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Ricardo Arredondo, "Diplomacia, espionaje y orden mundial: el cierre de consulados de China y Estados Unidos", 73 (1) *Revista Española de Derecho Internacional* (2021) [DOI: https://dx.doi.org/10.17103/redi.73.1.2021.1.01]

Diplomacy, espionage and world order: the closure of consular offices of China and the United States

This paper analyzes the political and legal context of the closure of the Chinese consulates in Houston and the American one in Chengdu in the framework of international law in general and, specifically, of the Vienna Convention on Consular Relations (1963) and the Chinese Consular Convention - United States (1980). In the first part, a brief description is made of the status of bilateral relations between China and the United States, and then it particularly considers aspects related to: a) the decision of both countries to close the aforementioned consular offices; b) the alleged conduct performed by Chinese officials, in particular, allegations of espionage and theft of intellectual property; c) the immunities of consular officials and the possibility of criminal prosecution, and d) issues related to the inviolability of consular premises. The paper concludes with some final thoughts.

María Campo Comba, "Derecho Internacional Privado Europeo y aplicación de las directivas Europeas protectoras de la parte contractual débil", 73 (1) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.1.2021.1.02]

EU Private International Law and application of EU directives protecting weaker contracting parties

The Rome I Regulation on the law applicable to contractual obligations includes special conflict rules that determine the law applicable to consumer contracts and individual employment contracts. However, in some cases, these rules are not enough to ensure the application of the mandatory provisions contained in the EU directives protecting weaker contracting parties according to their intentions and objectives. This study analyses the existing inconsistencies regarding the coordination between the Rome I Regulation and those directives, focusing specially on consumer contracts and individual employment contracts. The possible mechanisms of the Rome I Regulation to ensure the protection emanating from the mentioned directives are examined. This study proposes a European private international law method that takes more into account the EU needs, particularly regarding the harmonised areas of EU law such as EU consumer law.

* This section has been prepared by Sofía Elorza Luján —graduate student of Law/Business Studies at UJI— under the supervision of the *SYbIL* Editor-in-Chief and the aid of the editors of the *REDI and REEI*.

José Luis De Castro Ruano, "Buscando un nuevo modelo más satisfactorio de inserción de las regiones constitucionales en la Unión Europea. La oportunidad de la conferencia sobre el futuro de Europa", 73 (1) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.1.2021.1.03]

Seeking a new more satisfactory model for the insertion of constitutional regions in the EU. The opportunity of the conference on the future of Europe

The so-called Constitutional Regions, i. e. those Regions with legislative power recognized in their constitutional framework, have not found satisfactory channels of representation and effective participation in the European Union. The Conference on the Future of Europe, which will reflect on the model of the European Union for the near future, gives us an opportunity to take up this reflection again. The next EU reform should allow channeling the demands of these unique Regional. Federal progress and regional recognition are two parallel processes that must be developed simultaneously. In this article, we review the state of affairs in historical perspective in order to assess the current unsatisfactory situation. We also launch some ideas to find a new more satisfactory model for the insertion of Constitutional Regions in the EU. In any case, this new model must provide for differentiated representation in favor of Constitutional Regions.

Juan Manuel De Faramiñán Gilbert, "Nuevas propuestas para el desarrollo sostenible en el espacio ultraterrestre", 73 (1) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.1.2021.1.04]

New proposals for sustainable development in the outer space

In the 21st century, the international community faces the challenge of managing activities in outer space for the benefit of humanity so that its use and natural resources can be a shared heritage. Currently in order to evaluate the application of the «Space2030» Agenda the question arises to be able to elaborate a long-term action and reporting the United Nations about the benefits of the space based on closer international cooperation and better governance of activities in outer space and the use of science and law at the service of sustainable development.

María López Belloso, "Nuevas tecnologías para la promoción y defensa de los Derechos Humanos", 73 (1) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.1.2021.1.05]

New technologies for the promotion and defense of Human Rights

Since new technologies like Big Data, machine learning or artificial intelligence were introduced in the international agenda, they have been perceived as a threat for human rights, especially the right to privacy. This defensive stance in front of the use of such tools has prevented the International Law of Human Rights to employ them for its promotion and defence or for the protection of people defending it. This work intends to offer an alternative vision and to present concrete examples of the potential use of such tools in favour of human rights and their defendants.

Joana Loyo Cabezudo, "La llave del «interés de la justicia» en el Estatuto de Roma: su controvertido empleo en el caso de Afganistán", 73 (1) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.1.2021.1.06]

The «interests of justice» as a key in the Rome statute: its controversial use in the case of Afghanistan

In the case of Afghanistan, the Pre-Trial Chamber II of the International Criminal Court rejected the authorization to initiate an investigation by concluding that the investigation would not be in the «interests of justice», employing arguments that could be inconsistent with the Rome Statute. Even if the Appeal Chamber amended the Decision and, consequently, authorized the opening of the investigation, it did not specify the significance that the clause should have. Taking into consideration the juridical insecurity that this concept provokes, the main objective of the article is to analyze the «interests of justice» notion by studying the practice of the Court and examining the main guidelines provided by the Rome Statute: the interests of victims and the gravity of the crime committed by the suspected offender.

José Antonio Moreno Rodríguez, "La nueva guía de la organización de Estados Americanos y el derecho aplicable a los contratos internacionales (Parte I)", 73 (1) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.1.2021.1.07]

The new guide of the organization of American States and the law applicable to international commercial contracts (PART I)

This paper addresses the general issues of the Guide on the law applicable to international commercial contracts in the Americas approved by the Organization of American States (OAS) in February 2019. The paper analyses the background of this relevant text, the conventions on the matter previously approved in America starting with the Montevideo Treaties of 1889, the influence on the Guide of The Hague Principles on choice law in international commercial contracts of 2015, the gestation of the idea of making a Guide by the OAS and the process undertaken to prepare the Guide approved in 2019.

Luciano Pezzano, "Rescatando una norma del olvido: el art. VIII de la convención contra el genocidio y la responsabilidad de proteger", 73 (1) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.1.2021.1.08]

Rescuing a norm from oblivion: art. VIII of the genocide convention and the responsibility to protect

The paper examines the origin and interpretation of art. VIII of the Convention on the Prevention and Punishment of the Crime of Genocide, as well as the problems for its invocation in practice, and it proposes a current reading of that Article, through the prism of the Responsibility to Protect. In particular, the paper argues that art. VIII can be regarded as a precursor to the Responsibility to Protect, having expressly recognized the competence of United Nations organs in the prevention and suppression of genocide at as early as 1948. Also, the paper stresses that art. VIII has provided an important legal basis for the existence of a responsibility of the international community to protect populations from such a heinous crime.

