

# ASSER INSTITUTE



*Centre for International & European Law*



# Annual report 2019

# Table of contents



14

Foreword  
"Aiming to support  
the rule of law" 4

About the T.M.C. Asser Instituut 6

Academic director's report  
"The international legal order could  
bring about value-based change" 7

Research strand 14  
**Human dignity & human security in  
international and European law**  
"There is a disconcerting trend  
in which human rights are increasingly  
sacrificed on the altar of security"

Research strand 20  
**Advancing public interests in  
international and European law**  
"Exploring the ways in which law  
can help secure public interests" 21

Research strand 26  
**Dispute settlement and adjudication  
in international and European law**  
"2019 saw wide-spread action against  
international economic law" 27

Research news (selection) 32

Cooperation & inter-university  
activities 38



20



26

Cover  
The newly renovated  
building of the T.M.C. Asser  
Instituut in The Hague, City  
of Peace and Justice.



A global network	42
Education & capacity building (selection)	44
Public events 2019 (selection)	49
Communications	53
T.M.C. Asser Press	56
Financial overview	58
Organisation & governance	59



# “Aiming to support the rule of law”

## Foreword

“At the T.M.C. Asser Instituut, in 2019, we received the sad news that the founder and former director of the T.M.C. Asser Instituut, Dr C.C.A. (Bert) Voskuil, passed away on 29 April. Voskuil was the first director of the institute since its establishment in 1965 and would remain so until his retirement in 1994. During this period Voskuil built an impressive oeuvre of articles and books in the field of private international law. In 1994, when he retired, Voskuil was presented the Asser Medal of Honour for his academic achievements, especially in international private law, as well as for guiding the Asser Institute into a mature organisation for cooperation between universities in the area of international and European law. Senior Asser researcher Vesna Lazić wrote an ‘In Memoriam Bert Voskuil (1929-2019)’, for the journal *Nederlands Internationaal privaatrecht* (NIPR). We will remember Bert Voskuil.

As you will read in this Annual Report, 2019 was a successful year for the T.M.C. Asser Instituut, in which we had plenty of reasons to celebrate. We celebrated the official re-opening of our building in The Hague after two intensive years of eco-friendly and sustainable renovations, by welcoming neighbours, friends and staff to take part in a festive afternoon. Pauline Krikke, then mayor of The Hague, officially opened the building by cutting a symbolic ribbon. Also present was Saskia Bruines, deputy mayor and The Hague's alderman for education, knowledge economy and international

affairs. We thank our guests and the *Municipality of The Hague* for their attendance and kind words at this special occasion.

Another festive event was a book launch and mini-symposium in the Peace Palace, in August 2019, where we, together with the *Institut de Droit International* (IDI) and the *Royal Netherlands Society of International Law* (KNVIR), commemorated the life and work of Tobias Asser, the name giver of our institute, and the only Dutch person to ever win a Nobel Peace Prize. Arthur Eyffinger, author of the biography *T.M.C. Asser (1838-1913) 'In Quest of Liberty, Justice, and Peace'*, presented the first copy to Prof. Daan Asser, great-grandson of Tobias Asser. Janne Nijman, academic director of the Asser Institute, was one of the speakers at the mini-symposium.

The biography, published in 2019 by *Brill*, is the first major, in-depth study of the life and work of Tobias Asser, an expert in private international law, and active in many fields of international law and the peaceful settlement of international conflicts. In his book, Eyffinger traces the life of a public intellectual and the broader history of ideas during the first decennium of the 20<sup>th</sup> century, the period when Asser lived and worked. During Asser's life, tensions and the threat of war were looming over Europe, but Asser chose to focus on maintaining sensible and peaceful relations between nations and their governments. He was a keen supporter of international law and multilateral



conventions. For Asser, law was a social institution that served primarily to cultivate trust, so that global trade and economic and international relations could flourish. A descendant from a Jewish family, Asser was appointed professor at the *University of Amsterdam* at an exceptionally young age, and would earn international recognition as a leading figure in promoting peace and justice.

### Rising tensions

Asser's life and work might help us relate to the dilemmas of our own time, as we too live in times of rising tensions, with global popular protests and a global democracy in retreat. The first *European Yearbook of Constitutional Law* (EYCL), published in 2019 by T.M.C. Asser Press and *Springer Publishers*, had the theme '*Judicial Power: Safeguards and Limits in a Democratic Society*', and the authors describe the heightened political criticism and pressure on the judiciary that we today see in countries worldwide, against which the usual guarantees for independence no longer seem to provide adequate protection. Even within the European Union, a chilling mistrust these days is part of everyday life for many judges.

Increasing criticism of the institutions in which global issues have been addressed since World War II, and changing geopolitical relations are forcing us to rethink the existing order. With our research and

the dissemination of knowledge, the Asser Institute aims to support the rule of law at the local, national and international level. In October 2019, for instance, during 'Hollands Spoor', a series of debates from the *Netherlands Scientific Council for Government Policy* (WRR), Asser academic director and member of the board Janne Nijman outlined how international law is a framework within which interests and values are weighed and applied. Which do we give priority? How can we protect human dignity, honour social justice, and promote sustainability? Janne Nijman described how, in the past decades, the current order has been at the service of a neoliberal global economy, and how social justice has been neglected and weakened by international law. Fortunately, the international legal order still contains many ideals, and it can bring these into effect to change things. According to Janne Nijman a value-driven foreign policy would allow for change within and through existing institutions and rules, and may point to the development of new ones.

I would like to thank everybody who has contributed to our success in 2019. We are very grateful to the staff of T.M.C. Asser Instituut, to our partner organisations and to all the eminent scholars, legal experts and policy makers who joined us for fruitful research collaborations, discussions, teaching and our public events."

The Hague, October 2019

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

# About the 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 an 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 and academic profile while also sharpening 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 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).



# “The international legal order could bring about value-based change”

## Academic director's report

“A hundred years ago, in 1919, international law was (re)built after the devastating effects of the First World War and the end of four empires. On the fragments of the old European political structures, the League of Nations was established. International law scholarship of the next few years was vibrant, full of new ideas and optimism about a new international legal order.

Many of today's multilateral structures date back to these early years of the 20<sup>th</sup> century, when lawyer Tobias Asser – our Institute's name-giver – ceaselessly worked to solve international disputes, irrespective of whether these were between countries, organisations, businesses or people. In Europe, this spirit of optimism and renewal would, however, soon be eclipsed by nationalism, democratic decay and another war. Beyond Europe, the old colonial structures remained.

Today's world is politically, economically and technologically far more complex than when the institutional pillars of the current order were established. In 2019, geopolitical rivalry, paired with strong social movements turning against globalisation, evoked questions about the legitimacy and relevance of international law and institutions. Our multilateral system with its long pedigree came under increasing pressure.

In international and European legal scholarship, the rise of populism, for instance, and its often-cited ‘backlash’ against globalisation and global governance, is often understood as a backlash against economic globalisation or cultural globalisation, or a mixture of the two. In ‘Populism and International Law’, this year's issue of the *Netherlands Yearbook of International Law* (NYIL) examined how populism around the globe is connected to a wide variety of political programmes, and that its relationship

with international law and institutions differs likewise. Populism is not against international law per se, as social movements around the world frequently appeal to the need to protect sovereignty, self-determination or individual human rights, or by actively promoting international treaties and different forms of transnational cooperation. What we are witnessing today may be a push for a broader and more inclusive system of global governance, in which new actors and problems will be addressed.

Fortunately, as I have often said, the international legal order still contains many values, and it can bring these into effect to change things, within existing institutions and rules, or with new ones.

Addressing fundamental injustices in our current global order was the theme of the 5th Asser Annual Lecture by renowned international law scholar Prof. Anne Orford (*University of Melbourne*) in November 2019. In her lecture, at a packed Peace Palace in The Hague, Orford put the social question back on the table of international lawyers. She called for international treaties to be more social, democratic and sustainable, so that they serve not only the interests of companies, but also those of citizens and governments. Asser researchers had the opportunity to interview Orford for international law blog *OpinioJuris*, on 'the material roots of populism and the potential for a progressive politics of international law'. Orford too remains optimistic and considers these times as an opportunity to reform international law. > Read more on page 49.

### Democratic backsliding

In 2019, with EU-skepticism looming, the elections for the *European Parliament* brought positive news with the highest voter turnout in twenty years, a tempering of

“ What we are witnessing today may be a push for a broader and more inclusive system of global governance, in which new actors and problems will be addressed.

the EU skepticism, and the election of the first female EU president, Ursula von der Leyen. However, the British are still keen to continue with Brexit, and we see democratic backsliding in Hungary and Poland, and to a lesser extent in Romania, where the independence of the judiciary, the media and civil society erode the democratic values that the EU was founded upon. The EU's challenges are not bound to the political realm, but also encompass legal complexities. The EU has seen the rise of autonomy as a 'structural principle of EU external relations', which complicates the tension at the heart of the EU's identity: to what extent can the principle of autonomy be reconciled with the EU's constitutional commitment to respect international law?

### Global Europe

Unlike most international organisations, internal law-making within the EU is considered relatively transparent and open, in terms of legislative procedure. But when it comes to its external practices and relations, that seems less to be the case, thinks Elaine Fahey (*City University London*), who presented on this discrepancy during the launch

of our research project 'Global Europe', led by Asser researchers Eva Kassoti and Narin Idriz. This project – which already featured many full-house public events at the Asser Institute in 2019 – ultimately deals with questions of trust pertaining to the EU as a global legal actor.

The EU's external efforts are complicated by the shifting geopolitical balance of power, by climate change and increasing migration flows, by new technologies, escalating trade disputes and the rise of protectionism and state-led economies such as China. Against this backdrop of increasingly complex relations between the EU and China, we had the chance to discuss the European and Chinese traditions of thought on a peaceful world order, at the conference 'A Human Community with a Shared Future: Roots of a New Global Legal Order in European and Chinese Civilization' that Anthony Carty (*University of Hong Kong*) and I co-organised in Beijing. The conference traced the history of (ethical) world order concepts in Chinese and European thought, the foundational notions of trust and distrust in international law and order and the intersections between Europe and China in legal thinking.

### Responsible innovation

"Technology is not created in a vacuum; it is a choice to decide what technology we develop and how we develop it. Artificial Intelligence (AI) is advancing fast and policy makers who are concerned with responsible innovation need to catch up and take ownership of the topic, to make sure that technologies are developed in accordance with the rule of law and human rights", dixit Asser senior researcher Berenice Boutin, in an interview upon learning she won a large research grant from the *Dutch Research Council (NWO)* for the research

project *Agency and Compliance by Design in Military AI Technologies*. Earlier in the year, Asser researcher Geoff Gordon received seed funding from the Research Priority Area (RPA) Human(e) AI at the UvA for an innovative and interdisciplinary proposal to map values in AI.

Highlighting the relevance and quality of the research at the Asser Institute, these grants are a reward for the focus that Asser researchers have put into various new projects in the sphere of 'law and tech' in 2019, the year which also saw the second edition of our state-of-the-art winter academy on AI and international law for academics, practitioners and policymakers. It also shows the increasing need to address the significant legal, ethical and policy challenges that come with rapidly developing technologies such as AI and big data. In the Asser strategic research agenda, called 'International and European law as a source of trust', we

“As a knowledge institute based in The Hague, where on a daily basis, international and European law is developed, contested and discussed, it is our task to explore the ways new technologies are challenging existing laws and regulations.

describe how a 'growing hyper-connectivity', enabled by new technologies, is reshaping our lives and the way we do things. It points to the need of trustworthy governance of big data and AI.

As a knowledge institute based in The Hague where, on a daily basis, international and European law is developed, contested and discussed, it is our task to explore the ways new technologies are challenging existing laws and regulations and their underlying assumptions and effectiveness – a theme that increasingly cuts across our three research strands. These research strands are: *Human dignity and human security*, *Advancing public interests* and *Dispute settlement and adjudication*.

Starting on page 12 of this annual report, the research strand's academic coordinators, Christophe Paulussen, Antoine Duval and Geoff Gordon respectively, will update you on our academic accomplishments in 2019, and on the four researchers that joined us this year: Eva Kassoti, Chukwuma Okoli, Misha Plagis and Rebecca Mignot-Mahdavi. Eva is a senior researcher in international and EU law and the academic coordinator for the *Centre of the Law of EU External Relations* (CLEER) at the T.M.C. Asser Instituut. Chukwuma brings a special focus on private international law in the European Union, Nigeria, and Anglophone or Commonwealth Africa. Misha's research interests lie in African Union law and the *African Court on Human and Peoples' Rights*, and transnational environmental law. Rebecca's work reflects on counterterrorism and technology. We were also joined by Indian lawyer and human rights defender Dilip Chakma, a visiting researcher within the framework of 'Shelter City', a project initiated by

*Justice and Peace Netherlands* that provides temporary relocation and training to legal practitioners who fight against human rights violations in their home countries.

### **Very strong research performance**

2019 was a fruitful year for the Asser Institute. Our researchers were responsible for 86 publications, achieving a very strong research performance. We published articles in leading journals such as *AJIL Unbound*, *Common Market Law Review*, *Europe and the World: A Law Review*, *Leiden Journal of International Law*, *Journal of the History of International Law*, *Hague Journal on the Rule of Law*, *Journal of Private International Law*, and the *Journal of Conflict & Security Law*, to mention a few.

Through video-conferences and live presentations, Asser researchers further presented their work to peer groups at 81 seminars and conferences around the globe. In 2019, Asser researchers presented for instance at the *Annual ICON:S Conference* in Chile, at the *University of Miami School of Law*, in the *United Nations Headquarters* in New York, at the *ESIL Annual Conference* in Athens, at the *Harvard Institute for Global Law and Policy (IGLP) Scholars Workshop* in Thailand and upon invitation at the *United Nations Office* in Geneva.

