

Grotius Centre Newsletter

Autumn 2017



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Leiden**

Grotius Centre

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Welcome To the Newsletter!



Grotius Centre
for International
Legal Studies



Dear colleagues,

Welcome to the Autumn Edition of the Grotius Centre Newsletter! In this edition, learn about our new Advanced Masters programme launching—pending approval—in September 2018; the new Duke-Leiden Institute in Global and Transnational Law; and the many other activities you have been involved in.

Our vibrant Centre has a long and proud history of excellent teaching and research, and this due to the dedication and enthusiasm with which you approach your work. We are genuinely fortunate to have you. I look forward to continuing to work with you over the coming years.

Professor Eric de Brabandere

Director, Grotius Centre for International Legal Studies



Dear all,

Welcome to the second edition of the Newsletter for 2017. The last half of 2017 has produced quite a number of articles and other publications, including *three* Edward Elgar Research Handbooks, edited by Professor Larissa van den Herik, Professor Bill Schabas, and Assistant Professor Dov Jacobs (and others). Congratulations to all authors on your great achievements!

We are also excited by the amount of submissions we received for the Meijers Prize in the Exploring the Frontiers of International Law Research Programme for PhD researchers. The winner will be announced on 12 January 2018, so stay tuned.

I wish you all a very happy break over the Christmas and New Year period and I look forward to seeing you in 2018!

Professor Carsten Stahn

Coordinator, Exploring the Frontiers of International Law Research Programme, Programme Director (The Hague)

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A portrait of Professor Eric de Brabandere, a man with a beard and short brown hair, wearing a dark suit, white shirt, and dark tie. He is looking slightly to the right and speaking into a silver microphone. The background is a warm, out-of-focus interior with a painting visible on the wall.

Get to know Professor Eric de Brabandere

Photo © Elodie Burrillon | <http://hucopix.com>

Professor Eric de Brabandere has taken up the appointment as the new head of the Grotius Centre for International Legal Studies. The *Grotius Centre Newsletter* spoke with him about his background, research focus, and vision for the Centre.

Professor Eric de Brabandere has taken up the helm of the Grotius Centre for International Legal Studies. Eric's appointment marks the commencement of a new era in the life of the Centre that over recent years has seen significant growth in size and output.

Yet at school, Eric was not destined for law. With eight hours per week of mathematics, Eric found himself on track for a career in civil engineering. "I did it out of interest mainly", he explained. "I didn't have a fixed idea on my future career".

It was only in the last year of high school that he reoriented himself to law, and in doing so, followed in the footsteps of his father (a lawyer) and grandfather (a judge).

Eric's legal training took place at Ghent University in Belgium (his family tree also includes academics, including Victor-Camille de Brabandere who was Professor of Administrative Law and Rector of Ghent University from 1909 to 1912). After he finished his Bachelors and Masters of Law, he moved to the lakeside Swiss city of Geneva to study a Masters of International Law. He returned to Ghent straight after to commence his PhD on the subject of the reconstruction of states after armed conflict, a subject far removed from his current teaching focus on arbitration and dispute settlement. At the same time, he also practiced at the private bar in Belgium.

Eric's move to Leiden came in 2007. His

PhD was completed, and Leiden was advertising for an Assistant Professor. He applied, successfully, and commenced at Leiden by teaching many international law subjects—one of which was International Dispute Settlement, which he is still involved with today.

"I still consider myself a general international lawyer", he says. "My PhD was on general international law. But because of my previous experience from practice and the part of my PhD on economic reconstruction I got involved with dispute settlement".

Today, Eric maintains a limited private practice. "I keep it to the extent that it is necessary to enhance teaching and research on the subject", he says. "I don't think you cannot

be a good international lawyer if you don't have practice, but in certain areas practice can actually inform what you do. This is especially the case with

arbitration, because it is a very practical field where the practice of arbitration is a very important component that you don't always find in the rules of arbitration. So in this case, practice makes it somewhat easier to explain how it works".

Eric stresses the need for balance between practical and academic training. "The objective of academic education is mainly knowledge transfer", he explains, "You have to have training in skills. But I don't think universities should be responsible for training lawyers with full skills, especially because they are usually developed in practice. It's very important we give the basis for skills, but that we don't take over the practical training you get when you start working".

He adds, however, that the landscape is changing. "When I studied law I had no skills training whatsoever. This is changing and it is good that you have more skills training. But you should be careful not to have a pure skills training programme and leave the legal, academic knowledge in the back seat".

That said, Eric emphasises the value of the excellent opportunities the Grotius Centre offers to students. "Moot courts are actually really very important", he says. "This is the best way you combine theory and practice. You not only learn how to draft memorials and defend a case, but you also have a specific case to work on where you are required to develop your argument based on sound legal argumentation. There is a good combination of skills and content".

Eric also highlights the benefits of the Gro-

“We have, and we can maintain, very good contacts with the professional field

being in the Hague is that you have a stronger presence in the international city of peace and justice. We have, and we can maintain, very good contacts with the professional field".

The Hague and the Grotius Centre share common interests, he says, and many staff maintain active connections with the professional community in the city: connections that also benefit students through the practical, real-world knowledge staff bring to the classroom.

2017 also saw the opening of the new Wijnhaven campus. "We have expanded our presence in the Hague", Eric says. "This has enabled us to find new ways to collaborate with the many academic and professional institutions that call the Hague their home".

Eric's current research focus remains on dispute settlement and arbitration. "I'm currently doing a lot of work on the interplay between investment law, the mandate and role of arbitral tribunals, and human rights and environmental issues", he explains. "There are many developments in these fields in recent cases".

And his hopes for the Grotius Centre? "The most important part is to maintain the visibility and reputation of the Grotius Centre that it has throughout Dutch, European, and international academia".

tius Centre's presence in both Leiden and the Hague. "We have since long ago been in the Hague", he says. "The idea and the advantage of

"I'm excited to take on this new role and I look forward to working with everyone to collaboratively build our reputation and continue to offer world-class teaching and research".

Working Papers

The Grotius Working Paper Series gives Leiden academics the possibility to publish English language papers that have been accepted for publication on SSRN, so long as reviewer comments have not been implemented.

Since the Spring 2017 newsletter, the following additional papers have been published in the series:

- > Daniëlla Dam-de Jong and James Stewart, *Illicit Exploitation of Natural Resources*
- > Catherine Harwood and Larissa van den Herik, *Commissions of Inquiry and Questions of Jus ad Bellum*
- > Larissa van den Herik and Elies van Sliedregt, *International Criminal Law and the Malabo Protocol: About Scholarly Reception, Rebellion and Role Models*
- > Evelien Campfens, *Nazi-looted art: a note in favour of clear standards and neutral procedures*
- > Evelien Campfens, *Whose Cultural Heritage? Crimean Treasures at the Crossroads of Politics, Law and Ethics*
- > Catherine Harwood, *The UN Independent Investigation Commission in Lebanon*
- > Cecily Rose, *Treaty Monitoring and Compliance in the Field of Transnational Criminal Law*

Submissions to c.j.davis@law.leidenuniv.nl.



Huis Doorn Grotius Centre Outing

On 30 August 2017, the Grotius Centre had its annual social outing. This year the location was another Dutch site of international legal significance: Huis Doorn on the outskirts of Utrecht, where Keizer Wilhelm II took refuge at the end of World War I.

The Grotius Centre's annual outing takes place at the start of the academic year. It is a time to relax, meet colleagues, and have a day out of the office. It's also a time to learn about Dutch international legal history.

Each year the outing takes place at a site of international legal significance, and the venue for 2017 was Huis Doorn: the property where Keizer Wilhelm II took refuge at the end of World War I.

Huis Doorn, located on the outskirts of Utrecht, is situated on an expansive estate featuring beautiful gardens with roses, pine trees, a chapel.

In 1918, the Keizer found himself in Belgium, unable to return to Germany due to

rebellions and a revolution. He fled to the Netherlands (a neutral state), and was granted political asylum. For a couple of years he lived in Amerongen Castle—not far from Veenendaal—before buying Huis Doorn, where he would live for 21 years until his death.

While residing at Huis Doorn, the Dutch government imposed strict conditions on his freedom of movement, allowing him only free travel within 15km from the House. Fortunately for the Keizer, the house's grounds provided him with ample opportunity to do some gardening and engage in his favourite—if somewhat dull—pasttime of chopping wood (he would also keep detailed records of his tree-chopping activities). Videos of his wood

chopping skills can be seen on YouTube.

The Keizer died in 1941, and his body still lies within the House's grounds in a small mausoleum. Under his will, the Keizer requested his body not be moved to Germany until the Monarchy was restored. A vacant plot still awaits him in the Berliner Dom.

When World War II ended, the Dutch government seized Huis Doorn and its contents. The mausoleum was the only part of the estate not seized by the Dutch government, and remains the property of the Hohenzollern family.

The Grotius Centre arrived at Huis Doorn on a grey, rainy morning. Niels Blokker's busy schedule prevented him from organising the traditional bike ride to the chosen venue from

Leiden, but on the day, no one seemed to mind given the inclement weather (although Kees Waaldijk did manage a short cycle from the train station!). Nico Schrijver introduced Herman Sietsma, the Director of the House, who took a group on a tour of the property. He emphasises that the purpose of the House was not to serve as a celebration of the Keizer, but instead inform the public about the events that took place in a neutral way.

The outing also provided the Centre with an opportunity to welcome new colleagues Professor Ramses Wessel, André Nwadike, and Sophie Schietekatte, and farewell Lieneke Louman (who is off to complete a Masters degree in preparation for a career in the Dutch

public service) and Nico Schrijver, who is taking a reduced workload to sit on the Council of State.

The visit to Huis Doorn was also accompanied by a beautiful lunch in *De Oranjerie*, where the cakes were very well-received and colleagues chatted over wine and coffee and pondered the mystery of whether the Dutch Government knew in advance that the Keizer was going to appear in their territory.

The visit to Huis Doorn also provided a nice springboard into Professor Bill Schabas's latest research project on the early history of international criminal law.

In a Grotius Dialogue held late November, Bill Schabas explained that he was looking into the developments in international criminal law caused by the events of World War One. A lot of people treated World War Two as the start of the development of modern international criminal law, he noted, but observed that events of World War One also formed part of the history of modern legal principles. A publication containing his findings is forthcoming.

At the end of the day, with the rain once again setting in, the Grotius Centre boarded busses and returned to Leiden. Everyone is eagerly awaiting where next year's outing will be, but no doubt it will be as collegial, enjoyable, and educational as this one!

Grotius Dialogues

Assistant Professors Jens Iverson and Mamadou Hébié have continued to organise the Grotius Dialogues. The Grotius Dialogues allow staff and researchers to present their current projects and receive feedback from peers.

In the second half of 2017, Grotius Dialogues were held by:

- > Neha Jain, *Radical Dissents in International Criminal Trials* (26 September 2017)
- > Kate Orlovsky and Aurélie Roche-Mair, *Contempt of Court and Fair Trials* (31 October 2017)
- > Bill Schabas, *Wilhelm II and Justice* (28 November 2017)
- > Catherine Harwood, *The Role and Function of United Nations Atrocity Inquiries in the International Legal Order* (13 December 2017)



De Iure Praedae: Digital Edition

Jan Waszink's digital version of Hugo Grotius's *De Iure Praedae—The Law of Prize and Booty*—has been completed and is available for study! Even though Grotius released *De Iure Praedae* in 1606, he continued to make amendments to the text and refine his arguments for many years after—including substantially revising lengthy portions of the text. Waszink's electronic version of *De Iure Praedae* takes all variants of the manuscript and allows easy comparison between different versions of the text. Scholars can now easily trace the development of Grotius's thoughts in this easy-to-use database, which makes this important contribution to international law previously held in Leiden's historical collection available to the world.

> [Access the Database](#)



Assistant Professor Jens Iverson Defends his PhD

Assistant Professor Jens Iverson defended his PhD on *Jus Post Bellum* this September. The *Grotius Centre Newsletter* spoke with him about his background, career, and current research focus.

Jens did not start his university career with the goal of becoming a lawyer. His undergraduate degree at Yale was in sociology, after an initial focus on maths and biology. After testing the waters of natural sciences—at one point working for the Human Genome Project at Yale Medical School—Jens decided that science wasn't as exciting as he had hoped. "I did not really like going into the lab", says Jens. "I realised that while I was very passionate about environmental issues, working with people was more interesting than working on biological sciences".

