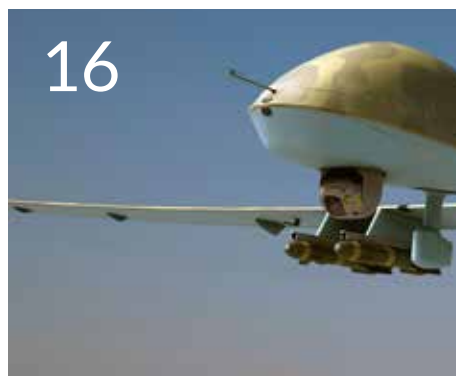


Annual report 2021



Cover

Solidarity is a core value underpinning both the development of modern international law as well as the European project. In March, the online conference 'Imagining solidarity in international and regional law' put solidarity into discussion. Read more on [page 24](#).

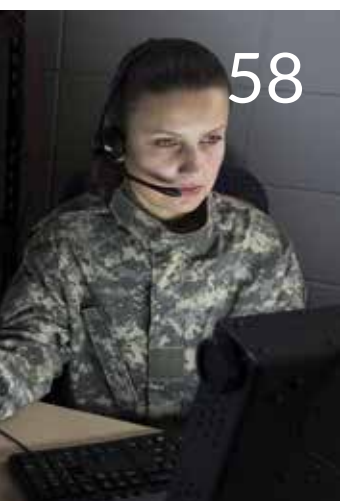


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About the T.M.C. Asser Instituut

The T.M.C. Asser Instituut is an internationally renowned research centre for international and European law. Established in 1965 as an inter-university institute, the T.M.C. Asser Instituut is an independent foundation, which is affiliated closely with the *University of Amsterdam (UvA)*.



Our mission

The Asser Institute aims to contribute to the development of international and European public and private law by independently conducting fundamental, policy-oriented and applied legal research. We actively share our knowledge of international and European law through academic and expert-meetings, (professional) education, and free public events. In the coming years, our strategic research agenda, entitled *'Rethinking public interests in international and European Law'; Pairing critical reflection with perspectives for action'* will be the substantive basis for the Asser Institute's education, knowledge dissemination activities and events.

Our vision

We envision a world in which local, national and transnational public interests are protected and promoted by international and European public and private law. This is supported by critical reflection conducive to perspectives for action to help confront our global challenges.

Our values

The Asser community is a public-spirited community that is committed to excellence, integrity, inclusivity, and public values.

Located in The Hague – the 'City of Peace and Justice' – in the vicinity of many international institutions, diplomatic missions and government ministries, the Institute exercises strong convening power and attracts legal experts from around the world.

Both driven by the ambition to create knowledge and scientific solutions to societal problems and aiming for a just society, the *Amsterdam Law School (UvA)* and the Asser Institute will intensify their cooperation in the coming years. A ten-year cooperation agreement forms the framework for increased collaboration between both organisations in research, education and in business operations.

Founded by nine Dutch stakeholder universities, T.M.C. Asser Instituut actively promotes collaboration with – and between Dutch Law schools. To this end, the Institute coordinates inter-university research networks such as the *Netherlands Network for Human Rights Research (NNHRR)* and the *Centre for the law of EU external relations (CLEER)*.

Rethinking public interests

Academic director and chairperson of the executive board's report

2021 was not just another Covid-pandemic year for us at the Asser Institute. While continuing many activities online, we used the time to reflect on what in our view needs to be rethought in international and European public and private law in order to contribute to the urgent confrontation of the global challenges of our times – the climate and environmental crises, global pandemics, and poverty, to name just a few.

From international human rights to new tech, and to law and policy; the public interest is a crucial notion to assure that the *public* benefits, as opposed to a single group or individual only.. And yet, the public interest is neglected in political and scholarly discussions.

For one, the Covid-19 pandemic showed the significance of law, policy, and government in the name of 'the public interest'. From the first measures that restricted freedoms to protect public health, to the discussions on a fair global distribution of vaccines; in the past two years 'the public interest' was at the heart of law-, policy- and decision-making discussions around the globe.

Earlier this year, in a row over his right to remain in the country unvaccinated, tennis star Novak Djokovic was banned from the *Australian Open* tennis tournament, as Australia's immigration minister Alex Hawke decided to cancel Djokovic's visa on the basis of the public interest. More recently, the public interest was cited by lawyers of the UK Home Office to defend the 'Rwanda deal', the British government's controversial plan to deport asylum seekers to the East African nation. Paradoxically, we now hear voices that suggest Britain should leave the *European Convention of Human Rights* on this same basis. And we also hear questions about how to ensure the development of responsible AI in the public interest? In all of these discussions, the question arises what is 'in the public interest'? And, who decides on that?

The loss of public trust in international and European law and institutions, seems strongly related to the perception that norms and institutions are failing to serve public interests. Data on the rising inequality and the deepening of the climate crisis, only support this perception of failure and untrustworthiness. Moreover, critical research into international and European public and private law and institutions has shown that our legal regimes and institutions are actually implicated in global inequality, and in the imminent crash into our Earth's planetary boundaries.

This is not for want of appeals made to public interests by these institutions, nor even for want of best intentions. But the presuppositions behind these public interest arguments and their effects in action, are not yet well-understood. We can see, though, that

“The loss of public trust in international and European law and institutions, seems strongly related to the perception that norms and institutions are failing to serve public interests.



presuppositions about public interests often form a stark contrast with what the public expects, namely that international institutions and regimes play a role in tackling our crises. And that these institutions and regimes protect public interests and/or public goods at the local, national, regional and international level.

Common denominator

The concern about public interests, the ‘public good’ and, in some cases, ‘public values’, has always been a strong common denominator in the work of the researchers at the Asser Institute. Having an acute awareness of the public interest to us means more than looking at legal compliance, or at process and procedure as its outcome. We believe it is important to look at ethics and governance, fairness, integrity, accountability, transparency and social justice as well. We ask ourselves how law can serve public interests, public values or climate justice, and where its limits lie.

In 2021, we have thus worked hard to finalise our new strategic research agenda, which is entitled: *‘Rethinking public interests in international and European law; Pairing critical reflection with perspectives for action’*. As you can read in this Annual Report, researchers of the Asser Institute work on a wide range of substantive legal areas, and in all of these fields, questions about the intersection between public interests and law have emerged. While the notion of the public interest was already present in our previous research agenda on *‘International and European law as a source of trust in a hyper-connected world (2016-2021)’*, we will

“We ask ourselves how law can serve public interests, public values or climate justice, and where its limits lie.

now bring questions around public interest to the core of our research.

Top quality publications

In 2021, our work was divided in three research strands: *Human dignity and human security*; *Advancing public interests* and *Dispute settlement and adjudication*. Starting on [page 10](#), the academic coordinators of these strands, senior researchers Christophe Paulussen, Antoine Duval and Geoff Gordon will tell you about our academic accomplishments of the past year.

As you can also see in the Annex to this report, 2021 was another year of top quality publications in journals such as the *European Journal of International Law*, the *Journal of International Criminal Justice*, the *Jahrbuch des öffentlichen Rechts der Gegenwart*, the *Journal of Conflict and Security Law* and the *International Criminal Law Review*. We have further published a monography, books, edited volumes and book chapters with Oxford University Press, Edward Elgar Publishing, Hart Publishing, Routledge and Springer International, and the Max Planck Encyclopaedia of International Procedural Law.

Reaching these accomplishments went against the odds, as 2021 saw the second year of ‘Zoom’. Another prolonged lockdown, and long-lasting restrictions on travel and on working at the office forced our collaborations, events and our popular *Winter academy on Artificial Intelligence and international law* back online. The lack of face-to-face meetings, in-person events and teaching – and the uncertainty as to how long this situation might persist a second time round – took its toll. Researchers with young children at home, or with other care responsibilities, saw Covid-19-related delays in their research and publications.

I am proud, though, of how the Asser community managed to stick together, keeping up the spirit, with colleagues supporting each other and showing the flexibility and perseverance

Asser Strategic Research Agenda 2022-2026



Rethinking public interests in international and European Law: Pairing critical reflection with perspectives for action

Asser Institute researchers believe it is important to look beyond legal compliance, process and procedure to include ethics, governance, fairness, integrity, accountability, transparency and social justice as well. We ask ourselves how law can serve public interests, public values or climate justice, and where its limits lie.

to focus on delivering innovative research and education.

For the first time since its inception, we had to postpone our T.M.C. Asser Annual lecture in the Peace Palace to May 2022. Some days before we adjourned the event, our speaker Brigid Laffan, a renowned expert on the *European Union* (EU), was interviewed by Caroline de Gruyter for Dutch newspaper *NRC*. In the interview, Brigid Laffan reflected on the EU's (lack of) response to the renewed great power competition and the weakening of the multilateral world order; our world of 'geopolitical shift and shock'.

These questions speak in particular to our Global Europe project, led by researchers Eva Kassoti and Narin Idriz, which focuses on the EU as a global player within an increasingly hostile and fragmented world. In the project, we look at how the EU portrays itself as a normative power, committed to values, to international law, democracy, human rights and multilateral cooperation. The EU's success will depend on its credibility as a global player – be it in dealing with the devastating war of aggression waged by Russia against Ukraine,

or on realising its Green Deal amidst a rising inflation and great energy worries. Will it be able to keep generating support for- and trust in its role as a leading normative power?

A new nuclear era?

In 2021, we were joined by Thilo Marauhn, who was appointed to the endowed chair on international arms control law. The chair was established on behalf of the T.M.C. Asser Instituut and with the support of the Dutch *Ministry of Foreign Affairs*. The war in Ukraine, and Vladimir Putin's frequent reminders of Russia's nuclear arsenal, have highlighted the dangers of a new nuclear era. It shows the continued relevance of international arms control law and the monitoring of compliance with these conventions. Arms control law is a technically highly specialised area of law, but vital for national and international security. With the appointment of Thilo Marauhn, we aim to retain this academic knowledge for the Netherlands.

Apart from Thilo Marauhn, seven other excellent researchers have joined the Asser Institute in 2021. Carl Lewis has joined the research strand on '*Dispute Settlement and*

“Vladimir Putin’s frequent reminders of Russia’s nuclear arsenal, have highlighted the dangers of a new nuclear era.

Adjudication in International and European Law. Tarik Gherbaoui and Natacha Polia joined to focus on counterterrorism, and Victoria Kerr joined to work on the MATRA project ‘*Strengthening Ukraine’s Capacity to Investigate and Prosecute International Crimes*’. In this project, and together with our partner *Global Rights Compliance (GRC)*, we are assisting the *Ukrainian War Crimes Unit* and other actors to investigate and prosecute international crimes. Post-doc researcher Tomasz Zureck, and Marie Skłodowska-Curie Fellow Magda Pacholska have joined our DILEMA-project on law and military artificial intelligence. This project’s goal is to ensure that military AI technology is, by design, in line with ethics and international law. Starting on [page 10](#), our academic coordinators will further introduce our new colleagues.

Sharing our knowledge

Sharing our knowledge and research is our contribution to help solve global challenges, so in addition to delivering publications and speaking at academic research meetings, we have organised more than fifty well-visited online conferences, webinars and training programmes in 2021.

Throughout the year, our hugely popular free workshop series on *Method, Methodology and Critique in International Law*, drew hundreds of attendees from all over the globe each month. Associate fellow Dimitri Van Den Meerssche received an *Early Career Partnership Award* from the *Royal Netherlands Academy of Arts and Sciences (KNAW)* to organise an interactive closing workshop to the series. Centre-stage in this workshop in December was the work of young researchers who are exploring new avenues for critical, interdisciplinary research in international law.

In the autumn, we further launched the brand-new *Asser Masterclass series*, an innovative professional education series in international legal practice. Masterclasses are short courses tailored to professionals who wish to deepen

their knowledge and stay current with the cutting-edge knowledge of academia and the hands-on experience of practitioners. Read more about our education on [page 48](#).

Growing impact

In 2021, our societal impact continued to grow, and so did our online community, as you can read on [page 60](#). Asser Institute researchers were interviewed by national and international media about a wide variety of international and EU law developments; on the outcomes of disputes before the Hague-based courts and tribunals; on sports law; artificial intelligence, and counter-terrorism related topics.

In the *Huffington Post*, for instance, Rebecca Mignot-Mahdavi criticised the identification techniques used by the French army for a lethal drone airstrike in Mali, on the basis of the law of armed conflict. In the British newspaper *the Guardian*, Berenice Boutin warned for the potentially dangerous consequences of the EU’s expanding investments in artificial intelligence. Our new research fellow Ahmad Nader Nadery, one of Afghanistan’s top peace negotiators in peace talks with the Taliban, gave an interview to the *New York Times*. Asser researchers further published some 31 op-eds, policy briefs and blog posts, for online media and blogs such as *Afronomics*, *Verfassungsblog*, *OpinioJuris*, *Conflict of Laws.net*, *the International Review of the Red Cross* and *Medium*. (Read more on [page 60](#)).

Policy discussions

Both our fundamental and our contract research continues to find its way into reports and policy discussions. They do so in the Netherlands and in the EU, but also in organisations such as the *European Commission*, the *GCTF*, *OPCW* and *UNICRI* in The Hague.

In June, academic coordinator and counter-terrorism expert Christophe Paulussen participated in an online roundtable discussion, organised by the *Justice and*

Security Committee of the Dutch House of Representatives. The theme of the public discussion was the scope of threat of the repatriation of former IS fighters from Syria.

In October, ahead of the negotiations on a binding *United Nations* business and human rights treaty by the *open-ended intergovernmental working group (OEIGWG)*, academic coordinator Antoine Duval, together with his co-authors, published a well-read Asser policy brief with recommendations for the negotiators. While numerous political controversies surround the treaty, Duval's focus was on pointing out the weaknesses in the third revised draft of the treaty, and on analysing the treaty's utility, were it adopted, in responding to corporate human rights abuses.

In the same month, senior researcher Ulad Belavusau started a new three-year research project on memory laws, called 'Memocracy'. It is a cooperation between the *University of Cologne*, the *University of Copenhagen*, the *Polish Academy of Sciences*, and the Asser Institute/UvA. The project, which received a grant of 1.2 million euros from the *Volkswagen Foundation*, addresses the contemporary European culture war that has been provoked by the proliferation of memory laws and policies in Central and Eastern Europe. The term 'Memocracy', coined for the project, means 'ruling on the basis of memory'. In 2022, we will be able to hire a post-doc researcher on this project.

Rigorous thinkers

I am really proud that in 2021 we saw three Asser PhD researchers, Yehonatan Elazar-deMota, Lisa Roodenburg and Miha Marcenko, obtaining their PhD on the basis of highly original research. We need rigorous thinkers to create fresh and creative knowledge to help solve our complex societal problems, and these three young researchers are truly driven to do so. Researchers Klaudia Klonowska and Taylor Woodcock both joined our Asser Institute PhD programme. (Read more on [page 14](#)).

And last, but not least: the crown on our work in 2021, was the excellent mid-term review (2016-2020) that we received by an external committee, chaired by Barbara Oomen (Utrecht University). The committee has assessed the research quality, relevance to society and viability of our work at the Asser Institute. (Read more on [page 35](#)).

The period under assessment, 2016-2019, has been a period of great transition for the T.M.C. Asser Instituut. Our central objective was to become an academic research institute which critically contributes to the development of international and European law by conducting more fundamental research, as well as by increasing our number of high-quality academic publications in leading journals. Other objectives were to increase external funding for (fundamental) research, and to enhance our national and international visibility.

The committee found that this transition has been managed 'very successfully'. It wrote that '[t]he Asser Institute is now an academic research institute on international and European law, that has the standing to compete with the best and largest departments on international and European law at law faculties in the Netherlands.'

It concluded: "[T]he Asser Institute has been more than successful at its ambitions in the combined fields of research and societal outreach and is firmly positioned for a successful future. This is clearly the result of clear vision and a great deal of hard work of all involved."

You can imagine that we collectively toasted on these words, albeit on Zoom.

I hope you will enjoy reading this report.

Prof. Dr Janne Nijman

Chairperson of the Executive Board and Academic Director of the 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 in the fields of international criminal justice, terrorism, artificial intelligence and memory laws.

