



Erasmus+ Capacity Building CALESA Project

Capacity Building for Legal and Social Advancement in the Philippines

Conference on International Law and Counter-Terrorism, Piracy and Maritime Security Threats at Sea

Manila, Philippines | 6-10 February 2023



THE CALESA PROGRAM



The **Erasmus+ Programme** is the funding facility of the European Union to support the education, training, youth, and sports programs in Europe. One of the key focuses identified by the Erasmus+ Programme, through the European Commission, is the strengthening of the international cooperation of the European countries across the regions including Asia.

The **CALESA Program (Capacity Building for Legal and Social Advancement in the Philippines)** is an initiative funded by and developed under the Erasmus+ Programme. The CALESA program expects to enhance cooperation in Asia through knowledge sharing, capacity-building activities, and academic collaboration between educational institutions in Europe and the Philippines.



"For three months, we, my dear friend Solomon Lumba and I, worked together and asked the European Union through the Erasmus+ Programme to fund the facility.

I know from the seeds we planted, that now is the moment to start experiencing the fruit. The cultivation is very incredible, fast, and so thrilling. Really! it's a dream, the conclusion is this dream is now a reality!"

José Manuel de Torres Perea

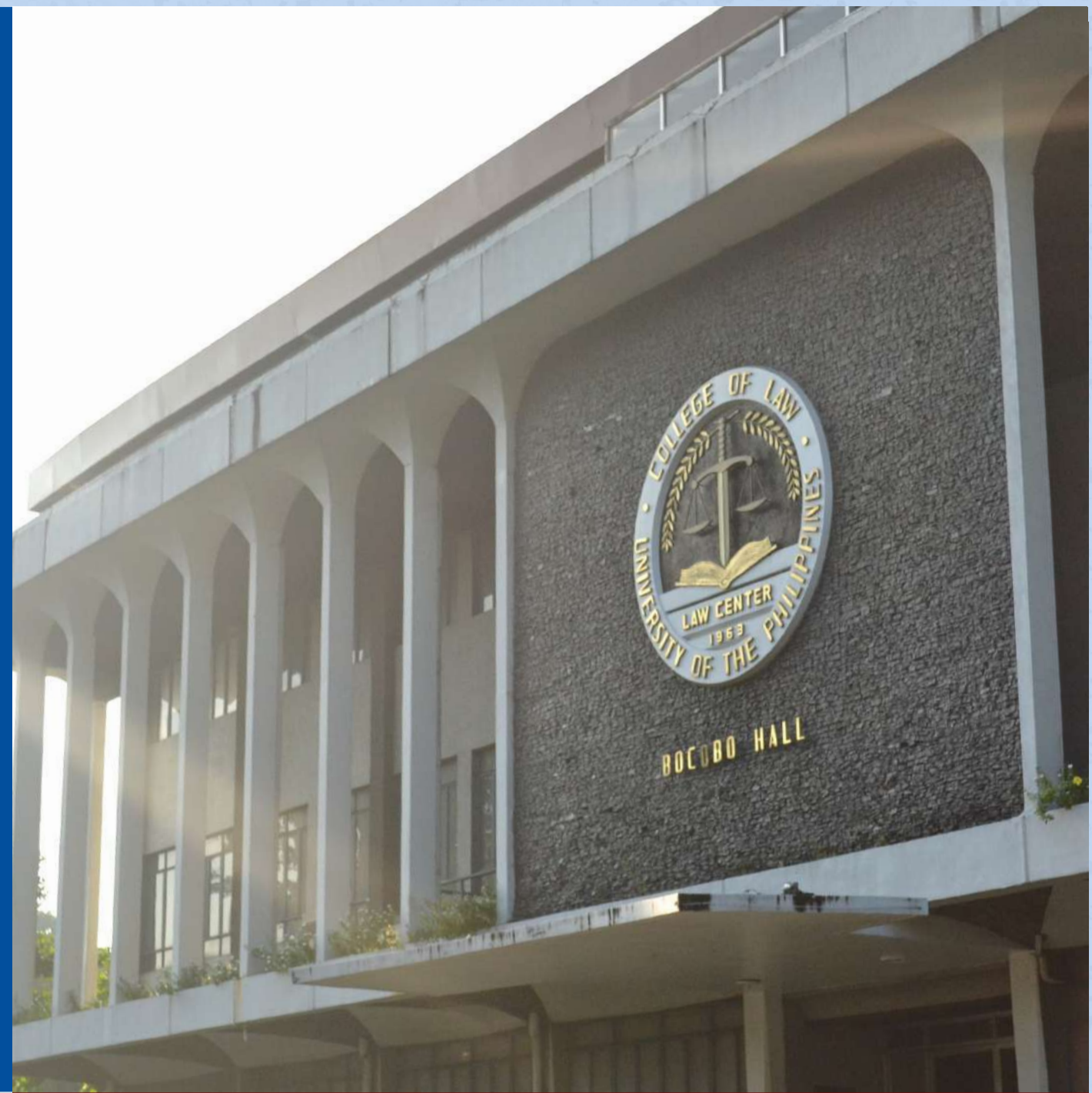
Profesor Titular, Derecho Civil
Universidad de Málaga



Co-funded by the
Erasmus+ Programme
of the European Union

ABOUT

Conference on International Law and Counter-Terrorism, Piracy and Maritime Security Threats at Sea



The **CALESA Conference on International Law and Counter-Terrorism, Piracy and Maritime Security Threats at Sea** was borne out of the collaboration between the UP Law Faculty and the experts from the University of Málaga, Universidade Nova de Lisboa, and University College Dublin highlighting the ongoing discourse and need for counter-terrorism measures and international cooperation, especially with the passage of Republic Act No. 11479 or the Anti-Terrorism Act of 2020. The Conference aims to be a platform for the delegates to discuss the EU experience of combatting terrorism vis-à-vis the Philippine experience.

CONFERENCE HOST

The University of the Philippines (UP) is the country's national university. This premier institution of higher learning was established in 1908 and is now a university system composed of eight constituent universities located in 17 campuses all over the archipelago. A UP education seeks to produce graduates imbued with an abiding sense of responsibility to their people and nation, the skills and mindsets to improve human life, and a commitment to the freedom and welfare of all.

UP LEADERSHIP



Danilo L. Concepcion
President, UP System



Fidel R. Nemenzo
Chancellor, UP Diliman

"I believe all of us involved have deepened our friendships and strengthened our formal ties as we cooperate with each other to achieve a common goal."



Edgardo Carlo L. Vistan II
Dean, UP College of Law

UP, as one of the Philippine partner institutions of the CALESA Program, collaborated with other institutions on component projects and events with the aim of capacity-building and curriculum building through permanent and ad hoc committees. Last year, the University organized a seminar on the Bologna process including two more activities: (1) Global History and the Construction of Global Citizenship, and (2) Sixth Spanish-Filipino International Scientific Congress on Modernizing Criminal Law and Private Law.

