

EFIL Research Programme

Annual Report 2019



**Universiteit
Leiden**
Rechtsgeleerdheid

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Welcome



Dear colleagues,

This is to share our 2019 research report. We can look back to a rich and rewarding year. EFIL has seen the publication of outstanding books and commentaries, as well as thoughtful scholarship in nearly all fields of international law. The work reflects our ambition to encourage former PhD students and Assistant professors to publish their work as monographs with leading publishers. In addition to our lectures and events, we can celebrate many successful PhD defences and the emergence of some new research lines (eg, on governance of international courts and tribunals). A particular highlight was the EFIL mid-term review, which was held in an interactive format, with presentations, posters and podcasts. The Commission chaired by Prof Cedric Ryngaert appreciated the high quality, strong societal impact and viability of the programme and proposed valuable suggestions for future directions.

We are grateful to all EFIL members and staff for their important contributions to the programme and look forward to a successful 2020.

Professor Carsten Stahn

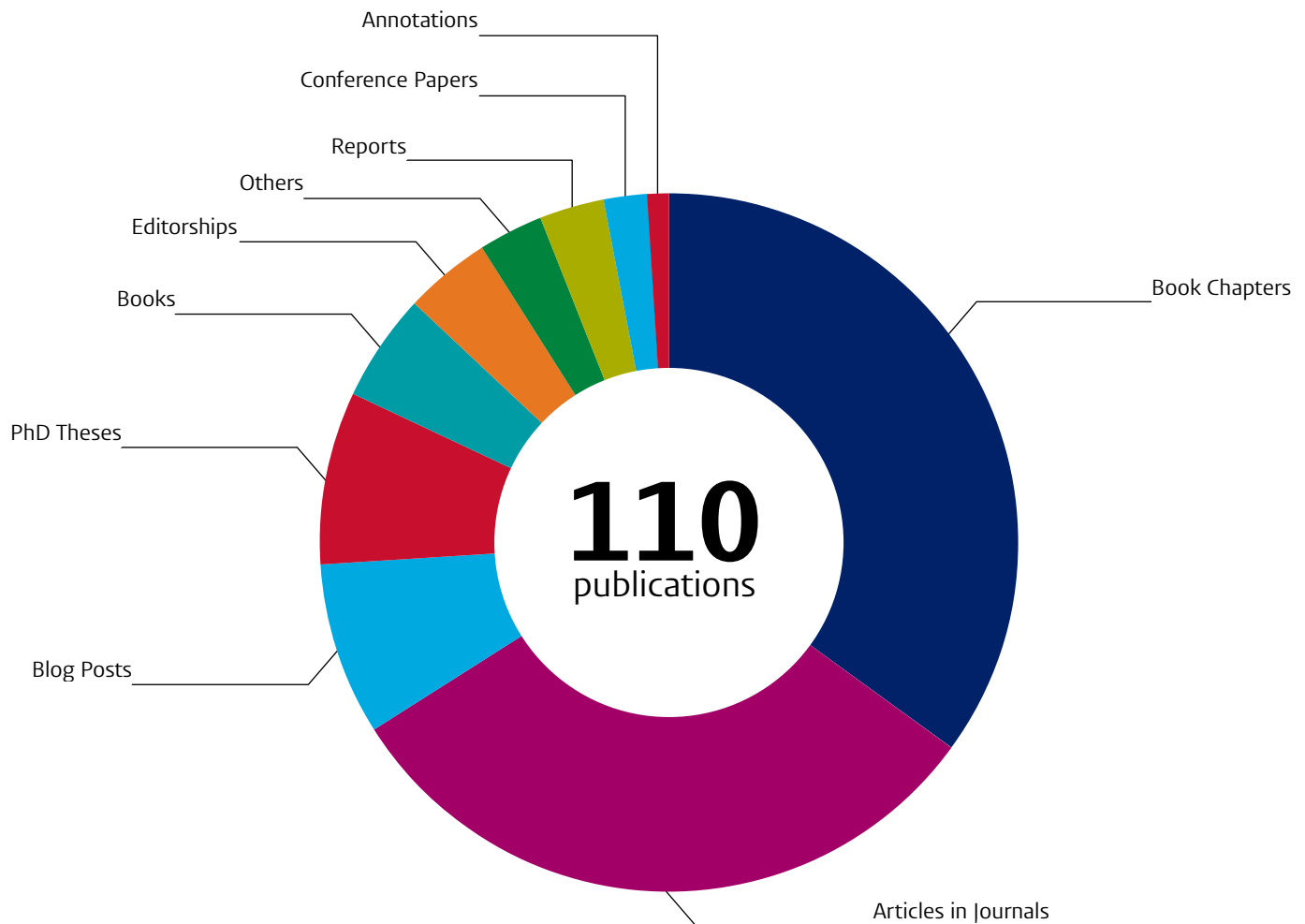
Coordinator, Exploring the Frontiers of International Law Research Programme

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Representation of publication types, 2019

Excluding interviews, lectures, and podcast episodes



Percentage of VSNU publication types, 2019

Excluding interviews, lectures, and podcast episodes

Scientific - 53.64%



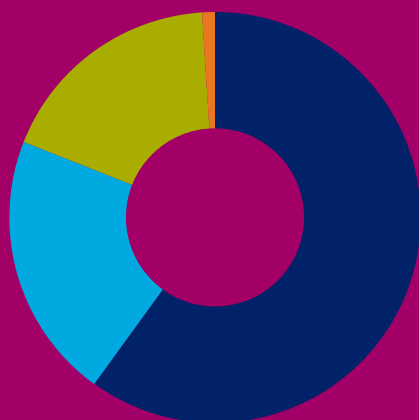
Publication Type	Percentage
Scientific	53.64%
Professional	30.91%
Other	15.45%

Professional - 30.91%

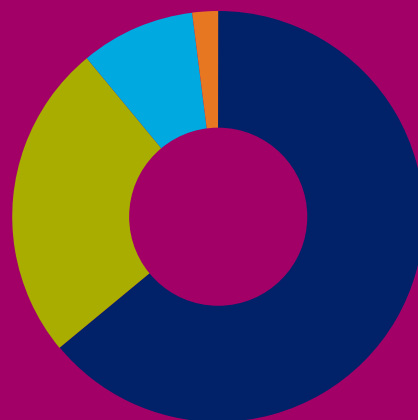
Other - 15.45%

Percentage of VSNU publication types, historical

Excluding interviews, lectures, and podcast episodes



2015



2016

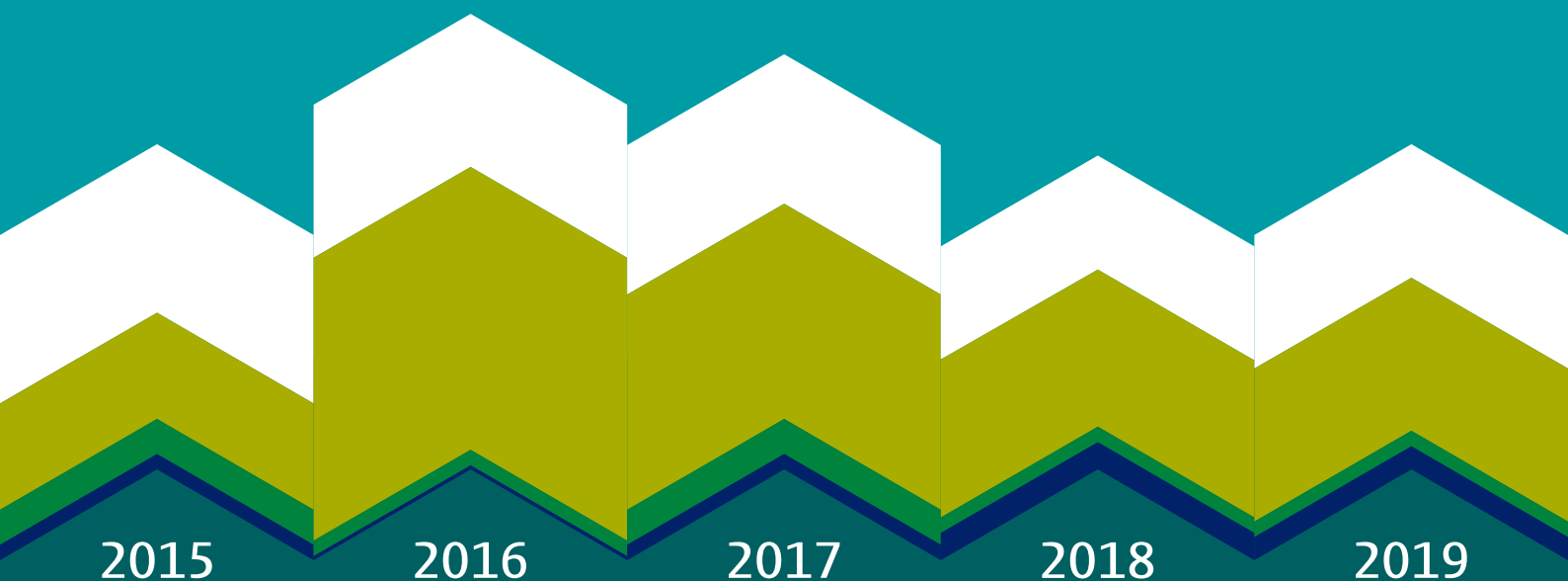


2017



2018





- Articles
- Book Chapters
- Editorships
- Books

Instances of selected publication types



Highlights From 2019

The EFIL Programme had a strong 2019. In addition to being assessed by the visitation committee, the programme also saw Hanna Bosdriesz receive her doctorate *cum laude* and the inaugural conference on the Governance of International Courts and Tribunals.

