos acuerdos y se trataron temas sobre turismo antártico, bioprospección y recursos genéticos, impacto ambiental, inspecciones realizadas a bases y la propuesta de Venezuela para constituirse en Parte Consultiva del Tratado, entre otros.

Fuente: https://cancilleria.gob.ar/es/actualidad/comunicados/41deg-reunion-consultiva-del-tratado-antartico

---

18 de mayo de 2018

Una comisión independiente investigará las posibles violaciones de derechos humanos en Gaza

La Resolución −aprobada por 29 votos a favor, 2 en contra, y 14 abstenciones− fue adoptada por el Consejo de Derechos Humanos y autoriza a la Comisión para investigar todas las presuntas violaciones y abusos a disposiciones internacionales en materia de derechos humanos y derecho internacional humanitario durante la represión de las protestas civiles palestinas durante la denominada "Marcha del Retorno". La comisión de investigación, que estará asistida por expertos relevantes en materia de derechos humanos, tiene como misión el establecer los hechos y circunstancias de las presuntas violaciones, incluidas aquellas que puedan suponer crímenes de guerra. También debe identificar a los responsables de haber cometido crímenes y a quienes dieron las órdenes y hacer recomendaciones sobre las medidas para garantizar que rindan cuentas.

La investigación también examinará lo ocurrido en Jerusalén oriental.

Fuente: https://news.un.org/es/story/2018/05/1433992

---

30 de mayo de 2018

Los países de la OCDE acuerdan invitar a Colombia a ser su miembro número 37

Luego de 5 años de negociaciones, Colombia se constituirá como miembro Nº 37 de la OCDE mediante la firma del Acuerdo de Acceso durante la reunión del Consejo de Ministros de la OCDE. Se trata de la finalización del proceso de adhesión y evaluaciones realizadas por 23 Comités de la OCDE y la adaptación de Colombia en su política y legislación interna destinada a obtener reformas sustanciales en materia laboral, industral, ambiental, judicial, comercial, de gobierno y lucha contra cohecho, entre otros.

La adhesión de Colombia como miembro en sentido estricto se realizará tras adoptar a nivel nacional los pasos necesarios para acceder a la Convención de la OCDE y depositar su instrumento de adhesión ante el gobierno francés, depositario de la Convención.

Fuente: http://www.oecd.org/newsroom/los-paises-de-la-ocde-acuerdan-invitar-a-colombia-a-ser-su-miembro-numero-37.htm

---

05 de junio de 2018

Cuestión Malvinas: La OEA aprueba por aclamación reclamo argentino

La Asamblea General de la Organización de Estados Americanos (OEA) adoptó por aclamación una nueva declaración sobre la denominada "Cuestión de las Islas Malvinas" y que reconoce al reclamo argentino como "un tema de interés hemisférico permanente".

Luego de la intervención del Canciller Jorge Faurie, la propuesta del texto fue presentado por Brasil y en el cual se reafirma "(…) la necesidad de que los Gobiernos de la República Argentina y del Reino Unido reanuden, cuanto antes, las negociaciones sobre la disputa de soberanía, con el objeto de encontrar una solución pacífica a esta prolongada controversia".

Fuente: https://cancilleria.gob.ar/es/actualidad/comunicados/cuestion-malvinas-la-oea-aprueba-por-aclamacion-reclamo-argentino

---

12 de junio de 2018

Grecia y Macedonia alcanzan un acuerdo sobre el nombre de la antigua república yugoslava

Luego de 27 años los Gobiernos de Grecia y la Antigua República Yugoslava de Macedonia (FYROM, en sus siglas en inglés) han logrado finalmente un acuerdo que dará un nombre definitivo al último Estado balcánico y que llevará el de Macedonia del Norte. Aunque el acuerdo debe ser refrendado por los parlamentos locales de ambos Estados, en este último se estima la realización de un referéndum para enmendar la Constitución.

Fuente:

https://elpais.com/internacional/2018/06/12/actualidad/1528817723_068498.html#?ref=rss&format=simple&link=link

---

13 de julio de 2018

Los Magistrados de la Corte Penal Internacional (CPI) autorizaron la apertura de un programa de alcance para las víctimas de la situación en Palestina

El 13 de julio de 2018, tres Magistrados de la CPI habilitaron el inicio de un "sistema de información pública y actividades de divulgación entre las comunidades afectadas y particularmente las víctimas de la situación en Palestina", con el objeto de establecer una interacción de información entre la CPI y las posibles víctimas que residan dentro o fuera de Palestina mientras se conforme la Sala de Cuestiones Preliminares. El programa tiene como fin informar a la población sobre los procedimientos de la CPI y autoriza la presentación de datos.

El procedimiento se inició con la remisión, el 22 de mayo por parte de la Autoridad Palestina, de un informe que detalla los supuestos crímenes israelíes cometidos en territorio palestino desde la guerra de Gaza en 2014 acusándole de crímenes de guerra, crímenes de lesa humanidad y crímenes de apartheid.

Fuente: https://www.justiceinfo.net/en/justice-reconciliation/38094-icc-information-and-outreach-for-palestine-victims.html

VOLVER AL INDICE

Sección 2 / Principales Novedades Normativas

En vigor para Argentina desde abril – agosto 2018.
Fuente: http://tratados.mrecic.gov.ar/busqueda.php

BILATERALES CON OTROS PAISES

MEMORÁNDUM DE ENTENDIMIENTO ENTRE LA DIRECCIÓN NACIONAL CENTRO DE ECONOMÍA INTERNACIONAL (DNCEI) DEL MINISTERIO DE RELACIONES EXTERIORES Y CULTO DE LA REPÚBLICA ARGENTINA Y EL INSTITUTO TUNECINO DE ESTUDIOS ESTRATÉGICOS (ITES) DE LA REPÚBLICA TUNECINA

Firma: Túnez, 02 de Abril de 2018
Vigor: 02 de Abril de 2018

PROGRAMA DE COOPERACIÓN CULTURAL ENTRE LA REPÚBLICA ARGENTINA Y LA REPÚBLICA TUNECINA PARA EL PERÍODO 2018-2020

Firma: Túnez, 02 de Abril de 2018
Vigor: 02 de Abril de 2018

ACUERDO POR CANJE DE NOTAS ENTRE LA REPÚBLICA ARGENTINA Y LA REPÚBLICA DE CHILE RELATIVO AL PROTOCOLO ADICIONAL ESPECÍFICO AL TRATADO SOBRE INTEGRACIÓN Y COMPLEMENTACIÓN MINERA PARA LA ETAPA DE PROSPECCIÓN Y/O EXPLORACIÓN DEL PROYECTO MINERO AMOS-ANDRÉS SUSCRITO EL 6 DE ENERO DE 2006.

Firma: Santiago, 8 de marzo de 2018 y Buenos Aires, 6 de abril de 2018., 06 de Abril de 2018
Vigor: 06 de Abril de 2018

ACUERDO POR CANJE DE NOTAS ENTRE LA REPÚBLICA ARGENTINA Y LA REPÚBLICA DE CHILE RELATIVO AL PROTOCOLO ADICIONAL ESPECÍFICO AL TRATADO SOBRE INTEGRACIÓN Y COMPLEMENTACIÓN MINERA PARA LA ETAPA DE PROSPECCIÓN Y/O EXPLORACIÓN DEL PROYECTO MINERO LAS FLECHAS SUSCRITO EL 28 DE NOVIEMBRE DE 2007.

Firma: Santiago, 08 de marzo de 2018 y Buenos Aires el 6 de abril de 2018., 06 de Abril de 2018
Vigor: 06 de Abril de 2018

MEMORANDO DE ENTENDIMIENTO ENTRE EL MINISTERIO DE TRANSPORTE DE LA REPÚBLICA ARGENTINA Y EL MINISTERIO DE FOMENTO DEL REINO DE ESPAÑA EN EL ÁMBITO DE LA INFRAESTRUCTURA Y LOS TRANSPORTES.

Firma: Buenos Aires., 10 de Abril de 2018
Vigor: 10 de Abril de 2018

MEMORÁNDUM DE ENTENDIMIENTO ENTRE EL MINISTERIO DE MODERNIZACIÓN DE LA REPÚBLICA ARGENTINA Y EL MINISTERIO DE ENERGÍA, TURISMO Y AGENDA DIGITAL DEL REINO DE ESPAÑA.

Firma: Buenos Aires, 10 de Abril de 2018
Vigor: 10 de Abril de 2018

MEMORÁNDUM DE ENTENDIMIENTO ENTRE LA REPÚBLICA ARGENTINA Y LOS EMIRATOS ÁRABES UNIDOS SOBRE EL RECONOCIMIENTO MUTUO DE LOS PASAPORTES DE EMERGENCIA EMITIDOS POR AMBOS PAÍSES

Firma: Abu Dhabi, 16 de Abril de 2018
Vigor: 16 de Mayo de 2018

MEMORÁNDUM DE ENTENDIMIENTO SOBRE COOPERACIÓN EN MATERIA DE CIBERSEGURIDAD, CIBERDELITO Y CIBERDEFENSA ENTRE LA REPÚBLICA ARGENTINA Y LA REPÚBLICA DE CHILE.

Firma: Buenos Aires, 26 de Abril de 2018
Vigor: 26 de Abril de 2018

MEMORÁNDUM DE ENTENDIMIENTO ENTRE LA DIRECCIÓN GENERAL DE COOPERACIÓN INTERNACIONAL DE LA REPÚBLICA ARGENTINA Y LA AGENCIA DE LOS ESTADOS UNIDOS PARA EL DESARROLLO INTERNACIONAL.

Firma: Pretoria, 26 de Abril de 2018
Vigor: 26 de Abril de 2018

MEMORÁNDUM DE ENTENDIMIENTO PARA EL ESTABLECIMIENTO DE UN GRUPO DE TRABAJO EN EL ÁMBITO DE LAS CADENAS GLOBALES DE VALOR, ENCADENAMIENTO PRODUCTIVOS E INVERSIONES DIRECTAS ENTRE EL GOBIERNO DE LA REPÚBLICA ARGENTINA Y EL GOBIERNO DE LA REPÚBLICA DE CHILE.

Firma: Buenos Aires, 26 de Abril de 2018
Vigor: 26 de Abril de 2018

MERMORÁNDUM DE ENTENDIMIENTO (MDE) EN COOPERACIÓN CIENTÍFICA ANTÁRTICA ENTRE EL INSTITUTO ANTÁRTICO ARGENTINO Y EL BRITISH ANTARCTIC SURVEY

Firma: Buenos Aires, 14 de Mayo de 2018
Vigor: 14 de Mayo de 2018

ACUERDO MUTUO RELATIVO A LA CONVENCIÓN ENTRE SUIZA Y ARGENTINA PARA EVITAR LA DOBLE IMPOSICIÓN CON RESPECTO A LOS IMPUESTOS SOBRE LA RENTA Y EL PATRIMONIO DEL 20 DE MARZO DE 2014. (ENTRE LAS AUTORIDADES COMPETENTES)

Firma: Berna, 8 de mayo de 2018 y Buenos Aires, 18 de mayo de 2018, 18 de Mayo de 2018
Vigor: 18 de Mayo de 2018

MEMORÁNDUM DE ENTENDIMIENTO SOBRE COOPERACIÓN ANTÁRTICA ENTRE LA DIRECCIÓN NACIONAL DEL ANTÁRTICO DE LA REPÚBLICA ARGENTINA Y EL INSTITUTO ANTÁRTICO DEL URUGUAY DE LA REPÚBLICA ORIENTAL DEL URUGUAY

Firma: Buenos Aires, 18 de Mayo de 2018
Vigor: 18 de Mayo de 2018

MEMORANDO DE ENTENDIMIENTO ENTRE EL MINISTERIO DE SEGURIDAD DE LA REPÚBLICA ARGENTINA Y EL MINISTERIO DEL INTERIOR DEL REINO UNIDO DE GRAN BRETAÑA E IRLANDA DEL NORTE

Firma: Buenos Aires, 21 de Mayo de 2018
Vigor: 21 de Mayo de 2018

MEMORÁNDUM DE ENTENDIMIENTO SOBRE LA COLABORACIÓN EN MATERIA DE INVESTIGACIÓN E INNOVACIÓN SOBRE RESISTENCIA ANTIMICROBIANA (RAM) ENTRE EL MINISTERIO DE SALUD DE LA REPÚBLICA ARGENTINA Y EL DEPARTAMENTO DE SALUD Y ATENCIÓN SOCIAL DEL REINO UNIDO DE GRAN BRETAÑA E IRLANDA DEL NORTE

Firma: Ginebra, 21 de Mayo de 2018
Vigor: 21 de Mayo de 2018

ACUERDO INTERINSTITUCIONAL DE COOPERACIÓN TÉCNICA Y JURÍDICA ENTRE EL MINISTERIO DE RELACIONES EXTERIORES Y CULTO DE LA REPÚBLICA ARGENTINA Y EL MINISTERIO DE RELACIONES EXTERIORES Y MOVILIDAD HUMANA DE LA REPÚBLICA DEL ECUADOR

Firma: Buenos Aires, 22 de Mayo de 2018
Vigor: 22 de Mayo de 2018

MEMORÁNDUM DE ENTENDIMIENTO ENTRE EL INSTITUTO DEL SERVICIO EXTERIOR DE LA NACIÓN DEL MINISTERIO DE RELACIONES EXTERIORES Y CULTO DE LA REPÚBLICA ARGENTINA Y EL INSTITUTO DE RELACIONES INTERNACIONALES DEL MINISTERIO DE ASUNTOS EXTERIORES DE TURKMENISTÁN EN MATERIA DE FORMACIÓN DIPLOMÁTICA

Firma: Ashgabad, 05 de Junio de 2018
Vigor: 05 de Junio de 2018

MEMORÁNDUM DE ENTENDIMIENTO ENTRE EL MINISTERIO DE RELACIONES EXTERIORES Y CULTO DE LA REPÚBLICA ARGENTINA Y EL MINISTERIO DE RELACIONES EXTERIORES DE LA REPÚBLICA DEL PARAGUAY PARA EL ESTABLECIMIENTO DE UN MECANISMO BILATERAL DE DIÁLOGO Y COOPERACIÓN EN MATERIA DE DERECHOS HUMANOS

Firma: Asunción, 17 de Junio de 2018
Vigor: 17 de Junio de 2018

ACUERDO POR CANJE DE NOTAS ENTRE LA REPÚBLICA ARGENTINA Y JAPÓN SOBRE "PROGRAMAS ESPECÍFICOS DE COOPERACIÓN TÉCNICA"

Firma: Buenos Aires, 24 de abril y 30 de junio, 30 de Junio de 2018
Vigor: 06 de Julio de 2018

ADENDA POR CANJE DE NOTAS AL "MEMORÁNDUM DE ENTENDIMIENTO SOBRE COOPERACIÓN CONSULAR Y POLÍTICAS PARA LAS COMUNIDADES DE CONNACIONALES EN EL EXTERIOR ENTRE LA REPÚBLICA ARGENTINA Y LA REPÚBLICA FEDERATIVA DEL BRASIL" DESTINADA A ESTABLECER EL ALCANCE DE LOS CONSULADOS CONJUNTOS O UNIFICADOS.

Firma: Brasilia y Buenos Aires, 12 de Julio de 2018
Vigor: 16 de Julio de 2018

ACUERDO POR CANJE DE NOTAS ENTRE EL GOBIERNO DE LA REPÚBLICA ARGENTINA Y EL GOBIERNO DE LA REPÚBLICA POPULAR CHINA SOBRE LA DONACIÓN DE ESCÁNERES.

Firma: Buenos Aires, 31/05/2018 y 17/07/2018., 17 de Julio de 2018
Vigor: 20 de Julio de 2018

MEMORANDO DE ENTENDIMIENTO ENTRE EL MINISTERIO DE AGROINDUSTRIA DE LA REPÚBLICA ARGENTINA Y EL MINISTERIO DE AGRICULTURA, PESCA Y ALIMENTACIÓN DEL REINO DE ESPAÑA PARA LA COOPERACIÓN BILATERAL EN MATERIA DE PESCA Y ACUICULTURA

Firma: Buenos Aires, 27 de Julio de 2018
Vigor: 27 de Julio de 2018

MEMORANDO DE ENTENDIMIENTO EN MATERIA DE BIOTECNOLOGÍA AGROPECUARIA ENTRE EL MINISTERIO DE AGROINDUSTRIA DE LA REPÚBLICA ARGENTINA Y EL MINISTERIO DE AGRICULTURA DE LA FEDERACIÓN DE RUSIA

Firma: Buenos Aires, 28 de Julio de 2018
Vigor: 28 de Julio de 2018

ACUERDO POR CANJE DE NOTAS MODIFICATORIO DEL ACUERDO SOBRE SERVICIOS AÉREOS ENTRE EL GOBIERNO DE LA REPÚBLICA ARGENTINA Y EL GOBIERNO DE LA REPÚBLICA DE SINGAPUR.