“ Scholarly investigations (...) are contributing to fuller ways of understanding international law.



Closing panel of the 113th Annual Meeting of the American Society of International Law (ASIL) on International Law as an Instrument for Development, with: Ernst Hirsch Ballin, Ulrik Vestergaard Knudsen (OECD), Janne Nijman, Balakrishnan Rajagopal (UN Special Rapporteur) and Martijin Snoep (AFM).

Co-sponsored by the *Municipality of The Hague*, and in cooperation with the *Dutch Embassy* in Washington, we organised the closing panel of the *American Society of International Law (ASIL)*, in which we discussed the problems – such as global inequality and competition, rising protectionism and rapidly changing technology – that hinder the use of international law in promoting economic development, and what to do about it. Asser researcher León Castellanos-Jankiewicz attended ASIL's annual meeting as well to receive the inaugural David D. Caron Prize for his paper entitled 'Nationality, Alienage and Early International Rights'.

#### **'Outstanding piece of scholarly work'**

In 2019 we published five edited volumes. Asser senior researcher Ulad Belavusau, together with Kristin Henrard (Erasmus University of Rotterdam), co-edited the book 'EU Anti-Discrimination law beyond Gender' (Hart Publishing). The president of the *Court of Justice of the European Union* called it an 'outstanding piece of scholarly work'.

Strand coordinator and senior researcher Christophe Paulussen, co-edited *The Yearbook of International Humanitarian Law*, devoted to the study of the laws governing armed conflict. Vesna Lazić, together with Stuij, S (Erasmus School of Law) was the co-editor of 'Recasting the Insolvency Regulation – Improvements and Missed Opportunities', T.M.C. Asser Press (2019).

Asser researcher Sofia Stolk, together with Lianne Boer (VU University Amsterdam), published the highly original book *Backstage Practices of Transnational Law* (Routledge, 2019), which explores the 'backstage' of transnational legal practice by illuminating the routines and habits that are crucial to the field, yet rarely studied. Scholarly investigations like these are contributing to fuller ways of understanding international law and the work that international lawyers actually do. This also led us to launch the research project *Imagining Justice* in 2019. In this context we also bring together artists, lawyers and academics for hugely successful public events such as *Art and International Justice: Sounds, Design, Visuals*, which featured an art exhibition, live music, presentations, and a round table on the role of art in international justice. The main objective of this project is to explore how people working in the fields of visual art and international law can interact and stimulate each other in thinking about the contemporary dilemmas of the globalising world and to deepen our understanding of international justice.

#### **Impact**

In addition to delivering excellent research and publications, we also actively participated in online discussions with blog posts for *OpinioJuris*, *Verfassungsblog*, *Nederlandrechtsstaat.nl* and the *Conflictoflaws* blog. Asser researchers further shared

their knowledge through more than 50 well-visited public events and through our educational summer programmes and winter academies on Artificial intelligence & international law, Doing business *right*, Public interest advocacy, Disarmament and non-proliferation of weapons of mass destruction and Counterterrorism and the rule of law. Our educational programmes, co-organised with partners such as the *Organisation for the Prohibition of Chemical Weapons* (OPCW), the *International Centre for Counter-Terrorism* (ICCT, The Hague), the *War Crimes Research Office of American University's College of Law* and the *Outreach and Legacy Office of the Special Tribunal for Lebanon* attract wonderfully diverse groups of academics and practitioners, high-level experts, diplomats, policymakers, businesses and NGOs. > Read more on page 44.

In 2019, Asser researchers had plenty of (inter)national media appearances on a variety of international law topics, ranging from sports law and counterterrorism-related topics to developments at the courts and tribunals of The Hague. Our experts were asked to comment on, for instance, the Chagos Islands case – on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 – before the *International Court of Justice*, and on the Myanmar-The Gambia case – on the predicament of the Rohingya Muslims – before the same court. They further commented upon the decision of the *International Criminal Court* (ICC) to acquit former Ivory Coast president Laurent Gbagbo. > Read more on page 54.

2019 saw the continued growth of our impact, with our research finding its way into reports and policy discussions in the *United Nations* and the *UN Security Council*

*Counter-Terrorism Committee*, in the *European Commission*, in the office of the *OSCE High Commissioner on National Minorities*, the *Netherlands Ministry of Foreign Affairs*, and in organisations such as the OPCW and the *Global Counterterrorism Forum* (GCTF). The report 'A comparative research study on radical and extremist (hate) speakers in European member states', co-produced with *ICCT The Hague*, was sent to the *Dutch Parliament* by Minister of Justice and Security, Ferd Grapperhaus.

It was a great honour that Asser researchers Eva Kassoti and Antoine Duval were asked to write the 'Pre-advies' 'Living up to International Criminal Law: State of Affairs, Prospects and Mandates', for the *Royal Netherlands Society of International Law* (KNVIR). Another highlight was the appointment of Asser researcher Narin Idriz as a member of the permanent commission on *Human Rights of the Dutch Advisory Council on International Affairs* (Adviesraad internationale vraagstukken, AIV). Asser Institute president of the Board Ernst Hirsch Ballin worked on the AIV's advisory report 'Sustainable Development Goals and Human Rights: an invisible bond'.

### Law as a source of trust

The year 2019 showed the continuing relevance of the theme 'Law as a source of trust' from our strategic research agenda 2016-2020. One locus of social challenges where trust – or the looming lack of it – plays a pivotal role is the 'global city'. In 2019, Professor Yishai Blank, a pioneer in the research of cities and international law, was the keynote speaker for the opening of the conference 'Cities and international law in the Urban Age'. Later in the year, the Asser Institute co-organised the conference on the role of cities in international law at the

“2019 was a fruitful year for the Asser Institute. Our researchers were responsible for 86 publications, achieving a very strong research performance.

*Freie Universität Berlin* in Germany. At the same event, the *International Law Association* (ILA) Study Group on the ‘Role of Cities in International law’ discussed its progress in research on the changing relationship between cities, international law and governance. > Read more on page 38.

### Looking ahead

In 2020, we will continue to focus on ‘law and tech’, with the new research project *Designing International Law and Ethics into Military Artificial Intelligence* (DILEMA), gaining full steam. The research team will explore the conditions for leveraging the benefits of AI technologies in the military, while abiding by the rule of law and ethical values. We are also working on a project on new technologies used for border surveillance and international law. New research projects on technology and terrorism are lined up, as is an exploration of the topic of conflict related sexual violence, and the topic children’s rights, foreign fighters and counterterrorism. We will further work on strengthening the role of legal actors in the defense of the right to freedom of expression, in a new project funded by *The Netherlands Ministry of Foreign*

*Affairs*, in cooperation with UNESCO and *Free Press Unlimited*. Additionally, we will step up research in the field of arms control law, with a focus on weapons of mass destruction, in cooperation with the research group *Law of Armed Conflict & Military Operations* (LACMO) of the *Amsterdam Center for International Law* (ACIL).”

I hope you will enjoy reading this year’s report,

Prof. Dr Janne E. Nijman, member of the board and academic director of T.M.C. Asser Instituut



## Research strand

# Human dignity & human security in international and European law

If law cannot provide a sense of dignity and security, it falls short of cultivating trust. This research strand adopts a human rights approach to contemporary global challenges, such as international criminal justice, terrorism, artificial intelligence and memory laws.



# “There is a disconcerting trend in which human rights are increasingly sacrificed on the altar of security”

“Unfortunately terrorism is here to stay... And for our terrorism researchers, 2019 has been quite a turbulent year”, says strand coordinator Dr Christophe Paulussen, when asked to look back on a year which saw, among other things, a lot of developments in international terrorism. Paulussen: “In March, the final stronghold of *Islamic State* (IS) in Al-Baghoudz, Syria, fell. Seven months later US special forces killed IS leader Abu Bakr al-Baghdadi. Both were heavy blows to the terrorist organisation that for years has dominated the world’s headlines. IS, however, is not dead yet. Its ideology and network of affiliations and sympathisers remain very much alive, and not only in Syria and Iraq. Moreover, we saw a steep rise in right-wing extremism, culminating in the livestreamed terrorist attack at two mosques in Christchurch, New Zealand, which left 51 worshippers dead and injured dozens more. Later in the year, two major Saudi oil installations were hit by drone-strikes, for which Houthi militants claimed responsibility.”

In 2019, Asser researchers actively participated in the public debate on these and related developments, especially on the measures that states use against terrorism, with timely publications and blogs, and international media appearances. Questions posed included: How should states deal with detained IS fighters and their families



Academic coordinator Dr Christophe Paulussen.

in Syria and Iraq? What are the risks of returning and relocating foreign fighters? How can we deal with radical and extremist hate speech?

Paulussen: “We see that, whereas governments have an obligation to provide security and protect the lives of their citizens against terrorist attacks, there is a disconcerting trend in which human rights are increasingly sacrificed on the altar of security. We look at these complex issues from an international

and European legal perspective, taking a human rights approach. Our research examines what it means to safeguard human dignity – also in relation to human security.”

### Testing our research findings

Researchers at the Asser Institute combine fundamental research with policy-relevant research, to ensure that people on the ground can actually work with the knowledge produced. For example, in 2019, researchers Romyana van Ark, Ulad Belavusau, Berenice Boutin and Christophe Paulussen contributed to the ICCT/Asser report ‘A comparative research study on radical and extremist (hate) speakers in European member states’, which was sent to the Dutch Parliament by the Minister of Justice and Security, Ferd Grapperhaus.

On the use of drones by non-state actors, researcher Kilian Roithmaier was involved in the development of the *Global Counterterrorism Forum (GCTF) Berlin Memorandum on Good Practices for Countering Terrorist Use of Unmanned Aerial Systems*, which was adopted in September at the Tenth GCTF Ministerial Plenary Meeting in New York. Paulussen: “At the Institute, we call this the ‘feedback loop’: we test our research findings not only with our colleagues from the academic community, but also by valorising these with policymakers and practitioners. The more practical insights we gain from these interactions, the more it helps us to strengthen our research results and ideas.”

### Highlight: Law and technology

One of the highlights of 2019 was the highly positively reviewed first *winter academy on artificial intelligence and international law*, organised by Asser senior researcher Dr Berenice Boutin. Paulussen: “This innovative



Prof. Dr Janne Nijman, Dr León Castellanos-Jankiewicz and Prof. Dr Ernst Hirsch Ballin at the 2019 ASIL annual meeting in Washington D.C., where Castellanos-Jankiewicz received the inaugural David D. Caron Prize for his paper entitled ‘Nationality, Alienage and Early International Rights’.



Counterterrorism researcher Rebecca Mignot-Mahdavi participated in France24’s ‘The Debate’, commenting on France’s role in the Sahel and the London bridge attack.



Asser researcher Dr Marta Bo was quoted by UK newspaper *The Independent* on the decision of the ICC to acquit former Ivory Coast president Laurent Gbagbo. While the prosecution failed to convince the Court that Gbagbo

was responsible for the deaths of 3,000 people, Bo explained that the ICC’s decision should reassure the international community ‘that the ICC acts as an independent court of law and is willing to rigorously apply the cardinal principle of presumption of innocence’.

training programme is specifically designed for anyone interested in the international governance of technology. Some of the participants had a background in computer science, while others had a legal or a policy background. That is why the first sessions included lectures for people with little technical background to explain what artificial intelligence actually entails, how it is used and what the challenges are from a technological perspective. Other lectures provided a strong legal perspective to participants who have a technical background but are less familiar with legal and ethical aspects of AI. We see that a combination of these

different target groups truly benefits all participants and leads to thought-provoking questions and highly interesting debates.”

December 2019 brought further good news in the law and tech sphere, as Boutin was awarded funding from the *Dutch Research Council* (NWO) for DILEMA, a four-year research project on military AI technologies, human agency, and international legal compliance by design.




---

## Memory laws – How to remember the past?

How we remember the past is often subject to fierce debate. It is also subject to legal regulation in many parts of Europe, as so-called memory laws. With these memory laws, states shape how we remember history. They do so, for instance, with the establishment of museums, monuments and the commemoration of historical events and figures, or through the history curriculum in schools. Memory laws can have a negative effect on democracy, as they can impose limits on democratic freedoms of expression, association, the media or on scholarly research. In May 2019, Asser senior researcher Dr Ulad Belavusau and researcher León Castellanos-Jankiewicz co-organised a conference at the *Brussels School of International Studies* entitled ‘Memory Laws in Europe and Beyond: Towards Ethical Governance of Historical Memory’, involving academics, institutions and civil society.

## What's next?

The year 2020 will see the launch of the Asser Nexus on Conflict and Crime, a new online research hub where all of Asser's knowledge products on international humanitarian law, international criminal law, transnational criminal law and the legal aspects of countering terrorism will be made accessible to researchers, students, policy-makers and the media.

Rumyana Van Ark will work on a co-authored book on children in conflict areas who are caught in the interstices of extremist politics and counter-terrorism. Christophe Paulussen will publish a book on human dignity and security in times of terrorism which he co-edited with Prof. Martin Scheinin (*European University Institute*). Berenice Boutin will continue to conduct

research on the challenges raised by artificial intelligence and the solutions international law can bring. Rebecca Mignot-Mahdavi is investigating how big data is reshaping security practices in Europe. She will focus on the various tools and legal constraints that European countries use, comparing case studies of the Netherlands, the UK, France and Belgium. Marta Bo's research focusses on the criminal responsibility of the user of autonomous weapons and of the human-operator in mixed systems. Ulad Belavusau will coordinate a new project, co-organised with UNESCO, *Free Press Unlimited* and the Netherlands Ministry of Foreign Affairs, on strengthening the role of legal actors in the defense of the right to freedom of expression. León Castellanos-Jankiewicz is coordinating the *Netherlands Network for Human Rights Research* (NNHRR).

