

# EFIL Research Programme

Annual Report 2021



**Universiteit  
Leiden**  
Rechtsgeleerdheid

Discover the world at Leiden University

# Welcome



Dear colleagues,

We are happy to share our 2021 research report. The year has been particularly challenging for all of us in light of the pandemic. It is even more rewarding to see that it has been a success in academic terms. Our output has stayed on course with previous years. We count an impressive number of scientific publications. We are delighted to see a number of excellent monographs with top publishers, a steady number of journal articles, awards and prizes, innovative PhDs, new edited collections, including the collective *liber amicorum* for Prof. Schrijver, and a new addition to our Leiden Studies on the Frontiers of International Law. We are grateful to all EFIL members for their impressive work and their contribution to a vibrant research culture despite the obstacles we have faced. This provides an inspiration for the future. Many thanks to our new colleague Ocean Lam for putting together some of the highlights of 2021 in this report.

Professor Carsten Stahn

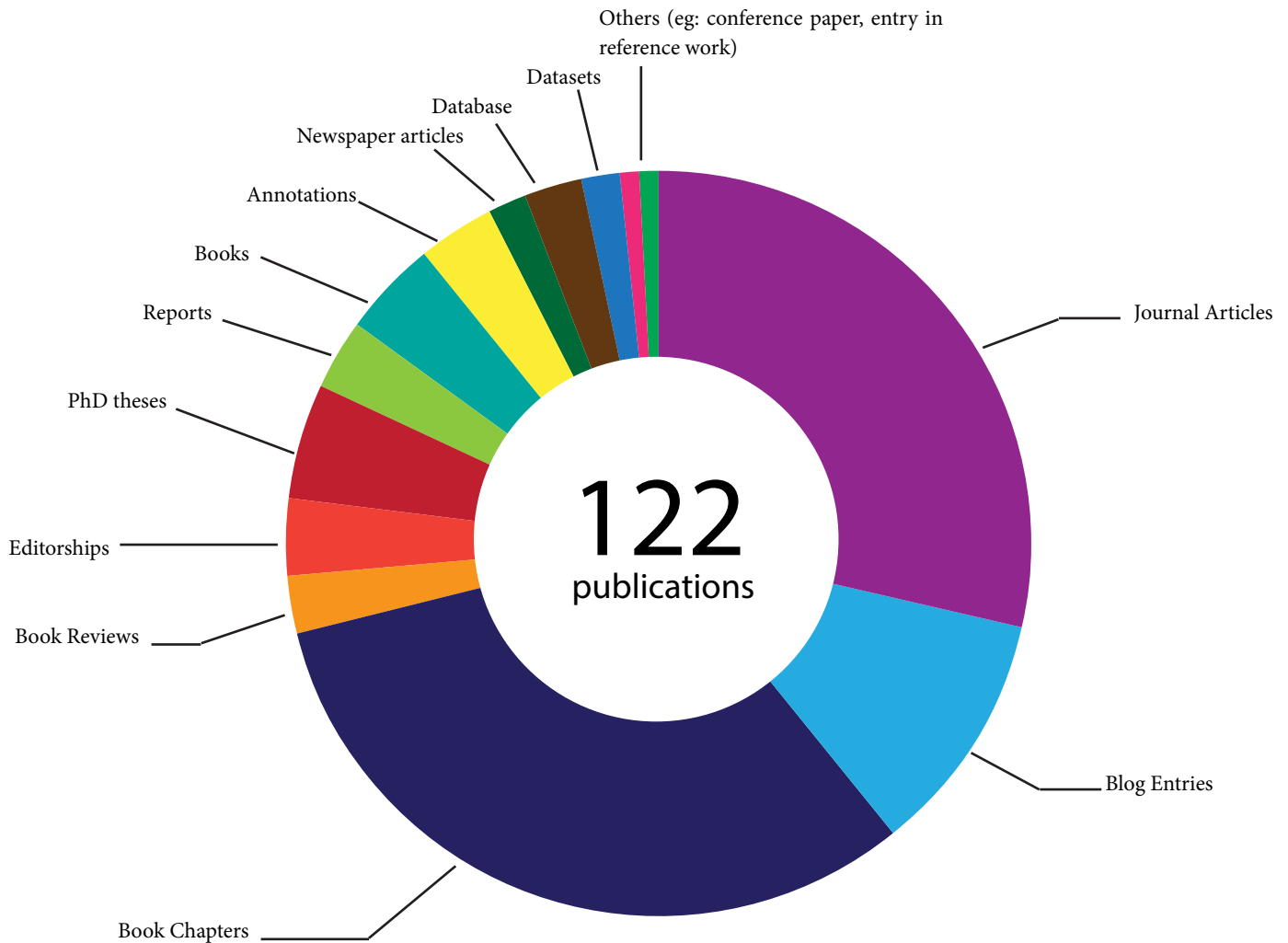
*Coordinator, Exploring the Frontiers of International Law Research Programme*

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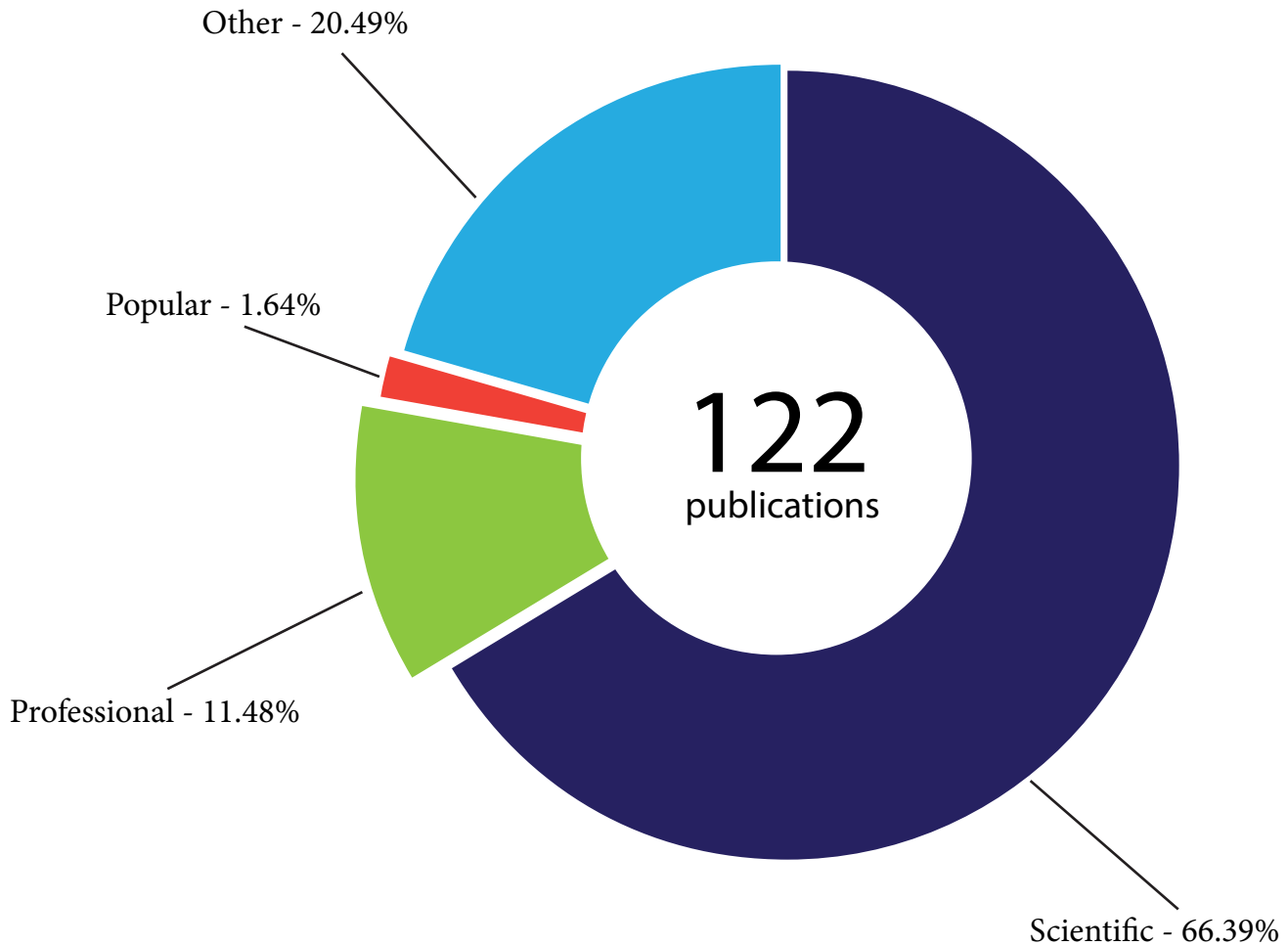
# Representation of publication types, 2021

Excluding interviews, lectures, and podcast episode



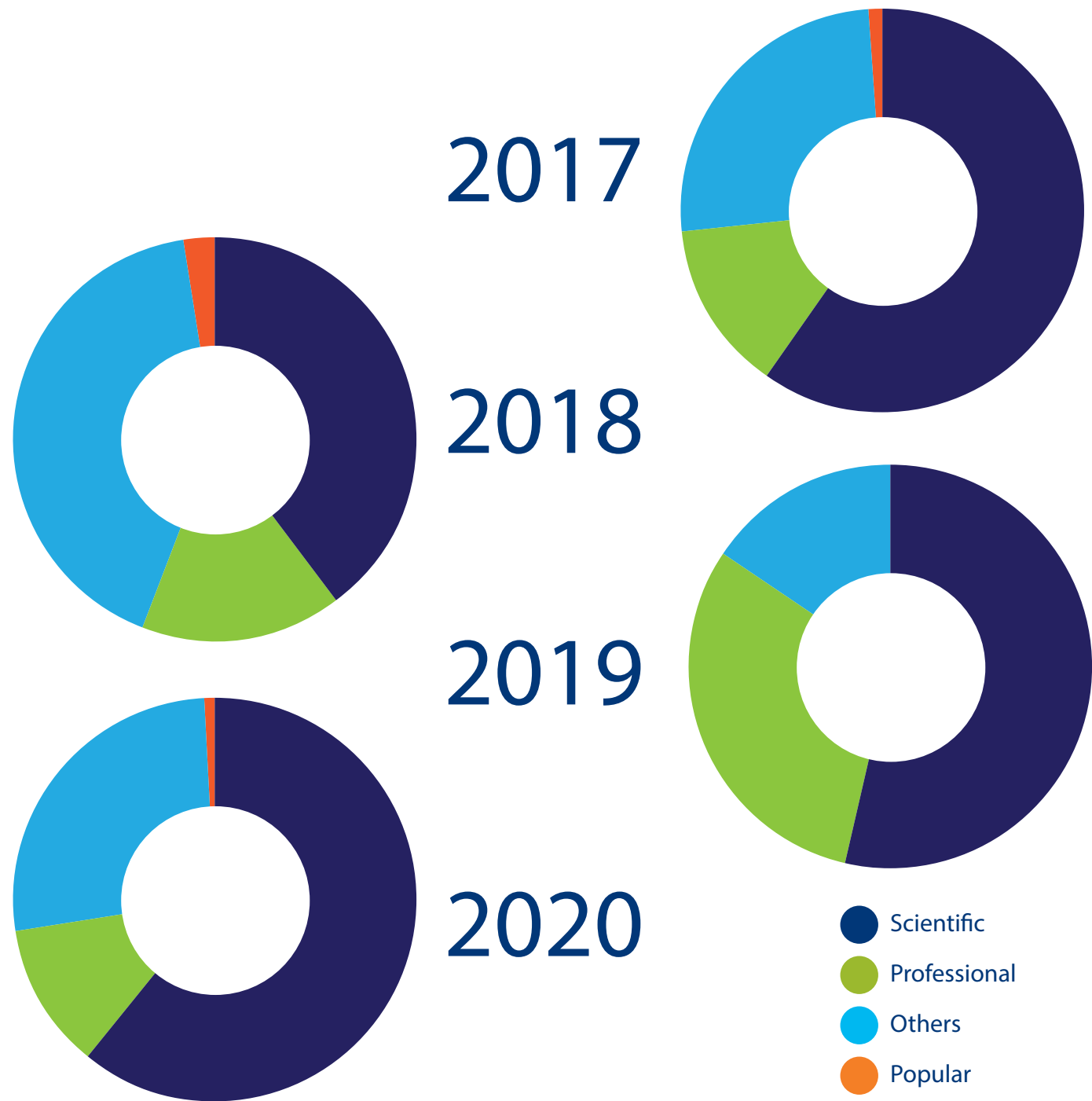
# Representation of VSNU publication types, 2021

