

ASSER
INSTITUTE

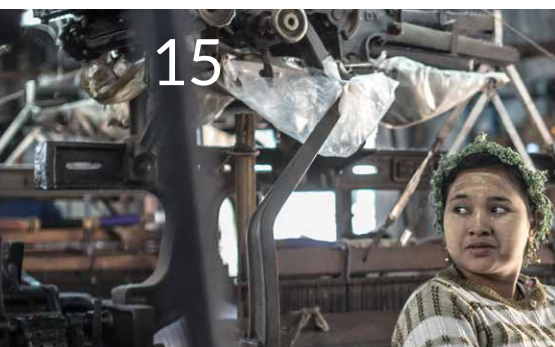


Centre for International & European Law



Annual report 2017

Table of contents



Foreword	4
About T.M.C. Asser Instituut	6
Academic director's report	7
Research strand Human dignity and human security in international and European law	11
"Criminal law is being used more and more as a preventive tool"	12
Research strand Advancing public interests in international and European law	15
"We really need to think about creating trust through transnational law"	16
Research strand Dispute settlement adjudication in international and European law	18
Investigating topics of legal theory and methodology on dispute settlement and adjudication	19
Selected contributions and presentations of Asser's staff 2017	21
Research projects 2017 (selection)	25
Education & knowledge dissemination 2017	29



Annual T.M.C. Asser Lecture	34
Communications	35
T.M.C. Asser Press	36
Financial overview	38
Governance	39
Staff	40
Stakeholder universities	41



Foreword

“The law, as an abstract system of rules, establishes the conditions under which people in large societies can live together in peace. People rely on the fact that living up to the rules is normal and expected of them, and that living up to the rules finds social approval. Vice versa, we believe that contraventions against the law will be met with disapproval or retaliation. This embryonic rule of law is the condition for any sustainable society that is too large for to know each other personally. The recognition of human rights and the constitutional setup of democracies based on equal citizenship, create the context for our mutual trust in the rule of law.

In the words of Tobias Asser (1838-1913), the scholar after whom our Institute is named, *‘law serves primarily to cultivate trust.’* Traditional legal values such as coherence, consistency, predictability, legal certainty and justice or fairness have a positive impact on reconciling public and private interests. Tobias Asser articulated this vision at the turn of the 20th century. He actively contributed to the development of an international order of States that defined certain values as its normative foundation, created law on that basis, and established institutions to uphold these values and norms.

Growing unease

Today’s world is incomparable to the world of Asser’s time. Since the 1990s, digitalisation – internet, social media, robotics, artificial intelligence – has significantly raised the worlds’ interconnectedness and interdependency in economic, social, and political affairs. Paradoxically, we’re more connected and interdependent than ever,



but the availability of real-time information from all parts of the globe has not brought people closer to each other. There is a growing unease – about terrorism, about economic and social inequality, about mass migration and about the feeling of diminishing control over one’s living conditions – that has provoked dissatisfaction and distrust.

The urgent problems of our time – climate change, (social) inequality and exclusion and terrorism – require global cooperation and trustworthy international institutions to which citizens can entrust public interests. When differences in views, values and interests lead to tensions, dissonance, and variances in pace, trusting relations between individuals, and between states and institutions, help to behave with reciprocity and respect.

The Asser Strategic Research Agenda (ASRA) *‘International & European law as a source of trust in a hyper-connected world’* examines how law, as a social institution, can contribute to the construction and cultivation of trust and trusting relations necessary for cooperation in our large and hyper-connected world.

In 2017, the importance of trust in international relations and international law was the focus of the conference *‘Trump’s World: The Trump Administration and International Law’* that we organised in January to discuss the election of Donald Trump as the US

President. Pertinent questions of trust and distrust also played a role in roundtable discussions we organised on '*International Courts in World Society* and on '*responsible banking*'. The fragility of trust was the theme of a keynote speech on '*The importance of judicial stability in national and international political turmoil*' that I gave at the *Caribbean Association of Judicial Officers* 5th biennial conference in Curaçao.

Valued partners

While putting our fundamental research on the map, the Asser Institute has become a much-valued partner for national and international collaborations with Dutch and foreign universities and with national and international networks of scholars, legal practitioners and professional societies. For the annual meeting of the *American Society of International Law (ASIL)*, the Asser Institute co-conveyed the 2017 closing panel on '*Building Trust in International Law and Institutions*'. The panel hosted high-esteemed speakers such as Lucinda Low, president of the ASIL, Judge Christine van den Wyngaert of the *International Criminal Court*, Judge Bruno Simma of US-Iran Claims Tribunal and the *University of Michigan School of Law*. Also present were Maurice Kamto of *The Hague Academy of International Law* and UN Special Rapporteur Professor Philip Alston (*New York University School of Law*). During the meeting, Benjamin Ferencz, the last Nuremberg war crimes prosecutor still alive today, was honoured by the city of The Hague. In the Institute's capacity of inter-university research network broker, we maintain strong collaboration with the international and European Law faculties of the Dutch Universities as network broker and coordinator of the *Netherlands Network for Human Rights Research (NNHR)* and the *Centre for the Law of EU External Relations (CLEER)*.

Human dignity and human security

In December 2017, the Asser Institute and the *International Association of Constitutional Law (IACL)* organised an international conference on '*Human Dignity and Human Security in Times of Terrorism: International (Human Rights) Law Challenges and Opportunities*'. This conference critically analysed human dignity and human security challenges in the lead up to terrorism and in the legal and political responses to terrorism. While presenting themselves as being firmly opposed to terrorism, some political responses give way to a destruction of trust in the rule of law, by arguing that the war against terrorism requires exceptional measures and by renouncing the common pedigree of democracy and rule of law. A principled and practical response to terrorism, as well as to non-violent centrifugal forces, should promote and be supported by the inclusive ideal of a constitution and a rule of law for all. Both political and legal judgments have to be based on the principle of mutual respect. An awareness of the needs of other human beings, irrespective of who they are, is what ultimately binds a well-ordered society.

I would like to take this opportunity to thank everybody who has contributed to our success in 2017. We are very grateful to the staff of the T.M.C. Asser Instituut and to all the eminent researchers and legal experts who joined us for research collaborations, discussions, teaching and our events."

The Hague,
Prof. Dr. Ernst Hirsch Ballin, President of the Board of T.M.C. Asser Instituut

About T.M.C. Asser Instituut



The T.M. C. Asser Instituut, an internationally renowned centre for international and European law, is named after Tobias M.C. Asser (1838-1913). Asser was an expert in private international law and active in many fields of public international law, as well as in the peaceful settlement of international conflicts. He founded the *Hague Conference on Private International Law* and played a significant role in bringing the *Peace Conference*

to The Hague in 1899. Tobias Asser received the Nobel Peace Prize in 1911 for his devotion to the *Hague Conference on Private International Law*. He was the first, and until today the only, Dutch citizen ever to be honoured with this prestigious prize.

Located in The Hague, the 'International City of Peace and Justice', the T.M.C. Asser Instituut is the established location where critical and constructive reflection on international and European legal developments takes place. In the vicinity of the many Hague international institutions, diplomatic missions and government ministries, the Institute exercises strong convening power and attracts legal scholars from around the world to present and test innovative ideas in their respective fields of expertise. This continually strengthens our research expertise, academic profile and sharpens our fundamental and independent policy-oriented research. In doing so, the Asser Institute fulfils the following roles:

- A facilitator for all Dutch Law Schools that wish to collaborate with the T.M.C. Asser Instituut in research networks, projects and/or in knowledge dissemination activities. The institute actively promotes the collaboration with- and between Dutch Law Schools; and
- A vanguard institute for the University of Amsterdam (UvA) in The Hague (for the UvA Law School in general and the *Amsterdam Center for International Law* (ACIL) in particular).



A year of change

Academic director's report

"2017 was another year of change for the Asser Institute. We saw fundamental shifts in global relations. Donald Trump took office as the 45th President of the United States and the British government triggered Article 50 to begin the process of leaving the European Union. These developments reflect trends in trust and distrust in international and European law and legal institutions, which profoundly affect our fields of study at the Asser Institute.

Internally, amidst the refurbishment of our building, we focused on carrying out our work, guided by the Asser Strategic Research Agenda, which bears the title '*International & European law as a source of trust in a hyper-connected world*'. It identifies three main themes, which we translated into three mutually linked research strands: *Human dignity and human security*, *Advancing public interests internationally* and *Dispute settlement and adjudication*. In this Annual Report, our three research strand coordinators will give you an overview of their research projects and events in 2017. (See page 11 and further.)

Inspiring research community

Our priority for 2017 was to continue our work on putting fundamental research back

at the heart of the institute, as fundamental and independent research enables us to bring an innovative and refreshing perspective to academic debates and subsequently to our policy- and practice-oriented work. At Asser, we stimulate research exchanges and discussions by organising a rich variety of research seminars and luncheons, PhD Labs and masterclasses, symposia and seminars. Asser researchers present their research to national and international peer groups at seminars and conferences and publish many well-timed policy briefs, publications and academic articles and volumes on a wide variety of topics. This diversity is reflected in the overview of our work in the Annex.