## Researchers

Dr Christophe  
Paulussen  
(coordinator)



Marina Bán, MA



Dr Uladzislau  
Belavusau



Dr Marta Bo



Dr Berenice  
Boutin



Dr León  
Castellanos-  
Jankiewicz



Dr Rumyana  
van Ark (née  
Grozdanova)



Rebecca  
Mignot-Mahdavi  
LL.M

## Research highlights

- **Bán, M.** – ‘The Role of Christianity in Shaping the Legal Governance of Historical Memory in Hungary’, presentation at the conference ‘Europe at a Crossroads: Europeanism, Nationalism and a Concept of Sovereignty’ organised by the *Southern European Center for Legal Research* in Čanj, Montenegro.
  - **Belavusau, U.** – BiLAP visiting research fellow at the Università degli studi di Milano-Bicocca, delivering several guest lectures and presentations on memory laws and EU anti-discrimination law, Milan, Italy.
  - **Bo, M.** – ‘The Human-Weapon Relationship in the Age of Autonomous Weapons and the Attribution of Criminal Responsibility for War Crimes’, presentation at the *We Robot Conference, Miami Law School*, Miami, U.S.A.
  - **Boutin, B.** – ‘Reparation in situations of shared responsibility’, Launching of the Guiding Principles on Shared Responsibility in International Law, presentation at the UNGA Sixth Committee (Legal), *United Nations Headquarters*, New York, U.S.A.
  - **Castellanos-Jankiewicz, L.** – ‘The Resurgence of Amnesties in Latin America: Between Remembrance and Renewal’, American Society of International Law Midyear Meeting, *Brooklyn Law School*, New York, U.S.A.
  - **Mignot-Mahdavi, R.** – ‘Will the War on Terror Ever End?’, *La Revue des droits de l’homme* [Online], *Actualités Droits-Libertés*.
  - **Roithmaier, K.** – Berlin Memorandum on Good Practices for Countering Terrorist Use of Unmanned Aerial Systems, presented at the *Tenth GCTF Ministerial Plenary Meeting*.
  - **Van Ark, R.** – ‘A Comparative Research Study on Radical and Extremist (Hate) Speakers In European Member States’ ICCT/Asser, co-author and co-editor.
  - **Paulussen, C.** – ‘The prosecution of foreign fighters in Western Europe: the difficult relationship between counter-terrorism and international humanitarian law’, (with H. Cuyckens), *Journal of Conflict & Security Law*.
- > Please see Annex 1 to this annual report for the complete research output ([www.asser.nl](http://www.asser.nl)).



## 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 may further the protection of public interests in a globalising (and privatising) world. Our research engages with questions centred on the potential synergies and trade-offs between different public interests and private interests. This year the researchers of this strand looked in particular at the role of the EU with regard to transnational migration; the development of business and human rights and the use of private standards to further the public interest; and the operation and legitimacy of the *Lex Sportiva* (or transnational sports law).



# “Exploring the ways in which law can help secure public interests”

“The trust in ‘doing business’ as a cure-all to modernise, democratise or civilise the world is fading”, says Antoine Duval, coordinator of the research strand *Advancing public interests in international and European law*. “We see the damaging effects – the environmental and social questions triggered elsewhere by our consumption patterns and transnational economic activity. In our *Doing Business Right project* (DBR) we explore the ways in which law can help secure public interests. We feed knowledge, opinions, and ideas into the daily practice of transnational organisations and corporations, to make sure that they become more accountable to the general public.”

“In 2019, we saw the DBR project really coming to bloom”, says Duval, who thinks there is a fast-growing public awareness of the fact that ‘doing business’ can lead to extremely adverse social and economic consequences.

Together with his colleague Dr Eva Kassoti, Duval was invited in 2019 to deliver a prestigious ‘Pre-advies’ for the *Royal Netherlands Society of International law* (KNVIR) on ‘The Past, Present and Future of Corporations under International Criminal Law’.

The research strand was further strengthened with the arrival of two new researchers, Dr Misha Plagis, and Dr Eva Kassoti. Strand member Dr Narin Idriz was appointed as member of the permanent commission on Human Rights of the *Dutch Advisory Council on International Affairs* (AIV).



Academic coordinator Dr Antoine Duval.

## ‘International law in the vegetables department’

Duval: “In 2019, we organised seven well-visited public events featuring a wide range of topics and involving a variety of stakeholders. We debated topics such as: ‘Modern slavery in our backyard’ regarding Dutch shipbuilders, Polish shipyards and North Korean slaves, and ‘International law in the vegetables department’ on the Swedish boycott of conflict tomatoes. We also organised a public event in which we focused on the criminal liability of corporations for human rights violations. We did so in the context of the Lundin case, in which

Swedish oil company *Lundin Petroleum SA* is being investigated for alleged aiding and abetting war crimes and crimes against humanity in Sudan.”

In November, academic director Janne Nijman was invited as an expert to the roundtable on ‘Due diligence law’, organised by the *MVO Platform*, a network of Dutch

civil society organisations and trade unions which are active in the area of responsible business conduct. The DBR team was further involved in a research project with *Leiden Asia Centre*, leading to the publication of the extensive report ‘Tightening Belts – Two Regional Case Studies on Corporate Social Responsibility’ to be published by T.M.C. Asser Press.

---

## Launching Global Europe

2019 also saw the launch of the *Global Europe* project at the Asser Institute, led by Asser researchers Narin Idriz and Eva Kassoti. The research project, which focuses on the EU as a global, normative power, was launched in September with the highly successful seminar ‘The transparency of the global dimension of EU law’. The keynote speaker was Prof. Elaine Fahey (*City, University of London*), who spoke on the discrepancy between the EU’s internal and external levels of transparency.

The *Global Europe* project explores the EU’s legal and governance footprint beyond its territorial borders. It is based on three pillars. First, it seeks to explore the internal and external factors that may challenge the EU’s capacity to exercise value-based global leadership on a number of crucial issues. Second, it aims to critically reflect on whether the external projection of the EU as a virtuous normative power matches with its practice on the ground. Third, it addresses the descriptive, conceptual and normative challenges that come with the ever-expanding global reach of EU law. Ultimately, the project deals with questions of trust pertaining to the EU as an international legal actor.v



### Doing business *right* winter academy

In January, Duval organised the second edition of the DBR winter academy, which brings together students, policymakers, corporate officers and people working for NGOs. The training is designed to equip the participants with a thorough understanding of the legal underpinnings of the business and human rights turn. Duval: "In 2019, our winter academy focused on the UN Guiding Principles on Business and Human Rights (UNGPs), a set of guidelines for states and companies to prevent, address and remedy human rights abuses committed in business operations. The winter academy succeeded in bringing together a great group of diverse students and it triggered many valuable exchanges and learning opportunities. More generally, I believe that the winter academy is becoming a meeting point for the business and human rights community in Europe, as this edition featured a full-day discussion with leading academics on the content, scope and impact of a potential international treaty on business and human rights."

### Prestigious publications

The *Global Europe* project has already led to a number of prestigious publications by senior researcher Dr Eva Kassoti. Her article on the 'ECJ and the Art of Treaty Interpretation: Case C-266/16 Western Sahara Campaign UK' (*Common Market Law Review*), discusses the findings of the *European Court of Justice* in the Western Sahara Campaign UK case. Another article, entitled 'The Duty of Non-Recognition and the EU's Trade Policy in Situations of Contested Sovereignty' (*Europe and the World: A Law Review*), focuses on the compatibility with international law of different economic agreements concluded by the EU with third states that extend to unlawfully acquired territories. It shows that there is a growing gap between EU

rhetoric as a promoter of international law and its actual practice on the ground. Finally, Kassoti's piece on 'Revisiting the European Commission's Approach towards the Rule of Law in Enlargement', co-authored with Lisa Louwerse (*Hague Journal on the Rule of Law*) deals with the *European Commission's* conceptualisation of the rule of law in enlargement.

### What's next?

Duval: "In 2020, we are planning to organise another DBR winter academy, dedicated to due diligence as a master key to responsible business conduct. We will also organise a joint conference with the *European Centre for Constitutional and Human Rights* in Berlin on the intersection between international criminal law and business activities. We are further planning for a large interdisciplinary conference, co-organised with the *Amsterdam Centre for European Studies* on migration deals and their damaging effects, in the context of our *Global Europe* project. The conference will examine issues raised by the prevalent use of migration deals and informal (non-binding) arrangements between the EU and third countries in an effort to manage migration flows. Examples are the EU-Turkey deal and the Joint Way Forward with Afghanistan (an informal readmission agreement). Though the use of informal instruments is nothing new in EU external relations, the increasing recourse to such instruments recently is of concern for multiple reasons. One of the biggest consequences, for instance, is that the non-binding nature of these instruments makes it almost impossible for individuals to challenge them in courts. This makes it very hard to enforce any rights they might have under international or European law."

## Lex sportiva: transnational sports law at the Asser Institute

Transnational sports law is a fast developing area of law and the Asser Institute has been at its forefront for years, the private rules of the national and international sports governing bodies form its backbone. The Asser Institute aims to advance the study and practice of sports law, in its transnational manifestation, through high-quality scholarship, research, education and policy advice. Its research is interdisciplinary and comparative. Through its events and publications – the *International Sports Law Journal* (ISLJ) and the *International Sports Law Book Series* published by Asser Press, the Asser Institute has become the go-to academic forum for international sports lawyers and researchers.

### When FIFA meets human rights

In May, a special conference jointly organised with the NNHRR focused on the *International Federation of Association Football* (FIFA) and human rights. Duval and co-author Daniela Heerdt (*Tilburg Law School*) ran a symposium on the law blog *Verfassungsblog* on FIFA's human rights impacts, policies and responsibilities. A special issue on the matter in the *Tilburg Law Review* is due in 2020.

In 2019, the Asser Institute further hosted its second *ISLJ Annual International Sports Law Conference* which focused on the functioning and regulation of the international football transfer market.

*The Economist* interviewed Duval for a short documentary on the widespread occurrence of doping in sports and the difficulties in

tackling that phenomenon. He provided a critical analysis of the legitimacy and effectiveness of sports governing bodies like the *International Olympics Committee* (IOC) and the *World Anti-Doping Agency* (WADA).



*Verfassungsblog* and the Asser Institute co-hosted an online blog post symposium on 'FIFA and Human Rights', co-edited by Antoine Duval (Asser Institute) and Daniela Heerdt (*Tilburg Law School*).

## Research highlights

- **Duval, A. & Kassoti, E.** – The Past, Present and Future of Corporations under International Criminal Law in Mededelingen van de Koninklijke Nederlandse Vereniging voor Internationaal Recht, Living up to International Criminal Law: State of Affairs, Prospects and Mandates – KNVIR Preadviezen.
- **Idriz, N.** – ‘Hierarchies of Privilege: Juxtaposing Family Reunification Rights, Integration Requirements, and Nationality in EU Law’,

forthcoming in: Moritz Jesse (ed.), European Societies, Migration and the Law: The “Others” amongst “Us”, Cambridge University Press.

- **Kassoti, E.** – The ECJ and the Art of Treaty Interpretation: Case C-266/16 *Western Sahara Campaign UK*, 56 Common Market Law Review 2019, pp. 209-236.
- **Plagis, M.** – Presentation on ‘Resisting backlash? The South African Constitutional Court and

the SADC Tribunal’, during the Summer Symposium ‘Taking Stock, Looking Ahead: Backlash, Digitalization and Inequality as Challenges for the International Human Rights System’.

> Please see Annex 1 to this annual report for the complete research output ([www.asser.nl](http://www.asser.nl)).

## Researchers



Dr Antoine Duval (coordinator)



Dr Narin Idriz



Dr Eva Kassoti



Dr Misha Plagis

## Research strand

# Dispute settlement and adjudication in international and European law

In today's globalised world, international conflicts involve an increasingly diverse range of public and private interests. International courts and tribunals in The Hague work to settle these conflicts. What kinds of solutions do they provide? And how do they generate and maintain public trust? On the basis of its diverse expertise in public and private law, this research strand examines the many dimensions of international legal disputes and dispute settlement. The strand organises *The Hague Courts Dialogue Series*, events co-organised in consultation with colleagues from the Hague courts community, and in coordination with *Le Club de Droit International* (see more on page 28). The research strand further explores new, alternative and interdisciplinary methods for analysing fundamental changes in international institutions and in international law, and their approaches to conflict resolution.



# “2019 saw wide-spread action against international economic law”

“2019 saw dramatically opposed trends. It saw massive protests for progressive causes, and it saw the growing menace of populism across the globe. It saw wide-spread action against international economic law, as well as the weaponisation of economics in international relations”, says strand coordinator Geoff Gordon, who, together with his fellow researchers, explores the changing nature of international law and international institutions.

Gordon: “Swedish climate activist Greta Thunberg’s 2019 speech at the *UN Climate Action Summit*, where she scolded heads of state, was the starting point of a wave of massive global climate protests. In the second half of 2019, we saw unprecedented protests in Hong Kong and in Chile. But 2019 also saw a growth in populist regimes. Jair Bolsonaro took office in Brazil, and Hungary became the first EU country to be labelled a state ‘partly free’ of democratic freedoms, while we watched the UK commit itself to Brexit. In Venezuela, we watched as outside powers worked to replace the populist leader Nicolás Maduro with Juan Guaidó, a liberal leader more to their liking.”

