



Amsterdam Center for International Law

Annual Report

2012

CONTENTS

List of Abbreviations	3
Foreword	4
A. The ACIL.....	5
1. Objective(s) and Research Areas.....	5
1.1 Mission and Objectives of the ACIL	5
1.2 Research Area and Programmes	6
1.3 Organisation and Leadership	6
2. Composition	7
2.1 Research Staff	7
2.2 Sources of Funding.....	7
3. Research Environment and Embedding.....	8
3.1 National and International Positioning.....	8
3.2 Guest Researchers.....	9
4. Output	10
5. Earning Capacity.....	11
6. Academic Reputation.....	13
7. Societal relevance: Quality, Impact and Organisation.....	13
8. Next Generation	14
9. Strategy.....	14
B. The ACIL Research Programmes	16
1. The International Rule of Law	16
1.1 General Information.....	16
1.2 Research Area and Objective	17
1.3 Research Input	18
1.4 Programme Development	19
1.5 Research Output	22
2. The Role of Law in Armed Conflict and Peace Operations.....	41
2.1 General Information.....	41
2.2 Research Area and Objective	41
2.3 Research Input	42
2.4 Programme Development	42
2.5 Research Output	44
Annex 1 – Ph.D. Research at the ACIL in 2012.....	48

List of Abbreviations

ACIL	Amsterdam Center for International Law
COST	European Cooperation in the field of Scientific and Technical Research
DOMAC	Impact of International Criminal Procedures on Domestic Criminal Procedures in Mass Atrocity Cases
ERC	European Research Council
ESF	European Science Foundation
fte	Full-time employment
HiiL	Hague Institute for the Internationalisation of Law
ILDC	International Law in Domestic Courts
KNAW	<i>Koninklijke Nederlandse Akademie van Wetenschappen</i> (Royal Netherlands Academy of Arts and Sciences)
LACPO	Law in Armed Conflict and Peace Operations
NVAO	<i>Nederlands-Vlaamse Accreditatieorganisatie</i> (Accreditation Organisation of the Netherlands and Flanders)
NWO	<i>Nederlandse Organisatie voor Wetenschappelijk Onderzoek</i> (Netherlands Organisation for Scientific Research)
SHARES	Shared Responsibility in International Law
THIGJ	The Hague Institute for Global Justice
VSNU	<i>Vereniging van Universiteiten</i> (Association of Universities in the Netherlands)

Foreword

The ACIL continued in 2012 its two Research Programmes – The International Rule of Law and The Role of Law in Armed Conflict and Peace Operations. The Programme of the International Rule of Law is since 2008 a research focal point of the University of Amsterdam. In 2012, the Board of the University of Amsterdam presented its evaluation of all its research focal points, among which the ACIL Programme on the International Rule of Law. The Board assessed the programme very positively in terms of the relevance of the programme and the achievement of the proposed aims. In light of this, it prolonged the programme as focal point, although it recommended for reasons of sustainability to try to increase the amount of research fte input from the first flow of funding. In these times of decreasing budgets this will be an important challenge.

In 2012 the productivity of the researchers in the two ACIL Programmes was again high, not only in terms of publications, many of which are academic publications in leading journals and books – but also in terms of academic and outreach meetings and events organized. Bearing in mind that most researchers also have a heavy teaching load, this should be commended.

Worth mentioning are further the five dissertations that were defended in 2012 on various topics within both research programmes, making important contributions to several themes of these programmes. It seems that the measures taken to increase the success rate of Ph.D. researchers have started to bear fruit. Some of the Ph.D. candidates continue to work in academia, at the UvA or elsewhere, while others have moved to work in the legal practice.

This report offers an overview of the input and output of the ACIL Research Programmes in 2012. The data in this report are organised in accordance with the model prescribed by the Association of Universities in the Netherlands (*Vereniging van Universiteiten*, VSNU), the Netherlands Organisation for Scientific Research (*Nederlandse Organisatie voor Wetenschappelijk Onderzoek*, NWO) and the Royal Netherlands Academy of Arts and Sciences (*Koninklijke Nederlandse Akademie van Wetenschappen*, KNAW), conform their 'Standard Evaluation Protocol 2009-2015 for Public Research Organisations' (updated June 2010). This implies that additional information on the institutional environment of the ACIL and its Research Programmes, as well as on longer term strategic choices, is also included.



Prof. Dr. Yvonne Donders
Executive Director Amsterdam Center for International Law

A. The ACIL

1. Objective(s) and Research Areas

1.1 Mission and Objectives of the ACIL

The Amsterdam Center for International Law (ACIL) was established under its present name in 1998. Since 2008 it is the *Center of Excellence for Public International Law* of the Faculty of Law of the University of Amsterdam. Its main Research Programme, The International Rule of Law, has been recognised by the University and the Faculty as thematic research focal point (*zwaartepunt*) of the Law Faculty of the University of Amsterdam.

The ACIL's mission is:

to facilitate and support fundamental and applied legal research into the role of public authority in a diversity of legal systems and the interaction of those legal systems in exercising public authority in the global order

In pursuit of its mission, the ACIL undertakes amongst others:

- to create a stimulating academic research environment for its members;
- to collaborate with other national and foreign research institutes and individual researchers;
- to organise regular research meetings and conferences in order to support an exchange of views on individual and collective research interests;
- to support and facilitate efforts to seek and obtain external funding for researchers and research projects.

The ACIL's aim has been to plan, facilitate and coordinate internationally acclaimed and acknowledged research and to contribute to the international scientific debate in selected areas of international law, and thereby to advance the scientific knowledge in these areas. The ACIL also seeks to contribute to the societal debate in these areas, by communicating with stakeholders in practice within and outside the Netherlands, in identifying research questions, in conducting research and in disseminating research results.

One theme has always, through the various Research Programmes, been a constant focal point that characterises the research at the ACIL. This is the systematic focus on the interrelations and interactions between different legal systems that govern the exercise of public authority beyond the nation states, notably public international law and national law.

The ACIL hosts two Research Programmes (2009-2012): The International Rule of Law and The Role of Law in Armed Conflict and Peace Operations. In addition, it operates as research center for public international law broadly that addresses research questions across the entire field of international law.

1.2 Research Area and Programmes

The International Rule of Law

This Programme addresses selected challenges posed by the attempts of states and international institutions to further develop the international rule of law. It seeks to contribute to the academic and policy debate on the development and strengthening of the international rule of law and on its relation with the rule of law at the domestic level. The Programme seeks to clarify the concept of the international rule of law (e.g.: to what extent are key elements of the domestic rule of law transposable to the international level, and what are the distinct features of the concept as it operates at international level?) and explores particular areas of international law that are critical for the international rule of law, such as accountability, human rights, international criminal justice, as well as post-national rule making and interfaces between international and national law.

The Role of Law in Armed Conflict and Peace Operations

This Programme analyses the changing nature of the role that law plays in relation to situations of armed conflict and peace operations, including post-conflict transitional situations. The primary focus will be upon the role of public international law, but attention will also be devoted to the relationship of international law to other branches of law such as military operational law, as well as to disciplines other than law, including international relations, philosophy and ethics, and conflict studies. Themes addressed are: the legal bases for the use of force and military operations; international humanitarian law and human rights law in contemporary armed conflicts; the relationship between international law and military operational law; the relationship between international criminal law and military penal and disciplinary law; legal aspects of the participation of non-state actors in armed conflicts; and *Ius Post Bellum*.

1.3 Organisation and Leadership

Management Team & ACIL Board

The management of the ACIL is in the hands of Yvonne Donders, Executive Director, and Martine van Trigt, Management Assistant.

The strategy and policy of the ACIL are designed and monitored by the ACIL Board, which consists of the leaders of the ACIL Research Programmes (André Nollkaemper, Göran Sluiter, Terry Gill), the Executive Director (Yvonne Donders), the academic supervisor of the research master (Kiki Brölmann), and a representative of Ph.D. candidates of the ACIL (Christiane Ahlborn). Chair of the ACIL Board is André Nollkaemper.

Advisory Board

The Advisory Board advises the ACIL on the formulation and implementation of the Research Programmes. The Advisory Board is composed of internationally recognised experts representing a broad cross-section of the research undertaken by the ACIL. In 2012 the Advisory Board consisted of: Dr. Dieter Fleck, former Director, International Agreements and Policy, Federal German Ministry of Defence, Honorary President, International Society of Military Law & the Law of War; Prof. T. Koopmans, former Professor of Constitutional and Administrative Law at Leiden University; Judge A.M.M. Orie, Judge at the International Criminal Tribunal for the Former Yugoslavia, the Hague; Prof. A. Pellet, Professor agrégé de droit public at the Université de Paris X, Nanterre.

Mirandadag

The annual plenary meeting of all ACIL members, the so-called 'Mirandadag', was held in January 2012. At this meeting, after a general part concerning running ACIL matters, Dr. Dieter Fleck, member of ACIL Advisory Board, gave a guest lecture on 'International Humanitarian Law. A decade after September 11: Developments and Perspectives'.

2. Composition

2.1 Research Staff

In 2012, the ACIL brought together 68 researchers¹, with a total amount of 29,67fte², who specialised in public international law, including international criminal law.

Table 01

Research staff at institutional level

Research staff	2012	
	fte	no
- Professors	2,38	9
- Associate professors	1,18	4
- Assistant professors, (post-doc) researchers	5,65	13
- Ph.D. researchers	20,46	42
Total research staff	29,67	68

The tasks of recruitment, selection and personal development of ACIL members are primarily carried out by the relevant departments of the Faculty of Law, but the actual selection of researchers always involves the leaders of the ACIL Research Programmes.

The ACIL integrates the research of Ph.D. candidates in the fields of public international law into its Research Programmes. In 2012, 25 Ph.D. researchers continued or started their Ph.D. research.³ An overview of Ph.D. projects in 2012 is listed as **Annex 1**.

2.2 Sources of Funding

Direct government funding

Part of the ACIL researchers are funded through direct government funding (or first flow of funds). During 2012, the amount of direct government funding was 63% (18,63fte).⁴

Research grants

In 2012, the amount of research funds (or indirect government funding or second flow of funds, such as grants from NWO and KNAW) was 9% (2,81fte).

¹ Including external researchers participating in the Programme on 'The role of law in armed conflict and peace operations'.

² Including 2,90fte of external researchers (see note 1).

³ Excluding 17 external Ph.D. candidates.

⁴ Generally speaking an ordinary full-time position at the Faculty of Law comprises 60% teaching and 40% research (or 0,40fte) research.

