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Editorial

Nos complace hacerles llegar el trigésimo primer número del Boletín Informativo del Instituto de Derecho Internacional del CARI, en donde encontrarán, en las diferentes secciones, los hechos más relevantes ocurridos durante los últimos meses.

Esta edición del boletín incluye información actualizada y sistematizada de la coyuntura del orden internacional, la cual se encuentra atravesada por la pandemia del coronavirus (COVID 19). Sumado a viejos reclamos en diferentes partes del mundo que no encuentran respuestas por la vía pacífica y diplomática; concluyendo en conflictos bélicos, intentos de derrocamientos por medio de golpes armados o convulsiones sociales, que demandan respuestas prácticas con un enfoque creativo e innovador por parte de los diferentes actores de la escena internacional.

A su vez, durante este primer cuatrimestre del año tuvo lugar la celebración del trigésimo anivesario de la firma del Tratado de Asunción que dio origen al Mercado Común del Sur, proceso de integración regional de gran importancia para los países del conosur. Por cuanto en este número le dedicamos especial atención en las diferentes secciones, particularmente en lo que refiere a los principales sucesos vividos durante los días previos y posteriores al 26 de marzo. En la sección "entrevista a especialista en derecho internacional", la Profesora Dra. Sandra Negro, catedrática de Derecho de la Integración Regional en la Universidad de Buenos Aires y Directora del Observatorio de implementación del Acuerdo Mercosur-Unión Europea de la misma casa de altos estudios, nos comparte sus reflexiones sobre el camino recorrido durante estos treinta años de integración entre los Estados parte, así como su visión y comentarios sobre la situación actual y el futuro del bloque frente a los planteos internos de una mayor flexibilización del MERCOSUR.

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

Matías S. Crolla.-

Secciones

Sección 1 / Agenda Internacional

Últimas noticias destacadas desde enero a abril 2021.

6 de enero de 2021

La Argentina participó de un encuentro internacional sobre Desarme y No Proliferación de Armas Nucleares

Durante la Tercera Reunión Ministerial de la Iniciativa de Estocolmo sobre Desarme Nuclear y el Tratado sobre la No Proliferación de las Armas Nucleares (TNP), Argentina ratificó la necesidad de que sea prioridad de toda la comunidad internacional el alcanzar la eliminación total de las armas de destrucción en masa, en materia de desarme.

Ver nota completa

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22 de enero de 2021

Argentina deposita el instrumento de ratificación del Acuerdo de Escazú facilitando su entrada en vigor

El Acuerdo de Escazú es el primer tratado ambiental de América Latina y el Caribe, el cual establece estándares regionales para los derechos de acceso en asuntos ambientales, además de promover la creación y fortalecimiento de capacidades y la cooperación internacional en la materia.

Con esta ratificación, el Acuerdo entró en vigor el 22 de abril de 2021, fecha en que se conmemora el Día Internacional de la Madre Tierra.

Ver nota completa

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2 de febrero de 2021

Participación argentina en la reunión del Grupo Internacional de Contacto

"Hay que trabajar en el acceso humanitario y en la posibilidad de utilizar fondos bloqueados para pagar el Covax para que así los venezolanos puedan acceder a la vacuna contra el Covid-19", aseguró el canciller Felipe Solá al participar de la reunión de ministros de relaciones exteriores del Grupo Internacional de Contacto (GIC). Reiteró el compromiso argentino en la búsqueda de soluciones pacíficas y democráticas a la crisis que vive el pueblo venezolano, y dio la bienvenida a la incorporación de Chile y República Dominicana, quienes serán desde ahora parte del Grupo de Contacto junto a nuestro país, Costa Rica, Ecuador, Uruguay y la Unión Europea.

Ver nota completa

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4 de febrero de 2021

Mercosur-UE: Argentina y la UE junto a sus Estados miembros analizaron los pasos a seguir para la firma del acuerdo entre ambos bloques

El Secretario Neme reiteró la necesidad de concluir las cuestiones que se encuentran pendientes de definición, destacó como temas centrales: aprobar una declaración relativa a la Cuestión Malvinas; resolver las listas de usuarios previos de indicaciones geográficas (como denominación de origen, entre otras); y abordar la cuestión ambiental con un compromiso vinculado a un proceso de desarrollo sustentable de las economías y no de manera aislada.

Por otro lado, los representantes europeos se mostraron interesados en conocer las prioridades de la Argentina bajo su Presidencia Pro Tempore, las posibilidades de ampliación del MERCOSUR, así como sobre el ambiente de inversiones en el país y las posibilidades de renegociación de los acuerdos bilaterales de protección y promoción de inversiones.

Los representantes de ambas partes coincidieron en la necesidad de avanzar durante este semestre y resolver las cuestiones pendientes para concretar la firma del Acuerdo MERCOSUR-UE.

Ver nota completa

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10 de febrero de 2021

Malvinas: la Mesa Directiva del Comité de Descolonización de la ONU reafirmó su apoyo a la reanudación de negociaciones entre la Argentina y el Reino Unido

Los miembros de la Mesa Directiva del Comité Especial de Descolonización de las Naciones Unidas (C24) reiteraron en forma unánime su apoyo a la reanudación de las negociaciones entre la Argentina y el Reino Unido para encontrar una solución pacífica a la controversia de soberanía sobre las Islas Malvinas.

Ver nota completa

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4 de marzo de 2021

Bachelet, sobre Myanmar: "Es abominable usar fuego real contra manifestantes pacíficos"

La Oficina de Derechos Humanos de la ONU ha confirmado que la policía y el ejército son los responsables de la muerte de al menos 54 personas desde el golpe de Estado militar del 1 de febrero. Sin embargo, la institución cree que la cifra real de muertos puede ser aún más alta.

Bachelet ha recalcado: "El ejército de Myanmar debe dejar de asesinar y encarcelar a los manifestantes. Es abominable que las fuerzas de seguridad estén disparando fuego real contra manifestantes pacíficos en todo el país". La alta comisionada también ha dicho estar "horrorizada" por las ataques a personal médico y ambulancias que intentaban ayudar a los heridos.

Ver nota completa

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9 de marzo de 2021

Festejar 30 años entre la flexibilización y el revisionismo

El 30 aniversario del Mercosur pone el foco en eventuales cambios que permitan la supervivencia del bloque. Y en ese contexto, flexibilizar las normas que establecen la obligación de sellar acuerdos con terceras partes en conjunto, ocupa el centro de la escena.

"El Mercosur está bajo discusión", dice el analista y consultor en negocios internacionales Marcelo Elizondo. Entre las "dificultades" incluidas en la agenda del bloque integrado por Argentina, Brasil, Paraguay y Uruguay, señala que "El elevado arancel externo común -que casi triplica el arancel promedio mundial- es considerado por Brasil un obstáculo para la internacionalización de sus empresas; y al tiempo que ve potenciales acuerdos comerciales con otros mercados como un requisito fundamental. Pero Argentina no aparece como un adherente entusiasta de estas posturas y el vínculo pensando en el futuro común se enturbia".

Ver nota completa

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26 de marzo de 2021

Estatuto de la Ciudadanía del MERCOSUR

El Consejo del Mercado Común destacó la importancia de avanzar, hacia el trigésimo aniversario de la firma del Tratado de Asunción, en la profundización de la dimensión social y ciudadana del proceso de integración con miras a alcanzar un desarrollo sustentable. El Estatuto compila derechos y beneficios en favor de los nacionales, ciudadanos y residentes de los Estados Partes del MERCOSUR; contemplados en el acervo jurídico vigente del MERCOSUR dependiendo su alcance de las respectivas legislaciones nacionales y de la naturaleza específica de los diferentes instrumentos. De esta manera, el Estatuto permite visibilizar y promover dichos derechos y beneficios.

Ver nota completa

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7 de abril de 2021

Volver al pacto nuclear con Irán

La reanudación de las conversaciones sobre el programa atómico de Irán con la participación de Estados Unidos es una noticia muy positiva. Incluso aunque, por el momento, iraníes y estadounidenses no estén presentes a la vez en la misma sala, la reunión en sí misma es un primer paso imprescindible para recuperar el acuerdo nuclear.

Aquel tratado —que levantaba las sanciones a Teherán a cambio de que este limitara sus ambiciones nucleares— siempre tuvo detractores en las élites políticas tanto de EE UU como de Irán. Aunque ahora el presidente Joe Biden intenta revertir el paso atrás dado por Trump, en Teherán también han cambiado las tornas, pero justo en la dirección contraria.

Ver nota completa

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12 de abril de 2021

El rey de Jordania escenifica la reconciliación con el príncipe Hamzah tras la tensión golpista

El rey Abdalá II y su antiguo heredero, el príncipe Hamzah bin Hussein, escenificaron juntos el aparente fin de la crisis que ha amenazado con desestabilizar Jordania. Por primera vez desde que se desencadenara la tensión, con el desmantelamiento de una presunta trama golpista que se cobró cerca de una veintena de detenciones, ambos asistieron en Amán junto con otros miembros de la familia real a la ceremonia de conmemoración del centenario del reino hachemí.

El príncipe Hamzah se le considera bajo arresto domiciliario en su palacio de Amán. La oficina de la alta comisionada de la ONU para los Derechos Humanos, Michelle Bachelet, advirtió el viernes al Gobierno jordano sobre la falta de transparencia de la situación de "arresto de facto" que rodea al antiguo heredero del trono y sobre las detenciones sin cargos de sospechosos de estar implicados en una trama para desestabilizar al Estado. "Hamzah está bajo mi tutela, en su palacio junto con su familia", precisó sin dar más detalles el mensaje real televisado el miércoles. "Se ha comprometido ante la dinastía hachemí a permanecer leal", enfatizaba el comunicado.

Ver nota completa

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15 de abril de 2021

A 30 años de su creación, ¿Cuál es el valor actual del Mercosur?

Desde el año 2011, los intercambios comerciales intra bloque fueron disminuyendo en forma continua. Asimismo, la crisis económica derivada del COVID-19 agravó, en 2020, las tendencias a la caída en la economía de los países miembros, tras varios años de bajo crecimiento y períodos de recesión.

Según fuentes oficiales del Mercosur, la ralentización de la actividad económica en el bloque se debió a un bajo ritmo de crecimiento de Brasil (1,1%), una caída por segundo año consecutivo de la Argentina (-2,1%) y tasas de crecimiento cercanas a 0% en los casos de Uruguay y Paraguay. Como consecuencia, en 2019 el valor de las exportaciones del bloque cayó 8,2% y el de sus importaciones 10,1%.

Ver nota completa

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19 de abril de 2021

El trauma en Nagorno Karabaj, la herida abierta de los armenios

En septiembre de 2020, Azerbaiyán lanzó un ataque sobre la región del Nagorno Karabaj, un espacio sin reconocimiento internacional y bajo dominio armenio desde 1994, reviviendo un conflicto con Armenia que había permanecido en calma por 26 años. En un período de seis semanas, la guerra dejó

unos 6.000 muertos y culminó tras un alto al fuego, monitoreado por Rusia, con un triunfo de las fuerzas azerbaiyanas.

En Stepanakert, la capital de Nagorno Karabaj, no olvidan lo ocurrido. Para muchos de sus habitantes, la derrota contra Azerbaiyán es considerada una humillación y frecuentemente rinden honores a muchos de los caídos por el conflicto.

"Tenemos el deber de reconquistar nuestras tierras en nombre de todos los que derramaron su sangre. Bien sea por medio de la guerra o con medios pacíficos", dijo una de las habitantes de Nagorno Karabaj a los reporteros de Frances 24.

Ver nota completa

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22 de abril de 2021

Cambio climático: lo que dijeron y no dijeron algunos de los protagonistas clave de la cumbre sobre el clima liderada por EE.UU.

La lucha contra el cambio climático fue el centro de los discursos de los líderes políticos que participaron de la conferencia virtual organizada por la Casa Blanca, que reunión a 40 dirigentes internacionales. Cada uno de los líderes abordó el tema de manera distinta: algunos con nuevos y ambiciosos objetivos, como fue el caso de EE.UU. que se comprometió a recortar las emisiones de efecto invernadero un 52% para 2030, y otros defendiendo su plan ya fijado y las diferencias entre países, como China.

Ver nota completa

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22 de abril de 2021

En el día de la fecha entró en vigencia el Acuerdo de Escazú

En el Día Internacional de la Madre Tierra, la República Argentina celebra la entrada en vigor del Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe, y congratula a los 11 Estados Parte y a la CEPAL, en su calidad de Secretaría Técnica, por haber contribuido a este hito para toda la región.

El Acuerdo de Escazú es el primer tratado ambiental de América Latina y el Caribe, el cual establece estándares regionales para los derechos de acceso en asuntos ambientales, además de promover la creación y fortalecimiento de capacidades y la cooperación internacional en la materia.

Ver nota completa

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27 de abril de 2021

Paraguay pide diálogo y respeto de los textos fundacionales del Mercosur

Paraguay defendió el diálogo y el respeto de los textos fundacionales del Mercosur, ante las diferentes posiciones sobre la rebaja al arancel externo común (AEC) y la posibilidad de flexibilizar las negociaciones comerciales con terceros mercados, surgidas en la reunión extraordinaria del Consejo Mercado Común (CMC).

Esas fueron las dos cuestiones principales abordadas en el encuentro virtual del lunes 26 de abril entre Argentina, Brasil, Paraguay y Uruguay, en el que se trató por primera vez el tema después de las divergencias entre socios manifestadas el pasado 26 de marzo durante la celebración de los 30 años de la fundación del Mercosur.