Firma: Singapur, 01 de Agosto de 2018
Vigor: 01 de Agosto de 2018

MEMORÁNDUM DE ENTENDIMIENTO ENTRE EL MINISTERIO DE RELACIONES EXTERIORES Y CULTO DE LA REPÚBLICA ARGENTINA Y EL MINISTERIO DE ASUNTOS EXTERIORES Y EUROPEOS DE LA REPÚBLICA ESLOVACA

Firma: Buenos Aires, 10 de Agosto de 2018
Vigor: 10 de Agosto de 2018

MEMORÁNDUM DE ENTENDIMIENTO ENTRE EL MINISTERIO DE SEGURIDAD DE LA REPÚBLICA ARGENTINA Y EL MINISTERIO DEL INTERIOR Y SEGURIDAD PÚBLICA DE LA REPÚBLICA DE CHILE SOBRE COOPERACIÓN EN LA PREVENCIÓN E INVESTIGACIÓN DEL DELITO DE TRATA DE PERSONAS

Firma: Chile, 22 de Agosto de 2018
Vigor: 22 de Agosto de 2018

BILATERALES CON ORGANISMOS INTERNACIONALES

MEMORANDO DE ENTENDIMIENTO (MOU) ENTRE LA REPÚBLICA ARGENTINA Y LA ORGANIZACIÓN DE AVIACIÓN CIVIL INTERNACIONAL PROGRAMA UNIVERSAL DE AUDITORÍA DE LA SEGURIDAD DE LA AVIACIÓN RELATIVO AL ENFOQUE DE OBSERVACIÓN CONTINUA

Firma: Buenos Aires, 20 de Abril de 2018
Vigor: 20 de Abril de 2018

ACUERDO DE COOPERACIÓN ENTRE EL MINISTERIO DE RELACIONES EXTERIORES Y CULTO DE LA REPÚBLICA ARGENTINA Y LA ENTIDAD DE LAS NACIONES UNIDAS PARA LA IGUALDAD DE GÉNERO Y EL EMPODERAMIENTO DE LAS MUJERES

Firma: Buenos Aires, 27 de Abril de 2018
Vigor: 27 de Abril de 2018

MULTILATERALES

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 16 (ACE 16) SUSCRIPTO ENTRE LA REPÚBLICA ARGENTINA Y LA REPÚBLICA DE CHILE - PROTOCOLO ADICIONAL (SOBRE FIRMA DIGITAL)

Firma por Arg: 26 de Abril de 2018
Celebración: Buenos Aires, 26 de Abril de 2018
Vigor: 01 de Octubre de 2018

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO QUINCUAGÉSIMO CUARTO PROTOCOLO ADICIONAL.

Firma por Arg: 05 de Julio de 2018
Celebración: Montevideo, 05 de Julio de 2018
Vigor: 09 de Agosto de 2018

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO QUINCUAGÉSIMO OCTAVO PROTOCOLO ADICIONAL.

Firma por Arg: 05 de Julio de 2018

Celebración: Montevideo, 05 de Julio de 2018
Vigor: 09 de Agosto de 2018

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO QUINCUAGÉSIMO QUINTO PROTOCOLO ADICIONAL.

Firma por Arg: 05 de Julio de 2018
Celebración: Montevideo, 05 de Julio de 2018
Vigor: 09 de Agosto de 2018

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO QUINCUAGÉSIMO SEGUNDO PROTOCOLO ADICIONAL.

Firma por Arg: 05 de Julio de 2018
Celebración: Montevideo, 05 de Julio de 2018
Vigor: 09 de Agosto de 2018

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO QUINCUAGÉSIMO SÉPTIMO PROTOCOLO ADICIONAL.

Firma por Arg: 05 de Julio de 2018
Celebración: Montevideo, 05 de Julio de 2018
Vigor: 09 de Agosto de 2018

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO QUINCUAGÉSIMO SEXTO PROTOCOLO ADICIONAL.

Firma por Arg: 05 de Julio de 2018
Celebración: Montevideo, 05 de Julio de 2018
Vigor: 09 de Agosto de 2018

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO QUINCUAGÉSIMO TERCER PROTOCOLO ADICIONAL.

Firma por Arg: 05 de Julio de 2018
Celebración: Montevideo, 05 de Julio de 2018
Vigor: 09 de Agosto de 2018

VOLVER AL INDICE

Sección 3 / Jurisprudencia

CORTE INTERNACIONAL DE JUSTICIA

Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)

http://www.icj-cij.org/en/case/150

Request for Interpretation of the Judgment of 23 May 2008 in the case concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) (Malaysia v. Singapore)

http://www.icj-cij.org/en/case/170

Application for revision of the Judgment of 23 May 2008 in the case concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) (Malaysia v. Singapore)

http://www.icj-cij.org/en/case/167

CORTE INTERAMERICANA DE DERECHOS HUMANOS

Corte IDH. La institución del asilo y su reconocimiento como derecho humano en el sistema interamericano de protección (interpretación y alcance de los artículos 5, 22.7 y 22.8, en relación con el artículo 1.1 de la Convención Americana sobre Derechos Humanos). Opinión Consultiva OC-25/18 de 30 de mayo de 2018. Serie A No. 25.

http://www.corteidh.or.cr/docs/opiniones/seriea_25_esp.pdf

Corte IDH. Caso Gutiérrez Hernández y otros Vs. Guatemala. Interpretación de la Sentencia de Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 22 de agosto de 2018. Serie C No. 357.

http://www.corteidh.or.cr/docs/casos/articulos/seriec_357_esp.pdf

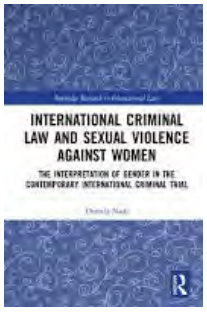
---

VOLVER AL INDICE

Sección 4 / Doctrina e Investigación

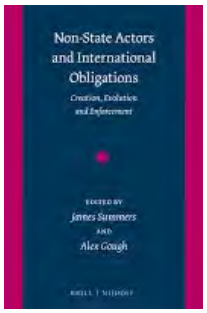
Novedades bibliográficas. Fuente: http://ilreports.blogspot.com/

Libros



Daniela Nadj (Queen Mary Univ. of London - Law) has published International Criminal Law and Sexual Violence against Women: The Interpretation of Gender in the Contemporary International Criminal Trial(Routledge 2018). Here's the abstract:

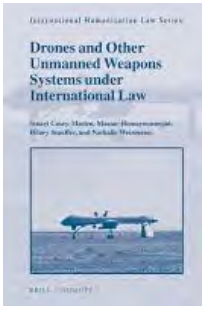
This book explores the prosecution of wartime sexual violence in international criminal law and asks what the juridicalisation of gender-based violence signifies for women. The book explores the portrayal of the various gendered identities that surface in armed conflict and it asks whether the law is capable of reflecting these in subsequent judgements. Focusing on the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda as well as subsequent developments in the International Criminal Court, the book shows how the tribunals have delivered landmark jurisprudence in the area of sexual violence against women and provided a legacy for how gender justice is incorporated into international law. However, Daniela Nadj argues that in the relevant cases there is a tendency to depict women in monolithic fashion with little agency or sense of identity beyond their ethnicity. By bringing to the surface the complexity and multi-faceted gendered identities in wartime, the book calls for a reconceptualisation of notions of femininity in armed conflict.



James Summers (Univ. of Lancaster – Law) & Alex Gough (Univ. of Lancaster – Law) have published Non-State Actors and International Obligations: Creation, Evolution and Enforcement (Brill | Nijhoff 2018). Contents include:

- James Summers, Introduction
- Klara Polackova Van der Ploeg, Treaty Obligations of Collective Non-State Entities: The Case of the Deep Seabed Regime
- Michael Mulligan, The East India Company: Non-State Actor as Treaty-Maker
- Agata Kleczkowska, Armed Non- State Actors and Customary International Law
- Eva Kassoti, Ad Hoc Commitments by Non-State Armed Actors: The Continuing Relevance of State Consent
- Valentina Vadi, Exploring the Borderlands: The Role of Private Actors in International Cultural Law
- Federica Cittadino, Shaping the Convention on Biological Diversity: The Rising Importance of Indigenous Peoples within the Nagoya Protocol on Access and Benefit-Sharing
- Ekaterina Yahyaoui Krivenko, Exploring the Future of Individuals as Subjects of International Law: The Example of the Canadian Private Sponsorship of Refugees Programme
- Javier García Olmedo, Redefining the Position of the Investor in the International Legal Order and the Nature of Investment Treaty Rights: A Closer Look at the Relationship between Diplomatic Protection and Investor-State Arbitration.

- Simone F. van den Driest, Tracing the Human Rights Obligations of UN Peacekeeping Operations
- Gintarė Pažereckaitė, An Elephant in the Room: the Scrutiny of the United Nations in the Practice of the European Court of Human Rights
- Ioana Cismas and Sarah Macrory, The Business and Human Rights Regime under International Law: Remedy without Law?
- Natalia Cwicinskaja, International Human Rights Law and Territorial Non-State Actors: Cases of the Council of Europe Region
- Emily Choo, The Impact of Non-State Actors' Intervention in Investor-State Arbitration: A Further Study
- Tomas Vail, The Brčko Arbitration: A Process for Lasting Peace between Non-State Actors
- Adamantia Rachovitsa, International Law and the Global Public Interest: ICANN's Independent Objector as a Mechanism of Responsive Global Governance
- Katharine Fortin, The Relevance of Article 9 of the Articles on State Responsibility for the Internationally Wrongful Acts of Armed Groups
- Tatyana Eatwell, State Responsibility, 'Successful' Insurrectional Movements and Governments of National Reconciliation
- Paloma Blázquez Rodríguez, Does an Armed Group have an Obligation to Provide Reparations to Its Victims? Construing an Obligation to Provide Reparations for Violations of International Humanitarian Law
- Anna Marie Brennan, Prosecuting Members of Transnational Terrorist Groups under Article 25 of the Rome Statute: A Network Theory Approach to Accountability
- Jeffrey Davis, NGO s in Terrorism Cases: Diffusing Norms of International Human Rights Law



Stuart Casey-Maslen (Univ. of Pretoria - Law), Maziar Homayounnejad (Kings College London - Law), Hilary Stauffer (United Nations Office for the Coordination of Humanitarian Affairs), & Nathalie Weizmann(United Nations Office for the Coordination of Humanitarian Affairs) have published Drones and Other Unmanned Weapons Systems under International Law (Brill | Nijhoff 2018). Here's the abstract:

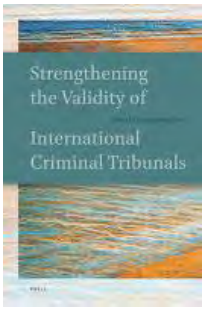
Drone strikes have become a key feature of counterterrorism operations in an increasing number of countries. This work explores the different domestic and international legal regimes that govern the manufacture, transfer, and use of armed drones. Chapters assess the legality of armed drones under jus ad bellum, the law of armed conflict, the law of law enforcement, international human rights law, international criminal law and domestic civil and criminal law. The book also discusses the application of law to fully autonomous weapons systems where computer algorithms decide who or what to target and when to fire.

Marie-Clotilde Runavot (Université Cergy-Pontoise - Law) has published La démocratie appliquée au droit international : de quoi parle-t-on ? (Pedone 2018). Contents include:

- Marie-Clotilde Runavot, Rapport introductif
- Pierre-Marie Raynal, Préliminaire conceptuel : à propos de la démocratie (nationale)
- Michèle André, L'Union interparlementaire, instrument de la diplomatie parlementaire
- Marie-Clotilde Runavot, L'Union interparlementaire et la parlementarisation de l'ONU
- Martin Quesnel, Les parlements internationaux et l'exercice du pouvoir normatif international
- Patrick Jacob, Démocratie et participation aux institutions internationales
- Olivier de Frouville, Vers une théorie démocratique du droit international
- Makane Moïse Mbengue, La démocratie comme outil de réforme des organisations internationales?
- Niki Aloupi, Une rhétorique de la mondialisation?

James Munro has published Emissions Trading Schemes under International Economic Law (Oxford Univ. Press 2018). Here's the abstract:

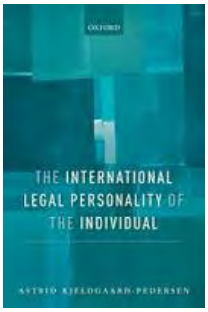
The announcement by China that it will implement a national emissions trading scheme confirms the status of this instrument as the pre-eminent policy choice for mitigating climate change. China will join the dozens of existing and emerging schemes around the world - from the EU to California, South Korea to New Zealand - that use carbon units (otherwise known as emissions permits or carbon credits) to trade in greenhouse gas emissions in a multi-billion dollar global carbon market. However, to date, there has been no consensus about this pre-eminent policy instrument being regulated by international economic law through the World Trade Organization, international investment agreements, and free trade agreements. Munro addresses this issue by evaluating whether carbon units qualify as 'goods', 'services', 'financial services', and 'investments' under international economic law and showing how international economic law applies to emissions trading scheme in diverse and unexpected ways. Further, by engaging in a comparative assessment of schemes around the world, his book illustrates how and why all emissions trading schemes engage in various forms of violations of international economic law which would not, in most instances, be justified by environmental or other exceptions. In doing so, he demonstrates how such schemes can be designed or reformed in ways to ensure their future compliance.



Joanna Nicholson (Univ. of Olso - Pluricourts) has published Strengthening the Validity of International Criminal Tribunals(Brill | Nijhoff 2018). Contents include:

- Joanna Nicholson, Introduction
- Marieke de Hoon, The Future of the International Criminal Court. On Critique, Legalism and Strengthening the icc's Legitimacy

- Geoff Dancy, Searching for Deterrence at the International Criminal Court
- Mikkel Jarle Christensen, The Symbolic Economy of International Criminal Justice: Shaping the Discourse of a New Field of Law
- Joanna Nicholson, Strengthening the Effectiveness of International Criminal Law through the Principle of Legality
- Carola Lingaas, Enhancing the Effectiveness of the Law of Genocide
- Franziska Oehm, From Nuremberg to Malabo: A Re-evaluation of the Tradition of Impunity of Economic Actors in International Criminal Law
- Yvonne McDermott, Strengthening the Evaluation of Evidence in International Criminal Trials
- Hemi Mistry, The Significance of Institutional Culture in Enhancing the Validity of International Criminal Tribunals
- Avidan Kent & Jamie Trinidad, The Management of Third-party Amicus Participation before International Criminal Tribunals: Juggling Efficiency and Legitimacy
- Kïrsten Bowman, The International Criminal Court and the Security Council: The Power of Politics and the Undermining of Justice
- Marialejandra Moreno Mantilla, Do too Many Cooks Spoil the Broth? A Proposal for a Joint Strategy between the Office of the Prosecutor and the Inter-American Commission on Human Rights
- Mandiaye Niang, Africa and the Legitimacy of the icc in Question
- Dorothy Makaza, African States and International Criminal Law: Rethinking the Narrative and Contextualising the Discourse
- Kerstin Bree Carlson, Trying Hissène Habré 'On Behalf of Africa': Remaking Hybrid International Criminal Justice at the Chambres Africaines Extraordinaires.



Astrid Kjeldgaard-Pedersen (Univ. of Copenhagen - Law) has published The International Legal Personality of the Individual (Oxford Univ. Press 2018). Here's the abstract:

This is the first monograph to scrutinize the relationship between the concept of international legal personality as a theoretical construct and the position of the ultimate subject, the individual, as a matter of positive international law. By testing the four main theoretical conceptions of international legal personality against historical and existing norms of positive international law that regulate the conduct of individuals, the book argues that the common narrative in contemporary scholarship about the development of the role of the individual in the international legal system is flawed.

Contrary to conventional wisdom, international law did not apply to states alone until World War II, only to transform during the second half of the 20th century so as to include individuals as its subjects. Rather, the answer to the question of individual rights and obligations under international law is - and always was - strictly empirical. It follows, of course, that the entities governed by a particular norm tell us nothing about the legal system to which that norm belongs. Instead, the distinction between international law and national law turns exclusively on whether the source of the norm in question is international or national in kind. Against the background of these insights, the book shows how present-day international lawyers continue to allow an idea, which was never more

than a scholarly invention of the 19th century, to influence the interpretation and application of international law. This state of affairs has significant real-world ramifications as international legal rights and obligations of individuals (and other non-state entities) are frequently applied more restrictively than interpretation without presumptions regarding 'personality' would merit.

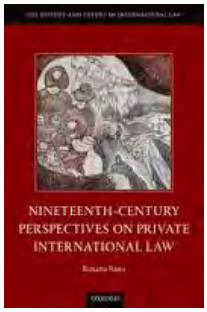
David Joseph Attard (IMO International Maritime Law Institute) has published The IMLI Treatise on Global Ocean Governance - Volume I: UN and Global Ocean Governance; Volume II: UN Specialized Agencies and Global Ocean Governance; Volume III: The IMO and Global Ocean Governance (Oxford Univ. Press 2018). Here's the abstract:

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) remains the cornerstone of global ocean governance. However, it lacks effective provisions or mechanisms to ensure that all ocean space and related problems are dealt with holistically. With seemingly no opportunity for revision due to the Conventions burdensome amendment provisions, complementary mechanisms dealing with such aspects of global ocean governance including maritime transport, fisheries, and marine environmental sustainability, have been developed under the aegis of the United Nations and other relevant international organizations. This approach is inherently fragmented and unable to achieve sustainable global ocean governance. In light of the Sustainable Development Goals (SDGs), particularly Goal 14, the IMLI Treatise proposes a new paradigm on the basis of integrated and cross-sectoral approach in order to realise a more effective and sustainable governance regime for the oceans.

Volume I focuses on the role of UN as the central intergovernmental organization responsible for global ocean governance. It examines the ocean governance challenges and how the present legal, policy, and institutional frameworks of the UN have addressed these challenges. It identifies the strengths and weaknesses of UN legal structures and offers tangible proposals to realize the ambition of a global ocean governance system.

