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EDITORIAL

The co-editors and the Editorial team are delighted to present the seventh issue of the Latin American Journal of European Studies. This journal is a publication of the Latin American Center of European Studies (LACES), currently supported by the Jean Monnet Network Policy Debate “BRIDGE Watch” project, with funding from the Erasmus+ Programme of the European Commission. As an open-access, double-blind peer-reviewed journal, it publishes articles in English, Spanish, and Portuguese, twice a year. Its primary aim is to generate new knowledge, foster dialogue, and exchange best practices between the European Union and Latin America, with a steadfast commitment to promoting economic and social development, peace, and international security.

In this issue, in addition to contributions under the editorial lines “European Union Law and Policies” and “International Relations of the European Union with Third Countries and Latin America,” readers will find legal writings on the theme “Rule of Law in Latin America and Europe.” This topic was the focus of the current Thematic Dossier and the VII Jean Monnet Network Seminar – BRIDGE, held from March 25th to 27th, 2024, in Florianópolis, supported by the Federal University of Santa Catarina (UFSC), Brazil.

The event included a Seminar and a Scientific Roundtable, followed by a Workshop on “Rule of Law in Latin America and Europe.” Distinguished authorities and experts shared their insights and experiences, including: Rui Guerra da Fonseca, Judge of the

Editorial

Constitutional Court of Portugal; Luis Felipe Salomão, Minister of the Superior Court of Justice of Brazil; Dante Negro, Director of the Department of International Law of the Secretariat for Legal Affairs of the Organization of American States-OAS, United States; Sônia Bridi, Journalist, Globo TV, Brazil; Nuno Cunha Rodrigues, President of the Competition Authority of Portugal; and Santiago De Luca, Alternate Arbitrator in the Mercosur's Permanent Tribunal of Revision for Argentina. The Workshop featured the presentation of seven articles submitted by authors from Romania, Argentina, Brazil, Italy, and Colombia. These articles were selected through a Call for Papers organized by the Scientific Committee, which included Professor Aline Beltrame de Moura from UFSC, Brazil, Nuno Cunha Rodrigues from the University of Lisbon, Portugal, and Naiara Posenato from the University of Milan, Italy.

The thematic Dossier of this edition features selected articles from the VII Jean Monnet Workshop on "Rule of Law in Latin America and Europe," as well as contributions from renowned authors.

The first paper, written by Nuno Cunha Rodrigues, is entitled "A difícil aplicação do artigo 7.º do TUE: União Europeia e Estado de Direito" (The difficult application of article 7 of the TEU: European Union and Rule of Law). In his research, Rodrigues explores the European Union instruments to ensure that fundamental European values, including the Rule of law, are respected by Member States. He concludes that the mechanisms provided under Article 7 of the Treaty on European Union (TEU) are challenging to apply and have largely been supplanted by conditionality mechanisms, which themselves have faced legal challenges from some Member States.

The second article, written by Yeraldin Vásquez Polanco and entitled “Reconocimiento de las víctimas de desplazamiento forzado en la Ley 1448 de 2011: Procesos de revictimización e invisibilización en la Zona Bananera,” (Recognition of victims of forced displacement in Law 1448 of 2011: Revictimization and invisibilization processes in the Banana Zone), was selected by the Organization Committee as the best article of the VII Jean Monnet Workshop on “Rule of Law in Latin America and Europe.” Vásquez Polanco examines the Colombian territorial struggles that have been central to its armed conflict, resulting in the highest displacement rate in the world. The author investigates the scope and challenges of implementing the Victims and Land Restitution Law (N. 1448 of 2011), particularly in the Banana Zone, a municipality heavily affected by resource exploitation, drug trafficking, and paramilitarism. She highlights the need for a differential approach due to the majority Afro-Colombian population in the region.

Dragoș Călin presented a paper titled “The impact of the recent Case Law of CJEU Regarding Article 2 TEU On National Constitutional Values in Romania.” The article discusses the Romanian Constitutional Court’s efforts to resist the supremacy of European Union law, specifically the rulings of the Court of Justice of the European Union on the rule of law. Călin describes how the Romanian Constitutional Court has uniquely developed *ultra vires* control and identity control mechanisms. Despite pressure to change, the Court has maintained its stance from Decision no. 390/2021 and even proposed revising the Constitution to align with EU case law. However, recent developments, such as Decision no. 283/2023,

suggest a shift away from these sovereigntist decisions, emphasizing the need to set a threshold for the offence of abuse of office.