Ver nota completa

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28 de abril de 2021

Antártida: La Argentina apoya la conformación de Áreas Marinas Protegidas

La convocatoria, una reunión de alto nivel convocada por el Comisario Europeo para el Medio Ambiente, Océanos y Pesca, Virginijus Sinkevičius, tuvo como fin impulsar la cuestión de las Áreas Marinas Protegidas (AMPs) en aguas de la Antártida. El encuentro concluyó con una declaración conjunta de apoyo a las AMPs antárticas, dándole así visibilidad para poder lograr avances en la importante cuestión medioambiental que resulta prioritaria en la agenda política internacional y del Sistema del Tratado Antártico.

Durante el encuentro virtual, que convocó a ministros y altos funcionarios de 15 países, el secretario de Malvinas, Antártida y Atlántico Sur de la Cancillería argentina, Daniel Filmus, resaltó "la firme política argentina tendiente a preservar sus ecosistemas marinos en el Atlántico Sur, donde más de un 8% de su Zona Económica Exclusiva (ZEE) está cubierta actualmente por AMPs".

Ver nota completa

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30 de abril de 2021

Acuerdo para facilitar el comercio electrónico en el MERCOSUR

El Acuerdo sobre Comercio Electrónico del MERCOSUR establece el marco jurídico para facilitar el desarrollo del comercio electrónico en el bloque. Según destacó la Presidencia Pro Tempore Argentina, "se trata de un importante paso en la profundización y modernización del bloque, que se da en el contexto del trigésimo

aniversario de la firma del Tratado de Asunción". Por su parte, la Cancillería uruguaya destacó que "el Acuerdo es un instrumento modernizador que acompaña las nuevas tendencias del comercio global y que brindará múltiples oportunidades en diversos rubros a empresas de todo tamaño, especialmente las pequeñas y medianas, agregará valor a las relaciones comerciales, eliminará restricciones y ampliará la escala y alternativas para hacer de negocios en la región".

Ver nota completa

VOLVER AL INDICE

Sección 2 / Principales Novedades Normativas

En vigor para Argentina desde enero a abril de 2021.
Fuente: http://tratados.mrecic.gov.ar/busqueda.php

BILATERALES CON OTROS PAISES

ACUERDO ENTRE EL GOBIERNO DE LA REPÚBLICA ARGENTINA Y EL GOBIERNO DEL REINO HACHEMITA DE JORDANIA SOBRE COOPERACIÓN EN LOS USOS PACÍFICOS DE LA ENERGÍA NUCLEAR

Firma: Nueva York, 22 de Septiembre de 2009
Vigor: 06 de Abril de 2021
Norma Aprobatoria: Ley n° 26.767
PDF

CONVENIO DE COPRODUCCIÓN CINEMATOGRÁFICA ENTRE LA REPÚBLICA ARGENTINA Y EL ESTADO DE ISRAEL

Firma: Jerusalén, 28 de Abril de 2014
Vigor: 02 de Febrero de 2021
Norma Aprobatoria: Ley N° 27.582
PDF

ACUERDO DE COOPERACIÓN TÉCNICA ENTRE LA REPÚBLICA ARGENTINA Y LA REPÚBLICA DE KENIA

Firma: Buenos Aires, 14 de Marzo de 2017
Vigor: 13 de Febrero de 2021
Norma Aprobatoria: Ley N° 27.585
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ACUERDO ENTRE EL GOBIERNO DE LA REPÚBLICA ARGENTINA Y EL GOBIERNO DEL ESTADO DE QATAR PARA EVITAR LA DOBLE IMPOSICIÓN Y PREVENIR LA EVASIÓN FISCAL EN MATERIA DE IMPUESTOS SOBRE LA RENTA Y SOBRE EL PATRIMONIO Y SU PROTOCOLO.

Firma: Washington DC, 19 de Abril de 2018
Vigor: 31 de Enero de 2021
Norma Aprobatoria: Ley N° 27.608
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MEMORÁNDUM DE ENTENDIMIENTO SOBRE COOPERACIÓN DEPORTIVA ENTRE LA SECRETARÍA DE DEPORTE DE LA REPÚBLICA ARGENTINA Y EL MINISTERIO DE CULTURA Y DEPORTE DEL ESTADO DE QATAR

Firma: Buenos Aires, 05 de Octubre de 2018
Vigor: 12 de Enero de 2021
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ENTENDIMIENTO SOBRE EL MEMORÁNDUM DE COOPERACIÓN PARA EL ESTABLECIMIENTO DE UN MECANISMO REFORZADO DE CONSULTAS POLÍTICAS ENTRE EL MINISTERIO DE RELACIONES EXTERIORES Y CULTO DE LA REPÚBLICA ARGENTINA Y EL MINISTERIO DE RELACIONES EXTERIORES DE JAPÓN

Firma: Buenos Aires, 07 de Enero de 2021

Vigor: 07 de Enero de 2021
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ACUERDO POR CANJE DE NOTAS ENTRE LA REPÚBLICA ARGENTINA Y LA REPÚBLICA DE CHILE QUE MODIFICA EL ACUERDO SOBRE EL PASO SAN SEBASTIÁN, DEL 29 DE OCTUBRE DE 2009.
Firma: Santiago, 26 de Enero de 2021
Vigor: 26 de Enero de 2021
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MANDATO DE LOS GOBIERNOS DE LA REPÚBLICA ARGENTINA Y DEL REINO UNIDO DE GRAN BRETAÑA E IRLANDA DEL NORTE AL COMITÉ INTERNACIONAL DE LA CRUZ ROJA (CICR) Y SEGUNDO PLAN DE PROYECTO HUMANITARIO ENTRE LA REPÚBLICA ARGENTINA Y EL REINO UNIDO DE GRAN BRETAÑA Y DE IRLANDA DEL NORTE Y EL COMITÉ INTERNACIONAL DE LA CRUZ ROJA SOBRE LA IDENTIFICACIÓN DE LOS RESTOS DE SOLDADOS ARGENTINOS NO IDENTIFICADOS SEPULTADOS EN LA TUMBA C.1.10 EN EL CEMENTERIO DE DARWIN, ISLAS MALVINAS
Firma: Ginebra, 18 de Marzo de 2021
Vigor: 29 de Abril de 2021
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ACUERDO POR CANJE DE NOTAS ENTRE LA REPÚBLICA ARGENTINA Y JAPÓN SOBRE 'PROGRAMAS ESPECÍFICOS DE COOPERACIÓN TÉCNICA'
Firma: Buenos Aires, 3 de diciembre de 2020, 19 de Marzo de 2021
Vigor: 22 de Marzo de 2021
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ACUERDO REGIONAL SOBRE EL ACCESO A LA INFORMACIÓN, LA PARTICIPACIÓN PÚBLICA Y EL ACCESO A LA JUSTICIA EN ASUNTOS AMBIENTALES EN AMÉRICA LATINA Y EL CARIBE
FIRMA POR ARG: 27 de Septiembre de 2018
CELEBRACION: Escazú, 04 de Marzo de 2018
VIGOR: 22 de Abril de 2021
NORMA APROBATORIA: Ley N° 27.566
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ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO NONAGÉSIMO PROTOCOLO ADICIONAL APÉNDICE 4
Firma por Arg: 12 de Noviembre de 2020
Celebracion: Montevideo, 12 de Noviembre de 2020
Vigor: 01 de Enero de 2021
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ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO NONAGÉSIMO PROTOCOLO ADICIONAL APÉNDICE 5

Firma por Arg: 12 de Noviembre de 2020
Celebracion: Montevideo, 12 de Noviembre de 2020
Vigor: 01 de Enero de 2021
PDF

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 35 CELEBRADO ENTRE LOS GOBIERNOS DE LOS ESTADOS PARTES DEL MERCOSUR Y EL GOBIERNO DE LA REPÚBLICA DE CHILE - SEXAGÉSIMO QUINTO PROTOCOLO ADICIONAL.

Firma por Arg: 16 de Diciembre de 2020
Celebracion: Montevideo, 16 de Diciembre de 2020
Vigor: 13 de Abril de 2021
PDF

ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO NONAGÉSIMO PROTOCOLO ADICIONAL APÉNDICE 6

Celebracion: Montevideo, 17 de Diciembre de 2020
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ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO NONAGÉSIMO PROTOCOLO ADICIONAL APÉNDICE 7

Celebracion: Montevideo, 17 de Diciembre de 2020
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ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO NONAGÉSIMO PROTOCOLO ADICIONAL APÉNDICE 8

Celebracion: Montevideo, 17 de Diciembre de 2020
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ACUERDO DE COMPLEMENTACIÓN ECONÓMICA N° 18 CELEBRADO ENTRE ARGENTINA, BRASIL, PARAGUAY Y URUGUAY (AAP.CE/18) - CENTÉSIMO NONAGÉSIMO PROTOCOLO ADICIONAL APÉNDICE 9

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EDUCACIÓN Y CULTURA DE LA REPÚBLICA ORIENTAL DEL URUGUAY, PARA LA CREACIÓN DEL CENTRO LATINOAMERICANO DE BIOTECNOLOGÍA (CABBIO)

Firma por Arg: 19 de Febrero de 2021
Celebracion: Montevideo: 10/12/2020; Brasilia: 15/01/2021; Buenos Aires: 19/02/2021., 19 de Febrero de 2021
Vigor: 19 de Febrero de 2021
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Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation) - Extension of time-limit: Counter-Memorial

28-01-2021
Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) - Fixing of time-limit: Written statement of observations and submissions on preliminary objections

03-02-2021
Alleged violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America) - Preliminary objections

04-02-2021
Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates) Preliminary objections

08-03-2021
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CORTE INTERAMERICANA DE DERECHOS HUMANOS

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Caso Asociación Nacional de Cesantes y Jubilados de la Superintendencia Nacional de Administración Tributaria (ANCEJUB-SUNAT) Vs. Perú. Supervisión de cumplimiento de Sentencia

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LIBROS

Canciller Felipe Solá (Argentina), Canciller Ernesto Araújo (Brasil), Canciller Euclides Acevedo (Paraguay), Canciller Francisco Bustillo (Uruguay) have published: MERCOSUR 30 Años: 1991 - 2021. Edición Conmemorativa, 1ª ed. 26 de marzo de 2021. Libro digital, PDF.

Con motivo de conmemorarse los 30 años del Tratado de Asunción, el puntapié inicial del MERCOSUR, los cancilleres de los cuatro países fundadores, Argentina, Brasil, Paraguay y Uruguay, escribieron sendos artículos para reflejar su importancia en estos años y en los que vendrán.

Editado por la Secretaría del MERCOSUR en formato de revista digital, los cancilleres Felipe Solá, Ernesto Araújo, Euclides Acevedo y Francisco Bustillo analizan en sus 50 páginas el devenir del bloque, sus avances y sus desafíos.

En el artículo "El MERCOSUR, una construcción dinámica para ´ser martillo´", el canciller Felipe Solá, de la Argentina, destaca: "La percepción del vecino como un socio permitió abordar muchas situaciones con mejores perspectivas, no solo liberando recursos, sino incrementándolos por esos vínculos para el logro de objetivos de política domestica. La paz es una condición necesaria para el desarrollo y la integración con nuestros vecinos, que se consolidó definitivamente en nuestra región. La integración también ha sido funcional a la consolidación de la democracia republicana, al repudio a la violencia y al respeto de los derechos humanos en la región".

Y, por otra parte, señala: "Tenemos que ser capaces de formular opiniones propias en los temas emergentes, reforzando nuestra identidad grupal y optimizando recursos y respuestas. Esto no implica que tengamos estrategias idénticas, pero sí que intentemos hacerlas convergentes para mejorar nuestro poder de negociación".

Por su parte, en su artículo "Virtud de origen", el canciller Ernesto Araújo, de Brasil, destaca: "Treinta años después, se puede afirmar que el MERCOSUR continua a movilizar activamente a sus integrantes. Hubo significativos avances registrados en ese período: defensa de la democracia; expansión del comercio y de las inversiones; beneficios concretos para el ciudadano en una variedad de temas; contribución para la paz y la prosperidad en América del Sur; mayor proyección internacional de sus miembros".

Además, señala: "Hoy, sin embargo, la continuidad del proceso de apertura e integración a la economía global requerirá gran prioridad y exigirá cambios adicionales y capacidad de adaptación, bajo pena de que el MERCOSUR pierda relevancia y sea visto como obstáculo y no como solución".

El canciller de Paraguay, Euclides Acevedo, en su artículo "El MERCOSUR, hito trascendental en la historia de nuestros países", destaca que "Tres décadas nos dejan la enseñanza de qué podemos hacer, en qué deberemos insistir, y probablemente, en qué deberíamos desistir. El conocimiento generado entre los Estados Partes en este periodo de vida en común hace que podamos tener noción de nuestras potencialidades y limitaciones, de nuestras ambiciones y restricciones, de lo que debemos y de lo que podemos."

Y señala, además: "Son innegables los logros del MERCOSUR en pos de sus objetivos fundacionales en estos treinta primeros años, aunque deben reconocerse las dificultades que implica alcanzar

propósitos de gran ambición en un escenario de disparidades. Innegablemente hubo avances en lo relativo a la libre circulación de bienes y servicios mediante acuerdos de naturaleza arancelaria o de aspectos regulatorios".

Finalmente, el canciller de Uruguay, Francisco Bustillo, en su artículo "MERCOSUR, nuestra historia", destaca: "Durante estos treinta años de vida, el MERCOSUR ha transitado por diferentes etapas que han respondido a los desafíos que el escenario internacional ha presentado y la voluntad política de los socios sobre la mejor manera de enfrentarlos. Actualmente, atravesamos una etapa donde los socios se encuentran abocados a encontrar denominadores comunes para avanzar con dinamismo en una agenda comercial y social que rescate los objetivos primigenios del Tratado de Asunción y les permita atender las necesidades, desafíos que plantea el presente y las demandas que su ciudadana posee".

