

# EFIL Research Programme

Annual Report 2023



**Universiteit  
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# Welcome



Dear colleagues,

We are happy to share our 2023 research report. It is even rewarding to see that it has been a success in academic terms. Our output has stayed on course with previous years. We count an impressive number of scientific publications. We are delighted to see a number of excellent edited books with top publishers, a steady number of journal articles, an increasing number of book chapters, as well as several innovative PhD theses. We are also delighted to see some of our colleagues presenting their research at the Annual Conference of the European Society of International Law (ESIL) in Aix-en-Provence. At the same time, we congratulate our sister institution, the Institute of Air and Space Law (IIASL) for successfully hosting the Manfred Lachs Space Law Moot Court Competition in Leiden for the first time in history and continuing to contribute to the development of aerospace law by actively engaging with researchers and policymakers both within Europe and in the USA!

We are grateful to all EFIL members for their impressive work and their contribution to a vibrant research culture despite the obstacles we have faced. This provides inspiration for the future. Many thanks to our new colleague Ocean Lam for putting together some of the highlights of 2023 in this report, and Giammarco Frattoli for the helpful editing.

Professor Carsten Stahn

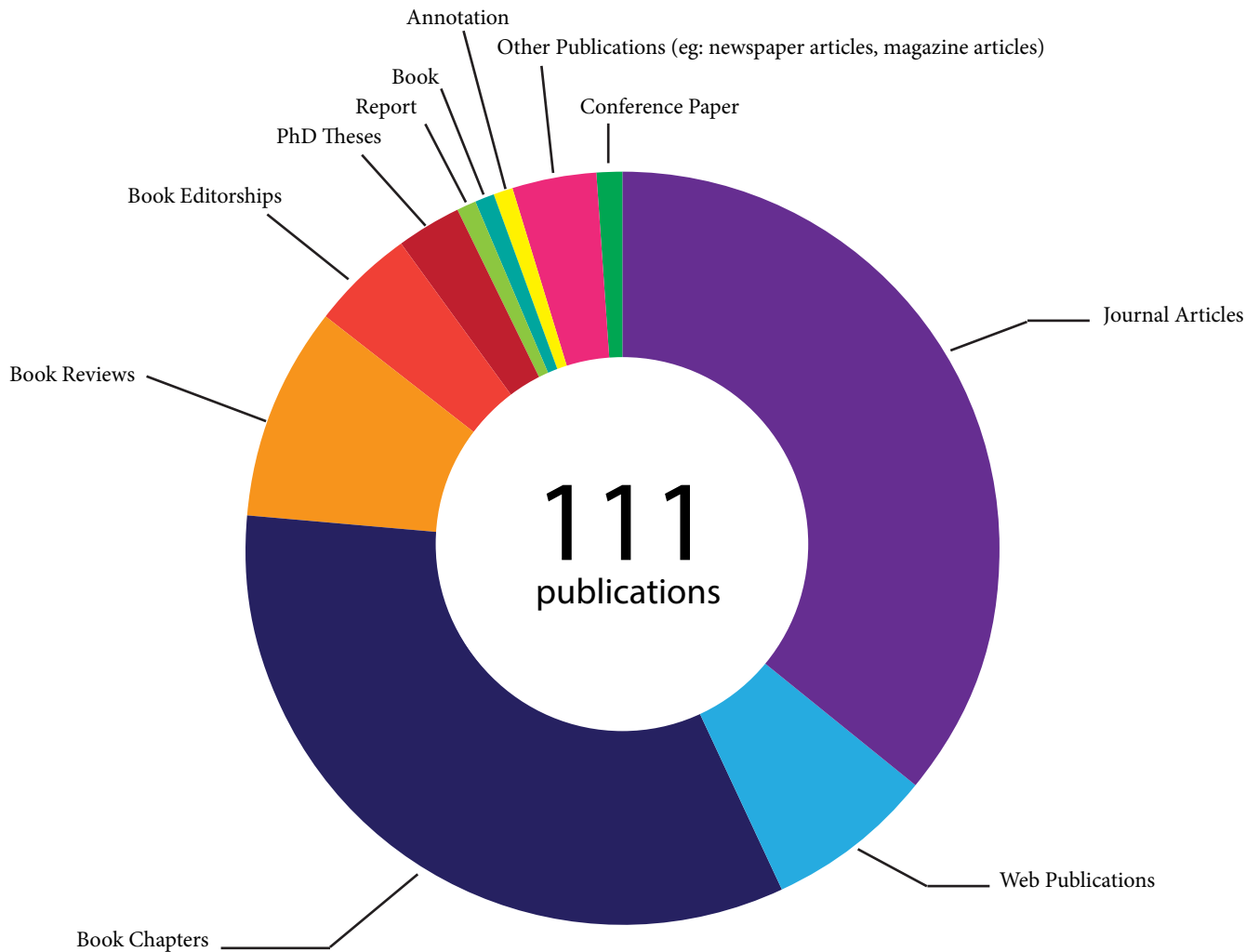
*Coordinator, Exploring the Frontiers of International Law Research Programme*

# Contents

Output Statistics	4
Highlights on Selected Events from 2023	8
Grotius Achievements	12
Kalshoven-Gieskes Forum on International Humanitarian Law	19
Leiden International Administrative Law Clinic	21
Institute of Air and Space Law (IIASL)	22
Grotius Dialogues	26
Grotius Outreach	27
Exploring Legal Horizon: Study Trips to Paris and Geneva	31
ESIL Annual Conference: Aix-en-Provence	32
PhD Defences	34
Grotius Centre Working Papers	35
Book Showcase	36
Publications from 2023	41

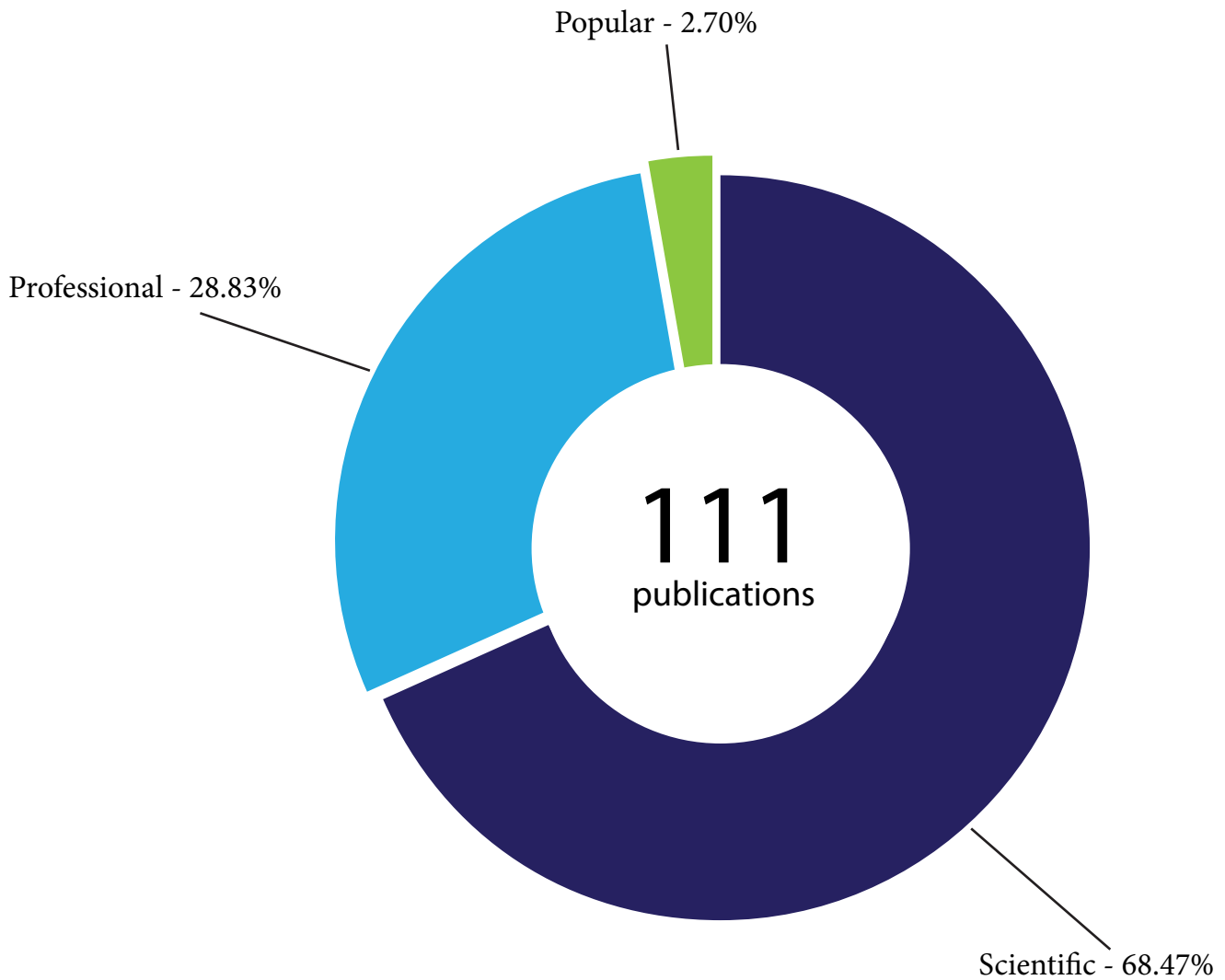
# Representation of publication types, 2023

Excluding research activities, such as interviews, lectures, and podcast episodes



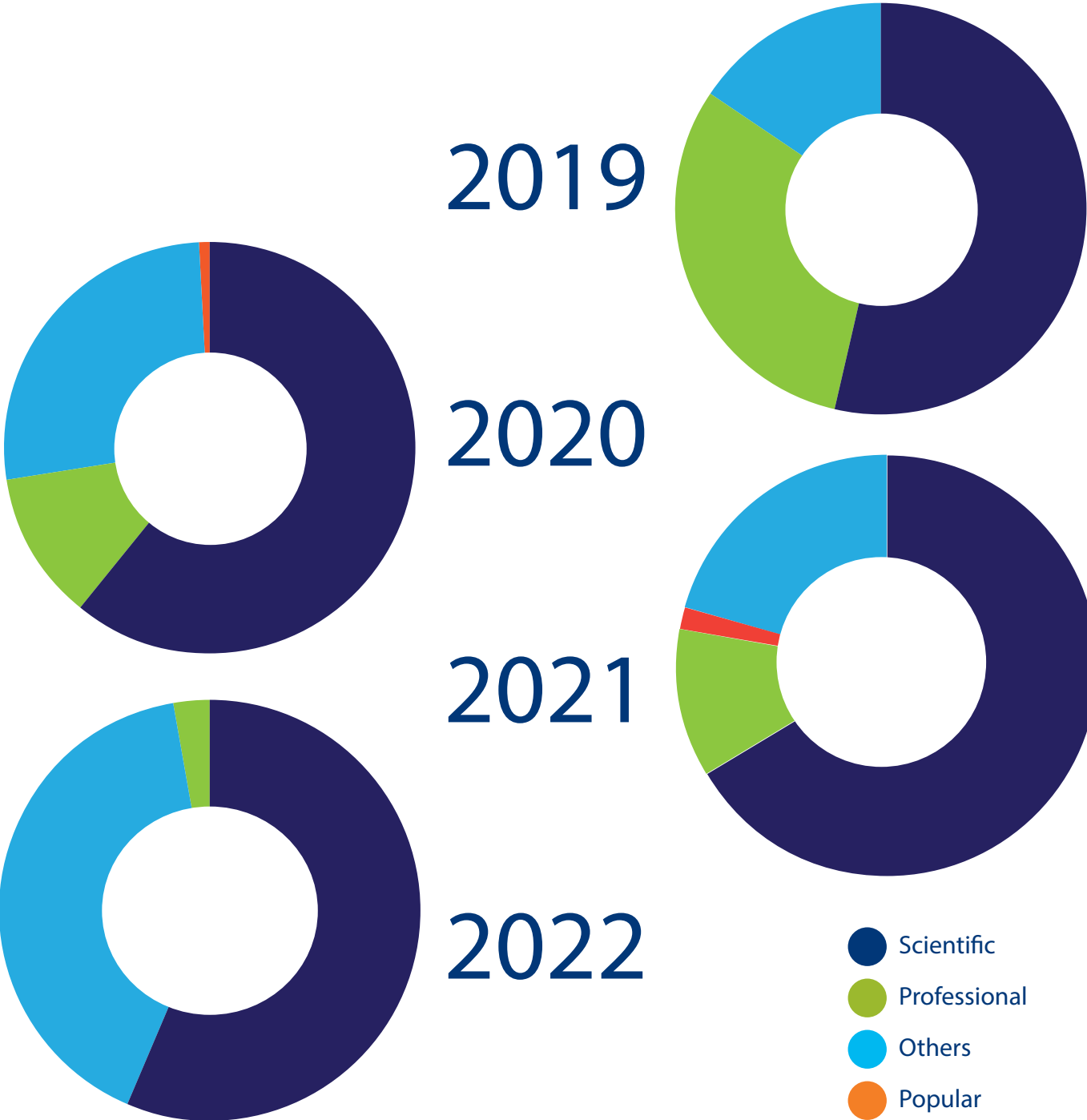
# Representation of VSNU publication types, 2023

