CARI / CONSEJO ARGENTINO PARA LAS RELACIONES INTERNACIONALES

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Editorial

El escenario global actual presenta diversos desafios que exhortan a cada campo de conocimiento a aportar lo mejor de sí para la búsqueda de soluciones estables y duraderas. El avance incesante de la pandemia coronavirus (COVID-19), sumado a los conflictos bélicos vigentes, las convulsiones sociales en distintos continentes, muchas de ellas expresiones modernas de viejos reclamos pendientes, el cuestionamiento abierto de algunos líderes al actuar de la Organización Mundial de la Salud, la renuncia del Director General de la Organización Mundial del Comercio, la incertidumbre respecto de la elección del próximo presidente del Banco Interamericano de Desarrollo, son todos elementos que estresan el actual orden internacional y demandan respuestas prácticas con un enfoque creativo e innovador por parte de los diferentes actores de la escena internacional.

En este contexto ve la luz un nuevo número del Boletín Informativo del Instituto de Derecho Internacional del CARI, reuniendo información actualizada y sistematizada relacionada con las herramientas que el derecho internacional procura aportar en este contexto de por sí desafiante.

Del presente número cabe resaltar, asimismo, la entrevista efectuada al Dr. Santiago Deluca, a quien agradecemos su valiosa participación en esta edición, y la amabilidad demostrada al permitirnos conocer y compartir su enriquecedora experiencia en el ámbito del derecho internacional habiéndose desempeñado como primer Secretario del Tribunal Permanente de Revisión del MERCOSUR (2008−2011).

Finalmente, aprovechamos esta oportunidad para agradecer los valiosos comentarios y/o sugerencias efectuados por nuestros lectores, y esperamos que este nuevo número los motive para hacernos llegar nuevos puntos de vista u opiniones que contribuyan al mejoramiento de esta herramienta.

Nicolás Zaballa

Secciones

Sección 1 / Agenda Internacional

Últimas noticias destacadas desde mayo a agosto 2020.

14 de mayo de 2020

Renuncia el Director General de la Organización Mundial de Comercio

El brasileño Roberto Azevedo, que había asumido en el año 2013 luego de suceder a Pascal Lamy, dejará finalmente su cargo el próximo 30 de agosto, un año antes de finalizar su segundo mandato. El propio Azevedo afirmó que "[s]*e trata de una decisión personal, una decisión familiar, y estoy convencido de que esta decisión sirve a los intereses de esta organización de la mejor manera posible*".

Ver nota completa

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15 de mayo de 2020

Los países de la OCDE invitaron, por unanimidad, a Costa Rica para convertirse en el 38º miembro de la Organización

El Secretario General de la organización, Angel Gurría, declaró que "[n]*os complace mucho dar la bienvenida a Costa Rica a la familia de la OCDE en un momento en que el multilateralismo es más importante que nunca. La mejor forma de afrontar los retos mundiales actuales es que las economías emergentes, en desarrollo y avanzadas trabajen de forma conjunta en la búsqueda de soluciones*". Costa Rica será el cuarto Estado Miembro perteneciente a América Latina, junto con México, Chile y Colombia.

Ver nota completa

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21 de mayo de 2020

Tratado de Cielos Abiertos: Estados Unidos anunció la denuncia del acuerdo

La salida se producirá a finales de noviembre de 2020. El convenio, en vigor desde 2002 y del cual participan 34 Estados, establece un control de armas a través de distintos mecanismos, como el sobrevuelo y la obtención de fotografías con una resolución máxima de 30 centímetros.

Ver nota completa

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12 de junio de 2020

Estados Unidos dispuso sanciones contra los funcionarios de la Corte Penal Internacional

Se trata de una orden ejecutiva destinada a congelar o bloquear los activos de los empleados de la Corte Penal Internacional (en territorio norteamericano, con posibilidad de extenderla a sus

familiares) y de este modo evitar que se investigue el comportamiento de las fuerzas armadas de los Estados Unidos, ante la posible comisión de crímenes de guerra en Afganistán desde mayo de 2003.
Ver nota completa

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18 de junio de 2020

Elecciones para Miembros no-permanente del Consejo de Seguridad de las Naciones Unidas. Argentina fue electa para incorporarse al Consejo Económico y Social

Fue elegido México junto a la India, Noruega, Irlanda y Kenia, que también ocuparán un asiento para el periodo 2021-2022. Asimismo, se votó la incorporación al Consejo Económico y Social de Alemania, Argentina, Austria, Bolivia, Bulgaria, Francia, Guatemala, Indonesia, Japón, Liberia, Libia, Madagascar, México, Nigeria, Portugal, las Islas Salomón, el Reino Unido y Zimbabue.
Ver nota completa

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7 de julio de 2020

Estados Unidos notifica su retiro de la Organización Mundial de la Salud

Como consecuencia de las críticas recibidas por la gestión de la pandemia del COVID-19, el presidente Donald Trump notificó formalmente a las Naciones Unidas este martes de la salida de su país de la Organización Mundial de la Salud. Se trata del primer paso oficial para una desvinculación que resultará operativa a partir del 6 de julio de 2021.
Ver nota completa

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11 de julio de 2020

El Consejo de Seguridad extiende, por un año, la ayuda humanitaria a Siria

La autorización comprende la asistencia a través de la entrega de alimentos, medicinas y otros artículos de primera necesidad, que llegarán desde Turquía hacia el noroeste de Siria, a través del cruce fronterizo de Bab al-Hawa. La autorización previa, con fundamento en la Resolución 2504 que permitía la operación humanitaria, durante seis meses, que fue extendida por un año.
Ver nota completa

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21 de julio de 2020

La UE establece un histórico Fondo de Recuperación para amortiguar la crisis económica de sus Estados Miembros

Por primera vez, la UE se endeudará en grupo y ello fue posible gracias a que Alemania cambió su postura de estricto ahorro y cero endeudamiento y aceptó la propuesta del presidente francés que venía proponiendo un cambio hacia una política presupuestaria y financiera comunes.

Ver nota completa

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27 de julio de 2020

El Banco Interamericano de Desarrollo anuncia vacante para su presidencia

La Secretaría del Banco Interamericano de Desarrollo (BID) notificó el proceso de propuesta de candidaturas para la elección del próximo presidente de la organización, la que se encuentra abierta por 45 días. La elección tendrá lugar el 12 y 13 de septiembre de 2020.

Ver nota completa

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14 de agosto de 2020

El Representante Permanente de Mauricio ante las Naciones Unidas envía una carta al Presidente de la Asamblea General, referida a la actual situación del Archipiélago de Chagos

En su comunicación, el funcionario de Mauricio recordó el beneplácito de la Asamblea General y la adopción de las conclusiones jurídicas dictaminadas por la Corte Internacional de Justicia en la opinión consultiva de febrero de 2019. Asimismo, señaló que la aprobación de la Resolución 73/295 (que exigió, entre otras cosas, al Reino Unido de Gran Bretaña e Irlanda del Norte el retiro de la administración colonial del archipiélago de Chagos de manera incondicional en un plazo no superior a seis meses) contiene una serie de medidas cuyo progreso fue informado por el Secretario General en fecha 18 de mayo de 2020 (A/74/834).

Al respecto, el Gobierno de Mauricio observa con profundo pesar que el Reino Unido de Gran Bretaña e Irlanda del Norte no ha cumplido sus obligaciones en virtud del derecho internacional, como se refleja en la opinión consultiva de la Corte y que la prolongación de la administración colonial ilícita del archipiélago de Chagos por el Reino Unido de Gran Bretaña e Irlanda del Norte constituye una afrenta al derecho internacional y socava la promoción de la justicia, en particular el derecho al retorno de los antiguos residentes del archipiélago de Chagos.

Ver nota completa

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20 de agosto de 2020

El accidente de un Buque petrolero de pabellón panameño frente a islas de Mauricio, ocasiona graves daños al medio marino en áreas sensibles

A pesar que aún se desconocen la exactitud de los hechos, se trata del peor derrame de petróleo en la historia de Mauricio. El buque −de pabellón panameño y operado por una empresa japonesa− transportaba, aproximadamente, 3894 toneladas de gasolina, 207 toneladas de diésel y 90 toneladas de aceite lubricante. El vertido puso en peligro los corales, los peces y otra vida marina y amenaza la economía, la seguridad alimentaria, la salud y la industria del Estado insular.

Ver nota completa

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25 de agosto de 2020

El acuerdo entre Israel y los Emiratos Árabes Unidos es considerado una oportunidad para superar el conflicto árabe-israelí

El convenio internacional normaliza las relaciones entre los dos países y suspende el planes de Israel de anexar partes de los territorios ocupados en Cisjordania. Al respecto, el enviado de las Naciones Unidas en la región manifestó que el acuerdo contiene la posibilidad de modificar la dinámica en Medio Oriente y representa una invitación para que líderes palestinos e israelíes se esfuercen activamente en haras de resolver el conflicto.

Ver nota completa

VOLVER AL INDICE

Sección 2 / Principales Novedades Normativas

Período mayo/agosto de 2020.

Fuente: http://tratados.mrecic.gov.ar/busqueda.php

BILATERALES CON OTROS PAISES

ACUERDO MARCO PARA LA COOPERACIÓN EN EL CAMPO DE LAS ACTIVIDADES ESPACIALES ENTRE EL GOBIERNO DE LA REPÚBLICA ARGENTINA Y EL GOBIERNO DE LA REPÚBLICA POPULAR CHINA

Firma: Beijing, 04 de Febrero de 2015
Vigor: 24 de Julio de 2020
PDF

ACUERDO ENTRE EL GOBIERNO DE LA REPÚBLICA ARGENTINA Y EL GOBIERNO DE LA REPÚBLICA DE TURQUÍA SOBRE COOPERACIÓN Y ASISTENCIA MUTUA EN CUESTIONES ADUANERAS

Firma: Buenos Aires, 30 de Enero de 2017
Vigor: 25 de Junio de 2020
PDF

ACUERDO ENTRE EL GOBIERNO DE LA REPÚBLICA ARGENTINA Y EL GOBIERNO DE LA REPÚBLICA DE CABO VERDE SOBRE SUPRESIÓN DE VISAS PARA TITULARES DE PASAPORTES DIPLOMÁTICOS, OFICIALES Y DE SERVICIO

Firma: Buenos Aires, 10 de Agosto de 2018
Vigor: 09 de Julio de 2020
PDF

CONVENIO DE RECONOCIMIENTO DE CERTIFICADOS DE ESTUDIOS DE EDUCACIÓN PRIMARIA Y EDUCACIÓN SECUNDARIA O SUS DENOMINACIONES EQUIVALENTES ENTRE LA REPÚBLICA ARGENTINA Y LA REPÚBLICA DE COSTA RICA.

Firma: Buenos Aires, 21 de Marzo de 2019
Vigor: 22 de Mayo de 2020
PDF

ACUERDO POR CANJE DE NOTAS ENTRE LA REPÚBLICA ARGENTINA Y LA REPÚBLICA DE CHILE PARA SUSPENDER POR UN PLAZO DE 90 DÍAS LA APLICACIÓN DE LOS ARTÍCULOS 10.24.1, 10.24.2, 10.24.3, 10.24.4 DEL ACUERDO COMERCIAL ENTRE LA REPÚBLICA ARGENTINA Y LA REPÚBLICA DE CHILE SUSCRIPTO EL 02 DE NOVIEMBRE DE 2017.

Firma: Santiago, 28 de abril de 2020 y Buenos Aires 30 de abril de 2020, 30 de Abril de 2020
Vigor: 01 de Mayo de 2020
PDF

MULTILATERALES

ACUERDO MARCO DE COOPERACIÓN ENTRE LOS ESTADOS PARTES DEL MERCOSUR Y ESTADOS ASOCIADOS PARA LA CREACIÓN DE EQUIPOS CONJUNTOS DE INVESTIGACIÓN

Celebracion: San Juan, 02 de Agosto de 2010
Vigor: 22 de Mayo de 2020
Norma Aprobatoria: Ley n° 26.952
PDF

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

Firma por Arg: 26 de Julio de 2019
Celebracion: Montevideo, 26 de Julio de 2019
Vigor: 05 de Julio de 2020
PDF

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 14 SUSCRITO ENTRE LA REPÚBLICA ARGENTINA Y LA REPÚBLICA FEDERATIVA DEL BRASIL - CUADRAGÉSIMO TERCER PROTOCOLO ADICIONAL.