Y señala: "En un mundo con centros de poder más diversificados, con nuevas dinámicas de comercio, con menores distancias, el MERCOSUR debe integrarse mejor a estas corrientes. Es por ello que resulta cada vez más necesario explorar y evaluar nuevas modalidades para integrarnos y negociar con el mundo. MERCOSUR ha transitado 30 años como el proceso más importante y exitoso de la región, en gran parte gracias a su capacidad de consenso y adaptación a los intereses de sus socios".

Sandra Negro (Directora) has published: Integración Regional Nº 2: ¿Quo Vadis?, 1ª ed. Ciudad Autónoma de Buenos Aires, marzo 2021. Libro digital, PDF. ISBN 978-987-86-9324-8.

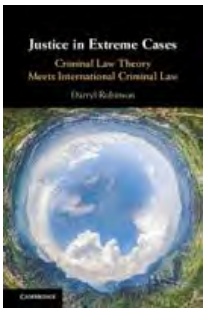
Integración Regional nº 2: ¿Quo Vadis? es una publicación colectiva que aspira a brindar un panorama de la integración regional en la Unión Europea y en América Latina, especialmente en el Mercosur y en la Comunidad Andina de Naciones, a través de materiales elaborados por profesores e investigadores de la Facultad de Derecho así como referentes del ámbito nacional e internacional. El análisis de la actualidad y los posibles escenarios han sido objeto de minuciosos trabajos desde las ópticas jurídico-político e institucional en el año 2020, caracterizado por la pandemia del COVID 2019, que alteró de forma intempestiva la agenda de cada bloque a la vez que planteó nuevos problemas y obligó a dar respuestas inmediatas.

Ricardo Arredondo & Leopoldo M. A. Godio (Directores) have published La solución pacífica de controversias en un derecho internacional fragmentado (Bogotá, Editorial Ibáñez, 2021).

La obra contiene análisis y reflexiones sobre cómo los distintos mecanismos y foros de solución pacífica de controversias contribuyen a la consolidación y desarrollo del derecho internacional.

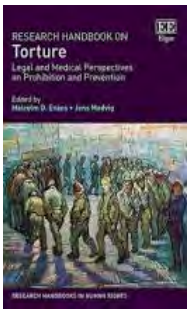
De las muchas clasificaciones posibles para agrupar a las diferentes jurisdicciones judiciales y arbitrales existentes, la obra opta por una tipología que sistematiza a los más relevantes en los últimos años y pertenecientes a cinco sistemas diferentes: a) las jurisdicciones internacionales con vocación universal (la Corte Internacional de Justicia, el Tribunal Internacional del Derecho del Mar, la Organización Mundial de Comercio, la Corte Penal Internacional y los tribunales penales internacionales para Yugoslavia, Ruanda y Sierra Leona); b) las jurisdicciones internacionales de carácter regional con competencia en derechos humanos (la Corte Europea de Derechos Humanos, la Corte Interamericana de Derechos Humanos y la Corte Africana de Derechos Humanos y de los Pueblos; c) las jurisdicciones internacionales en materia de integración regional (el arbitraje *ad hoc* del Mercosur y el Tribunal Permanente de Revisión de Controversias, el Tribunal de Justicia de la Unión Europea y la Corte Centroamericana de Justicia y la Corte de Justicia del Caribe); d) los sistemas arbitrales (la Corte Permanente de Arbitraje, el Centro Internacional de Arreglo de Diferencias relativas a Inversiones y el arbitraje previsto en los Anexos VII y VIII de la Convención de

las Naciones Unidas sobre el Derecho del Mar de 1982); y e) los Tribunales administrativos internacionales.



Darryl Robinson (Queen's Univ., Canada - Law) has published Justice in Extreme Cases: Criminal Law Theory Meets International Criminal Law (Cambridge Univ. Press 2020). Here's the abstract:

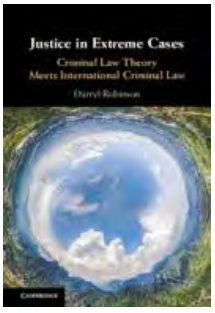
In Justice in Extreme Cases, Darryl Robinson argues that the encounter between criminal law theory and international criminal law (ICL) can be illuminating in two directions: criminal law theory can challenge and improve ICL, and conversely, ICL's novel puzzles can challenge and improve mainstream criminal law theory. Robinson recommends a 'coherentist' method for discussions of principles, justice and justification. Coherentism recognizes that prevailing understandings are fallible, contingent human constructs.



Malcolm D. Evans (Univ. of Bristol - Law) & Jens Modvig (DIGNITY - Danish Institute against Torture) have published Research Handbook on Torture: Legal and Medical Perspectives on Prohibition and Prevention (Edward Elgar Publishing 2020). The table of contents is here. Here's the abstract:

This Research Handbook is of great importance in an era where torture, whilst universally condemned, remains endemic. It explores the nature of the international prohibition of torture and the various means and mechanisms which have been put in place by the international community in an attempt to make that prohibition a reality.

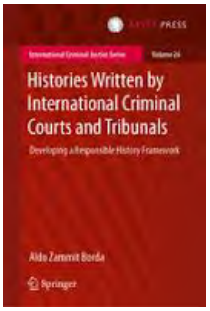
Edited by Chairs of the UN Committee against Torture and of the UN Subcommittee for Prevention of Torture, this Research Handbook considers both the legal and medical dimensions of torture, as well as societal and philosophical perspectives. Contributions from experts with personal experience of working with torture victims and survivors in medical, legal and political settings survey practice within the UN and regional human rights systems, international criminal and domestic legal settings, and in medical and rehabilitative contexts. These expert perspectives combine to offer a unique range of insights into the realities of tackling torture in the contemporary world.



Thomas John (Grotius Chambers), Rishi Gulati (London School of Economics and Political Science), & Ben Köhler (Max Planck Institute for Comparative and International Private Law) have published The Elgar Companion to the Hague Conference on Private International Law (Edward Elgar Publishing 2020). The table of contents is here. Here's the abstract:

This comprehensive Companion is a unique guide to the Hague Conference on Private International Law (HCCH), an intergovernmental organisation dedicated to developing multilateral legal instruments pertaining to personal, family and commercial legal situations that cross national borders. The Companion is a critical assessment of, and reflection on, past and possible future contributions of the HCCH to the further development and unification of private international law.

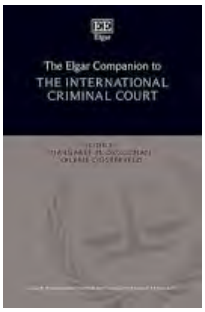
Written by international experts who have all directly or indirectly contributed to the work of the HCCH, chapters analyse its structure and working methods, as well as explore its significant achievements in the areas of international family law, civil procedure, legal co-operation, commercial and finance law. The contributors also discuss the many challenges both the HCCH and other global organisations are facing, including the advent of regionalism and renewed nationalism.



Aldo Zammit Borda (Anglia Ruskin Univ.) has published Histories Written by International Criminal Courts and Tribunals: Developing a Responsible History Framework (Asser Press 2021). Here's the abstract:

This book argues for a more moderate approach to history-writing in international criminal adjudication by articulating the elements of a "responsible history" normative framework. The question of whether international criminal courts and tribunals (ICTs) ought to write historical narratives has gained renewed relevance in the context of the recent turn to history in international criminal law, the growing attention to the historical legacies of the ad hoc Tribunals and the minimal attention paid to historical context in the first judgment of the International Criminal Court.

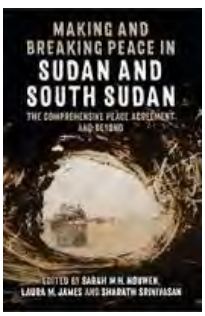
The starting point for this discussion is that, in cases of mass atrocities, prosecutors and judges are inevitably understood to be engaged in writing history and influencing collective memory, whether or not they so intend. Therefore, while writing history is an inescapable feature of ICTs, there is still today a significant lack of consensus over the proper place of this function. Since Hannah Arendt articulated her doctrine of strict legality, in response to the prosecutor's expansive didactic approach in Eichmann, the legal debate on the subject has been largely polarised between restrictive and expansive approaches to history-writing in mass atrocity trials. What has been noticeably missing from this debate is the middle ground. The contribution this book seeks to make is precisely to articulate a framework that occupies that ground. The book asks: what are the lenses through which judges of ICTs interpret historical events, what kind of histories do ICTs write? and what kinds of histories should ICTs produce? Its arguments for a more moderate approach to history-writing are based on three distinct, but interrelated grounds: (1) Truth and Justice; (2) Right to Truth; and (3) Legal Epistemology.



Margaret M. deGuzman (Temple Univ. - Law) & Valerie Oosterveld (Western Univ. - Law) have published The Elgar Companion to the International Criminal Court (Edward Elgar Publishing 2020). The table of contents is here. Here's the abstract:

This comprehensive Companion examines the achievements and challenges of the International Criminal Court (ICC), the world's first permanent international criminal tribunal. It provides an overview of the first two decades of the ICC's existence, investigating the dominant narratives and counter-narratives that have emerged about the institution and its work.

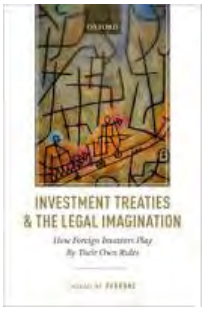
In this timely work, an international team of scholars and experts evaluate the ICC's actual and potential role in the world by exploring some of the central issues related to its creation, mandate, and operations. Chapters address topics ranging from the negotiation dynamics surrounding the drafting of the Rome Statute, to the roles of the Office of the Prosecutor, judges, defence and victims, as well as key controversies around peace and justice, selectivity of cases and situations, and gender-sensitivity.



Sarah M. H. Nouwen (European Univ. Institute), Laura M. James (Oxford Analytica), & Sharath Srinivasan (Univ. of Cambridge - Politics and International Studies) have published Making and Breaking Peace in Sudan and South Sudan: The Comprehensive Peace Agreement and Beyond (Oxford Univ. Press 2020). The table of contents is here. Here's the abstract:

Sudan's Comprehensive Peace Agreement of 2005 ended over two decades of civil war and led to South Sudan's independence. Peacemaking that brought about the agreement and then sought to sustain it involved, alongside the Sudanese, an array of regional and western states as well as international organisations. This was a landmark effort to create and sustain peace in a war-torn region. Yet in the years that followed,

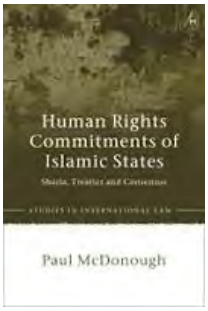
multiple conflicts continued or reignited, both in Sudan and in South Sudan. Peacemaking attempts multiplied. Authored by both practitioners and scholars, this volume grapples with the question of which, and whose, ideas of peace and of peacemaking were pursued in the Sudans and how they fared. Bringing together economic, legal, anthropological and political science perspectives on over a decade of peacemaking attempts in the two countries, it provides insights for peacemaking efforts to come, in the Sudans and elsewhere.



Nicolás M. Perrone (Universidad Andres Bello - Law) has published Investment Treaties and the Legal Imagination: How Foreign Investors Play By Their Own Rules (Oxford Univ. Press 2021). Here's the abstract:

Foreign investors have a privileged position under investment treaties. They enjoy strong rights, have no obligations, and can rely on a highly efficient enforcement mechanism: investor-state dispute settlement (ISDS). Unsurprisingly, this extraordinary status has made international investment law one of the most controversial areas of the global economic order.

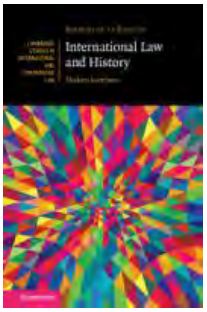
This book sheds new light on the topic, by showing that foreign investor rights are not the result of unpredicted arbitral interpretations, but rather the outcome of a world-making project realized by a coalition of business leaders, bankers, and their lawyers in the 1950s and 1960s. Some initiatives that these figures planned for did not emerge, such as a multilateral investment convention, but they were successful in developing a legal imagination that gradually occupied the space of international investment law. They sought not only to set up a dispute settlement mechanism but also to create a platform to ground their vision of foreign investment relations. Tracing their normative project from the post-World War II period, this book shows that the legal imagination of these business leaders, bankers, and lawyers is remarkably similar to present ISDS practice. Common to both is what they protect, such as foreign investors' legitimate expectations, as well as what they silence or make invisible. Ultimate, this book argues that our canon of imagination, of adjustment and potential reform, remains closely associated with this world-making project of the 1950s and 1960s.



Paul McDonough (Cardiff Univ. - Law) has published Human Rights Commitments of Islamic States: Sharia, Treaties and Consensus (Hart Publishing 2021). Here's the abstract:

This book examines the legal nature of Islamic states and the human rights they have committed to uphold. It begins with an overview of the political history of Islam, and of Islamic law, focusing primarily on key developments of the first two centuries of Islam. Building on this foundation, the book presents the first study into Islamic constitutions to map the relationship between Sharia and the state in terms of institutions of governance. It then assesses the place of Islamic law in the national legal order of all of today's Islamic states, before proceeding to a comprehensive analysis of those states' adherences to the UN human rights treaties, and finally, a set of international human rights declarations made jointly by Islamic states.

