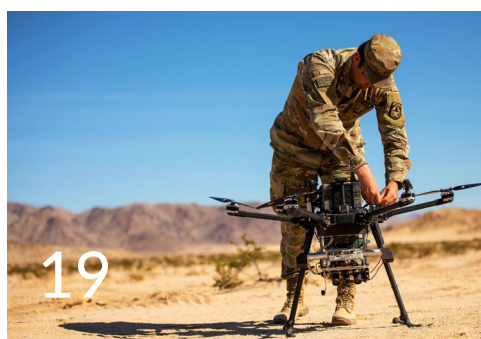
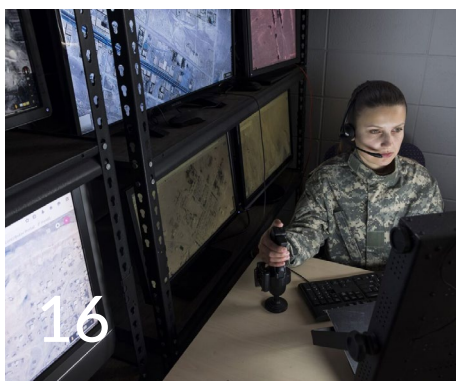




Annual report 2022





In February 2022, the Asser Institute building was lit up in solidarity with the Ukrainian people.



Table of contents

| | |
|---|----|
| About the T.M.C. Asser Instituut | 4 |
| A troubling year | 5 |
| Research strand In the public interest: Accountability of the state and the prosecution of crimes | 8 |
| ‘Some people expressed their condolences for the state of the international legal system’ | 9 |
| Research strand Regulation in the public interest: Disruptive technologies in peace and security | 16 |
| ‘Unique perspectives on the governance of disruptive technologies in peace and security’ | 17 |
| Research strand Public interest(s) inside/within international and European institutions and their practices | 22 |
| ‘Disparities in the distribution of power within our international institutions continue to raise critical attention’ | 23 |
| Research strand Transnational public interests: Constituting public interest beyond and below the state | 28 |
| ‘The EU Directive on corporate sustainability due diligence could help reclaim sovereignty over the transnational economic power of corporations’ | 29 |
| Research in focus (selection) | 37 |
| Asser-UvA cooperation and inter-university activities | 43 |
| A global network | 48 |
| Education and capacity-building (selection) | 50 |
| Public events 2022 (selection) | 54 |
| Communications | 59 |
| In the media (selection) | 60 |
| T.M.C. Asser Press | 62 |
| Financial overview | 65 |
| Who is who | 67 |

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. Our strategic research agenda, entitled "[Rethinking public interests in international and European Law \(2022-2026\); Pairing critical reflection with perspectives for action](#)" forms 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.

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)*.

A troubling year

As a knowledge institute based in The Hague, we are committed to helping develop law and policy solutions that make the world a more just place for everyone. We believe that international and European law can play a vital role in protecting public interests in our globalising and privatising world, and we are exploring the ways in which new technologies are challenging existing laws and regulations.

We started 2022 with a brand-new research agenda, entitled 'Rethinking public interests in international and European Law: Pairing critical reflection with perspectives for action'. It is organised around questions about the public interest in international and European public and private law. We envision a world in which local, national, and transnational public interests are protected and promoted by international and European public and private law. Critical reflection on how the legal notion of public interest is used, will hopefully offer perspectives for action to help confront our global challenges. In the coming years, the research agenda will form the substantive basis for our research, education, knowledge dissemination activities, and advisory work.

2022 was also a year of transitioning for the Asser Institute. At the end of June, after seven years of hard work, Janne E. Nijman stepped down as academic director and chair of the executive board. Janne has been a highly valued member of the board and a great colleague; she has always kept a sharp eye on the academic repositioning of the Asser Institute as well as on its societal role.

With wisdom, unlimited energy and enthusiasm, Janne has guided all members of the Asser Institute community to individually contribute to our Institute's mission. She has left the Institute well-positioned for a successful future and has resumed her academic research as professor of History and Theory of International Law at the *University of Amsterdam*.

In December, the Faculty of Law at the University of Amsterdam and the Asser Institute have agreed to a new five-year covenant that aims to double the number of joint research projects and achieve a twenty percent increase in turnover from joint research projects in the period 2022-2026.

The covenant also includes a commitment to strengthen the strategic partnership between the two institutions, and to develop new joint research initiatives. The agreement is part of a ten-year framework for increased cooperation between both organisations, which entered into force in 2020.

The University of Amsterdam and the Asser Institute are committed to creating a just society through the advancement of knowledge and the development of scientific solutions to societal problems. Both institutions are driven by a sense of commitment and responsibility, and they believe that knowledge and understanding are essential to building a more just and equitable world. (Read more on page 43).

Key principles

In February, the Russian invasion in Ukraine shook the world and the international legal order. A troubling year of war began. The Russian aggression violated international law's key principles and challenged the established norms and rules that govern international relations.



The invasion also raised questions about the effectiveness of existing international institutions and mechanisms in preventing and responding to military aggression. It highlighted the importance of strengthening and upholding international law in maintaining global peace and security, and the need for robust mechanisms to enforce compliance.

As you will read in this annual report, our researchers were at the forefront of the societal debate about the legal implications of the Russian aggression, with articles, op-eds, plenty of media interviews and the organisation of well-attended public events.

In May, in a packed *Peace Palace* in The Hague, Annual T.M.C. Asser Lecture speaker and political scientist Brigid Laffan *European University Institute* (EUI) addressed the European dependencies and vulnerabilities in the context of the war in Ukraine and a hardening of geopolitics. She called for the EU to hasten its energy transition, as energy dependence turned out to be a dangerous vulnerability.

In November, we organised the *MATRA-Ukraine* mid-term conference “Strengthening Ukraine’s national efforts to investigate, prosecute, adjudicate and report on international crimes” at *Beeld & Geluid* in The Hague and online. We listened to Ukrainian prosecutors, judges, practitioners and international experts and shared ideas and insights on how the Ukrainian national authorities could deal with the increasing number of international crimes they are facing. Coordinator Christophe Paulussen will tell you more about this on page 10.

The World Cup

The *Qatar 2022 World Cup* touched upon many issues which are at the heart of the work that we do at the intersection between business and human rights and sports. Coordinator Antoine Duval and researcher Daniela Heerdt were regularly engaging with journalists to discuss the human rights and labour rights

issues related to the World Cup. The banning of Russian athletes from sports events was discussed in an online ‘Zoom-in’ on the private regulatory powers of sports governing bodies, and in the many questions that the media had on the topic. Duval and Heerdt have started work on a summer programme on sport and human rights, that was launched in 2022. They also prepared a timely Masterclass on safe, effective and appropriate investigation of human rights abuse in the sport industry.

The use of military artificial intelligence (AI) is a growing concern. The research strand “Regulation in the public interest: Disruptive technologies in peace and security” at the Asser Institute focuses on the governance of military AI. The research team, led by Berenice Boutin, is interdisciplinary, with researchers from law, ethics, philosophy of technology, and computer science. They are doing important work to help us understand the legal and ethical implications of military AI. Their work is policy-relevant, and it is helping to shape the international debate on this important issue.

Social inequality

Researchers in the research strand “Public interest(s) within international and European institutions and their practices”, coordinated by Geoff Gordon, are studying how international law is changing and how it is being used to address issues of inequality. International law is often used to affirm the power of those who already have power, rather than achieve meaningful social change.

Too often universalism, the idea that all countries should be treated equally under international law, has been used to justify an unfair distribution of power and resources in the international system. Another research theme in 2022, was the phenomenon of “legal sightseeing”, which can be a way to explore how international law is being used to shape the world we live in, and to learn how it also can be used to address issues of social inequality.

Our research output remained strong in 2022, with publications in journals such as the *Leiden Journal of International Law*, *European Journal of Human Rights*, *International Criminal Law Review* and the *European Society of International Law Paper Series*. We also published two monographs, and several books, edited volumes, and book chapters with leading academic publishers such as *Oxford University Press*, *Cambridge University Press*, *Routledge*, *Edward Elgar Publishing* and *Springer International*.

Timely blog posts

In addition to our research and publications, we published close to thirty timely blog posts in international law blogs such as *OpinioJuris*, *Verfassungsblog*, *EJIL:Talk!*, *EULawLive* and *ASIL Insights*. Our work was featured in over one hundred international media outlets, including *Foreign Affairs*, *Aljazeera*, *Le Figaro*, and Dutch

newspapers *de Volkskrant*, *NRC*, *Het Parool* and *Trouw*. Our online community continued to grow.

We further organised some sixty well-attended roundtables, seminars, lectures, events and training programmes, mainly online, but after the COVID pandemic, fortunately also in person again. We believe that sharing our knowledge and research is essential to finding solutions to global challenges.

I hope you will find this annual report informative. It is a snapshot of the Asser Institute's work and our commitment to making the world a better place.

Gert Grift, Executive board member
T.M.C. Asser Instituut



In November, the Asser Institute and *Global Rights Compliance* (GRC) co-organised the conference “Strengthening Ukraine’s national efforts to investigate, prosecute, adjudicate and report on international crimes”. The conference - which was fully booked - brought together high-level (inter)national experts, from Ukraine and elsewhere, to assist Ukrainian national authorities in dealing with the ever-increasing number of international crimes they are confronted with. Ukrainian *Nobel Peace* laureate Oleksandra Matviichuk spoke at the conference.



Research strand

Devastation in Bucha, Ukraine, where hundreds of dead bodies were found after Russian forces occupied the city. Photographic and video evidence of the 'Bucha massacre' emerged in April 2022 after Russian forces withdrew from the city.

In the public interest: Accountability of the state and the prosecution of crimes

This research strand examines i) the accountability of states in light of public interest standards in the context of counterterrorism; and ii) the prosecution of individuals for international and transnational crimes in the public interest. To ensure both the accountability of the state and the prosecution of individuals, this strand also investigates iii) the role of journalists, the (new) media, human rights NGOs, and academics in protecting and promoting public interest standards.

‘Some people expressed their condolences for the state of the international legal system’

On 24 February 2022, Russia started its full-scale invasion of Ukraine, resulting in tens of thousands of deaths and the displacement of 15.7 million Ukrainians, with 7.7 million Ukrainians becoming refugees. International condemnations and the implementation of sanctions followed, as did nuclear threats made by Russia. Christophe Paulussen, senior researcher and coordinator of the research strand In the public interest: accountability of the state and the prosecution of crimes: “All of this understandably led to a lot of anger and despair as well as to fundamental discussions on the role of international law in this chaos.”

“As researchers in international law, it is our responsibility to engage in these discussions as well, and to explain and stress, among other things, the importance and applicability of the international legal framework to the war in Ukraine. And that is exactly what our researchers did after the Russian invasion in February 2022, with publications, op-eds, media interviews and well-attended public events”, says Christophe Paulussen.

“Just two weeks after the February 2022 invasion, for instance, we organised the public event “The Russian invasion of Ukraine: International legal implications” at the Hague-based *Humanity Hub*. A panel of experts addressed questions on the role of international humanitarian law (IHL) in the conflict, and on pursuing accountability for international crimes. “In May, I had the honour to address the *NATO Parliamentary Assembly* in the *Dutch House of Representatives* on the same topic.” (See more on page 12).”

Condolences

Christophe Paulussen: “During the event in the *Humanity Hub* but also in an op-ed for Dutch newspaper *Trouw*, and in a blog post for *OpinioJuris*, Asser Associate fellow Victoria Kerr pointed out that many people

were criticising international law for not doing much to improve the current situation. Some even expressed their condolences for the state of the international legal system. However, as Victoria correctly stressed, it is important to focus on how we can and do make international law work in situations like this. Right after the full-scale invasion, the *International Court of Justice* called on Russia to immediately suspend military operations. The *International Criminal Court* soon started an investigation, and now serious talks are underway to establish a special Hague-based tribunal to try high-ranking people responsible for the crime of aggression.”

Victoria Kerr and James Patrick Sexton, who joined the Asser Institute as a junior researcher in 2022, critically reflected on the unilateral sanctions that several states imposed on Russian individuals. In the *Clingendael Spectator*, Kerr called for regulation and oversight to enhance the legitimacy and consistency of these sanctions. In an analysis for the blog of the *European Journal of International Law*, *EJIL:Talk!*, James Patrick Sexton examined the *European Union*’s sanctioning of Russian military officers - many of whom were sanctioned because of alleged responsibility for international crimes



Academic coordinator
Dr Christophe Paulussen

in Ukraine. Sexton argued that while sanctions are an essential part of the *European Union's* response to the Russian Federation's war of aggression against Ukraine, they must remain in accordance with international law.

Christophe Paulussen: "In November 2022, we organised a large international mid-term conference for our MATRA project "Strengthening Ukraine's capacity to investigate and prosecute international crimes", a joint initiative of the Asser Institute and *Global Rights Compliance* (GRC), funded by the *Dutch Ministry of Foreign Affairs*." The conference was one of the highlights of our year, bringing together leading Ukrainian and international experts - including *Nobel Peace Prize* winner Oleksandra Matviichuk of the *Center for Civil Liberties* (CCL) - to help Ukrainian national authorities address the growing number of international crimes they are facing."

Environmental hazards

An assessment of environmental hazards in Ukraine by the *United Nations* (UN) revealed that the war is utterly toxic to the environment as well. Researcher Stavros Evdokimos Pantazopoulos, an expert on the legal aspects of environmental protection during and after armed conflict, called for an international mechanism to monitor the implementation of legal frameworks during and after armed conflicts relating to environmental protection. He further suggested that a future special tribunal on the crime of aggression against Ukraine could follow the example of the *UN Compensation Commission*, which was set up by the *UN Security Council* in the early 1990s after the Iraqi invasion and occupation of Kuwait. According to Pantazopoulos, the environmental claims relating to the Russian invasion could be considered in a similar way by such a tribunal.

Christophe Paulussen: "Stavros, who joined the Asser Institute in 2022, has published multiple articles on the environment in relation to armed conflict throughout the year. Moreover, in May, during the *International Law Commission* (ILC)'s 73rd session, he was research assistant to Ambassador Marja Lehto, Special Rapporteur of the ILC on the topic 'Protection of the Environment in Relation to Armed Conflicts'. During this session, the ILC adopted the draft principles on protection of the environment in relation to armed conflicts, and recommended that the *UN General Assembly* take note of the draft principles and encourage their widest dissemination."

Climate crisis

Christophe Paulussen: "In February, *Working Group II* of the *Intergovernmental Panel on Climate Change* (IPCC) released its contribution for the IPCC's Sixth Assessment Report. The contribution confirmed what we can see happening around us: the human-induced climate crisis is unfolding and many of its impacts are on the verge of becoming irreversible. The international legal dimension of the climate crisis is also becoming increasingly important as a research topic for the strand. Stavros and I, together with two scholars from the *University of Amsterdam*, have been working on a forthcoming volume on the topic of ecocide. In December, we organised the *SCL Lecture* "Environmental harm and international criminal law" which discussed the possibility of using judicial proceedings to establish responsibility for serious environmental harm (including ecocide) under international criminal law."