Volume II focuses on the role of the UN Specialized Agencies towards the development of effective and sustainable ocean governance by looking at the more elaborate mechanisms they developed in order to achieve the desired objectives laid down in UNCLOS. From FAO to UNODC, the volume examines how they ensure sustainable development and how much coordination exists among them.

Volume III examines how the IMO, with 171 Member States and 3 Associated Members, has and continues to promote the goals of safe, secure, sound, and efficient shipping on clean oceans. It studies the interface and interaction between UNCLOS and IMO instruments and how IMOs safety, security, and environmental protection conventions have contributed to global ocean governance, including the peaceful order of the polar regions.

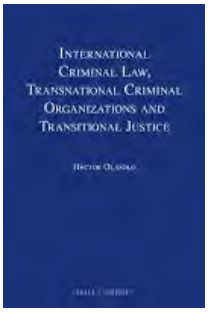


Roxana Banu (Western Law School) has published Nineteenth Century Perspectives on Private International Law (Oxford Univ. Press 2018). Here's the abstract:

Private International Law is often criticized for failing to curb private power in the transnational realm. The field appears disinterested or powerless in addressing global economic and social inequality. Scholars have frequently blamed this failure on the separation between private and public international law at the end of the nineteenth century and on private international law's increasing alignment with private law.

Through a contextual historical analysis, Roxana Banu questions these premises. By reviewing a broad range of scholarship from six jurisdictions (the United States, France, Germany, the United Kingdom, Italy, and the Netherlands) she shows that far from injecting an impetus for social justice, the alignment between private and public international law introduced much of private international law's formalism and neutrality. She also uncovers various nineteenth century private law theories that portrayed a social, relationally constituted image of the transnational agent, thus contesting both individualistic and state-centric premises for regulating cross-border inter-personal relations.

Overall, this study argues that the inherited shortcomings of contemporary private international law stem more from the incorporation of nineteenth century theories of sovereignty and state rights than from theoretical premises of private law. In turn, by reconsidering the relational premises of the nineteenth century private law perspectives discussed in this book, Banu contends that private international law could take centre stage in efforts to increase social and economic equality by fostering individual agency and social responsibility in the transnational realm.



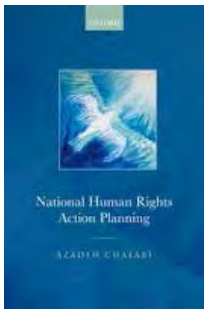
Héctor Olásolo (Universidad del Rosario - Law; Instituto Iberoamericano de La Haya) has published International Criminal Law, Transnational Criminal Organizations and Transitional Justice (Brill | Nijhoff 2018). Here's the abstract:

Parties negotiating the end of authoritarian regimes or armed conflicts are almost inevitably left in a situation of legal uncertainty. Despite their overlapping scope of application, the differences between the approaches of International Criminal Law (ICL) and Transitional Justice (TJ) are so profound that, unless dogmatisms are left aside and a process of dialogue is entered into, it will not be possible to harmonize the current legal regime of international crimes with the need to articulate transitional processes that are capable of effectively overcoming authoritarian regimes and armed conflicts. The serious material limitations shown by national, international and hybrid ICL enforcement mechanisms should be acknowledged and the goals pursued by ICL should be redefined accordingly. A minimum level of consensus on the scope of application, goals and elements of TJ should also be reached. Situations of systematic or large scale violence against the civilian population by transnational criminal organizations increase the challenge.

The Société Française pour le Droit International has published Le standard de due diligence et la responsabilité internationale : Journée d'étude franco-italienne du Mans (Pedone 2018). Contents include:

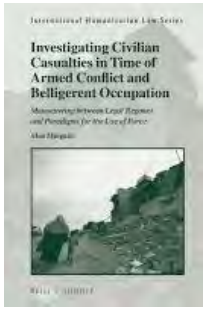
- Sarah Cassella, Les travaux de la Commission du droit international sur la responsabilité internationale et le standard de due diligence
- Yann Kerbrat, Le standard de due diligence, catalyseur d'obligations conventionnelles et coutumières pour les Etats
- Serena Forlati, L'objet des différentes obligations primaires de diligence : prévention, cessation, répression… ?
- Karine Bannelier, Le standard de due diligence et la cyber-sécurité
- Arnaud de Nanteuil, Due diligence et investissements étrangers
- Helene Raspail, Due diligence et droits de l'homme
- Gabriella Venturini, Les obligations de diligence dans le droit international humanitaire

- Sandrine Maljean-Dubois, Les obligations de diligence dans la pratique : la protection de l'environnement
- Ida Caracciolo, Due diligence et droit de la mer
- Evelyne Lagrange, La responsabilité des organisations internationales pour violation d'une obligation de diligence
- Paolo Palchetti, La violation par l'Union européenne d'une obligation de diligence
- Pasquale de Sena, La « due diligence » et le lien entre le sujet et le risque qu'il faut prévenir : quelques observations
- Pierre d'Argent & Alexia de Vaucleroy, Le contenu de l'omission illicite : la non utilisation de moyens raisonnables
- Patrick Jacob, Le contenu de la responsabilité de l'Etat négligent
- Massimo Starita, Négligence illicite et responsabilités multiples : partage ou cumul de responsabilités ?
- Riccardo Pisillo Mazzeschi, Le chemin étrange de la due diligence : d'un concept mystérieux à un concept surévalué.



Azadeh Chalabi (Ulster Univ. - Law) has published National Human Rights Action Planning (Oxford Univ. Press 2018). Here's the abstract:

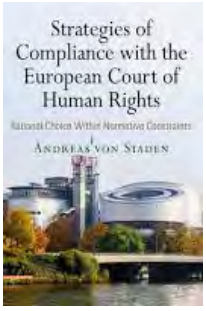
This book deals with human rights action planning, as a largely under-researched area, from theoretical, doctrinal, empirical, and practical perspectives, and as such, provides the most comprehensive studies of human rights planning to date. At the theoretical level, by advancing a novel general theory of human rights planning, it offers an alternative to the traditional state-centric model of planning. This new theory contains four sub-theories: contextual, substantive, procedural, and analytical ones. At the doctrinal level, by conducting a textual analysis of core human rights conventions, it reveals the scope and nature of the states' obligation to adopt a plan of action for implementing human rights. At the empirical level, a cross-case analysis of national human rights action plans of 53 countries is conducted exploring the major problems of these plans in different phases of planning and uncovering the underlying causes of these problems. At the practical level, this volume sets out how these plans should be developed and implemented, how they can be best monitored by international human rights bodies, and how to maximize their effectiveness.



Alon Margalit has published Investigating Civilian Casualties in Time of Armed Conflict and Belligerent Occupation: Manoeuvring between Legal Regimes and Paradigms for the Use of Force (Brill | Nijhoff 2018). Here's the abstract:

In *Investigating Civilian Casualties in Time of Armed Conflict and Belligerent Occupation* Alon Margalit discusses the appropriate State response to civilian casualties caused by its armed forces. Various legal and practical challenges, arising when investigating the fatal consequences of the use of force, are examined through the practice of the US, the UK, Canada and Israel during military operations in Afghanistan, Iraq, Somalia and the occupied Palestinian territory. Alon Margalit considers this topical and sensitive issue within a broader context, namely the public scrutiny of State behaviour and influence of human rights law during armed conflict. The debate over the scope

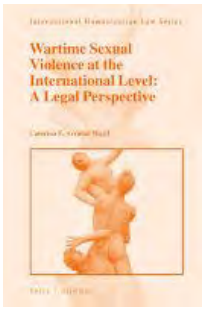
of the duty to investigate reflects competing approaches looking to (re)shape the balance between military necessity and humanitarian considerations.



Andreas von Staden (Univ. of Hamburg - Political Science) has published Strategies of Compliance with the European Court of Human Rights: Rational Choice Within Normative Constraints (Univ. of Pennsylvania Press 2018). Here's the abstract:

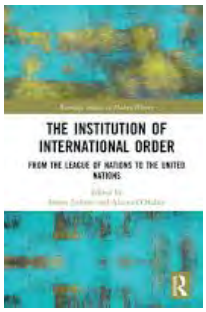
In *Strategies of Compliance with the European Court of Human Rights*, Andreas von Staden looks at the nature of human rights challenges in two enduring liberal democracies—Germany and the United Kingdom. Employing an ambitious data set that covers the compliance status of all European Court of Human Rights judgments rendered until 2015, von Staden presents a cross-national overview of compliance that illustrates a strong correlation between the quality of a country's democracy and the rate at which judgments have met compliance. Tracing the impact of violations in Germany and the United Kingdom specifically, he details how governments, legislators, and domestic judges responded to the court's demands for either financial compensation or changes to laws, policies, and practices.

Framing his analysis in the context of the long-standing international relations debate between rationalists who argue that actions are dictated by an actor's preferences and cost-benefit calculations, and constructivists, who emphasize the influence of norms on behavior, von Staden argues that the question of *whether*to comply with a judgment needs to be analyzed separately from the question of *how* to comply. According to von Staden, constructivist reasoning best explains why Germany and the United Kingdom are motivated to comply with the European Court of Human Rights judgments, while rationalist reasoning in most cases accounts for how these countries bring their laws, policies, and practices into sufficient compliance for their cases to be closed. When complying with adverse decisions while also exploiting all available options to minimize their domestic impact, liberal democracies are thus both norm-abiding and rational-instrumentalist at the same time—in other words, they choose their compliance strategies rationally within the normative constraint of having to comply with the Court's judgments.



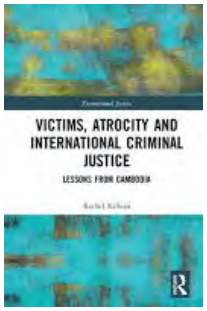
Caterina E. Arrabal Ward has published Wartime Sexual Violence at the International Level: A Legal Perspective (Brill | Nijhoff 2018). Here's the abstract:

In *Wartime Sexual Violence at the International Level: A Legal Perspective*Dr. Caterina E. Arrabal Ward discusses the understanding of wartime sexual violence by the international tribunals and argues that wartime sexual violence often takes place without the explicit purpose to destroy a community or population and is not necessarily a strategic choice. This research suggests that a more focused approach based on a much clearer definition of these crimes would help to remedy deficiencies at the different stages of international justice in relation to these crimes.



Simon Jackson (Univ. of Birmingham - History) & Alanna O'Malley (Leiden Univ. - History and International Relations) have published The Institution of International Order: From the League of Nations to the United Nations (Routledge 2018). Contents include:

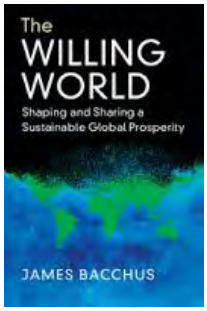
- Susan Pedersen, Foreword: From the League of Nations to the United Nations.
- Simon Jackson & Alanna O'Malley, Introduction: Rocking on its Hinges? The League of Nations, the United Nations and the New History of Internationalism in the Twentieth Century.
- Andrew Arsan, 'He Tampers with the Source of Life itself who Tampers with Freedom': Personhood, the State, and the International Community in the Thought of Charles Malik.
- José Antonio Sánchez Román, From the Tigris to the Amazon: Peripheral Expertise, Impossible Cooperation and Economic Multilateralism at the League of Nations, 1920-1946.
- Mats Ingulstad & Lucas Lixinski, Pan-American Exceptionalism: Regional International Law as a Challenge to International Institutions.
- Nathan A. Kurz, Jewish Memory and the Human Right to Petition, 1933-1953.
- Florian Hannig, The 1971 East Pakistan Crisis and the Origins of the UN's Engagement with Humanitarian Aid.
- Nova Robinson, "Women's point of view was apt to be forgotten": The Liaison Committee of International Women's Organizations' Campaign for an International Women's Convention, 1920-1953.
- Sarah Shields, The League of Nations and the Transformation of Representation: Sectarianism, Consociationalism, and the Middle East.
- Konrad M. Lawson, Reimagining the Postwar International Order: The World Federalism of Ozaki Yukio and Kagawa Toyohiko.
- Miguel Bandeira Jerónimo & José Pedro Monteiro, Internationalism and Empire: The Question of Native Labour in the Portuguese Empire (19291962).
- Ryan Irwin, Epilogue.



Rachel Killean (Queen's Univ. Belfast - Law) has published Victims, Atrocity and International Criminal Justice: Lessons from Cambodia (Routledge 2018). Here's the abstract:

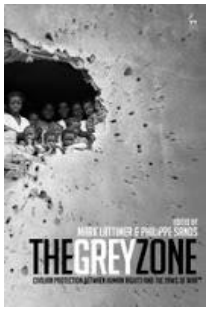
While international criminal courts have often been declared as bringing 'justice' to victims, their procedures and outcomes historically showed little reflection of the needs and interests of victims themselves. This situation has changed significantly over the last sixty years; victims are increasingly acknowledged as having various 'rights', while their need for justice has been deployed as a means of justifying the establishment of international criminal courts. However, it is arguable that the goals of political and legal elites continue to be given precedence, and the ability of courts to deliver 'justice to victims' remains contested. This book contributes to this important debate through an examination of the role of victims as civil parties within the Extraordinary Chambers in the Courts of Cambodia. Drawing on a series of interviews with civil parties, court practitioners and civil society actors, the book

explores the way in which both the ECCC and the role of victims within it are shaped by specific political, economic and legal contexts; examining the 'gap' between the legitimising value of the 'imagined victim', and the extent to which victims are able to further their interests within the courtroom.



James Bacchus (Univ. of Central Florida; formerly, Appellate Body, World Trade Organization) has published The Willing World: Shaping and Sharing a Sustainable Global Prosperity (Cambridge Univ. Press 2018). Here's the abstract:

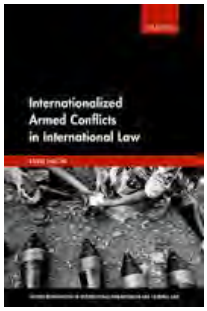
In this time of unwillingness, the right kinds of global solutions are needed now more than ever. Climate change is here and intensifying. Anxieties over economic globalization grip many in the fear of change. While these fearful have turned inward into unwillingness, the world's willing are working harder than ever for international and other cooperative solutions. James Bacchus explains why most of the solutions we need must be found in local and regional partnerships of the willing that can be scaled up and linked up worldwide. This can only be achieved within new and enhanced enabling frameworks of global and other international rules that are upheld through the international rule of law. To succeed, these rules and frameworks must for the first time see and treat economy and environment as one. The Willing World explains how best we can build the right legal structure to attain our global goals - and summon and inspire the willingness needed to do it.



Mark Lattimer (Ceasefire Centre for Civilian Rights) & Philippe Sands (Univ. College London - Law) have published The Grey Zone: Civilian Protection Between Human Rights and the Laws of War (Hart Publishing 2018). Contents include:

- Emily Crawford, Who Is a Civilian? Membership of Opposition Groups and Direct Participation in Hostilities
- Mark Lattimer, The Duty in International Law to Investigate Civilian Deaths in Armed Conflict
- Amichai Cohen, Protection by Process: Implementing the Principle of Proportionality in Contemporary Armed Conflicts
- Stuart Casey-Maslen, Regulating Armed Drones and Other Emerging Weapons Technologies
- Pavle Kilibarda & Gloria Gaggioli, The Globalisation of Non-International Armed Conflicts
- Françoise J Hampson, Administrative Detention in Non-International Armed Conflicts
- Lois Moore & Christine Chinkin, The Crime of Rape in Military and Civilian Jurisdictions
- Carla Ferstman, The Right to Reparation for Victims of Armed Conflict
- Sharon Weill, Arguing International Humanitarian Law Standards in National Courts-A Spectrum of Expectations
- Bill Bowring, The Death of Lex Specialis? Regional Human Rights Mechanisms and the Protection of Civilians in Armed Conflict
- Cedric Ryngaert, Extraterritorial Obligations under Human Rights Law
- Liesbeth Zegveld, What Duties Do Peacekeepers Owe Civilians? Lessons from the Nuhanovic Case

- Blinne Ní Ghrálaigh, Civilian Protection and the Arms Trade Treaty
- Valentin Zellweger & François Voeffray, A Path Towards Greater Respect for International Humanitarian Law
- Jennifer M Welsh, The Responsibility to Protect and Non-State Armed Groups
- Carrie McDougall, Protecting Civilians by Criminalising the Most Serious Forms of the Illegal Use of Force: Activating the International Criminal Court's Jurisdiction over the Crime of Aggression
- Leila Nadya Sadat, Elements and Innovations in a New Global Treaty on Crimes Against Humanity



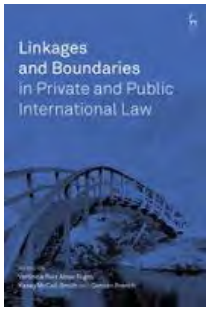
Kubo Macak (Univ. of Exeter - Law) has published Internationalized Armed Conflicts in International Law (Oxford Univ. Press 2018). Here's the abstract:

This book provides the first comprehensive analysis of factors that transform a prima facie non-international armed conflict (NIAC) into an international armed conflict (IAC) and the consequences that follow from this process of internationalization. It examines in detail the historical development as well as the current state of the relevant rules of international humanitarian law. The discussion is grounded in general international law, complemented with abundant references to case law, and illustrated by examples from twentieth and twenty-first century armed conflicts.

In Part I, the book puts forward a thorough catalogue of modalities of conflict internationalization that includes outside intervention, State dissolution, and recognition of belligerency. It then specifically considers the legal qualification of complex situations that feature more than two conflict parties and contrasts the mechanism of internationalization of armed conflicts with the reverse process of de-internationalization.