'Governments around the world continue to struggle with their response to alleged terrorists and (returning) foreign fighters'

"In 2020, states continued to challenge the international legal order", says strand coordinator Christophe Paulussen. "Early January, for example, a US drone strike killed Iranian general Qasem Soleimani and Iraqi paramilitary leader Abu Mahdi al-Muhandis. This was an unprecedented move by the US government: targeting a high-level official of a foreign state on the territory of yet another state."

"On 6 January 2021, the United States Capitol building was attacked by supporters of the outgoing president Donald Trump, who were seeking to overturn the results of the election. This event, which led to the death of several people, has in the U.S. been classified as a domestic terrorist attack, and it illustrates the continued rise of far-right extremism.", says research strand coordinator and terrorism expert Christophe Paulussen.

"To help tackle the evolving threat of violent extremism, my colleague and counterterrorism researcher Romyana van Ark has started work in 2021 on a toolkit for the *Global Counterterrorism Forum* (GCTF). The GCTF is a platform in which counterterrorism officials and practitioners around the world share their expertise and strategies. This GCTF 'REMVE toolkit' will contain technical and concrete recommendations on how states can approach racially or ethnically motivated violent extremism (REMVE)."

Informed decision making

Researchers at the Asser Institute actively share their observations to ensure that policy makers and the public at large are equipped with the latest academic knowledge to make informed decisions and opinions. Paulussen:

"In January, Rebecca Mignot-Mahdavi organised the online workshop *Big data in the counter-terrorism context: uses and boundaries*. The workshop showed how big data reshapes and enhances security practices in counter-terrorism. Topics ranged from big data for administrative measures and criminal sanctions to its use for monitoring in detention, post-detention surveillance, border control and target selection in armed conflicts. The workshop brought together cognitive scientists, social and political scientists and legal scholars and actors of the justice system and policy makers."

Repatriation of foreign fighters

In 2021, Christophe Paulussen focused on the issue of repatriation of the foreign fighters who joined Islamic State (IS) and their families currently stuck in North-East Syria. This was also the topic of an online *Masterclass*, organised in November by Romyana van Ark and Christophe Paulussen, entitled '*The modern foreign fighters phenomenon – repatriation, prosecution and/or reintegration?*'.

Paulussen: "Governments around the world continue to struggle with how to best respond to alleged terrorists and the complex legal and security situation caused by (returning)



Academic coordinator
Dr Christophe Paulussen.

foreign fighters. As researchers in international law, it is our responsibility to engage in this discussion, and to explain and stress, among other things, the importance of the international legal framework applicable to the situation.”

After people started to escape from the camps in North-East Syria in the summer of 2021, Paulussen appeared in many news outlets, including the *NRC*, *Justice Info*, *Algemeen Dagblad* and magazine *de Groene Amsterdammer*. He was also invited to brief the *Justice and Security Committee of the House of Representatives of The Netherlands* in a round-table on the threat of foreign fighters for national security.

Paulussen: “I am afraid I did not have a popular message for several of the politicians present at that round table - politicians who are under pressure by their constituents to be tough on alleged terrorists. But it was important that I could share my expertise on why repatriation, prosecution and reintegration of foreign fighters is the only viable solution to this complex problem, as seen from an international legal, long-term security as well as moral perspective.”

In April, Romyana van Ark moderated the session ‘*Management of Child Returnees: The Psychological Perspective*’ of the *Collaboration on Child Returnees Consensus Conference*, by the EU funded *Radicalisation Awareness Network (RAN) Project*.

Citizenship stripping

In 2021, New Zealand’s Prime Minister Jacinda Ardern blasted Australia for shirking responsibility by stripping a dual national terror suspect’s citizenship in the fight against terrorism. And the *Supreme Court* of the United Kingdom decided that Shamina Begum, who joined *Islamic State* in 2015, could not return to the UK to challenge her citizenship removal. In an op-ed for Dutch newspaper *de Volkskrant*, Christophe Paulussen and Laura

van Waas (*ISI*) stated that the expulsion of a citizen from society “may have great symbolic power, but that it does not make him or her disappear from the globe.” Paulussen also wrote an academic article (‘Stripping foreign fighters of their citizenship: International human rights and humanitarian law considerations’) for the *International Review of the Red Cross* and further took part in a debate with Dutch politicians on the same topic, which included Dilan Yeşilgöz-Zegerius, the current *Minister of Justice and Security*.

Strong democratic institutions

Christophe Paulussen: “Apart from global terrorism threats, 2021 unfortunately also saw several crises and conflicts that continue to destroy the lives of individuals. In April, Russia warned NATO against sending any troops to assist Ukraine, amid reports of a large Russian military build-up on Ukrainian borders. In addition, we saw armed conflicts in Yemen, Tigray and the Sahel, and new clashes and conflicts erupted between Kyrgyzstan and Tajikistan, and between Israel and Hamas. All these crises show the need for strong democratic institutions and accountability mechanisms that can address international human rights and humanitarian law violations.

Our capacity-building activities in 2021 focused exactly on those topics. Our training course for judges and prosecutors on international criminal law (ICL) and transnational criminal law (TCL), for instance, strengthens domestic legal capacities in French-speaking African countries. (See more on page 48). Our MATRA-Ukraine project is designed to assist the Ukrainian authorities to investigate, prosecute, adjudicate and report on international crimes. (See page 17). The search for accountability of serious crimes was also addressed in the well-visited webinar ‘*Battlefield evidence in the fight against terrorism*’, which we co-organised in March together with Fionnuala Ni Aolain (*UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*).”



© Shutterstock – The International Criminal Court in The Hague.

The Rome Statute at 40

In 2021, the T.M.C. Asser Instituut and *Amnesty International* released their joint report [‘The Rome Statute at 40’](#) with recommendations by expert stakeholders on the future of

the International Criminal Court (ICC). The report also addresses the ‘system’ of international justice created by the Rome Statute – the treaty that established the court. It concludes

that the ICC and its stakeholders should consider how more local stakeholders and affected communities can better engage with the ICC in order to improve its effectiveness.

Defending the right to freedom of speech

Christophe Paulussen: “In 2021, we saw both concerning and interesting developments relating to human rights. In July, an international investigation revealed that spyware sold by Israel’s NSO Group to different governments is being used to target heads of state, along with thousands of activists, journalists and dissidents around the world. My colleague Ulad Belavusau is monitoring these developments for the Forum of Legal Actors, which the Asser Institute launched together with *Free Press Unlimited*, UNESCO and the Ministry of Foreign Affairs of the Netherlands in 2020. The Forum of Legal Actors is a global network of prosecutors, judges and lawyers to help support and defend the right to freedom

of expression and the safety of journalists. Unfortunately, due to the Covid-19 situation, we had to postpone our in-person expert exchange meeting to 2022. This three-day event will then pay particular attention to French- and Spanish speaking communities.

Researcher León Castellanos-Jankiewicz wrote an analysis of the ongoing lawsuit between Mexico and the gun manufacturer *Smith & Wesson* for *Just Security*. The Mexico v. Smith & Wesson litigation is a revolutionary way of addressing human rights issues through transnational civil claims that have also featured in climate litigation. The case aims to address the record numbers of gun violence in Mexico that has resulted in

34,000 lives lost in 2019 alone. It is an interesting case, as Mexico has gone directly to the US courts claiming \$10 billion in damages from the arms manufacturers, due to their negligent failure “to exercise reasonable care” in manufacturing, marketing, and selling their guns in ways that reduce the likelihood of their being trafficked into and causing harm in Mexico. In 2022, León will actively follow the case, as its outcome could not only benefit

Mexico but all countries in Central America that are suffering from gun violence.”

What's next

Christophe Paulussen: “In 2022, we will launch our new *Asser Strategic Research Agenda* for the coming years, which will focus on public interests in international and European law.

The general objective of this research strand is to continue to contribute cutting-edge knowledge to the legal fields of three central research lines, namely: 1) The accountability of states in light of public interest standards in the context of counter-terrorism; 2) The prosecution of individuals for international and transnational crimes in the public interest; and 3) The role of journalists, the (new) media, human rights NGOs and academics in protecting and promoting public interest standards.

We are further expecting to finalise a book on returning foreign fighters and a publication on the children of alleged foreign terrorist fighters, while we will start work on a new edited collection on the public interest in the counter-terrorism context.

We are also working on a forthcoming volume on the topic of ecocide as an international crime in the Rome Statute, alongside crimes against humanity, war crimes, genocide and the crime of aggression. In 2021, the *Independent Expert Panel for the Legal Definition of Ecocide*, comprising twelve (criminal, environmental and climate law) lawyers from around the world, defined ecocide as ‘unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts’.

The growth of research activity on the regulatory framework for the military applications of disruptive technologies means that this will become a separate research strand led by Berenice Boutin in 2022.”

New staff

In 2021, eight researchers joined the research strand on Human dignity and human security.

In September, Thilo Marauhn joined the Asser Institute. He was appointed endowed professor in international arms control law at the *Faculty of Law of the University of Amsterdam*. This new chair was established on behalf of the T.M.C. Asser Instituut, with the support of the *Ministry of Foreign Affairs to the Netherlands*. Marauhn will conduct research on international arms control agreements and their compliance. (Read more on [page 40](#)).

Nader Nadery, who was a member of *Peace Negotiation Team* for the Afghanistan peace process in Doha, had to leave Afghanistan and joined the Asser Institute as a visiting research fellow. In December 2020, *The New York Times* wrote a profile on Nader and his work.

PhD researcher Klaudia Klonowska, post-doc researcher Thomas Zurek and *Marie Skłodowska-Curie Individual Postdoctoral Fellow* Magda Pacholska all joined the DILEMA team on international law and ethics in military artificial intelligence. (See text box on [page 16](#)).

New researchers Tarik Gherbaoui and Natacha Polia will focus on counterterrorism, and Victoria Kerr will work primarily on the MATRA project “*Strengthening Ukraine's Capacity to Investigate and Prosecute International Crimes*” (See text box on [page 17](#)). Rebecca Mignot-Mahdavi moved to the *University of Manchester* but continues to be an Asser associate fellow.



Workshop on decolonisation and human rights – the Dutch case

When King Willem-Alexander of the Netherlands formally apologised in 2020 for the Dutch violence visited on Indonesians during their struggle for independence, it came as a late acknowledgement of this particular moment in Dutch history. The apology was illustrative of the broader trend of how former colonial powers only recently and reluctantly have come to address their violent past. With a self-image built around human rights promotion which sits alongside a long history of overseas exploitation, the Kingdom of the Netherlands holds a unique position.

In October, León Castellanos-Jankiewicz, researcher at the Asser Institute and academic coordinator of the *Netherlands Network for Human Rights Research* (NNHRR), organised, in cooperation with the *Amsterdam Center for European Law and Governance* (ACELG), a hybrid and interdisciplinary workshop to critically engage with decolonisation in the Dutch context by focusing on its specific nexus with human rights.

In 2022, the results of the workshop will be published in an online symposium for the constitutional law blog *Verfassungsblog*, to be edited by León Castellanos-Jankiewicz and Wiebe Hommes (University of Amsterdam).



In 2021, academic director Janne E. Nijman, who opened the workshop on *Decolonisation and human rights in the Kingdom of the Netherlands*, published the article 'Marked Absences: Locating Gender and Race in International Legal

History' in the *European Journal of International Law*. In the piece, Nijman argues that doing history today needs to include Dutch colonialism as an important backdrop to the work of the interwar international law scholars, and to raise 'the woman question', especially in the context of the so-called 'professionalisation' of international law in the 1920s and 1930s.

Nijman shows the importance of 'questioning rather than reproducing traditional historiography', within which 'the woman question' and 'the colonial question' are left unmentioned. Her article further focuses on the issue of expanding and remaking international legal history as an issue of present and future purport.



Designing International Law and Ethics into Military Artificial Intelligence (DILEMA)

The [DILEMA project](#) explores interdisciplinary perspectives on military applications of artificial intelligence (AI), with a focus on legal, ethical, and technical approaches on safeguarding human agency over military AI. It analyses the subtle ways in which AI can affect or reduce human agency, and seeks to ensure compliance with international law and accountability by design.

An interdisciplinary research team works together with partners to address the ethical, legal, and technical dimensions of the project. First, research is conducted on the foundational nature of the pivotal notion of human agency, to unpack the fundamental reasons why human control over military technologies must be guaranteed.

Second, the project aims to identify where the role of human agents must be maintained, in

particular to ensure legal compliance and accountability. It will map out which forms and degrees of human control and supervision should be exercised at which stages and over which categories of military functions and activities.

Third, the project will analyse how to technically ensure that military technologies are designed and deployed within the ethical and legal boundaries identified.

Research findings will provide solid input for policy and regulation of military technologies involving AI. The research team will translate results into policy recommendations for national and international institutions, as well as for technical standards and testing protocols for compliance and regulation.

The project is funded by the Dutch Research Council (NWO) Platform

for Responsible Innovation (NWO-MVI). Project leader is senior researcher [Berenice Boutin](#).

In February 2021, Berenice Boutin gave a presentation on 'Addressing Gaps in the International Regulation of Warfare and Dual-Use Technologies', during a conference on the *Strategic EU Process on Responsible Military Use of New Technologies*, European External Action Service.

A month later, Boutin presented her work on 'Mapping Responsibilities in Relation to Military Applications of AI', during an *AIV/CAVV Expert Meeting* on lethal autonomous weapon systems, new technologies and the legal and ethical challenges.

For an overview of the 2021 DILEMA lectures, see [page 57](#).



Strengthening Ukraine's capacity to investigate and prosecute international crimes

The **MATRA project** '*Strengthening Ukraine's Capacity to Investigate and Prosecute International Crimes*' is a joint initiative of the T.M.C. Asser Instituut and *Global Rights Compliance*. The project is designed to assist, among other actors, the *Ukrainian War Crimes Unit* to investigate and prosecute international crimes.

Alongside supporting the *Ukrainian Office of the Prosecutor General*, the project will deliver technical and strategic expertise to

other criminal justice entities, such as judges and lawyers, civil society organisations and journalists.

The project is funded by the *Netherlands Ministry of Foreign Affairs* under the **MATRA** (*MAatschappelijke TRAnsformatie: social transformation*) Programme and supported by the *Netherlands Ministry of Justice and Security*.

Project duration: 1 July 2020-30 June 2024.



© Wikimedia, Jules Verne Times Two. The *Shoes on the Danube Bank* in Budapest, Hungary is a memorial that honours the Jews who were massacred during the Second World War.

The challenge of populist memory politics for Europe: Towards effective responses to militant legislation on the past (MEMOCRACY)

Memory laws are legal acts and policies endorsing certain narratives about the past, often aimed at strengthening the collective identity of a nation or community. They encompass a wide array of laws from acts penalising genocide denial, through bans on insulting the state, or bans on the use of symbols of totalitarianism, to parliamentary declarations about the legal qualification of a given historical event.

Memory laws have an impact not only on the legal situation of individuals and groups, but they also shape the historical narrative

of a given place and community. These narratives are increasingly codified in criminal law provisions. The proliferation of memory laws and policies in Central and Eastern Europe has instigated a contemporary culture war in Europe, a clash concerning the meaning of the past for present European identities.

In 2021, the MEMOCRACY research consortium, consisting of the Asser Institute, the *University of Cologne*, the *University of Copenhagen* and the *Polish Academy of Sciences*, was awarded a grant of 1.2. million euros by the *Volkswagen Foundation*. The

consortium will undertake a three-year research project entitled '*The challenge of populist memory politics for Europe: towards effective responses to militant legislation on the past* (MEMOCRACY).'

In this project, senior researcher Uladzislau Belavusau will study the proliferation of the nation-centric governance of memory through laws and policies in Germany and selected countries of Central and Eastern Europe.