Excluding interviews, lectures, and podcast episodes



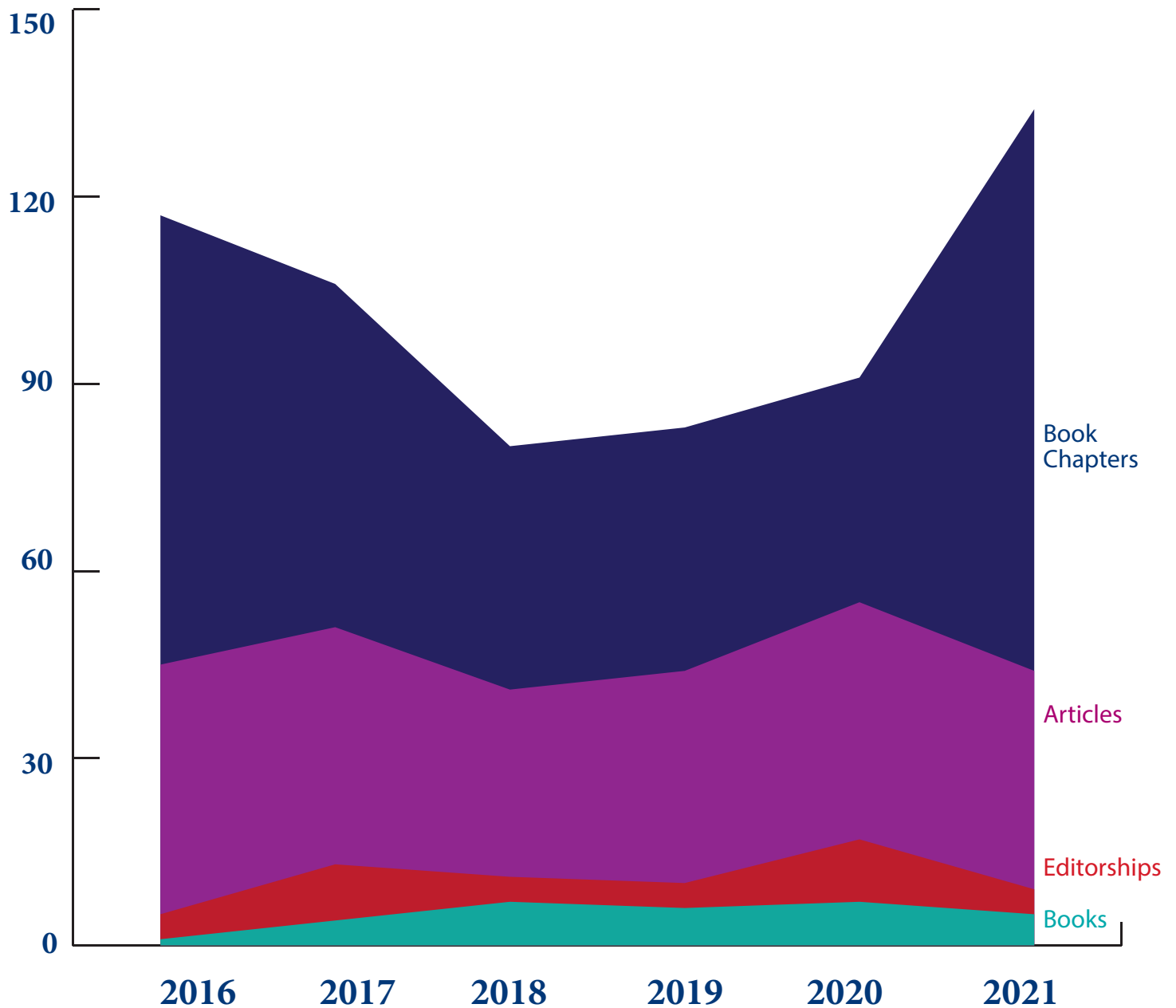
# Percentages of VSNU publication types, historical

Excluding interviews, lectures, and podcast episodes



# Instances of selected publication types

Book Chapters, Articles, Editorships, Books



## Highlights From 2021

EFIL Programme researchers were involved in many groundbreaking developments in 2021. Several staff members of the Programme made important contribution to the world in combating the COVID-19 pandemic, climate change, and human rights abuses.

Nico Schrijver was appointed as 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. 25 European members for the Panel were selected on the basis of their independence and their knowledge and



expertise on EU law and public international law.

Dr Mamadou Hébié appointed as Associate Professor at the Grotius Centre for International Legal Studies

Leiden Law School and the Grotius Centre for International Legal Studies are very pleased to announce that Dr Mamadou Hébié joined the Grotius Centre on 1 May 2021. Between 2016 and 2018, Dr. Mamadou worked as assistant professor at the Grotius



Centre, after which he left 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 not only strengthens our teaching and research in his areas of expertise, he also plays an important role in establishing and further developing the connections between the Grotius Centre with Leiden University'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.

## Leiden comes first in Europe in the IBA International Criminal Court Moot Court Competition 2021

In 2021, despite the on-going COVID-19 pandemic, the IBA ICC Moot Court Competition welcomed more teams and judges than ever in the virtual environment: 80 teams from all corners of the world and more than 500 judges and evaluators. The team of Leiden University, composed of Camille Schaltenbrand, Vojtěch Senjuk, Charlotte Luijben, Michael Leung and Lukas Müller, performed excellently and became the Best Team in Europe. The team also received the award of First Runner-up Best Prosecutor Team, whereas Lukas Müller was awarded the Second Runner-up Best Government Counsel. This result comes on the tail of the 2020 competition, which Leiden came at the fourth place in the world. The team was coached by Victoria Riello and Cale Davis.

In addition, the Grotius Centre also signed a new five-year Memorandum of Understanding positions with the IBA, who has been the primary supporting partner of the event. To celebrate the renewal of the partnership, the International Rounds (with the exception of the Final Round), are named: IBA ICC Moot Court Competition.

## Ginevra Le Moli co-authored an article on Global Pandemic Treaty in The Lancet

Ginevra Le Moli co-authored an article together with Prof. Jorge Vinuales (University of Cambridge) and Profs. Suerie Moon and Gian Luca Burci (Graduate Institute, Geneva) on the Global Pandemic Treaty in The Lancet. The article deals with an issue that will



be at the heart of the World Health Assembly held in May 2021, namely the concept of 'deep prevention' and the importance of its integration in the Global Pandemic Treaty - which has been recently proposed by the European Council and currently endorsed by more than 25 heads of state. With the proposal for a global pandemic treaty pending at the European Council, the question has arisen as to what such a treaty should do. The authors argue that it should focus on reducing the risk of pathogens jumping from animals to humans. This focus on 'deep prevention' could draw inspiration from the global governance of nuclear, environmental, and financial systemic risks. Lessons from these domains suggest that far more can be done to reduce the risk of disease outbreaks, and that international law remains underused.

## The Grotius Centre launches 'The Leiden Investment Treaty Arbitration Database'

On the 1 June 2021, Professor Eric De Brabandere and Dr Daniel Peat launched the Leiden Investment Treaty Arbitration Database. The objective of the database, which is freely available, is to facilitate research on the procedural and institutional dimensions of investment-treaty arbitration. The creation of this database was based on the conviction that a reliable data-set on investment treaty arbitration, the appointed arbitrators, the institutions which have administered the proceedings, the nationality of the parties to the dispute, the respondent States, and the counsel, amongst others, is an important tool for research on various legal, political, social and sociological aspects of investment treaty arbitration. The database does not include any information



on the merits of decisions, nor on the content of the awards rendered, which is included in various other databases, such as Pluricourts' PITAD database.

The database is the result of a project conducted over the past three years by Professor Eric De Brabandere and Dr Daniel Peat. They gratefully acknowledge the research and editorial support of Mr Johann von Pachelbel, Ms Maria Clara van Tienhoven Amil, Ms Jasmine Nicolson, Mr Oliver Edwards and Ms Teresa Lamim, and thank them for their invaluable contributions to this project. The technical aspects of the database were implemented by Emergento. The project has been carried out with the support of a grant from The Hague Municipality, as part of the programme on strengthening teaching and research in The Hague, and fits within Leiden University's Framework Document on the Hague Campus of Leiden University.

## Professor Helen Duffy petitions UN to release Guantanamo prisoner

Professor Helen Duffy has represented Palestinian national Abu Zubaydah since 2010 via her own NGO, 'Human Rights in Practice'. In securing the release of Zubaydah or a fair trial, her hopes now lie with the UN Working Group on Arbitrary Detention. Before arriving at Guantanamo Bay, Zubaydah was detained in secret CIA secret prisons in Thailand, Afghanistan, Lithuania, Poland and Morocco where he had been allegedly tortured. The United Kingdom has also been charged because it provided the CIA with 'interview questions' when it was aware that Zubaydah was being tortured at the CIA's black sites to reveal information.



Professor Duffy plans to ramp up the pressure via the six countries that also bear responsibility for Zubaydah's fate. In 2014 she and her colleagues won a historic victory when the European Court of Human Rights found Poland responsible for her client's torture. Four years later it was Lithuania's turn for a clip round the earhole. Both countries were ordered to investigate who was responsible for these errors from the past. A 'strong statement' from the UN working group won't mean that Zubaydah is a free man anytime soon. It will add weight to the argument, but the working group isn't a court of law.

### Wewerinke-Singh leads legal team supporting Vanuatu's pursuit of advisory opinion on climate change

Margaretha Wewerinke-Singh, Assistant Professor at the Grotius Centre for International Legal Studies, leads Vanuatu's legal team, along with Julian Aguon, the founder of Pacific law firm Blue Ocean Law.



Wewerinke-Singh and Aguon are joined by Pierre-Marie Dupuy (Emeritus Professor at Panthéon-Assas University), Lavanya Rajamani (Professor of International Environmental Law at Oxford University), and Jorge Viñuales (Harold Samuel Professor of Law and Environmental Policy at Cambridge University). Blue Ocean Law attorneys Julie Hunter, Autumn Bordner, Kevin Chand and Melina Antoniadis are also part of the team. The initiative is inspired by a campaign led by Pacific youth organisations, which advocate for a climate change opinion from the World Court focused on intergenerational equity and human rights.

### Daniëlla Dam-de Jong appointed to Advisory Committee on Public International Law

The Advisory Committee on Public International Law (Dutch abbreviation CAVV) is an independent body which provides the government and parliament of the Netherlands with advice, both solicited and unsolicited, on issues related to public international law.



De CAVV deals with legal questions which centre on the interpretation of international law and the perceived need for such law to be developed. Daniëlla Dam-de Jong's appointment will commence on 1 January 2022 for a four-year term. Daniëlla Dam-de Jong is Associate Professor and a member of the management team of the Grotius Centre for International Legal Studies. Her research interests relate to international legal dimensions of sustainable development and environmental security. This involves various fields of international law such as peace & security, law of war, human rights, international environmental law, international economic law and international criminal law.

### European Commission selects IIASL to study Space Traffic Management

The European Commission has selected a consortium of major European launcher and satellite manufacturers, operators and service providers, as well as policy and legal research centres and institutes to study and provide guidelines and recommendations on Space Traffic Management. The International Institute of Air and Space Law (IIASL) at Leiden University is one of them.

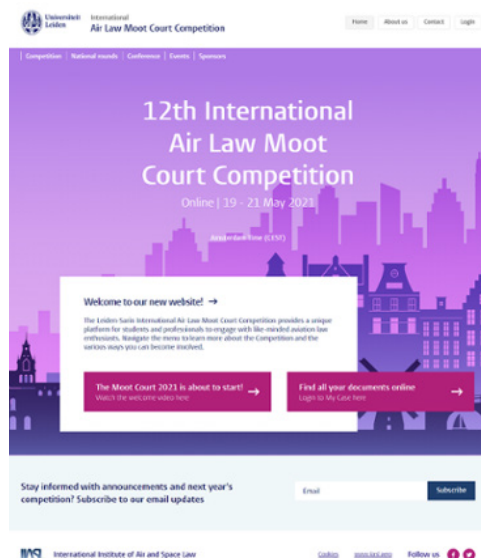
This project, called SPACEWAYS, will characterise and analyse the current changing context of Space Traffic Management (STM), especially its international and domestic dimensions. SPACEWAYS will assess the European capabilities as well as technology gaps and it will provide a legal, policy and economic assessment leading to final recommendations for implementation.

STM is becoming a major concern for space activities. The number of satellites and space debris is growing rapidly, inducing risks for long-term space sustainability. Rules governing space traffic are required to protect this environment and the vital network of satellites which support everyday life activities. In a context of renewed efforts by the European Commission to ensure European technological sovereignty and to guarantee the implementation of the European Union space programme, it is crucial to bring established industrial partners around a common understanding of STM issues. In order for the European Union to embrace the stakes of STM and protect its values and interests, the development of a collaborative European vision of STM is required and will be one of the objectives of SPACEWAYS, which is part of the Horizon 2020 European research programme. SPACEWAYS includes 15 partners and is coordinated by the Foundation for Strategic Research (Fondation pour la Recherche Stratégique - FRS) in Paris. The eighteen-month-project is valued at EUR 1.5 million.

### The 12th Leiden-Sarin International Air Law Moot Court Competition took online moot competition to a next level!

Like many moot court competitions around the world, the Leiden-Sarin International Air Law Moot Court Competition was conducted

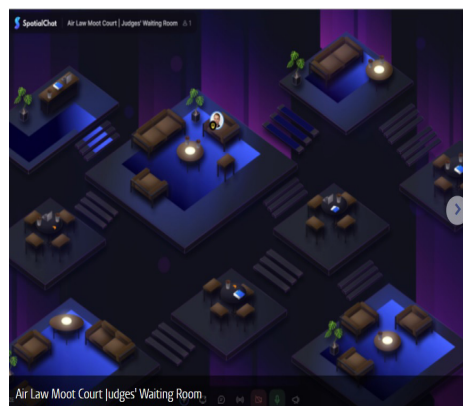
fully online in 2021. The International Air Law Moot Court, co-organized by the International Institute of Air and Space Law (IIASL) of Leiden University and the Sarin Memorial Legal Aid Foundation of Chandigarh in India, is an unparalleled forum for bringing together students and aviation professionals who share a passion for air law, the organisers set themselves the task to raise the bar at a time when connecting people seems ever-more important.