Part II of the book challenges the conventional wisdom that members of non-State armed groups do not normally benefit from combatant status. It argues that the majority of fighters belonging to non-State armed groups in most types of internationalized armed conflicts are in fact eligible for combatant status.

Finally, Part III turns to belligerent occupation, traditionally understood as a leading example of a notion that cannot be transposed to armed conflicts occurring in the territory of a single State. By contrast, the book argues in favour of the applicability of the law of belligerent occupation to internationalized armed conflicts.



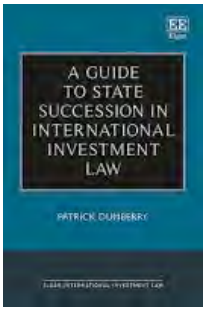
Veronica Ruiz Abou-Nigm (Univ. of Edinburgh - Law), Kasey McCall-Smith (Univ. of Edinburgh - Law), & Duncan French (Univ. of Lincoln - Law) have published Linkages and Boundaries in Private and Public International Law (Hart Publishing 2018). Contents include:

- Verónica Ruiz Abou-Nigm, Kasey McCall-Smith & Duncan French, Introduction: Systemic Dialogue: Identifying Commonalities and Exploring Linkages in Private and Public International Law
- Alex Mills, Connecting Public and Private International Law
- Jean d'Aspremont & Francesco Giglio, Windows in International Law

- Kirsty J Hood, 'International' Rules in an Internal Setting
- Duncan French & Verónica Ruiz Abou-Nigm, Jurisdiction: Betwixt Unilateralism and Global Coordination
- Richard Collins & María Mercedes Albornoz, On the Dwindling Divide between the Public and Private: The Role of Soft Law Instruments in Global Governance
- María Blanca Noodt Taquela & Ana María Daza-Clark, The Role of Global Values in the Evaluation of Public Policy in International Investment and Commercial Arbitration
- Kasey McCall-Smith & Andreas Rühmkorf, Reconciling Human Rights and Supply Chain Management through Corporate Social Responsibility
- Elisa Morgera & Lorna Gillies, Realising the Objectives of Public International Environmental Law through Private Contracts: The Need for a Dialogue with Private International Law Scholars
- Sharon E Foster, International Investment Arbitration and the Arduous Route to Transparency
- Dimitrios Kagiaros & Amanda Wyper, Protecting Whistleblowers: The Roles of Public and Private International Law

Dan Zhu (Fudan Univ. - Law) has published China and the International Criminal Court(Palgrave 2018). Here's the abstract:

This book focuses on the evolving relationship between China and the International Criminal Court (ICC). It examines the substantive issues that have restricted China's engagement with the ICC to date, and provides a comprehensive assessment of whether these Chinese concerns still constitute a significant impediment to China's accession to the ICC in the years to come. The book places the China-ICC relationship within the wider context of China's interactions with international judicial bodies, and uses the ICC as an example to reflect China's engagement with international institutions and global governance in general. It seeks to offer a thought-provoking resource to international law and international relations scholars, legal practitioners, government legal advisers, and policy-makers about the nature, scope, and consequences of the relationship between China and the ICC, as well as its impact on both global governance and order. This book is the first of its kind to explore China's engagement with the ICC primarily from a legal perspective.



Patrick Dumberry (Univ. of Ottawa - Law) has published A Guide to State Succession in International Investment Law (Edward Elgar Publishing 2018). Here's the abstract:

A Guide to State Succession in International Investment Law provides a comprehensive analysis of State succession issues arising in the context of international investment law. The author examines whether a successor State is bound by the investment treaties and State contracts which the predecessor State had signed with other States and foreign investors before the date of succession. Actors who are called upon to apply rules of State succession in investment arbitration cases will find this book a valuable source of practical guidance with strong theoretical foundations.

Vesna Lazić (Univ. of Rijeka - Law) & Steven Stuij (Erasmus Univ. Rotterdam - Law) have published International Dispute Resolution - Selected Issues in International Litigation and Arbitration - Short Studies in Private International Law (Asser Press 2018). Contents include:

- Janek Tomasz Nowak, Considerations on the Impact of EU Law on National Civil Procedure: Recent Examples from Belgium
- Ton Jongbloed, The Internationalisation of Procedural Law: The Law on Execution and Attachment Orders
- Elsemiek Apers, Harmonisation of Conflict of Law Rules in the US? The Example of Recognition and Enforcement of Foreign Money Judgments
- Junmin Zhang, The Harmonisation of Interim Measures Granted by the Emergency Arbitrator in the European Union
- Chunlei Zhao, Resolving Foreign Direct Investment-Related Disputes in China's Legal System: What to Expect and How to Understand?

Patrick William Kelly (Northwestern Univ. - Buffett Institute for Global Studies) has published Sovereign Emergencies: Latin America and the Making of Global Human Rights Politics (Cambridge Univ. Press 2018). Here's the abstract:

The concern over rising state violence, above all in Latin America, triggered an unprecedented turn to a global politics of human rights in the 1970s. Patrick William Kelly argues that Latin America played the most pivotal role in these sweeping changes, for it was both the target of human rights advocacy and the site of a series of significant developments for regional and global human rights politics. Drawing on case studies of Brazil, Chile, and Argentina, Kelly examines the crystallization of new understandings of sovereignty and social activism based on individual human rights. Activists and politicians articulated a new practice of human rights that blurred the borders of the nation-state to endow an individual with a set of rights protected by international law. Yet the rights revolution came at a cost: the Marxist critique of US imperialism and global capitalism was slowly supplanted by the minimalist plea not to be tortured.

Jean-Pierre Rosenczveig has published La convention de l'ONU relative aux droits de l'enfant du 20 novembre 1989 : 100 questions-réponses (L'Harmattan 2018). Here's the abstract:

L'enfant - le mineur - est souvent présenté comme source de risques. Mais a-t-il des droits ? Peut-il engager sa responsabilité civile, pénale, disciplinaire ? Peut-il s'exprimer et porter plainte ? Que savons-nous du statut fait aux enfants en France et que savent-ils de leurs droits ? Ce jeu de questions-réponses entend répondre aux principales interrogations sur le statut des enfants de France.

Peggy Wittke (Freie Universität Berlin) has published The Bush Doctrine Revisited: Eine Untersuchung der Auswirkungen der Bush-Doktrin auf das geltende Völkerrecht (Nomos 2018). Here's the abstract:

Die Bush-Doktrin war seit ihrer Veröffentlichung als US-amerikanische Sicherheitsstrategie nach dem 11. September 2001 völkerrechtlich umstritten. Mehr als ein Jahrzehnt später geht diese Arbeit der Frage nach, ob die Bush-Doktrin zu einem Wandel des Völkerrechts geführt hat. Einzelne Elemente der Bush-Doktrin – wie ihr Anspruch auf präemptive Selbstverteidigung und neue Zurechnungskriterien bei Gewaltausübungen von privaten Akteuren – gehörten nicht zum damals geltenden Völkerrecht. Bei ihrer Untersuchung der Staatenpraxis vor und nach dem 11. September 2001 weist die Autorin auch nach, dass die Bush-Doktrin nicht als „Erfindung" der Bush-Administration gelten kann, sondern dass auch andere US-Administrationen und weitere Staaten ähnliche Argumente verwendet haben.

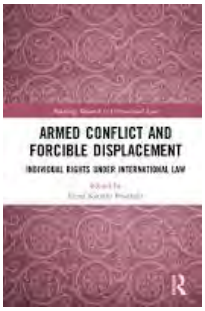
The Bush Doctrine has been highly contested in international law ever since it was implemented as the US's National Security Strategy after 11th September, 2001. More than a decade later, this book explores whether the Bush Doctrine has led to a change in international law. Certain elements of the Bush Doctrine, like its claim to both pre-emptive self-defence and self-defence against states who harbour terrorists, stretch far beyond the traditional scope of the right to self-defence. Moreover, examining state practice before and after 9/11, the author comes to the conclusion that the Bush Doctrine is not an 'invention' of the Bush administration, as other US administrations and states have used the same arguments.

Cindy Wittke (Leibniz Institute for East and Southeast European Studies) has published Law in the Twilight: International Courts and Tribunals, the Security Council and the Internationalisation of Peace Agreements between State and Non-State Parties(Cambridge Univ. Press 2018). Here's the abstract:

An informative book focusing on the internationalisation and legalisation of peace agreements to settle intra-state conflicts between state and non-state parties. Cindy Wittke focuses on two key issues: how international courts and tribunals deal with peace agreements; and what implications the United Nations Security Council's involvement in the negotiation and implementation of peace agreements has for the agreements' legal nature, the status of the non-state parties to agreements and the interpretation of peace agreements. Wittke argues that the processes of negotiating and implementing peace agreements between state and non-state parties create new spheres, spaces and forms of post-conflict law making and law enforcement. For example, contemporary peace agreements can simultaneously take the form and function of internationalised transitional constitutions and agreements governed by international law. The resulting characteristics of contemporary peace agreement lead to permanent ambiguities shaping their interpretation and enforcement.

Daniel Moeckli (Univ. of Zurich - Law), Helen Keller (Univ. of Zurich - Law), & Corina Heri (Univ. of Amsterdam - Law) have published The Human Rights Covenants at 50: Their Past, Present, and Future (Oxford Univ. Press 2018). Contents include:

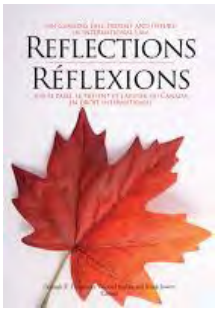
- Helen Keller & Daniel Moeckli, Introduction
- Maya Hertig Randall, The History of the Covenants: Looking Back Half a Century and Beyond
- Gerald Neuman, Giving Meaning and Effect to Human Rights: The Contributions of Human Rights Committee Members
- Daniel Moeckli, Interpretation of the ICESCR: Between Morality and State Consent
- Patrick Mutzenberg, The Role of NGOs in the Implementation of the Covenants
- Manisuli Ssenyonjo, Influence of the ICESCR in Africa
- Basak Çali, Influence of the ICCPR in the Middle East
- Mónica Pinto & Martin Sigal, Influence of the ICESCR in the Americas
- Yogesh Tyagi, Influence of the ICCPR in Asia
- Amrei Müller, Influence of the ICESCR in Europe
- Samantha Besson, The Influence of the Two Covenants on States Parties Across Regions: Lessons for the Role of Comparative Law and of Regions in International Human Rights Law
- Stephen Humphreys, The Covenants in the Light of Anthropogenic Climate Change
- Christine Kaufmann, The Covenants and Financial Crises
- Felice Gaer, The Institutional Future of the Covenants: A World Court for Human Rights?



Elena Katselli Proukaki (Newcastle Univ. - Law) has published Armed Conflict and Forcible Displacement: Individual Rights under International Law (Routledge 2018). Access to the book is free for the next sixty days here. Contents include:

- Elena Katselli Proukaki, The Right Not to Be Displaced by Armed Conflict under International Law
- Elena Katselli Proukaki, The Right to Return Home and the Right to Property Restitution under International Law
- Vassilis Tzevelekos, Reparation of the Rights to Property and Home of Displaced Persons Arising from Armed Conflict under the European Convention on Human Rights: Falling Short of the Exigencies of International Law and the Humanistic Purpose of Human Rights?
- Eleni Meleagrou & Costas Paraskeva, The Right to Respect of Home and Enjoyment of Property for Cypriot IDPS: The Developing Jurisprudence of the EctHR
- Nicolás Carrillo-Santarelli, Inter-American and Colombian Developments and Contributions on the Protection of Persecuted Internally Displaced Persons
- Rhona Smith, Ratana Ly & Chantevy Khourn, Forced displacement, dispossession and property: Cambodia

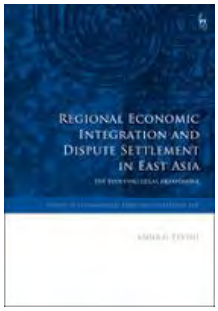
- Yasmine Nahlawi, Forcible Displacement as a weapon of war in the Syrian conflict: Lessons and developments
- Matthew Gillett, Collective Dislocation: crimes of displacement, property-deprivation and discrimination under international criminal law.



Oonagh E. Fitzgerald (Centre for International Governance Innovation), Valerie Hughes (Queen's Univ. - Law), & Mark Jewett (Centre for International Governance Innovation) have published Reflections on Canada's Past, Present and Future in International Law / Réflexions sur le passé, le présent et l'avenir du Canada en matière de droit international (CIGI Press 2018). Contents include:

- L. Yves Fortier, Foreword
- Oonagh E. Fitzgerald, Valerie Hughes & Mark Jewett, Introduction: Canada, International Law and the Public Good
- Part I: The History and Practice of International Law
  - *The Making of International Treaties and Implementation into Domestic Law*
  - Oonagh E. Fitzgerald, Introduction
  - Gib van Ert, The Reception of International Law in Canada: Three Ways We Might Go Wrong
  - Armand de Mestral & Hugo Cyr, Le rôle du Parlement dans la négociation et l'adoption des traités
  - Gary Luton, A Historical Survey of Canadian International Treaty Diplomacy
  - Charles-Emmanuel Côté, Le Canada et la capacité des entités infra-étatiques de conclure des traités
  - *Honouring International Treaties with Indigenous Peoples*
  - John Borrows, Introduction
  - Brenda Gunn, Exploring the International Character of Treaties 1-11 and the Legal Consequences
  - Joshua Nichols, Sui Generis Sovereignties: The Relationship between Treaty Interpretation and Canadian Sovereignty
  - Rob Hamilton, Indigenous Legal Traditions and Histories of International and Transnational Law in the Pre-Confederation Maritime Provinces
  - Ryan Beaton, The Crown Fiduciary Duty at the Supreme Court of Canada: Reaching across Nations, or Held within the Grip of the Crown?
- Part II: International Law, Governance and Innovation
  - *International Economic Law*
  - Johnathan Fried, Introduction
  - Richard Ouellet, Le rôle du Canada dans l'évolution institutionnelle et substantive du système GATT/OMC
  - Valerie Hughes, Canada: A Key Player in WTO Dispute Settlement

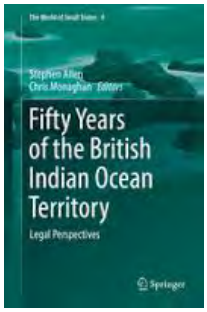
  - Allison Christians, Taxing Transnationals: Canada and the World
  - Brian Arnold, Canada's International Tax System: Historical Review, Problems and Outlook for the Future
  - Bernard Colas, Le Canada et le droit international privé en matière commerciale
  - *International Environmental Law*
  - Jutta Brunnée, Introduction
  - Silvia Maciunas & Géraud de Lassus Saint-Geniès, The Evolution of Canada's International and Domestic Climate Policy: From Divergence to Consistency?
  - Anne Daniel, Canadian Contributions to International Environmental Law on Chemicals and Wastes
  - Dean Sherratt & Marcus Davies, Going with the Flow: Sovereignty, Cooperation and Governance of US-Canada Transboundary and Boundary Waters
  - Suzanne Lalonde, Canada's Influence on the Law of the Sea
  - *Intellectual Property Law*
  - Jeremy de Beer, Introduction
  - Howard Knopf, Canada's Role in the Relationship of Trade and Intellectual Property
  - Ton Zuijdwijk, The Integration of the Rules of International Intellectual Property Law into the Body of International Trade Law
- Part III: International Human Rights and Humanitarian Law
  - Oonagh E. Fitzgerald, Introduction
  - Stéphane Beaulac, La mise en oeuvre judiciaire des obligations internationales du Canada en matière de droits humains : Obstacles et embûches
  - Adelle Blackett, "This is Hallowed Ground": International Labour Law and Canada at 150
  - Valerie Oosterveld, Canada and the Development of International Criminal Law: What Role for the Future?
  - Fannie Lafontaine, Criminels de guerre au Canada? La valse-hésitation historique entre poursuites et expulsions
  - René Provost, Enfants-soldats en droit international humanitaire : civils ou combattants? Expériences et réflexions canadiennes
- Part IV: New Challenges in International Law
  - Oonagh E. Fitzgerald, Mark Jewett & Valerie Hughes, Conclusion: Looking Ahead



Anna G Tevini (Shearman & Sterling LLP) has published Regional Economic Integration and Dispute Settlement in East Asia: The Evolving Legal Framework (Hart Publishing 2018). Here's the abstract:

The accession of the People's Republic of China to the World Trade Organization (WTO) in 2001 significantly transformed the global economy both de facto and de jure. At the regional level, China's WTO accession served as an important catalyst for the establishment of Regional Trade Agreements (RTAs) in East Asia. This was a novel development for the region, since East Asian States had previously followed a largely informal, market-driven approach to regional economic integration. By contrast, rules-based economic integration involving East Asian States was traditionally limited to multilateral integration under the GATT/WTO framework.

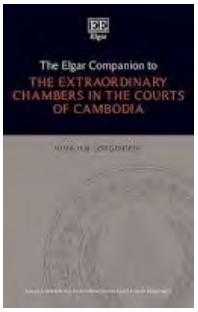
This book systematically analyses and explains the development, nature and challenges of rules-based regional economic integration in East Asia with particular attention to the region's first four RTAs. While also addressing the socio-economic, historical and political factors influencing the development of RTAs in East Asia, the book focuses on the legal institutions governing economic integration in the Association of Southeast Asian Nations (ASEAN), as well as under the ASEAN–China Comprehensive Economic Co-Operation Agreement (ACFTA), the Japan–Singapore New Age Economic Partnership Agreement (JSEPA), and the Mainland China–Hong Kong Closer Economic Partnership Arrangement (CEPA). The book provides a systematic, comparative account of the scope, depth and (hard law versus soft law) quality of rules-based economic integration achieved under these four RTAs in the areas of trade in goods and services, investment liberalisation and protection, labour movement, and dispute settlement.



