

Material and Immaterial Walls in Contemporary International Law: consequences on human rights, fundamental freedoms, security and the environment. An Introduction to the Forum.

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The recent trend of building up border walls and fences or of establishing immaterial frontiers to prevent third countries' nationals from entering countries or to make this possibility harder. This trend has acquired a particular importance and meaning in places such as many European countries or the USA, but also in different areas in Asia or Africa. However, the recourse to these obstacles, be them material or immaterial ones, has put some important International Law concepts and cornerstone categories at risk, weakening international refugee law norms but also distorting some basic concepts of the law of the sea in the case of Europe, the access to water in the Americas or, more in general, international human rights law all over the world. But also border walls and fences are deeply harming the environment, causing great potential harm to animal species.

While sociologists, anthropologists and political scientists have developed in-depth analysis on the issue, International Law has barely paid attention to this renovated phenomenon beyond classical studies pointing to the border wall on Palestinian territory or the USA-Mexico fence. The absence of any legal reflection on these problems implies, on the one hand, ignoring nowadays a new trend in understanding International Law. On the other hand, a unilateral point of view considers only security reasons which might run counter International Law hardcore values and concepts, strengthening a more regressive view of it as a cosmopolitan legal order.

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