CONFERENCE CO-PARTNERS

Legislative Branch



House of Representatives

Legislative power in the Philippines is vested in the Congress of the Philippines, a bicameral body composed of the Senate and the House of Representatives. Members of the House of Representatives are comprised of both district representatives and party-list representatives who serve a maximum term of three (3) years. Currently, there are 312 members of the House of Representatives and they are headed by House Speaker Ferdinand Martin G. Romualdez, House Majority Leader Manuel Jose M. Dalipe and House Minority Leader Marcelino Libanan.



Senate

The Senate is one of the two bodies that constitute the Congress of the Philippines. Together with the House of Representatives, the Senate performs the crucial function of deliberating policies for the people and passing them in the form of statutes. It is composed of 24 senators, elected at large, who serve a maximum term of six (6) years. At present, the Senate is headed by Senate President Juan Miguel F. Zubiri, Senate Pro Tempore Lorna Regina B. Legarda, Senate Majority Leader Emmanuel Joel Jose Villanueva and Senate Minority Leader Aquilino Martin Pimentel III.

CONFERENCE CO-PARTNERS

Executive Branch



Anti-Terrorism Council

The Anti-Terrorism Council (ATC) is the body created under Section 53 of Republic Act No. 9732, or the Human Security Act of 2007, and Section 45 of Republic Act No. 11479 or the Anti-Terrorism Act of 2020 to implement the anti-terrorism policy of the country and coordinate all national efforts to suppress and eradicate terrorism in the country. The ATC is composed of the Executive Secretary as Chairperson of the Council, the National Security Adviser as Vice Chairperson, the Secretary of Foreign Affairs (DFA), the Secretary of National Defense (DND), the Secretary of the Interior and Local Government (DILG), the Secretary of Finance (DOF), the Secretary of Justice (DOJ), the Secretary of Information and Communications Technology (DICT) and the Executive Director of the Anti-Money Laundering Council (AMLC) Secretariat. The National Intelligence Coordinating Agency (NICA) acts as the Secretariat of the Council while the Anti-Terrorism Council Program Management Center (ATC-PMC) serves as the policy-making body, and the main coordinating and program management arm of the ATC.

CONFERENCE CO-PARTNERS

International Organizations



United Nations Joint Programme for Human Rights

The United Nations Joint Programme for Human Rights (UNJP) is an innovative program implemented by the Philippine government through the national government agencies, the Commission on Human Rights (CHR) and civil society organizations. Signed by the Philippines and the UN in July 2021, the three-year UNJP provides technical assistance and capacity-building for reforms in six key areas, including: domestic investigative and accountability measures; data gathering on alleged police violations; the establishment of a national mechanism for reporting and follow-up; civic space and engagement with civil society and the Commission on Human Rights; counter-terrorism legislation; and human rights-based approaches to drug control.

The Programme is being co-implemented by Department of Justice (DOJ), the Department of Foreign Affairs (DFA), the Presidential Human Rights Committee Secretariat (PHRCS), the Department of Interior and Local Government (DILG), the Philippine National Police (PNP), the Dangerous Drugs Board (DDB), the Department of Health (DOH), the Anti-Terrorism Council-Program Management Center (ATC-PMC), the Bureau of Jail Management and Penology (BJMP) and the Commission on Human Rights (CHR). Civil Society Organizations (CSOs) as well as the academe are also core partners in the implementation of the Programme.

The UN entities involved in the Programme are: the Office of the UN High Commissioner for Human Rights (OHCHR); United Nations Educational, Scientific and Cultural Organization (UNESCO); the UN Office of Counter Terrorism (UNOCT); and the UN Office on Drugs and Crime (UNODC).

PHILIPPINE PARTNER INSTITUTIONS



Philippine Judicial Academy

The Philippine Judicial Academy is a training school for justices, judges, court personnel, lawyers, and aspirants to judicial posts. As a separate but component unit of the Supreme Court, it has become an all-important factor in the promotion of judicial education in the Philippines. It receives full patronage and support from the Court which guarantees the participation of judges and court personnel in its programs and activities. At present, it is headed by Retired Supreme Court Associate Justice Rosmari Declaro Carandang.



The University of San Agustin

The University of San Agustin is an Augustinian, Catholic, and Filipino educational institution that aims to form the members of its academic community in Virtus et Scientia to serve Western Visayas, the Philippines, and the world. It envisions itself as a premier academic community of life-long learners working with one mind and one heart to search, discover, and share the Truth for the promotion of authentic human and societal development.





Ateneo De Manila University

In the spirit of being Lux in Domino, Light in the Lord, Ateneo de Manila University envisions itself as a force for good in seeking innovative and sustainable solutions to society's most pressing challenges. Rooted in its Filipino, Catholic, and Jesuit values, Ateneo is a collaborative and engaged leader in the work of social transformation through education, formation, research, and social engagement.



Ateneo De Zamboanga University

The Ateneo de Zamboanga is committed to the mission of educating and forming students to be leaders who will work for social transformation based on Filipino, Catholic, and Jesuit values, culture and tradition, and who will dedicate themselves in the service of God and country, pro Deo et patria.

EUROPEAN PARTNER INSTITUTIONS



Universidad de Deusto

Universidad de Deusto was founded in 1886 by the Society of Jesus. With campuses in Bilbao and San Sebastian and branches in Vitoria and Madrid, its hallmarks are education in skills and values, thanks to its own socially recognized teaching model. It is also characterized by its specialist research, and its commitment to justice and international outreach. The University of Deusto aims to serve society through a specifically university-based contribution based on a Christian vision of reality.



UCD Dublin

UCD is one of Europe's leading research-intensive universities; an environment where undergraduate education, masters and PhD training, research, innovation and community engagement form a dynamic spectrum of activity.

Since its foundation, the University has made a unique contribution to the creation of modern Ireland, based on successful engagement with Irish society on every level and across every sphere of activity. The international standing of UCD has grown in recent years; it is currently ranked within the top 1% of higher education institutions world-wide.

As Ireland's largest university, with its great strength and diversity of disciplines, UCD embraces its role to contribute to the flourishing of Ireland through the study of people, society, business, economy, culture, languages and the creative arts, as well as through research and innovation.



University of Málaga

The University of Málaga is highly committed to making scientific development and innovation, the grounds on which social progress rests. The efforts made to promote mobility and attract international talent have stood out in recent years, resulting in an open and cosmopolitan university involved in top-level research projects. Innovation, dynamism, and internationalization are the principles on which UMA's history is based, as well as its basis to overcome current difficulties and reinforce its duty to knowledge, society, and the future.



Universidade NOVA de Lisboa

Universidade NOVA de Lisboa was founded on the 11th of August 1973, and is the youngest of Lisbon's three state Universities. Integrated within a framework of expansion and diversification of higher education, the University adopted a new model within the Portuguese system that stressed interdisciplinary approaches, technological developments while, at the same time, safeguarding offerings in traditional academic domains including medicine, sciences and humanities.