Research highlights

- **Baumann, Z.** – ‘Biden’s National Security Strategy: Domestic Threats Take Centre Stage’, *ICCT Perspective*
- **Bo, M.** – ‘Autonomous Weapons and the Responsibility Gap in Light of the *Mens Rea* of the War Crime of Attacking Civilians in the ICC Statute’, *Journal of International Criminal Justice*
- **Belavusau, U.** – (with Gliszczynska-Grabias, A. & Mälksoo, M.) ‘Memory Laws and Memory Wars in Poland, Russia and Ukraine’, (69) *Jahrbuch des öffentlichen Rechts der Gegenwart*
- **Boutin, B.** – ‘Legal Questions Related to the Use of Autonomous Weapon Systems’, Briefing Paper, Commissioned by the Advisory Committee on Public International Law (CAVV) for the AIV/CAVV Advisory Report on Autonomous Weapon Systems: The Importance of Regulation and Investment
- **Castellanos-Jankiewicz, L.** – article ‘Minority Rights Petitions: League of Nations’ for the Max Planck Encyclopedia of International Procedural Law, Oxford University Press
- **Klonowska, K.** – Asser Research Paper (SSRN) on ‘Article 36: Review of AI decision-support systems and other emerging technologies of warfare’, forthcoming in the Yearbook of International Humanitarian Law by T.M.C. Asser Press
- **Mignot-Mahdavi, R.** (with Bhuta, N.) – ‘Dangerous Proportions: Means and Ends in Non-Finite War’, in: Bhuta, N., Hoffmann, F., Knuckey, S., Mégret, F., & Satterthwaite, M. (eds.), *The Struggle for Human Rights: Essays in honour of Philip Alston*, in Oxford University Press
- **Soltanzadeh, S.** – ‘Strictly Human: Limitations of Autonomous Systems’, *Minds and Machines*
- **Paulussen C.** (with Clarke, C.) – Book chapter ‘Responding to the crime-terror nexus: the international level’, in: Paoli, L., Fijnaut, C. &, Wouters, J. (eds.), ‘The Nexus Between Organized Crime and Terrorism: Types and Responses’, Edward Elgar Publishing
- **Pacholska, M., Woodcock, T., Zurek, T.** (with Van Engers, M.) – Presentation on ‘Computational modeling of the proportionality analysis under International Humanitarian Law for military decision-support systems’, at the XAILA workshop (The EXplainable & Responsible AI in Law) organised in conjunction with the JURIX 2021

Researchers



Dr Christophe Paulussen
(coordinator)



Dr Romyana van Ark



Zsófia Baumann MA



Dr Uladzislau Belavusau



Dr Marta Bo



Dr Berenice Boutin



Dr León Castellanos-Jankiewicz



Victoria Kerr LL.M.



Klaudia Klonowska
BSc LL.M.



Dr Rebecca Mignot-Mahdavi



Dr Magda Pacholska



Natacha Polia LL.M.



Dr Sadjad Soltanzadeh



Taylor Woodcock
LL.M



Dr Thomas Zurek



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.

‘Transnational corporations erode the capacity of states to provide the public goods that societies need to thrive’

“Transnational corporations (TNCs) are good at abusing the freedoms that our globalised economic and legal systems offer. While these companies can be very strict when negotiating prices or controlling the quality of their products, TNCs are generally happy to exercise lax oversight on the environmental and human rights effects of their supply chains. They also barely pay taxes in the countries in which they operate, thus eroding the capacity of states to provide the public goods that societies need to thrive”, says strand coordinator Antoine Duval. His ‘*Doing Business Right*’ project focuses on investigating the role of law in securing the public interest in the context of transnational economic activities.

Since the landmark adoption of the *UN Guiding Principles on Business and Human Rights* in 2011, regulators across Europe have grown increasingly assertive in mandating that companies account for their own social and environmental conduct and that of their trading partners abroad. Supply chain due diligence laws of varying stringency and scope are now implemented in France and the Netherlands, and in 2021, Germany and Norway followed suit.

In June 2021, the *German Federal Parliament* adopted the *Supply chain due diligence act* (‘Lieferkettengesetz’), which aims to improve the protection of international human rights and the environment by setting binding standards for large companies and their value chains. Around the same time, the Norwegian government adopted the *Norwegian Transparency act* (‘Åpenhetsloven’), which requires all large and medium-size corporations in Norway to disclose the measures taken to ensure the respect for human rights throughout their entire supply chain.

“You can see that the trust in ‘doing business’ as a cure-all to modernise, democratise or civilise the world, is fading rapidly”, says

.Antoine Duval, research strand coordinator and project leader of the *Doing Business Right* project. “For our *Doing Business Right* project (DBR) we have been following these developments for years as we explore the ways in which law can help secure public interests. Through our research and our annual training programme *Due diligence as master key to responsible business conduct*, we feed knowledge, ideas and opinions into the daily practice of transnational corporations to make sure that they become more accountable to the general public.”

Damaging effects

According to Duval, transnational corporations (TNCs) are experts in abusing the freedoms that our globalised economic and legal systems offer. Duval: “While they can be very strict when negotiating prices or controlling the quality of their products, TNCs are generally happy to exercise lax oversight on the human rights effects of their subsidiaries or business partners. As various leaks in the past years have shown, transnational corporations barely pay taxes in the countries in which they operate. Accounting tricks and the willingness of some states to support these semi-legal schemes, facilitate this. But the



Academic coordinator
Dr Antoine Duval.

bigger problem is that TNCs thus erode the capacity of states to provide the public goods that societies need to thrive.”

The *European Union* is currently working on a Directive that would regulate the worst consequences of transnational business activities. In February 2021, the European Commission adopted a proposal for a *Directive on corporate sustainability due diligence*. Duval: “High time, because according to its founding treaties the EU is committed to furthering human rights throughout its external policies. Also, the *European Parliament* has long been advocating a stronger legal framework to oblige EU companies to take up their responsibility. So, the EU will now have to showcase that it is not simply an economic project detached from its citizens’ concerns, but that the Union instead forms a potent vehicle to regain sovereignty over the unfettered economic power of transnational corporations.”

The new Global Europe book series

Duval: “A highlight of our strand’s work in 2021 was the launch of *‘The Global Europe book series: Legal and policy issues of the EU’s external action’* by T.M.C. Asser Press. This is a peer-reviewed book series, edited by Narin Idriz and Eva Kasotti, that explores the legal and policy issues of the EU as a global actor. In the series, they look at the internal and external factors that may challenge the EU’s capacity to exercise value-based global leadership on crucial issues affecting European citizens, as well as those from other parts of the world. Does the EU align with its image of a virtuous power? The series is a new format through which to address the challenges that complement the ever-expanding global reach of EU law.”

“The first issue in this new series is the book *‘The Informalisation of the EU’s External Action in the Field of Migration and Asylum’* (eds N. Idriz and E. Kasotti, 2021), which focuses on the significant increase in the adoption of informal instruments in EU migration and asylum policy in the aftermath of the 2015 migration crisis.

A result of the successful conference on informal lawmaking in EU external relations law in April 2021, this volume looks at these informal deals and arrangements with third party countries and at their consequences. There are serious issues regarding the compatibility of these deals with the constitutional principles underpinning the EU. The book also looks at the effects on the human rights of individuals affected by these deals; on the third country partners and the global regime on the protection of refugees.”

Delocalised justice

“Another highlight of our work in 2021, was the conference and the resulting online symposium on *‘Delocalised justice: The delocalisation of corporate accountability for human rights violations originating in Africa’*, which we co-organised with the *AfronomicsLaw* blog.”, says Duval.

Duval: “The *Kiobel vs Shell case*, commonly referred to as the ‘Kiobel case’, concerns the involvement of multinational corporations in overseas human rights crimes. Brought by Nigerian refugees in the United States against Royal Dutch Shell, the lawsuit accuses the Dutch-British multinational of aiding and abetting the Nigerian military in the systematic torture and killing of peaceful environmental protesters in the 1990s. Originating in Nigeria, the Kiobel case has been heard by courts in the USA, and is currently before Dutch courts.

The case, as well as a flurry of other recent cases, embodies the flight of corporate accountability cases from the African contexts. This transnational quest for an effective remedy by those whose human and/or environmental rights have been violated is understandable, but it also raises serious questions about the consequences of the delocalisation of justice in such cases.

These questions were at the heart of an online conference that we hosted end of March



The *Kiobel vs Shell* case, as well as a flurry of other recent cases, embodies the flight of corporate accountability cases from the African contexts. This transnational quest for an effective remedy by those whose human and/or environmental rights have been violated raises serious questions about the consequences of the delocalisation of justice.

2021, organised with the support of the *AfronomicsLaw* blog. We are grateful for the opportunity to have published the results in both French and English in a blog symposium featuring a sample of the papers presented at the conference by scholars from all over the globe.”

■ What's next?

Duval: “For 2022, Eva Kassoti will be focusing on the development of the *ILA Study Group on*

the International Law of regional organisations, which she co-chairs. This new study group seeks to explore the interactions between regional international organisations (RIOs) such as the European Union and international law. What are the implications of the increasing regionalisation of international law for the universal authority and coherence of international law?

Narin Idriz will work on MATRA project ‘*Bridging the gap between formal processes and informal practices that shape judicial culture in*

the Western Balkans', which aims to complement the European Commission's process of judicial Europeanisation.

We're also developing a new summer school on sports and human rights that will focus on the link between the governance of sport and human rights.

Finally, I will be working, together with *Amnesty International* and the *European Centre for Constitutional and Human Rights* on organising a conference on corporate crimes

and criminal law, which has been long in the making due to Covid. Recent legal action and public mobilisation by civil society organisations and survivors, has led to a rise in national prosecutions against corporations and their executives for their involvement in international crimes, and to a renewed call for the *International Criminal Court* to investigate corporate misconduct. In this context, we believe that it is timely to revisit the question of corporate accountability for international crimes in The Hague, the home of international criminal justice."



[Conference] Imagining solidarity in international and regional law

Solidarity is a core value underpinning both the development of modern international law as well as the European project. It is a guiding principle in altering the outdated structure of international relations from an order promoting self-interest of states to one that pursues community interests and attempts to find solutions to problems that affect all humankind.

In October, the online conference '*Imagining solidarity in international and regional law*' put solidarity into discussion. What are the ways in which the principle of solidarity can be used both in international and regional law? How can it be deployed to achieve solidarity in relation to the environment, to human rights, development, peace and security, migration? The first day of the conference provided the participants with the existing perspective of solidarity under public international law from the Global South to the EU, while the second day sparked conversations about solidarity in EU law. High-level keynote speakers were Dire Traldi (*University of Pretoria*) and Eleanor Sharpston, the former *Advocate General at the Court of Justice of the European Union*.



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* 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. ➡



[Conference] Towards a European social charter for sport events

In December, a consortium of researchers and practitioners presented a three-year project to help devise a European Social Charter for Sport Events (ESCSE). The project, supported under the Erasmus+ scheme, aims to ensure that European sport events are socially beneficial to local communities. Speakers were Hugo Petit-Jean (EASE), Marie Baracq (Paris 2024) and Jakub Fornalik (Institute of Sport and Governance). The event was moderated by Asser researcher and coordinator of the Asser Institute for Sports Law Center, Antoine Duval.

Zoom In' webinars on transnational sports law

In 2021, the Asser International Sports Law Centre headed by Antoine Duval introduced a new series of 'Zoom In' webinars on transnational sports law, co-organised with Marjolaine Viret (University of Lausanne).

[Zoom In] International Skating Union v. European Commission – 20 January

This discussion zoomed in on the judgement of the General Court in the case *International Union (ISU) v. European Commission* delivered in 2016. Speakers Ben Van Rompuy (Leiden University), Katarina Pijetlovic (Manchester Metropolitan University) and Stephen Weatherill (Oxford University).

[Zoom In] World Anti-Doping Agency v. Russian Anti-Doping Agency – 25 February

The webinar focused on the recent award of the *Court of Arbitration for Sport* (CAS) in the case *World Anti-Doping Agency (WADA) v. Russian Anti-Doping Agency (RUSADA)*. Speakers: Michele

Verroken (*Sporting Integrity Limited, Independent Anti-Doping Expert*), Herman Ram (*Dutch NADO/Dopingautoriteit*) and Jean-Loup Chappelet (*University of Lausanne*).

[Zoom In] Caster Semenya v. International Association of Athletics Federations – 31 March

This discussion zoomed in on the recent developments arising from the decision of the *Swiss Federal Tribunal (SFT)* in the case *Caster Semenya v. International Association of Athletics Federations* (now *World Athletics*). Speakers: Michele Krech (*New York University*), Lena Holzer (*Graduate Institute of International and Development Studies*), Frédéric Bernard (*University of Geneva*) and Antonio Rigozzi (*University of Neuchâtel/Lévy Kaufmann-Kohler*).

[Zoom In] The Court of Arbitration for sport at the European Court of Human Rights – 26 May

The ECtHR decision in the *Mutu and Pechstein* case rendered on 2 October 2018 is widely seen as one of the most important European sports law rulings.

Speaker: Helen Keller (*former Judge at the ECtHR*).

[Zoom In] Rule 50 of the Olympic Charter and the right to free speech of athletes – 14 July

This webinar brought into discussion the newly issued *IOC Guidelines on the implementation of Rule 50 of the Olympic Charter*, banning any manifestation of political views from the Olympic Village or the podium. Speakers: Mark James (*Manchester Metropolitan University*), Chui Ling Goh (*Melbourne Law School*), and David Grevemberg (*Centre for Sport and Human Rights*).

[Zoom In] Diversity at the Court of Arbitration for Sport: Time for a Changing of the Guard? – 14 October

This *Zoom In* session highlighted the importance of the *Court of Arbitration for Sport* (CAS) and its influence in shaping global sport as well as its governance at the international level. Speakers: Johan Lindholm (*Umea University*) and Lisa Lazarus (*Morgan Sports Law*).

Masterclass: Mastering the IFA transfer system

In April, the Asser Institute organised its first online masterclass 'Mastering the FIFA transfer system'. The intensive two-day course provided a comprehensive understanding of the FIFA Regulations on the Status and Transfer of Players (RSTP) and its operation, to a small group of dedicated legal professionals with the ambition to advise football clubs, represent players or join FIFA's administration. The course combined theoretical insights on FIFA's regulation of the transfer market with practical know-how of the actual operation of the RSTP rules.

Research highlights

- **Idriz, N.** – Possible Model(s) for Post-Brexit EU-UK Relations in Light of Existing Constraints in EU Law, article for the Ankara Review of European Studies
- **Kassoti, E.** – The Long Road Home: The CJEU's Judgments in Joined Cases T-344/19 and T-356/19 and in Case T-272/19 – Front Polisario v Council, blogpost for Verfassungsblog
- **Kassoti, E. & Idriz, N. (eds)** – The Informalisation of the EU's External Action in the Field of Migration and Asylum, edited volume for Asser Press-Springer
- **Duval, A.** (with Grama, B., Van Baar, A, Roorda, L.) – Third Revised Draft Treaty on Business and Human Rights: Comments and Recommendations, T.M.C. Asser Institute policy brief
- **Duval, A.** – 'Time to Go Public? The Need for Transparency at the Court of Arbitration for Sport', article for the Yearbook of International Sports Arbitration 2017, T.M.C. Asser Press
- **Plagis, M.** – 'Jurisdiction and Admissibility: African Court on Human and Peoples' Rights (ACtHPR)', article for the Max Planck Encyclopaedia of International Procedural Law

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? Based on its diverse expertise in public and private law, this research strand examines the many dimensions of international legal disputes and dispute settlement. 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.

‘The geopolitical stakes around concentrated control over new technological capabilities cannot be ignored’

“2021 saw the inauguration of a new president in the United States, one more congenial to the institutions of international law. Within a month from Joe Biden’s inauguration, the United States re-joined the Paris Climate Accords, and there was a sense of renewed possibility for multilateralism in international law”, says [Geoff Gordon](#), coordinator of the research strand on dispute settlement.

“2021, however, was also a rather bloody year. In May, Israel engaged in an aerial bombardment of Gaza, devastating the area it occupies. As the researchers in our strand focus on institutional legal practices that contribute to conflict and conflict resolution internationally, we further saw with alarm that the Tigray war in Ethiopia and Eritrea escalated throughout the year. The United States finally ended its long war in Afghanistan, but the international community met the Taliban government with apprehension. In March, Turkey withdrew from the Istanbul Convention on preventing and combating violence against women and domestic violence. These events point up ever-growing challenges around international institutions.”

New technologies

Geoff Gordon: “In 2021, our research strand continued to focus on the interconnection of new technologies and international institutions. During my *MacCormick Fellowship* at the *University of Edinburgh*, I had the chance to further dive into quantum technologies, an emerging field of physics and engineering that could radically impact international institutions and institutional practices. I am exploring correlated insights from quantum information theory that may be applicable to emerging, information-driven practices in international law. For the *Journal of Law and Conflict* I wrote

a book review on the book *‘On the Future Perfect of Artificial Intelligence and War: War and Algorithm Review’*, by authors Max Liljefors, Gregor Noll, and Daniel Steuer.