Violent extremism

In addition to our work on international humanitarian law and international criminal law topics, including linking these to artificial intelligence (see the research of *Marta Bo*), this research strand also pays considerable attention to the legal aspects of countering

A year after Kabul fell to the Taliban

In January, Asser Institute associate fellow [Ahmad Nader Nadery](#) took part in an [online roundtable discussion on the future involvement in and aid of the Netherlands to Afghanistan](#), organised by the *Foreign Affairs Committee of the Dutch House of Representatives*.

A human rights and democracy activist and former high-level government employee, Nader Nadery has spent his career building up Afghan institutions and training the professionals to run them, to help save the country from the cycle of coups and military takeovers that have long kept Afghanistan from prospering.

As one of Afghanistan's former top negotiators in peace talks with the Taliban, Nader Nadery further took part in an [episode of](#)



Photo Nader Nadery

the interview series *Battlegrounds* (Hoover Institution). In the interview he looked back on the dire situation in Afghanistan, a year after Kabul fell to the Taliban. Nadery discussed human rights law and explains what might be done to foster peace and protect innocent citizens.

In an [article](#) for *Foreign Affairs*, Nader Nadery and co-author Lisa Curtis emphasised the importance of the U.S. government adopting a tough approach to the Taliban's human rights violations. In the public interest: accountability of the state and the prosecution of crimes.

terrorism. To help tackle the evolving threat of violent extremism, counterterrorism researchers Romyana van Ark, Tarik Gherbaoui and James Patrick Sexton have worked on several projects for the *Global Counterterrorism Forum (GCTF)*, an informal, multilateral counterterrorism (CT) platform of 29 countries and the EU. The GCTF brings together CT officials and practitioners around the world to share expertise and strategies and to develop good practices and tools.

Christophe Paulussen: "In 2022, our counterterrorism researchers worked on the *GCTF REMVE toolkit*, a toolkit on racially or ethnically motivated violent extremism (REMVE), which contains technical and concrete recommendations on how states

can best approach this growing issue. In all our CT work, including for the GCTF, we are guided by the United Nations' CT Strategy and especially its fourth pillar, which stresses the importance of the rule of law and human rights. An example of this approach, is that in two [blog posts](#) for *OpinioJuris*, junior researcher Zsófia Baumann outlined the criticism that the GCTF has faced in recent years, the critique about the GCTF's influence in shaping soft law and the perceived lack of engagement with civil society and human rights experts. Zsófia has written recommendations which envision a more inclusive and human rights-oriented approach for the GCTF while maintaining its informal nature and consensus-based decision-making."

What's next?

"Next year, we will work on developing and implementing more projects in the context of Ukraine, including setting up a new inter-university educational programme, based on our successful online *Lebanon lecture series*, which celebrated its 10th season earlier this year. When it comes to research, we are looking forward to seeing new results of our cutting-edge research projects on populist memory politics (see page 14) as well as on

gun control (see page 13). Moreover, we will publish a new book on returning foreign fighters, and continue our work on the topic of ecocide. We will also organise a workshop on "Countering terrorism and violent extremism in the public interest" - inspired by our strategic research agenda - as well as launch a new database on foreign terrorist fighters, developed in cooperation with the *International Centre for Counter-Terrorism (ICCT)*."

In May, senior researcher Christophe Paulussen gave a presentation on the international legal implications of the full-scale Russian invasion in Ukraine to the NATO Parliamentary Assembly in the Dutch House of Representatives.





The Memorial to the Murdered Jews of Europe, located in Berlin, was created by the German parliament in 1999 after much debate. It was designed by Peter Eisenman, an architect from New York, and opened in 2005.

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

Memory laws are legal acts that endorse certain narratives about the past. They can range from laws penalising genocide denial to bans on the use of symbols of totalitarianism. Memory laws shape the historical narrative of a given place and community, and they have instigated a culture war in Central and Eastern Europe over the meaning of the past.

In the three-year MEMOCRACY research project, senior researcher Uladzislau Belavusau, and postdoctoral researcher Andrii Nekoliak study the proliferation of the nation-centric governance of memory through laws and policies in Germany and selected countries of Central and Eastern Europe such as Ukraine, Belarus, and Russia.

In 2022, the project published the project's first policy brief, a country study on Germany, with policy recommendations on remembering the Holocaust

and other Nazi crimes, memory politics and discrimination. Uladzislau Belavusau published the blog post "The 'Year of Historical Memory' and Mnemonic Constitutionalism in Belarus" for Verfassungsblog, and the book chapter "Rule of Law and Constitutionalisation of Memory Politics in Hungary and Russia", in Rule of Law in Crisis: Constitutionalism in a State of Flux, (Routledge). Belavusau further published the chapter "Law and Politics of Memory" in the Handbook on the Politics of Memory, (Edward Elgar). Belavusau's book 'Memory Laws' (Bloomsbury History: Theory and Method) was co-written with former Asser Institute PhD researcher Marina Bán.

In 2022, Andrii Nekoliak published his PhD dissertation in Political Science (University of Tartu), entitled "Memory Laws and the Patterns of Collective Memory Regulation in Poland

and Ukraine in 1989-2020: A Comparative Analysis". Nekoliak further published the article "Shaming' the Court: Ukraine's Constitutional Court and the Politics of Constitutional Law in the post-Euromaidan era", in Review of Central and East European Law (Brill), and the article "Ukrainian Institute of National Memory" forthcoming in the Encyclopedia of Transitional Justice (Cambridge University Press).

The MEMOCRACY consortium consists of the Asser Institute, the University of Cologne, the University of Copenhagen, and the Polish Academy of Sciences. The project was awarded a grant by the Volkswagen Foundation.



MEMOCRACY



VolkswagenStiftung



The *Mexico v. Smith & Wesson* case, started by Mexico against six U.S. gun manufacturers, is a potentially game-changing case for gun control. The lawsuit aims to hold the gun manufacturing companies accountable for their alleged negligence. In May, researcher León Castellanos-Jankiewicz (pictured right) moderated a panel with experts from the Asser Institute, the University of Amsterdam and the Embassy of Mexico to the Kingdom of the Netherlands, during the hybrid event 'Transnational civil litigation and corporate liability'.

Mexico v. Smith & Wesson: A game-changing case for gun control?

In 2022, León Castellanos-Jankiewicz, researcher at the Asser Institute and academic coordinator of the Netherlands Network for Human Rights Research (NNHRR) was actively following the *Mexico v. Smith & Wesson* litigation, a case started by Mexico against six U.S. gun manufacturers, a potentially game-changing case for gun control.

The lawsuit aims to hold the gun manufacturing companies accountable for their alleged negligence. Mexico claims that the record high number of gun-related crimes and violence in their country is largely due to guns that were sold in the United States and brought illegally into

Mexico. The government believes that these damages amount to approximately \$10 billion.

According to Castellanos-Jankiewicz, the outcome of the case could not only benefit Mexico but all countries in Central America that are suffering from gun violence.

León Castellanos-Jankiewicz further moderated a panel with experts from the Asser Institute, the University of Amsterdam and the Embassy of Mexico to the Kingdom of the Netherlands, discussing the ins and outs of the case during the online event "Transnational civil litigation and corporate liability" in May.

In August, Castellanos-Jankiewicz was interviewed about the case by *Al Jazeera*. Together with intern Kaya van der Horst, he further published the article "Ensuring Access to Courts for Gun Victims: The Case for Repealing PLCAA" for *Just Security*. Both authors also wrote the piece "Víctimas de Violencia Armada y Acceso a Tribunales: Sobre la Necesidad de Abrogar PLCAA" (in Spanish) for *Nexos México*.

In December, Castellanos-Jankiewicz published the article "Mexico v. Smith & Wesson: Judge Dismisses Complaint Citing PLCAA and Standing Issues" for *ASIL Insights* together with Leila Nadya Sadat (Washington University School of Law). Read more on page 56.

Research highlights

Ark, R. van - Book chapter 'The Legacies of the War on Terror' in: International Conflict and Security Law, Springer/T.M.C. Asser Press

Baumann, Z. - Blogpost 'How the Global Counterterrorism Forum Can Become More Human Rights Compliant' in *OpinioJuris*

Belavusau, U. - 'On Ephemeral Memory Politics, Conservationist International Law and (In)alienable Value of Art in Lucas Lixinski's Legalized Identities: Cultural Heritage Law and the Shaping of Transitional Justice', in *Jerusalem Review of Legal Studies*

Bo, M. (together with Bruun, L & Boulanin, V.) - 'Retaining Human Responsibility in the Development and Use of Autonomous Weapon Systems: On Accountability for Violations of International Humanitarian Law Involving AWS', report for Stockholm International Peace Research Institute

Castellanos-Jankiewicz, L. (together with Van der Ploeg, K.P., and Pasquet, L.), *International Law and Time: Narratives and Techniques*, Springer

Gherbaoui, T. (together with Scheinin, M.) - blog post 'Time to Rewrite the EU Directive on Combating Terrorism' in *Verfassungsblog*

Kerr, V. - blog post 'Debunking the Role of International Law in the Ukrainian Conflict' for *Opinio Juris*

Nekoliak, A. - "Shaming' the Court: Ukraine's Constitutional Court and the Politics of Constitutional Law in the Post-Euromaidan Era', article in *Review of Central and East European Law*

Pantazopoulos, S. - 'Protecting the Environment During Armed Conflicts: Some Preliminary Thoughts on the ILC's Principles', article in *De Jure Journal*

Paulussen C. (together with Clarke, C.) book chapter 'Responding to the crime-terror nexus: the international level', in *The Nexus Between Organized Crime and Terrorism: Types and Responses*, Edward Elgar Publishing

Sexton, J. P. - 'How does the obligation to investigate alleged serious violations of international humanitarian law apply in ad hoc military coalitions?', article in *The Military Law and the Law of War Review*

Researchers



Dr Christophe Paulussen
(coordinator)



Dr Rumyana van Ark



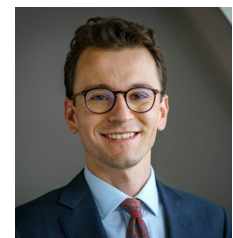
Zsófia Baumann MA



Dr Marta Bo



Dr Uładzislau
Belavusau



Dr León Castellanos-
Jankiewicz



Dr Tarik Gherbaoui,
LL.M.



Victoria Kerr, LL.M.



Dr Andrii Nekoliak



Dr Stavros
Pantazopoulos



James Sexton, LL.M.



Research strand

Regulation in the public interest: Disruptive technologies in peace and security

This research strand addresses regulation to safeguard and promote public interests. It focuses on the development of the international regulatory framework for the military applications of disruptive technologies and the arms race in conventional and non-conventional weapons. The public interest of peace and security serves as the prime conceptual framework in this strand.

‘Unique perspectives on the governance of disruptive technologies in peace and security’

In 2022, advancements in the field of artificial intelligence (AI) remained an important topic of societal debates and the regulation of AI still poses a current global challenge. The use of military AI, such as imaging and facial recognition in the war in Ukraine, reinforced the need for solid academic research on the legal and ethical aspects of military AI. In 2022, the research strand *‘Regulation in the public interest: Disruptive technologies in peace and security’* produced many publications, presentations, and media appearances on the governance of military AI, to inform military and policy discussions.

“One of the unique features of our research team is its interdisciplinarity,” says research strand coordinator Berenice Boutin. “Besides legal experts, we have researchers in ethics and philosophy of technology and in computer science, and we conduct our research in constant dialogue. This leads to unique perspectives on the governance of disruptive technologies in peace and security, and it fosters ground-breaking research. Solid and novel research on artificial intelligence and other disruptive technologies necessitates interdisciplinarity, as the complex issues raised by technologies cannot be addressed from the perspective of one discipline alone.”

Expertise and vision

Berenice Boutin: “Our research involves both high-quality fundamental research as well as impactful policy-relevant research. We explore complex and theoretical topics, such as the notion of (human) agency, and translate these findings into insights and recommendations for practice and policy. Partners such as the *Dutch Ministry of Foreign Affairs* (MFA) and the *International Committee of Red Cross* (ICRC) rely on our expertise and vision in their work. With the *DILEMA project*, (see text box on p. 19), for instance, we have contributed to shifting the international

debate on autonomous weapons systems to the broader topic of military AI used in support of decision-making.”

In 2022, the DILEMA project on international law and ethics of military AI, coordinated by Berenice Boutin, produced many publications, presentations, and media appearances, that added to the ongoing discourse on AI in military contexts. The project’s researchers focused on topics such as state responsibility in relation to military AI, the metaphysics of technology, and the integration of norms of international humanitarian law in military AI technologies.

External funders

The DILEMA project’s team members also offered legal advice and received funding to conduct research on military AI from the *Netherlands Organization for Scientific Research* (NWO) and an EU-funded *Marie Curie individual fellowship*. The *DILEMA project’s* achievements in 2022 were many, and its researchers made significant contributions to the ongoing discourse on AI in military contexts. Notably, researcher *Sadjad Soltanzadeh* published a monograph on the metaphysics of technology, and arms control law expert *Thilo Marauhn* co-edited



Dr Berenice Boutin, coordinator

the “[Research Handbook on International Arms Control Law](#)”. Researcher [Tomasz Zurek](#) co-authored several papers exploring how military AI technologies can integrate norms of international humanitarian law, while [Magda Pacholska](#) and [Berenice Boutin](#) published articles on state responsibility in relation to military AI.

As part of the *Hague Conference on Responsible AI* held in the *Peace Palace* in May, the DILEMA team organised a [panel discussion](#). In ICRC’s *Humanitarian Law and Policy blog*, PhD candidate [Klaudia Klonowska](#) argued that [we need to acknowledge](#) that the choice of technologies may influence offensive capabilities just as much as the choice of weapons. PhD candidate [Taylor Woodcock](#) added to the debate with an interview by podcast series *On Air*, for the episode “On Realizing Meaningful Human Control in Military AI.”

AI in the public sector

As artificial intelligence is progressively being deployed in domains such as healthcare, energy, welfare, border security, criminal justice, and law enforcement, it is essential to ensure that both the development and the use of AI is guided by core values, in particular the rule of law and human rights.

In March, funded by a [KNAW Award](#), obtained by [Berenice Boutin](#), the team therefore organised a [large multi-disciplinary conference on AI in the public sector](#). The conference fostered an interdisciplinary dialogue (ethical, legal, technical, and policy aspects) to generate insights on the principles, conditions, and

methods that would help the responsible deployment of AI in the public sphere.