EFIL Mid-Term Review

The EFIL Mid-Term Review was conducted on 28 June 2019. The visiting commission was chaired by Professor Cedric Ryngaert of Utrecht University. As part of the review, the EFIL programme organised a series of events to showcase the diversity and depth of research being conducted within its framework. Panel discussions included sessions on 'New perspectives on dispute settlement and international adjudication' and 'Tackling global challenges of the future'. During lunch, poster presentations on new research lines and existing PhD research gave the commission the chance to learn more about the direction of the programme. In addition, presentations from

the Leiden Journal of International Law, the Grotius Dialogues, and the Grotius Podcast project revealed the different ways that the EFIL programme is providing opportunities to disseminate and discuss research with a wider audience.

Hanna Bosdriesz awarded doctorate *cum laude*

On 3 December 2019 Hanna Bosdriesz defended her dissertation on the fight against impunity for grave human rights violations in Latin America. She was awarded her doctorate *cum laude*—a truly magnificent achievement, and one of which the Programme is very proud. She was supervised by Professor

Maartje van der Woude and Professor Larissa van den Herik.

The Governance of International Courts and Tribunals

The inaugural conference on The Governance of International Courts and Tribunals brought together high-level authorities, scholars, practitioners and students. It was organised by Niels Blokker (Grotius Centre), Armin Cuyvers (Europa Institute), Rick Lawson (Europa Institute) and our former Grotius colleague Sergey Vasiliev (now at the Amsterdam Centre of International Law (UvA)). Keynote speeches were delivered—amongst others—by President Abdulqawi Yusuf of the Interna-

tional Court of Justice and by President O-Gon Kwon of the ICC Assembly of States Parties (ASP). Rector Magnificus Carel Stolker opened the conference and offered presents to Presidents Yusuf and Kwon. President Yusuf received an 18th century map of his home country Somalia. President Kwon was given a chairman's hammer. Almost 100 years ago the then Rector Magnificus of Leiden University offered a chairman's hammer to the first President of the ICJ, with the inscription '*saevius tranquillus in undis*' (calm in stormy waters). In light of the theme of the conference, another hammer with the same inscription was now given to the president of the ASP, the governance institution of the ICC.

The conference inaugurated the International Judicial Governance project, devoted to the study of governance institutions of international and tribunals such as the International Court of Justice, the International Criminal Court, the Appellate Body of the World Trade Organization, the European Court of Justice, the European Court of Human Rights and the East African Court of Justice. Many new international courts and tribunals have been established since the 1990s. They have 'judicialised' international law and international relations. Their functioning has been studied extensively. However there has hardly been any legal research into their governance, despite the fundamental importance of competent, effective and accountable governance to the orderly functioning of international courts and tribunals. The objective of the conference was to delineate this new field of research and to map out the core theoretical issues and practical challenges in this domain. During the conference, a number of panels and roundtable discussions took place which were centred on several topics, including the governance of regional integration courts, human rights courts and international criminal courts, the practical

challenges of effective governance and judicial independence, financial governance of international courts and judicial nominations and elections. Three external PhDs of Leiden Law School gave presentations or chaired Panels: Huw Llewellyn (defended his PhD on 18 September), Maria Manolescu and Kritika Sharma. Ida Asscher, one of our young staff members, provided essential assistance in organising the conference. The conference has been essential for the project's research plan and will serve as a starting point for more in-depth research the coming years. Presentations for the conference will now be developed into chapters for a book that will also contain other contributions.

Quality Control in Criminal Investigation

In February 2019, Professor Carsten Stahn and Cale Davis travelled to Delhi to present and contribute to the Centre for International Law and Research and Policy's Quality Control in Criminal Investigation ('QCCI') project. The QCCI project is the last of three related projects that explore the preliminary phases of international criminal law processes—having previously address fact finding and preliminary examination. The project brought together leading experts on international criminal justice to identify best practices for overcoming bottlenecks hindering the efficient practice of international criminal investigations. A book containing the contributions will be published in 2020.

Karen Alter gives the 2019 LJIL Lecture

On 23 May, the Leiden Journal of International Law has held an LJIL Lecture with Professor Karen J Alter. As part of its long-standing commitment to foster and disseminate high-quality research in international law, the Leiden

Journal of International Law has, since 2015, organised events on recent developments and research in international law. The LJIL Lecture is a biannual event that brings scholars who are conducting innovative research in international law to give a talk about a topic of their choice.

Karen J Alter is Professor of Political Science and Law at Northwestern University (Chicago), where she also co-directs the Research Group on Global Capitalism and Law, and permanent visiting professor at the iCourts Centre for Excellence. Prof Alter is an authority in global and regional judicialisation of international relations, with emphasis on international adjudication. Her interdisciplinary work has earned her several awards, including a Honourable Mention Chadwick F Alger Prize for best book published on the subject of international organisation and multilateralism in 2014.

Professor Alter spoke on 'Visions of International Law'. She gave an insightful lecture on how scholars and lawyers can think about international law and what can they expect from it. She reflected on how her own understandings about law changed over time. She presented herself as a young and naïve political scientist with high hopes and expectations about international law; as a legal formalist and structuralist who believes that legal rules, processes, and institutions, should perform similarly and unaffected by contextual issues such as regional politics, culture, and economy; as a liberal who defends legal relativism and consent-based international agreements; as a legal isolationist who ignores how power structures and relations affect the practical applications of law; and as a legal sociologist that believes that international law is driven by practice.

Professor Alter discussed what each of her different visions captured about international law, and they missed. She also showed that,

while these visions seem to be sometimes contradictory, they are actually complimentary by filling each other's gaps and blindspots. International legal scholars who remain open to interacting with different ideas and to changing their minds are therefore able to benefit from a broader perspective of international law and events. With this, they are able to bring more innovation and creativity to their work.

The Leiden Journal of International Law thanks Professor Alter for the inspiring and enlightening talk, and looks forward to seeing more of her work.

The 2019 LJIL Lecture will be published as a paper in a future issue of the Leiden Journal of International Law.

IIASL signs Memorandum of Understanding with UNIDROIT

On 7 December 2019, IASL signed a Memorandum of Understanding (MoU) with the International Institute for the Unification of Private Law (UNIDROIT) to further collaborative work on the promotion of the Cape Town Convention and its Protocols, as well as to promote research and scholarships at both institutions. The MoU was signed by Pablo Mendes de Leon and Niall Buissing on behalf of IIASL, and Anna Veneziano (Deputy Secretary-General) and Hamza Hameed (IIASL alumnus) on behalf of UNIDROIT. As part of the MoU, an UNIDROIT-IIASL Fellowship Scheme will be established to allow researchers from IIASL to come to the UNIDROIT Library to conduct their academic research. See <https://www.universiteitleiden.nl/en/news/2019/12/iasl-signs-memorandum-of-understanding-with-unidroit>

Book Launch: A Critical Introduction to International Criminal Law

Professor Carsten Stahn's book, *A Critical Introduction to International Criminal Law*, was

launched on 20 June 2019 at a panel event entitled 'Is Icarus Falling? Rethinking Ambitions and Critiques of International Criminal Justice'. On the panel were Prof Leila Nadya Sadat, Judge Kimberly Prost, Judge Sir David Baragwanath, Dr Dov Jacobs, and Prof Carsten Stahn. It was moderated by Dr Joe Powderly. The book launch was held during the ICC Scholars' Forum, a collaboration between the Grotius Centre for International Legal Studies, the Whitney R Harris World Law Institute, and the Washington University St Louis School of Law.

Book Launch: The United Nations Convention Against Corruption: A Commentary

Cecily Rose, Michael Kubiciel, and Oliver Landwehr launched their edited volume, *The United Nations Convention Against Corruption: A Commentary*, on 13 June 2019. With fresh corruption scandals emerging regularly in the news around the world, international legal approaches to corruption are of enduring importance. This *Commentary* advances our knowledge of the *United Nations Convention against Corruption*, a global and comprehensive treaty, which establishes new rules in several areas of anti-corruption law and helps shape domestic laws and policies. Contributors to the *Commentary* include anti-corruption experts, scholars, and legal practitioners, worldwide. This book launch celebrated the publication of this volume by fostering further discussion about legal and policy approaches to corruption, with perspectives from academia and practice. Speakers included Hans Abma (Senior Policy Adviser, Dutch Ministry of Justice and Security), Cedric Ryngaert (Professor of Public International Law, Utrecht University), and Judith Levine (Senior Legal Counsel, Permanent Court of Arbitration). The discussant was Oliver Landwehr (Senior

Legal and Policy Officer at the European Commission, European Anti-Fraud Office).

Book Launch: Comparative Reasoning in International Courts and Tribunals

Daniel Peat launched his book, *Comparative Reasoning in International Courts and Tribunals*, on 17 October 2019. Domestic law has long been recognised as a source of international law, an inspiration for legal developments, or the benchmark against which a legal system is to be assessed. Academic commentary normally re-traces these well-trodden paths, leaving one with the impression that the interaction between domestic and international law is unworthy of further enquiry. However, a different—and surprisingly pervasive—nexus between the two spheres has been largely overlooked: the use of domestic law in the interpretation of international law. This book examines the practice of five international courts and tribunals to demonstrate that domestic law is invoked to interpret international law, often outside the framework of Articles 31 to 33 of the *Vienna Convention on the Law of Treaties*. It assesses the appropriateness of such recourse to domestic law as well as situating the practice within broader debates regarding interpretation and the interaction between domestic and international legal systems. The discussant was Panos Merkouris (University of Groningen).



predominantly technical space world for many years and in further expanding the institutional and personal relationships between Leiden University and other organizations in the Netherlands.