PROGRAM SUMMARY

Day 1

Monday, 6 February 2023

TIME	ACTIVITY
8:00 AM – 8:30 AM	Registration and Welcoming of Guests
8:30 AM – 8:45 AM	Opening Remarks Dean Edgardo Carlo L. Vistan II
8:45 AM – 9:00 AM	Introduction to the CALESA Project Dr. José Manuel De Torres Perea (PhD)
9:00 AM– 10:00 AM	Basic Aspects of International Cooperation in Criminal Matters: Concept of Cooperation, Concept of Transnational Crime and General Principles Dr. Alejandro Sánchez Frías (PhD)
10:00 AM – 11:00 AM	Countering Terrorism and Protecting Human Rights: A General Approach Dra. Ana Salinas de Frías (PhD)
11:00 AM – 12:00 NN	Terrorism – An Applied Conceptual Framework Dr. Felipe Pathé Duarte (PhD)
12:00 NN – 12:30 PM	Open Forum
12:30 PM – 2:00 PM	Lunch

Day 2

Tuesday, 7 February 2023

TIME	ACTIVITY
8:30 AM – 9:00 AM	Registration and Welcoming of Guests
9:00 AM – 10:00 AM	The International Counter-Terrorism Response and its Impact on Spanish Criminal Regulation Ms. Elena Avilés Hernández (PhD candidate)
10:00 AM – 12:00 NN	The Harmonisation of Terrorist Offences at EU Level: The Overall Framework Dra. Athina Sachoulidou (PhD)
12:00 NN – 12:30 PM	Open Forum
12:30 PM – 2:00 PM	Lunch

Day 3

Wednesday, 8 February 2023

TIME	ACTIVITY
8:30 AM – 9:00 AM	Registration and Welcoming of Guests
9:00 AM – 10:30 AM	International Law of the Seas and Piracy Dr. Richard Collins (PhD)
10:30 AM – 12:00 NN	International Law of the Sea: Terrorism, Law Enforcement and Human Rights at Sea, Maritime Environmental Crimes Dr. Vasco Becker-Weinberg (PhD)
12:00 NN – 12:30 PM	Open Forum
12:30 PM – 12:45 PM	Closing Remarks Associate Dean Solomon F. Lumba
12:45 PM - 2:00 PM	Lunch

Day 4 Thursday, 9 February 2023

TIME	ACTIVITY
9:30 AM – 10:00 AM	Registration and Welcoming of Guests
10:00 AM – 10:15 AM	Introduction to the CALESA Project Dr. José Manuel De Torres Perea (PhD)
10:15 AM – 10:45 AM	Presentation of Findings on Terrorism, Piracy and Criminal Law Ms. Elena Avilés Hernández (PhD candidate)
10:45 AM – 11:00 AM	Open Forum
11:00 AM – 11:30 AM	International Law of the Seas and Piracy Dr. Richard Collins (PhD)
11:30 AM – 12:00 NN	Open Forum
12:00 NN – 1:00 PM	Lunch

Day 5 Friday, 10 February 2023

TIME	ACTIVITY
9:30 AM – 10:00 AM	Registration and Welcoming of Guests
10:00 AM – 10:15 AM	Introduction to the CALESA Project Dr. José Manuel De Torres Perea (PhD)
10:15 AM – 10:45 AM	Presentation of Findings on Terrorism, UN, EU and Human Rights before the Members of the Executive Branch Dra. Ana Salinas de Frías (PhD)
10:45 AM – 11:00 AM	Open Forum
11:00 AM – 11:30 AM	Presentation of Findings on Terrorism, UN, EU and Human Rights before the Members of the Executive Branch Dr. Alejandro Sánchez Frías (PhD)
11:30 AM – 12:00 NN	Open Forum
12:00 NN – 1:00 PM	Lunch

THE SPEAKERS

Alejandro Sánchez Frías
Ana Salinas de Frías
Felipe Pathé Duarte
Elena Avilés Hernández
Athina Sachoulidou
Richard Collins
Vasco Becker-Weinberg



Alejandro Sánchez Frías

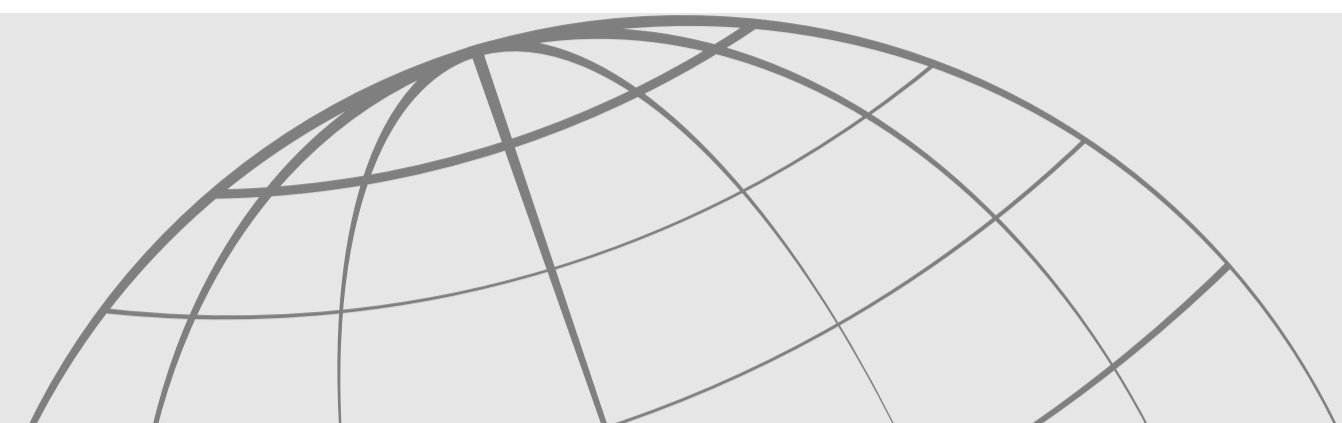
University of Málaga

ABOUT THE SPEAKER

Alejandro Sánchez Frías is an Assistant Professor of Public International Law and EU Law at the University of Málaga. He holds a PhD with Honors and a Master in Legal Practice from the University of Málaga, as well as a Master in European Studies from the University of Salamanca and an LLM from the College of Europe (Bruges).

His research interests are European Union Law and International Law, particularly in the fields of criminal cooperation and the protection of fundamental rights. He is the author of scientific contributions published in English and Spanish in national journals (*Revista de Derecho Político*, *Revista General de Derecho Europeo*, *Revista de Estudios Europeos*, *Revista de Derecho Comunitario Europeo*, *Estudios de Deusto* or *Cuadernos de Derecho Transnacional*) and foreign journals (*European Criminal Law Review*, *European Journal of Criminal Law and Criminal Justice*, *Israel Law Review*, *International Review of Penal Law* or *Anuario Iberoamericano de Derecho Internacional Penal*), as well as in the form of book chapters. He has presented the results of his research in national and international conferences in Spanish and foreign universities. He also collaborates as editor in the *Revista Española de Derecho Internacional* and as external reviewer in the *International Review of the Red Cross*, *The Age of Human Rights Journal* and the *Revista de Internet, Derecho y Política*.