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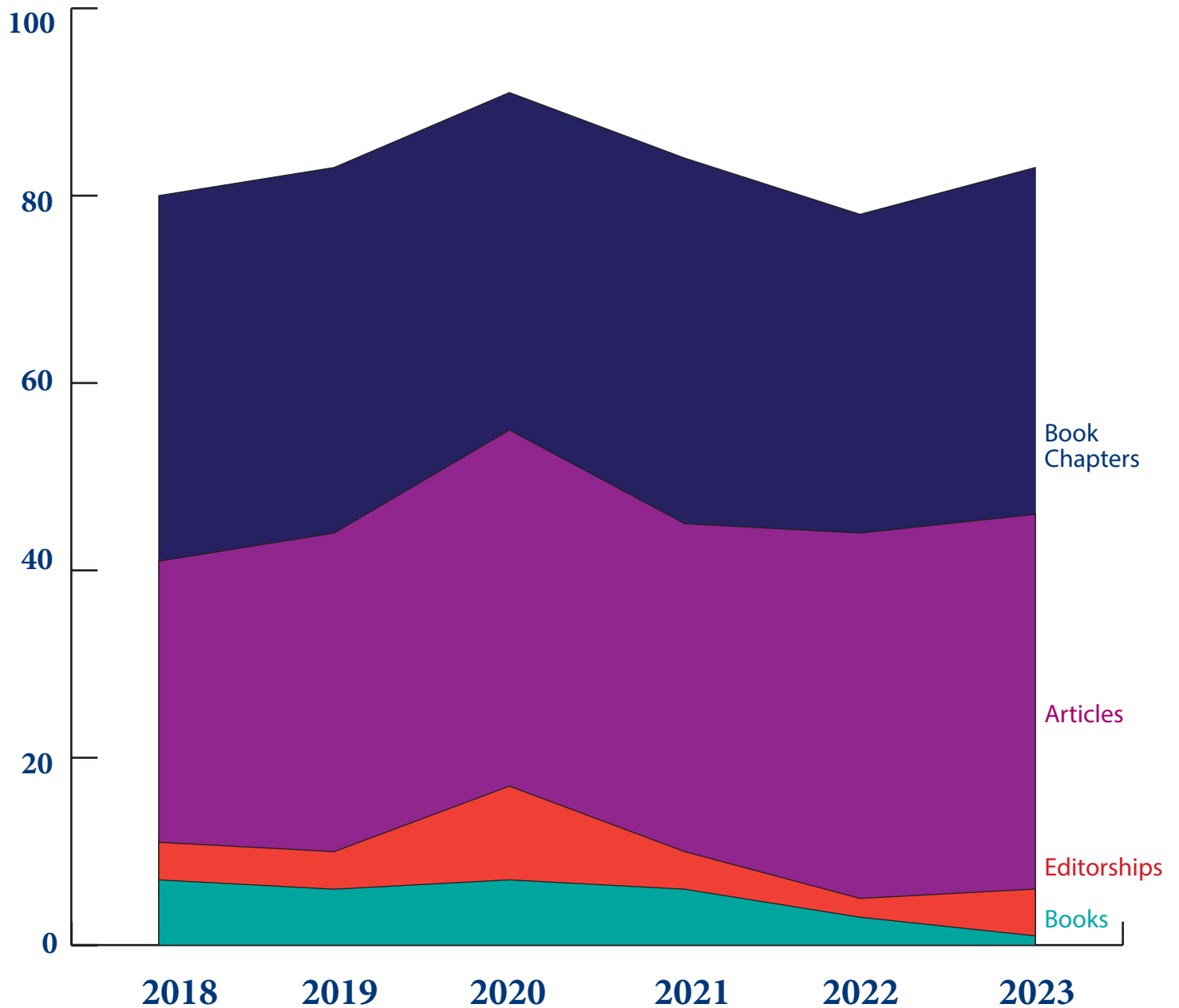
# Percentages of VSNU publication types, historical

Excluding interviews, lectures, and podcast episodes



# Instances of selected publication types

Book Chapters, Articles, Editorships, Books





## Highlights on Selected Events 2023

*Photo from the event, 'Victims' Rights at A Crossroads? REDRESS' 30th Anniversary Panel Event', 20/06/2023*

In 2023, the Grotius Centre continued to cooperate with several partners in holding events to instigate the debate addressing contemporary issues of international law, including the war in Ukraine, environmental peacebuilding, victims rights, and the accountability for the use of chemical weapons. On 24 May 2023, the Grotius Centre also held a symposium in honour of Professor Dr. Horst Fischer, who has now retired from active teaching duties after devotedly served as a professor for two decades.

### Advocates, Critics or Partners? The Shifting Relationships between Civil Society and International Criminal Mechanisms

On 26 January 2023, the Grotius Centre hosted an event, in collaboration with Doughty Street Chambers, on how the Prosecutor's approach toward civil society is shifting, and what impact this might have on the Prosecution's work, on fair trials and meaningful engagement with victims.



In May 2022, the ICC Prosecutor launched an initiative to strengthen the relationship between the Office of the Prosecutor and civil society organisations, now considered as “critical partners in our common goal to achieve accountability for international crime”. Since the establishment of the ICTY and ICTR, the role of civil society in documenting crimes, collecting information, and engaging with the international criminal courts and tribunals has increased exponentially, along with their ownership of and investment in the resulting international criminal trials. The roles played by civil society have also changed and expanded over time, and relationships with the courts

and their various organs have also shifted. At the ICC, reliance on local civil society actors as ‘intermediaries’, including in implementing core functions of the Court's work such as the outreach to victims, has long been a source of debate. This event aims at practitioners and academics in the fields of International Law and International Criminal Law, civil society representatives, and those interested in these areas and the work of the Prosecutor.

At the event, Joe Powderly from the Grotius Centre delivered his opening remarks. The discussion panel consisted of Ms. Kate Gibson (Associate Tenant, Doughty Street Chambers



and Defence Counsel before the international courts), Ms. Megan Hirst (Barrister, Doughty Street Chambers and Victims' Counsel before the international courts), Mr. Wayne Jordash KC (Associate Tenant, Doughty Street Chambers and Managing Partner, Global Rights Compliance Law Firm and Foundation), and Ms. Amal Nassar (Independent consultant, former civil society representative). The discussion was moderated by Professor Kevin Jon Heller (Professor of International Law and Security at the University of Copenhagen, Professor of Law at the Australian National University, and Academic Expert, Doughty Street Chambers).

### Chemical Weapons Use and Legal Pathways to Accountability

On 6 March 2023, the Grotius Centre, in collaboration with the Permanent Representation of the United States of America to the Organisation for the Prohibition of Chemical Weapons (OPCW) and the International Partnership Against Impunity for the Use of Chemical Weapons, organized a seminar on Chemical Weapons Use and Legal Pathways to Accountability at the Wijnhaven Campus.

Followed by a welcoming remark delivered by Mr. H. E. Fernando Arias (Director General of the OPCW), a panel of three distinguished speakers, consisting of Mr. Grant Dawson (Former Principal Legal Office/Acting Legal Adviser of the OPCW), H. E. Santiago Oñate (Director, Investigation and Identification Team of the OPCW), and the Honorable Judge Gocha Lordkipanidze (Appeals Chambers of the ICC) discussed the following topics:

- Re-Emergence of the Use of Chemical Weapons and Legal Accountability
- The Use of Chemical Weapons as a Crime in International Law

- A Case Study of the OPCW's Investigation and Identification Team (IIT)
- Pathways to Accountability

The discussion was followed by a wonderful closing remark, delivered by the Honorable Dr. Beth van Schaack (U.S. Ambassador-at-Large for Global Criminal Justice).

### The Conflict in Ukraine: One Year On

On 17 March 2023, the Kalshoven-Gieskes Forum on International Humanitarian Law at the Grotius Centre and the editorial board of the Military Law Review (Militair Rechtelijk Tijdschrift, MRT), in cooperation with the War Studies Research Centre of the Netherlands Defence Academy and the International Humanitarian and Criminal Law Platform (IHCL), co-organized a symposium on legal aspects of the conflict in Ukraine. The symposium also marked the launch of a special edition of the MRT, and an opportunity to reflect on the law applicable to the conflict one year after the Russian invasion of Ukraine.

To accommodate the sheer amount of interested students, the symposium was held at the Spanish Steps at the entrance of the Wijnhaven Campus.

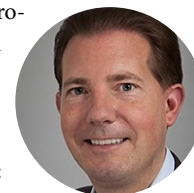
Several members of the Grotius Centre were invited to speak at this symposium. Associate Professor dr. Robert Heinsch delivered the opening remark, which steered the discussion on several important topics. Professor Niels Blokker discussed whether a tribunal for aggression against Ukraine would be a moral-legal imperative or a 'science fiction.' This was followed by a presentation by Associate Professor Cecily Rose, on the ongoing Genocide Case before the ICJ: Ukraine v Russia. This



symposium was also participated by other distinguished speakers who presented on several other important topics: Dr. Martin Fink (Associate Professor at the Netherlands Defence Academy) gave a helpful introduction to the ongoing Russian invasion of Ukraine since February 2022. This was followed by a discussion on the Law of Neutrality in the War of Ukraine by Dr. Hans Bodden Hosang (Netherlands Defence Academy). Professor Marten Zwanenburg (University of Amsterdam and Netherlands Defence Academy) also presented on the Ukraine Conflict and the Law of Occupation. Brigadier General Jan Peter Spijk (Editor-in-Chief of the Military Law Review) delivered the closing remark. Interestingly, the Office of the Prosecutor of the ICC announced the issuing of arrest warrants against Russian President Vladimir Putin and Maria Alekseyevna Lvova-Belova at the same time during the panel discussion.

### What Contribution can Scholarship make to the Development of International Criminal Law?

On 22 March 2022, the Grotius Centre, partnered with the Institute of Criminal Law and Justice of Georg-August-Universität Göttingen, and academic publisher C.H. Beck International, hosted a symposium on



'What Contribution Can Scholarship Make to the Development of International Criminal Law? Perspectives from academia and practice on the occasion of the 4th edition of the Commentary on the Rome Statute of the International Criminal Court.' The event was further supported by the embassies of Germany, Poland, and Mexico in the Hague.

The event also functioned as a book launch

of the 4th edition of the commentary on the Rome Statute of the International Criminal Court, founded by the late Professor. dr. Otto Triffterer shortly after the Rome Conference in 1998. The purpose of this event was to hear from practitioners and colleagues what contribution, if any, the commentary makes to their daily work and how it could be (further) improved. Followed by the introductory remarks delivered by Judge Professor Kai Ambos (Chair for Criminal Law, Universität Göttingen, Judge at the Kosovo Specialist Chambers), Professor Carsten Stahn (Grotius Centre), and Mr. Thomas Klich (C.H.Beck International), the discussion was divided into two panels.

The first panel focused on 'What role/contribution of academia, the Commentary as an example'. The panelists were practitioners at the ICC, including the Honorable Judge Hofmanski (President of the ICC), Mr. Mame Mandiaye Niang (Deputy Prosecutor of the ICC), and Ms. Kate Gibson (President ADC-ICT). The first panel was moderated by Judge Professor dr. Kai Ambos; the second panel focused on 'Selected topics treated in the Commentary and the impact on practice.' Judge Socorro Flores Liera (ICC) delivered her comments on the topic of the Crime of aggression. It was followed by comments on the law of immunity, delivered by Judge Mindua (ICC). Judge Ekaterina Trendafilova (President of the KSC) provided comments on the law of evidence, including the means, production, admissibility, and new developments. The second panel ended with a comment on a special topic relating to the decentralised prosecution in the case of Ukraine, delivered by Mr. Yuriy Belousov (Head of the War Crimes Unit Prosecutor General in Ukraine). The second panel was moderated by Professor Carsten Stahn from the Grotius Centre.