I am delighted that in 2017 the Asser Institute further grew as a vibrant and inspiring research community, initiating many relevant research projects in collaboration with researchers from around the globe. Three new researchers joined us in 2017: Dr Marta Bo, Dr Narin Idriz and Dr Sofia Stolk. Each one brings a range of research interests, along with great talent and commitment to the Institute. (On page 13 they are further introduced.) Internationally renowned researchers increasingly find their way to Asser's Visiting Research

Fellows Programme. In 2017 six researchers, amongst whom Dr Gleider Hernandez of *Durham University*, participated in our programme.

Continuous dialogue

Our second focus was to take our research further into the world so that we remain relevant in the context of the broader discussions around international and European law in the Netherlands and the global community. Unique about the Asser Institute is that we are a research institution in The Hague, the global capital of law and justice, surrounded by courts, tribunals, embassies and regulatory agencies. This means we have the privilege to be in a continuous dialogue with the people that work diligently to develop law and policy solutions for the global challenges and (local) injustices that need to be confronted.

In 2017, we strengthened our collaboration with embassies and with legal advisers, through forums such as *Le Club du Droit International*. In the Asser Institute's capacity of inter-university research network broker, we work with the international and European law faculties of the Dutch universities. In the beginning of 2017, we organised an event with a new partner, the *John Adams Institute*, to discuss the impact of the Trump administration on issues like the war in Syria, climate change agreements and trade deals. It attracted speakers of the highest calibre, including Jaap de Hoop Scheffer and the Dutch ambassador to Washington, Henne Schuwer. We also try to reach out through different media, whether it's through *EJIL talk!*, the blog of the *European Journal of International Law* that is read by policymakers, by publishing op-eds or by contributing to round tables and giving lectures.

Top of the agenda

Political, societal and legal developments in 2017 have brought our umbrella theme of *Trust and distrust* to the top of the agenda. Trust is vital to society and trusting relations are essential to social cohesion and healthy and thriving communities, both at a global and at a local level. While trust is a notion that relates in many ways to the function of law in a society, it is not a common word in legal research. It is, however, frequently used to describe contemporary societal challenges. When it comes to trade deals, for instance, in 2017 we saw societal distrust in trade agreements such as TTIP and CETA, because the consequences of these agreements on food safety law, environmental legislation, banking regulations and the sovereign powers of individual nations were neglected or overlooked. Trade agreements like TTIP, CETA and NAFTA ultimately affect the lives of citizens, who are justly concerned about this. It is these kinds of discussions we anticipate to programme in the coming years.

In 2017, the world saw a number of terrorist attacks and an ensuing tension between governments' desire to reinforce security measures and the need to protect citizens' rights. We have questioned citizen stripping as a violation of basic standards of human rights and human dignity, and strand coordinator Christophe Paulussen gave a presentation on the evolving use of administrative measures in counter-terrorism during a scoping meeting in London on arbitrary deprivation of nationality. This was the start of a project in cooperation with *Open Society Foundations*, the *Institute on Statelessness and Inclusion* and *Ashurst* which led to a high-level expert round table and upcoming publications in 2018.

Connecting human rights research and practice

Further in 2017, the Asser Institute was entrusted with the academic coordination and the administration of the *Netherlands Network for Human Rights Research* (NNHRR), which aims to connect human rights research and practice. We began a collaboration in 2017 with the *Shelter City Programme of Justice & Peace* to host legal practitioners who fight against human rights violations in their home countries, ensuring we not only publish papers on human rights but also open up our institute to human rights defenders. Russian Human Rights defender Maria K. joined us for some months as our first *Shelter City* visiting researcher.

Securing public interest

Globalisation has changed the way we consume, work and live. Transnational corporations affect, for good and for bad, the lives of almost everyone across the globe. The question is how to ensure that they do so responsibly and without threatening our current and future livelihoods, be it through environmental damage, labour abuse, human rights violations or threats to health and safety. Our *Doing Business Right* initiative, a flagship project led by strand coordinator Antoine Duval, focuses on investigating the role of law in securing the public interest in the context of the global economy (read more on page 15). In 2017 we launched our first winter academy on *Doing Business Right* to discuss pertinent questions together with a mixed group of scholars and practitioners supported by ABN Amro's *Duurzaam Bankieren* unit. I anticipate many more issues requiring scrutiny from a mixed group of experts, academics, policy makers and business people. We look forward to hosting such discussions at our institute.

Amsterdam Center for International Law - Asser institute collaboration

In 2017, our partnership with the *Amsterdam Center for International Law* (ACIL) of the University of Amsterdam was further consolidated by a jointly organised new summer programme on '*The Law and Practice of International Dispute Settlement*', led by strand coordinator Geoff Gordon. We also co-organised a lecture by Prof. Mark Drumbl (*Washington and Lee University School of Law*) called '*Tragic Perpetrators and Imperfect Victims*' which addressed the relationship between victims and perpetrators. The speaker is known for his book '*Reimagining Child Soldiers in International Law and Policy*', which challenges much of conventional wisdom when it comes to preventing child soldiering, meaningfully reintegrating child soldiers, and engaging with former child soldiers as vibrant contributors to post-conflict reconciliation. Events like these bring our researchers into contact with the top professors in the field and establish the Asser Institute as a major league research institution that advances knowledge and dialogue through its education programmes.

Global cities

One locus of social challenges where trust – or the lack of it – plays a pivotal role is the 'global city'. Throughout the ages, 'global cities' have been at the forefront of trust-related challenges. In these cities – with their great diversity of social, economic and ethnic backgrounds, religions, and lifestyles – the questions 'how to live together?' and 'how to create an urban culture of respect and trust?' are perennial. These questions have a legal dimension as well: 'what role can law play in the cultivation of such a culture?' Interestingly, some cities have started to mobilise international law in initiatives to promote themselves as places that protect



In the Global City project four PhD candidates focus on the legal aspects of cities in the past and present. Project leader is Prof. Dr. Janne E. Nijman.

human rights or guarantee minimum incomes. In the next few years, we want to pursue questions of how public interests are being brought back into the discussion about global cities.

"A third type of migrant"

In November 2017, in the Peace Palace, Professor Saskia Sassen delivered the Third Annual T.M.C. Asser Lecture, which was entitled '*When the law cannot recognise extreme injustice even if it affects millions*'. Professor Sassen is one of the world's most prominent scholars on global cities, migration, digital technologies and society, and on the implications of economic globalisation for nation

states and international law. Her Annual T.M.C. Asser lecture focused on global migration flows, seen through the lens of 'extractive logics'. According to Professor Sassen, these extractive logics are evident in natural resource sectors such as mining and forestry, but also in tech corporations. They are the cause of an emerging 'third type of migrant', namely migrants and refugees which do not fit within existing categories; migrants and refugees that are expelled from their habitat because of economic development. Professor Sassen called for legal frameworks to be adapted so these 'hidden', systemic roots of migration can be addressed.

As we move into 2018, we will continue to focus on these issues of trust and trustworthiness of legal systems and institutions, dispute settlement and doing business *right*. We will continue to strengthen our fundamental research, foster new alliances and establish an Associated Fellows Programme. Starting in 2018, we will step up our research activities on the question that come with the – what in our research agenda is called – rapidly increasing 'hyper-connect- edness' of our globe. As new technologies are redefining all aspects of our lives, we have started research on technology and the law, by investigating how technologies like blockchain and artificial intelligence can help to foster trustworthiness of our legal and political institutions and structures, and how they (potentially) undermine trust in both."

Prof. Dr. Janne E. Nijman, Member of the Board and Academic Director T.M.C. Asser Instituut

Research strand

Human dignity and human security in international and European law

If the law cannot provide a sense of human dignity and security, it falls short of cultivating trust. Upholding the Rule of Law and a high level of human rights protection contributes to the development of trust and the trustworthiness of the institutions involved. The research strand Human dignity and human security adopts a human rights approach to contemporary global challenges, such as counter-terrorism, with a focus on the topic of foreign (terrorist) fighters and military operations. Other research themes are the responsibility of states and international organisations, international and transnational crimes, migration, cyberspace, new technologies, non-discrimination, historical memory and challenges at sea.



“Criminal law is being used more and more as a preventive tool”



Coordinator Dr Christophe Paulussen.

“In 2017, we saw some concerning developments relating to human rights”, says Dr Christophe Paulussen, who coordinates the research strand *Human dignity and human security*. “In the West, we see that a new security landscape is emerging, which is partly a response to the phenomenon of foreign fighters – people who, driven by ideology or religion, leave their country to fight in another state. Many governments were not fully prepared for this and in their rush to stem it, adopted new laws and made increasing use of administrative measures. We also see that criminal law is being

used more and more as a preventive tool. Governments often hurry to show the public that something is being done about terrorism. Unfortunately, they often do so without paying sufficient attention to the question if the response or the law is compatible with human rights and long-term effectiveness,” says Paulussen.