Contract research

A substantive portion of the total research funding of the ACIL came from contract funding (or third flow of funds), which include funding from the European Commission, the European Research Council, Ministries, and external organisations. The amount of contract funding is 17% (5,13fte) of the total research funding of the ACIL.

In summary, the total research funding, consisting of direct funding, research funds and contract funding, was 26,57fte.⁵ Furthermore, 3,10fte (11%) is allocated to external researchers within the ACIL Research Programme on 'The role of law in armed conflict and peace operations' which brings the total of fte in 2012 to 29,67fte.

It should be emphasised that this number of fte's only reflects the funding of researchers (salary expenses). Apart from this funding, the ACIL continues to be very successful in receiving grants for research related activities, such as the organisation of research events.

Table 02

Funding at Programme level

Programmes	The International Rule of Law		The Role of Law in Armed Conflict and Peace Operations	
	fte	%	fte	%
Direct funding	18,63	70	0	0
Research funds	2,81	11	0	0
Contracts	4,97	19	0,16	5
External funding	0	0	3,10	95
Total research funds	26,41	100	3,26	100

3. Research Environment and Embedding

3.1 National and International Positioning

The ACIL cooperates extensively within national and international research networks. At the **national level**, the ACIL continued to be a partner in various research networks that have been created and supported by the Hague Institute for the Internationalisation of Law (HiiL). In 2012, this concerned in particular the research project on 'The Internationalisation of Rule of Law – Changing Contexts and New Challenges' (or: 'The Dynamics of the Rule of Law'). The ACIL also continued to cooperate with the Ius Commune Research School and the School of Human Rights Research.

The ACIL has further cooperated with the Netherlands Defence Academy, Faculty of Military Science, and the T.M.C. Asser Institute in The Hague in the ACIL Programme 'The Role of Law in Armed Conflict and Peace Operations'. The research forum on the Law in Armed Conflict and Peace Operations (LACPO) continued to bring together researchers from the ACIL, the Netherlands Defence Academy, the T.M.C. Asser Institute, and the Netherlands Red Cross (Section International Humanitarian Law). It seeks to enhance the synergy and cohesion of the research being conducted in the Netherlands on the regulation of armed conflict and peace operations. Also, ACIL researchers participate in the inter-university platform with the T.M.C. Asser Institute, VU University Amsterdam and the University of Leiden on the role of the media in the development, efficacy and dissemination of International Criminal and Humanitarian Law.

⁵ Ph.D. researchers are included for 1fte, if in full-time employment.

Within the Faculty of Law of the UvA, members of the ACIL have collaborated with researchers in the Amsterdam Centre for European Law and Governance (ACELG) , the Amsterdam Center for Law and Economics (ACLE) and the Centre for the Study of European Contract Law (CSECL).

At the **international level**, the ACIL has been part of several international research networks. The project on 'The Dynamics of the Rule of Law', funded by HiiL, is conducted with the Social Science Research Centre Berlin and La Trobe University, Melbourne. The project on 'International Law through the National Prism: the Impact of Judicial Dialogue, funded by the European Science Foundation (ESF), is carried out with the University of Vienna, Humboldt University Berlin, the University of Lodz, and the University of Oslo.

3.2 Guest Researchers

The ACIL welcomes visiting researchers from other universities who wish to pursue research within one of the research areas of the ACIL. Visiting professors and senior researchers, as well as Ph.D. researchers, who are in an advanced stage of their research, regularly stay at the ACIL for a period of two to six months to conduct research and to participate in the activities of the ACIL.

In 2012, six guest researchers were welcomed at the ACIL. **Alessandro Bufalini**, Ph.D. candidate at the University of Macerata, continued his stay of six months until the end of March, conducting research on 'joint criminal enterprise in international criminal law'. From May to July, **Francesco Messina**, lecturer and researcher at Kent Law School, conducted research on the attribution of conduct to states and international organizations in the context of international responsibility for wrongful acts. In June-July, **Laura-Maria Craciunean**, Lecturer in Public International Law at 'Lucian Blaga' University of Sibiu, Romania, worked on her postdoctoral research thesis, entitled 'The international Protection of Cultural Diversity – the United in Diversity Model?'.

In October and November, **David Caron**, C. William Maxeiner Distinguished Professor of Law at Berkeley, was the Hague Visiting Chair on the Rule of Law, hosted jointly by HiiL and the ACIL. During his stay, his work related in particular to his function as member of the World Economic Forum Global Agenda Council on the Rule of Law. **Yunqin Huang**, PhD candidate at the Institute of International Law of Wuhan University, stayed at the ACIL from October 2012 to March 2013, the period in which she conducted research on 'Chinese courts and China's quest for the International Rule of Law'. Finally, **Alexandros Stylianidis**, PhD candidate at the Law School of Vienna University, joined the ACIL from November 2012 to January 2013, conducting research on 'the right to identity in international law'.

4. Output

Table 03

Publications at Programme level

	The International Rule of Law		The Role of Law in Armed Conflict and Peace Operations	
ACADEMIC PUBLICATIONS				
	REFEREED	NON-REFEREED	REFEREED	NON-REFEREED
1) Books	4			
2) Articles	13	6	2	2
3) Book chapters	24	12		4
4) Conference papers	2	3		1
5) Reports				
6) Inaugural lectures				
7) Ph.D. theses	4		1	
SUBTOTAL	68		10	
PROFESSIONAL PUBLICATIONS				
1) Books				
2) Articles	7		1	
3) Book chapters	1			
4) Conference papers			1	
5) Reports				
6) Inaugural lectures	1			
7) Annotations	23			
8) Book reviews				
SUBTOTAL	32		2	
POPULAR PUBLICATIONS				
1) Books				
2) Articles	1			
3) Book chapters				
4) Articles in magazine or newspaper	3			
SUBTOTAL	4			
OTHER				
Edited books	12		1	
Preprints/working papers	18			
SUBTOTAL	30		1	
TOTAL	134		13	

Detailed overviews of publications and presentations are listed in part B under each Programme.

The output listed in this Annual Report is the output registered in Metis on 1 October 2013, and subject to possible changes and additions.

A distinction is made between refereed and non-refereed books, articles, book chapters, and conference papers. It should be noticed however that in the juridical sciences no generally recognised standards exist to differentiate between journals. It becomes increasingly common for journals to adopt a procedure for an anonymous peer review or referee system, but it is not always fully separate from the editorial staff. Within the Faculty of Law, a common policy for the distinction between refereed and non-refereed and between academic and professional publications is being developed.

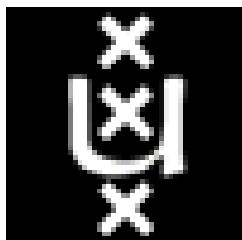
5. Earning Capacity

Over the years, the ACIL has been very successful in obtaining grants and funding from external sources. In 2012, a number of externally funded research projects was ongoing.



The five-year project on 'Shared Responsibility in International Law' (SHARES) is funded by the European Research Council (ERC). The project commenced in May 2010.

SHARES seeks to rethink the allocation of international responsibilities in cases where actors cooperate to pursue common international objectives, for example environmental protection and protection of human populations from mass atrocities. The project is led by André Nollkaemper. It involves several senior researchers as well as Ph.D. and postdoctoral researchers. Information can be found [here](#).



The project 'The Architecture of Postnational Public Power. Views from International Public Law, European Public Law and European Private Law' is a joint project of the ACIL, the Amsterdam Centre for European Law and Governance (ACELG) and the Centre for the Study of European Contract Law (CSECL), is funded by the Board of the University of Amsterdam, as part of its Research Priority Areas policy. The project commenced in 2011.

ARCHITECTURE explores how checks and balances, the rule of law and democracy can be understood and adjusted, in order to respond to the challenges of postnational governance in the contemporary world, induced by issues such as the influenza pandemic, climate change and bonuses in the banking system.

The project involves Ph.D. and postdoctoral researchers.

Information can be found [here](#).





The three-year project on 'International Law through the National Prism: the Impact of Judicial Dialogue', funded by the European Science Foundation (ESF), is a collaborative research project which involves five country contributions. The project commenced in January 2012.

The project will contribute to our understanding of how national courts engage in the interpretation, application and development of international law through transnational judicial ('court-to-court') dialogue. It will provide a systematic empirical analysis of the extent of judicial dialogues on international law and examine when and how domestic courts should rely on foreign and international interpretations. The project is led by André Nollkaemper. It involves one postdoctoral researcher from the ACIL. Information can be found [here](#).



The project entitled 'The Internationalisation of Rule of Law - Changing Contexts and New Challenges' (or: 'The Dynamics of the Rule of Law', funded by HiiL, commenced in 2009.

The projects seeks to address the following issue: What does the ever increasing connectivity of today - often termed 'globalisation' or 'internationalisation' - mean for the setting in which rule of law at the national level is defined, perceived, shaped, or developed; and what consequences does/should this have for the actual implementation of rule of law strategies and programs at the national and international levels? One of three project leaders is André Nollkaemper. The project involves one postdoctoral researcher from the ACIL. Information can be found [here](#).

The project entitled 'Model Code for the Investigation and Prosecution of International Crimes' builds upon the project 'International Criminal Procedure: Rules and Principles'. A group of some 25 academics work on a model code for the



The Hague Institute
for Global Justice

investigation and prosecution of international crimes. The ultimate aim of the project is the strengthening of procedural law applied in national jurisdictions in the investigation, prosecution and adjudication of international crimes. The development and implementation of the Model Code at national levels will provide a tool of immense leverage for the realisation of concrete improvement of domestic criminal procedures applicable to the prosecution of international crimes and therefore criminal justice as a whole. It is expected to offer a significant contribution in combating impunity for international crimes. The project is a partnership of the ACIL, THIGJ and HiiL. Information can be found [here](#).

6. Academic Reputation

The ACIL is a key player in the field of research on international law. Since its inception, the ACIL has participated in many national and international research networks at institutional level. In 2008, as a result of its achievements in the fields of research output, success rate with external funding applications and future plans, as well as its international reputation, the ACIL has been awarded the title of *Center of Excellence* of the Faculty of Law.

In the past, several individual researchers received prominent research grants, including VENI, VIDI and VICI grants, as well as an ERC Advanced Grant (André Nollkaemper). Furthermore, many ACIL members participate in national and international research groups and are asked as keynote speakers at international conferences. Several members are part of national and international scientific and review committees, as well as editorial and advisory boards of academic publications. Vice versa, the reputation of the ACIL can be shown by the participation of international and national top researchers in conferences and seminars organised by the ACIL. The ACIL also facilitates the international exchange of researchers by welcoming visiting researchers.

