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Book's review

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ABEGÓN NOVELLA, Marta, *Los efectos de los conflictos armados en los tratados de protección del medio ambiente*, (Atelier, Barcelona, 2022, 270 pp.)

An old Latin phrase goes "*inter armas, silent leges*," which is usually translated into English as "in times of war, the law falls silent." This was largely true under the most classical international law, when States concluded only a few treaties that were usually bilateral and sought to address their own particular reciprocal interests. At that time, it was understood that the outbreak of an armed conflict between State parties automatically led to the termination or suspension of their treaties. Under contemporary international law, however, this approach has been changing. On the one hand, the international law of armed conflicts, including international humanitarian law, has been designed and developed precisely to govern in times of war. On the other hand, States currently conclude numerous bilateral and multilateral treaties on the most diverse subjects and these treaties are intended, on many occasions, to protect the general public interests of the international community as a whole, such as the so-called multilateral law-making treaties. In the current context, therefore, what effects does the outbreak of an armed conflict in one or more State parties have for international treaties of such diverse nature? The 1969 Vienna Convention on the Law of Treaties (VCLT) did not delve into this thorny issue. In 2004, however, the International Law Commission (ILC) did begin to address the issue, and in 2011, on second reading, it approved its Draft Articles on the Effects of Armed Conflicts on Treaties, which include provisions in favor of the operation of treaties in the event of armed conflicts, but do still leave ambiguities or uncertainties on the issue.

With this book, Dr. Marta Abegón Novella, currently Serra Húnter Lecturer in Public International Law at the University of Barcelona, delves into this complex aspect in the law of treaties, analyzing the legal effects of armed conflicts on the operation of a specific type of international treaties, treaties for the protection of the environment and, in particular, multilateral law-making treaties in the area.

The book begins with a prologue by Dr. Ángel J. Rodrigo, Associate Professor of Public International Law at Pompeu Fabra University (UPF) of Barcelona, who recalls that the monograph originated in research initiated by the author with her doctoral thesis, which was supervised by Dr. Rodrigo himself and defended at the UPF, earning the highest qualification from a jury made up of the following doctors: Oriol Casanovas, Professor of Public International Law at the UPF; Jorge Cardona, Professor of Public International Law at the University of Valencia; and Jean-Marc Sorel, Professor of Public International Law at the University of Paris I (Panthéon-Sorbonne).

Building on and updating her thesis research, the book follows a rigorous legal methodology and masterfully handles very diverse primary sources (international treaties, soft law texts, documents of international organizations, documents on vacillating State practice, jurisprudence, etc.) and numerous secondary sources, including a good many doctrinal references on treaty law, the various types of international legal obligations and the main international environmental treaties. At the same time, it is important to

stress the originality of the book, which deals with an issue on which specific doctrine is still scarce.

After the general introduction, the book is divided into three parts, each made up of an introduction and two chapters. The first part addresses the codification of international norms relating to the effects of armed conflicts on treaties in general. After observing that the outbreak of an armed conflict has traditionally been seen as an autonomous cause of termination or suspension of the operation of treaties, Chapter I takes a historical tour of the process by which the issue was codified, identifying the first doctrinal approaches, the resolution of the Institute of International Law (IIL) approved in Christiania in 1912, the exclusion of the issue from the VCLT, the resolution of the IIL approved in Helsinki in 1985, and the ILC's preparation of the previously noted Draft Articles of 2011. Chapter II focuses on the ILC Draft Articles, examining their substantive principles and procedural rules. In particular, the author analyzes the general principle according to which "the existence of an armed conflict does not *ipso facto* terminate or suspend the operation of treaties" (Art. 3) and the provision regarding the "continued operation of treaties resulting from their subject-matter" (Art. 7). Specifically, Art. 7 is configured as a presumption of the continuity of certain types of treaties, such as those incorporated in the Annex with an indicative list of twelve categories, including, for example, "multilateral law-making treaties" and "treaties relating to the international protection of the environment". As the author observes, this presumption has been formulated as a "rebuttable" presumption (*iuris tantum*), since the fact that "a treaty can be subsumed within one of these categories does not necessarily and automatically entail its continuity" (p. 72).

The second part of the book delves into the specific case of multilateral law-making treaties for the protection of the environment. Chapter III identifies the characteristics derived from their condition as treaties for the protection of general interests of the international community, such as the incorporation of collective obligations, which are not separable in bundles of bilateral relations and are assumed *erga omnespartes*. It also evaluates the particular characteristics of these treaties that derive from the environment being their object of protection. Next, it presents a selection of such treaties, including the International Convention for the Prevention of Pollution from Ships of 1973/1978; the Convention on International Trade in Endangered Species of Wild Fauna and Flora of 1973/1979; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 1989; the United Nations Framework Convention on Climate Change of 1992; and the set of treaties that establish the Antarctic Treaty System. Chapter IV evaluates the state of the matter regarding the operation of treaties for the protection of the environment in the event of armed conflicts, observing the existence of a certain doctrinal consensus, but also the practice of States, which the author considers "incipient and heterogeneous" (p. 139), and international jurisprudence, where, according to the author, there is still no "clear statement" (p. 156) on the issue.

The third part analyzes the effects of armed conflicts on multilateral law-making treaties for the protection of the environment in light of the norms codified in the ILC Draft Articles of 2011. Chapter V analyzes the "continuity in operation" of such treaties in the event of armed conflicts, which should, in principle, be the most common situation, thanks to the general rules of the Draft Articles and the indicated *iuris tantum*

presumptionof continuity established by Art. 7 and the Annex with its indicative list of certain types of treaties. In any event, Chapter VI analyzes the possible cases in which, exceptionally, there could be a termination, withdrawal or suspension of the operation of multilateral law-making treaties for the protection of the environment. Some of these cases may be clear (if, for example, there are express provisions contained in the treaty), but others raise questions of great legal complexity, which the author addresses in light of the "rules of interpretation of treaties" (p. 204) or "contextual factors related to the treaty and the armed conflict", depending on the subject matter and other particularities of the treaty and the characteristics of the conflict (p. 209). The author also specifies the limits to the termination, withdrawal or suspension of the treaty, referring to the requirements of the *pacta sunt servanda* principle(which prepends suspension before termination and partial suspension before total suspension) and those conventional obligations that constitute, at the same time, obligations imposed by general international law (p. 218).

In the book's final conclusions, the author evaluates the Draft Articles of 2011 in a positive light overall, since the ILC's works have been in line with the evolution of the international community and its legal order, and reaffirm, in accordance with the doctrine and majority practice in the area, that "treaties for the protection of the environment are not automatically terminated or suspended in times of armed conflict" (p. 225). At the same time, the author is also critical of various aspects of the Draft Articles, observing, for example, the weaknesses of the "rebuttable" presumption of operability and defending the convenience of strengthening such presumption in order to bring it closer to what would be an irrefutable presumption (*iuris et de iure*)(p. 227). In any case, the author regrets that, for the moment, the Draft Articles of 2011 have not been reflected in a convention or formal declaration, although this is becoming quite common in the recent works of the ILC. The author does not discard that, in the future, an advisory opinion on the issue may be requested from the International Court of Justice in order to strengthen the *auctoritas* of the Draft Articles (p. 229).

Certainly, the consolidation of the general principle that armed conflicts do not affect the operation of environmental treaties will not prevent the environment from being one of the victims of many conflicts in practice. It is sadly well-known, for example, that there is rarely an armed conflict in which violations of peremptory norms of international humanitarian law do not occur. In any case, such possible attacks on the environment must be considered as internationally wrongful acts, violating, among others, collective obligations arising from international treaties that will generally remain in force.

In short, this book is an excellent legal analysis of an issue of great complexity and relevance in contemporary international law and it will stand as an unavoidable reference for anyone who wants to delve into the subject in the future.

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BLANC ALTEMIR, Antonio (Director), COS SÁNCHEZ, Pilar and ORTIZ HERNÁNDEZ, Eimys (Coordinators), *The Trade Relations of the European Union with the rest of the World an Analysis after the Pandemic and the Russian Invasion of Ukraine*, (Aranzadi, Pamplona, 2023, 533 pp.)

The purpose of this book is "to analyse the EU's trade relations with the rest of the world, in the framework of its trade policy and the main agreements signed with other countries and economic blocs, at a time marked by a pandemic that refuses to disappear completely and, in particular, by the Russian invasion of Ukraine" (back book cover). The Director, coordinators and authors have successfully achieved these goals. Indeed, while several publications have analysed the EU's trade policy and legal framework, the book under review stands out for several reasons. Firstly, the book provides a complete overview of the Union's trade relations across the world with a particular emphasis on the impact that the recent pandemic and the war in Ukraine holds in those relations. In this regard, most chapters include helpful annexes that are very useful to better comprehend the extent of the individual trade relations with the different partners and their evolution. Secondly, the edited book includes country cases that are particularly relevant for the EU such as those covering the relationship with the United Kingdom, China, the United States, Switzerland or Japan, to name but a few. Thirdly, the book goes beyond the immediate impact of recent crises on particular trade agreements and navigates the reader into the broader context in which those agreements were entered into (or rejected such as in the case of the Institutional Agreement with Switzerland). Fourthly, the monograph benefits from the long experience of many of the authors and from a robust legal theoretical background complemented with some chapters that analyse trade relations from an economics viewpoint (e.g., the chapter on the relationship with the UK post-Brexit). Lastly, while the theme of trade relations after the COVID-19 and Ukrainian crises permeates throughout the book, the Director and coordinators have succeeded in avoiding repetitions and overlaps between the different chapters and Parts.