The new Air Law Moot Court website

After cancelling the oral rounds of the 11th edition in 2020, and postponing twice the decision to move the competition in 2021 online, the organisers were determined to make this edition stand out. Already developed in collaboration with Est Digital in 2020, the circumstances in 2021 provided the perfect momentum to launch the new website. The website is a showcase for the IIASL and helps to promote the Air Law Moot Court to a larger audience and to get more people involved. More importantly, the website offers a secured environ-

ment where participants, upon logging in, can find the overall schedule, a personalised overview of their pleading sessions, including access links to the online court sessions, and the related case documents and teams' memorials.



Air Law Moot Judges' Waiting Room in SpatialChat

With teams and judges located in different time zones, ranging from the US to the Far-east in China, facilitating social interaction online is quite the challenge. The team came up with alternatives, such as a welcome video to replace a plenary opening and to provide instructions, an online meeting space for judges before, in between and after each round, and an online Sponsor's Lounge instead of a gala evening to announce the finalist. These social elements took place in SpatialChat, a platform that simulates real-life conversations by being able to freely move around the room and interact and chat with those close by you. Through the platform it was even possible to project the Youtube live stream of the finals, enabling participants to watch the finals and closing ceremony together.

A total of 42 teams participated in the 12th edition of the Air Law Moot Court Competition, with national pre-selection rounds for China, India and Russia. During the semi-fi-

nals on 19 and 20 May 2021, 16 teams from around the world argued their case in a series of online rounds. The Leiden team, composed of Jan-Pieter Heijstek, Evelyn Deldycke and Tuvana Aras of the Adv. LLM in Air and Space Law and coached by Annemarie Schuite and Ayberk Dülgeroğlu, alumni of the same programme, came in 3rd and 4th place for the Applicant and Respondent side, respectively. Dr Ram Manohar Lohiya National Law University (RMNLU), Lucknow, India won the 12th Air Law Moot Court Competition whereas the National University of Singapore won the awards for both Best Memorial Applicant and Respondent.

## IIASL present at launch of sustainability initiative Net Zero Space

On Friday 12 November 2021, Net Zero Space initiative was launched at the Paris Peace Forum. The International Institute of Air and Space Law (IIASL) of Leiden University is one of the first supporters of the initiative.

Facing the increasing amount of orbital debris as a result of growing space activities, Net Zero Space calls for a global commitment of achieving sustainable use of outer space for the benefit of all humankind by 2030. The IIASL aims to bring the Net Zero Space Initiative to the attention of the next generation of space law professionals and will continue to raise awareness on this topic and its legal and policy. Thus, the IIASL actively supports the Net Zero Space Initiative by educating students and young professionals from around the world about the space law and policy aspects of debris mitigation and remediation, and encouraging and supporting them in their research on these topics. IIASL deputy director Tanja Masson-Zwaan also moderated a panel discussion at the launch of Net Zero Space.

## Conferences And Events



Notwithstanding the global pandemic, the EFIL Researchers continued to attend and host a wide variety of conferences and events in 2021. In actively engaging with the community and providing students with opportunities to expand their networks, the EFIL Programme is also expanding its global focus through the collaboration with different research institutions across the world.

### Book Launch: Standing up for Justice by Judge Theodor Meron

On 21 October 2021, the Grotius Centre for International Legal Studies, the Ministry of Foreign Affairs of the Kingdom of Netherlands and the Municipality Council of the Hague organized a book launch of Standing up for Justice (OUP) by Judge Theodor Meron. The book launch was opened by the Netherlands Representative to the International Criminal Court, Mr. Henk Cor van der Kwast and was moderated by Professor Carsten



Stahn from Grotius Centre, Leiden University. It was followed by the presentation of Mr. Karim Khan, the Prosecutor of the International Criminal Court and the presentation by Professor Larissa van den Herik from Grotius Centre, Leiden University. They were then responded by Judge Theodor Meron.

In his book, Standing up for Justice, Judge Meron recounted how his childhood experiences in Poland during World War II and career as a law professor in the US influenced his subsequent illustrious stint as an international judge: Judge Theodor Meron was first appointed as President of the Mechanism by the United Nations Secretary-General effective

1 March 2012. He was appointed by the UN Secretary-General to a second term as President effective 1 March 2016 and, most recently, he was appointed to a third term as President. Between 2013 and 2015, Judge Meron had previously served as President of the ICTY between 2003 and 2005 as well as between 2011 and 2013. Drawing on this experience, he reflects on the rule of law, the principle of fairness in trying atrocity crimes, judicial independence and impartiality in international criminal courts, and how acquittals and the early release of prisoners interact with international justice and accountability, before addressing the all-important question: does international criminal justice work?

## 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), organized an online conference on 28 January 2021 with the title “The Development of Normative Powers of UN Investigative Mechanisms”.

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.

## 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), organized an online conference on 30 March 2021 with the title “Torture by Non-State Actors: Rationale(s), Legal Frameworks and Implications”. The event intends to revive 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’. Current developments in domestic and transnational settings push us to reassess the reach of the concept of torture against unprecedented factual scenarios.

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).



## Round-table discussion ‘International Law in Motion’

The Grotius Centre for International Legal Studies organized a round-table discussion, titled ‘International Law in Motion: Some New Insights - A Tribute to Late Professor François Rigaux’ on 7 April 2021. The round-table featured presentations from Professors Pierre d’Argent and Mohsen Mohebi, and is chaired by Professor Alain Pellet. From a prominent scientific academic generation, the late Professor François Rigaux stands out above all for his career as a jurist. He was a great man whose main concern throughout his life of 87 years was the respect and promotion of the rule of law in the public international law sphere and the support of private rights of people at the private international law level. The round-table discussion not only marked the launch of the book ‘International Law in Motion: Some New Insights - A Tribute to Late Professor François Rigaux’, edited by Mohsen Mohebi, Alain Pellet, Vaughan Lowe and Pierre d’Argent, but also reflected the work of Professor Rigaux and his contribution to international law.

## Indigenous Peoples and Human Rights: the Brazilian Indigenous Movement before International Courts and Tribunals

The Brazilian indigenous movement has, through APIB (‘Brazilian Indigenous Peoples Articulation’), coordinated different efforts to protect indigenous communities in their historic struggle. There are, today, a number of international instruments that protect Brazilian indigenous peoples’ right to self-determination and to traditionally-occupied territories (including the ILO Convention 169, the UN Declaration on the Rights of Indigenous Peoples, and the American Declaration on the Rights of Indigenous Peoples). However,

the Rights of Indigenous Peoples). However, advancing globalization of commercial and financial markets have fueled Brazilian conservative movements that aim to dismantle these protections, weakening the political participation of Brazilian indigenous peoples. Due to this domestic context, international law and organizations have become APIB's preferred advocacy venues to uphold indigenous rights. International courts and tribunals play a crucial role to when state-parties to international human rights instruments are persecuting critics and are no longer willing to protect the rights of minorities.

On 25 June 2021, Mr. Maurício Terena from the APIB, Carolyn Edgerton and Paula Baldini Miranda Da Cruz organized the online conference of 'Indigenous Peoples and Human Rights: the Brazilian Indigenous Movement before International Courts and Tribunals'. There, Mr. Terna provided an overview of APIB litigation and advocacy before international courts and tribunals. He also highlighted the key role of strategic litigation involving human rights and international criminal law. Ms. Paula Baldini Miranda Da Cruz from the Grotius Centre provided live interpretation to the event. This event was also held in the context of the IBA ICC Moot Court Competition co-organized by the Grotius Centre and the International Bar Association.



## Conference the Health-Environment Nexus and the Systemic Implications of Environmental Crimes

The Grotius Centre for International Legal Studies, in collaboration with the Cambridge Centre for Environment, Energy and Natural Resource Governance ('C-EENRG', University of Cambridge) and the ESIL Interest Group (IG) on International Criminal Justice, organized an online conference on 19 November 2021 with the title 'The Health-Environment Nexus and the Systemic Implications of Environmental Crimes'. The conference is also organized in collaboration with the ESIL IG on International Health law and the Platform on International Energy Governance.

The webinar composed of two main panels. The conference addressed (i) the question on how to bridge the nexus between health, environment and climate change and to critically discuss the role of international law and institutions as well as of political cooperation in building such a nexus; and (ii) the role, scope and effectiveness of international criminal and transnational law with regard to environmental crimes.

The aim of the conference was also to provide a platform to debate the outcome of the 2021 United Nations Climate Change Conference (COP26), which held in Glasgow from 1 to 12 November 2021. Dr Ginevra Le Moli, Chair of the IG on International Criminal Justice and Assistant Professor of Public International Law at Leiden University, organized the event and chaired one panel of the conference. She was joined by a distinguished list of speakers and experts in the field, from both practice and academia.

## Sexual Orientation in International Trade and Investment Law

On 18 October 2021, the Grotius Centre hosted a guest lecture in Leiden for students and staff. Professor Andreas R. Ziegler from the University of Lausanne was invited to speak about: "The Emergence of Sexual Orientation as a Topic in International Trade and Investment Law – Business and LG-BTI Rights Revisited." This talk was moderated by Dr. Kees Waaldijk, Professor of Comparative Sexual Orientation law from the Grotius Centre at Leiden University.



There, Professor Waaldijk briefly highlighted the correlation and interaction between economic development and LGBT inclusion worldwide. Together, professors Ziegler and Waaldijk discussed how more and more international organisations in the economic field have started to work on issues around sexual orientation and gender identity by referring to example, such as the launch of the World Bank report Equality of Opportunity for Sexual and Gender Minorities, which examined laws and regulations that affect the lives of LGBTI people in 16 countries.





## Prize Showcase

The EFIL Programme is very proud of several achievements by researchers and students in 2021. In particular, Dr. Robert Heinsch has been awarded funding from the KNAW pilot fund. Our PhD candidate Paula Baldini Miranda da Cruz won the Meijers Prize 2021 for best publication on the EFIL programme and the Van Wersch Springplank Prize 2021 for best publication in law. Also, Margaretha Wewerinke-Singh was awarded the International Sustainable Development Law Legal Specialist Award in Human Rights and a Global Transformations and Governance Challenges Seed Grant.

Dr. Robert Heinsch was awarded the KNAW fund 'Science communication by scientists'



Dr. Robert Heinsch has been awarded funding from the KNAW pilot fund 'Science communication by scientists: Appreciated!'. The fund supports scientists who have demonstrated a continued commitment to science communication.

Robert was awarded the KNAW fund for the Kalshoven-Gieskes Forum which disseminates knowledge on international humanitarian law (IHL) by communicating research outcomes to broad audiences, providing access to basic and advanced training in IHL, and engaging with diverse target groups on the results and implications of the research. The aim of the project is to maximise the the impact of research findings, e.g. to contribute to holding perpetrators of international crimes accountable, while simultaneously generating awareness on the protection and assistance afforded to victims of armed conflict.

The group maintains its own website highlighting its research findings. Over a period of three months (10 September – 10 December 2020), the website registered over 2000 website visits (more than 5450 page views). In early 2022, the website has been updated with research findings from a two-year research project on legal standards for Digitally Derived Evidence (DDE) for the prosecution of perpetrators of international crimes. The aim is to build a database of the standards of DDE that have been identified during this research project. It intends to make these accessible for international lawyers working at courts and tribunals, as well as to scholars, students, and the interested public.

Dr. Margarathe Wewerinke-Singh was awarded the CISDL Legal Specialist Award in Human Rights and the Global Transformations and Governance Challenges Seed Grant.

The CISDL's Annual International Legal Specialist Awards is an award for the outstanding contributions of recipients to key topics in international law which contribute to the achievement of the United Nations Sustainable Development Goals, including climate change, human rights, biodiversity, trade and investment, peace, justice and governance, natural resources and health. Dr. Wewerinke-Singh received the award for her contribution toward the goal of human rights in 2021 for her research which focuses on the role of law in addressing sustainable development challenges.



In addition, Dr. Wewerinke-Singh received the Global Transformations and Governance Challenges Seed Grant to work with colleagues from the Institute of Political Science and the Institute for Philosophy on an interdisciplinary research project 'Human Rights and Climate Change: Beyond Anthropocentric Interests and Values?'. This project lays the groundwork for a human rights approach to climate change that combines ethical and legal considerations to better equip it to provide sufficient protection to both human and non-human parts of nature.

**Paula Baldini Miranda da Cruz won the Meijers Prize 2021 and the Van Wersch Springplank Prize 2021**

The Meijers prizes are awarded each year to the best published article from each faculty research programme. This year, Paula Baldini Miranda da Cruz won the Meijers Prize 2021 for best publication on the EFIL programme for her article, Trackers and Trailblazers: Dynamic Interactions and Institutional Design in the Inter-American Court of Human Rights published in: Journal of International Dispute Settlement, Vol. 11, 2020, pp. 69–90. In addition to that, Paula was also one of the two winners who were awarded the Van Wersch Springplank prize, which is a prize of €5000 for scholarly publications by active and talented researchers in the area of medical/pharmaceutical and legal research.