Throughout, the focus remains on human rights. Having examined Islamic law first in isolation, then as it reflects into state structures and national constitutional orders, the book provides the background necessary to understand how an Islamic state's treaty commitments reflect into national law. In this endeavour, the book unites three strands of analysis: the compatibility of Sharia with the human rights enunciated in UN treaties; the patterns of adherence of Islamic states with those treaties; and the compatibility of international Islamic human rights declarations with UN standards. By exploring the international human rights commitments of all Islamic states within a single analytical framework, this book will appeal to international human rights and constitutional scholars with an interest in Islamic law and states. It will also be useful to readers with a general interest in the relationships between Sharia, Islamic states, and internationally recognised human rights.



Ignacio de la Rasilla (Wuhan Univ. - Institute of International Law) has published International Law and History: Modern Interfaces (Cambridge Univ. Press 2021). Here's the abstract:

This interdisciplinary exploration of the modern historiography of international law invites a diverse assessment of the indissoluble unity of the old and the new in the most global of all legal disciplines. The study of the history of international law does not only serve a better understanding of how international law has evolved to become what it is and what it is not. Its histories, which rethink the past in the present, also influence our perception of contemporary matters in international law and our understandings of how they may potentially unfold. This multi-perspectival enquiry into the dominant modes of international legal history and its fundamental debates may also help students of both international law and history to identify the historical approaches that best suit their international legal-historical perspectives and best address their historical and legal research questions.

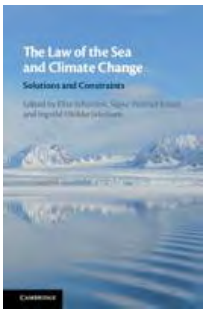
Tobias Ackermann & Sebastian Wuschka have published Investments in Conflict Zones: The Role of International Investment Law in Armed Conflicts, Disputed Territories, and 'Frozen' Conflicts (Brill | Nijhoff 2020). The table of contents is here. Here's the abstract:

Investments in Conflict Zones addresses the topical and underexplored role of international investment law in armed conflicts, disputed territories, and 'frozen' conflicts. The edited collection explores how these different conflict situations impact the application and interpretation of international investment law and how the protection of investors can be reconciled with the politically charged circumstances and state interests involved. Written by a selected group of experts from different fields of international law, the volume moves beyond the confines of investment law, offering novel insights on its intersection with the law of armed conflict, human rights law, the law of the sea, general international law and national laws, including those adopted by de facto regimes which lack recognition as states.

Andrew Hutchison (Univ. of Cape Town - Law) & Franziska Myburgh (Univ. of Stellenbosch - Law) have published Research Handbook on International Commercial Contracts (Edward Elgar Publishing 2020). The table of contents is here. Here's the abstract:

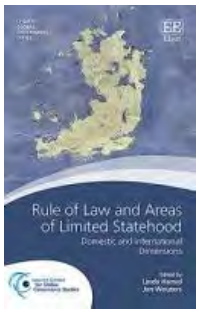
This comprehensive Research Handbook examines the continuum between private ordering and state regulation in the lex mercatoria. It highlights constancy and change in this dynamic and evolving system in order to offer an in-depth discussion of international commercial contract law.

International scholars, from a range of jurisdictions and legal cultures across Africa, North America and Europe, dissect a plethora of contract types, including sale, insurance, shipping, credit, negotiable instruments and agency, against the backdrop of key legal regimes commonly chosen in international agreements. These include: the UN CISG, Unidroit PICC, European DCFR and English law. The Research Handbook examines key general principles in commercial contract law, such as interpretation, good faith, remedies for breach and choice of law clauses from an international perspective. It also engages with various emerging aspects of internet contracting, including smart contracts.



Elise Johansen (UiT the Arctic Univ. of Norway), Signe Busch (UiT the Arctic Univ. of Norway), & Ingvild Ulrikke Jakobsen (UiT the Arctic Univ. of Norway) have published The Law of the Sea and Climate Change: Solutions and Constraints (Cambridge Univ. Press 2020). The table of contents is here. Here's the abstract:

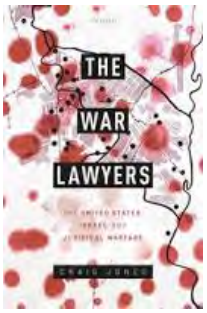
Our oceans are suffering under the impacts of climate change. Despite the critical role that oceans play in climate regulation, international climate law and the law of the sea are developed as two different, largely separate, legal regimes. The main objective of this book is to assess how the law of the sea can be interpreted, developed and applied to support the objectives of the United Nations Climate Regime. By identifying the potential and constraints of the law of the sea regime in supporting and complementing the climate regime in the mitigation of and adaptation to climate change, this book offers a new perspective on the law of the sea and its capacity to evolve to respond to systemic challenges, and its potential to adapt and ensure a resilient and sustainable future.



Linda Hamid (KU Leuven - Leuven Centre for Global Governance Studies & Institute for International Law) & Jan Wouters (KU Leuven - Law) have published Rule of Law and Areas of Limited Statehood: Domestic and International Dimensions (Edward Elgar Publishing 2021). The table of contents is here. Here's the abstract:

This thought-provoking book addresses the legal questions raised by the nexus between the rule of law and areas of limited statehood, in which the State lacks the ability to exercise the full depth of its governmental authority. Working from an international law perspective, it examines the implications of limited statehood for the traditional State-based framing of the international legal order.

Featuring original contributions written by renowned international scholars, chapters investigate key issues arising at the junction between domestic and international rule of law and areas of limited statehood, as well as the alternative modes of governance that develop therein, both with and without the approval of the State. Contributors discuss the impact of contested sovereignty on the rule of law, international responsibility with regard to rebel governance in areas of limited statehood and the consequences of limited statehood for international peace and security.



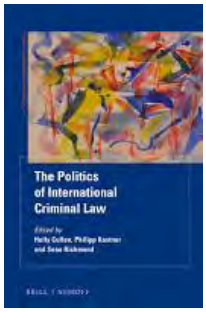
Craig Jones (Newcastle Univ. - Geography) has published The War Lawyers: The United States, Israel, and Juridical Warfare (Oxford Univ. Press 2020). Here's the abstract:

Over the last 20 years the world's most advanced militaries have invited a small number of military legal professionals into the heart of their targeting operations, spaces which had previously been exclusively for generals and commanders. These professionals, trained and hired to give legal advice on an array of military operations, have become known as war lawyers.

The War Lawyers examines the laws of war interpreted and applied by military lawyers to aerial targeting operations carried out by the US military in Iraq and Afghanistan, and the Israel military in Gaza. Drawing on interviews with military lawyers and others, this book explains why some lawyers became integrated in the chain of command whereby military targets are identified and attacked, whether by manned aircraft, drones and/or ground forces, and with what results.

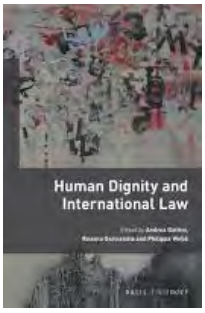
This book shows just how important law and war lawyers have become in the conduct of contemporary warfare, and how it is understood. Jones argues that circulations of law and policy between the U.S. and Israel have expanded the scope of what constitutes a legitimate military target, contending that

the involvement of war lawyers in targeting operations not only constrains military violence, but also enables, legitimises, and sometimes even extends it.



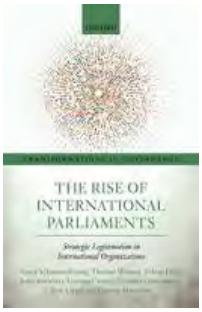
Holly Cullen (Univ. of Western Australia), Philipp Kastner (Univ. of Western Australia), & Sean Richmond (Carleton Univ.) have published The Politics of International Criminal Law (Brill | Nijhoff 2021). The table of contents is here. Here's the abstract:

The Politics of International Criminal Law is an interdisciplinary collection of original research that examines the often noted but understudied political dimensions of International Criminal Law (ICL). As a nascent legal regime that seeks to regulate the longstanding power of states to manage war and crime, ICL faces challenges to its legitimacy, including disagreement over its aims and effectiveness; inequality in the work of its institutions; and opposition from dominant countries. The editors bring together eleven senior and emerging scholars and practitioners from Europe, Asia, Africa, Australia and North America to analyse these challenges from an illuminating range of theoretical and empirical perspectives. Taken together, the collection ultimately helps advance our understanding of the particularly charged relationship between law and politics in ICL.



Andrea Gattini (Univ. of Padua - Law), Rosana Garciandia (King's College London - Law), & Philippa Webb (King's College London - Law) have published Human Dignity and International Law (Brill | Nijhoff 2021). The table of contents is here. Here's the abstract:

Human dignity is a classical concept in public international law, and a core element of the human rights machinery built after the Second World War. This book reflects on the past, present and future of the concept of human dignity, focusing on the role of international lawyers in shaping the idea and their potential and actual role in protecting the rights of certain vulnerable groups of contemporary societies, such as migrant women at risk of domestic servitude, the LGB community and indigenous peoples.



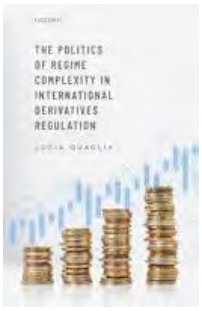
Frank Schimmelfennig, Thomas Winzen, Tobias Lenz, Jofre Rocabert, Loriana Crasnic, Cristina Gherasimov, Jana Lipps, & Densua Mumford have published The Rise of International Parliaments: Strategic Legitimation in International Organizations (Oxford Univ. Press 2021). Here's the abstract:

International parliaments are on the rise. An increasing number of international organizations establishes 'international parliamentary institutions' or IPIs, which bring together members of national parliaments or - in rare cases - elected representatives of member state citizens. Yet, IPIs have generally remained powerless institutions with at best a consultative role in the decision-making process of international organizations.

Why do the member states of international organizations create IPIs but do not vest them with relevant institutional powers? This study argues that neither the functional benefits of delegation nor the internalization of democratic norms answer this question convincingly. Rather, IPIs are best understood as an instrument of strategic legitimation. By establishing institutions that mimic national parliaments, governments seek to ensure that audiences at home and in the wider international environment recognize their international organizations as democratically legitimate. At the same time, they seek to avoid being effectively constrained by IPIs in international governance.

The Rise of International Parliaments provides a systematic study of the establishment and empowerment of IPIs based on a novel dataset. In a statistical analysis covering the world's most relevant international organizations and a series of case studies from all major world regions, we find

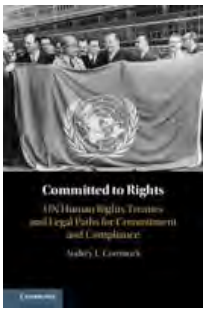
two varieties of international parliamentarization. International organizations with general purpose and high authority create and empower IPIs to legitimate their region-building projects domestically. Alternatively, the establishment of IPIs is induced by the international diffusion of democratic norms and prominent templates, above all that of the European Parliament.



Lucia Quaglia (Univ. of Bologna - Political Science) has published The Politics of Regime Complexity in International Derivatives Regulation (Oxford Univ. Press 2020). Here's the abstract:

This book provides the first comprehensive account of post-crisis international regulation of derivatives by bringing together the international relations literature on regime complexity and the international political economy literature on financial regulation.

It addresses three questions: What factors drove international standard-setting on derivatives post-crisis? Why did international regime complexity emerge? And how was it managed and with what outcomes? This research innovatively combines a state-centric, a transgovernmental, and business-led explanations. It examines all the main sets of standards (or elemental regimes) concerning various aspects of derivatives markets, namely: trading, clearing, and reporting of derivatives; resilience, recovery and resolution of central counterparties; capital requirements for bank exposures to central counterparties and derivatives; margins for derivatives non-centrally cleared. It is argued that regime complexity in derivatives ensued from the multi-dimensionality and the interlinkages of the problems to tackle, especially given the fact that it was a new policy area without a focal international standard-setter. Despite these challenges, international cooperation resulted in relatively precise, stringent, and consistent rules, even though there was variation across standards. The main jurisdictions played an important role in managing regime complexity, but their effectiveness was constrained by limited domestic coordination. Networks of regulators gathered in international standard-setting bodies deployed a variety of formal and informal coordination tools to deal with regime complexity. The financial industry, at times, lobbied for less precise and stringent rules and engaged in 'venue shopping', whereas, other times, it contributed to the quest for regulatory consistency.

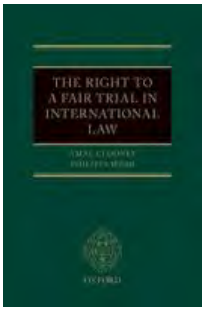


Audrey L. Comstock (Arizona State Univ. - Political Science) has published Committed to Rights: UN Human Rights Treaties and Legal Paths for Commitment and Compliance (Cambridge Univ. Press 2021). Here's the abstract:

International treaties are the primary means for codifying global human rights standards. However, nation-states are able to make their own choices in how to legally commit to human rights treaties. A state commits to a treaty through four commitment acts: signature, ratification, accession, and succession. These acts signify diverging legal paths with distinct contexts and mechanisms for rights change reflecting legalization, negotiation, sovereignty, and domestic constraints. How a state moves through these actions determines how, when, and to what extent it will comply with the human rights treaties it commits to. Using legal, archival, and quantitative analysis this important book shows that disentangling legal paths to commitment reveals distinct and significant compliance outcomes. Legal context matters for human rights and has important implications for the conceptualization of treaty commitment, the consideration of non-binding commitment, and an optimistic outlook for the impact of human rights treaties.

