

TLS

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Please, if you wish your relevant research and updates to be published in our newsletter then send all your input to: TLS@rug.nl



TLS welcomes its youngest member: Bram ten Voorde, born on August 29th 2019!

Upcoming Events

October 9, 2019
13:00-17:00

Workshop
The Gender
Dimension of
Business and
Human Rights,
Asser Institute,
The Hague

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tls@rug.nl

More new members!

My name is **Ratna Juwita** and I am a new Ph. D Student at the Transboundary Legal Studies department. I finished my master studies of international law and the law of international organization specialized human rights in the University of Groningen, 2014. My master thesis is about corruption and the realization of the right to education in Indonesia. During my master studies, I discovered the idea from Eleanor Roosevelt that "human rights begin at home unless it has meaning there, it has little meaning anywhere". That idea became my passion to pursue higher study in human rights and the reason why I chose Indonesia as the country study in my research. In 2018, Transparency International released the Corruption Perception Index and Indonesia ranked 89th compared to 180 countries. Corruption in Indonesia is perceived as curable cancer by Dwight Y. King due to the structured, systematic and massive corruption cases. Based on the Annual Reports of the Corruption Eradication Commission in Indonesia from 2004-2018, the cases of corruption increased exponentially. Those cases mostly related to the corruption of public funds, *inter alia*, health and education funds that should have been allocated for the progressive development of economic, social and cultural rights in Indonesia. In my perspective, the negative impact of corruption has multiplier effects that lead to the inability of the State party to carry on its human rights obligations. My initial research questions are how to define and prove that corruption in Indonesia amounts to a violation of human rights under international law?

The notion of corruption and human rights is an emerging idea that is being debated by several international law experts. Dr. Martine Boersma from the Maastricht University argued in her dissertation that corruption, especially in the case of grand corruption amounts to a violation of human rights due to the impairment of State party's ability to provide the fullest enjoyment of human rights towards its constituents. Last year, Professor Anne Peters published her article about "Corruption as a Violation of International Human Rights" in EJIL Vol. 29, No. 4 (2018), she concluded that though it is difficult to conceptualize corruption as a human rights violation based on the legal doctrinal approach but the practical benefit of the conceptualization of corruption as a violation of human rights might lead to close the gap between international anti-corruption and human rights instruments. By taking their stances, I would like to contribute to the legal continuum between international anti-corruption and human rights law by conducting a specific country study in Indonesia. The norm entrepreneurship



SPOTLIGHTED

Making notes on your laptop during classes? Marcel says no! (DvhN 12.9.2019, click on picture for link. Works only within My University environment)

Student terug naar pen en papier

Steeds meer docenten zijn het zat in de collegezaal tegen een muur van laptops aan te kijken. Een Groningse hoogleraar gooide het roer radicaal om.

LAURA POPKEN

Voor een docent is het niet leuk als studenten continu achter een scherm zitten. Vindt Marcel Brus, hoogleraar Internationaal Publiekrecht aan de Rijksuniversiteit Groningen (RUG). Het is daardoor moeilijker om contact te maken, vooral als je wilt discussiëren of iets uitleggen. In onderzoek wijst uit dat de stof dan beter bekijft. Daarom voorde Brus met ingang van dit studiejaar een bijzondere maatregel in: geen opengeklapte laptops meer in de collegebanken, maar ouderwets aantekeningen maken met pen en een papier.

Laptops in de collegezaal zijn sommige hoogleraren een doorn in het oog. Hoogleraar moderne Nederlandse letterkunde Ya Dijkstra aan de Universiteit Leiden maakte drie jaar geleden van haar collegezaal een laptopvrije zone. Ze is er tevreden mee. Ik doe het nog steeds en het bevult uitstekend.

Wat is voor Dijkstra het grootste probleem? We raken allemaal afgeleid van beeldschermen, ook ik. Een verbod is prettiger voor iedereen. Niemand vindt een zombiel achter zijn of haar beeldscherm leuk. Ik heb net een nieuwe laptop gekocht, dus ik was er helemaal klaar voor! Nu kan ik hem helaas niet gebruiken", lacht rechtstudente Ingrid Andringa (23). Ze legt zich niet bij het verbod, maar denkt er wel het hare van. Normaal gesproken kun je typen terwijl iemand praat. Ik vind het lastig om alles op te schrijven en tegelijkertijd te luisteren.

