

Advisory Committee
on Public International Law

International law as a compass for Dutch foreign policy

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Members of the Advisory Committee on Issues of Public International Law

Chair	Professor Daniëlla Dam-de Jong
Vice-Chair	Dr Rosanne van Alebeek
Members	Dr Guido den Dekker Dr Bibi van Ginkel Dr André de Hoogh Dr Cecily Rose Professor Cedric Ryngaert Professor Elies van Sliedregt Professor Jan Wouters
Executive secretary	Kirsten van Loo LLM

Postal address
Postbus 2006
2500 EB Den Haag
T: +31 (0)70 348 5011
Email: cavv@minbuza.nl

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Introduction

A shift is perceptible in the Dutch government's attitude to international law. According to the present coalition agreement, international law 'does not automatically prevail' in a multipolar world and the Netherlands must therefore adopt the stance of a country that defends international law but also learns 'to speak the language of power'.[1] Although the Advisory Committee on Issues of Public International Law (CAVV) interprets the coalition agreement as still expressing an intention to defend international law and the Prime Minister has stressed the importance of international law in various forums,[2] the wording raises questions about the consistency with which the normative significance of international law is being conveyed. This became even more apparent in early March 2026 when the Minister of Foreign Affairs commented on the American and Israeli attacks on Iran, which had begun on 28 February 2026. On that occasion, the minister stated that 'international law is not the only framework' for assessing the situation and referred to the 'murderous nature' of the Iranian regime.[3]

Other examples demonstrate an inconsistent approach to the identification and condemnation of serious violations of the prohibition on the use of force and of international humanitarian law: whereas the Dutch government expressed condemnation of the Russian Federation's actions in Ukraine, it did not do so (or at least did so in much more circumspect terms) in relation to the friendly state of Israel (for its actions in Gaza and Lebanon) and in relation to NATO ally the United States (for its actions in Venezuela and its attacks on alleged 'drug boats' and, together with Israel, on Iran). The CAVV discusses these examples in more detail in section 2.

The CAVV recognises that current international relations are complex and that, in view of geopolitical circumstances, political and strategic considerations have to be made. The calls for a 'realistic' foreign policy are therefore nothing new and have indeed been heard for some time, but what *is* new is the resulting inference that international law is merely one of several frameworks from which to choose in any given situation. Presenting international law in this way as one of the frameworks from which to choose when determining international policy detracts from the fact that international law must serve as a compass to guide all considerations that play a part in shaping policy. When the Netherlands presents international law as merely one of the criteria that can be applied to its international relations, on a par with economic or geopolitical considerations, thereby allowing it to choose the option that is most expedient in any given situation, this diminishes the effectiveness of international law and undermines confidence in it as a universal normative framework. This is especially so if it is a practice adopted by a growing number of states.

The role of international law as a compass for foreign policy is also undermined by the flawed argument that it 'can leave us virtually toothless',[4] given the limited nature of the enforcement mechanisms available under international law. Although international law, unlike national law, does not have a central enforcement mechanism, this does not mean that it is toothless. Reasoning of this kind reduces the operation of international law to formal enforcement and fails to recognise the normative function of international legal norms. It is precisely because states take international legal norms as the basis for regulating their mutual relations that international law contributes to international stability, even when violations cannot be addressed immediately or in full. On the other hand, if states systematically fail to speak out against violations of international law – or even express understanding for them – there is a risk that international law will cease to be regarded as a binding normative framework. In such circumstances, violations and the failure to condemn them unequivocally are no longer mere incidents and instead contribute to the broader erosion of the international legal order.

In the CAVV's view, both the relativisation of the role of international law as a self-evident basis and the failure to speak out against violations of international law serve to undermine international law and hence ultimately also the position of the Netherlands itself. These developments have prompted the CAVV to prepare this advisory report on its own initiative.

In a world increasingly shaped by power politics, it is all the more important for states to consistently advocate compliance with international law and to condemn violations of it, irrespective of which state is responsible. The CAVV's aim in publishing this advisory report is to emphasise the importance of states consistently upholding the foundations of the international legal order, rather than relativising them or setting them aside in the interests of power politics.

In section 1, below, the CAVV examines the historical role of the Netherlands as a champion of international law. In section 2 it addresses the importance of consistent enforcement of international law, and in particular for the Netherlands. The report concludes with findings and recommendations.

The CAVV adopted the text of this advisory report on 6 October 2026.

