

CONFERENCE ON COMPARATIVE AND INTERNATIONAL LAW

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Section I.

International Law

Friday, June 26, 2026

Online on Zoom

Conference organizers:

- **World Academy of Art and Science, United States of America**
[The Existential Threats and Risks for All Working Group](#)
- **University of Hertfordshire, United Kingdom (ARWU 2025: 801–900)**
[Hertfordshire Law School](#)
- **University of Szeged, Hungary (ARWU 2025: 401–500)**
[Faculty of Law and Political Sciences, Department of International and European Law](#)
- **Le Centre International de Recherches et études Transdisciplinaires (CIRET), Paris**
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Moderator:

Associate scientific researcher **Cristina Elena Popa Tache**, Institute of Legal Research of the Romanian Academy; Visiting Scholar at the Lauterpacht Centre for International Law, Cambridge

! Each paper will be presented within 15 minutes

! Fiecare lucrare va fi prezentată în maxim 15 minute

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SCIENTIFIC PAPERS

REFLECTIONS ON THE LEGALITY OF NICOLAS MADURO'S ABDUCTION

Associate professor **Paulo DE BRITO**

Lusófona University – Porto University Centre, Porto, Portugal

Abstract

At the start of the year, Operation Absolute Resolve led to the abduction of the then-President of Venezuela, Nicolas Maduro, who is now under US custody and awaits trial before the US District Court for the Southern District of New York (SDNY). In this paper, I will seek to address three major topics. First and foremost, whether the military incursion in Venezuela can be subsumed under a broad interpretation of Article 51 of the UN Charter within the Unwilling or Unable State doctrine. Second, which is the basis for US jurisdiction over crimes committed in Venezuelan territory. Third, as an acting Head of State, wouldn't Nicolas Maduro hold immunity according to customary international law?

SMART WATER GOVERNANCE AND EMANCIPATION: REDEFINING THIRD-GENERATION HUMAN RIGHTS

PhD. student **Enikő Emese OLÁH**

University of Szeged, Hungary

Abstract

This study conducts a dogmatic and structural re-evaluation of the human right to water as a sui generis third-generation solidarity right within the framework of public international law and global administrative law. The primary objective is to identify the "tangibility gap" between formal universal codifications, such as CESCR General Comment No. 15 and empirical realities, focusing on how contemporary digitalization ("Smart Water") and intersectional gender dynamics reshape states' due diligence obligations. To achieve this, the research applies a multi-methodological approach that combines normative legal analysis and comparative legal dogmatics with an interdisciplinary socio-legal framework. By contrasting global soft law instruments with transregional regulatory practices, the study uses an intersectional lens to examine structural inequalities, while also employing a critical infrastructure analysis to assess the legal consequences of algorithmic and automated water resource management. The findings show that conventional, state-centered legal frameworks do not adequately respond to the asymmetries created by data-driven governance, resulting in a new paradigm of "Digital Water Poverty" where technological disparities directly translate into human rights deprivations. Moreover, the study reveals that approaching water governance solely through a technocratic or market-oriented perspective intensifies gender-based vulnerabilities, confirming that effective enforcement depends on codifying distinct "water emancipation rights" that legally secure the participation of marginalized groups in decision-making processes. In the end, these findings contribute to the development of environmental constitutionalism by separating the right to water from traditional property-based dogmas and presenting it instead as a global public good. On a practical, de lege ferenda level, the study proposes a scalable, transregional regulatory model for legal practitioners and policymakers, offering a concrete framework

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to integrate algorithmic accountability, gender mainstreaming, and human rights compliance into international climate adaptation strategies.

SECURITIZATION OF WATER IN IRAN: LEGAL AND POLITICAL DIMENSIONS OF WATER SECURITY AS NATIONAL SECURITY

PhD. researcher **Reza ABBASI**
Univeristy of Szeged, Hungary

Abstract

Water scarcity in Iran has gradually shifted from an environmental and developmental concern to a matter framed in terms of national security. This article examines how the securitization of water influences the interpretation and implementation of international water law within the Iranian legal context. Using securitization theory as an analytical lens and combining it with doctrinal legal analysis, the study explores how security-based narratives affect core legal obligations such as cooperation, information exchange, transparency, and equitable use in transboundary water governance. It argues that the prevailing security-oriented approach tends to weaken cooperative legal practices by centralizing decision-making authority and restricting access to hydrological data. At the same time, the article advances a different legal argument: intelligence and security institutions, if clearly constrained by law and subject to civilian oversight, can contribute positively to water governance by enhancing data reliability, early warning mechanisms, and preventive environmental diplomacy and crisis mitigation. Through an examination of international legal instruments, Iranian statutory practice, and selected regional comparisons, the article demonstrates that securitization is not inherently incompatible with international water law. Its legal consequences depend on whether secrecy operates as a mechanism of control or as a tool of responsible and cooperative governance.