Studiegenoot Roza Klaassen (23) is der daarmee eens. "Ik kan nu minstens een beetje schrijven dan wanneer ik een laptop gebruik. Daarnaast maakt schrijven met de hand het lastig om het college te volgen, dat werkt demotiverend. En ik is met de hand schrijven nog wel van deze tijd! Hoogleraar Dijkstra in van de middelbare school, daar gebruiken ze geen laptop. Het is raar dat wij moeten zeggen 'leg pen en papier maar weg en pak je laptop'. Ergens is er iets misgegaan."

Hoogleraar Brus voegt toe: "Moe-



Roza Klaassen (l) en Ingrid Andringa zijn niet blij dat ze hun laptop weer moeten insluiten voor pen en papier. FOTO JAN WILLEM VAN NIEUW

ten studenten niet leren lesstof op deze manier te verwerken! In hun latere leven kunnen ze ook niet altijd hun laptop gebruiken."

Onbekend is hoeveel hoogleraren laptops in de ban hebben gedaan. De RUG heeft er geen beleid voor, zegt woordvoerder Jorien Bakker. Een docent bepaalt zelf wat er in de collegezaal gebeurt. Studenten met dyslexie of andere beperkingen mogen altijd een laptop gebruiken. Ondanks haar twijfels kan studente Ingrid wel begrip opbrengen voor het laptop-verbod. "Docenten zijn vaak van een andere generatie en ik snap dat ze een muur van beeldschermen onpersoonlijk vinden."

Maar het besluit overtuigt haar niet. De computer blijft in ons leven, daar kun je maar beter goed mee leren omgaan."

En die afleiding, wordt dat echt minder? Roza denkt van niet: "Afhankelijk is er altijd, je kunt nu op je telefoon zitten, of gaan tekenen."

theory by Martha Finnemore and Katharyn Sikkink will be analyzed to be the bridge to reconceptualize the current understanding of the separation between international anti-corruption and human rights instruments into a possibility to combine those under the proposed norm that corruption amounts to a violation of human rights. The state of the art of my research is the analysis on specific country study to define the causal link between corruption and human rights through collecting the data of corruption cases in Indonesia, subsequently lead to the possibility of bringing the result of country analysis into further discussion that is the making of a new international legal or quasi-legal instrument concerning corruption and human rights.

My name is **Saide Esra Akdogan** and I have started working as a PhD Department in TLS two weeks ago. I finished my bachelors at Ankara University with an exchange year in Munich. After working in a law office for a year and qualify as a lawyer in Ankara, I came to The Netherlands and did my master's at Leiden University last year. So, I am familiar to the Dutch culture and living in The Netherlands to some extend and also just started to a Dutch course.



I graduated from the Advanced LLM in European and International Business Law Programme with my thesis titled *“To Revise or Not to Revise: Implications of the Regulatory Approach of the European Union for Trade in Services Provisions under its FTAs with Canada, Japan and Ukraine on Revision of the European Union - Turkey Customs Union”*, supervised by Prof. Christa Tobler.

I do find the EU law fascinating and greatly enjoyed my courses on internal market in particular, starting from my bachelors.

My research at RUG mainly focuses on external trade of the European Union and international economic law and will be supervised by Prof. Hans Vedder. The main question I seek to answer is whether international sustainability can be achieved through bilateral means as no major achievements have been observed through the multilateral system for decades to the date. The EU having the internal motivation to police these values specifically after the Lisbon Treaty and being the main rule exporter in the many areas bring up the question of whether the EU can set an example through its bilateral relations and promote these values beyond its borders. I will focus on the provisions on environmental protection and labor standards in the recent EU free trade agreements, analyze five of them and assess whether they are or can be effective in promoting these non-trade-related values in regard to achieving a similar or better level of protection than multilateral rules.

Apart from this, I am into fantasy books, am a nerd for Harry Potter and LoTR worlds and have an unfinished fantasy novel myself besides the short stories I used to write. I also enjoy almost every

kind of sports. I played handball, table tennis and football but focused more to basketball in my university years where I was in my faculty's team for 4 years. So, I am always up for a game 😊

Looking forward to meeting everyone in the department in person.

GENERAL RESEARCH ACTIVITIES

On 29 May, 2019, **Marcel Brus** was visited by a delegation from the University of Rwanda Law Faculty led by Etienne Ruvebana (former PhD candidate in international law under the supervision of Marcel Brus and André de Hoogh; obtained his PhD in 2014) to discuss future cooperation. Nuffic has provided a grant to the Free University of Amsterdam to develop cooperation in the field of research, teaching and curriculum development. Our Faculty is a partner in this project. Specific collaboration proposals will be further developed this fall.



The Summer School '[Health and Human Rights](#)' was held for the fourth time this year. **Meaghan Beyer** took care of the organization this time and we have enjoyed meeting participants from all over the world.