Sara Sánchez Fernández, "El convenio de la Haya de reconocimiento y ejecución de sentencias: arquitectura y algunos problemas seleccionados", 73 (1) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.1.2021.1.09]

The Hague convention on the recognition and enforcement of foreign judgments: architecture and some selected issues

On 2 July 2019, the Hague Conference adopted the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters. It establishes a minimum standard for the recognition and

enforcement which is built on two main elements: a catalogue of jurisdictional filters and a number of grounds to refuse recognition and enforcement. This contribution presents the Convention key elements, comparing them with the current rules on this matter in Spain, i. e. Brussels I bis Regulation and Ley de Cooperación Jurídica Internacional. In addition, we analyze two issues that may arise in the application of the Convention: penalty orders imposed upon the breach of non-pecuniary obligations and limitation period for enforcement of a judgment.

Belén Sánchez Ramos, "Intercambio de patógenos, salud pública y protocolo de Nagoya: oportunidades y desafíos", 73 (1) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/253-276]

Pathogens sharing, public health and the Nagoya protocol: opportunities and challenges

This article aims to analyze the public health implications of the Convention on Biological Diversity and its Nagoya Protocol on Access to genetic resources and the fair an equitable sharing of benefits arising from their utilization. Both instruments establish a new model where pathogen may be accessed subject to the prior informed consent of the country providing the resources and once mutually agreed terms have been reached that include the fair and equitable sharing of benefits arising from the utilization of the concerned resources. This new model differs from the common practice. In fact, the global sharing of pathogens was primarily done informally. In many instances, pathogens were shared without formal permission from national authorities. This situation presents challenges for both access and sharing of non-influenza and influenza virus. In fact, some problems related to the links between the NP and the Global Influenza Surveillance and Response System and the Pandemic Influenza Preparedness Framework are still unsolved.

Ángela Trujillo del Arco, "El combate de facto contra la trata de personas en España y la responsabilidad internacional del Estado", 73 (1) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.1.2021.1.11]

The de facto fight against human trafficking in Spain and the international responsibility of the state

For two decades, there has been a strong agreement in the international legal system on what is meant by the crime of trafficking in persons and how its human rights perspective should be addressed. However, such standards are not fully taken on board by the Spanish anti-trafficking strategy. While the Spanish legal system outlaws trafficking in line with the international consensus, its de facto fight seems to be guided by an outdated conception of the crime that hardly satisfies the international obligations assumed by the State. The analysis of such a disparity is necessary since the failure to act with due diligence to prevent such a human rights violation is likely to generate international state responsibility.

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N. Arenas Hidalgo, "Migraciones y asilo: análisis y perspectivas: el principio de solidaridad y reparto equitativo de la responsabilidad entre estados en la política europea de asilo: la conformación de la reubicación en un contexto de crisis", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1a.01]

Migrations and asylum: analysis and perspectives: the principle of solidarity and fair sharing of responsibility between states in the European asylum policy: the configuration of relocation in a context of crisis

The principle of solidarity and fair sharing of responsibility between the Member States is the guiding principle of European Union Asylum Policy, yet recent migration flows have revealed a lack of solidarity and mutual trust among States. Refugee relocation within the EU, as an expression of that solidarity, has been hotly contested. This study demonstrates how relocation is put into practice, and explores the various proposals put forward for the creation of permanent mechanism to operate within the common European asylum system. The study concludes with a call for solidarity based on a human rights approach.

María del Carmen Chéliz Inglés, "Migraciones y asilo: análisis y perspectivas: el laberinto jurídico de la protección de los menores migrantes abandonados: una aproximación desde el Derecho Internacional Privado", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1a.02]

Migrations and asylum: analysis and perspectives: the legal maze of the protection of abandoned migrant minors: an approach from Private International Law

The protection of abandoned migrant minors is a subject in which the regulations on child protection and the immigration regulations converge. To this must be added an added difficulty, such as the problems derived from the different notions of the concept of minor itself, which are provided in said instruments. Both circumstances can cause confusion in practice and lead to a wrong application of the regulations in question, undermining the protection of the MENA.

Waldimeiry Correa da Silva, "Migraciones y asilo: análisis y perspectivas: movilidad internacional y el mercadeo de la migración segura a través de la teoría crítica de las relaciones internacionales", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1a.03]

Migrations and asylum: analysis and perspectives: international mobility and the market of safe migration through the critical theory of international relations

This article aims to analyze the regular migration that occurs through Golden Visa from the application of the critical theory of International Relations (IR). The preliminary hypothesis for the study assumes that Golden Visa represent the binomial of inclusion and exclusion observed by critical theory. This study carries out a thematic literature review that seeks to answer the following questions: What is the Golden Visa? How are Golden Visa perceived in the context of contemporary migrations? How are they explained by critical theory? The final part delves into the three key elements of critical theory: the contestation of the liberal international order, the transformation of intersubjective meanings and the dialectical confrontation caused by the Golden Visa system.

Eva Díez Peralta, "Migraciones y asilo: análisis y perspectivas: la política convencional de la UE sobre readmisión de inmigrantes irregulares: una cooperación opaca y con implicaciones graves para los Derechos Humanos", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1a.04]

Migrations and asylum: analysis and perspectives: the conventional policy of the EU concerning the readmission of irregular immigrants: an opaque policy with serious implications for Human Rights

This study examines the transparency and effectiveness of EU cooperation with third countries on return and readmission and reflects on how difficult it is to reconcile it with the rule of law and human rights culture. Thus, EU readmission agreements (EURA) formally concluded with third countries will be presented. The study then discusses the underlying issues arising from the increasing informality surrounding readmission policy, both at the EU and bilateral level. It finally concludes with a critical review of the conventional readmission policy with third countries from a human rights perspective.