## International law for better futures

At the Asser Institute, 2019 saw the second year of its summer programme on international public advocacy: *International Lawyering in a Public Interest*. Gordon: “This course ‘responds’ to this global moment of international public protest, and it tries to channel it to apply international law for



Academic coordinator Dr Geoff Gordon.

better futures. In the course we explore the challenges of public interest advocacy in international law and rethink what it means to be a lawyer working on behalf of public interests in the international system. We had a great group of lecturers and students, including leaders in the practice, advocates from major firms and public interest start-ups, as well as people from the NGOs, the diplomatic community and academia.”

## Escalating trade disputes

For decades, international economic law was considered a non-political branch of international law, with rule-based dispute



*The Hague Courts Dialogue Series. In 2019, the Asser Institute and Le Club de Droit International co-organised a large event in the Peace Palace with Philippe Couvreur, the departing Registrar at the ICJ. The event was moderated by Catherine (Kiki) Brölmann (University of Amsterdam).*

settlement by adjudicators becoming the norm. But that illusion has been shattered. 2019 saw international organisations and international economic law come under fire, says Gordon, who has a forthcoming article on the use of economic sanctions in international security under international law. “In 2019, the *World Trade Organization* (WTO) was finally paralysed by US efforts to disable its dispute settlement mechanism, hampering the WTO’s ability to resolve trade disputes between countries. Economic law and practice was further weaponised with escalating trade disputes emanating from the US, with China, with Europe. The US also ramped up its sanctions regime against Iran and it targeted Venezuela with sanctions through the *Organization of American States*”, says Gordon.

## Highlights

In 2019, the research strand was strengthened by Dr Chukwuma Okoli, a postdoctoral researcher in private international law. Gordon: “Senior researcher Vesna Lazić continues her work on the Judgtrust project (see p. 29) in the area of private international law. Researcher Michiel de Rooij offers guidance on related issues of private international law to Dutch parties. Chukwuma’s arrival has extended these activities to include the practice of private international law in and around African concerns.”

In 2019, researcher Dr Dimitri van den Meerssche received his doctorate from the *European University Institute*, for his dissertation ‘The World Bank’s Lawyers – An Inquiry into the Life of Law as Institutional

## Enhancing consistency in applying EU private international law

Senior researcher Vesna Lazić is the project leader of *Judgtrust*, an EU funded project that aims to identify best practices and provide guidelines in the interpretation and application of the EU Regulation 1215/2012, usually referred to as 'regulation bla' or 'Brussels Ibis'. This regulation deals with the jurisdiction as well as the recognition and enforcement of judgments in civil and commercial matters. The two-year project aims to improve the conditions for a more uniform interpretation and application of the regulation, promoting mutual trust and efficiency of cross-border resolution of civil and commercial disputes. The project will provide suggestions on how to reach a greater degree of consistency in unifying private international law rules on the EU level. It will promote coherence between various legal sources, which affect everyday lives of EU citizens and daily business practices. The research is conducted by the T.M.C. Asser Instituut in cooperation with *Universität Hamburg*, *University of Antwerp* and *Internationaal Juridisch Instituut (IJ)*.



This project is funded by the Justice Programme of the *European Union* (2014-2020).



With the arrival of researcher Chukwuma Okoli the strand has strengthened its research capacity to include the practice of private international law in and around African concerns.

## Movies that Matter workshop on film and international law



In March, *Movies that Matter* and the Asser Institute co-organised a workshop on documentary film and international law. This unique two-day workshop combined lectures in the critical theoretical analysis of human rights documentaries at the Asser Institute, with films at the *Movies that Matter Film Festival*, one of the largest

human rights film festivals in Europe. The workshop was led by Dr Sofia Stolk (Asser Institute) and Prof. Wouter Werner (VU Amsterdam). Other speakers were: Rob Miller (*Sandpaper Films*), Colleen Rohan (*International Law Bureau*), Louise van der Laan (*LW International, Rabobank Regio Den Haag, World Startup Factory*) and Bart Stapert (*Justice Court of Appeals Den Bosch*).

Practice'. Gordon: "Dimitri has published cutting-edge research on the changing situation of international organisations, and the changing practices of the legal professionals who work there. International organisations are at once more integrated into daily life around the world, and more controversial. His research explores this tension. In 2019, international media further sought his expertise on the Chagos Islands case, the legal battle before the ICJ, between Britain and its former colony Mauritius over the fate of the Indian Ocean islands."

Another strand member who focuses on the changing ways of international organisations is Dr Sofia Stolk, who investigates how international law is popularly communicated, and the effects of its popular communication on international governance. Gordon: "Sofia's work speaks to the popular use of international law in protest actions,

but also its symbolic value as a populist's target. It promises unique insights into the actual practice of international law. Scholarly investigations like these are contributing to fuller ways of understanding international law and the work that international lawyers actually do. Properly studied, they promise ways out of an impasse between the failure of international ideals and the reproduction of the practices that got us there."

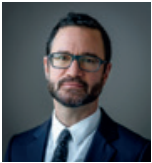
## What's next?

In 2020, the research strand will explore the interconnection of new technologies and international institutions, media communications and international courts, biometric technologies and international organisations, and the digital infrastructures that affect international legal practice generally. Dimitri van den Meerssche will work on a

project exploring the use of new technologies, such as Artificial Intelligence (AI) and biometrics for European border securities. 2019 may be remembered as the year that AI became widely realised as a first-order policy concern around the world, thinks Gordon, who was awarded a UvA Human(e) AI seed grant with two other researchers (Bernhard Rieder, Media studies at UvA; Giovanni Sileno, informatica at UvA) to investigate the ways in which values are produced and reproduced in the construction of AI technologies.

“Advancing technological concerns have led to renewed interest in infrastructures and the technologies that support these infrastructures. Indicative of this, is the international confrontation we saw in 2019 about *Huawei*’s involvement in the construction of a global 5G infrastructure, with some countries fearing security risks because of the company’s close relationship to the Chinese state,” says Gordon, who has ongoing research into technological infrastructure.

## Researchers



Dr Geoff Gordon  
(coordinator)



Dr Vesna Lazić



Dr Dimitri van  
den Meerssche



Dr Chukwuma  
Okoli



Michiel de Rooij,  
LL.M.



Dr Sofia Stolk

## Research highlights

- **Boer, L.J.M. & Stolk, S.** (eds.) – Backstage Practices of Transnational Law, *Routledge* (2019).

- **Gordon, G.**  
– ‘Universalism’, in: d’Aspremont, J. & Singh, S. (eds.), *Concepts for International Law. Contributions to Disciplinary Thought*, *Edward Elgar Publishing* (2019): 865-878.

- **Lazić, V. & Stuij, S.** (eds.) – Recasting the Insolvency Regulation – Improvements and Missed Opportunities Series: Short Studies in Private International Law, The Hague: *T.M.C. Asser Press*.

- **Van den Meerssche, D.**  
– ‘Performing the rule of law in international organizations: Ibrahim

Shihata and the World Bank’s turn to governance reform’, *Leiden Journal of International Law*.

- **Okoli, C. & Roberts, E.**  
– ‘The operation of Article 4 of Rome II Regulation in English and Irish courts’, 15(3) *Journal of Private International Law* (2019): 605-625.

# Research news (selection)



## **Project: EU Trade and investment policy (EUTIP)**

This project fosters interdisciplinary research into the evolving international trade policy of the European Union. The goal is to create an increased European knowledge base and research capacity on EU law and policy on free trade agreements with third countries. The Asser Institute is a partner in the organisation and hosted several researchers in 2019. The project is funded by the *European Commission*.

## **Exploring populism and its relationship with international law**

The *Netherlands Yearbook of International Law* 2018, edited by Asser Institute academic



director Janne E. Nijman and Wouter Werner (*Vrije Universiteit Amsterdam*) and published in 2019 by T.M.C. Asser Press, explores the many faces of populism, and the different manifestations of the relationship

between populism and international law. As a double-blind peer-reviewed publication, the *Netherlands Yearbook of International Law* offers a forum for the publication of scholarly articles of a conceptual nature in varying thematic areas of public international law.

## **Asser Visiting Research Fellowship programme**

The T.M.C. Asser Instituut welcomes visiting researchers and legal practitioners by providing a place for research in The Hague, the city of peace and justice, for a period from one up to six months to pursue their own research project while participating actively in the Asser research community.

In the meantime, they are encouraged to meet with Hague-based scholars and practitioners in the fields of international and European law and engage with the Hague community of international lawyers working at the many international organisations. In 2019, the Asser Institute welcomed five visiting researchers.

## **International crimes database (ICD)**

The Asser Institute's 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. The *Municipality of The Hague* financially contributes to the project. In 2019, Christophe Paulussen and the communications department continued work on a relaunch.

## **Asser PhD programme**

The T.M.C. Asser Instituut's PhD programme is a dynamic platform in an intimate research environment. We train researchers to work at the cutting-edge of international law, conducting independent research at the intersection of academia and practice, connecting also with other Dutch universities. Our programme today is an interdisciplinary one, 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 featuring collaborative theoretical and methodological queries intended to assist our PhDs in the

development of each dissertation. In 2019, the five PhD researchers who started in September 2016, continued their research on various projects at the institute (see more on page 37).

### Conference: 'A human community with a shared future'

In June, Asser's academic director Janne E. Nijman co-organised the conference '*A human community with a shared future: roots of a new global legal order in European and Chinese civilization*' together with Anthony Carty at the *Beijing Institute of Technology, Peking University*. Nijman opened the two-day conference with remarks on China and Europe, and later presented a paper on the foundational notions of trust and distrust in international law and order.

The conference traced the history of world order concepts in Chinese and European thought and in particular their ethical dimensions. Topics covered included a Buddhist perspective on international social order, the ancient Chinese conception of the Tianxia system, and the intersections between European and Chinese legal thinking. The conference took place against the background of increasingly complex relations between the EU and China. As argued by Nijman, discussing the European and Chinese humanist traditions on a peaceful world order is all the more relevant given the current geopolitical situation.



### Shelter City Fellowship programme

The *Shelter City Fellowship programme* is a project by *Justice and Peace Netherlands* that provides temporary relocation and training to legal practitioners who fight against human rights violations in their home countries. The T.M.C. Asser Instituut hosts one Shelter City fellow per year for three to six months.

In 2019, Shelter City Fellow Dilip Chakma, a lawyer and human rights defender from India worked at the Asser Institute. Dilip is a legal defender of the rights of Chakmas, an indigenous community that lives in northeast India and several other countries such as Myanmar and Bangladesh. Chakma finalised his stay with the presentation of his research paper and a workshop on land grabbing and indigenous peoples in India.

### International Women's Day: A spotlight on peace activist Bertha von Suttner (1843 - 1914)

To celebrate International Women's Day, Prof. Dr Janne Nijman, academic director of T.M.C. Asser Instituut and professor of the history and theory of international law at the UvA, put the spotlight on a remarkable woman in the history of international law: peace activist Bertha von Suttner (1843-1914). In a special issue of *Asser Today*, Nijman was interviewed on a lady that "had the guts to take on a male-dominated field", and who was a female contemporary of Tobias Asser (1838-1913), the scholar after whom the Asser Institute is named.

Tobias Asser and Bertha von Suttner lived in the same time and they would both receive the Nobel Peace Prize for their help in developing an international order based on peace rather than war. In 1889, when she was 46, Von Suttner published *Lay down your Arms!* ('*Die Waffen nieder!*'), an anti-war novel

that would make her world famous. In her book, she describes the horrors of war from the perspective of a suffering woman. She argues that pacifism and solving disputes by talking, rather than by use of force, was possible. *Die Waffen nieder* was published in 37 editions and translated into 15 languages, catapulting Von Suttner to become a leading figure in the emerging international peace movement.



In the interview on Von Suttner, Nijman stated: "By focusing on the male side of history, we are neglecting the role women played in history. This still has an impact on today's society. Our culture, our power structures and our power codes are still male-oriented. Unless we change these, and change the way we think about power and authority, women will not fit in. Apart from gender equality being a fundamental human right, I believe gender equality is crucial to achieve peaceful societies, an issue that concerns men and women alike."

## New researchers at T.M.C. Asser Instituut

- Dr Eva Kassoti is a senior researcher in international and EU law as well as the academic co-ordinator for Centre for the Law of EU External Relations (CLEER) at the T.M.C. Asser Instituut. Eva's research interests include public international law, EU law, EU external relations law as well as the interplay between the international and the EU legal order. > Read more on page 40.
- Rebecca Mignot-Mahdavi, LL.M, is counterterrorism researcher in the research strand 'Human dignity and human security in international and European law'. Her work reflects on counterterrorism and the evolving legal and policy capacity to deal with security threats, where new forms of non-state transnational risk, counter-risk strategy and technology are in play.
- Dr Chukwuma Okoli is a postdoctoral researcher in private international law in the research strand 'Dispute settlement and adjudication in international and European law'. Before joining the institute, he was a PhD candidate and Teaching Fellow at the Faculty of Law, University of Luxembourg.
- Dr Misha Plagis is a postdoctoral researcher in the research strand 'Advancing public interests in international and European law'. Her research focusses on African Union law, human rights, and transnational environmental law.



Eva Kassoti



Rebecca  
Mignot-Mahdavi



Chukwuma  
Okoli



Misha Plagis

> Please see Annex 1 to this annual report for the complete research output ([www.asser.nl](http://www.asser.nl)).

## The global city: challenges, trust and the role of law

This project explores the global city as the crucial place where citizenship and fundamental rights have been debated in the past and in the present. It also questions the role and position of the global city on the international stage. The project consists of four individual PhD studies, conducted by Asser researchers Julia van der Krieke, Yehonatan Elazar-DeMota, Miha Marcenko and Lisa Roodenburg. Together, they are researching a number of related themes: diversity, migration and trade (including the slave trade); political participation and citizenship; the role of law, fundamental rights and duties as a possible source of trust in the global city of the past and present; and the role and position of the global city in the international (legal) order of the past and present.

