



Onderzoek- centrum voor Staat & Recht

Research Centre
for State & Law

Self-evaluation report
2016-2021

Radboud University



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Preface

This is the self-evaluation report of the Research Centre for State & Law (SteR). This report has been written as part of the official evaluation by an assessment committee of independent experts. This committee assesses the performance of SteR on the basis of this self-evaluation and a site visit in November 2022. This report follows the guidelines from the [Strategy Evaluation Protocol 2011-2027](#) (SEP) for publicly funded research institutions.

In this self-evaluation we report on relevant developments since the previous evaluation in 2017. More in particular, we reflect on the strategic aims of the past six years as well as the accomplishments in terms of research quality and societal relevance. This report also looks ahead and considers the strategy of our institute for the next six years. We hope that the assessment will help us in further improving the quality, societal relevance and viability of our research. Public law research is more relevant than ever, as we explain in the introduction.

This report has been written by the chair, director and secretary of the institute with considerable input from the supervisors of the four research programmes, the members of the general board as well as our advisory board. The writing of the report has truly been a joint effort and we would like to express our gratitude to everyone involved. We would also like to thank Kitty van Veelen, the faculty's policy officer for research and grant support and coordinator of the Graduate School of the Faculty of Law, for her assistance.

Nijmegen, 6 September 2022

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1 Introduction

We are facing an ever more complex world full of challenges: a global pandemic, climate change and environmental degradation, a dependence on technology and digitalisation, and shifting migration patterns. Public law plays an important role in responding to these challenges. Both societal challenges and legal rules are becoming increasingly complex given the multi-layered structure of regulation. Rule-making and enforcement take place at national, European and international levels. It is perhaps unsurprising that the quality and conflict-solving capacity of law has increasingly been called into question, and the rule of law itself is vulnerable. Recent developments in EU Member States including Poland and Hungary have shown that the continued existence of the rule of law and the protection of fundamental rights is not self-evident. The rule of law (*rechtsstaat*) is also under pressure in the Netherlands, as the childcare benefits scandal (*toeslagenaffaire*) illustrated. Instrumentalism, the blurring of the distinction between state and society, subversive crime (*ondermijning*) and political populism leave deep scars. These developments justify asking how resilient and sustainable our public law system is: how can the values of the rule of law and the foundational principles of public law be preserved under these challenging circumstances?

Public law research addressing these challenges is thus indispensable. What the Research Centre for State & Law (*SteR*) aims to achieve is therefore crucially important to the quality of our democratic system governed by the rule of law. Our research examines how the law can continue to function adequately and decently in a changing society while respecting the foundational principles of public law. It contributes to the conceptualisation and theorisation of public law in view of social and political developments. *SteR* conducts fundamental public law research, the results of which benefit society. It brings together scholars who possess broad expertise in public law, metajuridical and empirical research. Cross-fertilisation with legal practice and education is crucial for *SteR* to flourish and for society to reap the benefits. *SteR* members therefore consciously seek dialogue with members of the legislature and legal practice. Moreover, the institute explicitly links its research ambition to the social task of educating a new generation of lawyers.

The assessment committee (2017) was 'very enthusiastic' about the specific legal doctrinal focus SteR had chosen and referred to its 'unique position in the Netherlands'. The midterm review committee (2019) commended the programmatic choices and the legal doctrinal focus. Both are strongly needed in society and make a valuable contribution to legal development. The committee lauded SteR's reputation for enduring tradition, well-considered criticism and excellent scientific quality.

Position within the faculty

At Radboud University, research is organised in institutes. The Faculty of Law has two research institutes: the Radboud Business Law Institute (OO&R) and the Research Centre for State and Law (SteR). SteR comprises seven departments: criminal law and criminology, jurisprudence, philosophy of law, administrative law, sociology of law and migration, international and European law, and constitutional law. Human resource management occurs at the faculty level (section 3.C), and most decisions about concrete appointments are taken at the department level. The latter results from the faculty's teaching-based organisation. The education and supervision of PhD candidates takes place within the context of the faculty-wide Graduate School (section 3.F).

Research programmes

SteR has four closely connected research programmes managed by programme supervisors (*trekkers*) (see Table 1; for a full description of the programmes, see Appendix B.1). For each programme, two professors (or associate professors) from different departments act as supervisors. These supervisors play a crucial role by encouraging cooperation within (and outside) the programme, organising joint meetings and tackling new themes.

The programmes aim to give direction to SteR's research in a stable, long-term and future-proof manner. The supervisors work with the general and executive board to closely monitor the quality, coherence and innovative power of the programmes, as well as the quality and quantity of the research. Within each programme, one or more (regularly varying) concrete themes are identified on which joint research is carried out in the medium to long term. There are deliberately no watertight boundaries between the programmes, a decision that facilitates cross-fertilisation and cooperation. Consequently, many researchers participate in multiple programmes.

Table 1. Research programme supervisors

1. Founding principles & fundamental rights (DB)	Prof. Ronald Tinnevelt (since January 2021) Prof. Raymond Schlössels Dr Joost Sillen (until September 2022) Secretary: Emilia Steendam Visser (0.2 FTE; since November 2021)
2. Interaction between national & international law (WW)	Prof. Masha Fedorova Dr Jasper Krommendijk Coordinator: Dr Annick Pijnenburg
3. Conflict resolution institutions (COI)	Prof. Marieke Dubelaar Prof. Hansko Broeksteeg (since September 2021) (previously: Prof. Ashley Terlouw) Coordinator: RU-UU-UL: Dr Lize Glas
4. Migration & citizenship (CMR)	Prof. Tesseltje de Lange Prof. Paul Minderhoud Coordinator: CMR: Dr Karin Zwaan

SteR's programme structure differs from that in the previous review period, when the institute consisted of two independent 'pillars': Principles of Public Law and Migration Law. The decision to change this structure was made in 2019. This new setup was also prompted by the fact that the two former programmes – at least in terms of FTEs – could no longer be called well-balanced. In addition, contacts and cooperation between the participants in the two (former) programmes were and are so solid that integration was obvious.

The midterm committee (2019) stated that the four programmes reinforce each other and inspire researchers to achieve good research results together. It also noted that the transformation to a 'four-legged cooperation platform' had been successful.

The current four-pillar-structure builds on SteR's previous focal points, except for conflict resolution institutions.¹ That programme stems from the government-sponsored sector plan for legal studies (*sectorplan Rechtsgeleerdheid 2019-2024*) that required the establishment of a sustainable new research group.²

Organisation

SteR has a general board (*algemeen bestuur*) consisting of the heads of the Faculty of Law's seven public law and metajuridical departments. This ensures that policy decisions naturally enjoy wide support and effective implementation. Since SteR is primarily organised based on the four research programmes, all programmes should also be represented in the board. If specific programmes are not represented, the board can decide that a programme supervisor (*trekker*) becomes a member of the board as well. This guarantees that the board can monitor research within all programmes. The board is convened four to six times a year and discusses and takes important strategic

decisions. As of 1 February 2022, the general board members are:³

- Prof. Ashley Terlouw (Sociology of Law and Migration) (Chair since 2020)
- Prof. Raymond Schlössels (Administrative Law; DB programme supervisor) (previous Chair, 2008-2013)
- Prof. Paul Bovend'Eert (Constitutional Law)
- Prof. Masha Fedorova (Criminal Law and Criminology; WW programme supervisor)
- Prof. Ronald Tinnevelt (Philosophy of Law; DB programme supervisor)
- Prof. Henri de Waele (International and European Law)
- Prof. Tesseltje de Lange (CMR programme supervisor)
- Prof. Marieke Dubelaar (COI programme supervisor)
- Dr Jasper Krommendijk (director; WW programme supervisor)

Since September 2019, the institute has had an executive board (*dagelijks bestuur*) that tends to the daily affairs of the institute. This board comprises the chair (Prof. Ashley Terlouw), the director (Dr Jasper Krommendijk) and the secretary (Rowin Jansen; 0.2 FTE). The secretary also acts as a link between the institute's management and PhD candidates because of his close contacts and active involvement in the organisation of social activities. The work of the executive and general boards is supported by the faculty's financial director (for matters of finance and human resources) and the faculty's policy officer (for research and grant support).