Fortunately, he also spent some of his undergraduate studies working for the Cambodian Genocide Program. The Cambodian Genocide

Program was setting up evidence collections for a tribunal that did not exist at the time. They needed a computer programmer, and Jens found himself setting up databases for different forms of evidence and research materials concerning the mass killings in the Democratic Kampuchea regime, offences which would later be prosecuted at the ECCC.

He spent a short summer in the field. He started in Cambodia, before moving to Thailand and the border region with Burma, contracting malaria along the way. It was the first time he had seen a refugee camp. And, despite having shifted away from the natural sciences, the experience drove home to him that "environmental protection is fundamental, but

it's usually built on top of a functioning and peaceful society."

In 1999, Jens started with the Coalition for the International Criminal Court. "For many people in the US, law can be a bit of a financial trap", says Jens. "I wanted to be sure I really wanted to do it". The time that Jens was with the CICC was a busy one. The Rome Statute entered into force early, and the Coalition had grown from four people to a few dozen.

At the CICC, he noted there was a divide between those with law degrees and those without. "[Lawyers] were armed with this ability to discuss the law with each other, that I could see a lot of great activists were not. Something was happening on a different level for those who

had legal training.” So, in 2005, Jens moved to the University of California at Hastings to study law.

Jens earned a dual concentration in public interest law and international law. Shortly after, in 2007, he moved to the Hague to work at the ICTY. He started in Chambers before moving to Defence. “Both experiences were fantastic. The ICTY is a really well-run institution. Doing defence work is probably the quickest way to have an all-round trial education”.

Once the final brief was submitted in the trial, Jens was given the opportunity to go to Leiden as a PhD Candidate. He joined the Jus Post Bellum Project. He discovered that jus post bellum is not a new concept—many historical works that concern jus ad bellum and jus in bello also concern jus post bellum. He

also engaged in qualitative data research, looking into what contemporary scholars mean by the term jus post bellum. “One of the problems with this term is that people mean different things by it, and they don’t realise other people can different things by it”.

It is perhaps unsurprising, therefore, that jus post bellum as a concept is still contro-

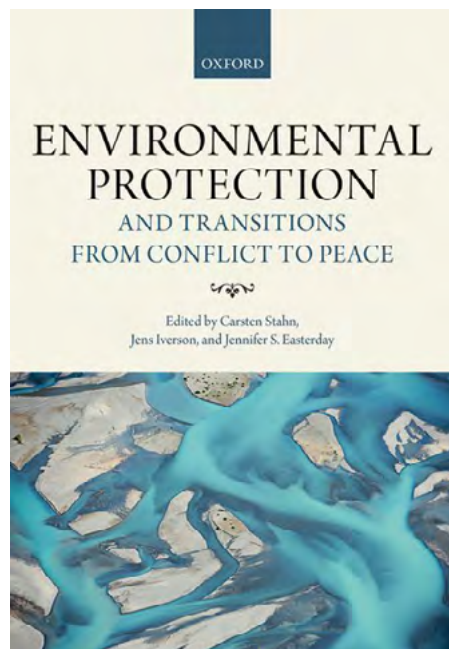
versial. “I had a rigorous defence committee and reading committee”, Jens says. “It was a fairly deliberate choice to put people on the committees who were on the record as being skeptical about the concept of jus post bellum. They’ve given me great feedback and I think the work is a lot better for it.”

His Defence took place on 21 September 2017. “My extended family were extremely delighted and amused to see me in a full white tie and tails”, he says. “I was very touched by the whole Department coming out to support me. I’m still probably on a bit of a high since then.”

The Jus Post Bellum project is now winding down. So far, it has produced two edited volumes—one on the normative foundations of the concept and another published in November on environmental protection—with a third on just peace coming in 2018. While Jens still has several articles and a monograph on jus post bellum in the works, his focus is shifting back to the environment. He recently received a grant from the Leiden Global Initiatives to develop a project on non-state participation in international environmental law.

“The idea that I get to go in every day and work on things having a bearing on climate change is just delicious”, he says. “The opportunity to create something new and try to have an impact on something I think that when people look back in one hundred, one thousand years, this is the one issue I think they’re going to say ‘Why didn’t you do more?’ That’s very exciting”.

“I was very touched by the whole Department coming out to support me



Professor Larissa van den Herik, Dr Jens Iverson, and Professor Carsten Stahn



Clockwise from top: Eric de Brabandere, Larissa van den Herik, Cale Davis, Val Prislan, Catherine Harwood, Sophie Schiettekatte, Helen Duffy, Emma Irving



Clockwise from top: Ciara Laverty, Sofia Pouloupoulou, Janine Ensing, Mamadou Hébié, Sonja Schermer-van den Berg, Nico Schrijver



Clockwise from top: Daniëlla Dam-de Jong, Helen Beckman, Erik Koppe, Hanna Bosdriesz, Emma Irving, Mette Léons, Catherine Harwood



Clockwise from top: Carsten Stahn, Seun Bakare, Yang Xie, Giulia Pinzauti, Sonja Schermer-van den Berg, Nico Schrijver, Joe Powderly



Kalshoven-Gieskes Forum on International Humanitarian Law

The Kalshoven-Gieskes Forum on International Humanitarian Law has had a busy start to the 2017-2018 academic year. Lotte Chevalier and Luigi Prosperi fill in the details

2017 IHL Clinic Exchange Conference

From 9 to 15 November 2017, three of the Kalshoven-Gieskes Forum's IHL Clinic teams, their supervisors, and the Clinic's Director Dr Robert Heinsch, attended the annual IHL Clinic Exchange Conference in Atlanta and Washington, DC, to meet with students from the KGF's partner IHL Clinics, Emory Law School (USA) and IDC Herzliya (Israel). This year, the Conference was hosted by the Emory Law Clinic and its IHL Clinic Director Prof Laurie Blank from Emory Law School. Between 9 and 11 November, the three Clinic delegations were hosted at Emory Law School in Atlanta, where they discussed and presented their current Clinic projects, and participated

in a panel discussion on the lessons learned and challenges faced by IHL. Between 12 and 15 November, the programme continued in Washington, DC. The students visited the Holocaust Memorial Museum, where they participated in a panel discussion on the complexity of contemporary conflicts, and in a simulation exercise organised by the ICRC. The group also visited the Pentagon, where operational briefings dealing with different IHL issues were delivered, and had a panel discussion on counter-terrorism. On the final day of the Conference, the students participated in a 'war game' exercise at the National War College, applying their knowledge of IHL to different scenarios in the context of military operations.

Launch of the IHL in Action Platform

On 27 September 2017, the ICRC launched the 'IHL in Action' database in the context of its project 'IHL in Action: Respect for the law on the battlefield'. The IHL in Action website is a collection of real case-studies documenting compliance with IHL in modern warfare. The case studies in the database were conducted by the Leiden IHL Clinic of the KGF, together with its partner IHL Clinics at Emory Law School (USA), IDC Herzliya (Israel) and Roma Tre University (Italy). The aim of the database is to show that despite many violations of IHL reported in the media, the reality of armed conflict is more nuanced: compliance with IHL shows that the legal framework is adequate and

in numerous instances does prevent or reduce human suffering. The database can be accessed via <https://ihl-in-action.icrc.org>.

IHL Clinic Session at the 12th Advanced Seminar on IHL for University Lecturers and Researchers in Geneva

On 26 September 2017, KGF Director Dr Robert Heinsch, together with the Directors of the partner clinics of the Leiden IHL Clinic, Laurie Blank (Emory School of Law), Yael Vias Gvirsman (IDC Herzliya) and Giulio Bartolini (Roma Tre University), presented the work of their IHL Clinics in the framework of the 12th Advanced Seminar in IHL for University Lecturers and Researchers organised by the ICRC and the Geneva Academy at the ICRC headquarters in Geneva, Switzerland. The Directors shared with the participants their experience of starting and running the respective IHL Clinics, common elements and challenges as well as lessons learned. The presentation was followed by an interactive discussion of the value of the Clinics as IHL teaching tools.

Kalshoven-Gieskes Forum IHL Clinic Alumni Event

On 15 and 16 September 2017, the KGF hosted its first ever IHL Clinic alumni event for former Clinic students and their supervisors. Over the course of one evening and one morning, the alumni and supervisors shared their experiences following their participation in the Clinic and exchanged tips and tricks on career paths in the field of IHL.

Opening Lecture of the Regular & Advanced LL.M. Programmes

On 15 September 2017, the KGF and the Grotius Centre hosted an Opening Lecture for the new academic year for the Regular and Advanced LL.M. Programmes in Public International Law. Due to the passing of Profes-

sor Emeritus Frits Kalshoven on 6 September 2017, the Opening Lecture commenced with a short in memoriam for the name giver of the KGF, with Rogier Bartels, Jeroen van den Boogaard and Robert Heinsch remembering Prof Kalshoven as one of the most important experts in the field of IHL, but first and foremost, as a wonderful, humble human being. The Opening Lecture centred on the prosecution of war crimes and terrorism in the Netherlands. Simon Minks, Advocate-General at The Hague Court Appeals, spoke on his experiences as a public prosecutor in the field of international crimes, including the measures available to gather evidence and the witnesses he visits all over the world. Michiel Pestman, criminal lawyer at Prakken d'Oliveira in Amsterdam, with a background as defence counsel at many international criminal tribunals, including the ECCC, the ICTY and the ICC, spoke on his experiences and the difficulties he encounters on the international plane. With both sides of the story represented, the speakers were able to show the audience different perspectives.

2nd Annual IHL Summer School

This summer, from 9 to 15 July 2017, the KGF and the Grotius Centre for International Legal Studies, in cooperation with the Netherlands Red Cross, hosted its 2nd annual Summer School on 'International Humanitarian Law: In Theory and Practice'. During the

Summer School, participants from 23 different countries and different backgrounds met and were able to exchange their different views on complicated issues. It was a week filled with interesting lectures by IHL experts, including Prof John Dugard and Prof Terry Gill, but also practical insights, such as a visit to the International Criminal Court and a discussion with ICRC Law & Policy officer Ms Juliane Garcia Ravel.

Lotte Chevalier and Luigi Prosperi



IHL Clinic teams at the National War College during the 2017 IHL Clinic Exchange Conference



Duke-Leiden Institute in Global and Transnational Law

The first edition of the Duke-Leiden Institute in Global and Transnational Law will take place in The Hague from 17 June to 17 July 2018. The programme provides a strong foundation in a range of fields within international and comparative law.

This summer, the one-month Duke-Leiden Institute in Global and Transnational Law will welcome around 50 students and professionals who wish to deepen their knowledge in international and comparative law as well as participants interested in transnational practice. The institute hopes to bring together a diverse group of students, practitioners and faculty members from varied legal backgrounds and cultures to allow for an enriching experience and fruitful exchanges.

The Institute is the first result of a collaboration between Leiden Law School and Duke Law School, currently ranked 1st in the Times Higher Education World University Rankings, and will offer a range of courses in the field

of international and comparative law. These courses will be taught by faculty members from both Law Schools, allowing the participants to be exposed to different legal cultures, different teaching methods and comparative perspectives. The new collaboration between Leiden Law School and Duke Law School will be strengthened by a conference which will take place halfway through the Institute.

“This is a wonderful opportunity for students to gain a deeper insight into international and comparative law”, says Professor Carsten Stahn. “Leiden and Duke both have significant expertise in these fields. It makes good sense to combine these strengths to create an exciting, engaging, and comprehensive study

programme where students can take their knowledge and experience to a higher level”.

“We are proud to be partnering with Duke for the Institute. Both universities have an international focus with an emphasis on high-quality teaching and research”.

This year, a broad variety of themes are covered by faculty members of Leiden University, teaching in tandem with Duke Law School counterparts. Professors Carsten Stahn and Helen Duffy will be joining the Institute on behalf of the Grotius Centre for International Legal Studies. They will be offering courses on authority and legitimacy in international adjudication and strategic human rights litigation and advocacy. These courses will respectively



“ We are proud to be partnering with Duke for the Institute

be co-taught by Laurence Helfer and Jayne Huckerby from Duke Law School. Also joining the Institute are Giovanni Gruni from the Europa Institute, teaching challenges in multi-lateral and regional trade governance with Rachel Brewster, Joris Larik from the Faculty of Governance and Global Affairs, who will teach comparative foreign relations law and democratic accountability with Curtis Bradley, and Pinar Ölcer from the Institute of Criminal Law and Criminology, who will be in charge of the course on comparative perspectives on criminal justice with Sara Beale. Besides these five courses, participants can also choose an introductory course on American Law, making this Institute an excellent opportunity for those planning to study law in the United States. This course will be taught by two faculty members of Duke Law School, Kathryn Bradley and Donald Beskind.