Kathryn Greenman (Univ. of Technology Sydney - Law), Anne Orford (Univ. of Melbourne - Law), Anna Saunders (Harvard Univ. - Law), & Ntina Tzouvala (Australian National Univ. - Law) have published Revolutions in International Law: The Legacies of 1917 (Cambridge Univ. Press 2021). The table of contents is here. Here's the abstract:

In 1917, the October Revolution and the adoption of the revolutionary Mexican Constitution shook the foundations of the international order in profound, unprecedented and lasting ways. These events posed fundamental challenges to international law, unsettling foundational concepts of property, statehood and non-intervention, and indeed the very nature of law itself. This collection asks what we might learn about international law from analysing how its various sub-fields have remembered, forgotten, imagined, incorporated, rejected or sought to manage the revolutions of 1917. It shows that those revolutions had wide-ranging repercussions for the development of laws relating to the use of force, intervention, human rights, investment, alien protection and state responsibility, and for the global economy subsequently enabled by international law and overseen by international institutions. The varied legacies of 1917 play an ongoing role in shaping political struggle in the form of international law.



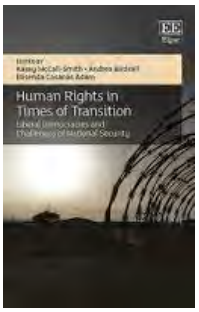
Amal Clooney (Doughty Street Chambers) & Philippa Webb (King's College London - Law) have published The Right to a Fair Trial in International Law (Oxford Univ. Press 2021). Here's the abstract:

The Right to a Fair Trial in International Lawbrings together the diverse sources of international law that define the right to a fair trial in the context of criminal (as opposed to civil, administrative or other) proceedings. The book provides a comprehensive explanation of what the right to a fair trial means in practice under international law and focuses on factual scenarios that practitioners and judges may face in court.

Each of the book's fourteen chapters examines a component of the right to a fair trial as defined in Article 14 of the International Covenant on Civil and Political Rights and reviews the case law of regional human rights courts, international criminal courts as well as UN human rights bodies. Highlighting both consensus and divisions in the international jurisprudence in this area, this book provides an invaluable resource to practitioners and scholars dealing with breaches of one of the most fundamental human rights.

Marc Weller (Univ. of Cambridge - Law), Mark Retter, & Andrea Varga have published International Law and Peace Settlements (Cambridge Univ. Press 2021). The table of contents is here. Here's the abstract:

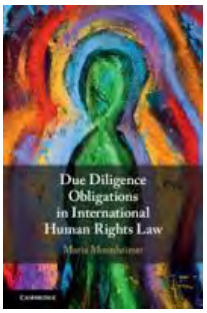
International Law and Peace Settlements provides a systematic and comprehensive assessment of the relationship between international law and peace settlement practice across core settlement issues, e.g. transitional justice, human rights, refugees, self-determination, power-sharing, and wealth-sharing. The contributions address key cross-cutting questions on the legal status of peace agreements, the potential for developing international law, and the role of key actors – such as non-state armed groups, third-state witnesses and guarantors, and the UN Security Council – in the legalisation and internationalisation of settlement commitments. In recent years, significant scholarly work has examined facets of the relationship between international law and peace settlements, through concepts such as jus post bellum and lex pacificatoria. International Law and Peace Settlements drives forward the debate on the legalisation and internationalisation of peace agreements with diverse contributions from leading academics and practitioners in international law and conflict resolution.



Kasey McCall-Smith (Univ. of Edinburgh - Law), Andrea Birdsall (Univ. of Edinburgh - International Relations), & Elisenda Casanas Adam (Univ. of Edinburgh - Law) have published Human Rights in Times of Transition: Liberal Democracies and Challenges of National Security (Edward Elgar Publishing 2020). The table of contents is here. Here's the abstract:

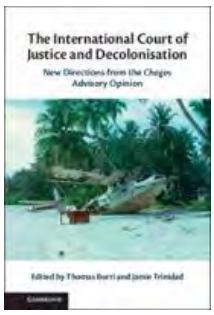
This timely book explores the extent to which national security has affected the intersection between human rights and the exercise of state power. It examines how liberal democracies, long viewed as the proponents and protectors of human rights, have transformed their use of human rights on the global stage, externalizing their own internal agendas.

Contextualizing human rights goals, structures and challenges in the immediate post-UDHR era, key chapters analyse the role that national security has played in driving competition between individual rights and rhetoric-laden, democracy-reinforcing approaches to collective rights of security. Internationally diverse authors offer evocative insights into the ways in which law is used to manipulate both intra and interstate relationships, and demonstrate the constant tensions raised by a human rights system that is fundamentally state-centric though defined by individuals' needs and demands. Acknowledging the challenges in contemporary human rights practice, policy and discourse as features of transitional eras in human rights, this forward-thinking book identifies opportunities to correct past inadequacies and promote a stronger system for the future.



Maria Monnheimer (Ludwig-Maximilians-Universität München) has published Due Diligence Obligations in International Human Rights Law (Cambridge Univ. Press 2021). Here's the abstract:

With the importance of non-State actors ever increasing, the traditional State-centric approach of international law is being put to the test. In particular, significant accountability lacunae have emerged in the field of human rights protection. To address these challenges, this book makes a case for extraterritorial due diligence obligations of States in international human rights law. It traces back how due diligence obligations evolved on the international plane and develops a general analytical framework making the broad and vague notion of due diligence more approachable. The framework is applied to different fields of international law which provides guidance on how due diligence obligations can be better conceptualized. Drawing inspiration from these developments, the book analyses how extraterritorial human rights due diligence obligations could operate in practice and foster global human rights protection.



Thomas Burri (Universität St Gallen - Law) & Jamie Trinidad (Univ. of Cambridge) have published The International Court of Justice and Decolonisation: New Directions from the Chagos Advisory Opinion (Cambridge Univ. Press 2021). The table of contents is here. Here's the abstract:

The 2019 Chagos Advisory Opinion of the International Court of Justice is a decision of profound legal and political significance. Presented with a rare opportunity to pronounce on the right to self-determination and the rules governing decolonization, the ICJ responded with remarkable directness. The contributions to this book examine the Court's reasoning, the importance of the decision for the international system, and its consequences for the situation in the Chagos Archipelago in particular. Apart from bringing the Chagossians closer to the prospect of returning to the islands from which they were covertly expelled half a century ago, the decision and its political context may be understood as part of a broader shift in North/South relations, in which formerly dominant powers like the UK must come to terms with their waning influence on the world stage, and in which voices from former colonies are increasingly shaping the institutional and normative landscape.

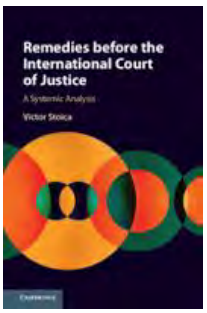
Esmé Shirlow (Australian National Univ. - Law) has published Judging at the Interface: Deference to State Decision-Making Authority in International Adjudication (Cambridge Univ. Press 2021). Here's the abstract:

This book explores how the Permanent Court of International Justice, the International Court of Justice, the European Court of Human Rights, and investment treaty tribunals have used deference to recognise the decision making authority of States. It analyses the approaches to deference taken by these four international courts and tribunals in 1,714 decisions produced between 1924 and 2019 concerning alleged State interferences with private property. The book identifies a large number of techniques capable of achieving deference to domestic decision-making in international adjudication. It groups these techniques to identify seven distinct 'modes' of deference reflecting differently structured relationships between international adjudicators and domestic decision-makers. These differing approaches to deference are shown to hold systemic significance. They reveal the shifting nature and structure of adjudication under international law and its relationship to domestic decision making authority.

Eric De Brabandere (Leiden Univ. - Law), Tarcisio Gazzini (Univ. of East Anglia - Law), & Avidan Kent (Univ. of East Anglia - Law) have published Public Participation and Foreign Investment Law: From the Creation of Rights and Obligations to the Settlement of Disputes (Brill | Nijhoff 2021). The table of contents is here. Here's the abstract:

Public Participation and Foreign Investment Law offers a systematic treatment of public participation from the standpoint of the three main sources of foreign investment law, namely treaties, legislation and contracts. It identifies and critically discusses the different forms of public participation that can be found or envisaged in foreign investment law. From this perspective, the book looks at public participation as vehicle to strike a balance between private and public rights and interests.

This book contributes to the understanding of the current forms, level and impact of public participation. It provides indications on how such participation could be enhanced with a view of improving the balance and legitimacy of the legal instrument related to the promotion and protection of foreign investments.



Victor Stoica (Univ. of Bucharest - Law) has published Remedies before the International Court of Justice: A Systemic Analysis (Cambridge Univ. Press 2021). Here's the abstract:

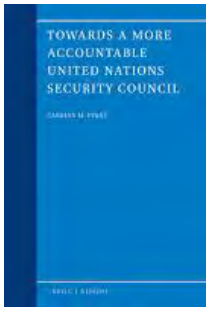
Understanding exactly how the International Court of Justice applies the remedies of international law is vital in order to determine its prioritisation of remedies and its rationales for resolving inter-state disputes. This analysis also shows whether the framework of remedies of international law, designed by the International Law Commission through the Articles on Responsibility of States for Internationally Wrongful Acts, is strictly observed by the International Court of Justice. This is among the few systemic studies in the field of remedies, contrasting the theoretical controversies with a complete survey of the large set of requests that have been submitted before the ICJ. International lawyers, agents of states and diplomats will be able to identify the relevant case-law for each remedy in order to frame more effective requests to the Court.

Miguel Ángel Martín López has published Ampliando el contenido del Derecho Internacional: el rescate de la esencia del derecho de gentes (Dykinson 2021). Here's the abstract:

El término derecho de gentes apenas se utiliza ya en la práctica actual, pero, como es conocido, fue el tradicional para denominar a lo que de manera contemporánea conocemos como derecho internacional. Sin embargo, languideció cuando este último quedó encumbrado y alcanzó ser dominante, lo que ocurrió durante el siglo XIX. En general, la opinión preponderante siempre ha venido considerando que este cambio terminológico fue puramente nominal, sin que tuviera ninguna implicación jurídica efectiva. La continuidad histórica siguió sin que hubiera ruptura alguna. No obstante, esta visión merece, cuanto menos, ser objeto de amplia revisión y, así, es de interés ahondar en los propósitos, ver los detalles y atisbar las repercusiones de dicho cambio, bien sean directas o indirectas. En suma, este será el hilo conductor que vamos a seguir a lo largo del presente trabajo. Fundamentalmente, ello, además, lo haremos con la finalidad principal de identificar cuáles son los ámbitos que pudieran ser rescatados para guiar o, mejor dicho, reorientar este ordenamiento jurídico en aras de que consiga servir mejor a la humanidad en su conjunto.

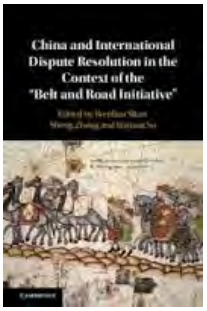
Gillian MacNeil (Univ. of Manitoba - Law) has published Legality Matters: Crimes Against Humanity and the Problems and Promise of the Prohibition on Other Inhumane Acts (Asser Press 2021). Here's the abstract:

This book examines the way international criminal courts and tribunals have interpreted the crimes against humanity proscription of other inhumane acts. This clause is consistently used in spite of the long list of more specific offences forbidden as crimes against humanity. The volume proposes that the current approach is based on a misunderstanding of the nature of the clause. Properly understood, the clause is an invitation to courts to create and apply retroactive criminal laws. This leads to a problem. A prohibition on the use of retroactive criminal laws, one which admits no exceptions, is deeply embedded in international law. The author argues that it is time to revisit the assumption that retroactive criminal laws can never be deployed in a fair legal system. Drawing lessons from an exploration on the way the prohibition on retroactive laws is applied in practice, she proposes a new framework for understanding the clause proscribing the commission of other inhumane acts.



Carolyn M Evans has published Towards a more accountable United Nations Security Council (Brill | Nijhoff 2021). Here's the abstract:

Reform discourse about the United Nations Security Council gives every reason to believe that flaws in its legal and institutional design prevent the Council from adequately meeting its responsibility to maintain or restore international peace and security - in part by allowing the Council to act in an ad hoc and unprincipled manner. In Towards a more accountable United Nations Security Council, Carolyn Evans argues that enhanced accountability of the Council, and corresponding evolution of practice, are feasible, salutary changes towards the Council better answering its raison d'etre. Discussion proceeds by probing the why, to whom, for what, and how, of Council accountability - four corners of concerns central to seeing any actor held accountable.



Wenhua Shan (Xian Jiaotong Univ. - Law), Sheng Zhang (Xian Jiaotong Univ. - Law), & Jinyuan Su (Wuhan Univ. - Law) have published China and International Dispute Resolution in the Context of the 'Belt and Road Initiative' (Cambridge Univ. Press 2021). The table of contents is here. Here's the abstract:

Written by eminent international judges, scholars and practitioners, this book offers a timely study of China's role in international dispute resolution in the context of the construction of the 'Belt and Road Initiative' (BRI). It provides in-depth analysis of the law and practice in the fields of international trade, commerce, investment and international law of the sea, as they relate to the BRI construction. It is the first comprehensive assessment of China's policy and practice in international dispute resolution, in general and in individual fields, in the context of the BRI construction. This book will be an indispensable reading for scholars and practitioners with interest in China and international dispute resolution. It also constitutes an invaluable reference for anyone interested in the changing international law and order, in which China is playing an increasingly significant role, particularly through the BRI construction.

Robin Geiß (Univ. of Glasgow - Law) & Nils Melzer (Univ. of Glasgow - Law) have published The Oxford Handbook of the International Law of Global Security (Oxford Univ. Press 2021). The table of contents is here. Here's the abstract:

Understanding the global security environment and delivering the necessary governance responses is a central challenge of the 21st century. On a global scale, the central regulatory tool for such responses is public international law. But what is the state, role, and relevance of public international law in today's complex and highly dynamic global security environment? Which concepts of security are anchored in international law? How is the global security environment shaping international law, and how is international law in turn influencing other normative frameworks?