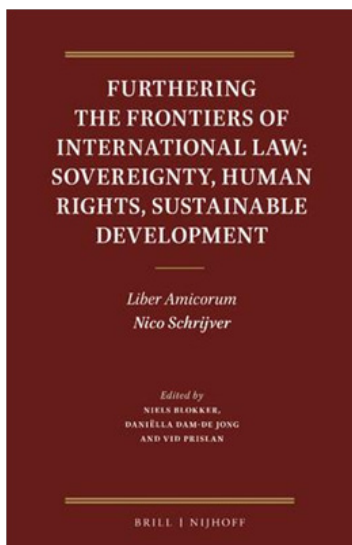
## Grotius Centre Working Paper Series

In 2021 the following publications were published in the Grotius Centre Working Paper Series:

- **Grotius Centre Working Paper 2021/096-IEL:** Eric de Brabandere and David Holloway, Unilateral Sanctions through an Arbitration Lens: Procedural and Substantive Issues
- **Grotius Centre Working Paper 2021/097-IEL:** Eric de Brabandere, The 2019 Dutch Model Bilateral Investment Treaty – Navigating the Turbulent Ocean of Investment Treaty Reform
- **Grotius Centre Working Paper 2021/098-IEL:** Eric de Brabandere and David Holloway, Overriding Mandatory Provisions and Arbitrability in International Arbitration: the Case of Multilateral and Unilateral Sanctions
- **Grotius Centre Working Paper 2021/099-IEL:** Eric de Brabandere, International Investment Law and Human Rights



## Book Showcase

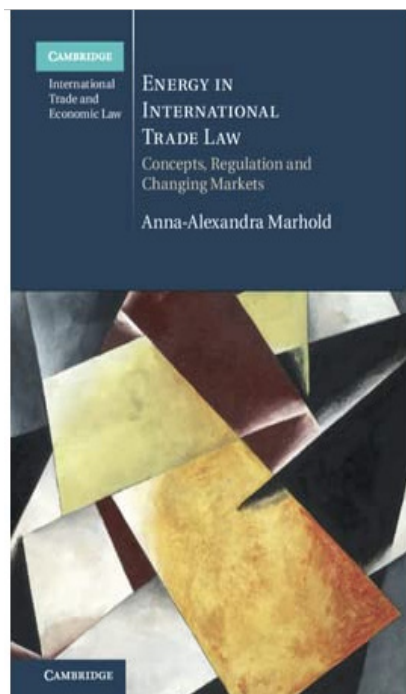


Niels M. Blokker, Daniëlla Dam-de Jong, and Vid Prislán (eds)

*Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development.*

*Liber Amicorum Nico Schrijver*

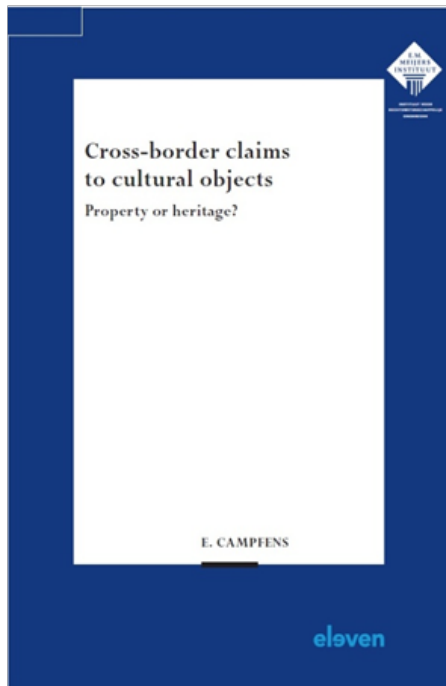
Edited by Niels M. Blokker, Daniëlla Dam-de Jong and Vid Prislán, this book contains a rich collection that focuses on the broad research interests of Professor Nico Schrijver, in whose honour it was created. Written by a wide range of international scholars affiliated with Leiden University's Grotius Centre for International Legal Studies, the essays reflect Professor Schrijver's important contribution to academia and practice, particularly in the fields of sovereignty, human rights and sustainable development. The authors aim to reflect on changes in international law and on new developments in the diverse fields they explore. "Furthering frontiers" is the research theme of the Grotius Centre. Its exploration in this thought-provoking volume is a fitting homage to Nico Schrijver's achievements on the occasion of his retirement as Chair of Public International Law of Leiden University.



Anna-Alexandra Marhold

*Energy in International Trade Law: Concepts, Regulation and Changing Markets Cambridge International Trade and Economic Law*

The relevance of multilateral energy trading rules was for a long time overlooked, downplayed and underestimated. One explanation for this may be that for many years energy was almost exclusively traded by international, vertically integrated and often state-owned companies. However, energy trade is no longer confined to oil tankers transporting barrels from the Gulf; it now extends to, inter alia, wind turbines and solar panels. The last three decades have indeed brought revolutionary advancements in renewable and clean energy. The clean energy transition has been accompanied by increasing regulation, which in turn has triggered disputes in the context of the World Trade Organization (WTO). And this rise in international trade disputes relating to both renewable and non-renewable energy has led to a growing awareness of the importance of regulating international trade in energy. Moreover, an increasing number of major energy producing, exporting and transporting countries are joining the WTO, acceding to the Energy Charter Treaty (ECT) and/or concluding preferential trade agreements (PTAs) that include provisions relevant to energy. The book seeks to clarify what we mean by 'energy' in the context of international trade rules. Subsequently, the book addresses the relationship between the existing rules and the huge challenges faced by energy markets today – notably, their decentralization and decarbonization – in the light of the ongoing quest for energy security. Through several case studies, it demonstrates that current international rules are often unable to meet the challenges faced by today's changing energy markets. Energy is by no means the only subject in need of revision within the global trading system but is certainly a topic that, given today's changing markets, can no longer be overlooked.

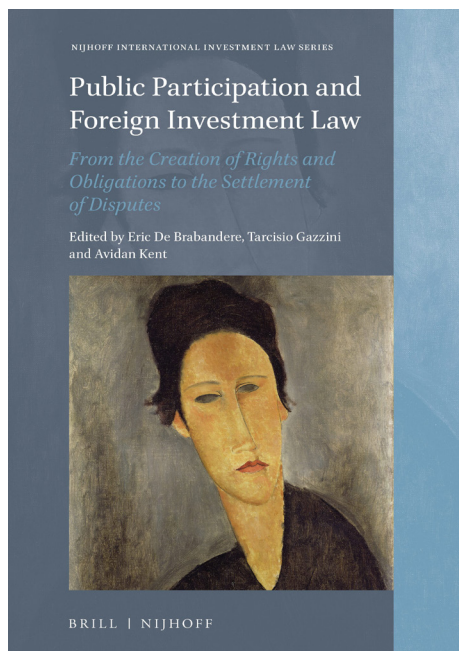


Evelien Campfens

*Cross-border title claims to cultural objects: Property or heritage?*

Cultural objects have a protected status on account of their intangible value, as symbols of an identity. This has been so since the early days of international law, and today there is an extensive legal framework that ensures this protection. Yet, when it comes to claims by former owners to items such as Nazi-looted art, colonial booty, or more recently looted antiquities, the situation is less straightforward. On the one hand, such claims are often not supported by positive law at all. On the other hand, non-binding regulations urge present possessors to find 'just' solutions to claims – not as a legal obligation but as a matter of morality. This raises a fundamental question: if we believe that the application of the law leads to injustice, is it not time to change the way the law is applied?

This study explores how cross-border claims to cultural objects fit in the wider legal framework, and where blind spots or clashes occur. It consists of seven chapters, five of which each dealing with different categories of claims that were published in international (cultural heritage) law journals. The overall aim of this dissertation is to identify new directions that can help further develop this field, with the ultimate aim of fostering just solutions.



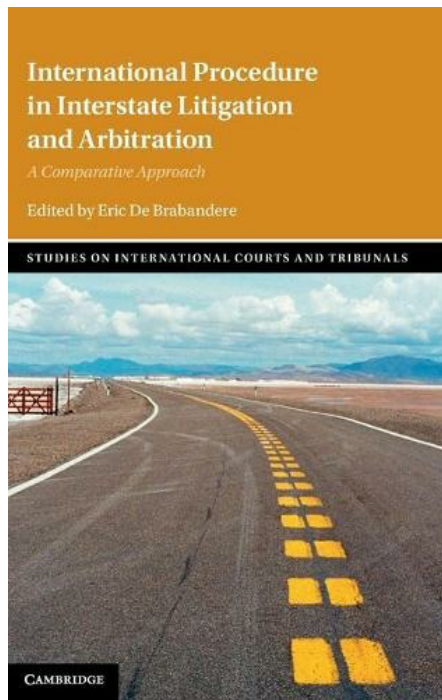
Eric De Brabandere, Tarcisio Gazzini & Avidan Kent (eds)

*Public Participation and Foreign Investment Law: From the Creation of Rights and Obligations to the Settlement of Disputes*

*Nijhoff International Investment Law Series, Volume: 16*

Public Participation and Foreign Investment Law offers a systematic treatment of public participation from the standpoint of the three main sources of foreign investment law, namely treaties, legislation and contracts. It identifies and critically discusses the different forms of public participation that can be found or envisaged in foreign investment law. From this perspective, the book looks at public participation as vehicle to strike a balance between private and public rights and interests.

This book contributes to the understanding of the current forms, level and impact of public participation. It provides indications on how such participation could be enhanced with a view of improving the balance and legitimacy of the legal instrument related to the promotion and protection of foreign investments.

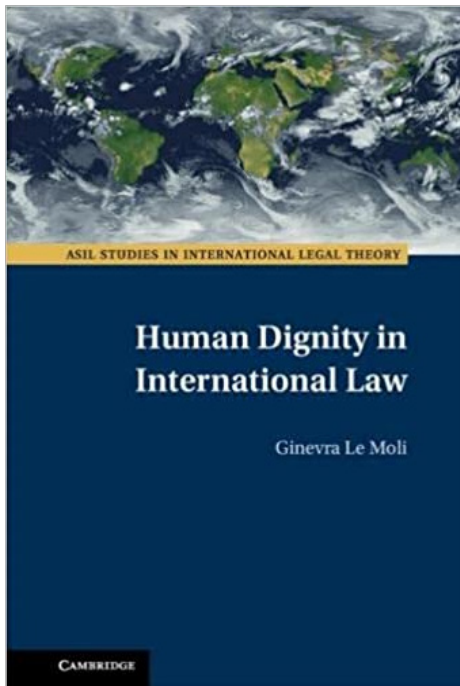


Eric De Brabandere (ed)

*International Procedure in Interstate Litigation and Arbitration: A Comparative Approach Studies on International Courts and Tribunals*

The settlement of interstate disputes through recourse to courts and tribunals has grown gradually over the years, not only through the creation of new mechanisms to that effect, but also by using existing courts and tribunals. How these different international dispute settlement mechanisms operate in theory and practice is the subject of this comparative analysis by academic and practicing lawyers. The book takes stock of the procedure applicable in various interstate dispute settlement bodies, including international and regional courts and tribunals, and arbitration. This comparative view is essential to a better understanding of the strengths and weaknesses of the various procedural rules and regulations and the practical operation of international litigation. This book is aimed not only at scholars, but also at the courts and tribunals themselves, assisting them in revising their procedures, and at States and organisations developing future international legal mechanisms.

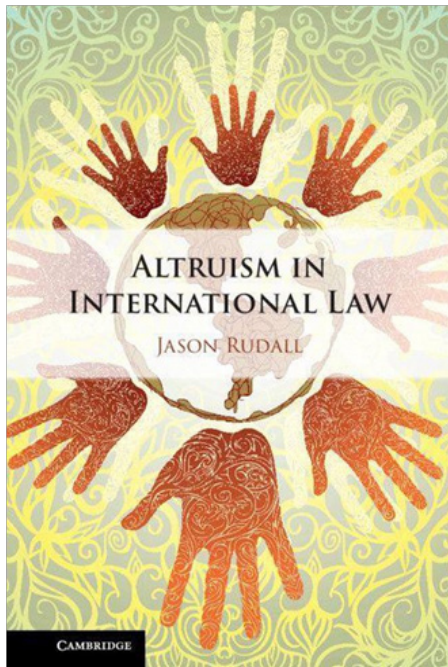
This book represents a key contribution to the debate on procedure in international litigation. In addition, the book provides a comparative approach to procedure in interstate litigation and offers a broad overview of international procedural questions before international courts and tribunals.



Ginevra Le Moli

*Human Dignity in International Law. ASIL Studies in International Legal Theory*

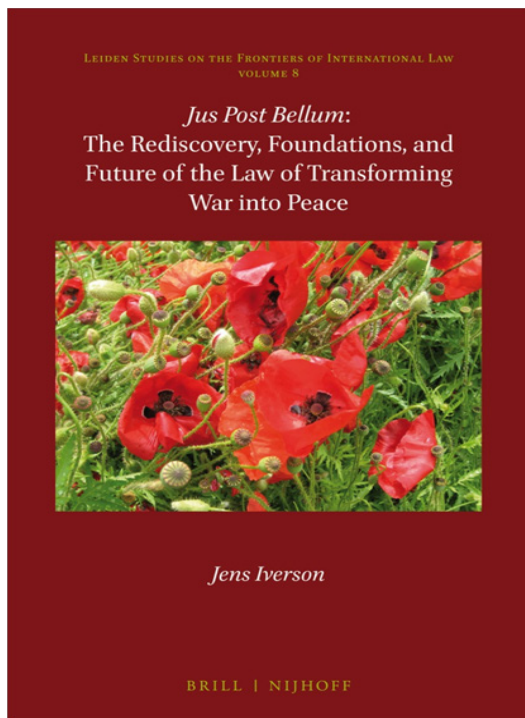
Over the past two centuries, the concept of human dignity has moved from the fringes to the centre of the international legal system. This book is the first detailed historical, theoretical and legal investigation of human dignity as a normative value, the intellectual sources that shaped its legal recognition, and the main legal instruments used to give it expression in international law. It addresses the broad historical and philosophical developments relating to the legal expression of dignity and the doctrinal geography of human dignity in international law, with a focus on international humanitarian law, international human rights law and international criminal law. The book fills a major lacuna in the literature by providing a comprehensive account of dignity within international law that draws on an extensive documentary and archival basis and a vast body of decisions of international judicial and quasi-judicial bodies.