Brigit Toebes gave a keynote lecture on September 6th at Wemos in the Hague: <https://www.wemos.nl/40years/>

The inaugural speech of **Brigit Toebes** took place on June 4, 2019. The speech can be (re-)read on: <https://www.rug.nl/rechten/onderzoek/expertisecentra/ghlg/inaugural-lecture-brigit-toebes-en.pdf>

Nynke Vellinga and **Trix Mulder** presented their research at the Intelligent Transport Society (ITS) European Congress in Eindhoven in June. Around 3.000 delegates from industry, governments and science visited the Congress. Nynke presented her research on automated driving and duties of care, while Trix presented the paper she and Nynke wrote together on automated cars and the collection of personal (health) data. Both papers are published in the conference proceedings.

Mando Rachovitsa was a visiting scholar at Melbourne Law School at the Institute for International Law and Humanities in July 2019

Idda Sway Lyatonga visited our university early July. She presented the paper: *Who are you speaking for? Practical Problems and Inconsistencies Encountered by Special Seat Councillors in Tanzanian Local Councils*, co-authored by **Nicolle Zeegers** in the Talks meeting on 2 July and at the ECPG conference (Amsterdam) on 4 July 2019.



The TLS Delegation at the IVR World Congress 2019 (Lucerne, Switzerland)

The XXIX IVR World Congress took place on 7–12 July 2019 at the Lucerne University and attracted the record-breaking number of participants thus becoming the year's biggest event on legal and social philosophy (over 1300 participants). The IVR congresses are typically organised as umbrella events that combine the conference-wide panels with smaller workshops tailored to specific topics, where the conveners have all the freedom.

Our department's delegation included **Prof Dr Pauline Westerman**, **Dr Panos Mekouris**, and **PhD's Marina Fortuna**, **Kostiantyn Gorobets**, **Andreas Hadjigeorgiou**, **Yuliia Khyzhniak**, and **Nina Mileva** who delivered their presentations at multiple workshops and panels. Prof Dr Pauline Westerman shared her perspective on "Judicial Interpretation of 'Outsourced Law'" at the workshop devoted to creation and application of law. PhD Yuliia Khyzhniak presented on "Narrative Coherence and Change: A Literary Approach to the Jurisprudence of the European Court of Human Rights" at the workshop on the narratives in law. PhD Kostiantyn Gorobets made a presentation on "Whose Reasons? Experience of Authority of International Law" at the workshop organised around the phenomenology of experience of law. PhD Andreas Hadjigeorgiou presented at two different workshops and discussed the issues of "Hart on the

Interpretation of Law: The Possible, the Probable, and the (Morally) Correct” and “Shapiro's Swing & a Miss: Hart and the Concept of Rule”.



One of the key moments in the programme was the special workshop on “Philosophical Perspectives on International Law” convened by Kostiantyn Gorobets, Andreas Hadjigeorgiou and Prof Dr Pauline Westerman. The workshop attracted a most dedicated audience and incredible speakers who shared their views on the philosophical issues surrounding today's international law. The wide interest to the workshop among the IVR participants was a most compelling sign that in today's legal academia, there is a strong demand for philosophical contemplation of international law.

Law, Literature, and Human Rights" Summer School

On 15–19 July 2019 the Summer School on "Law, Literature, and Human Rights", the first Summer School that combines *Law and Literature* studies with contemporary human rights discourse, took place. The ultimate goal of this Summer School was to bring together several interconnected narratives: human rights, literary studies, and law. The participants of the Summer School thus had a chance to draw on these narratives to discover the deep connections and underlying meanings of human rights and their reflections in literature and law.

The week started with the lecture of Prof. Jeanne Gaakeer (Erasmus University Rotterdam) who offered an overview of the *Law and Literature* movement with an emphasis on how it helps to tailor our thinking about law and its functions. One of the ideas which was central in Prof. Gaakeer speech was the importance of the human ability to speak about oneself, ability to tell one's own story in law.



As a continuation of this idea Dr. Marielle Matthee (Leiden University) and Prof. Maria Green (Lund University, Sweden) showed how different manners of talking about oneself and others can shift the perspective on law completely. By doing close reading, that is a direct encounter with a literary text, the participants could see why it matters a lot how we talk about ourselves and about other people, and what a way of talking in literary works could bring to the issues of human rights.

Also, the Summer School touched upon the issues of what impact law has on literature.

Dr. Katerina Tsampi (University of Groningen) showed how through a particular human right, namely freedom of expression, law speaks about literature in the judgments of the ECtHR. This enabled an opportunity to see how languages of law and literature differ when they talk about each other.