Alejandro Sánchez Frías has been a visiting researcher at the Max Planck Institute for Comparative Public Law and International Law (Heidelberg), the Max Planck Institute Luxembourg for International, European and Procedural Law (Luxembourg), the Institute for European Integration (University of Hamburg), the Centre of Excellence for International Courts (University of Copenhagen) and the Center for European Law (Université Libre de Bruxelles).



ABOUT THE SPEAKER (continued)

Thanks to his research, he has received awards such as the European research and mobility grant of the Carlos V Award organized by the European and Ibero-American Academy of Yuste, the prize of the European Federation of Pharmaceutical Industries and Associations for the best work on public health policies, and one of the mentions of the Blattmann, Odio Benito and Steiner Competition on International Criminal Justice organized by the Ibero-American Institute of The Hague. He is currently a member of the MINECO research project directed by Dr. Ana Salinas de Frías "Regímenes de facto, desterritorialización de las obligaciones de los Estados y consecuencias para la seguridad, dignidad humana y sostenibilidad (PID2019-108253RB-C31)", as well as principal investigator of the project of the University of Malaga with the title "Judicial harmonization of European public law through the technique of autonomous concepts (EULOGOS)".

Basic Aspects of International Cooperation in Criminal Matters

This first lecture will serve as an introduction to the general topic of International Law and Counter-Terrorism. It will be divided in three main sections. Section I will be devoted to the concept of international cooperation in criminal matters, the forms of cooperation and its basic principles (focusing on extradition and principles of jurisdiction). Section II will analyze the first steps on international cooperation in criminal matters against terrorism and the common elements of jurisdiction and extradition in the UN Conventions against terrorism. Finally, Section III will explain how this cooperation may take place in scenarios of armed conflict.



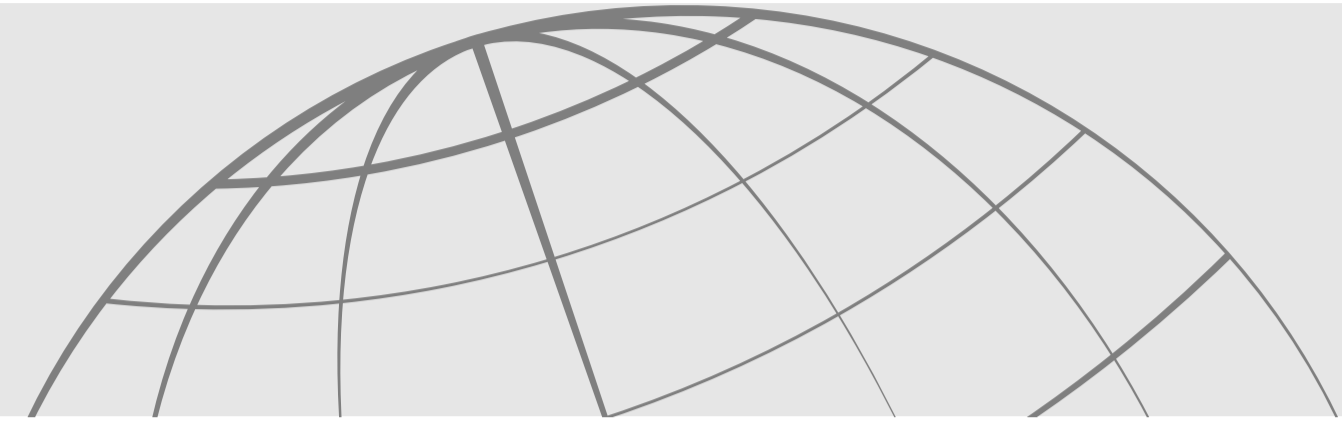
Ana Salinas de Frías

University of Málaga

ABOUT THE SPEAKER

Ana Salinas de Frías is professor of Public International Law and International Relations at the University of Málaga. She has served as legal advisor for the Council of Europe Division of Public International Law (DLAPIL). She has advised a number of foreign governments on compliance of domestic legislation with international human rights standards, in particular with regard to countering terrorism and currently works as independent legal expert for a number of CoE monitoring bodies (CDCP; CDCT; MEDICRIME; PC-OC; CDDH) and EU Committees. Her main areas of research are: human rights; refugee, asylum and migration law; diplomatic protection; security, IHL and terrorism; women and International Law. She's very much involved in EU training programmes for judges, public prosecutors and prison governors all over Europe on terrorism and radicalisation issues. She takes also active part in training for diplomats in Spain and other Arab countries. She has assessed important domestic legislation on terrorism as for their compliance with human rights standards, such as Tunisia, Jordan, Israel, Libya, Algiers, Morocco or Mauritania.

She is the author of more than 70 scientific publications in the form of books, books chapters and contributions in international law periodicals and also legal opinions and reports for international and governmental institutions. Dr. Salinas has studied at the Institut International des Droit de l'Homme (Strasbourg), the European Institute (Florence) and the Hague Academy of International Law where she obtained the Centre of Research Diploma. She has been visiting professor in a number of foreign universities such as Universidad Nacional Autónoma de México (México), New York University (EEUU), Universidad Católica de Valparaíso (Chili); Universidad de Córdoba (Argentina), University of Nottingham (UK), Università degli Studi di Milano (Italy), Incheon University (South Korea) or Western Cape University (South Africa).



ABOUT THE SPEAKER (continued)

Dr. Salinas is currently serving as Ad Hoc Judge at the European Court of Human Rights on behalf of Spain. She is also member of the Board of the European Society of International Law and President of the Spanish Society of International Law. She has taken part as main responsible person (project manager) in a number of national but also international and European research projects.

Countering Terrorism and Protecting Human Rights: A General Approach

After introducing a number of main elements in the previous lecture, I'll focus students' attention on the difficulties of respecting human rights while countering terrorism, as subsequent UN Special Rapporteurs have analyzed. In this regard the stress will be put in States' difficulties in combatting terrorism and honoring at the same time their human rights international obligations. Considering that the European Court of Human Rights is the most experienced international Court in this regard, special attention will be paid to the case law produced by this Court and the variety of problems the Court has come across for decades. In an international organization (Council of Europe) where such a rich variety of countries and situations coexist, also all potential forms of terrorism have developed, thus the approach of the Court is particularly important. Section I will deal with human rights obligations of European States; Section II will deal with main rights being breached by States' counter-terrorism approach; and Section III will approach new ways of materializing terrorist offences and new challenges posed to States in this regard.