Stephen Allen (Queen Mary, Univ. of London – Law) & Chris Monaghan (Worcester Univ. – Law) have published Fifty Years of the British Indian Ocean Territory: Legal Perspectives(Springer 2018). Contents include:

- Stephen Allen & Chris Monaghan, Introduction
- Stuart Lakin, Justifying Bancoult (No 2): Why Justice Hercules Must Sometimes Disappoint Us
- Adam Tomkins, Environmental Protection v the Right of Abode: A Case Study in the Misuse of Power
- Richard Gifford, How Public Law has not been able to provide the Chagossians with a Remedy
- T.T. Arvind, The Subject as a Civic Ghost: Law, Dominion, and Empire in the Chagos Litigation
- Chris Monaghan, An Imperfect Legacy: The Significance of the Bancoult litigation on the Development of Domestic Constitutional Jurisprudence
- Colin Murray & Tom Frost, The Chagossians' Struggle and the Last Bastions of Imperial Constitutionalism
- Ralph Wilde, Anachronistic as colonial remnants may be...' Locating the Rights of the Chagos Islanders as a Case Study of the Operation of Human Rights Law in Colonial Territories
- Thomas D. Grant, The Once and Future King: Sovereignty over Territory and the Annex VII Tribunal's Award in Mauritius v. United Kingdom

- Stephen Allen, The Operation of Estoppel in International Law and the Function of the Lancaster House Undertakings in the Chagos Arbitration Award
- David M. Ong, Implications of the Chagos Marine Protected Area Arbitral Tribunal Award for the Balance between Natural Environmental Protection and Traditional Maritime Freedoms
- Sue Farran, Learning from Chagos, Lessons for Pitcairn?
- Amy Schwebel, 'International Law and Indigenous Peoples' Rights: What Next for the Chagossians?
- David Snoxell, The Politics of Chagos: Part Played by Parliament and the Courts Towards Resolving the Chagos Tragedy.



Nina H.B. Jørgensen (Chinese Univ. of Hong Kong - Law) has published The Elgar Companion to the Extraordinary Chambers in the Courts of Cambodia (Edward Elgar Publishing 2018). Here's the abstract:

This Companion is a one-stop reference resource on the Phnom Penh based 'Khmer Rouge tribunal'. It serves as an introduction to the Extraordinary Chambers in the Courts of Cambodia, while also exploring some of the Court's practical and jurisprudential challenges and outcomes. Written by Nina Jørgensen, who has worked as senior adviser in the tribunal's Pre-Trial and Supreme Court Chambers, the Companion offers both direct insights and academic analysis organized around six themes: legality, structure, proceedings, jurisprudence, legitimacy and legacy. This comprehensive Companion will provide a platform for interested sectors of domestic and international society, to assess the value of the Extraordinary Chambers, both during the tribunal's lifespan and after it has closed its doors.

Lilian Chenwi & Takele Soboka Bulto have published Extraterritorial Human Rights Obligations from an African Perspective(Intersentia 2018). Here's the abstract:

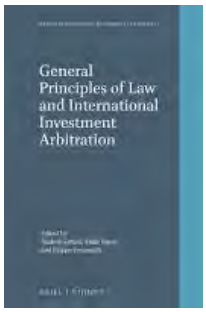
Extraterritorial Human Rights Obligations from An African Perspective addresses the often neglected question of whether African regional human rights instruments impose extraterritorial obligations on State parties, and if so, the extent and scope of these obligations.

The prevalence of extraterritorial violations of human and peoples' rights in the African system, due to the actions or omissions of African as well as non-African states, has not gone unnoticed. Strengthening extraterritorial obligations in Africa is an urgent necessity to ensure a rights-based African regional order that seeks to address, among other issues, challenges stemming from globalisation, accountability for human rights violations in Africa where a third state or entity (as well as an intergovernmental organisation) is involved, and to ensure respect and protection of the human rights of future generations. With the increasing quasi-judicial and judicial scrutiny of the extraterritorial reach of human rights and states' duties, at both international and regional levels, including from the African Commission, the African region is ripe for extraterritorial analysis.

Fernando Arlettaz has published Les groupes religieux, objet du droit international(Universitaires d'Aix-Marseille 2018). Here's the abstract:

Au milieu du XXe siècle, le paradigme de la sécularisation annonçait, sinon la disparition totale, au moins la perte de toute influence du religieux sur le politique. Quelques décennies après, un brusque virement de la perception dominante s'était produit. Le (re)surgissement des fondamentalismes dans les principaux courants religieux de la planète demandait alors une révision de la réconfortante vision d'un monde libre de virulences religieuses et marchant droitement vers un avenir de progrès. Le paradigme du choc des civilisations s'est donc substitué à celui de la sécularisation.

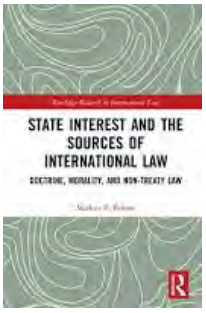
Scrutant de manière critique ces deux paradigmes, cet ouvrage propose une analyse de la place des groupes religieux en droit international. De la liberté collective de religion aux persécutions religieuses, et de la protection des groupes religieux minoritaires à la poursuite pénale des responsables des crimes contre ces groupes, les différentes formes d'encastrement du religieux à l'intérieur du discours juridique international sont abordées. L'ouvrage met en exergue les subtils compromis politiques sous-jacents à la construction de ce discours, les formes juridiques n'étant qu'une des manifestations d'un équilibre toujours instable entre le religieux et le séculier.



Andrea Gattini (Univ. of Padua - Law), Attila Tanzi (Univ. of Bologna - Law), & Filippo Fontanelli (Univ. of Edinburgh - Law) have published General Principles of Law and International Investment Arbitration (Brill | Nijhoff 2018). Contents include:

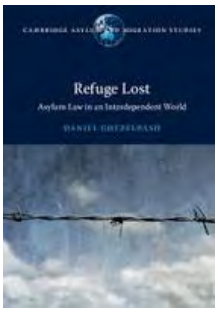
- Andrea Gattini, Attila Tanzi & Filippo Fontanelli, Under the Hood of Investment Arbitration: General Principles of Law
- Federico Lenci, General Principles of Law on the Legal Force of Provisional Measures in International Investment Arbitration
- Maria Beatrice Deli, Transparency in the Arbitral Procedure
- Zeno Crespi Reghizzi, General Rules and Principles on State Responsibility and Damages in Investment Arbitration: Some Critical Issues
- Francesco Munari & Chiara Cellerino, Investment Arbitration and EU General Principles of Law: Current Developments
- Andrea Gattini, Jurisdiction ratione temporis in International Investment Arbitration
- August Reinisch, Jurisdiction and Admissibility in International Investment Law
- Christoph Schreuer, Multiple Proceedings
- Piero Bernardini, Annulment of Awards
- Attila Tanzi, The Relevance of the Foreign Investor's Good Faith
- Vivian Kube & E.U. Petersmann, Human Rights Law in International Investment Arbitration
- Christina Binder, Unjust Enrichment as a General Principle of Law in Investment Arbitration
- Pia Acconci, Sustainable Development and Investment: Trends in Law-Making and Arbitration
- Catharine Titi, Police Powers Doctrine and International Investment Law

- Josef Ostřanský, An Exercise in Equivocation: A Critique of Legitimate Expectations as a General Principle of Law under the Fair and Equitable Treatment Standard
- Matteo Sarzo, The National Treatment Obligation
- N. Jansen Calamita & Ewa Zelazna, Most-Favoured-Nation Clauses and the Centrality and Limits of General Principles
- Ursula Kriebaum, Indirect Expropriation: A Comparative Approach.



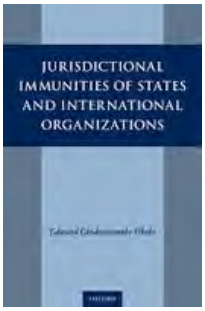
Markus P. Beham (Univ. of Passau - Law) has published State Interest and the Sources of International Law: Doctrine, Morality, and Non-Treaty Law (Routledge 2018). Here's the abstract:

This book addresses the disparity between positive non-treaty law and its scholarly assessment in the area of moral concepts, understood as altruistic as opposed to reciprocal legal obligations. It shows how scholars are generously willing to assert the existence of a rule of international law, thereby moving further away from actual state practice, not taking into account the factors of legal rhetoric and the core survival interests of the state in the formation of custom and general principles of law. The main argument is that such moral concepts can simply not manifest themselves as non-treaty sources of international law from a dogmatic perspective. The reason is the inherent connection between the formation of the non-treaty sources of international law and state interest that makes it difficult, if not impossible, to assess state practice or opinio juris in the case of altruistic obligations. The book further demonstrates this finding by looking at two cases in point: Human rights and humanitarian exceptions to the prohibition of force. As opposed to the majority of existing works on the subject, *State Interest and the Sources of International Law* takes a bigger-picture approach to a number of distinct problems in international law scholarship by looking at the building blocks of international relations on the one hand, and merging this with sources doctrine on the other.



Daniel Ghezelbash (Macquarie Univ. - Law) has published Refuge Lost: Asylum Law in an Interdependent World (Cambridge Univ. Press 2018). Here's the abstract:

As Europe deals with a so-called 'refugee crisis', Australia's harsh border control policies have been suggested as a possible model for Europe to copy. Key measures of this system such as long-term mandatory detention, intercepting and turning boats around at sea, and the extraterritorial processing of asylum claims were actually used in the United States long before they were adopted in Australia. The book examines the process through which these policies spread between the United States and Australia and the way the courts in each jurisdiction have dealt with the measures. Daniel Ghezelbash's innovative interdisciplinary analysis shows how policies and practices that 'work' in one country might not work in another. This timely book is a must-read for those interested in preserving the institution of asylum in a volatile international and domestic political climate.



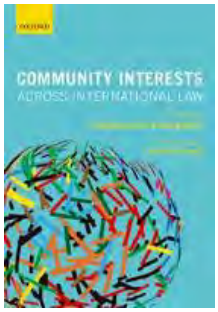
Edward Chukwuemeke Okeke has published Jurisdictional Immunities of States and International Organizations (Oxford Univ. Press 2018). Here's the abstract:

This book covers the relationship between the jurisdictional immunities of States and international organizations, addressing their similarities and dissimilarities. Their relationship with diplomatic immunity is also examined. It considers that the immunity of international organizations was historically conceived in terms of State immunity. The major aim of this book is to clarify the conceptual confusion that has often marred the understanding of the law of the, different but interrelated, jurisdictional immunities of both States and international organizations. The approach is to holistically analyze and synthesize select and relevant opinions of international and national courts. To achieve this, the book focuses more on what the law is than on what it should be. An understanding of the law is more useful to a practitioner than a criticism of it. The book is not an exegesis on everything immunity. The jurisdictional immunities of heads of State and of diplomats are beyond the scope of this book, and are only tangentially examined. The book concludes by making the case that the jurisdictional immunities of States and international organizations are not only sustainable but also necessary for international relations and cooperation. The author intends to position the book to be of use both to scholars and practicing lawyers and legal advisers in government and international organizations, as well as to lawyers whose practice concerns issues and laws of privileges and immunities.

Gerhard Ullrich (Member, Administrative Tribunal of the European Stability Mechanism) has published The Law of the International Civil Service: Institutional Law and Practice in International Organisations(Duncker & Humblot 2018). Here's the abstract:

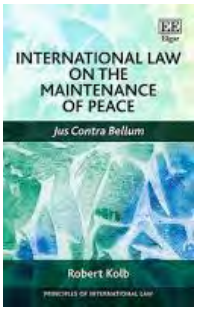
Gerhard Ullrich provides an overall review of the employment law of international intergovernmental organisations. In the first part of the book, he explains the basics of employment law and provides statistical data. He comments extensively on the privileges and immunities of international officials. The core of the book is dedicated to the examination of the legal sources for international civil service law. Here, the international administrative tribunals' case law on the general principles of law occupies a particularly broad area. A second legal source are the structures and elements of the statutory employment in international organisations. The author finally comments on the system of legal protection for the staff of the international civil service.

Despite the differences in the employment laws across international organisations, in many aspects it is more than justified today to speak of a unity of the law of the international civil service within diversity. This trend continues. With his overall presentation of the law of the international civil service, Gerhard Ullrich makes an important practice-oriented and legal-dogmatic contribution to this increasingly important part of international institutional law.



Eyal Benvenisti (Univ. of Cambridge - Law) & Georg Nolte (Humboldt-Universität zu Berlin - Law) have published Community Interests Across International Law (Oxford Univ. Press 2018). Contents include:

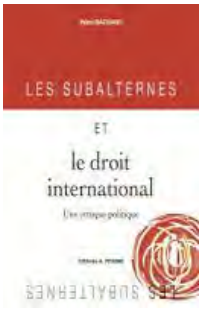
- Eyal Benvenisti & Georg Nolte, Introductory remarks
- Rüdiger Wolfrum, Identifying Community Interests in International Law: Common Spaces and Beyond
- Samantha Besson, Community Interests in International Law: Whose Interests Are They and How Should We Best Identify Them?
- Samantha Besson, Community Interests in the Identification of International Law - With a Special Emphasis on Treaty Interpretation & Customary Law Identification
- Eyal Benvenisti, Community Interests in International Adjudication
- Jan Klabbers, What Role for International Organizations in the Promotion of Community Interests? Reflections on the Ideology of Functionalism
- Georg Nolte, The International Law Commission and Community Interests
- Surabhi Ranganathan, The Law of the Sea and Natural Resources
- Ki-Gab Park, Law on Natural Disasters: From Cooperation to Solidarity?
- Jutta Brunnée, International Environmental Law and Community Interests: Procedural Aspects
- Lorenzo Casini, Cultural Sites Between Nationhood and Mankind
- Christian Tietje & Andrej Lang, Community Interests in World Trade Law
- Stephan Schill & Vladislav Djanic, International Investment Law and Community Interests
- Tania Voon & Andrew Mitchell, Community Interests and the Right to Health in Trade and Investment Law
- Jochen von Bernstorff, 'Community Interests' and the Role of International Law in the Creation of a Global Market for Agricultural Land
- Danai Azaria, Community Interest Obligations in International Energy Law,
- Tsilly Dagan, Community Interests in International Taxation
- Tally Kritzman-Amir, Community Interests in International Migration and Refugee Law
- Francesca Bignami & Giorgio Resta, Human Rights Extraterritoriality: The Right to Privacy and National Security Surveillance
- Ralph Wilde, Socioeconomic Rights, Extraterritorially
- August Reinisch, Human Rights Extraterritoriality: Controlling Companies Abroad
- Enzo Cannizarro, Common Interests of Humankind and the International Regulation of the Use of Force
- Janina Dill, 'The Rights and Obligations of Parties to International Armed Conflicts': From Bilateralism but Not Towards Community Interest?
- Heike Krieger, Rights and Obligations of Third Parties in Armed Conflicts.



Robert Kolb (Univ. of Geneva - Law) has published International Law on the Maintenance of Peace: Jus Contra Bellum(Edward Elgar Publishing 2018). Here's the abstract:

The law on the use of force in relation to the maintenance of international peace remains one of the most important areas of international law and international relations to date. Rather than simply provide another factual account of the law in this area, this detailed and analytical book seeks to explore its normative aspects.

Rooted in public international law, the book provides insight into the historical evolution and sociological environment of this particular branch of law. The competences and practice of the UN and of regional organizations in maintaining peace are examined before the focus is shifted to the inter-State level, the main non-use of force rule and its claimed or recognized exceptions. Robert Kolb analyses each of these rules separately, before concluding with insightful reflections on the current state-of-play and considerations for future developments.

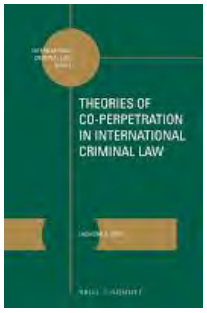


Rémi Bachand has published Les subalternes et le droit international : Une critique politique (Pedone 2018). Here's the abstract:

Quel est le rôle que joue le droit international sur les différentes sociétés du monde? Quels sont ses effets sur les différents rapports de domination et d'exploitation qui traversent et structurent ces sociétés? Doit-il être envisagé comme étant davantage favorable aux groupes dominants ou aux subalternes? Ces derniers devraient-ils en faire leur principale arme de combat contre les différentes formes de subordination, ou ne devrait-il être utilisé que dans certaines circonstances bien stratégiques? C'est, entre autres, à ces questions que cet ouvrage propose des hypothèses.

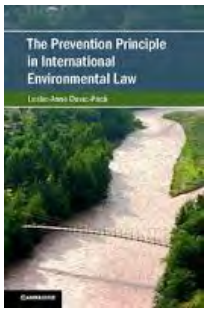
Cherchant notamment à radicaliser le vocabulaire utilisé par les internationalistes critiques, ce livre a comme objectif de théoriser les effets provoqués par le droit international sur les rapports entre les groupes dominants et subalternes des différentes sociétés du monde. Plus spécifiquement, il cherche à comprendre son rôle sur la reproduction, la légitimation, la contestation et la transformation des systèmes de rapports sociaux de subordination que sont le capitalisme, le patriarcat, le racisme et l'impérialisme, systèmes qui constituent les matrices de subordination de ces sociétés. Essentiellement, il estime que ces effets se produisent lors de quatre moments distincts, à savoir lorsque le droit structure la société internationale, par exemple en l'organisant territorialement en États souverains et formellement égaux; lorsque ses règles et ses institutions sont utilisées de manière formelle par les différents acteurs qui sont en mesure de le faire; lorsqu'il constitue un facteur influençant les différentes formations idéologiques du monde; puis, enfin, lorsqu'il est utilisé comme langue permettant de défendre légitimement des prétentions politiques.