Together with Bernhard Rieder (*UvA Media studies*) and Giovanni Sileno (*UvA Informatica*), I addressed the accelerating global monopolisation in the fields of machine learning and artificial intelligence in the guest essay *‘A New AI Lexicon: Monopolization: Concentrated power and economic embeddings in ML & AI, New AI Lexicon’* on blog platform Medium. Regulators in the EU and US are drawing attention to the market power and monopolistic behaviour of big tech firms, which stifle competition and abuse their dominant position. But the regulators tend to focus mostly on the conduct and market position of these platforms, while ignoring the underlying technologies by which they operate.

But what if technologies like machine learning (ML), a branch of artificial intelligence which focuses on the use of data and algorithms to imitate the way humans learn, are themselves factors in the continuous expansion of already oversized tech giants? This would mean that artificial intelligence will further cement the dominance of a small number of companies and countries, exacerbating global inequalities in economic power and control over



Academic coordinator
Dr Geoff Gordon.

central technological resources. Considering that most of the dominant players in the field are currently located in the US and China, the geopolitical stakes around concentrated control over these technologies cannot be ignored."

Highlights

Geoff Gordon: "In 2021, Carl Emilio Lewis joined our strand as a researcher. He has begun work to explore and problematise the role of values and concepts of honour and dignity in international law, especially as they play roles in institutional practices. Carl also studies how the legal stratification of nation states affects the international legal community's move towards dignity as a central organising principle of the international legal order. Carl's work offers philosophically-informed analysis applicable to the institutional practices of international law.

A highlight for our strand's work in 2021, was the publication of Sofia Stolk's new book *'The Opening Statement of the Prosecution in International Criminal Trials'*. It is a groundbreaking and impactful work focusing on the courtroom practices of international criminal law. (See more on page 33). Another highlight was the wildly popular lecture and workshop series on *'Method, methodology and critique in international law'* in which we shared innovative ways to observe, analyse, engage and critique international law. In the series we explored various new ways of 'doing' international legal scholarship, with a focus on the opportunities, pitfall and politics of varying methodological approaches, as well as the particular technical crafts they demand. The monthly online series brought together a large global audience of researchers, with whom we reflected on topics such as postcolonialism, legal anthropology, critical geography and many others. Asser Associate Fellow Dimitri Van Den Meerssche received an Early Career Partnership Award from the Royal Netherlands Academy of Arts and Sciences (KNAW) to organise the closing workshop of the series. In this

event we placed the work of junior researchers centre-stage in exploring new avenues for critical, interdisciplinary research in international law." (Read more on [page 58](#))

Public interest advocacy

Geoff Gordon: "We greatly enjoyed the second online edition of our three-day workshop on *International public interest advocacy* in July. This workshop covers topics like strategic litigation, creative lawyering, identifying issues in the public interest, finding resources for public interest work and the challenges to public interest work internationally. We had a great group of lecturers, true pioneers in the world of international public interest advocacy – from the *Public Interest Litigation Project*, *Greenpeace*, *SOMO*, *Human Rights in Practice* and the *Global Legal Action Network* that joined us to discuss the latest innovations in law and technology for public interests around the world."

Political and legal controversies

Private international law researcher Chukwuma Okoli's work in 2021 responded to political and legal controversies concerning the *Economic Community of West African States* (ECOWAS) and Nigerian courts in the article *'The Nigerian Court of Appeal recognises the Immunity of the President of the Commission of ECOWAS from being impleaded in Nigerian courts'*, in *Conflict of Laws*.

Vesna Lazic published the article *'The Rights of the Child and the Right to Respect for Family Life in the Revised Brussels II bis Regulation'* (in: *Fundamental Rights in the EU Area of Freedom, Security and Justice* by Iglesias Sánchez, S./González Pascual, M. (eds.)). In the article, Vesna provides an insight into how certain rights of the child such as the definition of child, the best interests and the hearing of the child, have been incorporated in the recently revised Brussels II bis Regulation. Her article points out major flaws in the current regulation's scheme – shortcomings that may affect the level of protection of the

rights of the child, as well as the fundamental right to respect for family life under the *European Convention on Human Rights* (ECHR). Vesna has further been teaching a course on '*International Commercial Arbitration*', University College Utrecht (UCU), February-May 2021. Both Vesna and Chukwuma have started work on *Private International Law in Motion* (PAX) project, which aims to raise awareness about EU private international law among the educational community and ensure training in EU private international law for the judiciary (Read more on [page 38](#))."

■ What's next?

Geoff Gordon: "For 2022, we remain committed to critical work in the public interest within the context of our new research agenda. Sophia Stolk will work on projects that focus on The Hague as a one of the world's centres for international law and legal practice. Activities will include teaching outreach for high school students, instructional walking tours through local sites of international law and museum shows that reflect on aesthetic associations with global dynamics.

Carl Lewis is aiming to launch an innovative pod cast series on international law, and Michiel de Rooij and Vesna Lazić will continue to cater to the needs of both the Dutch and the EU practise communities with their knowledge of private international law and the Brussels regulations.

We look forward to organising an online event with international law scholar Martti Koskenniemi, to discuss his new book *To the Uttermost Parts of the Earth - Legal Imagination and International Power 1300-1870*. I am further expecting that our institutional work will take on still more issues of new technologies, as they continue to play an ever-larger role in international legal practices. In the coming year, I will focus on the project '*Governing quantum disruptions in international law*',

which examines the disruptive potential of emerging quantum technologies for international relations and institutions, and explores governance futures in a world populated with quantum innovations."



New technologies continue to play an ever-larger role in international legal practices.



The Mladic trial

On June 8, nearly thirty years after the outbreak of the Balkan wars, the conviction of the Bosnian Serb former commander Ratko Mladic was upheld by the *International Criminal Tribunal for the Former Yugoslavia* (ICTY) in The Hague. In 2017, Mladic was convicted of genocide, crimes against humanity and war crimes, and was sentenced to life in prison.

The confirmation of the verdict ended a legal struggle that started in 1995. Presiding judge

Alphons Orie said that Mladic's crimes – including attacking and murdering civilians and directing the mass executions of eight thousand Muslim men and boys from UN-protected enclave of Srebrenica, ranked 'among the most heinous known to mankind'. In an [interview](#) with news agency *Associated Press*, Sofia Stolk called the final ruling by the ICTY important, as 'it will close the tribunal's last key case' and 'because it concerns genocide, the deliberate killing of people from a

particular nation or ethnic group with the aim of its destruction'. On June 23, Sofia Stolk organised the SCL lecture [Visualising the Mladic trial](#), which offered a perspective on the work of the International Criminal Tribunal for the former Yugoslavia (ICTY) through two artistic interventions: the documentary *The Trial of Ratko Mladic* (Rob Miller and Henry Singer, 2018) and the exhibition *Resolution 808 – Inside the Yugoslavia Tribunal* (Jorie Horsthuis and Martino Lombezzi).

Judgtrust: Enhancing consistency in applying EU private international law

Senior Asser researcher Vesna Lazić is the project leader of *Judgtrust*, and 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 and 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

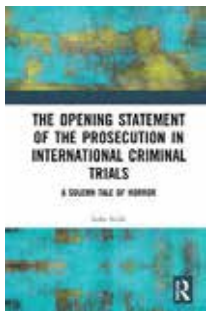
application of the regulation, promoting mutual trust and efficiency of cross-border resolution of civil and commercial disputes. The research is conducted by the T.M.C. Asser Instituut in cooperation with *Universität Hamburg*, *University of Antwerp* and *Internationaal Juridisch Instituut (IJI)*.



This project is funded by the *Justice Programme* of the *European Union*.

The opening statement of the prosecution in international criminal trials – A solemn tale of horror (Routledge, 2021)

Sofia Stolk



This [book](#) addresses the discursive importance of the prosecution's opening statement before an international criminal tribunal. Opening statements are considered to be largely irrelevant to the official legal proceedings but are simultaneously deployed to frame important historical events. They are widely cited in international media as well as academic texts; yet have been ignored by legal scholars as objects of study in their own right. This book aims to remedy this neglect, by analysing the narrative that is articulated in the opening statements of different prosecutors at different tribunals in different times.

Global justice cinema workshop

The online [Global Justice Cinema workshop](#), co-organised by the Asser Institute (Sofia Stolk), *VU Amsterdam* (Wouter Werner) and the human rights film festival *Movies that Matter* (Julie Nederkoorn) challenged participants to critically watch, assess and discuss what documentary

films in the field of global justice communicate and how this is achieved.

The workshop offered the best of both worlds: great lectures in film and international justice by professors at the Asser Institute and VU. And participants got to

see the latest international rights films, plus the chance to meet filmmakers and activists at the online *Movies that Matter Festival 2021*. The workshop was connected to the *Camera Justitia* programme on law and justice at the *Movies that Matter Festival*.

Research highlights

- **Gordon, G.** – ‘The Time of Contingency in International Law’, in: Venzke, I. & Heller, K.J. (eds.) *Situating Contingency in International Law: On the Possibility of a Different Legal Histories*, Oxford University Press
- **Gordon, G.** – On the Future Perfect of Artificial Intelligence and War: War and Algorithm Review Essay’, Liljefors, M., Noll, G., & Steuer, D. *War and Algorithm*. Rowman & Littlefield International (2019): 232, *Journal of Conflict and Security Law* (2021).
- **Okoli, C.** – ‘The Nigerian Court of Appeal declines to enforce an Exclusive English Choice of Court Agreement’, *Conflict of Laws*
- **Okoli C.** – ‘Analysis of Choice of Court Agreements in Nigeria in the Year 2020’, 2(21) *Dutch Journal of Private International Law*
- **Lazić, V.** – ‘Revised Recognition and Enforcement Procedures in Regulation Brussels IIter’, in: Bonomi, A., Romano, G.P., & Pretelli, I. *Yearbook of Private International Law*
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- **Vos, R. & Stolk, S.** – ‘Courtroom 600: The (Virtual) Reality of Being There’, in *International Criminal Law Review*

Researchers



Dr Geoff Gordon
(coordinator)



Dr Vesna Lazić



Dr Carl Emilio Lewis



Dr Dimitri Van Den
Meerssche



Dr Chukwuma Okoli



Michiel de Rooij,
LL.M.



Dr Sofia Stolk

Research in focus (selection)

Evaluation T.M.C. Asser Instituut

In 2021, an independent committee of experts gave a highly positive evaluation of the research quality, the societal outreach and relevance, and the viability of the T.M.C. Asser Instituut. In its report, the committee writes: *'[T]he Asser Institute has been more than successful at its ambitions in the combined fields of research and societal outreach, and is firmly positioned for a successful future. This is clearly the result of clear vision and a great deal of hard work of all involved.'*

The period under assessment, 2016-2019, has been a period of transition for the T.M.C. Asser Instituut. The central objective, set by a new board in 2015, was to become an academic research institute, which critically contributes to the development of international and European law by conducting more fundamental research as well as by increasing its number of high-quality academic publications in leading journals. Other objectives were to increase external funding for research, and to enhance its national and international visibility.

The committee, chaired by Prof. Barbara Oomen (Utrecht University), found that this transition has been managed 'very successfully'. It wrote that *'[t]he Asser Institute is now an academic research institute on international and European law, that has the standing to compete with the best and largest departments on international and European law at law faculties in the Netherlands.'*

'Excellent publications'

In the period under assessment, the aim to publish in leading and peer reviewed international and European law journals has been

met successfully, according to the committee, which further noted the dynamic research culture of the Institute and its enhanced international reputation through the output of high-level scholarship and strategic international alliances. The great many memberships in editorial boards further underscore the standing of Asser researchers. The committee wrote: *'In the period under assessment, the researchers of the Asser Institute have produced a significant number of excellent publications. Given the research energy present at the institute it seems likely that this will only continue and further increase in the years to come.'*

High societal relevance

The committee further rated the Asser Institute's societal relevance as 'very good'. It found that the Institute has been successful in obtaining funding for cutting-edge research projects: *'As a result of successful acquisition, there are a large number of high-quality projects with great academic output as well as high societal relevance, which is immensely impressive for a medium-size research institute.'* With regard to the viability of the Institute, the committee concluded that the Asser Institute is *'well on track in ensuring its mid- and long-term viability'* and it assessed the Asser Institute leadership as *'excellent'*.

Confidence

Chairperson of the executive board and academic director Janne E. Nijman was pleased with the positive evaluation: *'It provides us with confidence and with valuable input for the future, as we carry on developing the T.M.C. Asser instituut as an institute of excellent legal research and continue to advance the societal value of our work. I am positive this will be an energy booster for the Asser colleagues who have worked hard to get where we are.'*

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

The T.M.C. Asser Instituut's PhD programme trains researchers to work at the cutting edge of international law, by conducting independent research at the interface of academia and practice. Our PhD programme is interdisciplinary, and 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. The Asser Institute is also a hub for inter-university PhD networks.

First candidates

In October 2020, Marina Bán was the first candidate from the Asser Institute PhD programme to successfully defend their dissertation with the thesis '*The legal governance of historical memory and the rule of law*'. In June 2021, PhD researcher Yehonatan Elazar-DeMota successfully defended his doctoral thesis on '*Nação legal consciousness and its contribution to the seventeenth-century Dutch republic debate on slavery and the slave trade*'. A day later, Lisa Roodenburg obtained her doctorate for her dissertation on '*Anticipating friction – The role of human rights in urban debates on migration and diversity: The case of Amsterdam, Hong Kong and Buenos Aires*'. In September 2021, Asser PhD researcher Miha Marčenko successfully defended his doctoral thesis on '*The Role of the City as a Discursive Practice in International Law and Governance*'.

In the same month, Asser researcher Taylor Woodcock joined the Asser PhD programme to look into the military applications of artificial intelligence and the obligations that arise with respect to these technologies under international humanitarian law and international human rights law. Junior Asser researcher Klaudia Klonowska participates

in the Asser PhD programme as well, while working towards a PhD project proposal.

Innovative knowledge

Janne E. Nijman, chairperson of the executive board and academic director of the Asser Institute, stresses the importance of PhD research: 'PhD research is an excellent breeding ground to foster innovative knowledge. Skilled experts influence how we interpret our surrounding world and affect decision making, practice development and the development of innovations, among other things. As we have many complex and interconnected societal challenges to tackle, this calls for coordination among academic experts, institutions and disciplines. It is the Asser Institute's natural role as a hub, to help strengthen the connection between research and society.'

'Missing urban dimension'

In September 2021, the ILA study group's chairs Helmut Aust (*Freie Universität, Berlin*) and Janne E. Nijman (*Asser Institute*) published an essay on constitutional law blog *Verfassungsblog*, in which they pointed to the 'missing urban dimension' in the international law debates on the 9/11 attacks. In the essay, Aust and Nijman asserted that national security is increasingly understood as an urban issue and as an issue of urban security. "Being the targets of global terrorism, cities have claimed a role in counter-terrorism. Hence, in this policy field, international and regional organisations are turning to cities as partners, for example in the prevention of terrorism, radicalisation, and violent extremism." The authors concluded that "International law needs an update, desperately, to get a sense of how international cooperation is unfolding today."

In November 2021, Aust and Nijman launched their ground-breaking *Research Handbook on International Law and Cities*. During the book launch, Jan van Zanen, mayor of the

Municipality of The Hague, received the first copy. (Read more on [page 55](#)).

[Global Europe] ILA study group on international law of regional organisations

Since November 2020, Asser researcher Eva Kassoti is co-chair of the ILA study group on international law of regional organisations. The study group of the *International Law Association (ILA)* seeks to explore the interactions between *Regional International Organisations (RIOs)*, such as the European Union, and international law.

It will focus on the practice of international law by regional international organisations, both within and outside the organisation. The study group should also serve as a timely observatory of the increasing regionalisation of international law, and its implications for the universal authority and coherence of international law. Co-chairs are Samantha Besson (*Collège de France*) and Eva Kassoti. Fernando Bordin (*University of Cambridge*), and Jed Odermatt (*University of London*), are its co-rapporteurs.