The book is structured in six parts and an introductory chapter on the Union's trade relations after the COVID and Ukrainian crises based on discussions held in the context of the seminars organised by the Jean Monnet Chair held by the Director of the book, where 25 academics from 14 institutions participated. While the first part is devoted to the analysis of the EU and multilateralism, the remaining five parts are divided along geographical lines, making it appealing to the reader, and more accessible for the non-initiated in the world of trade relations. Notwithstanding, perhaps the introductory chapter and the two chapters on multilateralism could have also been merged under a general Introductory part on the EU in a multilateral context. My comments will focus on some of the most salient features of the introductory chapter and each of the six parts.

The first chapter (by Professor Blanc Altemir) introduces the reader into the book's topic and provides very valuable background on the impact of the two abovementioned

crises on EU trade policy, on the Union's new trade strategy and on the position of the European Union in World Trade. The chapter shows how recent shocks have altered the context in which EU trade policy has developed and how the EU has reacted to those challenges, trying to combine, through the new Open Strategic Autonomy its multilateral soul with an increased need for pragmatism.

Part I analyses the interplay between *The European Union and Multilateralism*, the first chapter of this Part (by Professor De Castro Ruano) studies the conceptualization of Multilateralism and the impact of the pandemic and the Ukrainian crisis on Multilateralism, notably in its application in relation to the European Union. The chapter underlines, rightly in my view, that the Union's interest might not always converge with those of the United States, and therefore that the latter should not be followed in all instances. The second chapter of this Part (by Professor Alcaide Fernández) provides another lens to the relationship of the Union with Multilateralism, notably through the focus on prevention and resolution of international conflicts after the adoption and subsequent revision of the 2016 Global Strategy.

Part II provides a rich analysis of *the trade relations of the EU with the rest of Europe*. This Part starts with an analysis of the relationship with the United Kingdom (by Professors Podadera and Garashchuk), that includes an interesting proposal to establish a strategic partnership between the EU and this country to create a third pole, beyond the United States and China, in the international system. The second chapter (by Professor Gestri) deals with the European Economic Area. The author notes that, despite some references to the EFTA countries as "rule-takers", the EEA agreements have led the countries involved to benefit from access to the Single Market without accession and the overall assessment is thus positive. By contrast, the third chapter of this part, by Professor Bermejo García, analyses the relationship with Switzerland and shows how important for trade relations is a deep understanding of internal politics, as well as of the economic and financial situation of a trade partner in order to explain (or avoid) the rejection of an agreement (the Institutional Agreement in this case). The next chapter, by Professor Bou Franch, studies the relationship of the EU with European microstates, an often-overseen subject that is liable to have significant repercussions, particularly in the financial regulation area. A different but also timely issue is the relationship between the EU and Western Balkans, analysed by Professor Cisneros Cristóbal that alerts about the importance to act beyond the current Union's economic sphere and of the risk of "losing" these states if the right choices are not made. Finally, this Part concludes with an analysis of the relationship with Türkiye (by Professor Aldaz Ibáñez) which interestingly shows that the prospect of accession (or rather lack thereof) has complicated the needed update of an economic and trade relationship that has been overall positive.

Part III examines the EU's *trade relations with the Eastern and Southern neighbourhood*. The first chapter of this Part, by Professor Rodríguez Prieto, studies the Union's relations with Eastern countries and shows how it has been characterized by different speeds, being globally positive for Moldova, Georgia and Ukraine, somewhat less so for Armenia, mixed with Azerbaijan, notably conditioned by Russian realpolitik according to the author, and negative with Belarus, for reasons linked to the political system followed by this neighbouring country. The second, and last, chapter of this Part, by Professor Pérez Salom, examines the Euro-mediterranean agreements and attractively observes that the

EU has sometimes failed to adopt a comprehensive approach towards this region. In this regard, the author also notes that the bilateral approach followed by the Union has failed to foster regional cooperation between med-countries. The author also criticizes the non-effective implementation mechanism devised.

Part IV covers the *relationship between the Union and North Central and South America*. This Part opens with a chapter by Professor Cos Sánchez, one of the book coordinators, which shows how the recent pandemic has put a halt to an overall positive tendency in the trade exchanges between Canada and the Union, which could resume in the current post-pandemic context. The second chapter of this Part, drafted by Professor Manero Salvador, analyses the relationship with the United States and explains that, despite the overall agreement in many global issues, the Biden administration has not shown a significant interest in reopening bilateral trade agreement talks. The focus lately, and understandably, has been on security cooperation. However, the situation is not satisfactory, notably for United States companies, which are put at a disadvantage when compared with others from Canada or the United Kingdom, which can rely on an ambitious trade agreement with the EU. Also in this Part, Professor Colom Gorges studies the relationship with Mexico and Professor Díaz Galán the European Union Central-América agreement. In both cases the overall assessment is positive, with Professor Colom interestingly underlying that the agreement with Mexico provides for ambitious environmental and labour goals and Professor Díaz that the cooperation in the support for International Law has provided a fruitful basis for entering into the agreement with Central American countries. By contrast, the analysis in the last two chapters of this Part by Dr. Presta Novello concerning the trade relations with Colombia, Peru and Ecuador, and by Professor Coppelli Ortiz, concerning the relations with Chile and MERCOSUR, highlight that while the balance of the relationship is positive, the impact of the trade relation is rather limited. In the case of Colombia, Peru and Ecuador, despite the fact that trade agreements are in place, there remain several social and environmental concerns. In the case of Chile, the author notes that the new Chilean Government decided to hold the signature of the new trade agreement for further study, although this has recently changed. Notably on 13 December 2023 the EU and Chile signed an Advanced Framework Agreement and an Interim Trade Agreement.

Part V analyses the *EU trade relations with Asia*. In particular, the first chapter of this Part, by Professor Tirado Robles, examines the EU-Japan economic partnership agreement. This author highlights that the agreement can be considered a success in light of the experience of the last years. Significantly, the author also underlines that the agreement with Japan has not only facilitated business exchanges but also a firm commitment to rules and principles, something very important in the current multipolar context. Equally interesting is the next chapter, by Professor Salinas Alcega, on the relationship between the EU and China. The author shows that the relation with the Asian giant represents a dilemma for the Union between economic gains and the observance of the values on which the Union is based. Interestingly, the author also explains that an investment agreement with China would ultimately be more beneficial for the EU. It should be noted that an agreement in principle was reached in December 2020. The third chapter of this Part, by Professor Martínez Pérez, examines the less-known relationship with India and includes a relevant proposal to set up a Trade and Technology Council with this partner, as the one in place with the United States, in

order to overcome the current difficulties in the trade relations between the two trade players. Subsequently, Professor Ortíz Hernández, one of the book coordinators, studies the relations with South Korea and concludes that, while positive in economic benefits, broader issues have not been covered and, as such, it lacks a certain ambition in terms of multilateralism. Finally, Professor Moltó Aribau, analyses the trade relations with Singapore and Vietnam, and interestingly highlights that, while it might be too early to assess in-depth the impact of the recent agreements, these agreements could provide a template for a future deal with ASEAN.

The last part of the book takes the reader to the *Union's trade relations with Africa and Oceania*. To this extent, the first chapter, by Professor Esteve Moltó, examines the relations with ACP countries in the post-Cotonou context and finds that the balance sheet is rather modest, with China displacing the EU in terms of influence. The author also notes that the Union has not been able to provide a viable alternative to the ill-reputed Washington Consensus. The second chapter of this Part, by Dr. Florensa Guiu, studies the trade relations with South Africa, and notes, as does Professor Escardibul Ferrá concerning the relations with Australia and New Zealand in the last chapter of the book, that the relationship of the EU with these jurisdictions has improved over the last years although the trade agreements, particularly with Australia and New Zealand, are very recent to have a complete overview of their impact.

In light of the foregoing, I definitively recommend this monograph to practitioners, researchers and academics interested in the trade relations of the European Union, but also more generally for students of European Union Law. They will benefit from an overarching work that provides not only a detailed account of the Union's trade relations, but also a rich understanding of the context that underpins them. The Director, coordinators and authors of this work should thus be commended.

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CELIS AGUILAR, María Mayela, *Sustracción Internacional de menores. Estudio jurisprudencial, doctrinal y crítico del Convenio de La Haya de 1980. Aspectos clave y soluciones a los problemas de aplicación*, (Dykinson, Madrid, 2023, 604 pp.)

The purpose of the book is to carry out a case-law and critical study of the interpretation of the 1980 Hague Convention on the Civil Aspects of International Child Abduction (hereinafter 1980 Hague Convention).

International child abduction is a paradigmatic example of the complexity of family disputes with a cross-border element, as it has been widely stated by the diverse and excellent doctrinal works on the subject. In this context, this research presents an original and rigorous analysis of the 1980 Hague Convention based on two premises.

The first refers to the criticisms made by a sector of the doctrine according to which the 1980 Hague Convention is outdated today. Therefore, it no longer provides an adequate response to the phenomenon of international child abduction. Mainly due to legal modifications in family law; as well as sociological changes with respect to the primary cares, usually mothers, who are nowadays the main protagonists in the abduction of their children; or the growing awareness of society of violence in the family context.

The second factor is the absence of a supranational court to harmonize the interpretation of the key concepts of the 1980 Hague Convention and to resolve conflicts of interpretation of the Convention's provisions. In this regard, the author identifies such a uniform interpretation as one of the great challenges of the Convention, although she highlights the great work done at the regional level by the Court of Justice of the EU (CJEU) and the European Court of Human Rights (ECHR).