The Grotius Centre is very pleased with the new collaboration with Duke Law School, and trusts that the Summer Institute is only the first step in a partnership which has the potential to lead to interesting projects and exchanges in the near future.

Tinia De Bruycker

Courses

- > Authority and Legitimacy in International Adjudication ([Laurence Helfer](#) and [Carsten Stahn](#))
- > Challenges in Multilateral and Regional Trade Governance ([Rachel Brewster](#) and [Giovanni Gruni](#))
- > Comparative Foreign Relations Law and Democratic Accountability ([Curtis Bradley](#) and [Joris Larik](#))
- > Comparative Perspectives on Criminal Justice: Central Issues and Contextual Implementation ([Sara Beale](#) and [Pinar Ölcer](#))
- > Introduction to American Law ([Kathryn Bradley](#) and [Donald Beskind](#))
- > Realizing Rights: Strategic Human Rights Litigation and Advocacy ([Jayne Huckerby](#) and [Helen Duffy](#))



The Grotius Centre's Carsten Stahn with Duke's Rachel Brewster and Curtis Bradley



Advanced Masters in International Dispute Settlement and Arbitration

Pending accreditation, in 2018 Leiden will launch a Masters of Laws in Advanced Studies in Dispute Settlement and Arbitration. The new degree focuses on public international law, but blends in private law dimensions, equipping graduates with skills for a new legal landscape.

“In the future, lawyers will no longer need to be specialised in private or public arbitration or dispute settlement”, [Professor Eric de Brabandere](#) argues. “The requisite skill sets are merging. Lawyers will have to be chameleons, able to do both”.

With this in mind, Leiden has developed a new Masters of Laws in Advanced Studies in International Dispute Settlement and Arbitration to train lawyers in dispute settlement. Graduates will be trained mainly in public international law dispute settlement and arbitration, but will also have training in private dispute settlement, equipping them with skills that will prepare them for the future and allow them to move seamlessly between the two.

The new Masters follows Leiden’s increasing focus on dispute settlement and arbitration. Two years ago, the Grotius Centre and the Permanent Court of Arbitration began collaborating by offering an international arbitration training course. Run each summer in the Japanese Room of the Peace Palace, the course attracts professionals in the field wanting to learn from international experts. Capped at 35 places, the course offers selected participants a unique, high-level learning opportunity in a collegiate and intimate environment.

The course also coincides with the Hague Arbitration Lecture. In 2017, the lecture was given by Jan Paulssen, one of the leading arbitrators in the field. The lecture and the training

course were very well received and [will be run again in 2018](#).

Over the past three years, Leiden has been gauging the interest in a new Masters through the Dispute Settlement specialisation in the Advanced Masters in Public International Law. The result is that the Dispute Settlement specialisation will now be transformed to a complete Masters degree commencing in September 2018, provided that the programme receives the necessary accreditation.

The new Masters will focus on teaching a mixture of knowledge and skills. “We have a general course on public international law and dispute settlement”, says Eric, “and another on judicial and arbitral proceedings, where we

touch on interesting issues such as the establishment and jurisdiction of courts and arbitral bodies”.

“In the second semester, we will take students deeper into specific forms of arbitration. We will delve into the fascinating worlds of inter-state arbitration, investment arbitration, and commercial arbitration”.

“For the course on commercial arbitration and litigation, we have tapped into the expertise of Leiden Law School’s Department of Civil Law who will be teaching that course. We are proud to be collaborating on this new project, and happy that we can offer students courses from outside the Centre that are of relevance to their training”.

“In addition, there is also a course on the law and politics of dispute settlement, which is a reflection on how dispute settlement occurs in practice. I am sure this course will be of great interest to those who will be working in the field”.

Like the other Advanced Masters programmes offered by the Grotius Centre and the Leiden Law School, the new Advanced Masters is a higher-level degree which requires a greater level of prerequisite knowledge than the regular Master of Laws programmes.

“The new Masters is targeted towards international lawyers and people who already have a couple of years of experience in practice”, Eric says. “It offers a great opportunity for these people to specialise their knowledge and gain a deeper understanding of principles and practice”.

The programme will be run out of the new state-of-the-art Hague campus, right in the centre of the International City of Peace and Justice. The unique opportunity to study in

the Hague—home to the Permanent Court of Arbitration, the International Court of Justice, and many other courts and tribunals—means students will live and breathe their subjects and be surrounded by many extracurricular opportunities to take their knowledge even further, by immersing themselves in the

Hague’s professional and academic communities.

International dispute settlement and arbitration is also the

focus of the Grotius Centre’s upcoming new MOOC, taught by Eric de Brabandere and [Giulia Pinzauti](#). The MOOC will become available through Coursera in early 2018.

This will be the third MOOC in the International Law in Action Series, following on from [A Guide to the International Courts and Tribunals in The Hague](#) and [Investigating and Prosecuting International Crimes](#).

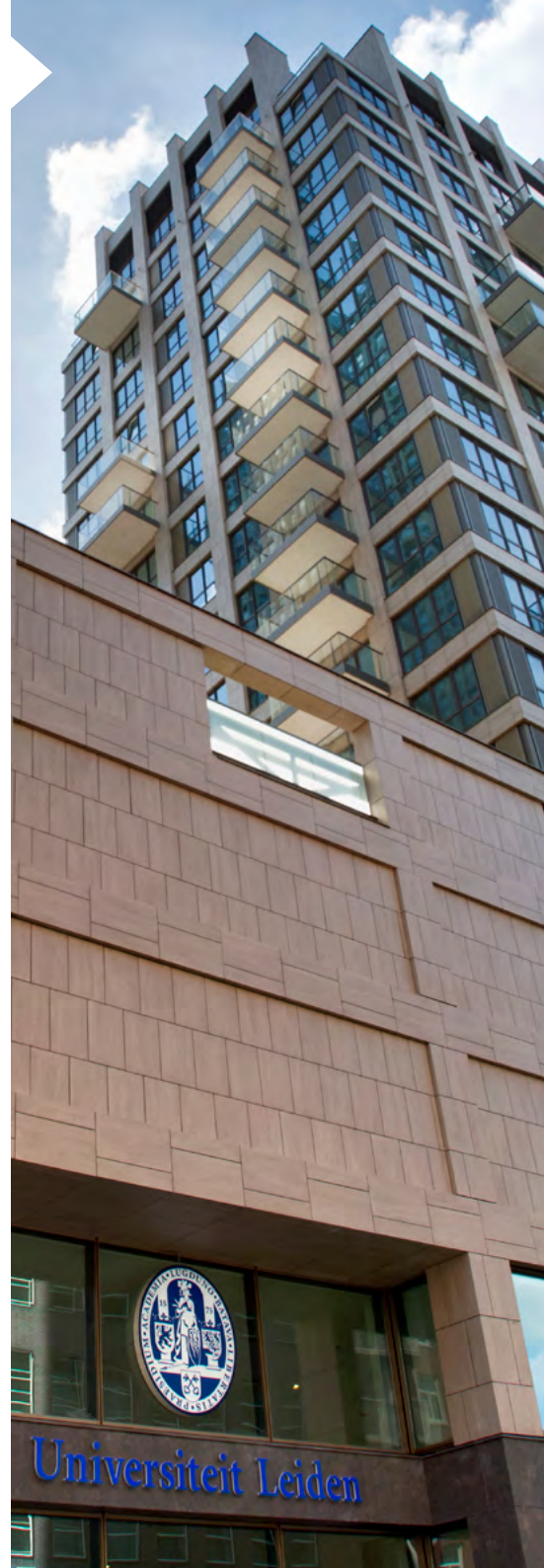
“MOOCs allow you to reach a very broad audience”, Eric notes. “You can reach people who do not have the time or the capacity to come to the Netherlands for a full Masters programme”.

“As a teaching and research centre, it’s our role to reach out to the community and offer our expertise to the world. People don’t need to be in Leiden or the Hague to take advantage of the education provided by our excellent teaching staff”.

“MOOCs are also a wonderful opportunity for people to try studying a topic to see whether or not they enjoy it”.

“Lawyers will become chameleons

Interested students should keep an eye on the [Grotius Centre’s Education Page](#) or contact [Martine Wierenga](#) for more information.





Successful Summer Schools

The Grotius Centre continues its successful summer school programme. This year, 262 students and professionals from across the world took part in the seven schools, giving them the opportunity to gain a deeper insight into their field of interest.

The Grotius Centre Summer Schools are developing continuously. This summer the Grotius Centre welcomed 262 students and professionals from all over the globe to a total of seven summer courses in the field of international law and human rights.

The International Criminal Law Summer School convened for the fifteenth time this year. To celebrate the fifteenth anniversary, Benjamin B Ferencz, chief prosecutor of the Nuremberg Trials, had recorded a special message for the students, and throughout the two weeks a number of special events were organised. Judge Christopher Greenwood was invited to launch *The Crime of Aggression: A Commentary*, edited by Professor Claus Krefß

and Stefan Barriga, followed by a panel discussion on *The Crime of Aggression: The Dawning of a New Era?*, chaired by Professor Larissa van den Herik. The students also attended a panel discussion on *African Withdrawals and the Future of the International Criminal Court*, moderated by Dr Sergey Vasiliev, with Dr Dov Jacobs and representatives from the International Criminal Court, the Open Society Justice Initiative, and the Netherlands Institute of Human Rights as panelists. Particular attention was paid to crimes against cultural heritage. Dr Joseph Powderly introduced the topic to the students, followed by a screening of the ICTY documentary *Dubrovnik and Crimes against Cultural Heritage*.

Celebrations were also in order for the five year anniversary of the *Frontiers of Children's Rights Summer School*, which the Grotius Centre offers in cooperation with the Child Law department. During a festive drinks reception, the Dean of Leiden Law School, Professor Joanne van der Leun, reiterated her support for the programme and expressed her appreciation of the multi-layered and interdisciplinary programme. During the summer school participants engaged with renowned international experts in children's rights on themes like migration, juvenile justice, international crises and conflict as well as business and children's rights. The participants of the fifth edition also had the unique opportunity to discuss the ICC

Policy on Children with two experts of the Court, and the effects of climate change on children with Benyam Dawit Mezmur, Chair of the African Committee of Experts on the Rights and Welfare of the Child.

The Human Rights and Transitional Justice Summer School focused on *Truth-finding, Reparations and Remedies*. The summer school, led by academic coordinators Dr Giulia Pinzauti and Dr Jens Iverson, featured a keynote lecture by Judge Antônio Augusto Cançado Trindade, a session on the Kosovo Specialist Chambers, and Remedies by Dr Guido Acquaviva, Deputy Registrar of the Kosovo Specialist Chambers, and a lunchtime lecture by Dr Deborah Ruiz Verduzco from the International Commission on Missing Persons. The summer school was concluded with a Panel Discussion on *Justice and Truth-finding for Syria*, led by Professor Carsten Stahn, with Lotte Leicht, EU Director of Human Rights Watch, Yousuf Syed Khan, Human Rights Officer from the Office of the United High Commissioner for Human Rights, and Husam Alkatlaby of the Violations Documentation Centre in Syria among the panelists. The panel stressed the importance of gathering evidence of human rights violations to eventually bring the perpetrators to justice.

Martine Wierenga



Interested in a Grotius Centre Summer School?

The Grotius Centre's collection of summer schools are taught by renowned international law professionals with specialist expertise that gives you the chance to stand out from the field and take your knowledge to the next level.

- > Be sure to check out the Summer Schools on offer in 2018 at the [Summer Schools Website](#)
- > You can contact [Martine Wierenga](#) for more information



ICTY Legacy Dialogue Series

In December 2017, the ICTY will close its doors for the final time. The ICTY Legacy Dialogue Series was an opportunity to reflect on nearly a quarter of a century's worth of contributions the ICTY made to international law.

The Grotius Centre was proud to host part of the the ICTY Legacy Dialogue Series that took place this season in the Hague. The Legacy Dialogue Series was an opportunity to reflect on the ICTY's development and the contributions it made to international law as it prepares to shut its doors for the last time at the end of December 2017.