SteR has an advisory board (*curatorium*) that oversees the academic quality and societal relevance of the research. The members of the board are Prof. Elaine Mak (Encyclopaedia & Theory of Law, Utrecht University), Prof. Bert Marseille (Public Law, University of Groningen), Fred van der Winkel (president of the Arnhem-Leeuwarden Court of Appeal), Corinna Wissels (Council of State in the Administrative Law Division of the Council of State) and Prof. Steven Bartels (Private Law, Radboud University).⁴ The advisory board meets at least once a year to consult with the general and executive boards.

1 Founding principles & fundamental rights is based on focal points 2 (the position, role and significance of fundamental rights) and 3 (the position, role and significance of the general principles of public law, notably: the balance of powers, democracy, principles of fair administration, core principles of criminal law, and access to fair justice). Interaction between national & international law builds on focal point 1 (the significance of national sovereignty for the foundation underlying the Dutch legal order, its interaction with other legal orders, and the influence of European law in particular). Migration & citizenship mirrors focal point 4.

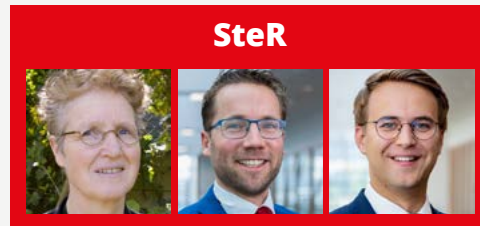
2 This *sectorplan* is financed by the Ministry of Education, Culture and Science within the Social Sciences and Humanities domain, in consultation with the Netherlands Organisation for Scientific Research (NWO). The objective is to stimulate research in law in the Netherlands between 2019 and 2024.

3 As of 1 January 2021, the head of the jurisprudence department, Prof. Roel Schutgens (Chair from 2015-2020), became dean of the Faculty of Law and was no longer part of the executive board.

4 Other members of the board in the reporting period were Prof. Henk Kummeling (Constitutional Law, Utrecht University), Prof. Ben Schueler (Administrative Law, Utrecht University, member of the Dutch Council of State) and Prof. Taru Spronken (Criminal Law, Maastricht University, Advocate-General at the Dutch Supreme Court).

SteR organisation chart

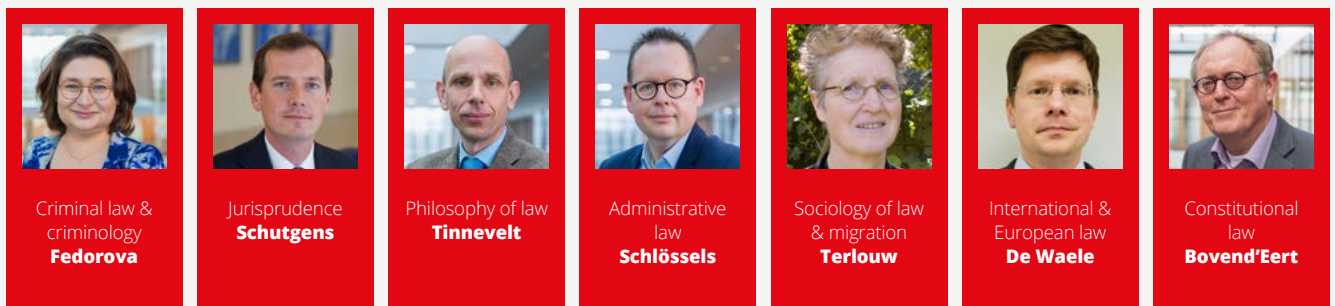
Executive board



Research programmes & supervisors



Heads of department



Staff and funding

In 2021, 112 researchers were conducting research at SteR (excluding the 19 external PhD candidates), with a total research time of 37.4 FTE [Appendix B.3]. Although the amount of research time and researchers is roughly equal to the levels in 2016, there has been limited growth in the number of assistant professors and the number of PhD candidates and junior lecturers (with a 70% teaching load) working on a PhD, partly because of the *sectorplan Rechtsgeleerdheid 2019-2024*.⁵ PhD candidates (*werknemer promovendus*) have five-year employment contracts with a 25% teaching load. Junior lecturers (*junior docenten*) who are also working on a PhD are employed for six years with a 70% teaching load. Their teaching load was 80% until June 2019, when the faculty lowered this burden to improve success rates and shorten the completion time of PhD theses.

The faculty has taken measures to increase research time for senior staff, partly based on the extra funds stemming from the COVID-related National Programme Education (NPO). Extra junior lecturers with a 1.0 FTE teaching appointment started working in 2021 to alleviate the teaching burden of staff following the COVID-19 pandemic. As of 2022, permanent senior research staff with a contract of more than 0.6 FTE saw their research time increase from 0.35 to 0.45 FTE, while their teaching load decreased from 0.55 to 0.45 FTE. The Radboud University Executive Board also created a fund to facilitate the extension of PhD candidates' contracts as a result of delays caused by the pandemic.

The research conducted at SteR is funded from internal and external sources (see Table 2). Internal funding is provided directly by the university and the Faculty of Law. External funding comes from Dutch and international research funding agencies, such as the Dutch Research Council (NWO) and the European Research Council (ERC) (this source of funding is called the *tweede geldstroom*). Another source of external funding comes from research contracts commissioned by other organisations (this source of funding is called the *derde geldstroom*). SteR relies mainly on direct funding (*eerste geldstroom*; 82% in 2021). Its costs are split between costs for personnel (€3.2 million in 2021) and other costs (€0.6 million in 2021),

mainly for housing, overhead and the library. The institute has been quite successful in obtaining research grants, research commissions and funding from organisations, and the percentages have remained relatively stable (between 12% and 21% in the review period) [Appendix B.10-11]. Several new research positions relating to digitalisation and dispute resolution were funded through the *sectorplan*, which explains the growth since 2021.

⁵ There has especially been a decrease in the number of researchers: from 16 (8.01 FTE) to 3 (1.7 FTE).

Table 2. Funding and expenditures

	2016		2017		2018		2019		2020		2021	
Funding:	FTE	%	FTE	%	FTE	%	FTE	%	FTE	%	FTE	%
Direct funding	30.6	79	31.6	88	28.3	85	25.7	80	26.8	82	31.6	83
Research grants	2.2	6	2.3	6	2.2	7	2.2	7	2.9	9	4.4	11
Contract research	5.7	15	2.1	6	2.6	8	4.1	13	3.0	9	2.4	6
Total funding:	38.5	100	36.0	100	33.1	100	31.9	100	32.7	100	38.4	100

Expenditure:	€	%	€	%	€	%	€	%	€	%	€	%
Personnel costs	3,018,057	78	2,924,618	79	2,773,066	79	2,734,162	80	2,729,340	81	3,242,082	84
Other costs	839,866	22	797,712	21	718,523	21	670,308	20	627,979	19	612,150	16
Total expenditure:	3,857,923	100	3,722,330	100	3,491,589	100	3,404,470	100	3,357,319	100	3,854,232	100





2 Mission and strategy

Mission

SteR strives to conduct high-quality research into public law with a strong societal impact. Its research is distinguished by its foundation in positive law and its strong orientation towards legal practice. SteR aims to be among the leading research institutes in public law in the Netherlands and to be recognised as an excellent research institute in Europe in selected fields, including migration law, institutional EU law, human rights, competition law, legal philosophy and criminology. SteR invests in training and guiding students, PhD candidates and young talented researchers to become the new generation of practising lawyers and legal scholars. SteR values societal impact highly and aims to apply scientific insights to domestic and international legal practice, policy and legislation. SteR believes firmly in the cross-fertilisation of research, education and legal practice.

