



Jean Monnet Module
EU-GLOBACT



Transnational Crime and EU Law:
towards **Global Action** against **Cross-border**
Threats to common security, rule of law,
and human rights

EU-GLOBACT 2ND ED. INAUGURAL CONFERENCE

RIGHT TO FOOD AND FOOD SOVEREIGNTY IN INTERNATIONAL AND EUROPEAN LEGAL SYSTEMS

13th November 2024

I SESSION

RIGHT TO FOOD AND FOOD SOVEREIGNTY IN THE INTERNATIONAL SYSTEM

Chair

PASQUALE DE SENA

Full Professor of International Law, University of Palermo

BIOGRAPHY

PASQUALE DE SENA, former President of the Italian Society of International Law and European Union Law (2021-2024), is Full Professor of International Law at the Department of Law of the University of Palermo, after having taught, since 2001, as Professor, at the Second University of Naples (2001-2004), at the University of Naples “Federico II” (2004-2011) and at the Catholic University of Milan (2011-2020). He has held courses, as a visiting professor, in international scientific institutions (Hague Academy, 2016, “*Institut international des Droits de l’homme*”, 2007, 2008, 2010) and foreign universities (Université Paris I, Panthéon Sorbonne, 2010; Université Paris II, Panthéon Assas, 2012; Université de Strasbourg, Robert Schuman, 2007; Universidad de Valencia, 2008; Ph.D. courses). He has carried out, over the years, numerous research periods to his credit at prestigious foreign and international scientific institutions (Max Planck Institute, Heidelberg-Luxembourg; Academy of International Law of The Hague). He has taken part in countless national and international conferences, and has published a considerable number of studies, many of which in foreign languages (English, French, Spanish), which have appeared in the major international journals in the field, and in collective works of wide international circulation. In 2007, he founded and still has been directing since the beginning, “*Human Rights and International Law*” (quarterly, ANVUR Ranking A, published by Il Mulino), as well as the Notebooks (annual and online) of the Italian Society of International Law and the European Union (*Quaderni di SIDIBLOG*), and the Blog of the same Society. He is also a member of various editorial committees, including the series “*La ricerca del diritto nella Comunità internazionale*” (Ed. Scientifica; 2012-), “*Studi di Diritto internazionale e di Diritto dell’Unione europea*” (Id., 2011), as well as the journals “*Ragion pratica*” (Il Mulino, 2003-), “*I diritti dell’uomo*” (2004-) and “*Jus*” (Vita e pensiero, 2012-). He is a member of the Scientific



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Committee of a number of journals and book series, and, since 2013, he has been a permanent Member of the Interministerial Committee for Human Rights of the Italian Government. He has advised on many and significant occasions individuals or groups of individuals for appeals to international bodies for the protection of fundamental rights.

Keynote Speakers

MICHELE NINO | IN PRESENCE

Full Professor of International Law, University of Salerno; Key Teacher JMM EU-GLOBACT

BIOGRAPHY

MICHELE NINO is Full Professor of International Law at the Department of Legal Sciences of the University of Salerno; holder of the International Law Course and the International Protection of Human Rights Legal Clinic; Key Teacher of the Jean Monnet EU-GLOBACT Module, where he is responsible for the “Transnational Crime, EU Law and New Technologies” area as well as Member of the Scientific Committee of the IECLO (*International and European Criminal Law” on Cultural Issues, Human Rights, and Security Observatory*) multidisciplinary observatory at the University of Salerno. He has carried out numerous research activities and has participated in various specialization courses in international law and European Union law. He has participated, as a speaker, in conferences, seminars and study meetings held in Italy and abroad. He is the author of two monographs “*Terrorismo internazionale, privacy e protezione dei dati personali?*” and “*Land grabbing e sovranità territoriale nel diritto internazionale*”, as well as of numerous articles published in legal journals of international prestige. Ordinary member of the Italian Society of International Law and European Union Law (SIDI) and member of the European Society of International Law (ESIL), his research activity focuses on both international law and European Union law.

TITLE OF THE SPEECH

The Effects of the Phenomenon of Land Grabbing on the Right to Food

TIMING OF THE SPEECH: 20 minutes max

LANGUAGE OF THE SPEECH: Italian

SUMMARY OF THE SPEECH

The speech deals with the effects of land grabbing on the right to food. Land grabbing is the acquisition or lease of large land located in poor or developing Countries by governments or private investors from



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rich or expanding countries. The speech, after mentioning the characteristics of the phenomenon, will address the problem of the limitation of the right to food of local populations who are victims of dispossession and eviction, resulting from the implementation of land grabbing policies. In this context, the phenomenon of water grabbing, *i.e.* the limitation of water resources resulting from the implementation of the regimes in question, will also be examined. Finally, the speech will question the role of international law and the international community with regard to the punishment, prevention and regulation of the phenomenon, critically analyzing some solutions advanced among scholars and in international forums and proposing others that are more viable and effective.