[Global Europe] EU trade and investment policy (EUTIP) (1 April 2017 – 31 March 2021)

This project fostered interdisciplinary research into the evolving international trade policy of the *European Union (EU)* with the aim to create a significantly increased European knowledge base and research capacity on EU law and policy of the regulation of international trade through free trade agreements (FTAs) with third countries.

The project was coordinated by the *University of Birmingham*. The Asser Institute was a partner organisation and hosted several early-stage researchers. The project was

funded by the *European Commission* within the framework of its *Horizon 2020 Marie Skłodowska-Curie Actions*.

Bridging the gap between formal processes and informal practices that shape judicial culture in the Western Balkan (1 October 2020 – 30 September 2022)

The objective of this project is to complement the *European Commission's* process of vertical judicial Europeanisation with an internal, horizontal, initiative that would combine an academic and practical approach in detecting and noting the main shortcomings of our judicial culture.

Through consultations with international and regional experts, the project members will



Through consultations with international and regional experts, the project members of the project 'Bridging the gap between formal processes and informal practices that shape judicial culture in the Western Balkan', will outline recommendations for future steps in the Europeanisation of judicial culture.

outline recommendations for future steps in the Europeanisation of judicial culture. As changes in judicial culture occur incrementally and, above all, through education and training, these recommendations will have to be incorporated in judicial training.

Target groups of this project are judicial institutions (such as academies for judges and prosecutors, judicial councils), government institutions dealing with EU integration of the Western Balkan countries, the general and expert public, as well as the European Commission.

The project is coordinated by the *Institute for Democracy "Societas Civilis" Skopje* (IDSCS) from North Macedonia, in cooperation with the Asser Institute, the *Judicial Research Center* (CEPRIS) from Serbia, and the *Albanian Legal and Territorial Research Initiative* (ALTRI). It is supported by the *Dutch Fund for Regional Partnership* (NFRP)/Matra.

The project will be carried out and have impact in Skopje (North Macedonia), Belgrade (Serbia) and Tirana (Albania). Participating Asser researchers are Narin Idriz and Eva Kassoti. Visit the [project website](#).

Private international law in motion (PAX) (1 November 2020 – 30 October 2022)

The PAX project aims to raise awareness about EU private international law among the educational community, and to ensure training for the judiciary in EU private international law.

It is designed as a follow-up to the Asser Institute-led JUDGTRUST project, which focused on ensuring the correct and consistent application of the Brussels I bis Regulation. One of the successful components of the JUDGTRUST project was an EU sponsored moot court competition to increase students'

awareness, which took place in 2019. (Read more about JUDGTRUST on [page 33](#)).

The PAX project now seeks to build upon this success to help increase awareness about EU private international law and to contribute to ongoing judicial training programmes on civil judicial cooperation within the EU. The Asser Institute is one of the seven consortium partners in the PAX project, which is coordinated by Antwerp University. The project is funded by the *Justice Programme* of the *European Union*.

Asser Nexus on conflict and crime

The Asser Nexus on conflict and crime brings together research on international humanitarian law, international criminal law, transnational criminal law, and the legal aspects of countering terrorism. The website provides access to a range of information for scholars, legal professionals, and students, as well as journalists and the general public. After its public launch in January 2021, the Nexus will continually be updated as research and other materials become available. The *Municipality of The Hague* provides financial support for this project.

Adopting a memory law on the Dutch slavery past?

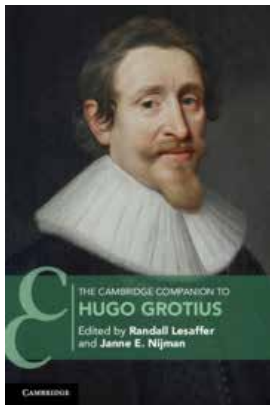
In March 2021, the T.M.C. Asser Instituut was asked by the *Advisory Board Dialogue Group on the Slavery Past* (*Adviescollege Dialooggroep Slavernijverleden*) and the *Dutch Ministry of the Interior and Kingdom Relations* to help deliberate whether the Netherlands should introduce a law recognising slavery as a crime against humanity. The research was conducted by Dr. Uladzislau Belavusau, with the assistance of Chianna Shah, Dr. Christophe Paulussen and Prof. Janne Nijman.

Research assignment on World Anti-Doping Code (June – July 2021)

Aim of this assignment was to provide the Dutch *Ministry of Health, Welfare and Sport* with an advice on the interpretation and implementation of the *World Anti-Doping Code*. The paper also covered an overview of the consequences and obligations that will arise from the implementation of the *World Anti-Doping Code*. The research was conducted by Prof. André Nollkaemper (*University of Amsterdam*) and Dr. Antoine Duval (T.M.C. Asser Instituut).

The Cambridge Companion to Hugo Grotius

The *Cambridge Companion to Hugo Grotius* is a brand new publication by Randall Lesaffer and Janne E. Nijman, offers a comprehensive overview of the work of Dutch humanist,



diplomat, lawyer, theologian and jurist Hugo Grotius (1583–1645).

Grotius lived through a time of great upheaval in Europe as well as in his country of birth, the Dutch Republic. The religious, political

and constitutional convulsions that struck the Republic destroyed Grotius' career but also, in combination with fundamental changes in the intellectual outlook of early seventeenth-century Europe formed his views of God, nature, society, politics and law.

The *Cambridge Companion to Hugo Grotius* (available in hard copy and open access) is aimed at students, teachers and general readers, while its chapters also draw upon and contribute to recent specialised discussions

of Grotius' oeuvre and its later reception. Contributors to the volume cover the width and breadth of Grotius' work and thought, ranging from his literary work, including his historical, theological and political writing, to his seminal legal interventions.

Visiting research fellowship programme

The T.M.C. Asser Instituut welcomes visiting researchers and legal practitioners from around the world, providing a place to pursue their own research project while participating actively in the Asser community. In 2021, Nader Nadery and PhD researcher Fumi Yoshimoto participated in the Visiting research fellowship programme.

Shelter City fellowship programme

Worldwide, human rights defenders increasingly face harassment, slander or even physical violence. In a growing global movement of cities, citizens and organisations, the *Shelter City* programme by *Justice & Peace Netherlands* offers safe and inspiring spaces to human rights defenders at-risk where they can re-energise, receive tailormade support and engage with allies in order to reinforce their local actions for change.

To strengthen and support the Shelter City programme, the Asser Institute hosts one Shelter City fellow a year within the Institute's Visiting researchers programme. The selected fellow will carry out a research project during the three-month period and participate in other human rights-related (research) activities of the Asser Institute. We look forward to resuming this programme in 2022



The T.M.C. Asser Instituut welcomes visiting researchers and legal practitioners from around the world for its visiting research fellowship programme.



Prof. Dr Thilo Marauhn

Thilo Marauhn appointed as extraordinary professor of international arms control law

On September 1, Prof. Dr Thilo Marauhn (58) has been appointed extraordinary professor of international arms control law at the *Faculty of Law of the University of Amsterdam (UvA)*. Marauhn will conduct research on international arms control agreements and their compliance. The new Chair was established on behalf of the T.M.C. Asser Instituut for International and European Law and with the support of the *Ministry of Foreign Affairs to the Netherlands*.

As an extraordinary professor at the UvA, and working at the Asser Institute in The Hague, Marauhn will focus on innovative research in arms control law. This is a highly specialised and relevant area of law, which is not a structural subject of research or education at any other Dutch university or research institute. With the new chair, academic knowledge of this field, vital for national and international security, will be preserved in the Netherlands.

In his research, Marauhn, a widely recognised expert in international law, will address international arms control law in the area of nuclear, chemical and biological weapons. He will conduct research on *chemical, biological, radiological and nuclear (CBRN) security*. Marauhn will further monitor compliance with existing arms control treaties and the practical implementation of arms control law obligations in the national legal sphere. Most important, he will critically review the appropriateness of existing approaches and investigate prospects to enhance and further develop the law of arms control, among others, in respect of new and emerging technologies.

Chairperson of the executive board and academic director of the Asser Institute, Prof. Dr Janne Nijman, is delighted with the appointment. According to Nijman, the support from the *Ministry of Foreign Affairs* is part of “a

steady line of commitment by the Netherlands to the development of arms control law and the knowledge that is needed for that purpose.”

About the chair

In his research, Marauhn will focus on knowledge preservation, knowledge development and knowledge transfer in the field of international arms control law in the area of nuclear, chemical and biological weapons of mass destruction, *chemical, biological, radiological, nuclear (CBRN) security* in general, and nuclear security in particular. It also includes the monitoring of compliance with arms control treaties and the concrete implementation of agreed arms control law obligations in the national legal sphere. In addition to his research, Marauhn will contribute to the development of the field by supervising PhD students. He will also play a key role in the annual “Disarmament and Non-Proliferation of Weapons of Mass Destruction in a Changing World training”, co-organised with the OPCW. Marauhn will further develop an in-depth course on Arms Control Law for both Master- and PhD students and interested professionals, covering military-technical and legal topics and angles.

Marauhn will work, in close cooperation with colleagues from the T.M.C. Asser Institute, with the UvA research group *Law of Armed Conflict and Military Operations (LACMO)*, led by Prof. Martin Zwanenburg. LACMO is an independent programme within the *Amsterdam Center for International Law (ACIL)* of the UvA.

The global city: Challenges, trust and the role of law (1 September 2016-31 August 2021)

This project explored the global city as the crucial place where citizenship and fundamental rights are being – and have been debated. It also questioned the role and position of the global city on the international stage.

Four individual PhD studies, conducted by Asser researchers Julia van der Krieke, Yehonatan Elazar-DeMota, Miha Marcenko and Lisa Roodenburg addressed a number of related themes, such as diversity, migration and trade (including the slave trade), political participation and citizenship. The PhD studies focused on 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 within the international (legal) order.

In June 2021, the T.M.C. Asser Instituut celebrated two PhD candidates defending their dissertations. Yehonatan Elazar-DeMota successfully defended his doctoral thesis on *'Nação legal consciousness and its contribution to the seventeenth-century Dutch republic debate on slavery and the slave trade'* on Tuesday 8 June. A day later, Lisa Roodenburg obtained her doctorate for her dissertation on *'Anticipating friction – The role of human rights in urban debates on migration and diversity: The case of Amsterdam, Hong Kong and Buenos Aires'*.

Engaging and original

"I am delighted to see the first two PhD theses of the Global City project emerging. Both studies are really engaging and original contributions to the scholarly discussions", said

Global City project leader Janne E. Nijman, who received a grant from the *Gieskes Strijbis Fonds* for this research project.

In September, Asser PhD researcher Miha Marčenko successfully defended his doctoral thesis on *'The Role of the City as a Discursive Practice in International Law and Governance'* in the Agnietenkapel of the *University of Amsterdam*. Project leader Janne E. Nijman: "Miha's thesis brings critical thinking to the emerging field of international law and cities. As a public international lawyer, Miha relates to the increasing manifestations of the city in the international legal order in a very interesting manner; showing the complexities, tensions, and politics coming with the mobilisation of the city in international law. I am delighted Miha contributes such an original take to the debate."

Cities and international law: collecting empirical evidence

The *International Law Association* (ILA) study group on *'The role of cities in international law'* began its work at the 2018 biannual *ILA conference* in Sydney, Australia, where a panel discussion on the theme of *'Cities at the Frontiers of International Law and Global Governance'* was organised.

In 2019, the study group launched its 'city reporting' project, with an ongoing call for contributions to collect empirical insights on the relation between cities and international law.

The first city reports on Arusha (Tanzania), Graz (Austria), Lagos (Nigeria), Toruń (Poland),

Vienna (Austria) and Prague (Czech Republic) offer insightful reflections on the dynamics between cities and international law, on cities' engagement with other cities, and on the relations between cities and international organisations and/or global governance mechanisms.

The study group will include the city reports as annexes to the official report of the *ILA study group*. As a next step, the chairpersons of the study group consider curating a collection of city reports based on the *ILA reporting process* with a view to publication with a leading university press.

The study group is co-chaired by Janne E. Nijman (Asser Institute), and Helmut Aust (*Freie Universität, Berlin*). The study group's rapporteurs are Jolene Lin (*National University of Singapore*), and Annie-Anouch Beaudouin (*Université Nice Sophia Antipolis*). Lisa Roodenburg coordinates the City Reporting project.

Gieskes Strijbis PhD researchers



Dr Yehonatan Elazar-DeMota



Julia Krieke MA



Dr Miha Marcenko



Dr Lisa Roodenburg

Asser-UvA cooperation and inter-university activities

In its research, education and events, the Asser Institute works in close cooperation with the *Amsterdam Law School* of the *University of Amsterdam*, but also with other Dutch and foreign universities; national and international networks of scholars and professional experts and professional societies. The Asser Institute further actively promotes the creation of networks in the research domains of the Institute, both on a permanent and an ad hoc basis. We value the following collaborations:

Increasing collaboration with Amsterdam Law School (University of Amsterdam)

A renewed cooperation agreement, which entered into force in September 2020, forms a ten-year framework for increased cooperation between the Asser Institute and the *Amsterdam Law School* (University of Amsterdam) facilitating dialogue and convergence of both organisations' research agendas in international and European law. The cooperation agreement enhances collaboration in research and education, and it further stipulates that the *University of Amsterdam* will continue to contribute its annual funding level of 2.2 million euros to support the strategic objectives of the UvA and T.M.C. Asser Instituut. These strategic objectives are:

- Strengthening the research-based knowledge-cycle in the field of international and European law, including the international and European law related aspects of other fields of law, by maintaining close relations with The Hague-based organisations.
- Realising professional education in the field of international and European law, and possibly in other related fields.
- Strengthening the profile and quality of the UvA's international Master programmes, by offering students a direct link to Hague-based organisations.

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 October, the Asser Institute and ACELG co-organised the online workshop *Decolonisation and human rights in the Kingdom of the Netherlands*. Read more on [page 16](#).

Amsterdam Centre for International Law (ACIL)

The *Amsterdam Center for International Law* (ACIL), is an internationally leading centre for cutting-edge research on questions of international law of the University of Amsterdam. In 2021, ACIL and the Asser Institute

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



In cooperation with other organisations and colleagues from the The Hague courts community the T.M.C. Asser Instituut hosts a wide variety of free and well-visited lectures and events. Examples are: the *CLEER lecture series* on EU external action, the *HILAC lecture series* on law and armed conflict; the *SCL lecture series* on international criminal law and, together with LeClub de Droit International, the *The Hague Courts Dialogue Series*.

co-organised the 4th edition of the popular workshop ‘International public interest advocacy’, on strategic litigation in the public interest. (Read more on page 50). Two online research seminars with ACIL speakers in 2021 were: *The (positive?) complementarity turn in international criminal justice* with ACIL visiting fellow Patryk I. Labuda. In March, Andrea Leiter (ACIL), was the speaker of the research seminar ‘*Life in Blocks: How blockchain technology narrates the world*’.

HILAC Lecture Series

The *HILAC lecture series* is an occasional lecture series on the subject of law and armed conflict organised by the Asser Institute since 2005, in cooperation with the *Netherlands Red Cross* and the *Amsterdam Center for International Law* of the *University of Amsterdam*.

In 2021, we organised two very well-attended online *HILAC lectures*. In September, the webinar ‘*The humanitarian civilian – How the idea of distinction circulates within and beyond*

international humanitarian Law’ explored the ways in which the principle of distinction circulates within and beyond international humanitarian law. Rebecca Sutton (*University of Edinburgh*) explained distinction across kinetic, pedagogical, and intellectual realms.

In November, Marco Longobardo (*University of Westminster*) and Erica Gaston (*UN University Centre for Policy Research*) looked at the increasing complexity of armed conflicts in relation to the duty of due diligence within the framework of international humanitarian law, in the webinar: ‘International humanitarian law and due diligence.’

SCL lecture series

The *Supranational Criminal Law (SCL) lecture series* on international criminal law has been organised by the Asser Institute 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* (CICC). In 2021, we co-organised the online SCL Lecture ‘*Visualising the Mladic trial*’. Read more on [page 32](#).

International Centre for Counter-terrorism (ICCT)

The International Centre for Counter-Terrorism – The Hague (ICCT) is an independent think and do tank providing multidisciplinary policy advice and practical, solution-oriented implementation support on the rule of law, prevention and threat assessment, three vital pillars of effective counter-terrorism. ICCT’s work focuses on themes at the intersection of countering violent extremism and criminal justice sector responses, as well as human rights related aspects of counter-terrorism. The Asser Institute is a founding partner of ICCT, and Asser researchers [Christophe Paulussen](#), [Rebecca Mignot-Mahdavi](#), and [Rumyana van Ark](#) are ICCT research fellows and regularly publish briefs and perspectives on the ICCT website.