The midterm committee (2019) attributed SteR's relevance to its emphasis on legal doctrinal research (foundations and principles, conceptualisation and theorisation) and deliberate dialogue with legal practice. The assessment committee stated in 2017: 'Legal dogmatic research is the key to conceptual and principal consistency and integrity ... its focus on legal dogmatics and principles of public law provides the glue that can further enhance cooperation within the Institute and provides the basis to further establish collaboration, both in the Netherlands and internationally.'

Method

- sustained attention to positive law and doctrinal legal research into the meaning and development of foundational legal principles that structure positive law;
- comparative law research that deepens the understanding of developments in positive law;
- metajuridical and empirical research based on the premise that conceptual and empirical analyses are necessary for proper positive law-oriented/doctrinal legal research;
- a balance between national and international research with a legitimate place for national legal research strengthened by comparative law. The institute chooses the publication forum in which the researcher generates the greatest impact, both scientifically and socially.

Strategic aims of the past six years

In its 2017 evaluation, the assessment committee commended the research quality, relevance and viability of the institute. In subsequent years, the institute built on this solid foundation and further improved. The strategy for the current review period was laid out in the 2016 self-evaluation report, which set 17 targets related to the institute's strategy, research and societal relevance plus specific targets for the two programmes. These strategies were fine-tuned in line with the recommendations of the assessment committee and the midterm committee [Appendix C1-4]. The targets and recommendations formed the basis for the strategic document and action plan (*Samen Ster(ke)!*). It was drawn up by the institute's director in January 2021 and was based on conversations with a diverse group of SteR researchers [Appendix C.5]. The implementation status of its strategies and recommendations can be found in Appendix B.2.

- A.** Continuing the strong commitment to doctrinal research while reaching out to other disciplines
- B.** Strengthening collaboration across legal disciplines and clustering research within SteR
- C.** Strengthening cooperation with academic partners
- D.** Stimulating the internationalisation of SteR
- E.** Strengthening SteR's internal and external visibility and cooperation with societal stakeholders
- F.** Improving the education and supervision of PhD candidates
- G.** Promoting research integrity and Open Science
- H.** Creating an open, safe, inclusive and more diverse academic environment and culture

Chapter 3 describes what the institute has done to achieve these aims, focusing on the period following the midterm. This chapter also focuses on the contextual information and developments that have influenced the institute's strategic aims.





3 Strategic aims of the past six years

A Continuing the strong commitment to doctrinal research while reaching out to other disciplines

Previous assessments and midterm committees have commended the institute's solid legal-doctrinal focus. SteR remains strongly committed to this unique approach, in which it excels. However, in 2017 the assessment committee recommended that sufficient attention be paid to the 'openness' of research. The institute has not abandoned its research tradition, but it has reached out to other disciplines and deepened the empirical components of parts of its research.¹ This enhances both the societal and practical relevance of the research.

¹ This was a reason to change the wording of SteR's mission to express that the role of empirical research is not merely supportive. Thus the word 'also' was inserted in February 2021: 'A place of its own for metajuridical and empirical research, which also supports and reinforces legal dogmatic research and improves the 'translation' of research results into practice'.

SteR-middag

- 2019: 'Domain of the judge'. This spearheaded the creation of the new Conflict Resolution Institutions programme.
- 2020: Research methodology (following the recommendations of the midterm committee in 2019). This led to the establishment of a committee to regularly organise research methodology meetings (*MeTheoriet*).
- 2021: Digitalisation and public law. This contributed to further cooperation within SteR and with OO&R and iHub.
- 2022: Sustainability, environmental protection and climate change.

On 1 July 2020, Marijke ter Voert was appointed professor of Empirical Legal Studies and became affiliated with both SteR and OO&R. She plays an important role in strengthening and further disseminating empirical research by fulfilling a consultancy function for individual researchers, especially PhD candidates.

Several other measures have been taken. The Graduate School increased its attention to empirical research

methods in its curriculum, and researchers are offered the opportunity to follow more in-depth external courses.² Following the annual research day about research methodology in 2020, an interdisciplinary committee started organising Theory & Methodology (*MeTheoret*) meetings as a complement to similar meetings within CMR (Prof. Marijke ter Voert, Dr Joris Gijsenbergh and Dr Joseph Fleuren). However, none of this requires a change of course for researchers who have no affinity with empirical research. At least 16 PhD candidates and 12 senior researchers are (partly) conducting empirical research.³

B Strengthening collaboration across legal disciplines and clustering research within SteR

Much progress has been made in recent years in terms of cohesion, group spirit and collaborations. In 2019, the midterm committee commended the fruitful research climate and clearly inspiring research environment for both beginning and advanced researchers. SteR's flagship activities are essential to the creation of a warm and viable research environment. Six to eight times per year, internal and external researchers present their work at well-attended lunch meetings. On a similar frequency, PhD candidates present the design, methodology and (initial) results of their research to fellow PhD candidates, who provide constructive feedback [Appendix B.15]. Both types of

meetings lead to an inspiring exchange of ideas and cross-disciplinary fertilisation.

Each year in June, the institute organises the *SteR-middag* event. On this afternoon, all SteR researchers reflect on their own research within a broad and overarching theme based on lectures. SteR's advisory board also attends those yearly meetings. In previous years, the institute used this afternoon to place a particular theme on the agenda to stimulate cooperation and research in that area. Sometimes the *SteR-middag* leads to a joint publication project in the SteR book series. This happened following the 2018 *SteR-middag* about intensity of judicial review; the volume on the intensity of judicial review (*toetsingsintensiteit*) was published in 2022.

The four-pillar programme structure with its supervisors further facilitates cooperation and clustering. Supervisors have initiated edited volume projects, organised open brainstorm meetings to identify common themes, and set up cooperative projects and activities (see Table 3). The 2019 midterm report describes two examples of successful clustering within the programmes: integrity and externalisation of migration policy.⁴ Recent examples include the impact of the EU Charter of Fundamental Rights⁵ and the intensity of judicial review.⁶

- 2 In 2020, Dr Iris Sportel and Dr Anita Böcker gave two training sessions specifically for colleagues with little or no experience with empirical research. In 2021, Dr Iris Sportel and Marlijn Vliegenburg (university library staff) gave two training sessions on qualitative data analysis and Atlas.ti to 11 participants.
- 3 Prof. Ashley Terlouw, Dr Anita Böcker, Dr Iris Sportel, Dr Jasper Krommendijk, Dr Lize Glas, Dr Anna Pivaty.

4 Self-evaluation report 2016-2018, p. 8-9.

5 Waele, H.C.F.J.A. de, Krommendijk, J. & Zwaan, K.M. (Ed.). (2019). *Tien jaar EU-Grondrechtenhandvest in Nederland. Een impact assessment*. (Serie staat en recht, 47). Deventer: Wolters Kluwer.

6 Peters, J.A.F., Schlössels, R.J.N., Schutgens, R.J.B., Krommendijk, J., Terlouw, A.B., Bulten, C.D.J. & Werf, E.G.A. van der (Ed.). (2022). *Toetsingsintensiteit. Een vergelijkende studie naar het variëren van de toetsingsintensiteit door de rechter* (Serie staat en recht, 54). Deventer: Wolters Kluwer.