THE SHADOW ARCHITECTURE OF SOVEREIGNTY: INTELLIGENCE SERVICES AND THE GOVERNANCE OF CLOUD DIPLOMACY IN INTERNATIONAL LAW

PhD. researcher **Reza ABBASI**
Univeristy of Szeged, Hungary

Abstract

The emergence of cloud computing as the structural substrate of contemporary statecraft has generated a new and insufficiently theorised domain of international relations: cloud diplomacy. This article argues that intelligence services occupy a peculiar yet constitutive role within this domain — functioning simultaneously as instruments of statecraft, threats to diplomatic confidence, and architects of the normative frameworks through which states negotiate digital sovereignty. Drawing on international law, intelligence studies, and theories of digital statecraft, the article develops an original tripartite analytical framework: intelligence services as (i) collectors of diplomatic advantage through cloud-based surveillance, (ii) disruptors of inter-state trust and the multilateral governance of data infrastructure, and (iii) normative entrepreneurs shaping the legal architecture that governs cross-border data flows. The article examines three critical junctures—the post-Snowden international order, the extraterritorial reach of the United States CLOUD Act (2018), and the Huawei 5G infrastructure contestation — as empirical anchors for the theoretical argument. It concludes that existing frameworks of international law, including

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the law of state responsibility, the doctrine of sovereignty, and the emerging lex digitalis, are inadequate to address the structural power that intelligence services exercise in the cloud diplomacy arena, and proposes a set of de lege ferenda reforms oriented toward a principle of digital sovereign accountability. The article contributes to the growing literature on cyber diplomacy, intelligence law, and the governance of digital infrastructure by offering a theoretically integrated account of a phenomenon that has hitherto been addressed only in fragments.

THE INTERNATIONAL LEGAL FRAMEWORK OF HEALTH INSURANCE AND THE HEALTH INSURANCE LAW OF THE REPUBLIC OF NORTH MACEDONIA

PhD. candidate **Mesibe JASHARI-SHABANI**

South East European University, Tetovo, North Macedonia

Abstract

This article examines the legal, institutional, and comparative dimensions of health insurance rights, with particular emphasis on the legal framework of the Republic of North Macedonia. The study analyzes the conceptual foundations, legal nature, and governing principles of health insurance, including universality, solidarity, equality, accessibility, and sustainability, while exploring its relationship with the internationally recognized right to health. The research places the Macedonian health insurance system within the broader European context by examining the historical influence of the Bismarckian social insurance model, the healthcare structure of the former Socialist Federal Republic of Yugoslavia, and the reforms undertaken following North Macedonia's independence. Particular attention is given to the constitutional and legislative foundations of health insurance, including the Constitution of the Republic of North Macedonia, the Law on Health Insurance, the institutional role of the Health Insurance Fund, financing mechanisms, insured categories, healthcare benefits, and procedures for the realization and protection of healthcare rights. The article argues that although North Macedonia has established a comprehensive legal framework aligned with international and European standards, significant challenges remain concerning financial sustainability, demographic change, migration of healthcare professionals, administrative efficiency, digital transformation, and equal access to healthcare services. The study concludes that further modernization requires institutional strengthening, improved administrative procedures, expansion of digital healthcare systems, and continued harmonization with European social protection standards.

INTERNATIONAL COMPARISON OF BEST PRACTICES OF HEALTHCARE SYSTEMS IN PROTECTING HEALTH INSURANCE RIGHTS

PhD. candidate **Mesibe JASHARI-SHABANI**

South East European University, Tetovo, North Macedonia

Abstract

This scientific paper examines the legal, institutional and comparative dimensions of health insurance rights, with particular emphasis on Germany, Italy, Switzerland, England and the United States, as well as its role in the realization of the right to health. A comparative analysis of healthcare systems in Germany, Italy, Switzerland, England, and the United States is conducted in order to identify similarities, differences, and best practices in the protection of health insurance rights. The study examines various healthcare financing models, including social

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insurance systems, tax-financed systems, private insurance arrangements, and mixed approaches. The findings indicate that effective realization of health insurance rights depends on a combination of strong legal guarantees, efficient institutions, sustainable financing, and accessible administrative procedures. Effective protection of health insurance rights remains essential for ensuring social justice, human dignity, and equal access to healthcare for all citizens. The analyses in this research, making international comparisons of best practices in healthcare systems, recommend that further modernization of the health insurance system be achieved through institutional reform, digital transformation, strengthening preventive healthcare policies, and continuous alignment with European and international standards.