Brenda Luciana Maffei's paper, titled "La función del Tribunal Permanente de Revisión en el afianzamiento de la gobernabilidad democrática y del Estado de Derecho," (The Role of the Permanent Review Tribunal in Strengthening Democratic Governance and the Rule of Law), examines the function of the Permanent Review Tribunal (TPR) as a potential actor for consolidating democratic governance and the democratic state. The analysis centers around whether the TPR has a role in ensuring democratic governance and the rule of law in the member states involved in this integration process. The study is based on a systemic vision in which the Supreme Court of Mercosur could interact in a feedback loop with the internal legal systems of the member states.

The article by Francesco Saccoliti and João Paulo de Moura Gonet Branco, titled "O Supremo Teatro: Como o individualismo e a extrema publicidade estão minando o processo decisório do Supremo Tribunal Federal," (The Supreme Theatre: How individualism and the extreme publicity are undermining the decision-making process of the Supremo Tribunal Federal), discusses the enactment of the 1988 Brazilian Federal Constitution, which expanded the powers of the Judiciary and increased the influence of the Supremo Tribunal Federal (STF) in everyday life. The authors argue that while the decision-making process of the STF has enhanced transparency and public participation, it has also led to concerns about excessive individualism and extreme publicity. They suggest the need to reform the current deliberation mechanism of the STF.

Clara Duarte Fernandes and Juliana Coelho Lima Gac's paper, titled "Morte Social: o impacto da privação do direito ao voto em populações carcerárias impactos das (neuro) tecnologias emergentes para a (neuro)privacidade do titular," (Social Death: The Impact of the Deprivation of Voting Rights on Incarcerated Populations), analyzes the effects of restricting the right to vote for incarcerated individuals in Brazil. The authors highlight the implications of denying these individuals their citizenship rights, which exacerbates social exclusion and crime. They argue for state action and public policies to expand voting rights for prisoners, promoting social inclusion in line with the 1988 Federal Constitution.

Ena Carnero Arroyo's article, titled "La Soberanía de los Estados sobre los recursos naturales y el derecho de los pueblos indígenas a la libre determinación desde el Derecho Internacional de los Derechos Humanos," (The Sovereignty of States over natural resources and the right of indigenous peoples to self-determination from the International Human Rights Law), focuses on the principle of State sovereignty over natural resources from the perspective of International Human Rights Law. The paper examines how the United Nations and American Declarations on the Rights of Indigenous Peoples recognize their right to self-determination and collective property, proposing that these rights should extend to the jurisdiction over their ancestral lands and resources. The failure of states to respect these rights increases the risk of secession.

The following section, "Articles," includes contributions on European Union Law and Policies and International Relations of

the European Union with third countries and Latin America. Two articles are featured in this issue.

Zane Šime's article, "Project archetypes of the European research area: Exploring the occasional engagement patterns of the European Southern neighborhood," examines the engagement of the European Southern Neighborhood in the European Research Area (ERA). The research highlights how single-project encounters are the prevailing pattern, with prolonged engagements being rare. The article discusses the role of research collaborations in advancing EU objectives within the European Neighborhood Policy context.

Danilo Vicente Garcia Caceres' article, "Estudio de la opinión consultiva del Tribunal Internacional del Derecho del Mar solicitada por la Comisión de Pequeños Estados Insulares sobre cambio climático y Derecho Internacional," (Study of the advisory opinion of the International Court of the Law of the Sea requested by the Commission of Small Island States on climate change and International Law), discusses the advisory opinion issued by the International Tribunal for the Law of the Sea on climate change and international law. The article analyzes the jurisdiction of the Court, the applicability of various international law instruments, and the establishment of marine protected areas as tools for combating climate change in line with international treaties.

This edition also features an interview with Dante M. Negro Alvarado, Director of the Department of International Law of the Organization of American States (OAS) and Technical Secretary of the Inter-American Juridical Committee. This interview was

conducted on March 25, 2024, during the VII Jean Monnet Network Bridge Seminar that took place at Federal University of Santa Catarina. The interview, titled "Access to Public Information in the Americas," was carried out by Naiara Posenato, Associate Professor of Comparative Law at the University of Milan (La Statale), Italy, and Co-Editor of this Journal.

As editors of this issue, we extend our heartfelt gratitude to the authors and all contributors who made the publication of the seventh issue of the Latin American Journal of European Studies possible. We hope this edition offers valuable insights and promotes ongoing dialogue and collaboration between the European Union and Latin America.

Aline Beltrame de Moura & Naiara Posenato