Digging deep

In December 2017, in cooperation with the *International Association of Constitutional Law*, the Asser Institute organised an international conference on human dignity and human security in times of terrorism. It was the first international conference of its kind, made possible by a grant of The Hague Municipality. It featured many high-level academics such as Prof. Martin Scheinin (former UN Special Rapporteur), Helen Duffy (Professor of International Humanitarian Law and Human Rights), Prof. Clive Walker (Professor Emeritus of Criminal Justice Studies) and Prof. Ernst Hirsch Ballin (President of T.M.C. Asser Instituut). Paulussen: “This conference provided an opportunity to take a step back and dig deep, also at the conceptual level, in the analysis of topics that are constantly in the news these days.” The conference will also lead to a collected volume in 2019 edited by Christophe Paulussen and Martin Scheinin.

Highlights

“One of the highlights of 2017 was that we welcomed two excellent new researchers, Dr

Narin Idriz and Dr Marta Bo,” says Paulussen. “They bring in a huge amount of experience and expertise on many different fields of law, such as international and transnational criminal law, the law of the sea and human rights, EU external relations, EU-Turkey association law, the protection of fundamental rights in the EU in general, and the rights of Third Country Nationals in particular, and last but not least: EU asylum and migration law and policies. This really strengthens the scope and depth of our research.”

Another important development in the strand’s activities was the establishment of

the *Netherlands Network for Human Rights Research (NNHRR)*, coordinated by Dr Marta Bo. The network connects Dutch junior and senior human rights researchers and aims to link human rights research and practice. Christophe Paulussen: “The network constitutes one of the clearest examples of the Asser Institute’s nature as an inter-university institute, connecting to different universities and faculties.”

Strong societal impact

Apart from their academic work, in 2017 the strand’s researchers were involved in



The first international conference on human dignity and human security in times of terrorism was organised by the Asser Institute in December 2017.

policy-relevant research, with Dr Narin Idriz publishing on the EU-Turkey Deal. Christophe Paulussen: "Working at the Asser Institute means that in addition to our fundamental academic research, we are closely involved in practice-oriented research with ministries and international organisations; research that can make a direct and strong societal impact."

In addition, the researchers of this strand spent considerable time and energy on knowledge dissemination, through various lecture series or the (tailor-made) training programmes for students and professionals, coming from all parts of the world.

In 2017, the Asser Institute, in conjunction with the *Organisation for the Prohibition of Chemical Weapons* (OPCW), organised a highly regarded advanced graduate training on '*Disarmament and Non-Proliferation of Weapons and Mass Destruction in a Changing World*'. Another summer programme for 2017 was on *International Criminal Law and International Legal & Comparative Approaches to Counter-Terrorism*, the product of a unique collaboration between the *War Crimes Research Office of American University's Washington College of Law* and the T.M.C. Asser Instituut. Forty selected students from top US law colleges and universities travelled to The Hague to learn from international legal practitioners and scholars and to see their knowledge being put to practice through visits to (inter)national courts and institutions.

What's next?

For 2018, Paulussen aims to continue strengthening the strand's core research areas. In addition, new themes will be explored, such as memory laws, spear-headed by Dr Ulad Belavusau and Ms Marina Bán. Other themes are criminal responsibility for war crimes committed with the use of autonomous weapon systems (Dr Marta Bo) and artificial intelligence and international law (Dr Berenice Boutin). With the strand's strong presence in the area of legal aspects in countering terrorism, Paulussen also foresees new colleagues coming in. Paulussen: "We are constantly in contact with the brightest minds in the academic world, but also with very experienced staff members working at international and regional organisations, the tribunals in The Hague, and ministries. Hence, there is no lack whatsoever of new ideas and projects."



Research strand

Advancing public interests in international and European law

The research strand Advancing Public Interests in International and European law examines how International and European law can further the protection of public interests in a globalising (and privatising) world. Its researchers engage with questions centred on the potential synergies and trade-offs between different public interests and private interests. The case studies cover both transnational public and private regulation: the protection of the environment and the fight against climate change; the development of corporate social responsibility and the use of private standards to further the public interest; and the operation and legitimacy of the Lex Sportiva (or transnational sports regulations).



“We really need to think about creating trust through transnational law”



Coordinator Dr Antoine Duval.

“With the current levels of public distrust against, for instance, trade or against the European Union, we really need to think about how we could create trust through transnational law, says Dr Antoine Duval, who coordinates the strand *Advancing Public Interests*. “This entails thinking about questions like: What exactly are transnational public interests? How can they be defined? Who has the competence to define them? And how we can better integrate public interests and the voice of the public?”

Flagship project

Within the broad field of public interest, the strand’s main focus lies within the regulation of transnational corporations. In its flagship project *Doing Business Right*, which was launched in 2017, Duval aims to ‘shift the focus from simply ‘doing business’ towards ‘doing business *Right*’. Duval: “Doing business has been a core concern for the post-WWII world order. It brought us globalisation and the free movement of goods, capital and ideas across the globe. However, since the financial crisis in 2008, there is a growing awareness of the fact that ‘doing business’ can lead to extremely adverse social and economic consequences. So, the trust in ‘doing business’ as a cure-all to modernise, democratise or civilise the world, is fading. Apart from that, we see the damaging effects of transnational economic activity. It is hard to ignore the environmental and social consequences triggered elsewhere by our consumption patterns or by our reliance on certain energy industries.”

“So, in our *Doing Business Right* project, we investigate what ‘*Doing Business Right*’ could mean. How can we ensure that transnational corporations operate responsibly, without disrupting livelihoods through environmental damage, labour abuse, human rights violations or threats to health and safety? How does the law respond to the urge to do business right? What are the legal mechanisms used, or that could be used, to ensure that business is done in the right way? Can

transnational business activity even be subjected to law in a globalised world?"

Highlights

Duval considers it as the strand's responsibility "to feed knowledge, opinions, and ideas into the daily practice of transnational organisations and corporations, and to make sure that they become more accountable to the general public". Therefore, in 2017 Duval and his colleagues started a blog for the *Doing Business Right* project that offers scholars and practitioners a platform. Duval: "In a relatively short time, this has become the blog-to-go-to for people working in this field. It is a collective enterprise that aims to investigate the multiple legal and regulatory mechanisms tackling the negative effects of transnational business conduct." In 2017, the strand further organised a roundtable on the supply chain regulation in the garment industry and published a paper on '*The UN Guiding Principles on Business and Human Rights in (National) Action: The Dutch Agreement on Sustainable Garment and Textile*'. Another roundtable followed on responsible banking: '*The Dutch Banking Sector Agreement on international responsible business conduct regarding human rights and beyond*'.

ISLJ Annual International Sports Law Conference

In 2017, the strand Advancing Public Rights also organised the first '*ISLJ Annual International Sports Law Conference*'. Around one hundred people from 37 countries gathered at the Asser Institute to discuss contemporary issues plaguing sports governance and how public interests factor therein. In 2017, several doping scandals surfaced, and the International Olympic Committee considered banning Russian athletes from the 2018 Winter Olympics. Duval: "The conference was widely praised as a success,

proving its relevance and timeliness. It featured renowned speakers such as Miguel Maduro, former Chair of the *FIFA Governance Committee*, and Richard McLaren, member of the *International Court of Arbitration for Sport* and *World Anti-Doping Agency* investigator into state-sponsored doping in Russian sports."

What's next?

A new ISLJ Annual International Sports Law Conference is in the making for 2018, focusing on the impact of human rights in sports, the role of science in the regulation of sports, and the increasingly important intersection between competition law and the private rules of sports governing bodies. The researchers will further deepen their research for the *Doing Business Right* project. Duval: "We will continue our work on the responsibility of transnational corporations for human rights violations. We will be looking in greater detail at specific cases, such as the Rana Plaza collapse in Bangladesh in 2013 that killed over a thousand people. Early 2018 will also see the birth of a new Winter Academy. The theme will be corporate social responsibility. It will be a high-quality training in which academics, policymakers and practitioners will get a comprehensive overview of the legal mechanisms in place to encourage multinational corporations to conduct their business activities responsibly."



Research strand

Dispute settlement adjudication in international and European law

The courts and tribunals of The Hague and beyond aim to provide procedural and substantive fairness and predictability in the adjudication, arbitration and mediation of international conflicts – conflicts arising among an increasingly diverse range of parties, public and private, and concerning an increasingly diverse and contentious range of issues.

The research strand Adequate Dispute Settlement investigates the attributes of trustworthy dispute settlement in international adjudication.



Investigating topics of legal theory and methodology on dispute settlement and adjudication

In today's global environment international conflicts arise amongst an increasingly diverse range of public and private parties. Courts and tribunals in The Hague work to settle these conflicts. How can they provide procedural and substantive fairness and predictability? And how do they generate and maintain public trust? These are core questions for the *Adequate Dispute Settlement* research strand, which investigates topics of legal theory and methodology on dispute settlement and adjudication.

"In 2017, a major highlight for the strand was our summer programme on *'The Law and Practice of International Dispute Settlement'*," says strand coordinator Dr Geoff Gordon, who organised the programme in cooperation with the University of Amsterdam's Center for International Law. "We succeeded in our aim to provide high-level exposure to the practices and politics of international dispute settlement for an audience which consisted of a broad mix of diplomats, practitioners and students from around the world."