Arms Control Law Hub

In 2022, researcher [Thea Coventry](#) joined the research strand’s team. Thea’s research focuses on international arms control agreements and their compliance. Her research interests include international arms control law, maritime security, and transnational criminal law. Together with Thilo Marauhn, Thea worked on the development and launch of an [Arms Control Law Hub](#), a platform for scholars and practitioners to engage in discussions on international arms control law.

What’s next?

Berenice Boutin: “In 2023, we will conduct further research on principles and values for military AI, combining critical and practical perspectives. We will organise a public consultation on the topic and organise several workshops. We also look forward to organising the [DILEMA 2023 conference](#), a major interdisciplinary conference on military AI, which will feature some of the latest research insights from the fields of law, ethics, computer science and other disciplines. The conference seeks to promote innovative perspectives that contribute to advancing the boundaries of research in the field of military AI. It will offer an interdisciplinary dialogue around theoretical and practical questions related to military AI.”

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.

The interdisciplinary research team, led by senior researcher Berenice Boutin, works together with partners to address the ethical, legal, and technical dimensions of the project.

The team will translate research findings 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.



Implementing international responsibility for artificial intelligence in military practice (12RAMP)

What are the legal and ethical challenges of the use of military artificial intelligence? Who can bear international responsibility for the wrong done with military AI, and what are the legal avenues that would allow for holding both individuals and States responsible? How could such responsibility be implemented?

In the project *Implementing international responsibility for artificial intelligence (12RAMP)*, Magdalena Pacholska examines how to conceptualise and implement international responsibility for violations of human rights and international humanitarian law resulting from the use of military AI. The project will result in both peer-reviewed academic output and practical guidelines, which will assist states or military commanders in preventing breaches of



international humanitarian law, or to mitigate the consequences of harm done by military AI, should such breaches occur.

This project has received funding from the European Union's Horizon

2020 Research and Innovation Programme under the Marie Skłodowska-Curie Grant Agreement.





The new Asser Institute Doctoral Seminar Series on International Arms Control Law, coordinated by Thea Coventry and Thilo Marauhn, provides early career researchers with insights into the current and future issues raised by international arms control law.

Asser Institute Doctoral Seminar Series on International Arms Control Law

The new *Asser Institute Doctoral Seminar Series on International Arms Control Law*, coordinated by [Thea Coventry](#) and [Thilo Marauhn](#), provides early career researchers with insights into the current and future issues raised by international arms control law.

Expert lectures by academics and practitioners focus on the international legal framework

of arms control, geo-political perspectives on arms control, and on institutional and procedural frameworks for control and disarmament. In 2022, three seminars were organised.

Respective topics were

- Arms trade and conventional weapons;
- Nuclear weapons: challenges and opportunities;

- Chemical and biological weapons: international investigative mechanisms.

The doctoral seminar series is sponsored by the The Hague Municipality.



Research highlights

Marauhn, T. (together with Myjer, E.) (eds.) - 'Research Handbook on International Arms Control Law', Edward Elgar Publishing

Soltanzadeh, S. - 'Problem Solving Technologies: A User-Friendly Philosophy', Rowman & Littlefield Publishers

Boutin, B. - 'State Responsibility in Relation to Military Applications of Artificial Intelligence', Leiden Journal of International Law

Klonowska, K. - Presented the paper 'The Means of Warfare and their Masters: Human-Centrism in the Regulation of Emerging Technologies of Warfare' at Uppsala University

Pacholska, M. - 'Military Artificial Intelligence and the Principle of Distinction: A State Responsibility Perspective', Israel Law Review

Zurek, T. (together with Mohajeriparizi, M., Kwik, J., and Van Engers T.) - 'Can a Military Autonomous Device Follow International Humanitarian Law?', Legal Knowledge and Information Systems

Woodcock, T. - Presentation on 'Human Rights in Armed Conflict and Military AI: Reflections on the Duty to Investigate', at the UN (United Nations) Human Rights Council Event: The Threat of Autonomous Weapons Systems to International Human Rights Law'

Researchers



Dr Berenice Boutin



Prof. Dr Thilo Marauhn



Dr Magdalena Pacholska



Dr Sadjad Soltanzadeh



Dr Tomasz Zurek



Thea Coventry, LL.M.



Klaudia Klonowska, LL.M.



Taylor Woodcock, LL.M.



Research strand

Public interest(s) inside/within international and European institutions and their practices

This research strand zooms in on how public interests shape and are shaped in the institutional practices of international and European courts, such as the *International Court of Justice* and the *European Court of Human Rights*, as well as organisations such as the *United Nations* and the *World Trade Organization*. Researchers in this strand also have a keen eye for how emerging technologies intervene in these practices, and with what implications.

‘Disparities in the distribution of power within our international institutions continue to raise critical attention’

As the world reeled from Russia’s invasion of Ukraine in February 2022, many nation states united to condemn the invasion for undermining the very foundations of the international legal order and the core provisions of the *UN Charter*, amongst other things. The Russian aggression sparked a surge in popular interest and discussion on many questions related to international law. In the first weeks after the invasion, many of the Asser Institute’s researchers were at the forefront of the debate.

“Russia violated Article 2(4) of the United Nations Charter, which prohibits the use of force at the international level”, said Geoff Gordon, coordinator of the research strand “Public interest(s) inside/within international and European institutions and their practices” in an interview with news agency *Agence France Presse*. Acknowledging that the *International Court of Justice* (ICJ) lacks a mechanism to enforce its rulings, Gordon nevertheless stated that: “We are witnessing the mobilisation of a series of more or less coordinated mechanisms, whose objective is to punish Russia for waging an illegal war, such as economic sanctions, travel restrictions and the cancellation of sporting events... and an ICJ ruling could play a role in such actions in the future”.

Live discussion

To address some of the many questions on international law surrounding the Russian invasion, the Asser Institute and *The Hague Humanity Hub* organised a live discussion on the international legal implications of Russia’s invasion of Ukraine, on March 8. Experts in international law answered questions by the audience and explained the legal options that the international community had for responding to this grave situation.

The event was moderated by Asser Institute researcher Carl Emilio Lewis, who also discussed the ICJ’s order on the request for provisional measures in the Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (*Ukraine v. Russian Federation*) together with Ingo Venzke (*University of Amsterdam*) in an episode of the newly launched *Hague Courts Dialogue Series* podcast (See text box on p. 25).

In addition, Sofia Stolk and Asser associate fellow Victoria Kerr, drew out the potential of international accountability mechanisms like the *International Criminal Court* (ICC), in their article “Assembling the pieces: the accountability puzzle for international crimes in Ukraine”, *Amsterdam Law Forum*.

Investigating changes

In 2021, the research team continued work on investigating changes in international law and its institutions. Research strand coordinator Geoff Gordon focused on universalism as an underlying principle of international law. In his research paper “Universalism”, Geoff Gordon described the concept and history of universalism, and how it has been sustained by international institutions, leading to an unfair



Strand coordinator Dr Geoff Gordon

distribution of powers and resources in the international system, despite the concept of equal sovereignty. Taking this into account, Gordon concludes that it is important to maintain some notion of universality, rather than completely abandoning it, because universalism retains the potential to turn disputes into discussions and deliberations. Critical universalism could, therefore, connect different resistance movements and address the unfair aspects of the global interconnectedness.

Geoff Gordon further explored the relationship between time and international law in his article “Engaging an infrastructure of time production with international law” (*London Review of International Law*), as well as in the research paper “The Time of Contingency in International Law”. In the latter, he argued that international law, influenced by a western humanist tradition, creates a fantasy of a time-bound economic actor, which is at odds with the actual economic reality. However, despite its failures, international law believes in its own success and uses it to affirm those who adhere to its ideals. As a result, Geoff Gordon concludes that efforts to achieve social objectives are often redirected towards self-affirmation rather than achieving meaningful political change.

Social stratification

These intersections between international law, distributions of power and questions of political change were further addressed by Carl Emilio Lewis, who conducted research on the topic of social stratification in international legal ordering. Lewis: “It is no secret that certain nations continue to wield more power and authority in the international legal order than others. A well-known example is the right to veto UN *Security Council* (UNSC) resolutions or decisions, which is a special right reserved for the permanent five members of the UNSC. Such disparities in the distribution of power within our international institutions continue to raise critical attention.

Acknowledging and researching how social inequality is addressed and potentially reinforced through our international legal system and practices, remains crucial.”

Legal sightseeing

International courthouses stage public photo exhibitions and offer audio tours. International lawyers take part in film festivals. And the buildings of international organisations have become top tourist destinations. Together with Renske Vos (*Vrije Universiteit Amsterdam*), researcher Sofia Stolk examined the phenomenon of ‘legal sightseeing’, and the ‘eventisation’ of international law. In their article “International Legal Sightseeing as a Phenomenon and a Methodology” (*Journal of Law, Art and History*) - Stolk and Vos ask how international law is presented to ‘the public’ and, in turn, what that public shows up for.

According to the authors, the phenomenon of legal sightseeing is vital to our understanding of the contemporary practice of international law and to questions of who gets to partake in it. Together with Tanja Aalberts, Sofia Stolk further focused on the *Peace Palace* as ‘a material home for the emergent international community’, by tracing the materialising process of the grand international ideal of ‘peace through justice’ of the Hague-based building, in their article “Building (of) the international community: a history of the Peace Palace through transnational gifts and local bureaucracy”. In April, Stolk also coordinated the *Camera Justitia* Program at the *Movies that Matter Festival*.



Vesna Lazić elected to Scientific Council of the European Association of Private International Law (EAPIL)

In 2022, senior researcher [Vesna Lazić](#), was elected as a member to the prestigious *Scientific Council of the European Association of Private International Law* (EAPIL). EAPIL is a key organisation driving and coordinating the process of harmonisation of private international law.

Harmonisation is important to increase legal certainty and to help reduce differences in treatment that are a consequence of national laws. In an increasingly

connected Europe, EAPIL strives for clear procedures on jurisdiction, choice of law, the recognition and enforcement of judgments and international judicial assistance.

“It is an honour to be elected by my colleagues to the *Scientific Council*”, said Vesna Lazić. “I am excited to take part in several interesting and important EAPIL projects which will have a real impact on the scholarship in the field of private international law,

while also making it easier for EU citizens and businesses to transact across borders with increased legal certainty.”



Prof. Dr Vesna Lazić

New podcast: Hague Courts Dialogue Series



The *Hague Courts Dialogue Series* is an international law podcast series, hosted by T.M.C. Asser Instituut. In the series, decisions of the courts and tribunals in The Hague, as well as contemporary developments concerning them are discussed in detail with international law experts. The podcast is hosted by Asser Institute researcher

Carl Emilio Lewis. Episodes in 2022 were:

‘The ICJ: More than a dispute settlement body? [A conversation with Prof. Ingo Venzke](#)’;

‘Questioning nationality at the ICJ: [Looking back at the Nottebohm case with Dr Péter D. Szigeti](#)’.

Pax Moot Court

Private international law researchers Vesna Lazić and Michiel de Rooij were part of the organising committee of the *Pax Moot Court*, a specialised moot court competition focused on transnational law and private international law issues. In this competition, funded by the *Justice Programme of the European Union*, participants learn and apply the complexities and nuances of how international conventions and EU regulations interact in the context of globalisation. The moot court is part of the “Private International Law in Motion 2.0 project (Pax 2.0)”, coordinated by *Antwerp University*, which combines several educational and training activities to ensure a better understanding and application of the main legal instruments in civil justice. (See also page 41).

What's next?

In 2023, researcher Carl Emilio Lewis will continue his research into the social stratification of states. Inspired by the Qatar *FIFA 2022 World Cup*, he will further dive into the effects that global naming and shaming campaigns can have on domestic legislative developments within those states that are the targets of such campaigns. He also has a publication forthcoming in the *European Convention on Human Rights Law Review* analysing the European Court of Human Rights’ engagement with the concept of ‘common values’ in its jurisprudence and interpretation of ECHR rights.

Apart from continuing her work on the PAX 2.0 project, Vesna Lazić is expecting to publish the book “The Brussels I-bis Regulation - Interpretation and Implementation” (*Edward Elgar Publishing*), together with the late Peter Mankowski. The reference book will provide a thorough and practical analysis of the Brussels I-bis Regulation, the most significant legal instrument for procedural law in the EU.

[Conference] Regulation Brussels Ia: a standard for free circulation of judgements and mutual trust in the European Union (JUDGTRUST)

A two-day conference in April, concluded the three-year JUDGTRUST project, coordinated by Vesna Lazić. The JUDGTRUST project examined the correct and consistent application of Regulation (EU) 1215/2012 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters (Bla Reg or the Regulation; priority code: BRUSSELS Ibis).

The conference addressed the interpretation of the revised Regulation; the major difficulties in the application and interpretation of the Bla Reg by the courts in the EU member states, and the consistency within the European private international law system.

A handbook on the Brussels Ibis Regulation, authored by Vesna Lazić and late Peter Mankowski, will be published in 2023.

The JUDGTRUST project was funded by the DG Justice of the European Commission, and organised in partnership with *Universität Hamburg*, *University of Antwerp*, and *Internationaal Juridisch Instituut (IJI)*.



Research highlights

Gordon, G. (together with, Rieder, B., and Sileno, G.) - 'On Mapping Values in AI Governance', Computer Law & Security Review

Lazić, V. (together with Chauchan, P.) - 'On (Non) Binding Nature of Pre-insolvency Arbitration Agreements When Avoiding an Underlying Transaction, Executory Contracts, and Anti-suit Injunctions in Support of Arbitration Against Foreign Insolvency Debtors: News from England and Canada', Comparative Law Yearbook of International Business

Lewis, C.E. - 'Questioning nationality at the ICJ: Looking back at the Nottebohm case with Dr Péter D. Szigeti', podcast for the The Hague Courts Dialogue Series. T.M.C. Asser Instituut

De Rooij, M.J. - 'Jurisprudentie Internationaal Privaatrecht 2022', Ars Aequi

Stolk, S. (together with Vos, R., eds) - 'Courtroom 600: The (Virtual) Reality of Being There', International Criminal Law Review

Researchers



Dr Geoff Gordon



Dr Sofia Stolk



Prof. Dr Vesna Lazić



Michiel de Rooij, LL.M.



Dr Carl Lewis



Manish Mandal mourns his brother, Kripal Mandal, 39, a Nepali labourer who died in Qatar. Rights groups accused employers in Qatar of exploiting migrant workers during the building of the FIFA World Cup stadiums. Read more on page 34.

Research strand

Transnational public interests: Constituting public interest beyond and below the state

This research strand investigates how public interests shape, and are shaped, below and beyond the state. Researchers will examine what role non-state actors, such as corporations, NGOs, cities and the *European Union*, play in the constitution and operation of public interests in a transnational context.

‘The EU Directive on corporate sustainability due diligence could help reclaim sovereignty over the transnational economic power of corporations’

“In 2022, our research delved into the intersection of big data technologies and sustainability due diligence,” says Antoine Duval, senior researcher and coordinator of the research strand “Transnational public interests: Constituting public interest beyond and below the state.” “We explored how these technologies could support the due diligence process.”

