

# EFIL Research Programme

Annual Report 2020



**Universiteit  
Leiden**  
Rechtsgeleerdheid

Discover the world at Leiden University

# Welcome



Dear colleagues,

We are happy to share our 2020 research report. The year has been challenging for all of us in light of the pandemic. Looking back to 2020 in terms of publications, it has been a success. We have seen an overall growth in articles and scientific outputs. We can also look back to the publication of an impressive amount of monographs and edited books, including Daniel Peat's ESIL book. This trend is in line with our strategy to encourage former PhD students and Assistant professors to publish their work as monographs with leading publishers. As in previous years, the scholarship covers nearly all fields of international law. It invites new conversations and reflections on changing frontiers, including engagement with other disciplines. Through webinars, blogs or commentaries, EFIL members have also engaged with new issues arising out the pandemic. In addition to our lectures and events, we can also celebrate several successful PhD defences, some of which were held fully in virtual form – a new experience at Leiden.

We are very grateful to all EFIL members and staff for their impressive work, their collegiality and perseverance in these challenging times, and their contribution to the maintenance of a vibrant research culture despite the many new obstacles that we have faced. This provides inspiration for the times to come.

**Professor Carsten Stahn**

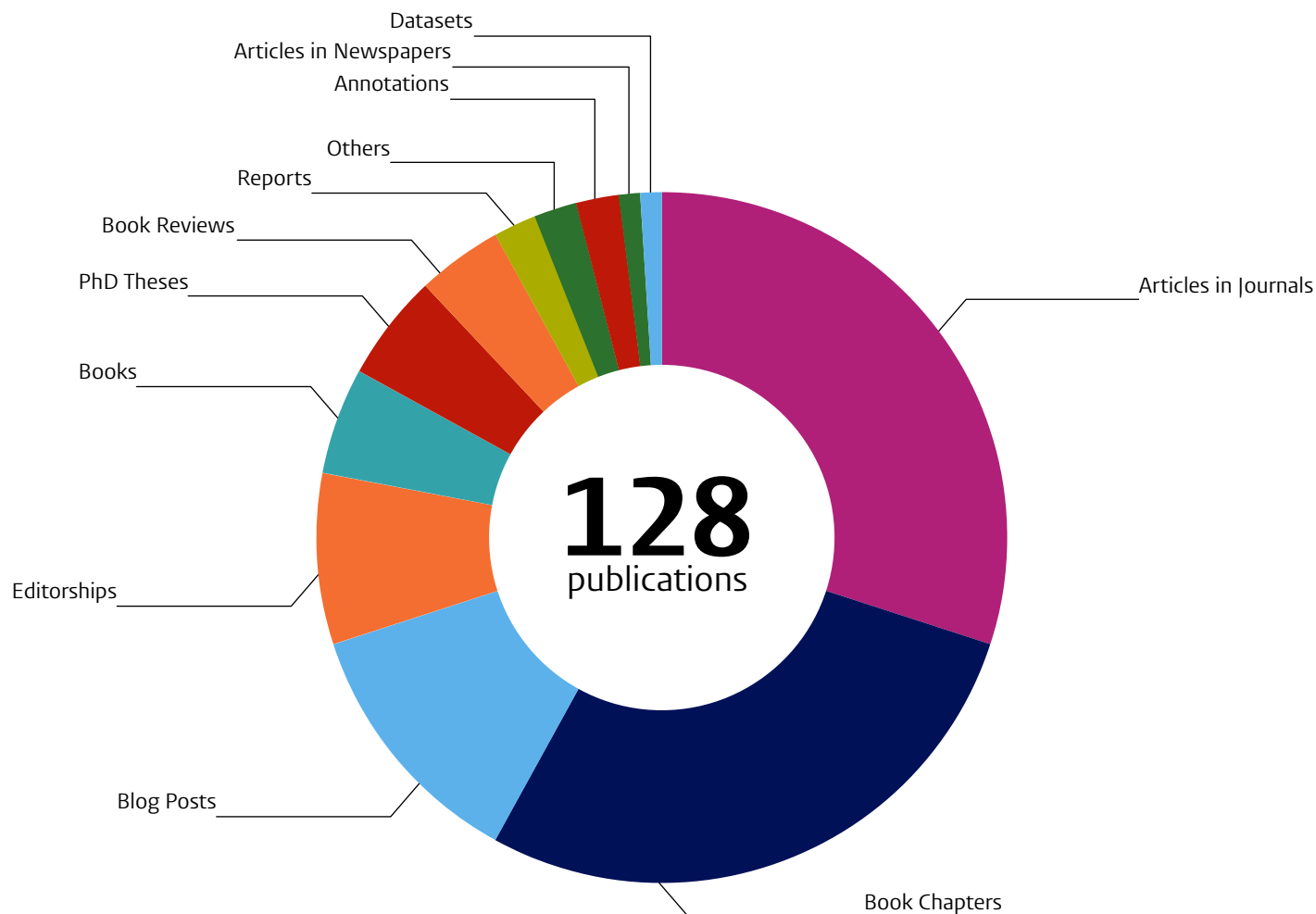
*Coordinator, Exploring the Frontiers of International Law Research Programme*

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# Representation of publication types, 2020

*Excluding interviews, lectures, and podcast episodes*



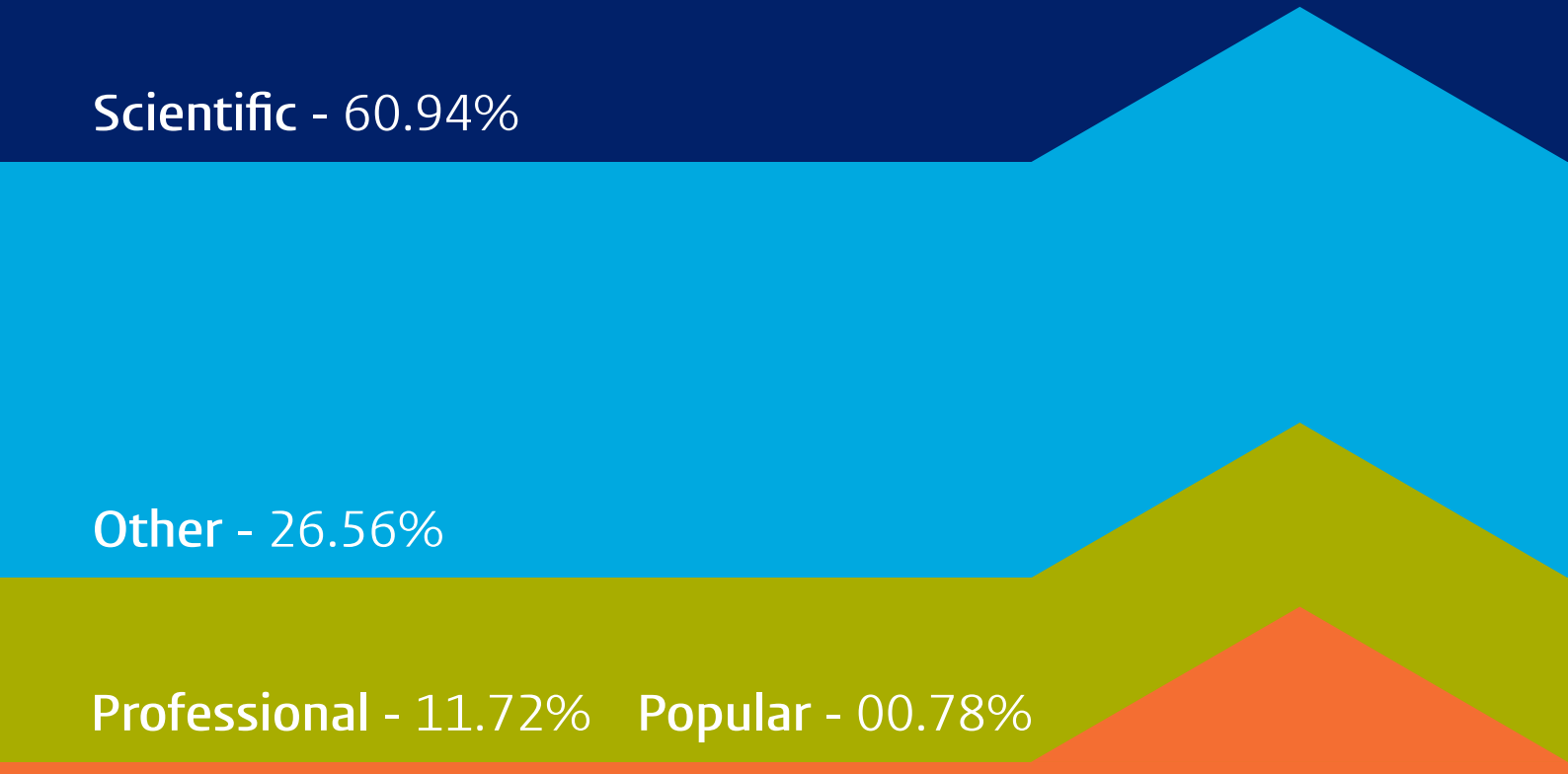
# Percentage of VSNU publication types, 2020

*Excluding interviews, lectures, and podcast episodes*

Scientific - 60.94%

Other - 26.56%

Professional - 11.72% Popular - 00.78%

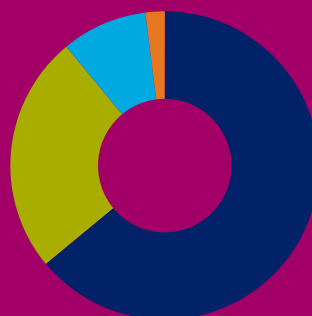


# Percentage of VSNU publication types, historical

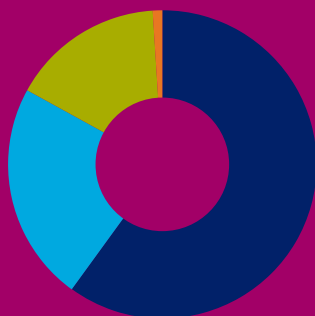
*Excluding interviews, lectures, and podcast episodes*



2015



2016



2017



2018



2019





- Articles
- Book Chapters
- Editorships
- Books

Instances of selected publication types





## Highlights From 2020

The COVID pandemic proved challenging for many in 2020. Nevertheless, there were highlights. EFIL Programme researchers were involved in several groundbreaking developments. The Programme also welcomed several staff to the University.