ALDO LIGUSTRO | IN PRESENCE

Full Professor of International Law, University of Foggia

BIOGRAPHY

ALDO LIGUSTRO, Full Professor of International Law, University of Foggia, is also Ph.D. in International Law at the Faculty of Law and Political Science of the University of Bari. He carried out from 1983 to 1998 long stays of study, research and work at European institutions, universities and research centers in France, the Netherlands and, above all, Germany, where he has also worked as a freelancer (as a consultant in Italian law and private international law; consultant for foreign investments in Germany and Eastern Europe, legal translator). Since 1998 he has been teaching at the Department of Law of the University of Foggia, first as Associate Professor, then, since 2001, as Full Professor of International Law and International Trade Law (in the past also of European Union Law and Private International Law). He has held various institutional positions at the same University, including, recently (from 2013 to 2017), that of Director of the Department. He is currently one of the deputy directors of the DPCE magazine (Comparative and European Public Law, *Il Mulino*) and, since May 2017, President of the *Fondazione dei Monti Uniti di Foggia* (a foundation of banking origin). His main areas of research and publication are: International economic law, international organizations, protection of international peace and security, human rights. The treatise Paolo Picone, Aldo Ligustro, *Diritto dell'Organizzazione mondiale del Commercio*, Padova (CEDAM), 2002, pp. XXXIX-676, was awarded by the Club of Jurists of the Sturzo Institute in Rome as one of the best legal works of 2002.

TITLE OF THE SPEECH

The Growing Protection of the Right to Food and the Food Sovereignty in the World Trade Organization

TIMING OF THE SPEECH: 20 minutes max



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LANGUAGE OF THE SPEECH: Italian

SUMMARY OF THE SPEECH

The speech will focus on the relationship between the human right to food and the international trade rules, because of their divergence, be it potential or actual, as an exemplary case of fragmentation and incoherence of the international legal order. Though the multilateral trading system – first with its shift from the 1947 GATT to the World Trade Organization (WTO) and then with the last reforms brought to the Agreement on Agriculture – has become increasingly compatible with the right to food, the latter is nowadays threatened by both the erosion and the crisis of the WTO system itself, by the revival of unilateral protectionist policies, and even by the so-called land grabbing phenomenon.

MIGUEL ÁNGEL MARTÍN LÓPEZ | ON VIDEOCONFERENCE

Associate Professor of Public International Law, University of Seville

BIOGRAPHY

MIGUEL ÁNGEL MARTÍN LÓPEZ, (Madrid, 1973), is Professor of International Law at the University of Seville. He is also a member of the Steering Committee of the *Observatorio del Derecho a la Alimentación de España* as well as of the *Centre Lascaux sur les transitions*. Prof. Martín López has received several research awards on the issues of the right to food. He was also a member of the Chair of Hunger Studies at the University of Cordoba.

TITLE OF THE SPEECH

Derecho a la alimentación y cambio climático_/ Right to Food and Climate Change

TIMING OF THE SPEECH: 20 minutes max

LANGUAGE OF THE SPEECH: Spanish

SUMMARY OF THE SPEECH



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Emissions caused by the current form of food production are responsible for a considerable proportion of climate change. Climate change will also lead to increased food insecurity. It is therefore necessary to give a firm and rapid legal response to these situations from the right to food.

CLAUDIO DI TURI | IN PRESENCE

Associate Professor of International Law, University of Calabria

BIOGRAPHY

CLAUDIO DI TURI, is Associate Professor (qualified as Full Professor) of Public International Law and European Union law at the Business and Legal Department of the University of Calabria. He is deputy coordinator of the Doctorate “*Teoria e Prassi del diritto*”, University of Calabria. He is elected member of the selecting Committee of the School for the preparation of legal professions. He obtained his law degree at the University of Bologna “Alma mater Studiorum” (*summa cum laude*), and the Diploma of Higher Studies in International Law at the Graduate Institute of International Studies (University of Geneva), Switzerland. After serving as an assistant at the chair of Public international law (University of Geneva) held by Prof. Luigi Condorelli, he worked as an external consultant in the ILO Legal division (1996), in the ILO Standards Policy Branch 1999-2000) and in the Legal Department of Regione Calabria. He taught in Italy at the Universities of Catanzaro and Verona; abroad, he was visiting Professor at the Universities of Artois/Douai (France), Skopje/Tetovo (North Macedonia) and the University Nostra Signora del Buon Consiglio (Tirana). He gave lectures for the Universities Carlos III (Madrid), Geneva, Neuchatel. He organized conferences at the Universities of Calabria and Verona; he also was invited as a speaker in various conferences. He is the author of a monograph on the right to food in the international legal system, of a book on the role of ILO and WTO in the context of globalization, and of several articles and chapters on social rights, WTO’s Agreement on Agriculture, and food security both in the context of human rights law and international humanitarian law. His main research fields focus on International Human Rights Law, International Trade Law and the Law of WTO, International Humanitarian Law.