7. Societal relevance: Quality, Impact and Organisation

The ACIL's choice of research themes, as well as the implementation of the research, is not only inspired by the innovative nature of the scientific questions, but also by their societal relevance. All of its discrete research themes have practical and policy relevance. Research in such areas as governance, human rights, international criminal law and military law, has been strongly influenced by the aim to contribute to the solution of specific international legal questions that States and international organisations have been struggling with. Scientific output has been accompanied by dissemination of results to and exchange of ideas with a wider audience of stakeholders, such as lawyers, policymakers, international organisations and NGOs. This has been achieved through professional publications and blogs, the organisation of conferences or seminars and the use of the ACIL website and other internet facilities to share ideas and results.

A good example of a research project that has high societal value is the project International Law in Domestic Courts (ILDC). The ILDC project is based on the recognition that international law is increasingly intertwined with domestic law. The ILDC project makes available annotated cases as part of the authoritative service *Oxford Reports on International Law* (www.oxfordlawreports.com). The ILDC has great scientific and practical value, as it generates data and information, disclosing research issues. On the basis of the empirical material, the ILDC project engages in fundamental academic research. However, it also serves a distinct societal agenda, by engaging with judges, lawyers and policymakers, who use the data and information in their daily practice.

The ACIL has organised several events in 2012, which have a scientific as well as a societal value (see for overviews 1.5.2 and 2.5.2). Whereas most experts' meetings had a scientific purpose and were meant for specialized academics, the ACIL also organised seminars and conferences where practitioners played a crucial role. These meetings had a wide range of participants representing different professional groups. In particular these events served to include a wider audience in the identification of research questions as well as in the dissemination of research results.

8. Next Generation

In 2012, 5 new Ph.D. researchers commenced their research. As part of the first year of Ph.D. project, they have participated in the Ph.D. education programme of the Faculty of Law. The programme includes courses on legal methodology, comparative legal research, academic writing and argumentation, the use of databases and library and documentation facilities, legal (English) writing and oral presentations for conferences. Ph.D. candidates with teaching duties have taken additional courses in didactic skills. Generally, Ph.D. candidates have limited teaching assignments in their second and third year of their appointment. The ACIL has also offered several Ph.D. researchers the benefits of more substantive research training within the School of Human Rights Research.

In 2012, 6 students were selected for the ACIL's two-year Research Master on Public International Law. The Research Master is an important tool for the identification of talented young scholars, who may become Ph.D. candidates. The theme of the Research Master is The International Rule of Law, linking it in terms of teaching and research to the focal point research programme of the ACIL. The students follow, apart from the courses of the regular Master Programme of Public International Law, courses of the Ph.D. programme. They also participate in research projects of ACIL senior members through research traineeships.

9. Strategy

The ACIL has made the strategic choice to position itself in the international rather than in the national academic debate. It strongly encourages its members to publish in English in leading, if possible peer reviewed, journals and books with international top publishers. It seeks participation in internationally leading research networks and participates in FP7 programmes. The ACIL also hosts conferences and seminars with internationally renowned speakers and stimulates its members to participate in international conferences in the Netherlands or abroad.

The relatively limited amount of research time based on direct funding has increasingly forced the ACIL to seek external resources. These funds are needed to ensure a sustainable academic environment that can promote the ACIL's ambitious mission and strategy. This has led to an increase in the support by the Management Staff for the identification of funding opportunities as well as for the development and implementation of projects suitable for external funding. At the same time, the ACIL needs to find a good balance between the efforts needed for applications and the chances of success, as well as, in cases of successful applications, between time and funds spent on research and the administrative burden in terms of reporting and accounting. The ACIL is also aware of the practice of funding institutions to pre-determine the topics that will be subject of funded research. This may limit the ACIL in identifying and implementing new areas of research that have not (yet) been identified as priority topics by funding institutions.

Ph.D. projects are essential for developing some of the main themes of the Research Programmes. Around 69% (20,26fte) (including external Ph.D. researchers) of the total research funding is currently allocated to Ph.D. research. In 2012, five Ph.D. projects were successfully defended (see [Annex 1](#)). The completion rate of Ph.D. research within 4/5 years remains a matter of great concern for the ACIL – as it does for the entire Faculty of Law. Efforts have been undertaken, in cooperation with the Ph.D. deans of the Faculty, to improve

the research training of the Ph.D. candidates, as well as the selection and supervision skills of the promotors and supervisors. It has also been decided that postdoc research, carried out by more experienced researchers, will be encouraged, in particular on more complex research themes.

The ACIL continues to face the challenge of protecting research time of staff against the increased teaching load that came with the increased number and range of subjects taught, as well as the remaining high number of students enrolled at the Faculty of Law and in particular the Master of Public International Law. This has caused relative low productivity of some members as well as lack of sufficient scientific development in some areas. By facilitating sabbatical leaves for senior researchers, as well as a better planning of yearly teaching activities, the ACIL tries to deal with this challenge.

In order to attract talented students who have an interest in academic research, the ACIL has started in 2009 the Research Master on Public International Law, with a special focus on the International Rule of Law. This two-year research master will provide students with an in-depth understanding of public international law as it relates to the international rule of law, and with skills that allow them to carry out independent academic research in this field of law. Through research traineeships and seminars, the Research Master students are involved in research projects of the ACIL. The research master was approved by the Accreditation Organisation of the Netherlands and Flanders (Nederlands-Vlaamse Accreditatieorganisatie, NVAO) and the Dutch Ministry of Education.

In 2012, the ACIL continued to strengthen its ties to The Hague, by further strengthening its ties to the Ministries of Foreign Affairs, the Interior and Justice, as well as with partner academic institutions in The Hague, such as the Hague Institute for Global Justice (THIGJ), the T.M.C. Asser Institute and Institute Clingendael for international relations. The weight that government institutions attach, in terms of profile, funding and otherwise, to The Hague as 'legal capital of the world' offers opportunities for the ACIL, in particular through its work on international criminal law and international humanitarian law.

B. The ACIL Research Programmes

1. The International Rule of Law

1.1 General Information

Programme leaders: Prof. André Nollkaemper & Prof. Göran Sluiter

The Research Programme on the International Rule of Law seeks to contribute to the academic and policy debate on the development and strengthening of the international rule of law and on its relation with the rule of law at the domestic level.

The Programme is carried out by a group of about fifty researchers in the field of public international law and international criminal law. The Programme leaders are responsible for the Programme as a whole in terms of its development, evaluation and for its general guidance. Some specific, externally funded, projects within the Programme are led by senior researchers. The Programme is developed to be long-term and builds on past established experience and research. The Research Programme was recognised by the Board of the University of Amsterdam as focal point (*zwaartepunt*) of research of the Faculty and the University.

A large part of the research is carried out under external funding, so called second and third flow of funds. On the one hand this shows the excellent quality of the researchers and their research output, but on the other hand may cause insecurity as regards the sustainability of the Programme. Continuous efforts are therefore undertaken to secure funding and researchers are strongly encouraged to apply for external funding and receive administrative support in doing so. However, the Programme is described in such a way that the core of the research on the international rule of law would sustain also with less funds. The success rate of the ACIL in accessing external research funds in the past decades (including Pionier, VICI, VIDI, VENI, ERC, ESF and 6th and 7th Framework Programmes) gives all reason to assume that the Programme will remain viable.

Affiliations outside the institute

From 2007 until September 2011, the ACIL hosted the four-year COST Action ILDC, a network of twenty European and four non-European research institutes. From 2008 until July 2011, the ACIL closely worked with the Human Rights Institute of the University of Pretoria, to promote and strengthen the ILDC project in Africa. From 2008 until June 2011, the ACIL participated in the project on the 'Impact of International Criminal Procedures on Domestic Criminal Procedures in Mass Atrocity Cases' (DOMAC), together with Reykjavik University, Hebrew University and University College London.

The ACIL closely works with the Hague Institute for the Internationalisation of Law (HiiL) on 'The Internationalisation of Rule of Law – Changing Contexts and New Challenges' (or: 'The Dynamics of the Rule of Law'), a research project conducted with the Social Science Research Centre Berlin and La Trobe University, Melbourne. Another project entitled 'Towards Codification of General Rules and Principles of International Criminal Procedure', in which over 40 world leading experts participated, was finalized at the end of 2011.

In addition to these more structural forms of cooperation, a large number of cooperative projects exists on more ad hoc bases, in the form of collaborative book projects, joint seminars, etcetera.

1.2 Research Area and Objective

The Research Programme takes as its working definition the definition that has been adopted by the UN Secretary General: According to this definition, the rule of law ‘... refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards...’⁶ The question to what extent this definition is applicable at the international level is subject of analysis in the Research Programme.

The quest for further strengthening the international rule of law is not beyond critique. Some scholars have argued that the ideal of an international rule of law is impossible to achieve given the inherently political process of the resolution of international disputes, or that the rule of law would be impossible to achieve among sovereigns.

However, while these critiques merit serious attention, they cannot negate the overriding importance of the international rule of law. Adding to the long recognized need to address inequality between states, use of force and intervention, and the undeveloped nature of dispute settlement, more recent developments make it imperative to reflect on and to seek to develop the rule of law beyond these classical understandings. These developments include the ongoing expansion of the domain of international law, its intrusion into domestic legal systems and its direct consequences for the rights and obligations of individuals.

The present-day importance of the topic is exemplified by its reaffirmation at the 2005 World Summit and by the recurrent agenda item of the UN General Assembly on ‘The Rule of Law at the National and International Levels’.⁷

The Research Programme on the International Rule of Law seeks to accomplish in particular:

- a critical assessment of the usefulness of possible concepts of the international rule of law that reflect and accommodate the specific nature of international society;
- an assessment of trends in the international legal order that shows to what extent we can actually speak of a strengthening of the international rule of law, in particular in the areas of accountability and international criminal justice;
- a critical assessment of the possible consequences of lacuna at the international level for the rule of law, and of the possible contribution that the rule of law at domestic level may make to the rule of law at the international level.

The Research Programme consists of a general part and four specific parts. A first task for the Research Programme is to reflect on the concept of the international rule of law. The general part seeks to contribute to the understanding of the concept of the ‘rule of law’ as it may apply at the international level.

⁶ UN Doc. S/2004/616, *Report of the Secretary General on the Rule of Law and Transitional Justice in Conflict and Post Conflict Societies*, 23 August 2004, p. 4, para. 6.