The Oxford Handbook of the International Law of Global Security provides a ground-breaking overview of the relationship between international law and global security. It constitutes a comprehensive and systematic mapping of the various sub-fields of international law dealing with global security challenges, and offers authoritative guidance on key trends and debates around the relationship between public international law and global security governance. This Handbook highlights the central role of public international law in an effective global security architecture and, in doing so, addresses some of the most pressing legal and policy challenges of our time. The Handbook features original contributions by leading scholars and practitioners from a wide range of professional and disciplinary backgrounds, reflecting the fluidity of the concept of global security and the diversity of scholarship in this area.

Rebecca Sutton (Univ. of Edinburgh - Law) has published The Humanitarian Civilian: How the Idea of Distinction Circulates Within and Beyond International Humanitarian Law (Oxford Univ. Press 2021). Here's the abstract:

In international humanitarian law (IHL), the principle of distinction delineates the difference between the civilian and the combatant, and it safeguards the former from being intentionally targeted in armed conflicts. This monograph explores the way in which the idea of distinction circulates within, and beyond, IHL. Taking a bottom-up approach, the multi-sited study follows distinction across three realms: the kinetic realm, where distinction is in motion in South Sudan; the pedagogical realm, where distinction is taught in civil-military training spaces in Europe; and the intellectual realm, where distinction is formulated and adjudicated in Geneva and the Hague.

Directing attention to international humanitarian actors, the book shows that these actors seize upon signifiers of 'civilianness' in everyday practice. To safeguard their civilian status, and to deflect any

qualities of 'combatantness' that might affix to them, humanitarian actors strive to distinguish themselves from other international actors in their midst. The latter include peacekeepers working for the UN Mission in South Sudan (UNMISS), and soldiers who deploy with NATO missions. Crucially, some of the distinctions enacted cut along civilian-civilian lines, suggesting that humanitarian actors are longing for something more than civilian status - the 'civilian plus'. This special status presents a paradox: the appeal to the 'civilian plus' undermines general civilian protection, yet as the civilian ideal becomes increasingly beleaguered, a special civilian status appears ever more desirable. However disruptive these practices may be to the principle of distinction in IHL, the monograph emphasizes that even at the most normative level there is no bright line distinction to be found.

Cassandra Steer (Australian National Univ. - Law) & Matthew Hersch (Harvard Univ. - History of Science) have published War and Peace in Outer Space: Law, Policy, and Ethics (Oxford Univ. Press 2021). The table of contents is here. Here's the abstract:

This book delves into legal and ethical concerns over the increased weaponization of outer space and the potential for space-based conflict in the very near future. Unique to this collection is the emphasis on questions of ethical conduct and legal standards applicable to military uses of outer space. No other existing publication takes this perspective, nor includes such a range of interdisciplinary expertise.

The essays included in this volume explore the moral and legal issues of space security in four sections. Part I provides a general legal framework for the law of war and peace in space. Part II tackles ethical issues. Part III looks at specific threats to space security. Part IV proposes possible legal and diplomatic solutions. With an expert author team from North American and Europe, the volume brings together academics, military lawyers, military space operators, aerospace industry representatives, diplomats, and national security and policy experts. The experience of this team provides a collection unmatched in any academic publication broaching even some of these issues and will be required reading for anyone interested in war and peace in outer space.

Başak Çalı (Hertie School), Ledi Bianku (Univ. of Strasbourg - Law), & Iulia Motoc (Judge, European Court of Human Rights) have published Migration and the European Convention on Human Rights (Oxford Univ. Press 2021). The table of contents is here. Here's the abstract:

This edited collection investigates where the European Convention on Human Rights as a living instrument stands on migration and the rights of migrants.

This book offers a comprehensive analysis of cases brought by migrants in different stages of migration, covering the right to flee, who is entitled to enter and remain in Europe, and what treatment is owed to them when they come within the jurisdiction of a Council of Europe member state. As such, the book evaluates the case law of the European Convention on Human Rights concerning different categories of migrants including asylum seekers, irregular migrants, those who have migrated through domestic lawful routes, and those who are currently second or third generation migrants in Europe.

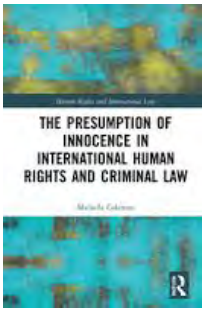
The broad perspective adopted by the book allows for a systematic analysis of how and to what extent the Convention protects non-refoulement, migrant children, family rights of migrants, status rights of migrants, economic and social rights of migrants, as well as cultural and religious rights of migrants.

Lothar Brock (Goethe-Universität Frankfurt am Main - Politcal Science) & Hendrik Simon (Peace Research Institute Frankfurt) have published The Justification of War and International Order: From Past to Present (Oxford Univ. Press 2021). The table of contents is here. Here's the abstract:

The history of war is also a history of its justification. The contributions to this book argue that the justification of war rarely happens as empty propaganda. While it is directed at mobilizing support and reducing resistance, it is not purely instrumental. Rather, the justification of force is part of an incessant struggle over what is to count as justifiable behaviour in a given historical constellation of power, interests, and norms. This way, the justification of specific wars interacts with international order as a normative frame of reference for dealing with conflict. The justification of war shapes this order, and is being shaped by it.

As the justification of specific wars entails a critique of war in general, the use of force in international relations has always been accompanied by political and scholarly discourses on its appropriateness. In much of the pertinent literature the dominating focus is on theoretical or conceptual debates as a mirror of how international normative orders evolve. In contrast, the focus of the present volume is on theory and political practice as sources for the re- and de-construction of the way in which the justification of war and international order interact.

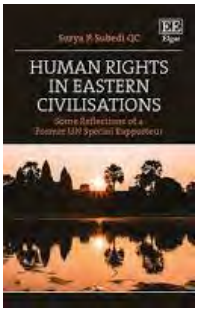
With contributions from international law, history, and international relations, and from Western and non-Western perspectives, this book offers a unique collection of papers exploring the continuities and changes in war discourses as they respond to and shape normative orders from early modern times to the present.



Michelle Coleman (Middlesex Univ. - Law) has published The Presumption of Innocence in International Human Rights and Criminal Law (Routledge 2021). Here's the abstact:

This book provides a comprehensive analysis of the presumption of innocence from both a practical and theoretical point of view. Throughout the book a framework for the presumption of innocence is developed.

The book approaches the right to presumption of innocence from an international human rights perspective using specific examples drawn from international criminal law. The result is a framework for understanding the right that is grounded in human rights law. This framework can then be applied across different national and international systems. When applied, it can help determine when the presumption of innocence is being infringed upon, eroded, violated, and ensure that the presumption of innocence is protected.

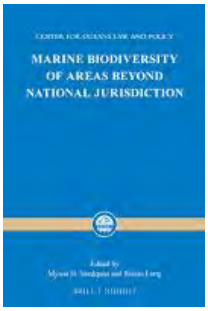


Surya P. Subedi (Univ. of Leeds - Law) has published Human Rights in Eastern Civilisations: Some Reflections of a Former UN Special Rapporteur (Edward Elgar Publishing 2021). Here's the abstract:

Based on the author's first-hand experience as a UN Special Rapporteur, this thought-provoking and original book examines the values of Eastern civilisations and their contribution to the development of the UN Human Rights agenda.

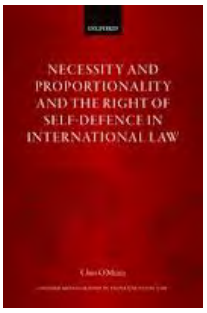
Offering an authoritative analysis of Hindu and Buddhist traditions, Surya P. Subedi, QC, focuses on the norms underpinning these two seminal Eastern philosophies to assess the extent to which the ancient civilisations already have human rights values embedded in them. Chapters explore the expression of values in the scriptures and practices of these philosophies, assessing their influence on the contemporary understanding of human rights. Rejecting the argument based on "Asian Values" that is often used to undermine the universality of human rights, the book

argues that secularism, personal liberty and universalism are at the heart of both Hindu and Buddhist traditions.



Myron H. Nordquist (Univ. of Virginia) & Ronán Long (World Maritime Univ.) have published Marine Biodiversity of Areas beyond National Jurisdiction (Brill | Nijhoff 2021). The table of contents is here. Here's the abstract:

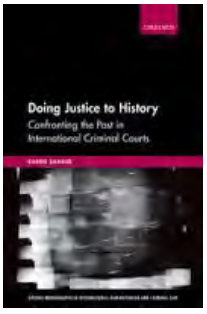
Marine Biodiversity of Areas beyond National Jurisdiction (BBNJ) identifies the major issues at stake in the BBNJ negotiations and examines the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. This timely volume offers cutting edge contributions from leading global experts on access and benefit sharing of marine genetic resources; environmental impact assessments; capacity building and transfer of technology as well as Arctic environmental issues including security and shipping. Cross-cutting themes including the potential impact on existing legal frameworks and instruments are also explored.



Chris O'Meara (Univ. of Exeter - Law) has published Necessity and Proportionality and the Right of Self-Defence in International Law (Oxford Univ. Press 2021). Here's the abstract:

States invariably justify using force extraterritorially by reference to their right of self-defence. In doing so, they accept that the exercise of this right is conditioned by the customary international law requirements of necessity and proportionality. However, these requirements are notorious for being normatively indeterminate and operationally complex. As a breach of either requirement renders ostensibly defensive action unlawful, increased determinacy regarding their scope and substance is crucial to how international law constrains military force.

This book examines the conceptual meaning, content, and practical application of necessity and proportionality as they relate to the right of self-defence following the adoption of the UN Charter in 1945. It provides a coherent and up-to-date description of the applicable contemporary international law and proposes an analytical framework to guide its operation and appraisal. This book argues that necessity and proportionality are conceptually distinct and must be applied in the foregoing order to avoid an insufficient 'catch-all' description of legality or illegality. Necessity determines whether defensive force may be used to respond to an armed attack and where it must be directed. Proportionality governs how much total force is permissible and prohibits excessive responses. Both requirements are shown to apply on an ongoing basis throughout the duration of an armed conflict prompted by self-defence. Compliance with necessity and proportionality ensures that the purposes of self-defence are met, and nothing more, and that defensive force is not unduly disruptive to third party interests and to international peace and security.



Barrie Sander (Leiden Univ. - Faculty of Governance and Global Affairs) has published Doing Justice to History: Confronting the Past in International Criminal Courts (Oxford Univ. Press 2021). Here's the abstract:

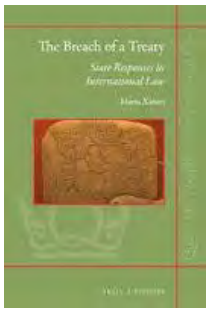
As communities struggle to make sense of mass atrocities, expectations have increasingly been placed on international criminal courts to render authoritative historical accounts of episodes of mass violence. Taking these expectations as its point of departure, this book seeks to understand international criminal courts through the prism of their historical function. The book critically examines how such courts confront the past by constructing historical narratives concerning both the culpability of the accused on trial and the broader mass atrocity contexts in which they are alleged to have participated.

The book argues that international criminal courts are host to struggles for historical justice, discursive contests between different actors vying for judicial acknowledgement of their interpretations of the past. By examining these struggles within different institutional settings, the book uncovers the legitimating qualities of international criminal judgments. In particular, it illuminates what tends to be foregrounded and included within, as well as marginalised and excluded from, the narratives of international criminal courts in practice. What emerges from this account is a sense of the significance of thinking about the emancipatory limits and possibilities of international criminal courts in terms of the historical narratives that are constructed and contested within and beyond the courtroom.

Sara Bertotti (SOAS Univ. of London), Gina Heathcote (SOAS Univ. of London), Emily Jones (Univ. of Essex), & Sheri Labenski (London School of Economics) have published The Law of War and Peace: A Gender Analysis: Volume 1 (Zed 2021). Here's the abstract:

The Law of War and Peace offers a cutting-edge analysis of the relationship between law, armed conflict, gender and peace. This book, which is the first of two volumes, focuses on the interplay between international law and gendered experiences of armed conflict. It provides an in-depth analysis of the key debates on collective security, unilateral force, the laws governing conflict, terrorism and international criminal law.

While much of the current scholarship has centered on the UN Security Council's Resolutions on Women, Peace and Security (WPS), this two-volume work seeks to move understandings beyond the framework established by WPS. It does this through providing a critical and intersectional approach to gender and conflict which is mindful of transnational feminist and queer perspectives.



Maria Xiouri (Univ. of Bedfordshire - Law) has published The Breach of a Treaty: State Responses in International Law (Brill | Nijhoff 2021). Here's the abstract:

In The Breach of a Treaty: State Responses in International Law, Maria Xiouri examines the relationship between responses to the breach of a treaty according to the law of treaties and the law of State responsibility, namely, between the termination of the treaty or the suspension of its operation and countermeasures.

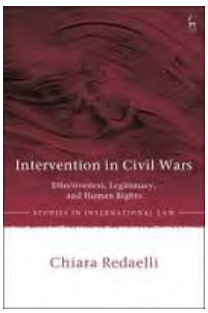
Based on extensive analysis of State practice, the relevant legal instruments, international case law and literature, the book critically examines the concept of responses to the breach of a treaty, their legal regime and their operation in practice. It focuses on suspension of the operation of a treaty and countermeasures, challenging the prevailing view that there is a clear distinction between them, and argues that the former has been effectively superseded by the latter.