– 1

The Netherlands as defender of the international legal order

The Netherlands has historically played a special role in developing and promoting international law. For example, it acted as an important pioneer by hosting the Hague Peace Conferences of 1899 and 1907, thereby also laying the foundation for its role as the seat of dispute resolution institutions. That tradition as a pioneer in the development of international law took clearer shape in the early years of the twentieth century, for example through Cornelis van Vollenhoven's influential article 'Roeping van Holland' (Holland's Calling) in 1910.[5] In that same year, the Netherlands Society of International Law called on the government to actively take up its historical role as defender of the international legal order.[6] Shortly afterwards, the first chairs in international law[7] were established at Dutch universities and the Netherlands began actively promoting the codification of international law and the adoption of international dispute resolution.[8] It was thus no coincidence that The Hague grew to become the legal capital of the world. This commitment has been described as a 'missionary burden', although it has also been acknowledged that it stems in part from enlightened self-interest.[9]

The Netherlands' historical 'calling' and the realisation that international law is of great economic and political importance have been enshrined in article 90 of the Constitution, which provides that 'the government shall promote the development of the international legal order'. A broadly worded constitutional mandate of this kind has few equivalents internationally and was deliberately formulated in broad terms to prevent selectivity.[10] Article 90 of the Constitution is an instruction to the government which, by its very nature, is not suited to judicial enforcement, which is precisely why responsibility for compliance with that provision rests primarily with the government itself and, secondly, with the Dutch parliament through its powers of scrutiny. That mandate is not compatible with an expedient case-by-case application of international law.

The Netherlands also works within and in cooperation with the European Union (EU) and the Council of Europe to promote international law and human rights. Moreover, under Article 3(5) of the Treaty on European Union, the EU is obliged to contribute to the strict observance and the development of international law, including respect for the principles of the United Nations Charter. The Netherlands plays an active role within the EU. For example, it was the driving force behind the thematic sanctions regime for serious human rights violations.[11]

The Netherlands' commitment to promoting international law has recently been reflected mainly in its efforts to combat impunity in relation to international crimes and serious human rights violations. This is apparent from the role played by the Netherlands in hosting international tribunals, its steps to strengthen the national prosecution of international crimes and its active support for international cooperation in criminal law matters, including the Dutch initiative that led to the adoption of the 2023 Ljubljana-The Hague Convention on international cooperation in the investigation and prosecution of international crimes.[12]

The role of the Netherlands (especially The Hague) as a centre for international justice, as evidenced by the long-standing presence of the Permanent Court of Arbitration and the International Court of Justice (formerly the Permanent Court of International Justice), was further strengthened by the establishment of international criminal tribunals, including the International Criminal Tribunal for the former Yugoslavia, the International Criminal Court, the Special Tribunal for Lebanon (whose mandate expired in 2023) and the Kosovo Specialist Chambers. The Netherlands is also expected to host the Special Tribunal for the Crime of Aggression against Ukraine.[13] The position of host country entails considerable financial and diplomatic obligations, but also yields significant benefits for the Netherlands. It strengthens the Netherlands' international reputation as a country that stands up for the rule of law, enhances its diplomatic influence and brings economic benefits to The Hague as international city of peace and justice.[14]

Given its responsibilities as host country, the Netherlands has a major role to play in relation to the International Criminal Court (ICC) now that the latter has come under such great pressure. On 13 July 2026, the US Secretary of State called for the dismantlement of the ICC on the grounds that it posed a threat to American sovereignty.[15] On 18

August the United States imposed sanctions on the president of the ICC and a senior prosecutor, after having previously imposed them on a number of other judges and court staff. In his address to the UN General Assembly, the US president called on other member states to withdraw from the ICC.[16] The Netherlands, represented by its Minister of Foreign Affairs, has rejected these sanctions,[17] and the Dutch Prime Minister, in his address to the UN General Assembly, roundly condemned the attempts to undermine the ICC.[18] In neither case, however, was the state taking these measures explicitly named. Yet it is precisely the act of naming the state concerned that distinguishes a position grounded in law from a general expression of disapproval.

The Netherlands' involvement in proceedings before the International Court of Justice (ICJ) is also in keeping with the fight against impunity, to which reference has already been made. A prime example is the case brought by the Netherlands together with Canada against Syria for violations of the UN Convention against Torture.[19] Other examples are the joint intervention of the Netherlands and other states in the case of The Gambia against Myanmar concerning the interpretation of the Genocide Convention[20] and in the case of Ukraine against the Russian Federation.[21] On 11 March 2026, the Netherlands filed a declaration of intervention in the case of South Africa against Israel. In doing so, it aims to promote the consistent interpretation of the Genocide Convention and to emphasise the need for its universal application.[22] This intervention shows that it is possible to maintain a consistent legal approach, including towards friendly states, and that this is compatible with the Netherlands' broader foreign policy. The contrast with the more circumspect public stance taken in other cases, to which the CAVV will return in section 2, is therefore all the more striking.