The rapid advancement of big data and artificial intelligence is causing disruptions in various legal domains, including the realm of business and human rights. The use of artificial intelligence (AI) and big data in transnational business operations complicates questions of accountability and liability, making it challenging to attribute responsibility and seek legal remedies when harmful outcomes occur.

Antoine Duval: “While the potential risks of AI and big data technologies on human rights have been widely debated, we decided to approach the issue from a different angle. Our research team, including Virginie Rouas and intern Max Ebdon, examined how these technologies could actually support the implementation and monitoring of sustainability and human rights risks in global supply chains for the *Deutsche Gesellschaft für internationale Zusammenarbeit* (GIZ) GmbH. We remain committed to contributing to this important subject in the future.”

Promoting responsible conduct

After more than a decade since the adoption of the *United Nations Guiding Principles on Business and Human Rights*, the *European Commission* finally proposed a *Directive on corporate sustainability due diligence* on February 23, 2022. The Directive aims to promote sustainable and responsible conduct among companies, integrating human rights and

environmental concerns into their operations and corporate governance. It will require businesses to address the negative effects of their actions, both within and outside Europe, including within their value chains.

“In recent years, we have seen a wave of mandatory due diligence legislation in Europe, starting with France’s *Duty of Vigilance Law* in 2017”, says Duval. “Now, several European countries, including Germany, have enacted their own due diligence legislation, and the *European Union* (EU) is in the process of adopting the overarching *Directive on corporate sustainability due diligence*. The *European Parliament* has also supported the establishment of a more robust legal structure that compels EU companies to acknowledge their responsibility. The Directive on corporate sustainability due diligence is an opportunity for the EU to prove that it is not merely an economic endeavour disconnected from the concerns of its citizens. Instead, it could serve as a powerful instrument for to reclaim sovereignty over the transnational economic power of corporations.”

Protecting public interests

Duval: “As part of our *Doing Business Right* project (DBR), we have been monitoring developments like these for years. Through research and our annual training programme called “Due diligence as a master key to



Strand coordinator Dr Antoine Duval

responsible business conduct”, we contribute knowledge, ideas, and opinions to academics, NGOs (non-governmental organisations), policymakers and multinational companies, with the aim of promoting greater accountability.”

In November, Virginie Rouas published her book “Achieving access to justice in a business and human rights context: An assessment of litigation and regulatory responses in European civil-law countries”. She explores the interplay between access to justice and corporate accountability through the study of transnational litigation against multinational enterprises (MNEs), especially in European civil law countries, and ongoing legal and policy reforms at the international, European, and national level. Using national litigation experiences as a starting point, she asks how effective this litigation against MNEs has been in achieving access to justice and corporate accountability in Europe? And: how will ongoing regulatory developments, both legal and policy, achieve access to justice and corporate accountability in the future?

Corporate crimes

Duval: “One of the main highlights of our work in 2022 was the conference “Corporate crimes and international criminal law - Moving beyond the Nuremberg Paradigm”, co-organised with *Amnesty International* and the *European Centre for Constitutional and Human Rights* (ECCHR). The conference explored avenues to hold businesses legally accountable for their involvement in international crimes, critically reflecting on the evolution of individual and corporate criminal accountability.

In April, we organised an expert meeting on business and human rights arbitration with the support of the *Working Group on the Hague Rules*. The meeting brought together scholars, practitioners, and stakeholder representatives to share their views and take stock of developments in the area. In our ensuing policy brief, we gave an overview of crucial issues for

the application of the *Hague Rules on Business and Human Rights Arbitration*. These rules aim to create an international private judicial dispute resolution avenue available to parties involved in business and human rights issues.”

Highly productive year

The *Global Europe* project team had a highly productive year in 2022, focusing on exploring the internal and external factors that may challenge the EU’s capacity to exercise value-based global leadership. In their edited volume titled “The informalisation of the EU’s external action in the field of migration and asylum,” researchers and *Global Europe* project leaders Eva Kassoti and Narin Idriz examined the increasing trend of the *European Union* resorting to informal arrangements and deals with third countries.

In March, researcher Eva Kassoti provided her expert opinion during the European Parliament’s hearing on the “Human rights and trade nexus in the context of non-self-governing and occupied territories” (See page 31).

In their paper titled “Sustainable Europe and its Global Reach”, Kassoti and co-editor Andrea Ott (*Maastricht University*) delve into the concept of sustainable development as a policy framework for both national and EU policies, as well as a legal commitment or principle guiding the actions of state and non-state actors. The authors highlight that the EU’s commitment to sustainability presents several regulatory challenges in its relations with the wider world. They also point out an ‘expectation and implementation gap’, wherein the European Commission’s *European Green Deal* emphasises the ambition to achieve carbon neutrality in Europe by 2050 and position the EU as a global leader in promoting ambitious environmental, climate, and energy policies worldwide. However, reports suggest that EU member states are likely to miss the 2030 *Sustainable Development Goals* (SDG) targets, and some member states are facing difficulties



In March, researcher Eva Kassoti provided her expert opinion during the *European Parliament's* hearing on the 'Human rights and trade nexus in the context of non-self-governing and occupied territories'

[New publication] Legal constraints on EU member states in drafting accession agreements - The case of Turkey

Can member states of the *European Union (EU)* freely create Accession Treaties, or are there legal limitations on their power to make laws in this area? The book "[Legal constraints on EU member states in drafting accession agreements - The case of Turkey](#)" by researcher Narin Idriz argues that there are indeed constraints on EU member states' law-making powers.

By focusing on the proposed permanent safeguard clause (PSC) on the free movement of persons in the Negotiating Framework for Turkey, the author identifies legal provisions, rules, principles, and norms that restrict member states in this regard.

Idriz examines these constraints from three sources of EU law: association law, which is based on the existing legal framework established by the EEC-Turkey Association Agreement; EU enlargement law, which includes past practices and current EU rules on enlargement; and the foundations of EU constitutional law. The latter limits member states' actions as both primary and secondary lawmakers, protecting the core principles of the Union's legal order as defined by the *Court of Justice* of the EU.

The insights gained from this book can be applied to the accession of any candidate state, offering important implications for

future treaty amendments, and identifying potential limits to differentiated integration.



in complying with their binding climate and energy targets for 2020.

In 2022, Kassoti and Idriz successfully delivered the *MATRA (MAatschappelijke TRAnsformatie)* project, “Bridging the gap between formal processes and informal practices that shape judicial culture in the Western Balkans”. This project focused on enhancing the *European Commission’s* approach to judicial Europeanisation during the accession process. The project aimed to reinforce judicial independence in the Western Balkans, as states seeking membership of the Union must be European states and must respect the common values of the member states while promoting them. (For more details, see page 39). In her significant new monograph titled “Legal constraints on EU member states in drafting accession agreements - The case of Turkey”, researcher Narin Idriz identifies the legal provisions, rules, principles, and norms that limit the law-making powers of EU member states concerning Accession Treaties. Please see the textbox on page 31 for more information.

■ What’s next?

Duval: “In early 2023, we are planning to organise a workshop to take stock of the human rights legacy of the *FIFA World Cup* in Qatar in 2022. We are further organising a Masterclass on how to deal with human rights abuse in sport. It will provide participants with the tools and knowledge to respond to abuse cases while protecting those affected, complying with human rights, and upholding the integrity of sport.

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 explores the interactions between regional international organisations (RIOs) such as the European Union for example, and international law. Kassoti and Idriz will organise a large conference to see what the implications are of the increasing regionalisation of international law for the universal authority and coherence of international law. Both researchers will also work on the edited volume “*The Principle of Solidarity: International and EU Law Perspectives*” which explores the principle of solidarity in international and EU law.”

[Global Europe] ILA Study Group on international law of regional organisations

Eva Kassoti, senior researcher at the Asser Institute, has been co-chair of the *International Law Association’s (ILA) Study Group on International Law of Regional Organisations* since November 2020.

The study group explores the interactions between regional international organisations (RIOs), such as the *European Union*, and

international law. It focuses on the practice of international law by RIOs, both within and outside the organisation. The study group also observes the increasing regionalisation of international law and its implications for the universal authority and coherence of international law.

In 2022, the study group began planning a conference on “The

EU as a Regional International Organisation” to be held in 2023 at the T.M.C. Asser Institute in The Hague.





Transnational sports law at the Asser Institute

Transnational sports law is a rapidly evolving field, and the Asser Institute has been at the forefront of its development for many years. The private rules of 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 T.M.C. Asser Press - the Asser Institute has become the go-to academic forum for international sports lawyers and researchers.

‘The FIFA World Cup in Qatar was an ideal playground to observe how law operates in a transnational context’

According to Antoine Duval, head of the *Asser International Sports Law Centre*, the *FIFA World Cup 2022* in Qatar raised many issues that are central to the Asser Institute's work in the overlapping realms of business, human rights, and sports. “The Qatar case study was an ideal playground to observe how law operates in a transnational context,” says Duval, who aims to sharpen our understanding of who is legally or politically responsible for abuses suffered by workers in the transnational economy.

Ever since FIFA awarded the 2022 World Cup to Qatar in 2010, there have been repeated allegations by non-governmental organisations and the media that migrant workers were dying in significant numbers while working on vast infrastructure projects more generally abusive working and living conditions. FIFA was long unwilling to endorse responsibility for workers' rights in Qatar. In his article “How Qatar's migrant workers became FIFA's problem: a transnational struggle for responsibility”, Duval studied the global struggle to force the football organisation to take responsibility for the abuses and remedy them. He highlighted how FIFA used the *United Nations Guiding Principles* (UNGPs) as a blueprint to frame its (limited) responsibility towards the workers, and the (limited) impact of this acknowledgment of responsibility by FIFA.

Access to remedy

While the intense scrutiny of the human rights impacts of mega-sporting events such as the World Cup and the *Beijing 2022 Winter Olympic and Paralympic Games* have drawn the spotlight to infringements of labour

rights for workers, the range of human rights issues linked to sport are much deeper and wider. They involve, amongst others, cases of discrimination and racism, exploitation, displacement, violence, and abuse, affecting athletes, communities, workers, families, and fans living in and around countries that host sport events.

Enshrined in regional and international human rights treaties, access to remedy is a human right. However, in the sporting context, affected persons are often left without any remedy and redress, and state and non-state actors responsible for sport-related harms are too often not held accountable.

In her article “Remedy and redress for sport-related human rights abuses” for the *International Sports Law Journal* (T.M.C. Asser Press), Asser Institute researcher Daniela Heerdt (together with co-author William Rook from the *Centre for Sport and Human Rights*) concludes that research can help ensure that new initiatives and mechanisms are human rights-compliant and provide access to effective remedy.

As Antoine Duval points out in his contribution to the same issue of the *International Sports Law Journal*, the *European Convention on Human Rights* has become a relevant reference point at the *Court of Arbitration Sport* (CAS), where it is increasingly cited in awards. Yet, his paper concludes that the emergence of human rights talk at the CAS is currently insufficient to translate into actual human rights checks on the transnational power of sports governing bodies.

Sports in times of war

In April, Daniela Heerdt, together with Guido Battaglia published the blog [“Reactions of international sports governing bodies to the Russian invasion of Ukraine: An overview”](#). In October, Duval organised the online meeting [“Zoom-In Governing international sports in times of war: Sports Governing Bodies and the Russian invasion of Ukraine”](#), which focused on the exclusion of Russian sports teams and athletes from international sporting competitions by sports governing bodies such as the IOC, UEFA, and FIFA.

In 2022, Duval and researcher Daniela Heerdt further regularly engaged with the media to inform them about the human rights and labour rights issues related to the *World Cup*, and on the exclusion of Russian athletes of the international competition. They also addressed these issues in the brand-new [summer programme on the governance of sport and human rights](#), jointly organised with the *Centre for Sport and Human Rights*. (Read more on page 52).

Interviews with both sports law experts were published in, amongst others, the Belgian newspaper *De Morgen*, Dutch newspapers *Trouw*, *Nederlands Dagblad*, *de Volkskrant*, *Reformatorisch Dagblad*, French newspapers *Le Télégramme* and *Le Figaro*, the *Canadian Press*, and news agencies *Agence France Press* and *Associated Press*.



Research (selection)

Duval, A. - 'Taking feminism beyond the state: FIFA as a transnational battleground for feminist legal critique', article in the International Journal of Constitutional Law

Heerdt, D. - Pre-advies 'Human rights abuses at mega sporting events: Exploring the responsibilities of participating states and businesses', KNVIR

Idriz, N. - 'Judicial culture, the Dutch approach - Pragmatism, negotiation and constant fine-tuning', comparative study for Institute for Democracy Societas Civilis

Kassoti, E. - 'The compatibility of EU international agreements extending to occupied territories with International Law: Front Polisario and Western Sahara Campaign UK, article in Butler, G., & Wessel, R.A. (eds.), EU External Relations Law: The Cases in Context

Rouas, V. - 'France: Untapping the potential of civil liability to remedy human rights violations', article in Aristova, E. & Grusic, U. (eds), Civil Remedies and Human Rights in Flux: Key Legal Developments in Selected Jurisdictions

Researchers



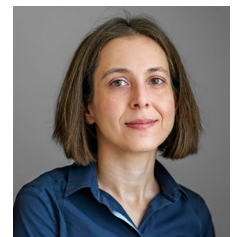
Dr Antoine Duval



Daniela Heerdt LLM



Dr Narin Idriz



Dr Eva Kassoti



Dr Virginie Rouas



Research in focus

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.

The 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 their dissertation. The Asser Institute is also a hub for inter-university PhD networks.

In 2022, two PhD researchers participated in the Asser Institute's PhD programme. Taylor Woodcock examines the implications of military applications of artificial intelligence (AI) for the international legal obligations applicable in armed conflict under international humanitarian law and international human rights law.

Klaudia Klonowska studies the interactions of humans and AI-enabled decision-support

systems in the military decision-making process and the consequences thereof to the exercise of (human) judgment under international humanitarian and human rights law.

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 2022, Nader Nadery, an Afghan former member of the *Peace Negotiation Team* for the Afghanistan peace process in Doha, participated in the visiting research fellowship programme. (Read more on page 11).

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*



with allies 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 researcher's programme.

In 2022, Shelter City fellow Ali Erdogan, PhD candidate at *Istanbul Kültür University*

Netherlands offers safe and inspiring spaces to human rights defenders at-risk.

During a three-month visit they can re-energise, receive tailormade support and engage

participated in the Asser Institute's research department, where he focused on human rights and same-sex marriages in EU law.