Table 3. Cross-departmental meetings within the four programmes

Founding principles & fundamental rights	Justice seminars (8-10/yr) (Laura Davies; Prof. Ronald Tinnevelt) Recent developments in fundamental rights (6/yr) (Dr Lize Glas) ActuaLunch about constitutional and administrative law (Dr Joost Sillen)
Interaction between national & international law	Open research exchange (1-2/yr) (Prof. Masha Fedorova; Dr Jasper Krommendijk) EUROPAL lunch sessions (4-6/yr) (with the Institute for Management Research)
Conflict resolution institutions	COI core group meeting (6-8/yr) Bi-yearly lunch meetings for COI participants (Prof. Marieke Dubelaar; Prof. Hansko Broeksteeg) Yearly stakeholders meeting with UU and UL (Dr Lize Glas)
Migration & citizenship	CMR Wine & Discussion (8-10/yr) (Dr Karin Zwaan) Theory & methodology meetings (6/yr) (Dr Iris Sportel, Dr Sandra Mantu) ActuaLunch meetings (10/yr)

The institute has remained particular vigilant about the thematic clustering of PhD research. This is evident in the appointment of five PhDs in 2016-2017⁷ and the appointment of the PhDs following the *sectorplan* in 2019-2020. Similar attention has been paid in determining the topics for new junior lecturers (with a 70 or 80% teaching load) who wish to work on a PhD. The clustering of PhD research means that most PhD candidates have a sparring partner. SteR is convinced that this will increase the quality and enjoyment of research and thus the success of PhD trajectories (see section 3.F). To further strengthen clustering and cross-departmental cooperation, the institute encourages supervision of new PhD candidates by supervisors from two (or more) departments.⁸ In recent years, there has also been more guidance in determining the research theme for the annual PhD position linked to the research master, while also considering the wishes of the specific student.

The midterm committee determined that the clusters work very positively, both in terms of substance and community building. It thus concluded that the assessment committee's recommendation to stimulate cooperation has been fruitfully implemented.

SteR has further strengthened its efforts to stimulate cooperation between senior researchers. Since the midterm, the institute has chosen two themes that transcend the four programmes: digitalisation and (ecological) sustainability. The institute aims to strengthen cooperation across legal disciplines in relation to both themes. Both themes also offer opportunities for cooperation with the business law institute OO&R, for internationalisation of SteR's research, and for interfaculty and interdisciplinary cooperation (see further under C). Such cooperation can facilitate grant applications for indirect government funding from sources like NWA and Horizon Europe. The general board of SteR and the Faculty Board drafted and approved two memos with concrete ideas to boost cooperation and strengthen SteR's profile in these areas.

To stimulate successful cross-departmental cooperation, a bi-annual (symbolic) cooperation prize was established in 2020.⁹

C Strengthening cooperation with academic partners

Since the midterm assessment, SteR has put more effort into strengthening its cooperation with its academic partners at the university, especially via interdisciplinary hubs and hotspots encouraged by Radboud University's Executive Board. One strategic consideration is that such cooperation facilitates the acquisition of collaborative research grants. NWA and Horizon Europe often require the involvement of other disciplines and/or external (societal) partners. Since its creation, SteR has played a pivotal role in EUROPAL, a unique multidisciplinary collective specialised in EU politics, administration and law (see Table 4). In addition to seminars, lunch meetings and joint publications, it is particularly noteworthy that several PhD candidates are supervised by both SteR and the Faculty of Management Sciences. Since the midterm, three new candidates have begun.¹⁰ CMR has likewise cooperated with the Radboud University Network on Migrant Inclusion (RUNOMI) (see section 4.1). For example, in 2022 RUNOMI applied for a Horizon Europe grant to study the living and working conditions of irregular migrants as essential workers in the food supply industry. The cooperation also resulted in a new assistant professor position for CMR, financed by the government sponsored *sectorplan* SSH 2022.

Intra-university cooperation has been extended in relation to digitalisation and (ecological) sustainability, which have been strategic themes for SteR since 2021. In relation to digitalisation and datafication, SteR has not only strengthened its cooperation within the *sectorplan* research group Digital Legal Studies but also iHub, Radboud University's interdisciplinary research hub on Digitalisation and Society, following its annual research day in June 2021. Since 2021, three joint PhD positions have been created with iHub.¹¹ For sustainability issues related to climate change, the

9 The first prize was awarded to the collaborators in the project 'Ten years of the EU Charter of Fundamental Rights in the Netherlands', edited by Prof. Henri de Waele, Dr Jasper Krommendijk and Dr Karin Zwaan. The second prize went to Prof. Tesseltje de Lange and Dr Simon Tans, who received a grant from the European Commission to research trade and migration. In third place were Prof. Hansko Broeksteeg and Prof. Ronald Tinnevelt, who received a KNAW grant from the Staatsman Thorbecke Fonds to research the constitutional position of political parties.

10 Ruud van Druenen, Kris van der Pas, Roos Entius.

11 Rowin Janssen (parliamentary supervision of intelligence and security services); Ruben te Molder (big data and criminal law) and Lisa Markova (anonymity and authenticity on online platforms).

7 Self-evaluation report 2016-2018, p. 7-8.

8 Examples since the midterm: Sophia de Vries (philosophy of law & IEL); Kris van der Pas (CMR & IEL); Chiel Kuypers (constitutional law & philosophy of law).

energy transition and environmental protection, a similar strategy will be pursued with closer intra-faculty cooperation with Healthy Landscapes and the Radboud Centre for Sustainability.¹²

Following the government sponsored *sectorplan Rechtsgeleerdheid*, SteR has increased its collaboration with other law faculties in the Netherlands. With respect to the Conflict Resolution Institutions theme (*speerpunt*), the faculty (SteR and OO&R) has worked with the universities in Utrecht and Leiden in a national research group that carries out joint research projects. The faculty coordinates this group and a project coordinator has been appointed (Dr Lize Glas; 0.4 FTE). SteR and OO&R also participate in Digital Legal Studies with universities in Maastricht, Amsterdam (UvA) and Tilburg. Not only has the *sectorplan* stimulated interfaculty cooperation, but it has been a real incentive for initiating intra-faculty cooperation between the two institutes, given the cross-cutting nature of both *sectorplan* themes.¹³

In September 2020, Radboud University joined the Netherlands Network of Human Rights. More than 40 SteR researchers are now members. A considerable number of them have participated in training sessions and seminars, and they have organised seminars with colleagues from

other universities.¹⁴ SteR organised the follow-up training for PhDs in October 2021.

Aside from these institutionalised networks, SteR researchers have frequently cooperated with colleagues from other law faculties on editorial boards and in legal professional associations such as NJV or the VAR.¹⁵ This has resulted in joint output in the form of textbooks,¹⁶ seminars and conferences,¹⁷ contract research¹⁸ and individual publications.¹⁹ Such inter-university cooperation enables SteR to maintain its unique reputation in doctrinal legal research.

12 For example, Prof. Tonny Nijmeijer is involved in the supervision of Bibi Witvliet.

13 Examples include the 2021 WODC project 'Strafvordering en gegevensverwerking' (criminal proceedings and data processing) involving Dr Tim Walree (OO&R), as well as the volume on *Toetsingsintensiteit* published in 2022 with Prof. Claartje Bulten among the editors.

14 Dr Anna Pivaty organised the seminar 'Children and Young Adults in Contact with the Law: Systemic Vulnerabilities and Institutional Responses Webinar' with the University of Leiden on 16 April 2021.