In January 2021, Christophe Paulussen and co-author Emanuela-Chiara Gillard (ICCT) wrote an ICCT perspective on a [new Dutch bill](#) that regulates the criminalisation of persons who intentionally stay in an area under the control of a terrorist organisation. Paulussen and Gillard called the bill ‘a dangerous move into the pre-crime space, far removed from actual criminal conduct.’

The Asser Institute and the ICCT further cooperate in the [Advanced summer programme on terrorism, counter-terrorism and the rule of law](#), which offers an in-depth look at the challenges of implementing counter-terrorism policies while maintaining respect for human rights. Read more on [page 50](#).

Research networks

Founded in 1965 by nine Dutch stakeholder universities, T.M.C. Asser Instituut actively promotes collaboration with – and between Dutch Law schools. To this end, the Institute coordinates inter-university research networks such as the *Netherlands Network for Human Rights Research* (NNHRR) and CLEER, on the law of EU external action.

Centre for law and EU External Relations (CLEER)

Research network CLEER (*Centre for Law and EU External Relations*), coordinated by the Asser Institute, offers a platform for discussion and various activities to connect researchers and practitioners interested in the EU’s actions on a global scale. CLEER also coordinates the CLEER Presidency lecture series, which focuses on the role of the incumbent presidencies in coordination and leadership in regional and global issues. Academic coordinator of the CLEER network is senior researcher in international and EU law, [Eva Kassoti](#).

In February 2021, CLEER organised a Presidency Lecture on the German presidency of the Council of the European Union. We welcomed the German ambassador to the Netherlands, H.E. Mr Dirk Brengelmann to speak about Germany’s experience during their presidency to the *Council of the EU*. In April, CLEER organised the online conference on *Informal law-making in EU external relations: challenges and prospects* with speakers Jan Klabbers (*University of Helsinki*), Fabien Terpan (*Science Po Grenoble*) and Paula Gracia Andrade (*Universidad Pontificia Comillas*). In June, CLEER organised its 6th summer school on the law of EU external relations, an intensive three-day online course, in which the participants had the opportunity to learn from and discuss with renowned experts in the field.

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 a founding member and is entrusted with its coordination and administration. Currently, all Dutch law schools are institutional members in the network. The academic coordinator is Asser researcher [León Castellanos-Jankiewicz](#).

In September 2021, the *Netherlands Network for Human Rights Research* (NNHRR) and coordinated by Asser researcher Antoine Duval and Lottie Lane (*University of Groningen*), organised the workshop *Artificial Intelligence: the new frontier of business and human rights*. The keynote speaker was Lorna McGregor (*Essex Law School and Human Rights Centre*).

In December, Prof Tom Ginsburg gave an online lecture on his new book on *Democracies and International Law*. Introductory remarks were made by Uladzislau Belavusau (Asser Institute) and the event was moderated by León Castellanos-Jankiewicz.

Also in December 2021, NNHR and *Tilburg Law School* co-organised the online ceremony for the *Max van der Stoep Human Rights Award 2021*. Her Excellency Dr. Bahia Tahzib-Lie, *Human Rights Ambassador to the Kingdom of the Netherlands* presented the keynote, entitled: *Education lasts a lifetime: let's give human rights a greater place in the classroom*.

Yousra Benfquih (*University of Antwerp*) received the *Max van der Stoep Human Rights Award 2021* for her PhD thesis in the field of international human rights. Katie Pentney (*Leiden University*) was awarded the prize for her master thesis.

The International Humanitarian and Criminal Law Platform (IHCL Platform)

The *IHCL Platform* is another inter-university network coordinated by the Asser Institute. Its objective is to foster research in the area of international criminal law and humanitarian law, and to provide a platform for discussion of relevant contemporary issues and legal questions for which there is, as of yet, no fixed jurisprudential position.

In May, the *IHCL Platform* coordinator [Christophe Paulussen](#) organised the tenth *IHCL Platform PhD day*. This online edition of the annual PhD day provides an opportunity for PhD candidates to present their research on international humanitarian law and international criminal law topics and acquire feedback in an informal setting. To learn more about PhD research at the Asser Institute, see [page 36](#). In June 2021, the *IHCL Platform* organised a webinar on international humanitarian law and digital technology. (Read more on [page 43](#)).

The *IHCL Platform* was established in 2010 and consists of representatives from the Asser Institute, the *University of Amsterdam* (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*, *KU Leuven* (*the Institute for International Law*), *Utrecht University*, *Ghent University* (*the Ghent Rolin-Jaequemyns International Law Institute*), the *University of Antwerp*, the *Université Libre de Bruxelles* and the *Royal Military Academy* in Belgium.

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
- Unesco
- 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

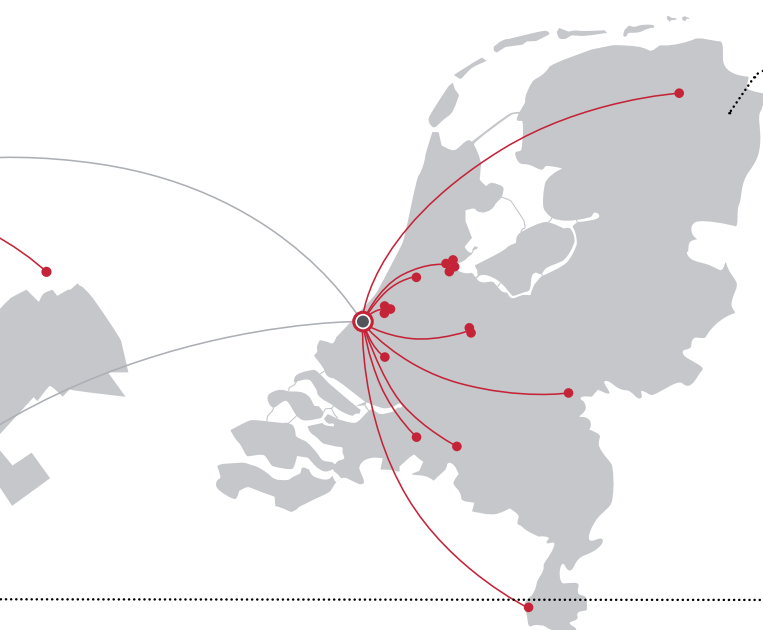
Africa

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

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
- Beijing Institute of Technology, China





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
- Free Press Unlimited Amsterdam
- 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

Education & capacity building (selection)



The T.M.C. Asser Instituut is a leading and authoritative provider of professional 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.

[Online winter academy] Due diligence as master key to responsible business conduct – 25-29 January



The fourth edition of the Doing Business *Right* winter academy focused on the second pillar of the *UN Guiding Principles on Business and Human Rights*: human rights due diligence. It provided participants with a comprehensive understanding of its practical operation through case-studies conducted by experienced practitioners and high-level speakers such as Charlotte Scheltus (*SER*), Rashad Abelson (*OECD*) and Andreas Graf (*FIFA*).

[Online winter academy] Artificial intelligence and international law – 10-19 February



The third edition of this interdisciplinary programme offered participants an overview of artificial intelligence (AI) and international law. Lectures covered both technical and legal aspects of AI and alternated theory and practice. Many high-level speakers presented, such as Prof. Marco Sassoli (*University of Geneva*), Prof. Hitoshi Nasu (*University of Exeter*), Prof. Frederik Zuiderveen Borgesius (*Radboud*

University), Prof. Natali Helberger (*University of Amsterdam*), Dr Karina Vold (*University of Toronto*), Dr Daragh Murray (*University of Essex*) and Dr Lottie Lane (*University of Groningen*).

[Online summer law programme] on international criminal law & international legal & comparative approaches to counter-terrorism – 1-25 June

This course is the product of a unique collaboration between the *War Crimes Research Office of American University Washington College of Law* and the **T.M.C. Asser Instituut**. The programme provides an overview of international crimes, criminal responsibility, immunities and amnesties, and covers practical issues such as victim participation and defence issues. Participants (virtually) visited international and national courts and Hague-based international organisations. Unique was the virtual meet and greet with Benjamin B. Ferencz, peace advocate and former prosecutor of the Nuremberg war crime trials. The second week focused on international legal & comparative approaches to counter-terrorism. Key speakers included: Ad hoc ICC judge Fausto Pocar, former ICC judge Howard Morrison, Director of ICC's prosecutions division Dr Fabricio Guariglia, Dr Yasmin Naqvi (Special adviser to the deputy director-general, *OPCW*) and Paolina Massidda (Principal counsel at ICC's *Office of Public Counsel for Victims*).

CLEER summer school on the law of EU external relations – 28-30 June

The sixth edition of the *CLEER Summer School on the Law of EU External Relations* was an intensive three-day online course, in which the participants had the opportunity to learn from and discuss with renowned experts in the field such as Eva Kassoti (T.M.C. Asser Instituut), Ramses Wessel (*University of Groningen*) Andrea Ott (*Maastricht University*),



Christina Eckes (*University of Amsterdam*) and many others. Topics were, inter alia, EU competences, codification and case law, EU trade agreements, recent developments in EU external relations, the role of the European Parliament. The key note speech on the 'Evolving Nature of EU external agreements and EU-UK relations' was given by Marise Cremona (*European University Institute*).

Online workshop on international public interest advocacy – 1-3 July 2020

During this unique three-day online workshop, participants gained insights into the latest practices in public interest law and were exposed to new ways of advocating for the public interest in an international setting. Leaders in practice – including advocates, activists, academics and members of international NGOs – discussed questions of legal techniques, different approaches to handling a cause, and how to start a practice.

Speakers were Gearóid Ó Cuinn (*Global Legal Action Network*), Jelle Klaas (*Public Interest*

Litigation Project), Louise Fournier (*Greenpeace International*), Zeenat Sujee (*Initiative for Strategic Litigation in Africa*), Rob van Riet (*Independent public interest advocate*), Robert Okello (*Barefoot Law*), Valentina Azarova (*Global Legal Action Network*), Itamar Mann (*University of Haifa*), Charles Heller (*GLAN & Forensic Oceanography*), Gearóid Ó Cuinn & Ioannis Kalpouzos (*Global Legal Action Network*), Joseph Wilde (*SOMO*), Marian Ingrams (*OECD Watch*), Thandiwe Matthews (*University of Witwatersrand*) and Helen Duffy (*Human Rights in Practice*).

Advanced summer programme on terrorism, countering terrorism and the rule of law – 30 August – 03 September

In the eleventh edition of this thought-provoking summer programme, organised in collaboration with the *International Centre for Counter-Terrorism (ICCT)*, 46 academics, policy makers, diplomats and other practitioners focused on the international and domestic legal aspects of counter-terrorism and (virtually) visited *Eurojust* and *Europol*.

Top speakers included Fionnuala Ni Aolain (*UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*), Prof. Devyani Prabhat (*University of Bristol*) and Prof. Richard English CBE (*Queen's University Belfast*). The *Netherlands Ministry of Foreign Affairs* generously provided scholarships.

[Training programme] Disarmament and non-proliferation of weapons of mass destruction 2021 – 27 September-1 October

In close cooperation with the *Organisation for the Prohibition of Chemical Weapons (OPCW)*, the Asser Institute organised the 12th edition of the training programme on disarmament and non-proliferation of weapons of mass

destruction (WMD). The course provided 48 participants from 27 different countries with an overview of the international legal and political regimes governing WMD's. The programme considers progress on reducing risks, reviews WMD flashpoints and case studies of potential arms races and monitors instability and escalation. Top speakers included OPCW director general H.E. Mr Fernando Arias, Sico van der Meer (*Clingendael*), Sibylle Bauer (*SIPRI*) and many others. The course was coordinated by Rob van Riet, and both the OPCW and the *Netherlands Ministry of Foreign Affairs* generously provided scholarships.

Lebanon Lecture Series: inter-university programme on international criminal law and procedure – 16 December 2020 – 12 May 2021

Since 2011, this online series – initiated by the Asser Institute and the former *Special Tribunal for Lebanon* (STL) – enables law students from eleven Lebanese universities to follow lectures on international criminal law and procedure. In December 2020, the STL handed over the organisation to the *International and Transitional Justice Resource Center* (ITJRC), representing the Lebanese universities. The series has been called ‘the best attempt towards reconciliation in Lebanon’ and has since educated more than a thousand of students. In 2021, the ninth edition featured high-level speakers such as Ivana Hrdličková (former STL president and judge), Amir Ćengić (*United Nations Mechanism for International Criminal Tribunals*) and Mirjam Ekkart (*District Court of The Hague*).

ICL-TCL training programme – March 8-12 (in person) – June 14-29 (online)

Since 2018, the Asser Institute, together with the *Antonio Cassese Initiative* and *International Nuremberg Principles Academy*, organises



During the unique three-day workshop on international public interest advocacy, participants gained insights into the latest practices in public interest law and were exposed to new ways of advocating for the public interest in an international setting.

training courses on international criminal law (ICL) and transnational criminal law (TCL) for judges and prosecutors from French-speaking African countries. The training aims to empower them to deal with international and transnational crimes, through:

- Enhancing the participants' ability to protect human rights, including fair trial rights as enshrined in international instruments;
- Ensuring effective cooperation with the *International Criminal Court* (ICC) and other international criminal tribunals, and;
- Increase cooperation among national judiciaries.

Following the 2020 in-person training in Arusha (Tanzania), 2021 saw the second (online) cycle of the programme in March (8-12) and June (14-29) 2021. Top speakers included Ann Lokowiak (Belgian prosecutor), Jean-Jacques Badibanga (ICC), Arnaud d'Oultremont (Belgian prosecutor), Myriam Fillaud (*Court of Appeal* in Paris) and Abdoul Aziz Mbaye (ICC). The *NUFFIC Orange Knowledge Programme*, the *Nuremberg Academy* and the *Antonio Cassese Initiative* generously provided financial support.



Masterclass on International divorce and ancillary claims

Asser Academy masterclass series

In 2021, the T.M.C. Asser Instituut launched a new professional education series in international legal practice: The Asser Academy Masterclass series, short courses for professionals who wish to deepen their knowledge and stay current. Some masterclasses were developed in cooperation with the *The Hague Institute of Private International and Foreign Law (IJI)*. Via the *Eggens Institute (UvA)* Dutch lawyers can obtain 5 PO points for their attendance. The series generously received financial support from the *Municipality of The Hague*. The 2021 themes were:

Mastering the FIFA Transfer System – 29-30 April

This masterclass, focusing on the *FIFA Regulations on the Status and Transfer of Players (RSTP)* and its operation, catered to a small group of dedicated legal professionals and students who have the ambition to advise football clubs, represent players or join FIFA's administration. Carol Couse (*Mills & Reeve*); Jacques Blondin (*FIFA*) and Oskar Van Maren (*FIFA*) were guest speakers.

International divorce and ancillary claims – 27 September

This masterclass, co-organised with *IJI*, provided participants with a clear overview of the

international private law regulations applicable in complex cases regarding international divorce in the Netherlands. The attendants discussed their own international divorce cases with experts such as Lisette Frohn (*IJI*), Marieke Oderkerk (*University of Amsterdam*), Ian Sumner (*Tilburg University*), and Fatih Ibili (*The Hague District Court/ University of Groningen*).

The modern foreign fighters' phenomenon – repatriation, prosecution and/or reintegration? – 15-16 November

This masterclass focused on some of the conundrums triggered by foreign fighting. Topics were:

international legal and security in relation to repatriation, the issue of citizenship stripping, international crimes and universal jurisdiction, the needs of families and children of (alleged) foreign fighters, as well as the potential impact of developments in Afghanistan. Speakers were: Bibi van Ginkel (*The Global Connection – Platform for Shared Security*), Tanya Mehra LL.M. (*ICCT*), Christophe Paulussen (*Asser Institute/ICCT*) and Romyana van Ark (*Asser Institute/ICCT*)

Public events (selection)

[CLEER Lecture] Germany's presidency of the Council of the European Union in challenging times – 24 February

Germany held the Presidency of the Council of the European Union between July and December 2020. During this CLEER presidency lecture, the German ambassador to the Netherlands, H.E. Mr Dirk Brengelmann presented Germany's experience during its presidency term. The rotating presidency of the Council of the EU provides coordinating and representation opportunities to emphasise political issues of relevance to the EU. One of the highlights during the German Council Presidency was the compromise on the Multinational Financial Framework and the Recovery Fund, despite concerns relating to the rule of law raised by a few member states. Joris Larik (*Leiden University* and member of the CLEER Advisory Board) was the respondent speaker and Asser researcher Eva Kassoti moderated the discussion.