L'ambition de ce livre est de montrer que de par sa structure, le droit international constitue un outil extrêmement puissant pour favoriser la reproduction et la légitimation des rapports sociaux de subordination. Bien sûr, il contient aussi des règles, des institutions et des régimes qui sont perçus comme étant des outils de résistance et des propositions de projets d'émancipation pour les subalternes et est régulièrement utilisé comme tels. Dans ces derniers cas toutefois, il y a lieu de convenir que ce qu'il propose en matière de résistance et d'émancipation n'outrepasse jamais ce qui est tolérable par les dominants.



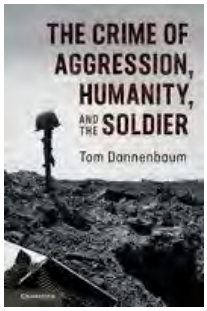
Lachezar D. Yanev (Tilburg Univ. - Law) has published Theories of Co-perpetration in International Criminal Law (Brill | Nijhoff 2018). Here's the abstract:

The proper construction of co-perpetration responsibility in international criminal law has become one of the most enduring controversies in this field, with the UN Tribunals endorsing the theory of joint criminal enterprise, and the International Criminal Court adopting the alternative joint control over the crime theory to define this mode of liability. This book seeks to reconcile the ICTY/R's and ICC's jurisprudence by providing a definition of co-perpetration that could be uniformly applied in the two justice models that these institutions represent: the ad hoc- and the treaty-based model. An evaluation framework is adopted, pursuant to which the origins, merits and deficiencies of the said competing theories are critically assessed, and a refined legal framework of co-perpetration responsibility is proposed.



Leslie-Anne Duvic-Paoli (King's College London - Law) has published The Prevention Principle in International Environmental Law(Cambridge Univ. Press 2018). Here's the abstract:

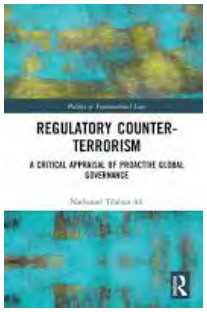
Prevention is recognized as a cornerstone of international environmental law, but this principle remains abstract and elusive in terms of exactly what is required of states to prevent environmental harm. In this illuminating work, Leslie-Anne Duvic-Paoli addresses this issue by offering a systematic, comprehensive assessment in which she clarifies the rationale, content, and scope of the prevention principle while also placing it in a wider legal context. The book offers a detailed analysis of treaty law, custom codification works, and case law before culminating in a conceptualization of prevention based on three definitional traits: 1. Its anticipatory rationale; 2. Its due diligence content; and 3. Its wide spatial scope to protect the environment as a whole. This book should be read by anyone seeking to understand the evolving principle of prevention in international environmental law, and how it increasingly shares common ground with reparation in the arena of compliance control.



Tom Dannenbaum (Tufts Univ. - Fletcher School) has published The Crime of Aggression, Humanity, and the Soldier(Cambridge Univ. Press 2018). Here's the abstract:

The international criminality of waging illegal war, alongside only a few of the gravest human wrongs, is rooted not in its violation of sovereignty, but in the large-scale killing war entails. Yet when soldiers refuse to kill in illegal wars, nothing shields them from criminal sanction for that refusal. This seeming paradox in law demands explanation. Just as soldiers have no right not to kill in criminal wars, the death and suffering inflicted on them when they fight against aggression has been excluded repeatedly from the calculation of post-war reparations, whether monetary or symbolic. This, too, is jarring in an era of international law infused with human rights principles. Tom Dannenbaum explores these ambiguities and paradoxes, and argues for institutional reforms through which the law would better respect the rights and responsibilities of soldiers.

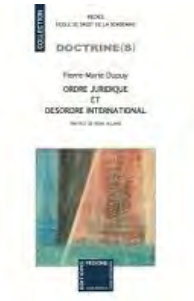
Ian A. Laird, Borzu Sabahi, Frédéric G. Sourgens, & Todd J. Weiler have published Investment Treaty Arbitration and International Law - Volume 11 (Juris Publishing 2018). The table of contents is here.



Nathanael Tilahun Ali (Erasmus Univ. Rotterdam - Law) has published Regulatory Counter-Terrorism: A Critical Appraisal of Proactive Global Governance (Routledge 2018). Here's the abstract:

Regulatory Counter-Terrorism explores an emerging terrain in which the global governance of terrorism is expanding. This terrain is that of proactive regulatory governance − the management of the day-to-day activities of individuals and entities in order to pre-emptively minimize vulnerability to terrorism. Overshadowed by the more publicized dimensions of military and criminal justice responses to terrorism, regulatory counter-terrorism has grown in size and impact without stirring up as much academic debate.

Through a critical assessment of international regulatory counter-terrorism in three areas − financial services, the control of arms and dangerous materials, and the cross-border movement of persons and goods − this volume identifies a dynamic trend. This is the refashioning of international rule making into a flexible and experimental exercise. This volume shows how this transformation is affecting societies across the world in new ways and in the process unravelling settled understandings of international law. Furthermore, through an in-depth analysis of the working processes of UN counter-terrorism bodies and the Financial Action Task Force, this book illustrates that the monitoring of the global counter-terrorism regime is, contrary to accepted understanding, in the main collaborative and managerial, and coercive only peripherally. Dynamic rule making and soft monitoring complement each other, but this is a reason for concern: the softening of international monitoring encourages regulatory adventurism by states in tackling terrorism, while the element of self-correction in dynamic rule making helps silence the calls for institutionalized mechanisms of accountability.



Pierre-Marie Dupuy (Université Paris 2 Panthéon-Assas - Law) has published Ordre juridique et désordre international (Pedone 2018). Here's the abstract:

Comment comprendre l'architecture du droit international qui repose sur de grands principes unificateurs gardés par le juge international, mais embrasse une multitudes de normes et systèmes qui tendent au contraire à le fragmenter ? Tel est l'un des principaux sujets de réflexion de Pierre-Marie Dupuy qu'on trouve développé dans plusieurs articles de ce recueil qui révèlent une constance admirable que son Cours général à l'Académie de droit international avait mise en évidence et qui justifient le titre de cet ouvrage qui, cependant, ne se limite pas, loin de là, à ce questionnement mais offre au lecteur un florilège d'écrits qui relèvent tant de la technique que de la théorie, de

l'histoire et de la philosophie du droit. Il y a en somme une unité de pensée de l'auteur dans la diversité de ses objets d'attention et analyses.

Un autre facteur d'unité remarquable est le fait que l'auteur n'entend pas, ni n'a jamais entendu, s'enfermer dans une étude purement juridique du seul univers juridique international. Trop conscient que, s'il existe bien un ordre juridique international, le monde est plongé dans un désordre politique international, Pierre-Marie Dupuy ne cesse de réfléchir à cette inadéquation entre cet ordre juridique et ce désordre politique, entre une promesse de paix et d'humanité et la prévalence des conflictualités. Il s'agit de montrer, d'une part, que celle-ci n'est pas si importante que certains se plaisent à le dire, le droit international s'adaptant à ce qui lui est extérieur, et surtout d'accepter de traiter le droit international pour ce qu'il est, un système dont l'efficacité est tributaire de facteurs qui lui sont extérieurs et de l'analyser au regard de ceux-ci.

Pierre-Marie Dupuy n'a jamais pu se contenter de décrire le droit international, mais invite toujours à le comprendre sans hésiter à le critiquer et simultanément à en découvrir les promesses. Et s'il veut croire à ces dernières, passant incessamment du monde des idées à celui de la pratique, l'auteur reste lucide et montre leurs limites, comme pour mieux les dépasser.

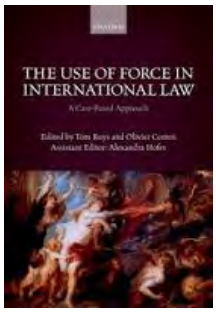
Henri Decoeur has published Confronting the Shadow State: An International Law Perspective on State Organized Crime(Oxford Univ. Press 2018). Here's the abstract:

This book examines the rules and mechanisms of international law relevant to the suppression of state organized crime, and provides a normative justification for developing international legal mechanisms specifically designed to address this phenomenon.

State organized crime refers to the use by senior state officials of the resources of the state to facilitate or participate in organized crime, in pursuit of policy objectives or personal profit. This concept covers diverse forms of government misconduct, including strategic partnerships with drug traffickers, the plundering of a country's resources by kleptocrats, and high-level corruption schemes.

The book identifies the distinctive criminological characteristics of state organized crime, and analyses the applicability, potential, and limits of the norms and mechanisms of international law relevant to the suppression of state organized crime. In particular, it discusses whether the involvement of state organs or agents in organized crime may amount to an internationally wrongful act giving rise to the international responsibility of the state, and highlights a number of practical and normative shortcomings of the legal framework established by relevant crime-suppression conventions.

The book also sketches proposals to develop an international legal framework designed to hold perpetrators of state organized crime accountable. It presents a normative justification for criminalizing and suppressing state organized crime at the international level, proposes draft provisions for an international convention for the suppression of state organized crime, and discusses the potential role of the UN Security Council and of international criminal courts and tribunals, respectively, in holding perpetrators accountable.



Tom Ruys (Univ. of Ghent - Law) & Olivier Corten (Université Libre de Bruxelles - Law) have published The Use of Force in International Law: A Case-Based Approach(Oxford Univ. Press 2018). The table of contents is here. Here's the abstract:

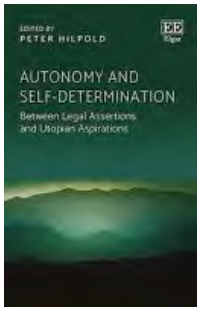
The international law on the use of force is one of the oldest branches of international law. It is an area twinned with the emergence of international law as a concept in itself, and which sees law and politics collide. The number of armed conflicts is equal only to the number of methodological approaches used to describe them.

Many violent encounters are well known. The Kosovo Crisis in 1999 and the US-led invasion of Iraq in 2003 spring easily to the minds of most scholars and academics, and gain extensive coverage in this text. Other conflicts, including the Belgian operation in Stanleyville, and the Ethiopian Intervention in Somalia, are often overlooked to our peril. Ruys and Corten's expert-written text compares over sixty different instances of the use of cross border force since the adoption of the UN Charter in 1945, from all out warfare to hostile encounters between individual units, targeted killings, and hostage rescue operations, to ask a complex question. How much authority does the power of precedent really have in the law of the use of force?

Ian Park has published The Right to Life in Armed Conflict (Oxford Univ. Press 2018). Here's the abstract:

The application of the right to life during armed conflict is an issue that polarizes opinion and generates considerable debate. Many believe that human rights law has no place in armed conflict, yet the European Court of Human Rights, and domestic courts, have ruled that it can apply. The exact contours of how the right to life applies during armed conflict remain largely unresolved. In this text, Ian Park seeks to clearly articulate the right to life obligations of states during both international and non-international armed conflict in respect of those individuals affected by the actions of states' armed forces and members of the armed forces themselves.

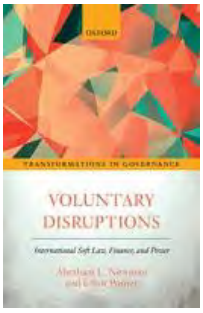
In determining the right to life obligations of states, Park identifies the sources of law from which right to life obligations arise, how case law has developed and modified these obligations, and analyses how the law creates obligations in practice. Implicit in this analysis is a consideration of recent armed conflicts, and the actions of states, that lead to a series of concrete proposals designed to best ensure compliance with a state's right to life obligations.



Peter Hilpold (Univ. of Innsbruck - Law) has published Autonomy and Self-determination: Between Legal Assertions and Utopian Aspirations (Edward Elgar Publishing 2018). Contents include:

- Peter Hilpold, Introduction
- Peter Hilpold, Self-determination and Autonomy: Between Secession and Internal Self-determination
- Brad R. Roth, The Relevance of Democratic Principles to the Self-Determination Norm
- Rein Müllerson, Self-Determination and Secession: Similarities and Differences

- Markku Suksi, The Referendum as an Instrument for Decision-making in Autonomy-related Situations
- Ulrike Haider-Quercia, Secession as a New Constitutional Problem: the question of independence in autonomy systems
- Hannes Hofmeister & Belen Olmos Giupponi, 'Free at Last'? Scotland, Independence and EU Membership
- Antonello Tancredi, Italian Approaches to Self-determination: Theory and Practice
- Stefan Oeter, The Kurds between Discrimination, Autonomy and Self-determination
- Xabier Arzoz, Autonomy and Self-determination in Spain: a Constitutional Law Perspective
- Eugenia López-Jacoiste, Autonomy and Self-determination in Spain: Catalonia's Claims for Independence from the Perspective of International Law
- Daniel Turp & Anthony Beauséjour, Self-determination, Autonomy, Independence, and the Case of Québec.



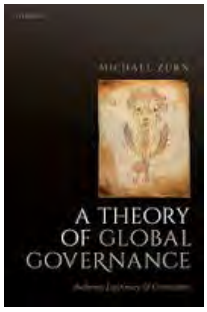
Abraham L. Newman (Georgetown Univ. - School of Foreign Service) & Elliot Posner(Case Western Reserve Univ. - Political Science) have published Voluntary Disruptions: International Soft Law, Finance, and Power (Oxford Univ. Press 2018). Here's the abstract:

From home mortgages to i-phones, basic elements of our daily lives depend on international economic markets. The astonishing complexity of these exchanges may seem ungoverned.

Yet the global economy remains deeply bound by rules. Far from the staid world of treaties and state-to-state diplomacy, economic governance increasingly relies on a different class of international market regulation - soft law - comprised of voluntary standards, best practices, and recommended guidance created by a motley assortment of international organizations.

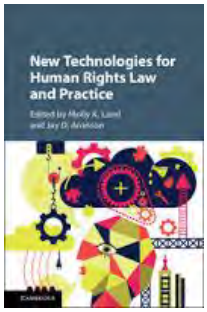
Voluntary Disruptions argues that international soft law is deeply political, shaping the winners and losers of globalization. Some observers focus on soft law's potential to solve problems and coordinate market participants. Voluntary Disruptions widens the discussion, shifting attention to the ways soft law provides new political resources to some groups while not to others and alters the sites of contestation and the actors who participate in them. Highlighting two mechanisms - legitimacy claims and arena expansion - the book explains how soft law, typically viewed as limited by its voluntary nature, disrupts and transforms the politics of economic governance.

Using financial regulation as its laboratory, Voluntary Disruptions explains the remarkable pre-crisis alignment of US and European approaches to governing markets, the rise and prominence of transnational industry associations in the 1990s and 2000s, and the ambivalence of US reforms towards international market cooperation in the wake of the 2008 financial crisis. Rethinking scholarly and policy approaches to international soft law, this volume answers enduring and pressing questions about global finance, International Relations, and power.



Michael Zürn (WZB & Freie Universität Berlin) has published A Theory of Global Governance: Authority, Legitimacy, and Contestation (Oxford Univ. Press 2018). Here's the abstract:

This book offers a major new theory of global governance, explaining both its rise and what many see as its current crisis. The author suggests that world politics is now embedded in a normative and institutional structure dominated by hierarchies and power inequalities and therefore inherently creates contestation, resistance, and distributional struggles. Within an ambitious and systematic new conceptual framework, the theory makes four key contributions. Firstly, it reconstructs global governance as a political system which builds on normative principles and reflexive authorities. Second, it identifies the central legitimation problems of the global governance system with a constitutionalist setting in mind. Third, it explains the rise of state and societal contestation by identifying key endogenous dynamics and probing the causal mechanisms that produced them. Finally, it identifies the conditions under which struggles in the global governance system lead to decline or deepening.

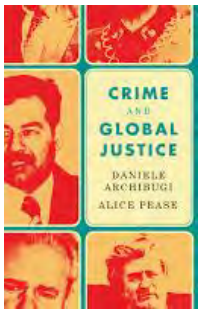


Molly K. Land (Univ. of Connecticut - Law) & Jay D. Aronson (Carnegie Mellon Univ.) have published New Technologies for Human Rights Law and Practice (Cambridge Univ. Press 2018). Contents include:

- Molly K. Land & Jay D. Aronson, The Promise and Peril of Human Rights Technology
- Lea Shaver, Safeguarding Human Rights from Problematic Technologies
- Dalindyebo Shabalala, Climate Change, Human Rights, and Technology Transfer: Normative Challenges and Technical Opportunities
- Thérèse Murphy, Judging Bioethics and Human Rights
- Laura A. Dickinson, Drones, Automated Weapons, and Private Military Contractors: Challenges to Domestic and International Legal Regimes Governing Armed Conflict
- Jay D. Aronson, The Utility of User-Generated Content in Human Rights Investigations
- Mark Latonero, Big Data Analytics and Human Rights: Privacy Considerations in Context
- John Emerson, Margaret L. Satterthwaite, and Anshul Vikram Pandey, The Challenging Power of Data Visualization for Human Rights Advocacy
- Ella McPherson, Risk and the Pluralism of Digital Human Rights Fact-Finding and Advocacy
- Lisl Brunner, Digital Communications and the Evolving Right to Privacy
- Rikke Frank Jørgensen, Human Rights and Private Actors in the Online Domain
- G. Alex Sinha, Technology, Self-Inflicted Vulnerability, and Human Rights
- Enrique Piracés, The Future of Human Rights Technology: A Practitioner's View.