⁷ UN Doc. [A/65/318](#), *Annual Report of the Secretary-General on strengthening and coordinating United Nations rule of law activities*, 2010.

In order to make fundamental contributions to the broad theme of the international rule of law, the Research Programme focuses on four themes that are central to the UN concept of the international rule of law: two cross-cutting themes and two substantive themes. The cross-cutting themes - that is: themes that are common to the substantive areas - are: accountability in international law and new checks and balances: interactions between international and national legal systems. The two substantive themes are human rights and international criminal justice.

Each of these themes serves to cluster and focus collective and individual research projects, as well as to allow for synergies among the research at the ACIL. The themes are not isolated. A central aim of the Research Programme is to examine the connections between the various dimensions of the international rule of law.

1.3 Research Input

1.3.1 Research Staff

During 2012 this Research Programme comprised 47 researchers. The total research time of the researchers in this Programme was 26,41fte.

Table 04

Research staff 'The International Rule of Law'

Name and present title		fte	
Professors			
	Donders, Y.M.	0,20	
	Kuijper, P.J.	0,08	
	Mettraux, G.Y.J.M.	0,08	
	Nollkaemper, P.A.	0,90	
	Sluiter, G.K.	0,30	
	Wet, E. de	0,20	
	Wilt, H.G. van der	0,36	
	Zieck, M.Y.A.	0,00	
			2,12
Associate professors			
	D'Aspremont, J.	0,50	
	Brölmann, C.M.	0,40	
	Mathis, J.H.	0,15	
	Nijman, J.E.	0,13	
			1,18
Assistant professors/post-doc researchers			
	Abels, D.	0,40	
	Alebeek, R. van	0,40	
	Heijer, M. den	0,40	
	Kanetake, M.	1,00	
	Kjos, H.E.	0,60	
	Plakokefalos, I.	0,79	
	Venzke, I.	1,00	
	Vermeer-Künzli, A.M.H.	0,32	
	Verseveld, A. van	0,34	
	Vlaming, F. de	0,00	
			5,25

Name and present title			fte	
Ph.D. researchers				
	1.	Ahlborn, C.S.	1,00	
	2.	Best, G.N.	1,00	
	3.	Boutin, B.L.	1,00	
	4.	Clarke, L.C.	0,63	
	5.	Have, N. van der	1,00	
	6.	Hollenberg, S.J.	0,40	
	7.	Irving, E.	0,50	
	8.	Kiestra, L.R.	0,66	
	9.	Kok, E.	0,80	
	10.	Koops, C.E.	1,00	
	11.	Meester, K. de	0,17	
	12.	Mulligen, J.G. van	1,00	
	13.	Nedeski, N.	0,58	
	14.	Partiti, E.	0,79	
	15.	Pitcher, K.M.	0,60	
	16.	Roemburg, E.T.W.	0,84	
	17.	Staal, T.S.G.	1,00	
	18.	Steer , C.E.	0,60	
	19.	Swerissen, I.	1,00	
	20.	Trapani, A.A.	0,45	
	21.	Vasiliev, S.V.	0,53	
	22.	Vleugel, V.W.	0,38	
	23.	Vriend, K.C.J.	0,60	
	24.	Wirken, S.J.	0,33	
	25.	Zeegers, K.J.	1,00	
				17,86
External researchers				
	Campos Sanchez, E.		0,00	
	Miluna, E.		0,00	
	Moszkowicz, D.		0,00	
	Okany, A.		0,00	
	Okuta, A.		0,00	
	Schürch, R.		0,00	
	Soler, C.		0,00	
				0,00
Total research staff (47)				26,41

1.3.2 Funding

This Programme was funded by both direct funding (18,63fte – 70%), a smaller amount of indirect funding (2,81fte – 11%) and contract funding (4,97fte – 19%).

1.4 Programme Development

On the central concept of the Research Programme, the publication of the volume ‘Rule of Law Dynamics in an Era of International and Transnational Governance’,⁸ significantly advanced the conceptual apparatus for the analysis of the rule of law. In particular, the volume developed a distinction between promotion, diffusion and conversion, that proves critical for understanding the rule of law at the interface of the international and national legal orders.

The track on **Accountability in International Law** was primarily developed in the framework of the SHARES project, that examines to what extent the current principles and procedures of international responsibility are adequate for addressing situations where two or more subjects of international law jointly contribute to or cause legal injury. The first focus

⁸ Zürn, M., Nollkaemper, P.A. & Peerenboom, R. (eds.), *Rule of Law Dynamics in an Era of International and Transnational Governance*, Cambridge: CUP (2012).

after starting the SHARES project was a conceptual and theoretical development of the notion of 'shared responsibility'. In 2012, the results of this conceptual and theoretical track were laid down in a conceptual framework-paper (by André Nollkaemper and Dov Jacobs) to be published in the *Michigan Journal of International Law* (in 2013), and in a discussion of the connection between substantive and procedural aspects of shared responsibility, published in the *European Journal of International Law*.⁹ Furthermore, an in-depth study was carried out on the adequacy of the established International Law Commission (ILC) principles in relation to shared responsibility. A seminar was held in Amsterdam, in February 2013, the result of which will be published in 2013. Preparations were made for a series of seminars in early 2013 for the empirical part of the project.

Under the second theme, Interfaces between National and International Legal Orders, (formerly entitled **New Checks and Balances: Interactions between International and National Legal Systems**), various aspects of the complex relationship between international and national legal systems were examined. The aforementioned publication of 'Rule of Law Dynamics' contains an in-depth analysis of the various ways in which through diffusion and conversion the international and national legal orders interact. An edited volume was published on the importation of international law in national legal orders in post conflict situations, within the framework of the COST programme¹⁰, and another volume on the role of courts in relation to the (de)fragmentation of international law.¹¹

This track was further developed in part by the project on the 'Architecture of Post National Rule making: Views from Public International Law, European Public Law, and European Private Law'. It examines shortcomings in the process of post national law-making, from the perspective of the impact of such rules on national legal systems. Furthermore, the ECRP project on 'International Law through the National Prism: the Impact of Judicial Dialogue' continued in 2012.

The research theme on **Human Rights** made important progress in the area of human rights and pluralism. In her inaugural lecture and various publications, Yvonne Donders analyzed the flexibility of the international human rights system that makes it capable to accommodate cultural diversity while at the same time providing protection against negative aspects of such diversity. The research was furthermore strengthened by the appointment of a Ph.D. candidate on the accommodation of cultural pluralism by the UN treaty bodies. An important contribution to the research on the UN treaty bodies was also provided with a publication by André Nollkaemper and Rosanne van Alebeek on the reception by national courts of decisions by the treaty bodies.¹²

⁹ Nollkaemper, P.A., 'International Adjudication of Global Goods: The Intersection of Substance and Procedure', 23(3) *EJIL* (2012): 769-791.

¹⁰ Kristjansdottir, E., Nollkaemper, P.A. & Ryngaert, C. (eds.), *International Law in Domestic Courts: Rule of Law Reform in Post-Conflict States*, Cambridge-Antwerp-Portland: Intersentia (2012).

¹¹ Faucald, O.K. & Nollkaemper, P.A. (eds.), *The Practice of International and National Courts and the (De-)Fragmentation of International Law*, Oxford and Portland, Oregon: Hart Publishing (2012).

¹² Alebeek, R. van & Nollkaemper, P.A., 'The legal status of decisions by human rights treaty bodies in national law', in: Keller, H. & Ulfstein, G. (eds.), *UN Human Rights Treaty Bodies: Law and Legitimacy*, Cambridge: CUP (2012): 356-413.

The research theme on **International Criminal Justice** also in 2012 concentrated on procedural law and the interaction between substantive international criminal law and substantive domestic criminal law. The project on the law of International Criminal Procedure is closely related to the three other research themes. It is the procedural tool in enforcing accountability and embodies at the same time a mechanism of -due process- protection against arbitrary exercise of power by the international community. Over the past years, the need for uniform and harmonized rules governing international criminal proceedings was further strengthened on account of increasing problems in investigations and trials at international criminal tribunals.

In this research theme significant progress was made in 2012 with the identification and codification of general rules and principles of international criminal procedure. As was already mentioned in the Annual Report 2011, at a public conference in October 2011, the expert group on international criminal procedure presented an elaborate and comprehensive set of general rules and principles, which was received with approval and appreciation. In addition, the expert group presented a set of recommendations to complete and improve the law governing international criminal proceedings. Over the year 2012, the full body of general rules and principles of international criminal procedure, as well as the accompanying and detailed analysis, was finalized and edited. In March 2013, the end result was published with Oxford University Press.¹³

The DOMAC project which focused on the actual interaction between national and international courts involved in prosecuting individuals in mass atrocity situations, has winded up in 2011. Final papers that have emerged from the project have been published in 2013 in the *Israel Law Review*. In 2012, plans for a new comprehensive project on transnational criminal Law have gradually taken shape. As an intermediate between the previous project on system criminality and concepts of criminal responsibility and this new project, research has been conducted on corporate criminal responsibility, the results of which will be published in 2013.

¹³ Sluiter, G.K., et al. (eds.), *International Criminal Procedure. Principles and Rules*, Oxford: OUP (2013).

1.5 Research Output

The output listed below is the output registered in Metis on 1 October 2013, and subject to possible changes and additions.

1.5.1 Publications

1) Academic Publications

Books

Refereed books

Abels, D.

Prisoners of the International Community: The Legal Position of Persons Detained at International Criminal Tribunals. The Hague: T.M.C. Asser Press.

Aspremont, J. d' & Hemptinne, J. de

Droit international humanitaire. Paris: Pedone.

Venzke, I.

How the Practice of Interpretation Makes International Law: On Semantic Change and Normative Twists. Oxford: Oxford University Press.

Verseveld, A. van

Mistake of law: excusing perpetrators of international crimes. The Hague: T.M.C. Asser Press.

Articles

Refereed articles

Alebeek, R. van

Jurisdictional Immunities of the State (Germany v. Italy): On Right Outcomes and Wrong Terms. *German Yearbook of International Law*, 55, 281-318.

Alebeek, R. van

National Courts, International Crimes and the Functional Immunity of State Officials. *Netherlands International Law Review*, 59, 5-41.

Aspremont, J. d'

The Public Good of Academic Publishing in International Law. *Leiden Journal of International Law*, 26(1), 1-6.

Aspremont, J. d'

Wording in International Law. *Leiden Journal of International Law*, 25, 575-602.