In this sense, the author argues that in order to overcome the criticisms of the Convention it is necessary to promote a better understanding of the Convention from different perspectives, so as to ensure, as far as possible, an evolutionary interpretation. To tackle this ambitious purpose, the book is structured in three clearly differentiated parts, consisting of a total of eight chapters, which are a reflection of the rigorous work done by the author, with a praiseworthy selection of a variety of treated problems in-depth.

The First Part analyzes comprehensively the phenomenon of international child abduction, focusing mainly on three angles. The first perspective is the so-called multidisciplinary one, and examines the phenomenon under study from sociology, law and the media, among others. Secondly, the legal perspective, analyzing the sources of regulatory production at different levels and their proposed legal solutions. Thirdly, the author wisely chooses to analyze the phenomenon of international child abduction from the Human Rights perspective.

The Second Part studies the impact of case law on the understanding of the 1980 Hague Convention. It includes a wide range of decisions not only from Contracting States,

but also the ECtHR and the CJEU, and even other international or regional bodies, such as the Inter-American Court of Human Rights or the Committee on the Rights of the Child. To this end, the author has rightly opted for a selection of problems in relation to three axes that are identified as "key" for a correct application of the Convention. First, issues related to the title, philosophy, nature, purpose and constitutionality of the Convention are analyzed, and then the decisions issued in relation to the notions of "habitual residence" and "right of custody".

Thirdly, from a more practical approach, the last part is devoted to the most relevant exceptions to the return of the child of the 1980 Hague Convention: the exceptions of Articles 13(1)(b) and 13(2) of the 1980 Hague Convention, namely the grave risk exception and the child's objection exception. In addition to an in-depth analysis of the problems arising from these exceptions, the author aims to clarify the existing doubts about the number of exceptions to the child's return and their identification.

As stated in the Prologue, the reading of this work reflects the rich academic background and extensive professional experience of the author in the field of Private International Law. She has made an excellent and ambitious selection of problems that are supported by one of the fundamental values of this research. The compilation and systematizing of nearly 600 judgments and decisions from 46 countries, as well as resolutions of a total of seven international or regional courts or bodies. Moreover, another fundamental point of this book is the aim to build bridges between the legal traditions of civil law States and common law States. Together with the emphasis on the necessary connection between the 1980 Hague Convention and Human Rights.

Undoubtedly, a work of great interest that will provide clarity on the subject for which Dr. María Mayela Celis Aguilar deserves high praise, as well as her PhD Director Dr. Marina Vargas Gómez-Urrutia and the International Doctoral School of the Universidad Nacional de Educación a Distancia.

María González Marimón

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ESPLUGUES MOTA, Carlos, *El control de las inversiones extranjeras en la Unión Europea,* (Tirant lo Blanch, Valencia, 2022, 458 pp.)

Building on his previous contributions in the field, the author provides a valuable overview of the evolution of the Union's regulatory framework for foreign investment. The book discusses the recent developments on how the traditional EU openness to foreign investment has evolved to address new concerns, particularly those arising from the activities of foreign state-owned enterprises as investors in strategic sectors in the EU market.

Three main parts can be identified in the book. Sections I to V discuss the interplay between free trade and the free flow of investments from a global perspective, with a focus on the limited role that the World Trade Organization plays on the international regulation of foreign investments and the increasing significance of regional and national provisions in the field. Special attention is devoted to the interpretation of the security exceptions under Article XX of GATT and the meaning of the main terms influencing the scope of that provision, in particular, the definitions applicable to "essential security interests" and "actions" that can be considered "necessary" for the protection of such interests. Additionally, the potential risks to a State's national security generated by foreign investment and the relevant factors for the assessment of such risks are considered, stressing the significance in that context of state-owned enterprises as investors and the position of China. This part concludes with an examination of the compatibility of foreign investment screening systems with WTO obligations and the basic principles on which such systems should be built.

The core of the book presents an overall analysis of the EU comprehensive framework for the screening of foreign direct investments on the grounds of security or public order, laid down in Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union. Section VI of the book scrutinizes the reasons for the establishment of the new common framework on how the Member States, and in certain cases the Commission, are to screen foreign direct investments. Additionally, such common framework allows Member States to take into account their individual situations and national circumstances. In Section VII Carlos Esplugues examines in detail the central provisions of Regulation (EU) 2019/452, especially those on the factors that may be taken into consideration by Member States or the Commission in determining whether a foreign direct investment is likely to affect security or public order and the cooperation mechanisms in relation to foreign direct investments undergoing screening and not undergoing screening.

The third and final part of the book focuses on the Spanish framework for the control of foreign investment on national security grounds. The traditional fragmentary model based on the principle of freedom of movement of capital and foreign investment is discussed, with the focus on Royal Decree 664/1999 and Law 19/2003 on the legal regime of capital movements and foreign economic transactions, as amended in 2020.

As a result of the dynamism of this field in recent years, it is to be noted that new instruments have been adopted since the book was published, particularly, Royal Decree-law 20/2022 and Royal Decree 571/2023 of July 4, 2023, which repeals Royal Decree 664/1999. Notwithstanding that, the discussion in the book remains highly significant, as illustrated by the fact that one of the basic goals of Royal Decree 571/2023 is to further adapt the Spanish foreign investment regime to Regulation (EU) 2019/452, which is analysed in detailed in Sections VI and VII.

Pedro De Miguel Asensio

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ESTRADA TRANK, Dorothy, *Nuevos horizontes en la protección internacional de los derechos económicos y sociales* (Tirant lo Blanch, Valencia, 2022, 218 pp.)

The book under review, *Nuevos horizontes en la protección internacional de los derechos económicos y sociales*, deals with a classic topic in international human rights law. It adds to the long list of academic works on the international protection of economic, social and cultural rights. It introduces, however, some novel issues, which have so far hardly been subject of interest in the doctrine: the practice of the ESCR Committee and the case of Spain as a prototypical case study.

Before analyzing these issues, it is striking that the title of the book only mentions economic and social rights, when precisely one of its novelties is the specific study of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Its justification is found in some introductory words of the author, when she stresses that her objective is to study a category of discrimination based on socioeconomic status. In her opinion "poverty and socioeconomic inequality, by themselves, are forms of structural vulnerability that place people at a higher risk of experiencing human rights violations" (p.18). The thoughts contained in the book are the result of a rigorous and critical analysis endorsed by Dorothy Estrada' research.

The work is divided into six supposed chapters which follow a logical structure. Moreover, it contents an extensive bibliographic and documentary list and presents two final annexes, that graphically show the status of ratifications of bothe legal instruments, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol.

The first chapter is a general introduction to the topic, its methodology and brings special attention to economic and social rights during the Covid-Pandemic (pp. 15-26). The second chapter analyses the historical and institutional context of international human rights law (pp.72-50). The third chapter focusses in the economics, social and cultural rights as human rights within United Nations Law in comparison with regional systems, that is European, Inter.-American and African law (pp. 51-100).

The fourth chapter is the central theme of the book (pp. 101-171). On the one hand, it studies the negotiation of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and its specific protection of ESC rights. In analyzing the system of individual communications that the Protocol introduces, the author gathers the main lines and interpretative contributions of the Committee on the scope of the rights guaranteed in the Covenant. On the other, the author decided to analyses the case study of Spain because of two reasons: 1) Spain is the State against which the majority of individual communications have been submitted to the Committee in relation to the right to housing and 2) Spain it is the first EU Member State committed to the effectiveness of the Covenant and the system of individual communications (pp. 156-171).

The case study of Spain is based on the idea that certain economic and social rights derive directly from certain fundamental rights recognized in the Spanish Constitution, even though they are not expressly recognized as such in our constitutional norm. Furthermore, Article 10.2 of the Spanish Constitution obliges all national authorities to interpret human rights in accordance with international human rights treaties signed by Spain. This obligation therefore affects all rights guaranteed in the International Covenant on Economic, Social and Cultural Rights.

The key is to be found, however, in certain national jurisprudence, which states that the difficulties in complying with the recommendations of the decisions of the United Nations bodies on the protection of rights, as in the case of the CESC, and consequently establishes that such recommendations may serve as a basis for filing a claim against the State for negligence or for not having established a national mechanism to give effect to such rights. Undoubtedly, this interpretation appeals to the legislator for the establishment of the national mechanism for the implementation of economic, social and cultural rights, as understood in the International Covenant on Economic, Social and Cultural Rights.

Under the heading of "cross-cutting themes and future challenges" (Temas tranversales y retos prospectivos), the fifth chapter focuses on gender equality and women's socio-economic rights. Undoubtedly this chapter reflects once again Professor Estrada's professional and personal commitment to defending the rights of women and girls against all types of discrimination. After a detailed analysis of the difficult situations of women's rights in the various latitudes of the planet and how nuances of equal rights have been progressively introduced into the practices and laws of the States, Professor Estrada proposes that currently the question is no longer whether economic, social and cultural rights are justiciable, but rather how to materialize that justiciability (p. 193).

The twelve conclusions of the book are clear and suggestive. All of them are characterized by the idea of a close relationship between human rights, socioeconomic equality and social justice. The author defends that the main challenge of the current historical moment is to move from non-discrimination as a vehicle for the protection of ESCR to the reaffirmation and revitalization of ESCR from the proactive construction of equality and the solidarity policies. In her opinion, equality and solidarity find its foundation in international human rights law. From the analysis of the work of the CESD, the author highlights that the cited Committee has opened new innovative lines of interpretation in relation to the right of housing and the Committee has adopted as well firm positions in relation to the obligation of States to observe the principle of reasonableness and proportionality in evictions (p. 199).