The Netherlands' involvement in proceedings before the International Court of Justice (ICJ) also shows that traditionally it not only emphasises the importance of international legal norms but is also prepared to contribute actively to their development and clarification. This has earned the Netherlands a reputation as an advocate of the international legal order, the rule of law and the fight against impunity. This reputation also entails responsibilities. A state that purports to be a defender of international law must speak up consistently when that legal order is under threat.

– 2
The importance of compliance with international law

In playing its traditional role of promoting international law, the Netherlands has not been motivated solely by idealism. The existence of a strong international legal order is clearly in the interests of a relatively small country with an open economy. International law provides protection from the arbitrary actions of powerful states and helps to ensure that international relations are stable and predictable. Dutch foreign policy was therefore long based on the conviction that a strong international legal order benefits both the world and the Netherlands itself.[23] For a trading nation such as the Netherlands, stability, predictability and international cooperation are, after all, of great economic and political importance. That is precisely why the Netherlands has traditionally worked to promote multilateral cooperation and the development of international law. Moreover, protecting the international legal order and stability is one of the six national security interests set out in the 2023 Security Strategy for the Kingdom of the Netherlands.[24] A realistic foreign policy is therefore not at odds with international law but instead presupposes recognition of its importance.[25] Respect for international law also protects the national interests of the Netherlands, particularly in the long term.

After all, the alternative to an international legal order is an international order based on strategic expediency and power politics, in which legal norms are subordinated to political interests. Such an order mainly benefits powerful nations and results in states being treated in a fundamentally unequal and unjust manner. In such an order, the consequences are felt first and foremost by small and medium-sized states such as the Netherlands. It is therefore crucial for the Netherlands to continue its efforts to promote compliance with international law.

This raises the question of what options the Netherlands has at its disposal to ensure compliance. The CAVV recognises that compliance with international law is hampered by the absence of a central enforcement mechanism such as that for national law. This in no way

suggests, however, that those rules are meaningless. The normative value of international law is not diminished by the fact that states commit violations, perhaps in fact anticipating that no centralised enforcement mechanism exists. Similarly, in the national legal order, criminal law is not simply set aside because crimes continue to be committed.

Moreover, there remain ample opportunities for promoting compliance with international law. It is essential that the basic rules, such as the fundamental prohibition on the use of force and the principle of non-intervention, provide states with a normative framework within which to legally assess potential violations and invoke the responsibility of the states involved, whether this concerns the Russian aggression against Ukraine, the Iranian support for armed groups or the actions of allies, such as the American attacks on alleged drug boats. These basic rules have also been adopted with the consent of the states, command broad support and enjoy international legitimacy. That legitimacy is linked, for example, to the coherence of the legal system and to the clarity of the rules and their consistent application, and has always underpinned states' willingness to comply with international law.[26] The underlying assumption is that no state is so powerful that it can afford to prioritise its own immediate interests over the long-term interests that are served by compliance with international law. This is because states must pay a high price for allowing their own power and self-interest in the short term to prevail over compliance with international law, as it puts their reputation as a reliable international partner at risk.[27] States therefore often comply with international rules, even where this is not in their own interests in the short term, because they expect other states to do likewise and because, in the longer term, they have an interest in maintaining a stable system of international agreements.

In this context, the CAVV stresses that the extent to which *other* states tolerate, support or condemn a violation to a large extent determines the price to be paid for that violation. For example, the price paid for a violation is reduced if states do not condemn violations committed by other states. In the absence of consequences, these states may be inclined to commit further violations in the future. This can then make the community of nations as a whole less willing to comply with the rule in question. And in turn, this can cause the gradual erosion of the international legal order.

For these reasons, a consistent approach to upholding international law is essential to its legitimacy. This can naturally be accompanied by – quiet – diplomacy, but the greater the risk that a state will allow its foreign policy to be guided by the principle of 'might over right', the more urgent it becomes for the rest of the international community to speak out publicly against this.[28] Moreover, states that assess the expediency of taking a firm stand on a case-by-case basis may, in the long run, actually become more vulnerable to pressure from the state responsible for the violation. After all, from the perspective of that state it evidently pays to bring increased pressure to bear.