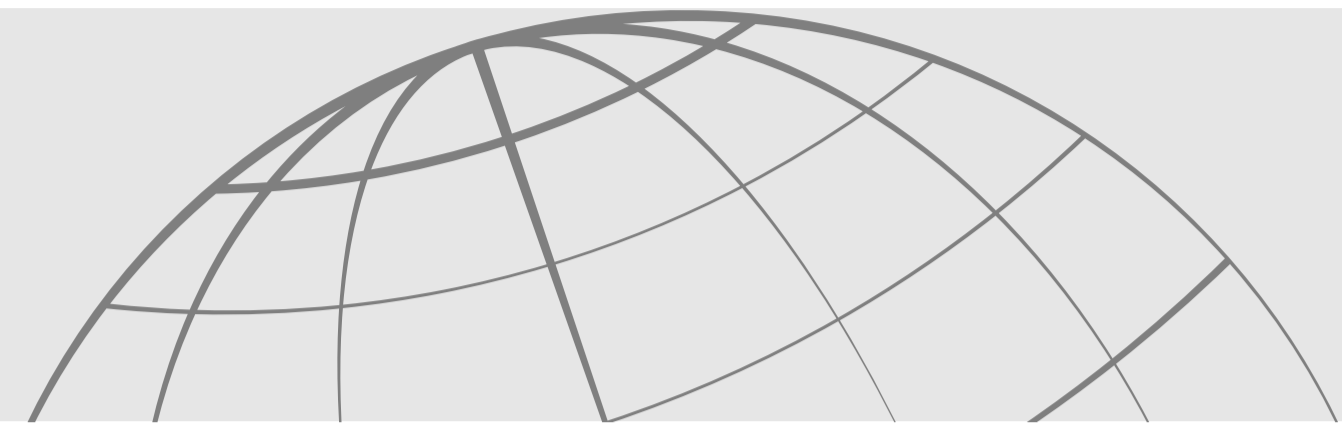


Felipe Pathé Duarte

NOVA School of Law

ABOUT THE SPEAKER

Felipe Pathé Duarte is a researcher and assistant professor at the NOVA School of Law (where he coordinates the Master's Degree in Law and Security) and the Higher Institute of Police Sciences and Internal Security, both in Lisbon. He is a senior consultant for security and geopolitical risk analysis at VisionWare, an information security private company. He is also an analyst for international security at RTP (public service broadcasting). Felipe was visiting fellow at Oxford University, and the leading US think tank, the Center for Strategic and International Studies, in Washington DC. He was a Fulbright fellow at the US National Security Policymaking Program of the US State Department. Felipe lectures at the Portuguese Institute of Higher Military Studies and the European Union Agency for Law Enforcement Training. Felipe was also a consultant for the United Nations Office on Drugs and Crime to CVE in Mozambique (Cabo Delgado).



Terrorism – An Applied Conceptual Framework

The starting point for a social scientist to analyse any political violence is to recognize that violence takes many forms, even more so in the case of terrorist violence. The actors are different, as well as the victims, the degree of violence exercised, and the temporality and purpose of the action. In truth, we can analyse terrorist violence simply as an object. Nevertheless, to explore it as a whole – and this knowledge to have practical consequences – it is essential to consider actors, meanings, and relationships. However, when we enter this field, we face a fundamental problem: the term "terrorism" equates to actors, actions and purposes that are very different. Therefore, in this seminar, we consider this problem. We start with an analysis focusing on the issue's theoretical debate. And then, we present a possible interpretative framework to overcome this conceptual knot resulting from the multifaceted nature of terrorist violence.



Elena Avilés Hernández

University of Málaga

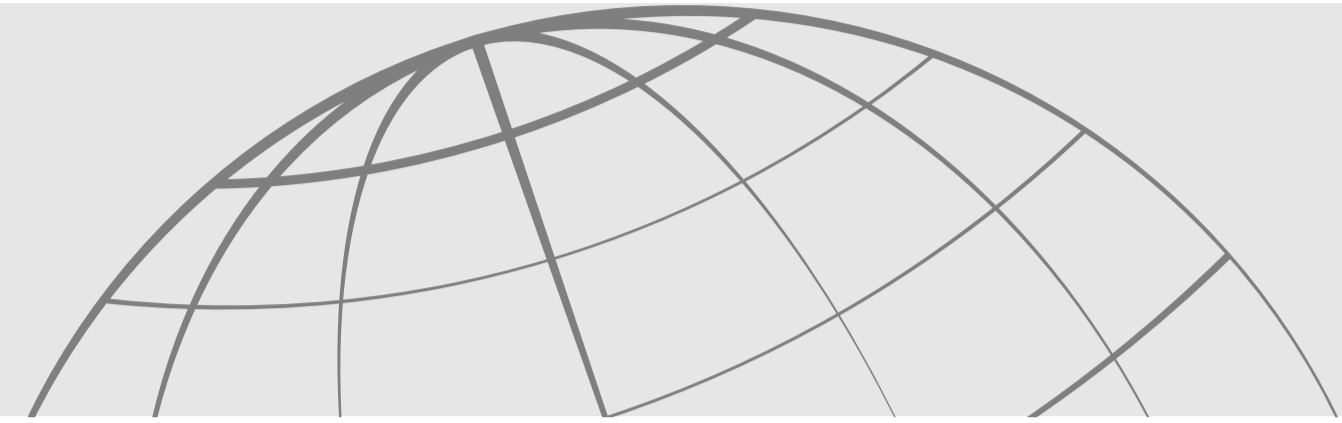
ABOUT THE SPEAKER

Elena Avilés is, since 2020, interim substitute professor of Criminal Law in the Department of Public Law at the University of Málaga. During this period, she has been working on her doctoral thesis on radicalization and terrorism, which she will shortly defend. In the two previous years, she worked as a researcher in the Criminal Law Area.

She holds a degree in Political Science and Administration and Law from the University of Granada. She has also completed two master's degrees: International Cooperation and Development Policies and Criminal Law and Criminal Policy, both at the University of Malaga. This multidisciplinary profile has allowed her to specialize in research topics related to international criminal law, criminal policy, global terrorism, political science, criminology and sociology.

As a researcher, in addition to participating in various national and international projects, she is the author of scientific contributions published in English and Spanish, either in journals (Estudios de Deusto, Revista General de Derecho Penal) or in the form of book chapters in prestigious publishing houses (Tirant lo Blanch, Routledge (Francis & Taylor Group), Ediciones Universidad de Salamanca). She has carried out research stays at the University of California, Berkeley - School of Law, United States; Università degli Studi di Cagliari, Italy and Incheon National University, South Korea.

Since the beginning of the Erasmus+ Capacity Building CALESA Project, Professor Avilés leads the quality committee and coordinates the activities of its team. She is also a member of the criminal team, which has developed several seminars and congresses in the Philippines during the year 2022.



The International Counter-Terrorism Response and its Impact on Spanish Criminal Regulation

When analyzing jihadist terrorism and its forms of prevention, it is essential to bear in mind that we are dealing with a concept with specific historical, political, social and legal problems. However, the approach to its study has been carried out almost exclusively from a legal point of view and in a reactive manner after multiple terrorist attacks. This results in great difficulty in finding the means and instruments with which to address it effectively and constant changes in the political-criminal approach from which it is approached and in the applicable criminal legislation.

In the Spanish case, the legislator seeks to materialize in domestic law an international framework of response to and prevention of terrorism. However, he introduces punitive barriers in an attempt to palliate the feeling of social insecurity produced after the latest terrorist attacks.