Space Law Moot Court at Leiden Town Hall

On 15 May 2019 the Space Law Moot Court Competition for students of the Adv. LL.M. in air and space law was held in the impressive Council Chamber of Leiden Town Hall. Thirteen students took part, and were coached by Dimitra Stefoudi. The fictitious case before the International Court of Justice concerned the commercial use of the moon and its resources, the protection of the moon's natural environment and the compensation for damage under international space law.

The judges were Alexander Soucek of ESA-ESTEC, Annemarieke Künzli of the Ministry of Foreign Affairs and Tanja Masson-Zwaan. Alderman Paul Dirkse addressed the students and emphasised that the municipality of Leiden attaches great importance to promoting space activities in the region, also in the field of education. After the event, a reception was hosted by the Town Hall.

<https://www.universiteitleiden.nl/en/news/2019/05/moot-court-air-and-space-law-in-council-chamber-of-leiden-town-hall>

Air Law Conference Athens

The second Travel Law Forum took place on 17 May 2019 in Athens, under the auspices of the Greek Ministry of Tourism and in cooperation with the International Institute of Air & Space Law. The impact of Brexit on travel and tourism, passenger requirements towards airlines, airport infrastructure, airline funding, and how infrastructure building is affected are some of the topics discussed at the forum.

ISU Space Studies Program

During July and August, the Space Studies Programme (SSP) of the International Space University took place in Strasbourg, France. The Space Studies Program (SSP) is a 9-week graduate level professional development program conducted by ISU since 1988. The curriculum covers the principal space related fields, both non-technical and technical, and ranges from policy and law, business and management and humanities to life sciences, engineering, physical sciences and space applications. The shared experience of an international, interactive working environment is an ideal networking forum leading to the creation of an extensive, international, multidisciplinary professional network comprising the program's alumni (numbering more than 4000 to date), faculty members and visiting lecturers.

Tanja Masson-Zwaan gave several Core Lectures and chaired the Policy, Economics and Law Department during 3 weeks in July. Dimitra Stefoudi assisted her. IIASL alumni Jinyoung Choi, Scott Millwood, Kyran Gratton, Nicolas German and Antonino Salmeri participated in the program, while several alumni contributed as lecturers.

Space law course for Chinese officials

From 26 August until 5 September 2019, a group of 20 Chinese government officials, industry representatives and academics attended an intensive course on space law and policy at the IIASL. The course focused on topics like the legal aspects of lunar exploration, the use of space resources, small satellite constellations, space debris, satellite navigation, earth observation, national space legislation and more. The lectures were given by Tanja Masson-Zwaan with assistance of Dimitra Stefoudi and a few guest lecturers. The group visited various space-related institutions in The Netherlands

such as the Netherlands Space Office, ISIS BV, TNO, ESA-ESTEC and SRON. Certificates of attendance were handed to each participant during a closing ceremony to conclude the course, which contributed to mutual understanding and cooperation through fruitful and open dialogues.

<https://www.universiteitleiden.nl/en/news/2019/09/chinese-delegation-visits-international-institute-of-space-law>

Book presentation 75th anniversary of ICAO

In September 2019, during the 40th General Assembly of ICAO, the Dutch delegation led by Minister Cora van Nieuwenhuizen met with Secretary-General Fang Liu, and presented the first copy of a book edited by Pablo Mendes de Leon and Niall Buissing, celebrating the 75th anniversary of ICAO, titled 'Behind and Beyond the Chicago Convention: The Evolution of Aerial Sovereignty'.

Leiden University is well-represented at ICAO, where, among others, currently two IIASL alumni hold the positions of Secretary-General and Director of the Legal Affairs and External Relations Bureau. See

<https://www.universiteitleiden.nl/en/news/2019/09/minister-offers-first-copy-of-book-produced-by-pablo-mendes-de-leon-and-niall-buissing>

10th Haarlem air law moot court

This competition, part of the Private Air Law module, was held in Haarlem in November 2019, in cooperation with the District Court in Haarlem where many aviation cases are handled. The case dealt with liability under the Montreal Convention. The Court was composed of Mr Justus Candido, Ms Noura Rouissi and Mr Guido de Vos. Celebratory drinks were held in Haarlem after the competition.

31st EALA Annual Conference

The annual event of the European Air Law Association, presided by Pablo Mendes de Leon, was held in Paris from 7-8 November 2019. Many IIASL alumni and students attended as speakers and delegates.







Prize Showcase

The EFIL Programme had a strong 2019. In addition to being assessed by the visitation committee, the programme also saw a focus on quality publications and a number of spectacular achievements by students.

ICC Moot Court Competition World Champion Mooters

Leiden University won the 2019 International Criminal Court Moot Court Competition. The team, consisting of Anna Rubbi, Olivia Waddell, Elizabeth Hartley, Pauline Martini and Tess van Gall—coached by Cale Davis and Wee Keat Teoh—beat The Honourable Society of Kings Inn (Ireland) and The Chinese University of Hong Kong in the grand final.

Leiden University wins the 2019 Frits Kalshoven Competition on IHL

In February 2019, Leiden University's team won the twelfth edition of the Frits Kalshoven

Moot Court Competition on IHL, as well as the role plays and the award for best speaker. The team was coached by KGF PhD fellow Ms Sofia Pouloupoulou, LLM, and the competition's theme was the protection of the natural environment during armed conflict. (Picture: Leiden wins the 2019 edition of the Frits Kalshoven IHL Competition)

11th Overall Place in the Jessup International Law Moot

This year, Leiden University took part in the 60th edition of the Phillip C Jessup International Moot Court Competition. The Jessup is the world's largest moot competition, in which over 680 law schools from over 100 jur-

isdictions compete on issues of international law. In this edition, issues revolved around the attribution of responsibility of states for the environmental damage and human rights violations by private entities, as well as the appropriation of Indigenous people's traditional knowledge. Leiden came 11th overall, having progressed from the Dutch national rounds.

Model ICAO Award

The 2019 Model ICAO took place from 21-24 May at the ICAO headquarters in Montreal. The competition, organised by the Faculty of Political Science and Law of UQAM in conjunction with ICAO, the Permanent Mission of Canada to ICAO and the Quebec Society of In-

ternational Law (SQDI), is designed to 'expose students to real high-level diplomatic and technical discussions, bringing them to embody the roles of official delegates representing the positions of their assigned country'.

Leiden University was represented by IIASL students Eyman Abdulatti, Nicolas German, Natalia Gorina and AABNA Surya Putra, coached by Merinda Stewart. The team served as the delegation from Singapore, and participated in the Committee on Economic Development of Air Transport and the Legal Committee. Eyman Abdulatti and Surya Putra's position paper for the Committee on Economic Development of Air Transport won the award for best position paper. See <https://www.universiteitleiden.nl/en/news/2019/06/leiden-university-wins-best-position-paper-at-the-2019-model-icao>

IISL Diederiks-Verschoor Award

At the International Astronautical Congress (IAC) in Washington DC in October 2019, IIASL alumna Thea Dethlefsen (Denmark/Norway) won the IHPH Diederiks-Verschoor Award, given each year by the International Institute of Space Law (IISL) for the best paper by a young author. This was the third consecutive year that this prestigious award was won by an IIASL alumnus. Thea's paper was titled On-Orbit Servicing: Repairing, Refuelling and Recycling the Legal Framework. See <https://www.universiteitleiden.nl/en/news/2019/11/iasl-alumna-wins-prestigious-space-law-award>

NLF Awards

On 1 November 2019, the annual awards of the NLF (Nederlands Lucht- en Ruimtevaart-fonds) were presented at a Gala Dinner at the Hotel van Oranje in Noordwijk. Three IIASL alumni were nominated for their thesis work: Magdalena Kucko, who wrote The Issue of

(Un)Fair Competition in the Airline Industry: Towards a Global Solution; Rutwik Navalgund with his work Long-Term Sustainability of Outer Space; and Nataliya Gorina, who wrote about Methods of Registration for Satellite Constellations under the Current Legislative Framework: The tale of satellites, clusters or whole constellations. Magdalena Kucko won the academic award in the category non-technical and Rutwik Navalgund won the Andre Kuipers award.

See <https://www.universiteitleiden.nl/en/news/2019/11/iasl-alumni-win-awards-at-nlf-gala>

EALA Prize

During the EALA conference in November 2019, the EALA Prize was awarded to IIASL student Daniela Garcia Rojas for her paper 'How WTO sanctions are not helping aircraft exports – does the imposition of trade sanctions for non-compliance remedy the granting and maintenance of illegal export subsidies to aircraft manufacturers?'

IATA Award

The IATA Constance O'Keefe Aviation Law Writing Award 2019 was won by IIASL student Magdalena Kucko for her paper: 'The 'Striking' Decision in TUIFly – Ryanair Strikes to be Seen as Extraordinary Circumstances?'

Thea Coventry wins the 2019 Meijers Research Prize for the EFIL Programme

Thea Coventry, a PhD candidate at the Grotius Centre, won the 2019 Meijers Prize in the EFIL Programme for her article, 'Appropriate Measures at Sea: Extraterritorial Enforcement Jurisdiction over Stateless Migrant Smuggling Vessels', published in the *Maritime Safety and Security Law Journal*.