Boutin, B.L.

Responsibility of the Netherlands for the Acts of Dutchbat in Nuhanović and Mustafić: The Continuous Quest for a Tangible Meaning for 'Effective Control' in the Context of Peacekeeping. *Leiden Journal of International Law*, 25, 521-535.

Donders, Y.M. & Olde Monnikhof, M.

Het College voor de Rechten van de Mens belicht, bewaakt, beschermt en bevordert mensenrechten in Nederland. *NJCM-Bulletin*, 37(6), 693-713.

Kanetake, M.

The Interfaces between the National and International Rule of Law: The Case of UN Targeted Sanctions. *International Organizations Law Review*, 9(2).

Nedeski, N. & Nollkaemper, P.A.

Responsibility of International Organizations 'in connection with acts of States'. *International Organizations Law Review*, 9(1), 33-52.

Nollkaemper, P.A.

International Adjudication of Global Public Goods: The Intersection of Substance and Procedure. *European Journal of International Law*, 23, 769-791.

Sluiter, G.K.

Shared Responsibility in International Criminal Justice – The ICC and Asylum. *Journal of International Criminal Justice*, 10, 661-676.

Venzke, I. & Bogdandy, A. von

"In Whose Name?" An Investigation of International Courts' Public Authority and its Democratic Justification. *European Journal of International Law*, 23(1), 1-35.

Wilt, H.G. van der

War Crimes and the Requirement of a Nexus with an Armed Conflict. *Journal of International Criminal Justice*, 2012(5).

Zieck, M.Y.A.

'Quota refugees', the Dutch Contribution to Global Burden-Sharing by Means of Resettlement of Refugees. *International Journal of Legal Information*, 39, 130-163.

Non-refereed articles

Brölmann, C.M. & Nijman, J.E.

Rechtstreekse werking verdragen goed voor Nederland. *Openbaar Bestuur*, 21(6), 13-15.

Donders, Y.M.

Human rights and cultural diversity: too hot to handle? *Netherlands Quarterly of Human Rights*, 30(4), 377-381.

Heijer, M. den

Asiel en het Internationaal Strafhof. *NJCM-Bulletin*, 37(5), 530-545.

Heijer, M. den

Case annotation N.S. and M.E., Joined cases C-411 and C-493/10. *Common Market Law Review*, 2012(5), 1735-1753.

Kanetake, M.

The UN zero tolerance policy's whereabouts: on the discordance between politics and law on the internal-external divide. *Amsterdam Law Forum*, 4(4), 51-61.

Verseveld, A. van

'Mij treft geen verwijt, ik deed gewoon mijn werk': rechtsdwaling in het internationale strafrecht. *Ars Aequi*, 61(2), 151-155.

Book chapters

Refereed book chapters

Alebeek, R. van & Nollkaemper, P.A.

The legal status of decisions by human rights treaty bodies in national law. In H. Keller & G. Ulfstein (Eds.), *UN human rights treaty bodies: law and legitimacy* (Studies on human rights conventions) (pp. 356-413). Cambridge: Cambridge University Press.

Aspremont, J. d'

Customary International Investment Law: Story of a Paradox. In E. De Brabandere & T. Gazzini (Eds.), *The Sources of Transnational Investment Law*. Martinus Nijhoff.

Aspremont, J. d'

From a pluralization of norm-making processes to a pluralization of our concept of international law. In *Informal International Law Making - Mapping the Action and Testing Concepts of Accountability and Effectiveness* (pp. 185-199). Oxford: OUP.

Aspremont, J. d' & Brabandere, E. De

The duality of the legitimacy of global actors in the international legal order. In M. Happold (Ed.), *International law in a multipolar world* (Routledge research in international law) (pp. 179-202). London: Routledge.

Aspremont, J. d'

The Permanent Court of International Justice and domestic courts: a variation in roles. In M. Fitzmaurice & C. Tams (Eds.), *The Legacy of the Permanent Court of International Justice* (pp. 221-242). Martinus Nijhoff.

Brölmann, C.M.

Specialized Rules of Treaty Interpretation: International Organizations. In DH Hollis (Ed.), *The Oxford Guide to Treaties* (pp. 507-524). Oxford: Oxford University Press.

Donders, Y.M.

Cultural rights in the Convention on the Diversity of Cultural Expressions: included or ignored? In T. Kono & S. Van Uytzel (Eds.), *The UNESCO Convention on the Diversity of Cultural Expressions: a tale of fragmentation of international law?* (International law series) (pp. 165-182) Cambridge-Antwerp-Portland: Intersentia.

Fauchald, O.K. & Nollkaemper, P.A.

Conclusions. In O.K. Fauchald & P.A. Nollkaemper (Eds.), *The Practice of international and National Courts and the (De-)Fragmentation of international Law* (Studies in International Law) (pp. 343-367). Oxford and Portland: Hart Publishing.

Fauchald, O.K. & Nollkaemper, P.A.

Introduction. In O.K. Fauchald & P.A. Nollkaemper (Eds.), *The Practice of international and National Courts and the (De-)Fragmentation of international Law* (Studies in International Law) (pp. 3-14). Oxford and Portland: Hart Publishing.

Kok, E.

The Principle of Complicity under International Law – Its Application to States and Individuals in Cases involving Genocide, Crimes against Humanity and War Crimes. In L. van den Herik & C. Stahn (Eds.), *The Diversification and Fragmentation of International Criminal Law* (Leiden Studies on the Frontiers of International Law, 1) (pp. 557-590). Leiden: Martinus Nijhoff.

Kristjánsdóttir, E., Nollkaemper, P.A. & Ryngaert, C.

Concluding observations. In E. Kristjánsdóttir, A. Nollkaemper & C. Ryngaert (Eds.), *International law in domestic courts: rule of law reform in post-conflict states* (Series on transitional justice, 9) (pp. 311-335). Cambridge-Antwerp-Portland: Intersentia.

Kristjánsdóttir, E., Nollkaemper, P.A. & Ryngaert, C.

Introduction. In E. Kristjánsdóttir, A. Nollkaemper & C. Ryngaert (Eds.), *International law in domestic courts: rule of law reform in post-conflict states* (Series on transitional justice, 9) (pp. 1-15). Cambridge-Antwerp-Portland: Intersentia.

Kuijper, P.J.

The Court and the Appellate Body. Between constitutionalism and dispute settlement. In S.E. Gaines, B. Egelund Olsen & K.E. Sorensen (Eds.), *Liberalising Trade in the EU and the WTO. A Legal Comparison* (pp. 99-137). Cambridge: Cambridge University Press.

Nijman, J.E.

After "Iraq": Back to the International Rule of Law? In E. Hey & J.E. Nijman (Eds.), *Netherlands Yearbook of International Law, Volume 2011 Agora: The Case of Iraq: International Law and Politics* (pp. 71-95). Cambridge University Press and TMC Asser Press.

Nijman, J.E.

Minorities and Majorities. In B. Fassbender & A. Peters (Eds.), *The Oxford Handbook of the History of International Law* (Oxford Handbook in Law) (pp. 95-119). Oxford University Press.

Nollkaemper, P.A.

Joint responsibility between the EU and Member States for non-performance of obligations under multilateral environmental agreements. In E. Morgera (Ed.), *The External Environmental Policy of the European Union* (pp. 304-346). Cambridge: Cambridge University Press.

Nollkaemper, P.A.

The role of national courts in inducing compliance with international and European law: a comparison. In M. Cremona (Ed.), *Compliance and the enforcement of EU law* (The collected courses of the Academy of European Law, 20/2) (pp. 157-194). Oxford: Oxford University Press.

Peerenboom, R., Zürn, M. & Nollkaemper, P.A.

Conclusion: From Rule of Law Promotion to Rule of Law Dynamics. In M. Zürn, P.A. Nollkaemper & R. Peerenboom (Eds.), *Rule of Law Dynamics: In an Era of International and Transnational Governance* (pp. 305-323). Cambridge: Cambridge University Press.

Steer, C.

What makes valid law? Shifting modes of responsibility in international criminal law. In M.F.H. Hirsch Ballin, J.E.B. Coster van Voorhout, C. Grijsen, M. van Noorloos, R. Pijnen & J.A.E. Vervaele (Eds.), *Shifting responsibilities in criminal justice: critical portrayals of the changing role and content of a fragmented globalizing law domain* (Pompe-reeks, 69) (pp. 143-163). The Hague: Eleven International Publishing.

Venzke, I.

Antinomies and Change in International Dispute Settlement: An Exercise in Comparative Procedural Law. In R. Wolfrum & I. Gättschmann (Eds.), *International Dispute Settlement: Room for Improvements* (pp. 235-269). Berlin: Springer.

Venzke, I.

Explaining the Globalization of Democracy: Democracy and the Diffusion of Markets. In S. Cassese, B. Carotti, L. Casini, M. Macchia, E. MacDonald & M. Savino (Eds.), *Global Administrative Law Casebook* (pp. 11-20).

Venzke, I. & Bogdandy, A. von

International Courts as Lawmakers. In R. Wolfrum & I. Gättschmann (Eds.), *International Dispute Settlement: Room for Improvements* (pp. 161-213). Berlin: Springer.

Wilt, H.G. van der

On the Hierarchy between Extradition and Human Rights. In E. de Wet & J. Vidmar (Eds.), *Hierarchy in International Law; The Place of Human Rights* (pp. 148-175). Oxford: Oxford University Press.

Zürn, M., Nollkaemper, P.A. & Peerenboom, R.

Introduction: Rule of Law Dynamics in an Era of International and Transnational Governance. In M. Zürn, P.A. Nollkaemper & R. Peerenboom (Eds.), *Rule of Law Dynamics: In an Era of International and Transnational Governance* (pp. 1-17). Cambridge: Cambridge University Press.

Non-refereed book chapters

Abels, D.

De verbindendheid van soft-law penologische standaarden. In J. Claessen & D. de Vocht (Eds.), *Humaan strafwerk: Liber Amicorum Gerard de Jonge* (pp. 1-15). Nijmegen: Wolf Legal Publishers.

Alebeek, R. van

The Judicial Dialogue between the ICJ and International Criminal Courts on the Question of Immunity. In L. van den Herik & C. Stahn (Eds.), *The Diversification and Fragmentation of International Criminal Law* (Leiden Studies on the Frontiers of International Law, 1) (pp. 93-116). Leiden - Boston: Martinus Nijhoff Publishers.

Donders, Y.M.