### Symposium on COVID-19 and International Law

Jason Rudall and Barrie Sander co-edited the *OpinioJuris* symposium 'COVID-19 and International Law'. This symposium saw 43 contributors write 38 blog posts on the relationship between international law and the pandemic. The editors strove to hear from diverse voices over the two-week symposium, which raised interesting questions about whether international law, or its failure, was complicit in the crisis. The symposium was one of the first commentaries on the pandemic to be published, which is a



testament to the organisation of the editors and the commitment of the authors.

### Leiden comes 4<sup>th</sup> in the world in the International Criminal Court Moot Court Competition

Despite the oral rounds of the competition being cancelled, the ICC Moot Court Competition went ahead on the basis of the memorials. The team of Caoimhe O'Hagan, Marion de Nanteuil, Marie Bassine, Shraddah Dubey, and Emeline Vanhooren performed excellently and placed 4<sup>th</sup> in the world. In addition, the team received two additional awards: Best Defense Counsel Memorial, and First Runner-up Best Government Counsel Memorial. This result

comes on the tail of the 2019 competition, which Leiden won. The team was coached by Jel Samar and Cale Davis.

### Cecily Rose consults for the OHCHR

Between March 2020 and March 2021, Cecily worked as a consultant for the UN Office of the



High Commission for Human Rights in Geneva (Right to Development section). Cecily's work involved drafting OHCHR Framework Principles for

Human Rights and Asset Recovery. The Framework was the subject of public consultations, in which UN member states



and other actors participated. Cecily also developed a Model Memorandum of Understanding for the Return, Use and Management of Stolen Assets. The Framework Principles will be published by the OHCHR in the coming months.



### **Steven Truxal joins the IIASL**

Steven Truxal joined Leiden University on 1 December 2020 as Professor of Air and Space Law.

His research area covers two key streams of enquiry, economic (competition) regulation and environmental regulation of international aviation, which he joined together in his second Routledge monograph (2017). With the emergence of COVID-19 as a global pandemic in 2020, the themes and linkages in Truxal's research quickly moved up the EU agenda and are topics that managers and board members of international airlines and other stakeholders in aviation will continue to face for the foreseeable future.

### **Dr Mamadou Hébié appointed as Associate Professor at the Grotius Centre**

Mamadou was assistant professor at the Grotius Centre between 2016 and 2018, when he left the Centre to take up the position of Legal Officer/Special Assistant to H.E. Judge Abdulqawi A. Yusuf, President of the International Court of Justice.



Mamadou will not only strengthen the teaching and research of the Centre in his areas of expertise, but an important part of his position will be to establish and further develop the connections between the Grotius Centre and the Law Faculty with Leiden Uni-

versity's African Studies Centre. The Grotius Centre, as well as the Faculty Board and the Institute of Public Law, believe that Mamadou is perfectly placed to strengthen and build this important, mutually beneficial, relationship with the African Studies Centre.

### **Nico Schrijver member of EU-UK Withdrawal Agreement Arbitration Panel**

Nico Schrijver, professor emeritus in Public Law and State councillor at the Council of State has been appointed by the European Union and the United Kingdom as a member of the Arbitration Panel which is authorised to settle disputes on the EU-UK Withdrawal Agreement.

The Withdrawal Agreement was concluded in 2019 following the decision of the United Kingdom to withdraw from the European Union (Brexit). The Agreement includes provisions, among other things, on civil rights, financial regulations, agreements on the application of the rules on the internal market and State aid, provisions on intellectual property and a special protocol on the border between Ireland and Northern Ireland.

The list of 25 European members for the Panel was selected on the basis of their independence and their knowledge and expertise on EU law and public international law. Besides Nico Schrijver, Corinna Wissels was also appointed to the Panel. Like Schrijver, she is a State councillor at the Council of State and she is also deputy justice at the Trade and Industry Appeals Tribunal. Wissels was also selected as one of five persons to act as chairperson for a panel.

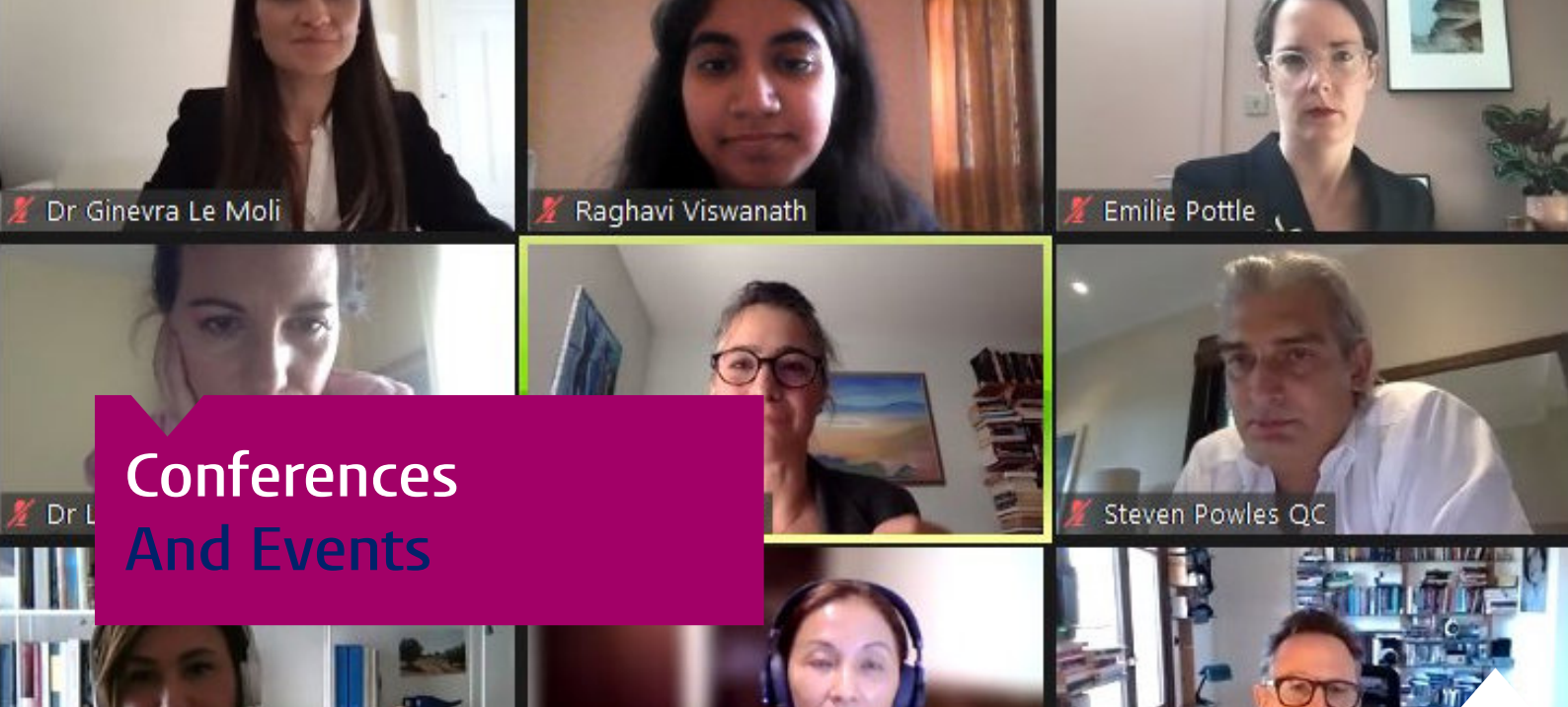


### **Oxford University Press fast-tracks approval of commentary of the WHO regulations co-edited by Ginevra Le Moli**

Last revised in 2005, following a number of innovations introduced by the WHO's Director-General Gro Harlem Brundtland to fight the SARS epidemic, the International Health Regulations are at the heart of a certain conception of the WHO's core role as an instrument to fight global health security risks. As such, the IHRs interact with a much wider set of norms, including not only international security instruments such as the international regime on bacteriological weapons, but more generally treaties relating to human rights, trade, investment, transport, intellectual property and the environment.

Co-edited by Dr Ginevra Le Moli, together with Professors G-L. Burci (Graduate Institute) and J. E. Vinuales (Cambridge), this commentary brings together the main experts on global health law and related fields to offer, for the first time in their long history, a detailed commentary of the IHRs' provisions and their proximate legal context. The commentary is intended to provide an authoritative reference to scholars and practitioners, guide the ongoing debate on legal reform to enhance domestic and international response systems to transboundary diseases outbreaks as well as the predictably vast amount of litigation that will be prompted by national measures to fight the COVID-19 pandemic. It will also provide an epicenter to the existing body of writings on previous pandemics, and to the very recent surge in interest in this area from international lawyers, manifested in a wide range of short contributions on specific issues relating to global health law.





## Conferences And Events

EFIL Researchers continued to attend and host a wide variety of conferences and events in 2020. In actively engaging with the community and providing students with opportunities to expand their networks, the EFIL Programme is expanding its global focus.