## Symposium in Honour of Professor Dr. Horst Fischer

On 24 May 2023, the Grotius Centre, together with its Kalshoven-Gieskes Forum on International Humanitarian Law, hosted a special Symposium on current and future issues of International Humanitarian Law (IHL) in honour of their Emeritus Professor Dr. Horst Fischer, who taught IHL at Leiden Law School since 1997 but has now retired from his active teaching duties. Throughout his career, Professor Horst Fischer has always been a progressive scholar and teacher, who did not shy away from taking an active role in public debate and the advancement and actual application of IHL on the ground, while always having the interests of his students at heart.

Professor Carsten Stahn opened the public event with a speech about Professor Fischer, honouring his many academic and professional accomplishments, after which twelve of Professor Fischer's former students, colleagues and friends provided short interventions offering deep insights into contemporary questions and challenges of International Humanitarian Law. The symposium highlighted the impact that Professor Fischer had on the lives of countless students and colleagues and their careers, and in this spirit also addressed the role of young IHL professionals in disseminating, practicing, and ensuring respect for IHL. After the closing remarks by Associate Professor Robert Heinsch and Professor Fischer, the audience enjoyed a reception at the Leiden University Campus Wijnhaven. Many thanks to all contributors and attendants for the in-depth discussions, and to Professor Horst Fischer for his devotion to the the field of International Humanitarian Law, to the Grotius Centre, and to his students!



## The role of the UN in the conflict in Ukraine

On 7 June 2023, the Grotius Centre together with the Royal Netherlands Society of International Law hosted a seminar, discussing the role of the UN in the conflict in Ukraine. Dr. Alanna O'Malley, Associate Professor at the Leiden University Institute for History, and Professor Niels Blokker spoke on this topic. Both speakers recognized that, although the UN provides refugee protection and humanitarian aid in Ukraine and is actively involved in the Black Sea Grain Initiative, its role in the domain of peace and security is limited: examples include speeches by the UN Secretary-General and the February 2023 General Assembly (GA) resolution demanding that the Russian Federation withdraw its troops from Ukrainian territory, in line with the UN Charter. The impossibility of the Security Council to act in this conflict has, again, raised the question as to what role the GA and other UN organs can still play. The two speakers discussed various initiatives of 'bypassing the UN Charter in the spirit of the Charter itself, such as the GA's emergency special session and the adoption of GA Res. 76/262 ('Standing mandate for a GA debate when a veto is cast in the Security Council')'. Professor Blokker also explored whether the Russian aggression against Ukraine and the use of its veto in the Security Council could bring new stimuli to the long-standing negotiations about Security Council Reform.



## Use of Chemical Weapons – from Attribution to Accountability

On 15 June 2023, the Grotius Centre, together with the German Permanent Representation to the OPCW and the German Embassy organized a high-level panel discussion on prac-

tical and legal issues regarding the prosecution of violations of the Chemical Weapons Convention (CWC). While the CWC does have instruments to confirm the use of chemical weapons (CW) and to identify those responsible, it does not provide for a mechanism to hold perpetrators of CW use accountable. The panel discussed options for accountability, looking at both previous experiences and the confirmed use of CW.

Followed by a welcome remarks of Mr. H.E. Amb. Thomas Schieb, Permanent Representative of Germany to the OPCW, a panel of highly distinguished speakers, consisting of Ms. H.E. Fatou Bensouda (former ICC Prosecutor and Gambian High Commissioner to the United Kingdom), Dr. Olufemi Elias (Former Legal Adviser at the OPCW and Registrar at the IRMCT), Mr. Christian Ritscher (Special Adviser and Head of the Investigative Team, UNITAD) and Ms. Michelle Jarvis (Deputy Head of the International, Impartial and Independent Mechanism, IIIM) discussed the following topics: Is individual prosecution at the international level possible? By an ad-hoc or hybrid tribunal? Or rather at the national level, applying the principle of universal jurisdiction? What lessons can we learn from investigations and prosecutions in comparable cases? What are the practical implications for the cooperation between the different international stakeholders and instruments, including the International, Impartial and Independent Mechanism (IIIM), UNITAD, international courts and national jurisdictions? What are the prospects of investigating and prosecuting CW use by non-state actors, such as Daesh/ISIL? The panel was moderated by Professor Carsten Stahn.

The event was co-sponsored by the Embassies of Costa Rica, Cyprus, Japan, Mexico, Poland, and the Presidency of the International Partnership against Impunity for the Use of Chemical Weapons and the Foreign Ministry of the Netherlands.

## Victims' Rights at A Crossroads

On 20 June 2023, the Grotius Centre together with REDRESS co-hosted an interactive discussion and reception to reflect on the rights of victims of international crimes, including the many obstacles that impede their realisation.



This event also marked REDRESS' 30th Anniversary. Over the last three decades, REDRESS has played a significant role in ensuring the rights of victims of international crimes, including during the adoption of the Rome Statute of the ICC, which affirmed groundbreaking rights for victims, such as their right to receive reparations, to participate in proceedings and to be legally represented.

At the event, a panel of multidisciplinary experts with expertise and lived experience on the rights of victims of international crimes in legal proceedings, reflected, among other questions, on the main achievements when it comes to victims' rights in the last 30 years and the reasons why those achievements and the current legal framework are insufficient to deliver victims' rights in practice. The speakers included Mr. Mohammed Hassan, (Founder and Executive Director of the Darfur Network for Human Rights), Professor Helen Duffy (Grotius Centre), Ms. Fiona McKay (Legal Consultant, former Chief of the ICC Victims Participation and Reparations Section, and REDRESS' Board member), Mr. Habib Nasar (Director of Policy and Research at Impunity Watch), and Ms. Deborah Ruiz Verduzco (Executive Director of the Trust Fund for Victims). The discussion was moderated by renowned activist and former Dutch development minister Lilianne Ploumen, a REDRESS' Patron.

During the event, REDRESS also launched its new Advisory Panel, chaired by Leiden Professor

Helen Duffy, which brings together academic experts and practitioners who contribute to REDRESS' work. With this event, REDRESS sought to honour the plight of victims by learning from the past, discuss new strategic directions, and renew the commitment to those affected by torture and other international crimes.

## Annual Meeting of German-speaking international criminal lawyers

From 12 to 13 May 2023, the Grotius Centre hosted the annual meeting of German-speaking international criminal lawyers, with voices from academia and practice. The panel discussed new investigative strategies by the ICC, the issues relating to digitally derived evidence, the possibility of an aggression tribunal for the Russian invasion of Ukraine, universal jurisdiction, and the dilemmas of punishment in international criminal law.

## Book launch: Research Handbook on International Law and Environmental Peacebuilding

On 20 September 2023, the Grotius Centre and Lund University together organized the launch of the Research Handbook on International Law and Environmental Peacebuilding, edited by Professor Daniëlla Dam-de Jong (Grotius Centre) and Senior Lecturer Britta Sjöstedt (Lund University). The event consisted of key notes by Ms. H.E. Amb. Carolina Olarte Bácares (Ambassador of Colombia to the Kingdom of the Netherlands) and Mr. Carl Bruch (President of the Environmental Peacebuilding Association). The event was moderated by Professor Carsten Stahn from the Grotius Centre.





## Grotius Achievements 2023

*Photo from the Grotius Uitjes at Aperitivo Leiden, 06/09/2023*

In 2023, our colleagues remained active in presenting their research in various capacities. Below are some of the highlights of the achievements of our Grotius colleagues in 2023:

Daniëlla Dam-de Jong appointed as Professor of International Sustainable Development Law

Starting 1 February 2023, Daniëlla Dam-de Jong has been appointed as professor to the new Chair of International Sustainable Development Law. In her new position, Daniëlla will focus on developing international sustainable development law as a distinct field of international law. She will pay specific attention to how this field of international law can contribute to addressing tensions between economic, social, and environmental concerns, such as reflected in the United Nations' Sustainable Development Goals (the SDGs). She will also study new and existing forms of



transnational governance as advocated for by SDG 17 on the Global Partnership for Sustainable Development. Daniëlla will further explore synergies with sustainable development research carried out in other departments at Leiden Law School and other faculties of Leiden University. Currently, Daniëlla is also a member of the Dutch Advisory Committee on Public International Law (CAVV), Deputy Chair of the IUCN WCEL Specialist Group on Environmental Security and Conflict Law, and one of the Editors-in-Chief of the Netherlands Yearbook of International Law.

On 23-24 March 2023, Daniëlla participated in a trilateral workshop at Harvard Law School, organized by the Harvard Law School Program on International Law and Armed Conflict (HLS PILAC), the International Committee of the Red Cross (ICRC) Regional Delegation for

the United States and Canada and the Lieber Institute for Law & Warfare of the U.S. Military Academy at West Point. The workshop addressed a variety of themes related to legal roles and responsibilities concerning large-scale combat operations (LSCOs). Themes included conflict classification, neutrality and belligerency, the conduct of hostilities, deprivation of liberty, humanitarian services, protection of the environment and the end of armed conflict. Daniëlla presented a statement on the responsibilities of LSCOs regarding the protection of the environment, which was published after the workshop as a blog post for [Articles of War](#).

On 21-22 June 2023, Daniëlla Dam-de Jong co-organised a workshop on corporate due diligence and liability for natural resources supply chains in/from conflict-affected regions,

together with Karen Hulme (Essex University and chair IUCN-WCEL Specialist Group on Environmental Security and Conflict Law), Mara Tignino (Geneva Water Hub - Geneva University and ESIL Interest Group on Business and Human Rights) and Merryl Lary-White (ILA British Branch). The workshop brought together scholars and practitioners, including those from the corporate sector itself, to discuss opportunities and challenges for responsible natural resources supply chains from conflict regions. After a key note by Ambassador Marja Lehto, former Special Rapporteur on the ILC principles on protection of the environment in relation to armed conflict, participants discussed the questions of scope of regulatory initiatives, implementation and remedies. The workshop feeds into a project of the IUCN-WCEL Specialist Group on Environmental Security and Conflict Law seeking to develop implementation guidance on key aspects of the ILC principles on protection of the environment in relation to armed conflict, which were welcomed by the UN General Assembly in December 2022. Several of these principles pertain to corporate actors, most notably principle 10 on corporate due diligence, principle 11 on corporate liability and principle 16 on pillage. The insights generated through the workshop will be used as a foundation for implementation guidance for States and corporations on these principles.

### Professor Carsten Stahn in Best Scientists ranking for 2023

Research.com, a leading academic platform for researchers, has just released the 2023 Edition of Ranking of Best Scientists in the field of Law.

Professor Carsten Stahn has ranked [#340](#) in the world ranking and [#4](#) in the Netherlands. The ranking is based on the D-index (Discipline H-index) metric, which



only includes papers and citation values for an examined discipline. The ranking includes only leading scientists with a D-index of at least 20 for academic publications made in the area of Law.

### Two new grants for two exciting collaborative research projects!

Several Grotius Centre researchers have received a starter grant for two new research projects. Hilde Woker and Jason Rudall have received funding for their project



'H2OLAW – Law-Science Interfaces within the Law of the Sea and Fresh Water Law', and Misha Plagis and Daniel Peat have received funding for their project 'COLAB – Compliance and Behavioural Approaches to International Law'. Each project team has received €240.000 for these 4-year projects.

H2OLAW is a collaborative research project involving both the law of the sea and freshwater law, which are both characterised by important law-science interfaces. For example, scientific information is critical to determining thresholds of environmental harm and managing the equitable division of resources. Legal frameworks must respond to new scientific and technological developments in order to remain just and relevant. In practice, however, the encounter between these two fields presents many challenges given the apparently incommensurable characteristics of law and science. Although both the law of the sea and freshwater law regulate the use and protection of water bodies, and whose law-science interfaces have regularly faced analogous challenges, they are rarely analysed or researched together. H2OLAW aims to explore the synergies, common and intersecting environmental challenges at the law-science interface of these two fields. Examples of cross-cutting issues are

pollution, climate change, and the protection of biodiversity. The purpose of this project is not to research law-science interfaces in these two fields discretely, as has traditionally been the case, but rather to approach the research questions from the point of view of a legal framework applicable to water, be that salt or fresh water, recognising in turn the conceptually, environmentally and biologically integrated nature of these resources.