The project leader is Prof. Dr Janne E. Nijman, who received a grant from the *Gieskes-Strijbis Fonds* for this research project. She says: "The topic '*Cities and international law*', in which we play a vanguard role, is becoming a growing field of interest in international law. Apart from advancing their thesis, the PhDs have been very active blogging and presenting their research. In 2019 we hosted, co-organised with Prof. Dr Helmut Aust (*Freie Universität Berlin*) and the authors of the Research Handbook on International Law and Cities by *Edward Elgar Publishers*, the research conference '*Cities*

*and international law in the Urban Age*'."



Yishai Blank

The conference brought together a very diverse group of internationally renowned researchers working on the changing relationship between cities, international law and governance. The key

note speaker was Yishai Blank, professor of law at *Tel Aviv University*, a pioneer in the research of cities and law, with a presentation on 'The Legal Roles of Cities in a (De) Globalising World'.

In December, the authors of the Research Handbook discussed their contributions in Berlin, and met with the *International Law Association (ILA) Study Group on the 'Role of Cities in International law'*, which was established in 2017 after a proposal by co-chairs Janne E. Nijman and Helmut Aust. In Berlin, the ILA Study Group members exchanged views on the city reports that will be included as annexes to the official Report of The ILA study group to the ILA Kyoto conference in 2020.

At the annual meeting of the ASIL 2019, Janne Nijman presented a paper on 'The urban pushback: international law as an instrument of cities'.

### The global city team



Janne E. Nijman,  
project leader



Yehonatan  
Elazar-DeMota



Julia Krieke



Miha Marcenko



Lisa Roodenburg



The topic 'Cities and international law' is becoming a growing field of research interest in international law.

### **Asser researcher appointed as member of the permanent commission on Human Rights of the Dutch Advisory Council on International Affairs (AIV)**

In December, Asser researcher Dr Narin Idriz was appointed as a member of the permanent commission on Human Rights of the *Dutch Advisory Council on International Affairs (Adviesraad internationale vraagstukken (AIV))*. The AIV is an independent body that advises the Dutch government and parliament on foreign policy, both on its own initiative and on request.



Narin Idriz

Narin Idriz is specialised in EU external relations, EU-Turkey association law, enlargement law, the protection of fundamental rights in the EU in general and the rights of Third Country Nationals in particular, and EU asylum and migration law and policies.

In reaction to her appointment, Narin said: "I am very happy and honoured. The Commission on Human Rights of the AIV works on some of the most pressing issues of our times. Think for instance of the reform of the European asylum and migration policy, finding meaningful counter-narratives to the challenge mounted to the principle of the universality of human rights from other parts of the world, and the effect of new technologies on the development of human rights."

# Cooperation & inter-university activities

The Asser Institute actively promotes the creation of research networks in the domains of the Institute, both on a permanent and an ad hoc basis. We value the following collaborations and outcomes:

## Amsterdam Centre for European Law and Governance (ACELG)

The *Amsterdam Centre for European Law and Governance* (ACELG) is an UvA faculty centre of excellence. It makes high level contributions to the academic and policy debate on legal and governance processes in Europe. In January 2019, the ACELG, and the Asser Institute co-hosted the book launch of 'The Law of the European Union', a new and comprehensive manual of European law, published by Wolters Kluwer. Speakers were Prof. Bruno de Witte (*University of Maastricht*), Prof. Deirdre Curtin (*European University Institute*), Prof. Fabian Amtenbrink (*Erasmus University*), and Prof. Christa Tobler (*Universities of Leiden and Basel*). The event was moderated by Prof. Pieter Jan Kuijper (*University of Amsterdam*).

## Amsterdam Center for International Law (ACIL)

The *Amsterdam Center for International Law* (ACIL) of the University of Amsterdam is an internationally leading centre for cutting-edge research on questions of international law. In 2019, ACIL and the Asser Institute co-organised the following events and trainings:

### • Two souls in one breast

In March, the Asser Institute hosted the OXIO talk 'Two souls in one breast: the

## Stakeholder universities

- University of Amsterdam
- VU Amsterdam
- University of Groningen
- Leiden University
- Maastricht University
- Radboud University of Nijmegen
- Erasmus University Rotterdam
- Utrecht University
- Tilburg University

*international institutional lawyer as scholar and as practitioner*, co-organised by ACIL, Oxford International Organizations, Oxford University Press and Manchester International Law Centre, on the experiences and challenges of being an international institutional lawyer – both as academic and as practitioner. The OXIO talk featured an informal conversation between prominent scholars-practitioners Prof. Gabrielle Marceau (WTO) and Prof. Niels Blokker (*Leiden University*). The moderator was Dr Catherine Brölmann (*University of Amsterdam* and ACIL).

### • World order concepts in China and Europe

In June, ACIL, Anthony Carty from *Beijing Institute for Technology, Peking University* and Asser's Janne E. Nijman co-organised the conference 'A Human Community with a Shared Future: Roots of a New Global Legal Order in European and Chinese Civilization' in Beijing. > Read more on page 9 and 33.

### ● International lawyering in a public interest

ACIL and the Asser Institute further co-organised the unique summer programme *International lawyering in a public interest* on the challenges and opportunities of international public interest advocacy with international law. Leaders in the practice, including advocates, activists, academics and members of NGOs were brought together to discuss questions of cutting-edge legal techniques, how to find funding, how to identify causes for advocacy, and how to start up a practice. Scholarships were generously provided by AKD law. > Read more on page 46.

### International Centre for Counter-Terrorism (ICCT)

The ICCT in The Hague is an independent knowledge centre that focuses on preventative and international legal aspects of counter-terrorism. It is supported and nurtured by a unique partnership comprising of the *Netherlands Institute of International Relations Clingendael*, *The Hague Institute of Security and Global Affairs/Leiden University* and the Asser Institute.

In 2019, Asser researchers published seven ICCT perspectives and research papers. Further, Christophe Paulussen, Romyana Grozdanova, Ulad Belavusau and Berenice Boutin worked on the report 'A comparative research study on radical and extremist (hate) speakers in European member states' (read more on page 16). Additionally, Christophe Paulussen was involved in the development of the ICCT/Asser '*Guidelines to facilitate the use and admissibility as evidence*

*in national criminal courts of information collected, handled, preserved and shared by the military to prosecute terrorist offences ('Military Evidence')*', a report of the United Nations Security Council Counter-Terrorism Committee.

In May, ICCT and the Asser Institute co-organised the conference 'Lessons from the past, dilemmas of the present and challenges for the future: What is an 'effective CT strategy?'. Speakers from multi-disciplinary backgrounds reflected on counter-terrorism and security strategies. Keynote speakers were Prof. Isabelle Duyvesteyn (*Leiden University*) and Renske van der Veer, director of the ICCT.

### Advanced summer programme on terrorism, countering terrorism and the rule of law

In August, the Asser Institute and ICCT further co-organised the highly successful ninth *Advanced summer programme terrorism, countering terrorism and the rule of law*, offering an in-depth look at the challenges that come with adopting and implementing counter-terrorism measures while ensuring respect for human rights, fundamental freedoms and the rule of law. Part of the summer programme was a high-level panel discussion on extreme and radical speech, which featured Prof. Richard English (*Queen's University Belfast*), Dr Bibi van Ginkel (*The GloCal Connection - Platform for Shared Security*), Prof. Stuart Macdonald (*University of Swansea*) and Dr Gordon Clubb (*University of Leeds*). > Read more on page 15.

### Centre for the Law of EU External Relations (CLEER)

CLEER, hosted by the Asser Institute, aims at providing the tools to understand the multi-faceted 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. Academic coordinator of the CLEER network is senior researcher in international and EU law, Dr Eva Kassoti. In September 2019, Kassoti organised and chaired the CLEER lecture 'The Romanian Council Presidency's experience in the external relations field at the T.M.C. Asser Instituut. The speakers were: H.E. Mrs Brândușa Ioana Predescu, ambassador of Romania to the Netherlands, and Dr Joris Larik, *Leiden University* and member of the advisory board of CLEER. In December, Kassoti and Prof. Ramses Wessel (*University of Groningen*) jointly organised the CLEER-ESIL IG EU conference 'EU Trade Agreements and the EU's Duty to Protect Human Rights Abroad'.

### Netherlands Network for Human Rights Research (NNHRR)

The NNHRR is an inter-university platform, coordinated by the Asser Institute that aims to connect junior and senior human rights researchers in the Netherlands. The Asser Institute is one of its initiators and is entrusted with its coordination and administration. The academic coordinator is Asser researcher Dr León Castellanos-Jankiewicz.

In 2019, the NNHRR launched a new blog on human rights research and practice. With *Tilburg Law School*, it co-organised the *Max van der Stoep Human Rights Award 2019*, which received 24 nominations from Dutch and Flemish universities, a number that almost doubled from the last edition in 2017.

The award was won by Julie Fraser (*Utrecht University*) for best dissertation in the field of human rights research and Peggy ter Vrugt (*Maastricht University*) for best master's thesis in that area. The jury was chaired by Prof. Ernst Hirsch Ballin.

In May, the NNHRR and Asser Institute co-organised the conference *FIFA and Human Rights: impacts, policies, responsibilities*, to take a deeper look at FIFA's impacts on human rights and the measures it has adopted to deal with these. The keynote speakers were Andreas Graf (*Human Rights Officer, FIFA*) and Mary Harvey (*CEO, Centre for Sports and Human Rights*). This event was sponsored by the NNHRR. In October, the NNHRR organised a lecture by Tineke Strik, (*Radboud University Nijmegen* and member of the *European Parliament* for the Green left), on 'The external dimension of EU asylum and migration policy: bridging science, politics and practice'.

### The International Humanitarian and Criminal Law (IHCL) Platform

*The International Humanitarian and Criminal Law (IHCL) Platform* is one of the many inter-university networks coordinated by the T.M.C. Asser Instituut. Its objective is to foster research in the area of international criminal law and humanitarian law, and to provide an academic platform for discussion of relevant contemporary issues and legal questions for which there is, as of yet, no fixed jurisprudential position.

In May 2019, IHCL Platform coordinator Christophe Paulussen organised the eighth annual PhD day, featuring presentations by PhD candidates on international humanitarian law and international criminal law topics in an informal setting. In June, the lecture 'The conduct of hostilities and international

humanitarian law: challenges of 21st century warfare', was co-organised by the *Hague Initiative for Law and Armed Conflict* (HILAC), the *Kalshoven-Gieskes Forum on International Humanitarian Law* and the IHCL Platform. During this lecture, the *International Law Association (ILA)*'s Study Group on the conduct of hostilities and international humanitarian law presented its final report. Practitioners from the *Netherlands Ministry of Foreign Affairs* and the *Netherlands Ministry of Defence* shared their views on the report's findings and their possible use in practice.

The IHCL Platform was established in 2010 and consists of representatives from the *University of Amsterdam* (the ACIL), the *VU University Amsterdam*, *Leiden University* (*Grotius Centre for International Legal Studies*), the *University of Groningen*, the *Netherlands Defence Academy*, *Tilburg University*, *Maastricht University* and the *Institute for International Law (KU Leuven)*.

### Hague Courts Dialogue Series

The *Hague Courts Dialogue Series* began in November 2018, as a continuation of Asser's ICJ Series. It is a regular series of events organised in consultation with colleagues from the Hague courts community, and in coordination with *Le Club de Droit International*, a network of diplomats in charge of legal affairs in The Hague. In 2019, the Asser Institute successfully collaborated with *Le Club de Droit International* on a large event in the Peace Palace with Philippe Couvreur, the departing Registrar at the ICJ. Mr Couvreur gave a presentation on the functions and responsibilities of the Registrar of the ICJ. > Read more on page 28.

### HILAC Lecture Series

The *Hague Initiative for Law and Armed Conflict* (HILAC) *Lecture Series* is an occasional

lecture series on the subject of law and armed conflict, co-organised by the Asser Institute, the *Netherlands Red Cross* and the ACIL. In 2019, we co-organised two HILAC lectures: 'The conduct of hostilities and international humanitarian law: challenges of 21st century warfare', and 'The treaty on the prohibition of nuclear weapons: new perspectives for nuclear disarmament?'

### SCL Lecture Series

The *Supranational Criminal Law (SCL) Lecture Series* is a lecture series on international criminal law and has been organised by the T.M.C. Asser Instituut since 2003, in cooperation with the *Grotius Centre for International Legal Studies of Leiden University* (Campus The Hague) and the *Coalition for the International Criminal Court*. In 2019 there were seven lectures. A highlight was the special SCL lecture in April that was organised to celebrate the series' fifteen year anniversary, in which three experts – who also presented during the very first season of the SCL lecture series – took stock of the international criminal justice project through three lenses: international criminal procedure, the right to information and critical, reflexive learning. The speakers were Prof. Göran Sluiter (*University of Amsterdam/Prakken d'Oliveira*), Olga Kavran (*Special Tribunal for Lebanon*) and Dr Jeff Handmaker (*International Institute of Social Studies, Erasmus University Rotterdam and School of Law, University of Witwatersrand*).