15 E.g. Schlössels, R.J.N., Widdershoven, R.J.G.M., Ortlep, R., Addink, G.H., Bootsma, J., Brink, J.E. van den, Jacobs, R., Jansen, O.J.D.M.L., Lubberdink, H., Meuwese, A.C.M., Moor-Van Vugt, A.J.C., Ommeren, F.J. van, Nuyten, S. & Oers, M. van (Ed.). (2021). *Europa en het algemeen bestuursrecht. Burger en bestuur in de gemeenschappelijke rechtsorde* (VAR Vereniging voor Bestuursrecht). Den Haag: Boom Juridisch

16 E.g. Schlössels, R.J.N., Schutgens, R.J.B. & Zijlstra, S.E. (2019). *Bestuursrecht in de sociale rechtsstaat. Deel 2: Rechtsbescherming, overheidsaansprakelijkheid* (Handboeken staats- en bestuursrecht). Deventer: Wolters Kluwer

17 E.g. Prof. Jacques Sluysmans and the joint organisation of 'Rethinking expropriation law' in September 2022.

18 E.g. Ouwerkerk, J.W., Lestrade, S.M.A., Pitcher, K.M., Crijns, J.H. & Ten Voorde, J.M. (2021). *De rol en positie van het openbaar ministerie als justitiële autoriteit in Europees strafrecht*. (WODC); Bovend'Eert, P.P.T., Kummeling, H., Munneke, S. & Voermans, W. (2020). *De reikwijdte van artikel 68 Grondwet*.

19 E.g. Nijmeijer, A.G.A. & Backes, Ch.W. (2019). Het PAS-arrest van het Hof van Justitie: hoe nu verder? *Milieu en Recht*, 17 (2), 103-104; Crijns, J.H. & Dubelaar, M.J. (2019). *Straf(proces) recht*. *Ars Aequi Kwartaalsignaal*, 2019 (150), 8830-8834.

Table 4. Cooperation with academic partners

Institution	Research themes	Disciplines
Within the university		
iHub	Cyber security, privacy	All disciplines
EUROPAL	EU implementation & policy development, Europeanisation, environmental law, migration, internal market	Law, political science, public administration, geography, spatial planning and environmental science
Healthy Landscapes / Radboud Centre for Sustainability Challenges	(Ecological) sustainability	All disciplines
RUNOMI	Migrant inclusion	All disciplines
Outside the university		
Netherlands Network of Human Rights Research	Human rights	Law
UU-UL: Institutions for Conflict Resolution	Conflict resolution	Law
UvA-UT-UM: Digital Legal Studies	Cyber security, privacy	Law
Dutch Association for Migration Research (DAMR)	Migration	Law

D Stimulating the internationalisation of SteR

SteR's mission and method regarding internationalisation is described as follows: 'A balance between national and international research, with a legitimate place for national legal research strengthened by comparative law'.

The assessment committee (2017) lauded CMR's 'prominent role in international networks' that can be regarded as 'a recognition of the CMR's leading position'.

This means that the researcher chooses the publication forum in which they expect the greatest impact, both scientifically and socially. This explains why international publications have certainly not overtaken national publications. For SteR, internationalisation is not an end in itself, and research into Dutch law is certainly not regarded as secondary and less important. It is precisely its solid legal doctrinal research into Dutch law that distinguishes SteR from other research centres in the Netherlands, as previous assessment and midterm committees have concluded as well (see section A). However, this does not mean that international and European law are irrelevant. To the contrary. The Europeanisation and globalisation of law makes (further) internationalisation of research at SteR a necessity. Gaining and exchanging insights into European, international and foreign national public law leads to a better understanding of how one's own system relates to other legal systems, and how it is influenced by regional and global legal developments. Internationalisation is simply essential to SteR's ability to maintain a unique and excellent position in doctrinal legal research relevant to the Dutch legal system. Internationalisation is an important tool for continuously ensuring the high quality of research, as the assessment committee also noted in 2017.

Comparative law examples include:

- Horn, V., Schweppe, C., Böcker, A.G.M. & Bruquetas Callejo, M.M. (2021). Family carers' expectations and strategies in shaping live-in migrant carer arrangements: A comparison between Germany and the Netherlands. In V. Horn, C. Schweppe, A.G.M. Böcker & M.M. Bruquetas Callejo (Eds.), *The Global Old Age Care Industry* (pp. 57-78). Singapore: Palgrave Macmillan
- Entzinger, H.B. & Scholten, P. (2019). The interplay of knowledge production and policymaking. A comparative analysis of research and policymaking on migrant integration in Germany and the Netherlands. In I. Geva-May & J. Muhleisen (Eds.), *Classics of Comparative Policy Analysis. Vol. 4. Policy Sectors in Comparative Policy Analysis Studies* (pp. 354-369). London: Routledge
- Bovend'Eert, P.P.T. (2018). Public office and public trust. Standards of conduct in parliament. A comparative analysis of rules of conduct in three parliaments. *Parliamentary Affairs*, 73 (2), 296-222

In several areas, SteR's research has a more notable international character and SteR aims to be among the European leaders. These areas include migration and citizenship, EU institutional law, human rights law, competition law, legal philosophy and criminology.

SteR's internationalisation strategy consists of two pathways. The first is researching international and European developments from the perspective of the Dutch legal order. An illustration of this typical SteR approach is its research programme on the interaction between international and national law (see case study II in Chapter 4). The second is comparative legal research into other national legal orders.

Following the recommendations of the midterm committee, SteR has taken several measures to stimulate its international profile. First, the Jean Monnet Chair (Elspeth Guild) and Centre of Excellence (CMR) have been successful means of promoting internationalisation. Second, an assistant professor position was created with a clear internationalisation objective, which benefits SteR as a whole.²⁰ Third, several initiatives have been developed at a more institutional level with foreign universities in neighbouring countries. Together with OO&R, SteR has held an

²⁰ Dr Annick Pijnenburg started in 2020 and, amongst other things, has spearheaded collaboration at SteR in relation to human rights accountability while developing a Master's course with the same title.



annual PhD exchange since 2019 with KU Leuven.²¹ There has also been close cooperation with the University of Glasgow as a university-wide strategic partner and member of The Guild. An illustration thereof is the [Radboud-Glasgow Collaboration Fund](#)²² and participation in an [Erasmus Mundus](#) consortium.²³ Fourth, talented young international researchers at the post-doc level are proactively and strategically recruited as [Radboud Excellence Initiative](#) fellows for two years.²⁴ In addition to these measures, there have been collaborative projects initiated by individual researchers. However, the COVID-19 pandemic has made it difficult to encourage researchers to go abroad for a research stay and to receive researchers from abroad [Appendix B.14].

The midterm committee recommended increasing the number of internationally refereed publications, so the general board set a target for SteR to generate at least 25 international publications per year (equal to the number in 2017). After a decrease since 2018, this target was met in 2021 with 30 publications (see Table 5 in section 4.1).

Several concrete steps were taken to reach this target. First, an international publishing sounding board was established in 2021. It includes members with first-hand experience.²⁵ Researchers can use this board to discuss their manuscripts and receive feedback. This board also proactively informs SteR researchers about international publishing once or twice a year.²⁶ It also drafted a list with journals relevant for SteR researchers to make the landscape of international publishing more transparent.

Second, to underline the importance of international publishing and encourage researchers, an internationalisation prize was established (once every two

years), and awarded for the first time in 2021.²⁷ Researchers (especially early career) are also encouraged to participate in and organise international conferences or to use Erasmus+ opportunities for a research stay abroad [Appendix B.14]. International publishing was the theme of the *SteR-avond* 2021. There is a clear role for the more senior staff to train young researchers in international publishing by co-authoring international publications.

E Strengthening SteR's internal and external visibility and cooperation with societal stakeholders

SteR has invested a lot in its internal and external visibility, especially since the midterm. Monthly publication overviews and biannual newsletters have contributed to further internal cohesion and a community feeling that fosters collaboration. Externally, SteR has become more active through its website, newsletter, Radboud Reflects public lectures,²⁸ knowledge clips and especially its dedicated LinkedIn account.

All this reflects the wish to increase the societal impact of research, to contribute to the development of our legal system and the *rechtsstaat*, and to address actual societal challenges. Hence, part of SteR's scientific output is consciously created in cooperation with legal practice, including edited volumes and seminars. In addition, it is a deliberate choice to publish a substantial number of case notes, a type of publication that is particularly suitable for encouraging dialogue with the judiciary, the legal profession and legal practitioners (see Table 4 and section 4).