Besides using legal instruments such as formally invoking responsibility (whether or not through legal proceedings), retorsion measures, suspension of cooperation, and sanctions, the international community has a broader responsibility to constantly reaffirm the normative force of international law. This can be done, for example, through the adoption of public political stances. Especially when some states increasingly allow power politics to dictate their policies, it becomes essential for other states to continue defending publicly the normative character of international law.

Furthermore, speaking out against serious violations is not solely a matter of political desirability. In the event of serious breaches of peremptory norms of international law (*jus cogens*), all states have a legal obligation not to recognise as lawful the situation created by the violations and not to render aid or assistance in maintaining that situation. In addition, states are obliged to respect international humanitarian law pursuant to Common Article 1 of the 1949 Geneva Conventions[29] and to prevent genocide pursuant to Article I of the Genocide Convention[30] – this being an obligation that arises, according to the ICJ, as soon as a state is or should be aware of a serious risk that genocide will occur.[31] Publicly identifying and legally characterising violations is the most basic way of giving effect to these obligations. Consistently upholding international law is therefore not only a prudent course of action for the Netherlands, but in certain cases

also a legal requirement.

An example that clearly shows the importance of an approach based on legal norms is the European response to the US threat to annex Greenland. Following the announcement by the United States in January 2026 that it would increase tariffs in response to the military support provided by a number of European states to Denmark to ensure the security of Greenland, the Netherlands and the other states concerned issued a joint statement on 18 January 2026 in which they spoke out forcefully in support of the principles of sovereignty and territorial integrity and condemned the tariff threats.[32] That position was reaffirmed the same day by the Minister of Foreign Affairs in a letter to the President of the House of Representatives of the Dutch parliament.[33] In this letter, the Minister also stated that the Netherlands was consulting with its EU partners about 'the implications for the arrangements under this agreement should the United States actually implement these import tariffs'. This was followed by discussion on the deployment of the EU's Anti-Coercion Instrument (ACI). Ultimately, the United States moderated its stance before actual measures were taken. It is noteworthy that, in the case of Greenland, the Netherlands, like other EU partners, has consistently invoked international law. It has done so both by using the language of international law – thereby reaffirming fundamental norms – and by exploring the instruments available for legal enforcement. Although Dutch and European interests were directly at stake in this case, this does not diminish its value as an example. Rather, it shows that the available legal and diplomatic instruments are indeed effective when deployed.

A similarly resolute response from the Netherlands has been lacking, however, in the case of various other serious violations of international law by the United States. Where the violations have been directed against governments with which the Netherlands does not maintain friendly ties, the importance of keeping on good terms with an ally appears to have taken precedence over a consistent application of international law. For example, the Dutch government was extremely circumspect in its response to the US military operation in Venezuela on 3 January 2026,[34] and is still similarly reticent about the US attacks on alleged drug boats.[35] The attacks on Iran also largely failed to elicit a comparable legal condemnation from the Netherlands and the majority of other EU states. The concerns about the manner in which the Iranian regime cracked down on demonstrations in January 2026 were widely shared. Such concerns cannot, however, constitute a justification for not making a legal characterisation of the actions of the United States and Israel. Following the US and Israeli attacks on Iran, the Netherlands initially confined its response mainly to expressions of concern about conflict escalation, but avoided explicitly stating that the attacks violated international law.[36] When the prime minister commented on the subject a few days later, however, he stated that both the attack on Iran and the subsequent Iranian retaliatory strikes fell 'outside the framework of international law' – thereby mentioning both in the same breath – while at the same time stressing his understanding for the action taken by the United States and Israel.[37] He also noted that, although international law is 'timeless', 'we can see (…) that we are living in a world that is changing quite rapidly. And that the geopolitical context is radically different from what it was even a few months ago, let alone a few years ago.'[38]

Among international law experts, there is broad agreement about the unlawfulness of the US and Israeli attacks on Iran.[39] Although the Dutch government has on several occasions cited the many serious human rights violations committed by Iran as a possible legitimisation of those attacks, it is important to note that international law provides no scope for unilateral military operations undertaken for humanitarian purposes. The customary procedures under the UN Charter are available for use in such situations, in particular escalation through the UN Security Council. As an alternative (in the absence of a legal basis), efforts can be made to win political support through the UN General Assembly's 'Uniting for Peace' procedure. Neither the United States nor Israel has attempted to take this multilateral path, nor have they explicitly invoked humanitarian grounds. In an 'Article 51 letter' to the UN Security Council, the United States, on behalf of itself and Israel, invoked the right of self-defence against both the attacks by non-state groups sponsored by Iran and the future threat of the use of nuclear weapons and ballistic missiles.[40] Neither of these grounds fulfils the

conditions for lawfully invoking the right of self-defence.