Claire Fenton-Glynn (Univ. of Cambridge - Law) has published Children and the European Court of Human Rights (Oxford Univ. Press 2021). Here's the abstract:

The European Convention on Human Rights is one of the most influential human rights documents in existence, in terms of its scope, impact, and jurisdiction. Yet it was not drafted with children, let alone children's rights, in mind. Nevertheless, the European Court of Human Rights has developed a large body of jurisprudence regarding children, ranging from areas such as juvenile justice and immigration, to education and religion, and the protection of physical integrity. Its influence in the sphere of family law has been profound, in particular in the attribution of parenthood, and in cases concerning child abduction, child protection, and adoption.

This book provides a comprehensive and detailed overview of the jurisprudence of the Court as it relates to children, highlighting its many achievements in this field, while also critiquing its ongoing

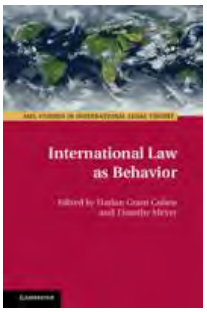
weaknesses. In doing so, it tracks the evolution of the Court's treatment of children's rights, from its inauspicious and paternalistic beginnings to an emerging recognition of children's individual agency.



Chiara Redaelli (Geneva Academy of International Humanitarian Law and Human Rights) has published Intervention in Civil Wars: Effectiveness, Legitimacy, and Human Rights (Hart Publishing 2021). Here's the abstract:

This book investigates the extent to which traditional international law regulating foreign interventions in internal conflicts has been affected by the human rights paradigm. Since the adoption of the Charter of the United Nations, foreign armed interventions in internal conflicts have turned into a common practice. At first sight, it might seem that state practice has developed in a chaotic fashion, however on closer examination, specific patterns emerge. The book charts these patterns by examining the traditional doctrines of intervention and testing them against state practise.

The book has two aims. Firstly, it seeks to clarify the current legal framework regulating interventions in internal conflicts. Secondly, it plots the emergence of new trends and investigates whether they are becoming part of positive international law. By taking this dual focus, it offers the first truly comprehensive examination of foreign interventions in internal conflicts.

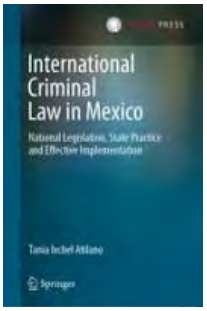


Harlan Grant Cohen (Univ. of Georgia - Law) & Timothy Meyer (Vanderbilt Univ. - Law) have published International Law as Behavior (Cambridge Univ. Press 2021). The table of contents is here. Here's the abstract:

This volume includes chapters from an exciting group of scholars at the cutting edge of their fields to present a multi-disciplinary look at how international law shapes behavior. Contributors present overviews of the progress established fields have made in analyzing questions of interest, as well as speculations on the questions or insights that emerging methods might raise. In some chapters, there is a focus on how a particular method might raise or help answer questions, while others focus on a particular international law topic by drawing from a variety of fields through a multi-method approach to highlight how these fields may come together in a single project. Still others use behavioral insights as a form of critique to highlight the blind spots and related mistakes in more traditional analyses of the law. Throughout this volume, authors present creative, insightful, challenges to traditional international law scholarship.

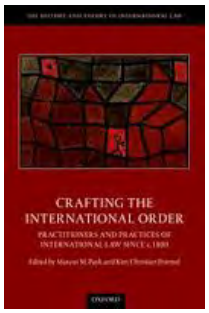
Catharine Titi (Centre national de la recherche scientifique) has published Public Actors in International Investment Law (Springer 2021). The table of contents is here. Here's the abstract:

This open access book focuses on public actors with a role in the settlement of investment disputes. Traditional studies on actors in international investment law have tended to concentrate on arbitrators, claimant investors and respondent states. Yet this focus on the "principal" players in investment dispute settlement has allowed a number of other seminal actors to be neglected. This book seeks to redress this imbalance by turning the spotlight on the latter. From the investor's home state to domestic courts, from sub-national governments to international organisations, and from political risk insurance agencies to legal defence teams in national ministries, the book critically reviews these overlooked public actors in international investment law.



Tania Ixchel Atilano has published International Criminal Law in Mexico: National Legislation, State Practice and Effective Implementation (Asser Press 2021). Here's the abstract:

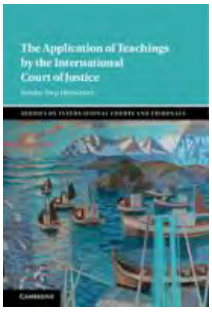
This book puts forward proposals for solutions to the current gaps between the Mexican legal order and the norms and principles of international criminal law. Adequate legislative measures are suggested for compliance with international obligations. The author approaches the book's subject matter by tracing all norms related to the prosecution of core crimes and contextualizing each of the findings with a brief historical and political account. Additionally, state practice is analyzed, identifying patterns and inconsistencies. This approach is new in offering a wide perspective on international criminal law in Mexico. Relevant legal documents are analyzed and annexed in the book, providing the reader with a useful guide to the topics analyzed. Issues including the following are examined: the incorporation of core crimes in the Mexican legal order, military jurisdiction, the war crimes definition under Mexican law, unaddressed atrocities, state practice and future challenges to combat impunity.



Marcus M. Payk (Helmut-Schmidt-Universität - History) & Kim Christian Priemel (Univ. of Oslo - History) have published Crafting the International Order: Practitioners and Practices of International Law since c.1800 (Oxford Univ. Press 2021). The table of contents is here. Here's the abstract:

This volume sheds light on how lawyers have made sense of, engaged in, and shaped international politics over the past three hundred years. Chapters show how politicians and administrators, diplomats and military men, have considered their tasks in legal terms, and how the field of international relations has been filled with the distinctly legal vocabulary of laws, regulations, treaties, agreements, and conventions.

Leading experts in the field provide insights into what it means when concrete decisions are taken, negotiations led, or controversies articulated and resolved by legal professionals. They also inquire into how the often-criticised gaps between juristic standards and everyday realities can be explained by looking at the very medium of law. Rather than sorting people and problems into binary categories such as 'law' and 'politics' or 'theory' and 'practice', the case studies in this volume reflect on these dichotomies and dissolve them into the messy realities of conflicts and interactions which take place in historically contingent situations, and in which international lawyers assume varying personas.



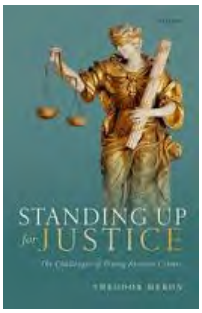
Sondre Torp Helmersen (UiT The Arctic University of Norway - Law) has published The Application of Teachings by the International Court of Justice (Cambridge Univ. Press 2021). Here's the abstract:

How do the judges of the International Court of Justice, the most authoritative court in international law, use teachings when deciding cases? This book is the first book-length examination of how teachings are used in an important international institution. It uses three different methodologies: a traditional legal analysis, an empirical analysis where citations of teachings are counted and interviews with judges and staff. Three main patterns are identified: teachings have generally low weight, but this weight varies between different works and between different judges. The book suggests explanations for the patterns it identifies, in order to contribute to understanding not only when and how teachings are used, but also why, and compares the Court's practice with that of other international courts and tribunals. This study fills a gap in the international legal literature and will be essential reading for scholars and practicing international lawyers.

Ulrike Capdepón (Justus-Liebig-Universität Gießen) & Rosario Figari Layús (Universität Konstanz) have published The Impact of Human Rights Prosecutions: Insights from European, Latin American, and African Post-Conflict Societies (Leuven Univ. Press 2020). The table of contents is here. Here's the abstract:

Human rights prosecutions are the most prominent mechanisms that victims demand to obtain accountability. Dealing with a legacy of gross human rights violations presents opportunities to enhance the right to justice and promote a more equal application of criminal law, a fundamental condition for a more substantive democracy in societies. This book seeks to analyse the impact, advances, and difficulties of prosecuting perpetrators of mass atrocities at national and international levels. What role does criminal justice play in redressing victims' wrongs, guaranteeing the non-repetition of mass atrocities, and attempting to overcome the damage caused by systematic human rights violations? This volume addresses critical issues in the field of human rights prosecution by drawing on the experiences of a variety of post-conflict and authoritarian countries covering three world regions. Contributing authors cover prosecutions in post-Nazi Germany, post-Communist Romania, and transnational legal complaints by victims of the Franco dictatorship, as well as domestic and third-country prosecutions for human rights violations in the pioneering South American countries of Argentina, Chile, Peru, and Uruguay, prosecutions in Darfur and Kenya, and the work of the International Criminal Court.

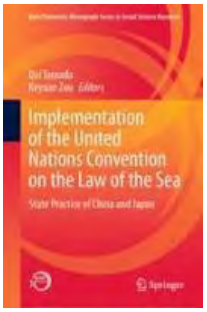
The Impact of Human Rights Prosecutions offers insights into the difficulties human rights trials face in different contexts and regions, and also illustrates the development of these legal procedures over time. The volume will be of interest to human rights scholars as well as legal practitioners, participants, justice system actors, and policy makers.



Theodor Meron (Judge, International Residual Mechanism for Criminal Tribunals) has published Standing Up for Justice: The Challenges of Trying Atrocity Crimes (Oxford Univ. Press 2021). Here's the abstract:

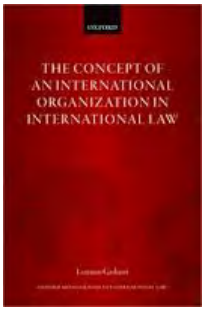
This is a book about international criminal justice written by one of its foremost practitioners and academic thinkers, Judge Theodor Meron. For two decades, Judge Meron has been at the heart of the international criminal justice system, serving as President of the International Criminal Tribunal for the former Yugoslavia (ICTY), President of the International Residual Mechanism for Criminal Tribunals, and a Judge of the Appeals Chambers of the ICTY and the International Criminal Tribunal for Rwanda. Drawing on this experience, and his life and career before serving as an international judge, Judge Meron reflects on some of the key questions facing the international criminal justice system.

In the opening chapter, Judge Meron writes vividly about his childhood experiences in Poland during World War II, his education, career with the Israeli Foreign Ministry, and subsequent move into academia in the United States. The book continues with Meron's reflections on what it means to transform from a law professor into an international criminal judge, and shifts focus to the criminal courtroom, addressing topics such as the judicial function, the rule of law, and the principle of fairness in trying atrocity crimes: genocide, crimes against humanity, and war crimes. Judge Meron discusses judicial independence and impartiality in international criminal courts, shedding light on the mystery of judicial decision-making and deliberations. Notably, he addresses the controversial subjects of acquittals and the early release of prisoners. Although acquittals are often seen as a failure of international justice, Judge Meron argues that legal principle must come before any extraneous purpose, however desirable that purpose may be. Finally, the book looks ahead at the challenges facing the future of international justice and accountability, and discusses the all-important question: does international criminal justice work?



Dai Tamada (Kobe Univ. - Law) & Keyuan Zou (Dalian Maritime Univ. - Law) have published Implementation of the United Nations Convention on the Law of the Sea: State Practice of China and Japan (Springer 2021). The table of contents is here. Here's the abstract:

This book analyses he implementation of the United Nations Convention on the Law of the Sea (UNCLOS) in the light of state practices of China and Japan. The special character of the book can be found in its structure of comparative analysis of the practices of China and Japan in each part. The focus is on historical aspects (Part I), implementation of the UNCLOS (Part II), navigation (Part III), mid-ocean archipelagos (Part IV), the marine environment (Part V), and dispute settlement (Part VI). By taking this approach, the book elucidates a variety of aspects of history, difficulties, problems, and controversies arising from the implementation of the UNCLOS by the two nations. Furthermore, contributors from China and Japan tend to show different perspectives on the UNCLOS, which, by clarifying the need for further debate, are expected to contribute to the continuing cooperation between the academics of the two states.



Lorenzo Gasbarri (Bocconi Univ. - Law) has published The Concept of an International Organization in International Law (Oxford Univ. Press 2021). Here's the abstract:

Despite their exponential growth in number and activities, there is not an established legal concept of an international organization. This book tackles the topic by examining the nature of the legal systems developed by international organizations. It is the first comprehensive study of the concepts by which international organizations' legal systems are commonly understood: functionalism, constitutionalism, exceptionalism, and informalism. Its purpose is threefold: to trace the historical origins of the different concepts of an international organization, to describe four groups under which these different notions can be aligned, and to propose a theory which defines international organizations as 'dual entities'. The concept of an international organization is defined by looking at the nature of the legal systems they develop. The notion of 'dual legal nature' describes how organizations create particular legal systems that derive from international law. This situation affects the law they produce, which is international and internal at the same time. The effects of the dual legal nature are considered by analysing international responsibility, the law of treaties, and the validity of organizations' acts.

Helmut Philipp Aust (Freie Universität Berlin - Law) & Esra Demir-Gürsel (Humboldt-Universität zu Berlin - Law) have published The European Court of Human Rights: Current Challenges in Historical Perspective (Edward Elgar Publishing 2021). The table of contents is here. Here's the abstract:

This insightful book considers how the European Court of Human Rights (ECHR) is faced with numerous challenges which emanate from authoritarian and populist tendencies arising across its member states. It argues that it is now time to reassess how the ECHR responds to such challenges to the protection of human rights in the light of its historical origins.

Written by a group of established and emerging experts from diverse backgrounds, this book offers a fresh perspective on the questions and challenges facing the ECHR, bringing together different, and thus far isolated, strands of academic and political debate. Contributions combine historiographical insights with explorations of the current and pressing need for the ECHR to find a role for itself, especially in an environment where there is increased scepticism towards the idea of human rights protection. In particular, the critical conception of the Convention as an 'alarm bell mechanism' is examined and assessed in relation to its original goal to prevent authoritarian backsliding.