### **IIASL signed an MoU with the Associação VdAcademia, Lisbon**

On 6 March 2020, IIASL signed a Memorandum of Understanding (MoU) with the Associação VdAcademia, Lisbon, Portugal. The MoU was signed by Pablo Mendes de Leon, Tanja Masson-Zwaan and Niall Buissing on behalf of IIASL.

### **IIASL signed an MoU with the Space Court Foundation**

On 22 October 2020, IIASL signed a Memorandum of Understanding (MoU) with the Space Court Foundation. Tanja Masson-Zwaan and Dimitra Stefoudi are members of the Space Court Foundation's board and are

involved in other activities, such as a space law dictionary and a yearbook. The MoU was signed by Tanja Masson-Zwaan on behalf of IIASL. <https://www.spacecourtfoundation.org>

### **IIASL Space Law Moot Court 2020**

The IIASL Space Law Moot Court for students of the Adv. LLM in air and space law took place online on 12 May 2020. The case concerned the use of lunar resources and the students were coached by Dimitra Stefoudi and Oliver Tian. The Judges Panel consisted of Tanja Masson-Zwaan and two IIASL Alumni, Deepika Jeyakodi and Roberto Cassar.

### **Manfred Lachs Space Law Moot Court 2020**

The European Rounds of the Manfred Lachs Space Law Moot Court took place online in June 2020. The Leiden student team representing the International Institute of Air and Space Law (IIASL) won the Best Memorials Award and took second place in the European finals of the Manfred Lachs Space Law Moot Court Competition. The Leiden Team was composed of Aniel Barug, Arthur Van Den Bossche and Scott Schneider, students of the Adv. LLM in Air and Space Law. The team was coached by Thea Dethlefsen, IIASL alumna currently working at the European Space Agency, and Dimitra Stefoudi (for the written memorials),

IIASL PhD candidate. <https://www.universiteitleiden.nl/en/news/2020/06/best-memorials-and-european-runner-up-at-the-manfred-lachs-space-law-moot-court>

### ISU Space Studies Program 2020

During July and August 2020, the five-week Interactive Space Programme (ISP) of the International Space University took place online. This virtual edition replaced the Space Studies Program (SSP), 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 chaired the Policy, Economics and Law (PEL) Department and Dimitra Stefoudi functioned as Associate Chair. The [programme](#) focused on "How space can help in the monitoring, mitigation as well as the prevention and preparedness of pandemics". The PEL Department organised a series of lectures and workshops on the legal and policy aspects of the use of space technology in the fight against pandemics with invited speakers from international organisations, national space agencies, law firms, industry and academia. Tanja Masson-Zwaan and Dimitra Stefoudi also served as coaches for some of the programme's participants and provided their input for the Team Project "[The role of space during pandemics](#)".

### International Astronautical Congress 2020

Recent graduates of the Adv. LLM in Air and Space Law presented their paper, entitled "Leiden LLM students and the legal and policy aspects of space resource utilization", during the International Astronautical Congress 2020. The IAC is the largest space conference in the world and this year it took place virtually from 12 to 15 October 2020. The paper was co-authored by Aniela Barug, Scott Schneider and Wataru Inagaki, who graduated in August 2020, under the guidance of Tanja Masson-Zwaan and Dimitra Stefoudi. It was based on a workshop that took place during the course 'Space Law - European and Commercial Perspectives' in Spring 2020 and focused on space resource utilization and particularly the outcome of the Hague International Space Resources Governance Working Group.

<https://www.universiteitleiden.nl/en/news/2020/10/air-and-space-law-graduates-present-paper-at-the-international-astronautical-congress-2020>

### 32nd EALA Annual Conference 2020

The annual event of the European Air Law Association, presided by Pablo Mendes de Leon, was meant to be held in Athens, but due to COVID-19 was held online instead on 6 November 2020. Many IIASL alumni and students attended as speakers and delegates.

### 11th Leiden-Sarin International Air Law Moot Court

The Leiden-Sarin International Air Law Moot Court is the annual moot competition which is organized by the International Institute of Air and Space Law. Despite the pandemic, 24 teams represented their universities around the world and competed on the basis of written memorials. As representatives of Leiden University, Joloudi Badenhorst, Vennela Devineni,

and Ayomide Jide-Omole From the Adv. LLM in Air and Space Law programme participated the competition, with the guidance from two coaches, Annemarie Schuite and Mustafa Ayberk Dulgeroglu, who are alumni of the Adv. LLM programme. The Leiden team's applicant memorial was ranked in 4th place.

### Conference Torture by Non-State Actors: Rationale(s), Legal Frameworks and Implications

The Grotius Centre for International Legal Studies, in collaboration with the ESIL Interest Group on International Criminal Justice and the Journal of International Criminal Justice (JICJ, OUP), held an online conference on 30 March 2021.

The event revived the question of 'whose' acts may amount to acts of torture under the UN Convention against Torture and, more broadly, under international and transnational law relating to the prohibition, prevention and repression of this crime, on the basis of 'which rationales' and with 'what wider implications'.

Dr Le Moli and Dr Lo Giacco, Chair and Co-Chair of the Interest Group on International Criminal Justice and both Assistant Professors at Leiden University, introduced the conference. Prof. Salvatore Zappalà, the Editor-in-Chief of the JICJ, delivered the opening address and was followed by a distinguished list of panelists and experts in the field, from both practice (Dr Tatyana Eatwell and Steven Powles QC, Doughty Street Chambers; Emilie Pottle, Temple Garden Chambers) and academia (Prof. Cheah Wui Ling, NUS; Prof. Clapham, IHEID; Prof. Gaeta, IHEID; and Prof. Nowak, University of Vienna).

### Online Conference The Development of Normative Powers of UN Investigative Mechanisms

The Grotius Centre for International Legal

Studies in collaboration with the University of Geneva, the Chinese Journal of International Law (ChineseJIL, OUP) and the European Society of International Law (ESIL) held a conference on 28 January.

In the last decade, a substantial body of literature has explored the increasingly frequent resort to UN Commissions of Inquiry (CoIs), Fact-Finding Missions (FFMs), Independent Investigative Mechanisms (IIMs) and other similar UN bodies (collectively described as “Investigative Mechanisms” or “IMs”) to provide some measure of accountability for widespread violations of human rights, international humanitarian law and international criminal law. The extent to which these mechanisms can provide accountability heavily depends on their powers, not only to prepare a factual record which may (or may not) be subsequently used in criminal prosecutions but, more controversially and interestingly, also on their “normative” powers. One important line of argument is, indeed, that such bodies interpret their mandates making inroads into legal analysis, such as identifying the applicable legal framework, discussing the relevant norms and characterizing the facts in their light. The focus of these contributions is, however, on a specific mechanism, or on some selected examples or, still, on some general features of the phenomenon, particularly the interplay between IMs and international criminal prosecution, the “criminalization” of commissions of inquiry or their impact.

### **Behavioural Approaches in International Law**

Until recently, international legal scholarship has largely been premised on the assumption of rational action on the part of key actors in international law, whether those actors be states, international organizations, judges, arbitrators, or government officials. However, re-

cent literature in cognate disciplines, such as international relations and political science, integrates insights from behavioural economics and cognitive psychology in order to construct more descriptively accurate models of decision-making, including those decisions that pertain to international law.

A series of workshops at Leiden University and the University of Hamburg built on the nascent literature that aims to integrate empirical insights regarding the bounded rationality of decision-makers from neighbouring disciplines to the analysis of international law. The workshops acted as a forum in which international legal scholars whose research adopts a behavioural approach could present their works-in-progress and gained feedback from a broad range of peers, including scholars in economics and cognitive psychology as well as those conducting empirical and experimental research.

The first workshop – held online on 17 November 2020 – acted as a platform at which scholars could outline the conceptual framework for their project, their methodology, and their preliminary findings. Each speaker was allocated a discussant and received thorough feedback. The second workshop – which will be held at the Institute of Law and Economics in Hamburg in early summer 2021 – will give speakers an opportunity to gain feedback on a more developed piece of research, which will form the basis of an article.









## Prize Showcase

The EFIL Programme is very proud of several achievements by researchers and students in 2020. In particular, Daniel Peat won the prestigious ESIL Book Prize, and Margaretha Wewerinke-Singh was awarded a fellowship at the NIAS-KNAW.

### Daniel Peat Wins European Society of International Law Book Prize 2020

The European Society of International Law (ESIL) awarded its 2020 Book Prize to Daniel Peat, an Assistant Professor of Public International Law at the Grotius Centre for International Legal Studies at Leiden Law School. The ESIL Book Prize is awarded annually 'for an outstanding published work in the field of international law'.

The 2020 Prize Jury was composed of Professors Erika de Wet (University of Pretoria), Mathias Forteau (University of Paris Ouest, Nanterre La Défense) and Christian Walter (LMU Munich). The jury evaluated a wide range of books published in 2019 submitted

for consideration by leading international law publishers, ultimately deciding to award the Prize to Daniel Peat's recent book, *Comparative Reasoning in International Courts and Tribunals* (Cambridge UP 2019).

The Committee explained their decision as follows:

*'Peat's book is concise (a quality that the members of the jury found important) yet very substantial, innovative and highly stimulating. It is of great interest not only for the law and practice of international adjudication, but also for the theory of the sources of international law (general principles of law, relationship between domestic law and international adjudication, and relationship between comparative law and*

*international law, which is a fascinating, emerging issue) and their interpretation. As such, it will provide any international lawyer with new insights and perspectives on core issues of general international law and will no doubt pave the way to future researches in the field.*

### Margaretha Wewerinke-Singh awarded fellowship at Netherlands Institute for Advanced Study

Dr. Margaretha Wewerinke-Singh has been selected for a stay at the Netherlands Institute for Advanced Study in the Humanities and Social Sciences (NIAS-KNAW) in Amsterdam.