Firma por Arg: 03 de Octubre de 2019
Celebracion: Montevideo, 03 de Octubre de 2019
Vigor: 26 de Mayo de 2020
PDF

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

Firma por Arg: 28 de Noviembre de 2019
Celebracion: Montevideo, 28 de Noviembre de 2019
Vigor: 05 de Julio de 2020
PDF

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 14 SUSCRIPTO ENTRE LA REPÚBLICA ARGENTINA Y LA REPÚBLICA FEDERATIVA DEL BRASIL - CUADRAGÉSIMO CUARTO PROTOCOLO ADICIONAL.

Firma por Arg: 02 de Diciembre de 2019
Celebracion: Montevideo, 02 de Diciembre de 2019
Vigor: 26 de Mayo de 2020
PDF

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO NONAGÉSIMO QUINTO PROTOCOLO ADICIONAL.
Firma por Arg: 17 de Abril de 2020
Celebracion: Montevideo, 17 de Abril de 2020
Vigor: 27 de Mayo de 2020
PDF

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO NONAGÉSIMO SEXTO PROTOCOLO ADICIONAL.
Firma por Arg: 17 de Abril de 2020
Celebracion: Montevideo, 17 de Abril de 2020
Vigor: 27 de Mayo de 2020
PDF

VOLVER AL INDICE

Sección 3 / Jurisprudencia

CORTE INTERNACIONAL DE JUSTICIA

14/07/2020: Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (Bahrain, Egypt, Saudi Arabia and United Arab Emirates v. Qatar)

Disponible aquí

14/07/2020: Appeal Relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement (Bahrain, Egypt and United Arab Emirates v. Qatar)

Disponible aquí

CORTE INTERAMERICANA DE DERECHOS HUMANOS

20/07/2020: Caso Valle Ambrosio y otro Vs. Argentina. Fondo y Reparaciones. Serie C No. 408.

Disponible aquí

08/07/2020: Caso Petro Urrego Vs. Colombia. Excepciones Preliminares, Fondo, Reparaciones y Costas. Serie C No. 406.

Disponible aquí

24/06/2020: Caso Guzmán Albarracín y otras Vs. Ecuador. Fondo, Reparaciones y Costas. Serie C No. 405.

Disponible aquí

09/06/2020: Caso Spoltore Vs. Argentina. Excepción Preliminar, Fondo, Reparaciones y Costas. Serie C No. 404.

Disponible aquí

03/06/2020: Caso Roche Azaña y otros Vs. Nicaragua. Fondo y Reparaciones. Serie C No. 403.

Disponible aquí

CORTE AFRICANA DE DERECHOS HUMANOS

15/07/2020: App 001/2019 for Judgment on Review of App. No. 030/2015 – Ramadhani Issa Malengo v. United Republic of Tanzania

Disponible aquí

15/07/2020: App. No. 018/2018 - Jebra Kambole v. The United Republic of Tanzania
Disponible aquí

15/07/2020: App. No. 044/2019 - Suy Bi Gohore Emile & 8 Others v. Côte d'Ivoire
Disponible aquí

TRIBUNAL DE JUSTICIA DE LA UNIÓN EUROPEA

Decisiones abril – agosto 2020
Disponibles aquí

TRIBUNAL EUROPEO DE DERECHOS HUMANOS

Decisiones abril – agosto 2020
Disponibles aquí

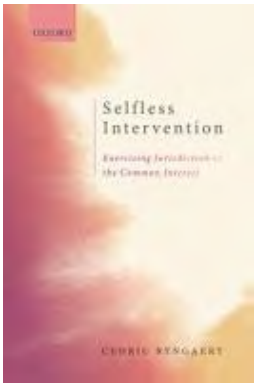
VOLVER AL INDICE

Sección 4 / Doctrina e Investigación

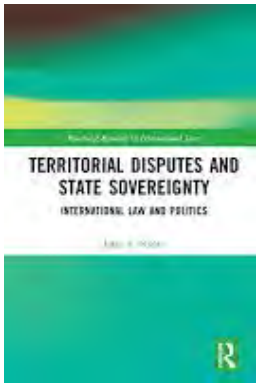
Fuentes: http://ilreports.blogspot.com/ / www.marcialpons.es/ / https://www.edisofer.com/

Libros

Noelle Higgins (Maynooth Univ. Law) has published The Protection of Cultural Heritage During Armed Conflict: The Changing Paradigms (Routledge 2020). Here's the abstract:This book analyses the current legal framework seeking to protect cultural heritage during armed conflict and discusses proposed and emerging paradigms for its better protection. Cultural heritage has always been a victim of conflict, with monuments and artefacts frequently destroyed as collateral damage in wars throughout history. In addition, works of art have been viewed as booty by victors and stolen in the aftermath of conflict. However, deliberate destruction of cultural sites and items has also occurred, and the Intentional destruction of cultural heritage has been a hallmark of recent conflicts in the Middle East and North Africa, where we have witnessed unprecedented, systematic attacks on culture as a weapon of war. In Iraq, Syria, Libya, Yemen, and Mali, extremist groups such as ISIS and Ansar Dine have committed numerous acts of iconoclasm, deliberately destroying heritage sites, and looting valuable artefacts symbolic of minority cultures. This study explores how the international law framework can be fully utilised in order to tackle the destruction of cultural heritage, and analyses various paradigms which have recently been suggested for its better protection, including the Responsibility to Protect paradigm and the peace and security paradigm.



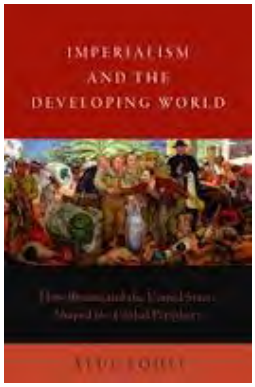
Cedric Ryngaert (Utrecht Univ. - Law) has published Selfless Intervention: The Exercise of Jurisdiction in the Common Interest (Oxford Univ. Press 2020). Here's the abstract: Should states intervene in situations outside of their own territory in order to safeguard or promote the common good? In this book, Cedric Ryngaert addresses this key question, looking at how the international law of state jurisdiction can be harnessed to serve interests common to the international community. The author inquires how the purpose of the law of jurisdiction may shift from protecting national interests to furthering international concerns, such as those relating to the global environment and human rights. Such a shift is enabled by the instability of the notion of jurisdiction, as well as the interpretative ambiguity of the related notions of sovereignty and territoriality. There is no denying that, in the real world, 'selfless intervention' by states tends to combine with more insular considerations. This book argues, however, that such considerations do not necessarily detract from the legitimacy of unilateralism, but may precisely serve to trigger the exercise of jurisdiction in the common interest.



Jorge E. Núñez (Manchester Metropolitan Univ. - Law) has published Territorial Disputes and State Sovereignty: International Law and Politics (Routledge 2020). Here's the abstract: Many sovereignty conflicts remain unresolved around the world. Current solutions in law, political science and international relations generally prove problematic to at least one of the agents part of these differences. Arguing that disputes are complex, multi-layered and multi-faceted, this book brings together a global, inter-disciplinary view of territorial disputes. The book reviews the key conceptual elements central to legal and political sciences with regards to territorial disputes: state, sovereignty and self-determination. Looking at some of the current long-standing disputes worldwide, it compares and contrasts the many issues at stake and the potential remedies currently available in order to assess why some territorial disputes

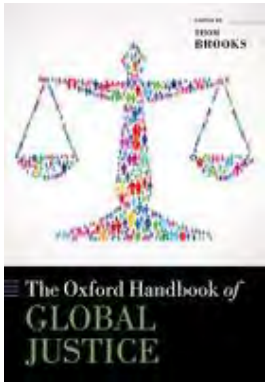
remain unresolved. Finally, it offers a set of guidelines for dispute settlement and conflict resolution that current remedies fail to provide.

Lorenzo Palestini has published La protection des intérêts juridiques de l'État tiers dans le procès de délimitation maritime (Bruylant 2020). Here's the abstract: Qui dit État tiers au procès de délimitation maritime, dit avant tout risque d'empiéter sur les espaces susceptibles d'appartenir à ce dernier. L'empiétement se produit lorsque, avant d'atteindre l'extrémité de la délimitation retenue par les juges ou arbitres, ce sont les espaces maritimes d'un État tiers, et non plus ceux des Parties au procès, qui risquent d'être présents de part et d'autre de la ligne. Dans la mesure où tout État côtier peut, entre autres, revendiquer des espaces maritimes situés jusqu'à 200 milles marins de son littoral, tels que la zone économique exclusive et le plateau continental, il en découle que bien souvent trois, voire quatre, projections côtières finissent par se superposer sur un seul et unique espace maritime. Ce chevauchement de titres, à l'origine d'une pluralité de différends, engendre le risque d'empiétement, mais aussi d'autres difficultés aux stades, par exemple, de l'identi fication de la zone pertinente aux fins de délimiter et de la vérification de l'absence de disproportion marquée entre les espaces attribués à chacune des Parties à la procédure. Assurément, en présence de tiers, le procès de délimitation maritime est un sentier semé d'embûches où le risque de commettre un faux pas est particulièrement tangible. Si les conflits en mer de Chine méridionale et dans l'Arctique témoignent de l'actualité du sujet, il convient de souligner que cette problématique survient dans tous les océans et mers du monde. L'importance du sujet ne peut d'ailleurs que croître à l'avenir car ce sont justement les différends maritimes impliquant plus que deux États qui ont tendance à se perpétuer dans le temps. L'ouvrage met en lumière une attitude au demeurant contradictoire. D'un côté, la jurisprudence se montre favorable à la prise en considération des intérêts des États tiers. Cela témoigne de la reconnaissance du fait que le principe de la relativité de la chose jugée offre une protection tout compte fait insuffisante aux tiers. D'un autre côté, cependant, la Cour internationale de Justice adopte une approche trop restrictive en matière d'intervention. Ceci atteste d'une politique judiciaire qui s'enferme dans une logique bilatérale à notre sens déplacée et contreproductive.

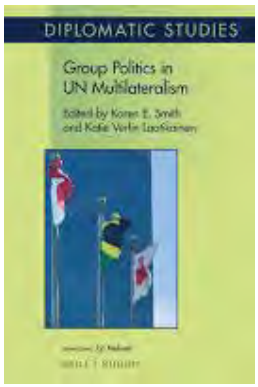


Atul Kohli (Princeton Univ.) has published Imperialism and the Developing World: How Britain and the United States Shaped the Global Periphery (Oxford Univ. Press 2020). Here's the abstract: How did Western imperialism shape the developing world? In *Imperialism and the Developing World*, Atul Kohli tackles this question by analyzing British and American influence on Asia, Africa, the Middle East, and Latin America from the age of the British East India Company to the most recent U.S. war in Iraq. He argues that both Britain and the U.S. expanded to enhance their national economic prosperity, and shows how Anglo-American expansionism hurt economic development in poor parts of the world. To clarify the causes and consequences of modern imperialism, Kohli first explains that there are two kinds of empires and analyzes the dynamics of both. Imperialism can refer to a formal, colonial empire such as Britain in the 19th century or an informal empire, wielding significant influence but not territorial control, such as the U.S. in the 20th century. Kohli contends that both have repeatedly undermined the prospects of steady economic progress in the global periphery, though to different degrees. Time and again, the pursuit of their own national economic prosperity led Britain and the U.S. to expand into peripheral areas of the world. Limiting the sovereignty of other states-and poor and weak states on the periphery in particular-was the main method of imperialism. For the British and American empires, this tactic ensured that peripheral economies would stay open and accessible to Anglo-American economic interests. Loss of sovereignty, however, greatly hurt the life chances of people living in Asia, the Middle East, Africa, and Latin America. As Kohli lays bare, sovereignty is an economic

asset; it is a precondition for the emergence of states that can foster prosperous and inclusive industrial societies.



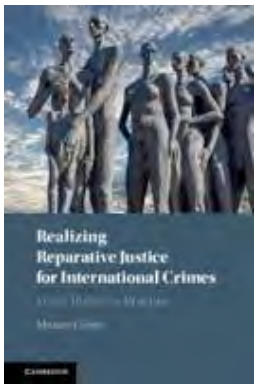
Thom Brooks (Durham Univ. - Law) has published The Oxford Handbook of Global Justice (Oxford Univ. Press 2020). The table of contents is here. Here's the abstract:
Global justice is an exciting area of refreshing, innovative new ideas for a changing world facing significant challenges. Not only does work in this area often force us to rethink about ethics and political philosophy more generally, but its insights contain seeds of hope for addressing some of the greatest global problems facing humanity today. *The Oxford Handbook of Global Justice* has been selective in bringing together some of the most pressing topics and issues in global justice as understood by the leading voices from both established and rising stars across twenty-five new chapters. This *Handbook* explores severe poverty, climate change, egalitarianism, global citizenship, human rights, immigration, territorial rights, and much more.