The right of self-defence under Article 51 of the UN Charter may be invoked only if an armed attack has occurred and the response is both necessary and proportionate. As regards Iran's support for Hamas, Hezbollah and the Houthis, it is important to note that the ICJ imposes a stringent threshold both for whether an act qualifies as an 'armed attack' justifying self-defence and for the attribution to a state of attacks carried out by non-state groups. In its judgment in the 1986 case between Nicaragua and the United States, the ICJ held that the concept of 'armed attack' did not include assistance to rebels in the form of the provision of weapons or logistical or other support. Such assistance can potentially be regarded as a violation of the prohibition on the use of force or of the principle of non-intervention, but it cannot serve as a basis for invoking the right of self-defence. For an attack by an armed group to be attributed to a state, more is necessary than the provision of assistance. There must be either a state of complete dependence or one of 'effective control' over the groups' operations. There is insufficient evidence of such a degree of control in the case of Iran.[41]

Furthermore, the lawfulness of the use of force in self-defence against future threats is itself controversial. After all, in such a case, an armed attack – a prerequisite for the lawful exercise of the right of self-defence – has not yet occurred. In so far as such action is accepted as lawful, that is the case only if the threat is sufficiently specific and imminent and time can reasonably be said to be of the essence.[42] That criterion was not met in the case of Iran discussed above. Finally, it is important to note that even if all the conditions for lawful exercise of the right of self-defence have been met, the response to an armed attack too is subject to conditions, namely that it must be necessary and proportionate. Necessity relates to the existence of alternatives, and proportionality to the means deployed to render the threat harmless.[43] These conditions were also not met in this case.

Naturally, the content of rules of international law can evolve, possibly influenced by strategic considerations that command broad support internationally, including from countries not regarded by the Netherlands as allies. However, such a process must take place through multilateral cooperation, treaties and customary international law, not through unilateral interpretations by powerful states. In this regard, states from the Global South must on no account be overlooked. As long as such strategic considerations have not been reflected in the formal sources of international law, they have no normative force and have only limited persuasive weight.

Conclusion and advice

In this advisory report, the CAVV has identified a change in the Dutch government's attitude to international law. It seems as though the Netherlands no longer treats international law as the self-evident basis for international relations and does not always consistently identify or condemn violations of international law by allies or friendly states.

The CAVV has arrived at the following conclusions:

1. International law continues to be of fundamental importance to stable international relations and the protection of global interests. A predictable international order based on legal rules is essential for a medium-sized trading nation such as the Netherlands.

2. Defending international law is not an optional commitment. Article 90 of the Constitution instructs the government to promote the development of the international legal order. That instruction should serve as a guide for Dutch foreign policy.

3. Consistently identifying and characterising violations is not only sensible policy but also an obligation under international law. In the event of serious violations of peremptory norms, all states have an obligation not to recognise as lawful the situation created by the violations and not to render aid or assistance in maintaining that situation. Moreover, under provisions such as Common Article 1 of the Geneva Conventions and Article I of the Genocide Convention, states are obliged to adopt an active approach.

4. The universality of international law requires consistent observance on the part of the Netherlands. Selective application harms both the position of the Netherlands and the legitimacy of international law.

5. The Netherlands has long positioned itself as an advocate of the international legal order and of the fight against impunity. That reputation will be jeopardised by a restrained or selective approach.

6. For the Netherlands, an international order governed by power politics is not a sustainable alternative for a legal order founded on universal norms, multilateral cooperation and the consistent application of international law.

In view of the foregoing, the CAVV recommends that the government:

(a) state its position consistently and in legal language – including in its letters to parliament about international conflicts – regarding serious violations of the prohibition on the use of force and international humanitarian law, irrespective of which state is responsible for them;

(b) as host country, actively and publicly speak out against measures that hamper international judicial bodies established in the Netherlands in the independent performance of their duties and take the initiative in organising a joint response within the treaty bodies concerned;

(c) actively work within the EU to adopt consistent legal positions and make consistent use of the available instruments, i.e. retorsion measures, suspension of cooperation, sanctions and the Anti-Coercion Instrument;

(d) ensure that article 90 of the Constitution once again serves explicitly as a guiding principle in foreign policy documents;

(e) work to achieve further development of international law, especially through multilateral channels, together with EU partners, allies, countries from the Global South and others;

(f) once again work with like-minded states to play a leading role in the protection of international law.