# A global network

In all of our activities, we work in close cooperation with our international Asser alumni, with Dutch and foreign universities, and with local, national and international networks of scholars and practitioners. A snapshot of some the organisations we worked with this year:

## The Hague

- International Court of Justice
- Iran-United States Claims Tribunal
- International Criminal Court
- Permanent Court of Arbitration
- Le Club de Droit International
- OPCW
- Netherlands Ministry of Foreign Affairs
- Internationaal Juridisch Instituut
- International Institute of Social Studies
- Royal Academy of Art, The Hague
- Stroom Den Haag
- NNHRR
- Social and Economic Council
- European Commission NL
- Groene Brein
- The Hague Academic Coalition
- The Hague University of Applied Sciences
- Coalition for the ICC
- Rode Kruis Nederland
- Special Tribunal for Lebanon
- International Centre for Counter-Terrorism
- Antonio Cassese Initiative
- Eurojust
- Netherlands Ministry of Justice and Security
- Netherlands Ministry of Defence
- District Court of The Hague
- Court of Appeal of The Hague
- Europol
- International Residual Mechanism for Criminal Tribunals
- 510 Global
- European Association of History Educators The Hague
- Geoffrey Nice Foundation
- Network of Concerned Historians OSCE High Commissioner on National Minorities
- Hague Conference on Private International Law
- Global Counterterrorism Forum
- Embassy of Bangladesh
- Embassy of Bulgaria
- Embassy of Austria
- Netherlands Scientific Council for Government Policy
- House of Representatives, the Netherlands
- Municipality of The Hague

## North America

- American Society for International Law, Washington D.C., USA
- Washington College of Law, USA
- Dutch Embassy in Washington D.C., USA
- United Nations Counter-Terrorism Committee, New York, USA
- Harvard University, Cambridge MA, USA
- Emory University, Atlanta GA, USA
- University of California, Berkley, USA
- Center for the Study of Law & Society at the University of California, Berkley, USA

## South America

- Universidad Nacional de San Martín, Buenos Aires, Argentina

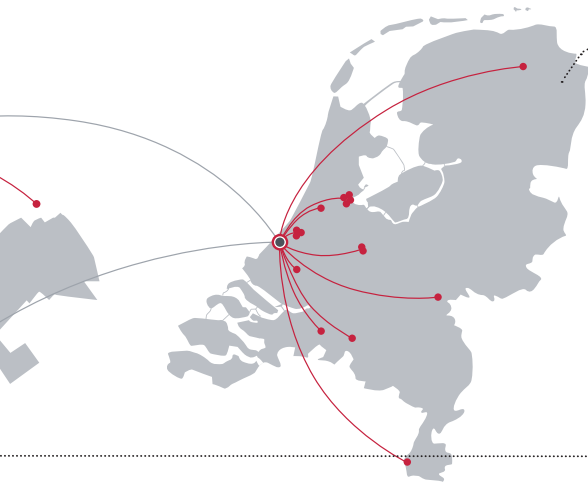
## Africa

- International Committee of the Red Cross Mali, Bamako, Mali
- African Institute for International Law, Abidjan, Côte d'Ivoire

## Asia

- Kyung Hee University, College of International Studies, Seoul, South Korea
- Korea University Legal Research Institute, Seoul, South Korea
- Korean Society of International Law, Seoul, South Korea
- Osaka University Faculty of Law, Japan
- Shizuoka University, Japan





## the Netherlands

- University of Amsterdam
- Amsterdam Center for International Law
- Amsterdam Centre for European Law and Governance
- Amsterdam Law Hub (UvA)
- VU Amsterdam
- Amnesty International, Amsterdam
- The Law of Armed Conflict & Military Operations, Amsterdam
- AKD Benelux lawyers
- Leiden Asia Centre
- Milieudefensie, Amsterdam
- Centre for the Politics of Transnational Law (VU), Amsterdam
- Movies that Matter Foundation, Amsterdam
- ABN Amro Amsterdam
- Clean Clothes Campaign, Amsterdam
- FNV, Amsterdam
- FIFPro, Hoofddorp
- District Court of Rotterdam
- Leiden University
- Grotius Centre for International Legal Studies, Leiden University
- Royal Netherlands Society of International Law, Leiden
- PAX voor Vrede, Utrecht University
- Utrecht University
- Groningen University
- Tilburg University
- Netherlands Defence Academy, Breda
- Maastricht University

## Europe

- Institute for International Law of the KU Leuven Belgium
- EUObserver, Brussels, Belgium
- Société Internationale de Droit Militaire et de Droit de la Guerre, Brussels, Belgium
- Universiteit Antwerpen, Belgium
- University of Ghent, Belgium
- University of Kent – Brussels School of International Studies, Belgium
- European Parliamentary Research Service, Brussels, Belgium
- Catholic University Leuven, Belgium
- European Commission, Luxembourg City
- Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law, Luxembourg
- International Federation for Human Rights, Paris, France
- Paris Sorbonne University, Paris, France
- Paris Diderot University, Paris, France
- Gerda Henkel Stiftung, Düsseldorf, Germany
- Universität Hamburg Hamburg, Germany
- Nuremberg Principles Academy, Germany
- Center for East European and International Studies, Berlin, Germany
- Verfassungsblog, Germany
- International Committee of the Red Cross, Geneva, Switzerland
- Graduate Institute of International and Development Studies, Genève, Switzerland
- Geneva Academy of International Humanitarian Law and Human Rights, Genève, Switzerland
- Centre for Sport and Human Rights Geneva, Switzerland
- Women in Sports Law, Lausanne, Switzerland
- World Players Union – UNI Global Union, Nyon, Switzerland
- University of Geneva, Geneva, Switzerland
- Digital Science Initiative, Zurich, Switzerland
- United Nations Interregional Crime and Justice Research Institute (UNICRI), Turin, Italy
- International Institute of Humanitarian Law, San Remo, Italy
- University of Bologna, Italy
- Criminal Justice Network, Milano, Italy
- Istituto Storico Italo-Germanico Bruno Kessler, Trento, Italy
- Istituto Storico Parri, Bologna, Italy
- LUISS University, Rome, Italy
- EJIL: talk!, Florence, Italy
- European Observatory on Memories, Barcelona, Spain
- Foro de Asociaciones de Educación en Derechos Humanos y por la Paz, Bilbao, Spain
- The Global Pro Bono Bar Association, Dover, UK
- The Global Legal Action Network, London, UK and Galway Ireland
- OpinioJuris, London, UK
- Business and Human Rights Centre, London, UK
- Queen Mary University, London, School of Law, UK
- Stockholm University, Sweden
- Polish Academy of Sciences, Warsaw, Poland
- Hungarian Academy of Sciences, Budapest, Hungary
- University of Central Lancashire, Cyprus



## Middle East

- American University of Beirut (AUB), Lebanon
- American University of Science and Technology (AUST), Lebanon
- Beirut Arab University (BAU), Lebanon
- Notre Dame University (NDU), Lebanon
- Université La Sagesse (ULS), Lebanon
- Université Libanaise (UL), Lebanon
- Museum of Beirut, Lebanon
- Université Saint-Esprit de Kaslik (USEK), Lebanon
- Lebanese American University (LAU), Lebanon
- University of Balamand (UoB), Lebanon
- Islamic University of Lebanon (IUL), Lebanon
- Academic University College for Non-violence and Human Rights (AUNOHR), Lebanon
- Tel Aviv University, Israel

## Oceania

- Melbourne School of Law, Australia

- Beijing Institute of Technology, China

# Education & capacity building (selection)



The T.M.C. Asser Instituut is a leading and authoritative provider of executive and postgraduate education. By utilising our collective knowledge, skills and the power of partnership, we create unique and highly relevant programmes on a variety of subjects and levels for a diverse range of individuals (including judges, prosecutors, legislators, policy makers, civil servants, diplomats, lawyers and students).

## **Winter academy on Doing business right The UN guiding principles on business and human rights: from theory to practice 28 January-1 February 2019**

In 2019, the Asser Institute organised its second *Doing business right* winter academy for professionals and academics with a keen interest in the various modes of regulation of transnational business activity and corporate social responsibility. This year's course focused on 'The UN Guiding

Principles on Business and Human Rights'. It featured high-level academic lecturers such as Prof. Karin Buhmann (*Copenhagen Business School*), Dr Nadia Bernaz (*Wageningen University*), Dr Miriam Saage-Maaß (*European Center for Constitutional and Human Rights*) and the former UN Special Rapporteur on the right to food, Prof. Olivier de Schutter (*Université Catholique de Louvain*). The closing networking workshop with academic experts and civil society organisations on

the UN negotiations for a binding treaty was sponsored by the *International Federation for Human Rights* (FIDH).

### Winter academy on artificial intelligence and international law 11-15 February 2019

This brand new and innovative winter academy on artificial intelligence (ai) and international law brought together academics, policymakers and practitioners from a wide variety of backgrounds. The course provided insights into the current and future issues raised by artificial intelligence from the perspective of international law. The programme was structured along five themes: understanding AI, AI for good, AI and armed conflict, AI and responsibility, and AI governance. It featured high-level academic lecturers such as Prof. Mary-Ellen O'Connell (*University of Notre Dame*), Irakli Beridze (*United Nations Interregional Crime and Justice Research Institute*), Sherif Elsayed-Ali (*Element AI*), and Dr Ozlem Ulgen (*Birmingham City University*). The Municipality of The Hague generously sponsored five scholarships.

### Summer law programme on international criminal law & international legal & comparative approaches to counter-terrorism 27 May-20 June 2019

This annual summer law 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. Each year, forty selected students from top U.S. law colleges and universities travel 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. In 2019, keynote



The brand new and innovative winter academy on artificial intelligence (ai) and international law brings together academics, policymakers, practitioners and high-level lecturers.

speakers were Benjamin Ferencz (last surviving Nuremburg prosecutor), Judge Christine Van den Wyngaert (*Kosovo Specialist Chambers & Specialist Prosecutor's Office*; previously, Judge, *International Criminal Court* (ICC)), Judge Howard Morrison (ICC) and prosecutor Norman Farrell (*Special Tribunal for Lebanon*, (STL)). The annual summer law programme is organised by Dr Christophe Paulussen (Asser Institute) in cooperation with the *Washington College of Law*.

### Summer programme: International lawyering in the public interest 8-12 July 2019

In this unique summer programme participants explore the challenges of public interest advocacy in international law, and learn what it means to practice public interest advocacy in the international system. Leaders in the practice – public interest lawyers, activists, academics and NGO members – discuss cutting-edge legal techniques and questions such as how to identify causes for public advocacy, how



Co-organised by the War Crimes Research Office of American University's Washington College of Law and the Asser Instituut, the unique summer law programme on international criminal law and counterterrorism annually brings forty students from top U.S. law colleges to The Hague.

to start up a practice and where to find funding. The course was co-organised by the *Amsterdam Center for International Law (ACIL)* and scholarships were generously provided by *AKD law firm*. Prominent speakers were Marianne McKeown (*Social Change Consulting*), Annemarie van den Heuvel (*Pro Bono Connect*), Jasper Teulings (*Greenpeace*), and Matt Cannock (*Amnesty International*).

### **Advanced summer programme: Terrorism, countering terrorism and the rule of law 26-30 August 2019**

During our renowned Advanced summer programme on terrorism, countering terrorism and the rule of law, experts, academics and practitioners explored international and domestic legal aspects of counter-terrorism. The course offers an in-depth look at the challenges that come with adopting counter-terrorism policies while ensuring respect for human rights, fundamental freedoms and



Prof. Isabelle Duyvesteyn (*Leiden University*) was the key note speaker for the ninth edition of the Advanced summer programme on terrorism, counter-terrorism and the rule of law.

the rule of law. The course includes lectures by top speakers in the field, interactive sessions, study visits, group discussions (Chatham House Rules) and panel presentations on current topics. Keynote speakers in 2019 were Prof. Isabelle Duyvesteyn (*Leiden University*) and Prof. Clive Walker (*University of Leeds*). The summer course is organised in close collaboration with the *International Centre for Counter-Terrorism – The Hague (ICCT)*. The *Netherlands Ministry of Foreign Affairs* funded fourteen scholarships.

### **Training programme on disarmament and non-proliferation of weapons of mass destruction**

**30 September-4 October 2019**

This highly regarded annual training programme on disarmament and non-proliferation of weapons of mass destruction is co-organised by the Asser Institute and the OPCW. During the course, participants get a comprehensive overview of non-proliferation and disarmament efforts regarding

weapons of mass destruction, by internationally renowned experts and diplomats specialised in international law, security and related disciplines. In 2019, H.E. Mr Fernando Arias, the Director-General of the OPCW, was the keynote speaker. With funding support by the *European Commission* and the *Netherlands Ministry of Foreign Affairs*, the OPCW generously offered scholarships for civil society organisations and professionals in lower income nations active in the field of non-proliferation.

**Lebanon lectures: Inter-university programme on international criminal law and procedure**

**19 November 2019-April 2020**

2019 saw the start of the eighth season of a special lecture series on international criminal law and procedure, organised since 2011 by the Asser Institute and the *Outreach and Legacy Section of the Special Tribunal for Lebanon (STL)*. The training is unique in its scope and results, as it enables law students from eleven Lebanese universities to follow seventeen lectures on international criminal law and procedure.

Streamed from the Asser Institute in The Hague, the programme features lectures by prominent practitioners and academics. The lectures are delivered in English with simultaneous interpretation into Arabic. More than 800 students have already graduated the programme, and international criminal law has become an integral part of their legal vocabulary. Importantly, the course also brings together different Lebanese universities, transforming the Lebanese academic and legal landscape in general. Professor Georges Masse of the *American University of Science and Technology* in Beirut described the programme as ‘the best attempt towards reconciliation in Lebanon, because it brings



Field trip to the OPCW lab during the annual training programme on disarmament and non-proliferation of weapons of mass destruction, co-organised by the OPCW and the Asser Institute.



The deans of eleven Lebanese universities participating in the Lebanon Lectures, co-organised with the Outreach and Legacy Section of the *Special Tribunal for Lebanon*, on a 2019 visit to the board of the T.M.C. Asser Instituut.

together universities and students from different backgrounds’. In 2019, over 550 Lebanese students applied to participate in

the programme, by far the highest number to date.