Teresa Fajardo del Castillo, "Migraciones y asilo: análisis y perspectivas: el derecho humano a abandonar un país, incluido el propio: las excepciones a la regla", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1a.05]

Migrations and asylum: analysis and perspectives: the human right to leave a country, including one's own: exceptions to the rule

The right to leave a country, including one's own, is enshrined in Article 13 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Civil and Political Rights. It is also incorporated in Article 2 of Protocol 4 to the European Convention on Human Rights. This right is marked both by its nature as a human right necessary for the enjoyment of rights such as the right to seek asylum or refuge, and by the restrictions that states may impose on it for reasons of security, public order and migration control. However, the right to leave a country does not constitute a sufficient legal entitlement for the choice of the country of destination. Its broad conception when it was first formulated is now limited by the establishment of exceptions and restrictions that restrict its scope as a consequence of migration policies in which potential destination countries have collaborated with countries of origin and transit to contain or prevent the departure of persons without legal qualifications to migrate regularly. The number of restrictions is such that it is reasonable to wonder whether the exceptions to the rule have diminished its content and applicability.

Jorge García Burgos, "Migraciones y asilo: análisis y perspectivas: la cooperación migratoria en la configuración de las relaciones entre España y África Subsahariana", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1a.06]

Migrations and asylum: analysis and perspectives: migratory cooperation in the relationship between Spain and Sub-Saharan Africa

This paper reviews the different cooperation plans on migration that have been implemented by the different Spanish governments in African countries during the last 15 years. On a recurring basis, development aid (specially in the form of co-development) has been used as an instrument of migration containment and at the service of border externalization, understood to establish of extraterritorial actions that act as a stoppage for migrations mainly through agreements with the countries origin and migratory transit. The hypothesis used is that beyond the achieved results, these programs are not always in line with the commitments made by Spain in terms of cooperation for development and respect for human rights, which remain in the background compared to matters relating to national security.

Víctor Luis Gutiérrez Castillo, "Migraciones y asilo: análisis y perspectivas: los procesos probatorios de solicitudes de asilo por orientación sexual e identidad de género en Europa: análisis desde la perspectiva de los Derechos Humanos", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1a.07]

Migrations and asylum: analysis and perspectives: the evidentiary processes of asylum application based on sexual orientation and gender identity in Europe: analysis from a Human Rights perspective

This essay introduces a critical analysis the different legal aspects of the assessment of evidence in asylum applications on the basis of sexual orientation and gender identity in Europe. National authorities enjoy a wide margin of discretion in the acceptance and assessment of the evidence. However, this freedom is limited by respect for the protection of the dignity of the person enforceable by international and regional standards. This research is focused mainly on the European Union law and the case-law of the Court of Justice of the European Union on this matter.

Diana Marín Consarnau, "Migraciones y asilo: análisis y perspectivas: nuevos y heredados desafíos en el contexto del regreso al país de origen del ciudadano de la unión y su familia", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1a.08]

Migrations and asylum: analysis and perspectives: new and inherited challenges for the union's citizens and family members in the context of the return to the country of origin

The aim of this paper is to consider how emerging and legacy challenges contribute on the need to move towards an autonomous legal status for family reunion, at EU or internal level, especially by focusing on the Spanish case, when the sponsor is a EU citizen that returns to establish himself in his country of origin. In this context, the third-country national, as a family member, begins a migratory process. The construction of the derived rights of residence by the Court of Justice of the European Union (CJEU), together with the specific problems arising in a crisis scenario and the needs arising in the development and continuity of private international relationships, promotes an appropriate forum to consider a step forward. This should also be considered taking into account aspects of consistency in the scope of application between regulatory instruments.

Lucas J. Ruiz Díaz, "Migraciones y asilo: análisis y perspectivas: entre apoyo a la integración y prevención de la radicalización. Una mirada crítica al plan de acción de integración e inclusión de la Unión Europea", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1a.09]

Migrations and asylum: analysis and perspectives: between supporting integration and countering radicalization. A critical analysis of the European Union's action plan on integration and inclusion

Not being its purpose to establish a security-migration link, the aim of this Study is to analyse both European Union's action to prevent radicalization and the current starting point by means of an instrument specifically aimed at promoting social inclusion and integration of third-country nationals and Europeans with a migrant background: the Action plan on Integration and Inclusion 2021-2027. In this document, besides stressing EU's intervention thought the lens of human rights, the Commission approaches social inclusion and integration from a securitarian perspective; that is, for the first time in the European agenda, as an active element of its action to prevent radicalization processes leading to violent extremism and terrorism. This approach, however, might entail undesired consequences for the effective protection and promotion of the rights of this collective.

Ana Salinas de Frías, "Migraciones y asilo: análisis y perspectivas: La insuficiente protección jurídica internacional de los migrantes irregulares víctimas de trata", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1a.10]

Migrations and asylum: analysis and perspectives: The insufficient international legal protection of irregular migrants vulnerable to human trafficking

The lack of a common legal definition of the term «migrant» or the fact of international legal instruments which are sparse as for concepts or simply not interconnected being applied concurrently on irregular migrants drive, as a result, to a serious lack of protection that the ECtHR has started recently to approach under art. 4 ECHR in a new and still under construction interpretation. According to it, art. 4 ECHR would include not only servitude, slavery or forced labour but additionally trafficking in human beings.

Beatriz Vázquez Rodríguez, "Migraciones y asilo: análisis y perspectivas: las obligaciones de los estados en materia de prevención y protección contra la trata de mujeres con fines de explotación sexual en el contexto migratorio", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1a.11]

Migrations and asylum: analysis and perspectives: obligations of states in relation to prevention and protection against women trafficking for purposes of sexual exploitation in the migratory context

The increase in the levels of trafficking in women and girls for the purpose of sexual exploitation because of the current migratory phenomenon calls for effective responses from the States to prevent and combat this problem in a comprehensive manner. This study analyzes the universal and regional international framework, in which there are important limitations, both due to the absence of a human rights approach and the lack of a gender perspective. However, there are trends with respect to the conception of this phenomenon that could lead to a positive redefinition of the scope of State obligations.

Laura Aragonés Molina, "Miscelánea: la buena administración de justicia en la jurisdicción internacional penal: excepciones a la aplicación estricta de la normativa procesal en materia de recursos", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1b.01]

The good administration of justice in the international criminal jurisdiction: exceptions to the strict application of procedural rules on post- adjudication remedies. International courts and tribunals refer to the principle of good administration of justice to justify certain decisions that do not find a legal basis expressly provided neither in their statutes nor in their rules of procedure or when they interpret the procedural rules in a flexible manner. In those cases, they exercise inherent powers necessary to ensure the fulfilment of their judicial function. This principle, whose content is imprecise, has two main purposes: to safeguard the proper administration of proceedings and to guarantee the justice of the decision. In this paper we study several manifestations of this principle in the application and interpretation of the procedural provisions of revision and additional evidence in appeal. We focus on the judicial practice of the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the International Residual Mechanism for Criminal Tribunals. These precedents can be extremely useful when litigating in the International Criminal Court as well as in other international courts.