Jason T.P Rudall

*Altruism in International Law*

Much emphasis has been placed on the role that individualism, self-interest and reciprocity have in the formation and function of international legal rules. Rarely has attention been given to the presence of altruism in legal systems, let alone the international legal system. In a study that is the first of its kind in international legal scholarship, *Altruism in International Law* explores and analyses the emergence of altruistic legal relationships between states and people in other countries. The book also argues that the impulse for the emergence of these relationships is a cosmopolitan ideology, which co-exists with a persisting statist ideology, among the major actors in international law-making processes. Further still, the book reveals that individualistic legal norms are more often manifested as strict rules while altruistic legal norms find expression in flexible standards. This suggests that there is a connection between substance and form in international law.

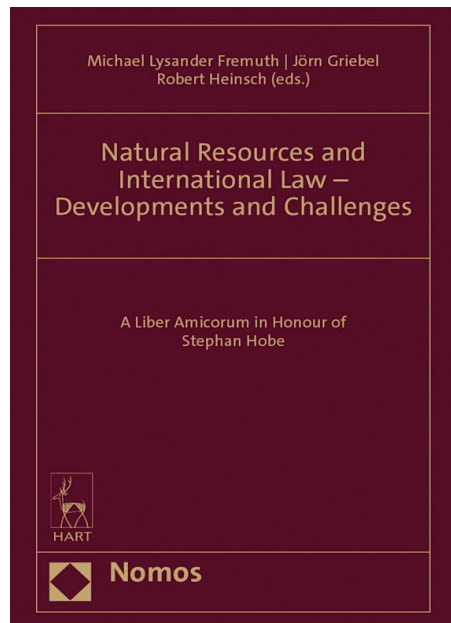


## Jens Iverson

### *'Jus Post Bellum: The Rediscovery, Foundations, and Future of the Law of Transforming War into Peace'*

Jus post bellum, the body of laws and norms governing the transition from armed conflict to peace, has emerged as a crucial issue for international law scholars, governments, and all concerned with building a just and sustainable peace. The Jus Post Bellum Project, funded by the NWO and hosted by the Grotius Centre for International Legal Studies at Leiden University, has helped to develop the concept of jus post bellum and establish it as a core component of how the problem of war is analysed. The Jus Post Bellum Project has produced three edited volumes, a special edition on Jus Post Bellum and Foreign Investment, and many articles in leading peer-reviewed journals. Until now, however, no leading monograph has laid the foundation to define the field of jus post bellum and chart its potential.

In Jus Post Bellum, Dr. Jens Iverson provides the Just War foundations of the concept, reveals the function of jus post bellum, and integrates the law that governs the transition from armed conflict to peace. This volume traces the history of jus post bellum *avant la lettre*, tracing important writings on the transition to peace from Augustine, Aquinas, and Kant to more modern jurists and scholars. It explores definitional aspects of jus post bellum, including its relationship to sister terms and related fields. It also critically evaluates the current state and possibilities for future development of the law and normative principles that apply to the transition to peace. Peace-builders, scholars, and diplomats will find this book a crucial resource.



Robert W. Heinsch, Michael L. Fremuth & Jörn Griebel

*Natural Resources and International Law – Developments and Challenges:  
A Liber Amicorum in Honour of Stephan Hobe*

International law is increasingly applied in the field of natural resources. This reflects the current and challenging problem of mankind, namely how should increasingly rare natural resources or commodities be explored and exploited. This collection draws on the experts in the field to explore questions such as mining and human rights; national resources and investment law; and authority over natural resources. Though asking probing questions from different sectors, each contribution keeps the big picture and the underlying conditions in mind to answer the collection's research questions with one voice.



## Grotius Dialogues

The Grotius Dialogues provide a forum for Grotius Centre-affiliated researchers to present their current research and obtain feedback from colleagues. In 2021, the Grotius Dialogues were proud to host the following discussions:

- > **Alessandra Sardu**, Commonalities and differences between international investment and commercial arbitration
- > **Anna-Alexandra Marhold**, Grotius Dialogue on Energy in International Trade Law: Concepts, Regulation and Changing Markets
- > **Bill Schabas**, The Customary International Law of Human Rights
- > **Barrie Sanders**, Doing Justice to History - Book Launch

On 11 November 2022, the Grotius Dialogues and Lustitia, the official student society of the International Justice major at Leiden University College, celebrated the launch of 'Doing Justice to History: Confronting the Past in International Criminal Courts' by Barrie Sanders, Assistant Professor of International Justice at Leiden University – Faculty of Governance and Global Affairs. The event featured commentaries from Professors Gerry Simpson, chair in Public International Law at London School of Economics, and Larissa van den Herik, professor of Public International Law at Leiden University.



## PhD Defences

The EFIL Programme saw six PhD researchers receive their doctorates in 2021; a fantastic achievement of which we are very proud!

**Hirad Abtahi**

**Adjudicating attacks targeting culture:  
revisiting the approach under state responsibility and individual criminal responsibility**

Collective identity can be altered by attacking culture's tangible components (a temple) which are often a manifestation of or a support to their intangible (spiritual practice). That identity can also be altered by attacking culture's intangible in isolation (prohibition of spiritual practice). The research determines the extent to which international adjudicatory mechanisms have



considered the causes, means and consequences of intentionally attacking culture's tangible and intangible components. The research then brings their separate practice together.

Based on treaty law, culture will be placed in a legal mould. Culture can be anthropological or natural, movable or immovable, secular or religious, tangible or intangible, regardless of terminology (cultural property, cultural heritage, intangible or tangible cultural heritage). Culture will then be placed in a judicial mould, in order to consider how natural and legal persons can invoke cultural damage in judicial proceedings. Culture is a legacy-oriented triptych made of local, national and international

panels. While each panel makes sense in isolation, they are best understood when viewed together. State responsibility and individual criminal responsibility-based jurisdictions have accepted that attacking culture may be both tangible-centred and heritage-centred in terms of typology of damage. They have further recognised that the victims of such attacks can be natural persons as members of the collective or the collective as the sum of natural persons. But the victims can also be legal persons which may participate in judicial proceedings and seek reparations for harm sustained as a result of damage inflicted to their property (a museum's building as well as its artifacts).

## Evelien Campfens

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Cultural objects have a protected status on account of their intangible value, as symbols of an identity. This has been so since the early days of international law,

and today there is an extensive legal framework that ensures this protection. Yet, when it comes to claims by former owners to items such as Nazi-looted art, colonial booty, or more recently looted antiquities, the situation is less straightforward. On the one hand, such claims are often not supported by positive law at all. On the other hand, non-binding regulations urge present possessors to find 'just' solutions to claims – not as a legal obligation but as a matter of morality. This raises a fundamental question: if we believe that the application of the law leads to injustice, is it not time to change the way the law is applied?



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## Cyril-Igor Grigorieff

### The regime for international air carrier liability : to what extent has the envisaged uniformity of the 1999 Montreal Convention been achieved?

In order to answer the research question, dissertation is divided into four parts. Part I examines the ratio legis of the 1999 Montreal Convention to determine

to what extent uniformity is a principal aim of the convention that must be pursued in its application. Part II analyses the factors which already existed at the time of the signing and prevented its uniform application. Part III scrutinizes the fragmentation factors that only appeared during the lifespan of the convention. Part IV makes different suggestions to improve the uniform application of the convention and to reduce its fragmentation. The author concludes the research with a list of not less than 10 recommendations to protect the aim of uniformity of the international air carrier liability regime established by the convention.



## Michael P. Ramsden

### The role of the United Nations General Assembly in advancing accountability for atrocity crimes: legal powers and effects

Ramsden's dissertation examines the practice and legal foundation of United Nations General Assembly activity of a quasi-legislative, quasi-judicial, recommendatory, empowering and sanctioning nature in the field of international justice. It evaluates the potential for the General Assembly to adopt creative solutions to advance accountability crimes in the future, to not only unite for peace but also against impunity, particularly in the face of Security Council deadlock.



## Lisanne M. van Houten

### Flexing the slot regime: airport slot coordination in light of evolving market realities: a regulatory perspective

In essence, airport slots are planning tools for the rationing of capacity at airports where available capacity falls short of air travel demand. Since the availability of slots is directly connected to the capacity of an airport at a particular date and time, a slot is by definition a scarce resource. Slot scarcity depends on the congestion level of an airport. Excess demand for slots has substantial implications the particular socio-economic challenges that international organizations, governments and air transport industry stakeholders are experiencing today. A multitude of socio-economic objectives are identified, including but not limited to the environment in terms of noise and carbon reduction policies, growing airport access issues and general debates on airport functions to society. The number of so-called 'super-congested' airports in terms of the full slot capacity being historically 'occupied' by incumbent carriers are on the rise and are carefully studied from a policy and legal point of view.



## Merinda Stewart

### Freedom of overflight: a study of coastal State jurisdiction in international airspace

This study addresses the frontier of coastal State jurisdiction and freedom of overflight through the lens of contemporary challenges in the maritime arena. From jurisdiction in airspace over maritime constructions, to air defence identification zones, and the provision of air traffic services in international airspace, it examines assertions of coastal State jurisdiction beyond that which is explicitly granted under international law. 'Creeping jurisdiction' as such assertions are known, is not a new phenomenon and much has been written on it over the years. This research aims to contribute to this body of work by approaching the matter exclusively from the perspective of freedom of overflight.





**II. Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of August 12, 1949.**

**I. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of August 12, 1949.**

**Article 3**  
Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

**Article 3**  
The wounded and sick shall be collected and cared for.  
**Article 17**  
An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

**Article 18**  
Transports of wounded and sick or of medical equipment shall be respected and protected in the same way as mobile medical units.

**Article 12**  
Members of the armed forces and other persons mentioned in the following Article, who are wounded or sick, shall be respected and protected in all circumstances.

**Article 24**  
Hospital ships utilized by National Red Cross Societies, by officially recognized relief societies or by private persons shall have the same protection as military hospital ships and shall be exempt from capture, if the Party to the conflict on which they depend has given them an official commission and in so far as the provisions of Article 22 concerning notification have been complied with.

**Article 47**  
Reprisals against the wounded, sick and shipwrecked persons, the personnel, the vessels or the equipment protected by the Convention are prohibited.

**Article 21**  
No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render such areas immune from military operations.

**Article 134**  
The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence, or to their homes.

**III. Geneva Convention relative to the Treatment of Prisoners of War, of August 12, 1949.**

**Article 34**  
Prisoners of war shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith, on condition that they comply with the disciplinary routine prescribed in the statutes.

**Article 26**  
The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the deterioration of their physical condition.

**Article 17**  
Accused persons shall have the right in present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a qualified advocate.

**Article 14**  
Prisoners of war are entitled in all circumstances to respect for their persons and their honour. Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as female.

**Article 46**  
Each Party to the conflict, acting through its Commander-in-Chief, shall ensure that the execution of the preceding Articles and provide for unforeseen cases, in conformity with the general principles of the present Convention.

**IV. Geneva Convention relative to the Protection of Civilian Persons in Time of War, of August 12, 1949.**

**Article 16**  
The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

**Article 4**  
B. The following shall likewise be treated as prisoners of war under the present Convention:  
1) Persons belonging to, or having belonged to, the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made any arms or munitions, or have been employed in the transport of military supplies, or have been employed in the manufacture or transport of military equipments or supplies, or have been employed in the administration of the occupied territory in connection with the armed forces of the occupying Power.

**Article 34**  
The taking of hostages is prohibited.

**Article 20**  
Any hospital ship in a port of call shall be authorized to leave the said port.



## Kalshoven-Giekes Forum on International Humanitarian Law

In June 2021, the Kalshoven-Gieskes Forum on International Humanitarian Law (KGF), directed by Assoc. Prof. Dr. Robert Heinsch, celebrated ten years of its existence. Since 2011, the KGF and its staff members engage in teaching, research and dissemination of International Humanitarian Law (IHL), aiming at strengthening the legal framework governing armed conflict, and supporting the fight against impunity for violations of IHL from an academic and analytical perspective.

### Continued Expansion of the Forum's Activities

**In 2021, the KGF's efforts to offer innovative teaching, to broadly communicate its research findings, and to induce societal impact have been acknowledged and rewarded by a number of external stakeholders.**

Following the Gieskes Foundation's expression of its appreciation of the work that the KGF has done during its first ten years since its inception, the Forum was able to hire Bas Jacobs, who is a student of the 2021/22 regular LL.M. in Public International Law, as student assistant for its so-called "Legacy Project".

In addition, and together with partner IHL Clinics at Roma Tre University in Italy and Bochum University in Germany, the KGF has received the prestigious Erasmus+ grant for cooperation partnerships in higher education in the amount of 300.000 euros. From 2021 to 2024, the three partner institutions are implementing the "International Humanitarian Law Research, Education and Dissemination Programme" (IHL RED), which ties together cutting-edge research and high-quality training of young IHL lawyers and aims at disseminating the teaching method of IHL Clinics throughout the European continent. The funding will also enable periodic student exchange between these universities.