In order to address the effectiveness of the socioeconomic rights of the most vulnerable, the author recalls a comprehensive approach to these rights. She considers that, at the substantive level, a gender perspective should be included and at the methodological level, the inclusion of women in regulatory procedures and in the construction of public policies affecting poverty eradication, health, education and housing, among others, should be ensured too (p. 201).

The author concludes her book by briefly outlining some of the areas where public polices should be established from the prism of solidarity, economic equality and social

justice in order to protect the rights of the most vulnerable and, at the same time, safeguard the planet for present and future generations.

In short, we are before a remarkable work that demonstrates that it is possible to carry out a relevant analysis on the justiciability of economic and social rights if there is a solid conceptual framework on non-discrimination and due diligence in the protection of the most vulnerable that gives current shape and meaning to the socioeconomics rights of the Covenant.

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JANER TORRENS, Joan David, *Conflictos territoriales y Convenio Europeo de Derechos Humanos,* (Aranzadi, Pamplona, 2023, 181 pp.)

The existence of territorial disputes involving States Parties to the European Convention on Human Rights (ECHR) raises several problems regarding the protection of fundamental rights recognised in the Convention. A clear example is Russia's invasion of Ukraine, which began on 24 February 2022 and has caused the biggest challenge to the maintenance of peace and security in Europe since the end of World War II. This led to Russia's expulsion from the Council of Europe on 16 March 2022.

However, several member states of the Council of Europe are involved in territorial disputes, such as those between Cyprus and Turkey, Georgia and Russia, Armenia and Azerbaijan, and Ukraine and Russia. This has brought about a proliferation, especially in recent years, of inter-State cases before the European Court of Human Rights (ECHR).

All these conflicts have had a very negative impact on the respect for human rights in the territories involved, which in turn has led to numerous applications being lodged with the ECtHR. In addition, these conflicts have resulted in the emergence in States party to the ECHR of *de facto* regimes, whose existence is directly dependent on the military and economic support of another State that is also party to the Convention. As a consequence, the State party is unable to fully exercise sovereignty over its territory. This has prompted the development of a very complex jurisprudence of the ECtHR, whose ultimate aim is to prevent a vacuum in the protection of the fundamental rights recognised under the Convention.

This is the context of the work written by Professor Joan David Janer Torrens, a tenured professor at the University of the Balearic Islands. This monograph, released by the prestigious publishing house Aranzadi, deals with the study of the different issues relating to the protection of the rights recognised in the ECHR that are linked to the existence of a territorial dispute.

After a short general introduction, the book is divided into five chapters.

The first chapter analyses the configuration and role of the *de facto* regimes that have emerged in the territories in conflict in relation to the protection of the rights recognised in the Convention that can be carried out by the ECtHR. The ECtHR, on the occasion of the applications brought before it concerning human rights violations committed by the *de facto* authorities in various territories in dispute, has developed a body of jurisprudence on the validity of the decisions adopted, in particular by the judicial and administrative bodies set up by the *de facto* authorities.

The second chapter addresses the analysis of the different issues related to the *de jure* and *de facto* jurisdiction exercised by States involved in a territorial dispute. This is followed by a study of some aspects related to the ECtHR's definition of extraterritorial jurisdiction as a way of guaranteeing the protection of the rights of individuals in situations of territorial conflict. As well as the rules of attribution of the wrongful act

stemming from the violation of the rights recognised in the Convention, which are essentially centred on the assessment of the criterion of effective control over a territory.

The third chapter examines the scope of the positive obligations of the territorial state whose full jurisdiction over its entire territory is limited as a result of a territorial dispute as a means of protecting the rights of individuals affected by this type of conflict. The formulation of positive obligations implies an expansive interpretation of the notion of jurisdiction in cases where a state does not exercise control over its entire territory. The ECtHR has made it clear that the existence of positive obligations is necessarily linked to the existence of a certain capacity for maneuver on the part of the territorial State over the territory in conflict where the violations of the human rights in question take place, in order to guarantee a certain degree of protection of the rights at stake.

The fourth chapter deals with the analysis of those aspects relating to the significant increase in inter-State applications linked to situations of territorial conflict that have been brought before the ECtHR. As Professor Janer Torrens points out, the considerable increase in inter-State applications since 2007 responds "not only to the logic of guaranteeing European public order and the protection of the rights of individuals affected by a conflict, but also to the fact that they are also being used as a mechanism for resolving disputes" (p. 126). In addition, inter-State applications coexist with a very large number of individual applications.

The fifth and final chapter of this monograph is devoted to the problems related to the failure to enforce, in due time and manner, those judgments that resolve violations of the rights recognised in the Convention in situations of territorial conflict. As well as the problems which, in turn, derive from the fact that Russia, the main state directly involved in the territorial conflicts currently existing on the European continent, has ceased to be a party to the European Convention on Human Rights as of 16 September 2022.

In short, this book provides the reader with a general knowledge of territorial conflicts on the European continent and the jurisprudence of the ECtHR in this regard. And all of this in a context strongly affected by the armed conflict between Russia and Ukraine and the subsequent exit of Russia from the Council of Europe, a state that has played a prominent role in the current territorial conflicts. However, in this scenario full of uncertainties, Professor Janer Torrens has been able to shed light on the matter with an exhaustive and rigorous analysis of a complex jurisprudence that seeks to prevent a vacuum in the protection of fundamental rights as a consequence of the existence of territorial conflicts. To this end, the ECtHR attributes any violation of the Convention that is committed on the basis of the effective and decisive control exercised by the State that protects the different *de facto* regimes that emerge within the conflict. All in all, it is a relevant and thoughtful work that provides an undeniably useful approach to an area in need of fundamental rights-based perspectives, such as the one represented by territorial conflicts.

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JIMÉNEZ PINEDA, Eduardo y GONZÁLEZ GRECO, Daniela Jazmín, *Las migraciones climáticas: estudio desde la perspectiva regional y de la cooperación internacional*, (Aranzadi, Pamplona, 2023, 181 pp.)

The book *Las migraciones climáticas: estudio desde la perspectiva regional y de la cooperación internacional*, co-authored by Professor Eduardo Jiménez Pineda and Daniela J. González Greco, contributes to the study of a subject of great relevance in the contemporary international context. Both authors have made a significant contribution to analysing climate-induced migration, which is increasingly recognised in academic discourse but lacks adequate normative treatment in international law.

Anthropogenic climate change poses heterogeneous threats to life on earth, mainly through the global rise in temperatures, which can irreversibly alter ecosystems. One of the primary issues related to increasing temperatures is the rise in sea levels, as well as more frequent and unpredictable droughts and floods, and the alteration of fauna and flora in various regions. These phenomena have an impact on the individual as well as on collective entities, such as states.

Climate change is viewed as a threat within the international society yet another in a catalogue of risks that has grown steadily in recent years but also as a vector for cooperation. States and international organisations recognise the need to collaborate in addressing global issues, as individual efforts are unlikely to have a significant impact. Therefore, collective efforts to mitigate the risks of increasing temperatures have resulted in significant normative outcomes, such as the 2015 Paris Agreement and the 2030 Agenda. It is important to note that a state's resilience is largely dependent on its level of socio-economic development. Therefore, socio-economic development plays a crucial role in mitigating the impact of climate change. It is important to note that the effects of climate change are not uniform and can disproportionately affect certain groups of people.

The authors of this book acknowledge this reality. Therefore, they have decided to conduct a comprehensive study on migration resulting from the impact of climate change from a regional perspective, with a particular focus on the significance of international cooperation. The research is presented in a well-organized and systematic manner, comprising a conceptual, normative, and doctrinal analysis that enables a comprehensive understanding of the subject under investigation. Furthermore, the work avoids being excessively descriptive, as the critical vision of the authors is present at all times, accompanied by highly interesting proposals.

The book's first chapter commences with a relevant conceptual review. Analysing the object of study necessitates defining and delimiting concepts. In this case, the authors delve into the nuances between climate migration caused by sudden or progressive changes in the environment that force people to leave their usual places of residence , environmental displacement whose number increases over the years and planned relocation caused when states move people to new places of residence, whether temporary or permanent,

under their own authority. However, the authors quite rightly bracket the concept of climate refugees. The subsequent analysis of international instruments shows that there is no direct recognition of this concept in any international treaty. For this reason, the authors argue that "the concept of climate refugees cannot be used indiscriminately in international law" (p. 26). Instead, they will use the term 'climate migration' to refer to movements of people or groups of people that occur as a result of negative environmental impacts.

This lack of recognition of the existence of climate migrants or any similar figure is precisely the starting point used by the authors in their survey of international treaties, mechanisms and initiatives in this area. The second part of this chapter provides a normative review that covers a range of well-known instruments, including the Convention on the Status of Refugees and its Protocol, as well as mechanisms established within the framework of the UNFCCC or the instruments for dealing with the consequences of natural disasters. From this analysis, the reader learns that no legally binding response has been articulated to ensure the protection of the rights of climate migrants. Thus, any interpretation that can be made to accommodate them must necessarily be extensive, resulting in a high degree of legal uncertainty. However, the authors rightly bring us closer to some hopeful and highly interesting proposals, such as the Nansen Initiative.

The authors provide a comprehensive analysis of the root causes of the migrations under study. The second chapter of the book includes an in-depth analysis of the decisions made by the United Nations Human Rights Committee in the cases of *Teitiota v. New Zealand* and *Torres Strait Islanders v. Australia*. Both cases highlight the close link between the protection of the right to life and the environment, within the context of climate migration. Following a factual overview, the authors analyse the legal reasoning of the Committee in both cases, as well as the individual opinions of certain members, for their relevance to the development of legal arguments in the protection of climate migrants. The conclusion drawn by the authors in this chapter is that the Human Rights Committee has laid the foundations for the possibility of applying the guarantee of non-refoulement to situations arising from global warming. A position that we not only share, but which we believe demonstrates the value of the work, which goes far beyond mere descriptive analysis.