For a quarter of a century, the ICTY was a driving force in the creation of a new era of international criminal justice. The contributions it made to international law are significant and its practice has inspired the operations of many new international criminal tribunals.

Five parts of the Legacy Dialogue Series were held in the Hague at the Grotius Centre

for International Legal Studies. The Centre hosted panels on the stories of the Chambers, the Registry, the Office of the Prosecutor, and the Defence. A final session—the ICTY Symposium: Final Reflections on the ICTY—was held on 18 December.

All sessions provided insightful insider accounts of the ICTY's growth and development over its lifetime, including personal stories from key figures as to how challenges were overcome.

"The Legacy Dialogue Series was a great way for the Tribunal to take stock of its achievements and challenges", says Professor Carsten Stahn, who introduced the sessions in the Hague. "The ICTY brought the law from the

textbook into practice. Even though the doors of the Tribunal will soon be closing, its contributions will be felt for generations to come. It is true to say the ICTY has left an indelible mark on the international legal landscape. 2017 was a good time to reflect on the legacy the Tribunal is leaving."

Recordings of the Legacy Dialogue Series are available on YouTube.



ICTY Legacy Dialogues
Dialogues sur l'héritage du TPIY
Dijalozi o naslijeđu MKSJ

Photos of the Symposium by the [ICTY](#), used under the Creative Commons Licence.



Patricia Sellers, Special Advisor for Gender to the Office of the Prosecutor of the ICC

Judge Elizabeth Odio Benito, Inter-American Court of Human Rights



Professor Carsten Stahn



President Theodore Meron, MICT President



Professor Bill Schabas



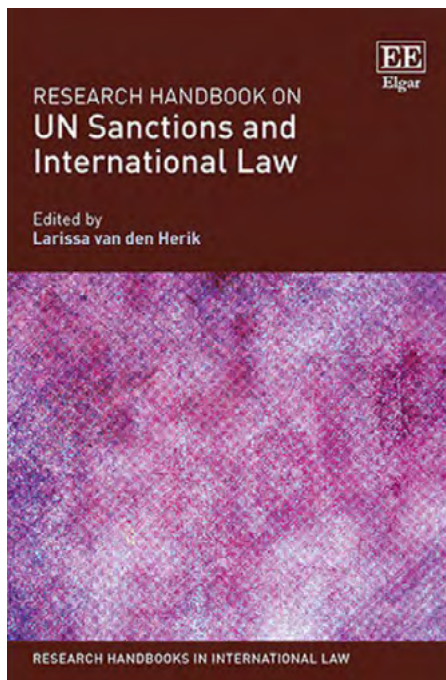
President Silvia Fernández de Gurmendi, ICC President



Nerma Jelačić, Deputy Director, Commission for International Justice and Accountability
John Hocking, ICTY Registrar



News from around the Grotius Centre



New Book! Professor Larissa van den Herik's *Research Handbook on UN Sanctions and International Law*

Professor Larissa van den Herik's new edited volume on UN sanctions has been published by Edward Elgar. The book includes contributions by Leiden academics Assistant Professor Daniëlla Dam-de Jong and Professor Eric de Brabandere. The book explores the UN sanctions regimes by tracing their developments and the increasing role of international standards in their work. This comprehensive volume provides in-depth and detailed research that

will be of benefit to academics and practitioners and is available [here](#).

Professor Larissa van den Herik

The Grotius Centre's Professor Larissa van den Herik—who is also the Vice Dean of Research at the Faculty of Law—spoke in Florence on *Sidestepping the Security Council: Influence or Erosion?* as part of the ANU, UNSW, and UQ Research Project on Leveraging Power and Influence on the United Nations Security Council in September.

In October, she returned to Florence and spoke at the EUI on *The adverse impact of sanctions on the rights of designated individuals: developments at Security Council level* at the Expert Workshop on Sanctions as part of a project on the Individualisation of War: Reconfiguring the Ethics, Law, and Politics of Armed Conflict.

She also presented on *Non-UN Sanctions for UN Purposes* at the 96th Annual Meeting of the American Branch of the International Law Association's International Law Weekend in New York on 20 October.

Larissa also became a member of the Scientific Council of the NIOD, as well as recorded

a United Nations Audiovisual Library of International Law lecture on Commissions of Inquiry.

Two New Databases!

The Library has obtained a permanent subscription to two great databases from Brill:

- > [The Hague Academy Collected Courses Online](#)
- > [Rosenné's Law and Practice of the International Court: 1920-2015 Online](#)

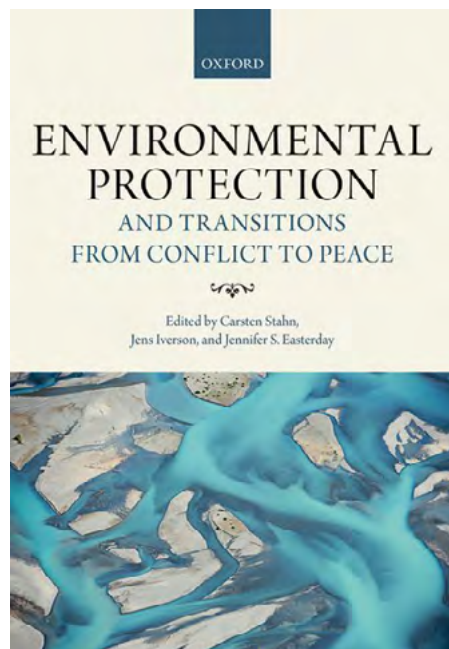


Book Launch of the Research Handbook on UN Sanctions and International Law

New Book! Professor Carsten Stahn, Assistant Professor Jens Iverson, and Jennifer Easterday's *Environmental Protection and Transitions from Conflict to Peace*

The second book from the Jus Post Bellum project has been published and, once again, [is available as open access at Oxford University Press!](#)

This book is the first targeted work in the legal literature that investigates environmental challenges in the aftermath of conflict. Addressing these challenges, it brings together academics, policy-makers, and practitioners from different disciplines to clarify policies and practices of environmental protection and key normative frameworks. It draws on experiences and practices in post-conflict settings to



Australian Ambassador Brett Mason, Professor Carsten Stahn, ICTY Registrar John Hocking, and Tim McCormack

specify substantive principles and techniques to remedy and prevent harm.

Professor Eric de Brabandere

In the last half of 2017, Professor Eric de Brabandere published (with David Holloway) 'Sanctions in International Arbitration' in Professor Larissa van den Herik's edited volume *Research Handbook on UN Sanctions and International Law*. His article 'Full Protection and Security and Fair and Equitable Treatment in African Investment Relations: Between Contextual Specificity and Generality' was also published in the *Journal of World Investment and Trade*.

In early October, Eric travelled to Greece to speak on 'The Subjectivity of Full Protection and Security and the Due Diligence Standard' at the Colloquium International Investment Law and the Law of Armed Conflict and the ESIL International Economic Law Interest Group.

On 25 October 2017, he delivered the keynote presentation on 'Recalibrating Interna-



tional Investment Arbitration' at the Conference on Principles of a 21st Century Investment Law Regime at Boston College in the United States. The *Boston College Law School Magazine's* [write-up of the conference](#) recalls him arguing that:

"We're dealing with different investor rights, obligations, and elements in investment law and arbitration, so it's not always easy to find a balance: calibration is more important".

At the same conference he also spoke on 'The Disclosure of Third Party Funding Agreements in Investment Treaty Arbitration'.

Assistant Professor Sergey Vasiliev

On 5-7 October, Sergey Vasiliev took part in the symposium "Why Punish Perpetrators of Mass Atrocities? Theoretical and Practical Perspectives on Punishment in International Criminal Law" organised at the University of Hamburg, Germany. The symposium brought together practitioners and scholars (lawyers, criminologists and legal philosophers working on domestic penal theories and their applicability to international criminal proceedings). Sergey's paper addressed the treatment of punishment rationales in the jurisprudence of international criminal tribunals and will appear in the conference volume edited by Florian Jessberger and Julia Geneuss.

On 28-29 October, Sergey participated in a seminar "Power in International Criminal Justice: Towards a Sociology of International Justice" convened in Florence, Italy by the Centre for International Law Research and Policy



(CILRAP) and the International Nuremberg Principles Academy, in co-operation with other partners. His paper, which forms part of a broader research project on international judicial governance, considered the power relations between international and hybrid criminal tribunals and their governance institutions and, more specifically, it highlighted the challenges the States Parties to the Rome Statute have been facing in running the ICC in a competent, transparent, and efficient manner.



Assistant Professor Emma Irving Speaks at ESIL Annual Conference Special Interest Group

In September, Emma Irving presented a paper in Naples at an event organised by the International Human Rights Law Interest Group of the European Society of International Law. The paper addressed human rights in the Rome Statute of the ICC, and argues that despite attempts by the Statute drafters to make human rights central to the ICC legal framework, other principles can trump human rights.

In October, Emma attended a conference in Florence organized by CILRAP on Power in International Criminal Justice, where she presented a paper arguing that the increased social media use in conflict may be having a democratising effect on international criminal justice.

Associate Professor Robert Heinsch on the Laws of Armed Conflict and Attacks on Medical Facilities

The Geneva Conventions and customary international humanitarian law clearly prohibit any attacks on medical units and establishments during armed conflicts. Unfortunately,

despite this clear prohibition, medical personnel and medical facilities continue to be the subject of attacks. Doctors now risk their lives to enter conflict zones to ameliorate the suffering of the wounded, knowing that these legal prohibitions do little to protect them from bombing, shelling, and deliberate suffering.

On 28 September, the Leiden University Medical Centre and MSF Holland organised a well-attended public lecture on 'The Protection of Medical Personnel and Facilities in Armed Conflict' to raise awareness of this alarming trend. Speakers included Professor Mattijs Numans (LUMC); Katrien Coppens (MSF/AZG); Professor Barend Middelkoop (LUMC); Jelte van Wieren (Dutch Ministry of Foreign Affairs); and Associate Professor Dr Robert Heinsch (Grotius Centre and the Kalshoven-Gieskes Forum for International Humanitarian Law).

The audience heard worrying statistics about the amount of attacks MSF facilities and staff have been subjected to over recent years and the effects these attacks have on the amount of doctors volunteering to help the wounded. The attacks also have a chilling effect on wounded people seeking assistance when they need it, fearful that medical facilities are no longer safe places. Jelte van Wieren highlighted the priorities for the Netherlands as it takes its place as a democratically-elected member of the United Nations Security Council in ensuring respect and compliance for international law and accountability for those who violate it (noting that these positions were subject to change given the current lack of government in the Netherlands). Dr Robert Heinsch explained to the audience how international law protects medical facilities and



staff during armed conflict and the imperfections in the legal regimes to ensure that these laws are respected, answering many questions on these topics during the Q&A session.

As part of its efforts to ensure the safety and security of medical facilities, staff, and patients, MSF has launched the #notatarget campaign in the hope of urging United Nations Member States to take positive action to ensure that doctors can continue to operate in conflicts, free from fear of attack, and allowing them to carry out their humanitarian mission to provide medical aid to anyone who needs it.



Ciara Laverty joins the Grotius Centre as a 2017 Meijers PhD Scholar

Ciara joined the Grotius Centre as a Meijers PhD candidate in October 2017. She holds an Advanced LLM in Public International Law from Leiden, an MSc in International Relations from the University of Edinburgh and a BA from University College London. Before her time at Leiden, Ciara was working on gender, sexual violence and internal displacement at the ICRC in Geneva. Her research examines the interests protected by international criminal acts and how they relate to the law's expression of social norms. She is based at the Hague campus.

Professor Helen Duffy Launches Report

From 15 to 17 November, Professor Helen Duffy was in Buenos Aires launching her report on *Strategic Litigation Tactics: Torture in Custody*. The launch was supported by the Open Society Foundations and her report contained a comparative anal-



ysis on the role of human rights litigation in responding to torture and ill-treatment in detention in Argentina, Kenya, and Turkey.



Leiden Alumni Petri Freundlich Wins the Max van der Stoel Award for LLM Thesis!