In order to review how the guidelines, set by supranational bodies are implemented in the Penal Code, it is necessary to delve into the origin of the terrorist phenomenon as a manifestation at the international level, as well as its legal conception and the difficulties encountered in reaching a consensus. This analysis will make it possible to assess, on the one hand, whether this legal framework has been correctly transposed to the domestic sphere and, on the other, its effectiveness in preventing a series of conducts that can give rise to the different manifestations of jihadist terrorism. Only by delving deeper into the factors that explain its existence, beyond palliating its symptoms by legislating out of fear, will it be possible to prevent it in an adequate manner.



Athina Sachoulidou

NOVA School of Law

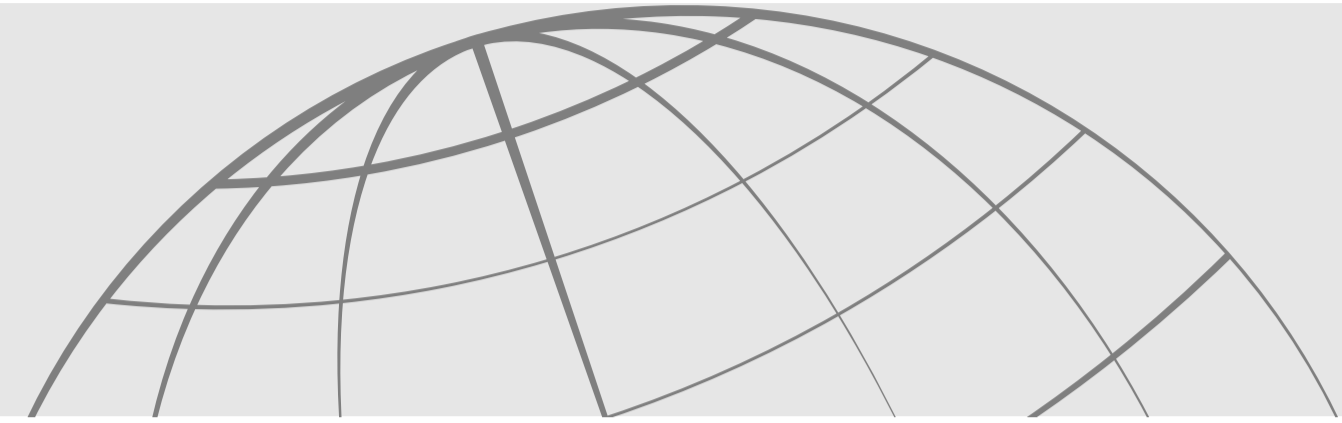
ABOUT THE SPEAKER

Athina Sachoulidou is an Assistant Professor in Criminal Law at NOVA School of Law in Lisbon. She graduated from the Aristotle University of Thessaloniki with degrees in law (BA 2011) and medical law and bioethics (M.Sc. 2014), and from the Ruperto Carola University of Heidelberg with an advanced degree in German law (LL.M. 2015) and a PhD in Law (PhD 2018) with a focus on criminal law. Prior to joining the NOVA School of Law, Athina Sachoulidou was a Max Weber Fellow at the European University Institute (Florence, Italy).

Her research focuses primarily on the following topics: corporate liability ex crimine and the study of deviant behaviour in corporate environments; the intersection of new technologies and criminal law; the impact of big-data-driven technologies on criminal procedural rights; the use of artificial intelligence in the area of law enforcement and criminal justice; cross-border access to electronic evidence.

During her doctoral studies she was presented with the DAAD award for outstanding performance of international students and doctoral candidates. Her PhD thesis 'Unternehmensverantwortlichkeit und -sanktionierung. Ein strafrechtlicher und interdisziplinärer Diskurs' was published as a monograph by the publishing house Mohr Siebeck in April 2019 and presented with the Ruprecht-Karls award for outstanding scholarly works from all fields in November 2019.

Athina Sachoulidou currently represents NOVA School of Law in the international consortium of the EU Horizon 2020 project TRACE (Grant Agreement No101022004), which kicked-off in July 2021.



The Harmonisation of Terrorist Offences at EU Level: The Overall Framework

This lecture will scrutinise the legal basis of harmonising terrorist offences at EU level and, subsequently, discuss the progressive intensification of EU counter-terrorism initiatives in the realm of substantive criminal law – with a focus on the transition from the Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA) to the Directive (EU) 2017/541 of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

The Harmonisation of Terrorist Offences at EU Level: The Directive (EU) 2017/541 and Parallel Actions

This lecture will present the terrorist offences as typified in the Directive (EU) 2017/541 and examine whether and to what extent their design is aligned to fundamental principles of national criminal justice systems, such as the protection of legal interests as a principal goal of criminal laws, the principle of proportionality and the function of criminal law as ultima ratio. Subsequently, it will address the question of how the provisions of the Directive (EU) 2017/541 may “communicate” with other recent EU counter-terrorism legislative initiatives, including, for instance, the Regulation (EU) 2021/784 of 29 April 2021 on addressing the dissemination of terrorist content online.

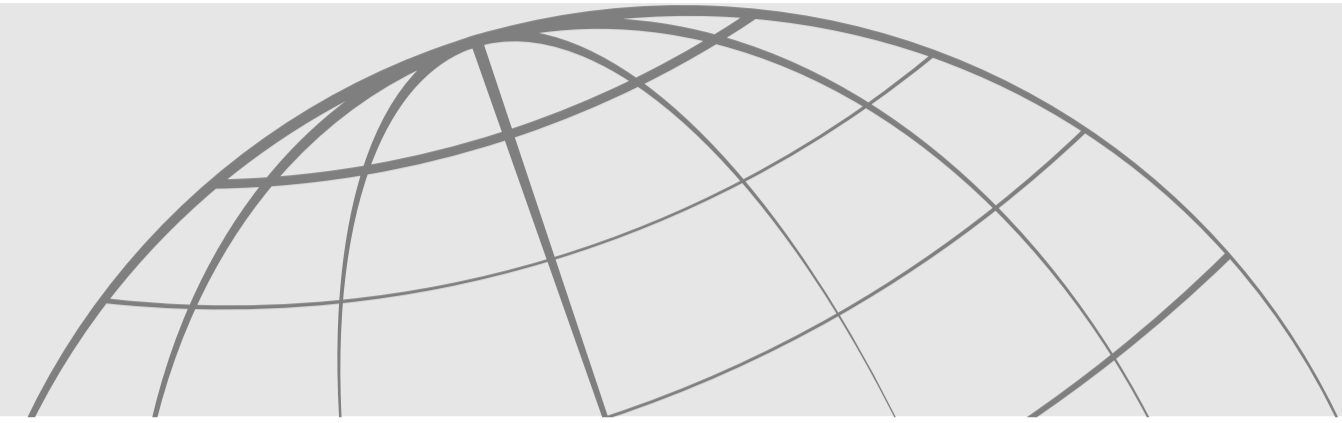


Richard Collins
University College Dublin

ABOUT THE SPEAKER

Richard Collins is, since January 2023, Professor of Law and Dean of Internationalisation and Engagement in the faculty of Arts, Humanities and Social Sciences in Queen's University Belfast. Previously, he was an Associate Professor (2015-2022) in the Sutherland School of Law, University College Dublin (UCD), where he retains a position as Visiting Professor (2023-). From 2015-2020, Professor Collins was Vice-Principal for Internationalisation in the College of Social Sciences and Law in UCD.

