

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 2030 Agenda for Sustainable Development” (A/RES/70/1, 25th of September 2015) 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 Montserrat 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 *legiferenda* 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.

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