Leiden University alumni Petri Freundlich was recently awarded the Max van der Stoel Award for his LLM thesis. The first prize in the category Master's theses and academic articles went to Mr Freundlich for the thesis *International Humanitarian Law in Human Rights Courts: a Comparative Analysis Between the European Court of Human Rights and the Inter-American Court of Human Rights*, written in the Public International Law program of Leiden University. This first prize carries a monetary award of €1,000. His advisor, Leiden University [Assistant Professor Jens Iverson](#), is extremely proud of Mr Freundlich's work. He states:

"Mr Freundlich's thesis provides an original contribution to the fields of human rights and international humanitarian law. It focuses on how human rights courts (namely the European and Inter-American courts) take norms of international humanitarian law into account in their case-law. This research shows how norms of humanitarian law affect the interpretation of human rights under the European and the American human rights conventions. It analyses similarities and differences between the

two courts and how different rules (whether treaty-based or customary) of humanitarian law affect the interpretation of human rights norms in the courts' reasoning. Several fundamental human rights such as the right to life or the right to liberty are examined. I hope Mr Freundlich publishes his work and that it is widely read."

The Max van der Stoel Human Rights Award was established by Tilburg University and, for several years now, has been awarded by the School of Human Rights Research to research carried out in The Netherlands and Belgium.

Since 2002, this award has been called the Max van der Stoel Human Rights Award, in honour of the man who, in that year, left Tilburg University as Professor of International Law and who had proven to be an

indefatigable champion of human rights.

Congratulations Mr Freundlich!



Exploring the Frontiers of International Law Research Prize

The Faculty Board of the Law School has decided that each Research Programme can award a prize to PhD candidates—both internal and external—for research output. The prize will be announced in January 2018. Congratulations to the researchers for their submissions!



Nico Schrijver being sworn in by his Majesty the King of the Netherlands Willem-Alexander

Nico Schrijver elected President of Institute of International Law (*Institut de Droit international*)

The former director of the Grotius Centre, Professor Nico Schrijver, has been elected President of the Institute of International Law. Nico was elected at the end of the Hyderabad session and will preside over 2019's Hague session. The Institute is a group of renowned international lawyers dedicated to encouraging respect for, and the development of, international law.

In addition, Nico was recently sworn in by his Majesty the King of the Netherlands Willem-Alexander into the *Raad van State*. The *Raad van State* is a high-level advisory organ of the Dutch government, advising the King on bills to be presented by the Parliament and treaties. It also functions as the highest Administrative Appeals Court in the Netherlands. Nico's appointment is for life, and he will maintain a position at the Grotius Centre in a reduced capacity.



Welcome to Tinia De Bruycker

Tinia De Bruycker is a programme officer for the summer schools and training courses of the Grotius Centre for International Legal Studies. She is also part of the organization of other projects such as the ICC Moot Court Competition. Tinia graduated from the University of Edinburgh in 2016 and holds an LL.M. degree in Global Environment and Climate Change Law. She also holds a BA from the University College Roosevelt (Utrecht University) where she majored in international and European law, politics and environmental sciences. Before joining the Grotius Centre, she was a trainee at the European Parliament in Brussels.

Paty Uribe Speaks at ESIL Annual Conference

The 13th Annual Conference of the European Society of International Law took place last September in the historic landmark Castel Dell'Ovo, in Naples, Italy. The theme of this year's conference was 'Global Public Goods, Global Commons and Fundamental Values: The Responses of International Law'. I had the opportunity to present in one of the Agorae entitled 'the Fight Against Impunity: An Appraisal', chaired by Prof. Lorna McGregor from University of Essex.

My presentation provided an assessment of the IAcTHR's [the Court] order to investigate and prosecute grave violations of human rights committed during dictatorial regimes in South America. I analysed the cases against Peru, Brazil and Uruguay, where blanket amnesties were enacted to prevent any attempt to bring

perpetrators to justice. In these cases the Court established a strong line of jurisprudence and determined that amnesties were contrary to the ACHR, in particular victim's rights to truth, justice and reparations.

The Court's conclusion was also rooted in the peremptory character of the right to access to justice, and the idea that long-lasting peace could only be achieved through criminal investigations aimed to prevent the repetition of the events that led to the violations and to combat impunity.

I shared the results of my research with the international audience present at the conference. These results demonstrate that the levels of compliance by States's organs of the obligation to investigate and prosecute the violations committed in the past vary dramatically. While in most cases States have been unable or unwilling to carry out the Court's order, other cases evidenced differences in approach by States and the Court regarding: (i) the guarantee of victim's rights to justice, truth



and reparation exclusively through judicial mechanisms, and (ii) differential application of amnesties and quasi-amnesties (in opposition to blanket amnesties) in accordance with the type of violations perpetrated, and the level of participation of the perpetrator, a distinction that the jurisprudence of the Court did not consider.

Beyond the case-studies that I analysed, the interaction with the audience allowed me to reflect further, first, on the concept of 'judicial truth' as developed by the Court, as the only mechanism to guarantee victim's rights, and, second, on the more general approach of the Court towards amnesty laws and the possible shift in its jurisprudence due to the new political and legal challenges in the region.

Advanced LLM Capita Selecta Conference

On 29 November to 1 December, the Advanced LLM Public International Law students 2017-2018 participated in the Student Conference on Time and International Law.

Fifty-four students presented their papers which they wrote for the Adv. LLM Capita Selecta course. The theme of this year's conference was the relationship between international law and time which builds both on themes of permanence and stability as well as on the theme of change. One of the principal functions of international law is to provide legal certainty in international relations, based on respect for the fundamental principles that underlie the system. At the same time, international law should be dynamic and flexible. It needs to be able to adapt itself in order to address



Advanced LLM students participating in the Public International Law Capita Selecta annual conference

new challenges or to accommodate changing moral perceptions. The question that was raised is how international law reconciles these two apparently conflicting functions. The students approached the issue from various perspectives, according to their own preferences. Where time was perceived as a friend by some and as a foe by others, there were also presentations that demonstrated the irrelevance of time in particular areas of international law.

Over three days, thirteen panels with topics varying from Time and the State, Courts and temporal issues, to International law in transformation were held at the Academy Building and Leiden Law School. The presentations were assessed by course lecturers Prof. Larissa van den Herik and Dr. Daniëlla Dam-de Jong.

The Arcs of Global Justice: Essays in Honour of William A Schabas

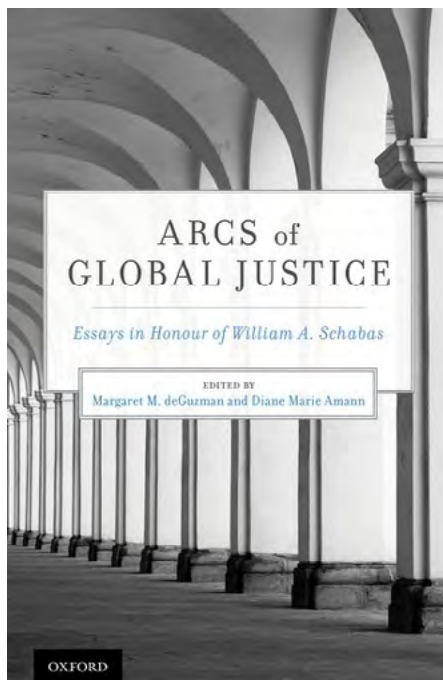
Reknowned scholars Margaret deGuzman (Temple University, Beasley School of Law) and Diane Marie Amann (University of Georgia School of Law) have co-edited a book of essays in honour of Professor Bill Schabas.

The essays examine contemporary, historical, cultural, and theoretical aspects of the many arcs of global justice with which Professor Schabas has engaged, in fields including public international law, human rights, transitional justice, international criminal law, and capital punishment.

Professor Carsten Stahn and Beth van Schaack have both contributed essays to this collection. The book is available for purchase through [Oxford University Press](https://www.oxforduniversitypress.com/).

The Crime of Aggression: The Dawning of a New Era?

On 29 June, Professor Larissa van den Herik chaired the book launch and panel discussion of *The Crime of Aggression: A Commentary*, edited by Professor Claus Kreß and Stefan



Barriga. The panel discussion took place at Wijnhaven in the Hague and featured the editors with Dapo Akande, Darryl Robinson, and Niels Blokker. The event was well-attended in anticipation of the activation of the ICC's jurisdiction over the crime of aggression, which occurred in December at the annual Assembly of States Parties to the Rome Statute.

Luigi Prosperi

Senior Guest Lecturer Luigi Prosperi, with co-author Dr Aldo Zammit Borda (Acting Head of the Law School of Anglia Ruskin University), presented in December at the Second Annual Conference of the Memory Studies Association. The

panel was entitled "Law, International Law and Collective Memory", and chaired by Professor Moshe Hirsch of the Hebrew University of Jerusalem.



The paper explores the question of whether it is desirable for international criminal tribunals to be employed in constructing collective memories. By analysing the experience of the International Criminal Tribunal for the former Yugoslavia, it argues that it is almost inevitable for such tribunals to delve into the historical context of the alleged crimes. However, also due to the fact that their scope may be narrowed in accordance with the rules on the admission of evidence, the presentation of complex historical narratives during the trials will not necessarily result in "historical truths" being conveyed through the final judgments.

Editor and Articles: C Davis, unless otherwise attributed.

Contributors: L Chevalier, H Duffy, E de Brabandere, T De Bruycker, R Heinsch, L van den Herik, E Irving, J Iverson, C Laverty, M Léons, L Prosperi, N Schrijver, P Uribe, S Vasiliev, J Waszink, M Wierenga, and the subjects of the articles.

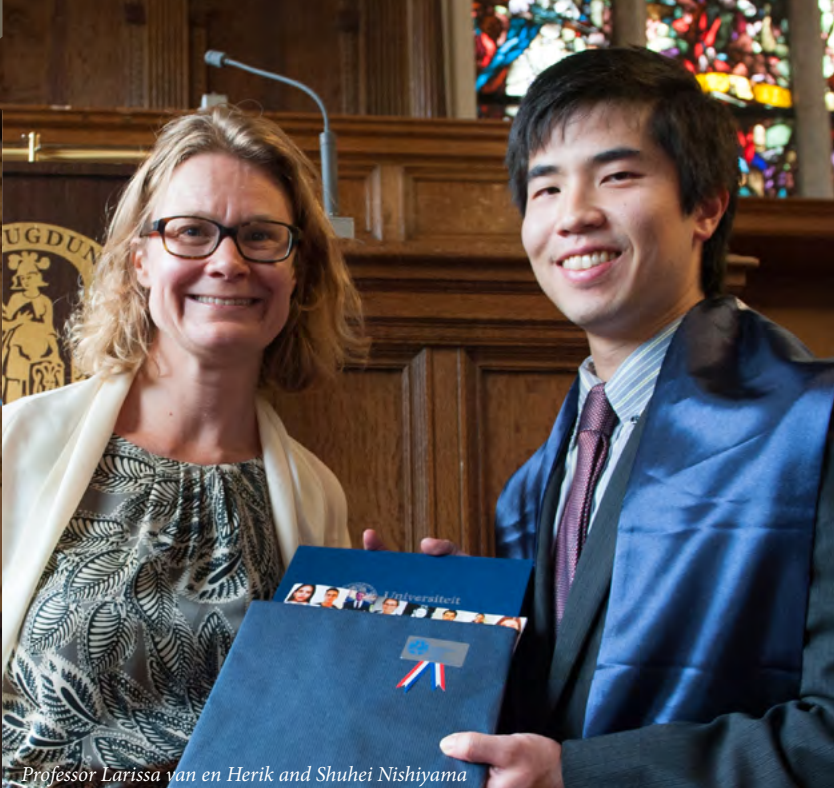
Photos of E de Brabandere and on the far right of p 20 by Elodie Burrillon. Thanks to the ICTY for photos of the Symposium. Abstracts and blurbs copyright the respective publishers.

Please contact c.j.davis@law.leidenuniv.nl for submissions.