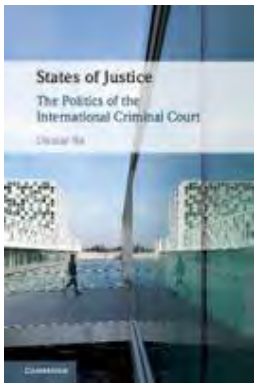
Katie Laatikainen (London School of Economics - International Relations) & **Karen Smith** (Adelphi Univ. - Political Science) have published Group Politics in UN Multilateralism (Brill | Nijhoff 2020). The table of contents is here. Here's the abstract: *Group Politics in UN Multilateralism* provides a new perspective on diplomacy and negotiations at the United Nations. Very few states 'act individually' at the UN; instead they often work within groups such as the Africa Group, the European Union or the Arab League. States use groups to put forward principled positions in an attempt to influence a wider audience and thus legitimize desired outcomes. Yet the volume also shows that groups are not static: new groups emerge in multilateral negotiations on issues such as climate, security and human rights. At any given moment, UN multilateralism is shaped by long-standing group dynamics as well as shifting, ad-hoc groupings. These intergroup dynamics are key to understanding diplomatic practice at the UN.

Surya P Subedi (Univ. of Leeds - Law) has published International Investment Law: Reconciling Policy and Principle (Hart Publishing 2020). Here's the abstract: The updated edition of this acclaimed book offers a critical overview of the law of foreign investment, incorporating a thorough analysis of the principles and standards of treatment available to foreign investors in international law. It is authoritative and multi-layered, offering an analysis of the key issues and an insightful assessment of recent trends in the case law, from both developed and developing country perspectives. A major feature of the book is that it deals with the tension between the law of foreign investment and other competing principles of international law. In doing so, it proposes ways of achieving a balance between these principles and the need to protect the legitimate rights and expectations of foreign investors on the one hand, and the need not to restrict unduly the right of host governments to implement their public policy on the other, including the protection of the environment and human rights, and the promotion of social and economic justice within the host country. Many of the pioneering ideas that were advanced in the first edition of this book in 2008 have been taken up by governments and international organisations in their attempts to reform the investor-State dispute settlement mechanism and strike a balance between different competing principles in developing international investment law. Accordingly, this fourth edition captures the essence of the ongoing multiple reform processes - either planned or envisaged – currently underway.

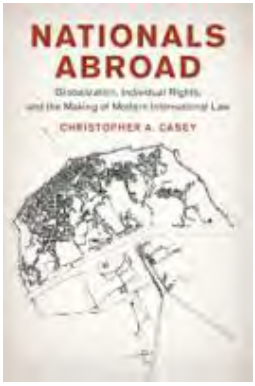
Christophe Geiger (Université de Strasbourg - Law) has published Research Handbook on Intellectual Property and Investment Law (Edward Elgar Publishing 2020). The table of contents is here. Here's the abstract: This innovative Research Handbook explores the complex and controversial interactions between intellectual property (IP) and investment law. In light of recent developments at national, European and international levels, the chapters critically examine the legitimacy of current practices with regard to the social function of IP rights and the regulatory autonomy of States to undertake measures in the public interest. Internationally renowned contributors analyse high profile cases in the framework of global legal forums and agreements, such as the Global Agreement on Tariffs and Trade and the WTO. Exploring the significance of fundamental human rights and ethical concerns, this Research Handbook will provide critical insight into intellectual property law, particularly with respect to the protection of IP as an investment, and its adjudication in the context of investor-state dispute settlement (ISDS) mechanisms



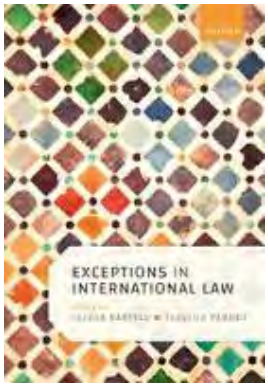
Miriam Cohen (Université de Montréal - Law) has published Realizing Reparative Justice for International Crimes: From Theory to Practice (Cambridge Univ. Press 2020). Here's the abstract:This book provides a timely and systematic study of reparations in international criminal justice, going beyond a theoretical analysis of the system established at the International Criminal Court (ICC). It originally engages with recent decisions and filings at the ICC relating to reparation and how the criminal and reparative dimensions of international criminal justice can be reconciled. This book is equally innovative in its extensive treatment of the significant challenges of adjudicating on reparations, and proposing recommendations based on concrete experiences. With recent and imminent decisions from the ICC, and developments in national courts and beyond, Miriam Cohen provides a critical analysis of the theory and emerging jurisprudence of reparations for international crimes, their impact on victims and stakeholders.



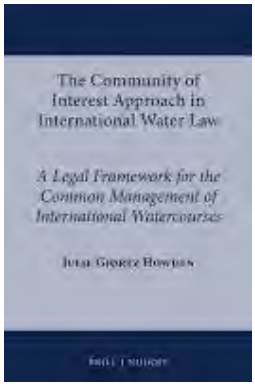
Oumar Ba (Morehouse College - Political Science) has published States of Justice: The Politics of the International Criminal Court (Cambridge Univ. Press 2020). Here's the abstract: This book theorizes the ways in which states that are presumed to be weaker in the international system use the International Criminal Court (ICC) to advance their security and political interests. Ultimately, it contends that African states have managed to instrumentally and strategically use the international justice system to their advantage, a theoretical framework that challenges the "justice cascade" argument. The empirical work of this study focuses on four major themes around the intersection of power, states' interests, and the global governance of atrocity crimes: firstly, the strategic use of self-referrals to the ICC; secondly, complementarity between national and the international justice system; thirdly, the limits of state cooperation with international courts; and finally the use of international courts in domestic political conflicts.



Christopher A. Casey has published Nationals Abroad: Globalization, Individual Rights, and the Making of Modern International Law (Cambridge Univ. Press 2020). Here's the abstract: It is a fundamental term of the social contract that people trade allegiance for protection. In the nineteenth century, as millions of people made their way around the world, they entangled the world in web of allegiance that had enormous political consequences. Nationality was increasingly difficult to define. Just who was a national in a world where millions lived well beyond the borders of their sovereign state? As the nineteenth century gave way to the twentieth, jurists and policymakers began to think of ways to cut the web of obligation that had enabled world politics. They proposed to modernize international law to include subjects other than the state. Many of these experiments failed. But, by the mid-twentieth century, an international legal system predicated upon absolute universality and operated by intergovernmental organizations came to the fore. Under this system, individuals gradually became subjects of international law outside of their personal citizenship, culminating with the establishment of international courts of human rights after the Second World War.

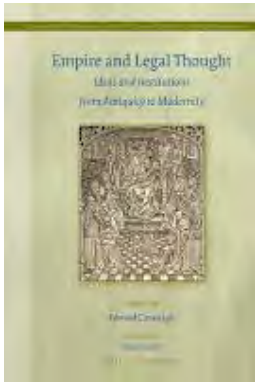


Lorand Bartels (Univ. of Cambridge) & **Federica Paddeu** (Univ. of Cambridge) have published Exceptions in International Law (Oxford Univ. Press 2020). The table of contents is here. Here's the abstract:
Many international obligations are subject to exceptions. These can be expressed in several ways: an obligation may be vitiated by the presence of one of its constitutive negative requirements, an obligation may be set aside by the application of another more specific rule, or an actor might have a right to act in a certain way notwithstanding a contrary obligation. Exceptions are also of fundamental practical importance: for example, they affect the allocation of the burden of proof.
This volume provides a systematic and analytic study of exceptions to legal obligations in international law and defences for breaches of these obligations. It features contributions written by legal philosophers, who introduce various theoretical approaches to the role of exceptions, and scholars of international law, who elaborate on generic issues applicable to exceptions in international law as well as examine specific issues arising from exceptions in their respective areas of expertise. Topics covered include the use of force, international criminal law, human rights, trade, investment, environment, and jurisdictional immunities.

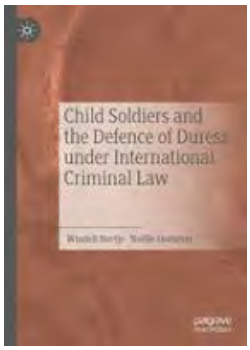


Julie Gjørtz Howden (Norwegian Ministry of Climate and Environment) has published The Community of Interest Approach in International Water Law: A Legal Framework for the Common Management of International Watercourses (Brill | Nijhoff 2020). Here's the abstract: In *The Community of Interest Approach in International Water Law*, Julie Gjørtz Howden identifies the normative elements of the community of interest approach (COIA) in international water law, and demonstrates how the approach can provide a legal framework for common management of international watercourses. Through analyses of various features of international watercourse cooperation and common management, the book determines the main principles and the underlying values of the COIA, and discusses how the approach contributes to the development of international water law. Although the COIA is one of the central theories of international water law, very few analytical accounts of its legal features exist. Through The Community of Interest Approach in International Water Law, Howden offers a new and fresh approach to international water law that pulls together questions of holistic management, State sovereignty, public participation and river basin organisations into the analyses of the COIA and its relevance for managing transboundary watercourses today.

Valeska David has published Cultural Difference and Economic Disadvantage in Regional Human Rights Courts: An Integrated View (Intersentia 2020). Here's the abstract: More and more people are turning to human rights courts to seek protection against prejudice, disadvantage or exclusion on account of their cultural and economic particularities. Human rights courts are thus increasingly faced with the difficult task of deciding these cases, which raise a number of complex and contested legal questions. To what extent can courts accommodate cultural diversity, protect all kinds of groups or interfere in socio-economic policy? This book argues that one of the problems encountered in dealing with such cases is the courts' tendency to assess them from a 'compartmentalised' or fragmentary perspective. This line of reasoning isolates or places into 'boxes' the various interrelated components of the right holder's claim and the norms concerning the case to their detriment. This book critiques this reductionist approach that is out of touch with real life and which, moreover, tends to leave the roots of the alleged violations intact. To counterbalance this tendency, an innovative, integrated and person-centered approach to adjudicating claims of cultural difference and economic disadvantage is put forward. Drawing on the concepts of intersectionality, indivisibility and normative interdependence, the book presents specific notions and methods for approaching the appreciation of rights holders, harms and norms in a holistic manner. A wide selection of case law from both the European and the Inter-American courts of human rights supports the normative framework developed in this book. The sample mostly includes cases brought by Muslims, Roma, Travelers, indigenous peoples, afro-descendants and people living in poverty. *Cultural Difference and Economic Disadvantage in Regional Human Rights Courts: An Integrated View* combines legal theory with practical insights in analysing both cultural an economic issues, which are rarely addressed together in human rights legal scholarship. It also offers a context-sensitive and relational view of human rights law that puts rights holders at the heart of the legal analysis, taking heed of the social structures within which legal frameworks operate. The book makes for compelling reading for students, academics and practitioners working in the fields of human rights law, jurisprudence, constitutional law, legal theory and feminist and cultural studies.



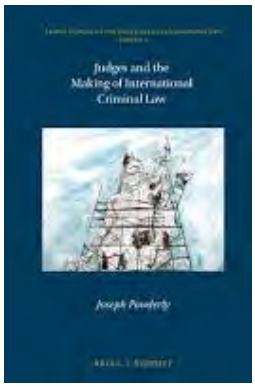
Edward Cavanagh has published Empire and Legal Thought: Ideas and Institutions from Antiquity to Modernity (Brill | Nijhoff 2020). The table of contents is here. Here's the abstract: Emphatic of the importance of legal thought to the rise and fall of empires, this book highlights the centrality of empires to the development of legal thought. Comprehension of the development of legal thought over time is necessary for any historical, philosophical, practical, or theoretical enquiry into the subject today, it is argued here. When seen against the background of broad geopolitical, diplomatic, administrative, intellectual, religious, and commercial changes, law begins to appear very resilient. It withstands the rise and fall of empires. It provides the framework for the establishment of new orders in the place of the old. Today what analogies, principles, and authorities of law have survived these changes continue to inform much of the international legal tradition.