Mónica Herranz Ballesteros, "Miscelánea: El Reglamento (UE) 2019/1111 relativo a la competencia, el reconocimiento y la ejecución de resoluciones en materia matrimonial y de responsabilidad parental y sobre la sustracción internacional de menores (versión refundida): principales novedades", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1b.02]

Miscellany: regulation (UE) 2019/1111 on jurisdiction, recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast): principal innovations

The Council Regulation 2019/1111 will become fully applicable in August 2022. This text is perhaps the most important legal Regulation of the civil cooperation in the European Judicial Area in international family matters. Its importance in daily practice entails the need to know the improvements of a very long Regulation that in some moments is not easy to read. The European Union has endeavored to bring a document that tries to balance, on the one hand, the long-await mutual trust, that allows the necessary integration in the construction of the European judicial area, and on the other hand, the protection of the best interest of child as a principle that acts at different levels.

José Antonio Moreno Rodríguez, "Miscelánea: la nueva guía de la organización de estados americanos y el derecho aplicable a los contratos internacionales (PARTE II)", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1b.03]

Miscellany: the new organization of American States guide and the law applicable to international contracts (Part II)

This paper addresses the specific issues of the Guide on the law applicable to international commercial contracts in the Americas approved by the Organization of American States (OAS) in February 2019. The paper analyses the structure of this relevant text, its relations with uniform law, the role of parties autonomy trough express (including formal validity) and tacit choice, the *pactum de lege utenda*, the separability of the choice agreement in case of invalidity of the contract, the applicable law in the absence of choice, the *dépeçage*, the flexible interpretation, the scope of the applicable law, the *ordre* public, the existence of other conventions and the States with more than one legal system.

Laura Movilla Pateiro, "Miscelánea: ¿Hacia un cambio de paradigma en el derecho del espacio ultraterrestre?: Los acuerdos Artemisa", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1b.04]

Miscellany: Towards a paradigm shift in the law of the outer space?: The Artemis accords

The current state of development of outer space law faces significant challenges arising from new space exploration and exploitation activities. In this context, several States, under the auspices of the United States, signed in October 2020 the «Artemis Accords. Principles for cooperation in the civil exploration and use of the Moon, Mars, comets and asteroids for peaceful purposes». This paper examines the possible contribution of these Accords to the consolidation of a paradigm shift in the Law of Outer Space, especially in relation to two aspects. On the one hand, with respect to their own development, as they were adopted outside the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS), the forum in which space law has historically been configured. Second, in relation to the legal regime of space resources, by consolidating an interpretation of the principle of non-appropriation that legitimizes their exploitation.

Xavier Pons Rafols, "Miscelánea: biología sintética y derecho internacional: débiles consensos ante desafíos inmensos", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1b.05]

Miscellany: synthetic biology and international law: weak consensus facing huge challenges

The dizzying scientific advances in the field of biology and biotechnology, which we are collectively refer to as synthetic biology, have defined new frontiers of knowledge. The latest stage in this process has been the rapid mastery of genome editing techniques, mainly CRISPR/Cas9 tools and systems. This study, from the perspective of international law, deals, on the one hand, with the implications of synthetic biology on human health, thus covering the bioethics and human rights perspective in relation to gene research and gene therapy; and, on the other hand, with the responses of international law to the challenges that gene editing and the development of modified gene drives present for biodiversity. In both dimensions, the weak existing international consensus and the profound interactions in a wide range of sectors of international law, with the presence of diverse international institutional mechanisms, are apparent, which is evidence of a multiple and complex normative crossroads.

Esteban Vidal Pérez, "Miscelánea: la construcción de una potencia global: la influencia de la competición geopolítica internacional en la transformación de la esfera doméstica de Estados Unidos", 73 (2) *Revista Española de Derecho Internacional* (2021) [DOI: http://dx.doi.org/10.17103/redi.73.2.2021.1b.06]

Miscellany: the construction of a global power: the influence of international geopolitical competition on shaping the domestic sphere of the United States

Neoclassical realism and structural realism provide different explanations about the rise of the United States as a global power. However, these approaches overlook the influence of international geopolitical competition on the internal political structures of States and how they affect their foreign policy. In this paper, we analyze the role of external pressures in shaping the United States' domestic sphere to explain how it became a global power. To do so, we resort to geopolitics and discuss how the international environment poses challenges, and States confront them by reorganizing their space and institutions in order to increase their national capabilities. In this way, we study several decisive moments in US history to see how they shaped its domestic realm and contributed to make this country a global power.

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Antonio Francisco Rando Casermeiro, "Amistades peligrosas: las relaciones entre Serbia, China y la UE en el contexto de la futura ampliación a los WB6", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.02]

Dangerous liaisons: relations between Serbia, China and the EU in the context of the future enlargement of the European Union to the WB6

The aim of this study is to analyse the relations between Serbia, China and the EU. Such relations had to be seen in the double context: On the one hand Serbia's accession running process, with the interferences on it of China as global rising power. Beijing, with its ambitious New Silk Road project, erupt as an agent in Europe, especially in Western Balkans and quite particularly in Western Balkans 6 (next UE´s enlargement area). On the other hand, China's influence on Serbia could determine the future as a Member State of the EU as well as EU enlargement policy in the region.

José Ignacio Paredes Pérez, "Contratos de suministro de contenidos y servicios digitales B2C: problemas de calificación y tribunales competentes", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.03]

B2C contracts for the supply of digital content and digital services: problems of characterization and competent courts

The purpose of this study is to analyse the characterization problems posed, for the purposes of the application of the European rules on international jurisdiction, by the legal actions available to the consumer in the new European regulation on improving consumer access to digital goods and services, and the possible fragmentation of litigation relating to the same infringing conduct under Directive (EU) 2019/770 and Regulation (EU) 2016/679. In the context of the Brussels I bis Regulation, the autonomous characterization of the legal actions available under the new regulation, and the way in which this is done, is decisive, depending on whether or not the contract falls within the scope of articles 17 to 19.

Ignacio G. Perotti Pinciroli, "El control de convencionalidad en el Derecho español: ¿una importación defectuosa?", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.04]

The conventionality control under Spanish law: a deficient import?