The course of the analysis leads the authors to study the international cooperation regime on climate change migration protection. To this end, chapter three first examines the multilateral regime from an idealistic perspective. The authors make it clear that "it would be desirable for states to act in a coordinated and collaborative manner for the sake of governance in this area, characterised by international cooperation and solidarity" (p. 62), and that "the measures adopted will have to be comprehensive" (p. 63). They also make a proposal in which they defend the principles that should inspire the multilateral response and identify them as: equality and non-discrimination; impartiality and neutrality; and the structural principles of international environmental law. Then, on the basis of the multi-causality that is at the origin of climate migration, the authors review the SDGs of the 2030 Agenda, whose respect and fulfilment can contribute to the prevention of the causes that provoke the aforementioned migrations. Finally, the chapter examines the role of the European Union as an example of integration and its fervent defence of multilateralism (p. 77). From the analysis of its normative framework and its External Action expressed, among other mechanisms, in Climate Diplomacy, they

conclude that the EU is an actor with the potential to lead diplomatic efforts towards the constitution of a comprehensive international mechanism for the protection of climate migration.

In the final chapter of the book, the authors concentrate on a case study of two regions that are highly vulnerable to the negative impacts of climate change: Southeast Asia and the Caribbean. As stated in the book's introduction, this choice is also justified by the additional risk they face from the obvious risks of sea level rise as island regions (p. 14). This review presents a somewhat disheartening normative situation. Regional and international organisations, as well as inter-state cooperation in these regions, have failed to establish adequate mechanisms to protect the rights of climate migrants. Therefore, the authors strongly advocate for an international treaty "to address the lack of protection for people affected by climate migration, as existing instruments and initiatives to date are not sufficient" (p. 104).

The book, co-authored by Professor Eduardo Jiménez Pineda and Daniela J. González Greco, makes a significant contribution to the subject of climate migrations. Its original structure and approach complement and deepen the works already published within the Spanish doctrine of public international law. The authors maintain a critical vision while being rigorous in their analysis of normative instruments and expression of proposals. Therefore, the book is aimed at both specialists in the field and those who, out of intellectual curiosity, decide to broaden their knowledge of the subject.

Ignacio Álvarez Arcá

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MAGALLÓN ELÓSEGUI, Nerea, *La ley aplicable a la responsabilidad civil extracontractual de empresas por abusos de los derechos humanos*, (Aranzadi, Pamplona, 2023, 172 pp.)

The relationships between business and human rights was not an issue that international private doctrine inclined to address until recently. Only a few voices, such as the prologue writer of this book, Professor Zamora Cabot, glimpsed its importance and began this path some years ago. Impunity for abuses committed by some corporations is now in the target of the international community, as demonstrated by the latest initiatives of the European Union, following initiatives from the United Nations, the OECD, or the ILO, where the Council and the European Parliament today reached a provisional deal on the corporate sustainability due diligence directive (CSDDD). The directive aims to enhance the protection of the environment and human rights in the EU and globally. The due diligence directive will set obligations for large companies regarding actual and potential adverse impacts on human rights and the environment, covering their own operations, those of their subsidiaries, and those carried out by their business partners.

The opportunity and success of this work are undeniable. Prof. Magallón Elósegui is right to focus on the conceptual framework of the liability of companies when they violate human rights in their actions. But she also sharpens her focus to courageously lead us to the question of the law applicable to non-contractual civil liability.

She also succeeds in the way in which the work is organised, with three chapters and conclusions that provide a rigorous analysis of a particularly complex subject. The first chapter presents due diligence in Europe, reviewing both the elements that comprise it and the expressions in which it has manifested itself in our immediate setting. The author examines not only the national initiatives carried out by the United Kingdom, France, the Netherlands, Norway, and Germany but also reviews the European due diligence standards that have been implemented by sector: on non-financial reporting, conflict minerals, deforestation, …concluding with an analysis of the proposed Due Diligence Directive currently under discussion in the EU.

Having established this framework, the second chapter proposes the study of corporate responsibility. In addition to the study of the Spanish perspective, a review of comparative law is added to clarify how the employer is liable in different legal systems. This comparative view makes it possible to intertwine concepts such as due diligence and management control and shapes the current situation, breaking with the traditional principles of legal personality and separate liability.

With these essential premises, the author leads us naturally to the main core of the book with the third chapter entitled "Conflict rules in the area of non-contractual civil liability of companies for human rights abuses". With an *iusprivatist* approach, Professor Magallón Elósegui encourages us in this chapter to reflect on the need for specialised and materialised conflict rules to deal with cases of human rights violations by corporations. For this purpose, the analysis of the Regulation on the law applicable to non-contractual

obligations (Rome II) is essential. The added value is to carry out this review from a human rights perspective. This is not a simple review of the Regulation. The added value is to carry out this review from a human rights perspective. This nuance provides an adaptive interpretation, highlighting the reasons and resources by which the Regulation is called upon to regulate these cases.

In this way, the author determines the integration of "the potential civil liability for damages derived from abuses of HR in its cross-border activities along the supply chain" (p.127) within its scope of application, although "the social responsibility of the corporation and the relations between the companies belonging to the same group (and, in this sense, the extension of liability between the companies of the group or even, we could think that the duty of vigilance and/or its supervision over the companies of the group) is governed by the *lex societatis*".

After reviewing the scope of application, the author meticulously unravels the points of connection of the conflict rule to uncover the possibilities that may arise when the assumptions of non-contractual liability have their origin in human rights abuses. The possibilities that the author opens with her reflections not only demonstrate her expertise in private international law but also the necessary sensitivity to human rights issues in seeking victim protection. Particularly indicative in this sense is the final part of this third chapter, where the author reflects on the proposal, removed in the latest version of the Due Diligence Directive Proposal, to amend Rome II by adding a new article designed for these cases.

Reviewing the existing rules and proposing critical alternatives to texts such as the provisional deal on the corporate sustainability due diligence directive (CSDDD) that are currently being debated with a view to balancing the relationship between companies and human rights is the objective that Professor Nerea Magallón has not only pursued in this book, but which she has achieved with her work, which is essential reading for anyone wishing to approach the study of business and human rights.

Lorena Sales Pallarés

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OBREGÓN FERNÁNDEZ, Aritz, *Noción de terrorismo internacional. Estudio del marco jurídico vigente y una propuesta de definición con vocación omnicomprensiva*, (Aranzadi, Pamplona, 2023, pp. 236)

Terrorism, an age-old phenomenon, has persisted throughout history, adapting to the changing dynamics of society. While its roots trace back centuries, the legal definition of terrorism has long eluded a universally accepted framework. The evolving nature of the threat, coupled with its diverse manifestations, has made it challenging to devise a comprehensive and universally applicable definition. Only in recent times have concerted efforts been made to legally delineate terrorism, recognizing its multi-faceted nature and global impact. The lack of a precise legal framework until now has posed considerable challenges for international cooperation and the pursuit of justice. As nations grapple with the complexities of this persistent menace, the ongoing quest for a standardized legal definition reflects the imperative to address terrorism comprehensively and collaboratively on a global scale.

To address these issues, Aritz Obregón Fernández, Doctor in International Law from the University of the Basque Country/Euskal Herriko Unibertsitatea, dedicates his work to the product of his doctoral thesis. Faced with the discouragement caused by the blockage of the general agreement project and allegedly irreconcilable positions hindering consensus on a definition of the phenomenon, the author meticulously examines the universal and regional legal frameworks for the prevention and repression of international terrorism, jurisprudential contributions to the matter, state positions regarding the general agreement project, and the most credible doctrinal contributions. The goal is to identify the elements characterizing international terrorism, analyze its content, and determine their general acceptance.

The work is structured into four parts: a brief introduction, two chapters, and conclusions. The first chapter provides a conceptual approach to the international terrorism phenomenon, emphasizing three aspects: the origin of the phenomenon, its different phases, and the role of state actors. Obregón Fernández rightly highlights that international terrorism, as a global phenomenon, requires a global response. It constitutes a permanent and multidimensional threat to peace, democracy, and human rights, recognized by the United Nations Security Council as a threat to international peace and security. Unfortunately, global terrorism is on the rise and expanding, a daily reality in many countries despite not constantly receiving the same level of attention in the media and social networks a testament to the international community's double standards. Its devastating consequences in terms of lives and material damage are considerable, causing waves of migration and displacement with catastrophic impacts.

The second section of this chapter reviews the existing limits and difficulties in defining international terrorism, emphasizing the "lack of a legally comprehensive definition" and advocating for a legal definition. The author analyzes the general agreement project against international terrorism and the customary definition proposed by the Special Tribunal for Lebanon. Additionally, the author addresses what he terms

the "sectorial solution," seeking to elucidate how states have managed the lack of a general definition by producing universal and regional legal frameworks for preventing and repressing international terrorism. This involves the adoption of international sectoral treaties to ensure the prosecution of those responsible, the establishment of norms and sanction regimes to prevent funding or movements across countries, the promotion of international cooperation in various sectors, and, in the most severe cases, military operations against terrorist groups to reduce their threat level. This response has taken place without a legal definition of international terrorism.