Summer Schools And Training Courses

In summer 2019, the Grotius Centre welcomed 257 students and professionals from across the world to The Hague. Every year, participants from across the world get the opportunity to develop their knowledge through diverse courses in public international law.

The summer programmes offered by the Grotius Centre are a unique opportunity for all attendees to learn from esteemed academics and experts in their respective fields while discovering The Hague and its international legal institutions, bringing theory and practice together. Six courses were organised this year with the seventeenth edition of the International Criminal Law Summer School and the fourth editions of the International Humanitarian Law Summer School, International Arbitration Training Course, and Summer School on Sexual Orientation and Gender Identity (SOGI) in International Law. In addition to discovering these topics through engaging lectures, participants explored them fur-

ther through visits to International Courts and Tribunals, panel discussions, in-depth analysis of cases and practical exercises such as moot courts on topical cases, workshops and simulations. The longest-standing course on International Criminal Law, for example, offered visits to the International Criminal Court and to the United Nations International Residual Mechanism for Criminal Tribunals, a moot court, an advocacy exercise and a panel discussion on Immunities moderated by Prof Carsten Stahn, with Judge Christine van den Wyngaert, Dr Rod Rastan and Dr Dov Jacobs. At the beginning of July, participants in the International Humanitarian Law course applied their newly acquired knowledge during a paintball simula-

tion while those taking part in the programme on International Arbitration further developed their skills through a witness examination workshop. In mid-summer, just before the Amsterdam Pride, the course on SOGI in International Law allowed its participants to deepen their understanding through in-depth analysis of cases which have helped achieve some international protection against homophobia and transphobia. They later spent a few days in the capital where they met with human rights activists and various engaged NGOs.

The Grotius Centre also welcomed students to the second edition of the Duke-Leiden Institute in Global and Transnational Law, organised in cooperation with Duke University

Grotius Centre

Working Paper Series

School of Law. The one-month programme featured courses taught by professors from both Leiden Law School and Duke Law School. These covered a wide range of topics: Comparative Foreign Relations Law and Democratic Accountability taught by Prof Curtis Bradley and Dr Joris Larik, Challenges in Multilateral and Regional Trade Governance taught by Prof Rachel Brewster and Dr Giovanni Gruni, Realising Rights: Strategic Human Rights Litigation and Advocacy taught by Prof Jayne Huckerby and Prof Helen Duffy, Comparative Perspectives on Criminal Justice: Central Issues and Contextual Implementation by Prof Jim Coleman and Dr Pinar Olcer, Taxation of Cross-border Transactions by Prof Richard Schmalbeck and Dr Irma Mosquera Valderrama, and for those interested in continuing their legal education in the United States of America, an Introduction to American Law taught by Prof Tom Metzloff and Prof Doriane Coleman. The courses brought in a comparative perspective on the topics and allowed for fruitful exchanges between the students and the faculty. In addition to their chosen courses, the participants were assembled every week to hear from prominent experts such as Judge Donoghue on the influence Common Law and Civil Law traditions have on international adjudication and Dr Jason Rudall on compensations for environmental damage under international law. The weekly gatherings were also the perfect opportunity for the launch of Prof Bradley's new book: *The Oxford Handbook of Comparative Foreign Relations Law* during which the invited public also hear from Dr Larik, Prof Stewart and Prof Van den Herik. Participants in the Institute furthermore had the opportunity to discover the City of Peace and Justice during their visits to legal landmarks and institutions, including the Peace Palace and the Iran-US Claims Tribunal. Day trips to sur-

rounding cultural places were also organised during the weekends, giving them the chance to see Amsterdam, Delft, and the Lovestein Castle from which Hugo Grotius famously escaped in 1621 by hiding in a wooden chest.

The Summer School on Cultural Objects, Human Rights and International Law, which took place from 26 to 30 August 2019, concluded this intense season. The programme, also resulting from a partnership, was organised by the Grotius Centre's Dr Joseph Powderly and the Faculty of Archaeology's Dr Amy Strecker, in collaboration with the Leiden-Delft-Erasmus Centre for Global Heritage and Development and the Netherlands Commission for UNESCO. This unique programme welcomed participants from various backgrounds including professionals in the field, academics, PhD candidates and advanced students. In the course of the week, they enjoyed lectures on diverse topics, including the opening lecture by Prof Ana Vrdoljak on International Law, Museums and the Return of Cultural Objects, Dr Mariana Françaço's lecture on Collections and Collectors, and Dr Marina Lostal's lecture on ISIS and the Illicit Trade in Cultural Objects in Recent Conflict. They further explored the field through well-known cases: the Parthenon (Elgin) Marbles, the Bangwa Queen, the Crimean Gold (Scythian Gold), and the Chinese Buddha Mummy. The participants also spent an afternoon at the Museum of Ethnology (Museum Volkenkunde) in Leiden where they learnt about returns of cultural objects and collaborative projects of the Museum from Dr Henrietta Lidchi and Dr Martin Berger.

✶ Tinia de Bruycker

In 2019 the following publications were published in the Grotius Centre Working Paper Series:

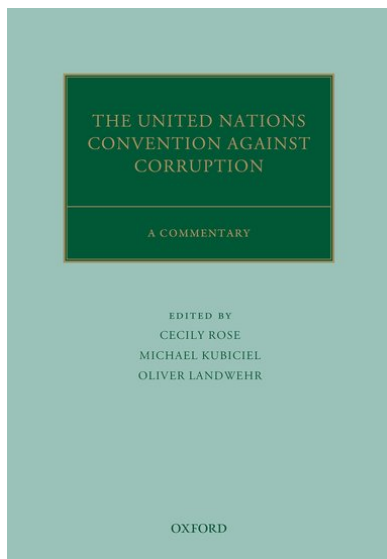
- > **Grotius Centre Working Paper 2019/084-PSL:** Helen Duffy and Larissa van den Herik, *Terrorism: A central role for the Security Council and a space of unaccountability*
- > **Grotius Centre Working Paper 2019/083-PIL:** Larissa van den Herik, *Article 51's reporting requirement as a space for legal argument and factfulness*

IHL in Theory & Practice Summer School 2019

From 8-12 July 2019, the 4th edition of the annual IHL in Theory & Practice Summer School took place in The Hague, hosting 40 participants from 32 countries. The participants were welcomed by the hosts, Ms Mirjam de Bruin (Representative of the Netherlands Red Cross) and Dr Robert Heinsch (Director KGF Leiden). Our keynote speaker Judge Howard Morrison (ICC) discussed the past, the present and the future of IHL. During the week, the participants attended lectures by several experts on various subjects, including classification of conflicts, protection of the civilian population during armed conflict, and combatants and prisoners of war. Lectures also tackled the role of the ICRC in the dissemination of IHL, general principles and targeting cycle, autonomous weapons and cyber warfare, and humanitarian assistance and disaster response law. Later, the participants heard lectures on the law of non-international armed conflict, the enforcement and implementation of IHL, as well as the interplay of IHL with other legal regimes like human rights law and international criminal law. The Summer School participants visited the headquarters of the Netherlands Red Cross and the International Criminal Court and the programme concluded with a lively paintball simulation of armed conflict during which the participants had to apply IHL in practice. (Picture: Judge Morrison (ICC) & Juliane Garcia Ravel (ICRC) giving presentations at our IHL summer school)

 *Robert Heinsch*

Book Showcase



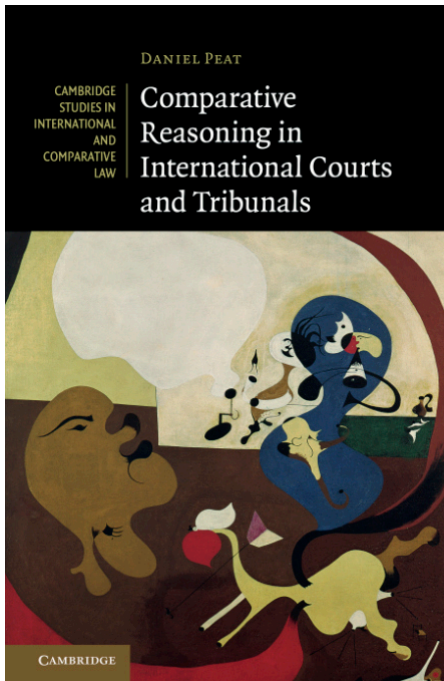
Cecily Rose, Michael Kubiciel, and Oliver Landwehr

The United Nations Convention Against Corruption: A Commentary

The United Nations Convention against Corruption includes 71 articles, and takes a notably comprehensive approach to the problem of corruption, as it addresses prevention, criminalisation, international cooperation, and asset recovery. Since it came into force more than a decade ago, the Convention has attracted nearly universal participation by states. As a global and comprehensive convention, which establishes new rules in several areas of anti-corruption law and helps shape domestic laws and policies around the world, this treaty calls for scholarly study.

This volume helps to fill a gap in existing academic literature by providing an invaluable reference work on the Convention. It provides systematic coverage of the treaty, with each chapter discussing the relevant travaux préparatoires, the text of the final article, comparisons with other anti-corruption treaties, and available information about domestic implementing legislation and enforcement.