Cover Photo: The Leidse Hout in Autumn (photo by C Davis)



Elif Durmuş speaks on behalf of the Adv LLM students at the graduation



Professor Larissa van en Herik and Shuhei Nishiyama



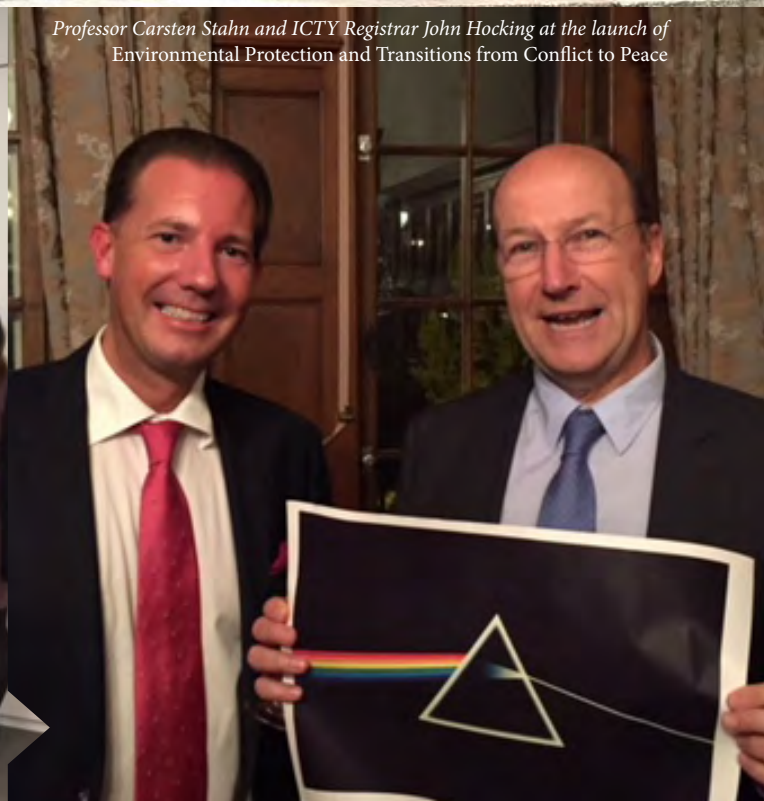
*Students at the Adv LLM Graduation in the
Academiegebouw in Leiden*



International Arbitration Training Course participants on the steps of the Peace Palace



Advanced Masters Students at the ICC



Professor Carsten Stahn and ICTY Registrar John Hocking at the launch of Environmental Protection and Transitions from Conflict to Peace

Publications

July to December

Articles

Evelien Campfens, 'Whose Cultural Heritage? Crimean Treasures at the Crossroads of Politics, Law and Ethics' (2017) 22(3) *Art Antiquity and Law* 193.

> Available [here](#).

> Also available as Grotius Centre Working Paper 2017/068-PIL in the Working Paper Series folder.

Disputes concerning cultural heritage are often cause for vivid controversies, where issues of property and State sovereignty are intertwined with intangible aspects such as a cultural-historical identity. A case which exemplifies this is the so-called 'Crimean Gold' case, currently being litigated in Amsterdam.

At stake are 500-or-so archeological artefacts from the Crimean Peninsula that had been sent to Amsterdam on a short-term loan by four Crimean museums for the exhibition 'Crimea: Gold and Secrets from the Black Sea' at the Allard Pierson Museum. The period of this exhibition in 2014 coincided with a series of political events, resulting in the Russian annexation of Crimea and its secession in March 2014 from the Ukrainian State of which the Peninsula had been part since 1954. This secession, however, is not recognised by most other States, including the Netherlands, adding a layer of complexity to the case. After the exhibition, the Allard Pierson was confronted with two competing claims to the objects: the Ukrainian State on the one hand and the Crimean museums on the other. Ukraine claims the objects as national patrimony and

State property; the Crimean museums seek their return on the basis of guarantees contained in the loan agreement and the argument that Crimea is the 'genuine home' of the artefacts – having been discovered and preserved there over time.

Evelien Campfens and I Tarsis, 'Cri-Me-a-River! Crimean Gold in the Crosshairs of Geopolitics' (2017) 18(1) *IFAR Journal* 36.

> Available [here](#).

This paper discusses the complexities surrounding a major loan exhibition of ancient gold and other objects lent to the Allard Pierson Museum in Amsterdam in 2014 by five different museums in the Ukraine, including four in Crimea. The exhibition has gotten embroiled in geopolitics. During the loan period, Crimea seceded from the Ukraine, and the AP Museum was left not knowing to whom to return the objects. The issue is being decided in an Amsterdam court.

Nadia Sánchez Castillo-Winckels, 'Why "Common Concern of Humankind" should return to the work of the International Law Commission on the Atmosphere' (2017) 29 *Georgetown Environmental Law Review* 131

Zsuzsanna Deen-Racsmány, 'The Status and Criminal Accountability of Members of Formed Police Units: Conflicting Positions, Current Status Quo and Future Prospects' (2017) 20(1) *Max Planck Yearbook of*

United Nations Law Online.

Kabir A N Duggal, 'Evidentiary Principles in Investor State Arbitration' (2017) 28(1) *The American Review of International Arbitration* 3.

Mamadou Hébié, 'L'exécution des décisions de la Cour africaine des droits de l'homme et des peuples' (2017) 121(3) *Revue générale de droit international public* 689.

AEM Leijten and Floris Tan, 'KwartaalSignaal Europese mensenrechten' (2017) 145 *Ars Aequi KwartaalSignaal* 8512.

> Available [here](#).

Xuechan Ma, 'Introducing Non-legal Adjudicators as a Counterbalanced Measure for Non-appearance in Inter-State Adjudication and Arbitration' (2017) 14(2) *Transnational Dispute Management* 1.

Alexander Mayer-Rieckh, 'Guarantees of Non-Recurrence: An Approximation' (2017) 39 *Human Rights Quarterly* 416.

> Available [here](#).

In response to massive human rights violations, states are obliged not only to prosecute the perpetrators, provide reparations to the victims and tell the truth about the violations but also to guarantee their non-recurrence. The literature on prosecution, truth-telling and reparation abounds but guarantees of non-recurrence remain under-explored. This article begins to develop a more systematic understanding of this concept, situating it at the interface between corrective and distributive justice. While defining guarantees of non-recurrence broadly, the article provides criteria for developing specific prevention strategies in a given context. Particularly relevant in this regard are measures to disable abusive capacities.

Jason Morgan-Foster, Giulia Pinzauti, and Philippa Webb, 'The International Court of Justice in the Leiden Journal: A Retrospective' (2017) 30(3) *Leiden Journal of International Law* 571.

> Available [here](#).

Last year the International Court of Justice (ICJ) marked its seventieth anniversary, and in the most recent issue of the *Leiden Journal of International Law*, Hugh Thirlway recognized this milestone with a look back through some key developments at the Court, focusing on the last few years. Here, we would like to undertake a retrospective of another sort, paying tribute to the ongoing connection between the Court and the Journal by taking a brief tour through the Journal's coverage of the Court over the years. It is hoped that this retrospective will not only bring back some fond memories but also – by viewing this material as a whole, and pointing out certain gaps in the Journal's coverage of the Court's work – stimulate future analyses.

Vid Prislán, 'Domestic Explanatory Documents and Treaty Interpretation' (2017) 66(4) *International & Comparative Law Quarterly* 923.

> Available [here](#).

The article discusses the increasing use by international courts and tribunals of domestic explanatory materials—such as various statements, reports, and explanatory memoranda that usually complement the domestic approval of treaties—in the process of treaty interpretation. After examining the types of materials that can be used as interpretative aids in accordance with the general rules on treaty interpretation (Articles 31–32 VCLT), the article scrutinizes the various ways in which domestic explanatory materials have informed the interpretation of treaty provisions in the practice of

international adjudicatory bodies. The analysis focuses on the legal grounds on which such materials have been admitted in the interpretative process, the reasons for which resort has been made to them by the adjudicating body, as well as the circumstances in which such documents have been invoked by the litigating parties. The article then discusses certain advantages and disadvantages stemming from the use of domestic explanatory materials in the interpretative process.

Darryl Robinson, 'A Justification of Command Responsibility' (2017) 28(4) *Criminal Law Forum* 633.

> Available [here](#).

In this article, I advance a culpability-based justification for command responsibility. Command responsibility has attracted powerful, principled criticisms, particularly that its controversial “should have known” fault standard may breach the culpability principle. Scholars are right to raise such questions, as a negligence-based mode of accessory liability seems to chafe against our analytical constructs. However, I argue, in three steps, that the intuition of justice underlying the doctrine is sound. An upshot of this analysis is that the “should have known” standard in the ICC Statute, rather than being shunned, should be embraced. While Tribunal jurisprudence shied away from criminal negligence due to culpability concerns, I argue that the “should have known” standard actually maps better onto personal culpability than the rival formulations developed by the Tribunals.

Cecily Rose and MA Becker, 'Investigating the Value of Site Visits in Inter-State Arbitration and Adjudication' (2017) 8(2) *Journal of International Dispute Settlement* 219.

> Available [here](#).

Site visits by the bench occur rarely in inter-state adjudication and arbitration. Against this backdrop, the recent site visits in *Indus Waters Kishenganga Arbitration* (Pakistan v India) and *Bay of Bengal Maritime Boundary Arbitration* (Bangladesh v India) are noteworthy and raise questions about how on-site inspections influence the decision-making process and whether site visits are an underused fact-finding tool. An analysis of these site visits, as well as past examples of site visits by arbitral tribunals and the International Court of Justice, reveal that the utility and value of site visits by the bench is difficult to ascertain, and there is little evidence that site visits have played a dispositive role. Moreover, in many disputes, other fact-finding methods may be more suitable than a site visit. But if site visits do, in fact, play a significant role in decision-making, then adjudicators should acknowledge that influence in a more transparent manner.

William Schabas, 'Al Mahdi Has Been Convicted of a Crime He Did Not Commit' (2017) 49 *Case Western Reserve Journal of International Law* 75.

> Available [here](#).

On September 27, 2016, Ahmad Al Faqi Al Mahdi was convicted by a Trial Chamber of the International Criminal Court for the crime of directing an attack against buildings dedicated to religion and historic monuments which were not military objectives, pursuant to article 8(2) (e) (iv) of the Rome Statute. Al Mahdi was sentenced to nine years' imprisonment. A month earlier, he had pleaded guilty to the charge at the beginning of his trial, which as a consequence took only a few days.

Pundits heralded the trial with clichés reserved for such occasions—“landmark,” “historic judgment,” “breakthrough”—and it seemed as if it was a long-awaited tonic for the

struggling institution. This was an easy win for the Court: an expeditious trial of a few days for a contrite defendant previously linked to the global pariah, the “deviant people” of Al Qaeda.’ But perhaps this gift came at a price that was too good to be true. A closer look at the Rome Statute suggests that Al Mahdi did not commit the crime for which he was convicted.

William Schabas, ‘The Human Right to Peace’ (2017) 58 *Harvard International Law Journal* 28.

Ige Dekker and Nico Schrijver, ‘Volkenrecht’ (2017) 143 *Ars Aequi KwartaalSignaal* 8372.

> Available [here](#).

Ige Dekker and Nico Schrijver, ‘Volkenrecht’ (2017) 144 *Ars Aequi KwartaalSignaal* 8441.

> Available [here](#).

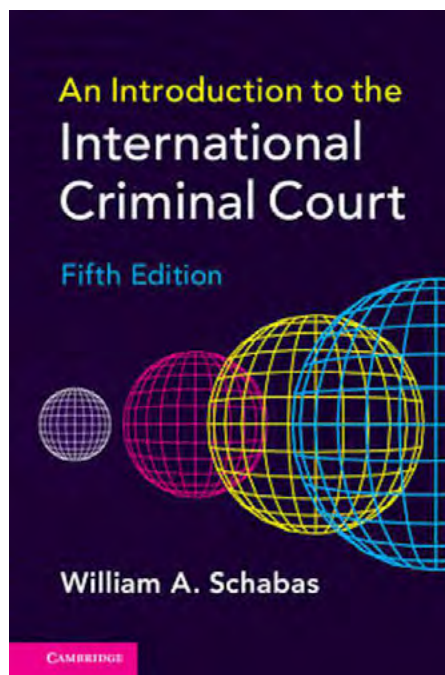
Ige Dekker and Nico Schrijver, ‘Volkenrecht’ (2017) 145 *Ars Aequi KwartaalSignaal* 8510.

> Available [here](#).

Larissa van den Herik, ‘Важность установления фактов: возвращаясь к концепции Ф.Ф. Мартенса = The Importance of Finding Facts: Revisiting Fyodor Martens’ Concept of Inquiry’ (2017) 23(3) *Meždunarodnoe pravosudie (International Justice)* 1.

> Available [here](#).