The absence of a definition is one of the factors promoting terrorism and facilitating violations of international law. Conversely, a legal definition would have multiple benefits, including the more coherent development and application of obligations related to the prevention and repression of the phenomenon. Therefore, in Chapter II, through the joint analysis of universal and regional legal frameworks for preventing and repressing international terrorism, international jurisprudence, international legal doctrine, and studies on terrorism, the author breaks down the phenomenon into seven possible elements. These include strategic objectives, ideological factors, the terrorist act itself, the authors of terrorist acts (including the possibility of states committing them), the victims of violence, the communicative dimension of the phenomenon, and its "internationality," with varied normative manifestations and doctrinal contributions. The degree of general acceptance of each of these elements is also examined.

For decades, various attempts have been made for the prevention and repression of international terrorism without a generally accepted legal definition. Totalitarian regimes label those fighting against the system as terrorists, while those attempting to overthrow such regimes self-identify as "freedom fighters." Therefore, this work represents a significant step toward a legal definition of international terrorism. In the second section of this chapter, using the elements mentioned earlier, the author believes that, through the sectorial approach, an "accumulated set of elements capable of forming part of a legally comprehensive definition" has been created. Consequently, two definition proposals are offered: a) a "comprehensive" definition composed of elements currently enjoying general support among states and international organizations, and b) another "holistic" definition aimed at contributing to a comprehensive understanding of the phenomenon, taking into account other relevant elements that have not yet received the same degree of recognition. This approach reconciles the search for a definition identifying the central elements of international terrorism, garnering general support with a holistic understanding of this type of violence.

The work contains a significant bibliography, citing key sources such as international treaties, jurisprudence, acts of international organizations, and some primary state sources. It would have been desirable for the coverage of these national sources to be more extensive, including some countries in Latin America, Asia, and Africa.

The acts of terrorism carried out by Hamas on October 7, 2023, underscore the present significance of combating terrorism on a global scale. Such incidents serve as stark reminders of the ongoing threat posed by extremist groups and the need for international collaboration to address this menace. The fight against terrorism is not only a matter of national security but also a collective responsibility to safeguard the lives and well-being of innocent civilians worldwide. The international community must

remain vigilant, united, and committed to eradicating the roots of terrorism to ensure a safer and more secure future for all. Legally defining international terrorism will contribute to this aim.

This is an outstanding book that reveals the intricate nature of different conceptions surrounding international terrorism. Its conclusions represent a valuable advancement towards legally defining this phenomenon. The book robustly contributes to this goal, and I highly recommend reading it.

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PIGRAU, Antoni, FONT MAS, Maria, MARÍN CANSARNAU, Diana, BORRÀS PENTINAT, Susana, GONZÁLEZ BONDIA, (Dirs.) *La comunidad internacional ante el desafío de los objetivos de Desarrollo sostenible, XXIX Jornadas de la Asociación Española de Profesores de Derecho Internacional y Relaciones Internacionales* (Tirant lo Blanch, Valencia, 2023, 547 pp.)

In December 2021, the XXIX Conference of the AEPDIRI (Spanish Association of Professors of International Law and International Relations) was held at the Rovira i Virgili University, in Tarragona. The publication here reviewed (*La comunidad internacional ante el desafío de los objetivos de Desarrollo sostenible,XXIX Jornadas de la Asociación Española de Profesores de Derecho Internacional y Relaciones Internacionales*, Valencia, Tirant lo Blanch, 2023) is the fruit of the presentations and discussions successfully held at the Conference, which all revolved around the 2030 Agenda for Sustainable Development and the challenges it presents to the international community.

While the theme of the book already justifies its timeliness and relevance, the smart structure followed by the book, and the very varied perspectives from which the 2030 Agenda is approached make this an essential read for anyone interested in understanding how the international community can achieve the Sustainable Development Goals (SDG) and where it is finding the hardest obstacles. The inclusion of authors from the three disciplines that AEPDIRI itself brings together — that is, Public International Law, Private International Law, and International Relations — is also a wise decision, thereby showing that global challenges are interconnected and must be addressed simultaneously from multiple angles.

The United Nations General Assembly's Resolution titled "Transforming our world: the 2023 Agenda for Sustainable Development" (A/RES/70/1, 25th of September 2025) sets out the guiding principles, goals, and commitments of States and other subjects to achieve sustainable development worldwide. It does so by recognizing the importance of addressing economic, social, and environmental challenges in an integrated manner and it defines this universal Agenda as a plan of action for the planet, people, and prosperity, which also seeks to strengthen international peace and access to justice. These four spheres are the pillars around which this book is constructed although before concluding, its directors decided to include a fifth and last pillar, one dedicated to SDG 5 and the violence against women and girls.

The five-part structure, each consisting of several chapters, allows the reader to easily identify those issues that relate to a particular sphere or aspect of an SDG as well as how subjects like the EU or actors such as companies are approaching the 2030 Agenda. In fact, the role of the EU features prominently throughout the book, with several chapters devoted to the actions of this regional organization. This echoes the structure of the AEPDIRI Conference itself, which even devoted part of its title to "the role of the EU in the light of the SDGs".

At this point, mention should also be made of the strong interest of the editors of this publication (as well as of the Academic Organising Committee of the Conference), in ensuring that this book contributes to the transfer of knowledge to society on the 2030 Agenda. The role of the University and the importance of transmission by professors and researchers to the public is and must be, increasingly important. Therefore, the didactic zeal and the appropriate choice of a topic as pressing as the one discussed here, make this book "one of the most substantial contributions made by Spanish internationalists to the task of promoting the SDGs", as Professor Antoni Pigrau, Coordinator of the Conference, states in the introduction.

As it is well known, the SDGs are 17 and they are divided into 169 targets which aim at stimulating action over 15 years (2015-2030) in areas of critical importance for humanity and the planet. While UNGA's Resolution begins by referring to people, this book starts from the most comprehensive prism: the planet and those SDGs that work for the environment more broadly.

Karlos Pérez de Armiño is the one opening the section on *Planet* with a chapter on risks and threats and the discursive securitization of climate action. More specifically, he explores the nexus between security and climate change, and how the choice to securitise this phenomenon has shaped EU climate policies since it first became involved in global environmental issues in the run-up to the Earth Summit in Rio de Janeiro in 1992. This decision, which deserves an ambivalent assessment according to the author, has impacted stakeholders within the EU's borders, and it has elevated climate change as a matter of high politics, granting climate diplomacy a very relevant place on the European External Action Service agenda.

Professor Carballo identifies the many challenges attached to the conservation and sustainable use of oceans, seas and marine resources and the role international private law could play to solve several problems. Among them, one stands particularly out: the "deregulation in which transnational corporations operate with impunity", which has a devastating impact not only on the marine ecosystem but also on the livelihoods of coastal communities and the human rights of seafarers. In line with the criticism of the lack of attention by governmental and non-governmental bodies to SDG 14 dedicated to underwater life , are also Monsterrat Pintado Lobato, Irene Rodríguez Manzano and Carlos Teijo García. Their thorough contributions promote awareness-raising on the topic and reflect the enormous importance of this goal with multiple ramifications, all of them interconnected with the other SDGs.

The approach taken by Montserrat Pintado highlights the "integrated character" of the 17 SDGs by cleverly presenting the tensions that arise within the EU when the so-called "green" and "blue" economies intersect. The still-ongoing debate on the conceptual definition of "blue economy" acknowledged by the author is further explored by Irene Rodríguez, who uses the term as a baseline when explaining how to move towards a sustainable fisheries system that "leaves no one behind". Carlos Teijo's chapter, also framed within SDG 14, neatly dissects the implications that the adaptation to the principles of sustainable development is having for international law. Using the prohibition of subsidies which contribute to overcapacity and overfishing (14.6), the author illustrates how the mechanisms of international trade, maritime, and environmental law come together, albeit not without difficulties.

Within the framework of the EU, Professor Beatriz de las Heras offers an excellent analysis of how SDG 13, referring to Climate Action, finds in the European Green Deal the strategic framework with which the EU intends to achieve climate neutrality. Recognizing the harsh impact that COVID-19 had on the economy and society, and keeping in mind the integration of sustainability as a cross-cutting objective, the EU has been introducing paradigms such as "competitive sustainability" in order to foster post-pandemic recovery and to position the EU as a world leader in this transition. In any case, the Green Pact will be complemented by other instruments such as the European Climate Pact, regulations and directives on, for example, emission rights, or the European Climate Law-linked to the Paris Agreement. In conclusion, until 2050, the binding date for achieving climate neutrality, this framework will need to be further strengthened. In this sense, for David Carrizo Aguado, the European Green Pact has been a missed opportunity in terms of further concessions for the protection of those who migrate because of the burdensome consequences that have their origin in the environment. According to the author, not only the EU but also the 26th Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) itself has failed to make any concrete proposals on such population displacements and forced migrations. David Carrizo's chapter addresses the challenges to the protection of climate-displaced persons in the 21st century from the perspective of private international law. His contribution, which concludes with the hopeful wish that the new European Pact on Migration and Asylum promotes cooperation and efforts to protect this collective, brings the reader closer to the issues more directly related to people, the core of the second part of the book.

The section on *People* consists of five chapters and as might be expected, it looks at how international law protects individuals, especially those in vulnerable situations such as migrants, refugees, unaccompanied minors, or children with disabilities.