COLAB focuses on compliance with international law. Drawing on the behavioural turn in international law, COLAB aims to engage the psychological processes as a way of explaining actors' behaviour and evaluating the potential of norms and institutions. The project utilises socio-legal methodologies and centres the role of actors and the psychology behind their decisions in order to better understand the dynamics of compliance. The project harnesses new methods for measuring compliance, including the use of surveys, experiments, and actor-based modelling. COLAB will also go beyond the more commonly studied institutions and subfields, such as the European human rights system, investor-state dispute settlement, and UN treaty bodies, and explore the work of lesser discussed institutions, such as the African Court on Human and Peoples' Rights, the Financial Action Task Force (FATF), and the Basel Committee on Banking Supervision (BCBS), to further advance the broader discussion.

The funding received for these projects will be used to create more research time for the researchers involved, will open up (temporary) research positions to contribute to the projects, and will allow for international and interdisciplinary collaboration with researchers from other universities.

Anna-Alexander Marhold served on the Peace and Security Committee of the Dutch Advisory Council on Foreign Affairs and has been active abroad

This year, the Dutch Minister of Foreign Affairs and the Minister of Defence appointed Anna Marhold to serve on the Peace and Security Committee of the Dutch Advisory Council on Foreign Affairs (Adviesraad Internationale Vraagstukken, Commissie Vrede en Veiligheid) in June. The Council is an independent body that advises the Dutch government and parliament on foreign policy. The AIV produces advisory reports about international affairs both on its own initiative and on request. Its main areas of expertise are European cooperation, human rights, development cooperation and security policy. Currently, the Committee is working on advisory reports regarding Ukraine and hybrid threats.



At the same time, Anna Marhold has presented her research on several academic occasions. On 20 February, Anna presented in a seminar organized by Utrecht University School of Law, on First Thoughts on the EU Foreign Subsidies Regulation, her talk was titled ‘the FSR from an International Trade Law Perspective’. On 25 April, Anna as the co-convenor of the ESIL Interest Group on International Economic Law co-organized an online side event to the ESIL Research Forum in Tartu, ‘Regional Developments of International Economic Law in the Eurasian Region in Times of Geoeconomic Fragmentation’. On 2 June, Anna participated as a discussant in the Europa Institute farewell event of Professor Marco Bronckers, ‘Five future challenges facing the EU and the WTO in the next 50 years’, where she discussed three possible scenarios for the future of the multi-

lateral trading system. On 15 June, Anna Marhold was invited to deliver a keynote speech at the LLM annual event of the Turin School of Development (UN ILO Campus Turin (IT-CILO)) titled, ‘Trade Law Developments in the Energy Sector since the Russian Invasion of Ukraine’. Anna also had a book talk with the department and the students prior to the keynote speech. On 14 July, Anna Marhold delivered a guest lecture to diplomats from the MENA Region on the changing energy landscape and international trade rules in the framework of Dutch Economic Diplomacy of the Clingendael Institute for International Affairs.

From 20-28 June, Anna Marhold taught Global Energy Law & Policy at Vermont Law School, a comparative course to expose US students to international and European Energy Law. From 3-13 July, Anna together with Professor Rachel Brewster taught Current Challenges in International Trade Law as part of the Duke-Leiden Summer Institute in Global and Transnational Law. Also, from 24-28 July, Anna taught a course on International Energy Law and Governance at the 2023 Summer Academy of the World Trade Institute (WTI) at the University of Bern in Switzerland.

### Brian McGarry represented the Small Island States in the groundbreaking case on oceans and climate change

Dr. Brian McGarry recently addressed the International Tribunal for the Law of the Sea in the world’s first advisory proceedings concerning climate change. His advocacy for the Commission of Small Island States on Climate Change and International Law (COSIS) drew directly from his scholarship and



classroom teaching at Leiden.

In December 2022, Dr. Brian McGarry and Ms Francis Chávez Aco - a Peruvian diplomat who was completing her master’s thesis under Dr. McGarry’s supervision - published an analysis of the Tribunal’s competence to address questions concerning climate change, which appeared in the blog of the European Journal of International Law. On the strength of this analysis and his prior experience, COSIS invited Brian to counsel the organisation on such questions during the preparation of its written statement to the Tribunal. During this period, Brian directly involved students in a unique blend of teaching and legal practice.

Thirty-four States Parties to the Convention chose to participate in these advisory proceedings, along with nine intergovernmental organisations and many non-governmental organisations. In light of challenges raised by some States to the Tribunal’s competence in matters of climate change, COSIS asked Brian to appear before the Tribunal to address these threshold questions during the oral arguments that began this week. As a member of the first delegation to speak in the first advisory proceedings relating to climate change, Dr. McGarry thus established the core argument on the jurisdiction of international courts in matters of climate change - a line of reasoning which States and international organisations will now reinforce or challenge. Some of Brian’s recent LLM. students at Leiden travelled to Hamburg to attend these hearings in their capacity as climate activists. In the words of Jule Schnakenberg and Mert Kumru, ‘for us young and aspiring lawyers, we are privileged with the presence of such excellent role models both in the classroom and in the courtroom’. Referring to their work in support of upcoming and complementary proceedings at the International Court of Justice (ICJ), they

noted that ‘the team of World’s Youth for Climate Justice is looking forward to the outcome of these proceedings in anticipation of the ICJ advisory opinion on climate change and human rights’. The Tribunal is currently expected to deliver its advisory opinion in early 2024.

### Misha Plagis’ paper won the International Studies Association’s Human Rights Section Best Paper in 2022-2023

Misha Plagis wrote a [paper](#) together with Dr. Nicole De Silva (Concordia University) entitled ‘NGOs, international courts, and state backlash against



human rights accountability: Evidence from NGO mobilization against Tanzania at the African Court on Human and Peoples’ Rights’. This paper was awarded by the International Studies Association the Best Human Rights Paper from 2022 to 2023. The list of all the award recipients is available [here](#).

When nongovernmental organizations (NGOs) encounter state resistance to human rights accountability, how do NGOs use international courts for their human rights advocacy strategies? Considering the overlapping phenomena of shrinking civic space within authoritarian, hybrid, and democratically backsliding regimes, and state backlash against international courts, NGOs navigate two potential levels of state backlash against human rights accountability. Building on the interdisciplinary scholarship on legal mobilization, we develop an integrated framework for explaining how states’ two-level (domestic and international) backlash tactics can both promote and deter NGOs’ strategic litigation at international human rights courts (IHRCs). States’ backlash tactics can influence NGOs’ opportunities, capacities, and goals for their

human rights advocacy, and thus affect whether and how they pursue strategic litigation at IHRCs. Misha’s co-authored paper elucidates the value of this framework through case studies of NGOs’ litigation against Tanzania at the African Court on Human and Peoples’ Rights, an understudied IHRC. Drawing on an original data set, interviews, and documentation, it process-traces how Tanzania’s various backlash tactics influenced whether and how NGOs litigated at the Court. The framework and analysis proposed by the paper show how state backlash against human rights accountability affects NGOs’ mobilization at IHRCs and, relatedly, IHRCs’ opportunities for influence.

### Jason Rudall co-chaired a panel on the 150th-anniversary conference of the International Law Association in Paris

Jason Rudall co-chaired a panel on ‘Cooperation in International Law’ for the 150th anniversary conference of the International Law Association (ILA) held at the Cité Internationale Universitaire de Paris between 18-20 June 2023.



The panel concluded that, although multilateralism shows signs of fragility, international cooperation remains essential in many areas, such as international peace and security, international economic relations, cyber activities and the protection of the oceans, among others. To respond to these challenges, new forms of cooperation are emerging and there are attempts to foster more inclusive approaches, bringing together actors with varied political and legal profiles at the global, regional and local levels. As a follow-up to this initiative, each panelist will submit a recommendation on cooperation in international law for the

future before the ILA 150 closing event in December 2023. Those who were part of the panel included Laurence Boisson de Chazournes (co-chair), Hannah Birkenkötter, Paulo Borba Casella, Pascal Lamy, Natalie Morris-Sharma, and Alejandro Rodiles Bretón.

### Cecily Rose published a symposium on public interest litigation at the ICJ

In July 2023, a symposium edited by Cecily Rose was published in the *Law & Practice of International Courts and Tribunals*, Volume 22, Issue 2.



This symposium, titled ‘Public Interest Litigation at the International Court of Justice’ emerged out of an ESIL Interest Group meeting in Stockholm in 2021 and contains the following pieces:

- Cecily Rose, Introduction
- Jane A. Hofbauer, Not Just a Participation Trophy? Advancing Public Interests through Advisory Opinions at the International Court of Justice
- Brian McGarry, Obligations *Erga Omnes* (*Partes*) and the Participation of Third States in Inter-State Litigation
- Nataša Nedeski, Tom Sparks and Gleider Hernández, The World is Burning, Urgently and Irreparably – A Plea for Interim Protection against Climatic Change at the ICJ.

The symposium can be freely accessed through the Leiden University library [here](#).

### Important decision in the Abu Zubaydah case brought by Professor Helen Duffy

An important international human rights decision was handed down on 28 April 2023 in a case brought by Leiden Professor Helen Duffy on behalf of Guantanamo detainee and torture

victim *Abu Zubaydah v. the United States, Thailand, Poland, Morocco, Lithuania, Afghanistan and the United Kingdom*. The decision of the UN Working Group on Arbitrary Detention was covered in several media outlets including the [Guardian](#), [Forever Wars](#), the [New York Times](#) and Trouw [here](#) and [here](#).



The UN Working Group on Arbitrary Detention decision is unprecedented in several ways. It contains powerful findings on the unlawfulness of Guantanamo, the lack of justification for ‘law of war’ detention in this context, and the ongoing nature of the unlawful detention and torture of applicant Abu Zubaydah. The UNWG found the applicant was tortured at CIA black sites and unlawful detention sites around the world, with the support of multiple states, and the complicity of the UK that sent questions to be put to him during his torture. In 2006 he was transferred to Guantanamo where he remains in effective incommunicado detention, without charge or trial, leading to him having been labelled the “forever prisoner”. The UN working group found the US as well as 6 other states ‘jointly’ responsible for the violations of his rights.

The UN Working Group explicitly calls for Abu Zubaydah’s release, rehabilitation and compensation, the closure of Guantanamo, and the investigation of what it notes may amount to “crimes against humanity”.

## Letizia presented her research in Amsterdam, Strasbourg, and on a Podcast!

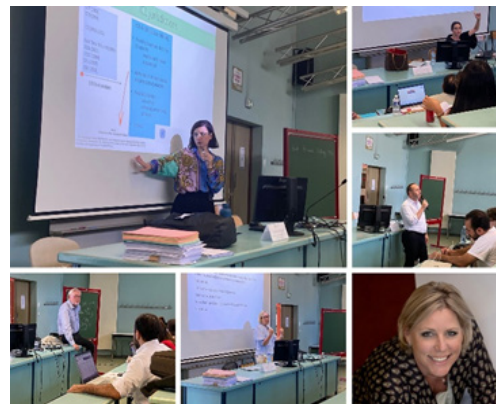
On 9 September 2022, Letizia Lo Giacco presented her work ‘The “Natural” Place of Public Interests in Public International Law’ at the 2-day workshop organized by the University of Amsterdam and the Geneva Graduate Institute (IHEID) in Amsterdam. The workshop gathered participants from all over the world, including Jaye Ellis (McGill), Anna Spain Bradley (Harvard), Moshe Hirsch (Hebrew University), Claire Cutler (University of Victoria), Ntina Tzouvala (Australian National University) and many others. A fantastic opportunity to discuss the ‘natural’ and the ‘naturalised’ in international law!



In the framework of the 52th Summer School of the René Cassin Foundation–International Institute for Human Rights, Letizia Lo Giacco was invited as a guest lecturer on International Criminal Law Jurisdictions. An international crowd of students and practitioners made the experience unique. It was also an opportunity to reunite with old friends and colleagues, including François Roux (former Defense Counsel at the Special Tribunal for Lebanon) and Bill Schabas. Strasbourg in July was magnificent, as it was also the organization of the Summer School, which didn’t leave anything to be desired!