List of abbreviations

AIV	Advisory Council on International Affairs
CAVV	Advisory Committee on Issues of Public International Law
EU	European Union
ICC	International Criminal Court
ICJ	International Court of Justice
NATO	North Atlantic Treaty Organization
UN	United Nations
US	United States

Endnotes

1 Democrats ’66 (D66), People’s Party for Freedom and Democracy (VVD) and Christian Democratic Alliance (CDA), 2026-2030 Coalition agreement, *‘Let’s get to work. Building a better Netherlands’*, 30 January 2026, p. 34.

2 See the speech by Prime Minister Rob Jetten at the Next Gen: Security Conference The Hague, 27 May 2026: ‘(...) for reasons of both principle and practicality, we must remain fully committed to the rule of law and the international legal order. (...) I mention the rule of law and the international legal order first for a reason. They are not just abstract concepts, or hobby horses of a few privileged countries. On the contrary, they are the foundation on which our society rests. Our freedom, our security, our democracy and our prosperity.’ See also Prime Minister Rob Jetten’s address to the 81st session of the United Nations General Assembly, 25 September 2026: ‘But when we look at the world today, we see similar challenges as [those] which preceded the founding of the UN. We see that the international legal order is under pressure in more and more places, even though it is the very foundation of our freedom and prosperity.’

3 See E. van der Groot, ‘Kabinet worstelt met aanval op Iran: “Varen door mist van nieuwe wereldorde”’ (Government grapples with attack on Iran: ‘Navigating through the fog of a new world order’), *nu.nl* 2 March 2026; NOS Nieuws, ‘Minister van Buitenlandse Zaken: “Begrip voor aanvallen VS en Israël op Iran” (Minister of Foreign Affairs: ‘Understanding for US and Israeli attacks on Iran’), nos.nl 2 March 2026. Minister of Foreign Affairs Tom Berendsen repeated his remarks during the parliamentary debate of 12 March 2026, when he stated: ‘At the same time, we reiterate that the framework of international law is not the only perspective from which we should view this conflict, given the murderous nature of the Iranian regime and all the other elements that go with that (...).’ See House of Representatives, Proceedings, 2025–2026 session, no. 51, 12 March 2026, on Iran.

4 Minister of Defence Dilan Yeşilgöz, during the parliamentary debate of 12 March 2026, in: House of Representatives, Proceedings, 2025–2026 session, no. 51, 12 March 2026, on Iran.

5 C. van Vollenhoven, ‘Roeping van Holland’ (‘Holland’s Calling’), *De Gids* 74, 1910, p. 185.

6 ‘Het pleit van het Internationalisme’ (‘The argument for Internationalism’) in *Mededelingen van de Koninklijke Nederlandse Vereniging voor Internationaal Recht*, 1, p. 29, 30.

7 H. de Waele, ‘A New League of Extraordinary Gentlemen? The Professionalization of International Law Scholarship in the Netherlands, 1919–1940’, *European Journal of International Law*, 31-3, 2020, pp. 1010 and 1011.

8 For a historical overview, see H.F. van Panhuys et al. (eds), *International Law in the Netherlands*, vols I–III, Sijthoff, 1978-1980.

9 N.J. Schrijver, ‘A Missionary Burden or Enlightened Self-Interest? International Law in Dutch Foreign Policy’, in: *Netherlands International Law Review*, 57-2, 2010, pp. 209-244.

10 Parliamentary Papers, House of Representatives 1979/80, 15 049, no. 7, p. 5.

11 See C. Eckes, ‘EU global human rights sanctions regime: is the genie out of the bottle?’ in: *Journal of Contemporary European Studies*, 30-2, p. 260.

12 Ljubljana-The Hague Convention on international cooperation in the investigation and prosecution of the crime of genocide, crimes against humanity, war crimes and other international crimes, Ljubljana, 26 May 2023, *Dutch Treaty Series* 2024, 39. See also: https://www.gov.si/en/registries/projects/mla-initiative.

13 Agreement between the Council of Europe and Ukraine on the Establishment of the Special Tribunal for the Crime of Aggression against Ukraine, 4 June 2025, and letter to parliament of 3 July 2026 on the offer by the Netherlands to host the operational phase of the Special Tribunal for the Crime of Aggression against Ukraine, Parliamentary Papers, House of Representatives 2025/26, 36 045, no. 311.