Combined perspectives

"During the summer programme, we explored issues in international adjudication and dispute settlement, from the combined perspectives of practice and public interests. How are the processes of dispute settlement structured? And how



Coordinator Dr Geoff Gordon.

can we compare different mechanisms of dispute settlement?" The top speaker was Prof. Laurence Boisson de Chazournes, who was Counsel before the *International Court of Justice* and served on arbitration panels of the *World Trade Organization*, the *International Centre for Settlement of Investment Disputes*, the *Permanent Court of Arbitration (PCA)* and the *Court of Arbitration for Sport (CAS)*. Other high-level speakers were Prof. Hélène Ruiz Fabri, director of the *Max Planck Institute for Procedural Law* in Luxembourg, and legal

scholar Prof. Armin von Bogdandy, the director of the *Max Planck Institute for Comparative Public Law and International Law* in Heidelberg and Professor for Public Law at the *Goethe University Frankfurt*. The summer programme marked the beginning of a productive partnership with *AKD law firm*, which sponsored scholarships for the occasion.

Figurehead of international justice

In April 2017 Ernst Hirsch Ballin, President of the T.M.C. Asser Instituut, moderated the closing plenary of the *American Society of International Law (ASIL)* annual meeting that took place in Washington DC. The session focused on the building of trust in international law and institutions. It also evaluated the criticisms levied against international courts and institutions and considered what steps should be taken to restore faith in their ability. During the closing plenary Benjamin Ferencz, the famous lawyer and former Nuremberg prosecutor, was honoured by the city of The Hague. It named the footpath next to the Peace Palace after Ferencz for being "one of the figureheads of international justice". The city's Deputy Mayor Saskia Bruines (International Affairs) travelled to Washington to present the street sign to Ferencz.

Cutting edge research

"In 2017, our research strand was enhanced by a new member, Dr Sophia Stolk, who brings her cutting edge research into international criminal law, as well as forward-looking projects into the communications practices of international institutions", says strand coordinator Geoff Gordon. "On the basis of her work on aesthetics, Sophia began work in 2017 to link Asser with the artistic community in The Hague. She also works closely with the five PhD students who joined the Institute at the end of 2016." The PhD students followed a

series of trainings and intensive seminars led by international academics as part of their first and second year programme, and began engaging wider academics communities with their work, presenting at international conferences and collaborating with academics at other institutions.

The researchers of the *Adequate Dispute Settlement* strand actively engaged in outreach activities in 2017. Geoff Gordon: "We built on our relationship with *Le Club de Droit International* to reinforce our connection with the diplomatic community. We also launched a new collaboration with *Koninklijke Nederlandse Vereniging voor Internationaal Recht*." Geoff Gordon: "We are dedicated to expanding our dialogue on the significance and substance of international law. So we are developing ties with diplomatic, local communities and artist groups in The Hague. There is a lot of intellectual energy in and around this city, and the Asser Institute is well situated to take advantage."

What's next?

For 2018, Geoff Gordon wants to advance both the focus and outreach of the research strand. Sofia Stolk will lead an initiative with the world-famous *Movies that Matter film festival*, to work closely with political and artistic communities in The Hague. Building on the success of the summer programme 2017, a new summer programme will be organised in 2018. Geoff Gordon: "Both technology and law and finding new research methods will play an increasing role in our strand's research. We aim to situate Asser at the cutting edge of investigation into questions of technology and governance, and to make the Institute a place for methodological inquiry."

Selected contributions and presentations of Asser's staff 2017

The T.M.C. Asser Instituut Research Paper Series

• T.M.C. Asser Instituut has its own Social Science Research Network (SSRN) Series. In 2017, six research papers were published on SSRN, in addition to three policy briefs.

Articles

- **Boutin, B.** – 'Attribution of Conduct in International Military Operations: A Causal Analysis of Effective Control', 18(2) Melbourne Journal of International Law (2017): 154-179.
- **Duval, A. & Maren, O. van** – 'The Labour Status of Professional Football Players in the European Union Unity in/and/or diversity?', 8(3) European Labour Law Journal (2017): 258-278.
- **Hirsch Ballin, E.M.H. et al.** – 'Big Data and security policies: Towards a framework for regulating the phases of analytics and use of Big Data', 33 Computer Law & Security Review (2017): 309-323.
- **Partiti, E.** – 'What use is an unloaded gun? The substantive disciplines of the WTO TBT Code of Good Practice and its application to private standards pursuing public objectives', 20(4) Journal of International Economic Law (2017): 829-854.
- **Stolk, S.** – 'Imagining scenes of mass atrocity from afar: maps and landscapes at the International Criminal Court', 5(3) London Review of International Law (2017): 425-451.

Book chapters

- **Belavusau, U.** – 'EU Sexual Citizenship: Sex Beyond the Internal Market', in: Kochenov, D. (ed.), EU Citizenship and Federalism: The Role of Rights, Cambridge University Press (2017): 417-442.
- **Lazic, V.** – 'Multiple Faces of Mutual Recognition: Unity and Diversity in Regulating Enforcement of Judgements in the European Union', in: Fletcher, M., Herlin-Harnell, E. & Matera, C. (eds.), The European Union as an Area of Freedom, Security and Justice, London/New York: Routledge (2017): 337-357.
- **Nijman, J.E.** – 'Grotius' *Imago Dei* Anthropology: Grounding *Ius Naturae* et *Gentium*', in: Koskeniemi, M. & García-Salmónes Rovira, M. & Amorosa, P. (eds.), International Law and Religion: Historical and Contemporary Perspectives, Oxford: OUP (2017): 87-110.

Edited volumes

- **Wilt, H. van der & Paulussen, C. (eds.)** – Legal Responses to Transnational and International Crimes. Towards an Integrative Approach, Cheltenham: Edward Elgar Publishing (2017)

Policy briefs

- **Idriz, N.** – 'The EU-Turkey Deal in Front of the Court of Justice of the EU: An Unsolicited Amicus Brief', Asser Policy Brief 2017-03.
- **Kassoti, E.** – 'Trading with Settlements: The International Obligations of the



Marta Bo's blog on the repression of migrant smuggling on EJIL Talk!



Narin Idriz published on the EU Turkey deal on Verfassungsblog.

European Union with Regard to Economic Dealings with Occupied Territories', Asser Policy Brief 2017-02

- **Velde, S. van der** - 'The End of Conflict Minerals on the EU Market?', Asser Policy Brief 2017-01.

Blogs

- **Bo, M.** - 'Repressing Migrant Smuggling by the UN Security Council and EU Naval Military Operation Sophia: Some Reflections on Jurisdiction and Human Rights', EJIL: Talk!, 3 November 2017.
- **Idriz, N.** - 'Taking the EU-Turkey Deal to Court?', Verfassungsblog: On Matters Constitutional, 20 December 2017.

Presentations at external events

- **Ban, M.** - Presentation of paper on 'Hungary's Remembrance of the Communist Past in the Parliament and Courtrooms', at the Conference 'An Uneasy Legacy: Remnants of Socialist Legal and Political Thinking in Central and Eastern Europe' (6-7 January 2017), organised by the Central and Eastern European Network of Legal Scholars (CEENELS), Krakow, Poland 6 January 2017.
- **Boutin, B.** - Presentation on 'Existing and planned legislation and policies related to FTFs in France - trends, experiences, human rights impact', Expert Meeting of OSCE Office for Democratic Institutions and

Human Rights (ODIHR), Warsaw, Poland 25 April 2017.

- **Duval, A.** - Presentation on 'Competition Law as Constitutional Law: Counter-democratizing the lex sportiva through EU competition law control', at the Workshop on 'Constitutional Challenges in Europe: the impact and role of competition law', The Competition Law Scholars Forum Workshop, University of Amsterdam, Amsterdam, Netherlands 14 September 2017.
- **Gordon, G.** - Presentation on 'Imperial Standard Time', at the Sixth Annual Junior Faculty Forum for International Law (8-10 May 2017), University of Nottingham (in collaboration with EUI, NYU and University of Melbourne), Nottingham, United Kingdom 9 May 2017.
- **Hirsch Ballin, E.M.H.** - Presentation on the establishment of a peer review mechanism on the rule of law in the EU, at an event entitled 'Oversight of the Rule of Law in the European Union: Opportunities and Challenges', British Institute of International and Comparative Law, London, United Kingdom, 16 January 2017.
- **Idriz, N.** - Presentation on 'Different degrees of "otherness" in EU law and the Dutch Law on Civic Integration', at Conference on 'The "Others" amongst "Us": Thoughts on Western Societies, Otherness, and the Law' (8-9 December 2017), Leiden

University, Leiden, Netherlands, 8 December 2017.