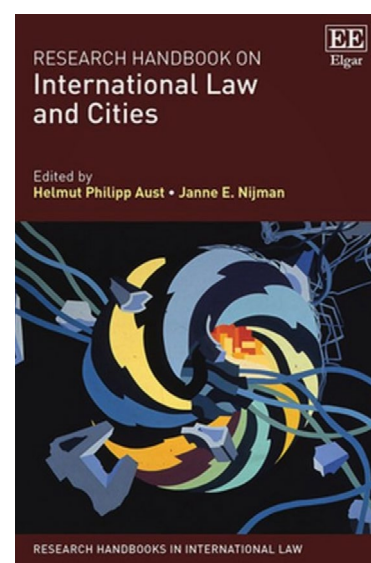
Research Handbook on International Law and Cities awarded 2022 ESIL Collaborative Book Prize

Associate fellow and former academic director and chairperson of the supervisory board of the Asser Institute Janne E. Nijman (*University of Amsterdam*) and Helmut Philipp Aust (*Freie Universität Berlin*) were awarded the 2022 ESIL Collaborative Book Prize for their ground-breaking book "Research Handbook on International Law and Cities" (*Edward Elgar*).

In the *Research Handbook on International Law and Cities*, editors Helmut Aust and Janne E. Nijman shed light on the growing global role of cities and build the case for a renewed understanding of international law, in light of this

'urban turn'. The Hague mayor Jan van Zanen was presented the first copy of the Research Handbook during a panel discussion with city network experts and international law scholars in November 2021.

The ESIL Collaborative Book Prize jury called the book 'fascinating' and 'thought-provoking' and wrote: "It does push the reader to think about international law differently than before since the underlying phenomena and questions of the book are so interesting and the role of cities is convincingly and holistically set out."



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

The project “Bridging the gap between formal processes and informal practices that shape judicial culture in the Western Balkan”, examined how to improve the effectiveness of the *European Commission’s* approach for accession negotiations in reinforcing judicial independence in Western Balkans.

Strengthening the rule of law is not only an institutional issue, but a process that requires broader societal transformation. In the area of rule of law, this means that the judicial culture needs to internalise common values and standards of legal

adjudication necessary to sustain the Europeanisation of the legal order. These common standards and values are directly related to self-perceptions of judges over their role in the system, and to the independence, impartiality, and quality of justice, which form the heart of judicial culture.

The project focused on four dimensions of judicial culture: (1) the role of judges in developing the law; (2) judicial self-governance and the post-socialist judicial culture; (3) the role of higher courts in securing uniform application of law; and (4) the importance of judicial

independence of individual judges. Through consultations with international and regional experts, the project members outlined recommendations for future steps in the Europeanisation of judicial culture.

The project was coordinated by the Asser Institute, together with the *Institute for Democracy Societas Civilis’* (IDSCS) from North Macedonia, the *Centre for judicial research CEPRIS* from Serbia, and the *Albanian Legal and Territorial Research Initiative* (ALTRI). It was supported by the *Netherlands’ Fund for Regional Partnerships* (NFRP)– MATRA.





Nexus on conflict and crime

The Asser Institute's *Nexus on conflict and crime* is a website that brings together research on international humanitarian law, international criminal law, transnational criminal law, and the legal aspects of countering terrorism.

The *Nexus on conflict and crime* provides a wealth of continually updated information for a diverse audience, including scholars, legal

professionals, students, journalists, and the general public.

The Municipality of The Hague provides financial support for this project.



We are grateful for the support of the Municipality of The Hague

[Forum of Legal Actors] Supporting and defending the right to freedom of expression and the safety of journalists

In September 2022, the Asser Institute hosted the *Forum of Legal Actors for Freedom of Expression*. Around thirty distinguished legal professionals, judges, prosecutors, civil society representatives, and academic researchers from Latin America and Africa gathered to discuss how to best defend the right to freedom of expression and the safety of journalists.

Journalism, a public good, is vital for maintaining a free flow of independent and reliable information. But journalists face increasing risk for doing their jobs. Harassment (both in real life and online), violence, imprisonment, or death; journalism has become a dangerous profession. Although

the universal human right to freedom of expression and the relevance of the rule of law are formal *UN Sustainable Development Goals*, the past decade saw a steep growth in attacks on freedom of expression in general, and on the safety of journalists in particular.

Crucial right

The Forum of Legal Actors, which falls within the framework of the *UN Plan of Action on the Safety of Journalists' and the Issue of Impunity*, aims to strengthen the defence of the crucial right of freedom of expression by engaging legal experts from across the world. Jointly launched in 2020 by the Asser Institute, UNESCO, *Free Press Unlimited*,

and sponsored by the *Ministry of Foreign Affairs of the Netherlands*, the Forum of Legal Actors is a global platform to exchange views on best practices and the interpretation of legal provisions.

The Forum, which consists of high-level judges, public prosecutors, lawyers, academics, and legal representatives of civil society, will disseminate international norms and standards in comparative law. By exchanging knowledge, the Forum of Legal Actors set forth how legal actors can help in defending the freedom of expression, and in prosecuting perpetrators of crimes against journalists.

New projects

Private international law in motion 2.0 (PAX 2.0) (1 November 2022 – 31 October 2024)

The new *PAX 2.0* project builds on the success of the earlier *JUDGTRUST* and *PAX* projects by combining educational and training activities to ensure a better understanding and application of the main legal instruments in civil justice. The project retains the two proven components of the earlier projects, namely the moot court and partnership with the judiciary.

In addition to these components, *PAX 2.0* introduces two new elements: a focus on student teams from third countries in the

moot court, and the development of a manual on the organisation of moot courts on EU private international law. The manual will make this expertise available to the *European Commission*.

The Asser Institute is among the seven partners in the project, which is coordinated by *Antwerp University*. Senior researcher Vesna Lazic is participating in *Pax 2.0*, together with Asser researcher Michiel van Rooij. The project is funded by the *Justice Programme* of the *European Union*.



ELSA Lab Defence (1 June 2022 – 31 May 2026)

The *ELSA Lab Defence* is a public-private initiative addressing ethical, legal, and societal issues by developing a future-proof, independent, and consultative ecosystem for the responsible use of artificial intelligence (AI) in the defence domain.

The project sets out to develop a methodology for context-dependent analysis, design, and evaluation of ethical, legal and societal aspects of military AI-based applications. It will build upon existing methods for value-sensitive design, explainable algorithms and human-

machine teaming. The lab also studies how society and defence personnel perceive the use of military AI, how this perception evolves over time, and how it changes in various contexts.

The lab is funded by *Dutch Research Council NWO* and led by research organisation *TNO*; Berenice Boutin represents the Asser Institute as one of the nine consortium members.



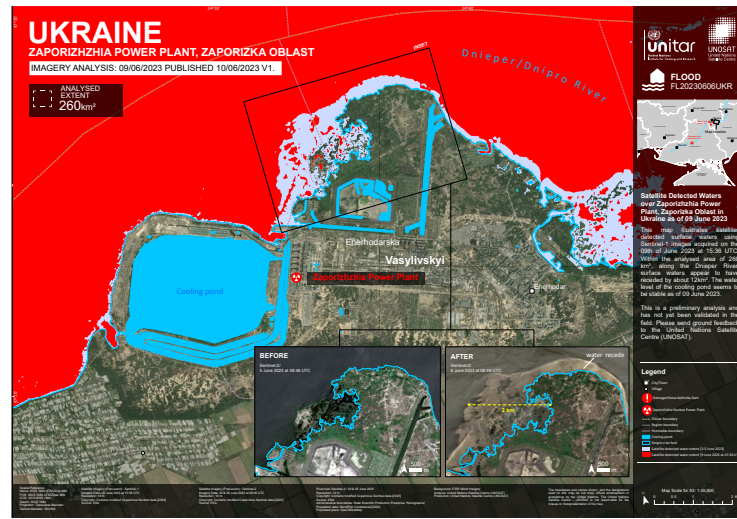


Photo Unosat – Map of flooding in Ukraine – public domain

Satellite imagery as evidence in international justice proceedings (1 November 2022 – 31 October 2023)

Images acquired by satellites have become key sources of information and evidence within the international criminal justice system. Yet, their use is hampered by the lack of technical proficiency among legal professionals and by the unfamiliarity with the legal field among satellite imagery experts.

This project addresses this knowledge gap by developing a training programme for staff and legal professionals involved in proceedings of the *International Criminal Court (ICC)*. The training will provide expertise in the field of international criminal justice and evidentiary processes, as well as guidance on necessities for content preparation and assistance with delivery from satellite imagery experts, namely from the *United Nations Satellite Centre (UNOSAT)*.

This project is a collaboration with UNITAR/ UNOSAT and receives financial support from the *Geneva Science-Policy Interface* through the 2022 edition of the *Impact Collaboration Programme*. Senior researcher Christophe Paulussen represents the Asser Institute.

Foreign fighters in Ukraine (1 September 2022 – 31 August 2023)

This project aims to better understand the phenomenon of foreign fighting, both in the past and present. This phenomenon has puzzled policymakers and society at large, and the project will focus on interventions that seek to redress moral injuries, allowing those affected by conflict to resume their lives.

The project will achieve this by engaging in multidisciplinary cooperation and by employing a historical-comparative approach. It will not only aid in the scientific understanding of current events, but also past and future instances of foreign fighting, by adding unique research materials (interviews) and by combining various disciplines including history, law, and psychiatry.

Societal stakeholders are ARQ *Nationaal Psychotrauma Centrum*, ARQ *Kenniscentrum Oorlog, Vervolging en Geweld*, and the *Nederlands Veteraneninstituut*. The project is funded by the *Dutch National Research Agenda (Nationale Wetenschapsagenda)* and led by the *Universiteit van Amsterdam*. Senior researcher Christophe Paulussen represents the Asser Institute as one of the five consortium members.

Asser-UvA cooperation and inter-university activities

The Asser Institute collaborates with a variety of partners in its research, education, and events. These partners include the *Amsterdam Law School* of the *University of Amsterdam*, other Dutch and foreign universities, national and international networks of scholars and experts, and professional societies.

The Asser Institute actively promotes the creation of networks in its research domains, both on a permanent and ad hoc basis. These collaborations allow the Asser Institute to share knowledge and expertise, pool resources, and reach a wider audience. They also help to ensure that the Asser Institute's research is relevant to the needs of the international community. Some of the collaborations that the Asser Institute values include:

Amsterdam Law School at the University of Amsterdam

Strengthening the cooperation with Amsterdam Law School (University of Amsterdam)

In December 2022, André Nollkaemper, (Dean, *Faculty of Law University of Amsterdam*), and Gert Grift (Board, Asser Institute), signed a new five-year covenant to increase joint research projects in international and European law and to jointly develop new professional education courses.

The agreement is part of a ten-year framework for increased cooperation between both organisations, which entered into force in 2020. Both the University of Amsterdam (UvA) and the Asser Institute aim for a just society and share the ambition to contribute to knowledge enhancement and scientific solutions to societal problems, driven by commitment and responsibility.

With the new covenant, UvA's Faculty of Law and the Asser Institute agree to achieve a twenty percent turnover growth in joint research projects in the period 2022-2026 and to double the number of joint research projects. To create synergy, the Asser institute has aligned its multi-annual research plan to the strategic (research) agenda of the UvA. The organisations have further agreed to:

- Consolidate the current high quality of research in the field of international and European public and private law.
- Strengthen multi- and interdisciplinary research.
- Acquire more 2nd and 3rd flow research funding to help strengthen the capacity for high-quality research.
- Increase the impact of joint research and education, by maintaining close ties with Hague-based national, European and international institutions.
- Develop new courses for executive/ professional education on international and European public and private law aimed at professionals and students.

The UvA will continue to contribute its current annual funding level to support the strategic objectives for the next ten years.

Amsterdam Centre for European Law and Governance (ACELG)

The Amsterdam Centre for European Law and Governance (ACELG) is a research centre of the University of Amsterdam focusing on legal and governance processes in Europe.

In January, the Asser Institute, ACELG and the Netherlands Network for Human Rights Research (NNHRR) cooperated in the online symposium “Decolonisation and human rights – the Dutch case” on constitutional law blog *Verfassungsblog*.

Amsterdam Center 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 February 2022, PhD candidate Klaudia Klonowska presented her PhD outline in the research group *The Role of Law in Armed Conflict and Peace Operations* (ACIL/LACPO) meeting. In June, ACIL and the Asser Institute co-organised the book launch ‘The ecology of war and peace: marginalising slow and structural violence in international law’ of author Eliana Cusato, Marie Skłodowska-Curie postdoctoral research fellow at ACIL. The book launch was moderated by Ingo Venzke (*University of Amsterdam*) and the panel included: Judge Hilary Charlesworth (*International Court of Justice*), Sofia Stolk (*Asser Institute*), and Marie-Catherine Petersmann (*Tilburg University*).

International Centre for Counter-Terrorism – The Hague (ICCT)

The International Centre for Counter-Terrorism (ICCT) is a think-and-do tank based in The Hague, the Netherlands. It provides research, policy advice, training and other solutions

to support better counter-terrorism policies and practices worldwide.

The Asser Institute is a founding partner of ICCT, and Asser Institute researchers Christophe Paulussen and Romyana van Ark are ICCT research fellows and regularly publish briefs and perspectives on the ICCT website. In 2022, Asser board members Gert Grift and Janne E. Nijman (until Nijman stepped down on June 30) served on the new ICCT supervisory board.

The Asser Institute and ICCT further cooperate in the annual Advanced summer programme on terrorism, counterterrorism, and the rule of law. (Read more on page 52).

In 2022, Christophe Paulussen and Tarik Gherbaoui co-authored the ICCT perspective “Trials in Absentia of Foreign Fighters and their Families?” on the in absentia prosecution (i.e. without the suspect being present) of individuals who have travelled to Syria.

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



The T.M.C. Asser Instituut, in collaboration with other organisations and colleagues from the Hague courts community, hosts a wide variety of free lectures and events. These include the *CLEER Lecture Series* on EU external action, the *HILAC Lecture Series* on law and armed conflict, activities in the context of the *International Humanitarian and Criminal Law Platform*, and the *SCL Lecture Series* on international criminal law.

HILAC Lecture Series

The Asser Institute has been organising the *HILAC Lecture Series* on law and armed conflict since 2005, in cooperation with the *Netherlands Red Cross* and the *Amsterdam Center for International Law of the University of Amsterdam*.

In September, the *HILAC Lecture* “Expert manuals in international humanitarian law” launched a new volume of the *Yearbook of International Humanitarian Law* (YIHL) series (T.M.C. Asser Press) on the role of ‘expert manuals’ in the interpretation and development of international humanitarian law. The lecture was followed by a farewell reception for the YIHL’s former editor-in-chief, Terry Gill.

SCL Lecture Series

The Asser Institute has been organising the *Supranational Criminal Law (SCL) Lecture Series* on international criminal law since 2003, in collaboration with the *Grotius Centre for International Legal Studies of Leiden University* and the *Coalition for the International Criminal Court (CICC)*. The series features lectures by leading experts in the field of international criminal law, and is a forum for discussion of current and emerging issues in the field.