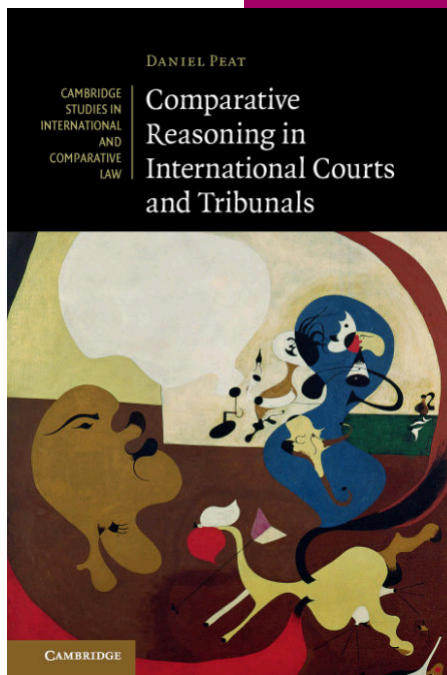
The NIAS Fellowship allows Dr. Margaretha Wewerinke-Singh to work on her project ex-

aming the impact of rights-based climate litigation for a period of 5 months in the academic year 2019/20. The Fellowship is part of a collaborative project on legal mobilisation and international law designed jointly with Dr. Jeff Handmakers and Dr. Daphina Misiedjan (International Institute of Social Studies), Dr. Jackie Dugard (University of the Witwatersrand) and Dr. Frederiek De Vlamming (University of Amsterdam). They will combine their expertise to generate new insights into various ways in which international law is being mobilised to hold states and private actors to account for human rights violations and other wrongs.

Dr. Margaretha Wewerinke-Singh will become part of a carefully selected community of about sixty scholars, artists and writers. She was selected by an external review process on the basis of the quality and innovative value of the research proposal. The success rate of NIAS fellowships is about ten percent.

### EALA Prize

During the online EALA conference on 6 November 2020, the EALA Prize was awarded to IIASL student Jacomo Restellini for his paper ['Wet lease: convenience comes at a cost Synopsis of the relevant rules in the European Union.'](#)



## Grotius Centre Working Paper Series

In 2020 the following publications were published in the Grotius Centre Working Paper Series:

- > **Grotius Centre Working Paper 2020/093-ICL:** Cale Davis, Challenges in Charge Selection: Considerations informing the number of charges and cumulative charging practices
- > **Grotius Centre Working Paper 2020/092-ICL:** Cale Davis, Doing 'Justice' at the Office of the Prosecutor: Portrayals of a Cultural Value
- > **Grotius Centre Working Paper 2020/091-IEL:** Eric de Brabandere, International Investment Law and Social Rights: Interactions and Encounters
- > **Grotius Centre Working Paper 2020/090-IEL:** Eric de Brabandere, Amicus Curiae Intervention: From NAFTA to the Intra-EU Saga
- > **Grotius Centre Working Paper 2020/089-IEL:** Eric de Brabandere and Larissa van den Herik, Non-State Actors and Human Rights Obligations: Perspectives from International Investment Law and Arbitration
- > **Grotius Centre Working Paper 2020/088-IEL:** Eric de Brabandere, Case Comment: Mathias Kruck and Others v Spain: Challenges to Arbitrators
- > **Grotius Centre Working Paper 2020/087-IEL:** Eric de Brabandere and Paula Baldini Miranda da Cruz, The Role of Proportionality in International Investment Law and Arbitration: A System-Specific Perspective
- > **Grotius Centre Working Paper 2020/086-HRL:** Helen Duffy, Trials and Tribulations: Co-Applicability of IHL and Human Rights in an Age of Adjudication





## Book Showcase



**Xabier Agirre, Morten Bergsmo, Simon De Smet, and Carsten Stahn (eds)**  
*Quality Control in Criminal Investigation*

Edited by Xabier Agirre Aranburu, Morten Bergsmo, Simon De Smet and Carsten Stahn, this 1,108-page book offers detailed analyses on how the investigation and preparation of fact-rich cases can be improved, both in national and international jurisdictions. Twenty-four chapters organized in five parts address, inter alia, evidence and analysis, systemic challenges in case-preparation, investigation plans as instruments of quality control, and judicial and prosecutorial participation in investigation and case-preparation. The authors include Antonio Angotti, Devasheesh Bais, Olympia Bekou, Gilbert Bitti, Leïla Bourguiba, Thijs B. Bouwknecht, Ewan Brown, Eleni Chaitidou, Cale Davis, Markus Eikel, Shreeyash Uday Lalit, Moa Lidén, Tor-Geir Myhrer, Trond Myklebust, Matthias Neuner, Christian Axboe Nielsen, Gilad Noam, Gavin Oxburgh, David Re, Alf Butenschøn Skre, Usha Tandon, William Webster and William H. Wiley, in addition to the four co-editors. There are also forewords by Fatou Bensouda and Manoj Kumar Sinha, and a prologue by Gregory S. Gordon.

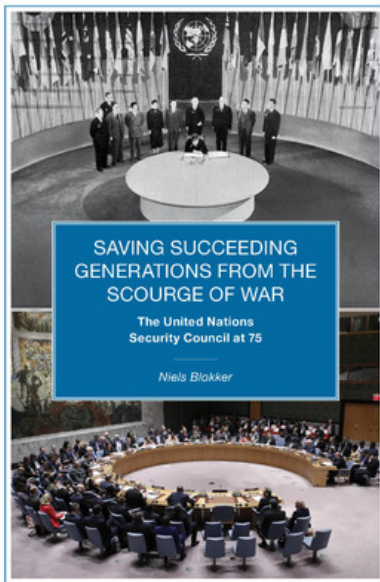
The book follows from a conference at the Indian Law Institute in New Delhi, and is the main outcome of the third leg of a research project of the Centre for International Law Research and Policy (CILRAP) known as the 'Quality Control Project'. Other books produced by the project are *Quality Control in Fact-Finding* (Second Edition, 2020) and *Quality Control in Preliminary Examination: Volumes 1 and 2* (2018). Covering three distinct phases - documentation, preliminary examination and investigation - the volumes consider how the quality of each phase can be improved. Emphasis is placed on the nourishment of an individual mindset and institutional culture of quality control.



**Morten Bergsmo and Carsten Stahn (eds)**  
*Quality Control in Fact-Finding (2<sup>nd</sup> edition)*

This book discusses how fact-finding mechanisms for alleged violations of international human rights, humanitarian and criminal law can be improved. There has been a significant increase in the use of international(ised) and domestic fact-finding mechanisms since 1992, including by the United Nations human rights system, international commissions of inquiry, truth and reconciliation commissions, and NGO fact-finding. They are analysed and assessed in detail by 22 authors under the common theme 'Quality Control in Fact-Finding'. The authors include Richard J. Goldstone, Martin Scheinin, LIU Daqun, Charles Garraway, David Re, Simon De Smet, FAN Yuwen, Isabelle Lasse'e, WU Xiaodan, Dan Saxon, Christopher B. Mahony, Dov Jacobs, Catherine Harwood, Lyal S. Sunga, Wolfgang Kaleck, Carolijn Terwindt, Ilia Utmelidze and Marina Aksenova. This Second Edition includes new chapters by Geoffrey Robertson QC, Emma Irving and William H. Wiley, as well as a new foreword by Mads Andenæs QC.

The book considers how the quality of every functional aspect of fact-finding can be improved, including work processes to identify, locate, obtain, verify, analyse, corroborate, summarise, synthesise, structure, organise, present and disseminate facts. Emphasis is placed on the nourishment of an individual mindset and institutional culture of quality control. This book concerns fact-work outside criminal justice systems. It is supplemented by *Quality Control in Preliminary Examination: Volumes 1 and 2* and *Quality Control in Criminal Investigation* in the same Series.



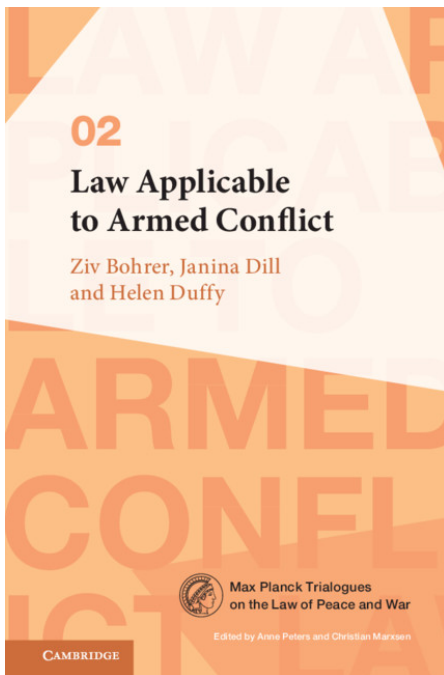
BRILL | NIJHOFF

**Niels Blokker**

*Saving succeeding generations from the scourge of war - The United Nations Security Council at 75*

In its famous first words, the UN Charter expresses the determination of “the peoples of the United Nations [...] to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind”. In order to achieve this, a new world organization was established, with a key responsibility for the Security Council.

The aim of this book is to evaluate the functioning of the Security Council during its first 75 years, from an institutional legal perspective. It analyzes three issues that were not only hotly debated when the United Nations was founded, but have also been highly relevant for the Council’s functioning in practice and are likely to remain so in the future: the right of veto for the permanent members, the rule of law, and the size of the Council (the need for enlargement).