The assessment committee (2017) commended 'SteR's clear ambition to have a strong link with legal practice. Its relevance to society is evidenced through the numerous invitations to SteR researchers for advisory roles, their temporary judge positions, their media performances, the numerous publications aimed at legal practice (e.g., annotations) and the important fraction of SteR's income that is generated by contract research.' The midterm committee (2019) also applauded SteR's valuable contribution to the development of the law and the dialogue with legal practice.

21 Due to the pandemic, the exchanges in 2020 and 2021 had to be cancelled.

22 Dr Anita Böcker and Prof. Henri de Waele successfully applied for a grant.

23 A joint master in International Law of Global Security, Peace and Development is offered. Other consortium partners include the University of Tartu, Leuphana University Lüneburg, and the Université Libre de Bruxelles.

24 Dr Christian Braun was selected in 2021. A fellow will be sought for Conflict Resolution Institutions in autumn 2022.

25 Dr Annick Pijnenburg (chair), Prof. Masha Fedorova, Prof. Mertens, Prof. Masja van Meeteren, Dr Jasper Krommendijk, Dr Anna Pivaty. The board discussed four submissions between October 2021 and May 2022.

26 This includes a 2021 meeting about tips and tricks for publishing in an international journal.

27 Dr Eva Rieter and Dr Karin Zwaan received the prize for their edited volume (*Urgency and Human Rights. The Protective Potential and Legitimacy of Interim Measures*. Den Haag: Asser Press 2021) and the resulting *Nijmegen Principles and Guidelines on Interim Measures for the Protection of Human Rights*.

28 Examples since the midterm include women in the judiciary, the European asylum policy, the opening of churches during a pandemic, political judges, coronavirus and refugees, free trade agreements and space wars.

The foregoing also explains why SteR has broadened its cooperation with societal stakeholders, such as the (Council for) the judiciary, the Netherlands Bar Association, government authorities and various national and international organisations.²⁹ Since 2017, SteR has participated in Legal Valley, a collaboration between the Faculty of Law, the judiciary (District Court Gelderland and the Court of Appeal Arnhem-Leeuwarden), the public prosecutor's office, the Province of Gelderland and about 20 other stakeholders from legal practice. Joint meetings take place regularly, including 'legal knowledge cafes' (*kenniscafes*) and conferences.³⁰ Cooperation with the two courts has been further strengthened by appointing a new professor of legal practice in 2018 (Prof. Gert van Rijssen) to play a reciprocal ambassador role within the faculty and the judiciary. In November 2021, the director and several prominent SteR researchers met with Legal Valley representatives and quality coordinators from both courts to discuss ideas for closer cooperation. In autumn 2021, SteR jointly organised a series of lectures on *trias politica* with the Court of Appeal The Hague.

After the previous reporting period, SteR set up a research fellowship programme to involve talented external researchers [Appendix B.3] and thus strengthen the institute's cooperation with legal practice. There are now 15 SteR fellows, most of whom are former PhDs now working in legal practice. Others include retired researchers with a strong publication record and (inter)national network. In principle, researchers attached to another Dutch faculty are not eligible for appointment as SteR fellows. The fellows author at least one substantial publication per year, ideally in cooperation with other SteR researchers and/or in the context of joint projects.³¹ They have access to all the research facilities and activities of SteR and the faculty. Fellows are appointed by the Faculty Board after a nomination by the institute's executive board. Each research fellow position is evaluated after two years, and the fellow may be reappointed after a positive evaluation by the director.

The fellows thus strengthen the institute's dialogue with legal practice and enhance its (inter)national network. The goal is to build a network of 'external' ambassadors for the

institute and involve our fellows in joint publication projects or seminars.

F Improving the education and supervision of PhD candidates

Research and education are closely connected at the Faculty of Law. The institute's mission is to train and supervise Master's students and PhD candidates to become the next generation's best public law lawyers and researchers. The strategy has focused on further improving education and supervision of PhD candidates via the faculty-wide Graduate School (GS) and dedicated SteR activities.

SteR and OO&R co-founded the GS in 2017. It is a support platform for PhD candidates and their supervisors, facilitating and monitoring the PhD trajectory at the individual and institutional levels. It also advises the Faculty Board, notably the Vice Dean of Research, on all policy matters related to PhD candidates. The GS provides PhD candidates with required courses on methodology and integrity as well as optional courses.

The GS is embedded in the governance structures of both the Faculty of Law and SteR, and its leadership is in regular contact with other university bodies related to doctoral supervision and education, such as the meetings of all Radboud University Graduate Schools. The GS is headed by the Vice Dean of Research and the directors of SteR and OO&R are board members. The board is assisted by GS coordinator Kitty van Veelen. The board meets every two or three weeks to discuss PhD-related matters. The vice dean and GS coordinator also monitor the effectiveness of Training and Supervision Plans and keep a close eye on the quantity and quality of supervision. A PhD network with four PhD members participates in meetings of the GS board and stimulates communication between the PhD candidates and the Graduate School.

As mentioned in section 1, SteR continuously aims to improve the success rate and shorten the completion time of PhD theses.³² Important measures in the context of the *sectorplan* were also partly adopted in the review period: these include training for PhD supervisors, peer review feedback, and faculty regulations on an articles-based PhD.³³

The institute has not only tried to improve PhD trajectories through the GS, but also via separate SteR activities for PhD candidates. Such activities were intensified during the

29 SteR does not have official external partnerships and does not receive any external sponsorship. The institute follows academic integrity principles.

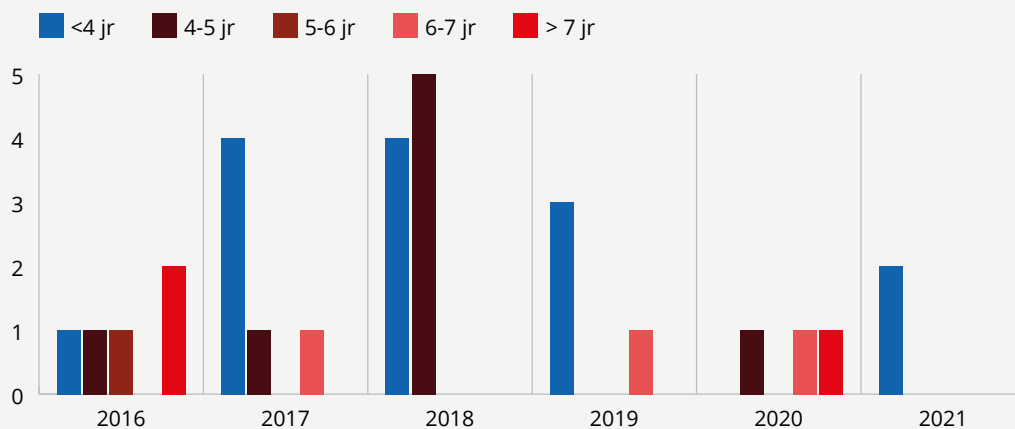
30 Examples of meetings in which SteR researchers have participated since the midterm are the Milieudefensie/Shell judgment, *trias politica* and *Urgenda*. In April 2019, a conference was organised on access to justice and alternative modes of dispute resolution.

31 E.g. the contributions of Rob van der Hulle, Mikhel Timmermans & Geert Pesselse and Dirk Sanderink to the edited volume *Toetsingsintensiteit*.

32 For the selection and admission of PhD candidates, a PhD Personality Questionnaire (PPQ) is used.

33 These measures are based on a policy note prepared by a working group of the Council of Deans of the Dutch law faculties (RDR) in April 2020.

PhD project duration from start to manuscript approval



pandemic with the aim of fostering contacts between PhD candidates. In addition to the presentations by PhD candidates (*promovendipresentaties*), peer feedback (*intervisie*) meetings for and by SteR PhD candidates were launched in 2021. Since 2020, the institute has held an annual PhD evening in the autumn (themes: publishing strategies, preparing for an academic career, a healthy PhD). The executive board also encourages and facilitates informal gatherings, including drinks and Sinterklaas celebrations.