THE INTEGRATION OF REFUGEES FOR A DURABLE SOLUTION IN ZAMBIA

Lecturer **Jean Chrysostome KANAMUGIRE**
North-West University, South Africa

Abstract

The problem of refugees is currently a global phenomenon that needs a global response. Individuals flee their countries of origin due to persecution, wars, violation of human rights and climate change or environmental disasters. Refugees receive protection in the host countries and they cannot be forcibly repatriated to their countries of origin against their will. Zambia has enacted laws and made policies to protect and promote refugee rights on its territory. From its independence, Zambia has exhibited generosity in receiving refugees from its neighbouring states and southern African countries. Refugees live in specific settlements with limited freedom of movement. Zambia has naturalised some refugees from Angola, Rwanda, Somalia and Burundi to provide durable solutions to their plights. However, Zambia has changed its policies towards refugees and does not create adequate policies for refugees to socially, economically and legally integrate into Zambian territory. Zambia must re-evaluate its current laws and policies on refugees to ensure that refugees and asylum seekers are adequately protected.

THE PRINCIPLE OF THE SEPARATION OF POWERS IN RELATION TO JUDICIAL POWER AND DISPUTES OF COMPETENCE IN ALBANIA

Associate professor **Paulina GULI (HOTI)**
Faculty of Law, University of Shkoder, Albania

Abstract

This paper examines the principle of the separation of powers in relation to the judicial power and the jurisdictional disputes that may arise between them. Issues related to the interference of the judicial authority in the functions of other branches of power, and vice versa, are of particular interest at a time when various states are increasingly displaying authoritarian-inspired tendencies. The study is based on an analysis of recent cases encountered in practice and explores various perspectives regarding judiciary's interference in the functions of other branches of power, as well as the interference of those branches in the exercise of judicial functions. Specific cases include the suspension of a minister, seen as a direct interference in the functioning of the highest executive authority, and the creation of legal situations that can be considered contrary to the powers granted by the Constitution to both the Government and the Parliament regarding the formation and functioning of the Council of Ministers. The analysis of the influence of the judicial power on the executive power through the imposition of preliminary measures,

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considered as individual decisions of a criminal nature, confirms that no conflict of powers arises between the branches of government within the meaning of Article 131 of the Constitution. Furthermore, the analysis of constitutional jurisprudence supported by a comparative analysis confirms that judicial decisions are reviewed only by the highest court. No other authority can assess their legality as long as they have not been amended or annulled by a higher court. Any intervention by other state authorities in this regard constitutes a violation of constitutional principles.

THE DISTRIBUTION OF RESPONSIBILITY IN RELATION TO THE EUROPEAN MIGRATION CRISIS

Associate professor **Paulina GULI (HOTI)**

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Dr. Arenca TRASHANI

Faculty of Law, University of Shkodra "Luigj Gurakuqi", Albania

Abstract

Migration and asylum governance are embedded within a broader framework of international law, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, international human rights treaties, and customary principles governing the protection of persons fleeing persecution and serious harm. Although international refugee law does not impose a formal mechanism for the allocation of responsibilities among states, the principle of international cooperation and burden-sharing has long been recognized as an essential component of refugee protection. The New Pact on Migration and Asylum of 2024, represents the European Union's attempt to reform its migration and asylum governance after the institutional and political challenges revealed by the European migrant crisis. This paper examines the New Pact as a policy instrument aimed at strengthening solidarity and responsibility-sharing among EU member states in times of migration pressure. It analyzes the main mechanisms introduced by the Pact, including flexible solidarity, relocation of asylum seekers, return sponsorship, and crisis-management procedures. Through a qualitative policy analysis, the study evaluates whether these mechanisms effectively address structural imbalances in the EU asylum system and whether they can enhance cooperation between frontline and non-frontline member states. The findings suggest that the Pact represents a significant step toward institutionalizing solidarity by introducing multiple forms of contribution that allow member states to participate according to their capacities and political preferences. As a result, while the New Pact offers an innovative framework for collective migration governance, its effectiveness as a tool of solidarity largely depends on the political will and sustained cooperation of EU member states. Overall, the study contributes to the broader debate on the future of EU migration governance and the challenges of balancing national sovereignty with collective responsibility in managing migration flows.