In December, the *SCL Lecture* “Environmental harm and international criminal law” discussed the possibility of using judicial proceedings to establish responsibility for serious environmental harm (including ecocide) under international criminal law. Keynote speaker was Matthew Gillett (*University of Essex and UN Special Mandate holder on the Working Group on Arbitrary Detention*). The event was co-organised by the *IHCL Platform* and the *IUCN WCEL Environmental Security and Conflict Law Specialist Group*.

Research networks

The T.M.C. Asser Instituut was founded in 1965 by nine Dutch universities with a shared interest in international law. The institute actively promotes collaboration between Dutch law schools, and to this end it coordinates inter-university research networks such as the *Netherlands Network for Human Rights Research* (NNHRR), *CLEER*, which focuses on the law of EU external action, and the *IHCL Platform*.

Centre for law and EU External Relations (CLEER)

The Asser Institute's *CLEER network (Centre for Law and EU External Relations)* provides a platform for discussion and activities that connect researchers and practitioners who are interested in the EU's actions on a global scale. Eva Kassoti, senior researcher in international and EU law, is the academic coordinator of the CLEER network.

In 2022, Eva Kassoti (together with Ott, A.) published the CLEER research paper "Sustainable Europe and its Global Reach". (Read more on page 30).

In June, CLEER hosted its seventh summer school on the law of EU external relations, a three-day online course that gave participants the chance to learn from and discuss with leading experts in the field.

In October, the hybrid CLEER Conference, entitled "The EU's strategic autonomy from a practical legal perspective", was organised in cooperation with the *General Court of the European Union* and the *Department of European Economic Law of the University of Groningen*. The conference, coordinated by Eva Kassoti, explored the concept 'strategic autonomy' and its related legal dimensions and practical legal questions. The event brought together academics and practitioners working at courts and tribunals, ministries, embassies, and law firms.

Key speakers included: Marc van der Woude (President of the General Court of the EU), H.E. Ms Frances Lanitou (Ambassador of the Republic of Cyprus), H.E. Mr Ilkka-Pekka Similä (Ambassador of Finland), Babs Kamsteeg (*Dutch Ministry of Defence*), Federico Casolari (*University of Bologna*), Peter van Elsuwege (*Ghent University*), and Josephine van Zeven (*Wageningen University*).

Netherlands Network for Human Rights Research (NNHRR)

The *Netherlands Network for Human Rights Research (NNHRR)* is an inter-university platform that connects human rights researchers in the Netherlands. The Asser Institute is a founding member and the coordinating institution for the NNHRR. All Dutch law schools are institutional members of the network. The academic coordinator of the NNHRR is León Castellanos-Jankiewicz, researcher at the Asser Institute.

In March, the NNHRR organised a meeting titled "COVID and the Rights of Citizens: A Conversation with Professor Kim Rubenstein on the Australian Experience." The meeting featured a discussion between Kim Rubenstein, a professor of law at the *University of Canberra*, and Julie Fraser, assistant professor of law at the *University of Utrecht*, about the importance of citizenship-related rights to the experiences of people who were stranded overseas during the COVID-19 pandemic.



In December, the SCL Lecture “Environmental harm and international crime” explored the possibility of using judicial proceedings to establish responsibility for serious environmental harm, including ecocide, under international criminal law. The event was organised by the *HILAC platform*, in cooperation with the *UCN WCEL Environmental Security and Conflict Law Specialist Group*.

In May, together with the *Mexican Embassy*, the Asser Institute, and the *University of Amsterdam*, the NNHRR organised the expert panel discussion: “Transnational civil litigation and corporate liability: Mexico v Smith & Wesson”. The hybrid event was an in-depth discussion on the transnational litigation implications of the ground-breaking case of *Mexico v. Smith & Wesson*. The expert panel included leading legal scholars from an array of universities.

In July, five experts in gender, business, and human rights considered what it means for the justice systems to be of ‘good quality’ for women when corporations have disrespected their rights, in the round table: “When corporations disrespect women’s human rights: Access to remediation of good quality”. The experts were Katharine Booth (*SOMO*), Dewi Keppy (*WO=MEN*), Marianna Leite (*ACT Alliance*), Liesbet Stevens (*Institute for the Equality of Women and Men, Belgium*) and Meredith Veit. Aleydis Nissen moderated the round table. It was supported by the *NNHRR, FWO, FNRS, Leiden University, Utrecht University and Radboud University*.

In September, the research workshop “A conditional release procedure for life prisoners - an international comparative approach” aimed to clarify how a conditional release procedure for life prisoners could be given form in the Netherlands. Speakers were Sonja Meijer (*Radboud University*), Dirk van Zyl Smit (*University of Nottingham*), Hans de Doelder, Marion Vanier, Christine Morgenstern, and Eric Maes (*Nationaal Instituut voor Criminalistiek en Criminologie*).

In October, together with the *University of Groningen* and *Open Universiteit*, the NNHRR hosted its second Doctoral Research Forum.

It brought together PhD candidates in the field of human rights to present their work in a collaborative and informal setting.

The International Humanitarian and Criminal Law Platform (IHCL Platform)

The Asser Institute’s IHCL Platform is an academic inter-university network promoting research in international criminal law and humanitarian law. The platform provides a forum for discussion of current and emerging legal issues in these areas. The platform is coordinated by senior researcher Christophe Paulussen.

On 30 May, the IHCL Platform organised its eleventh Annual PhD Day. On 27 June, it supported the panel on “Gender in international criminal law and its practice”, which was organised by Julie Fraser from *Utrecht University*. On 26 September, the Platform co-organised the *HILAC Lecture* “Expert Manuals in International Humanitarian Law” and on 14 December, it co-organised the *SCL Lecture* “Environmental harm and international criminal law” (see also above).

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
- OPCW
- Netherlands Ministry of Foreign Affairs
- Internationaal Juridisch Instituut
- International Institute for Social Sciences
- 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
- Cassese Initiative
- Eurojust
- Netherlands Ministry of Justice and Security
- Netherlands Ministry of Defence
- District Court of The Hague
- Court of Appeal of The Hague
- Europol
- International Residual Mechanism for Criminal Tribunals
- 510 Global
- European Association of History Educators The Hague
- Geoffrey Nice Foundation
- Network of Concerned Historians
- OSCE High Commissioner for National Minorities
- Hague Conference for International Private Law
- Global Counterterrorism Forum
- Embassy of Bangladesh
- Embassy of Bulgaria
- Embassy of Austria
- Netherlands Scientific Council for Government Policy
- House of Representatives Netherlands
- Municipality of The Hague

North America

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

South America

- Universidad Nacional de San Martín, Buenos Aires, Argentina

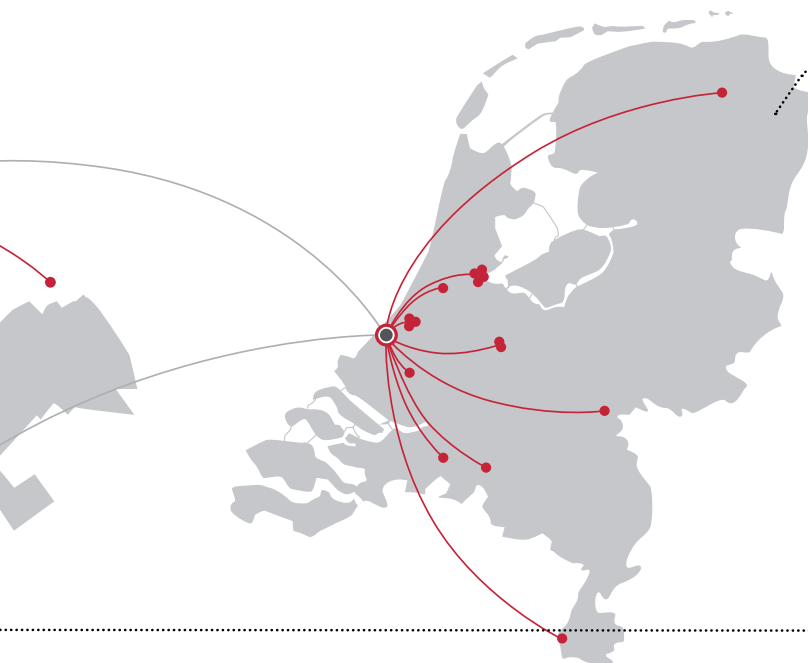
Africa

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

Asia

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





the Netherlands

- University of Amsterdam
- Amsterdam Center for International Law
- Amsterdam Centre for European Law and Governance
- Amsterdam Law Hub (UvA)
- VU Amsterdam
- Amnesty International, Amsterdam
- The Law of Armed Conflict & Military Operations, Amsterdam
- AKD, Amsterdam
- Leiden Asia Centre
- Milieudefensie, Amsterdam
- Centre for the Politics of Transnational Law (VU), Amsterdam
- Movies that Matter Foundation, Amsterdam
- ABN Amro Amsterdam
- Clean Clothes Campaign, Amsterdam
- FNV, Amsterdam
- FIFPro, Hoofddorp
- District Court of Rotterdam
- Leiden University
- Grotius Centre for International Legal Studies, Leiden
- Royal Netherlands Society of International Law, Leiden
- PAX voor Vrede, Utrecht
- Universiteit van Utrecht
- 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
- FIDH, 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
- Law in Sport online, Centre for Sport and Human Rights Geneva, Switzerland
- WISLAW, 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, Black London, UK and Galway Ireland
- OpinioJuris, London, UK
- Business and Human Rights Centre, London, UK
- Queen Mary University, London, School of Law, UK
- Stockholm University, Sweden
- Polish Academy of Sciences, Warsaw, Poland
- Hungarian Academy of Sciences, Budapest, Hungary
- University of Central Lancashire, Cyprus



Middle East

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

Oceania

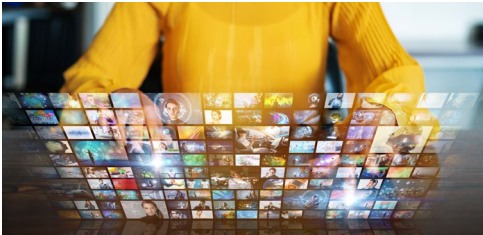
- Melbourne School of Law, Australia

- Beijing Institute of Technology, China

Education and capacity-building (selection)

The T.M.C. Asser Instituut is a leading provider of professional and postgraduate education. We draw on our collective knowledge, skills, and partnerships to create unique and relevant programmes for a diverse range of individuals, including judges, prosecutors, legislators, policy makers, civil servants, diplomats, lawyers, and students.





[Winter Academy] Artificial intelligence and international law – 21-25 February

The 4th edition of this interdisciplinary programme offered participants a comprehensive overview of artificial intelligence (AI) and international law: from ground notions to complex debates on AI and the rule of law. Speakers included: Evgeni Aizenberg (*Delft University of Technology*), Irakli Beridze (*UNICRI*), Maria Eira (*UNICRI*), Matthijs Maas (*University of Cambridge*), Zoltán Turbék (*Ministry of Foreign Affairs and Trade of Hungary*), and Frederik Zuiderveen Borgesius (*Radboud University*). Coordinator was senior researcher Berenice Boutin (*Asser Institute*).



[Spring Academy] Due diligence as a master key to responsible business conduct – 4-8 April

The 2022 edition of the *Doing Business Right* spring academy examined the idea and reality of due diligence. Themes were: business and human rights, responsible business conduct, human rights due diligence, *OECD guidelines for multinational enterprises*, and the *UN Guiding Principles on Business and Human Rights*. Speakers included: Marian Ingrams (*OECD Watch*), Charlotte Michon

and Laurent Lhopitalier (*Enterprises pour les droits de l'homme*), Caroline Omari Lichuma (*University of Göttingen*), Juliette Renaud (*Les Amis de la Terre*), and Lara Strangways (*Global Rights Compliance*). Coordinator was senior researcher Antoine Duval (*Asser Institute*).



[Summer law programme] on international criminal law & international legal & comparative approaches to counter-terrorism – 31 May-24 June

For the 16th time, the *War Crimes Research Office of American University's Washington College* and the T.M.C. Asser Instituut joined forces to organise the training course on international criminal law and comparative approaches to counter-terrorism. Participants had a virtual meet & greet with Catherine Marchi-Uhel, first Head of the *International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in the Syrian Arab Republic (IIIM)*. Other key speakers included: Judge Fausto Pocar (*International Court of Justice*), Judge Silvia Fernandez de Gurmendi (*International Criminal Court*), Julie Coleman (ICCT) and Jide Okeke (*United Nations Development Programme*). Coordinator was senior researcher Christophe Paulusssen.



[Advanced summer programme] Terrorism, counter-terrorism and the rule of law – 29 August-2 September

The 12th edition of this advanced summer program, jointly organised with the *International Centre for Counter-Terrorism*, examined the legal aspects of counter-terrorism and counter-extremism through stimulating and engaging classes and study visits led by renowned experts.

The training included top speakers such as Eviane Leidig (*Tilburg University, ICCT*), Richard English CBE (*Queens University Belfast*), Joana Cook (*Leiden University, ICCT*), Bibi van Ginkel (*The Glocal Connection*), and Noémi Bouhana (*UCL*). The participants also visited *Europol* and *Eurojust*. Coordinators were Rumanya van Ark (*Asser Institute and ICCT*) and Tarik Gherbaoui (*Asser Institute*). Scholarships were kindly made available through the *Netherlands Ministry of Foreign Affairs*.

[Summer programme] The governance of sport and human rights – 5-9 September

The Asser Institute and *Centre for Sport and Human Rights (CSHR)* organised the first ever summer programme on sport and human rights. The course focused on the link between the governance of sport and human rights, and on the human rights impacts of mega-sporting events, the rights of child athletes, and remedies for sport-related human rights harms. Key speakers included Stephen Cockburn (*Amnesty International*), Andreas Graf (*FIFA*), Ambet Yuson (*BWI*), Andrea Florence (*Sport & Rights Alliance*), and Florian Yelin (*World Players Association*). In addition, the participants visited *FIFPro* in Hoofddorp. Coordinator was researcher Daniela Heerdt (*Asser Institute and CSHR*).



[Training programme] Disarmament and non-proliferation of WMD – 19-23 September

In collaboration with the *Organisation for the Prohibition of Chemical Weapons (OPCW)*, the Asser Institute organised the 13th edition of its popular training on disarmament and non-proliferation of weapons of mass destruction (WMD). Topics included nuclear weapons, biological and chemical weapons, export controls, chemical weapons, and current challenges. The participants visited the *TU-Delft Nuclear Research Reactor*, the *OPCW building*, and the *OPCW Laboratory and Equipment Store*. Speakers included Ambassador Fernando Arias (director-general of the OPCW), Ionut Suseanu (*International Atomic Agency*), Natalia Silkina (*Comprehensive Nuclear Test-Ban-Treaty Organization*), Alex Lampalzer (*United Nations Office for Disarmament Affairs*), Elayne Whyte (*Ambassador to UN 2014-2020*), and Ingeborg Denissen (*the Netherlands Ministry of Foreign Affairs*). Coordinators were arms control law experts Thilo Marauhn and Thea Coventry (*Asser Institute*).