- **Lazic, V.** – Presentation 'Multiple Faces of Mutual Trust in the EU', Conference of Journal of Private International Law, Rio de Janeiro, Brazil, 2-5 August 2017.
- **Marcenko, M.** – Presentation on 'Cities and their autonomous use of international human rights law: opportunities and risks', at the Young Researchers Workshop on 'The Significance of Obscured Practices and Subjects: Investigating Silences in Transnational Legal Spaces', at the 11th Pan-European Conference on International Relations (European International Studies Association), Barcelona, Spain, 12 September 2017.
- **Nijman, J.E.** – Presentation of paper on 'Trust and distrust as fundamental concepts for international legal order: Grotius vs Hobbes' at the Workshop Internationale Geschichte, 'Vertrauen in den international Beziehungen', organised by Prof Dorothea Nolde, University of Vienna, Vienna, Austria, 4 April 2017.
- **Partiti, E.** – Presentation on 'Voluntary Sustainability Standards and WTO Law: Assessing the Extent of Responsibility', at Workshop of Interest Group on International Economic Law on the occasion of the 2017 ESIL (European Society of International Law) Annual Conference 'Global Public Goods, Global Commons and Fundamental Values: The Responses of International Law' (7-9 September 2017), Naples, Italy, 6 September 2017.
- **Paulussen, C.** – Presentation on 'The broader context: evolving use of administrative measures in the counter-terrorism context', at Scoping Meeting on Arbitrary Deprivation of Nationality, Open Society Foundations, Institute on Statelessness and Inclusion, Asser Institute and Ashurst, London, United Kingdom, 15 August 2017.

- **Roodenburg, L.** – Presentation on 'The reproduction of human rights norms in the diverse city', at the Young Researchers Workshop on 'The Significance of Obscured Practices and Subjects: Investigating Silences in Transnational Legal Spaces', at the 11th Pan-European Conference on International Relations (European International Studies Association), Barcelona, Spain, 12 September 2017.
- **Stolk, S.** – Presentation on 'Imagining the Far-Away: Materializing and Limiting Local Spaces in the Opening Statements at the International Criminal Court', of paper entitled "'You may be seated": observing the public gallery of the ICC', at the Young Researchers Workshop on 'The Significance of Obscured Practices and Subjects: Investigating Silences in Transnational Legal Spaces', at the 11th Pan-European Conference on International Relations (European International Studies Association), Barcelona, Spain, 12 September 2017.
- **Ribbelink, O.** – Chair of Panel on 'R2P and Ukraine', in 3rd Conference on 'Responsibility To Protect in Theory and Practice', Faculty of Law, University of Ljubljana, Ljubljana, Slovenia, 12 May 2017.

Media

- **Nijman, J.E.** – 'Globalisering vraagt om sterkere internationale samenwerking', op-ed published in Dutch newspaper Trouw, 2 May 2017.
- 'Kijk, ze willen je niet eens terug'. De aanpak van Syriëgangers', interview met Christophe Paulussen in De Groene Amsterdammer (the Netherlands), on returning foreign fighters, 4 October 2017 (T. Lingsma)

For a complete overview, see Annex 1, 2017.

Research projects 2017 (selection)

EU Trade and Investment Policy (EUTIP) (1 April 2017-31 March 2021)

This project will foster interdisciplinary research into the evolving international trade policy of the European Union with a view to create a significantly increased European knowledge base and research capacity on EU law and policy of the regulation of international trade through free trade agreements (FTAs) with third countries. The Asser Institute is a partner organisation and will host several researchers in 2018 and 2019. The project is funded by the *European Commission*.

Ongoing projects (selection)

• **International Crimes Database (ICD)**

The ICD website offers a comprehensive database on international crimes adjudicated by national, international and internationalised courts. In addition to case law, the ICD website also incorporates general background information about international crimes, scholarly as well as news articles, working papers (ICD Briefs) and relevant links to other useful databases/websites. The ICD website provides access to a range of information for scholars and practitioners (such as judges, prosecutors and defence counsel), as well as for students, journalists, families and communities of victims of crimes. As of 2017, the Municipality of The Hague financially contributes to the project.

• **Cross-Border Proceedings in Family Law Matters before National Courts and CJEU (1 February 2016-31 May 2018)**

This project identifies the best practices and provides for guidelines in the application of Regulation (EC) 2201/2003 (BIIaReg)

concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility. Additionally, it will provide suggestions on how to overcome these shortcomings and what role party autonomy can play within that framework. This research is conducted by the Asser Institute (Prof. Dr. Vesna Lazic, project leader) in cooperation with researchers at *Utrecht University, International Legal Institute, Ghent University, and the University of Valencia*. The project is funded by the *European Commission, DG Justice*.

• **Evaluation of the EU's Counter-Terrorism Policy Architecture (1 July 2016-31 January 2017)**

This study resulted in a research report entitled '*The European Union's Policies on Counter-Terrorism. Relevance, Coherence and Effectiveness*'. Participating Asser researchers were Dr. Berenice Boutin, Dr. Wybe Douma, Dr. Christophe Paulussen and Onur Güven (affiliated with the *International Centre for Counter-Terrorism*). The report identifies (counter-)terrorism trends, threats and policies in the EU. It also analyses the coherence and effectiveness of the counter-terrorism policy (architecture), and issues of cooperation, oversight and implementation, addresses future scenarios and formulates concrete policy options and recommendations. The research project was commissioned by the *European Parliament's Policy Department for Citizen's Rights and Constitutional Affairs* at the request of the *LIBE Committee*. It was awarded to PwC and conducted in cooperation with *International Centre for Counter-Terrorism*.

T.M.C. Asser Instituut's PhD programme

The T.M.C. Asser Instituut's PhD Programme is a dynamic platform in an intimate research environment. Our goal is to train researchers to work at the cutting edge of international law, to conduct independent research at the interface of academia and practice, and to connect with other Dutch universities. The PhD programme is interdisciplinary, designed to foster greater insights into the practices of international law in times of change. Our work is organised around close contact between supervisors and PhD researchers, supported by professional training activities, and features collaborative theoretical and methodological queries intended to assist our PhDs in the development of each dissertation. In 2017, the five PhD candidates, who started in September 2016, continued their research at the Asser Institute.

Visiting Research Fellow programme

The T.M.C. Asser Instituut welcomes visiting research fellows for a period from one up to six months to pursue their own research project, linked to one of the Institute's research strands. While at the Institute, they meet with other scholars and practitioners in the fields of international and European law and engage with the The Hague community of international lawyers working at the many international organisations located in the city, and with Dutch academia. Visiting scholars fully participate in the activities of the Institute and present their research at one of the monthly Asser Research Seminars as well as at a public lecture. They also submit a manuscript produced (partly) during their research stay for publication in the SSRN Series. In 2017, six visiting researchers stayed at the Institute.

Shelter City Fellowship programme

The T.M.C. Asser Instituut is a partner of *Shelter City*, a nationwide initiative of *Justice and Peace Netherlands* to protect human rights defenders, in cooperation with a growing number of Dutch cities and local organisations. The programme provides temporary relocation and training to legal practitioners who fight against human rights violations in their home countries. The T.M.C. Asser Instituut will host one Shelter City fellow per year for three to six months through its Asser Visiting Researcher Fellow Programme. As of October 2017, Shelter City Fellows will carry out research in the fields of human rights, international law or European law.



The Asser Institute welcomes visiting research fellows and hosts a Shelter City Fellow for three to six months per year.

Cooperation and inter-university activities

In all of its activities, T.M.C. Asser Instituut works in close cooperation with Dutch and foreign universities, with national and international networks of scholars, other professional experts and professional societies. The institute actively promotes the creation of research networks in the domains of the Institute, both on a permanent and an ad hoc basis. The following collaborations and outcomes are worth mentioning:

Amsterdam Center for International Law (ACIL)

The Amsterdam Center for International Law (ACIL) of the University of Amsterdam is an internationally leading center for cutting-edge research on questions of international law. In 2017, our partnership with ACIL was further consolidated by a jointly organised new summer programme on *'The Law and Practice of International Dispute Settlement'*. We also co-organised a lecture by Prof. Mark Drumbl (*Washington and Lee University School of Law*) called *'Tragic Perpetrators and Imperfect Victims'*, which addressed the relationship between victims and perpetrators.

International Centre for Counter-Terrorism (ICCT)

ICCT is an independent knowledge centre that focuses on information creation, collation and dissemination pertaining to the preventative and international legal aspects of counter-terrorism. It is supported and nurtured by a unique partnership comprising, in addition to the Asser Institute, the *Netherlands Institute of International Relations 'Clingendael'* and *The Hague Institute of*

Security and Global Affairs/Leiden University. In 2017, a report was published on the *'Mental Health and the Foreign Fighter Phenomenon: A Case Study from the Netherlands'*, by Asser researchers Dr. Christophe Paulussen and Prof. Dr. Janne E. Nijman. The report explores the suggested link between radicalisation, the foreign fighter phenomenon, terrorism and mental health problem in the Netherlands.

Centre for the Law of EU External Relations (CLEER)

CLEER, hosted by the Asser Institute, aims at providing the tools to understand the multi-faced and intra-disciplinary reality of the law and policy of EU external action. CLEER is a unique repository of legal expertise bridging practitioners with academia, and merging practice with theory. As a network, CLEER is an academic platform for research coordination and cooperation between its members in view of joint events, joint publications, and funding opportunities. In 2017, CLEER organised a seminar on the *'Refugee crisis and EU cooperation with Mediterranean States'*, in which it explored the refugee crisis and in particular the EU's legal channels for collaboration with southern Mediterranean States (Turkey, Morocco and Libya). The focus was on assessing the practice followed and the legal and institutional cooperation strategies established so as to detect the implications for the EU external borders (policy).