The Conventionality Control doctrine was almost strange to Spanish Law. However, in STC 140/2018, of 20 December 2018, the Constitutional Court of Spain construed that this mechanism is within the powers of Ordinary Judges and constitutes a rule of selection of applicable law. The article analyzes the meaning of the Conventionality Control doctrine from a Comparative law perspective, as well as its scope within the Inter-American Court of Human Rights. It also highlights some concerns regarding the implementation of the mechanism vis à vis the enforcement of International Human Rights Law in the Spanish legal system.

Daniel Iglesias Márquez, "El derecho a un medio ambiente sano ante el extractivismo en las Américas: el alcance de los estándares interamericanos sobre empresas y derechos humanos", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.05]

The right to a healthy environment within the extractivism in the Americas: the scope of inter-american standards on business and human rights

The right to a healthy environment and its close relationship and interdependence with other human rights are widely recognized in the Americas. However, the extractivist logic of most of the American States' economies facilitates the development of business activities that generate serious negative impacts and affects the enjoyment of this right, as well as other human rights that depend on the appropriate environmental conditions for their enjoyment. In this sense, this article answers the research question on the extent to which the inter-American standards on business and human rights contribute and provide new elements for the respect and guarantee of the right to a healthy environment in the context of extractive activities.

Ángel Sánchez Legido, "El reconocimiento del derecho a solicitar protección internacional en las embajadas y consulados de España (a propósito de la STS 3445/2020)", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.06]

The recognition of the right to apply for international protection in Spanish embassies and consulates (comments on the Supreme Court judgment 3445/2020)

In a judgement based on the persistent violation of the required regulatory development of the 2009 Spanish Asylum Act, last October the Spanish Supreme Court has recognized the right to apply for international protection in Spanish Embassies and Consulates. In the context of the so-called Human Visa problem, this recognition implies the incorporation to Spanish Law of a right deliberately eluded in EU Law, questionably rejected by both the European Court of Justice in X and X v. Belgium and the European Court of Human Rights in M.N. v. Belgium, and progressively suppressed in European States national Laws. Under a growing migratory pression background, this study suggest that the challenge posed by this decision requires a response that balances a Law-abiding approach and the commitment to the right of asylum, on the one side, and the real capabilities of the Spanish Asylum system, on the other.

Javier A. González Vega, "El reconocimiento por EE.UU. de la anexión marroquí del Sahara Occidental en perspectiva: aspectos jurídicos y políticos", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.07]

The US recognition of the Moroccan annexation of Western Sahara in context: legal and political implications

The decision of US President D. Trump to proceed in December 2020 to recognize the annexation by Morocco of the territory of Western Sahara has led to a profound alteration in US policy in relation to the situation. The work examines both the form and the content of the American proclamation, the context in which it has been adopted and its political and legal implications - including its eventual revocability - both in domestic law and in international law. In this sense, special attention is paid to the obligation of non-recognition that international law establishes insofar as the decision of the United States constitutes a clear breach of an obligation derived from a peremptory norm of international law such as that relating to self-determination of the peoples. The analysis developed -supported by a careful examination of international practice, both general and related to the specific case- concludes by noting that despite the firmness of the principle of non-recognition in International Law, the intrinsic weakness of the rules related to its content in accordance with the art. 41 of the draft articles of the ILC (2001) on State responsibility for internationally wrongful acts, prevent to extract sound legal consequences in the event of its violation.

María del Carmen Chéliz Inglés, "La Convención de Singapur y los acuerdos de mediación comercial internacional", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.08]

The Singapore Convention and the international commercial mediation agreements

The Singapore Convention on International Settlement Agreements resulting from mediation represents a milestone in the determined promotion of this dispute resolution mechanism and puts an end to the absence of a harmonized legal framework to regulate this issue. The most significant advance is that it gives a new legal status to the agreements resulting from international commercial mediation, which become directly enforceable in all the States that ratify the Convention. In this context, the objective of this work is to analyze the key issues of the Singapore Convention, highlighting its lights and shadows, and assess what repercussions the adherence to said normative instrument would have on the Spanish legal system.

Javier Ruiz Arévalo, "La estrategia de Irán ante el proceso de paz de Afganistán. Factores condicionantes: seguridad y liderazgo regional", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.09]

Iran's strategy in the Afghan peace process. Conditioning factors: security and regional leadership

There is a general agreement on the idea that in the Afghan conflict, peace will only be possible after an agreement in which the main regional actors must concur. Iran is one of the most relevant. For many analysts, Tehran's position is difficult to predict because its objectives in its relationship with Afghanistan have varied over time, depending on factors that are difficult to identify. Throughout this article it will be shown that, quite to the contrary, Iran has historically demonstrated clear and stable strategic interests vis-à-vis its eastern neighbor, which are what will determine its position on the future of Afghanistan. Over and above conjunctural interests, or ethnic, religious or cultural affinities, Iran's position towards the peace process is determined by those strategic interests that have consistently guided its regional policy since the triumph of the Islamic Revolution. This strategy had to be adapted to the profound changes produced in its geopolitical environment, but it has been this environment and not its strategic interests that have changed during these decades.

José Ángel López Jiménez, "La OSCE y el espacio post-soviético: 30 años de prevención y resolución de conflictos. Una valoración crítica", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.10]

The OSCE and the post-soviet space: 30 years of conflict prevention and resolution. A critical assessment

Thirty years after the disappearance of the Soviet Union, the post-soviet space presents a complex scenario. The state building processes are facing important challenges in different scopes: economical, social, institutional, interethnic coexistence, territorial conflicts, secessionisms, transition and democratic consolidation, and also in terms of the insertion in the international community. A significant number of conflicts are developing in this broad area what is the neighborhood between European Union (UE) and Russia. Due to the geoestrategic and geopolitic importance it is considered by Russia as an essential objective in its foreign policy. The European Security and Cooperation Organization (CSCE) and since 1995 as OSCE has participated being the main international organization in the prevention and resolution of conflicts. Nevertheless a detailed analysis shows shadows around the achievement of the objectives set out in their mandates. This study aims to carry out a critical balance of three co-led processes by the OSCE: two related to conflicts started before the dissolution of the Soviet Union (Transdniestria and Nagorno-Karabakh) and the other since 2008, after the russian intervention in Georgia (South Ossetia and Abkhazia).