Finally, the KGF received continued support and funding from the Swiss Federal Department of Foreign Affairs in the KGF's research project on "Digitally Derived Evidence". By means of this grant, the Forum was able to hire Sabrina Rewald, J.D., adv. LL.M., who is an IHL Clinic alumna of the spring term 2021.

The KGF's Massive Open Online Course (MOOC) on "International Humanitarian Law in Theory and Practice" recorded a significant increase of learners in 2021. The number of course participants rose from 30.000 to almost 40.000 learners. This life-long learning tool is frequented by students, humanitarian personnel, journalists, and other practitioners.

## Launching a Global Network of Innovative Teachers of IHL



The Global IHL Clinic Network was officially launched in November 2021

From December 2020 until November 2021, the KGF conducted an education project, supported by the Leiden University Fund and its mr. S.J. Visser grant. The purpose of the project was to establish a “Global IHL Clinic Network”, including establishing Leiden University as a ‘Global Hub’ for IHL Clinics around the world. The project was implemented by KGF Director Dr. Robert Heinsch and Johanna Trittenbach, LL.M.. By the end of 2021, the Global IHL Clinic Network registered 65 members from academic institutions around the world.

In November 2021, the KGF hosted a first (virtual) plenary meeting for the Global IHL Clinic Network. This official launch of the Network provided the opportunity for 29 IHL Clinic directors and persons who are interested in getting involved in IHL Clinics to share experiences, engage in discussions, and identify future opportunities to engage within the existing infrastructure that was set up during the grant period. The meeting included a keynote speech by Prof. Laurie Blank, a long-term partner of the KGF and the Leiden IHL Clinic and a fellow pioneer in IHL Clinic teaching.

## Hosting an Expert Discussion on the Use of Digitally Derived Evidence

On 1 July 2021, the KGF and the Swiss Federal Department of Foreign Affairs co-organised the virtual event: “Using Digitally Derived Evidence in International Criminal Justice: Draft Guidelines and Case Studies for Practitioners”.

This event brought together experts in international criminal justice for a discussion on the increased use of Digitally Derived Evidence (DDE) at international tribunals and other accountability mechanisms. The event was hosted by KGF Director Dr. Robert Heinsch and moderated by Dr. Matthew Gillett (former Senior Legal Officer at the Organisation for the Prohibition of Chemical Weapons). Panellists included Mr. Norman Farrell (Prosecutor of the Special Tribunal for Lebanon), Ambassador Stephen J. Rapp (Senior Fellow at the United States Holocaust Memorial Museum’s Center for Prevention of Genocide and at Oxford University’s Center for Law, Ethics and Armed Conflict), Dr. Alexa Koenig (Executive Director of UC Berkeley’s Human Rights Center and lecturer at Berkeley Law), as well as Dr. Scott Edwards (Lead Adviser for Research Innovation at the International Secretariat of Amnesty International). Around 150 attendees participated in an in-depth discussion on the use of DDE followed by an Q&A session.



Expert Discussion on Digitally Derived Evidence hosted by the KGF in July 2021

## Dissemination of Research Results

In 2021, KGF members engaged with various audiences to share their research results and disseminate IHL more generally.

- > On 4 March 2021, the IHL Clinic’s Deputy Director and Assistant Professor Dr. Giulia Pinzauti spoke at a digital lunch seminar on the ICC’s Territorial Jurisdiction in Palestine, organised by the University of Ghent. She shared research findings of the journal article “To Be (a State) or Not to Be: The Relevance of the Law of Belligerent Occupation with Regard to Palestine’s Statehood Before the ICC”, co-authored by Dr. Heinsch and Dr. Pinzauti.
- > On 17 June 2021, Dr. Robert Heinsch participated at an international conference, organised by Global Rights Compliance, on the topic of “Legal (Un)Certainty of Occupation: Crimea and Donbas”. Dr. Heinsch was part of the first panel of the conference which discussed the legal status of Crimea and Donbas, and he gave a presentation on “Occupation by Proxy? A focus on Donbas”.
- > On 4 November 2021, Dr. Heinsch, together with his colleagues Prof. Michael L. Fremuth and Prof. Jörn Griebel, handed over Prof. Stephan Hobe’s Liber Amicorum on “Natural Resources and International Law: Developments and Challenges”. This tribute to their ‘Doktorvater’ Prof. Stephan Hobe was celebrated with a festive event at the University of Cologne. At this occasion, Dr. Heinsch and his two colleagues had the opportunity to pay respect to Prof. Hobe as an outstanding expert in air law, space law, investment law, international business law, and numerous other areas, as well as for being an exceptional PhD Mentor.



## Kalshoven-Giekes Forum IHL Clinic

KGF Director Dr. Robert Heinsch and IHL Clinic supervisors Sabrina Rewald and Johanna Trittenbach, together with the winter term 2021/22 IHL Clinic students, celebrate the successful conclusion of two research projects!

Since 2012, the KGF has been offering practically-oriented and research-driven education to students at Leiden University's regular and advanced LL.M. programmes in Public International Law. Students hereby have the opportunity to conduct in-depth legal and factual analyses for partner organisations.

The spring term 2021 IHL Clinic comprised a strong team of 6 Grotius Centre and KGF staff members, who supervised 18 students working on four research assignments. A novel development was presented by the inclusion of six students of the advanced LL.M. in European and International Human Rights Law, who worked together with students of the advanced LL.M. in Public International Law. This inter-faculty cooperation, and bringing students from different study programmes together, proved to be an enriching experience for students and the KGF team alike. During the winter term 2021/22, the IHL Clinic was offered to 10 students of the regular LL.M in Public International Law, who worked on two different projects.

The following research was concluded by the IHL Clinic in 2021:

### **IHL in Action: Evidencing Compliance with IHL**

In cooperation with the International Committee of the Red Cross (ICRC) and under the supervision of IHL Clinic supervisors Ashley Peltier and Alla Ershova, two students researched instances of respect for IHL in modern conflict situations. The research team was supported and assisted by three junior supervisors, namely Eliza Walsh, Emma Persson, and James Patrick Sexton, who graduated from the IHL Clinic in the winter term 2020/21. Extensive legal and factual research was con-

ducted to identify instances where parties to armed conflicts adhered to the rules of IHL for the ICRC's publicly available database "IHL in Action: Respect for the Law on the Battlefield". Using publicly available information, the students prepared case studies, showcasing parties' compliance with IHL. By developing these case studies, the IHL Clinic aims to contribute to a change in the way we understand, talk, and think about IHL. The case studies show, despite numerous violations of IHL, compliant behaviour does exist and that IHL rules can significantly reduce human suffering.

## Business and Human Rights: Supporting Access to Justice

A team of six students, under the guidance of IHL Clinic supervisors Sofia Larriera Santurio, adv. LL.M., and Johanna Trittenbach, LL.M., researched different legal frameworks at the international, regional and domestic levels and mapped existing legal instruments (binding and non-binding) that impose obligations or establish best practices for companies of the extractive industry operating in Conflict-Affected and High-Risk Areas (CAHRAs). The overall goal of the team was to identify possible avenues, judicial and non-judicial, for access to justice and remedies at the three different levels and develop a guide to assist practitioners, civil society members, lawyers, first responders, victims and affected communities of human rights and humanitarian law abuses committed by extractive industry companies in CAHRAs. The project was conducted in cooperation with the Global Rights Compliance Foundation and is being continued in 2022 under the supervision of Sabrina Rewald, J.D., adv. LL.M., who took part in the 2021 first phase of the project as an IHL Clinic student.

### Democratic People's Republic of Korea: Accountability for Arbitrary Detention

In the winter term 2021/22, and under the supervision of IHL Clinic supervisor Johanna Trittenbach, LL.M., five students researched accountability avenues for the alleged widespread human rights abuses in the Democratic People's Republic of Korea's (DPRK) detention system. In cooperation with the NGO Korea Future, the students undertook a comprehensive mapping and in-depth legal analysis of various accountability avenues to hold perpetrators of rights violations in the DPRK's

penal system accountable. Based on this legal research, and under consideration of the vast amount of evidence collected and analysed by the partner organisation, the IHL Clinic delivered recommendations to Korea Future on avenues for strategic litigation to ultimately build considerable judicial and political pressure to put a halt to respective rights violations.

### Justice for Iran: Article 15 Communication to the ICC

In the spring term 2021, the IHL Clinic continued its established cooperation with the NGO Justice for Iran. Under the supervision of IHL Clinic supervisor Waleed Mahmoud, LL.M., and with the assistance of junior supervisor Lena Rieke (graduate of the winter term 2020/21 IHL Clinic), a team of four students worked on this project. The research team carefully examined large amounts of evidence as provided by the partner organisation, and found that there exists mounting evidence to conclude that during Iran's November 2019 protests and in their aftermath, Iranian forces and officials have, at least, committed the crimes against humanity of murder, imprisonment, and torture under Article 7 of the Rome Statute. Based on the IHL Clinic's research, KGF Director Dr. Robert Heinsch, in his personal capacity, and Justice for Iran submitted a Communication pursuant to Article 15 of the Rome Statute to the Office of the Prosecutor of the International Criminal Court, urging for the initiation of a preliminary investigation into these acts of violence.

### Digitally Derived Evidence (DDE): Conclusion of a Three-Year Research Project and Publication of the "Leiden Guidelines on Digitally Derived Evidence"

The multi-year KGF research project on Digitally Derived Evidence (DDE), which was initiated by Dr. Robert Heinsch and Dr. Emma Irving in 2018, was continued by five students in the spring term, under the supervision of Sofia Larriera Santurio, adv. LL.M., Ashley Peltier, LL.M., and Alla Ershova, adv. LL.M. The research team analysed thousands of pages of court records to identify the international criminal tribunals' rulings on the admission and exclusion of various types of DDE and the key arguments made by counsels regarding this evidence. Based on their findings, the students extrapolated general rules with the goal of providing a first draft of guidelines for practitioners on how the evidentiary standards apply to digitally derived evidence.

The winter term IHL Clinic and a research team of five students, under the supervision of Sabrina Rewald, J.D., adv. LL.M., navigated through the final phase of the project, which culminated three years of extensive legal analysis. The students used their own, and their predecessors' research, to derive and craft overarching practitioner's guidelines on the use and application of various categories of DDE, including, but not limited to, videos, photographs, satellite imagery and call data records. The students then consolidated the guidelines into an accessible online format, which was made available to the public in early 2022.

As DDE becomes ever more prevalent in international legal fora, the KGF and the numerous supervisors and students that contributed to this project are proud to make their findings accessible and herewith support efforts to submit Digitally Derived Evidence for the prosecution of international crimes. The various outcomes of the DDE project including the Leiden Guidelines on DDE can be accessed at [www.leiden-guidelines.com](http://www.leiden-guidelines.com).

# Publications from 2021

## Annotations

- > Duffy H., annotatie bij: Committee on the Rights of the Child 4 februari 2021, nr. 77/2019, Leiden Children's Rights Observatory Case Notes 2021: (Case Note 2021/3 Communications No. 79/2019 and 109/2019 L.H. et al v. France and 77/2019 F.B. et al v. France; French Children in Syrian Camps: the Committee on the Rights of the Child and the Jurisdictional Quagmire).
- > McGarry B.K., annotatie bij: CJEU 31 januari 2020, nr. C-457/18, AJIL 2021,1; 101-107 (Republic of Slovenia v. Republic of Croatia).
- > Rose C.E., annotatie bij: International Court of Justice 14 juli 2020, AJIL 2021,2; 301-308 (Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (Bahrain, Egypt, Saudi Arabia and United Arab Emirates v. Qatar); Appeal Relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement (Bahrain, Egypt and United Arab Emirates v. Qatar)).
- > Wewerinke-Singh M.J., annotatie bij: UN Committee on the Rights of the Child (CRC Committee) 11 oktober 2021, nr. Communication 104/2019 Chiara Sacchi et al v. Argentina et al, Leiden Children's Rights Observatory Case Notes 2021,10 (Between Cross-Border Obligations and Domestic Remedies: The UN Committee on the Rights of the Child's decision on Sacchi v Argentina).

## Articles

- > Blokker N.M. & Schrijver N.J. (2021), *Kroniek internationaal publiekrecht*, Nederlands Juristenblad 96(16): 1306-1320 (NJB 2021/1220).
- > Cordonier Segger M.-C. & Schrijver N.J. (2021), *ILA Guidelines for Sustainable Natural Resources Management for Development*, Netherlands International Law Review 68(2): 315-347.
- > Dam-de Jong D.A. (2021), *Greening the Economy of Armed Conflict: Natural Resource Exploitation by Armed Groups and Their Engagement with Environmental Protection*, Hague Yearbook of International Law = Annuaire de La Haye de droit international 32(for 2019): 175-207.
- > Dam-de Jong D.A. & Sjöstedt B. (2021), *Enhancing Environmental Protection in Relation to Armed Conflict: An Assessment of the ILC Draft Principles*, Loyola of Los Angeles International and Comparative Law Review 44(2): 129-156.
- > De Brabandere E.C.P.D.C. (2021), *The 2019 Dutch Model Bilateral Investment Treaty – Navigating the Turbulent Ocean of Investment Treaty Reform*, ICSID Review - Foreign Investment Law Journal 36(2): 319-338.