Netherlands Network for Human Rights Research (NNHRR)

In the autumn of 2017, the NNHRR was

launched. The Asser Institute is one of its initiators and is entrusted with its coordination and administration. The NNHRR associates junior and senior human rights researchers in the Netherlands and aims to connect human rights research and practice. A continuation of the long-existing *Netherlands School of Human Rights Research*, the network unfolds a new chapter for human rights research in The Netherlands. The coordinator is Dr. Marta Bo, a researcher at the Asser Institute.

Bringing together The Hague and Geneva: two key cities in international law

In 2017, the Asser Institute further forged relationships between Geneva-based institutes and similar institutions in The Hague. For example, the Asser Institute worked on maintaining excellent relations with the *Geneva Academy of International Humanitarian Law and Human Rights*, the *International Committee of the Red Cross (ICRC)*, and the *Antonio Cassese Initiative for Justice, Peace and Humanity*. It is Asser's ambition to continue working on building bridges between the international criminal law community in The Hague and the international humanitarian law community in Geneva.

Le Club de Droit International

In 2017, the Asser Institute successfully collaborated with *Le Club de Droit International* (a network of diplomats in charge of legal affairs in The Hague) on a series of seminars focusing on the fight against climate change in international and European law. High-level speakers, with practical or academic expertise in the field of climate change law, were invited to discuss the existing legal framework and the challenges ahead, under Chatham House Rules. The first meeting took place at the Asser Institute



@ Wikipedia – The International Criminal Court (ICC) in The Hague. It is Asser's ambition to build bridges between the international criminal law community in The Hague and the international law community in Geneva.

on 30 March 2017. The speaker was Mr Marcel Beukeboom, *Climate Envoy of the Kingdom of The Netherlands*, who spoke on 'The functioning of the Paris Agreement and its implementation in The Netherlands'. A second meeting took place on 23 June 2017 with Mr Jakob Werksman, Principal Adviser of the *Directorate-General for Climate Action of the European Commission*, whose talk focused on 'The Role of the European Union in the adoption and implementation of the Paris Agreement'.



Education & knowledge dissemination 2017

The T.M.C. Asser Instituut is experienced in identifying needs and subsequently designing and organising (tailor-made) effective training programmes, conferences, seminars, workshops, meetings and other academic and/or educational events. For our education and events, we collaborate with other stakeholders and practitioners in The Hague as well as further afield.

In 2017, the institute organised more than fifty lectures and events in The Hague, mostly at the premises of the Asser Institute. These events attracted (young) students and academics from around the globe, as well as lawyers, diplomats, and legal advisors working at the various international courts, tribunals, organisations and embassies in The Hague and beyond. Highlights for 2017 are:

Summer schools

- **International Criminal Law & International Legal and Comparative Approaches to Counter-Terrorism – 29 May-22 June 2017**

The 11th Annual Summer Law Programme provided an overview of the fundamental features of international criminal law and how these crimes are adjudicated before the *International Criminal Court*, ad-hoc tribunals

or national courts. It also examined which preventive and repressive measures are being adopted to counter terrorism and violent extremism. The programme is the product of a unique collaboration between the *War Crimes Research Office of American University's Washington College of Law* and the Asser Institute.

- **The Law and Practice of International Dispute Settlement – 10-14 July 2017**

This training explored pressing and perennial issues in international adjudication and dispute settlement, from the combined perspectives of practice and public interests.



The law and practice of international dispute settlement, a summer school organised in cooperation with ACIL.

It examined how processes of dispute settlement are structured, and how different mechanisms of dispute settlement compare. It also addressed the practical constraints that lawyers and judges encounter at all levels of the international adjudicatory process, as well as the practice of international courts and tribunals. The programme was organised in cooperation with the *Amsterdam Center for International Law of the University of Amsterdam*.

- **Countering Terrorism: Legal Challenges and Dilemmas – 28 August-1 September 2017**

This 7th Advanced summer programme provided participants with key insights into the current issues surrounding counter-terrorism from a legal perspective, together with state-of-the-art tools to respond to terrorism. The summer programme was organised in cooperation with the *International Centre for Counter-Terrorism, The Hague*.

- **Disarmament and Non-Proliferation of Weapons of Mass Destruction in a Changing World – 4-8 September 2017**

The 8th annual summer programme provided an integral and comprehensive overview of weapons of mass destruction (WMD) starting with a historical overview of arms control concepts and approaches. It considered the role of WMD disarmament and non-proliferation in the context of international law, security policies and geopolitical considerations. The programme was organised in cooperation with the *Organisation for the Prohibition of Chemical Weapons (OPCW)*.

Training and education (selection)

- **Francophone training courses in International and Transnational Criminal Law**

In 2017, the Asser Institute started organising training courses in international and



Francophone training in international and transnational criminal law for judges and prosecutors, organized in cooperation with the Antonio Cassese Initiative.

transnational criminal law, in close cooperation with the *Antonio Cassese Initiative*. The courses are developed for judges and prosecutors to strengthen their capacity to prosecute and try international and transnational crimes, and to enhance their ability to protect human rights. The first training is planned in February 2018, for judges and prosecutors from Francophone African countries. This marks the beginning of increased cooperation between the two institutions. The ultimate aim is to set up a permanent training centre for judges and prosecutors in The Hague.

- **Shiraka training programme Administration of Justice**

For a period of four years (2015-2018) the T.M.C. Asser Instituut organises a training course on 'Administration of Justice', as part of the *Shiraka Programme*, developed by the *Netherlands Ministry of Foreign Affairs* to support sustainable democratic transition in the Middle East and North Africa (MENA) region. The training course brings together

judges, prosecutors and civil servants working in the justice sector in the countries of the MENA region. The course aims to deepen legal knowledge and skills and to equip participants to lead and inspire the modernisation of judiciary and prosecution services in their home countries. The course also aims at strengthening the participants' ties with the Netherlands and the Dutch government, in particular between members of the judiciary and their counterparts in the target countries. In 2017 participants came from Algeria, Bahrain, Egypt, Iraq, Iran, Yemen, Jordan, Kuwait, Libya, Lebanon, Morocco, Mauritania, Oman, Palestinian Territories, Qatar, Saudi Arabia, Sudan, Tunisia and the United Arab Emirates.

Selected lectures and events 2017

- **The International Law of Peacetime Cyber Operations – The Hague Launch of the Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations – 13 February 2017**

In February 2017, this event celebrated the launch of the '*Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*'. The Tallinn Manual 2.0 is a comprehensive interpretation of public international law in the cyber context, including the law of state responsibility and international human rights law, and represents the consensus of the *International Group of Experts (IGE)*. The event was opened by Prof. Ernst Hirsch Ballin (Asser Institute) and Sven Sakkov (Director, *NATO Cooperative Cyber Defence Centre of Excellence (NATO CCD COE)*). A keynote speech was delivered by Bert Koenders, the Dutch Minister of Foreign Affairs. The event was organised together with the *Dutch Ministry of Foreign Affairs* and *NATO CCD COE*. The event took place at the Spaansche Hof, The Hague.



Judges, prosecutors and civil servants participate in the Administration of Justice programme, organized by the Asser Institute as part of the Shiraka programme of the Netherlands Ministry of Foreign Affairs.

- **Refugee crisis and EU cooperation with Mediterranean States – 27 June 2017**

The seminar explored the refugee crisis and in particular the EU's legal channels for collaboration with southern Mediterranean States (Turkey, Morocco and Libya). The focus was on assessing the practice followed and the legal and institutional cooperation strategies established so as to detect the implications for the EU external borders (policy). Speakers included: Prof. Alejandro Del Valle Galvez (*University of Cadiz, CLEER Visiting Fellow*), Dr. Claudio Matera (Assistant Professor, Chair of International and European Law and Governance, University of Twente) and Dr. Tamara Takacs (Asser Institute). This seminar was an event organised by CLEER.

- **Doing Business Right Roundtable: Supply chain regulation in the garment industry. International and national multi-stakeholder initiatives for Doing Business Right – 29 June 2017**

This roundtable was the launch of the new

Doing Business *Right* project at the Asser Institute. Discussions focused on the evolution of regulatory efforts to curtail human rights violations in global supply chains. Speakers included Mariëlle van der Linden (CSR Unit of the Dutch Ministry of Foreign Affairs), Lodewijk de Waal (Chairman of the National Contact Point of OECD Guidelines), Sibbe Krol (IDH – The Sustainable Trade Initiative) and Jeroen van Dijken (Vereniging van Grootwinkelbedrijven in Textiel). Roel Nieuwenkamp (Chair of OECD Working Party on Responsible Business Conduct) submitted a video. The event was opened by Dr. Antoine Duval (Asser Institute). A keynote presentation was delivered by Judith Sargentini (Member of the European Parliament for GroenLinks) on 'Corporate due diligence in the garment industry. Which role for the European Union?'