**Ziv Bohrer, Janina Dill, and Helen Duffy**  
*Law Applicable to Armed Conflict*

Which law applies to armed conflict? This book investigates the applicability of international humanitarian law and international human rights law to armed conflict situations. The issue is examined by three scholars whose professional, theoretical, and methodological backgrounds and outlooks differ greatly. These multiple perspectives expose the political factors and intellectual styles that influence scholarly approaches and legal answers, and the unique trialogical format encourages its participants to decenter their perspectives. By focussing on the authors' divergence and disagreement, a richer understanding of the law applicable to armed conflict is achieved. The book, firstly, provides a detailed study of the law applicable to armed conflict situations. Secondly, it explores the regimes' interrelation and the legal techniques for their coordination and prevention of potential norm conflicts. Thirdly, the book moves beyond the positive analysis of the law and probes the normative principles that guide the interpretation, application and development of law.



Olavo de O. Bittencourt Neto, Mahulena Hofmann, Tanja Masson-Zwaan, and Dimitra Stefoudi (eds)

*Building Blocks for the Development of an International Framework for the Governance of Space Resource Activities: A Commentary*

The development of space resources activities is happening now. In the absence of a clear framework to govern these activities there is a need to formulate such a framework in line with existing treaty obligations, in order to enable, support and coordinate the use of space resources in a manner that is acceptable for all stakeholders.

This book provides a unique and comprehensive coverage of the work of The Hague International Space Resources Governance Group, established in 2016 with the purpose of assessing the need and laying the groundwork for such a framework.

The Commentary contains the text, explanation, legal basis and alternatives discussed for each of the 20 Building Blocks that were adopted by the Working Group in 2019 and that could potentially form part of a future governance framework for space resource activities.

The book is a useful reference tool for States, international organisations, industry, space agencies, scientists, academics and students in space law and policy interested in this new era of use and exploration of outer space.



THE GABČÍKOVO-  
NAGYMAROS JUDGMENT  
AND ITS CONTRIBUTION  
TO THE DEVELOPMENT  
OF INTERNATIONAL LAW

*Edited by*  
**Serena Forlati,  
Makane Moïse Mbengue  
and Brian McGarry**

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**Serena Forlati, Makane Moïse Mbengue, and Brian McGarry (eds)**

*The Gabčíkovo-Nagymaros Judgment and its Contribution to the Development of International Law International Environmental Law*

The Gabčíkovo-Nagymaros Judgment is among the most influential pronouncements of the International Court of Justice. While the Court took an unusual approach to settling this dispute, it also adopted important stances on a number of complex issues of sustainable development and delicate problems of 'general' international law. It significantly contributed to the elucidation and consolidation of many rules pertaining to the law of treaties, the law of international responsibility, and their mutual relationship. The Gabčíkovo-Nagymaros Judgment and its Contribution to the Development of International Law offers a comprehensive analysis of both the management of this case and the substantive legal issues at stake. It also reappraises the Court's findings in light of subsequent developments in the international legal order, focusing on the role of the 'World Court' in fostering such developments.

LEIDEN STUDIES ON THE FRONTIERS OF INTERNATIONAL LAW  
VOLUME 7

## Judges and the Making of International Criminal Law



*Joseph Powderly*

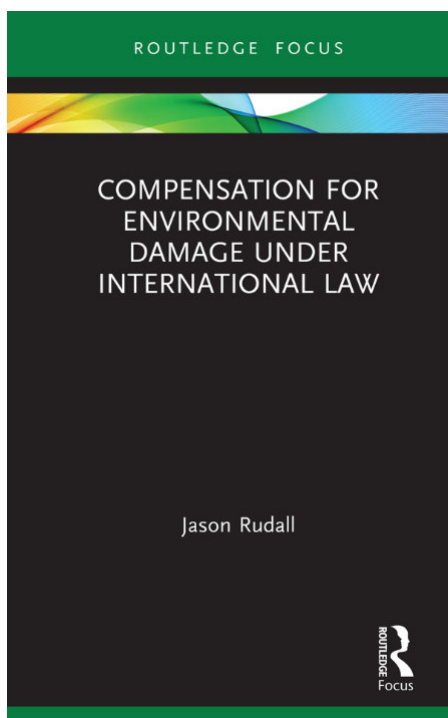
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**Joseph Powderly**

### *Judges and the Making of International Criminal Law*

In *Judges and the Making of International Criminal Law* Joseph Powderly explores the role of judicial creativity in the progressive development of international criminal law. This wide-ranging work unpacks the nature and contours of the international criminal judicial function. Employing empirical, theoretical, and doctrinal methodologies, it interrogates the profile of the international criminal bench, judicial ethics, and the interpretative techniques that judges have utilized in their efforts to progressively develop international criminal law.

Drawing on the work of Hersch Lauterpacht, it proposes a conception of the international criminal judicial function that places judicial creativity at its very heart. In doing so it argues that international criminal judges have a central role to play in ensuring that modern international criminal law continues to adapt to a volatile global environment, where accountability for crimes that shock the conscience of humanity is as much needed as at any moment in recent history.



**Jason Rudall**

*Compensation for Environmental Damage Under International Law*

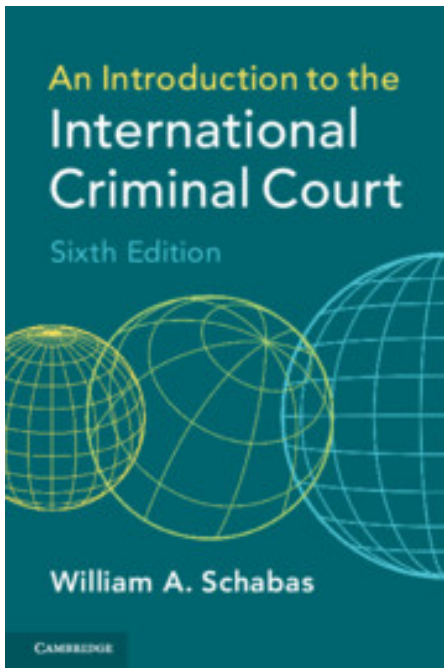
Inspired by recent litigation, this book identifies and critically appraises the manifold and varied approaches to calculating compensation for damage caused to the environment.

It examines a wide range of practice on compensation – in general and specifically for environmental damage – from that of international courts and tribunals, as well as international commissions and regimes, to municipal approaches and other disciplines such as economics and philosophy. *Compensation for Environmental Damage Under International Law* synthesises these approaches with a view to identifying their blind spots, bringing clarity to an area where there exists broad discrepancy, and charting best practices that appropriately balance the manifold interests at stake. In particular, it is argued that best practice methodologies should ensure compensation serves to fully repair the environment, reflect the emerging ecosystems approach and any implications environmental damage may have for climate change, as well as take into account relevant equitable considerations.

This book is essential reading for academics, practitioners and students working in the field of environmental law.



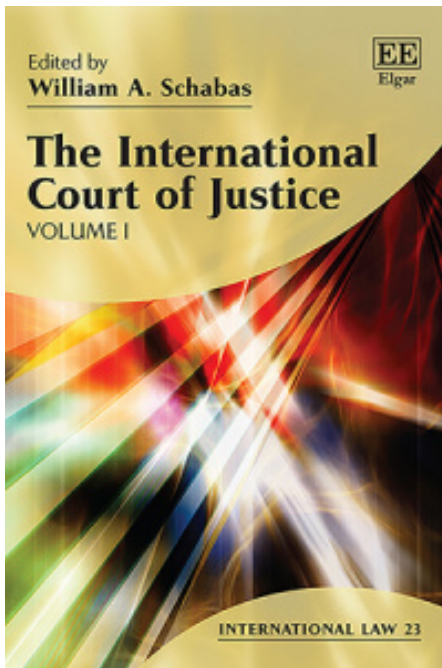




**William Schabas**

*An Introduction to the International Criminal Court (6<sup>th</sup> edition)*

This is the authoritative introduction to the International Criminal Court, fully updated in this sixth edition. The book covers the legal framework of the Court, the cases that it has heard and that are still to come, and the political debates surrounding its operation. It is written by one of the major authorities on the subject, in language accessible to non-specialists. The sixth edition brings legal references fully up to date in light of the Court's case law. Several trials have now been completed, with four convictions and a number of controversial acquittals. The book also discusses the situations that the Court is currently investigating, including Palestine, Georgia, Ukraine, Venezuela and the UK in Iraq. It also looks into the crisis with African states and the hostility of the United States to the institution.



**William Schabas (ed)**  
*The International Court of Justice*

The International Court of Justice (the 'World Court') is one of the six principal organs of the United Nations. This important collection covers how the court deals with legal disputes between States and provides advisory opinions on the important issues of international law. Readers of this book will obtain a comprehensive overview of the Court, its activities, procedure and contribution to the progressive development of international law. Containing inspirational work by the most prominent experts in the field, as well as an original introduction by the editor, this timely collection will be a crucial resource for scholars and students alike.



# Internationaal publiekrecht als wereldrecht

Derde druk

N.J. Schrijver

Boom juridisch

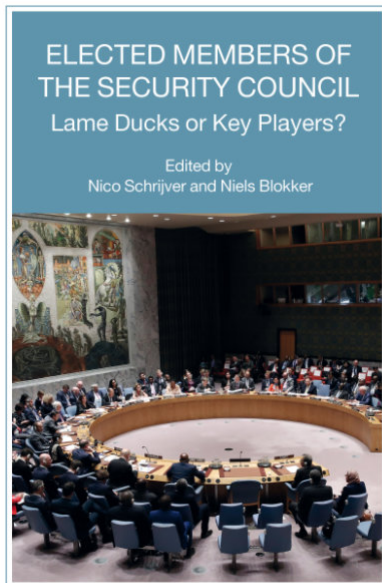
Nico Schrijver

## *Internationaal Publiekrecht als Wereldrecht: Een Inleiding*

Internationaal publiekrecht als wereldrecht behandelt in hoofdlijnen de boeiende wereld van het internationale recht.