The following figure shows the duration of the PhD trajectory for all employed PhD candidates and employees in the PhD track who obtained their PhD in 2016-2021, correcting for part-time employment, pregnancy and illness.

The institute's research Master's programme plays an important role in preparing the most talented students for a PhD trajectory. Since 2014, Radboud University has offered the two-year [Research Master's programme in Public Law](#) (*Onderzoeksmaster publiekrecht*) in collaboration with the University of Groningen and VU Amsterdam. This programme combines training in research skills with a study of positive law and metajuridical subjects. The programme's graduates are well-prepared for a research position at a university or other research institution. As of July 2022, six of SteR's PhD researchers have completed this Master's programme.³⁴ After several years of relatively low enrolment, the expectation as of May 2022 is that seven former Nijmegen students will begin the programme in 2022-23. There is one annual PhD position open for graduates of this programme.

G Promoting research integrity and Open Science

The assessment committee (2017) was 'of the opinion that all [structures](#) are in place to ensure the academic integrity of SteR's research. It appreciates that next to structures and documents, academic integrity is a topic of discussion.' Research integrity also has remained a point of discussion with a focus on critically reflecting on the presumed neutrality of legal science in societal debates, as the committee recommended in relation to CMR. In 2018, SteR organised a first, well-attended discussion session on integrity issues. During a discussion led by an external ethicist, participants debated the tension between the personal, political and normative preferences of the legal researcher on the one hand, and their role as an impartial academic on the other. Considerable attention also was paid to integrity and research methodology during the *SteR-middag* in 2020 and during the CMR and *MeTheoret* methodology meetings.³⁵ A separate discussion meeting on research integrity and contract research was organised in June 2022, which devoted ample attention to the Netherlands [code of conduct](#) for research integrity. Integrity is also a prominent theme in the curriculum of the Graduate School. Two PhD courses have been organised on normativity and neutrality ('Scientific research and the normative preferences of the researcher') and academic fraud and plagiarism ('Good scientific practice: academic integrity and ethics'). There is also considerable attention paid to responsible data collection and management in the four research methodology courses that are part of the Graduate School's [core curriculum](#).

34 Chiel Kuypers, Manon Hermans, Ruben te Molder, Nard Beurskens, Ella Lerk, Elco Nab, Noud Lentjes.

35 Revitalisation of legal-dogmatic research (April 2021); systematic case law research (September 2021); systematic literature research (November 2021); cross-fertilisation between law and history (April 2022).

Research data management (RDM) guarantees the safety and confidentiality of research data, contributes to the transparency of research data and adds to the quality of (legal) research. Proper data management is important in legal research, especially when the research has an empirical component. The institute adheres to the Data Management Protocol of the Faculty of Law based on the [rules](#) and guidelines from Radboud University [Appendix C.10]. Through the aforementioned courses and meetings, SteR promotes professional responsibility in collecting (empirical) data and maintaining fair and honest relationships with research participants. The faculty has appointed a Data Steward (Dr Anita Böcker, an experienced senior researcher in sociology of law) who also supervises the RDM compliance of research proposals and functions as a source of information for researchers in that field.³⁶ SteR and the Data Steward encourage researchers to have a RDM plan approved by the [Ethics Assessment Committee](#) of the Faculty of Law and Nijmegen School of Management (EACLM) if their research has a significant empirical component.

The guiding principle is to make data findable, accessible, interoperable and reusable (FAIR) to the greatest extent possible. The institute has contributed to the development of a university-wide data repository to store sensitive research data privately and securely for 10 years after completion of a research project. All data suitable for reuse will be made available to the scientific community via the Radboud Data Repository, along with accompanying metadata and the documentation necessary to understand the data. However, data (especially interview data) is often sensitive and personal and is kept confidential. The institute encourages its researchers to use the repository. At the end of 2021, several information sessions were organised for that purpose.

The institute has become more proactive in relation to Open Science. SteR acknowledges its ever-increasing importance and adheres to the university's strategy ('A Significant Impact'), which states that research financed with public funds should contribute to society and be as publicly accessible as possible.³⁷

The number of open access (OA) publications also has grown.³⁸ Dissertations published in the SteR series are immediately open access, while other books and edited

volumes become OA after half a year based on the contract with Kluwer. The institute and faculty encourage and support researchers in making their publications freely available via the Radboud Repository. For that purpose, an information meeting was organised with OO&R in January 2022. Clear instructions for individual researchers were developed, outlining steps and explaining the obligations and possibilities for OA publishing. The institute will closely monitor whether an additional effort is necessary to make older publications available in the Radboud Repository with retroactive effect.

H Creating an open, safe, inclusive and more diverse academic environment and culture

SteR strives to create an open, safe, inclusive and more diverse research environment. It primarily does so by encouraging cohesion, group spirit and cooperation, also through its activities mentioned under B.

The assessment committee (2017) appreciated the 'dynamic research community, where researchers feel at home' and noted 'a great involvement of junior staff, who were very appreciative of the short communication lines, the informal ties and the supportive culture'.

As mentioned in section 1, human resource (HR) management primarily occurs at the faculty level. Nonetheless, the institute is regularly consulted about HR affairs. The executive board is invited to meetings about HR policy, and the director regularly attends Faculty Board meetings (approximately 6-8 times a year). The executive board is also consulted in the profile and (re)appointment of professors, and a representative from the institute is involved in the appointment and selection of assistant and associate professors. As further explained in section 5, the institute aspires to be more involved in the faculty's HR policy (strategic goals 5 and 7).

SteR is committed to achieving gender parity and increasing opportunities for women. In the context of the *sectorplan*, Dutch law faculties have agreed that at least half of the new full professorship appointments from 2019–2025 will go to women. At SteR, seven of the nine appointments since 2019 have gone to women, and as of 1 February 2022, nine of the institute's 26 full professors are women (35%).³⁹ In addition, the faculty's HR department

36 The steward is supported by the Data Protection Officer (DPO) at the university level, Ronald Sarelse.

37 Relevant initiatives in this area are Plan S and the Pilot Taverne "You share, we take care".

38 40.7% of total publications in the reporting period were OA, but this figure does not capture publications without a DOI: 2016 (39%); 2017 (36%); 2018 (50%); 2019 (35%); 2020 (43%) and 2021 (41%).

39 Prof. Marieke Dubelaar; Prof. Masha Fedorova; Prof. Diana van Hout; Prof. Tesseltje de Lange; Prof. Masja van Meeteren; Prof. Sonja Meijer; Prof. Tineke Strik; Prof. Ashley Terlouw; Prof. Marijke ter Voert.

conducts interviews with new female permanent staff after 1.5 years of service, and they conduct exit interviews with female staff who leave the faculty. In 2021, pilot workshops on gender bias in selection processes were offered to senior researchers. Radboud University also awards the annual Christine Mohrmann stipend to stimulate the academic careers of promising female PhD candidates in their third year. The stipend was granted to Nora Dörrenbächer (2018), Stephanie Hötte (2019) and Maartje Kouwenberg (2022).

Diversity, equal treatment and discrimination have also been the focus of several research projects and publications. In 2021, Prof. Ashley Terlouw and Rowin Jansen edited a special issue of *NJB* on women in the judiciary. And in January 2022, Terlouw coordinated the parliamentary inquiry committee on the effectiveness of anti-discrimination legislation and delivered a keynote address at the annual diversity and inclusion *sectorplan* conference in Leiden.

SteR is also concerned about creating opportunities for young academics and researchers from abroad. The institute has succeeded in attracting relatively young professors; nine are in their forties.⁴⁰ This age diversity has helped to guarantee continuity following the retirement of important researchers, such as Prof. Jan Terpstra, Prof. Thomas Mertens and Prof. Elspeth Guild. SteR also has attracted relatively young senior researchers.⁴¹ In the review period, SteR also welcomed several new Dutch researchers with a migration background in addition to several researchers from abroad.