14 For the economic significance, see Decisio, *De impact van internationaal op lokaal. Een economische impactanalyse van de internationale non-profit sector* (The impact of the international non-profit sector on its local counterparts. An economic impact analysis of the international non-profit sector), 2023.

15 U.S. Department of State, Office of the Spokesman, ‘State Department Launches Campaign to Dismantle the International Criminal Court’s Threat to American Sovereignty’, Media Note, 13 July 2026 and https://usunrome.usmission.gov/why-were-dismantling-the-icc.

[16] Address by the United States – UN General Assembly General Debate, 81st Session, 22 September 2026, viewable at: https://webtv.un.org/en/asset/k17/k17vgtoa6m; see also: https://news.un.org/en/story/2026/09/1168397.

[17] 'Nederland veroordeelt Amerikaanse sancties Internationaal Strafhof' (The Netherlands condemns US sanctions against the ICC), *nos.nl* 19 August 2026.

[18] Address by Prime Minister Rob Jetten to the United Nations General Assembly 2026, 25 September 2026.

[19] ICJ, 8 June 2023, *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and Netherlands v. Syrian Arab Republic), Joint Application instituting proceedings*.

[20] ICJ, 15 November 2023, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar: 7 States intervening), Joint declaration of intervention of Canada, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Kingdom of the Netherlands, and the United Kingdom of Great Britain and Northern Ireland.* This has been set out in more detail in: ICJ, 26 February 2024, *Written Observations of Canada, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Kingdom of the Netherlands, and the United Kingdom of Great Britain and Northern Ireland*.

[21] ICJ, 7 December 2022, *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), Joint declaration of intervention by Canada and the Kingdom of the Netherlands.*

[22] ICJ, 11 March 2026, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Intervention*, p. 7: '(...) the Netherlands will present its view on the construction of the Convention in relation to the requirement of specific intent. This will include its view on 1) the significance of circumstantial evidence; 2) the importance of a balanced approach recognizing the exceptional gravity of the crime of genocide, as direct evidence is usually rare in cases concerning genocide; and 3) the importance of a comprehensive and holistic approach to the available evidence. This will be followed by a section on forced displacement, on children, and one on starvation and the deliberate withholding of humanitarian aid. In addition, the Netherlands will present its view on the obligation of third states to prevent genocide.'

[23] Ministry of Foreign Affairs, *Investeren in perspectief. Goed voor de wereld, goed voor Nederland* (Investing in Global Prospects. For the world, For the Netherlands), 2018, p. 92. See also: Ministry of Foreign Affairs, *IOB Evaluatie, Tussen papier en praktijk – Evaluatie van het Nederlandse mensenrechtenbeleid in een veranderende wereldorde (2017-2022)* (IOB Evaluation, Between paper and practice – Evaluation of Dutch support to human rights in a changing world order (2017-2022); summary in English), 2024, p. 3.

[24] Central government, *Security Strategy for the Kingdom of the Netherlands*, 2023, see, for example, p. 4.

[25] See J. Voorhoeve, 'Het gaat om de gevolgen: elf aandachtspunten' (It's about the consequences: eleven points for consideration), *Internationale Spectator* 2016-2, item 7, p. 3. People's Party for Freedom and Democracy (VVD), Christian Democratic Alliance (CDA), Democrats '66 (D66) and Christian Union (CU), 'Confidence in the future', 2017-2021 coalition agreement, p. 53, Parliamentary Papers, House of Representatives 2026/27, 37 020 V, no. 2, p. 12.

[26] T.M. Franck, *The Power of Legitimacy Among Nations*, Oxford University Press, 1990.

[27] See, for example, the 'Three Rs of Compliance' (reputation, reciprocity and retaliation), as conceptualised by A.T. Guzman, *How International Law Works: A Rational Choice Theory*, Oxford University Press, 2008.

[28] Compare the measures that third states are required to take to prevent genocide, as explained by the CAVV in: *The obligation of third states to prevent genocide*, advisory report 50, 4 August 2025, pp. 7-8.

[29] See the Geneva Convention relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949.

[30] Convention on the Prevention and Punishment of the Crime of Genocide, Paris, 9 December 1948, *Dutch Treaty Series* 1960, 32.