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INTERNATIONAL LAW AND SOUTH AFRICAN DERIVATIVE ACTION: THE RELEVANCE OF ARTICLE 23 OF FIPA

Professor Neels KILIAN

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Abstract

The Constitution of the Republic of South Africa, 1996, requires courts to consider international law when interpreting legislation and, in terms of section 233, to prefer any reasonable interpretation that is consistent with international law. Within this constitutional framework, the relationship between Article 23 of the Foreign Investment Promotion and Protection Agreement (FIPA) and the derivative action contained in section 165 of the Companies Act 71 of 2008 remains uncertain. Although section 165 establishes a complex domestic derivative remedy, Article 23 may provide comparative interpretive guidance. In particular, international law decisions rejecting the characterisation of derivative-type proceedings as mere fishing expeditions could serve as persuasive authority when assessing whether proposed litigation under section 165 is vexatious. Such authority may assist courts in evaluating the merits of derivative proceedings and the threshold requirements for their continuation. Beyond this potential application, however, the extent to which the remaining provisions of section 165 should be interpreted through an international law lens remains unclear. This uncertainty is especially evident in relation to procedural mechanisms such as the appointment of investigators and the preparation of investigative reports. Consequently, further consideration is required to determine whether, and to what extent, international law principles could provide for a suitable interpretation and development of South Africa's statutory derivative action.

THE SCREENING PROCEDURE UNDER REGULATION (EU) 2024/1356-AT THE INTERSECTION BETWEEN A CONTROL INSTRUMENT AND A SAFEGUARD FOR FUNDAMENTAL RIGHTS

Associate professor Mihaela-Adriana OPRESCU

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Abstract

As of June 12, 2026, EU member states have been required to implement the provisions of Regulation (EU) 2024/1356, a useful reference instrument and a constituent part of the new Pact on Migration and Asylum adopted in May 2024. This new legislative instrument of secondary EU law introduces an innovative concept, namely the screening procedure to which all third-country nationals who irregularly cross the external borders of the European Union are subjected prior to entry onto the territory of member states. This study aims to identify the dilemmas that the implementation of the provisions of this regulation may entail, as it constitutes the EU's legal basis for the screening procedure. In this regard, a quick reading of the regulation highlights the European legislator's express regulation of an apparently straightforward and highly technical procedure whose purpose is the identification and administrative sorting of persons attempting to enter the territory of the European Union irregularly. A careful reading, however, raises a series of questions with unknown answers. For instance, what are the consequences of screening and to what extent does this administrative filtering mechanism risk coming into conflict with the fundamental rights that member states are obliged to guarantee to all persons under their jurisdiction? Furthermore, to what extent do monitoring mechanisms exist regarding the manner in which member states implement the

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screening procedure, and how effective are they? From a methodological standpoint, this study employs qualitative analysis, grafted onto the interpretation of legal, jurisprudential, and doctrinal texts.

THE PRINCIPLE OF SPECIALITY, INTERNATIONAL COURTESY AND RECIPROCITY – THE FOUNDATION OF INTERNATIONAL JUDICIAL CO-OPERATION IN CRIMINAL MATTERS OR SMOKE SCREEN FOR THE REQUESTED STATE?

Professor Norel NEAGU

Faculty of Law, Romanian-American University, Romania

Abstract

The Romanian supreme court has recently handed down several judgments that call into question the principles of international judicial co-operation in criminal matters: international courtesy (comity), reciprocity, and the principle of speciality. Such an attitude is likely to undermine not only the rule of law and the image of the Romanian state abroad but also the commitments made by Romania to obtain the co-operation of foreign states in handing over persons requested by the Romanian courts, especially regarding the conditions imposed by the state receiving the request for the surrender of the internationally pursued person.

RECENT SANCTIONS OF THE EUROPEAN COMMISSION ON INTERNATIONAL COMPANIES OPERATING IN THE EU AREA WITH THE EFFECT OF HARMING INTER- UNION TRADE FROM THE PERSPECTIVE OF ADEQUATE CONSUMER PROTECTION

PhD. candidate Aurelian Gheorghe MOCAN

"Nicolae Titulescu" University of Bucharest, Romania

Abstract

On May 28, the European Commission imposed a fine of EUR 200 million on Temu, an international e-commerce platform owned by Chinese giant PDD Holdings (operator of Pinduoduo), under the Digital Services Act (DSA). The company failed to diligently identify, analyse and assess the systemic risks of the illegal products offered on its platform and the resulting harm to consumers in the European Union. The Commission noted that the evidence at its disposal indicates that EU consumers are very likely to purchase illegal items at a very high rate, with reference to certain selected electronic chargers that failed basic safety tests, and on the other hand, a high percentage of children's toys tested presented safety risks of medium to high severity, as they contain chemicals exceeding legal safety limits or present choking hazards due to detachable parts. The financial penalty is severe, but it is accompanied by the possibility for this company to submit an action plan to the Commission by 28 August 2026.