Using battlefield evidence in the fight against terrorism: international law dimensions – 17 March

In this webinar, co-organised by the Asser Institute and the mandate of the *United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism*, the panelists discussed battlefield evidence as a means to bring terrorism suspects to justice, as well as its international law dimensions.

The panellists were Fionnuala Ni Aolain (*UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*), David Scharia (CTED), Noam Lubell (*University of Essex*) and Maya Foa (*Reprieve*). The event was moderated by Asser researcher Christophe Paulussen.

ASIL 2021 – Roundtable on international law's role in the governance of AI – 26 March

On March 26, Janne E. Nijman, chair of the board and academic director of the Asser Institute, convened the online closing plenary of the 2021 virtual annual meeting of the *American Society of International Law (ASIL)*.

The closing plenary, sponsored by the *Municipality of The Hague*, the *Embassy of the Netherlands to the United States* and convened by the T.M.C. Asser Institute, is one of the highlights of ASIL's annual meeting. This year's closing plenary's event focused on the governance of artificial intelligence (AI), and was entitled: '*Reconceptualizing International Law's Role in the Governance of AI: Autonomous weapons as a case study*'. The speakers examined the ways in which international law needs to reorganise its engagement with AI, using the issue of autonomous weapons as a case study.



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Ernst Hirsch Ballin received a Medal of Appreciation after a well-visited farewell symposium on global migration law.



Speakers Jonathan Horowitz (*International Committee of the Red Cross*), Mary Ellen O'Connell (*University of Notre Dame Law School*) Marjolijn van Deelen (*EU Special Envoy for Non-proliferation and Disarmament*) and Karen Yeung (*University of Birmingham Law School*) discussed how AI is challenging existing practices within the law of armed conflict; the underlying conceptual challenges that AI poses to the current international law framework, and ways in which a reconceived international law could contribute to the governance of AI.

Jan van Zanen, mayor of the *Municipality of The Hague*, opened the session. The roundtable was moderated by Sadjad Soltanzadeh, postdoctoral researcher at the Asser Institute.

Informal law-making in EU external relations: challenges and prospects – 8 April

This CLEER conference focused on the increasing use of informal instruments in EU external relations and the problems this might cause. The choice to act outside the prescribed framework for concluding binding arrangements raises fundamental questions of

legitimacy and rule of law. This shift to informality may facilitate the creation of a parallel world of instruments and norms – thereby facilitating the circumvention of questions of competence and threatening legal certainty. The conference featured keynote speeches by Jan Klabbers (*University of Helsinki*) and Fabien Terpan (*Science Po Grenoble*) as well as concluding remarks by Paula Gracia Andrade (*Universidad Pontificia Comillas*).

International humanitarian law and digital technology: critical reflections – 8 June

In close collaboration with the *International Humanitarian and Criminal Law (IHCL) Platform* and the *Designing International Law and Ethics into Military Artificial Intelligence (DILEMA)* project, the Asser Institute and the *International Review of the Red Cross* hosted a webinar to celebrate the launch of the Asser Institute's *Yearbook of International Humanitarian Law* vol. 2018 and the *International Review of the Red Cross* Vol. 102, Issue 913.

The first presentation ("The law of armed conflict issues created by programming automatic target recognition systems using



During the event Cities and their global networks – reshaping global governance and international law?, Jan van Zanen, mayor of the Municipality of The Hague, received the first copy of the ground-breaking Research Handbook International Law and Cities edited by Helmut Aust and Janne E. Nijman.

deep learning methods’) was by Joshua G. Hughes (*Trilateral Research*), one of the YIHL authors. The second presentation ‘*Tech and armed conflict: the spread of harmful information in humanitarian settings*’ was provided by Delphine van Solinge, who is the ICRC’s protection adviser on digital risks for populations in armed conflict. The event was moderated by researcher, managing editor of *Yearbook of International Humanitarian Law* and HILAC coordinator for the Asser Institute, Rebecca Mignot-Mahdavi.

The humanitarian civilian – How the idea of distinction circulates within and beyond international humanitarian Law – 6 September

In this HILAC lecture, Rebecca Sutton (*University of Edinburgh*) explored the ways in which the principle of distinction circulates within and beyond international humanitarian law. The lecture was based on a multi-situated study and focused on discussing distinction across kinetic, pedagogical, and intellectual realms.

Farewell symposium Ernst Hirsch Ballin – Re-imagining global migration law

With a symposium on *Re-imagining global migration law*, Ernst Hirsch Ballin said farewell as president of the supervisory board of the T.M.C. Asser Instituut on September 16, 2021. Speakers of the symposium were Huub Dijstelbloem (*University of Amsterdam*), Annick Pijnenburg (*Radboud University*), Conny Rijken (*Tilburg University*) and chairperson of the executive board and academic director Janne E. Nijman. The event was moderated by Asser researcher Narin Idriz. To mark the occasion, Ernst Hirsch Ballin received a Medal of Appreciation.

International humanitarian law and due diligence – 11 November

Recent armed conflicts, such as those in Afghanistan, Syria, and the Sahel region, have seen states interact with or even directly support a variety of actors: from other states to non-state armed groups and many others.

In this HILAC lecture, Marco Longobardo (*University of Westminster*) and Erica Gaston (*UN University Centre for Policy Research*)

looked at the increasing complexity of armed conflicts in relation to the duty of due diligence within the framework of international humanitarian law. The discussion was coordinated by Asser researcher Christophe Paulussen.

Cities and their global networks – reshaping global governance and international law? – 17 November 2021

This hybrid event marked the publication of the ground-breaking Research Handbook on

International Law and Cities edited by the Institute's academic director, Janne E. Nijman, and Helmut Aust (*Freie Universität Berlin*). During the event Jan van Zanen, mayor of the *Municipality of The Hague*, received the first copy. An engaging panel discussion followed between Boris Tonhauser (*PLATFORMA*), Andre Nollkaemper (*University of Amsterdam*), Barbara Oomen (*Utrecht University*), Neila Akrimi Kemperman (*VNG International*), and the two editors of the research handbook. The panel was moderated by Helmut Aust, assisted by Miha Marcenko, associate fellow at the T.M.C. Asser Instituut.



September 2021 - Janne E. Nijman at the 16th Annual Conference of the European Society of International Law (ESIL) moderating a panel on Subnational International Lawmaking. Speakers were: Maša Kovič Dine (*University of Ljubljana*), Natalie Jones (*University of Cambridge*), Laura Prat (*King's College London*).



DILEMA lecture series

The DILEMA (Designing International Law and Ethics into Military AI) lecture series invites academics and other experts working on legal, ethical, and technical perspectives on military artificial intelligence (AI) to present their work and share reflections with researchers, students and professionals. The project is funded by the *Dutch Research Council (NWO)* under the research programme ‘*Responsible Innovation. Designing for Public Values in a Digital World*’.

Remote, autonomous weapons and human agency – 22 February

Artificial intelligence is starting to permeate many aspects of our lives and autonomous weapon technologies are the subject of increasing academic attention. Prof. Boothby (*Australian National University*) discussed what we mean by autonomy, described the international law rules that seem most relevant when considering the acceptability of such technologies, and reflected on some ideas of agency in the autonomous age. The event was moderated by Asser researcher Dr Berenice Boutin.

Trusted partners: human-machine teaming and the future of military AI – 23 March

During this lecture, Dr Margarita Konaev (*CSET*) examined the drivers and effects of trust in human-machine teams and assessed the risks from trust deficit and uncritical trust in

intelligent technologies. Dr Konaev also reviewed efforts to build trustworthy AI systems, and offered future directions for research on trust relevant to the military applications of AI and human-machine teaming. The event was moderated by Asser researcher Dr Berenice Boutin.

Artificial Intelligence and ethical disruption – 12 April

Prof. Peter-Paul Verbeek (*University of Twente*) analysed the new human-technology relations that AI brings: how do digital technologies affect human practices, decisions, and interpretive frameworks? And how do new, hybrid forms of intentionality emerge from this, in which human and technological systems are connected in novel ways? Second, he investigated how these new human-technology relations challenge central ethical concepts and frameworks. How should we understand the influence of digital

technologies on moral actions, decision-making and value frameworks? Finally, he explained how the approach of ‘guidance ethics’ can be helpful in addressing the ethical challenges that AI brings. The event was moderated by Asser researcher Dr Sadjad Soltanzadeh.

Which practices shape norms? Retaining human control over the use of force – 8 November

The debate on autonomous weapons often characterises such systems as future problems in need of pre-emptive regulation. In this DILEMA lecture Dr Ingvild Bode (*University of Southern Denmark*) gave a lecture based on her ongoing research within the *AutoNorms Project* and a recent policy report published in collaboration with *Drone Wars UK*.



Lecture and workshop series on ‘Method, methodology and critique in international law’

In 2021, the T.M.C. Asser Instituut ran a monthly online workshop series, led by Dimitri van Meersche, which explored new ways of ‘doing’ international legal scholarship. This included a focus on the opportunities, pitfalls and politics of methodological approaches and particular technical crafts they demand. Participants in the workshops gained a better grasp of how to position themselves in an increasingly complex methodological landscape. They enhanced their understanding of what is at stake in the various ‘turns’ that are continuously performed in international law; such as the ‘turn’ to practice, history, discourse, political economy, critical sociology, materiality, geography or aesthetics, to name but a few. The workshop series was funded by the Municipality of The Hague.

Workshop 1: international law and political economy – 20 January

This first thematic session focused on the ‘turn’ to political economy in international law and the promise of this approach from the perspective of methodology and critique. Ntina Tzouvala (*Australian National University*) and John Haskell (*University of Manchester*) were the guest speakers.

Workshop 2: international law and historiography – 17 February

This session focused on the ‘turn’ to historiography in international law and the promise of this approach from the perspective of methodology and critique. Rose Parfitt (*Kent Law School*) and Nehal Bhuta (*University of Edinburgh*) were the guest speakers.

Workshop 3: international law, post-colonialism and critical race theory – 17 March

This workshop focused on approaches to international law inspired by post-colonialism and critical race theory and the promise these hold from the perspective of methodology and critique. Guest speakers were Luis Eslava (*Kent Law School*) and Ayça Çubukçu (*London School of Economics*).

Workshop 4: International Law and Critical Sociology – 21 April

This edition focused on approaches to international law inspired by critical sociology. Lecturers were Frédéric

Mégret (*McGill University*) and Antoine Vauchez (*Université Paris 1 Panthéon-Sorbonne*).

Workshop 5: STS and ANT in International Law – 19 May

This session focused on approaches to international law inspired by science and technology studies (STS) and actor-network theory (ANT). Marieke de Goede (*University of Amsterdam*) and Gavin Sullivan (*University of Edinburgh*) were the guest speakers.

Workshop 6: Ethnography and anthropology in international law – 9 June

This workshop focused on anthropological and ethnographic approaches to the study of international law. Emma Nyhan (*Melbourne Law School*) and Matt Canfield (*Leiden University*) were the lecturers.

Workshop 7: Posthumanism and new materialism – 22 September

This session focused on approaches to the study of international law inspired by posthumanism and new materialism. Speakers were Matilda Arvidsson (*University of Gothenburg*) and Sara Kendall (*Kent Law School*).

Workshop 8: Critical geography – 20 October

This edition focused on approaches to the study of international law inspired by critical geography. Sofia Stolk (*Asser Institute*) and Nik Rajkovic (*Tilburg University*) were the guest speakers.

Workshop 9: Architecture, space & design – 17 November

The ninth session of the Methodology series focused on approaches to the study of international law inspired by literature on architecture, space & design. The academic discussion was facilitated by Renske Vos (*Vrije Universiteit Amsterdam*) and Armin Parsa (*Lund University*).

Workshop 10: Aesthetics, affect & emotion – 8 December

This session focused on approaches to the study of international law inspired by literature on aesthetics, affect and emotion. The guest lecturers present at this edition were Emily Kidd White (*Osgoode Hall Law School*) and Rebecca Sutton (*Edinburgh Law School*).

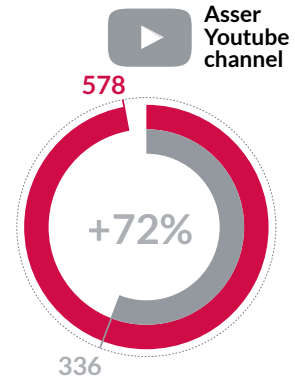
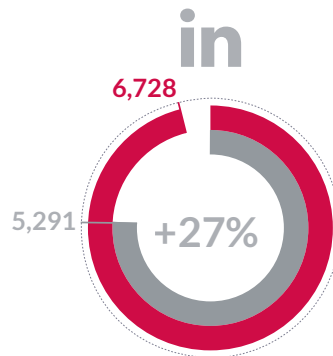
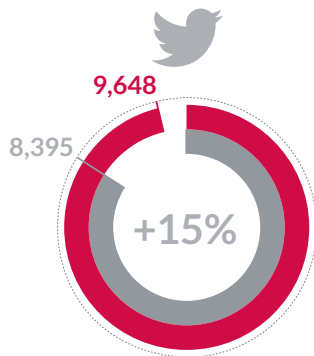
Final workshop: Method, methodology and critique in international law – 15-16 December

This two-day workshop marked the end of the Methodology series and focused on the reading of writings of selected scholars in small groups. Additionally, three public lectures were given on international law and literature by Christopher Gevers (*University of Kwazulu-Natal*), the keynote address by Gerry Simpson (*London School of Economics*) and Robert Knox (*University of Liverpool*) presented on the topic ‘international law and Marxism’. The event received funding from the *Royal Netherlands Academy of Arts and Sciences (KNAW)*.

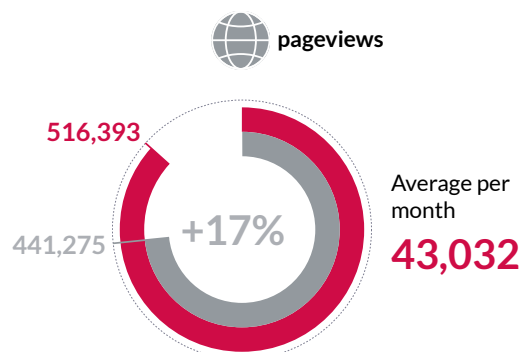
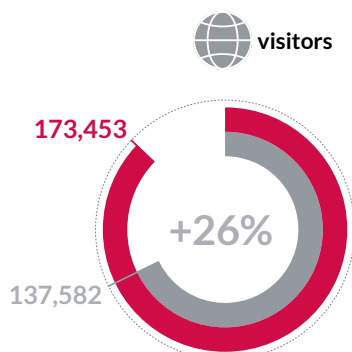
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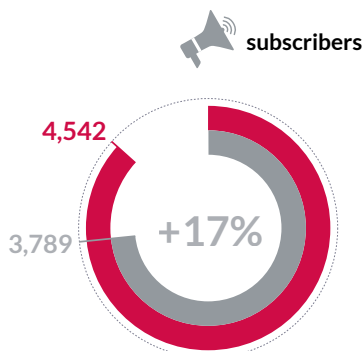
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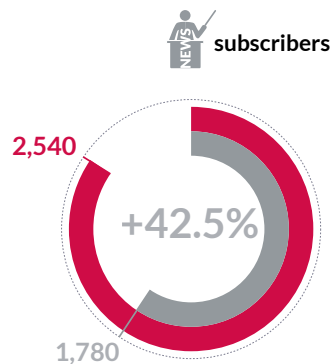
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Problematic drone targeting identification process in Mali

In an op-ed for the French *Huffington Post*, Rebecca Mignot-Mahdavi criticises the identification techniques used by the French army for a drone airstrike in Mali which killed 19 civilians. Mignot-Mahdavi writes that within the most accepted interpretation in the law of armed conflict, a state can only strike individuals who take part in the actions of non-state armed groups when they are participating in hostilities. She advises the French minister of armed forces 'to invite the forces deployed in the Sahel to operate on solid and reliable target identification processes and to wait to strike until they have observed participation in combat'. (6 April 2021)

HUFFPOST

Nederland haalde zijn IS-vrouwen niet op

Former IS fighters escaped from camp al-Hol in Syria after the Netherlands kept refusing to repatriate the fighters' and their families. In an interview by Dutch newspaper NRC, Christophe Paulussen calls the Dutch refusal to repatriate 'short-sighted'. Paulussen says that almost all counter-terrorism experts are in favour of repatriation, if only to prevent former IS fighters from radicalising further. (26 April 2021)

nrc

Hard power: Europe's military drift causes alarm

As the EU is taking big steps to bolster its defence capacity and engage in military conflicts through training and equipping governments outside the bloc, Berenice Boutin warns in the UK newspaper *the Guardian* for the potentially dangerous consequences of the EU's expanding investments in artificial intelligence. Boutin: 'The potential applications of AI in the military are much broader than just weapons systems. It can lead to human decision-making relying heavily on algorithms, where you can question whether there is meaningful control,' said Boutin. Although the *European Commission* released plans to regulate the use of AI inside the bloc, the current draft does not cover military use. (19 May 2021)

The Guardian

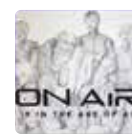
The Mladic trial

On June 1st 2021, the *International Criminal Tribunal for the Former Yugoslavia* (ICTY), a U.N. war crimes tribunal in The Hague is set to close the case against Mladic, also known as the 'Butcher of Bosnia', who killed more than 100,000 people and left millions homeless during the Yugoslav war in 1992-1995. In an interview with EuroNews, Sofia Stolk says that the final verdict is important because it is the tribunal's last key case and it concerns the crime of genocide (5 June 2021).

euronews.