- > De Brabandere E.C.P.D.C. (2021), *Reforming Investment Law and Arbitration and the “New Economic World Order”: Between Myth and Reality*, Proceedings of the ASIL Annual Meeting 114(for 2020): 67-70.
- > Dekker I.F. & Schrijver N.J. (2021), *Volkenrecht*, Ars Aequi KwartaalSignaal 70(158): 9361-9364 (AAK20219361).
- > Dekker I.F. & Schrijver N.J. (2021), *Volkenrecht*, Ars Aequi KwartaalSignaal 70(159): 9424-9427 (AAK20219424).
- > Dekker I.F. & Schrijver N.J. (2021), *Volkenrecht*, Ars Aequi KwartaalSignaal 70(160): 9490-9494 (AAK20219490).
- > Dekker I.F. & Schrijver N.J. (2021), *Volkenrecht*, Ars Aequi KwartaalSignaal 70(161): 9547-9550 (AAK20219547).
- > Laverty C.S. & Vos D. de (2021), *Reproductive Violence as a Category of Analysis: Disentangling the Relationship between ‘the Sexual’ and ‘the Reproductive’ in Transitional Justice*, International Journal of Transitional Justice.
- > Le Moli G., Vinuales J., Moon S., & Burci G.-L. (2021), *A global pandemic treaty should aim for deep prevention*, The Lancet 397(10287): 1791-1792.
- > Le Moli G. (2021), *Intruders in a Balancing Act: Black Economic Empowerment, Transitional Justice and Investment Arbitration Tribunals*, International Journal of Transitional Justice 15(1): 7-25.
- > Le Moli G. (2021), *‘Parity with all nations’: The ‘coolie’ trade and the quest for recognition by China and Japan*, Leiden Journal of International Law 34(4): 879-897.

- > Le Moli G. (2021), Torture by Non-state actors: Foreword, *Journal of International Criminal Justice* 19(2): 359-36.
- > Le Moli G. (2021), Torture by Non-state Actors: Four Inquiries, *Journal of International Criminal Justice* 19(2): 363-391.
- > Marhold A.A. (2021), Unpacking the Concept of 'Energy Security': Lessons from Recent WTO Case Law, *Legal Issues of Economic Integration* 48(2): 147-170.
- > Mendes de Leon P.M.J. (2021), Editorial Note, *Air & Space Law* 46(4/5): 479-480.
- > Mendes de Leon P.M.J. (2021), The Operation of Traffic Rights in the Post-Brexit Era: A Cost-Benefit Analysis, *Air & Space Law* 46(special issue): 11-28.
- > Peat D.C., Zee E. van der, & Fikfak V. (2021), Introduction to the Symposium on Limitations of the Behavioral Turn in International Law, *AJIL Unbound* 115: 237-241.
- > Peat D.C. (2021), The Tyranny of Choice and the Interpretation of Standards: Why the European Court of Human Rights Uses Consensus, *NYU Journal of International Law and Politics* 53(2): 381-432.
- > Pinzauti G. & Webb P. (2021), Litigation before the International Court of Justice during the pandemic, *Leiden Journal of International Law* 34(4): 787-800.
- > Orangias J.L. (2021), Towards global public trust doctrines: an analysis of the transnationalisation of state stewardship duties, *Transnational Legal Theory* : 1-37.
- > Rose C.E. (2021), An International Economic Law Perspective on the United Nations Convention against Corruption, *European Yearbook of International Economic Law* 11: 83-106.
- > Rudall J.T.P. (2021), The Natural Remedy for Zoonotic Diseases, *Yearbook of International Environmental Law* 31.
- > Rudall J.T.P. (2021), The Obligation to Cooperate in the Fight against Climate Change, *International Community Law Review* 23(2-3): 184-196.
- > Schrijver N.J. (2021), De klaroenstoten van de Nederlandse rechter in Urgenda op de klanken van het internationale recht, *Regel-Maat: Kwartaalblad voor Wetgevingsvraagstukken* 37(3): 161-176.
- > Schrijver N.J. (2021), De WHO: hoeder van het wereldgezondheidsrecht én kop-van-jut, *Rechtsgeleerd Magazijn Themis* 182(4): 145-148.
- > Schrijver N.J. (2021), State Sovereignty in the Planetary Management of Natural Resources, *Environmental Policy and Law* 51(1-2): 13-20.
- > Wewerinke-Singh M., Day J., Price S., Tabawa S., Netaf R., Pakoa A. & Ulas J. (2021), Trust in Cash Assistance Programming: Addressing Mega Trend Changes through Disaster Management and Impact Assessment, *Impact Assessment and Project Appraisal* 39(4): 348-351.
- > Wewerinke-Singh M. & McCoach A. (2021), The State of the Netherlands v Urgenda Foundation: Distilling Best Practice and Lessons Learnt for Future Rights-Based Climate Litigation, *Review of European, Comparative & International Environmental Law* 30(2): 275-283.
- > Wewerinke-Singh M. & Mead S. (2021), Recent Developments in International Climate Change Law: Pacific Island Countries' Contributions, *International Community Law Review* 23(2/3): 294-309.
- > Wewerinke-Singh M.J. (2021), Pandemics, Planetary Health and Human Rights: Rethinking the Duty to Cooperate in the Face of Compound Global Crises, *Max Planck Yearbook of United Nations Law* 24(for 2020): 399-425.
- > Wewerinke-Singh M., Stein J. & Doek J. (2021), De ontwikkeling en implicaties van kinder- en mensenrechten op het gebied van klimaatverandering, *Tijdschrift voor Jeugdrecht* 2021(2): 42-49.

## Blog Entries

- > Baldini Miranda da Cruz P. (23 december 2021), Reinforcing Patterns: Open Access and Legal Debate around the World. *Verfasungsblog*.
- > Duffy H. (5 augustus 2021), Articles on Responsibility of States for Internationally Wrongful Acts and Human Rights Practice. *EJIL: Talk!: European Journal of International Law*.
- > Duffy H. (2 februari 2021), Georgia v. Russia: Jurisdiction, Chaos and Conflict at the European Court of Human Rights. *Just Security*.

- > Le Moli G. (8 augustus 2021), State Responsibility and the Global Environmental Crisis. EJIL: Talk!.
- > Marhold A.A. (4 augustus 2021), Guest Post: New Book on Energy in International Trade Law. International Economic Law and Policy Blog: WorldTradeLaw.net.
- > Masson-Zwaan T.L. (19 januari 2021), Sustainability in space. Leiden Law Blog.
- > McGarry B.K. & Murashko E. (17 maart 2021), Vienna and Geneva: Defining Arbitration in the Reform of Economic Institutions. Kluwer Arbitration Blog: Wolters Kluwer.
- > Savaresi A. & Wewerinke-Singh M. (31 mei 2021), Friends of the Earth (Netherlands) v Royal Dutch Shell: Human Rights and the Obligations of Corporations in the Hague District Court Decision. The Global Network for Human Rights and the Environment.
- > Stahn C. (30 maart 2021), 'One Must Imagine Sisyphus Happy': On the Liberating Potential of Robinson's Coherentist Approach to International Criminal Justice. *Opinio Juris*.
- > Stahn C. (1 juli 2021), Why a Higher Gravity Threshold May be Part of the Problem Rather than a Solution to the ICC's Dilemmas. ICC Forum.
- > Wewerinke-Singh M.J. (29 oktober 2021), Between Cross-Border Obligations and Domestic Remedies: The UN Committee on the Rights of the Child's decision on *Sacchi v Argentina* (Parts 1 & 2). Oxford Human Rights Hub. Oxford, United Kingdom.

- > Peat D.C. (8 juni 2021), Rewarding Compliance: On Normative Implications of Rewarding in International Law. *Völkerrechtsblog*.

## Books

- > Campfens E. (2021), Cross-border title claims to cultural objects: Property or heritage? *Meijers-reeks* nr. 377. The Hague: Eleven.
- > Iverson J.M. (2021), *Jus Post Bellum: The Rediscovery, Foundations, and Future of the Law of Transforming War into Peace*. Leiden: Brill Nijhoff.
- > Le Moli G. (2021), *Human Dignity in International Law. ASIL Studies in International Legal Theory*. Cambridge: Cambridge University Press.
- > Marhold A.A. (2021), *Energy in International Trade Law: Concepts, Regulation and Changing Markets* Cambridge International Trade and Economic Law. Cambridge: Cambridge University Press.
- > Rudall J.T.P. (2021), *Altruism in International Law*. Cambridge: Cambridge University Press.

## Book Chapters

- > Blokker N. (2021), Withdrawing from International Organizations. In: Blokker N., Dam-de Jong D. & Prislán V. (red.) *Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development*. Liber Amicorum Nico Schrijver. Leiden Boston: Brill Nijhoff. 1-20.

- > Campfens E. (2021), Contested cultural objects: property or heritage?. In: O'Farrell H. & Keurs P.J. ter (red.) *Museums, Collections and Society: Yearbook 2020*. Leiden: Universiteit Leiden-Sidestone Press. 59-75.

- > Dam-de Jong D.A. (2021), Balancing national ownership with international intervention: combating illegal exploitation of natural resources through peace processes. In: Weller, M.; Retter, M.; Varga, A. (red.) *International Law and Peace Settlements*. Cambridge: Cambridge University Press. 474-498.
- > Dam-de Jong D.A. (2021), Sovereignty as Responsibility: Exercising Permanent Sovereignty over Natural Resources in the Interest of Current and Future Generations. In: Blokker N., Dam-de Jong D. & Prislán V. (red.) *Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development - Liber Amicorum Nico Schrijver*. nr. 9 Leiden / Boston: Brill Nijhoff. 21-36.
- > De Brabandere E.C.P.D.C. (2021), International investment law and arbitration in cyberspace. In: Tsagourias N. & Buchan R. (red.) *Research Handbook on International Law and Cyberspace*. Research handbooks in international law Cheltenham: Edward Elgar Publishing. 181-202.

- > De Brabandere E.C.P.D.C. (2021), International Investment Law and Human Rights. In: Binder, C.; Hofbauer, M.; Nowak J.A.; Pjanig. (red.) *Elgar Encyclopedia of Human Rights*. Cheltenham: Edward Elgar. 1-10 (online edition).

- > De Brabandere E.C.P.D.C. (2021), Introduction: A Comparative Analysis of Procedure in Interstate Litigation. In: De Brabandere E.C.P.D.C. (red.) *International Procedure in Interstate Litigation and Arbitration: A Comparative Approach*. Studies on International Courts and Tribunals Cambridge: Cambridge University Press. 1-8.
- > De Brabandere E.C.P.D.C. & Herik L.J. van den (2021), Non-State Actors and Human Rights Obligations: Perspectives from International Investment Law and Arbitration. In: Blokker N.M., Dam-de Jong D.A. & Prislán V. (red.) *Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development: Liber Amicorum Nico Schrijver*. Leiden: Brill Nijhoff. 37-61.
- > De Brabandere E.C.P.D.C. & Holloway D. (2021), Unilateral Sanctions through an International Arbitration Lens: Procedural and Substantive Issues. In: Beaucillon, C. (red.) *Research Handbook on Unilateral and Extraterritorial Sanctions*. Cheltenham: Edward Elgar. 342–364.
- > De Brabandere E.C.P.D.C., Kent A., & Gazzini T. (2021), Conclusions. In: De Brabandere, E.C.P.D.C.; Gazzini, T.; Kent, A. (red.) *Public Participation and Foreign Investment Law: From the Creation of Rights and Obligations to the Settlement of Disputes*. Nijhoff international investment law series nr. 16 Leiden / Boston: Brill Nijhoff. 439-443.
- > De Brabandere E.C.P.D.C., Kent A., & Gazzini T. (2021), Public Participation in International Investment Law: Setting the Scene. In: De Brabandere, E.C.P.D.C.; Gazzini, T.; Kent, A. (red.) *Public Participation and Foreign Investment Law: From the Creation of Rights and Obligations to the Settlement of Disputes*. Nijhoff international investment law series nr. 16 Leiden / Boston: Brill Nijhoff. 3-14.
- > Duffy H. (2021), Global Threats and Fragmented Responses: Climate Change and the Extra-Territorial Scope of Human Rights Obligations. In: Blokker N.M., Dam-de Jong D. & Prislán V. (red.) *Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development*. Liber Amicorum Nico Schrijver. Leiden: Brill | Nijhoff. 62-92.
- > Duffy H. & Herik L. van den (2021), Terrorism and the Security Council. In: Geiß, R.; Melzer, R. (red.) *The Oxford Handbook of the International Law of Global Security*. Oxford: Oxford University Press. 193-212.
- > Hébié M. & Lanovoy M. (2021), Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v Nicaragua) and Construction of a Road in Costa Rica Along the San Juan River (Nicaragua v Costa Rica): [last update October 2021]. In: Peters A. (red.) *Max Planck Encyclopedia of Public International Law [MPEPIL]*. Oxford: Oxford University Press.
- > Hébié M. & Kohen M.G. (2021), Peace Agreements and Territorial Change. In: Weller M., Retter M. & Varga A. (red.) *International Law and Peace Settlements*. Cambridge: Cambridge University Press. 432-446.
- > Heinsch R.W. (2021), Methodological Challenges in Ascertaining Customary International Humanitarian Law: Can Customary International Law Respond to Changing Circumstances in Warfare?. In: Krieger H. & Püschmann J. (red.) *Law-Making and Legitimacy in International Humanitarian Law*. Cheltenham: Edward Elgar. 170-194.
- > Le Moli G. (2021), Amnistie e giustizia transitoria. In: Caracciolo, I.; Montuoro, U. (red.) *Ricostruzione della pace, giustizia e tutela dei diritti umani*. Collana di Studi di diritto internazionale umanitario e dei conflitti armati Torino: Giappichelli Editore. 235-248.
- > Le Moli G. (2021), Collective Entitlements over Energy. In: Cima E. & Mbengue M.M. (red.) *A Multifaceted Approach to Trade Liberalisation and Investment Protection in the Energy Sector*. International Environmental Law nr. 15 Leiden: Brill. 126-147.
- > Le Moli G., Dupuy P.-M., & Viñuales J.E. (2021), Customary International Law and the Environment. In: Rajamani L. & Peel J. (red.) *The Oxford Handbook of International Environmental Law*. Oxford handbooks series Oxford: Oxford University Press. 385-401.
- > Marhold A.A. (2021), EU State Aid Law, WTO Subsidies Disciplines and Renewable Energy Support Schemes: Disconnected Paradigms in Decarbonizing the Grid?. In: Cima E. & Mbengue M.M. (red.) *A Multifaceted Approach to Trade Liberalisation and Investment Protection in the Energy Sector*. International Environmental Law nr. 15 Leiden-Boston: Brill | Nijhoff. 179-217.