Drie vragen staan hierbij centraal. Ten eerste in hoeverre de beginselen en regels van het internationale recht 'wereldrecht' vormen, dat wil zeggen voor de hele wereld gelden en ook door de gehele internationale gemeenschap geaccepteerd worden. De tweede vraag luidt in hoeverre, naast staten en internationale organisaties, wereldburgers, volken en multinationale ondernemingen aan het internationale publiekrecht rechten kunnen ontleen en of zij ook plichten hebben. Ten slotte wordt ingegaan op de vraag in hoeverre het internationale publiekrecht en de daarop gebaseerde organisaties gezien kunnen worden als hoeders van het algemene wereldbelang. Hierbij gaat het om zaken zoals bescherming van kwetsbare ecosystemen, vrede en veiligheid, respect voor universele rechten van de mens en van volken, armoedebestrijding en het bevorderen van duurzame ontwikkeling.

Het boek geeft tevens een gedegen inleiding tot de basisleerstukken (rechtsbronnen, rechtsdeelnemers, geschillenbeslechting, e.d.) en is ook om die reden meer dan een simpel ABC van het internationale publiekrecht.



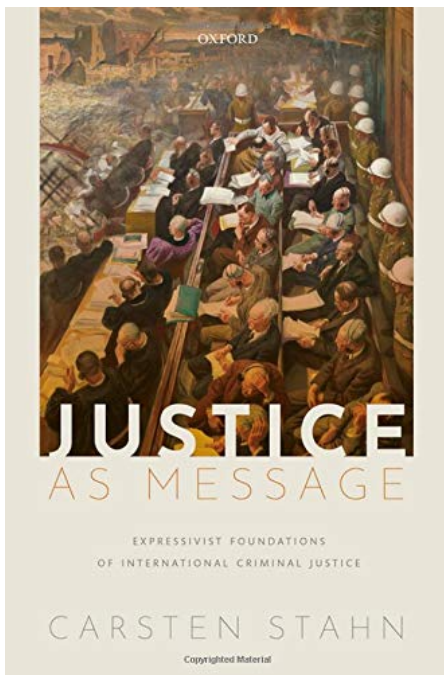
BRILL | NIJHOFF

**Nico Schrijver and Niels Blokker (eds)**

*Elected members of the Security Council: Lame Ducks or Key Players?*

Conventional wisdom has it that the successful functioning of the UN Security Council almost completely depends on the role played by its five permanent members and the extent to which they can agree—or avoid to fundamentally disagree—on the many issues on the Council's agenda. But the Council also consists of ten non-permanent or elected members who represent five different regions of the world, and who, though not vested with the right of veto, play an indispensable role in Council decision-making.

This book aims to take a closer look at that role. It considers what role is foreseen for the elected members in the UN Charter, how this evolved in practice, and what “tools” they can deploy. It also considers whether there are particular “niches” for the elected members on the Security Council, such as engaging in conflict prevention, taking initiatives on rule of law issues and debating the potential effects of climate change on peace and security. Can elected members serve as agents of the international community and norm entrepreneurs? Should their position be strengthened, and if so, how? This collection was born out of a dynamic research seminar held at Leiden University, which also drew on the experiences of former elected members. This book thus offers unique insights from both practice and scholarship, and is an indispensable tool for politicians, diplomats, academics and students alike.

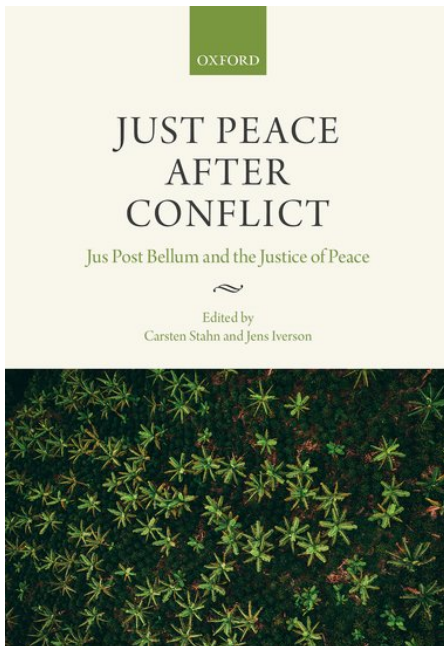


**Carsten Stahn**

*Justice as Message: Expressivist Foundations of International Criminal Justice*

International criminal justice relies on messages, speech acts, and performative practices in order to convey social meaning. Major criminal proceedings, such as Nuremberg, Tokyo, and other post-World War II trials have been branded as 'spectacles of didactic legality'. However, the expressive and communicative functions of law are often side-lined in institutional discourse and legal practice. This innovative work brings these functions centre-stage, developing the idea of justice as message and outlining the expressivist foundations of international criminal justice in a systematic way.

Professor Carsten Stahn examines the origins of the expressivist theory in the sociology of law and the justification of punishment, its articulation in practice, and its broader role as method of international law. He shows that expression and communication is not only an inherent part of the punitive functions of international criminal justice, but is represented in a whole spectrum of practices: norm expression and diffusion, institutional actions, performative aspects of criminal procedures, and repair of harm. He argues that expressivism is not a classical justification of justice or punishment on its own, but rather a means to understand its aspirations and limitations, to explain how justice is produced and to ground punishment rationales. This book is an invitation to think beyond the confines of the legal discipline, and to engage with the multidisciplinary foundations and possibilities of the international criminal justice project.

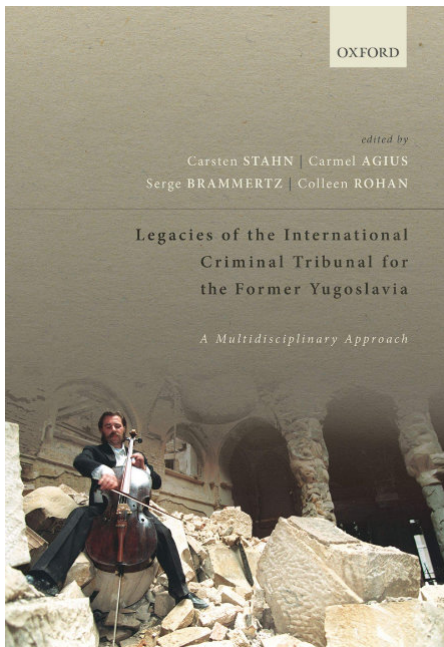


**Carsten Stahn and Jens Iverson (eds)**

*Just Peace after Conflict: Jus Post Bellum and the Justice of Peace*

The interplay between peace and justice plays an important role in any contemporary conflict. Peace can be described in a variety of ways, as being 'negative' or 'positive', 'liberal' or 'democratic'. But what is it that makes a peace just? This book draws together leading scholars to study this concept of a 'just peace', analysing different elements of the transition from conflict to peace.

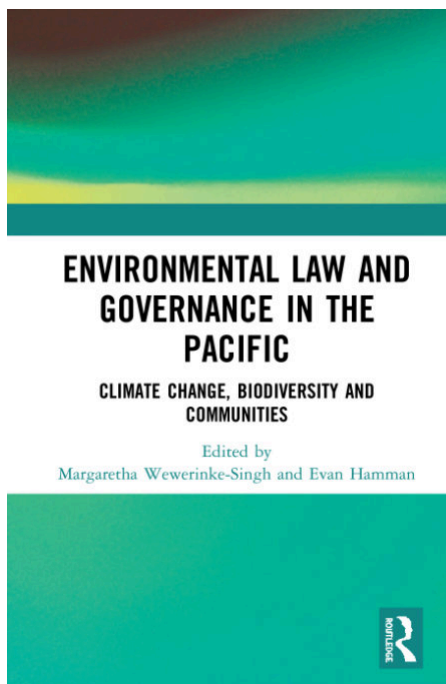
The volume covers six core themes: conceptual approaches towards just peace, macro-principles, the nexus to security and stability, protection of persons and public goods, rule of law, and economic reform and accountability. Contributions engage with understudied issues, such as the pros and cons of robust UN mandates, the link between environmental protection and indigenous peoples, the treatment of illegal settlements, the feasibility of vetting practices, and the protection of labour rights in post-conflict economies. Overall, the book puts forward a case that just peace requires not only negotiation, agreement, and compromise, but contextual understandings of law, multiple dimensions of justice, and strategies of prevention.



**Carsten Stahn, Carmel Agius, Serge Brammertz, and Colleen Rohan (eds)**  
*Legacies of the International Criminal Tribunal for the former Yugoslavia: A Multidisciplinary Approach*

The International Criminal Tribunal for the former Yugoslavia (ICTY) is one of the pioneering experiments in international criminal justice. It has left a rich legal, institutional, and non-judicial legacy. This edited collection provides a broad perspective on the contribution of the tribunal to law, memory, and justice. It explores some of the accomplishments, challenges, and critiques of the ICTY, including its less visible legacies.

The book analyses different sites of legacy: the expressive function of the tribunal, its contribution to the framing of facts, events, and narratives of the conflict in the former Yugoslavia, and investigative and experiential legacies. It also explores lesser known aspects of legal practice (such as defence investigative ethics, judgment drafting, contempt cases against journalists, interpretation and translation), outreach, approaches to punishment and sentencing, the tribunals' impact on domestic legal systems, and ongoing debates over impact and societal reception. The volume combines voices from inside the tribunal with external perspectives to elaborate the rich history of the ICTY, which continues to be written to this day.