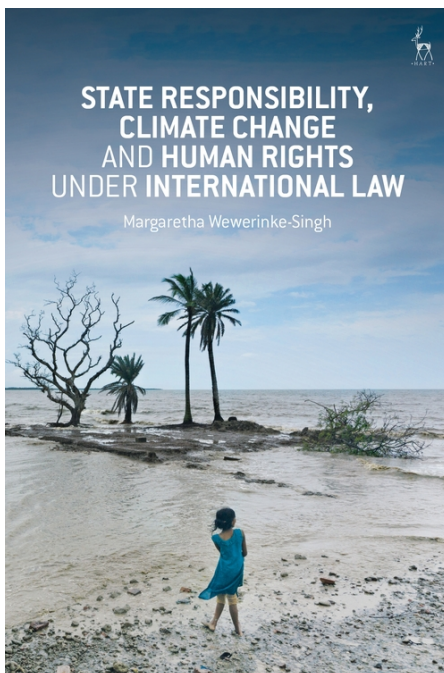
This commentary is designed to serve as a reference work for academics, lawyers, and policy-makers working in the anti-corruption field, and in the fields of transnational criminal law and domestic criminal law. Contributors include anti-corruption experts, scholars, and legal practitioners from around the globe.



Daniel Peat

Comparative Reasoning in International Courts and Tribunals

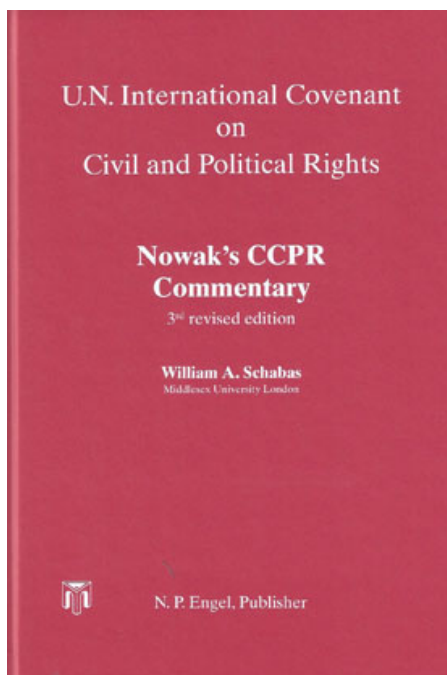
Domestic law has long been recognised as a source of international law, an inspiration for legal developments, or the benchmark against which a legal system is to be assessed. Academic commentary normally re-traces these well-trodden paths, leaving one with the impression that the interaction between domestic and international law is unworthy of further enquiry. However, a different - and surprisingly pervasive - nexus between the two spheres has been largely overlooked: the use of domestic law in the interpretation of international law. This book examines the practice of five international courts and tribunals to demonstrate that domestic law is invoked to interpret international law, often outside the framework of Articles 31 to 33 of the Vienna Convention on the Law of Treaties. It assesses the appropriateness of such recourse to domestic law as well as situating the practice within broader debates regarding interpretation and the interaction between domestic and international legal systems



Margaretha Wewerinke-Singh

State Responsibility, Climate Change and Human Rights under International Law

The last decade has witnessed an increasing focus on the relationship between climate change and human rights. Several international human rights bodies have expressed concern about the negative implications of climate change for the enjoyment of human rights, and the Paris Agreement is the first multilateral climate agreement to refer explicitly to states' human rights obligations in connection with climate change. Yet despite this, there are still significant gaps in our understanding of the role of international human rights law in enhancing accountability for climate action or inaction. As the Paris Agreement has shifted the focus of the climate change regime towards voluntary action, and the humanitarian impacts of climate change are increasingly being felt around the world, accountability for climate change has become an increasingly salient issue. This book offers a timely and comprehensive analysis of the legal issues related to accountability for the human rights impact of climate change, drawing on the state responsibility regime. It explains when and where state action relating to climate change may amount to a violation of human rights, and evaluates various avenues of legal redress available to victims. The overall analysis offers a perceptive insight into the potential of innovative rights-based climate actions to shape climate and energy policies around the world.

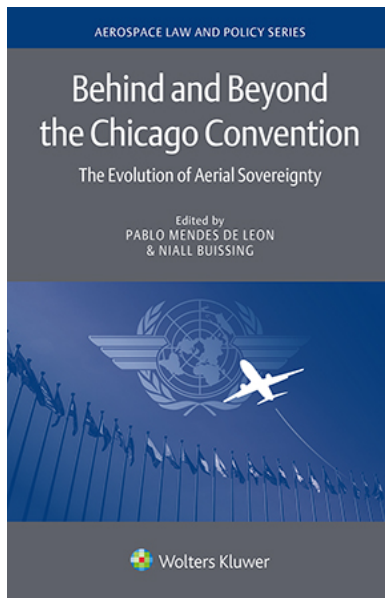


William Schabas

Nowak's CCPR Commentary: U.N. International Covenant on Civil and Political Rights, 3rd ed

The International Covenant on Civil and Political Rights is one of the components of the International Bill of Rights. This is an article-by-article commentary on the Covenant and its two Optional Protocols.

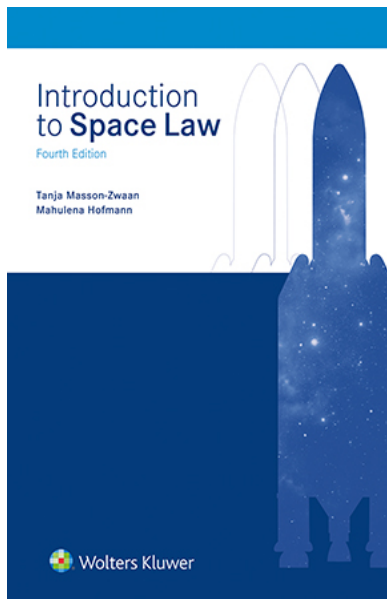
For each provision, the preparatory work as well as the case law of the Human Rights Committee and the concluding observations on periodic reports by States Parties is reviewed. It is the third edition, substantially revising the second edition which was published in 2005.



Pablo Mendes de Leon and Niall Buissing (eds)

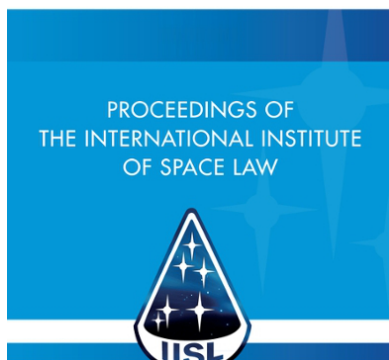
Behind and Beyond the Chicago Convention: The Evolution of Aerial Sovereignty

Behind and Beyond the Chicago Convention is intended to analyse the concept of sovereignty in international civil aviation, how it evolved in the course of times, how it related to European integration process and to air traffic management. The meaning of sovereignty has been analysed philosophically and linked to current conceptions in an evolutionary process. The Convention on International Civil Aviation that concluded in Chicago on 7 December 1944, commonly referred to as the Chicago Convention, is one of the most ratified multilateral agreements currently in force, with 193 States Parties. In this deeply informative book, commemorating the 75th birthday of the Convention on International Civil Aviation, thirty-three of the most distinguished authors in aviation law offer perspectives on the quality of the Convention's achievements.



Tanja Masson-Zwaan and Mahulena Hofmann
Introduction to Space Law, Fourth Edition

Introduction to Space Law is a completely revised edition since the previous version of 2008, providing a concise and structured analysis of legal aspects of both traditional and more recent space activities. The relevance and substance of space law as a branch of public international law continues to expand. The fourth edition of this long-time classic in the field of space law has been substantially rewritten to reflect new developments in space law and technology of the past ten years, but the main structure of the original book has been preserved. This updated text includes new or expanded material on the proliferation of non-state and commercial entities as space actors, the appearance of innovations in space technology, the evolving international law of satellite telecommunications in a networked world, and the adoption of national laws and international soft law mechanisms that complement the international treaty regime.

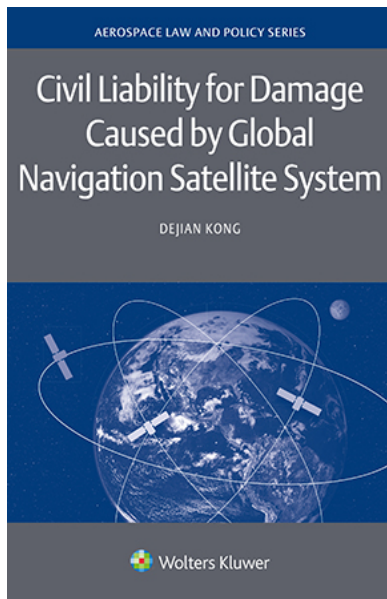


eleven
international publishing

P | Blount, Tanja Masson-Zwaan, Rafael Moro-Aguilar, and Kai-Uwe Schrogl
(eds)

Proceedings of the International Institute of Space Law 2018

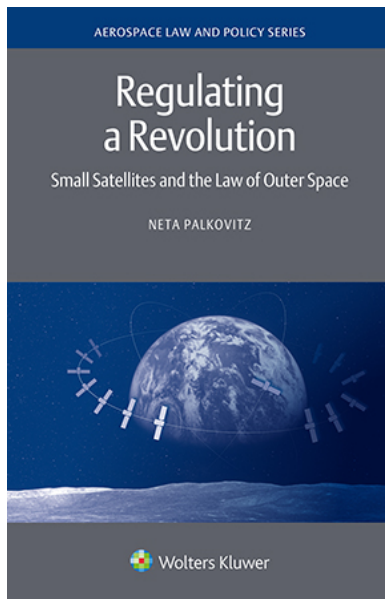
This volume contains the proceedings of the 61st Colloquium on the Law of Outer Space held in Bremen, Germany in October 2018, as well as the papers presented at the IISL-ECSL Space Law Symposium The 50th Anniversary of the Rescue and Return Agreement: Relevance and Challenges held on the occasion of the 57th Session of the Legal Subcommittee of the UN Committee on the Peaceful Uses of Outer Space in Vienna, Austria in April 2018, and the report of the 13th Eilene M Galloway Symposium on Critical Issues in Space Law, held in Washington DC, United States in December 2018. It also contains the report and best written memorials of the World Finals of the 27th Manfred Lachs Space Law Moot Court Competition held in October 2018.