Cristina Churruca Muguruza's chapter opens this section of the book by bringing to the centre of the debate two international instruments aimed at governing migration, by ideally following goal 10.7, that is: "facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies". To this end, Professor Churruca contrasts the Global Compact for Safe, Orderly and Regular Migration, adopted at the end of 2018, with the position of the EU and its new European Pact on Migration and Asylum. The author assesses this position as "paradoxical", since "despite having presented a common position and decisively influencing the negotiations, the EU becomes the region with the greatest opposition to the Global Compact, questioning the very existence of a common foreign policy in this area". The EU also occupies an important place in the contribution by Sílvia Morgades Gil, who explains in detail how the international subjectivity of refugees is reflected in both international and European law. The author does not overlook the importance of the date of adoption of the 2030 Agenda, since 2015 was "a particularly complicated year in terms of forced migration", which resulted in this issue reappearing as an object of concern and regulation in the international forum. This chapter provides a rigorous timeline of the past and, perhaps, future legal developments of refugees as subjects of law in the various international bodies of law.

Further exploring the implementation of the SDGs in a migratory context, we find Lucas Andrés Pérez Martín's contribution. His chapter presents, in an optimistic light,

the "Reglamento de Extranjería" (the Spanish Regulation for foreigner's rights) after its 2021 recast, setting the specific focus on the protection granted to non-accompanied children. This much-needed reform at the national level bears on the better achievement of SDGs 3 (healthy lives and well-being for all at all ages), 8 (decent work for all), 10 (reduce inequality within and among countries), and 16 (peace, justice and solid institutions). However, as Lucas Pérez warns, we should not be indulgent. In the absence of a regulation that could have been more courageous, we must be vigilant that the political will (as well as the administrative rigour) does not falter in its fulfilment.

The following chapter, written by Mercedes Soto Moya, dissects in a detailed and orderly manner the legal-documentary consequences and the consequences for the right to family life of the application for international protection. The author's examination of the state of the art in private international law, using the Spanish context, allows for *lege ferenda* proposals aimed at better achieving SDGs 1, 2, 3, 4, 8 and 10.

Professor Begoña Rodríguez Díaz is responsible for closing the section dedicated to people, and she does so in a highly competent manner with a chapter dedicated to another group of "vulnerable people": children with disabilities. The situation of these minors is even more defenseless than that of adults with disabilities, 80% of whom live in poverty. Indeed, children with disabilities are among the most underprivileged groups in the world, which is why as many as 10 SDGs mention either persons with disabilities or children as beneficiaries of rights and anti-discrimination measures. It is worth highlighting the table created by the author in which the 2030 Agenda is contrasted with the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD) before identifying the EU as an appropriate forum for the further development of protection measures. In any case, there is plenty of room for manoeuvre and the magnitude of the challenge should not discourage action.

In the third section of the book, dedicated to *Prosperity*, emphasis is placed on the involvement of the private sector and corporations, which are key actors in achieving the SDGs because of their capacity to generate innovation, investment, employment, and the development of new technologies. Due to the impact of its regulatory frameworks, the EU also occupies a prominent place in this part of the book, with all six chapters being devoted in greater or lesser measure to European law and how this framework addresses those SDGs that are more directly linked to prosperity.

In the first place, Mercedes Guinea Llorente questions whether the 'Next Generation EU' Programme guarantees a sustainable, equitable and competitive development model or if all the references to the 2030 Agenda and to specific SDGs are merely rhetorical clauses. Her response is that the analysis of the Next Generation programme in the light of the SDGs reveals that the development model of this new policy indeed includes the triple economic, social and environmental dimensions. However, Professor Guinea is aware of the short periods of implementation, thus concluding that the analysis is currently limited to how this policy is formulated. We will have to wait to see whether the goals will be achieved and whether the funds already approved will be enough.

For its part, Guillermo Palao Moreno addresses the notion of 'decent work' as conceptualised in European private international law. SDG 8 aims to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent

work for all. However, as the author points out, "decent work" already appeared in the Millennium Development Goals and in many instruments adopted by the International Labour Organisation (ILO) and the EU itself. Insofar as international private law entails certain limits concerning the regulation of decent work (such as fragmentation, an unequal legal framework, the eminently state character of the systems, etc.), Guillermo Palao suggests, among other things, that "the European regulatory response to this respect should serve as an inspiration and model for the international legislator".

In the next chapter, Xavier Fernández Pons focuses on how the EU is promoting sustainable development through international trade. By drawing on an exhaustive and rich analysis of the key measures adopted by the EU in its trade policy, Professor Fernández provides the clues necessary to understand the next moves within the WTO. This contribution sets out how the EU is seeking to change the paradigm of international trade and lead the transition towards a sustainable model through measures such as the inclusion of a chapter on trade and sustainable development in its preferential trade agreements negotiated with third states, through autonomous measures, or its Generalised System of Preferences. Nevertheless, this ambitious proposal is not without its difficulties, including resistance from emerging economies and developing countries or the uncertainty of how the WTO adjudicating bodies will view these EU's measures.

Moving down a step to reach the corporate level, we find Vésela Andreeva Andreeva's contribution, which presents the EU's Directive 2019/2121 on corporate mobility. This chapter highlights how European regulation, which seeks to protect members, employees, and creditors of companies in situations of cross-border conversion, merger or division, might, on the other hand, be a limitation to the freedom of establishment enshrined in the EU Treaties and whose only permitted limit is in cases of abusive, fraudulent or criminal purposes. After a careful analysis of the abovementioned new Directive, Professor Andreeva concludes that it can be positively assessed insofar as it accomplishes the European Commission's objective of avoiding the lack of a harmonized EU legal framework regarding cross-border conversions and divisions.

Finally, the last two chapters of this third section, address important intangible challenges of the online world. Antonio Merchán Murillo makes special reference to the EU regulatory framework when discussing the importance of digital identity in the framework of the SDGs, and Lucía Modroño Pérez closes the block by introducing the new regulatory framework in the EU to strengthen the resilience of critical entities and network security against cyber threats. These two contributions nail down the steps that the EU is taking to keep their citizens, companies and infrastructures safe in one of the realms on which future "prosperity" will depend most.

The fourth section of this publication is dedicated to *Peace, Justice and Partnerships*. Resolution 70/1 emphasises the universality of the 2030 Agenda, urging all countries, regardless of their level of development, to participate in and contribute to the achievement of the SDGs. While it is very comprehensive and it emphasizes the importance of collaboration between governments, civil society, the private sector, and international organisations to implement and monitor progress towards these goals, the Agenda fails to explicitly address the commitments that must be made in the field of international security. The only mention to "peace and security" can be found in paragraph 35, when it is stated that "sustainable development cannot be realized

without peace and security; and peace and security will be at risk without sustainable development". The absence of a direct reference to such a topic is the object of Cástor Miguel Díaz Barrado's chapter. In a discursive style, Professor Díaz Barrado illuminates the areas of the international architecture where the security-development nexus is most evident. Thus, he brings up reports of previous Secretary Generals, UN General Assembly Resolutions, and declarations of the Organisation of American States or the Organisation for Security and Cooperation in Europe that include an evolved and broader notion of security. Although thanks to his analysis it can be concluded that the 2030 Agenda tacitly recognises the importance of peace and security as a building block for achieving the SDGs, Goal 16 which comes closest to the issue , only touches on international peace and security in a very tangential way.

Indeed, SDG 16 aims at the promotion of peaceful and inclusive societies for sustainable development, access to justice for all and effective, accountable and inclusive institutions at all levels. Precisely this last nuance referring to all levels, including the local one, is the benchmark used by Óscar Mateos Martín when deconstructing Goal 16. Acknowledging that "the 17 SDGs are born in a context in which problems and solutions are no longer exclusively defined by the global North towards the global South, but in a much more shared manner", Professor Mateos offers an in-depth analysis of how SDG 16 came into being to later assess its impact on an increasingly contested international peacebuilding agenda. He also discusses the need to ensure "local ownership" in the implementation of this Goal before concluding that, so far, it has been more rhetorical than real.

Estrella del Valle Calzada's chapter addresses land grabbing, a phenomenon that has a direct impact on the implementation of SDGs at the local level and is often embodied by transnational corporations with a voracious appetite for investing in agricultural land, monopolising territories and hoarding resources. This important contribution concludes, after presenting the main legal initiatives in the field, that "existing instruments are insufficient to curb corporate interests and defend the rights of local communities", even though the effective fight against land grabbing would have a direct and positive impact on the achievement of SDGs 1, 2, 5, 14 and 15.

Also focusing on irresponsible business practices, the chapter by Daniel Iglesias Márquez explores the synergies between the Guiding Principles on Business and Human Rights adopted by the UN Human Rights Council in 2011 and the 2030 Agenda. Furthermore, at the European regional level, the author considers the extent to which the EU's business and human rights agenda contributes to and complements the SDGs of the 2030 Agenda. Once again, we see that despite the efforts, there remain problems in the implementation. In the case of the EU, its actions despite being forward-looking have not yet succeeded in transforming the paradigm of the current unsustainable economic model in which businesses operate.

Tackling access to justice at the heart of the international legal order, Francisco Javier Zamora Cabot uses the *Doé v. Nestlé* case before the US Supreme Court to dissect the impact of the High Court's decision on transnational human rights litigation arising from corporate actions. Professor Zamora also reviews relevant judicial decisions from other forums (US, UK, Hague Court of Appeal, etc.) in an orderly fashion. All of this allows him to conclude that the Alien Tort Statute, regardless of how long it remains relevant,

has already amply demonstrated its importance in the defence of human rights in the context of business interaction. On his side, Josep Gunnar Horrach Armo also addresses access to justice in such cases but within the European context. His chapter analyses the suitability of *forum necessitatis* in the EU as a mechanism to protect human rights violated by transnational corporations. After reviewing the requirements of subsidiarity, exceptionality and sufficient connection, Professor Horrach concludes that as long as these conditions are respected, it would be advisable to include a *forum necessitatis* in the forthcoming reform of the Brussels I Regulation. The ultimate objective would be to reduce the denial of justice in human rights matters.