Old cultures never die? Cultural genocide in international law. In I. Boerefijn, L. Henderson, R. Janse & R. Weaver (Eds.), *Human rights and conflicts: essays in honour of Bas de Gaay Fortman* (pp. 287-303). Cambridge: Intersentia.

Hoffmann, J. & Nollkaemper, P.A.

Concluding observations. In J. Hoffmann & A. Nollkaemper (Eds.), *Responsibility to protect: from principle to practice* (pp. 355-371). Amsterdam: Pallas Publications.

Hoffmann, J. & Nollkaemper, P.A.

Introduction. In J. Hoffmann & A. Nollkaemper (Eds.), *Responsibility to protect: from principle to practice* (pp. 13-25). Amsterdam: Pallas Publications.

Nollkaemper, P.A.

Issues of shared responsibility before the International Court of Justice. In E. Rieter & H. de Waele (Eds.), *Evolving principles of international law: studies in honour of Karel C. Wellens* (Queen Mary studies in international law, 5) (pp. 199-237). Leiden-Boston: Martinus Nijhoff.

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Nollkaemper, P.A.

Universality. In *Max Planck Encyclopedia of Public International Law*. Heidelberg: Heidelberg and Oxford University Press.

Ooik, R.H. van & Mathis, J.H.

Turkey's Accession to the European Union. Temporary and Permanent Derogations from the EU's Economic Acquis? In B. Akcay & B. Yilmaz (Eds.), *Turkey's Accession to the European Union. Political and Economic Challenges* (pp. 73-96). Plymouth, UK: Lexington Books.

Venzke, I. & Bernstorff, J. von

Ethos, Ethics and Morality in International Relations. In R. Wolfrum (Ed.), *Max Planck Encyclopedia of Public International Law*. Oxford: Oxford University Press.

Wilt, H.G. van der

Zware jongens in gevangenschap. De tenuitvoerlegging van de strafvonnisen van het Internationale Strafhof. In *Humaan strafwerk; Liber Amicorum Gerard de Jonge* (pp. 391-407). Wolf Legal Publishers.

Zieck, M.Y.A.

The Limitations of both Voluntary Repatriation and Resettlement of Refugees. In V. Chetail (Ed.), *Research handbook on international law and migration* (Research handbooks in international law series). Cheltenham: Edward Elgar.

Conference papers

Refereed conference papers

Aspremont, J. d'

1989-2010: the rise and fall of democratic governance in international law. In J. Crawford & S. Nouwen (Eds.), *Select proceedings of the European Society of International Law. - Vol. 3: International law 1989-2010: a performance appraisal: Cambridge, 2-4 September 2010* (pp. 61-74). Oxford: Hart.

Aspremont, J. d'

The systemic integration of international law by domestic courts: domestic judges as architects of the consistency of the international legal order. In O.K. Fauchald & A. Nollkaemper (Eds.), *The practice of international and national courts and the (de-)fragmentation of international law* (pp. 141-165). Oxford: Hart.

Non-refereed conference papers**Nollkaemper, P.A.**

The process of legalisation after 1989 and its contribution to the international rule of law. In J. Crawford & S. Nouwen (Eds.), *Select proceedings of the European Society of International Law. - Vol. 3: International law 1989-2010: a performance appraisal: Cambridge, 2-4 September 2010* (pp. 89-102). Oxford and Portland Oregon: Hart.

Sluiter, G. & Vriend, K.

Defending the 'undefendable'? Taking judicial notice of genocide. In H.G. van der Wilt, J. Vervliet, G.K. Sluiter & J.T.M. Houwink ten Cate (Eds.), *The Genocide Convention: the legacy of 60 years* (pp. 81-93). Leiden - Boston: Martinus Nijhoff.

Wilt, H. van der

Between hate speech and mass murder: how to recognize incitement to genocide. In H.G. van der Wilt, J. Vervliet, G.K. Sluiter & J.T.M. Houwink ten Cate (Eds.), *The Genocide Convention: the legacy of 60 years* (pp. 41-50). Leiden: Martinus Nijhoff.

Ph.D. theses**Abels, D.**

Prisoners of the international community: the legal position of persons detained at international criminal tribunals. Universiteit van Amsterdam (1070 pag.). Prom./coprom.: prof.dr.mr. G.K. Sluiter & G. de Jonge (defended 11 May)

Clarke, L.C.

Responsibility of hybrid public-private bodies under international law: A case study of global health public-private partnerships. Universiteit van Amsterdam (247 pag.). Prom./coprom.: prof.dr. E. de Wet & prof.dr. Y.M. Donders (defended 12 October)

Lautenbach, G.E.T.

The rule of law concept in the case law of the European Court of Human Rights. Universiteit van Amsterdam (VII, 326 pag.). Prom./coprom.: prof.mr. P.A. Nollkaemper & prof.dr. E. de Wet (defended 27 January)

Osiemo, O.

Harmonization of sanitary and phytosanitary standards in international trade: the case of the EU and the COMESA. Universiteit van Amsterdam (8, 404 pag.). Prom./coprom.: prof.dr. P.J. Kuijper & dr. J.H. Mathis (defended 18 September)

2) Professional Publications

Articles

Abels, D.

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1.5.2 Keynote Lectures

Alebeek, R. van & Nollkaemper, P.A. (23 April)

Immunities of International Organizations before the Dutch Courts. University of Vienna, Conference on Transnational Judicial Dialogue of Domestic Courts on International Organizations.

Brölmann, C.M. (15 May)

Images of communality in international law. Institute of Advanced Studies of the University of Bologna, lecture series IAS visiting professors.

Brölmann, C.M. (14 June)

The institutional veil of international organizations – rules of interpretation. University of Macerata.

Brölmann, C.M. (4 September)

Typologies of treaties in international law. University of Nottingham, Workshop: Conceptual and Contextual Perspectives on the 1969 Vienna Convention on the Law of Treaties (September 3, 4 and 5, 2012).

Donders, Y.M. (16 April)

The Newly Established National Human Rights Institution in The Netherlands: Integrating Human Rights and Equal Treatment. Catholic University Leuven, Belgium, COST Action IS0702, The Role of the EU in UN Human Rights Reform, Working Group 1.

Donders, Y.M. (18 August)

Cultural Rights: From Cinderella to Princess of the Human Rights Family. University of Osnabrück, Germany, Seminar "Culture, Rights, Identity - Interfaces between the Humanities and the Law".

Donders, Y.M. (26 October)

Mesurer le droit de participer à la vie culturelle: le développement des indicateurs. Université de Bergame Italie, Colloque international, Le droit au développement des libertés-première responsabilité de la coopération internationale.

Kjos, H.E. (11 May)

Connexity between Claims and Counterclaims in Investor-State Arbitration: A Question of Jurisdiction and/or Admissibility? London, The Eighteenth Investment Treaty Forum (BIICL): Public Conference: 'Recent Developments in Investor-State Arbitration: Questions of Jurisdiction and Consent'.

Nollkaemper, P.A. (23 February)

The ICC and the Responsibility to Protect. The Hague, International Criminal Court.

Nollkaemper, P.A. (5 March)

International Law in Domestic Courts: Rule of Law Reform in Post-Conflict States. Geneva, Geneva Academy of International Humanitarian Law and Human Rights.

Nollkaemper, P.A. (2 April)

Shared Responsibility in International Refugee Law. Boston, Conference 'Still Waiting for Tomorrow: The Law and Politics of Unresolved Refugee Crises'.

Nollkaemper, P.A. (31 May)

Contestation of decisions of international human rights courts. Oslo, MultiRights Annual Conference.

Venzke, I. (19 January)

Über Worte und Taten: Wie die Praxis der Interpretation das Völkerrecht schöpft. Berlin, Humboldt University, Roundtable.

Venzke, I. (26 January)

How the Practice of Interpretation Makes International Law: On Semantic Change and Normative Twists. Sciences Po, Paris, Private International Law as Global Governance (PILAGG), Lecture Series.

Venzke, I. (3 June)

Towards a Dynamic Understanding of International Courts' Authority. Jerusalem, International Courts and the Quest for Legitimacy.

Venzke, I. (6 June)

On the Functions of International Courts. Tel Aviv, The Exercise of Public Authority by International Institutions.

Venzke, I. (6 July)

On the Internal Effects of ASEAN External Relations. Amsterdam, ASEAN's External Relations.

Venzke, I. (29 August)

On the Internal Effects of ASEAN External Relations. Singapore, The ASEAN Integration Through Law: The ASEAN Way in a Comparative Context.

Venzke, I. (14 September)

On the Functions and Basic Understandings of International Courts. Copenhagen, iCourts Inaugural Conference.

Venzke, I. (20 September)

Between Power and Persuasion: On International Institutions' Authority in Making Law. Amsterdam, Postnational Rulemaking between Authority and Autonomy.

Venzke, I. (9 November)

On the Communicative Construction of Authority Beyond the State. Heidelberg, Authority beyond the State (AUSTAT).

Zieck, M.Y.A. (20 January)

Resettlement of Refugees. New York, NY working group on Forced Migration.

Zieck, M.Y.A. (23 January)

Seoul Train: North Korean Refugees in China. New York, Presentation at Brooklyn Law School.

Zieck, M.Y.A. (24 January)

The Solution of Voluntary Repatriation of Refugees: Ultra Vires, Logically Impossible, and Otherwise Problematical. New York, Presentation at Brooklyn Law School.

Zieck, M.Y.A. (10 December)

Issues to be addressed and/or included in the revised edition of UNHCR's Handbook Voluntary Repatriation of Refugees. Geneva, Expert workshop convened by UNHCR.

1.5.3 Research Events

Conferences & Seminars

- **Book Launch & Debate**
'Responsibility to Protect: From Principle to Practice'
8 March 2012 – Amsterdam
In cooperation with Amsterdam University Press and SPUI25, the ACIL hosted a book launch of a volume edited by Julia Hoffmann and André Nollkaemper. The book was published by Amsterdam University Press beginning of 2012.
- **Study Group meeting**
'The Principles on the Application of International Law by Domestic Courts'
16 & 17 March 2012 – Amsterdam
The ACIL hosted the first meeting of the ILA Study Group (established in May 2011) to examine the role of national courts in regard to the fundamental contestation between the international legal order and national legal orders as it surfaced in cases like *Kadi* and *Medellin*.
- **Workshop**
'Integration Through Law: The ASEAN Way in a Comparative Context'
6 July 2012 – Amsterdam
The ACIL hosted this workshop of researchers involved in the project on 'Integration Through Law', anchored at the Center for International Law of the National University of Singapore. The project seeks to flank ASEAN's ambition to achieve an Economic Community by 2015 and an ASEAN Community by 2020.
- **Book Launch**
'How Interpretation Makes International Law'
4 December 2012 – The Hague
The ACIL, together with the Hague Institute for Global Justice organized a book launch on the occasion of the publication of a book by Ingo Venzke, entitled 'How Interpretation Makes International Law. On Semantic Change and Normative Twists', published by OUP.