OPCW





[Lebanon Lecture Series] Inter-university programme on international criminal law and procedure – 2 February - 6 June

This unique online course enables law students from eleven different universities in Lebanon to follow lectures on international criminal law and procedure. The programme was initiated in 2011 by the Asser Institute and the *Special Tribunal for Lebanon (STL)*. In 2020, the STL handed over the organisation to the *International and Transitional Justice Resource Center (ITJRC)*, which represents the eleven Lebanese universities.

The 10th edition of the Lebanon Lecture Series took place between February and June 2022. Speakers included: Olga Kavran (*Vrije Universiteit Brussel and IUSTICOM*), Darina Saliba Abi Chedid (*International Center for Human Sciences and UNESCO*), Alexis Demirdjian (*ICC*) and Judge Ralph Riachi (*STL*). Coordinator was senior researcher Christophe Paulussen (*Asser Institute*), and *ITJRC*.



ICL-TCL training programme February – July 2022

Since 2018, the Asser Institute, the *Antonio Cassese Initiative* and *International Nuremberg Principles Academy*, co-organise training courses on international criminal law (ICL) and transnational criminal law (TCL) for judges and prosecutors from French-speaking African countries. Objectives are to empower them by enhancing the ability to protect human rights, including fair trial rights as enshrined in international instruments; ensuring effective

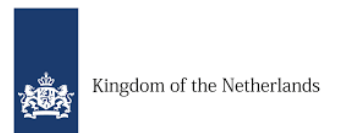
cooperation with the International Criminal Court (ICC) and other international criminal tribunals and other international criminal tribunals, and to increase cooperation among national judiciaries.

The third ICL-TCL training was attended by eighteen judges and prosecutors from Burkina Faso, Democratic Republic of Congo, Niger, Chad, Côte d'Ivoire and Mali. Speakers included: Jérôme de Hemptinne (*Utrecht University*), Julia Grignon (*Laval University*), Emmanuelle Marchand (*Civitas Maximas*), Valerie Gabard (*UpRights*), Rufina Khusniyarova (*ICC*), Yvan Cuypers (*ICC*) and Arnaud d'Oultremont (*Belgian prosecutor*). Coordinators were researcher Marta Bo (*Asser Institute and the Antonio Cassese Initiative*) and Anabela Alves (*International Nuremberg Principles Academy*). The training is part of the *Orange Knowledge Programme* funded by the *Netherlands Ministry of Foreign Affairs* and managed by *Nuffic*.

Strengthening Ukraine's capacity to investigate and prosecute international crimes – 1 July 2020 - 30 June 2024

The objective of the MATRA project "Strengthening Ukraine's capacity to investigate and prosecute international crimes" is to strengthen the capacity of the newly created *Ukrainian War Crimes Unit*. It aims to enhance the expertise of the judiciary, and to empower CSOs and defence and victim lawyers in Ukraine to adequately investigate, prosecute, adjudicate and monitor international crimes. This support is timely, as Ukraine is about to ratify the Rome Statute of the ICC and because the country suffers from a lack of capacity to deal with international crimes, engendered by amongst others the recent reorganisation of the Ukrainian prosecution service.

This project is a joint initiative of the Asser Institute and *Global Rights Compliance (GRC)*. It is funded by the *Netherlands Ministry of Foreign Affairs* under the *MATRA (MAatschappelijke TRAnsformatie: social transformation) Programme*.



MATRA Programme

Public events 2022 (selection)

The seventh Annual T.M.C. Asser Lecture: Europe in the world: the emergence of collective power Europe? – 10 May

On May 10, in a packed *Peace Palace* in The Hague, Annual T.M.C. Asser Lecture speaker and political scientist Brigid Laffan (EUI) addressed the European dependencies and vulnerabilities in the context of the war in Ukraine and a hardening of geopolitics. According to Laffan, current conceptions of the EU as a normative power and market power have become insufficient.

Laffan explained how the concept of 'Collective Power Europe' (CPE) can open up a conceptualisation of the EU as a global actor that is 'not a scaled-up version of the nation state, but one that focuses on action and outcomes and on the capacity generated by the collective and the EU member states.

Brigid Laffan called for the EU to hasten its energy transition, as energy dependence is a dangerous vulnerability. Laffan thinks that it is worth for European member states to borrow collectively to manage the transition and to



ensure that the energy transition is a just one. Prior to the annual lecture, Asser researchers Eva Kassoti and Narin Idriz, project leaders of the *Global Europe project*, interviewed Brigid Laffan for international law blog *OpinioJuris*, and Dutch newspaper *NRC*'s Caroline de Gruyter interviewed Laffan as well.



[ASIL 2022] Closing plenary on arms control and the peace movement

On April 9 2022, Janne Nijman, former chair of the executive board and academic director of the Asser Institute convened the closing plenary of the annual meeting of the *American Society of International Law (ASIL)* in Washington. The event focused on the theme 'International law needs people: Humanitarian arms control and the peace movement', and was chaired by arms control law professor Thilo Marauhn (Asser Institute).

Speakers Jody Williams, (peace activist and Nobel Peace Prize Winner 1997 for her work to ban landmines through the *International Campaign to Ban Landmines*); Emma Verhoeff (*Embassy of the Kingdom of the Netherlands in the United States*) and Jeffrey Pryce, (*Johns Hopkins School of Advanced International Studies*, examined whether international law and humanitarian arms control efforts could be enhanced through non-legal actors, now that there seems to be momentum for a new peace movement.

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.



Conference on Law and Ethics of AI in the Public Sector – 10 & 11 March

On 10-11 March, the DILEMA project hosted an interdisciplinary conference on the law and ethics of artificial intelligence (AI) in the public sector. The conference addressed the multiple challenges raised by the increasing use of AI in public services, such as healthcare, energy, welfare, border security, criminal justice, law enforcement, and defence.

The conference brought together experts from law, ethics, engineering, and policy to discuss the principles, conditions, and methods that would facilitate the responsible deployment of AI in the public sphere. The goal was to develop solutions to the pressing challenges of AI, such as discrimination, privacy, due process, transparency, and accountability.

This initiative received financial support from the KNAW (Royal Netherlands Academy of Arts and Sciences) under the *Academy Early Career Partnerships Awards*.



KNAW

Rule of law challenges in the Western Balkans and the way forward – 29 March

This event focussed on recent reforms and rule of law challenges in the Western Balkans which include nations such as Albania, Montenegro, North Macedonia, and Serbia. It addressed the role of the European Union in safeguarding the rule of law in the accession process, the geopolitical rivalries in the Western Balkans and how these challenges are perceived by the Netherlands, as one of the founding members of the EU.

The event was moderated by Narin Idriz (Asser Institute). Speakers included Fjoralba Caka (*Tirana University*), Denis Preshova (*SS. Cyril Methodius University and the Institute for Democracy*), Mirko Đuković (*Max Planck Institute*), Milan Antonijević (Lawyer), and Thijs Reuten (*European Parliament*). The organisation of this event was supported by the Hague-based *Embassies of Albania, North Macedonia, and Serbia*, and the *Montenegrin Representation to the EU* in Brussels.



[Panel discussion] Transnational civil litigation and corporate liability: Mexico v Smith & Wesson – 2 May

The Mexican Embassy in The Hague - in collaboration with the Asser Institute and the *University of Amsterdam* - organised an in-depth discussion on the transnational litigation implications of the ground-breaking case of *Mexico v. Smith & Wesson*, which was filed in the District Court of Massachusetts, United States. Issues of

jurisdiction, admissibility and applicable law related to Mexico's seizing of the U.S. court system, as well as corporate liability were discussed. The panel also covered the obligations of companies in respect to damage involving their products occurring across borders, including obligations arising out of international human rights law, international humanitarian law, and the law relating to arms trade. The event was opened and introduced by H.E. Mr. José Antonio Zabalgoitia (*Ambassador of Mexico to the Kingdom of the Netherlands*), León Castellanos-Jankiewicz (Asser Institute), Thilo Marauhn (Asser Institute) and Alejano Celorio Alcántara (*Principal Legal Adviser to the Mexican Ministry of Foreign Affairs*). The expert panel included leading experts from an array of universities. The event was co-organised by the *Netherlands Network for Human Rights Research (NNHRR)* and supported by the *Royal Netherlands Society of International Law (KNVIR)*.

[Workshop] Global Justice Cinema – 13-14 April

The *Global Justice Cinema* workshop challenges participants to critically watch, assess, and discuss what films communicate and how this is achieved, especially where it concerns human rights. Moreover, participants had the opportunity to see the latest international rights films, including the chance to meet and interact with the filmmakers and activists at the *Movies that Matter Festival* venue. In this way, the workshop offered the best of the world of global justice and the world of documentary film. The workshop included guest speakers such as Wouter Werner (*VU Amsterdam*), film director Olivia Martin-McGuire, and producer Brooke Silcox. The event was coordinated by Sofia Stolk (Asser Institute) and organised in collaboration with *VU Amsterdam* and the *Movies that Matter Festival*.

Panel discussion: 'The interface of ethical and legal principles on (military) AI: Towards mutually strengthening frameworks', Hague Conference on Responsible AI' - 13 May

The *Hague Conference on Responsible AI* was a major international policy conference organised by the *Ministry of Justice and Security* and the *Municipality of The Hague* at the *Peace Palace*. In cooperation with the *Dutch Ministry of Foreign Affairs* (MFA), the Asser Institute's DILEMA project team organised a session on *The Interface of Ethical and Legal Principles on (Military) AI* in order to provide input to the ongoing work of the MFA on the topic.



Martti Koskeniemi's 'To the uttermost parts of the earth': a discussion with the author - 19 May

The Asser Institute welcomed Martti Koskeniemi (*University of Helsinki, Erik Castrén Institute*) to discuss his latest book, *"To the uttermost parts of the earth: Legal imagination and international power 1300 - 1870"*. The book tracks the rise of modern European statehood through the ideas of sovereignty and property rights and explains how they were harnessed to deploy and consolidate European empires overseas. His book serves as a prequel to his work *"The gentle civilizer of nations: The rise and fall of international law 1870-1960"* published in 2001. Koskeniemi was joined by Asser Institute's academic director Janne E. Nijman, León Catellanos-Jankiewicz (Asser Institute) and Geoff Gordon (Asser Institute).

Europeanisation of judicial culture in the Western Balkans - 21 June

This event presented the findings of the MATRA project *'Bridging the gap between formal processes and informal practices that share judicial culture in the Western Balkans'*. The main research results combine an academic and practical approach to identifying the main shortcomings of judicial culture in three target countries in the region, namely, Albania, North Macedonia, and Serbia. The project aims to complement the *European Commission's* process of judicial Europeanisation and is a collaboration between the *Institute for Democracy, Albanian Legal and Territorial Research Institute, Judicial Research Centre* and the Asser Institute. Speakers included Narin Idriz (Asser Institute), Zoran Necev (IDSCS), Denis Preshova (*Ss. Cyril and Methodius University/IDSC*), Fjoralba Caka (*Tirana University/ALTRI*), and Tanasije Marinkovic (*University of Belgrade/CEPRIS*).



Farewell symposium Janne Nijman: 'The responsibility of the transnational lawyer and legal academic' - 30 June

After more than seven years of transforming the Asser Institute into the inspiring and dynamic research institute it is today, Janne Nijman stepped down as chairperson of the executive board and academic director on June 30, 2022. Nijman received the T.M.C. Asser Medal of Honour for her academic achievements.

Her farewell symposium "The responsibility of the transnational lawyer and legal academic" brought together engaged voices from practice and academia to reflect on the role and responsibility of transnational lawyers and legal academics in a world marked

by war, poverty, climate disaster and the entrenchment of borders against migration.

Speakers were: Maddalena Neglia (*International Federation for Human Rights*), Edgardo Sobenes (*Edgardo Sobenes International litigation and arbitration*), Wouter Werner (*Vrije Universiteit Amsterdam*), Isabel Feichtner (*University of Würzburg*), Marija Bartl (*University of Amsterdam*), and Arnaud Versprille (*Olenz Notarissen*). Moderators were Geoff Gordon (Asser Institute) and Antoine Duval (Asser Institute), and the meeting was chaired by Liesbeth Lijnzaad (Chair of the Asser Institute's Supervisory Board).

'Silent Leges Inter Arma?' Conference - 20-23 September

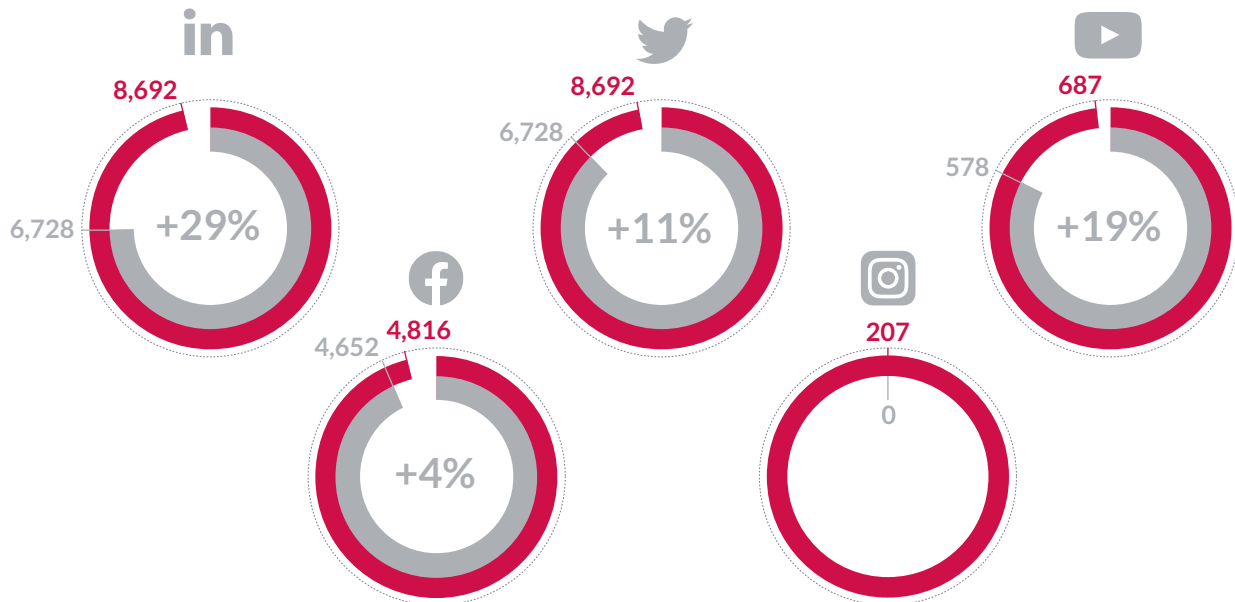
The Asser Institute DILEMA project partnered with the *International Society for Military Law and the Law of War (ISMLLW)* in the organisation of the 5th 'Silent Leges Inter Arma?' Conference in Bruges, Belgium in September. The DILEMA team convened two panels, on "War Algorithms: Between Review and Implementation" and on "Reflections on the Human in International Humanitarian Law & Military Applications of AI".