On 22 October 2022, Letizia Lo Giacco’s monograph *Judicial Decisions in International Law Argumentation – Between Entrapment and Creativity* (Hart, 2022) was published (see the book showcase section of this Newsletter). Letizia was further invited to discuss her book for the *Just Theory* Podcast, a NYU-Newcas-

tle-led initiative promoting the work of female scholars around the globe. The recording of this interview will be made available on Twitter, Youtube and Spotify by October 2023 to mark the anniversary of the publication.



*Letizia and other lecturers (including our old colleague Bill Schabas) at the René Cassin Institute.*

## Leiden Hub on the Theory and History of International Law co-organized two guest talks with the Grotius Dialogues

On 19 October 2022, the Leiden Hub on the Theory and History of International Law (in collaboration with the Grotius Dialogues platform) hosted Prof. Maksymilian Del Mar (Queen Mary University London) for his online talk entitled ‘History-Making, Memory-Making, Law-Making: Resources for Thinking the Historiography of Legal Reasoning’.

On 5 June 2022, the Leiden Hub on the Theory and History of International Law (in collaboration with the Grotius Dialogues platform) hosted Prof. MJ Durkee’s talk on ‘The Pledging World Order’. Prof. Durkee is the director of the Dean Rusk International Law Centre of Georgia Law School, a member of the Board of Editors of the American Journal of International Law (AJIL) and a supervising editor of AJIL Unbound. She published in areas of glob-



al governance, lobbying, international organizations, public-private interactions, theories of lawmaking and compliance across different fields of international law, including environmental law, climate change and economic law. A brilliant presentation, an engaging discussion and a true grand finale for our academic year!

### Mamadou Hébié represents Latvia and the African Union in landmark use of force and climate change cases

Dr. Mamadou Hébié served as legal counsel in the world's first advisory proceedings concerning climate change before the International Tribunal for the Law of the Sea (ITLOS), on the one hand, and in the case brought by Ukraine against the Russian Federation before the International Court of Justice (ICJ) with respect to the 2022 war in Ukraine, on the other hand.



Before the ICJ, Mamadou acted as Counsel for Latvia who intervened in the dispute between Ukraine and Russia. Latvia argued that the 1948 Genocide Convention allowed settlement before the ICJ of disputes where a state, alleging the commission of genocide in the territory of another State, uses force against the latter under the pretense of preventing the purported genocide. The Court will deliver its judgment on its jurisdiction no later than February 6, 2024.

Before ITLOS, Mamadou, acting as Counsel and Advocate, presented the arguments of the African Union on the specific obligations of States to adapt to the adverse impacts of climate change on the marine environment under the UN Convention on the Law of the Sea

(UNCLOS). Following the hearings, Mamadou said, *“It was an honor for me to participate in this landmark case and on behalf the African Union. In the case before ITLOS, I argued that the Convention obliged States to carry out scientific research, develop the relevant technology, and adopt practical and legislative measures to address climate change, and that they also have specific obligations not to degrade marine biodiversity, to take measures to ensure its resilience, to allow it to regenerate, and to reach its full potential.”*

Mamadou further clarified that States should cooperate for an effective protection and preservation of the marine environment, including by sharing with developing countries the scientific knowledge, technology and financing necessary for developing countries to adapt to the adverse impacts of climate change. Even more, climate change called for a just and equitable international economic world order that would allow developing countries to mobilise their own resources to participate in the collective effort to protect and preserve the marine environment from the adverse impacts of climate change. The Tribunal is currently expected to deliver its advisory opinion in early 2024. For further information, click [here](#).



*Mamadou presenting the arguments on behalf of the African Union before the ITLOS.*

### Hilde Woker presented her research on the Law of the Sea

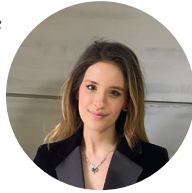
In March 2023, Hilde Woker presented at a high-level conference on the 'Resilience of the UN Convention on the Law of the Sea: 40 Years', organized by the University of Copenhagen. She presented a paper on disagreements between the Commission on the Limits of the Continental Shelf (CLCS) and Submitting Coastal States. Whilst coastal States may have an inherent entitlement to a continental shelf beyond 200 NM, they need to submit technical and scientific information to the CLCS, which will review this data and provide recommendations, upon which coastal States may establish the final and binding limits of their continental shelf entitlements. However, in practice, the CLCS and the submitting coastal States sometimes disagree, and Hilde's presentation analysed these examples and what they indicate about the resilience of the UN Convention on the Law of the Sea.



Hilde also published a book chapter on New Technology and the Protection of the Marine Environment, together with Rozemarijn Roland Holst (Durham University) and Harriet Harden-Davies (University of Wollongong). The book chapter, part of the second edition of the Research Handbook on International Marine Environmental Law (edited by Rosemary Rayfuse, Aline Jaeckel, and Natalie Klein), analyses various types of new technology and their multifaceted relationship to the protection of the marine environment by law. In July, Hilde published a [blog post](#) on EJIL:Talk! reflecting on the recent ICJ Judgment in the continental shelf delimitation case between Nicaragua and Colombia.

María Manuela Márquez Velásquez received the diploma from the Hague Academy of International Law

On 28 July, during the Centenary edition of the 2023 Summer Courses on Public International Law, Grotius PhD candidate María Manuela Márquez Velásquez was awarded the Diploma by the Hague Academy of International Law. Maria is the second Colombian in the history of the Academy to have been awarded this Diploma.



Each year, the Academy awards a maximum of two diplomas to participants demonstrating an extraordinary knowledge of international law who have passed the written and oral components of the exam. For this year's written part, only 12 candidates were chosen, and the exam focused on the humanisation of international law as portrayed by the separate opinion of the late Judge Cançado Trindade in the Mauritius Advisory Opinion. The oral examination, for which four candidates qualified, consisted of a random on-the-spot selected legal issue in Public International Law followed by 20 minutes of questions.

Ida Asscher and Anna Smulders presented their research at the Siracusa International Institute for Criminal Justice and Human Rights

On 3 and 4 March, the 2nd Doctoral Seminar on International Criminal Law, International Human Rights Law, and International Humanitarian Law was held at the Siracusa International Institute for Criminal Justice and Human Rights in Sicily. Ida Asscher and Anna Smulders, both PhD Candidates at the Grotius

Centre for International Legal Studies in Leiden, presented their research there.

Ida presented her research on the nationality deprivation of foreign terrorist fighters in Syria and Iraq. She argued that by depriving foreign terrorist fighters and their family members of their nationality, States are shifting responsibilities, potential security threats, and a burden to counter-terrorism to other states. The practice of nationality deprivation has extensively been researched from the perspective of international human rights law. Ida's presented research, however, focuses on other rules and obligations under public international law that regulate 'buck-passing' through the deprivation of nationality. For example, the obligation to cooperate in combatting terrorism, the obligation to re-admit nationals, and the role of the notion of predominant nationality.



Anna presented her research on the influence of disinformation on the law-science interface, taking on an international human rights perspective for this particular conference. Focusing on 'the right to science', she highlighted problematic aspects of modern-day disinformation, varying from affecting the accessibility and reliability of scientific information, to delaying progress in scientific advancement and threatening the safety of scientists. A lively interaction with the audience and the steering committee provided valuable insights on the way forward concerning the broader question of Anna's research on how information law applies to disinformation.



Leiden Team, coached by Professor Daniëlla Dam-de Jong and Jason Rudall, won two prizes at the Day of Crisis Competition in 2023

Leiden University's team participated in the 2023 edition of the Day of Crisis Competition and emerged as Second Runners Up to the Best Team Award and Second Runners Up to the Best Written Advice Award.

The team consisted of Dina Akbasheva, João Pedro Conceição E Silva Seleme Zandoná, Maria-Evangelia Adamou, Rohan Jain and Vipasha Mishra. Their coaches, Daniëlla and Jason, could not have been more proud of their performance. We wish the team much success in their future endeavours (and life crisis)!



*The Leiden Team of the Day of Crisis Competition 2023 in front of the Peace Palace*



## Kalshoven-Gieskes Forum on International Humanitarian Law

*The participants of the IHL Clinic Exchange Conference of 2023 visiting the building of the ICC.*

The Kalshoven-Gieskes Forum on International Humanitarian Law (“KGF”) is part of the Grotius Centre for International Legal Studies. In 2023, the KGF has remained involved in disseminating the awareness of international humanitarian law through clinical education and the organization of various public events, including the 2023 IHL Clinic Exchange Conference hosted by the KGF in the Hague.

### International Humanitarian Law Clinic

In the Spring term 2023, the KGF offered the Leiden IHL Clinic to 14 students of the regular and advanced LL.M. programmes Public International Law. Under the coordination of Associate Professor Dr. Robert Heinsch, and the direct supervision of KGF researcher Sabrina Rewald and PhD candidate Johanna Trittenbach, students worked on two different confidential research projects in cooperation with partner organizations working in the humanitarian field. The two in-depth research reports produced by the students will



be of high practical value for the IHL Clinic cooperation partners in their future humanitarian work. Students also significantly developed their academic and professional skills and expanded their network – amongst others during the IHL Clinic Exchange Conference 2023, hosted by the KGF in the Hague.

### IHL Clinic Exchange Conference

In the framework of the Erasmus+ funded project ‘International Humanitarian Law: Research, Education, Dissemination’ (IHL RED), which the KGF is im-



plementing in cooperation with the IHL Clinics at Bochum University (Germany) and Roma Tre University (Italy), IHL Clinic students enjoyed a three-day exchange conference in May 2023 with an exciting programme of lectures, peer-to-peer presentations, networking events, and a visit of the International Criminal Court. This second of three student exchange conferences under the Erasmus+ grant was hosted by the KGF at Campus Wijnhaven and the Clinic Exchange Conference culminated in an IHL Symposium in honour of Professor Dr. Horst Fischer (for details, see p.6 of this Newsletter above).

## IHL Clinic Advancement Conference

The KGF and its partner IHL Clinics at Bochum University and Roma Tre University hosted a one-day hybrid conference in May 2023 with the support of the International Committee of the Red Cross, which served as a multiplier and dissemination event under the Erasmus+ grant for the IHL RED consortium. The Clinic Advancement Conference provided a platform for IHL Clinic staff, humanitarian organisations and actors, and academics who are interested in innovative teaching of IHL to engage with one another, in recognition of the role that IHL Clinics play in the teaching, application, and dissemination of IHL. Participants from around the world valued this opportunity to discuss best-practices regarding clinical legal education of IHL, received peer-support in their endeavours to set up more IHL Clinics, and had the opportunity to connect with further cooperating partners to enable future research-driven and impact-oriented teaching of IHL.

## Satellite Imagery for Humanitarian Purposes

On 3 February 2023, the KGF co-hosted an inter-disciplinary public event together with the International Institute of Air and Space Law (IIASL) of Leiden University.



Moderated by Assitant Professor Tanja Masson-Zwaan, Deputy Director of the International Institute of Air and Space Law (IIASL), the seminar invited practitioners, academics, and technical and industry experts to contribute to a discussion on legal and technological developments regarding the optimization of satellite information for human rights and humanitarian purposes. The seminar included, among others, speakers from the EU Agency

for the Space Programme (EUSPA), the European Space Agency (ESA), the Netherlands Space Office (NSO). KGF researcher Sabrina Rewald provided an introduction to mobilizing satellite imagery for international accountability, incorporating lessons from the KGF project on Digitally Derived Evidence (DDE), the 'Leiden Guidelines on the Use of DDE', and former KGF student assistant Bas Jacobs discussed admissibility of satellite evidence at the International Criminal Court. A report of the seminar is available online on the IIASL and KGF websites, and will serve to further develop an inter-faculty project on the subject.

## Application of the Leiden Guidelines on Digitally Derived Evidence

Associate Professor Robert Heinsch and KGF researcher Sabrina Rewald continued to disseminate research findings of the multi-year IHL Clinic project on Digitally Derived Evidence (DDE). Having been initiated in 2019 by KGF Director Robert Heinsch and Dr. Emma Irving, the project culminated in the 'Leiden Guidelines on the Use of Digitally Derived Evidence', which are used by practitioners around the world in the prosecution of international crimes. In response to requests for in-depth training on legal questions surrounding the use of DDE and the application of the Leiden Guidelines, KGF staff engaged with various practitioners in recent months. The database for the Leiden Guidelines is available here: <https://leiden-guidelines.com>.