REVISTAS

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

Revista Latinoamericana de Derecho Internacional
Latin American Journal of International Law
http://www.revistaladi.com.ar/
- Número actual: http://www.revistaladi.com.ar/index.php/revista-ladi/issue/view/6

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- Volume 29, Issue 1, February, 2021: https://www.euppublishing.com/toc/ajicl/29/1
- Volume 29, Issue 2, May, 2021: https://www.euppublishing.com/toc/ajicl/29/2

Asian Journal of International Law
https://www.cambridge.org/core/journals/asian-journal-of-international-law

Chinese Journal of International Law
https://academic.oup.com/chinesejil
- Número actual: Volume 19, Issue 4, December 2020: https://academic.oup.com/chinesejil/issue/19/4

Journal of International Dispute Settlement
https://academic.oup.com/jids
- Volume 12, Issue 1, March 2021: https://academic.oup.com/jids/issue/12/1

Journal of Conflict Resolution
https://journals.sagepub.com/home/jcr
- Número actual: Volume 65, Issue 5, May 2021: https://journals.sagepub.com/toc/jcrb/current

Journal of the History of International Law / Revue d'histoire du droit international
- Número actual: https://brill.com/view/journals/jhil/23/1/jhil.23.issue-1.xml

The Law and Practice of International Courts and Tribunals
- Número actual: https://brill.com/view/journals/lape/20/1/lape.20.issue-1.xml

Journal of Arbitration International
https://academic.oup.com/arbitration
- Volume 36, Issue 4, December 2020: https://academic.oup.com/arbitration/issue/36/4

Journal of International Criminal Justice
https://academic.oup.com/jicj
- Volume 18, Issue 4, September 2020: https://academic.oup.com/jicj/issue/18/4

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

International & Comparative Law Quarterly

- Volume 70 - Issue 2 - April 2021: https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/issue/F51A4213D80962004652EEA586EB2AF8

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VOLVER AL INDICE

Sección 5 / Calendario Académico

Capacitación en áreas relacionadas con el Derecho Internacional

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
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Maestría en Derecho Internacional de los Derechos Humanos
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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
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Doctorado en Derecho Internacional
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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/

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Coursera:
International Law in Action: A Guide to the International Courts and Tribunals in The Hague

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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
Más información: https://www.edx.org/course/international-humanitarian-law
International Law
Más información: https://www.edx.org/course/international-law

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Sección 6 / Entrevista

Profesora Sandra Negro[1]

Es un gran placer para el Instituto de Derecho Internacional del CARI poder entrevistar en este número de nuestro Boletín a la Profesora Sandra Negro, 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? ¿Tuvo algún maestro/a o referente que la haya inspirado en su elección?
Siempre me sentí atraída por los temas de la agenda internacional: todo acontecimiento internacional despierta mi interés. Naturalmente al estudiar la carrera de abogacía en la Universidad de Buenos Aires, tuve particular interés por el derecho internacional e influyeron, decisivamente, en mi formación las clases del Profesor Guillermo Moncayo, notable jurista, que explicaba con claridad y solvencia.
La integración regional fue una elección y decisión personal al terminar la carrera de abogacía. Obtuve una beca para continuar mi formación de posgrado en Italia en derecho internacional y en derecho, economía y política de las -entonces- Comunidades Europeas: allí tuve oportunidad de conocer a referentes como los profesores Ballarino, Leita y Orcalli en la Universita di Padova.
Posteriormente, a mi regreso a Argentina, cursando la Maestría de Relaciones Internacionales, conocí a Maureen Williams, referente internacional en materia de regulación del espacio ultraterrestre e inspiradora de mi elección del desarrollo jurídico de áreas no tradicionales del derecho internacional. Fue ella quien me invitó a participar de su cátedra de Derecho Internacional Público (yo ya me desempeñaba como docente en la asignatura Teoría del Estado).

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?
Aprecio, de particular interés, las obras dedicadas al estudio de las organizaciones internacionales (clásicas como la obra colectiva dirigida por Diez de Velasco o Xavier Pons Rafols) y al derecho internacional económico (obras de James Bacchus, y Gabriella Venturini) -en especial aquellas dedicadas a la OMC-. En lo concerniente a obras de integración regional puedo citar libros que cuentan con ediciones actualizadas -en forma sucesiva- en la doctrina española, de autoría de los profesores

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Molina del Pozo, Alonso García o Mangas Martín o en la doctrina italiana a autores como Gaja, Adinolfi, Draetta, Ballarino, Daniele y por supuesto, clásicos como Pocar o Tizzano.

3) ¿Con qué desafíos se ha enfrentado a lo largo de su carrera profesional y académica? ¿Cuál ha sido su experiencia más gratificante en el trascurso de su carrera?
Los desafíos en el ámbito de las diversas materias que dicto es tratar de mantener un permanente nivel de actualización y a la vez, fomentar el interés por los distintos temas.
En el desarrollo de la carrera académica, el desempeño como titular de cátedra de la asignatura Derecho de la Integración -desde su introducción como materia obligatoria en el plan de estudios de la carrera de abogacía en la UBA- planteó el desafío de crear y organizar el programa de contenidos de la materia y a la vez, diseñar y elaborar los materiales para el estudio. La enseñanza de esta materia, en tanto que "materia nueva" permitió explorar e implementar nuevas formas de aprender involucrándose en esta tarea todos los integrantes de la Cátedra.
Otra etapa positiva coincidió con la coordinación de los Cursos Intensivos de Propiedad Industrial realizados en la UBA (que se extendieron por 12 ediciones), bajo la dirección de los profesores Carlos Correa y Salvador D. Bergel, dos de los máximos exponentes en la temática.
Otro de los desafíos interesantes fue mi desempeño profesional como Asesora Jurídica de la Dirección de Solución de Controversias Internacionales del Ministerio de Relaciones Exteriores de Argentina. En ese ámbito, tuve ocasión de conciliar teoría y práctica a través del mecanismo de solución de diferencias de la OMC, a la vez que me tuve la oportunidad de trabajar con diplomáticos y colegas, bajo la dirección del Embajador José Luis Pérez Gabilondo.

4) 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?
Las experiencias de enseñanza tanto en el país como en el extranjero -en Uruguay, Brasil, en América Central- han sido gratificantes tanto por el conocimiento del medio y de los estudiantes como por la experiencia adquirida. En Europa, el proceso de enseñanza-aprendizaje está revestido de solemnidad y tiene ciertas formalidades características, no por ello exentas de debates enriquecedores. En Italia, está previsto como parte de la formación, el diálogo directo entre profesor-alumno a través de una serie de encuentros en los denominados "días de recepción": una instancia de orientación en el trabajo de investigación con el cual se concluye la carrera de grado. En América Latina en general, y en Argentina, en particular, suele verificarse una dinámica propia de participación e interacción en clase muy interesante. La dirección de trabajos de tesis de maestría y doctorado también son experiencias distintas en cada País, en rigor de verdad, tanto por los aspectos administrativos (propios de cada Casa de Estudios) como por las dificultades para llevar adelante la investigación así como las correcciones de los trabajos presentados y las interacciones con los candidatos a magister o doctorado.

5) En su experiencia en la investigación jurídica, ¿qué proyectos que haya integrado o dirigido considera que han sido más provechosos?
Participé de proyectos en el ámbito público y privado: experiencias muy diversas, ciertamente positivas, en particular en cuanto la formación de recursos humanos y en lo concerniente al diálogo interdisciplinario.
En el marco de estos proyectos, tuve la oportunidad de participar, en principio, en calidad de integrante de "grupos de investigación" (en proyectos UBACyT) y posteriormente, coordinar otros proyectos desarrollados desde el Centro de Estudios Interdisciplinarios de Derecho Industrial y Económico -CEIDIE- en el ámbito de la UBA, como por ejemplo, en la convocatoria SPU/CAPES (que permitió realizar actividades de investigación y de capacitación en el marco de la cooperación para el desarrollo y capacitación a nivel de posgrado de estrategias entre Brasil y Argentina). En un sucesivo proyecto de investigación vinculado a Maestrías -PIM- que ofreció la Facultad de Derecho de la UBA, tuve la oportunidad de orientar a estudiantes de la maestría en la realización de sus respectivos proyectos de tesis, a la vez que dirigir el trabajo de investigación que concluyó con la publicación de los resultados.

6) Se cumplieron 30 años de la firma del Tratado de Asunción en medio del reclamo de algunos Estados miembros que buscan una flexibilidad del bloque para poder negociar

acuerdos comerciales sin la participación de todos los socios: ¿Cómo analiza esta situación con vista al futuro del Mercosur? ¿Cree que se podrá encontrar un equilibro entre las posturas de los Estados miembros?
A 30 años de la firma del tratado de Asunción, el Mercosur sigue siendo un proyecto "en construcción". El objetivo del mercado común del sur no ha sido alcanzado. Se renuevan reclamos del pasado por parte de algunos Estados. Con los instrumentos jurídicos actualmente vigentes, la personalidad jurídica del bloque existe, es una realidad. Las críticas más que al ejercicio de la misma, se fundamentan en la falta de coincidencia en los tiempos y en los modos de inserción internacional. En mi opinión, sería necesario abrir una instancia de diálogo entre los Estados Parte, un diálogo conducente a un resultado: el fortalecimiento de la subjetividad internacional del Mercosur a partir de la aceptación de todos los integrantes de prioridades en la "hoja de ruta" común en el escenario internacional. Esa hoja de ruta debiera tener objetivos a corto y a largo término. Las asimetrías estructurales a las cuales no se han dado respuestas concretas y satisfactorias, no se solucionarían recurriendo a un Mercosur a diferentes velocidades.

7) Como directora del Observatorio de implementación del Acuerdo Mercosur-Unión Europea de la Facultad de Derecho de la UBA, ¿Qué aspectos jurídicos resaltaría del acuerdo?
El acuerdo Mercosur-Unión Europea es el producto de una larga negociación llevada a cabo por más de veinte años (subrayo: 20 años de negociación en el marco temporal de 30 años de existencia del bloque mercosureño) y que se ha concluido con la firma del denominado "acuerdo en principio". Un acuerdo amplio en cuanto a los sectores abarcados, moderno al prever instancias de cooperación y de integración y a la vez, una pluralidad y variedad de materias comprendidas. Un instrumento de gran envergadura jurídica en materia de derecho de la integración que obliga y a la vez, ofrece la oportunidad de consolidar el Mercosur en sus diversas dimensiones, no sólo la económica.
Desde el Observatorio sobre implementación del Acuerdo Mercosur-Unión Eurpoea, dada la relevancia del Acuerdo, tenemos -en la actualidad- tres ejes principales en torno a los cuales organizamos las actividades: 1) la investigación, así propiciamos periódicamente la publicación de los resultados de trabajos colectivos sobre temas de integración regional, o trabajos puntuales orientados al análisis de los textos del denominado "acuerdo en principio"; 2) el relevamiento y actualización de la información concerniente al acuerdo Mercosur-Unión Eurpea, a través de un newsletter que contiene diversas secciones, entre ellas, una de entrevistas a académicos o representantes de sectores sobre temas concernientes al acuerdo; 3) la difusión a través de la organización de eventos destinados al público general. Para la realización de estas actividades, contamos con un grupo de colaboradores -docentes e investigadores- de la misma Casa de Estudios e invitados del ámbito académico o profesional.

8) Por otra parte, no podemos dejar de analizar la coyuntura que atravesamos hoy por consecuencia de la pandemia del COVID-19 que afecta al mundo entero, ¿cómo analiza las medidas tomadas en el ámbito del MERCOSUR para hacer frente a esta pandemia?
Las medidas tomadas por el Mercosur a la luz de la pandemia de COVID-19 fueron insuficientes y poco satisfactorias para atender a la crisis sanitaria y económico-social.
Las respuestas como bloque regional debieron articularse frente a desafíos concretos que demandaban acciones concretas (por ejemplo, la falta de coordinación de estrategias para la compra conjunta de vacunas).

9) Yendo al ámbito del sistema multilateral del comercio, ¿Cuáles cree que serán los principales desafíos a enfrentar en el futuro de la pospandemia? ¿Cómo la Organización Mundial de Comercio podría contribuir a afrontar estos retos?
La pospandemia es un escenario de contornos difusos pero con una certeza: ha quedado en evidencia una insuficiencia de las reglas y estructuras existentes -a nivel nacional, regional e internacional- para dar respuestas adecuadas a emergencias sanitarias. Exigirá una revisión de acciones y en especial, de la falta de acción o la reacción tardía por parte de las Organizaciones internacionales. Principalmente, por parte de la Organización Mundial de la Salud. Pero también para la Organización Mundial del Comercio existen ciertos desafíos a propósito de los cuales debatir y dar respuestas: en primer lugar, cómo evitar las nuevas barreras no arancelarias al comercio de bienes y/o servicios, producto de un renovado proteccionismo comercial; en segundo término, los fuertes cuestionamientos

a los límites de la propiedad intelectual frente al tema de salud pública en tercer lugar cuál es el impacto en la relación comercio-ambiente, entre los temas principales.

10) ¿Qué consejos puede dar a quienes deseen realizar su desarrollo profesional o académico en el ámbito del derecho internacional?
Tengo dudas acerca de si soy la persona adecuada para dar consejos. Sí, puedo reflexionar que considero fundamental para el desarrollo académico, cultivar una actitud perseverante en el estudio y una actualización permanente en la materia a la vez que establecer diálogos con otras áreas del derecho y otras disciplinas permitirá aprehender la complejidad y riqueza del derecho internacional.

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