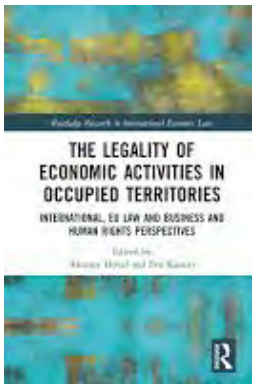
Windell Nortje (Univ. of the Western Cape - Law) & **Noëlle Quénivet** (Univ. of the West of England - Law) have published Child Soldiers and the Defence of Duress under International Criminal Law (Palgrave Macmillan 2020). Here's the abstract: This book investigates the use of duress as a defence in international criminal law, specifically in cases of child soldiers. The prosecution of children for international crimes often only focuses on whether children can and should be prosecuted under international law. However, it is rarely considered what would happen to these children at the trial stage. This work offers a nuanced approach towards international prosecution and considers how children could be implicated and defended in international courts. This study will be of interest to

academics and practitioners working in international criminal law, transitional justice and children's rights.

Szilárd Gáspár-Szilágyi (Keele Univ. - Law), **Daniel Behn** (Queen Mary Univ. of London - Law; Univ. of Oslo - Law), & **Malcolm Langford** (Univ. of Oslo - PluriCourts) have published Adjudicating Trade and Investment Disputes: Convergence or Divergence? (Cambridge Univ. Press 2020). The table of contents is here. Here's the abstract: Recent trends suggest that international economic law may be witnessing a renaissance of convergence – both parallel and intersectional. The adjudicative process also reveals signs of convergence. These diverse claims of convergence are of legal, empirical and normative interest. Yet, convergence discourse also warrants scepticism. This volume contributes to both the general debate on the fragmentation of international law and the narrower discourse concerning the interplay between international trade and investment, focusing on dispute settlement. It moves beyond broad observations or singular case studies to provide an informed and wide-reaching assessment by investigating multiple standards, processes, mechanisms and behaviours. Methodologically, a normative stance is largely eschewed in favour of a range of 'doctrinal,' quantitative and qualitative methods that are used to address the research questions. Furthermore, in determining the extent of convergence or divergence, it is important to recognize that there is no bright line or clear yardstick for determining its nature or degree.



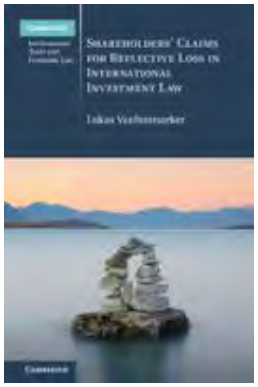
Joseph Powderly (Leiden Univ. - Grotius Centre for International Legal Studies) has published Judges and the Making of International Criminal Law (Brill | Nijhoff 2020). Here's the abstract: In *Judges and the Making of International Criminal Law* Joseph Powderly explores the role of judicial creativity in the progressive development of international criminal law. This wide-ranging work unpacks the nature and contours of the international criminal judicial function. Employing empirical, theoretical, and doctrinal methodologies, it interrogates the profile of the international criminal bench, judicial ethics, and the interpretative techniques that judges have utilized in their efforts to progressively develop international criminal law. Drawing on the work of Hersch Lauterpacht, it proposes a conception of the international criminal judicial function that places judicial creativity at its very heart. In doing so it argues that international criminal judges have a central role to play in ensuring that modern international criminal law continues to adapt to a volatile global environment, where accountability for crimes that shock the conscience of humanity is as much needed as at any moment in recent history.



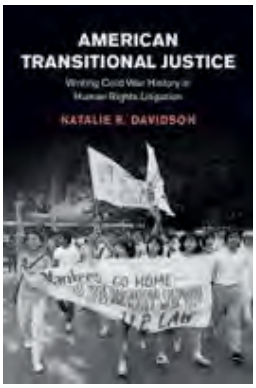
Antoine Duval (Asser Institute) & **Eva Kassoti** (Asser Institute) have published The Legality of Economic Activities in Occupied Territories: International, EU Law and Business and Human Rights Perspectives (Routledge 2020). The table of contents is here. Here's the abstract: This edited volume explores the question of the lawfulness under international law of economic activities in occupied territories from the perspectives of international law, EU law, and business and human rights.

Providing a multi-level overview of relevant practices, policies and cases, the book is divided in three parts, each dealing with how different legal fields have come to grips with the challenges brought about by the question of the lawfulness under international law of economic activities in occupied territories. The first part includes contributions pertaining to the international law dimension of the question. It contains chapters on the conjunction between jus in bello, jus ad bellum and international human rights law in the context of exploitation of natural resources in territories under belligerent occupation; on third party obligations flowing from the application of

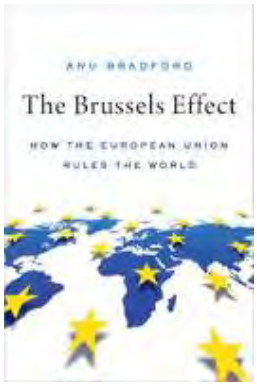
occupation law in relation to natural resources exploitation; and on State practice with regards to trading with occupied territories. The second part focuses on EU law and contains contributions that assess the EU's approach to occupied territories and the extent to which this approach comports with the EU's obligations under international law; contributions providing an in-depth assessment of the case-law of the CJEU on occupied territories; as well as contributions pertaining to the political considerations that may influence the legal framing of questions pertaining to occupied territories. The final part focuses on the business and human rights perspective, with chapters on investment arbitration as a means for holding the occupant accountable for its conduct towards foreign investments and investors; on the role and impact of the soft law framework governing corporate activity (such as the UN Guiding Principles) on business involvement with occupied territories; as well as a final case study on the dispute involving Israeli football activity in settlements located in the OPT and the legal responsibility of FIFA in this regard.



Lukas Vanhonnaeker (McGill Univ.) has published Shareholders' Claims for Reflective Loss in International Investment Law (Cambridge Univ. Press 2020). Here's the abstract: In recent years, investor-state tribunals have often permitted shareholders' claims for reflective loss despite the well-established principle of no reflective loss applied consistently in domestic regimes and in other fields of international law. Investment tribunals have justified their decisions by relying on definitions of 'investment' in investment agreements that often include 'shares', while the no-reflective-loss principle is generally justified on the basis of policy considerations pertaining to the preservation of the efficiency of the adjudicatory process and to the protection of other stakeholders, such as creditors. Although these policy considerations militating for the prohibition of shareholders' claims for reflective loss also apply in investor-state arbitration, they are curable in that context and must be balanced with policy considerations specific to the field of international investment law that weigh in favor of such claims: the protection of foreign investors in order to promote trade and investment liberalization.



Natalie R. Davidson (Tel-Aviv Univ. - Law) has published American Transitional Justice: Writing Cold War History in Human Rights Litigation (Cambridge Univ. Press 2020). Here's the abstract: Natalie Davidson offers an alternative account of Alien Tort Statute litigation by revisiting the field's two seminal cases, Filártiga (filed 1979) and Marcos (filed 1986), lawsuits ostensibly concerned with torture in Paraguay and the Philippines, respectively. Combining legal analysis, archival research and ethnographic methods, this book reveals how these cases operated as transitional justice mechanisms, performing the transition of the United States and its allies out of the Cold War order. It shows that US courts produced a whitewashed history of US involvement in repression in the Western bloc, while in Paraguay and the Philippines the distance from US courts allowed for a more critical narration of the lawsuits and their underlying violence as symptomatic of structural injustice. By exposing the political meanings of these legal landmarks for three societies, Davidson sheds light on the blend of hegemonic and emancipatory implications of international human rights litigation in US courts.

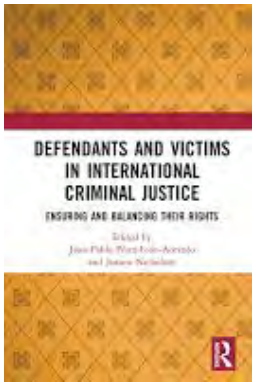


Anu Bradford (Columbia Univ. - Law) has published The Brussels Effect: How the European Union Rules the World (Oxford Univ. Press 2020). Here's the abstract:
For many observers, the European Union is mired in a deep crisis. Between sluggish growth; political turmoil following a decade of austerity politics; Brexit; and the rise of Asian influence, the EU is seen as a declining power on the world stage. Columbia Law professor Anu Bradford argues the opposite in her important new book The Brussels Effect: the EU remains an influential superpower that shapes the world in its image. By promulgating regulations that shape the international business environment, elevating standards worldwide, and leading to a notable Europeanization of many important aspects of global commerce, the EU has managed to shape policy in areas such as data privacy, consumer health and safety, environmental protection, antitrust, and online hate speech. And in contrast to how superpowers wield their global influence, the Brussels Effect - a phrase first coined by Bradford in 2012- absolves the EU from playing a direct role in imposing standards, as market forces alone are often sufficient as multinational companies voluntarily extend the EU rule to govern their global operations. The Brussels Effect shows how the EU has acquired such power, why multinational companies use EU standards as global standards, and why the EU's role as the world's regulator is likely to outlive its gradual economic decline, extending the EU's influence long into the future.

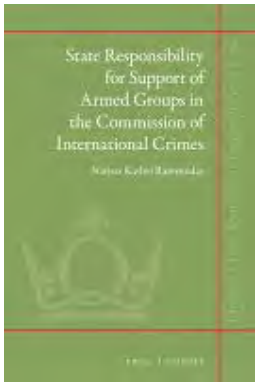
Annamaria Viterbo (Università degli Studi di Torino - Law) has published Sovereign Debt Restructuring: The Role and Limits of Public International Law (G. Giappichelli Editore 2020). Here's the abstract: The monograph "Sovereign Debt Restructuring: The Role and Limits of Public International Law" fills in a gap in recent literature focussing on the most important rules of public international law applicable to sovereign indebtedness. After providing a brief overview of the main debt restructuring vehicles that have been developed over time, the book traces a distinction between the rules of public international law that are relevant for debtor States (State succession in respect of debts, the odious debt doctrine, sovereign immunity and economic necessity) and creditor States (diplomatic protection and the conclusion of treaties specifically aimed at providing debt relief to a country). The book not only covers in detail the law and practice of the two international organisations that are mostly involved in sovereign debt issues (the IMF and the United Nations), but also examines the increasing role played by financial industry associations in the field (IIF, ICMA, ISDA).

Jonathan Todres (Georgia State Univ. - Law) & **Shani M. King** (Univ. of Florida - Law) have published The Oxford Handbook of Children's Rights Law (Oxford Univ. Press 2020). The table of contents is here. Here's the abstract: Children's rights law is a relatively young but rapidly developing discipline. The U.N. Convention on the Rights of the Child, the field's core legal instrument, is the most widely ratified human rights treaty in history. Yet, like children themselves, children's rights are often relegated to the margins in mainstream legal, political, and other discourses, despite their application to approximately one-third of the world's population and every human being's first stages of life. Now thirty years old, the Convention on the Rights of the Child (CRC) signalled a definitive shift in the way that children are viewed and understood—from passive objects subsumed within the family to full human beings with a distinct set of rights. Although the CRC and other children's rights law have spurred positive changes in law, policies, and attitudes toward children in numerous countries, implementation remains a work in progress. We have reached a state in the evolution of children's rights in which we need more critical evaluation and assessment of the CRC and the large body of

children's rights law and policy that this treaty has inspired. We have moved from conceptualizing and adopting legislation to focusing on implementation and making the content of children's rights meaningful in the lives of all children. This book provides a critical evaluation and assessment of children's rights law, including the CRC. With contributions from leading scholars and practitioners from around the world, it aims to elucidate the content of children's rights law, explore the complexities of implementation, and identify critical challenges and opportunities for children's rights law.

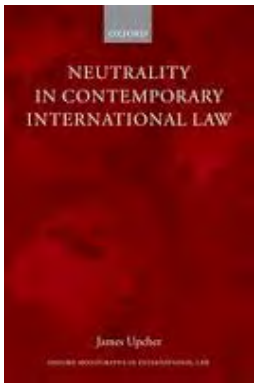


Juan Pablo Perez-Leon-Acevedo (Univ. of Oslo - Pluricourts) & **Joanna Nicholson** (Univ. of Oslo - Pluricourts) have published Defendants and Victims in International Criminal Justice: Ensuring and Balancing Their Rights (Routledge 2020). The table of contents is here. Here's the abstract:
This volume considers a variety of key issues pertaining to the rights of defendants and victims at International Criminal Courts (ICTs) and explores how best to balance and enhance the rights of both in order to ensure the effectiveness and efficiency of international criminal proceedings. The rights of victims are becoming an increasingly important issue at ICTs. Yet, at the same time, this has to be achieved without having a detrimental impact upon on the rights of the defence and the efficiency of the courts. This book provides analyses of issues on the rights of both the accused and the victims. By discussing matters concerning these two pivotal actors in international criminal justice within the same volume, the work highlights that there are intrinsic and intense conflicting and converging relationships between victims and the accused, particularly in terms of their rights. While most of the chapters focus mainly on either the accused or the victims, others discuss both at the same time. The work strikes a fine balance between, on the one hand, classic topics on the rights of the accused and the rights of the victims and, on the other, topics which have been largely unexplored and/or which require new angles or perspectives. Additionally, there are some chapters which approach both the rights of the accused and the rights of the victims in new contexts and/or under novel perspectives. The book as a whole provides a discussion of the two sides of this important coin of international criminal justice.