Until 2015, he was a lecturer in the School of Law, University of Sheffield, where he also completed his PhD in 2011. His primary research interests lie in the fields of international law and jurisprudence, and especially the law of the sea, international organisations, and international legal theory. He has held visiting research positions at iCourts Centre for Excellence at the University of Copenhagen, University of Sydney, Monash University, Melbourne, York University, Toronto, University of Amsterdam, and Erik Castrén Institute of International Law and Human Rights at the University of Helsinki. Until January 2023 Professor Collins was the UCD Academic Coordinator for the CB CALESA Project.



International Law of the Seas and Piracy

This talk will, first of all, set out the local context in relation to threats from piracy, terrorism, and related areas of maritime security, with a particular focus on the Sulu-Celebes Sea (tri-border area), recently described as a “hotbed for crime, piracy, and terrorism” (ICCT, 2021, p1). It will secondly explain the core international legal rules, principles and regimes for tackling piracy, terrorism offences at sea and related maritime security threats. Thirdly, and with reference to relevant case law, it will address core jurisdictional issues under international law generally and the law of the sea specifically, which may either help or hinder regulatory and penal responses to apparent threats. It will, finally, conclude with a look at local and regional initiatives over recent years in the anti-piracy and maritime security space in order to provide an impetus for further discussion on potential legal and policy reforms to better tackle the threats posed.



Vasco Becker-Weinberg

NOVA School of Law

ABOUT THE SPEAKER

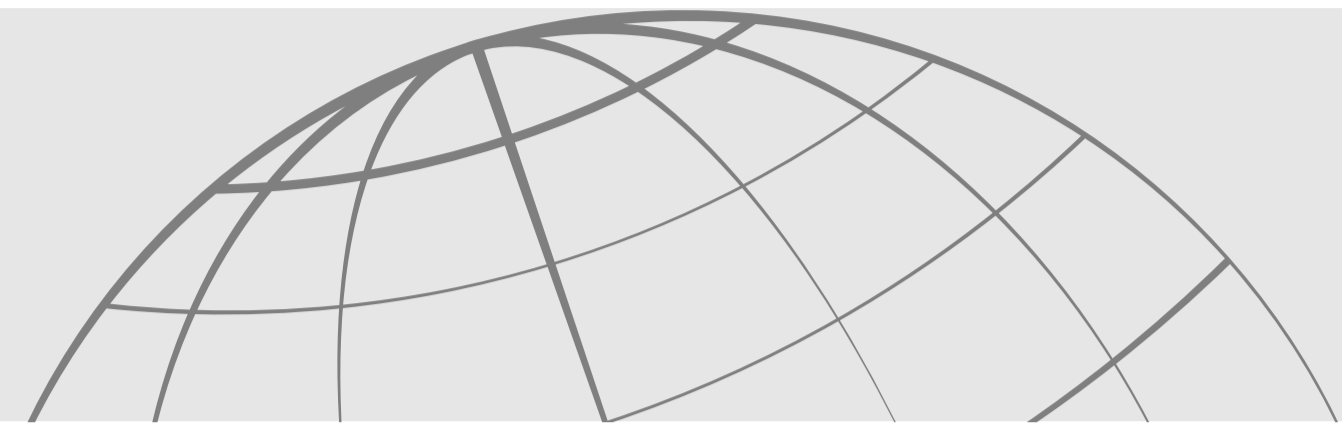
Vasco Becker-Weinberg, Dr. iur. (Hamburg), LL.M (Lisbon), is the founder and president of IPDM–The Portuguese Institute of the Law of the Sea.

He is a professor at the Faculty of Law of the Universidade Lusófona, teaching Constitutional Law, Public International Law and EU Law. He is also the founder and former coordinator of the Masters on Law and Economics of the Sea at NOVA School of Law, where he lectures on the Law of the Sea and EU Law of the Sea.

Professor Becker-Weinberg has researched at prominent academic institutions and written and published extensively on the Law of the Sea. He is also the Editor-in-Chief of the Portuguese Yearbook of the Law of the Sea.

Professor Becker-Weinberg has been on several delegations to international fora and often advises on public international law and the law of the sea matters. More recently, he has been part of the national Portuguese delegation to the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. He has also been involved in the drafting of policies and legislation on many ocean governance subjects.

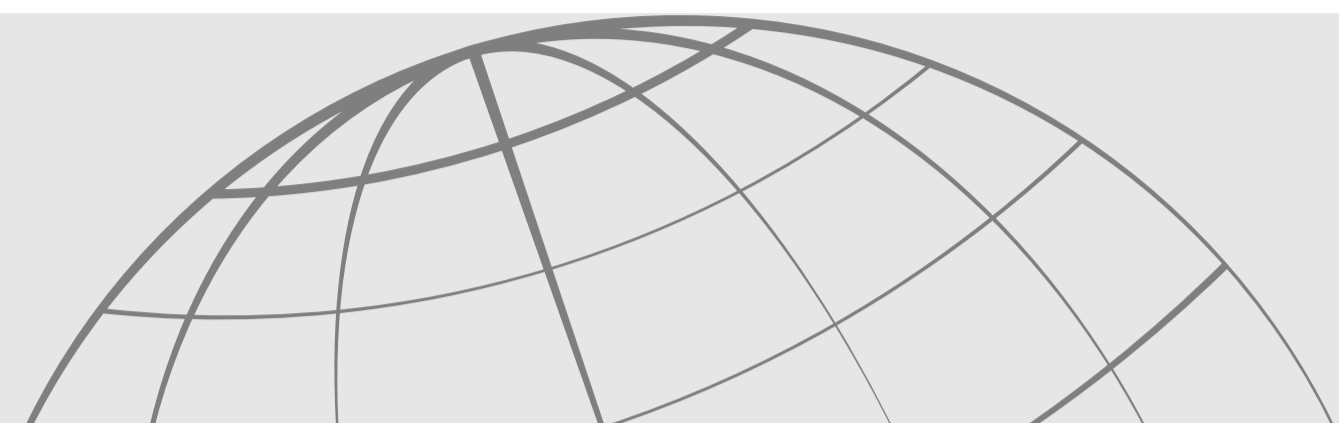
Professor Becker-Weinberg is also currently Law Clerk at the Portuguese Constitutional Court and was previously Legal Advisor to the Portuguese Secretary of the Sea and a full-time scholar at the International Max Planck Research School for Maritime Affairs at the University of Hamburg.