David Fernández-Rojo, "La supranacionalización de la asistencia operativa a los sistemas nacionales de asilo en la Unión Europea", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.11]

The supranationalization of the operational support to the national asylum systems in the European Union

The European Asylum Support Office (EASO) is a decentralized EU agency that shapes the institutional framework of the Area of Freedom, Security and Justice and provides special and emergency assistance to the national asylum systems. The so-called "refugee crisis" of 2015 stressed the need to safeguard the functioning of the Common European Asylum System (CEAS), to operationally assist the Member States most affected by the sudden and extraordinary arrival of mixed migratory flows and, to effectively and uniformly implement the EU asylum measures. This article studies the evolution of the operational tasks of the Agency, both de iure and de facto, from its establishment to its proposed transformation into an EU Asylum Agency (EUAA) with powers of intervention, supervision and examination of applications of international protection. Moreover, the article examines, in particular, the control exercised by the Member States and the civil society with the aim of balancing the reinforced operational mandate of the Agency, overseeing the potential impact of the Agency's activities on the fundamental rights of the asylum seekers and, limiting the Agency's discretion in

the examination of applications of international protection. Hence, two trends in the administration of asylum in the EU can be highlighted after the analysis conducted in this article. On the one hand, while the EUAA's new legal framework indicates that its operational mandate is limited, like EASO's, to providing the national authorities with the assistance they may require, the tasks that EASO conducts in practice on the ground and the activities envisaged for the EUAA are clearly operational. On the other, the Agency has an increasingly leading role in ensuring the effective and uniform implementation of the asylum measures adopted at the EU level, as well as ensuring that the Member States do not jeopardize the functioning of the CEAS.

Marta Iglesias Berlanga, "La trata de menores en los conflictos armados desde un enfoque basado en los derechos humanos", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.12]

Trafficking in children in armed conflict from a human rights-based approach

The new wars associated with the third level, that is, with weak States immersed in armed conflicts, constitute a unique breeding ground for human traffickers, terrorist and criminals verbigracy, whose simplest objective are minors. The need to combine the fight against impunity of the perpetrators of this abominable human mercantilism and the need to protect victims (particularly children) in sudden-onset emergency environments justifies considering trafficking in persons from a human rights-based approach, especially within the framework of the State obligation of prevention, the genesis which is rooted in the due diligence required of a State in its territory, as well as the unfinished responsibility to protect in the context of atrocity crimes that may result in certain violations of human rights committed in the context of trafficking.

Montserrat Abad Castelos, "Rendición de cuentas por los crímenes cometidos durante el califato del Daesh: las pruebas como clave", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.13]

Accountability for crimes committed during the ISIS caliphate: evidence as key

This article seeks to determine if evidence can be a way to overcome the existing difficulties in the field of justice to hold Daesh members accountable for the atrocity crimes committed in Syria and Iraq during the armed conflicts that took place there. To get this, recent innovations are examined both the actors that collect and preserve evidence and the nature, characteristics and challenges that evidences pose. It will be concluded that the developments that are taking place are crucial and, consequently, have the capacity to trigger a paradigm shift that might be reflected in the outcome of pending prosecutions, in order to ensure the responsibility of the perpetrators of the crimes. Nevertheless, at the same time, it also shows how evidence is not the only key to take into account, since the problems related to the exercise of jurisdiction in domestic orders, which go far beyond the legal plane, will also be transcendental.

Julio Jorge Urbina, "Seguridad marítima e interceptación de buques en la represión de actividades ilícitas en el Derecho del Mar", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.14]

Maritime security and interception of vessels in the suppression of illicit activities in the Law of the Sea

The expansion of transnational criminal organizations across the seas and oceans has become one of the main threats to maritime security. In this context, it is necessary to analyse the actions that States can carry out against these groups in maritime zones. In this regard, the UNCLOS, as a legal framework of reference in

matters of maritime security, attributes enforcement jurisdiction to States to intercept, within certain limits, vessels suspected of engaging in illicit activities. But this legal framework suffers from important shortcomings that reduce the effectiveness of the State's action at sea and encourage the activities of these criminal groups. These shortcomings are most clear when state agents must adopt coercive measures, including the use of force in the most extreme cases, when the ship resists seizure, as the UNCLOS does not offer any guidance in this regard. In this situation, which has been partially mitigated by other international treaties, it is important that States precisely regulate the exercise of these police powers at sea, as well as the measures they can adopt in each case, to avoid incurring abuses or arbitrariness.

Laura Aragonés Molina, "Unidad o fragmentación en el Derecho Internacional Procesal: la revisión de sentencias ante la Corte Internacional de Justicia y el Tribunal Europeo de Derechos Humanos", 41 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.41.15]

Unity or fragmentation in International Procedural Law: revision of judgments at the International Court of Justice and the European Court of Human Rights

The increasing specialization of Public International Law and the diversity of international courts and tribunals with specific competences ratione materiae and personae in the multiple international normative sectors are still generating challenges for coherence, consistency and predictability of international jurisprudence. Procedural rules and principles may have a cohesive effect on judicial practice and foster a judicial dialogue and cross-fertilization at a procedural level. It may contribute to the unity of the international legal order through the formation of common rules of procedure. In this paper we explore this cohesive effect exhaustively, studying the interaction between the International Court of Justice and the European Court of Human Rights when they interpret and apply the revision provision.

Revista Electrónica de Estudios Internacionales (REEI), No. 42 (2021)

Juan Pablo Soriano Gatica, 'Ciencia, tecnología y relaciones internacionales: historias de poder, de esperanza y de normas e identidades', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.02]

Science, technology, and international relations: tales of power, hope, and norms and identities

The COVID-19 pandemic paralyzed the world, claimed millions of victims and demonstrated the high levels of interdependence of our hyper-globalized world. It also brought to the center of the debate the need to deepen our analyses of the ways in which science, technology and international relations are intertwined. This study proposes to use some theories of International Relations (IR) to reflect on these issues, and for approaching 'multi-stakeholder governance' as a mechanism to manage the dynamics generated by the scientific and technological changes of the contemporary world. To illustrate this proposal, three tales are constructed based on the 'ideal types' of three IR theories: a 'tale of power', based on realism, a 'tale of hope', based on liberalism, and a 'tale of norms and identities', based on constructivism. Each of these histories allows us to focus on specific international processes and actors, but more 'tales' will be needed to capture the complexity of the processes analyzed, and a closer collaboration between IR and Science and Technology Studies is required.