[31] ICJ, 26 January 2024, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Provisional Measures, Order of 26 January 2024, I.C.J. Reports 2024*, p.3. This determination was made in the context of the provisional measures proceedings,

without prejudice to possible findings in subsequent proceedings on the merits. See also CAVV, *The obligation of third states to prevent genocide*, advisory report 50, 4 August 2025, p. 6.

32 See Government Offices of Sweden, Statement by Denmark, Finland, France, Germany, the Netherlands, Norway, Sweden and the United Kingdom, Statement by Ulf Kristersson, 18 January 2026.

33 Letter to parliament of 18 January 2026, concerning the government's position in the Coreper II urgent consultations on EU-US relations, Parliamentary Papers, House of Representatives 2025/26, 21 501-2, no. 3317.

34 S. Berkeljon, 'Kabinet reageert terughoudend, Kamer wil spoeddebat over Amerikaanse aanval op Venezuela' (Government responds cautiously, parliament wants emergency debate on the US attack on Venezuela), *de Volkskrant* 4 January 2026.

35 'Van Weel veroordeelt aanvallen VS op drugsboten niet, Kamer vindt kabinet te stil' (Dutch justice minister fails to condemn US attacks on drug boats, parliament thinks government keeping too quiet), *NU.nl* 9 December 2025, and more recently D. Drayer, 'Amerikaanse militaire operaties vergroten kwetsbaarheid Curaçao, waarschuwen veiligheidsanalisten' (US military operations make Curaçao more vulnerable, security analysts warn), *Curacao.nu* 17 October 2026.

36 Letter to parliament of 3 March 2026, concerning the US and Israeli attacks on Iran and the mitigating measures taken by the government to minimise the harmful effects of the war for the Netherlands and Europe, Parliamentary Papers, House of Representatives 2025/26, 23 432, no. 631.

37 Central government, 'Verbatim transcription of the press conference after the Cabinet meeting of 6 March 2026'. The prime minister comments in general terms that 'it has been clear for a long time that Iran poses a serious threat to regional peace and security. The country has a repressive and murderous regime. And both last week's attack on Iran and Iran's subsequent unacceptable retaliatory strikes against countries in the region fall outside the frameworks of international law.'

38 Ibid.

39 See, for example, the letter signed by 100 US-based international law experts in which they expressed their concerns about the illegality of the attacks on Iran: T. Dannenbaum et al., 'Over 100 International Law Experts Warn: U.S. Strikes on Iran Violate UN Charter and May Be War Crimes', *Just Security* 13 April 2026, and the statement signed by 90 German law experts: 'Statement on German Foreign Policy in Light of the U.S. and Israeli Attacks on Iran', *Verfassungsblog* 19 March 2026. For the response of Dutch legal experts, see, for example: D. Walters, 'Aanval op Iran mag alleen bij onmiddellijke dreiging. Dat was heel duidelijk niet het geval' (Attack on Iran legal only where there is an immediate threat. This was very clearly not the case), *nrc* 2 March 2026, and interviews with Larissa van den Herik, Carsten Stahn, Anna Marhold and Nico Schrijver via: University of Leiden, 'Leidse experts internationaal recht: aanval op Iran schendt internationaal recht' (Leiden international law experts: attack on Iran violates international law), 4 March 2026.

40 See 'Letter dated 10 March 2026 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council', UN Doc S/2026/161. See also the statement of the US Legal Adviser: U.S. Department of State, Office of the Legal Adviser, 'Operation Epic Fury and International Law', 21 April 2026.

41 See: ICJ, 27 June 1986, *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America). Merits, Judgment, ICJ Reports 1986*, p. 14, para. 195 (armed attack) and paras. 109-116 (attribution). The ICJ has upheld these findings on a number of occasions since then. See, for example, ICJ, 26 February 2007, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007*, p. 43, paras. 398-406; and ICJ, 19 December 2005, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Merits, Judgment, I.C.J. Reports 2005*, p. 168, para. 146.

42 See, for example, the Advisory Council on International Affairs (AIV) and CAVV, *Pre-Emptive Action*, joint AIV and CAVV advisory report 15, 9 July 2004, in which the AIV and CAVV conclude that: '[i]n the event of an instant, overwhelming threat that leaves no choice of means and no moment for deliberation, the use of force could be acceptable as a means of anticipatory self-defence, provided that the criteria are strictly applied and that the principle of proportionality is observed.'

43 See ICJ, 6 November 2003, *Oil Platforms (Islamic Republic of Iran v. United States of America), Judgment, I.C.J. Reports 2003*, p. 161, paras. 76-77.