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LEGAL DIMENSIONS OF THE CLIMATE SUSTAINABILITY OF ARTIFICIAL INTELLIGENCE (AI)

Lecturer **Mircea DUȚU-BUZURA**

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Abstract

Digital and artificial intelligence (AI) systems now form the nervous system of the whole of society and the economy, and their environmental and climate impact (in terms of energy consumption, consumption of resources such as water and critical minerals, etc.) is growing, with increasingly negative consequences. At the same time, their operation relies on complex, opaque, and invisible infrastructures, which, in turn, give rise to numerous negative externalities - such as mining, the transport and refining of raw materials, land and energy consumption, and so on - and exacerbate the ecological footprint. The climate sustainability of AI is a complex and urgent issue; on the one hand, the technology is presented as an indispensable tool for optimizing the ecological and climate transition, while on the other hand, its infrastructure (data centers) generates a significant carbon footprint in terms of energy consumption (with GHG emissions) and water use. Without adequate regulation and proper planning of data centers, the projected climate trajectory toward achieving carbon neutrality in the second half of this century risks being compromised. Combining climate risk with technological risk in the equation of sustainable development thus represents a key factor in social and economic progress and generates a real legal challenge. The climate sustainability of the use of new technologies, as an integral but distinct part of environmental sustainability in certain respects, has important technological characteristics, which are also relevant in the context of the relevant legal response. The priority of mitigating the energy and climate impacts of large data centers is clear, and placing its regulation in the context of AI's environmental sustainability framework requires significant conceptual developments and appropriate social and technological practices. Mitigating the sector's spatial, energy, and climate impacts involves urban integration of these aspects and cross-sectoral regulation. The defining feature is reconciliation and symbiosis between economic growth, energy transition, climate neutrality, and limitation of rising global average temperatures below the critical threshold. At the same time, there are efforts to redefine the objectives of the Paris Agreement (2015) by introducing a new indicator for the conversion of clean energy, measuring the gap between the growth of low-carbon energy sources and that of total energy demand, which is to become the benchmark at future COPs under the United Nations Framework Convention on Climate Change, enhance the importance of the AI's ecoclimatic sustainability and the need for its proper governance, including through appropriate legal instruments.

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SOME CONSIDERATIONS REGARDING THE CURRENT STATE OF JUDICIAL COOPERATION IN CRIMINAL MATTERS BETWEEN DIFFERENT COUNTRIES AT EUROPEAN AND INTERNATIONAL LEVEL

Professor Phd. Habil. **Anca-Lelia LORINCZ**

“Dunărea de Jos” University from Galați, Romania,

affiliated member of the Society of Juridical and Administrative Sciences

Abstract

Starting from the consecrated meaning of the concepts of international law, international criminal law, judicial cooperation, respectively international judicial assistance in criminal matters, this study aims to highlight several current aspects regarding the judicial cooperation of states both at European and international level, in their fight against the criminal phenomenon. Applying, as main research methods, observation, documentation, scientific analysis and interpretation, this work addresses the issue of international legal assistance in the broader context of international judicial cooperation in criminal matters. The study brings to attention the possibility of using the so-called modern forms of judicial assistance in criminal matters between states, such as the spontaneous transmission of information, as well as the need to respect both the general principles of international judicial cooperation in criminal matters and the fundamental principles of international law. The work concludes by emphasizing that preventing and combating cross-border crime cannot legitimize a violation of international law.

THE EUROPEAN UNION AND THE UNITED STATES OF AMERICA'S PERSPECTIVES ON THE PRINCIPLE OF MUTUAL TRUST IN CRIMINAL MATTERS

PhD. student **Mihaela PALADE-ROPOTAN**

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Abstract

Judicial cooperation in criminal matters among the Member States of the European Union currently operates based on the trust they mutually extend to one another regarding the judgments they deliver and the criminal procedures they conduct. Building on this interstate trust, numerous legal instruments have been developed to combat organized crime and to transform the administration of justice into an efficient process in which the cross-border formalities undertaken by states are simplified. Whether we refer to the European Arrest Warrant, the European Investigation Order, or the most recent mechanism of enhanced cooperation, the European Public Prosecutor's Office, the principle of mutual trust proves both its usefulness and its necessity in the effort to eradicate cross border crime. The study aims at examining the evolutionary stage of the principle of mutual trust on the European continent in comparison with the situation in the American context, as well as the legal instruments derived from this principle within each cooperation system. Furthermore, the analysis of the case law and doctrine of the United States of America on this topic leads to the conclusion that the way the principle of mutual trust is applied may serve as a reference model for European states, offering potential avenues for improvement.