**Strengthening domestic capacity to prosecute international and transnational crimes in Africa**

**18-22 March 2019**

2018, the Asser Institute, together with the *Antonio Cassese Initiative* and the *Nuremberg Academy*, launched a training course on International Criminal Law (ICL) and Transnational Criminal Law (TCL). The course is aimed at judges and prosecutors from French speaking African countries that are dealing with fragile judicial and prosecutorial sectors and challenges in prosecuting international and transnational crimes such as terrorism. In 2019, the Asser Institute and the *Antonio Cassese Initiative* organised a

follow-up training for participants from Cote d'Ivoire, Burkina Faso, Niger, Mali, the DRC and Congo. The course aims to strengthen the capacity to prosecute and try international and transnational crimes, and to enhance the ability to protect human rights, including fair trial rights enshrined in international instruments. In 2019 key speakers were Dr Tristan Ferraro (*International Committee of the Red Cross*), Anne-Aurore Bertrand (ICC) and Yvan Cuypers (ICC). The ICL-TCL training is organised in collaboration with the *International Nuremberg Principles Academy*, the *Municipality of The Hague*, the *Knowledge Platform* and the *African Institute of International Law*. The *Netherlands Ministry of Foreign Affairs* generously provided scholarships.



The ICL-TCL course, taught in French, aims to strengthen the capacity to prosecute and try international and transnational crimes, and to enhance the ability to protect human rights, including fair trial rights enshrined in international instruments. • Photo: Hilko Visser

# Public events 2019 (selection)

## The Fifth Annual T.M.C. Asser Lecture: 'International law and the social question'

In November, distinguished scholar Prof. Anne Orford delivered the fifth Annual T.M.C. Asser Lecture at the Peace Palace in The Hague. In her lecture 'International law and the social question', Prof. Orford critically reflected on current international economic law making and adjudication practises.

While international law has played a central role in creating the conditions for market liberalisation on a global scale, many international lawyers have paid less attention to the social question, according to Orford, leaving human welfare, social unrest, labour relations or migration to be addressed by economists, criminologists, sociologists or demographers.

Prof. Orford said that the current situation of people who are dispossessed or impoverished by economic liberalisation and the exhaustion of the world's resources have become 'inescapable barriers to the continuation of global business as usual'. She called for international lawyers to pay attention to the negative effects of globalism and for international law to become more transparent and democratic.

At the start of the event, Prof. Daan Asser presented the Asser Institute with the gouache of Tobias Asser, made by painter Guus van Eck. Daan Asser, Tobias Asser's great grandson, unveiled it together with Ernst Hirsch Ballin and Janne Nijman. Marriët Schuurman, director stabilisation and humanitarian aid of the *Ministry of Foreign Affairs* (MFA) delivered a speech on



In a packed Peace Palace, Anne Orford called for international lawyers to pay attention to the negative effects of globalism.

• Photo: Hilko Visser

behalf of Minister Sigrid Kaag, in which she highlighted the importance of implementing the Sustainable Development Goals (SDGs) to achieve a more inclusive, righteous and sustainable world.

## 'Occupy law'

Ahead of her T.M.C. Asser Lecture, Prof. Orford spoke to Dutch newspaper the NRC about the need for a fundamental 'decolonisation of international law' as we know it. In the interview with NRC journalist Caroline de Gruyter, Orford called for international treaties to be more social. "International law is under attack from all sides. Trump and populists on the left and right are not the only ones who shoot at it. Even within the international law sphere itself, people are finally waking up," says Orford. She sees the withdrawal of the US from international forums and treaties as an excellent

opportunity to reform international law. Orford: “We had Occupy Wall Street, and now we need some kind of Occupy Law.”

Asser Institute researchers Taylor Woodcock, Antoine Duval and Dimitri van den Meerssche interviewed Prof. Orford for international law blog *OpinioJuris*.

The day after the T.M.C. Asser Annual Lecture, Prof. Orford gave a special masterclass at the Asser Institute in which PhD students presented their work and received comments by Prof. Orford and Prof. Dr Wouter Werner (*Vrije Universiteit Amsterdam*).

### Artificial Intelligence: a revolution in strategic affairs?

‘The fast development and increasing use of AI has ‘broad strategic implications for international affairs’. And: ‘AI has the potential to transform strategy and to dramatically affect the balance of power’. In his lecture ‘Artificial Intelligence: a revolution in strategic affairs’, Dr Kenneth Payne (Senior lecturer on technology and strategy, *King’s College London*) explored how AI can affect the psychological essence of strategy. The fully booked event, organised in connection with the Parliamentary roundtable on drones and killer robots at the *House of Representatives of the Netherlands*, took place in January at the Wijnhaven Campus of *Leiden University*. Introductory remarks were by Dr Berenice Boutin (Asser Institute) and Sven Koopmans (Member of the *Dutch Parliament*, VVD).

### Closing plenary of the American Society of International Law

In March 2019, the Asser Institute convened the closing plenary of the 113<sup>th</sup> Annual Meeting of the ASIL in Washington D.C. The panel ‘International law as an instrument



In June, T.M.C. Asser Instituut hosted the event ‘Unpacking the responsibility gap(s) arising from AI applications in weapon technologies’, which addressed both the potential responsibility gaps in individual criminal responsibility for war crimes and State responsibility that may arise in relation to the implementation of AI in weapon systems.

for development’ was moderated by Janne Nijman, bringing together leading experts such as Ulrik Knudsen (deputy secretary-general of the OECD), Balakrishnan Rajagopal (UN special rapporteur on the right to adequate housing) and Martijn Snoep (chairman *Netherlands Authority for Consumers & Markets*). The panel discussed the problems – such as global inequality and competition, rising protectionism and rapidly changing technology – that hinder the use of international law in promoting economic development, and what to do about it. The event was sponsored by *The Municipality of The Hague* and the *Embassy of the Netherlands* in Washington D.C..

### Unpacking the responsibility gap(s) arising from AI applications in weapon technologies

This symposium in June, hosted by the Asser Institute, addressed the responsibility gaps in individual criminal responsibility for war

crimes and state responsibility that may arise with the use of AI in weapon systems. The speakers were Alice Beck (project officer autonomous weapons, *PAX for Peace*), Dr Marta Bo (researcher, Asser Institute) and Dr Berenice Boutin (researcher, Asser Institute).

### Yearbook editors from across the world gathered at the Asser Institute

In September, the two-day event 'Yearbooks in international law; history, function and future', brought together the editors of eighteen Yearbooks of International Law from across the world. The event was organised by the editorial board of the *Netherlands Yearbook of International Law* (NYIL) to mark its 50th anniversary. The editors were invited to reflect on the history, development, function, impact and future of the Yearbooks in written contributions, which will be published in the NYIL 50th Anniversary Volume. The NYIL has been published under the auspices of the T.M.C. Asser Instituut since 1970.

### A sense of belonging in the city

What is an inclusive city? The story of a clash between newcomers and the old residents of cities is as old as the history books. But need it be so? In May, Asser academic director Janne E. Nijman provided the keynote lecture 'Building an Urban Sense of Belonging: a Global Affair' as the opening of the seminar 'A sense of belonging in the city: the role of NGOs in promoting inclusive cities'. The seminar, co-organised by the *Municipality of Amsterdam*, the T.M.C. Asser Institute and *NieuwWij* was dedicated to the efforts of NGOs on making cities more inclusive.

### PAX moot court competition

The PAX moot court is a two day international student court competition, focusing



In May, the PAX moot court, a student court competition that focuses on private international law issues, brought students from eleven law schools in eight countries to The Hague to debate the complexities and nuances of this area of law. The winners got to plead in the Peace Palace.

• Photo: Hilko Visser

on private international law. In May 2019, its seventh edition, coordinated by the Asser Institute, took place in The Hague. The participating students came from eleven law schools in eight countries. The moot court marked the 50th anniversary of EU private international law and was named after one of its 'founding fathers', Paul Jenard, who served as the Rapporteur of the 1968 Brussels Convention. The coordination by the Asser Institute was part of the EU-funded *JUDGTRUST* research project, led by Asser researcher Vesna Lazić, which focuses on the Brussels Ibis Regulation. The event was co-organised with *Antwerpen University* and with *Sciences Po, Paris*.

### 15<sup>th</sup> anniversary SCL Lectures event: Taking stock of the international criminal justice project: deficient or sufficient?

During this special SCL lecture in April, marking the 15<sup>th</sup> anniversary of the SCL

lecture series, three experts (who presented during the very first SCL lectures) took stock of the international criminal justice project through three lenses: international criminal procedure, the right to information and critical, reflexive learning. The lecturers were Prof. Göran Sluiter (*University of Amsterdam/Prakken d'Oliveira*), Olga Kavran (*Special Tribunal for Lebanon*) and Dr Jeff Handmaker (*International Institute of Social Studies*).

### Art and international justice: sounds, design, visuals

While artists and international jurists have many interests in common, they often remain two worlds apart. The Asser Institute's research project *Imagining Justice* aims to change that by seeking cooperation between artists, lawyers, musicians and academics for events such as 'Art and international justice: sounds, design, visuals' which was held in October at the Asser Institute.



The fully booked event featured an exhibition, live music, presentations on the architectural design of ad hoc tribunals and other topics, and a round table on the role of art in international justice. The event was

co-organised with the *Art and International Justice Initiative* (ARTIJ) – a platform bringing together art and international justice.

### Local high school students snap photos of The Hague for Human Rights Day

To commemorate Human Rights Day on 10 December, the T.M.C. Asser Instituut, in collaboration with *Humanity House* and the Visual Human Rights project, invited forty high school students from The Hague to participate in the workshop *Human rights visualised*. The workshop included a range of activities under the guidance of Dr Sofia Stolk (Asser Institute) and photographer Hoessein Alkisaie (*Visual Human Rights*).

After the students learned about human rights and photography, they visited Hoessein's photo exhibition at the *Humanity House*. They chose article(s) from the *Universal Declaration of Human Rights* (UDHR) and went into the city of The Hague to visit international organisations and take photos.



One of the winning high school student photos of The Hague for Human Rights Day.

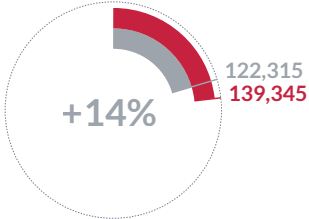
# Communications

■ 2018  
■ 2019

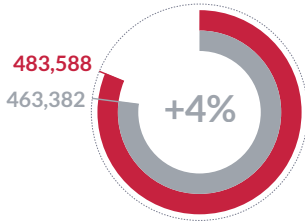
## Website



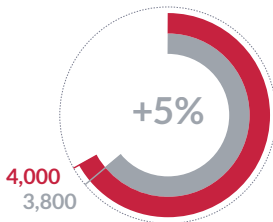
visitors



page views



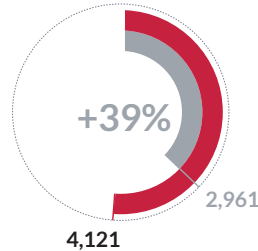
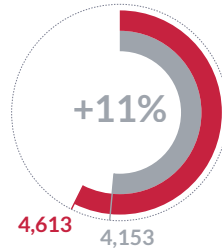
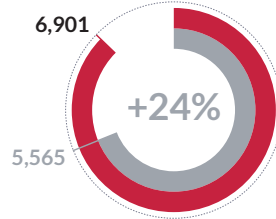
## 'Asser today' newsletter



## Asser in the media

24 in 2019

## Social media followers



## Asser education & events list subscribers

1,600 in 2019

## Asser in the media (selection)

### Citizenship stripping is not only ineffective, but can also lead to a bigger problem

The Minister of Justice of the Netherlands wants to take harder measures against returning IS foreign fighters by stripping them of their nationality. Asser senior researcher Dr Christophe tells *NRC Handelsblad* these efforts are ineffective as it can lead to more radicalisation and is usually used by states “for the stage” to show a non-tolerance attitude (7 January, 2019).

NRC  HANDELSBLAD

### ICC acquits former Ivory Coast president

The ICC acquitted former Ivory Coast president Laurent Gbagbo over post-electoral violence that killed 3,000 people. While many analysts see it as yet another blow in a series of failed prosecutions, Asser researcher Dr Marta Bo tells *The Independent* that it's best to refrain from forming an opinion about the Court based only on this one decision (15 January, 2019.)



INDEPENDENT

### The UN judges set to rule on Chagos island dispute

A decades-long dispute over Britain's eviction of the Chagos islanders has been brought to the *International Court of Justice* for an advisory ruling. In an interview with *Agence France-Presse*, Dr Dimitri van den Meerdsche describes the role of the ICJ as pivotal, as it will bring the authoritative closure that is essential to resolve this legal dispute (25 February, 2019).



### A long way to go to closing the gender equality gap

On International Women's Day, Asser academic director and IGC gender champion Prof. Dr Janne Nijman shares her thoughts on gender equality in an interview with *The Coalition for the ICC*. Nijman notes that we often look at gender inequality ‘through a capitalist lens’. ‘But we will never reach full equality by simply becoming available as workforce, if we do not change the way we think about authority, power and leadership as well.’ She calls for more women to be represented in politics to address gender inequality (11 March, 2019).