● **International Courts in World Society: Too strong and not strong enough? – 10 July 2017**

This public roundtable was organised as part of the summer school on 'The Law and Practice of International Dispute Settlement'. Speakers were: Prof. Dr. Laurence Boisson de Chazournes (University of Geneva), Prof. Dr. Armin von Bogdandy (Max Planck Institute for International Law), Prof. Dr. Hélène Ruiz Fabri (Max Planck Institute for Procedural Law). Dr. Ingo Venzke (UvA) was the moderator. The event was organised in cooperation with the Amsterdam Center for International law, University of Amsterdam.

● **Sixth Annual PhD Day of the IHCL Platform – 26 June 2017**

The International Humanitarian and Criminal Law (IHCL) Platform organised its sixth annual PhD Day at the Asser Instituut, where PhD researchers on international humanitarian law and international criminal law presented their research and received

feedback. The IHCL Platform was established in 2010 and is coordinated by the Asser Institute. Its objective is to establish an academic network fostering research in the area of international humanitarian law and international criminal law, providing an academic platform for discussion of relevant contemporary issues and legal questions for which there is, as yet, no fixed jurisprudential position. Part of the IHCL Platform are the University of Amsterdam, in particular, the Amsterdam Center for International Law), VU University Amsterdam, Leiden University (in particular the Grotius Centre for International Legal Studies), the University of Groningen, the Netherlands Defence Academy, Tilburg University, Maastricht University, and the Institute for International Law of KU Leuven. The coordinator of the IHCL Platform is Christophe Paulussen (Asser Institute).

● **Top Lebanese Law Students Visit the Asser Institute – 30 August 2017**

Eighteen top Lebanese law students have visited the Asser Institute as part of the Lebanon Lectures (2016-2017) for an open panel discussion. The panel consisted of Judge Ivana Hrdličková, President of the Special Tribunal for Lebanon (STL), Judge David Baragwanath, former President and currently Appeals Judge of the STL, Marjolein Cupido, Assistant Professor Criminal Law at Vrije Universiteit Amsterdam, and Christophe Paulussen (Asser Institute). Topics included the Lebanon Programme itself and what it has brought the students, the STL and the way it is perceived by the public and the media in Lebanon, as well as the nature of international (criminal) law more generally. Janne Nijman (Asser Institute) moderated the discussion between the students and a panel of experts.

- **The Century of Benjamin Ferencz: In Pursuit of International Criminal Justice – 15 May 2017**

Lecture provided by Benjamin Ferencz, the last Nuremberg war crimes prosecutor still alive today, who has devoted his life to trying to deter illegal war by holding responsible leaders of (international) crimes to account in national or international courts. After having served as a US combat soldier in the Second World War, Mr. Ferencz was recruited for the Nuremberg war crimes trials and became the Chief Prosecutor for the United States in The Einsatzgruppen Case. In his lecture, drawn from this own personal experiences, and being a supporter of the *International Criminal Court*, Mr. Ferencz made a strong plea for international law and global peace. The event was organised in cooperation with the International Humanitarian and Criminal Law Platform.



Benjamin Ferencz, the last Nuremberg war crimes prosecutor still alive today, made a strong plea for international law and global peace in his lecture 'In Pursuit of International Criminal Justice' at the Asser Institute in May 2017.

- **Victim Participation in International Criminal Justice: Practitioners' Guide – 12 September 2017**

Launch of the book '*Victim Participation in International Criminal Justice: Practitioners' Guide*', a guide to the law and practice of victims' roles before the *International Criminal Court*, the *Extraordinary Chambers in the Courts of Cambodia* and the *Special Tribunal for Lebanon*. The book focuses on the provisions relevant to victim participation at these courts and the case law interpreting and applying those provisions. Speakers were: Dr. Kinga Tibori-Szabó (*Kosovo Specialist Chambers*), and Megan Hirst (*Doughty Street Chambers in London*), the editors of the book. A keynote was given by Judge Ivana Hrdličková (*President of the Special Tribunal for Lebanon*). The event was opened by Dr. Christophe Paulussen (Asser Institute). It was organised in cooperation with the International Humanitarian and Criminal Law Platform and T.M.C. Asser Press.

- **Humanitarian Action in the Middle East: the ICRC's Work and Mandate in the Field – 7 September 2017**

Lecture given by Yves Daccord (Director-General of the *International Committee of the Red Cross*) on humanitarian action in the Middle East, drawn from his experience with the ICRC and the contexts in Syria, Yemen and Iraq. He addressed issues such as access to victims as well as civilians' access to essential services (and how their rights to these services are ensured), the dangers humanitarians face in their day-to-day work, warfare in cities, and the impact of protracted armed conflict. Dr. Robert Heinsch (*Leiden University*) provided an introduction to the legal framework of the ICRC-mandate with a special focus on humanitarian access. This event took place at Humanity House, The Hague.

ICJ lectures

A new series of lectures and seminars about the *International Court of Justice* on topics relevant to the mission and work of the ICJ.

- **All Rise: Journeys to a Just World – 31 October 2017**

This event entailed a screening of the movie 'All Rise', a movie depicting the efforts of seven passionate law students competing in the Philip C. Jessup International Law Moot Court Competition. It was followed by a questions and answers session with Her Excellency ICJ Judge Julia Sebutinde (*International Court of Justice*), moderated by Dr. Olivier Ribbelink (Asser Institute). The event was a great opportunity for advanced international law students in the Netherlands to learn more about International Law Moot Courts. It was organised in cooperation with the Municipality of The Hague.

Other lectures

- **Tragic Perpetrators and Imperfect Victims – 4 October 2017**

This lecture was provided by Prof. Mark Drumbl (*Washington and Lee University School of Law*), who addressed the relationship between and roles of victims and perpetrators. Drawing from examples of child soldiers and Kapos in the Nazi concentration camps, this presentation unwrapped the victim-perpetrator as presented in multiple venues: criminal prosecutions, civil trials, communal courts, literature, and film. The speaker is known for his book '*Reimagining Child Soldiers in International Law and Policy*', which challenged much of conventional wisdom when it comes to preventing child soldiering, meaningfully reintegrating child soldiers, and engaging with former child soldiers as vibrant contributors to post-conflict reconciliation. Chair of the event was Dr. Sofia Stolk (Asser Institute), Prof. Kevin

Jon Heller (UvA) was the discussant. This lecture was organised in cooperation with the *Amsterdam Center for International law, University of Amsterdam*.

- **Le Club de Droit International Lectures**

Le Club de Droit International Series is a lecture series, organised by the Asser Institute in cooperation with *Le Club de Droit International*, focusing on climate change law within international and European law. High-level speakers, with practical or academic expertise in the field of climate change law, are invited to discuss, under Chatham House Rule, the existing legal framework and the challenges ahead.

- **Climate Change in International and European Law – 30 March 2017**

At this first High-Level International Law Seminar, Marcel Beukeboom (Climate Envoy of the Kingdom of The Netherlands) was invited to speak on '*The functioning of the Paris Agreement and its Implementation in The Netherlands*'.

- **CLEER Presidency Lectures**

CLEER, coordinated by the Asser Institute, offers a platform for discussion and activities to connect those interested in the EU's actions on the global plane. A special lecture series focuses on the role of the incumbent presidencies in coordination and leadership in regional and global issues.

- **The experience of the Slovak Presidency of the EU Council in the field of external relations – 21 March 2017**

In cooperation with the *Embassy of the Slovak Republic to the Kingdom of the Netherlands*, a presentation was given by H.E. Mr Roman Bužek, Ambassador of the Slovak Republic in the Netherlands. The respondent speaker was Dr. Claudio Matera, Assistant Professor, Chair of *International and European Law and Governance*, *University of Twente*. The lecture was moderated by Tamara Takacs (Asser Institute).



Annual T.M.C. Asser Lecture

The Annual T.M.C. Asser Lecture, one of the Institute's flagship events, was established in honour of the Dutch jurist and Nobel Peace Prize Laureate, Tobias Michael Carel Asser, and his significant contributions to the development of public and private international law. The Annual Lecture has established itself as a go-to event for the national and international legal community in the Netherlands.

On 30 November 2017, Professor Saskia Sassen delivered the Third Annual T.M.C. Asser Lecture entitled '*When the law cannot recognise extreme injustice even if it affects millions*'. Her lecture focused on global migration flows, seen through the lens of 'extractive logics'. According to Professor Sassen, these extractive logics are evident in natural

resource sectors such as mining and forestry, but also in tech corporations. They are the cause of an emerging 'third type of migrant', namely migrants and refugees which do not fit within existing categories, migrants and refugees that are expelled from their habitat because of economic development. Professor Sassen called for legal frameworks to be adapted so these 'hidden', systemic roots of migration can be addressed.

Professor Sassen is Professor of Sociology at *Columbia University* and Visiting Professor at the *London School of Economics*, and one of the world's most prominent scholars on global cities (including cities and terrorism), migration, digital technologies and society, and the implications of economic globalisation for nation-states and international law.