TITLE OF THE SPEECH

The Right to Food, Food Sovereignty and the Sources of International Law: What Role for Soft Law?

TIMING OF THE SPEECH: 20 minutes max

LANGUAGE OF THE SPEECH: Spanish

SUMMARY OF THE SPEECH



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The speech aims to analyse some legal relationships between the right to food and food sovereignty on the basis of applicable law, with particular attention to soft law. In this context, a legal definition of the right to food will be given as a fundamental human right related to economic, social and cultural rights. The right to food is enshrined in various sources of international law, whether conventional or non-binding. This different regulation, far from weakening its normative force, raises the question of the possible existence of customary rules that protect this right. The interpretative role of some UN monitoring bodies also seems to contribute to the emergence of such a standard. However, the existence of such a customary rule is, at the very least, doubtful despite recent practice within the United Nations that testifies to the growing importance of “new” subjects of international law, such as indigenous peoples, and the new legal categories claimed by such entities, such as food sovereignty.

II SESSION

RIGHT TO FOOD AND FOOD SOVEREIGNTY IN EUROPEAN LEGAL SYSTEM

Chair

ANGELA DI STASI

Full Professor of International Law and EU Law, University of Salerno; Former JM Chair on “Judicial Protection of Fundamental Rights in the European Area of Freedom, Security and Justice”; JMM EU-GLOBACT Key Teacher

BIOGRAPHY

ANGELA DI STASI is Full Professor of International Law and European Union Law at the Department of Legal Sciences (School of Law) of the University of Salerno, where she also teaches “Sustainable Development in the Mediterranean Area: Fundamental Legal Notion”. At the same institution she was appointed as UNISA Rector’s Delegate for Equal Opportunities and Coordinator of the Ph.D. in “Legal Sciences”. Member of the Italian Universities’ Conference of Rectors (CRUI) Commission on Gender Subjects and part of the CRUI Governance Working Group. Founder and Director of the Observatory on the “*European Area of Freedom, Security and Justice*”; Founder and Editor-in-Chief of the journal “*Freedom, Security & Justice: European Legal Studies*” (ANVUR Ranking A); Director of the “*Freedom Security & Justice: European Legal Studies*” series of books and research. Former holder of the Jean Monnet Chair “*Judicial Protection of Fundamental Rights in the European Area of Freedom, Security and Justice*” is also Member of the Scientific Committee of the IECLO (*International and European Criminal Law on Cultural Issues, Human Rights, and Security Observatory*) multidisciplinary observatory and Key Teacher at the EU-GLOBACT (*Transnational Crime and EU Law*) Jean Monnet Module, where she is responsible for the “International



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Crime, EU Law and Area of Freedom, Security and Justice” area. Prof. Di Stasi is also Secretary General of the Italian Society of International Law and European Union Law (SIDI).

Keynote Speakers

ANNA ORIOLO | IN PRESENCE

Associate Professor of International Law, University of Salerno; JMM EU-GLOBACT Leader

BIOGRAPHY

ANNA ORIOLO, is Associate Professor of International Law, holder of EU Law and European and International Criminal Law courses, Founder and Director of *International and European Criminal Law Observatory on Cultural Issues, Human Rights, and Security Observatory* (IECLO) at the Department of Legal Sciences (School of Law), University of Salerno (Italy); holder also of International Law and Diplomatic and Consular Law courses at the Department of Management and Innovation Systems (DISA-MIS) of the same University, where she defended her Ph.D. in “International Law and Domestic Law in International Matters”; Visiting Professor at the Université Aix-Marseille; Leader of EU-GLOBACT Jean Monnet Module, co-financed by European Commission (2023-2026); former Managing Editor del *The Global Community YILJ* (ANVUR Ranking A); General Editor of the *Journal of International Criminal Law*; Invited Peer Reviewer of *International Criminal Law Review* (ANVUR Ranking A); Member of Reviewing Committee of the *Journal Rivista Freedom, Security & Justice. European Legal Studies* (ANVUR Ranking A), included in the *Marquis Who’s Who in the World*; Member of the Italian Society of International Law and European Union Law (SIDI) and of Italian Association of European Union Law Scholars (AISDUE); appointed by Rector as Representative of Juridical Area in Technical-Scientific Committee of the Linguistic Center of the University of Salerno; Lawyer.