Finally, as previously advanced, the fifth and last part of the publication is dedicated to *SDG 5 and the violence against women* of all ages. Its four timely contributions cover the most relevant international mechanisms currently in place to achieve gender equality and empower all women and girls. While each of the authors addresses a different aspect of this goal, the identification of the lack of enough political will and provision of resources seems to be, so far, a permanent flaw of all mechanisms.

Against the backdrop of 1325 UN Security Council Resolution of 2000, Magdalena M. Martín Martínez provides an analysis of how the 2030 Agenda presents some synergies with the Women, Peace and Security Agenda (WPS). Moreover, Professor Martín offers a forward-looking critical approach on how to rethink the international legal framework in the fight against women and girls. The adequacy of international law to address inequalities against women is contested, according to the author, due to the fragmentation and legal gaps in conventional instruments such as the CEDAW, due to the growing disconnect between international theory and praxis (where international courts barely intervene), and due to the lack of intersectionality (i.e. the failure to recognise that womanhood intersects with other categories such as race, age, disability, etc.).

Also within the UN framework, Dorothy Estrada Tanck resorts to the work undertaken by the United Nations Working Group on discrimination against women and girls to offer a set of experiences and good practices in the fight against one of the most spread-out threats in the world: gender violence. This chapter does a good job in sounding the alarm about specific and newly identified forms of gender-based violence such as that perpetrated in the political and electoral arena or that which occurred in the context of a pandemic.

Though aware of the seriousness and expansion of gender violence and gender inequality, the European External Gender Agenda finds itself at a crossroads, as Itziar Ruiz-Giménez Arrieta exposes in her chapter. Despite some substantial achievements in the EU's global promotion of gender equality over the last three decades, and especially since the adoption of the Women, Peace and Security Agenda and the 2030 Agenda, gender issues in the EU's external action still suffer from a lack of political will, a scarcity of resources (human, economic and material), excessive double standards and the habit of always prioritizing the securitization of development aid funds.

The final chapter of both section 5 and the book as a whole is signed by Rosario Espinosa Calabuig. Her detailed and nuanced contribution focuses on the possibilities offered by private international law, which the 2030 Agenda seems to have ignored, to deal with one of the most domestic aspects of gender-based violence: international

child abduction. Professor Espinosa reviews international (CEDAW, Hague Convention, Istanbul Convention), European (Directive 2012/29, Council Framework Decision 2001/220/JHA), and national (Law 4/2015, Organic Law 1/2004) instruments before concluding with the identification of the main obstacles, both procedural and political, that prevent the full achievement and implementation of SDG 5.2.

In summary, this book is a powerful tool to educate, inspire and mobilize States, subjects and international actors toward action for a more sustainable and inclusive world. The detailed analysis of the specific challenges provided by its 28 authors, the diverse focus used to explore the implementation of the 2030 Agenda (governments, private sector and civil society), and the concrete examples of how international and European regulation pursue the SDGs, offer a complete, clear, didactic and inspiring vision of the most pressing challenges and the most valuable efforts made to respond to the needs identified in each sphere of action.

Ana Sánchez-Cobaleda

SYbIL | Spanish Yearbook of International Law

URBANEJA CILLÁN, Jorge, *La crisis del Estado de Derecho en los Estados miembros de la Unión Europea*, (Aranzadi, Pamplona, 2023, 352 pp.)

There are undoubtedly fashionable topics and what this book deals with is certainly one of them. This is proven by the fact that at the time we write these lines the issue of the Rule of Law is hotly topical in our country due to events that are on everyone's minds. The work we are discussing, however, is built with the desire to transcend what is a simple issue of current affairs and approaches the analysis of the matter with an ambition and a solid doctrinal background that must be fairly weighed.

With this aim, the author proceeds to present the foundations of the concept in International Law, in the Law of the Council of Europe and, fundamentally, in the Law of the European Union to which, as the book's title reveals, he dedicates the bulk of the work. Regarding the first, the almost titanic efforts to present a notion of the Rule of Law present in the heterogeneous work developed within the United Nations should be appreciated. However, the complex work, the author acknowledges, leads all the more to benevolently admitting that said process has led, at most, to "forming a principle yet in progress".

The investigation into the work of the Council of Europe on the matter is more solid, since it is identified as a constitutive principle of the Strasbourg organization and the commitment to its realization has led to the creation of a specific body: the Commission for Democracy through Law — better known as the Venice Commission — which has been playing a fundamental role in shaping the most outstanding characteristics of the notion, within the framework of its constitutional advisory activities in the processes of democratic transition developed fundamentally in the Eastern European States. But, as the author highlights, the commitment of the Council of Europe to the concept of the Rule of Law is also projected in the activity of its Parliamentary Assembly and also finds projection in the jurisprudence of the European Court of Human Rights. In fact, the European Court has developed a detailed jurisprudence on the independence and impartiality of the judicial bodies of the States parties to the European Convention on Human Rights, confirming the existence of serious deficiencies in the functioning of the rule of law in some of them (Russia, Ukraine, Turkey, Hungary and Poland). In spite of this, as the author shows, the weaknesses of the mechanisms for the execution of ECtHR rulings at the disposal of the Council of Europe has greatly reduced the effectiveness of its pronouncements.

However, the core of the work obviously concerns the examination of the issue within the framework of the European Union. In the profuse analysis developed, the characterization of the Rule of Law as a value of increasing relevance, despite its recent conceptualization, as well as the examination of the political mechanisms successively devised by the EU with a view to ensuring its respect by its member states. In this order, it is not surprising that the careful examination carried out yields an obviously negative conclusion given that neither the preventive and sanctioning procedures established in the TEU nor the pre-preventive mechanism conceived by the Commission in 2014

have produced effective results. In fact, without ever having articulated the sanctioning procedure of art. 7.2 TEU, the alternative instruments used have brought about a resounding failure, without, on the other hand, a possible reform being considered on the horizon in light of the considerations set out in the Report on the Result of the Final Conference on the Future of Europe. It is true, however, that hope lies within this list of instruments: this is the case of the most innovative mechanism to reinforce the Rule of Law in the Union launched by the Commission in its communication of July 17, 2019 and through which a review cycle is established applicable to all Member States, which, as the author highlights, has proven in its still brief history to be an adequate evaluation instrument, although its effects are still imprecise. In this order, he also dedicates an epilogue in his work to the question of the renewal of the CGPJ in Spain within the framework of the aforesaid procedure.

In the face of these uncertainties, other developments has undoubtedly proven to be of greater effectiveness. This is the case, on the one hand, of the jurisdictional mechanisms and, on the other, of the financial instruments, to which the author dedicates the last chapters of his work. In the first of them, the jurisprudential doctrine recently coined by the Court of Justice is addressed and by virtue of which if not the Rule of Law itself, but the respect for the principle of judicial independence by the Member States is established as an essential element in the jurisdictional control to be exercised by the Court of Justice through the direct effect now attributed to art. 19 TUE.

In the careful examination dedicated to this jurisdictional dimension of the issue, the effectiveness of the existing procedural remedies to address the problem of judicial independence and its systematic violation by some Member States becomes clear. In fact, as highlighted in the work, the jurisprudence developed by the Court of Justice since 2018 has become the strongest pillar for the defense of the Rule of Law in the EU Member States. Thus, the appeal for non-compliance has proven to be an effective mechanism in the hands of the Court of Justice to face the Polish challenge through the provisional measures and periodic penalty payments that the Court has agreed on in the course of some of the processes carried out. In turn, the preliminary ruling has served as a promising tool for national judges to raise questions in relation to the interpretation of national regulations related to the principle of judicial independence and the responses issued by the Court of Justice have served to specify certain requirements of the principle of judicial independence with respect to essential aspects of the judicial organization in the Member States (appointments, guarantees and disciplinary responsibility). Finally, the jurisprudence of the Court of Justice has even assumed the possibility of non-execution of European Arrest Warrants in the presence of serious systemic deficiencies that affect any of the judicial systems concerned. However, in this case the solution arbitrated by the Court of Justice ("examination in 2 stages") raises, as the author highlights, some sensitive questions by placing on the judges a complex task of assessment, required undoubtedly of a normative clarification.

This issue, among others, reveals the limits that the judicial response poses to the systemic crises that affect the rule of law and explains the need to consider other mechanisms through which the EU can enhance its capacity to address this challenge. As it is known, the solution has come finally through the conditionality regime for the protection of the Union budget articulated in the Regulation 2020/2092, through which

the suspension of the disbursement of European funds is possible when two principles are cumulatively violated: the Rule of Law and the good financial management or the protection of financial interests in a sufficiently direct way. Given the relevance that the financing provided by the EU to Member States has gained as a result of the pandemic, it is not surprising that this mechanism of economic pressure has proven to be indisputably effective; especially given the guarantees and exhaustive evaluation elements provided for its application. However, the benefits of the mechanism have been called into question just at the time we write these lines (December, 2023), as the funds suspended to Hungary a measure agreed upon in 2022 have been unblocked to enable an agreement in relation to the start of the negotiations of Ukraine's accession to the EU, and therefore regardless of the persistent deficiencies in order to comply with the requirements of the Rule of Law still at stake in Hungary. In short, once again political interests have come into play, frustrating the initial objectives conceived in the Regulation 2020/2092 and calling into question the categorical and forceful defense of the rule of law that the conditionality mechanism intended to promote.

These inflections, perceived by the author himself, do not in any way cloud the rigor of an indispensable work to address a topic called to play, unfortunately, a decisive role in the future of the Union, as the most recent events concerning our country are clearly showing.

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