For example, on 17 March 2023, Associate Professor Robert Heinsch and KGF researcher Sabrina Rewald delivered an overview of the Leiden Guidelines on the Use of Digitally Derived Evidence to members of the Iraq Bar Association and the Kurdish Bar Association attending TAG International (Torchtlight and Axiom Group)'s

Pan-Iraq Defence Lawyer Conference, hosted by the British Consulate Erbil. With a view to the role digitally derived evidence can play in national courts, the KGF outlined how the Leiden Guidelines can assist legal practitioners as a best practice guide for the use of, and reliance on, digitally derived evidence in line with fair trial standards. Another instance of dissemination work focussed on mobilizing digitally derived evidence for human rights and accountability purposes is KGF researcher Sabrina Rewald's presentation on the Leiden Guidelines on DDE to the Belgian group of the International Society for Military Law and the Law of War on 20 September 2023 in Bruges, Belgium.

## Advancing Innovative Teaching of IHL

KGF staff are involved in various networks aimed at enhancing research-driven and impact-oriented teaching of IHL, specifically in the form of IHL Clinics. On 15 June 2023, Associate Professor Robert Heinsch and PhD candidate Johanna Trittenbach attended a conference hosted by Roma Tre University (Italy) and the European Society of International Law (ESIL). KGF Director Robert Heinsch shared experiences from the Leiden IHL Clinic in his presentation 'Supporting the Creation of Legal Clinics'. Moreover, the conference provided the opportunity to share best-practices and engage with clinicians from across Europe who provide practice-oriented teaching in other fields of international law, such as Trade Law, EU Public Interest, International Human Rights Law, Refugee/Migration Law, Climate Change and Sustainability Law, and International Administrative Law (represented by the Grotius Centre's Assistant Professor Daniel Peat and the newly founded Leiden International Administrative Law Clinic, see below).



All the graduates from the LL.M. Adv. International Dispute Settlement and Arbitration 2022-2023, 30/8/2023

## Leiden International Administrative Law Clinic

The 2022-2023 academic year marked the launch of a new clinic at the Grotius Centre, the Leiden International Administrative Law Clinic. The Clinic is directed by Dr. Daniel Peat and is run in partnership with the United Nations Office of Staff Legal Assistance (UN OSLA). Throughout the year, clinical students get the chance to work with UN OSLA lawyers on complaints brought by staff members against the UN, including disputes before the UN Dispute Tribunal and the UN Appeals Tribunal.

This year, Askhit Mago, Aarushi Sahrawat, and Maria Puche Andreu participated in the Clinic. In the words of Akshit:

*“This experience allowed me to bridge the gap between theoretical knowledge and real-world practice, enabling me to make a meaningful impact on the lives of individuals serving the international community.*

*From the outset, engaging with administrative law matters exposed me to intricate legal frameworks governing the employment and working conditions of staff members serving the UN and its specialised agencies. This expo-*

*sure deepened my understanding of the UN system and the crucial role of administrative law in maintaining a fair and just workplace for international civil servants. My responsibilities included conducting legal research and preparing legal memoranda. Furthermore, I was encouraged to actively participate in case discussions, offering my insights, and contributing to the team’s strategies.*

*As I reflect on my enriching journey with the Clinic, I am filled with gratitude for this unique opportunity to work with OSLA that proved to be an invaluable part of my academic and personal growth. The exposure to administra-*

*tive law issues within the UN and collaboration with exceptional legal minds have fortified my resolve to make a lasting impact in international law.”*

The Clinic will continue its partnership with UN OSLA for the 2023-2023 academic year, as well as starting a new project on AI and International Administrative Law in conjunction with colleagues at Queen’s University in Canada. Any queries about the Clinic should be directed to Dr. Daniel Peat: [d.c.peat@law.leidenuniv.nl](mailto:d.c.peat@law.leidenuniv.nl).



## International Institute of Air and Space Law

*The Leiden team competing in the 14th Leiden-Sarin International Air Law Moot Court Competition, 12/5/2023*

The International Institute of Air and Space Law (IIASL) is one of the leading international academic research and teaching institute specialising in legal and policy issues regarding aviation and space activities. In 2023, the IIASL remained active in hosting moot court competitions, holding conferences and lectures to disseminate knowledge, and promoting research and teaching on aero-space law.

### 14th Leiden-Sarin International Air Law Moot Court Competition, Leiden

For the first time, the Leiden-Sarin International Air Law Moot Court Competition was held in Leiden. Teams from fourteen countries competed and the team from McGill University, Canada, won. Alumni from all over the world joined as judges and gathered for a memorable dinner. The Leiden team represented by LL.M students Anmol Dhawan, Haoyue Deng and Nana Agyeman Abu-Bonsra won the Best Oral Respondent Arguments. Anmol Dhawan also won the Best Oralist Award. A conference on 'Aviation Cybersecurity' preceded the competition, followed by a reception hosted by the Mayor of Leiden.

### Manfred Lachs Space Law Moot Court Competition

In 2023, the Leiden University team was among the semi-finalists of the European regional round, which took place in Jaen, Spain. The team was composed of LL.M students Lilith Salisbury, Bas Jacobs, and Roshan Menon. They were coached by Dimitra Stefoudi, IIASL PhD candidate and Dr. PJ Blount from Cardiff University, UK.

### LDE Thesis Lab on Circulaerospace

The IIASL delegated a student to the Circulaerospace thesis lab of the LDE Centre for Sustainability in cooperation with Airbus, on

transforming technology, digital innovations, and alternative business models towards sustainable aerospace. IIASL student Anusha Mascarenhas took part and wrote her thesis on 'Envisioning the Future of Aviation Product Liability in the European Union Through the Lens of Circular Economy'.

### Leiden – McGill Air and Space Law PhD Colloquium

The first colloquium between the PhD candidates in air and space law of IIASL and the McGill Institute of Air and Space Law resulted in fruitful discussions and will be followed up in the future.

## Leiden Aviation Roundtable Series

The IIASL launched its Leiden Aviation Roundtable series, bringing together a diverse group of aviation professionals and academics to engage in critical discussions over innovation and the pressing regulatory and market challenges for aviation and society in the Netherlands, the EU and the wider world.

## Starter Grant

Dr. Benjamyn I. Scott was awarded a Leiden Law School Starter Grant for research in on innovative air mobility, including drones and UAV. Ms. Öykü Kurtpınar was hired as a PhD candidate to support this research.



## Artemis Accords

Dr. Tanja Masson-Zwaan joined the official Dutch delegation for the signing of the 'Artemis Accords' for lunar exploration at the Dutch embassy in Washington DC, in the presence of the NASA Administrator. The contribution of the Hague International Space Resources Governance Working Group, hosted by IIASL from 2016 to 2019, was recognised in a speech by the Executive Secretary of the National Space Council. Leiden alumnus Steve Mirmina, sr. attorney at NASA, also joined the event.



## The Hague Space Diplomacy Symposium, The Hague

The Hague Space Diplomacy Symposium was hosted by the Institute of Security and Glob-

al Affairs of the Faculty of Governance and Global Affairs (FGGA), in collaboration with IIASL and Northeastern University's Center for International Affairs and World Cultures. It coincided with the launch of a Special Issue on Space Diplomacy of The Hague Journal of Diplomacy. Dr. Tanja Masson-Zwaan moderated one of the sessions.

## European Aviation Conference, Luxembourg

Prof. Steven Truxal and IIASL PhD candidate Yuran Shi attended the European Aviation Conference at the University of Luxembourg. Prof. Truxal debated – and won – the Mike Trethaway debate on aviation liberalisation and gave a keynote at the annual research day. Yuran Shi presented a paper on 'Labour and Employment in International Aviation Liberalisation'.



## 35th European Air Law Association (EALA) Annual Conference, Stockholm

The annual conference of the EALA took place in Stockholm, Sweden, and was attended by alumni, current students and staff of IIASL. Dr. Scott gave a presentation on 'Urban air mobility: A Dynamic Domain for Defining Standards' and alumnus Stamatis Vassilopoulos won the First Prize for his paper on 'EU Regulation 712/2019 and the New EU Aviation Strategy'.

## Paris Peace Forum, Paris

Dr. Tanja Masson-Zwaan attended the 6th Paris Peace Forum and joined a panel on 'Governing In- & On-Orbit Activities: A Path Towards Space Traffic Coordination', while IIASL PhD candidate Christopher Johnson served as a

panellist on 'Fostering Lunar Policy Priorities for Safe and Sustainable Lunar Development'.

## COPUOS study trip, Vienna

The Adv. LL.M. students travelled to the UN in Vienna to attend part of the session of the COPUOS Legal Subcommittee in Vienna. This is an outstanding opportunity for students to meet their national delegations and observe the process of space law-making in the global context.

## LDE NL Space Campus Summer School

The LDE NL Space Campus Summer School is hosted and funded by the LDE Universities and Stichting NL Space Campus. During the one-week programme, students will meet and learn about various space programmes, developments and (research) activities at the LDE universities and visit space agencies, institutes and industry, such as ESA-ESTEC, SRON, TNO, and Airbus. The group also visits the law school, where a lecture on space law is provided for the participants.

## Cislunar Security Conference, USA

IIASL PhD candidate Christopher Johnson presented on the international legal order for the Moon and cislunar security scenarios at the 2023 Cislunar Security Conference at the Johns Hopkins University Applied Physics Laboratory.



## Geospatial World Forum, Rotterdam

IIASL PhD Candidate Dimitra Stefoudi joined a panel on ‘Space sustainability and threats to geospatial assets and data’ during the Geospatial World Forum in Rotterdam. She spoke about the importance of space sustainability in maintaining a safe environment for satellites in orbit and the data applications they enable, primarily through remote sensing imagery, geolocation signal, and connectivity services. She also highlighted how space technology contributes to sustainability on the Earth by enabling, among others environmental and climate change monitoring.



## International Astronautical Congress (IAC) in Baku

Dr. Tanja Masson-Zwaan and Dimitra Stefoudi attended meetings, chaired sessions and presented papers at the annual IAC in Baku, Azerbaijan. Several alumni also attended.

## Innovate Your Space Symposium, TU Delft

IIASL PhD Candidate Dimitra Stefoudi gave a pitch talk on space big data during the Innovate Your Space Symposium on ‘Big data from space vs. lean information on the Earth’, organised by DSI, TNO, and SRON in Delft. She spoke about the legal implications of the collection and dissemination of satellite data, which serve a plethora of data-driven applications.

## International Conference on Unmanned Aircraft Systems, Warsaw

The International Conference on Unmanned Aircraft Systems (ICUAS) was held at Lazarski University in Warsaw. Dr. Benjamyn I. Scott served as Programme Chair tasked with increasing the participation of legal and regulatory speakers. IIASL PhD candidate Yuran Shi presented a paper on labour law-related matters facing unmanned aviation.



## ISU Space Studies Program, Brazil

Tanja Masson-Zwaan gave several ‘Core Lectures’ on space law at the Space Studies Program of International Space University in São José dos Campos, Brazil.

## ILA Workshop on the Legal Framework of Suborbital Flights, Vienna

Dr. Tanja Masson-Zwaan and Dr. Benjamyn Scott contributed to a workshop on the Legal Framework of Suborbital Flights – Perspectives from Air and Space Law, organised by the University of Vienna in the context of a study undertaken by the Space Law Committee of the International Law Association, of which Tanja Masson-Zwaan is a member.



