

ABSTRACT 1/2017

IL CONFINE MARITTIMO TRA ITALIA E FRANCIA:
IL NEGOZIATO DELL'ACCORDO DI CAEN

UMBERTO LEANZA

ABSTRACT

*The Maritime Borders between Italy and France:
the Caen Agreement Negotiations*

This paper analyses the complex story of the negotiations between Italy and France about the delimitation of their maritime borders which resulted in the Caen Agreement signed on March 21, 2015 but not yet in force. The Author objects to criticisms addressed to Italy by some press and politicians about the alleged loss of parts of its territorial sea in favour of France. Moreover, the Author underlines that the Caen Agreement establishes an equitable maritime boundary line which essentially corresponds to the equidistance line and which slightly widens the Italian ecological protection zone.

THE 2016 US PRESIDENTIAL ELECTION
AND RUSSIA'S (ALLEGED) INTERFERENCE THROUGH CYBER
INTELLIGENCE COLLECTION:
A PERSPECTIVE OF INTERNATIONAL LAW

PIERLUIGI SALVATI

ABSTRACT

*The 2016 US Presidential Election
and Russia's (Alleged) Interference through Cyber Intelligence Collection:
A Perspective of International Law*

The 2016 US Presidential elections have been the target of an intense activity of intelligence collection carried out to the detriment of one of the presidential candidates, i.e. the Democratic candidate, Secretary Hillary Clinton, by hackers allegedly acting on behalf of a foreign country, specifically Russia. This paper discusses, under a perspective of international law, whether such activities – concretized in hacks aimed at collecting sensitive information as well as their following leak – may amount to a violation of rules of international law. If the mere collection of information does not seem to constitute a *per se* violation of international law, better falling in the category of unfriendly acts, their following release aimed at influencing (and determining) the electoral results might amount to an internationally wrongful act insofar as conflicting with the principle of non-intervention in the internal affairs of a foreign State.

L'ACCORDO QUADRO TRA USA E UE
SUL TRASFERIMENTO DEI DATI PERSONALI
PER IL CONTRASTO DELLA CRIMINALITÀ

MARCO MASTRACCI

ABSTRACT

*The US-EU Umbrella Agreement on Data Protection Rights
in Law Enforcement Cooperation*

This contribution focuses on the recent framework agreement called “Umbrella Agreement” between the European Union and the United States, dealing with the personal data transfer with the aim of fighting crime.

After briefly summarizing the law system of the relevant contracting parties concerning the purpose of the agreement, this paper describes its main provisions, aiming at verifying if its purpose has been actually achieved, that is, to enact a high and uniform protection level of personal data and to enhance cooperation between the United States and the European Union in matter of prevention, investigation and prosecution of criminal offence.

THE (MAL)FUNCTIONING OF THE RUSSIAN JUSTICE SYSTEM
IN CASES INVOLVING POLITICAL OPPONENTS
AND THE EUROPEAN COURT OF HUMAN RIGHTS

LAURA LIZZI

ABSTRACT

The (Mal)Functioning of the Russian Justice System in Cases Involving Political Opponents and the European Court of Human Rights

This paper investigates Russia's violations of Article 6 ECHR in cases involving political dissenters on the basis of the judgments of the European Court of Human Rights in the cases Nemtsov v. Russia, Navalny and Yashin v. Russia and Navalny and Ofitserov v. Russia. In the light of the systematic nature of the procedural flaws detected by the Court in the proceedings brought against Boris Nemtsov, Alexei Navalny and Ilya Yashin, all prominent Russian opposition leaders and vocal Kremlin critics, the conclusion is reached that pressure and interferences continue to permeate the Russian judiciary and hinder the establishment of independent courts – the prerequisite for implementing the rule of law and building a truly healthy and stable democracy.

ORGANIZZAZIONI INTERNAZIONALI, SVILUPPO SOSTENIBILE
E VEGETARIANESIMO: RECENTI EVOLUZIONI

GIOVANNI SCIACCALUGA

ABSTRACT

International Organisations, Sustainable Development, and Vegetarianism: Recent Evolutions

This paper advocates the necessity and the opportunity of the diffusion of vegetarianism – meant as the progressive and widespread decrease of meat consumption – to mitigate the effects of global warming. As environmental and climate science demonstrates that livestock industries exacerbate climate change and global environmental degradation, it is sufficiently clear that widespread meat-intensive diets should not be part of the future in a world of exponential population growth facing climate-related challenges.

The paper introduces the issue of vegetarianism in public international law through the lenses of moral philosophy, with particular focus on the role of “green diets” in Socrates’ and nonviolent thinking. Attention is also devoted to anthropocentric philosophies to prove that global environmental degradation and climate change represent such a threat to human societies that vegetarianism is no longer a moral luxury of the few, but a collective option that might help prevent ecological and societal collapse.

The main part of this work then assesses the feasibility of widespread vegetarianism by examining the scope of international law, international organisations, and State practice. Resting on the 1972 Stockholm Declaration, which calls for the solemn responsibility to protect the environment for present and future generations, and on recent UN and EU reports that highlight the need for “re-orienting consumption towards less carbon intensive food” and for “a worldwide diet change away from animal products”, this paper examines the most recent evolutions in international law (the Paris Agreement on Climate Change; the Sustainable Development Goals), to show that the international community has started to address the problem of environmentally and climatically sustainable dietary habits. Indeed, the first domestic attempts to promote “green” dietary changes have been already put in place in Denmark and China to comply with the Paris Agreement and the Sustainable Development Goals for 2030. Attention is furthermore turned to the potential relationship of similar initiatives with the EU and WTO free-trade systems.