### Leeuwarden and its ‘direct discrimination’ against Antilleans

In an interview for the *NTR*, Asser senior researcher Dr Ulad Belavusau expresses his concerns about plans by the *Municipality of Leeuwarden* to ‘decrease’ the amount of Antilleans living in the city. Belavusau says the case is an example of ‘direct discrimination’ according to European human rights law and gives examples of similar cases presented in the *European Court of Justice* (12 March, 2019).

ntr:

### The Kingdom of The Netherlands and the EU

In an opinion piece for the *Antilliaans Dagblad*, Asser president Prof. Dr Ernst Hirsch Ballin writes on the relation between the EU and the Dutch territories in the Caribbean. He mentions the fact that The Netherlands is an EU Member State, whilst the Kingdom of The Netherlands with its territories included, is not. Dr Hirsch Ballin writes on the possible implications this can bring (31 July, 2019).

*Antilliaans Dagblad*

### How to manage the return of combatants who left for Syria?

Asser counterterrorism experts Christophe Paulussen and Rumyana Grozdanova are interviewed by *Radio Canada* on the problems surrounding the return of former IS freedom fighters. The researchers warn against citizenship stripping and call for states to return them home. '(...) states should feel a responsibility not to export security threats to other countries, and putting jihadists on trial in their country of origin would help to better understand the causes of radicalisation' (15 March, 2019).



### Why doping in sport can't be stopped

In a short documentary by *The Economist*, Asser senior researcher Dr Antoine Duval provides a critical analysis of the legitimacy and effectiveness of sports governing bodies (SGBs) and touches on how conflicts of interests can stand in the way of a fair and transparent anti-doping process (25 October, 2019).



### 'International treaties can and should become more social'

On Thursday 29 November 2019, Professor Anne Orford (Melbourne Law School) delivered the Fifth Annual T.M.C. Asser Lecture at the Peace Palace in the Hague. In the run up, Dutch newspaper *NRC* and international law blog *OpinioJuris* interview Orford on her lecture and ambition 'to place the social question back on the agenda of international law(yers)' (25-27 November, 2019).

NRC  HANDELSBLAD

### France's 'forever' war against jihadist groups

Asser counterterrorism researcher Dr Rebecca Mignot-Mahdavi joins the live programme 'The Debate' on *France24* as an expert on the France's role in the Sahel and the 'war against jihadist groups'. Rebecca raises caution about the 'confusion between times and spaces of peace and war' as reflected domestic counter-terrorism policies (2 December, 2019).



### Key questions on the ICJ and genocide

Dr Dimitri van den Meerssche is interviewed by *Agence France Press* on the Rohingya case before the International Court of Justice (11 December 2019). In five key questions he explains how the UN's top court, which was set up in 1946 to arbitrate disputes between countries, deals with the issue (11 December, 2019).



### Crimes against the Rohingya

In an article for *OpinioJuris*, Asser researcher Dr Marta Bo examines the relationship between the ICC's jurisdiction and states' universal jurisdiction, and the principle of complementarity ahead of the ICC investigation in crimes against the Rohingya population (23 December, 2019).



# 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. T.M.C. Asser Press, together with members of the law faculties of Dutch and foreign universities and staff members of international organisations based in The Hague and abroad, offers a platform for academic cooperation through the publication of books, e-books and journals.

The T.M.C. Asser Press English-language book titles are distributed by its publishing partner *Springer Nature* and are available worldwide via *SpringerLink*. The books are published in three formats: as hardbacks, paperbacks and e-books. Through the availability of its titles via thousands of universities and libraries, T.M.C. Asser Press ensures a wide international distribution, visibility and readership. Information on our books can be found in *Bookmetrix*, a comprehensive web-based overview of the reach, usage and readership of a particular book or its individual chapters.

T.M.C. Asser Press performed well in 2019, publishing twenty-six new book titles and five journals, numbering a total of eighteen issues. Of these, the following especially deserve mention:

- The two volumes of *National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law – National Reports*, the first fully Open Access published books by T.M.C. Asser Press. Co-edited by Anneli Albi and Samo Bardutzky, the books (together amounting to more than 1500 pages) bring together leading scholars of constitutional law from twenty-nine

European countries to revisit the role of national constitutions at a time when decision-making has increasingly shifted to the European and transnational level.

- The T.M.C. Asser Press Yearbook Series: The main theme of Volume 21 of the *Yearbook of International Humanitarian Law* is the development and interpretation of international humanitarian law. The second theme of this volume is dedicated to targeting in armed conflicts.
- Volume 49 of the *Netherlands Yearbook of International Law* explores the many faces of



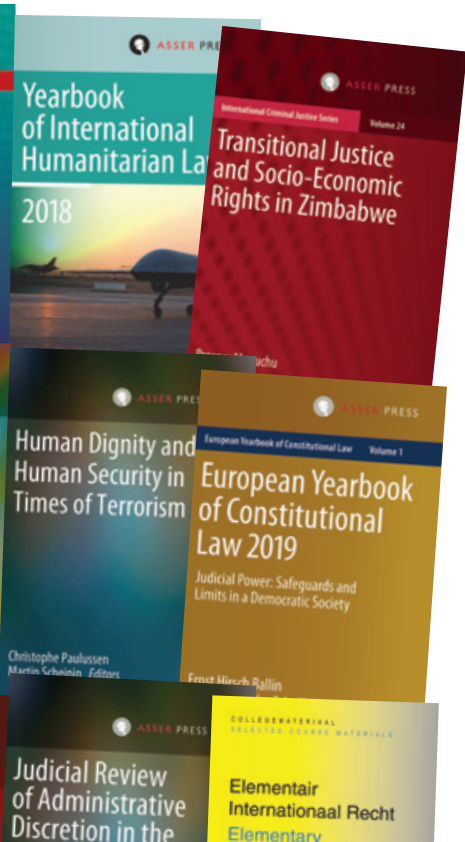
populism, and the different manifestations of the relationship between populism and international law.

- In 2019, T.M.C. Asser Press also published the inaugural edition of the *European Yearbook of Constitutional Law*, a series in cooperation with the *Tilburg Law School* and edited by T.M.C. Asser Institute's president Ernst Hirsch Ballin and Tilburg Law scholars Gerhard van der Schyff and Maarten Stremmer. The title of this volume is 'Judicial Power: Safeguards and Limits in a Democratic Society'.

- Jacopo Roberti di Sarsina's book *Transitional Justice and a State's Response to Mass Atrocity* was presented during a well-attended book launch at the T.M.C. Asser Instituut.
- In the *International Criminal Justice Series* four new volumes were published, among them the book co-edited by Gerhard Werle and Andreas Zimmermann entitled '*The International Criminal Court in Turbulent Times*'.
- Martti Koskeniemi's lecture on 'International Law and the Far Right' was published in the *T.M.C. Asser Annual Lecture Series*.

### Furthermore

- A special issue was published of the *Hague Journal on the Rule of Law*, a collection of 36 essays in honour of the renowned scholar Martin Krygier (HJRL, Volume 11, number 2-3, 2019).
- The *International Sports Law Journal* celebrated the *Second Annual ISLJ Conference* (organised by the Asser International Sports Law Centre) with a special issue (ISLJ, Volume 19, numbers 1-2, 2019).
- The first issue of *Nederlands Internationaal Privaatrecht* in 2019 was a special issue on '*Private International Law and Maritime Law*' (NIPR, Volume 37, number 1, 2019).
- 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 2019 can be found in Annex 2 ([www.asser.nl](http://www.asser.nl)).



# Financial overview

	2019	2018
<b>Revenues</b>		
Core funding	2.163	2.163
Additional income	4.125	3.990
Total revenues	6.288	6.153
Direct costs of commissioned projects	- 3.000	- 2.950
Gross margin	3.288	3.203
<b>Expenses</b>		
Personnel costs	2.378	2.478
Material costs	770	691
Total expenses	3.148	3.159
<b>Result</b>	140	44
Added to general reserve	140	44
Added to general reserve	0	0
<b>Total equity</b>		
On 1 January	2.663	2.676
On 31 December	2.803	2.663

! All amounts in Euros x 1,000

The T.M.C. Asser Instituut is partially funded by public resources. In 2019, the core funding by the UvA accounted for 34% of the total revenues. The additional 66% was generated through externally funded activities for national and international stakeholders, such as the *The Netherlands Ministry of Foreign Affairs* (tendered projects, trainings and conferences), the *European Commission* (tendered projects and grants), the *US, Canadian, and Moroccan Departments of State* (management of the Administrative Unit of the GCTF, implementing projects) and the *Gieskes Strijbis Fonds* (research projects).

A summary of the Institute's financial statement 2019 is presented in the table to the side. The external auditor (*Dubois & co*) has given an unqualified opinion to the financial statement.

In 2018 the financial result is € 140.000 positive. This result is effected strongly by (positive and negative) one-time costs items, in particular the impairment of the building. The adjusted result before extraordinary items is € 12.000 negative, which shows that with the current project portfolio, Asser's expenditure has reached its maximum.

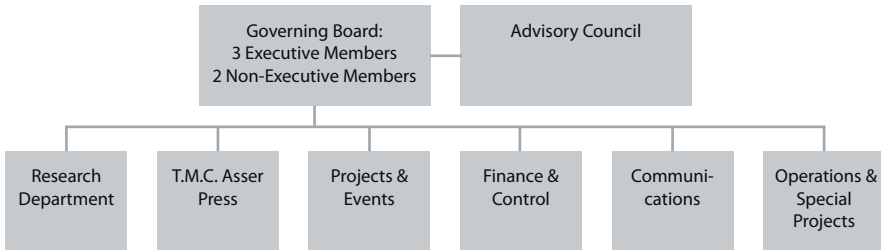
The Institute's equity totalled € 2.803.000 at the end of the year, which is 45% of the total revenues (€ 6.288.000) and 48% of the balance sheet total (€ 5.812.000). This shows a healthy financial solvency.

# Organisation & governance



**ASSER**  
INSTITUTE

*Centre for International & European Law*



The T.M.C. Asser Instituut is a foundation established in 1965 as an inter-university institute for international law in The Hague. The foundation is affiliated with the UvA, which provides the core funding for the institute.

The T.M.C. Asser Instituut has a one-tier board, comprising three executive members and two non-executive members. The executive members are Prof. Ernst Hirsch Ballin (president of the board), Prof. Janne Nijman (academic director) and Gert Grift MSc (managing director). The non-executive members are Prof. André Nollkaemper (dean, *UvA, Faculty of Law*) 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 2019, a total of 61 persons were employed by the T.M.C. Asser Instituut, including temporary and project related

staff and 9 interns. In addition, the Institute accommodated five visiting researchers for various periods in 2019.

## Asser staff December 2019 (in Fte)

	2019	2018
Directors	1.8	1.8
Research Department	17.7	13.9
PhDs	5.0	5.0
Projects & Events	5.3	5.3
Communications	1.9	2.6
Operations & Special Projects	4.0	4.0
Finance & Control	1.0	1.0
Secretariat of the Board	1.4	1.3
T.M.C. Asser Press	2.7	2.7
GCTF Admin Unit	7.6	7.6
<b>Total</b>	<b>48.4</b>	<b>45.2</b>
Interns*	9.0	8.0

## Sustainability

Sustainability is important to the T.M.C. Asser Instituut, and we want to make the biggest possible positive impact upon the environment while having the smallest possible footprint. Our building has an isolated roof and solar panels. We actively reduce the use of paper with printing policies, e-readers and tablets, digital-only publications and the use of eco-friendly paper. We serve ecological tea and coffee in eco-friendly paper cups to our staff and guests. During training programmes and events, we serve vegetarian and vegan food and ecological wine. Wherever possible, office waste is recycled. We have excellent teleconferencing facilities to help reduce transport. In 2019, we replanted the garden of our building to help increase biodiversity. We further had a study conducted into the sustainable renewal of the climate system of our building.

## Gender equality at T.M.C. Asser Instituut

"It is important to bring a gender perspective in the conversation on international (human rights) law, as a way of advancing social justice and equality for all", said Janne Nijman in 2019, when she took a pledge to join the *International Gender Championship* (IGC) Network, a network that brings together female and male decision-makers to break down gender barriers. All international gender champions sign a 'panel parity pledge' to no longer sit on single-sex panels.

The network, founded in 2015, consists of some 240 female and male champions, that include the Secretary-General of the United Nations, the heads of UN Offices at Geneva, Vienna and Nairobi, and international organisations such as the *International Labour Organization* (ILO), the *World Health Organization* (WHO), *World Trade Organization* (WTO), NGOs, academic

institutions, and permanent representatives of member states. Nijman joined the network as she is convinced that gender equality is not only a fundamental human right, but a necessary condition for achieving a peaceful, prosperous and sustainable world. Janne Nijman: "I believe gender equality is crucial to achieve peaceful societies, an issue that concerns men and women alike. Empowering women also spurs productivity, economic growth, leads to better governance and helps to establish a sustainable future for us all."

The T.M.C. Asser Instituut has a good track record in gender equality in both staff and panel compositions. In 2019, as in previous years, over 50 percent of Asser staff are women (53% women, 47% male).

With gender policies and procedures in place, the Institute further aims to ensure that all panels of events are gender balanced. In 2019, most of the panels reflected equal gender representation. In case a panel turned out not to be gender-balanced, the meeting organisers were asked to highlight this point at the beginning of the meeting, and to encourage participation by audience members from the opposite sex. The Institute has further decided to actively invite female scholars if a call for papers yields a response of predominantly male scholars. Additionally, the communications department has an equal gender/diversity representation in its photography strategy.



After two intensive years of eco-friendly and sustainable renovations, the Asser Institute celebrated the formal opening of our building by welcoming neighbours, friends and staff to take part in a festive afternoon. Pauline Krikke, then mayor of The Hague, symbolically cut the ribbon. Also present was Saskia Bruines, deputy mayor and The Hague's alderman for education.



**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

**E** [info@asser.nl](mailto:info@asser.nl)  
[www.asser.nl](http://www.asser.nl)

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