*IIASL PhD candidate Yuran Shi presented a paper on labour law-related matters facing unmanned aviation*





*The Adv. LL.M. students attended part of the session of the COPUOS Legal Subcommittee in Vienna.*



*Dr. Tanja Masson-Zwaan at the signing of the 'Artemis Accords', Dutch Embassy in Washington DC*

# Grotius Dialogues 2023



*Photo from the Grotius dialogue on 'Ideology and Mass Killing', 21/2/2023*

The Grotius Dialogues provide a forum for the Grotius Centre-affiliated researchers and researchers from other institutions to present their current research and obtain feedback from academic colleagues. In 2023, the Grotius Centre was proud to host the following dialogues:

- > 21/2/2023, **Dr. Jonathan Leader Maynard (King's College London)**- Ideology and Mass Killing
- > 5/6/2023, **Professor Melissa J Durkee (Georgia Law School)** - Pledging World Order (in collaboration with the Leiden Hub on the Theory and History of International Law)
- > 15/6/2023, **Dr. Fidelma Donlon (Kosovo Specialist Chambers)** - Meeting with the KSC Registrar
- > 28/9/2023, 16:00-17:30, **Professor Terry Gill (University of Amsterdam)**- The Use of Force and the International Legal System (WH 3.18)
- > 10/10/2023, 16:00-17:30, **Dr. Jason Rudall (Leiden University)** - The Fullness of Full Reparation for Flora and Fauna (WH 2.59)
- > 11/9/2023, 9:15-11:00, **Professor Yvonne Mcdermott Rees (Swansea University)** - The True Project: Trust in User-Generated Evidence - Analysing the impact of Deepfakes on Accountability Processes for Human Rights Violations (KOG B0.20)
- > 23/11/2023, 11:15-12:45, **Dr. Hilde Woker (Leiden University)** - The law-science interface within the law of the sea (KOG A0.02)



## Grotius Outreach in 2023

*Students participating in the Introduction to International Criminal Law Summer Course, 10/7/2023*

In the summer of 2023, the Grotius Centre welcomed students, practitioners, and academics from all around the world to the Hague for various summer schools and two international moot court competitions, the IBA ICC Moot Court Competition and the Telders Moot Court Competition.

The Grotius Centre hosted various successful summer programmes in 2023!

The Grotius Centre had a busy summer, welcoming 180 international participants from 52 countries to its four summer courses: International Arbitration offered in partnership with the Permanent Court of Arbitration (26 – 30 June), International Humanitarian Law in Theory and Practice offered together with the Kalshoven-Gieskes Forum on International Humanitarian Law (3 – 7 July), International Criminal Law: From Theory to Practice (10 – 21 July), Sexual Orientation and Gender Identity in International Law: Human Rights and Beyond (25 July – 4 August). In addition, the Grotius Centre hosted the 6th edition of the one-month residential programme – the

Duke-Leiden Institute in Global and Transnational Law (19 June – 19 July).

These courses, ranging from one to four weeks in duration, were taught by the Centre's academic staff, as well as guest lecturers with extensive experience in their respective fields. Furthermore, participants in all courses had the opportunity to visit the international courts and tribunals in The Hague, including the International Criminal Court, the Permanent Court of Arbitration, and the International Residual Mechanism for Criminal Tribunals.

Here is what participants had to say about the 2023 Grotius Centre Summer Programmes:

*“The IHL Summer Programme is a life-chang-*

*ing experience. It's so much more than simply attending lectures and learning about IHL; it's also about building a network and meeting people from all over the world.”*

*“It is difficult to put into words just how wonderful this journey has been for me. The memories created and the lessons learned will forever hold a special place in my heart.”*

*“The Programme was very instructive and enjoyable. The interactive and engaging sessions provided valuable insights into issues on grey areas and the latest developments in international arbitration. Meeting the Secretary General of the PCA was a true honor and one of the highlights of the course”.*

*“The Summer Course on International Crim-*

*inal Law took me on a journey from theory into practice. The topics discussed breathed life into the provisions of the Rome Statute, and the opportunity to tour the tribunals and witness how the justice mechanism operates is nothing but surreal. The summer course also gave me the privilege to meet legal luminaries in the field of International Criminal Law and bask in their experience, as well as draw inspiration from their erudition. The moot court exercise and advocacy training supplied insight into the actual practice of International Criminal Law. The summer course provided a healthy forum for healthy and engaging discussion among like-minded individuals from across the globe with different backgrounds. Lastly, to experience the wonder and beauty of The Hague during summer is a blessing I will forever cherish. I personally express my gratitude to the members of the Grotius Centre for organizing this meaningful endeavor.”*

*“My experience at this summer school went far beyond my expectations. It was not only rewarding and eye-opening, but it also gave me a chance to gain firsthand experience of the diverse student pool at Leiden’s courses. It helped me improve my understanding of theory by increasing access to witnessing practice. I am really grateful to the program managers for always helping to clarify my queries and being so friendly. I look forward to attending another program next year, and fingers crossed our paths shall cross!”*

**Leiden University cooperated with UC Santa Clara in hosting the Summer Programme in International Criminal Justice in August 2023**

From 22 August to 2 September 2023, the Grotius Centre for International Legal Studies cooperated with UC Santa Clara University School of Law’s Center for Global Law & Policy in hosting a two-week Summer Programme in International Criminal Justice. Dr. Jens Iverson and PhD candidate Ocean Lam were together involved in providing 12 hours of lectures on the basics of international criminal law to JD students from the US.

During the two-week programme, the students had the chance to visit various international organizations based in the Hague, including the International Criminal Court, the Kosovo Specialist Chambers, the International Court of Justice, and the International Residual Mechanism for Criminal Tribunals (IRMCT). The students also had the experience of being present in the courtroom, hearing the reading of the appellate judgment in the last ICTY case of Stanišić and Simatović, and visiting the Headquarters of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the Hague!

**Grotius Centre successfully held a joint programme on International Environmental Law and Policy with Vermont Law School (US)**

Grotius colleagues Daniëlla Dam-de Jong, Jens Iverson, Anna-Alexander Marhold, Jason Rudall, and Brian McGarry had for the first time delivered a co-taught course between the Grotius Centre and Vermont Law School (US) on International Environmental Law & Policy in March-April 2023. The course was well received by US students. The course will be delivered again this academic year.

*Right: Students from the Summer Course of International Criminal Law visiting the International Residual Mechanism for Criminal Tribunals in the Hague.*



*Above: Students from the Summer Course of International Arbitration visiting the Permanent Court of Arbitration at the Peace Palace in the Hague.*

## Leiden University successfully hosted the 46th edition of the Telders International Law Moot Court Competition

From 15 until 17 June 2023, the 46th edition of the Telders International Law Moot Court Competition took place in The Hague. The Telders Supervisory Board and the Telders Organizing Office were beyond pleased to welcome 25 teams in person, after two years of online mooting. The 2023 Case, *Brackfish is Served*, written by our colleague Dr. Brian McGarry, touched upon various areas of international law, with a specific focus on issues such as the jurisdiction of international courts, the nullity of arbitral awards, the law of treaties, state responsibility, food security, and the law of the sea. The teams prepared written memorials to address these issues and subsequently exchanged their views during the Oral Rounds at the Campus The Hague on 15 and 16 June.

The Final Round took place in the Great Hall of Justice on 17 June with Final Round Judges Hillary Charlesworth, Meg DeGuzman and Martin Doe, and the finalist teams from Heinrich-Heine Universität Düsseldorf and Leiden University. After a very exciting Final Round, Judge Charlesworth presented the Telders Award to the winning team from Leiden University. The team from Düsseldorf won the Max Huber Award for obtaining the highest overall score at the competition.

The Supervisory Board and the Telders Organizing Office wish to express their gratitude to all Members of the International Board of Review, the Judges of the Oral Rounds and the Final Round for their involvement and support. We also thank Dr. Brian McGarry for his efforts as this year's case author. We look back on a successful 46th edition of the competition!

## Leiden University successfully hosted the IBA ICC Moot Court Competition of 2023 in the Hague

The 2023 edition of the International Bar Association (IBA) International Criminal Court (ICC) Moot Court Competition concluded with resounding success, solidifying its reputation as the premier global platform in International Criminal Law for aspiring legal professionals. The competition, held annually, celebrated its 10th year by showcasing the brightest legal minds from around the world.

Under the overarching theme of 'ecocide' as a crime before the International Criminal Court, the competition drew participants from diverse backgrounds and universities worldwide. Teams exhibited remarkable legal acumen, impressive advocacy skills, and a deep understanding of complex legal issues throughout the rigorous competition.

Key highlights of the 2023 IBA ICC Moot Court Competition include:

- Global Participation: 83 teams from 49 countries participated, fostering international legal cooperation and networking opportunities.
- High-Stakes Simulation: Participants navigated intricate international criminal law scenarios, addressing pressing issues in the field.
- Expert Adjudicators: Distinguished judges from the legal community, including ICC officials and renowned legal scholars, ensured a fair and rigorous evaluation process.
- Memorable Final Round: The championship round hosted by the International Criminal Court witnessed a fiercely contested battle between Maastricht University (the Nether-

lands), Université libre de Bruxelles (Belgium), and Universidade Federal da Bahia (Brazil), with Universidade Federal da Bahia (Brazil) emerging as the victors, showcasing remarkable teamwork and legal prowess.

The success of the 2023 IBA ICC Moot Court Competition underscores its vital role in nurturing future legal leaders and fostering a deeper understanding of international criminal law. We extend our heartfelt congratulations to all participants, organizers, and sponsors for making this event a triumph for the legal community.

For further information, please visit [www.iccmoot.com](http://www.iccmoot.com).



*Above: Universidade Federal da Bahia (Brazil) won the IBA ICC Moot Court Competition of 2023*



## ESIL Annual Conference Aix-en-Provence

*Part of the big Leiden delegation in front of Building Portalis at l'université d'Aix-Marseille, 31/8/2023*

Leiden University sent a big delegation to the European Society of International Law (ESIL)'s Annual Conference held in Aix-en-Provence from 31 August to 2 September 2023. Various staff members presented their research on various topics, which enriched the academic discussion surrounding the main theme of this year's conference: *Is International Law Fair?*

Grotius members remained active in presenting their research at the Conference!

As in previous years, the staff members from Leiden University had been active in participating in the annual conference of ESIL. This year, various staff members have been invited to speak and participate in different fora and agoras of the main conference. Dr. Brian McGarry presented his paper, titled 'Balancing Three Plates on the Scales of Justice: Intervention and Procedural Fairness in Inter-State Litigation' at the Agora on Fairness and International Litigation on 1 September 2023. Similarly, Professor Carsten Stahn presented on the topic 'Plus ça change, plus c'est la même chose? Impunity Discourse and Typologies of Victor's (In)Justice from WWII

to Ukraine' at the Agora on Conceptualizing Fairness and International Criminal Justice on 1 September 2023. Both presentations were well-received and stimulated thought-provoking discussions both amongst the panelists and with the audience.

Grotius staff members and PhD researchers were also members of various ESIL interest groups, which covered a wide range of research interests, ranging from International Economic Law to Peace and Security, and the History of International Law. In August, Dr. Anna-Alexander Marhold, as the co-convenor for the ESIL Interest Group on International Economic Law, organized a two-day pre-conference workshop on 'Fair-

ness in International Economic Law' in the framework of the ESIL Annual Conference in Aix-en-Provence. She chaired the second session, which discussed the different facets of fairness in International Trade Law. Amongst others, Runar Lie presented his paper in this workshop, titled 'Ghosts of the Past: The Dominance of Older Treaty Language in International Investment Arbitration', which was subsequently awarded the ESIL Young Scholar Prize of 2023.

Dr. Cecily Rose chaired an interest group workshop on 'New International Courts and Tribunals.' The first panel focused on new institutions and methods in the areas of the environment and the law of the sea, namely

proposals for an international court for the environment and the dispute settlement provisions of the BBNJ Treaty. The second panel focused on new institutions in business and human rights, investment and trade; namely the Meta/Facebook Oversight Board, the WTO's MPIA (multi-party interim appeal arbitration arrangement), and the proposal for a multilateral investment court. Cecily organized the event with the other co-conveners of the ESIL interest group on international courts and tribunals, Michael Becker, Stephan Wittich and Yusra Suedi.

At the same time, two Grotius PhD candidates presented their research on two different topics: Ms. Ida Asscher, LL.M. presented her paper, titled 'Buck-Passing through the deprivation of nationality: an unfair practice

regulated by international law' at the Peace and Security Interest Group on 31 August 2023. On 31 August 2023, Mr. Ocean Lam, LL.M. presented his paper, 'Unequal Treaties: revisiting China's approaches toward colonial injustice' at the ESIL Interest Group on the History of International Law. Both presentations showcased the wide spectrum of research conducted within the Grotius Centre to the academic audience. It also allowed early career scholars to receive useful and constructive feedback from their academic peers and build useful connections amongst scholars based in different parts of Europe who nonetheless shared similar research interests.