Dejian Kong

Civil Liability for Damage Caused by Global Navigation Satellite System

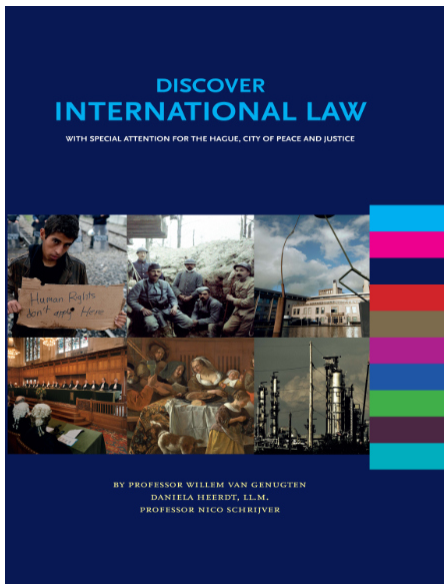
Civil Liability for Damage Caused by Global Navigation Satellite System aims to explore whether current international law is adequate to deal with the issue of civil liability in the context of Global Navigation Satellite System (GNSS). It has come to pass that national security, economic growth, and transportation safety – not to mention such infrastructure as banking and electricity – are severely dependent on the positioning information, navigation capabilities, and time dissemination provided by GNSS. However, GNSS is not risk-free. The more humanity depends on GNSS, the more risks it has to face. It is irresponsible to wait for an accident to happen merely to justify the need for an appropriate GNSS civil liability regime. This hugely important book examines the structure of such a regime in unprecedented depth and proposes a uniform governance structure composed of an institutional framework and a legal system for GNSS, with safety-of-life signals at its core.



Neta Palkovitz

Regulating a Revolution: Small Satellites and the Law of Outer Space

Regulating a Revolution sheds light on the current regulatory aspects and challenges of small satellite activities. In recent years, small satellites have taken the space industry by storm. Their short development times, low cost, significant miniaturisation, standardisation and commercial availability have truly revolutionised the space industry. They make space accessible to non-professionals and on an individual level. This book is the first to explore the status of small satellites vis-à-vis international space law, examining which provisions are applicable and what kind of legal issues the traditional definitions pose when considering novel small satellite activities.



Willem van Genugten, Daniela Heerdt, and Nico Schrijver

El Derecho Internacional Al Descubierto. Con especial atención a La Haya, ciudad de la paz y de la justicia (Spanish translation of Discover International Law, 2017)

+

探寻国际法: 以世界和平与正义之都海牙为视角 (*Chinese translation of Discover International Law, 2017*)

International law has a huge impact on everyday life, but often only specialists are aware of that. The goal of this book is to make international law accessible for all people interested but not (yet) being such experts. It is an invitation to Discover International Law, and to see how it links to major challenges of today's world. A second goal of the book is to highlight and explain the long-standing relationship between international law and the City of The Hague, "an epicentre of international justice and accountability" in the words of UN Secretary General Ban Ki-moon. Describing international law as it is and discussing trends and barriers, the authors draw optimistic conclusions in the end, despite the fact that putting international law into practice is in many ways an uphill struggle. They reach their conclusions by looking at international law as part of the 'on-going civilisation of relations between states'. Analysing a range of topics, they also make clear that international law serves as a domain that tackles 'problems without passports' in increasing interaction between people(s), states, the civil society (NGOs, trade unions, religious groups) and companies, all that being supported and critically followed by the academic community.

Grotius Dialogues

The Grotius Dialogues provide a forum for Grotius Centre-affiliated researchers to present their current research and obtain feedback from colleagues. In 2018, the Grotius Dialogues were proud to host the following discussions:

- ▶ **Mark Drumbl**, Memorialising Dissent: Judge Pal in Tokyo Then and Now
- ▶ **Yuval Shany**, General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life
- ▶ **Leena Grover**, Transitional Justice, International Law and the United Nations
- ▶ **Timothy William Waters**, Boxing Pandora: Rethinking Borders, States and Secession for a Democratic World





PhD Defences

The EFIL Programme saw nine PhD researchers receive their doctorates in 2019, a fantastic achievement of which we are very proud!

Hanna Bosdriesz

Furthering the Fight Against Impunity in Latin America: The contributions of the Inter-American Court of Human Rights to domestic accountability processes

This dissertation is inspired by the question how national authorities can be motivated to advance the fight against impunity for grave human rights violations by investigating and prosecuting those responsible for mass atrocities through their domestic justice systems. Whereas international scholarship has often sought to answer such questions by looking at international criminal courts – and in particular at the International Criminal Court – this

study proposes instead to turn our gaze beyond The Hague, towards the Inter-American Court of Human Rights (IACtHR).

Since the days of the Cold War, the Inter-American human rights system has been an important ally for victims and civil society groups pushing their governments to recognise and investigate serious and systemic violations of human rights and bring the perpetrators to justice. It has thus been involved in the fight against impunity for decades. Its contributions to that fight remain, however, underexplored by international legal scholarship.

This dissertation examines both the legal doctrines developed by the Inter-American Court of Human Rights to further the fight

against impunity and the practical contributions of those doctrines to domestic accountability processes in Latin America. It argues that the Inter-American system has made important contributions to several aspects of domestic accountability processes. However, in order to understand these contributions, we have to step outside the compliance framework often employed in legal scholarship to the study of international courts.

Ruben Zandvliet

Trade, Investment and Labour: interactions in international law

The collapse of the Rana Plaza building in Bangladesh in 2013, where 1134 textile work-

ers were killed, has become the symbol of the sometimes degrading working conditions in today's globalised global economy. Fatal accidents, factory fires, violence against union leaders, unequal treatment of women and men in the workplace, child labor and forced labor also occurred a hundred years ago. Nowadays there is an extensive legal structure that facilitates and protects international trade and investments, and that enables Western (clothing) brands to have their production take place where that is most optimal for them. Economic globalisation is not a natural phenomenon, but is partly made possible by rules of public international law, in particular those that regulate international economic relations between states.

Legal agreements in trade and investment agreements influence - both in a positive and negative sense - the regulation of labor. This dissertation investigates these interactions. Three questions are central to this: (1) Do economic treaties limit countries such as Bangladesh in improving labor standards? (2) Do economic treaties limit the possibilities for countries such as the Netherlands to ban goods made under poor working conditions? (3) Can explicit labor clauses in trade and investment treaties contribute to better protection for employees?

Vid Prislán

Domestic Courts in Investor-State Arbitration: Partners, Suspects, Competitors

Foreign investors have come to prefer international arbitration as a mechanism for resolving disputes with States hosting their investments. But how do these international arbitral tribunals, which operate independently from the judicial system of the host State and are composed of foreign arbitrators not necessarily knowledgeable about local law, relate to

host State's domestic courts? Are these tribunals bound by those courts' pronouncements on points of applicable local law? Do these tribunals defer to domestic judicial procedures when the same dispute is before domestic courts? Furthermore, how do these tribunals scrutinise the conduct of domestic courts when this has caused injury to the investor and its investment?

These are the type of questions that this dissertation addresses by mapping the roles that investment tribunals accord to domestic courts when arbitrating disputes between States and foreign investors. Based on an extensive and in-depth analysis of arbitral jurisprudence, the dissertation demonstrates that the courts' roles can be conceptualised in three ways. First, as partners, when it comes to assisting tribunals in determining the content of the law; second, as suspects, when their conduct becomes the object of the tribunals' scrutiny; and third, as competitors, when courts themselves provide a potential avenue for redressing injuries suffered by investors at the hands of a host State's authorities. The dissertation sheds light on a key dimension of the relationship between national judicial organs and international adjudicatory bodies and thus informs further development and reform of the current system of investor-State dispute settlement.

Yudan Tan

The Rome Statute as Evidence of Customary International Law

This dissertation provides a detailed analysis of the practical and urgent issue concerning the 1998 Rome Statute of the International Criminal Court as evidence of customary international law. The dissertation is composed of seven chapters, including the introduction and conclusions. Chapter 2 sets out a flexible formula of the two-element identification ap-

proach, focusing more on *opinio juris*, and clarifies the term 'declaratory' that defines the relationship between treaty and custom. Based on the methodology and the terms illustrated in chapter 2, chapters 3-6 address key issues of war crimes, crimes against humanity, indirect co-perpetration and personal immunity.

This dissertation concludes that provisions of the Rome Statute were partly declaratory of custom when adopted in 1998, and that they are also partly declaratory of custom at the present time. This dissertation will hopefully provide a perspective to understand part of the corpus of customary law applicable in the field of international criminal law which could be of value to legal practitioners of States.

Fernando Fiallos

Does unmanned civil aviation have a place in current international legislation?