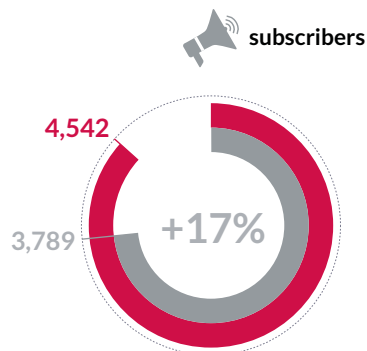
Communications

■ 2022 ■ 2021

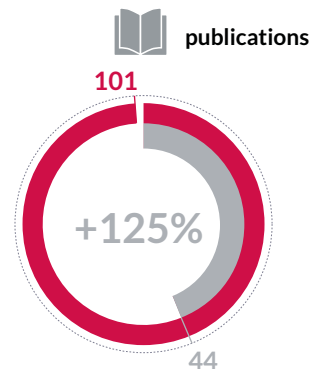
Social media followers



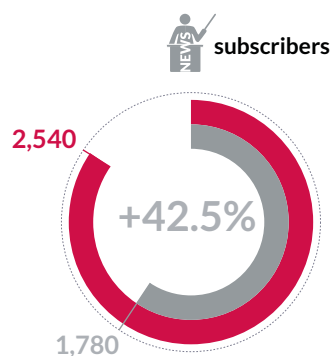
'Asser today' newsletter



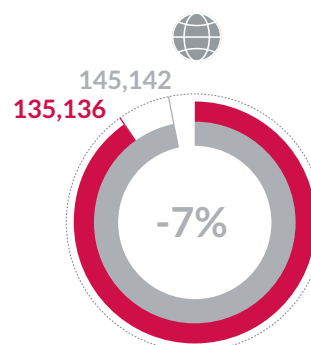
Asser in the media



Asser education & events newsletter



Website visitors



In the media (selection)

Invasion of Ukraine: The Legal Implications of Russian Aggression

Did Russia violate international law with its invasion of Ukraine? 'Yes, as Geoff Gordon, senior researcher, tells news agency *Agence France Presse* (AFP). Russia has breached Article 2(4) of the *UN Charter*, which prohibits the use of force at the international level.' The interview follows the announcement of the ICC's investigation into war crimes and crimes against humanity in Ukraine. Asked which other courts could try cases related to Ukraine, Gordon said: 'Ukraine has seized the ICJ, which will organise hearings on its jurisdiction. National courts can also try cases related to the violation of international law, he adds. The ICJ, whose decisions are final and without appeal, does not have a classic enforcement mechanism to enforce them, notes Mr. Gordon. 'On the other hand, we are witnessing the mobilisation of a number of more or less coordinated mechanisms intended to punish Russia for waging an illegal war, such as economic sanctions, travel restrictions and the cancellation of sporting events', observes Gordon. 'An ICJ judgment could play a role in such actions in the future,' he said. (March 1, 2022).



Russian football's fightback, high stakes for world sport

Senior researcher Antoine Duval reflects in the French *Le Figaro* on the sanctions imposed on Russian sports organisations after the Russian invasion and how sports organisational bodies such as the *UEFA* try to maintain political neutrality. While the authorities have refrained from publicly justifying their sanctions, *UEFA* has raised, in a letter to its federations, its 'serious concerns

about the ability to ensure the safety of all', due to the hostility of certain federations and public opinion towards the Russians, and the closure of airspace. It is thus moving 'towards the argument of force majeure', i.e. the endangerment of its competitions, which allows it 'to preserve the idea that the sports movement is still neutral', observes Antoine Duval. (10 March 2022).

LE FIGARO

'International law seems powerless in this war but nothing could be further from the truth'

In an op-ed for Dutch newspaper *Trouw* on the Russian-Ukrainian conflict, Asser Institute researcher Victoria Kerr calls for a shift in narrative from writing obituaries of international law, towards harnessing international law to respond to the Russian invasion conflict. 'Declaring international law dead, will not end the Russian invasion of Ukraine, nor will it provide support to the victims of this devastating war. So instead, we would do better to focus on the question of how international law can in fact be deployed in situations such as that in Ukraine, because that is already happening in abundance, and with unprecedented speed. Kerr: 'If we hold those who wage war legally accountable and bring them to justice, then international law will, in the future, surely act as a deterrent.' (25 April 2022).

Trouw

'Limit the UN's veto power in serious violations of international law'

'The *UN Security Council* must live up to its responsibility to maintain international peace and security by limiting the veto power of its five permanent members', Asser intern

Florent Beurret wrote in an op-ed for Dutch newspaper *Het Parool* (25 April 2022).

Het Parool

The curious incident of the commission at the IMO – Commission v Council (IMO).

The *Commission v Council* (IMO) (C-161/20) case was an opportunity for the *European Commission* to make some progress in the process of improving the EU's position at the IMO, write Mihail Vatsof and senior Asser researcher Eva Kassoti in an op-ed for EU Law Live. 'However, the *Court of Justice* here seems to have erred on the side of caution by essentially favouring the observance of international law (...) over the protection of the EU's interest. The overly cautious approach by the Court of Justice attests to the struggles the EU faces when it comes to issues of external representation. (...). The prolonged inaction (or even unwillingness) of the member states to advocate for an upgrade of the EU's status (...) damages the EU's international credibility – as it affects its ability to speak with a strong, unified voice on important issues.' (27 April 2022).



US arms companies under pressure from Mexico lawsuit

Researcher Leon Castellanos-Janckiewicz is quoted by *AlJazeera* on the historic lawsuit that Mexico is pursuing in the *Massachusetts District Court* against ten US gun manufacturers and distributors. The lawsuit 'Mexico vs Smith & Wesson et al', seeks damages from the companies for negligence leading to Mexico's shocking rate of gun

homicides and other gun violence, which is largely attributable to guns sold in the US and trafficked over the border. Castellanos-Janckiewicz notes that the Protection of *Lawful Commerce in Arms Act* (PLCAA), which prevents US gun companies from being sued, does not apply in Mexico. The PLCAA 'should be repealed because it hinders the right of gun victims to access the courts in accordance with international human rights law.' (18 August 2022).



Is the Qatar World Cup the last major sports tournament in a controversial country?

In Dutch newspaper the *Volkskrant*, Asser researcher Daniela Heerdt discusses the possibility of the *World Cup* in Qatar being the last major sports tournament in a controversial country (16 December 2022).

deVolkskrant

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 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.

In 2022, T.M.C. Asser Press published 21 new book titles and 5 journals numbering a total of 18 issues.

Book publications, some highlights:

- The third volume of the *European Yearbook of Constitutional Law*, 2021, focussing on 'Constitutional Advice';
- 'International Conflict and Security Law', an edited two-volume research handbook with 64 chapters written by more than 50 specialists in the field;
- Volume 51 of the *Netherlands Yearbook of International Law* (2020), with as central theme to this edited volume: 'Global Solidarity and Common but Differentiated Responsibilities';
- In the new *Global Europe Series*: 'The Informalisation of the EU's External Action in the Field of Migration and Asylum', edited by Asser Institute's researchers Eva Kassoti and Narin Idriz;
- 'Beyond Data', an in Open Access published monograph by Alessandro Mantelero focussing on 'Human Rights, Ethical and Social Impact Assessment in AI'. A volume in the *IT&Law Series*;
- 'Nuclear Law – The Global Debate', an edited volume published Open Access under auspices of the International Atomic Energy Agency;

- 'International Criminal Law: a Counter-Hegemonic Project?', an edited volume in the *International Criminal Justice Series*;
- The 'Seventh Annual T.M.C. Asser Lecture', delivered by Prof Brigid Laffan and published in the *T.M.C. Asser Annual Lecture Series* under the title: 'Can Collective Power Europe Emerge from Putin's War?'.

Journals, some highlights:

- The second issue of the 2022 volume of *Netherlands International Law Review* with an emphasis on 'Interpretation of International Law: Rules, Content, and Evolution' (NILR, Volume 69/2, 2022);
- Issue 2-3 of Volume 14, 2022 of the *Hague Journal on the Rule of Law* was a special issue on 'Reconciling Theory and Practice of the Rule of Law in the European Union' containing nine Open Access articles;
- The second issue of the 2022 volume of *The International Sports Law Journal* with a special on 'Remedy and Redress for Sport-related Human Rights Harm' (ISLJ, Volume 22/2, 2022);
- The first issue of the 2022 volume of the *European Business Organization Law Review* with a topical issue on sustainable finance (EBOR, Volume 23/1, 2022);
- The second issue in 2022 of *Nederlands Internationaal Privaatrecht (NIPR)* focussed on 'Cross-border insolvency' (NIPR, Volume 40/2, 2022).

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 2022 in Annex 2 (www.asser.nl).



Financial overview

The T.M.C. Asser Instituut is funded by public, semi-public and private resources. In 2022, the core funding by the *University of Amsterdam* accounted for 30 % of the total revenues.

The additional 70 % was generated through externally funded activities for national and international stakeholders. These 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 (GCTF-AU)*, located in The Hague.

Our main stakeholders are: the *Dutch Ministry of Foreign Affairs* (tendered projects, trainings and conferences), the *European Commission*

(tendered projects and grants, management of the GCTF-AU), the *US, Canadian, and Moroccan Departments of State* (management of the GCTF-AU, 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 2022 is presented in the table below. The external auditor (*Dubois & co*) has given an unqualified opinion to the financial statement.

In 2022, the financial result is +€ 38,000. The institute's equity totalled € 3,443,000 at the end of the year, which is 45% of the total revenues (€ 7.581.000) and 47% of the balance sheet total (€ 7.243,000). This shows a healthy financial solvency.

| Revenues | 2022 | 2021 |
|--|-----------|------------|
| Core funding | 2,319 | 2,195 |
| Additional income | 5,262 | 4,525 |
| Total revenues | 7,581 | 6,720 |
| Direct costs of commissioned projects | -4,900 | -4,138 |
| Gross margin | 2,681 | 2,582 |
| Expenses | | |
| Personnel costs | 1,756 | 1,612 |
| Material costs | 887 | 835 |
| Total expenses | 2,643 | 2,447 |
| Result | 38 | 135 |
| Added tot general reserve | 86 | 100 |
| Abstracted from/added to earmarked reserve | -48 | 35 |
| Total equity | | |
| On 1 January | 3,405 | 3,270 |
| On 31 December | 3,443 | 3,405 |

All amounts in Euros x 1,000

Organisation & governance

The T.M.C. Asser Instituut is a foundation that was established in 1965 as an inter-university institute for international law in The Hague. Today, the foundation is affiliated to the University of Amsterdam, which provides its core funding.

Executive board

Prof. Dr J.E. Nijman, chairperson of the executive board and academic director (until June 30, 2022)

Drs. Gert Grift (managing director)

Supervisory board

Prof. Dr Liesbeth Lijnzaad (chairperson of the supervisory board and judge at the International Tribunal for the Law of the Sea),

Prof. Dr P.A. Nollkaemper (dean of the faculty of law at the University of Amsterdam),

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)

Gender equality and diversity

The Asser Institute is committed to inclusion and equal opportunities for our staff and students, regardless of their background. We strive for meaningful gender representation in our staff and event panels. In 2019, former academic director and chair of the executive board Janne Nijman joined the *International Gender Champions* (IGC) Network, committing the Institute to taking concrete steps to boost gender equality. In addition, the EU has a well-established regulatory framework on gender equality, including binding directives, which applies widely across the labour market including the research sector.

In 2022, the Asser Institute made a concerted effort to promote diversity and gender equality. We ensured that scholarships for training programmes and event panels were awarded equally across genders and nationalities. We regularly remind our staff of this in our internal newsletters.

Additionally, the communications department employs an equal gender and diversity policy in its photography choice. In 2022, our staff consisted of 57% women and 43% men.



Asser staff

On 31 December 2022, a total of 54 persons were employed by the T.M.C. Asser Instituut, including temporary and project-related staff (and excluding interns and visiting researchers).

Table: Asser staff 2022 (in Fte)

| Revenues | 2021 | 2022 |
|---------------------------------|-------------|-------------|
| Directors | 1,8 | 1,0 |
| Researchers | 20,7 | 21,3 |
| PhD's | 2,0 | 2,0 |
| Projects and events | 4,3 | 5,1 |
| Communications | 0,9 | 1,9 |
| Operations and special projects | 3,8 | 2,8 |
| Finance and control | 1,0 | 1,0 |
| Secretariat of the board | 1,0 | 1,5 |
| T.M.C Asser press | 2,7 | 3,3 |
| GCTF admin unit | 7,3 | 8,6 |
| Total | 45,5 | 46,6 |
| Interns | 9,0 | 12,0 |
| Visiting researchers | 2,0 | 1,0 |

Who is who

Executive board



Prof. Dr. Janne E. Nijman



Gert Grift MSc

Supervisory board



Prof. Dr. Liesbeth
Lijnzaad



Prof. Dr. P.A.
Nollkaemper



Prof. Dr. Mr. Ivo Giesen



Prof. Mr. Ben Smulders



Garance Reus-Deelder
MSc

T.M.C. Asser Press



Frank Bakker LL.M.



Kiki van Gurp



Wilma Wildeman

Commissioned Projects Team



Annelies Verkerk MA



Eva da Costa BA



Floris Wolff MA



Helen Cheng BA



Maria Sperling MA



Eline Dorst MA

Financial Administration



Tom Rietmeijer



Annelies Verkerk MA



Hanna Thuránszky MA

Secretariat of the Board

PR & Communication



Jasper Schellekens LL.M.



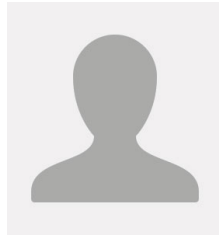
Pascal Messer MA



Operations & Special Projects



Julien Simon MA



Karel Wouterse



Marco van der Harst
LL.M.



Radjesh Rose



Wouter Lemaire

Associate Fellows



Dr Dimitri Van Den
Meerssche



Dr Maria Weimer



Nader Nadery LL.M.



Dr Rebecca Mignot-
Mahdavi



Dr Sofia Stolk



Victoria Kerr LL.M.



ASSER
INSTITUTE

Centre for International & European Law



Visiting address

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

Postal address

P.O. box 30461
2500 GL Den Haag

T +31 (0)70 342 03 00

E info@asser.nl
www.asser.nl

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