International Law of the Sea: Terrorism, Law Enforcement and Human Rights at Sea, Maritime Environmental Crimes

Terrorism. Maritime transportation is essential for mankind, with much of the world's trade depending on it. It is a complex and interrelated activity, often involving several jurisdictions simultaneously. For over a decade the international community has been concerned about the use of maritime transportation, by states and non-state actors, to facilitate the proliferation of weapons of mass destruction and other forms of terrorist related activities. No single legal regime applies. The law of the sea clearly provides the main framework of reference, but international law on terrorism is also relevant. Against the background of the law on the use of force, students will examine the legal regime applicable to interception operations by non-flag states for the purpose of combating terrorism. After an analysis of the general legal framework under the law of the sea, in particular the United Nations Convention on the Law of the Sea (UNCLOS), students will examine the three main routes through which states have sought to address the gaps in the general legal framework: resolution of the UN Security Council; multilateral treaty-making under the auspices of the International Maritime Organization; and the practice of states involved in the Proliferation Security Initiative.

Law enforcement and human rights at sea. The connection between human rights and activities at sea, such as fisheries, including illegal, unregulated and unreported fishing, underlines the shortcomings of international law to effectively protect human rights at sea. However, outside the principle of flag



International Law of the Sea: Terrorism, Law Enforcement and Human Rights at Sea, Maritime Environmental Crimes (continued)

State preemption, the law of the sea offers limited possibilities for action. Therefore, it is also necessary to consider other legal regimes and in particular international human rights law in order to attempt bridging the existing enforcement gap. Maritime environmental crimes are one of the main causes of destruction of marine ecosystems and devastation of marine life. Although no single State is able to tackle the causes and consequences of maritime environmental crimes, there is little international cooperation in combating these crimes, mostly due to the perception that they are a matter exclusively subject to national law. Thus far, joint law enforcement operations to combat maritime environmental crimes are rare and take place on a case-by-case basis. Moreover, only a few States have passed legislation on maritime environmental crimes and even fewer on exercising jurisdiction. In order to modify the dominant paradigm and resolve the inadequacy of available legal tools to tackle maritime environmental crimes, a new global paradigm for the protection and preservation of the marine environment is required. One that supports the concept of international maritime environmental crimes within international law, which recognizes that (individually or collectively) environmental rights are an extension of human rights, even if no human rights international legal instrument expressly mentions the Ocean.

Presentation of Findings on Terrorism, Piracy and Criminal Law before the Members of the House of Representatives

Elena Avilés Hernández, University of Málaga

Terrorism is not a recent phenomenon. Depending on the context in which it is framed, it has been used as a tool to vindicate situations perceived as unjust; as a means to achieve a certain objective; or, for some contemporary authors, as an end in itself. There is a multitude of variables to consider, depending on the specific situation and the period in which it takes place. This mutable character infers great complexity to both its origin and its response.

Despite its rise on the global political and security agenda after the attack on the United States on 11 September 2001, Islamist terrorism is not a new issue either. Mass participation in armed jihad has been promoted in the Middle East for several decades to overthrow national governments or fight against what represents Soviet power in the late 20th century or US power today. Such groups succeed in getting a small percentage to join their cause - up to 100,000 since the 1990s, according to US government estimates. However, the incidence is less than 1 per cent. According to official data, jihadist terrorism has recruited barely one in 15,000 Muslims since the late 20th century and less than one in 100,000 since 9/11. It is worth asking: what distinguishes those who, in similar circumstances, decide to join such groups and perpetrate terrorist acts from those who opt for other legal or peaceful ways of making their demands known? Some of the explanations may be related to psychological or social factors, including the strength of family and friendship bonds, the type of society in which they live, their understanding of religion, or the chance of expressing their grievances through non-violent methods. However, they may not be the only ones. To get a complete picture of the phenomenon, it is also necessary to take a closer look at the prevention measures that have been developed and to assess their usefulness and effects.

Over the last decades, and especially after the failure of the security guidelines implemented in reaction to the attacks on the Twin Towers, global counter-terrorism policy seems to focus on the prevention of radicalisation and de-radicalisation mechanisms as the central counter-terrorism strategy.

However, one of the strongest criticisms in this regard is that most research focuses solely on Islamist radicalisation and the deradicalisation of jihadist terrorists. All this by systematically assuming the existence of a direct relationship between terrorism and radicalisation and a correlation between ideology and violence. Hence, on occasions, terrorism is perceived as the last step in a process that culminates in the subject's participation in violent acts to achieve the intended political objectives. However, not every process of radicalisation necessarily ends up with the commission of a terrorist act, nor do all individuals who find themselves under the same conditions have to act in the same way.

Although it could be said that this trend originates in the international sphere, it has a direct impact on domestic regulation, which translates into a constant revision of terrorist offences with direct consequences in the penitentiary sphere. All of this is based on (i) an increase in sentences in those typologies that have already been previously typified and (ii) a constant redefinition of criminal offences to include conducts that were not previously punishable.

For that reason, I would like to share some findings regarding the current regulation of the terrorist phenomenon in Spain. All this with the aim of finding common ground to address this phenomenon in a harmonized way. Specifically, my work deals with the following points:

- I. The lack of definition of the crime of terrorism and its consequences at the national level.
- II. The role of security in the regulation of the terrorist phenomenon: criminal law of exception?
- III. Basis and origin of the reforms of the Spanish penal code: in line with international norms?
- IV. The Spanish penal and penitentiary reality in figures: dysfunctions and deficiencies after the multiple reforms of the Penal Code.
- V. Problems and limitations of the current penitentiary instruments in the prevention and fight against Islamist terrorism

International Law of the Seas and Piracy

Richard Collins, University College Dublin

This talk will, first of all, set out the local context in relation to threats from piracy, terrorism, and related areas of maritime security, with a particular focus on the Sulu-Celebes Sea (tri-border area), recently described as a “hotbed for crime, piracy, and terrorism” (ICCT, 2021, p1). It will secondly explain the core international legal rules, principles and regimes for tackling piracy, terrorism offences at sea and related maritime security threats. Thirdly, and with reference to relevant case law, it will address core jurisdictional issues under international law generally and the law of the sea specifically, which may either help or hinder regulatory and penal responses to apparent threats. It will, finally, conclude with a look at local and regional initiatives over recent years in the anti-piracy and maritime security space in order to provide an impetus for further discussion on potential legal and policy reforms to better tackle the threats posed.

Presentation of Findings on Terrorism, UN, EU and Human Rights before the Members of the Executive Branch

Ana Salinas de Frías, University of Málaga

Being aware of the problems posed to national governments by nowadays international terrorism, in particular its close connection with organized crime, my presentation will proceed first with an exploration of both phenomena and their existing links, and then it will continue with the connection that the radicalization phenomenon constitutes nowadays between the two forms of criminality.

Alejandro Sánchez Frías, University of Málaga

In his part of this shared lesson, Prof. Alejandro Sánchez Frías will explain how the protection of human rights plays a key element in the Area of Freedom, Security and Justice, both in its internal and external dimensions. More particularly, he will present the main case-law of the Court of Justice of the EU concerning the deficiencies in the protection of human rights as an obstacle for cooperation in criminal matters not only among Member States, but also among Member States and third countries.

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Jan Aurel Nikolai M. Castro
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