Björnstjern Baade, Linus Mührel, & Anton O. Petrov have published International Humanitarian Law in Areas of Limited Statehood: Adaptable and Legitimate or Rigid and Unreasonable? (Nomos 2018). Contents include:

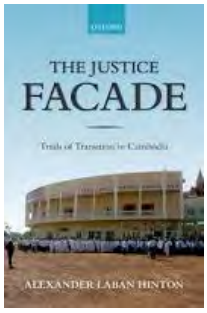
- Heike Krieger, Björnstjern Baade, & Linus Mührel, Introduction: International Humanitarian Law and Areas of Limited Statehood
- Raphael Schäfer, A History of Division(s): a Critical Assessment of the Law of Non-International Armed Conflict
- Katja Schöberl & Linus Mührel, Sunken Vessel or Blooming Flower? Lotus, Permissions and Restrictions within International Humanitarian Law
- Pia Hesse, Comment: neither Sunken Vessel nor Blooming Flower! The Lotus Principle and International Humanitarian Law
- Manuel Brunner, Detention for Security Reasons by the Armed Forces of a State in Situations of Non-International Armed Conflict: the Quest for a Legal Basis
- Anton O. Petrov, Comment: Detention in Non-International Armed Conflict by States – Just a Matter of Perspective on Areas of Limited Statehood?
- Vincent Widdig, Detention by Organised Armed Groups in Non-International Armed Conflicts: the Role of Non-State Actors in a State-Centred International Legal System
- Lars Müller, Comment: Detention by Armed Groups
- Ira Ryk-Lakhman Aharonovich, Foreign Investments as Non-Human Targets
- Charlotte Lülf, The Protection of (Foreign) Investment during Belligerent Occupation – Considerations on International Humanitarian Law and International Investment Law
- Björnstjern Baade, Linus Mührel, & Anton O. Petrov, Concluding Observations: how International Humanitarian Law is Shaped to Meet the Challenges Arising from Areas of Limited Statehood – Theoretical Problems in Practice.



Daniele Archibugi (Univ. of London, Birkbeck College) & Alice Pease have published Crime and Global Justice: The Dynamics of International Punishment (Polity 2018). Here's the abstract:

Over the last quarter of a century a new system of global criminal justice has emerged. But how successful has it been? Are we witnessing a new era of cosmopolitan justice or are the old principles of victors' justice still in play? In this book, Daniele Archibugi and Alice Pease offer a vibrant and thoughtful analysis of the successes and shortcomings of the global justice system from 1945 to the present day.

Part I traces the evolution of this system and the cosmopolitan vision enshrined within it. Part II looks at how it has worked in practice, focusing on the trials of some of the world's most notorious war criminals, including Augusto Pinochet, Slobodan Milošević, Radovan Karadžić, Saddam Hussein and Omar al-Bashir, to assess the efficacy of the new dynamics of international punishment and the extent to which they can operate independently, without the interference of powerful governments and their representatives. Looking to the future, Part III asks how the system's failings can be addressed. What actions are required for cosmopolitan values to become increasingly embedded in the global justice system in years to come?



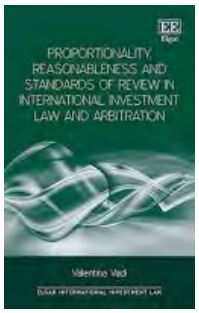
Alexander Hinton (Rutgers Univ. - Anthropology) has published The Justice Facade: Trials of Transition in Cambodia(Oxford Univ. Press 2018). Here's the abstract:

Is there a point to international justice? Many contend that tribunals deliver not only justice but truth, reconciliation, peace, democratization, and the rule of law. These are the transitional justice ideals frequently invoked in relation to the international hybrid tribunal in Cambodia that is trying senior leaders of the Khmer Rouge regime for genocide and crimes against humanity committed during the mid-to-late 1970s. In this ground-breaking book, Alexander Hinton argues these claims are a facade masking what is most critical: the ways in which transitional justice is translated, experienced, and understood in everyday life. Rather than reading the Khmer Rouge Tribunal in the language of global justice and human rights, survivors understand the proceedings in their own terms, including Buddhist beliefs and on-going relationships with the spirits of the dead.

Oonagh E. Fitzgerald (Centre for International Governance Innovation) & Eva Lein (British Institute of International and Comparative Law) have published Complexity's Embrace: The International Law Implications of Brexit (CIGI Press 2018). The table of contents is here. Here's the abstract:

An unprecedented political, economic, social, and legal storm was unleashed by the United Kingdom's June 2016 referendum to leave the European Union and the government's response to the vote. After decades of strengthening European integration and independence, Brexit necessitates a deep understanding of its international law implications on both sides of the English Channel in order to chart the stormy seas of negotiating and advancing beyond separation.

In *Complexity's Embrace*, international law practitioners and academics from the United Kingdom, Europe, Canada and the United States look beyond the rhetoric of "Brexit Means Brexit" and "no agreement is better than a bad agreement" to explain the challenges that need to be addressed in the diverse fields of trade, financial services, insolvency, intellectual property, environment, and human rights. The authors in this volume articulate, with unvarnished clarity, the international law implications of Brexit, providing policy makers, commentators, the legal community, and civil society with critical information they need to participate in negotiating their future within or outside Europe.



Valentina Vadi (Lancaster Univ. - Law) has published Proportionality, Reasonableness and Standards of Review in International Investment Law and Arbitration (Edward Elgar Publishing 2018). Here's the abstract:

International investment law is one of the most dynamic fields of international law, and yet it has been criticised for failing to strike a fair balance between private and public interests. In this valuable contribution to the current debate, Valentina Vadi examines the merits and pitfalls of arbitral tribunals' use of the concepts of proportionality and reasonableness to review the compatibility of a state's regulatory actions with its obligations under international investment law.

Investment law scholars have hitherto given greater attention to the concept of proportionality than to reasonableness; this pivotal book combats this trajectory by examining both concepts in such a

way that it does not advocate one over the other, but instead enables the reader to make informed choices. The author also explores the intensity of review as one of the main tools to calibrate the different interests underlying investor-state arbitrations.

Björnstjern Baade, Linus Mührel, & Anton O. Petrov have published International Humanitarian Law in Areas of Limited Statehood: Adaptable and Legitimate or Rigid and Unreasonable? (Nomos 2018). Contents include:

- Heike Krieger, Björnstjern Baade, & Linus Mührel, Introduction: International Humanitarian Law and Areas of Limited Statehood
- Raphael Schäfer, A History of Division(s): a Critical Assessment of the Law of Non-International Armed Conflict
- Katja Schöberl & Linus Mührel, Sunken Vessel or Blooming Flower? Lotus, Permissions and Restrictions within International Humanitarian Law
- Pia Hesse, Comment: neither Sunken Vessel nor Blooming Flower! The Lotus Principle and International Humanitarian Law
- Manuel Brunner, Detention for Security Reasons by the Armed Forces of a State in Situations of Non-International Armed Conflict: the Quest for a Legal Basis
- Anton O. Petrov, Comment: Detention in Non-International Armed Conflict by States – Just a Matter of Perspective on Areas of Limited Statehood?
- Vincent Widdig, Detention by Organised Armed Groups in Non-International Armed Conflicts: the Role of Non-State Actors in a State-Centred International Legal System
- Lars Müller, Comment: Detention by Armed Groups
- Ira Ryk-Lakhman Aharonovich, Foreign Investments as Non-Human Targets
- Charlotte Lülf, The Protection of (Foreign) Investment during Belligerent Occupation – Considerations on International Humanitarian Law and International Investment Law
- Björnstjern Baade, Linus Mührel, & Anton O. Petrov, Concluding Observations: how International Humanitarian Law is Shaped to Meet the Challenges Arising from Areas of Limited Statehood – Theoretical Problems in Practice.

REVISTAS

European Journal of International Law

https://academic.oup.com/ejil

- Volume 29, Issue 2, May 2018: https://academic.oup.com/ejil/issue/29/2

American Journal of International Law

- Número actual: https://www.cambridge.org/core/journals/american-journal-of-international-law

Revista Latinoamericana de Derecho Internacional

Latin American Journal of International Law

http://www.revistaladi.com.ar/

- Número actual: http://www.revistaladi.com.ar/ladi/numero-7/

African Journal of International and Comparative Law

https://www.euppublishing.com/loi/ajicl

- Volume 26, Issue 3, August 2018: https://www.euppublishing.com/toc/ajicl/26/3
- Volume 26, Issue 2, May 2018: https://www.euppublishing.com/toc/ajicl/26/2

Asian Journal of International Law

https://www.cambridge.org/core/journals/asian-journal-of-international-law

- Volume 8, Issue 2, July 2018: https://www.cambridge.org/core/journals/asian-journal-of-international-law/issue/DC63DD05424554EC84FCE0C4790C1695

Indian Journal of International Law

- Número actual: https://link.springer.com/journal/40901

Journal of International Dispute Settlement

https://academic.oup.com/jids

- Volume 9, Issue 3, September 2018: https://academic.oup.com/jids/issue/9/3
- Volume 9, Issue 2, May 2018: https://academic.oup.com/jids/issue/9/2

Journal of the History of International Law / Revue d'histoire du droit international

- Número actual: https://brill.com/view/journals/jhil/jhil-overview.xml

The Law and Practice of International Courts and Tribunals

- Número actual: https://brill.com/view/journals/lape/lape-overview.xml

Journal of Conflict Resolution

http://journals.sagepub.com/home/jcr

- Volume 62, Issue 8, September 2018: http://journals.sagepub.com/toc/jcrb/current

Journal of Arbitration International

https://academic.oup.com/arbitration

- Volume 34, Issue 2, June 2018: https://academic.oup.com/arbitration/issue/34/2

Journal of International Criminal Justice

https://academic.oup.com/jicj

- Volume 16, Issue 2, May 2018: https://academic.oup.com/jicj/issue/16/2

Human Rights Quarterly

https://www.press.jhu.edu/journals/human-rights-quarterly

Instituto Interamericano de Derechos Humanos

Publicaciones:

http://www.iidh.ed.cr/iidh/publicaciones/

Biblioteca:

http://www.corteidh.or.cr/index.php/es/biblioteca

Redes de trabajo e investigación:

http://www.iidh.ed.cr/

VOLVER AL INDICE

Sección 5 / Calendario Académico

Capacitación en áreas relacionadas con el Derecho Internacional

Universidad de Buenos Aires (UBA)
Especialización en Derecho Internacional de los Derechos Humanos
Más información: http://www.derecho.uba.ar/academica/posgrados/carr_especializacion.php
Maestría en Relaciones Internacionales
Más información: http://www.derecho.uba.ar/academica/posgrados/mae_rel_inter.php
Maestría en Derecho Internacional de los Derechos Humanos
Más información:
http://www.derecho.uba.ar/academica/posgrados/mae_der_internacional_ddhh.php
Maestría en Derecho Internacional Privado
Más información: http://www.derecho.uba.ar/academica/posgrados/mae_der_int_privado.php
Maestría en Derecho Penal del MERCOSUR
Más información: http://www.derecho.uba.ar/academica/posgrados/mae_der_penal_mercosur.php
Maestría en Relaciones Económicas Internacionales
Más información: http://www.economicas.uba.ar/posgrado/
Doctorado en Derecho Internacional
Más información: http://www.derecho.uba.ar/academica/posgrados/doctorado.php
Universidad Nacional de La Plata (UNLP) Maestría en Relaciones Internacionales
Más información: http://www.iri.edu.ar/index.php/2016/04/13/maestria-3/
Doctorado en Relaciones Internacionales
Más información: http://www.iri.edu.ar/index.php/2015/10/31/doctorado/

Web Education Portals

Coursera:
International Law in Action: A Guide to the International Courts and Tribunals in The Hague
https://www.coursera.org/learn/international-law-in-action
International Law In Action: Investigating and Prosecuting International Crimes
https://www.coursera.org/learn/international-law-in-action-2
Introduction to International Criminal Law
https://www.coursera.org/learn/international-criminal-law
Global Diplomacy: the United Nations in the World
https://www.coursera.org/learn/global-diplomacy-un
Introduction to Environmental Law and Policy
https://www.coursera.org/learn/environmental-law
International Water Law
https://www.coursera.org/learn/international-water-law
International Law in Action: the Arbitration of International Disputes
https://www.coursera.org/learn/arbitration-international-disputes

edX:

International Climate Change Law and Policy
https://www.edx.org/course/international-climate-change-law-and-policy
International Law
https://www.edx.org/micromasters/louvainx-international-law
International Criminal Law
https://www.edx.org/course/guo-ji-xing-fa-xue-international-pekingx-02930106x-0
International Investment Law
https://www.edx.org/course/international-investment-law-0
International Human Rights Law
https://www.edx.org/course/international-human-rights-law-louvainx-louv2x-0
International Humanitarian Law
https://www.edx.org/course/international-humanitarian-law
International Law
https://www.edx.org/course/international-law

VOLVER AL INDICE

Sección 6 / Entrevista

Entrevista al Profesor Antonio Remiro Brotóns[1]

Es un gran placer para el Instituto de Derecho Internacional del CARI poder entrevistar en este número de nuestro Boletín al Dr. Antonio Remiro Brotóns a quien agradecemos su tiempo y su deferencia en concedernos la entrevista que presentamos a continuación.

1) ¿Cómo comenzó su carrera en el ámbito del derecho internacional?

Me atraía tanto el Derecho constitucional como el internacional. Tuve un excelente profesor de derecho político, pero éste exigía de sus 'discípulos' que antes de seguirle tuvieran su vida resuelta ganando una oposición a otros cuerpos de la Administración. Como no estaba dispuesto a perder varios años preparando esa clase de oposiciones memorísticas y tan poco imaginativas lo descarté. En cambio, en el ámbito del derecho internacional no tenía ningún condicionante previo porque…no tenía maestro potencial alguno. Quien había sido mi profesor en la licenciatura había fallecido. En cierto modo he sido un autodidacta. Me lancé a hacer una tesis en Bolonia (Italia) sin paracaídas. Y tuve suerte.

2) ¿Qué inspiró su interés por estas ramas del derecho?

Su permanente estado de formación, a diferente de la mayor parte de las ramas del Derecho interno; lo que explica la abundancia de sus negadores. El Derecho Internacional ofrece a la doctrina un juego que no es tan pronunciado en las ramas de los ordenamientos jurídicos estatales; sin perjuicio de la interpenetración que se da entre ambos, cada vez más acusada, lo que explica el interés creciente de los bufetes por contar con especialistas en Derecho Internacional. Es la doctrina la que en cierta manera protagoniza una suerte de 'desdoblamiento funcional' (robándole la expresión, no el concepto, a Scelle), al asumir papeles que corresponderían a instituciones internacionales inexistentes o con las cartas trucadas. La agresión de los Estados Unidos a Iraq en 2003, por ejemplo, ha sido denunciada por la doctrina, no por Naciones Unidas u otras Organizaciones internacionales.

[1] Doctor en Derecho por la Universidad de Bologna. Catedrático de Derecho Internacional Público y Relaciones Internacionales en la Universidad Autónoma de Madrid. Director del Programa de Doctorado en Derecho Internacional y RR.II. del Instituto Universitario de Investigación Ortega y Gasset de Madrid. Miembro de l'Institut de Droit International. Miembro de la delegación española de la Academia Europea de Ciencias y Artes. Doctor honoris causa de la Universidad Autónoma de Santo Domingo (UASD), Primada de América. Ha sido Decano de la Facultad de Derecho de la Universidad Autónoma de Madrid.

Ha dictado cursos en la Academia de Derecho Internacional de La Haya (1984) , en el Colegio de México (1993), en l'Institut de Hautes Études Internationales de la Universidad Pantheon-Assas (Paris I) (2000 y 2010) y en el Institut de Hautes Études Internationales de Ginebra (2003). Profesor invitado del Curso de Derecho Internacional de la OEA en Río de Janeiro (2000 y 2006). Profesor invitado a la Cátedra Henri Rolin (ULB-Lovaina, 2006). Ha sido abogado y consejero de diferentes países en litigios ante la Corte Internacional de Justicia y en arbitrajes internacionales.

3) Como especialista en estas áreas, ¿quiénes han sido sus referentes?

Si hablamos de mis primeras lecturas de cara a mi cristalización como iusinternacionalista, mi primera gran influencia fue Wolfgang Friedmann en la traducción al español editada por la Editorial Trías en México en 1967 (si no recuerdo mal). A Friedmann lo mató luego un pendejo miserable a la salida de la Universidad, para robarle. Es un riesgo que no corren los profesores absentistas. Otros referentes en aquellos años iniciales fueron Eduardo Jiménez de Aréchaga y René-Jean Dupuy, que además de saber mucho, escribían muy bien; era fácil simpatizar con sus enfoques. Asimismo, Charles Chaumont y Charles de Visscher, ideológicamente distantes, pero magníficos juristas, como Jean Salmon, continuador de Chaumont. En España, la lectura más interesante para mí fue Soberanía del Estado y Derecho Internacional, de Juan Antonio Carrillo. Debo añadir que fue al revisar mi tesis de doctorado para su publicación cuando entré en contacto con los politólogos y especialistas en relaciones internacionales de los Estados Unidos que habían elucubrado sobre el fenómeno del *poder.* Esas lecturas transformaron radicalmente mi primera monografía publicada sobre la hegemonía norteamericana en la OEA, hasta hacerla casi irreconocible para una tesis bastante formalista sobre las relaciones entre Naciones Unidas y OEA en el marco del capítulo VIII de la Carta. Luego no he dedicado mi tiempo al estudio sistemático de las relaciones internacionales, pero sí he sido siempre un iusinternacionalista atento a la dimensión histórica y política del derecho internacional, lo que en mis primeros años como profesor y publicista no dejaba de ser mirado con reticencia por colegas empeñados en mantener el derecho internacional en una burbuja aséptica dominada por conceptos y formas jurídicas incontaminadas. Ellos ya habían llegado a la luna.