Artificial intelligence and ICL

In the episode 'AI and International criminal law' of the podcast series *On Air - IR in the age of AI*, Marta Bo explains how international criminal law could provide guidance for operationalising the concept of 'meaningful human control' over lethal autonomous weapons (LAWS). Bo suggests that a treaty obligation on meaningful human control must therefore be adopted and articulated in terms of legal duties to act on individuals. (7 June 2021)



'The CAS is not fit for purpose'

In a critical op-ed for the *Mail Online*, Antoine Duval writes that the *Court of Arbitration for Sport* (CAS) has far-reaching powers but lacks transparency. The court, whose influence can be seen in wide-ranging decisions – from bans imposed by UEFA to suspensions in the Tokyo Olympics – has acquired a 'quasi-monopoly' on the resolution of international sporting disputes. Duval: 'The court decides 'who gets to play, and under what conditions', but it operates behind closed doors, does not publish minutes of its deliberations, never releases an annual report and nobody knows what it spends or where the money comes from. (...) The problem with CAS is that it is a court in name only. Built as an arbitral body, and theoretically grounded on the consent of participants to its proceedings, it in fact relies on forced arbitration for

its operation.' Duval concludes that the CAS is not fit for its purpose and should be reformed. (18 June 2021).

MailOnline

Ernst Hirsch Ballin retires

In an interview by Narin Idriz and Pascal Messer for *Sociale Vraagstukken.nl*, jurist Ernst Hirsch Ballin – former Asser Instituut president, state councilor and the longest serving minister of Justice in the Netherlands since the early 19th century – looks back on his career in the field of migration. Hirsch Ballin calls for legal creativity and innovative ideas to improve European migration and refugee policy to make it more humane and fairer. (28 September 2021).

Sociale Vraagstukken®

The emergence of cities in International Law

Cities are increasingly recognised as actors that participate in the implementation and even in the creation of international law. On the occasion of the publication of the Research Handbook on International Law and Cities, Moritz Baumgärtel from the *Cities of Refuges podcast* speaks to the volume's lead editors and pioneering scholars in the field: Janne E. Nijman and Helmut Aust. In their conversation, they talk about how cities' actions became a topic first in their own research, and then in international law more generally – and why people from outside the discipline should care about this development in international law. (15 November 2021).

As winter nears, French delegation calls for 'emergency' repatriation of children in Syria

Living conditions in Syrian refugee camps become more catastrophic as winter nears. In an interview by *EURACTIVE*, Christophe Paulussen says that although many governments continue to remain reluctant to repatriate former IS fighters, 'many security experts agree that security risks can be better managed if the people in the camp are repatriated in a controlled manner'. (23 November 2021).

EURACTIV

The political desire to deprive someone of Dutch citizenship is typical of the prevailing irrationality

In an op-ed in Dutch quality paper *de Volkskrant*, Christophe Paulussen reflects on a legislative proposal by the Dutch *state secretary for Justice and Security* to make permanent the temporary powers of the *Ministry of Justice and Security* to withdraw Dutch citizenship in the interest of national security (15 December 2021).

deVolkskrant

An Afghan official laments what was lost and looks to what lies ahead

Asser Institute research fellow Ahmad Nader Nadery, one of Afghanistan's top peace negotiators in peace talks with the Taliban, spent decades working towards a thriving, free Afghanistan. However, when the Taliban took over in August 2021, he saw his efforts crumbling. In an interview with the *New York Times*, he looks back at what was lost and what can be done to move forward. As he deals with his own demons in exile, he misses Kabul. 'I long to be there,' he said. 'I would read books of exile, and now I see how painful it is.' (24 December 2021).

The New York Times

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 as well as 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 SpringerNature 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 numerous universities and libraries, T.M.C. Asser Press ensures a wide international distribution, visibility and readership.

Despite the challenges presented by the COVID-19 crisis, T.M.C. Asser Press performed well in 2021, publishing seventeen new book titles and issues of five journals numbering a total of eighteen publications.

Book publications, some highlights:

- The second volume of the *European Yearbook of Constitutional Law* examined 'The City in Constitutional Law' in 15 contributions by scholars from all continents.
- The second revised edition of 'The 1998-2000 War between Eritrea and Ethiopia'. The edited volume analyses the 1998-2000 war in light of the *jus ad bellum*, the *jus in bello* and also in terms of the *jus post bellum*.
- The edited volume 'The Evolving Nature of EU External Relations Law' addresses the question of how the evolving legal and political framework affects the nature of EU external relations law.
- The 2021 edition of *NL ARMS* – the series that offers cutting-edge scientific research on the military sciences – focussed on 'Compliance and Integrity in International Military Trade' and was published Open Access on SpringerLink.com.

- Prof Andrew Murray delivered the Sixth Annual T.M.C. Asser Lecture, published in the *T.M.C. Asser Annual Lecture Series* under the title: 'Almost Human: Law and Human Agency in the Time of Artificial Intelligence'.

Journals, some highlights:

- The third issue of the 2021 volume of *Netherlands International Law Review* was a special issue on 'Preventive Obligations' (NILR, Volume 68/3, 2021).
- Issue 2-3 of Volume 13, 2021 of the *Hague Journal on the Rule of Law* was a special issue containing seven articles on Chile: 'Assessing the Challenges and Politics of the Chilean Constitution-Making Process'.
- The fourth issue in 2021 of *Nederlands Internationaal Privaatrecht* focussed on 'International family law and PIL' (NIPR, Volume 39/4, 2021).

Articles to be published in Asser Press journals are made available on *SpringerLink* as soon as they are finalised ('Online First'), thereby ensuring the immediate dissemination of the latest research. A large number of the journal articles were published *Open Access*.

You can find a detailed list containing all T.M.C. Asser Press publications that appeared in 2021 in Annex 2 (www.asser.nl).



Financial overview

The T.M.C. Asser Instituut is funded by public, semi-public and private resources. In 2021, the core funding by the *University of Amsterdam* accounted for 33% of the total revenues.

The additional 67% was generated through externally funded activities for national and international stakeholders. The externally funded activities concern research, capacity building, teaching, and education and training, with a growing share of research grants that align with the institute's research agenda. In addition, the institute is responsible for the management of the *Administrative Unit of the Global Counterterrorism Forum*, located in The Hague.

The main stakeholders are: the *Dutch Ministry of Foreign Affairs* (tendered projects, trainings and conferences), the *European Commission* (tendered projects and grants), the *US*, *Canadian*, and *Moroccan Departments of State*

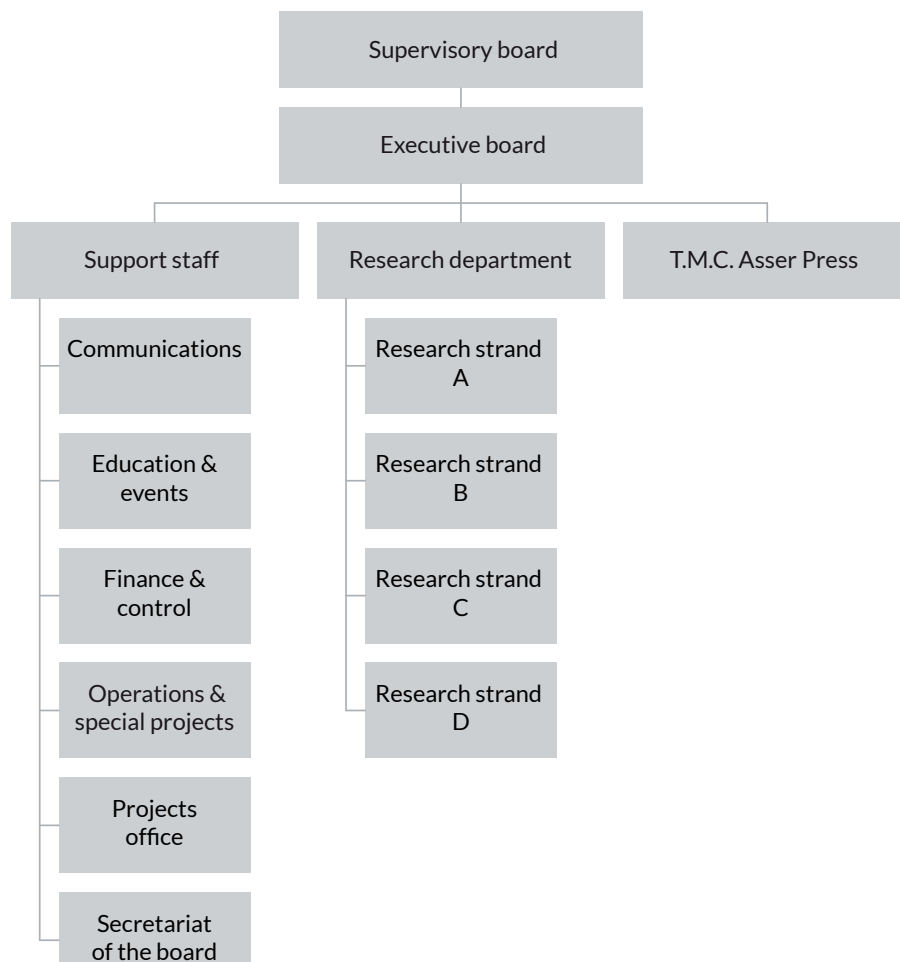
(management of the *Administrative Unit of the Global Counterterrorism Forum*, implementing projects), the *Municipality of The Hague* (trainings and conferences), the *Volkswagen foundation* and the *Dutch Research Council NWO* (research projects).

A summary of the Institute's financial statement 2021 is presented in the table below. The external auditor (*Dubois & co*) has given an unqualified opinion to the financial statement. In 2021, the financial result is € 135,000 positive, including a one-off result of € 51,000. Because of the Covid-crisis, both revenues and cost are below the budgeted level, without affecting the budgeted operating result. The operating result is € 84,000 positive. The institute's equity totalled € 3,405,000,000 at the end of the year, which is 51% % of the total revenues (€ 6,720,000) and 50 % of the balance sheet total (€ 6,814,000). This shows a healthy financial solvency.

	2021	2020
Revenues		
Core funding	2,195	2,163
Additional income	4,525	3,916
Total revenues	6,720	6,079
Direct costs of commissioned projects	-3,155	-2,580
Gross margin	3,565	3,499
Expenses		
Personell costs	2,595	2,449
Material costs	835	583
Total expenses	3,430	3,032
Result	135	467
Added tot general reserve	100	257
Added to earmarked reserve	35	210
Total equity		
On 1 January	3,270	2,803
On 31 December	3,405	3,270

! All amounts in Euros x 1,000

Organisation & governance



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 a vanguard institute for the *University of Amsterdam (UvA)*, which provides for the core funding for the institute.

Executive board

In 2021, the executive board consisted of two members: Prof. Dr. J.E. Nijman (chairperson of the executive board and academic director) and Drs. Gert Grift (managing director).

Supervisory board

As of April 2021, the supervisory board consisted of chairperson Prof. Dr. Liesbeth Lijnzaad, judge at the International Tribunal for the Law of the Sea and endowed Professor Practice of International Law at Maastricht University), Prof. Dr. P.A. Nollkaemper, dean of the Faculty of Law at the UvA, Prof. Dr. Mr. Ivo Giesen, professor of private law and head of the Law Department at *Utrecht University*, Prof. Mr. Ben Smulders (Director in the European Commission Legal Service), Garance Reus-Deelder MSc (National Director of Plan International Netherlands).

Asser staff

On 31 December 2021, a total of 59 persons were employed by the T.M.C. Asser Instituut, including temporary and project-related staff, nine interns and two visiting researchers.

Asser staff (in Fte)	2021	2020
Directors	1.8	1.8
Researchers	20.7	19.7
PhD's	2.0	1.0
Projects and events	4.3	5.3
Communications	0.9	1.8
Operations and special projects	3.8	4.0
Finance and control	1.0	1.0
Secretariat of the board	1.0	1.5
T.M.C Asser press	2.7	2.7
GCTF admin unit	7.3	8.7
Total	45.5	47.5
Interns*	9.0	11.0
Visiting researchers	2.0	

Gender equality

At the Asser Institute, we embrace gender equality and strive for meaningful gender representation in our staff and event panels. In 2019, Janne Nijman joined the *International Gender Champions (IGC) Network*. Her membership commits the Institute to taking concrete steps to boost gender equality.

In 2021, the Asser Institute made a concerted effort to promote gender equality. We ensured that scholarships for training programmes were awarded equally across genders, and that event panels were gender balanced. We regularly reminded staff of gender balance in our internal newsletters. Staff members also attended a training on gender within the context of our security, counter-terrorism and human rights projects, and we have made sexual violence in terrorism a topic in our training programmes on counterterrorism.

Additionally, the communications department employs an equal gender and diversity policy in its photography selection. In 2021, our staff (exclusive interns and visiting researchers) consisted of 56% women and 44% men.



Who is who

Executive board



Prof. Dr. Janne E.
Nijman



Gert Grift MSc

Supervisory board



Prof. Mr. Ivo Giesen



Prof. Dr. Liesbeth
Lijnzaad



Prof. Mr. André
Nollkaemper



Garance Reus-
Deelder MSc



Prof. Mr. Ben
Smulders

T.M.C. Asser Press



Frank Bakker LL.M.



Kiki van Gorp



Wilma Wildeman

Commissioned Projects Team



Nathalie Amtenbrink
BA



Eva Da Costa BA



Eline Dorst MA



Maria Sperling MA



Martine van Trigt MA



Floris Wolff MA

Financial Administration



Tom Rietmeijer

Secretariat of the Board



Maaïke van Helden
MA



Hanna Thuránszky
MA

PR & Communication (communications@asser.nl)



Heleen van Kooij MA



Pascal Messer MA

Operations & Special Projects



Marco van der Harst
LL.M.



Wouter Lemaire



Radjesh Rose



Julien Simon MA

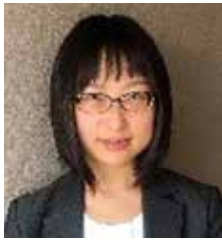


Karel Wouterse

Visiting Research Fellows



Nader Nadery LL.M.



Fumi Yoshimoto
LL.M.

Associate Fellows



Dr Yehonatan Elazar-
DeMota



Julie van der Krieke
MA



Dr Miha Marcenko



Dr Dimitri Van Den
Meerssche



Dr Rebecca Mignot-
Mahdavi



Dr Lisa Roodenburg



Dr Maria Weimer

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Stichting Internationaal Juridisch Instituut

R.J. Schimmelpennincklaan
20-22

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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
www.asser.nl

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