TITLE OF THE SPEECH

Right to Food, Starvation and the European Union

TIMING OF THE SPEECH: 20 minutes max

LANGUAGE OF THE SPEECH: Italian

SUMMARY OF THE SPEECH

The speech will focus on starvation as a crime of global concern (especially in situations of conflict and humanitarian emergency) and the European Union's role in countering such crime. To this end, the first part of the speech will present a reconstruction of the international and European legal framework on



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the right to food; subsequently, it will address the impact of armed conflicts on right to food and, in particular, on the crime of starvation as a method of warfare; in its concluding section, the speech will offer a critical analysis of the European Union's response to threats to food security, especially with respect to the recent Russian-Ukrainian and Israeli-Palestinian crises.

FRANCISCO JAVIER ZAMORA CABOT | ON VIDEOCONFERENCE

Emeritus Professor of Private International Law, University "Jaume I" of Castellón

BIOGRAPHY

FRANCISCO JAVIER ZAMORA CABOT, born in Nascut a Barcelona (1951). Dr. Laude (1978). Adjunt Numerari (1983). Director of the Department of the Complutense University of Madrid (1985), UJI (2002) i (2015). Professor of International Law from 1999 to 2022 and *Degà de la Fac. De CC.JJ.* and *EE.*, UJI, (1992-1995). Professor Emeritus, since 2022. Visiting professor at the Université de Paris XII (1999). Member of several scientific associations and Ambassador member, AISDC, Lausanne. Author of 96 publications, he has held courses and conferences in prestigious forums throughout Spain. His current profiles of research concern multiculturalism and legal pluralism, the liability of multinational corporations and human rights litigation. Member of various prestigious research projects, both national and European Union's as well as by the *Comisión Académica del Pla Nacional d'Espanya Sobre Empreses* and the DDHH, Ministry of Public Administration and of the Group of Experts designated for the *Secretaria d'Estat d'Agenda 2030 per l'Elaboració de l'Esborrani de APL de la Llei de Diligència Deguda, (Empreses i Drets Humans)*, Spanish Ministry of Social Affairs, 2022.

TITLE OF THE SPEECH

Alimentación, cacao y trabajo esclavo de niños en Costa de Marfil: Relectura y balance del precedente Nestlé v. Doe, del Tribunal Supremo de los Estados Unidos / Food, Cocoa and Child Slave Labour in Côte d'Ivoire: Rereading and Taking Stock of the Precedent Nestlé v. Doe of the U.S. Supreme Court

TIMING OF THE SPEECH: 20 minutes max

LANGUAGE OF THE SPEECH: Spanish

SUMMARY OF THE SPEECH

In the *Nestlé* judgment, the Judge-Rapporteur, while acknowledging that “el trabajo forzado es una violación de la ley internacional» and admitting that the company's conduct, providing fertilizers, tools and money, contributed to this work, indicates that such “alegaciones de una actividad general



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corporativa —como la esfera de decisión— [decision-making] no pueden, por sí solas, establecer una aplicación doméstica del ATS [Acta de Agravios a Extranjeros]”. Therefore, “para establecer hechos suficientes para apoyar una aplicación interna del ATS, los demandados deben alegar más conducta doméstica que la actividad corporativa general”. The standard is set, the conduct must be carried out mostly in the United States and, as a result, the *actividad general corporativa* cannot support claims based on the ATS, according to the Supreme Court. The hereby speech will examine this finding and its possible effects, as well as present an overview of human rights litigation in the United States today.

CARMEN MÁRQUEZ CARRASCO | IN PRESENCE

Full Professor of Public International Law and International Relations, Director of the Department of Public International Law and International Relations, University of Seville

BIOGRAPHY

CARMEN MÁRQUEZ CARRASCO, Full Professor of Public International Law and International Relations at the University of Seville. Director of the Department of Public International Law and International Relations, University of Seville. Over the past two decades, her research has centered on the intersection of corporate responsibility, human rights, and international legal frameworks. She directed multiple European and international projects, including leadership in the FRAME project (FP7) coordinating WP 10.