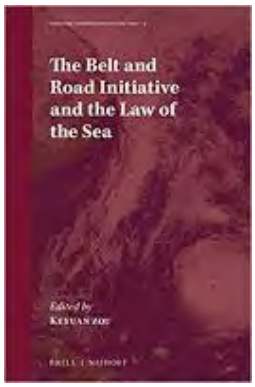


Narissa Ramsundar (Canterbury Christ Church Univ.) has published State Responsibility for Support of Armed Groups in the Commission of International Crime (Brill | Nijhoff 2020). Here's the abstract: State Responsibility for the Support of Armed Groups in the Commission of International Crimes examines the law on attribution of conduct of individuals to states. Under established principles of international law, State responsibility only arises where armed groups act under the direction or control of the State, or are completely dependent on the State. These tests are under inclusive as they do not consider the different ways states can exert control over armed groups in the commission of international crimes. Ramsundar presents an interesting examination into the possibility of liberalization of the rules of State responsibility. The examination considers subtle ways states can exert control over armed groups in the commission of international crimes. Her proposal presents a compelling argument for widening the scope of responsibility to states through useful modifications to interpretation of the tests of control and dependence.

Marianna B. Karttunen(OECD) has published Transparency in the WTO SPS and TBT Agreements: The Real Jewel in the Crown(Cambridge Univ. Press 2020). Here's the abstract: Transparency of trade regulations by all WTO Members is essential for open, fair and predictable trade relations. A myriad of different regulations applies in all WTO Members and have the potential for affecting international trade. The Agreements on the Application of Sanitary and Phytosanitary measures and on Technical Barriers to Trade provide the most comprehensive frameworks in the WTO to address the costs arising from such regulatory diversity, through obligations on regulatory transparency and co-operation. This book gives a detailed account of the legal disciplines of the two Agreements, an in-depth presentation of discussions between WTO Members, and an overview of the few cases that end up in formal dispute settlement. It shows that the strength of the WTO legal and institutional system goes well beyond its dispute settlement system, with transparency enabling implementation of WTO obligations through better information sharing and co-operation among Members themselves, through non-judicial means.

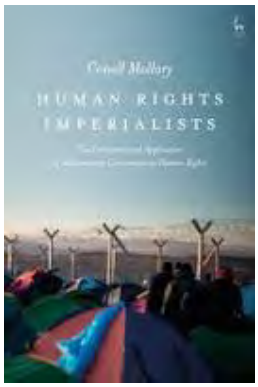


James Upcher (Newcastle Univ. - Law) has published Neutrality in Contemporary International Law (Oxford Univ. Press 2020). Here's the abstract: The law of neutrality - the corpus of legal rules regulating the relationship between belligerents and States taking no part in hostilities - assumed its modern form in a world in which the waging of war was unconstrained. The neutral State enjoyed territorial inviolability to the extent that it adhered to the obligations attaching to its neutral status and thus the law of neutrality provided spatial parameters for the conduct of hostilities. Yet the basis on which the law of neutrality developed - the extra-legal character of war - no longer exists. Does the law of neutrality continue to survive in the modern era? If so, how has it been modified by the profound changes in the law on the use of force and the law of armed conflict? This book argues that neutrality endures as a key concept of the law of armed conflict. The interaction between belligerent and nonbelligerent States continues to require legal regulation, as demonstrated by a number of recent conflicts, including the Iraq War of 2003 and the Mavi Marmara incident of 2010. By detailing the rights and duties of neutral states and demonstrating how the rules of neutrality continue to apply in modern day conflicts, this restatement of law of neutrality will be a useful guide to legal academics working on the law of armed conflict, the law on the use of force, and the history of international law, as well as for government and military lawyers seeking comprehensive guidance in this difficult area of the law.



Keyuan Zou (Univ. of Central Lancashire - Law) has published The Belt and Road Initiative and the Law of the Sea (Brill | Nijhoff 2020). The table of contents is here. Here's the abstract: *The Belt and Road Initiative and the Law of the Sea* offers insightful discussions on the use of oceans in the context of the Belt and Road Initiative covering navigational safety, marine energy and sea ports, maritime law enforcement and access of landlocked states to the sea.

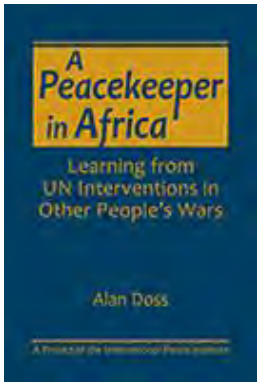
Leigh A. Payne (Univ. of Oxford - Sociology), **Gabriel Pereira** (Consejo Nacional de Investigaciones Científicas Técnicas of Argentina), & **Laura Bernal-Bermúdez** (Pontificia Universidad Javeriana - Law) have published Transitional Justice and Corporate Accountability from Below: Deploying Archimedes' Lever (Cambridge Univ. Press 2020). Here's the abstract: Bruno Tesch was tried and executed for his company's Zyklon B gas used in Nazi Germany's extermination camps. This book examines this trial and the more than 300 other economic actors who faced prosecution for the Holocaust's crimes against humanity. It further tracks and analyses similar transitional justice mechanisms for holding economic actors accountable for human rights violations in dictatorships and armed conflict: international, foreign, and domestic trials and truth commissions from the 1970s to the present in every region of the world. This book probes what these accountability efforts are, why they take place, and when, where, and how they unfold. Analysis of the authors' original database leads them to conclude that 'corporate accountability from below' is underway, particularly in Latin America. A kind of Archimedes' lever places the right tools in weak local actors' hands to lift weighty international human rights claims, overcoming the near absence of international pressure and the powerful veto power of business.



Conall Mallory (Newcastle Univ. - Law) has published Human Rights Imperialists: The Extraterritorial Application of the European Convention on Human Rights (Hart Publishing 2020). Here's the abstract: To what extent do a state's obligations under the European Convention on Human Rights apply beyond its territorial borders? Are soldiers deployed on overseas operations bound by the human rights commitments of their home state? What about other agents, like the police or diplomatic and consular services? If a state's obligations do apply abroad, are they to be upheld in full or should they be tailored to the situation at hand? Few topics have posed more of a challenge for the European Court of Human Rights than this issue of the Convention's extraterritorial application. This book provides a novel understanding on why this is by looking at the behaviour of those principally tasked with interpreting the treaty: The Strasbourg Court, state parties, and national courts. It offers a theory for how these communities operate: what motivates, constrains and ultimately shapes their interpretive practices. Through a detailed analysis of the jurisprudence, with a particular focus on British authorities and judges during and after the Iraq War (2003), the book provides an explanation of how the interpretation of extraterritorial obligations has developed over time and how these obligations are currently understood. Some have argued that it is imperialistic to apply the Convention extraterritorially. If this is the case, the focus of this book is on those 'imperialists' who have interpreted European human rights law to extend beyond a state's borders, as it is with them that any lasting solution to the challenge will be found.

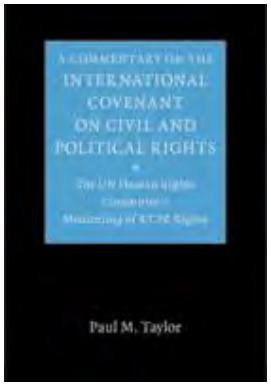
Francesca Ippolito (Univ. of Cagliari - Law), **Gianluca Borzoni** (Univ. of Cagliari - History), & **Federico Casolari** (Univ. of Bologna - Law) have published Bilateral Relations in the Mediterranean: Prospects for Migration Issues (Edward Elgar Publishing 2020). The table of contents is here. Here's the abstract: This timely book assesses national and supranational bilateral approaches to dealing with the rising tide of migration into the European Union via the Mediterranean Sea. International law and EU migration law specialists critically assess the legal tools adopted to engage with the 'refugee crisis'. While the EU works to develop a unified approach to Mediterranean transit and origin countries, the authors argue that a crucial role should be accorded to individual states in finding a solution to this complex and sensitive situation. Historical and political factors playing into migration strategies are discussed, and the legal framework underpinning the bilateral and regional schemes on which the

northern and southern shores of the Mediterranean seek to cooperate on migration is also examined. Migration-related issues, such as search and rescue at sea, human rights and policing are explored throughout the book. Comparing the bilateral arrangements Southern EU Member States have made with the Mediterranean countries of origin and the regional bilateralism conducted by the EU, expert authors assess how best to achieve a coherent model.



Alan Doss has published A Peacekeeper in Africa: Learning from UN Interventions in Other People's Wars (Lynne Rienner Publishers 2020). Here's the abstract: Alan Doss offers a rare window into the real world of UN peacekeeping missions in Côte d'Ivoire, Liberia, Sierra Leone, and the Democratic Republic of Congo. Doss's story is one of presidents and prelates, warlords and warriors, heroes and villains, achievements and disappointments—and innocent people caught in the midst of deadly violence. As he shares his front-line experiences, he reflects on the reasons for successes and failures and on the qualities that leaders need to successfully guide efforts to rebuild peace and prosperity in devastated societies. Not least, he also considers the UN's future role in conflict prevention and peacekeeping in a climate of increasing resistance to intervention in "other people's wars."

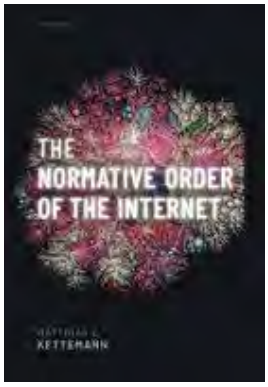
Karel J.G. van Oosterom has published With an Orange Tie: A year on the Security Council (Barnes & Noble Press 2020). Here's the abstract:
A seat on the UN Security Council is a coveted post. With five permanent and ten elected members, the Security Council is responsible for international peace and security, mediating in conflicts, sending out blue helmets and imposing sanctions. Ambassador Karel J.G. van Oosterom, Permanent Representative of the Kingdom of the Netherlands to the United Nations, therefore conducted intensive lobbying for a seat on the Security Council. When the time finally came in 2018, it was the beginning of an intense year. In "With an Orange Tie" Van Oosterom gives the reader intimate insights into the Security Council. He shows the manner in which diplomats discussed international conflicts and how the Council helped to prevent Ebola from becoming a global pandemic; it was a year fraught with tension in places like Syria, Yemen, Iran and North Korea, and with issues such as MH17 and the spy affair in Salisbury. He also discusses the importance of the UN and what it meant to the Netherlands to be a member of the Security Council for a year.



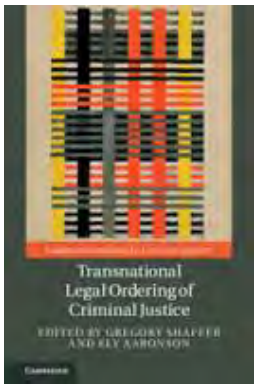
Paul M. Taylor (Univ. of Queensland - Law) has published A Commentary on the International Covenant on Civil and Political Rights: The UN Human Rights Committee's Monitoring of ICCPR Rights (Cambridge Univ. Press 2020). Here's the abstract: A new and an essential reference work for any international human rights law academic, student or practitioner, A Commentary on the International Covenant on Civil and Political Rights spans all substantive rights of the International Covenant on Civil and Political Rights (ICCPR), approached from the perspective of the ICCPR as an integrated, coherent scheme of rights protection. In detailed coverage of the Human Rights Committee's output when monitoring ICCPR compliance, Paul M. Taylor offers extraordinary access to forty years of its Concluding Observations, Views and General Comments organised thematically. This Commentary is a solid and practical introduction to any and all of the civil and political rights in the ICCPR, and a rare resource explaining the requirements for domestic implementation of ICCPR standards. An indispensable research tool for any serious enquirer into the subject, the Commentary speaks to the accomplishments of the ICCPR in striving for universal human rights standards.