**Margaretha Wewerinke-Singh and Evan Hamman (eds)**

***Environmental Law and Governance in the Pacific: Climate Change, Biodiversity and Communities***

This volume examines environmental law and governance in the Pacific, focusing on the emerging challenges this region faces. The Pacific is home to some of the world's most astonishing biological and cultural diversity. At the same time, Pacific Island nations are economically and technically under-resourced in the face of tremendous environmental challenges. Destructive weather events, ocean acidification, mining, logging, over-fishing, and pollution increasingly degrade ecosystems and affect fishing, farming, and other cultural practices of Pacific Islanders. Accordingly, there is an urgent need to understand and analyse the role of law and governance in responding to these pressures in the Pacific. Drawing on academic and practitioner expertise from the Pacific region, as well as Europe and the United States, this unique collection navigates the major environmental law and governance challenges of the present and future of the Pacific. Environmental Law and Governance in the Pacific discusses 21 Pacific Island countries and territories, including Cook Islands, Fiji, Papua New Guinea, Solomon Islands, Vanuatu, and Samoa, and a broad range of themes, such as deep-sea mining, wetlands and mangroves, heritage, endangered species, human rights, and access to justice, are addressed, thus providing a comprehensive and state-of-the-art overview of environmental law and governance within specific jurisdictions as well as across the Pacific region as a whole.

This volume will be essential reading for students and scholars interested in environmental law and governance in the Pacific region, as well as policy-makers, practitioners and NGOs involved in the development and implementation of environmental law and policy.

# Grotius Dialogues

The Grotius Dialogues provide a forum for Grotius Centre-affiliated researchers to present their current research and obtain feedback from colleagues. In 2020, the Grotius Dialogues were proud to host the following discussions:

- ▶ **Thomas Van Poecke**, The 'Exclusion Clause' and the Preservation of International Humanitarian Law: Can Activities of Non-State Actors related to Armed Conflict be Terrorist Offences?
- ▶ **Letizia Lo Giacco**, Beyond Methodological Mystifications: Judicial Discretion and the 'Rules' of Customary International Law
- ▶ **Jason Rudall**, Boxing Pandora: Rethinking Borders, States and Secession for a Democratic World
- ▶ **Brian McGarry**, Inherent or Implied Powers in International Justice: The Distinction in Theory and Practice
- ▶ **Cecily Rose**, The Origins of International Anti-Corruption Law: The Failed Negotiation of an International Agreement on Illicit Payments
- ▶ **Anna Marhold**, Never Waste a Good Crisis: Revisiting Non-Trade Values in the WTO through an Empirical Legal Approach
- ▶ **Daniel Peat**, Compliance for Foxes







## PhD Defences

The EFIL Programme saw seven PhD researchers receive their doctorates in 2020, a fantastic achievement of which we are very proud!

**Nadia Sánchez Castillo-Winckels**  
**International law and the sustainable governance of shared natural resources: A principled approach**

International environmental treaties and soft law instruments stress international cooperation as a fundamental principle in the governance of natural resources shared by two or more states. However, tensions between national interests and the common interests of the states sharing natural resources can make it difficult for states to cooperate. Meanwhile, the sustainable management of the resource in question and the human rights of the populations involved can be affected.

This dissertation examines principles of in-

ternational law applicable to the governance of resources that are significant to the world's population, that have the potential to be a source of conflict, and whose governance presents problematic aspects. The selected principles are sovereignty, community of interests, common concern of humankind, public participation and sustainable development. The first two chapters focus on transboundary freshwater resources, underground and surface waters respectively. Chapter 3 and Chapter 4 focus on the atmosphere, addressing atmospheric degradation and climate change respectively. Chapter 5 focuses on marine resources beyond national jurisdiction or 'ocean global commons'.

Each chapter identifies problems concerning the selected principles and their application to shared resource governance, puts forward original and cogent arguments to address said problems, and suggests ways in which the principles could contribute to the sustainable governance of shared natural resources.

**Andres Sarmiento Lamus**  
**The proliferation of dissenting opinions in international law: A comparative analysis of the exercise of the right to dissent at the ICJ and IACtHR**

International law and international relations have experienced the phenomenon on the judicialisation of international relations and the

subsequent proliferation of international courts and tribunals. One of the most significant aspects of this phenomenon, is the diversity in the institutional settings of each of the international courts and tribunals. These differences in the mandate, jurisdictional and institutional design make each of these judicial institutions unique. Despite these differences, there is one aspect that is common to nearly all the existing international courts and tribunals: the right for judges and arbitrators to append dissenting opinions. Differences exist, however, as to how this right is regulated, designed and exercised across international courts and tribunals. While at some courts and tribunals dissenting opinions should be anonymous, at others their content should be strictly limited to the aspects addressed in the majority judgment. Likewise, judges do not always exercise their right to append dissenting opinions for the same reasons. Based on these differences, the dissertation sets out to investigate whether there are differences in the exercise of the right to append dissenting opinions that can be traced back to differences in the mandate, jurisdictional and institutional design of the international court or tribunal in which they were rendered. This research aim is made through a focus on two courts that are notable for their differences, namely, the International Court of Justice and the Inter-American Court of Human Rights.

**Andrea Varga**

### **Establishing state responsibility in the absence of effective government**

Under international law, the state is generally only responsible for the conduct of public authorities and not of private actors. But when a state loses effective control over part of its territory, that loss is often accompanied (or even caused) by an enhanced role for private actors, such as armed groups, secessionist entities, or

even informal community institutions. Under the current system, these actors cannot be held directly responsible when they commit, for instance, human rights abuses. At the same time, states are rarely completely absent from the picture: the government may try to reassert control or enlist the help of militias; foreign powers may support rebel groups or prop up separatist regimes. Against this backdrop, the dissertation explores when states can be held responsible in connection with private conduct in such situations, and how any remaining accountability gaps can be narrowed in cases where a state is involved. In doing so, it focuses on three bases of responsibility: violating a duty to prevent and/or redress private conduct; complicity in private conduct; and the transformation of private into public conduct, through its attribution to the state. The analysis delves into the work of the International Law Commission and international jurisprudence, including the hitherto largely underexplored case law of regional human rights courts on these issues. To narrow the accountability gap, the dissertation argues that there should be a general rule prohibiting state complicity in the wrongful conduct of private actors; in the meantime, complicity should in certain limited cases form the basis for attribution.

**Xuechan Ma**

### **Moving towards coexistence and cooperation: the Spratly Islands and international law**

This thesis investigates the extent to which international law provides a normative framework for the management of the Spratly Islands area in the absence of agreed maritime delimitation, with the aim of maintaining peaceful coexistence of the disputant States and promoting international cooperation. In addition to the introductory and concluding

chapters, this thesis consists of two parts: Part I (Coexistence) and Part II (Cooperation). Part I, comprising chapters 2-4, seeks to set out a predictable territorial order and a permissible scope for unilateral behaviours to ensure peaceful coexistence of the disputant States. Part II, including chapters 5-7, outlines international legal frameworks for inter-State cooperation in resource and pollution management concerning the Spratly Islands area. This thesis concludes that the functions of international law in managing this region can be achieved through the interaction between its substantive and procedural elements, despite its limitations resulting from the classic 'territoriality' model of jurisdiction. This thesis will hopefully provide a balanced perspective on the roles of international law and advocate a blueprint of cooperation that can be undertaken at a relatively low level of efforts or changes by making use of the existing international instruments or available cooperative mechanisms as much as possible.

**Darryl Robinson**

### **Exploring justice in extreme cases: Criminal law theory and international criminal law**

This thesis is about the criminal law theory of international criminal law (ICL). More specifically, the thesis focuses on one area of inquiry within criminal law theory: the fundamental moral constraining principles of criminal law (such as the culpability or legality principles).

The main contribution of this thesis is to advance a method for identifying and clarifying the fundamental principles appropriate for ICL. I show that the most familiar sources of guidance are unreliable, and that efforts to find solid grounding are untenable. I propose a 'coherentist' method, which stipulates that we do not necessarily need a foundational ethical

theory, or bedrock for beliefs. Instead, we can work productively at a middle level, using all of the available clues – including patterns of practice, normative arguments, and considered judgments. Currently prevailing understandings of the principles are contingent human constructs, but nonetheless we can make fruitful progress in applying and refining the best available constructs.

The method is illustrated through an examination of command responsibility, an important but hotly contested doctrine. The inquiry shows problems in ICL jurisprudence and generates prescriptions for a law that responds fairly and effectively to a particular danger of human organization.

**Jolanda van der Vliet**

### **The international legal protection of environmental refugees: a human rights-based, security and state responsibility approach**

Environmental degradation in combination with other factors, can lead to forced migration. This multi-causal and complex phenomenon is hard to capture under international law. The protection of environmental refugees can be approached as a human rights, security and State responsibility issue. Each approach provides different legal protection regimes, which addresses different actors. The approaches also cover different periods in time and address different types of environmental refugees. In this thesis, current legal regimes are interpreted in the context of environmentally forced migration. Also new protection possibilities are identified through the combined application of international law regimes.

**Elizabeth van Schaack**

### **Imagining justice for Syria: water always finds its way**

This dissertation situates the war in Syria within the actual and imagined system of international criminal justice. It explores the legal impediments and diplomatic challenges that have led to this tragic state of affairs and reviews a number of accountability solutions being explored within multilateral gatherings, by states, and by civil society actors, including innovations of institutional design; the re-activation of a range of domestic jurisdictional principles (including universal jurisdiction in Europe); the emergence of creative investigative and documentation techniques, technologies, and organizations; and the rejection of state consent as a precondition for the exercise of jurisdiction. Engaging both law and policy around international justice, the text offers a set of justice blueprints, within and without the International Criminal Court. It also considers the utility, propriety, and practicality of establishing an ad hoc tribunal and pursuing a transitional justice program without a genuine political transition. All told, the book attempts to capture the creative energy radiating from members of the international community intent on advancing the accountability norm in Syria even in the face of geo-political blockages within the U.N. Security Council.