Communications

Website (www.asser.nl)

- 105,241 visitors
 - > average 8770 visitors per month
- 469,724 page views
 - > average 39,143 page views per month

Twitter (@TMCAsser)

- 4098 followers
 - > up 939 (from 3159 – estimated)
 - > up 29.7%
- Tweet with the highest engagement



Facebook (TMCAsser)

- 3433 followers
 - > up 749 (from 2684)
 - > up 29.9%

LinkedIn (T.M.C. Asser Instituut)

- 1932

Asser in the media (2017)

- *Ik weiger een andere baan dan mensen-rechtenadvocaat*, interview with T.M.C. Asser Instituut Shelter City Fellow, Trouw (3 December 2017).
- *'Kijk, ze willen je niet eens terug'*, interview with Dr Christophe Paulussen, De Groene (4 October 2017).
- *Globalisering vraagt om sterkere internationale samenwerking*, OP-ED by Prof. Dr Janne Nijman, Trouw (2 May 2017).
- *Peace and Justice*, interview with Dr Christophe Paulussen about career possibilities in the field of peace and justice on Be Hague, a platform of The Hague Municipality.

T.M.C. Asser Press



The Institute's publishing house T.M.C. Asser Press, promotes and disseminates some of the best legal thinking in the fields of international and European Law from across the world. Asser Press, together with members of the Law Faculties of Dutch and foreign universities and staff members of international organisations in The Hague and abroad, offers a platform for academic cooperation through the publication of books, e-books and journals. The Asser Press English book titles are distributed by our publishing partner SpringerNature and available worldwide via SpringerLink.

The books are published in three formats; as hard- and softcovers, and as e-books. Through their availability via thousands of universities and libraries, Asser Press ensures a wide international distribution, visibility and readership. Information on the books can be found in *Bookmetrix*, a

comprehensive web-based overview of the reach, usage and readership of the book or chapter that provides various book-level and chapter-level metrics in one location.

Asser Press performed well in 2017, publishing twenty-seven new book titles and five journals numbering a total of fourteen issues. Deserving special mention:

- In the *International Criminal Justice Series*, a platform for publications covering the field of international criminal justice, seven new volumes were published. The book launch at the T.M.C. Asser Instituut of *Victim Participation in International Criminal Justice*, edited by Kinga Tibori-Szabó and Megan Hirst, drew a great deal of interest.
- The general theme of Volume 19 of the *Yearbook of International Humanitarian Law* is 'armed groups' and the challenges arising from the participation of such groups

in contemporary armed conflicts, while Volume 47 of the *Netherlands Yearbook of International Law* focusses on 'The Changing Nature of Territoriality in International Law'.

- A new edition of *Elementary International Law*, the selected course material used by a large number of Dutch universities, containing international law, treaties and case law, was published in 2017. As before, the editing was performed by the Asser Institute in close cooperation with the Dutch Law Faculties.

- In cooperation with the *Netherlands Red Cross*, a revised edition of the textbook on Humanitarian Law (*Inleidende Humanitaire Oorlogsrecht*) was published and presented on the occasion of the 150th anniversary of the Netherlands Red Cross.

Furthermore

- The *European Business Organization Law Review* published a special issue: 'The Banking Union in Action' (EBOR, vol. 18,

issue 3, 2017). The impact factor of the journal went up from 0.222 to 0.773.

- The *Netherlands International Law Review* was selected for the *Emerging Sources Citation Index* (ESCI), a new indexing database within *Clarivate Analytics* (formerly *Thomson Reuters*).

- The *Hague Journal on the Rule of Law* published the special issue 'History of the Rule of Law' (HJRL, vol. 9, issue 2, 2017). The impact factor of the journal went up from 0.286 to 0.577.

- Articles to be published in Asser Press journals are made available on *SpringerLink* as soon as they are finalised ('Online First') thereby immediately disseminating the latest research.

- A detailed list containing all T.M.C. Asser Press publications that appeared in 2017 can be found in Annex 2.

Financial overview

The T.M.C. Asser Instituut is partially funded by public resources. In 2017, the core funding by the University of Amsterdam accounted for 37% of the total revenues. The additional 63% was generated through externally funded activities for national and international stakeholders, such as the *Dutch Ministry of Foreign Affairs* (tendered projects, trainings and conferences), the *European Commission* (tendered projects and grants), the *US Department of State* (management of the Administrative Unit of the Global Counterterrorism Forum), the *Hague Municipality* (facilitating lectures and research programmes) and the *Gieskes Strijbis Fonds* (research projects).

A summary of the Institute's financial statement 2017 is presented in the table below. The external auditor (*Dubois & co*) has given an unqualified opinion on the financial statement.

In 2017 the financial result was € 299.000 negative. This result was strongly affected by three one-time costs items:

- depreciation of the building (€ 308.000);
- severance arrangements (€ 400.000);
- incidental profits of € 72.000.

The adjusted result before extraordinary items was € 306.000 positive, a continuation of the positive operational results in the past years. The institute's equity totalled € 2.676.000 at the end of the year, which is 45% of the total revenues in 2017 and 52% of the balance sheet total. This shows healthy financial solvency.

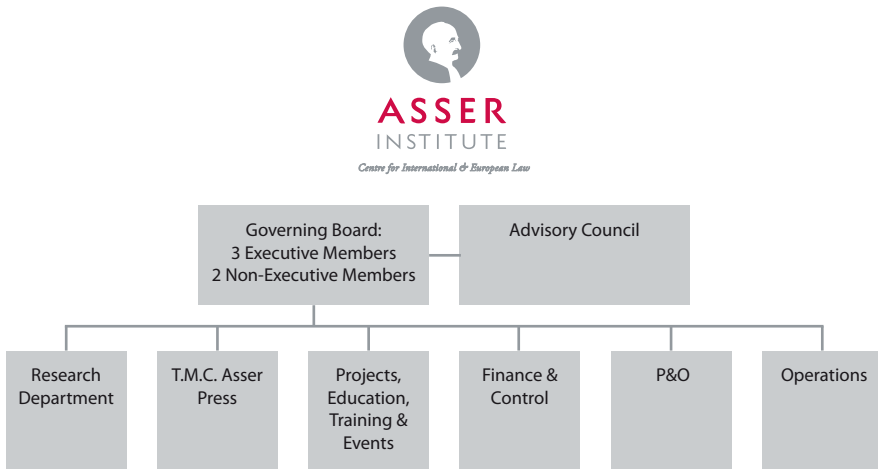
	2017	2016
Revenues		
Core funding	2.163	2.163
Additional income	3.734	3.368
Total revenues	5.897	5.531
Direct costs of commissioned projects	-2.448	-1.958
Gross margin	3.449	3.573
Expenses		
Personnel costs	2.815	2.620
Material costs	964	654
Total expenses	3.779	3.274
Result	-330	299
Added to designated reserve	-308	200
Added to general reserve	-22	99
Total equity		
On 1 January	3.006	2.707
On 31 December	2.676	3.006

* All amounts in Euro's x 1.000

Governance

The T.M.C. Asser Instituut is a foundation established in 1965 as an interuniversity institute for international law in The Hague. It has a modern governance structure. *The University of Amsterdam* (UvA) is the governing body, and the Dean of the Law Faculty is its mandated regulator, responsible for mediating the institute's affairs with the Executive Board of the UvA. Since 1 January 2017 all advising and administrative Human Resources tasks have been transferred to the UvA.

The T.M.C. Asser Instituut has a one-tier board, comprising three executive members and two non-executive members. At the end of 2017, the executive members were Prof. Ernst Hirsch Ballin (President of the Board), Prof. Janne Nijman (Academic Director) and Gert Grift MSc (Managing Director). The non-executive members were Prof. André Nollkaemper (Dean, Faculty of Law, *University of Amsterdam*) and Prof. Suzan Stoter (Dean, Erasmus School of Law). The board is responsible for the governance and overall management of the institute.



Staff

On 31 December 2017, a total of forty-nine persons were employed by the T.M.C. Asser Instituut, including temporary and project related staff. In addition, in 2017, the institute accommodated six visiting researchers and nineteen interns for various periods.

	Fte
Directors	1,8
Resesarchers	11,2
PhD's	5,0
Commissioned Projects	4,3
PR & Communication	2,7
Operations & Special Projects	4,0
Financial Administration	1,0
Secretariat of the Board	1,4
T.M.C. Asser Press	2,7
CCTF Admin Unit	5,5
Total	39,6
Visiting Research Fellows*	6
Interns*	19

* These figures represent the total number for the entire year

Stakeholder universities

The T.M.C. Asser Instituut is an inter-university institute and closely works with the Law faculties of its stakeholder universities:





ASSER INSTITUTE

Centre for International & European Law



Visiting address:

R.J. Schimmelpennincklaan 20-22
2517 JN Den Haag

Postal address:

P.O. box 30461
2500 GL Den Haag

T +31 (0)70 342 03 00

F +31 (0)70 342 03 59

E info@asser.nl

www.asser.nl

 [@TMCAsser](https://twitter.com/TMCAsser)