Treasa Dunworth (Univ. of Auckland - Law) has published Humanitarian Disarmament: An Historical Enquiry (Cambridge Univ. Press 2020). Here's the abstract: The humanitarian framing of disarmament is not a novel development, but rather represents a re-emergence of a much older and long-standing sensibility of humanitarianism in disarmament. The Book rejects the 'big bang' theory that presents the Anti-Personnel Landmines Convention 1997, and its successors − the Convention on Cluster Munitions 2008, and the Treaty on the Prohibition of Nuclear Weapons 2017 − as a paradigm shift from an older traditional state-centric approach towards a more progressive humanitarian approach. It shows how humanitarian disarmament has a long and complex history, which includes these treaties. This book argues that the attempt to locate the birth of humanitarian disarmament in these treaties is part of the attempt to cleanse humanitarian disarmament of politics, presenting humanitarianism as a morally superior discourse in disarmament. However, humanitarianism carries its own blind spots and has its own hegemonic leanings. It may be silencing other potentially more transformative discourses.

Jennifer Trahan (New York Univ. - Center for Global Affairs) has published Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes (Cambridge Univ. Press 2020). Here's the abstract:In this book, the author outlines three independent bases for the existence of legal limits to the veto by UN Security Council permanent members while atrocity crimes are occurring. The provisions of the UN Charter creating the veto cannot override the UN's 'Purposes and Principles', nor jus cogens (peremptory norms of international law). There are also positive obligations imposed by the Geneva and Genocide Conventions in situations of war crimes and genocide - conventions to which all permanent members are parties. The author demonstrates how vetoes and veto threats have blocked the Security Council from pursuing measures that could have prevented or alleviated atrocity crimes (genocide, crimes against humanity, war crimes) in places such as Myanmar, Darfur, Syria, and elsewhere. As the practice continues despite regular condemnation by other UN member states and repeated voluntary veto restraint initiatives, the book explores how the legality of this practice could be challenged.



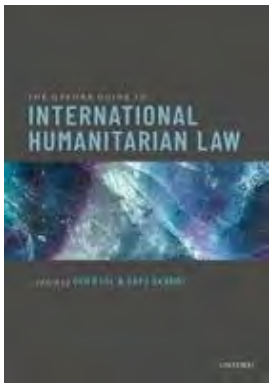
Matthias C. Kettemann (Leibniz Institute for Media Research | Hans-Bredow-Institut) has published The Normative Order of the Internet: A Theory of Rule and Regulation Online (Oxford Univ. Press 2020). Here's the abstract: There is order on the internet, but how has this order emerged and what challenges will threaten and shape its future? This study shows how a legitimate order of norms has emerged online, through both national and international legal systems. It establishes the emergence of a normative order of the internet, an order which explains and justifies processes of online rule and regulation. This order integrates norms at three different levels (regional, national, international), of two types (privately and publicly authored), and of different character (from ius cogens to technical standards).Matthias C. Kettemann assesses their internal coherence, their consonance with other order norms and their consistency with the order's finality. The normative order of the internet is based on and produces a liquefied system characterized by self-learning normativity. In light of the importance of the socio-communicative online space, this is a book for anyone interested in understanding the contemporary development of the internet. This is an open access title available under the terms of a CC BY-NC-ND 4.0 International licence. It is offered as a free PDF download from OUP and selected open access locations.



Gregory Shaffer (Univ. of California, Irvine - Law) & **Ely Aaronson** (Univ. of Haifa - Law) have published Transnational Legal Ordering of Criminal Justice (Cambridge Univ. Press 2020). The table of contents is here. Here's the abstract: Hard and soft law developed by international and regional organizations, transgovernmental networks, and international courts increasingly shape rules, procedures, and practices governing criminalization, policing, prosecution, and punishment. This dynamic calls into question traditional approaches that study criminal justice from a predominantly national perspective, or that dichotomize the study of international from national criminal law. Building on socio-legal theories of transnational legal ordering, this book develops a new approach for studying the interaction between international and domestic criminal law and practice. Distinguished scholars from different disciplines apply this approach in ten case studies of transnational legal ordering that address transnational crimes such as money laundering, corruption, and human trafficking, international crimes such as mass atrocities, and human rights abuses in law enforcement. The book provides a comprehensive treatment of the changing transnational nature of criminal justice policymaking and practice in today's globalized world.

Ingrid Gustafsson (Stockholm Univ. - Stockholm Centre for Organizational Research) has published How Standards Rule the World: The Construction of a Global Control Regime (Edward Elgar Publishing 2020). Here's the abstract: We live in a world ruled by standards. From toys and computers to corporate social responsibility, from the drycleaner in Nairobi to the Swedish radiation safety authority - international standards specify almost all aspects of society. This book questions how this is made possible. Standards need support in order to work and Ingrid Gustafsson explores how a control regime built on standards, certifications and accreditations can emerge over time and grow global. The global control regime is nurtured mainly by the questions connected to globalization: how can we trust things from other parts of the world? While resting on buzzwords such as 'trust' and 'confidence', the global control regime leaves us with a faceless bureaucratic system with no name and no one in charge. This has severe consequences for responsibility: if no one is in charge, then no one is to be held accountable for how standards rule the world. This is particularly pertinent because the author shows how states are embedded in standards to a much higher degree than previous research has shown.

August Reinisch (Univ. of Vienna - Law) & **Christoph Schreuer** (Zeiler Partners) have published International Protection of Investments: The Substantive Standards (Cambridge Univ. Press 2020). Here's the abstract:This book outlines the protection standards typically contained in international investment agreements as they are actually applied and interpreted by investment tribunals. It thus provides a basis for analysis, criticism, and stocktaking of the existing system of investment arbitration. It covers all main protection standards, such as expropriation, fair and equitable treatment, full protection and security, the non-discrimination standards of national treatment and MFN, the prohibition of unreasonable and discriminatory measures, umbrella clauses and transfer guarantees. These standards are covered in separate chapters providing an overview of textual variations, explaining the origin of the standards and analysing the main conceptual issues as developed by investment tribunals. Relevant cases with quotations that illustrate how tribunals have relied upon the standards are presented in depth. An extensive bibliography guides the reader to more specific aspects of each investment standard permitting the book's use as a commentary of the main investment protection standards.



Ben Saul (Univ. of Sydney - Law) & **Dapo Akande** (Univ. of Oxford - Law) have published The Oxford Guide to International Humanitarian Law (Oxford Univ. Press 2020). Here's the abstract:

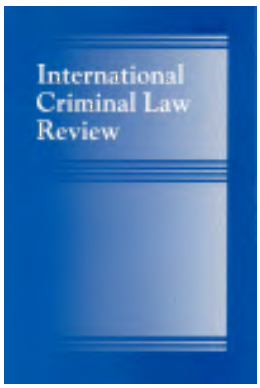
International humanitarian law is the law that governs the conduct of participants during armed conflict. This branch of law aims to regulate the means and methods of warfare as well as to provide protections to those who do not, or who no longer, take part in the hostilities. It is one of the oldest branches of international law and one of enduring relevance today.

The Oxford Guide to International Humanitarian Law provides a practical yet sophisticated overview of this important area of law. Written by a stellar line up of contributors, drawn from those who not only have extensive practical experience but who are also regarded as leading scholars of the subject, the text offers a comprehensive and authoritative exposition of the field. The Guide provides professionals and advanced students with information and analysis of sufficient depth to enable them to perform their tasks with understanding and confidence. Each chapter illuminates how the law applies in practice, but does not shy away from the important conceptual issues that underpin how the law has developed. It will serve as a first port of call and a regular reference work for those interested in international humanitarian law.

Revistas

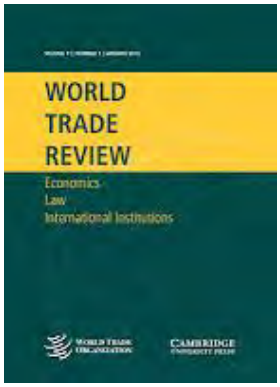
The latest issue of Global Constitutionalism Vol. 9, no. 2, July 2020) is out. Contents include:

- Christian Kreuder-Sonnen & Michael Zürn, After fragmentation: Norm collisions, interface conflicts, and conflict management.
- Benjamin Faude & Julia Fuss, Coordination or conflict? The causes and consequences of institutional overlap in a disaggregated world order.
- Sassan Gholiagha, Anna Holzscheiter, & Andrea Liese, Activating norm collisions: Interface conflicts in international drug control.
- Hannah Birkenkötter, International law as a common language across spheres of authority?
- Nico Krisch, Francesco Corradini, & Lucy Lu Reimers, Order at the margins: The legal construction of interface conflicts over time.
- Daniëlle Flonk, Markus Jachtenfuchs, & Anke S. Obendiek, Authority conflicts in internet governance: Liberals vs. sovereigntists?
- Louise Wiuff Moe & Anna Geis, From liberal interventionism to stabilisation: A new consensus on norm-downsizing in interventions in Africa.
- Karen J. Alter, Comprehending global governance: International regime complexity vs. global constitutionalism.
- Siddharth Mallavarapu, 'After fragmentation': Notes from the global South



The latest issue of the International Criminal Law Review (Vol. 20, no. 4, 2020) is out. Contents include:

- Rogier Bartels, The Classification of Armed Conflicts by International Criminal Courts and Tribunals
- Alexandre Skander Galand, Bemba and the Individualisation of War: Reconciling Command Responsibility under Article 28 Rome Statute with Individual Criminal Responsibility
- Edith Riegler, Rehabilitating Enemies of Mankind: An Exploration of the Concept of Rehabilitation as a Sentencing Aim at the ICTY and the ICC

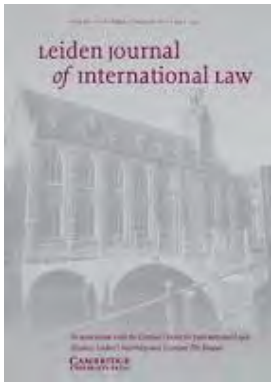


The latest issue of the World Trade Review (Vol. 19, no. 3, July 2020) is out. Contents include:

- Neha Mishra, Privacy, Cybersecurity, and GATS Article XIV: A New Frontier for Trade and Internet Regulation?
- Dan Ciuriak, Ali Dadkhah, & Dmitry Lysenko, The Effect of Binding Commitments on Services Trade
- George A. Papaconstantinou, The GATS and Financial Regulation: Time to Clear-House?
- Mitsuo Matsushita & C. L. Lim, Taming Leviathan as Merchant: Lingering Questions about the Practical Application of Trans-Pacific Partnership's State-Owned Enterprises Rules
- Shujie Feng, Geographical Indications: Can China Reconcile the Irreconcilable Intellectual Property Issue between EU and US?
- Emilia Onyema, Reimagining the Framework for Resolving Intra-African Commercial Disputes in the Context of the African Continental Free Trade Area Agreement

The latest issue of the Journal of World Investment & Trade (Vol. 21, no. 4, 2020) is out. Contents include:

- Patrick Dumberry, The Clean Hands Doctrine as a General Principle of International Law
- Ana Ubilava, Amicable Settlements in Investor-State Disputes: Empirical Analysis of Patterns and Perceived Problems
- Alperen Afşin Gözlügöl, The Effects of Umbrella Clauses: Their Relevance in Interpretation and in Practice
- Amalie Giødesen Thystrup, Gender-Inclusive Governance for E-Commerce



The latest issue of the Leiden Journal of International Law (Vol. 33, no. 3, September 2020) is out. Contents include:

- Editorial
  - Elies van Sliedregt, International outlaws
- International Legal Theory
  - Juan Pablo Scarfi, Denaturalizing the Monroe Doctrine: The Rise of Latin American Legal Anti-imperialism in the Face of the Modern US and Hemispheric Redefinition of the Monroe Doctrine
  - Nicolás M. Perrone, Speed, Law and the Global Economy: How Economic Acceleration Contributes to Inequality and Precarity
- International Law and Practice
  - Rossana Deplano, The Parliament of the World? Reflections on the Proposal to Establish a United Nations Parliamentary Assembly
  - Vladislava Stoyanova, Fault, Knowledge and Risk within the Framework of Positive Obligations under the European Convention on Human Rights
  - Marco Pertile & Sondra Faccio, What We Talk About When We Talk About Jerusalem: The Duty of Non-recognition and the Prospects for Peace after the US Embassy's Relocation to the Holy City
  - Eliana Cusato, International Law, the Paradox of Plenty and the Making of Resource-Driven Conflict
  - Juan Pablo Perez-Leon-Acevedo, The Control of the Inter-American Court of Human Rights over Amnesty Laws and Other Exemption Measures: Legitimacy Assessment
  - Pasha L. Hsieh, Rethinking Non-Recognition: The EU's Investment Agreement with Taiwan under the One-China Policy