TITLE OF THE SPEECH

El Derecho a la Alimentación en la Unión Europea: Nuevos Desafíos para las Cadenas de Suministro Sostenibles y la Responsabilidad Empresarial / The Right to Food in the European Union: New Challenges for Sustainable Supply Chains and Corporate Responsibility

TIMING OF THE SPEECH: 20 minutes max

LANGUAGE OF THE SPEECH: Spanish

SUMMARY OF THE SPEECH

The right to food in the European Union is intrinsically linked to agricultural policies, sustainability regulations and corporate responsibilities in food supply chains. This speech first explores the EU legal framework on the right to food, highlighting the key role of the Common Agricultural Policy (CAP), whose orientation has evolved towards greater environmental and social sustainability. Second, it



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addresses the challenges and opportunities of global food supply chains, highlighting their impact on human rights and sustainability. Finally, the interrelationship between food production and human rights is examined, highlighting both positive business practices that promote sustainability, and examples of bad practices in supply chains.

MARCO FASCIGLIONE | IN PRESENCE

Researcher of International Law, National Research Council (CNR, Italy); Member of Mission Appeals Tribunal (MAT, NATO)

BIOGRAPHY

MARCO FASCIGLIONE, is researcher of International Law at Italian National Research Council since 2011 where he is PI of the research project on *Corporate human Rights and environmental due diligence and the promotion of the Corporate Responsibility (CO.RE.)*. He has been awarded the national scientific qualification as Associate Professor in the area 12/E1 (international law). His scientific experience focuses in general on the international system of protection of human rights and namely on the international system on business and human rights. Other research areas include the protection of the environment, the rights of vulnerable categories (migrants, disabled persons, elderly persons, etc.), and the impact on human rights stemming from the development of Artificial Intelligence technologies. Former legal officer at the European Court of Human Rights, he is member of the Management Board of the EU Fundamental Rights Agency – FRA and serves as Judge of the Mission Appeals Tribunal (MAT) of NATO. He has served as expert for national and international research institutions (REA-H2020, COST, EC DG Justice, MIUR-VQR). Member of the Board of Editors and chief of the editorial committee of the peer-reviewed Journal *Diritti umani e diritto internazionale* he performs also peer review activities in national and international legal journals. He is co-director of the Summer School on Business and Human Rights, and is member of the following research societies: ISIL/SIDI, ELI and ILA.

TITLE OF THE SPEECH

The Right to Food and the New EU Due Diligence Directive

TIMING OF THE SPEECH: 20 minutes max

LANGUAGE OF THE SPEECH: Italian

SUMMARY OF THE SPEECH



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The speech will focus on the intersections between the emerging international legal system on business and human rights and the international protection of the right to food. In particular, it will focalize the establishment at European Union legal system level of binding human rights due diligence obligation on companies by means of the newly adopted CS3D directive; its role and potentials to safeguard the right to food in front of the risk of negative impact stemming from corporate operations along the global value chains.

MARIA CHIARA MARULLO | ON VIDEOCONFERENCE

Aggregate Professor of International Law, University "Jaume I" of Castellón

BIOGRAPHY

MARIA CHIARA MARULLO, Adjunct Professor of Private International Law, Ph.D *cum laude* at Universitat Jaume I (2014). Jaime Brunet Award for the best doctoral thesis for the promotion of human rights, Public University of Navarra (2016). Principal Investigator of the project (UJI-A2020-04): *Acaparamiento de tierras y recursos, ecocidio y pueblos indígenas*. Principal Investigator of the Emerging Group of the Generalitat Valenciana: CIGE/2022/63 “Oportunidades y desafíos en la implementación de las normas de debida diligencia empresarial en materia de derechos humanos y medio ambiente”, Deputy Coordinator of REDHEXATA, the “Red Empresas y Derechos Humanos. Incidencia especial en el extractivismo y los acaparamientos de tierra y agua”. Coordinator of the Jaume I University research group in human rights and fundamental rights.

TITLE OF THE SPEECH

Las nuevas iniciativas europeas sobre deforestación y trabajo forzoso y su impacto sobre el derecho a la alimentación / New European Initiatives on Deforestation and Forced Labour and Their Impact on the Right to Food

TIMING OF THE SPEECH: 20 minutes max

LANGUAGE OF THE SPEECH: Spanish

SUMMARY OF THE SPEECH

The speech will analyse recent European initiatives on deforestation and forced labour and their impact on the right to food. In particular, the following acts are outlined: Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 concerning the placing on the Union market and export from the Union of certain raw materials and products associated with deforestation and forest



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degradation and repealing Regulation (EU) No 995/2010 and the Proposal for a Regulation of the European Parliament and of the Council banning products made with forced labour from Union market.

Final Debate



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