Apart from engaging in scholarly discussions, Grotius staff members and researchers also enjoyed a strong presence at various activ-

ities organized by the ESIL and l'université d'Aix-Marseille in the beautiful city of Aix-en-Provence, including the Early-Career Drinks at the terrace of Le Vieux Tonneau on 31 August 2023 and the conference dinner at the Aquabella restaurant, located in the central part of the old town on 1 September 2023. All the members of the Grotius delegation wish to extend our sincere gratitude to the organizers of this year's conference!



*The Grotius delegation at the conference dinner at the Aquabella restaurant, 1/9/2023*



## PhD Defences

In 2023, the Grotius Centre witnessed three PhD researchers received their doctorates. We would like to express our sincere congratulatory to John William Hak, Tanja Masson-Zwaan, and Wanlu Zhang!

John William Hak KC

### **Non-textual Evidence in International Criminal Prosecutions Discovering the Best Practices for Audiovisual Materials in a Digital Age**

John's thesis examines the use of non-textual evidence in international criminal prosecutions. This evidence frequently emanates from open source locations where the quality and legitimacy of the images are suspect. Further, the use of artificial intelligence to create deepfakes and other misleading images impedes the search for truth. This work conducts an in-depth exploration of the use of non-textual evidence for proof and didactic purposes and emphasizes the need for im-



proved visual literacy among counsel and the court. It identifies and explores existing challenges in the creation, acquisition, processing, and use of this evidence, and makes recommendations for how those challenges might be profitably addressed. The role of forensic analysis in image authentication, the detection of image forgery, and the assessment of image content is examined. This work examines emerging technical frontiers and advanced visual representations in atrocity crime prosecutions. It concludes with policy and practice recommendations for improving the current legal approach to the authentication and use of non-textual evidence at the ICC. Significantly, this work makes targeted recommendations for how to transcend the status quo to push the use of non-textual evidence to the next level in international criminal justice.

Tanja Masson-Zwaan

### **Widening the horizons of outer space law**

In February 2023, IIASL staff member Tanja Masson-Zwaan defended her PhD thesis. Prof. Mendes de Leon was her promotor, and Prof. Truxal served as Secretary of the PhD committee.



The character of the use and exploration of outer space has changed dramatically since the first artificial satellite was launched in 1957. This research addresses whether the existing international legal framework for space activities adequately regulates current and future challenges and opportunities of the use, exploration and exploitation of outer space, and if



not, how this can be remedied. It answers these questions in a series of published articles. Although the legal framework that was adopted by States since the 1960s is of immense value and must be preserved, the rapid pace at which technology advances and the increase and variety of actors in this field imply that it cannot address all challenges and opportunities in a sustainable, safe and secure manner. The existing legal framework must be clarified and supplemented, and the adoption of soft law, guidelines, resolutions at international and regional level, as well as the reinforcement of national frameworks and industry best practices seems the most pragmatic way forward. Outer space is an international realm and in formulating future space law it is essential to strive for a set of common rules of behaviour, including the views and needs of all stakeholders.

Wanlu Zhang

**Protection of aviation security through the establishment of prohibited airspace**



Supervised by Prof. Truxal and Dr. Heinsch, Wanlu's

study focuses on how to establish prohibited airspace over conflict zones and endeavours to address the conditions and legal requirements for establishing prohibited airspace, to determine who has jurisdiction to establish prohibited airspace, and to define how the status quo with respect to prohibited airspace can be changed to enhance aviation security. The establishment of prohibited airspace concerns on the one hand, the principle of air sovereignty, agreed by governments and recognized in Article 1 Chicago Convention, and on the other hand, the object of agreeing on this principle to “develop international civil aviation in a safe and orderly manner”. The threads running through the chapters are the themes of sovereignty, jurisdiction, and territory.

# Grotius Centre Working Paper

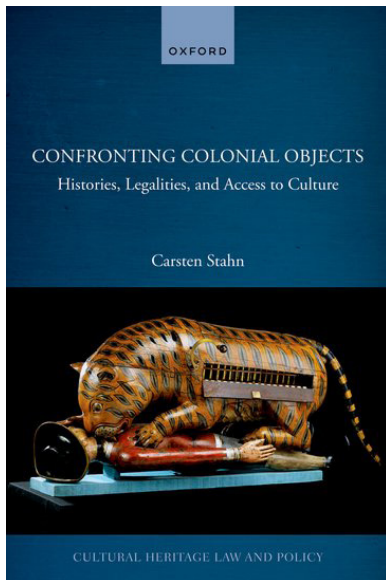
In 2023 the following publications were published in the Grotius Centre Working Paper Series:

- **Grotius Centre Working Paper 2023/102-PIL:** Sze Hong Lam, ‘Unequal Treaties: Revisiting China’s Approaches Toward Colonial Injustice’
- **Grotius Centre Working Paper 2023/103-PIL:** Cecily Rose and Daniel Peat, ‘The Changing Landscape of International Law Scholarship’
- **Grotius Centre Working Paper 2023/104-PIL:** Cecily Rose, ‘Magnitsky Sanctions, Corruption, and Asset Recovery’



## Book Showcase

*Photo of the launch of the 'Research Handbook on International Law and Environmental Peacebuilding', 20/9/2023*



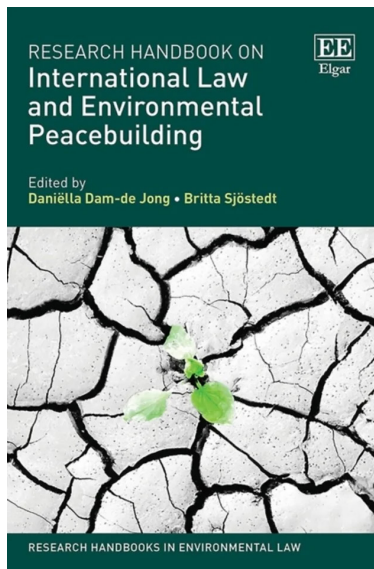
## Carsten Stahn

*Confronting colonial objects: histories, legalities, and access to culture. Cultural Heritage Law and Policy*

The book shows that cultural takings were material to the colonial project throughout different periods and went far beyond looting. It presents micro histories and object biographies to trace recurring justifications and contestations of takings and returns while outlining the complicity of anthropology, racial science, and professional networks that enabled colonial collecting. The book demonstrates the dual role of law and cultural heritage regulation in facilitating colonial injustices and mobilizing resistance thereto.

Drawing on the interplay between justice, ethics, and human rights, Stahn develops principles of relational cultural justice. He challenges the argument that takings were acceptable according to the standards of the time and outlines how future engagement requires a re-invention of knowledge systems and relations towards objects, including new forms of consent, provenance research, and partnership, and a re-thinking of the role of museums themselves. Following the life story and transformation of cultural objects, this book provides a fresh perspective on international law and colonial history that appeals to audiences across a variety of disciplines.

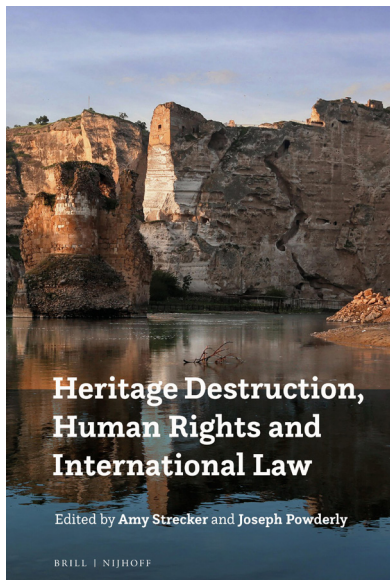
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Daniëlla Dam-de Jong and Britta Sjöstedt (eds)

*Research Handbook on International Law and Environmental Peacebuilding*

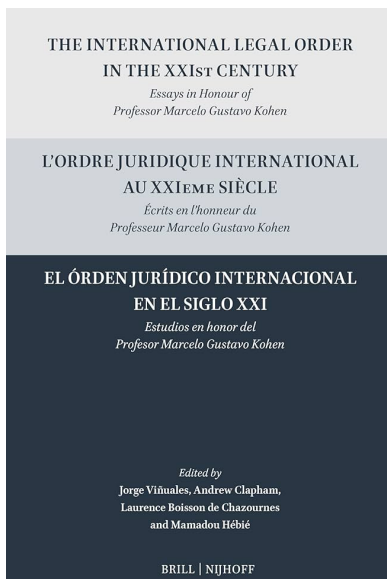
This Research Handbook addresses the growing recognition within the international law community that natural resource governance and environmental protection are crucial aspects of peace processes, both as a security imperative and as an opportunity for peacebuilding. Examining the impact of international normative and institutional frameworks on environmental peacebuilding, this Research Handbook features contributions from distinguished experts and global case studies on integrated legal approaches to the governance of natural resources. Chapters examine the role of international legal obligations on fair and equitable benefit-sharing in environmental protection, the contribution of the UN and other international institutions to environmental peacebuilding, and the nexus between access to environmental services and peacebuilding efforts. The compelling conclusion explores contemporary approaches for improving the inclusivity of environmental peacebuilding, considering the role of gender and indigenous peoples' perspectives. The Research Handbook on International Law and Environmental Peacebuilding will be crucial reading for students and scholars in environmental law, environmental politics and policy, peace and security studies, and public international law. Its comprehensive treatment will also be beneficial to policymakers in international environmental and peacebuilding organizations.



Joseph Powderly and Amy Strecker (eds)

*Heritage Destruction, Human Rights and International Law*

This book brings together prominent scholars in the fields of international cultural heritage law and heritage studies to scrutinise the various branches of international law and governance dealing with heritage destruction from human rights perspectives, both in times of armed conflict as well as in peace. Importantly, it also examines cases of heritage destruction that may not be intentional, but rather the consequence of large-scale infrastructural development or resource extraction. Chapters deal with high-profile cases from Europe, North Africa, The Middle East, Latin America and the Caribbean, with a substantial afterword on heritage destruction in Ukraine. Several chapters of this edited volume are available for open access.



Jorge E. Viñuales, Andrew Clapham, Laurence Boisson de Chazournes, and Mamadou Hébié (eds)

*The International Legal Order in the XXIst century: essays in honour of Professor Marcelo Gustavo Kohen*

This collection of essays celebrating the work of Professor Marcelo Kohen brings together the leading scholars and practitioners of public international law from different continents and generations to explore some of the most challenging issues of contemporary international law. The volume is a testimony of esteem and friendship from colleagues and former students, and it covers a vast expanse, reflecting the width and diversity of Professor Kohen's own contribution. Written in English, French and Spanish, the essays in this volume will appeal to a broad public of academics, practitioners and students of international law from around the world.

# Publications from 2023

## Annotations

- > Schrijver N.J., annotatie bij: EHRM / Grand Chamber, European Court of Human Rights 16 februari 2021, nr. 4871/16, ECLI:CE:ECHR:2021:0216JUD000487116. NJ 2023(12): 1895-1899 (NJ 2023/111 Case note judgment ECHR in case Hanan v. Germany).

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- > Dekker I.F. & Schrijver N.J. (2023), Volkenrecht, *Ars Aequi KwartaalSignaal* 2023(167): 9902-9903 (AAK20239902).
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- > Handel-Mazzetti L., Ramlakhan V., Dam-de Jong D. & Ryngaert C. (2023), CAVV Symposium on Independent Advice on Public International Law, *Netherlands International Law Review* 70(1): 121-136.
- > Helfer L.R., Rose C.E. & Brewster R. (2023), Flexible institution building in the international anti-corruption regime: proposing a transnational asset recovery mechanism, *American Journal of International Law* 117(4): 559-600.
- > Lahmann H. (2023), The plea of necessity in cyber emergencies: unresolved doctrinal questions, *Nordic Journal of International Law* 92(3): 422-445.
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- > Le Moli G. (2023), Beyond externalities: human rights as a foundation of entitlements over energy resources, *Journal of International Economic Law* 26(4): 649-662.
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## Book

- > Stahn C. (2023), *Confronting colonial objects: histories, legalities, and access to culture. Cultural Heritage Law and Policy*. Oxford: Oxford University Press.

## Book Chapters

- > Bruijnen B. de & Scott B.I. (2023), Airports and aerodromes. In: Masutti A. & Mendes de Leon P. (red.), *Elgar Concise Encyclopedia of Aviation Law*. Elgar Concise Encyclopedias in Law. Cheltenham: Edward Elgar. 114-117.



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