В статье переосмысливается выдвинутая во времена Ф. Ф.Мартенса концепция расследования и оценивается её полезность в современных условиях и применимость в контексте, который определяется развитием киберпространства и появлением новых технологий. Расследование представляет



собой установление фактов независимой третьей стороной. В настоящее время, для которого так характерны обвинения в дезинформации, совершении хакерских атак, использовании фейковых новостей и альтернативных фактов, надлежащее установление фактов и наличие независимых институтов и механизмов, способных установить факты, возможно, становится важнее, чем когда-либо ранее. Базируясь на ретроспекции при описании концепции «расследования» в международном праве, эта статья (основанная на лекции, прочитанной в НИУ ВШЭ в Москве) раскрывает современную международно-правовую панораму установления фактов на примере трёх разных моделей. Это модель технической экспертизы, модель защиты прав человека и модель национального расследования. В статье также поднимаются некоторые вопросы, которые касаются способности

современных процессов по установлению фактов адаптироваться к будущим вызовам и динамике XXI века.

Books

William Schabas, *Introduction to the International Criminal Court* (Cambridge University Press, 5th ed, 2017).

> Available [here](#).

The International Criminal Court ushered in a new era in the protection of human rights. The Court prosecutes genocide, crimes against humanity, war crimes, and the crime of aggression when national justice systems are either unwilling or unable to do so themselves. This fifth edition of the seminal text describes a Court which is no longer in its infancy; the Court is currently examining situations that involve more than twenty countries in every



continent of the planet. This book considers the difficulties in the Court’s troubled relationship with Africa, the vagaries of the position

of the United States, and the challenges the Court may face as it confronts conflicts around the world. It also reviews the history of international criminal prosecution and the Rome Statute. Written by a leading commentator, it is an authoritative and up-to-date introduction to the legal issues involved in the creation and operation of the Court.

Nico Schrijver, WJM Genugten, and D Heerdts, *Ontdek het internationale recht, met bijzondere aandacht voor Den Haag als Stad van Vrede en Recht* (Wolf Legal Publishers, 1st ed, 2017).

Jan Waszink, *Hugo de Groot in Leiden: Een Wandeling* (Leiden University Press, 1st ed, 2017).

> Available [here](#).

This walking tour follows the locations of Hugo Grotius' (1583-1645) undergraduate years in Leiden. Grotius matriculated at Leiden in 1594 when he was 11 years of age, and left the university in 1598. Later, as a politician and as a scholar, he became one most well-known Dutchmen from the Golden Age. Nowadays he is regarded as one of the principal founders of the current system of international law, and for that reason as one of the foremost intellectuals from European history.

The scenic tour shows the places where he lived and studied, and gives an impression of the town, of some of the people around him and the workings of Leiden university at that time. Leiden university was established in 1575 and had by then already gained an international reputation as a centre of innovative science and scholarship.

Book Chapters

Eric de Brabandere, 'Role of Courts in International Economic Law' in Thomas Cottier and Krista Nadakavukaren Schefer

(eds), *Elgar Encyclopedia of International Economic Law* (Edward Elgar, 2017) 45.

> Available [here](#).

The Encyclopedia is the definitive reference work on international economic law. This comprehensive resource helps redefine the field by presenting international economic law in its broadest, real-world context.

Organized thematically rather than alphabetically, the subject is split into four principal sections: the foundations and architecture of international economic law, its principles, its main regulatory areas, and the future challenges that it faces. Comprising over 250 entries written by leading scholars and practitioners, traditional international economic law subject matter is supplemented by coverage of newly developing areas. Thus, the concepts and rules of trade, investment, finance and international tax law are found alongside entries discussing the relationship of international economic law with environmental protection, social standards, development, and human rights.

Eric de Brabandere and David Holloway, 'Sanctions and International Arbitration' in Larissa van den Herik (ed), *Research Handbook on UN Sanctions and International Law* (Edward Elgar, 2017) 304.

> Available [here](#).

The twenty-five years following the conclusion of the Cold War witnessed an unprecedented intensification of the usage of UN sanctions. This Research Handbook maps how UN sanctions multiplied and diversified during this period and analyses the substantive and procedural transformations to UN sanctions regimes, through the lens of international law.

Expert contributors explore different types of UN sanctions regimes, most notably counter-terrorism regimes, counter-proliferation regimes and conflict-resolution regimes. They trace developments across these regimes, such

as increased references to international legal standards in sanctions design and procedure as well as interplays with other processes and informal arrangements. Key chapters also specifically examine synergies between UN sanctions and unilateral measures and explore the different legal frameworks that shape and govern these respective regimes. Offering a holistic study of UN sanctions, this Research Handbook identifies cross-cutting issues and common challenges in order to provide an outlook on the future of UN sanctions in a 21st century setting.

Comprehensive and engaging, students and scholars of international law and human rights law, as well as international relations more widely, will find this book an essential companion. Its forward-thinking approach will also benefit legal practitioners at the UN, other international organisations and law firms.

Daniëlla Dam-de Jong, 'Standard-setting practices for the management of natural resources in conflict-torn States' in Carsten Stahn, Jens Iverson, and Jennifer Easterday (eds), *Environmental Protection and Transitions from Conflict to Peace* (Oxford University Press, 2017) 169.

> Available [here](#).

Natural resources have financed a number of armed conflicts in the last decades. Restoring governance over these natural resources to the government is an essential component of strategies to enable a transition to durable peace for resource rich states which have suffered from armed conflict. The UN Security Council has played a key role in efforts to break the link between natural resources and conflict financing, including by setting standards for the proper management of natural resources. This chapter identifies the standards that have been developed by the Security Council in relation to Liberia and the DRC and examines their im-

plementation in the mandates of peacekeeping operations and in programmes set up by regional and international organizations. It is argued that the Security Council through its standard-setting helps to shape the normative content of the applicable jus post bellum.

Daniëlla Dam-de Jong, 'UN natural resources sanctions regimes: incorporating market-based responses to address market-driven problems' in Larissa van den Herik (ed), *Research Handbook on UN Sanctions and International Law* (Edward Elgar, 2017) 304.

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John Dugard, 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2004)' in Eirik Bjorge and Cameron Miles (eds), *Landmark Cases in Public International Law* (Hart Publishing, 1st ed, 2017) 539.

> Available [here](#).

The past two hundred years have seen the transformation of public international law from a rule-based extrusion of diplomacy into a fully-fledged legal system. Landmark Cases in Public International Law examines decisions that have contributed to the development of international law into an integrated whole, whilst also creating specialised sub-systems that stand alone as units of analysis. The significance of these decisions is not taken for granted, with contributors critically interrogating the cases to determine if their reputation as 'landmarks' is deserved. Emphasis is also placed on seeing each case as a diplomatic artefact, highlighting that international law, while unquestionably a legal system, remains reliant on the practice and consent of states as the prime movers of development.

The cases selected cover a broad range of subject areas including state immunity, human rights, the environment, trade and investment, international organisations, international courts and tribunals, the laws of war, international crimes, and the interface between international and municipal legal systems. A wide array of international and domestic courts are also considered, from the International Court of Justice to the European Court of Human Rights, World Trade Organization Appellate Body, US Supreme Court and other adjudica-

tive bodies. The result is a three-dimensional picture of international law: what it was, what it is, and what it might yet become.

Jennifer Easterday and Hana Ivanhoe, 'Conflict, Cash, and Controversy: Protecting Environmental Rights in Post-Conflict Settings' in Carsten Stahn, Jens Iverson, and Jennifer Easterday (eds), *Environmental Protection and Transitions from Conflict to Peace* (Oxford University Press, 2017) 274.

> Available [here](#).

Addressing environmental concerns in a post-conflict setting is a difficult undertaking; yet addressing these concerns, particularly their cyclical nature, is vital to ensuring that post-conflict countries develop sustainably. Fundamental human rights may also be implicated where there is systematic environmental degradation and those rights infringements in turn can threaten efforts at peace and stability. Given the inadequacy of existing post-conflict country domestic and international hard law governing environmental rights and protections, voluntary and soft law norms and the corporate social responsibility movement are critical to ensuring that multinational investment in post-conflict countries is in line with sustainable development principles and the long-term economic and environmental prosperity of those countries, and therefore should be included in a holistic jus post bellum framework. These norms provide a critical opportunity to harness the power of private corporations and investments to ensure sustainable development, resulting in a more durable transition to peace in post-conflict states.

Matthew Gillet, 'Eco-Struggles: Using international criminal law to protect the environment during and after non-international armed conflict' in Carsten Stahn, Jens Iverson, and Jennifer Easterday (eds), *Environmental Protection and Transitions from Conflict to Peace* (Oxford University Press, 2017) 220.

> Available [here](#).

This chapter examines the provisions of international criminal law applicable to serious environmental harm, particularly during non-international armed conflicts ('NIAC'). After describing incidents of serious environmental harm arising in armed conflicts, the analysis surveys the provisions of international criminal law applicable to environmental harm during NIACs, including war crimes, crimes against humanity, genocide, and aggression. It then examines the basis for extending to NIACs the protection against military attacks causing excessive environmental harm (set out in Art. 8(2)(b)(iv) of the Rome Statute), which is currently only applicable in IACs. The examination of this possible amendment of the Rome Statute covers a broad range of instruments and laws forming part of international and national legal codes, all addressing grave environmental harm. Finally, the analysis turns to accountability for environmental harm as a facet of *jus post bellum*, emphasizing the interconnected nature of environmental harm and cycles of violence and atrocities.

Catherine Harwood, 'Contributions of International Commissions of Inquiry to Transitional Justice' in Cheryl Lawther and Luke Moffett (eds), *Research Handbook on Transitional Justice* (Edward Elgar, 2017) 401.

> Available [here](#).

Providing detailed and comprehensive coverage of the transitional justice field, this Re-

search Handbook brings together leading scholars and practitioners to explore how societies deal with mass atrocities after periods of dictatorship or conflict. Situating the development of transitional justice in its historical context, social and political context, it analyses the legal instruments that have emerged.

The Research Handbook is extensive in scope, with chapters discussing the concepts, actors, mechanisms and practices of transitional justice. They address the challenges of implementing a range of transitional justice mechanisms, including methods of truth recovery, criminal trials and reparation and lustration programmes. Going a step further, this book also expands the gaze of transitional justice to include underexplored areas, such as art and transitional justice, media and transitional justice and unique international case studies, such as Cambodia and Palestine.

Timely and thought provoking, the Research Handbook on Transitional Justice will be of interest to both scholars and students, particularly those working in the areas of transitional justice and peace-building. It will also prove a valuable reference tool for practitioners of transitional justice and international criminal justice, helping to inform best practice.

Cecily Rose, 'Non-Binding Instruments and Democratic Accountability' in Holly Cullen, Joanna Harrington, and Catherine Renshaw (eds), *Experts, Networks and International Law* (Cambridge University Press, 2017) 205.

> Available [here](#).

Highlighting how the challenges raised by globalization - from environmental management to financial sector meltdowns - have encouraged the emergence of experts and networks as powerful actors in international governance, the contributions in this collection assess the methods and effectiveness of these new ac-

tors. Unlike other books that have focused on networks or experts, this volume brings these players together, showing how they interact and share the challenges of establishing legitimacy and justifying their power and influence. The collection shows how experts and networks function in different ways to address diverse problems across multiple borders. The reader is provided with a broader and deeper practical understanding of how informal authority actually operates, and of the nature of the relationship between different actors involved in policymaking. Through a range of case studies, the contributions in this collection explain how globalization is reshaping traditional forms of power and authority.

William Schabas, 'Double standards and the quest for justice' in Samuel Totten (ed), *Last Lectures on the Prevention and Intervention of Genocide* (CRC Press, 2017) 282.

> Available [here](#).

Last Lectures on the Prevention and Intervention of Genocide is a collection of hypothetical 'last lectures' by some of the top scholars and practitioners across the globe in the fields of human rights and genocide studies. Each lecture purportedly constitutes the last thing the author will ever say about the prevention and intervention of genocide.

The contributions to this volume are thought-provoking, engaging, and at times controversial, reflecting the scholars' most advanced thinking about issues of human rights and genocide.

This book will be of great interest to professors, researchers, and students of political science, international relations, psychology, sociology, history, human rights, and genocide studies.

William Schabas, 'Interacting with Academic Institutions' in Morten Bergsmo, Klaus Rackwitz, and Song Tianying (eds), *Historical Origins of International Criminal Law* (Torkel Opsahl Academic Publishers, 2017) vol 5, 377.