Carmen Pérez González, '¿Citius, altius, fortius?: Derecho internacional de los derechos humanos y protección de deportistas transgénero e intersexuales', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.03]

Citius, altius, fortius?: International human rights law and protection of transgender and intersex athletes

The aim of this paper is to reflect on how two objectives of international law can be reconciled: the prohibition of discrimination on the grounds of gender identity, on the one hand, and the integrity of sporting competitions, on the other. The ideas of dignity and non-discrimination, two of the pillars on which International Human Rights Law (IHRL) is built, have guided the slow and belated progress in the protection of the people on whom the study focuses: transgender or sexually differentiated athletes. International law, on the other hand, seems to have already assumed that the necessary protection of the integrity of sporting competitions justifies the limitation of fundamental rights. In this context, it seems appropriate to analyse whether the participation of these athletes in sports competitions can be limited under IHRL and, if so, the extent of this limitation.

Belén Sánchez Ramos, 'El Protocolo de Nagoya sobre acceso a los recursos genéticos y la participación justa y equitativa en los beneficios que se deriven de su utilización: especial referencia a su implementación en España', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.04]

The Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization and its implementation in Spain

This article aims to analyze the Convention on Biological Diversity, the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization and its implementation in Spain.

Esteban Vidal Pérez, 'Fragmentación geopolítica y equilibrio de poder en el auge de Occidente', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.05]

Geopolitical fragmentation and balance of power in the rise of the West

This paper addresses the debate of the rise of the West from a geopolitical standpoint. To do so, it sets forth the main contributions from different authors and their respective research programs. In this way, we present cultural, institutional, technological, Marxist, cultural exchange, geographical, and other interpretations. The absence of a geopolitical analysis leads us to put forward a new hypothesis in the framework of international relations theories. In this regard, this paper discusses why it resorts to the realist paradigm instead of neomarxism or complex interdependence theories to define the ground on which geopolitics is used to analyze the triumph of Western civilization. In addition to this, it explores the most notable contributions of neorealism and neoclassical realism and highlights their main limitations. Next, it presents the methodology by presenting how geopolitics is understood to test the hypothesis. Finally, it approaches geopolitical fragmentation and its relation with the balance of power and the rise of the West.

Aurelio Lopez-Tarruella Martinez, 'Hacia un nuevo escenario en la litigación transfronteriza de patentes en Europa: la jurisdicción internacional y la distribución de competencias en el Tribunal Unificado de Patentes', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.06]

Towards a new scenario of cross-border patent litigation in Europe: international jurisdiction and distribution of competence in the Unified Patent Court

The purpose of this work is to explain the rules in the Brussels I bis Regulation that will establish the international jurisdiction of the proposed Unified Patent Court, and the rules that distribute the competence among its different divisions. In relation with these latest rules, a comparative analysis with the grounds of jurisdiction in Brussels I Regulation bis is provided with the objective of assessing how cross-border patent litigation in Europe will change once the UPC Agreement enters into force. The conclusion is that the UPC Agreement will reduce the complexity of international litigation in this field, but it will not eradicate forum shopping or other problems of the existing regulation in relation to disputes connected with States where the Agreement is not applicable.

Yaelle Cacho Sánchez, 'La independencia de los jueces internacionales: análisis y valoración de las reformas adoptadas en el marco del Tribunal Europeo de Derechos Humanos', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.07]

The independence of international judges: analysis and assessment of the reforms adopted within the framework of the European Court of Human Rights

Now that the process of reforming the ECHR's guarantee mechanism has been formally concluded, it seems appropriate to analyse and assess the scope of the measures adopted in regards to the ECtHR to improve judicial independence, at a time of growing international interest in this matter. Bearing in mind the different questions raised by the applicability of this notion to international jurisdictions and the reform process as a whole, this article examines the extent to which these measures introduce effective safeguards to enhance judicial independence in the appointment process, in relation to the security of tenure and against external pressures. The improvement is undoubted, but some challenges remain, which should in any case be addressed before the end of the extension of the deadline for the final assessment of this particular aspect of the reform, agreed in 2020 when the Interlaken process was formally closed and which means delaying that assessment until 2024.

Aritz Obregón Fernández & Guillermo Lazcoz Moratinos, 'La supervisión humana de los sistemas de inteligencia artificial de alto riesgo. Aportaciones desde el Derecho Internacional Humanitario y el Derecho de la Unión Europea', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.08]

Human oversight over high-risk artificial intelligence systems. Contributions from International Humanitarian Law and European Union law

The automation of decision-making by artificial intelligence systems is a growing phenomenon affecting all areas of society. The European Commission, aware of the risks that the use of these technologies entails for fundamental rights and freedoms, proposes in its Artificial Intelligence Act to introduce human oversight as a mandatory requirement for the design and development of these technologies. However, human oversight is underdeveloped in the European regulatory environment. For this reason, we propose to resort to the concept of Meaningful Human Control developed in the framework of International Humanitarian Law. In this article we analyse the state contributions, doctrinal and policy proposals made by the Group of Governmental Experts on Lethal Autonomous Weapons Systems. All these contributions allow us to approach from a novel perspective the concept of human oversight proposed by the European Commission for high-risk artificial intelligence systems. We conclude the article looking for universally applicable elements in human oversight for the automation of decision-making, irrespective of the field in question.

Jaume Ferrer Lloret, 'Las medidas restrictivas de la Unión Europea contra las violaciones graves de los derechos humanos en el Mediterráneo: ¿una potencia normativa?', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.09]

The European Union restrictive measures against serious human rights violations in the Mediterranean: ¿a normative power?

Over the last decade, the European Union has been engaged in a practice of some relevance in the application of restrictive measures in response to serious human rights violations committed in a number of states, and more particularly in the countries of the southern Mediterranean; in this region, the cases of Libya and Syria in particular stand out. More recently, the EU has established a targeted mechanism of thematic or horizontal restrictive measures, specifically designed to address serious human rights violations, which has already been implement against some two dozen natural and legal persons and entities, including two individuals responsible for such violations in Libya. In both cases, it is a matter of resorting to measures of retorsion and decentralized countermeasures admitted by general international law, aimed at achieving the cessation and reparation –in the interest of the beneficiaries of the obligation breached- of serious human rights violations. In its external action, the European Union thus assumes the role of a normative power committed to promoting and respecting human rights, albeit with evident double standards or different standards when deciding to use such restrictive measures. On this point, the EU is request to develop in the coming years a more coherent and uniform external action in the application of restrictive measures in response to serious human rights violations. Both at a universal level and, more particularly, in its relations with the states in its southern neighborhood, whose political, economic and social stability is of fundamental importance to the EU.