On 14 November 2019, Fernando Fiallos successfully defended his PhD dissertation 'Does unmanned civil aviation have a place in current international legislation?', supervised by Pablo Mendes de Leon and Eric de Brabandere. This research explores the legal regimes of airspace, the notion of aircraft, the concept of international air navigation in relation to international air transport and the regulatory regime of safety. Fernando Fiallos concludes that the principles of air law as laid down in the Chicago Convention apply to the cross-border operations of UAS. All unmanned aircraft (UA) must obtain prior authorisation to fly over foreign airspace or land in the territory of another State, UA are free to fly over the airspace above the high seas and because UA have the nationality of the State of Registry, that State is responsible for the safe operation of the UA. In addition, Fiallos noted that because the UA industry continues to expand, so will the numbers of aircraft that oper-

ate simultaneously. This scenario presents a tremendous challenge to States, ICAO and airspace planners, which will require innovative approaches to the management of air traffic, safety and security of UAS. While the International Civil Aviation Organization (ICAO) is working to amend and create new Standards and Recommended Practices (SARPs) for the operation of UAS on cross-border flights, member States have already produced, and continue to produce, regulations that facilitate the integration and operation of these aircraft within their national airspace. This situation is undermining attempts to develop uniform and harmonised normative regulations for UAS for international flight operations. Fiallos believes that the Chicago Convention provides, for the time being, the necessary legal framework to facilitate integration with international civil aviation of UAS controlled by remote pilots, but its annexes do require amendments to incorporate new specific Standards and Recommended Practices (SARPs) to make their operations safe. The safe integration of UAS will require innovative and holistic thinking to better understand where new regulations could support the safety, security and international harmonisation of unmanned aviation operations.

Kabir Duggal

Principles of evidence in investor-state arbitration: burden, standards, presumptions & inferences

The research examines publically known investor-state cases, supplemented by views of leading commentators, to identify evidentiary principles dealing with burden of proof, standard of proof, presumptions and inferences. In this research, I conclude that investor-state tribunals have indeed recognized and applied evidentiary principles on burden of proof, standard of proof, presumptions and infer-

ences. These principles do not always flow from the generally accepted view on arbitral discretion. Rather, these principles have been generally recognized under the rubric of general principles of law. I conclude that the failure to meet the evidentiary principle can have consequences, although the precise consequence varies based on the principle. For example, the failure to meet some of the principles (e.g., burden of proof) can have very severe consequences (e.g., annulment of an IC-SID award) but for other principles like whether or not a tribunal should draw an inference would depend on its assessment of the evidence and, therefore, as a general matter cannot be the subject of an annulment.

Huw Llewellyn

An institutional perspective on the United Nations criminal tribunals: governance, independence and impartiality

The dissertation compares the UN criminal tribunals (for the former Yugoslavia, Rwanda, Sierra Leone, Cambodia and Lebanon) from an institutional perspective, looking in particular at the differing institutional forms in which they were established, and at the tribunals' political "oversight" bodies, comprising States. The UN Security Council established and oversaw the functioning of the tribunals for the former Yugoslavia and Rwanda. The other tribunals are overseen by "management committees", each comprising a handful of the major donor States.

It assesses these varying forms and oversight arrangements in terms of their strengths and weaknesses in supporting the tribunals' independent and impartial functioning, which is a requirement under international law. It also assesses their strengths and weaknesses in enabling the tribunals to be well-run institutions, which is not a legal requirement, but is

nevertheless an important "governance" consideration. Both of these considerations are important to promote respect for the tribunals' authority among the international community, including in the State where the atrocities in question took place.

Both types of oversight body have exceeded the budgetary and administrative authority that they might be expected to have over the tribunals, engaging in matters of judicial management and efficiency, in particular adopting "completion strategies" – timelines for the completion of all cases by the tribunals. It is unlikely that such measures by government authorities in relation to national courts would be considered compatible with the international legal requirement of independence. This raises the question whether the legal requirement of independence and impartiality applies differently in relation to international tribunals. The dissertation recommends that new international guidelines be considered to address such questions.

The institutional form and oversight arrangements of the International Criminal Court ("ICC") draw on some of the strengths of those of the UN criminal tribunals, which means that it is well-placed to weather the current storm regarding allegations of an over concentration on situations in Africa.

Marieke Wierda

The local impact of a global court: assessing the impact of the International Criminal Court in situation countries

Twenty years after the coming into force of the Rome Statute, not much has been written on its impact on the country level, neither is there consensus on the goals of the ICC. This thesis seeks to put forward a framework for assessing the impact of the Rome Statute, by measuring four types of impact: systemic effect on do-

mestic legal systems; transformative effect on peace processes (such as through including the rights of victims); reparative effect for victims; and a demonstration effect on affected populations. The thesis measures these effects mainly in four countries: Afghanistan, Colombia, Libya and Uganda. Sources include (legal) literature, policy papers, news stories and interviews. The thesis concludes that while there is some normative impact of the Rome Statute and the ICC, in the form of systemic and transformative effect, it is undermined by lack of societal impact, mainly due to negative perceptions among affected population (demonstration effect) and lack of impact on victims (reparative effect). The thesis also makes a preliminary conclusion that the impact of the Court may have been the most in the country where it was needed the least (Colombia, which has a fairly robust legal system).

Reza Eftekhari

The Role of the Domestic Law of the Host State in Determining the *ratione materiae* Jurisdiction of Investment Treaty Tribunals: The Partial Revival of the Localisation Theory

This Thesis begins by examining the general role that relevant domestic laws (of the capital-importing and capital-exporting countries) play in the determination of contested jurisdictional and substantive issues in investment treaty arbitrations. Subsequently, in two separate chapters, the Thesis delineates the legal bases for the application and the specific function of the municipal laws of the recipient state in settling two paramount issues of jurisdiction *ratione materiae* in investment treaty arbitrations, namely the matters concerning the legality of the investment as well as the existence of 'property rights' underlying the 'investment'. Having pinpointed the vast relevance of

the internal laws of the host state in deciding upon these jurisdictional thresholds, the Thesis goes on to submit that this extensive role of the host state law in the above-mentioned matters coupled with other circumstances and developments in the international law of investment (in particular, the ever-increasing role of the courts of the host state in the resolution of investment treaty arbitration disputes) tend to partially revive the long-dormant theory of 'localisation' which had once been substantially affected in a negative way by the inception and the introduction of bilateral investment treaties.







Kalshoven-Gieskes Forum on International Humanitarian Law

In 2019, the Kalshoven-Gieskes Forum on International Humanitarian Law continued its international collaborations and exchanges, launched a new research project on digitally derived evidence, and held an innovative art competition to celebrate the Geneva Conventions.

IHL Clinic: Partnerships and impact continue to expand

KGF initiates the 'Global IHL Clinic Network'

In 2019, after encouragement also from the International Committee of the Red Cross (ICRC), KGF Director Dr Robert Heinsch, together with the whole team of the Kalshoven-Gieskes Forum has initiated a "Global IHL Clinic Network." This network aims to connect, on the one hand those who are already directing an IHL Clinic, and on the other hand provide practically oriented support and expertise to those who wish to establish an IHL Clinic. The global IHL Clinic Network will

connect the next generation of IHL practitioners, who train our IHL Clinic students as qualified staff recruits ready to respond to the needs of their professional partners through real-time and real-world legal research analysis and writing. At the same time, members of the Global IHL Clinic Network engage, individually and in collaboration, in activities to further disseminate the values of IHL.

IHL Clinic Exchange Conference in Tel Aviv

The Kalshoven-Gieskes Forum's IHL Clinic students, their supervisors, and the Clinic's Director Dr Robert Heinsch attended the 5th annual IHL Clinic Exchange Conference,

which this year took place in Herzliya and Tel Aviv to meet with students from the KGF's partner IHL Clinics, Emory Law School (USA), IDC Herzliya (Israel), and Roma Tre University (Italy). This year, the Conference was hosted by the IDC Herzliya's IHL Clinic and its Director, Adv. Yael Vias Gvirsman. Between 15 and 19 December 2019, the four Clinic delegations discussed and presented their current Clinic projects and engaged in discussions on IHL among themselves and with invited speakers during panel discussions (Picture: Leiden IHL Clinic delegation at Tel Aviv airport after five days of IHL Clinic Conference).

European IHL Clinic partnership

Apart from the IHL Clinics in Bochum, Germany, and Roma Tre, Italy, the Forum has also established contacts to the University of Glasgow, who have recently set up another IHL Clinic in Scotland. In addition, a new IHL/ICL Clinics were set up at Paris Pantheon Assas University in Paris, France by former Leiden alumnus Alexandre Nicolae, at by local students at Edinburgh University. Dr Robert Heinsch has provided support and advice to each of these partners in their endeavours to establish their IHL Clinics. This collaboration among European IHL Clinics envisions to continue to expand the annual IHL Clinic Exchange Conferences and their positive impacts on our students. IHL Clinic Conferences have also proven to have positive implications for expanding and further institutionalising partnerships between various academic institutions and their IHL Clinics, as well as fostering cooperation with partners working in the humanitarian field.