> Available [here](#).

William Schabas, 'La Comisión de Crímenes de Guerra de las Naciones Unidas : Propuesta de una corte penal internacional' in Roldán Jimeno Aranguren (ed), *Justicia Transicional: Historia y Actualidad* (Aranzadi, 2017) 89.

El libro pretende ser una contribución al estudio de la justicia transicional, desde la doble mirada que proporciona la historia y la actualidad. En la primera parte Ruti G. Teitel recorre los hitos de la justicia transicional y Amaia Álvarez reflexiona sobre los límites conceptuales del discurso de la justicia transicional en los estados democráticos.

La segunda parte se dedica a los tribunales internacionales y a las comisiones de la verdad tanto históricas como actuales, y cuenta con los estudios de William A. Schabas, Alicia Chicharro, Shane Darcy, Zoi Aliozi, Anita Ferrara y Cath Collins.

La tercera parte, centrada en la justicia transicional española, se nutre de los artículos de Roldán Jimeno, Paloma Aguilar y Clara Ramírez-Barat, y Josep María Tamarit.

La cuarta parte desciende a la justicia transicional de los procesos de paz derivados de los conflictos vasco y norirlandés, estudiado el primero por Joxerramon Bengoetxea, y el segundo por Aoife Duffy y Kathleen Cavanaugh. El libro se cierra con elencos bibliográficos, legislativos y jurisprudenciales.

William Schabas, 'Nikolaos Politis and the Earliest Negotiation to Establish an International Criminal Court' in Jean-Paul Jacqué et al (eds), *Liber Amicorum Stelios Perrakis* (Sidferis, 2017) 167.

> Available [here](#).

Carsten Stahn, Jens Iverson, and Jennifer Easterday, 'Introduction: Protection of the Environment and Jus Post Bellum: Some Preliminary Reflections' in Carsten Stahn, Jens Iverson, and Jennifer Easterday (eds), *Environmental Protection and Transitions from Conflict to Peace* (Oxford University Press, 2017) 1.

> Available [here](#).

Protection of the environment and natural resources is a key element in the transition from armed conflict to peace. Most academic studies have focused on classical peacetime or conflict situations. The United Nations Environmental Programme ('UNEP') qualified the environment as a 'silent casualty' of armed conflict. Exploring the protection of the environment in the aftermath of armed conflict and its relationship to sustainable peace is a relatively novel perspective. This chapter establishes the relationship between jus post bellum and environmental protection. It suggests that jus post bellum (1) provides a lens to view environmental protection as continuum throughout cycles of conflict or conflict transformations; (2) strengthens the argument that concerns of environmental protection are not set aside by armed conflict but relevant throughout conflict and its aftermath; (3) strengthens the case for due diligence of actors beyond armed conflict; and (4) allows a differentiated look at the treatment of harm and remedies.

Carsten Stahn, 'Das Ringen um den Frieden: Jus ad bellum – jus contra bellum – jus post bellum?' in Andreas von Arnould (ed), *Völkerrechtsgeschichte* (Duncker & Humblot, 2017) 147.

> Available [here](#).

Völkerrechtsgeschichte(n). Der Begriff deutet an, dass die Geschichte des Völkerrechts nicht einfach-linear ist, sondern vielgestaltig und abhängig von der Perspektive dessen, der sie erzählt. Sich mit Geschichte zu befassen, heißt zu fragen, wer an was aus welchem Grund erinnert. Der Begriff deutet zugleich an, dass die Historiographie eng mit jenen Narrativen verbunden ist, die Völker und Staatengruppen zu Kollektiven formen. Welche historischen Gegenbilder schaffen wir mit der Rede vom »Westfälischen System«, wie konstruieren wir Epochen und Zäsuren, wie konzeptualisieren wir historischen Wandel – und aus welcher Perspektive? Diesen Fragen geht der vorliegende Band nach. Zugleich werden fundamentale Konzepte des Völkerrechts (internationale Gemeinschaft, Krieg und Frieden, Räume) in ihrem Wandel historisch rekonstruiert. Auf diese Weise soll die Funktion deutlich werden, die solche Rekonstruktionen für unsere Deutung des Völkerrechts der Gegenwart erfüllen.

Carsten Stahn, 'Legacy in International Criminal Justice' in Margaret deGuzman and Diane Marie Amann, *Arcs of Global Justice: Essays in Honour of William A Schabas* (Oxford University Press, 1st ed, 2017).

> Available [here](#).

This work honours William A. Schabas and his career with essays by luminary scholars and jurists from Africa, Asia, Europe, and the Americas. The essays examine contemporary, historical, cultural, and theoretical aspects of the many arcs of global justice with which Professor Schabas has engaged, in fields including

public international law, human rights, transitional justice, international criminal law, and capital punishment.

Larissa van den Herik, 'The Individualization and Formalization of UN Sanctions' in Larissa van den Herik (ed), *Research Handbook on UN Sanctions and International Law* (Edward Elgar, 2017) 1.

> Available [here](#).

The twenty-five years following the conclusion of the Cold War witnessed an unprecedented intensification of the usage of UN sanctions. This Research Handbook maps how UN sanctions multiplied and diversified during this period and analyses the substantive and procedural transformations to UN sanctions regimes, through the lens of international law.

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Comprehensive and engaging, students and scholars of international law and human rights law, as well as international relations more widely, will find this book an essential companion. Its forward-thinking approach will also benefit legal practitioners at the UN, other international organisations and law firms.

Larissa van den Herik, 'The Individualisation of Enforcement in International Law: Exploring the Interplay between United Nations Targeted Sanctions and International Criminal Proceedings' in Tiyanjana Maluwa, Max du Plessis, and Dire Tladi (eds), *The Pursuit of a Brave New World in International Law: Essays in Honour of John Dugard* (Brill, 2017) 234.

> Available [here](#).

The Pursuit of a Brave New World in International Law presents critical perspectives on various inter-related themes in the areas of human rights, international law, terrorism and international criminal justice. The discussions reflect the wide-ranging subjects that John Dugard has engaged with over the last five decades as an international law scholar, teacher and judge. The essays pay homage to Professor Dugard's impressive body of work as both a theorist and practitioner of international law and international human rights law. While some of the discussions in the volume critically examine his views, as expressed in his academic writings, judicial opinions and official United Nations reports, others deal with subjects that have been inspired by or are related to Dugard's work.

Editorships

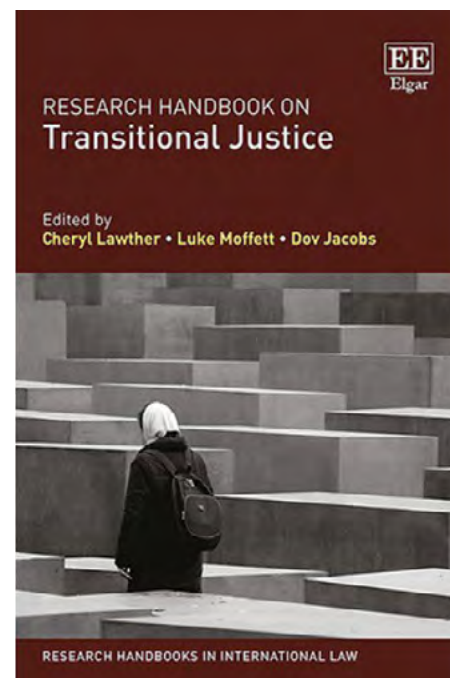
Cheryl Lawther, Luke Moffett and Dov Jacobs (eds), *Research Handbook on Transitional Justice* (Edward Elgar, 2017).

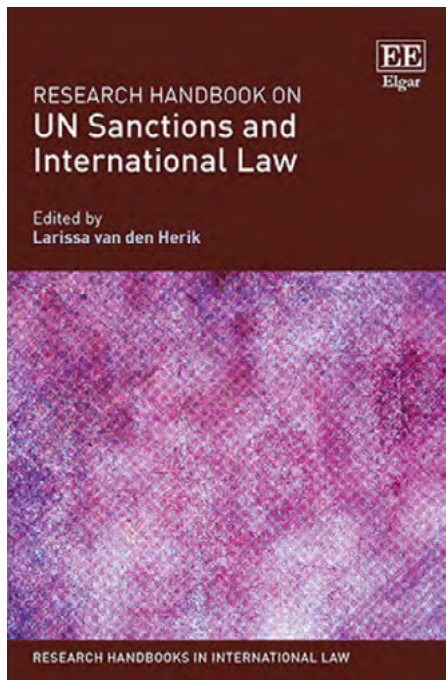
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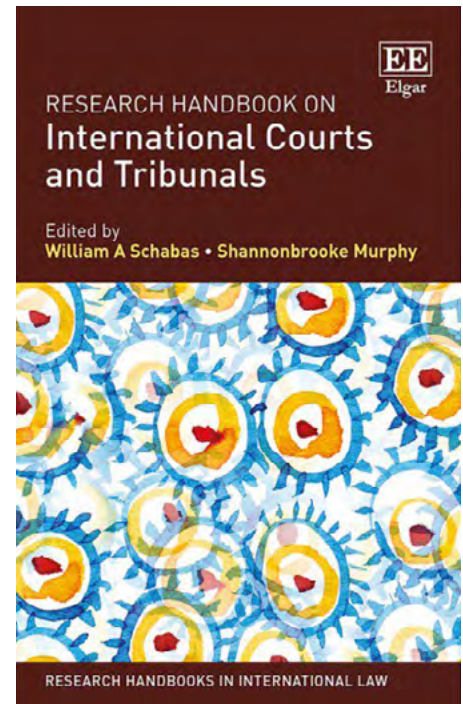
William Schabas and Shannonbrooke Murphy (eds), *Research Handbook on International Courts and Tribunals* (Edward Elgar, 2017).

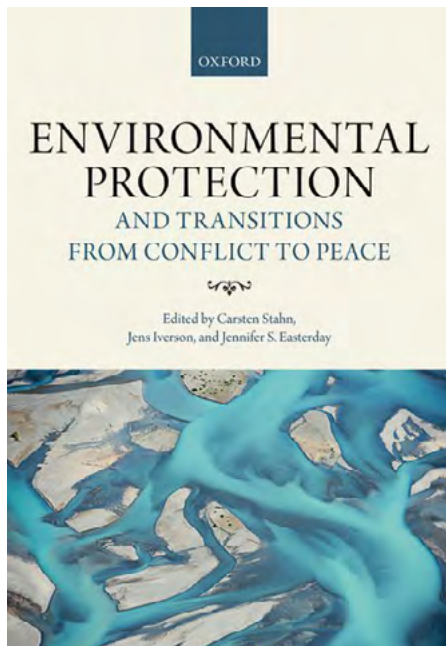
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Since the establishment of the Permanent Court of Arbitration for international dispute resolution in 1899, the number of international courts and tribunals has multiplied and the reach of their jurisdiction has steadily expanded. By providing a synthetic overview and critical analysis of these developments from multiple perspectives, this Research Handbook both contextualizes and stimulates future research and practice in this rapidly developing field.

Made up of specially commissioned chapters by leading and emerging scholars, the book takes a thematic and interpretive, system-wide and inter-jurisdictional comparative approach to the main issues, debates and controversies related to the growth of international courts and tribunals. Its review of influential international judgements traverses the areas of international peace and security law, international human rights law, international criminal law and international economic law, while also including critical reflection by practitioners.

This nuanced review of the latest thinking on scholarly debates and controversies in international courts and tribunals will be both a key resource for academic researchers and a concise introduction to the subject for post-graduate students. Its chapters also contain topics of practical relevance to lawyers and international decision-makers.





Carsten Stahn, Jens Iverson, and Jennifer Easterday (eds), *Environmental Protection and Transitions from Conflict to Peace* (Oxford University Press, 2017).

> Available [here](#).

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the volume reveals strong links between the peace-orientation of jus post bellum and environmental principles, such as intergenerational equity and precaution. There is a great deal of work to do to ensure greater protection of the environment before, during, and after conflict. It remains a challenge to align protection with the political interest of states, and the increasing involvement of non-state actors in armed conflict. This volume marks a starting point for an urgently needed space for states, international organizations, and civil society to discuss, and debate conflict and the environment. By engaging with the International Law Commission's 2016 Draft Principles on the Protection of the Environment in Relation to Armed Conflicts, the volume adds clarity to the law and momentum to the development of the law in this important area.

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