4) ¿Qué obras jurídicas son de referencia obligatoria para el ejercicio profesional y académico del derecho internacional?

¡Menuda pregunta! Para formarse académicamente lo primero es hacerlo como generalista del Derecho Internacional. Sólo se podrá hacer un planteamiento acertado de los problemas que se presentan en los diferentes y crecientes sectores de especialización que ofrece el Derecho Internacional, si uno domina lo que podríamos llamar su Parte General (sujetos, fuentes, relaciones con los derechos estatales, espacios, regulación de conflictos, responsabilidad internacional) dentro de un contexto histórico y político determinados. Eso implica el estudio -no la memorización- de buenas obras generales, excluyendo naturalmente toda la serie inacabable de manuales que cuentan con un mercado cautivo de graduandos forzosos. Ahora estamos ya en otro nivel en el que me limitaré a mencionar en lengua inglesa la obra de Ian Brownlie, de la que cuida actualmente otro gran internacionalista, James Crawford, con ideas propias que probablemente Brownlie no compartiría, y en lengua francesa la que hoy firman Alain Pellet, Patrick Daillier y Mathias Forteau, invocando la memoria de Nguyen Quoc Dinh. En lengua española, si quieren conocer mis ideas pueden aprovechar el "Derecho Internacional" que firmé con mis colaboradores, cuya primera edición es de 1997 y la segunda, de diez años después, o el Curso General de 2010, que probablemente será objeto de una nueva edición el año próximo. Pero hay muchas otras buenas obras generales en estas y en otras lenguas. Y los cursos generales en inglés o francés, a años alternos, en los programas de la Academia de Derecho Internacional de La Haya, que suele ser la pasarela en la que se exhiben con su sello personal algunos de los mejores iusinternacionalistas, que cuentan con el *placet* de los miembros del *Curatorium* de esta institución. Dicho y hecho esto, uno debe volcarse en las fuentes primarias y muy especialmente en los tratados multilaterales de vocación universal y regional, en la jurisprudencia de la Corte Internacional de Justicia y de otros tribunales, en los laudos arbitrales y en los trabajos de la Comisión de Derecho Internacional. Creo que, sustancialmente, estas mismas recomendaciones valen para el ejercicio profesional, pues las bases del conocimiento son las mismas, lo que cambia es la mirada.

5) ¿Cuáles son los temas, a su entender de mayor trascendencia para el derecho internacional público hoy? ¿Y para los derechos humanos?

Estamos siempre a vueltas con el poder y sus límites, tanto dentro del Estado como en las relaciones internacionales. El uso de la fuerza y el arreglo pacífico de los conflictos, la cooperación en el aprovechamiento razonable de los bienes públicos y la protección del medio natural y, por ende, de la especie humana, frente a las amenazas que la misma especie está cultivando peligrosa e irresponsablemente en esta era que ya se llama del *'antropoceno'*. Simpatizo con esfuerzos, como el del profesor y juez Cançado Trindade, por la "humanización" del Derecho internacional, pero en algún lugar me he definido como un realista crítico; realmente suelo ser muy crítico con la realidad que observo, una realidad más próxima a la "deshumanización" y mis análisis suelen tomar este punto de partida. El uso de la fuerza atendiendo a los intereses de los más poderosos en un contexto determinado es hoy una moneda de uso tan corriente que casi siento rubor por mantener su prohibición legal como uno de los grandes epígrafes del Derecho Internacional ante la advertencia de cualquier observador que me pregunte de que andamio me he caído con la brocha en la mano. No descarto que en una próxima edición de mi Curso General ese gran renglón del Derecho Internacional desaparezca como tal para ser reubicado como un apartado dentro del examen de la responsabilidad internacional de los sujetos. Puede ser una forma de protesta. En cuanto a los derechos humanos, creo que han de recorrer transversalmente todos los sectores que interesan al Derecho Internacional. A mí me interesan desde esta perspectiva, integrada además en un principio de solidaridad entre grupos y con la naturaleza. Pero actúo con suma prevención, para evitar ser intoxicado por quienes desde posiciones de poder están utilizando su versión sesgada de los derechos humanos para hacer una política que tiene que ver con sus intereses y los de sus clientes, haciendo de los derechos humanos su caballo de Troya para políticas injerencistas que lejos de propiciar la libre determinación de los pueblos la socavan. Naturalmente, los derechos humanos son objeto, como tantos otros ámbitos, de un interés particular dentro del Derecho Internacional, lo que llama a una especialización. Pero ha de tenerse en cuenta que este es un sector que convoca también a gentes procedentes de otras ramas, jurídicas o no. Existe el riesgo de que los 'especialistas' de los derechos humanos tiendan a pontificar sobre los principios fundamentales del Derecho Internacional, sin tener el necesario conocimiento del mismo, ni del contexto histórico y político en que ha de acomodarse. Recuerdo siempre a un querido y muy competente colega que decía que había dos tipos de pretendidos especialistas del Derecho Internacional que le parecían insoportables, unos los que se ocupaban de los derechos humanos, otros, los que lo hacían del Derecho Europeo. Yo puedo soportarlos, pero no sin esfuerzo.

6) ¿Cuáles cree que son los desafíos actuales de la comunidad internacional?

Creo que están implícitos en las respuestas a la pregunta anterior. He de precisar, sin embargo, que yo no creo en la existencia actual de una comunidad internacional, que es un estadio superior de la sociedad en que actualmente nos desenvolvemos como podemos. Cada vez que oigo hablar de la 'comunidad internacional' a los voceros de Estados Unidos o de la Unión Europea lamento que mi abuela ya no esté entre nosotros para recetarme una cucharadita de *'pasiflorín'*. ¡Habrase visto semejante cinismo! Cualquier medida unilateral contra terceros, por ilegal que pueda ser, no sólo se atreven a llamarla "sanción', con la verticalidad que este término implica, sino que, además, dicen adoptarla en nombre de la 'comunidad internacional' cuya representación les fue otorgada, al parecer, por los dioses. Naturalmente la lista de infractores contumaces es mucho más larga, cada cual según sus posibilidades, pero al menos los otros no invocan sistemáticamente a la 'comunidad

internacional' para dotar a sus ilícitos de una aparente respetabilidad. Se hace política 'con' los derechos humanos, no política 'de' derechos humanos. A las opiniones públicas de los países capitalistas les seduce la idea, que les dan masticada los medios, de un mundo de 'buenos' y 'malos'. Naturalmente ellos son los 'buenos'. Cuando era niño me gustaban las películas de 'indios y americanos' que siempre corrían a los 'indios'. Y aplaudía a rabiar cuando aparecía, en technicolor y cinemascope, el regimiento de caballería de la Unión para liquidar a los malditos 'pieles rojas' que antes habían cortado unas cuantas cabelleras del 'hombre blanco' y habían raptado a sus mujeres para hacer servicios comunitarios. Ya de mayor me di cuenta de mi papel de tonto útil como espectador. Los 'buenos' eran los 'indios' y quienes trataban de abrirse camino al Oeste no eran realmente 'malos', cuando para sobrevivir y apostar por un futuro mejor habían tenido que arrancarse a sí mismos de sus raíces. Todos, en definitiva, como individuos y como grupos, somos una mezcla del bien y del mal y nuestro esfuerzo personal y colectivo deben ir encaminado a potenciar nuestra virtud y mantener bajo control nuestro vicio. Hoy está de moda hablar de la empatía, de la capacidad de ponerse en el lugar del otro. Pues bien, necesitamos un Derecho Internacional empático, en lugar de ese Derecho Internacional, si es que puede llamarse así, antipático, que propician quienes detentan el poder en sus diferentes escalas.

7) ¿Cómo ha sido la experiencia como abogado y consejero ante la CIJ?

Una experiencia muy gratificante. Un golpe de fortuna. La oportunidad de aplicarme al Derecho Internacional desde otra perspectiva. Los tiempos y la forma de leer el Derecho de un profesor y de un abogado son diferentes. El (buen) profesor, el académico, carece de un parámetro para valorar económicamente el tiempo que dedica a reflexionar sobre una cuestión, que afronta sin prejuicios, esperado llegar a ciertas conclusiones después de un estudio concienzudo de todas las fuentes de conocimiento posibles. Para el abogado las conclusiones son la premisa de una investigación limitada en el tiempo y selectiva en la escogencia de cuanto abone su causa. Naturalmente, en todo contencioso hay puntos claramente ganadores, puntos claramente perdedores y puntos en que no hay nada claro. Estos son los más interesantes. Los que producen una mayor satisfacción profesional cuando se sacan adelante. También deben honrarse al abogado que 'se come el marrón' de defender un punto que se sabe perdedor, lo que es un índice de su compromiso con el Estado al que sirve profesionalmente. Yo pertenezco a la familia de los 'artesanos', invitados *'intuitu personae'* a formar parte de un equipo por un Estado demandante o demandado. Proliferan cada vez más las firmas globales de abogados que han advertido la posibilidad de negocio en los litigios internacionales, más allá de los arbitrajes de inversiones, y ofrecen prácticamente pleitos 'llave en mano' a clientes con más recursos económicos que humanos. Es posible que los 'artesanos', que han sido los grandes protagonistas de la abogacía en contenciosos interestatales, acaben teniendo un papel residual en el futuro, a menos que aparezcan como consultores en el catálogo de las grandes firmas. Por otro lado, dada mi condición nativa hispanoparlante, sólo el elevado número de casos planteados ante la Corte por países latinoamericanos explica mi vinculación a un cierto número de ellos. De no haber sido así mi actividad como abogado de Estados demandantes o demandados ante la Corte no se habría producido.

8) ¿Qué cambios ha implicado para la solución pacífica de controversias la creación de distintos tribunales internacionales con competencia material más específica?

Durante unos años ha estado de moda hablar de los riesgos de fragmentación del Derecho Internacional que podía derivarse de la proliferación de jurisdicciones internacionales sectoriales y/o regionales. Hasta la Comisión de Derecho Internacional se ocupó del tema. Hoy estos riesgos

parecen haberse disuelto. Las distintas jurisdicciones 'miran', se ha dicho, lo que hacen las otras y actúan en consecuencia si lo que las otras ya han hecho no les parece disparatado. Ciertamente, debería pedirse -doctrinalmente, claro- a las jurisdicciones especializadas que 'miren' con mucha atención a la Corte Internacional de Justicia cuando han de tomar posición sobre cuestiones generales y fundamentales del Derecho Internacional y sigan su jurisprudencia. No siempre es fácil porque la Corte se ocupa en el plano contencioso de diferencias interestatales y cuando éstas interesan a conflictos que se alimentan de crímenes o violaciones graves y sistemáticas de derechos humanos, la 'mirada' de la Corte puede ser muy diferente a la de un tribunal en que se ventilan responsabilidades individuales y las víctimas cuentan con un papel en el proceso.

9) ¿Hay alguna temática del derecho internacional en la cual aún no haya incursionado, pero le gustaría hacerlo?

Si considero retrospectivamente mi bibliografía advierto en ella una cierta variedad, pero también el deseo, probablemente instintivo, de evitar ser encasillado como un 'especialista'. Amo mi condición de 'generalista'; de ahí mis obras generales, incluidas las de los principios (en 1982) y el derecho de los tratados (de 1987). He entrado y salido de diferentes sectores por motivos a menudo coyunturales o por mi tendencia a tratar cuestiones polémicas en un momento dado. Tengo por norma, eso sí, no escribir como académico sobre asuntos en que estoy implicado como abogado mientras esos asuntos están vivos. No tengo en mi agenda ningún tema en el que quiera poner el pie por primera vez antes de estirar definitivamente la pata. Realmente, en el plano académico, más allá de la revisión de mis obras generales, me seduce el tratamiento poliédrico de un asunto tal como ensayé en mi contribución sobre 'islas' en el libro homenaje al juez Hugo Caminos. Las 'islas' son un auténtico filón para un enfoque de esta naturaleza y puede que vuelva sobre él en el futuro porque me atrae como divertimento al alcance de mis limitadas posibilidades creativas. Pero el tiempo, alcanzada una cierta edad, es un bien muy preciado, cada vez más escaso, y en la vida hay que aplicar toda la energía positiva de que uno disponga para alimentar el terreno de sus goces. Yo moriré, bajo protesta, con las botas puestas.

10) En el ámbito académico Usted ha tenido experiencias tanto en universidades nacionales como extranjeras, ¿qué diferencias percibió en la enseñanza del derecho internacional?

Realmente, mi experiencia en universidades extranjeras ha sido limitada. Cierto, di un curso en la Academia de Derecho Internacional de La Haya hace ya muchos años (en 1984), en el programa además de Derecho internacional privado (luego ya no debí dar la talla); también en los institutos de Ginebra, París (Pantheon-Assas), Colegio de México y en la Facultad de Derecho de la UBA; así como numerosas conferencias, sobre todo en países latinoamericanos. Pero fueron actividades de una semana o dos a lo sumo. Gané bastante joven la cátedra de Derecho internacional (público y privado) en la Universidad de Murcia en un momento en que no había sabáticos y en 1982 me trasladé a la Autónoma de Madrid (ya como catedrático de Derecho Internacional Público y Relaciones Internacionales) donde mis obligaciones académicas me impedían marchar por trimestres o semestres continuados al extranjero sin una cuidada programación. Nadie me tentó por otro lado para ello ni yo tuve interés en buscarlo. De manera que carezco de la necesaria perspectiva para responder a esta cuestión.

11) ¿Cuáles son los desafíos actuales que enfrenta un profesor universitario en la enseñanza del derecho internacional público?

Si nos referimos a los estudios de grado o licenciatura, dada la tendencia a su banalización y reducción de calendario, el profesor debe establecer prioridades, sacrificando partes del programa tradicional y centrándose en lo que antes he denominado la Parte General del Derecho Internacional. Luego, en las maestrías, con una audiencia con mayor conciencia del afán de saber y profundizar, podrá ir más allá, estudiando particularmente las grandes cuestiones de la paz y la guerra, la contaminación y el respeto del medio ambiente, la cooperación transfronteriza…, en función del perfil de la maestría correspondiente. Una maestría sobre Derecho Internacional y Relaciones Internacionales puede dar mucho juego. En mi opinión, no se trata de dar información, sino de formar al estudiante sobre cómo acceder y manejar la información pertinente; se trata, por otro lado, de transmitir una actitud, la de no dar nada por descontado, evitar el dogmatismo, atender el razonamiento adverso a las propias posiciones, para reafirmarse en ellas o, por el contrario, abandonarlas. No se trata de que los demás piensen como tú, sino de brindarles la posibilidad de llegar a sus propias conclusiones, coincidentes o no con las tuyas. En ese sentido yo siempre he asumido posiciones críticas unidas a un absoluto desdén por el apostolado. El profesor exhibe determinados valores, pero el alumno no ha de asumirlos por reverencia, sino por convicción propia; y, además, de él depende la concreción de conducta subsecuente.

12) Por último, ¿qué consejos puede dar a quienes deseen realizar su desarrollo profesional en el ámbito del derecho internacional?

Yo decidí hacer una carrera profesional en la Universidad, vinculada a la docencia e investigación en Derecho Internacional, en un momento en que en España las leyes de reforma universitaria abrieron interesantes oportunidades. MI actividad como abogado internacionalista se produjo casi veinte años después, sin que yo la buscara deliberadamente. Este es un punto importante. No hay que trazarse un destino a medio y largo plazo. Hay que dejar que la casualidad unida al trabajo bien hecho marquen de alguna manera el discurso de una vida en el que pueden influir multitud de circunstancias. Marcarse objetivos que escapan al propio hacer crea ansiedad primero, impaciencia luego y, a menudo, al fin del día, frustración. Hace al sujeto vulnerable y como consecuencia servil de quienes pende ese soñado futuro que se resiste a convertirse en presente. Para mí la libertad individual y la independencia han sido las guías de mis decisiones. La cátedra me permitió salvaguardar ambas porque su ejercicio era el principio y fin de mi quehacer diario sin servidumbres. En eso he sido afortunado. Tal vez de no haber sido tan libre e independiente mi currículo podría haber sido más pomposo y, ciertamente, hay un par de tareas que me habría gustado desempeñar si se me hubiera invitado a ello. No fue así y no siento ninguna pena. Se atribuye a esa monja algo heterodoxa que fue Teresa de Jesús un lema que siempre he tenido presente y he podido confirmar por experiencia propia: cuando se cierra una puerta, se abre una ventana. Añadiré que hay ventanas espléndidas en la vida que hacen pequeñas las puertas que se cerraron. Otro punto que quisiera resaltar es la atención que debe prestarse a los *intereses* que el profesor puede tener y los *valores* que ha de difundir. El primer mundo vive en una confusión permanente de ambos y los profesores de ese mundo pueden caer en la tentación de creer que esos *intereses* -los primimundistas- encarnan en un plano operativo los *valores* que predican *uti universi*. Y eso es una gran estafa.

VOLVER AL INDICE