- Francesca Capone, The Alleged Tension between the Global Compact for Safe, Orderly and Regular Migration and State Sovereignty: 'Much Ado about Nothing'?
- Marika Sosnowski, 'Not dead but sleeping': Expanding International Law to Better Regulate the Diverse Effects of Ceasefire Agreements
- Irma Johanna Mosquera Valderrama, BEPS Principal Purpose Test and Customary International Law

- International Court of Justice
  - Felix Fouchard, Allowing 'leeway to expediency, without abandoning principle'? The International Court of Justice's use of Avoidance Techniques
- International Criminal Courts and Tribunals
  - Nicola Palmer, International Criminal Law and Border Control: The Expressive Role of the Deportation and Extradition of Genocide Suspects to Rwanda

The latest issue of the Journal of Conflict Resolution (Vol. 64, no. 9, October 2020) is out. Contents include:

- Articles
  - Dimitar Gueorguiev, Daniel McDowell, & David A. Steinberg, The Impact of Economic Coercion on Public Opinion: The Case of US–China Currency Relations
  - Iain Osgood & Corina Simonelli, Nowhere to Go: FDI, Terror, and Market-specific Assets
  - Lesley-Ann Daniels, How and When Amnesty during Conflict Affects Conflict Termination
  - Devorah Manekin & Reed M. Wood, Framing the Narrative: Female Fighters, External Audience Attitudes, and Transnational Support for Armed Rebellions
- Aaron M. Hoffman & José Kaire, Comfortably Numb: Effects of Prolonged Media Coverage
- Scott Gates & Mogens K. Justesen, Political Trust, Shocks, and Accountability: Quasi-experimental Evidence from a Rebel Attack
- Karin Dyrstad & Solveig Hillesund, Explaining Support for Political Violence: Grievance and Perceived Opportunity
- Hema Preya Selvanathan & Bernhard Leidner, Modes of Ingroup Identification and Notions of Justice Provide Distinct Pathways to Normative and Nonnormative Collective Action in the Israeli–Palestinian Conflict

The latest issue of the European Journal of International Law (Vol. 31, no. 1, February 2020) is out Contents include:

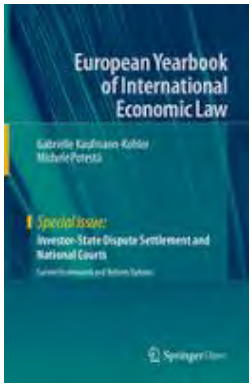
- Editorial
  - COVID-19 and EJIL; The Self-Asphyxiation of Democracy; Publishers, Academics and the Battles over Copyright and Your Rights I; Festschrift? 'That Which Is Hateful to You, Do Not Do to Your Fellow! That is the Whole Torah; The Rest is Interpretation' (from the Elder Hillel in Babylonian Talmud, Shabbat 31a); Vital Statistics; A Less Exclusive Submission Process; In this Issue
- The EJIL Foreword
  - André Nollkaemper, Jean d'Aspremont, Christiane Ahlborn, Berenice Boutin, Nataša Nedeski, & Ilias Plakokefalos, with the collaboration of Dov Jacobs, Guiding Principles on Shared Responsibility in International Law

- Articles
  - Ezgi Yildiz, A Court with Many Faces: Judicial Characters and Modes of Norm Development in the European Court of Human Rights

  - Tilmann Altwicker, Non-Universal Arguments under the European Convention on Human Rights
  - Eyal Benvenisti & Doreen Lustig, Monopolizing War: Codifying the Laws of War to Reassert Governmental Authority, 1856–1874
- Focus: Interpretation and Custom
  - Danae Azaria, 'Codification by Interpretation': The International Law Commission as an Interpreter of International Law
  - Kristina Daugirdas, International Organizations and the Creation of Customary International Law
  - Orfeas Chasapis Tassinis, Customary International Law: Interpretation from Beginning to End
  - Jan Klabbers, The Cheshire Cat That Is International Law
- Roaming Charges: Death Wall
- EJIL: Debate!
  - Ivar Alvik, The Justification of Privilege in International Investment Law: Preferential Treatment of Foreign Investors as a Problem of Legitimacy
  - Jürgen Kurtz, On Foreign Investor 'Privilege' and the Limits of the Law: A Reply to Ivar Alvik
- Critical Review of Governance
  - Dai Tamada, The Timor Sea Conciliation: The Unique Mechanism of Dispute Settlement
- Changing the Guards
  - Michael Waibel, The EU's Most Influential Economic Policy-maker: Mario Draghi at the European Central Bank
- Review Essay
  - Lorenzo Cotula, Investment Contracts and International Law: Charting a Research Agenda. Review of Rudolf Dolzer, *Petroleum Contracts and International Law*; Jola Gjuzi, *Stabilization Clauses in International Investment Law: A Sustainable Development Approach*
- Books Reviews
  - Jan Klabbers, reviewing *Quinn Slobodian, Globalists: The End of Empire and the Birth of Neoliberalism*
  - Alina Miron, reviewing Stephen Fietta and Robin Cleverly, *A Practitioner's Guide to Maritime Boundary Delimitation*; Alex G. Oude Elferink, Tore Henriksen and Veierud Busch (eds), *Maritime Boundary Delimitation: The Case Law. Is It Consistent and Predictable?*
  - Joshua Paine, reviewing Rodrigo Polanco, *The Return of the Home State to Investor-State Disputes: Bringing Back Diplomatic Protection?*

The latest issue of the Journal of Space Law (Vol. 43, no. 2, 2019) is out. Contents include:

- Anne-Sophie Martin & Steven Freeland, Exploring the Legal Challenges if Future On-Orbit Servicing Missions and Proximity Operations
- Ermanno Napolitano, Interdisciplinary Team Teaching in Space Legal Education
- Gemmo Bautista Fernandez, Where No War Has Gone Before: Outer Space and the Adequacy of the Current Law of Armed Conflict
- Stefan Pislevik, Law Without Gravity: Arbitrating Space Disputes at the Permanent Court of Arbitration and the Relevance of Adverse Inferences
- Michelle L.D. Hanlon & Bailey Cunningham, The Legal Imperative to Mitigate the Plume Effect: An "Aggravation and Frustration" that Imperils our History and our Future



Gabrielle Kaufmann-Kohler (Univ. of Geneva - Law) & **Michele Potestà** (CIDS) have published Investor-State Dispute Settlement and National Courts: Current Framework and Reform Options (Springer 2020). Here's the abstract: This open access book examines the multiple intersections between national and international courts in the field of investment protection, and suggests possible modes for regulating future jurisdictional interactions between domestic courts and international tribunals. The current system of foreign investment protection consists of more than 3,000 international investment agreements (IIAs), most of which provide for investment arbitration as the forum for the resolution of disputes between foreign investors and host States. However, national courts also have jurisdiction over certain matters involving cross-border investments. International investment tribunals and national courts thus interact in a number of ways, which range from harmonious co-existence to reinforcing complementation, reciprocal supervision and, occasionally, competition and discord. The book maps this complex relationship between dispute settlement bodies in the current investment treaty context and assesses the potential role of domestic courts in future treaty frameworks that could emerge from the States' current efforts to reform the system.The book concludes that, in certain areas of interaction between domestic courts and international investment tribunals, the "division of labor" between the two bodies is not always optimal, producing inefficiencies that burden the system as a whole. In these areas, there is a need for improvement by introducing a more fruitful allocation of tasks between domestic and international courts and tribunals – whatever form(s) the international mechanism for the settlement of investment disputes may take.Given its scope, the book contributes not only to legal analysis, but also to the policy reflections that are needed for ongoing efforts to reform investor-State dispute settlement.

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Sección 5 / Calendario Académico

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/

Universidad Nacional de Quilmes
Maestría en Comercio y Negocios Internacionales
Más información:
www.unq.edu.ar/carreras/56-maestr%C3%ADa-en-comercio-y-negociosinternacionales.php

Universidad Nacional de Rosario
Doctorado en Relaciones Internacionales
Más información: http://www.fcpolit.unr.edu.ar/posgrado/doctorado-en-relaciones-internacionales/

Universidad Nacional de Tres de Febrero (UNTREF)
Curso de Posgrado en Integración Latinoamericana y dilemas de inserción internacional de la región
Más información: http://untref.edu.ar/posgrados/curso-de-posgrado-en-integracionlatinoamericana-y-dilemas-de-insercion-internacional-de-la-region/

Universidad Abierta Interamericana
Diplomatura en Relaciones Internacionales
Más información:
https://www.uai.edu.ar/cursos-y-eventos/derecho-y-ciencias-pol%C3%ADticas/diplomatura-en-relaciones-internacionales/

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

edX
International Climate Change Law and Policy
Más información: https://www.edx.org/course/international-climate-change-law-and-policy
International Law
Más información: https://www.edx.org/micromasters/louvainx-international-law
International Criminal Law
Más información: https://www.edx.org/course/guo-ji-xing-fa-xue-international-pekingx-02930106x-0
International Investment Law
Más información: https://www.edx.org/course/international-investment-law-0
International Human Rights Law
Más información: https://www.edx.org/course/international-human-rights-law-louvainx-louv2x-0
International Humanitarian Law
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Sección 6 / Entrevista

Profesor Santiago Deluca[1]

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

1) ¿Qué despertó su interés por el derecho internacional y de la integración regional?

Siempre me gusto estudiar y cuando en la carrera tuve mis primeros contactos con el Derecho Internacional, supe inmediatamente que era la rama del derecho a la que me quería dedicar. Uno no se da cuenta, pero haciendo una introspectiva a mi infancia existe una conexión entre mi elección y lo que viví en aquellos días. Mi papá fue la primera camada del Instituto Nacional de Derecho Aeronáutico y Espacial (INDAE) de la Fuerza Aérea, de la Carrera de Especialización en Derecho Aeronáutico, Espacial y Aeroportuario, en la época gloriosa y de los grandes del derecho aeronáutico de Argentina y el mundo: Federico Videla Escalada, Héctor Peruchi, Aldo Cocca. Mi padre no solo era especialista sino también miembro del Instituto Iberoamericano de Derecho Aeronáutico y del Espacio. Viajaba todos los años a las jornadas en todo Iberoamérica y a veces nos llevaban, también recibíamos muchas visitas y esas vivencias me empezaron a despertar el interés por lo internacional.

2) ¿Qué obras jurídicas considera de referencia obligatoria para el ejercicio profesional y académico del derecho internacional y de la integración regional? ¿Desea destacar algún texto reciente?

En el ámbito del Derecho Internacional tengo tres obras de referencia: una es la obra de Derecho Internacional Público de Alfred Verdross, otra es un libro de consulta inmediata que es el Manual de Derecho Internacional Publico de Podestá Costa con la actualización de Ruda, y último de los libros es el que más me ha gustado, desde el punto de vista del Derecho Internacional y todo el cambio

[1] Abogado por la Universidad de Buenos Aires. Doctor en Derecho por la Universidad Rey Juan Carlos de Madrid. Especialista en Derecho de la Competencia Europeo y Español, Estudios Internacionales y Administración y Gestión de Instituciones Públicas. Se desempeñó como el primer Secretario del Tribunal Permanente de Revisión del MERCOSUR entre enero 2008 y diciembre 2011. Profesor de UBA, USAL, UCES y Universidad de Bolonia en Buenos Aires. Conferenciante en Universidades e Instituciones nacionales y extranjeras. Autor y coautor de libros y artículos en revistas de especialidad. Miembro de organizaciones internacionales y nacionales relacionadas con Comercio Internacional y Relaciones Internacionales. Actualmente preside la Asociación de Estudios de Integración (AdEI).

del paradigma, es la teoría del Derecho Internacional Público de Kelsen, que es una obra previa a la teoría pura del derecho, donde Kelsen analiza el originen o la fuerza de penetración de las normas consensuadas, las normas de derecho, y su sanción a nivel internacional entre los estados. Es una obra indispensable.

En lo que respecta a Derecho de la Integración Regional son de referencia las obras de Ricardo Alonso García, desde la parte más administrativa de la integración europea, Araceli Mangas Martin, Carlos Molina del Pozo, el Manual del Derecho Comunitario General de Guy Isacc, como ABC de los principios del derecho de esta nueva construcción. De este lado del atlántico, la obra de Roberto Ruiz Díaz Labrano como referente número uno, es un profesional y académico sumamente lúcido que se anima a soñar, pero después termina siendo pragmático al momento de ejercer el derecho de la integración. En Argentina tenemos grandes autores como Adriana Dreyzin, Alejandro Perotti, Sandra Negro, Guillermo Michelson Irusta, Basaldua, entre otros.

La obra de 1998[2] de Roberto Ruiz Díaz Labrano me resulta fundamental. Es de lo más brillante que he leído y él continua luego en el tiempo desarrollando y profundizando esas ideas.

