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**International law and de-  
globalization**

Ivette Esis

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INTERNATIONAL LAW AND DEGLOBALIZATION

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## Editorial

# International law and de-globalization\*

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History does not have a predetermined end in the Hegelian sense, but this idea has inspired various theories, such as Marxist and economic development theories. Something similar has happened with economic globalization, which from around 1990 to 2010 was usually presented as an inevitable progress towards deeper forms of international (legal, economic, social, cultural, etc.) integration and towards the growing irrelevance of states.

Since around the time of the 2008 financial crisis, competences have often been reallocated in favor of states and to the detriment of international law to achieve certain ends: regulating the economy, promoting environmental sustainability, strengthening democracy and human rights, promoting peace, protecting health (e.g. in the face of the COVID-19 epidemic), and so on. In this, left-wing and right-wing nationalism and populism coincide out of a critique of so-called “globalism”, they call to revitalize state sovereignty in order to face the most diverse challenges and problems.

In short, globalization is neither inevitable nor unidirectional. The articles in this special issue explore legal phenomena that, without questioning the paradigm of globalization *in toto*, seek to reduce or rethink the power of international law and cooperation. All these phenomena, sometimes contradictory, are called “de-globalization” and point towards a rethinking of multilateralism and international cooperation. This is the subject we have explored in this special issue, based on case studies from different areas of law and from the contributors’ different points of view.

One of the most notable effects of de-globalization has been the weakening of international organizations. The article “Desglobalização, Brexit e os novos acordos entre Reino Unido e a União Europeia” refers to the process of that country’s exit from the European regional bloc and considers it an example of renationalizing power or domesticizing globalization, but without implying the definitive end of globalization.

Likewise, considering deglobalization as a corrective part of globalization itself, the article “The legal regime of foreign direct investment: from limitation to deglobalization?” explains the paradigm shift in several countries regarding the admission of types of foreign investment, both in treaties and in special laws, justified for reasons of national security, care for the environment or collective health.

With regard to taxation, the article “Taxation and de-globalization in an increasingly unilateral world” analyzes three cases of unsuccessful cooperation for the regulation of intrinsically globalized phenomena involving the need to tax digital services, regulate “tax havens” and the obstacles to European cooperation on the subject.

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The article “The International Monetary Fund and COVID-19: Old and New Challenges of a Post-World War II International Institution” argues that the pandemic has exacerbated the regionalization and privatization of international financial functions and assistance, which are inherent functions of the International Monetary Fund.

As a counterpoint to the above, the article “Covid, Covax e refluxo da governança global” analyzes public health as a global public good and the challenges that Covax, as a governance arrangement that aspires to global reach, has faced with delivering vaccines in difficult pandemic times. The article entitled “Bioeconomy and the Nagoya Protocol” highlights bioeconomy challenges for the sustainable and efficient development of countries, an issue that the Nagoya Protocol aims to promote through facilitating processes and access to operators in the so-called green economy.

In conclusion, these articles reflect different points of view related to the subject of this special issue of the *Revista de Direito Internacional*, which constitutes a substantial contribution to the debate and reflection on de-globalization. We would like to thank the authors, the editors of the Journal and the reviewers of this dossier for their hard work.

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