- **Symposium**
'Morality and Responsibility of Ruler: Chinese and European origins of a rule of law for world order'
20 & 21 December 2012 – Amsterdam
 The ACIL (Janne Nijman) together with Anthony Carty, Sir Y K Pao Professor in Public International law (University of Hong Kong Faculty of Law) organized this seminar in order to examine the philosophical history of international law and the common foundations in Western and Chinese approaches to global order.

Runnymede Lectures

- **The Institutional Problem in Modern International Law: Form and Function in International Legal Theory**
 8 February 2012 – Richard Collins
- **Constitutional Studies of Free Trade and Political Economy**
 29 May 2012 – Gonzalo Villalta Puig
- **Targeted Warfare: Individuation and the Modern Battlefield**
 25 June 2012 – Samuel Issacharoff

Luncheon Meetings

- **The ICJ case of Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening)**
 21 February 2012 - Rosanne van Alebeek
- **Some Reflections on the Principle of Legality in International Criminal Law.**
 7 March 2012 - Alessandro Bufalini
- **Regulating the UN Security Council's Authority Exercised vis-à-vis Non-State Actors: Legitimacy in Proximity**
 29 March 2012 - Machiko Kanetake
- **Privileges and Immunities of International Organizations in the Case Law of Dutch Courts**
 8 May 2012 - Rosanne van Alebeek & André Nollkaemper
- **The International Court of Justice and the Rights of Peoples and Minorities**
 7 June 2012 - Gentian Zyberi
- **Dual Attribution of Conduct to States and International Organisations: Default or Exception?**
 26 June 2012 - Francesco Messina
- **Do minorities and persons belonging to minorities have a right to cultural identity?**
 11 July 2012 - Laura-Maria Crăciunean

- **The Interfaces between the International and National Rule of Law: The Case of UN Targeted Sanctions**
25 September 2012 - Machiko Kanetake
- ***Abaclat and Others v. Argentine Republic*, ICSID Case No. ARB/07/5 (formerly *Giovanna a Beccara and Others v. The Argentine Republic*)**
18 October 2012 - Hege Kjos
- **ECtHR case of *Nada v. Switzerland***
23 October 2012 - Stephan Hollenberg
- **The Elusive Allocation of Responsibility of Informal Organisations, the Case of the Quartet on the Middle East**
15 November 2012 - Annemarieke Vermeer
- **International Law through the Prism of National Courts: The Approach of Investor-State Arbitration Tribunals**
22 November 2012 - Hege Kjos
- **National Law: A Small but Neat Utensil in the Toolbox of International Criminal Tribunals (see *International Criminal Law Review* 10 (2010): 209-241)**
18 December 2012 - Harmen van der Wilt

SHARES Lectures & Debates

- **Burden Sharing in International Refugee Law**
15 March 2012 – Bhupinder S. Chimni
- **Joint Responsibility in International Law: revisiting the Oil Platforms Case**
24 May 2012 – Bruno Simma
- **The Future of the UN Climate Change Regime: Options for the Durban Platform Negotiations**
11 June 2012 – Daniel Bodansky
- **The Future We Want: The Long Road to Sustainable Development**
3 September 2012
- **Extraterritorial Application of Human Rights Treaties and Shared Responsibility**
6 September 2012 – Marko Milanovic
- **The EU Accession to the European Convention on Human Rights and the Co-responsibility Mechanism**
4 October 2012 – Tobias Lock
- ***External Processing of Asylum Seekers outside the EU: Out of Sight, Out of Mind***
3 December 2012
- **My difficulties with sharing – A critique of shared responsibility**
6 December 2012 – Andrea Bianchi

Ph.D. Defenses

- **The rule of law concept in the case law of the European Court of Human Rights**
Ph.D. Defense Geranne Lautenbach – 27 January 2012
- **Prisoners of the International Community**
Ph.D. Defense Denis Abels – 11 May 2012
- **Harmonization of sanitary and phytosanitary standards in international trade: the case of the EU and the COMESA**
Ph.D. Defense Onsando Osiemo – 18 September 2012
- **The emergence of ‘international partnerships’ consisting of international organisations and private entities within the international constitutional order**
Ph.D. Defense Lisa Clarke – 12 October 2012

2. The Role of Law in Armed Conflict and Peace Operations

2.1 General Information

Programme leader: Prof. Terry Gill

This Research Programme has as its primary aim the investigation of the increasing and changing nature of the role that law plays in relation to situations of armed conflict and a wide variety of peace operations, including post-conflict transitional situations. The primary focus will be upon the role of public international law, as befits a research centre for international law such as the ACIL, but attention will also be devoted to the relationship of international law to other branches of law such as military operational law and human rights law as well as to disciplines other than law, including international relations, military operational art and science, military history and conflict studies and strategy where this is relevant for assisting in attaining the goals of the various projects which together make up the overall Programme.

Affiliations outside the institute

The Programme is closely related to the activities of the *Research Forum on the Law of Armed Conflict and Peace Operations* (LACPO Research Forum) which brings together some 25 researchers from within ACIL, the Netherlands Defence Academy, the T.M.C. Asser Institute and from other law faculties engaged in research or professionally with the law of armed conflict, military law and other areas of law relevant to the research within the Programme.

It also is linked with the *Interuniversity Research Platform on International Humanitarian and Criminal Law Platform* (IHCL Platform) which promotes cooperation and joint projects between researchers within the Programme, The Netherlands Defence Academy, Leiden University and VU University Amsterdam. The Programme also maintains close links with leading researchers and institutions outside the Netherlands and has participated and continues to participate in a number of joint projects, such as the preparation of a Handbook on the International Law of Military Operations, published in 2010, a Manual on the Application of International Law to Cyber Warfare completed in 2012 and published in 2013, to name two examples.

2.2 Research Area and Objective

Specific objectives of the Research Programme are linked to the research themes set out below and include:

- Assessment of the role and adequacy of the recognized legal bases governing the use of force in relation to contemporary types of armed conflict and peace operations;

- Assessment of the role and relationship of international humanitarian law and human rights law in relation to new types of armed conflict;
- Assessment of the adequacy of current international law and its application to new technological developments in warfare such as remote targeting, (semi) autonomous weapons and digital warfare;
- Analysis and development of the international law of military operations as an emerging sub-discipline within public international law.

2.3 Research Input

Research staff

In 2012 this Research Programme comprised 14 researchers.

Table 05

Research staff 'The Role of Law in Armed Conflict and Peace Operations'

Name and present title		fte	
Professor			
	Gill, T.D. ¹⁴	0,16	
			0,16
External researchers			
Researchers			
	Ducheine, P.A.L.	0,40	
	Gill, T.D.	0,10	
	Nybondas,M	0,00	
	Tibori Szabo, K.	0,00	
			0,50
Ph.D. researchers			
	Bartels, R.	0,20	
	Boddens Hosang, J.F.R.	0,20	
	Boogaard, J.C. van den	0,20	
	Brollowski, H.	0,00	
	Dorsey, J.	0,30	
	Fink, M.D.	0,30	
	Fortin, K.	0,00	
	Gorlee, M.	0,20	
	Pouw, E.	0,80	
	Voetelink, J.E.D.	0,40	
			2,60
Total research staff (14)			3,26

Funding

This Programme was funded primarily by external researchers (3,10fte) and to a small extent by contract funding (0,16fte).

2.4 Programme Development

The Research Programme has two main areas of research output. Firstly in the form of the ongoing Ph.D. projects, of which there were ten at different stages of completion in 2012. Secondly, in the form of other publications: articles, (contributions to) books and other research activities, such as participation in

¹⁴ Funded by both contract funding (0,16) and external funding (0,10).

international projects aimed at producing annotated manuals in areas such as cyber warfare.

During 2012, work continued on the ongoing Ph.D. projects. One project was completed in 2012, the dissertation of Joop Voetelink on the status of forces stationed or deployed abroad, and was published in the same year. The next Ph.D. project due for completion is the dissertation of Eric Pouw on the interplay of humanitarian law and human rights law in relation to contemporary counter insurgency operations, which was completed in early 2013 and is scheduled for public defence in November 2013. The other projects are still in early to midterm stages of completion and are generally on schedule, with the dissertation of Jeroen van den Boogaard dealing with proportionality as a principle of the law of armed conflict and in relation to the use of force being somewhat delayed to a change in employment, but due for completion in the second half of 2014 or early 2015. The other projects are due for completion at a later date.

Several newer projects were commenced in 2010-2011 and include the dissertations of Rogier Bartels on the legal regime for transnational armed conflicts, the dissertation of Jessica Dorsey on the temporal and geographical limits to the application of the law of armed conflict, the dissertation of Martin Fink on the legal dimensions of maritime interception operations and the dissertation of Katharine Fortin, jointly conducted under the auspices of the Study and Information Centre for Human Rights (SIM) at Utrecht University and the ACIL, on the accountability of armed groups for violations of humanitarian and human rights law.

Other ongoing Ph.D. projects include those by external Ph.D. candidates Hans Boddens Hosang, Hanna Brollowski and Maurits Gorlee. Hans Boddens Hosang is writing on the relationship of 'rules of engagement' to international and national law. His dissertation will be defended on the basis of a series of related articles in different journals and is planned for completion in 2014-2015. Maurits Gorlee is writing on extraterritorial jurisdiction in relation to arms transfers of private military companies. As these researchers all have fulltime employment in non-academic positions, progress is somewhat slower, but steady nevertheless. Hanna Brollowski and Hans Boddens Hosang have made several publications in journals and book contributions which are closely related to their dissertation topics, while Maurits Gorlee is at an early stage of research on his topic.

The second main area of activity concerned the completion of a number of publications by researchers within the Programme and ongoing work on further projects. These included a number of journal articles, and contributions to books and other projects. These included the participation by Terry Gill in an international project under the general coordination of Prof. Mike Schmitt (Durham University UK/US Naval War College) with a team of twenty researchers from a number of countries (Australia, Belgium, Canada, Estonia, Germany, Netherlands, Sweden,

Switzerland, the United Kingdom and the United States) which prepared a manual on the application of international law to cyber warfare under the auspices of NATO Center on Cooperative Cyber Defence (CCDCOE) located in Tallinn, Estonia. This project was completed in mid-2012 and published in 2013. Another new project which was commenced in 2012 was the formation of an international study group under the auspices of the International Law Association devoted to preparing a report on the law relating to the 'conduct of hostilities', which is aimed for completion in 2015.