3) Tuvo la responsabilidad de ser el primer secretario del Tribunal Permanente de Revisión del Mercosur, ¿Cuáles fueron los principales desafíos que debió afrontar?

La verdad es que fue una sorpresa, fue un concurso duro porque competimos personas que estábamos sumamente formados desde lo profesional como de lo académico. Cuando me llamaron para avisarme que había sido designado, eran las nueve de la mañana y yo estaba solo en mi trabajo, atiendo el teléfono y me dicen 'Dr. Deluca está sentado, porque lo estoy llamando para comunicarle que es el primer secretario del Tribunal del Mercosur', casi me caigo de espalda.

La verdad fue una tarea ardua, hubo un desafío no profesional, pero que se unía íntimamente, que fue acomodarse a la idiosincrasia del Paraguay, no es fácil, somos todos latinoamericanos y aunque hablamos hasta con Brasil una lengua muy parecida, la idiosincrasia de cada pueblo es distinta, y eso no es menor. Más allá del protocolo, la diplomacia y las distintas cuestiones que unen a las relaciones internacionales, ese fue un desafío. Y después, había que armar un plan de acción de dos años con la posibilidad de prórroga a dos más, que después sucedió, pero que tenía que armarlo básicamente de cero, porque había que sustraer lo poquito que existía del ámbito y manejo de la cancillería del Paraguay y darle al Tribunal su propio nombre, su propio lugar, su impronta de organismo internacional, dentro del ámbito del Paraguay. Que el TPR fuera un órgano del Mercosur conocido, más allá si se sabe o no en que está trabajando. Creo que construir esa identidad fue lo más difícil, fue el desafío más complejo.

[2] *NdeR.: MERCOSUR, integración y derecho.*

4) ¿Cuál fue su experiencia más gratificante durante el desempeño del cargo?

Desde lo profesional fue haber participado de la redacción de algunos laudos y opiniones consultivas que fueron complejas en su negociación. El sistema arbitral tiene mucho de negociación y de la relación internacional, eso para mí fue lo más satisfactorio, poder compartir en una mesa de igual a igual con distintas composiciones de árbitros, siendo joven como lo era en aquel momento, y que se me consultaran la opinión, la verdad fue una de las cuestiones más gratificantes.

5) El Sistema de Resolución de Controversias vigente hoy en el MERCOSUR, ¿es eficiente frente a las necesidades del bloque o debería realizarse algún cambio?

Yo tengo una postura muy clara de cual, para mí, debería ser el deber ser del Tribunal del Mercosur o de un Tribunal judicial con visos de supranacionalidad. Lo he dicho en mi tesis doctoral, que en octubre se cumplen diecinueve años de la defensa. Asimismo, hace ocho años en unas jornadas en la UBA también puse en entredichos la conclusión de mi tesis y creo que hoy no sería posible defenderla. Y, no es porque no crea que la supranacionalidad no es un buen camino, es una muy buena herramienta que le daría al Mercosur mayor dinamismo. En realidad, ésta es una discusión bastante amplia, hoy si soy pragmático no puedo seguir afirmando que el Mercosur deba tener un Tribunal supranacional judicial, siendo esta última característica la que menos defiendo. El tribunal, aún siendo un esquema jurisdiccional arbitral, demostró tener la competencia para expresarse en temas sumamente sensibles, que nada han tenido que ver con las cuestiones comerciales, me estoy refiriendo específicamente al Laudo 1/2012 sobre la suspensión del Paraguay de sus derechos de participación en los órganos del Mercosur.

Lo importante para mí es que se mantenga vigente el primer párrafo del artículo uno del Protocolo de Olivos[3]. Luego si tenemos un tribunal judicial o arbitral no me preocuparía, ya que en definitiva tengo un tribunal jurisdiccional que decide.

Después, la supranacionalidad en el sistema de resolución de controversias no tengo claro que sea la solución. Lo puede ser en el marco de los órganos con competencia normativa, pero en sí mismo el tribunal sea o no sea supranacional la verdad es que mientras no cambie el sistema jurídico-político de integración, el artículo segundo del Protocolo de Ouro Preto[4], no se si convertir al tribunal en supranacional cuando el resto no lo son no termina siendo perjudicial para el propio sistema. Sin perjuicio de hacer pequeños cambios que se puedan traducir en grandes avances. Por ejemplo, en lo que respecta a los sujetos legitimados para pedir las opiniones consultivas, donde se establece que podrán pedirlas los Estados partes en su conjunto, que es prácticamente lo mismo que lo pidan los órganos decisorios que también estas legitimados, si cambiamos esto y permitimos que cada Estado

[3] *NdeR.: Artículo 1 -Ámbito de aplicación-: 1. Las controversias que surjan entre los Estados Partes sobre la interpretación, aplicación o incumplimiento del Tratado de Asunción, del Protocolo de Ouro Preto, de los protocolos y acuerdos celebrados en el marco del Tratado de Asunción, de las Decisiones del Consejo del Mercado Común, de las Resoluciones del Grupo Mercado Común y de las Directivas de la Comisión de Comercio del Mercosur, serán sometidas a los procedimientos establecidos en el presente Protocolo.*

[4] *NdeR.: Artículo 2: Son órganos con capacidad decisoria, de naturaleza intergubernamental: el Consejo del Mercado Común, el Grupo Mercado Común y la Comisión de Comercio del MERCOSUR.*

en forma individual pueda pedirlas entonces eso daría mayor riqueza en el andamiaje de interpretación del tribunal y del sistema.
En síntesis, si soy objetivo, el sistema como y para lo fue pensado funciona. Lo que llega a arbitraje, que es lo que no tuvo una solución política, el sistema lo ha resuelto con los principios del arbitraje. Después me puede gustar o no, pero en ese sentido funciona y ahí digo que cualquier avance sobre el sistema de resolución de controversias si no se hace en forma integral en toda la estructura institucional del Mercosur puede llegar a ser nocivo.

6) Se llegó a un principio de acuerdo entre el Mercosur y la Unión Europea, ¿Qué reflexión le merece el capítulo 'Solución de Controversias'?

Es un capítulo de lo más sensible, del cual poco se habla y no logro comprender por qué el silencio desde lo político como de la academia. En definitiva, creo que si se consolida este acuerdo, aunque sea en un quince, veinte o treinta porciento, va a ser revolucionario en sus implicancias y ejecutarlo va a traer definitivamente controversias. Creo que el método escogido es coherente, es un método arbitral consensual entre Estados, replica un poco lo que en Mercosur estamos acostumbrados, tiene algunos puntos débiles en cuanto a los parámetros para analizar y aplicar las normas de derecho de un bloque o del otro y en lo que respecta a que no existe reserva de jurisdicción. A mí este último punto me preocupa sobremanera, en atención a que existe un antecedente en el caso de la Unión Europea con respecto a un acuerdo comercial celebrado con Turquía, en el cual el Tribunal de Justicia de la Unión Europea se auto-arrogó competencias para entender en una controversia que se le planteó, sosteniendo que ese acuerdo internacional celebrado entre la Unión Europea con terceros países o bloques es derecho originario del proceso de integración europeo, imponiéndole así una sanción a Turquía. Es por esto que entiendo que se debería haber puesto especial atención a este punto. No podemos firmar un acuerdo en donde no se haga reserva de que ante una controversia se utilizará exclusivamente el sistema referido en el capitulo de Solución de Controversias.
En sí es un sistema arbitral puro y duro, no es auto-compositivo y habrá que ver como se integran los tribunales, que va a ser una parte interesante y lo que le tendría que dar dinamismo al sistema, pero igual se podría haber ido un poco más profundo. Si miramos el sistema de la OMC vamos a ver que esta muy en línea.

7) ¿Cree que fue acertado no incluir en este capítulo la solución de controversias entre inversor-Estado?

Tengo mi opinión formada sobre los tratados de inversión. Ahora bien, en este caso en particular, creo que es coherente la decisión con el sistema jurídico-legislativo del Mercosur. Este es un acuerdo entre Estados, donde juegan de igual a igual y esto termina siendo favorable para los Estados del Mercosur por la posibilidad de presión o gestión, que si fueran de forma individual, donde el más grande, como en el caso del CIADI, puede poner los mejores árbitros, los mejores técnicos, para

llevar y presionar en una controversia. En este sentido tener el sistema jurisdiccional europeo de contrapeso en este esquema termina siendo positivo para el Mercosur, por como se armó.

8) ¿Cómo analiza el accionar del MERCOSUR frente a la pandemia del COVID-19?

Lo dividiría en dos partes: institucional y frente a la pandemia.

Institucionalmente el Mercosur, desde hace varios años, viene reaccionando acertadamente con la aprobación de protocolos de reuniones y toma de decisiones de manera virtual en lo que respecta a las labores de la Comisión de Comercio del Mercosur, los Subgrupos de Trabajo, Reuniones Especializadas, Grupos "Ad Hoc" y Comités Técnicos. A principio de este año lo que se hizo fue darle la posibilidad de trabajar y de adoptar normas telemáticamente al Consejo Mercado Común y al Grupo Mercado Común.

Un pionero en el trabajo a distancia ha sido el Tribunal, cuando los países permitieron por la Decisión CMC Nro. 37/03 que los votos puedan emitirse por medio alternativos y a distancia, si bien el reglamento habla del telefax, esto responde a la época. En mi caso me tocó participar y firmar algún laudo por un árbitro que envió su voto por fax, haciendo uso del reglamento.

En cuanto a la crisis de la pandemia entiendo que respondió muy bien con una herramienta interesante como es el Fondo para la Convergencia Estructural del MERCOSUR (FOCEM), cuando se creó el fondo de emergencia de 15.000 millones de dólares destinados al combate coordinado contra el COVID-19, con una visión global de la región repartiendo esos fondos para desarrollo de investigación científico de lucha contra la actual pandemia.

Por ahí, lo que le falto al Mercosur fue mayor coordinación en cuanto al manejo de esta situación tan particular puertas adentro de cada Estado, teniendo en cuenta que existen reuniones de altas autoridades en materia de la salud, y que bien con las diferencias entre un país y el otro, se podría haber coordinado un poco mejor.

9) En el ámbito académico Ud. ha tenido experiencias tanto en universidades argentinas como extranjeras: ¿Qué diferencias percibió entre la enseñanza del derecho internacional en nuestro país y en el exterior?

Soy un gran defensor de la educación universitaria en argentina en términos generales y en particular a lo que refiere a la enseñanza del derecho y del derecho internacional, creo que es excelente. No solo la formación es buena, sino la calidad de los recursos humanos –docentes y investigadores– es muy buena, muy profunda.

Con esto no quiero decir que la enseñanza en el exterior no sea buena, creo que cuando uno busca afuera ámbitos académicos los encuentra de gran calidad.

Pero nuestra formación, desde el colegio ya, esta muy relacionada con lo que pasa en el contexto internacional. Nosotros estudiamos en el colegio historia argentina, americana, europea y mundial, entonces salimos del secundario con una visión del mundo, con la noción de que somos ciudadanos

del mundo, si eso lo trasladamos a la enseñanza del derecho internacional genera un plus en el interés y en el desarrollo. Lo que a mí me gusta mucho es que en argentina se estudia teoría y práctica en contraposición a la educación anglosajona de la teoría del caso, yo no puedo formarme mediante teoría del caso si la persona que esta absorbiendo conocimiento por primera vez no sabe de qué está hablando, porque es muy probable que la conclusión sea pragmática para ese momento, pero la solución a largo tiempo no sea consistente o pueda ser desechada por el interlocutor de turno, y en ese sentido soy crítico de este sistema de enseñanza.

Nuestra forma de enseñar es más parecida a la de los españoles, a los italianos, recurren mucho a los clásicos, a la filosofía griega para explicar los métodos de análisis: Yo creo que la enseñanza es de calidad.

También es válido salir al exterior y hacer una estadía, aunque sea de seis meses, para que uno pueda interiorizarse sobre la idiosincrasia del país y la región en el que está, más la metodología del conocimiento que utilizan allí. Creo que es una experiencia sumamente positiva después para uno terminar de formar su criterio hacia adelante.

10) ¿Qué consejos puede dar a quienes deseen realizar su desarrollo profesional o académico en el ámbito del derecho internacional?

Sepan que no es fácil, no es una carrera rápida en lo que respecta a lo académico ni a la práctica profesional dedicarse al derecho internacional, lleva tiempo material para uno y lleva tiempo hasta lograr posicionarse y ubicarse, no es fácil. No hay que claudicar. Si realmente les gusta hay que ir para adelante despacito.

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