Training for academics and practitioners from the MENA region

From 10 to 13 June 2019, Dr Robert Heinsch and KGF PhD fellow Ms Sofia Pouloupoulou, LL.M., upon the invitation of the Lebanon IHL desk of DIAKONIA went to Amman, Jordan to give a workshop on 'How to establish and direct an International Humanitarian Law Clinic' to a group of academic colleagues from Lebanon, Palestine, Iraq, Morocco, Tunisia, and Jordan. The KGF staff members explained to the colleagues the best practices how to successfully set up an IHL Clinic at a law faculty in their home country. The training included sessions on the concept and educational value of IHL Clinics, the process of setting-up an IHL Clinic, and how to attract cooperation partners and supervise Clinic projects. The participants also had the opportunity to engage in

practical exercises designed to help them take the first steps in establishing an IHL Clinic. Following this successful workshop, a new IHL Clinic was established at the University of Applied Sciences in Amman, Jordan. Former KGF guest researcher, Dr Ahmed Khalifa, also managed to set up an IHL Clinic at the German University in Cairo, Egypt. (Picture: IHL Clinic Workshop in Amman, Jordan)

Promoting humanitarian norms through innovative teaching

On 13 September 2019, KGF and IHL Clinic Director Dr Robert Heinsch took part in a discussion on "Promoting norms through innovative teaching" at the ICRC's Advanced IHL Seminar, hosted at the Geneva Academy. Dr Heinsch gave a presentation concerning "A universal teaching trend? Setting up and running an IHL clinic: opportunities, obstacles and solutions". He shared his experiences from setting up the Leiden and Bochum IHL Clinics, and discussed how to create and run IHL Clinics; how IHL Clinics allow interested law students to conduct practical work for cooperating partners; as well as the benefits of IHL clinics for students, lecturers, and universities.

European Arms Exports in the Case of Yemen: IHL Clinic reports contribute to a communication to the ICC

On 12 December 2019, Dr Robert Heinsch took part in a panel discussion hosted by the KGF's longstanding cooperating partner, the European Centre for Constitutional and Human Rights (ECCHR), and the Humanity Hub in the Hague. The discussion revolved around a recent communication by the ECCHR to the International Criminal Court (ICC), aiming at invoking individual criminal responsibility for arms sales from European states to the Saudi-led coalition that is involved in the ongoing armed conflict in Yemen. The panellists dis-

cussed this unprecedented approach to bring perpetrators of international crimes to justice, including persons who were/are aiding and abetting these crimes. Dr Robert Heinsch presented several legal issues of the communication, which have previously been thoroughly researched by former IHL Clinic students in three subsequent IHL Clinic projects (2017-2019), in cooperation with the ECCHR.

Presentation of IHL Clinic report: 'The Situation of Drug-Related Violence in Mexico from 2006-2017: A Non-International Armed Conflict?'

On 20 September 2019, Dr Robert Heinsch presented the KGF's IHL Clinic report on "The Situation of Drug-Related Violence in Mexico from 2006-2017: A Non-International Armed Conflict?" at an event in The Hague hosted by the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH). The Report has also been submitted by the CMDPDH to the International Criminal Court (ICC) as additional documentation to support one of their previous communications to the ICC.

The Forum's 2019 Success Stories

New research project on 'Digitally Derived Evidence'

In July 2019, KGF members Dr Emma Irving and Dr Robert Heinsch launched a research project on "Evidentiary standards for Digitally Derived Evidence (DDE) before international and national courts and tribunals", funded by the Swiss Ministry of Foreign Affairs. The DDE project, headed by Dr Emma Irving, was initiated in the context of the IHL Clinic in the Spring term of 2019. The first phase of the project provided an overview of the past and current legal framework and jurisprudence concerning DDE in international criminal courts

and tribunals, as well as the current framework and practice used by Fact-Finding missions. In the second phase of the project, the IHL Clinic students researched cases in national courts that used DDE, producing 12 comprehensive summaries. The current aim of the DDE Project, supervised by Ms Sharon Pia Hickey, KGF's Research and Teaching Associate, together with Dr Emma Irving, is to expand previous research on international cases, review case transcripts to identify DDE-related arguments not captured in final judgments and distil the research into guidelines for practitioners. The project also aims to prepare a workshop of experts to review and provide comments on the guidelines and devise a way to present the information in a database for practitioners.

Online course 'IHL in Theory and Practice' surpassed 20.000 enrolled learners

The Kalshoven-Gieskes Forum's first Massive Open Online Course (MOOC) on 'International Humanitarian Law in Theory and Practice', launched in November 2018 together with Leiden University's Centre for Innovation, continued to attract new learners throughout 2019. Hosted on the online learning platform Coursera, the course seeks to teach and disseminate IHL to a broader audience. This audience includes not only legal practitioners but also journalists, members of armed forces and humanitarian aid workers who want to refresh their knowledge of IHL or want to get further detailed information. Through this MOOC, that has now surpassed the mark of 20.000 enrolled learners, the KGF continues to contrib-

ute to the further dissemination of IHL on a global scale.

Presentation of the International Law Association's final report on the conduct of hostilities and IHL

On 6 June 2019, Dr Robert Heinsch, KGF Director and Co-Rapporteur of the International Law Association Study Group on the conduct of hostilities and IHL, presented the final report of the Study Group at the Asser Institute in the Hague, titled 'The Conduct of Hostilities and International Humanitarian Law: Challenges of 21st Century Warfare'. Prof Terry Gill (University of Amsterdam), the Study Group's Chair possible use in practice.



KGF became a member of the LACMO international research network

In March 2019, the Kalshoven-Gieskes Forum joined the newly established LACMO research network, a consortium of some 20 research centres and research groups within universities and military staff colleges and academies in Europe, North America, Asia and the Pacific, which are engaged in academic research in the areas of: law of armed conflict, military operational law and the military dimension of cyber security and related disciplines. The LACMO Network operates under a framework agreement designed to promote research cooperation and provide a platform for a variety of forms of cooperation, while preserving each institution's autonomy. This network gives the KGF the possibility to cooperate on international research projects with the leading institutions in the field.

Art Competition 'Posters for Protected Persons'

In commemoration of the 70th anniversary of the Geneva Conventions, the Forum coordinated the art competition 'Posters for Protected Persons: The Geneva Conventions at 70', aiming to raise awareness of IHL and especially the Geneva Conventions of 1949. The competition provided an alternative method of engaging people around the world with the Conventions and enabled participants to use their creativity and artistic talents for the promotion of humanitarian values and IHL norms. The Forum received numerous creative solutions to display the mitigating effect of the Geneva Conventions in artwork and the winners, together with the honourable mentions, were included in a calendar for 2020, which is available for free on our website. (Picture: Calendar "Posters for Protected Persons")

The KGF in Action

International Law in Cyberspace: Consultancy for the Dutch Ministry of Foreign Affairs

On 21 and 22 May 2019, about 40 like-minded States met in The Hague upon the invitation of the Dutch Ministry of Foreign Affairs in order to discuss the current state of international law (and policy) with regard to the increasing challenges of cyber-attacks. The MFA asked the Kalshoven-Gieskes Forum (legal aspects) as well as the Clingendael Institute (political aspects) to prepare the respective infrastructure for the consultation process. With the assistance of KGF student assistant Ms Johanna Trittenbach, Dr Robert Heinsch developed all the preparing documents, coordinated the panel discussion, and arranged for distinguished academic colleagues to chair the four legal

The Hague International Space Resources Governance Working Group

The Hague International Space Resources Governance Working Group was established in January 2016 with the purpose to assess the need for a governance framework for space resource activities and lay the groundwork for such framework. The Working Group is hosted by a consortium of partners from around the world, with IIASL as founding partner.

On 12 November 2019, the members of The Hague International Space Resources Governance Working Group adopted the Building Blocks for the Development of an International Framework on Space Resource Activities by consensus. The Building Blocks are the

result of four-year discussions among the Working Group participants and aim to lay the groundwork for a future potential framework for the governance of space resources.

The Building Blocks consist of twenty provisions that address different aspects of space resource activities, such as key terms, responsibility, jurisdiction and control over space-made products, priority rights, resource rights, due regard, harmful impacts from space resource activities, safety zones, sharing of benefits, registration, assistance in case of distress, visits related to space resource activities, and dispute settlement. The Building Blocks also provide

for the objectives, the principles and the scope of the governance framework, as well as for appropriate institutional arrangements and for its monitoring and review. The Working Group identified these issues as essential in the discussion about the governance of space resources and recommends that they are taken into consideration by States, international organizations, and other entities, which may be involved in the negotiations of a governance framework. A Commentary to the Building Blocks will be published as a book in 2020.

 Tanja Masson-Zwaan



► Alaa Hoka's entry for the Posters for Protected Persons competition, 'Home is Never the Target'

panels taking place during the state meeting.

IHL training for professionals working in humanitarian action

From 24 to 25 June 2019, Dr Robert Heinsch provided a two-day IHL training workshop to a group of 15 practitioners upon invitation from Professionals in Humanitarian Assistance and Protection (PHAP) in Brussels, Belgium. This was another occasion in which KGF staff was able to present their expertise to participants who will be able to work in situations of humanitarian crisis in the future and will have gained additional knowledge of the legal regime governing this situation.

The Role of Human Rights Mechan-

isms in Implementing IHL

On 14 and 15 November 2019, KGF PhD fellow Ms Sofia Pouloupoulou, LL.M., participated in the Conference on the Role of Human Rights Mechanisms in Implementing IHL, where she presented her research paper "Interpreting the obligation to respect and ensure respect for IHL rules under article 38 of the Convention on the Rights of the Child: the practice of the Committee on the Rights of the Child". The Conference, which was organised under the auspices of the Global Studies Institute at the University of Geneva, the Geneva Academy of International Humanitarian Law and Human Rights, the Federal Department of Foreign Affairs, the OHCHR, and the Canton of Geneva, brought together graduate and

postgraduate researchers with experienced academics and practitioners from the UN, the ICRC and elsewhere.

Substantive law: War Crimes Including IHL Origins

On 4 December 2019, Dr Robert Heinsch gave a lecture on the historical of IHL and war crimes, which was live streamed in Lebanon with Arabic interpretation. The presentation was also translated and distributed to the audience, enabling members to follow along. This presentation further strengthened the KGF's international network and promotes the dissemination of IHL legal knowledge internationally.

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