Finally, the LACPO Research Forum conducted a series of meetings over the course of 2012. The forum provides a contact point for discussion, exchange of ideas and peer review of draft publications with the group. Other noteworthy activities included a conference sponsored under the auspices of the previously mentioned IHCL Platform on the Role of the International Prosecutor in December, the participation in a three day roundtable conference on cyber warfare in the US Naval War College by Prof. Gill in June, and the presentation of a General Report on the law of self-defence at the Triennial Congress of the International Society for Military Law and the Law of War by amongst others Prof. Gill in May 2012 in Quebec, Canada.

2.5 Research Output

The output listed below is the output registered in Metis on 1 October 2013, and subject to possible changes and additions.

2.5.1 Publications

1) Academic Publications

Articles

Refereed articles

Gill, T.D.

Legal Aspects of the Transfer of Authority in UN Peace Operations. *Netherlands Yearbook of International Law*, 42, 37-68.

Voetelink, J. & Fink, M.

Het Enrica Lexie-incident: rechtsmacht over Militaire Vessel Protection Detachments (VPD's). *Nederlands Juristenblad*, 87(33), 2286-2290.

Non-refereed articles

Fink, M.D.

De ontwikkeling van de strafrechtelijke rechtsmacht over het personeel van de NAVO-Trainingsmissie in Irak (NTM-I). *Militair Rechtelijk Tijdschrift*, 6(105), 261-264.

Fink, M.D.

Sancties tegen Libië: Operation Unified Protector (OUP). *Militair Rechtelijk Tijdschrift*, 105(5), 213-226.

Book chapters

Non-refereed book chapters

Bouwmeester, A.J.H., Folmer, J.M. & Ducheine, P.A.L.

Cyber Security and Policy Responses. In P. Ducheine, F. Osinga & J. Soeters (Eds.), *Cyber warfare: critical perspectives* (NL ARMS, 2012) (pp. 19-48). The Hague: T.M.C. Asser Press.

Ducheine, P. & Pouw, E.

Controlling the use of force: legal regimes. In R. Beeres, J. van der Meulen, J. Soeters & A. Vogelaar (Eds.), *Mission Uruzgan: collaborating in multiple coalitions for Afghanistan* (pp. 67-79). Amsterdam: Pallas Publications.

Ducheine, P. & Pouw, E.

Legitimizing the use of force: legal bases for operations Enduring Freedom and ISAF. In R. Beeres, J. van der Meulen, J. Soeters & A. Vogelaar (Eds.), *Mission Uruzgan: collaborating in multiple coalitions for Afghanistan* (pp. 33-46). Amsterdam: Pallas Publications.

Ducheine, P.A.L., Voetelink, J.E.D., Stinissen, J.F. & Gill, T.D.

Towards a Legal Framework for Military Cyber Operations. In P. Ducheine, F. Osinga & J. Soeters (Eds.), *Cyber warfare: critical perspectives* (NL ARMS, 2012) (pp. 111-128). The Hague: T.M.C. Asser Press.

Conference papers

Non refereed conference papers

Ducheine, P.A.L.

Parliamentary involvement in the Netherlands' military operations abroad. In S. Hardt, L. Verhey & W. van der Woude (Eds.), *Parliaments and military missions* (pp. 15-32). Groningen: Europa Law Publishing.

PhD theses

Voetelink, J.E.D.

Status of forces': Strafrechtsmacht over militairen vanuit internationaalrechtelijk & militair-operationeelrechtelijk perspectief. UvA Universiteit van Amsterdam (x, 317 pag.). Prom./coprom.: prof.dr. T.D. Gill (defended 20 September 2012)

2) Professional Publications

Articles

Voetelink, J.E.D.

Een introductie in het militair operationeel recht. *Militaire Spectator*, 181(1), 4-13.

Conference papers

Gill, T.D., Ducheine, P.A.L., Boddens Hosang, J.F.R. & Marchand, C.

Legal Interoperability and Ensuring Observance of the Law Applicable in Multinational Deployments. In *General Report for the 19th Congress of the International Society for Military Law and the Law of War*. Bruxelles: International Society for Military Law and the Law of War.

3) Other

Edited books

Ducheine, P., Osinga, F. & Soeters, J. (Eds.)

Cyber warfare: critical perspectives (NL ARMS, 2012). The Hague: T.M.C. Asser Press.

2.5.2 Keynote Lectures

Ducheine, P.A.L. (25 May)

The Right to Life: Procedural Requirements, The Hague, CLEER Seminar 'Human rights and EU crisis management operations: a duty to respect and to protect?', organised by the Centre for the Law of EU, Asser and NLDA.

Ducheine, P. (27 June)

The Legal Framework for Military Cyber Operations, Breda, NLDA Defensie Cyber Symposium 2012.

Ducheine, P.A.L. (30 August)

Cyber Warfare: Critical Perspectives, Breda, Opening Academisch Jaar NLDA 2012-13.

Ducheine, P.A.L. (11 September)

The Legal Framework for Military Cyber Operations, Breukelen, 3rd Round Table of the Dutch Cyber Warfare Community.

Ducheine, P.A.L. (4 October)

The Military Legal Framework for Cyber Operations, Apeldoorn, Seminar Militair Juridische Dienst Krijgsmacht.

Gill, T.D., Marchand, C., Ducheine, P.A.L., Boddens Hosang, J.F.R. (1 May)

Presentation of the General Report on the Law of Self- Defence, 19th Congress of the International Society for Military Law and the Law of War, Quebec, Canada.

Gill, T.D. (26 June)

Anticipatory Self-Defense in Cyber Perspective, 2012 Annual Conference of the US Naval War College on 'Cyber War and International Law', Newport, Rhode Island.

2.5.3 Research Events

Ph.D. defense

Status of forces agreements in international and operational legal perspective

Ph.D. Defense Joop Voetelink – 20 September 2012

Annex 1 – Ph.D. Research at the ACIL in 2012

The International Rule of Law – ACIL Researchers

- Christiane Ahlborn
Responsibility of member states of an international organization
- Gaetano Best
The suitability of national criminal procedures for the investigation and prosecution of international crimes
- Bérénice Boutin
Issues of shared responsibility in peace support operations
- Lisa Clarke
The emergence of "international partnerships" consisting of international organisations and private entities within the international constitutional order
(defended 12 October 2012)
- Nienke van der Have
The obligation to prevent gross human rights violations
- Stephan Hollenberg
The emerging international value system and the reestablishing of (domestic) legal control over the exercise of public power directed at private individuals
(defended 11 June 2013)
- Louwrens Kiestra
The impact of the emerging international value system on private international law through public order clauses
(defended 2 July 2013)
- Emma Irving
Shared responsibility under international law for the protection of persons who appear before international criminal tribunals
- Erik Kok
The principle of complicity in the law of state responsibility
- Catharina Koops
The effectiveness of (non-)infringement procedures in the EU and other international organizations
- Karel de Meester
The Pre-Trial Phase in International Criminal Proceedings
- Anne van Mulligen
The normativity of international law
- Nataša Nedeski
Shared obligations in international law and their relation to shared responsibility

- Enrico Partiti
Voluntary Sustainability Standardization under EU and WTO Law
- Kelly Pitcher
Addressing procedural violations committed during the investigative and pre-trial phases of national and international criminal proceedings
- Evelien van Roemburg
Sixty years of exclusion – A problematic marriage of international refugee law and international humanitarian law
- Tim Staal
The legitimacy of rulemaking processes in international environmental institutions
- Cassandra Steer
Translating Guilt: Individual liability for collective crimes in international criminal law
- Isabelle Swerissen
Responsibility and burden sharing agreements in international refugee law
- Antonietta Trapani
Elements of international crimes, as applied by domestic jurisdictions
- Sergey Vasiliev
The Nature and Organisation of International Criminal Trials
- Vincent Vleugel
The use of the margin of appreciation doctrine in the UN human rights treaty body system
- Koen Vriend
The law of evidence in (international) criminal proceedings and fair trial implications
- Sander Wirken
Transitional justice and the rule of law
- Krit Zeegers
International human rights in the law of international criminal procedure – an autonomous and principled approach

The International Rule of Law – External Ph.D. Researchers

- Evelyn Campos Sanchez
Remedies in Cases of Aggravated International Responsibility
- Ieva Miluna
Impact of the UN General Assembly and the UN Security Council determinations on state responsibility
- David Moszkowicz
Just war and human rights: the philosophy and law of humanitarian intervention

- Amaka Okany
State responsibility for the conduct of entities exercising elements of governmental authority
- Antonina Okuta
Complementarity under the Rome Statute; A case study of Kenya and Uganda
- Res Schuerch
The ICC in The Hague; universal instrument to fight most serious crimes or promotor of legal neocolonialism?
- Chris Soler
The global prosecution of core crimes under international law

The Role of Law in Armed Conflict and Peace Operations – External Ph.D. Researchers

- Rogier Bartels
The legal regime of transnational armed conflicts under international humanitarian law
- Hans Boddens Hosang
[]
- Jeroen van den Boogaard
Proportionality in armed conflict
- Hanna Brollowski
[]
- Martin Fink
De toepassing van het zeeoorlogsrecht in contemporaine maritieme operaties
- Katharine Fortin
[]
- Maurits Gorlee
Improving accountability and responsibility of private military contractors and security companies
- Eric Pouw
International Human Rights Law and the Law of Armed Conflict in the Context of Counterinsurgency, with a Particular Focus on Targeting and Operational Detention
- Joop Voetelink
Status of forces agreements in international and operational legal perspective
(defended 20 September 2012)

Ph.D. research, defended in 2012

- Denis Abels
Prisoners of the International Community
(defended 11 May 2012)
- Lisa Clarke
The emergence of "international partnerships" consisting of international organisations and private entities within the international constitutional order
(defended 12 October 2012)
- Geranne Lautenbach
The rule of law concept in the case law of the European Court of Human Rights
(defended 27 January 2012)
- Onsando Osiemo
Harmonization of sanitary and phytosanitary standards in international trade: the case of the EU and the COMESA
(defended 18 September 2012)
- Joop Voetelink
Status of forces agreements in international and operational legal perspective
(defended 20 September 2012)