The Summer School also took a step towards another kind of art — cinema – which has other (compared to literature) means of expression for speaking about human rights. **Dr. Antenor Hallo de Wolf** (University of Groningen) discussed how films illuminate topics of human rights discourse, what are obvious and sophisticated ways of depicting human rights in films. At the same time, Prof. Frans Willem Korsten (Leiden University) showed also the boundaries of the human rights discourse as embodied in contemporary cinema. Indeed, not behind every film we can find a humanistic ideal.

The Summer School week closed with lectures by Prof. Dr. Greta Olson (University of Giessen, Germany) who sought to underline images of refugees and migrants in mass culture and how these images impact on politics and law in contemporary Europe and the US.

The Summer School proved that looking at interdisciplinary connections of law, literature, and human rights is a great and effective way of discovering new layers and new meanings of contemporary human rights discourse. The next year's edition of the Summer School will definitely deepen and broaden this experience.

SEMINARS, EVENTS, WORKSHOPS AND CONFERENCES

3-8 September: **Tobias Nowak** presented his paper on The Importance of the Judiciary for the Intermediary Power Structure in Liberal Democracies in a panel on judicial activism and policy impacts of courts, and acted as a discussant for the panel Who is Judge? Judicialisation of Politics and Politicisation of Courts at the annual conference of the European Consortium for Political Research (ECPR) in Wroclaw, Poland. In both panels, participants discussed possibilities for further research and collaboration. As a member of ECPR's Law and Courts Section, he also attended a very exciting administrative meeting.

Lottie Lane has co-organized a workshop, co-hosted by the Business and Human Rights Working Group of the Netherlands Network for Human Rights Research, together with the Asser Institute. Fundamental Rights in Courts and Regulation (FRICoRe). This workshop '**The Gender Dimension of Business and Human Rights**', will take place on **October 9th, 2019 in The Hague at the Asser Institute from 13:00-17:00**. Speakers will include Surya Deva, Nadia Bernaz and Tara van Ho.

Here are some activities **Mando Rachovitsa** participated in recently:

- Procedural Rules on (S)electing Judges: Developments Across International Courts, Conference on Procedural Rules of International Courts and Tribunals: Between Change and Stability (Sapienza University of Rome, Rome, 3 May 2019)
- The Law and Politics of the Requirement of 'Recognised Competence in International Law': (S)electing Judges and Arbitrators and Controlling the International Bench, Conference on

Comparative Procedure in State-to-State Disputes (Leiden University, The Hague, 28-29 May 2019)

- On New 'Judicial Animals': The Curious Case of an African Court with Material Jurisdiction of a Global Scope, PluriCourts 2019 Workshop on the Political and Legal Theory of International Courts and Tribunals (University of Oslo, 24-26 June 2019)
- International Law as AutoCorrect, Panel on Society Rebooted: Digital Infrastructure and its Governmentality, Day of Sociology (University of Amsterdam, 27 June 2019)
- Non-legal Expertise and Practice-based (Legal) Experience: What is Their Place on the International Bench?, 27th Conference of the Australian and New Zealand Society of International Law, International Law Futures: The Intersection of Law with Knowledge, Information and Expertise (Australian National University, Canberra, 4-6 July 2019)
- What are International Courts Made of? The Law and Politics of the Expertise of International Judges (Melbourne Law School, 16 July 2019)
- Comparing the Jurisdiction Ratione Materiae of International Courts on Human Rights: New Designs and Old Anxieties, Invited lecture, [Cycle Conférences sur l'Europe](#) (Faculty of Law, University of Fribourg, 29 October 2019)



On Monday June 11th we held a Pubquiz (during our Social Outing on Schiermonnikoog) with the theme *Getting acquainted with TLS teachers and courses*. We are proud to announce that the TLS Challenge cup was won by team **Annemarie Foekema, Julia Khyzhiak, Erna Dyah Kusumawati, Merve Bas Seyyar, and Brigit Toebes.**

Publications

Mando Rachovitsa, 'On New "Judicial Animals": The Curious Case of an African Court with Material Jurisdiction of Global Scope' (2019) 19 Human Rights Law Review 255-289.

Mando Rachovitsa, 'Balancing Test (ACTHPR)', Max Planck Encyclopaedia of International Procedural Law (forthcoming)

Mando Rachovitsa: Co-editor (with M. Hesselman), Special Issue 'International Law for the Sustainable Development Goals', Brill Open Law

Mando Rachovitsa, 'Introduction' (with M. Hesselman), Special Issue 'International Law for the Sustainable Development Goals, Brill Open Law (forthcoming)