## Kalshoven-Gieskes Forum on International Humanitarian Law

The Kalshoven-Gieskes Forum on International Humanitarian Law (KGF) is dedicated to the research, teaching and dissemination of international humanitarian law (IHL). The Forum is directed by Associate Professor Dr. Robert Heinsch.

### Research-oriented and innovative teaching of IHL

While the year 2020 presented many new challenges for education due to the world-wide pandemic, the KGF and its IHL Clinic supervisors look back on an exciting year of teaching and supervising talented and highly motivated students. In 2020, the Kalshoven-Gieskes Forum offered the opportunity to participate in its IHL Clinic to a total of 36 students from the Leiden University LL.M. programmes in Public International Law (regular and advanced). Clinical legal education in IHL enables students to acquire first-hand practical experience in IHL and humanitarian affairs

during their studies and within the framework of an academic institution. Students conduct in-depth, pro bono research for an external partner that works in the humanitarian field, supervised by driven and highly competent academic colleagues. This research-led educational approach allows students to acquire and develop skills in legal research, critical thinking, legal analysis, and problem-solving while being confronted with professional responsibility and opportunities to reflect on their personal and professional development.

### IHL Clinic 2020: The Highlights

IHL Clinic students in 2020 collaborated in

small-scale learning environments on one of nine projects, seven of which were confidential. These research projects entailed, for example, collaborating with external partners to investigate crimes against humanity, to support efforts aimed at enhancing the protection afforded to humanitarian personnel in armed conflict, or to explore domestic laws of selected countries to identify the possibilities to prosecute corporate decision-makers for potential international crimes. Under the overall supervision of Dr. Heinsch and Deputy Director of the IHL Clinic Dr. Giulia Pinzauti, the student research projects were supervised by the Forum's research and teaching associates as well as guest researchers, including Ms. Sofia Larriera

Santurio LL.M., Mr. Waleed Mahmoud, LL.M and Ms. Juliette Wangen, LL.M.

The two non-confidential IHL Clinic projects have developed into multi-year research projects that are enabling generations of students to explore uncharted territory in international humanitarian and criminal law while offering new insights to the academic and practical community.

The project '[IHL in Action: Respect for the Law on the Battlefield](#)' is conducted in a long-standing cooperation with the International Committee of the Red Cross (ICRC). The project demonstrates compliance with IHL by states and non-state actors, provokes critical reflection on the legal framework governing armed conflict, and aims at outlining reasons why and how parties to a conflict adhere to IHL. Based on students' open-source research, the publicly available database 'IHL in Action', hosted by the ICRC, provides insights into modern warfare and aims at changing the way we perceive, teach and research IHL.

The '[Digitally Derived Evidence](#)' (DDE) project was launched by KGF members Dr. Emma Irving and Dr. Robert Heinsch in July 2019 and is continuously being supported by the Swiss Federal Department of Foreign Affairs. The project provides the opportunity

for IHL Clinic students to research legal frameworks and jurisprudence concerning DDE in international criminal courts and tribunals, national jurisdictions, as well as the framework and practice used by fact-finding missions. In the framework of this project, the KGF hosted an online expert workshop on Digitally Derived Evidence in September 2020, supported by the Leiden University Fund. The project's research outcomes feed into guidelines for practitioners, and the project aims at finding and disseminating international legal standards for digital evidence continues. The DDE project is currently coordinated by the KGF's research associates Ms. Alla Ershova, LL.M. and Ms. Ashley Peltier, J.D., LL.M., and was originally coordinated by Ms. Sharon Pia Hickey, LL.M. during its first phase.

### Global impact of the Forum

#### Online course 'IHL in Theory and Practice'

The KGF massive open online course '[IHL in Theory and Practice](#)', hosted on the Coursera learning platform, has surpassed 32.000 enrolled learners since its launch in November 2018. The online course attracts learners from

all continents and stages of their career – e.g., students, scholars, practitioners – who seek to enhance their knowledge on IHL, and it presents one of the avenues through which the KGF aims to disseminate knowledge on IHL. The Forum is happy to welcome roughly 200 new learners every week and will continue to disseminate IHL around the globe.

### Global IHL Clinic Network

The Forum has received an education grant by the Leiden University Fund, supporting its efforts to establish, coordinate and institutionalise a global network of scholars that engage in clinical legal education of IHL. Over the period of twelve months, the KGF aims at laying the foundations for coordinating the cooperation between IHL Clinics all over the world and establishing Leiden University and the KGF as the 'global hub' for clinical legal education of IHL. The Global IHL Clinic Network welcomes all interested scholars, institutions and practitioners to engage and join the network via the [KGF website](#). The current coordinator and co-initiator of the Global IHL Clinic Network is research and teaching associate, Ms. Johanna Trittenbach, LL.M.

## 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. The second phase of the Working Group concluded on 31 December 2019. A Commentary on the Building Blocks was published in February 2020 by Eleven International Publishers. The

Commentary offers background information on the developments of the Working Group and the formulation of the Building Blocks. The text can be [ordered](#) or is [available as Open Access resource](#) through the publisher's website.



# Publications from 2020

## Annotations

- ▶ Heinsch R.W., annotatie bij: ICC 3 oktober 2011, nr. ICC-02/11, P.T. Ch. III, Annotated Leading Cases of International Criminal Tribunals 2020,57; 260-270 (Commentary on "Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation the Republic of Côte d'Ivoire").
- ▶ Tan F., annotatie bij: EHRM 30 januari 2020, nr. 35746/11, EHRC Updates 2020; 1-6 (EHRC 2020-0077 Saribekyan en Balyan t. Azerbeidzjan – Gewapende conflicten, krijgsgevangenen, en de rechtsmacht van het EHRM).

## Articles

- ▶ Baldini Miranda da Cruz P. (2020), Trackers and Trailblazers: Dynamic Interactions and Institutional Design in the Inter-American Court of Human Rights, *Journal of International Dispute Settlement* 11(1): 69-90.
- ▶ Blokker N.M. (2020), Terugtrekkingen uit internationale organisaties, *Ars Aequi* 69(2): 124-125.
- ▶ Blokker N.M. & Schrijver N.J. (2020), Kroniek internationaal publiekrecht, *Nederlands Juristenblad* 95(15/959): 1100-1112.
- ▶ Campfens E. (2020), Bridging the Gap

between Ethics and Law: The Dutch Framework for Nazi-Looted Art, *Art Antiquity and Law* 25(1): 1-25.

- ▶ Campfens E. (2020), Whose Cultural Objects? Introducing Heritage Title for Cross-Border Cultural Property Claims, *Netherlands International Law Review* 67(2): 257-295.
- ▶ Coventry T.A.C. (2020), Appropriate Measures at Sea: Extraterritorial Enforcement Jurisdiction over Stateless Migrant Smuggling Vessels, *Maritime Safety and Security Law Journal* 7(2019/2020): 5-30.
- ▶ Dam-de Jong D.A. (2020), 'A Rough Trade?' Towards a More Sustainable Minerals Supply Chain, *Brill Open Law: An International Journal* 2: 8-39.
- ▶ Dam-de Jong D.A. (2020), Building a sustainable peace: How peace processes shape and are shaped by the international legal framework for the governance of natural resources, *Review of European, Comparative & International Environmental Law* 29(1): 21-32.
- ▶ Dam-de Jong D.A. (2020), Who Is Targeted by the Council's Sanctions? The UN Security Council and the Principle of Proportionality, *Nordic Journal of International Law* 89(3-4): 383-398.

- ▶ Dam-de Jong D.A. de & Wolters S. (2020), Through the Looking Glass: Corporate Actors and Environmental Harm Beyond the ILC, *Göttingen Journal of International Law* 10(1): 111-149.
- ▶ De Brabandere E.C.P.D.C. (2020), Case Comment: Mathias Kruck and others v Spain, *ICSID Review – Foreign Investment Law Journal* : 1-8.
- ▶ De Brabandere E.C.P.D.C. (2020), Internationale bevoegdheid van de Nederlandse rechter en de immuniteit van internationale organisaties: De uitspraak van het Hof van Justitie in Supreme/Supreme Headquarters Allied Powers Europe (SHAPE), *Nederlands Tijdschrift voor Europees Recht* 2020(7/8): 189-195.
- ▶ De Brabandere E.C.P.D.C. (2020), The (Ir)relevance of Transnational Public Policy in Investment Treaty Arbitration – A Reply to Jean-Michel Marcoux, *The Journal of World Investment & Trade* 21(6): 847-866.
- ▶ De Brabandere E.C.P.D.C. & Baldini Miranda Da Cruz P. (2020), The Role of Proportionality in International Investment Law and Arbitration: A System-Specific Perspective, *Nordic Journal of International Law* 89(3/4): 471-491.
- ▶ Dekker I.F. & Schrijver N.J. (2020), Volkenrecht, *Ars Aequi KwartaalSignaal* 69(154): 9086-9088.
- ▶ Dekker I.F. & Schrijver N.J. (2020), Volkenrecht, *Ars Aequi KwartaalSignaal* 69(155): 9153-9155.
- ▶ Dekker I.F. & Schrijver N.J. (2020), Volkenrecht, *Ars Aequi KwartaalSignaal* 69(156):

- 9226-9230.
- ▶ Dekker I.F. & Schrijver N.J. (2020), Volkenrecht, *Ars Aequi KwartaalSignaal* 69(157): 9289-9291.
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