Josep M. Fontanellas Morell, 'Las principales conexiones del Reglamento 650/2012 por vez primera ante el Tribunal de Justicia de la Unión Europea', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.10]

The main connecting factors of Regulation 650/2012 for the first time before the Court of Justice of the European Union

After six years of application, Regulation (EU) No 650/2012 has been confirmed as one of the great texts on European PIL. Its extensive and complex content requires, as it was to be expected, a continuous and delicate construction by the courts, in particular the Court of Justice of the European Union, because of the binding nature of its decisions, which, in this area and so far, amount to ten. From a temporal perspective, two periods can be distinguished in the case law of the CJEU on the Succession Regulation: an initial one, which runs from the end of 2017 to mid-2020 and a subsequent one, starting in the summer of 2021, in which we are currently immersed. The CJEU's Judgment of 16 July 2020 (Case C-80/19) is a key piece of this sequence, because, besides constituting the link between one stage and the other, it tackles some of the core issues of this Regulation.

Josep Gunnar Horrach Armo, 'Los acuerdos atributivos de jurisdicción en el ámbito de los smart contracts y la tecnología blockchain', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.11]

Jurisdiction agreements in the field of smart contracts and blockchain technology

In this paper, we analyze the formal and material requirements of the jurisdictional agreements made in the field of smart contracts and Blockchain technology. Specifically, the study focuses on the formal aspects of this type of agreement, detailing under what circumstances an express submission agreement between subjects that use smart contracts (to self-execute one or more contractual clauses) will be valid. The different formats

in which these types of agreements can appear are also explained, considering the new platforms and computer applications that have appeared in recent years. The theoretical constructions are accompanied by examples and graphics that are intended to illustrate, as far as possible, the practical aspect of smart contracts and jurisdictional agreements. Regarding the systematics of this paper, without prejudice to the introductory sections and the conclusion, it is divided into several sections according to the different types of smart contracts according to the form they take (or, rather, according to the form of the underlying contract that usually accompanies the smart contract), which has allowed a more rigorous study of the jurisdiction agreements carried out in this area. Finally, the study focuses especially on Regulation No. 1215/2015 due to its preeminent application in the Spanish Private International Law.

Briseida Sofía Jiménez Gómez, 'Régimen jurídico aplicable a los intereses de demora en el arbitraje comercial internacional: propuestas de armonización', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.12]

Legal system applicable to default interest in international commercial arbitration: harmonization proposals

The purpose of this study is to analyze the determination of the law applicable to late payment interest on the final amounts that the arbitrators award within the framework of an international commercial arbitration. An exhaustive study of the possibilities offered by the traditional conflict of laws method is carried out, as it is widely used, despite the greater flexibility that arbitrators have with respect to determining the applicable law in an arbitration compared to judges. International commercial arbitration and investment arbitration awards as well as national judicial decisions are reviewed to propose practical solutions to assist arbitrators in their determination regarding their jurisdiction to award interest, the accrual period, and the applicable interest rate.

Ana Sánchez Cobaleda, 'Revisitando el Tratado sobre la No Proliferación de Armas Nucleares ante la Décima Conferencia de Examen', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.13]

Revisiting the Treaty on the Non-Proliferation of Nuclear Weapons in the lead-up to the Tenth Review Conference

This paper analyses the current status of the Treaty on the Non-Proliferation of Nuclear Weapons on the eve of the Tenth Review Conference, scheduled for 2020 and postponed due to the Covid-19 pandemic. Analyzing its structure, content and enforcement mechanisms makes it possible to assess the state of the NPT and to conclude what are the main challenges it faces today, more than half a century after its adoption. While the nuclear regime's reference treaty continues to face several of the challenges that have marked the debates surrounding it in its first 50 years - the criticism of its undemocratic character, the lack of compliance with disarmament commitments by the nuclear-weapon states or the vagueness of certain treaty provisions- it must also face new and complex obstacles - mainly marked by the current and evolving international nuclear landscape. Although tensions have worsened since the previous Review Conference in 2015, the next one, scheduled for January 2022, could be a catalyst for bridging positions, highlighting what has been achieved, unify positions, and fully legitimizing, once again, the structure, objectives, and content of which is still considered the cornerstone of the international nuclear regime.

Daniel Martínez Cristóbal, 'The current perspective on sharp power: China and Russia in the era of (dis)information', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.14]

La perspectiva actual del poder afilado: China y Rusia en la era de la (des)información

Digital and technological development has led to the so-called 'era of information', which affects all fields and has increased international tension between countries like the People's Republic of China and its model based on 'socialism with Chinese characteristics', or the Russian Federation, which makes use of cyberspace media for political purposes, as opposed to liberal democracies, especially the United States and the European Union. With the aim of finding a way to adapt the theoretical framework of power to reality, in 2017 a new term and concept was developed within the hard and soft power spectrum: sharp power, understood as hard power that uses means typically associated to soft power, with apparently no intention to obtain power, in which a degree of discretion is a notable factor. To address this matter, I will begin with the analysis of the growing difficulty to distinguish between the means intended to be used as hard power tools and those that are not, starting with current approaches in this complex international scenario. If liberal democracies, especially the United States and the European Union, mistakenly come close to the sharp power of China and Russia, it could have negative consequences for the modern-day world.

Mª Dolores Bollo Arocena, 'Violación de derechos humanos y empresas transnacionales. Hacia un tratado sobre empresas y derechos humanos (¿responsabilidad de quién, de qué tipo y ante qué tribunales?)', 42 *Revista Electrónica de Estudios Internacionales* (2021) [DOI: 10.17103/reei.42.15]

Human rights violations and transnational business. Towards a treaty on business and human rights (liability of whom, of what kind and before which courts?)

The capacity of companies to generate wealth, employment and development wherever they carry out their activities is indisputable, but their great capacity to violate the human rights of the people who work for them and of the communities in which they are based is just as indisputable. Hence the urgent need to discipline their behavior in order to eradicate impunity, particularly in those countries that have lax human rights legislation. The purpose of this work is to study some aspects of the Draft Treaty on business and human rights that is being developed within the Human Rights Council. This paper defends an international treaty that is particularly applicable to transnational companies as well as local companies with transnational activity, a treaty that recognizes that the obligations of States in terms of human rights towards the business sector are not limited to their territory but their responsibility goes further; a treaty that recognizes the direct responsibility of the companies themselves for the violation of all human rights, and not only for the commission of serious violations of these, since otherwise it would give the impression of tolerance in other cases. A liability that must have a criminal nature only in the case of natural persons, and of a civil or administrative nature, as appropriate, in the case of legal persons. In short, a treaty that recognizes the competence of a flexible range of jurisdictions, trying to avoid the application of the rule of *forum non conveniens*.