- > Marhold A.A., & Chorny V. (2021), The Contested Legal and Political Landscape of Nord Stream 2 - In *Uncharted Waters*. In: Roggenkamp M.M. & Banet C. (red.) *European Energy Law Report Vol. XIV*. Antwerp - Cambridge: Intersentia. 171-193.
- > Masson-Zwaan T.L. (2021), L'exploitation des ressources spatiales et le droit international. In: *L'espace extra-atmosphérique et le droit international*, Colloque de Toulouse. Société française pour le Droit International - Colloque Paris: Editions A. Pedone. 315-332.
- > McGarry B.K. (2021), Achieving Greater Access to Justice through Cost-Efficiency. In: De Brabandere E.C.P.D.C. (red.) *International Procedure in Interstate Litigation and Arbitration: A Comparative Approach*. Studies on International Courts and Tribunals Cambridge: Cambridge University Press. 202-229.
- > McGarry B.K. (2021), The Development of Custom in Territorial Dispute Settlement. In: Dupuy P.M. (red.) *Customary International Law*. International Law series nr. 25 Cheltenham: Edward Elgar. 855-881.
- > Mendes de Leon P.M.J. (2021), The Establishment of Flight Information Regions and Air Defence Identification Zones: Air Law Is Air Law and Maritime Law Is Maritime Law; Shall the Twain Ever Meet?. In: Blokker N.M., Dam-de Jong D. & Prislán V. (red.) *Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development*. Liber Amicorum Nico Schrijver. Leiden: Brill. 223-246.
- > Rose C.E. (2021), Corruption and Global Security. In: Geiß, R.; Melzer, N. (red.) *The Oxford Handbook of the International Law of Global Security*. Oxford: Oxford University Press. 140-157.
- > Rose C.E. (2021), Corruption. In: Binder C., Nowak M., Hofbauer J.A. & Janig P. (red.) *Elgar Encyclopedia of Human Rights*. Cheltenham: Edward Elgar Publishing.
- > Rose C.E. (2021), Human Rights Law and the Return of Stolen Assets. In: Blokker N., Dam-de Jong D. & Prislán V. (red.) *Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development: Liber Amicorum Nico Schrijver*. Leiden: Brill Nijhoff. 294-306.
- > Rose C.E. (2021), The Origins of International Anti-Corruption Law: The Failed Negotiation of an International Agreement on Illicit Payments. In: Boister N., Gless S. & Jessberger F. (red.) *Histories of Transnational Criminal Law*. Oxford: Oxford University Press. 187-201.
- > Rose C.E. (2021), The Role of the Judge Ad Hoc in Interstate Litigation: Perspectives from the Law and Practice of the International Court of Justice. In: De Brabandere E. (red.) *International Procedure in Interstate Litigation and Arbitration: A Comparative Approach*. Studies on International Courts and Tribunals Cambridge: Cambridge University Press. 113-138.
- > Rudall J.T.P. (2021), The Implications of Sustainable Development Goals for Energy Trade and Investment. In: Cima E. & Mbenegue M.M. (red.) *A Multifaceted Approach to Trade Liberalisation and Investment Protection in the Energy Sector*. International Environmental Law nr. 15 Leiden: Brill. 70-91.
- > Schabas W.A. (2021), Economic, Social and Cultural Rights and Customary International Law. In: Blokker N.M., Dam-de Jong D. & Prislán V. (red.) *Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development*. Liber Amicorum Nico Schrijver. Leiden: Brill | Nijhoff. 326-335.
- > Schrijver N.J. (2021), Integrating Sustainable Management of Mineral Resources into International Mining Law. In: Fremuth M.L., Griebel J. & Heinsch R.W. (red.) *Natural Resources and International Law – Developments and Challenges: A Liber Amicorum in Honour of Stephan Hobe*. Baden-Baden & Oxford: Nomos Verlagsgesellschaft & Hart Publishing. 75-91.
- > Schrijver N.J. (2021), 21st Century Reform of the UN Security Council and the Role of the European Union. In: Telò M. (red.) *Reforming Multilateralism in Post-Covid Times. For a More regionalized, Binding and Legitimate United Nations*. Brussels: FEPS (Foundation for European Progressive Studies). 82-90.
- > Schrijver N.J. (2021), State Sovereignty in the Planetary Management of Natural Resources. In: Desai B.H. (red.) *Our Earth Matters: Pathways to a Better Common Environmental Future*. Amsterdam: IOS Press. 105-112.
- > Staden A. van (2021), The World in Disarray: Great-Power Competition and the Decline of Multilateralism. In: Blokker N.M., Dam-de Jong D. & Prislán V. (red.) *Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development*. Liber Amicorum Nico Schrijver. Leiden: Brill | Nijhoff. 360-376.

> Stahn C. (2021), How can we justify international criminal justice?. In: Blokker N., Dam-de Jong D. & Prislán V. (red.) Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development. Leiden : Brill. 377-413.

> Wewerinke-Singh M., Aguon J. & Hunter J. (2021), Bringing Climate Change before the International Court of Justice: Prospects for Contentious Cases and Advisory Opinions. In: Alogna I., Bakker C. & Gauci J.P. (red.) Climate Change Litigation: Global Perspectives. Leiden: Brill. 393-414.

> Heinsch R.W. (2021), The Role of Customary International Law as a Tool for the Progressive Development of International Criminal Law: Undermining the Sovereignty of States for the Sake of Humanity?. In: Blokker N.M., Dam-de Jong D. & Prislán V. (red.) Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development. Leiden: Brill. 113-124.

## Book Reviews

> Masson-Zwaan T.L. (2021), Bespreking van: F.G. Von Der Dunk (2020) Advanced Introduction to Space Law, Elgar Advanced Introductions, Air & Space Law 46(2): 323-328.

> Mendes de Leon P.M.J. (2021), Bespreking van: Jae Woon Lee (ed.) (2021) Aviation Law and Policy in Asia: Smart Regulation in Liberalized Markets, Air & Space Law 46(4/5): 633-638.

> Schabas W.A. (2021), Bespreking van: Akhavan, P. (2017) In Search of a Better World; A Human Rights Odyssey, Human Rights Quarterly 43(1): 212-214.

## Conference Paper

> Masson-Zwaan T.L. & Stefoudi D. (2021), Space law and policy in postgraduate education: The example of the International Space University. In: Proceedings of the 72nd International Astronautical Congress, 25-29 October 2021, Dubai, United Arab Emirates.

## Database

> Davis C.J. (2021), International Criminal Law Charging Document Database.

> Davis C.J. (2021), International Criminal Law Prosecution Appeals Briefs Database.

> De Brabandere E.C.P.D.C. & Peat D.C. (2021), Investment Arbitration Database. Leiden / The Hague: Grotius Centre for International Legal Studies.

## Datasets

> Davis C.J. (2021), International Criminal Law Prosecution Sentencing Recommendation Statistics.

> Davis C.J. (2021), International Criminal Law Prosecution Witness Statistics.

## Editorship

> Blokker N., Dam-de Jong D. & Prislán V. (red.) Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development. Liber Amicorum Nico Schrijver. Leiden Boston: Brill Nijhoff.

> De Brabandere E.C.P.D.C., Gazzini T. & Kent A. (red.) (2021), Public Participation and Foreign Investment Law: From the Creation of Rights and Obligations to the Settlement of Disputes Nijhoff international investment law series nr. 16. Leiden / Boston: Brill Nijhoff.

> De Brabandere E.C.P.D.C. (red.) (2021), International Procedure in Interstate Litigation and Arbitration: A Comparative Approach Studies on International Courts and Tribunals. Cambridge: Cambridge University Press.

> Heinsch R.W. & Fremuth M.L., Griebel J. (red.) (2021), Natural Resources and International Law-Developments and Challenges: A Liber Amicorum in Honour of Stephan Hobe. Baden-Baden: Nomos / Hart.

## Newspaper articles

> Campfens E. (18 juni 2021), Teruggave roofofstelling: kwestie van mensenrechten. Trouw, opinie & debat.

> Marhold A.A. (29 juli 2021), CO2-heffing aan EU-buitengrenzen is revolutionair maar ook riskant. Het Financieel Dagblad.

## PhD Theses

- > Abtahi H. (27 mei 2021), Adjudicating attacks targeting culture: revisiting the approach under state responsibility and individual criminal responsibility (Dissertatie. Institute of Public Law, Faculty of Law, Leiden University). Promotor(en) en Copromotor(en): Stahn, C., Powderly, J.C.
- > Campfens E. (11 november 2021), Cross-border title claims to cultural objects: property or heritage? (Dissertatie. Institute of Public Law, Faculty of Law, Leiden University) Meijers-reeks nr. MI-377: Eleven . Promotor(en): Schrijver N.J. & Veraart W.J.
- > Grigorieff C.I. (17 november 2021), The regime for international air carrier liability : to what extent has the envisaged uniformity of the 1999 Montreal Convention been achieved? (Dissertatie. Institute of Public Law, Faculty of Law, Leiden University) Meijers-reeks nr. MI-380. Promotor(en): Mendes de Leon P.M.J. & Correia V.
- > Houten L.M. van (16 december 2021), Flexing the slot regime: airport slot coordination in light of evolving market realities: a regulatory perspective (Dissertatie. Institute of Public Law, Faculty of Law, Leiden University). Promotor(en): Mendes de Leon P.M.J. & Pierallini L.
- > Ramsden M.P. (20 oktober 2021), The role of the United Nations General Assembly in advancing accountability for atrocity crimes: legal powers and effects (Dissertatie. Institute of Private Law, Faculty of Law, Leiden University). Promotor(en) en Copromotor(en): Blokker N.M., Vasiliev S.V.

- > Stewart M.E. (10 juni 2021), Freedom of overflight: a study of coastal State jurisdiction in international airspace (Dissertatie. Institute of Public Law, Faculty of Law, Leiden University) Meijers-reeks nr. MI-369. Promotor(en): Mendes de Leon P.M.J. & Rijpma J.J.

## Reports

- > Geers M.A., Timmermans L.J., Masson-Zwaan T.L., Snijders M., Lie S.S. & Stefoudi D. (2021), Supervision Audit 2020 for space activities of NSS: Audit report (January 2021). Groningen: Agentschap Telecom.
- > Herik L.J. van den, Broeks G.J., Aerdts W. J.M., Casteleijn L.F.F., Ginkel B. van, Groot J. de, Lammers J.G. & Ryngaert C. (2021), Autonome wapensystemen: het belang van reguleren en investeren Advies / Commissie van Advies inzake Volkenrechtelijke Vraagstukken (CAVV) nr. 38. The Hague: Adviesraad Internationale Vraagstukken (AIV) & Commissie van Advies inzake Volkenrechtelijke Vraagstukken (CAVV): Commissie Actualisering Autonome Wapensystemen (CAAW).
- > Herik L.J. van den, Waas L. van, Brölmann C.M., Hoogh A.J.J. de, Rosenboom A.E. & Ryngaert C.M.J. (2021), Advies over de internationaalrechtelijke implicaties van het geen afstand kunnen doen van een tweede nationaliteit Advies / Commissie van Advies inzake Volkenrechtelijke Vraagstukken (CAVV) nr. 39. The Hague: Commissie van advies inzake volkenrechtelijke vraagstukken (CAVV).

- > Masson-Zwaan T.L., Stefoudi D., Mihai Taiatu C., Pavesi G., Andrieux M. & Loyant B. (2021), Current legal framework of Space Traffic Management: Report (November 2021). Paris: Spaceways, EU Horizon 2020 research and innovation program.

## Others

- > De Brabandere E.C.P.D.C. (2021), International Investment Law and Human Rights. In: Binder C., Nowak M., Hofbauer J.A. & Janig P. (red.) Elgar Encyclopedia of Human Rights. Cheltenham: Edward Elgar Publishing. 1-10 [lemma] (Entry in Reference works).
- > Masson-Zwaan T.L., Hauchecorne A., Blanc M., Courtois M., Klein K.-L., Vauclair S., Hainaut O., Lagadec E. & Roquet H. (2021), Statement on the impact of megaconstellations on astronomical observations of the sky and geophysical observations from space = Déclaration sur l'Influence des grandes constellations de satellites sur les observations depuis et vers l'espace. Toulouse, (Air and Space Academy (AAE) / Académie de l'Air et de l'espace (AAE)). [overig].

*The book covers and blurbs contained in this report are taken from the websites of the respective publishers and authors.*

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