Talent development is another focus of the institute. The faculty has developed career tracks to advance associate professors to full professors and (*ontwikkelafspraken*) assistant and associate professors [Appendix C.12].⁴² Contributing to the further development of SteR's research programmes is a requirement in such tracks. Since 2017, the faculty has created a leadership development programme with workshops for the heads of departments. And since 2020, the faculty has participated in the university-wide Courage, Connection and Openness (*Moed, Verbinding en Openheid*) programme, which includes intensive training days with role playing and peer review for all

professors. Retaining talent will remain a challenge because of stiff competition from legal practice and other universities. Therefore, the institute will develop a talent policy in close cooperation with the Faculty of Law (see Chapter 5).

In terms of social safety and preventing undesirable behaviour, the institute relies on the regulations and mechanisms at the university level, including ombudspersons. There are two contact persons at the faculty level.⁴³ The institute and the faculty inform the staff about these mechanisms. Within the university leadership programme, considerable attention is paid to social safety. In autumn 2022, eight sessions are planned for the faculty's scientific staff. Special attention is also paid to PhD candidates in this respect, and the institute facilitates peer review between PhD candidates. A buddy system for new PhD candidates was created in 2022. The bi-annual *SteR-avond* for PhD candidates in April 2022 was devoted to the well-being of PhD candidates and was led by two external coaches. The institute also recognises the importance of discussing the well-being and safety of PhD candidates with senior staff. In 2021, the university's Occupational Health & Safety and Environmental Service (AMD) organised interactive webinars for the institute's staff. In the fall of 2022, a peer feedback session on the well-being and supervision of PhD candidates is planned for all senior SteR researchers involved in PhD supervision. The social safety and well-being of PhD candidates is also discussed within the Graduate School by a PhD Network consisting of PhD researchers from SteR and OO&R.

Research on diversity and discrimination

- Terlouw, A.B. (2020). Gebruik van etniciteit in risico-profielen Marechaussee is discriminatie. *Nederlands Juristenblad*, 95 (12), 833-837.
- Böcker, A.G.M. (2020). *Can non-discrimination law change hearts and minds?* *Erasmus Law Review*, 2020 (3).
- Groenendijk, C.A. (2020, May 25). Belastingdienst, geef discriminatie toe. *Trouw*
- Buruma, Y. (2020). Racisme en discriminatie als 'systemische problemen'. *Nederlands Juristenblad*, 95 (27), 1935.
- Böcker, A.G.M., Terlouw, A.B. & Özdemir, E. (2019). *Discriminatie bij de verhuur van woningen? Een verkennend onderzoek naar verklaringen en de mogelijke aanpak.* (external report).

40 Prof. Hansko Broeksteeg; Prof. Marieke Dubelaar; Prof. Masha Fedorova; Prof. Masja van Meeteren; Prof. Sonja Meijer; Prof. Tonny Nijmeijer; Prof. Roel Schutgens; Prof. Jacques Sluysmans; Prof. Henri de Waele.

41 Jelle Cnossen (since 2021); Dr Marieke Dubelaar (currently Prof.) (2019); Dr Ralph Frins (2021); Dr Joris Gijzenbergh (2020); Dr Enguerrand Marique (2020); Dr Annick Pijnenburg (2020); Dr Anna Pivaty (2019).

42 There have been 11 ontwikkelafspraken trajectories, six of which are still ongoing.

43 Currently, Dr Stefanie Jansen-Wilhelm and Dr Marc Veenbrink.



4 Accomplishments during the past six years and evidence

In this section, we will discuss notable recent accomplishments related to research quality and societal relevance with a particular focus on developments since the midterm and the terms of reference.¹ Research quality and societal relevance are discussed separately, and more quantitative evidence is provided first. This is followed by a more discursive analysis of the accomplishments in the light of the institute's mission and unique position as well as its strategic aims, including several case studies.

The assessment committee (2017) was 'impressed' with the quality and quantity of research at SteR. The midterm committee (2019) also praised the good research quality, which is confirmed by the 2016-18 publication list.

4.1 Research quality

The institute's research output has remained varied and in line with the indicators of legal publishing culture in the Netherlands as identified by NWO.² The output of (academic) publications has grown over the past six years, despite the pandemic (see Table 5).

1 Self-evaluation report 2016-2018, p. 33-35.

2 (i) various publication categories are broadly valued besides articles in internationally peer-reviewed journals, including contributions in edited volumes or comments on judgements; (ii) a PhD dissertation is usually in the form of a book; (iii) publications are primarily single-author; (iv) impact factors, citation indexes or H-indexes are not used.



Table 5. Overview of publications

	2016	2017	2018	2019	2020	2021
Articles						
Refereed – international journals	22	28	21	21	22	30
Refereed – national journals	50	51	41	51	37	52
Non-refereed articles	21	20	25	19	20	17
Monographs, handbooks, proceedings, inaugural lectures and scientific reports						
International	7	20	14	17	20	22
National	6	11	14	12	7	8
PhD dissertations	8	9	13	6	4	4
Book chapters/articles in proceedings						
International	21	48	30	22	23	37
National	20	13	44	37	15	41
Total scientific publications	155	200	202	185	148	211
Professional publications						
International	22	25	27	32	35	45
National	72	87	108	114	190	141
Case notes	160	140	118	118	130	131
Total professional publications	254	252	253	264	355	317
Total	409	452	455	449	503	528

There were 44 successful PhD dissertations and defences in the review period, resulting in an average of 7.33 per year [Appendix B.5]. This is higher than the figure in the 2009-2015 evaluation period (35 dissertations; an average of 5.83 per year).³

Refereed articles have been published in prominent international journals including the *European Journal of International Law*, *Common Market Law Review*, *Human Rights Law Review*, *European Law Review* and the *European Journal of Policing Studies*. After a small decrease, the number of international refereed articles grew in 2021 in line with the strategy discussed in 3C. Moreover, CMR is the initiator

(1999) and editor of the renowned *European Journal of Migration and Law* (Brill).⁴

The reporting period also included the publication of a series of attractive edited volumes in the SteR series.⁵ These emerged from the cooperation between the disciplines in SteR. Examples include the resilient rule of law (DB; 2022), the EU Charter of Fundamental Rights (WW; 2019), the conflict resolution *nulmeting* (COI; 2022) and the intensity of judicial review (COI; 2021). Such volumes are

4 Currently, Prof. Paul Minderhoud and Dr Sandra Mantu are managing editors.

5 In the reporting period, 26 books appeared in the SteR series: 18 dissertations, 7 edited volumes and 1 co-authored book. [Appendix C.5]

3 2021 (4); 2020 (4); 2019 (6); 2018 (13); 2017 (9); 2016 (8).

valued highly by SteR because they generally provide a more structured overview of the research area, promote new areas of study and offer a good occasion to organise a seminar with other academics and legal practitioners.

Edited international volumes

- T. de Lange, W. Maas & A. Schrauwen (Eds.), *Money matters in migration policy, participation, and citizenship*. Cambridge: Cambridge University Press 2021
- E.R. Rieter & K.M. Zwaan (Eds.), *Urgency and human rights. The protective potential and legitimacy of interim measures*. Den Haag: Asser Press 2021
- P.H.P.H.M.C. van Kempen & M.J.M. Krabbe (Eds.), *Mental health and criminal justice. International and domestic perspectives on defendants and detainees with mental illness*. The Hague: Eleven 2021
- Vries, S. de, Waele, H.C.F.J.A. de & Granger, M. (Ed.). (2018). *Civil rights and EU citizenship. Challenges at the crossroads of the European, national and private spheres*. Cheltenham: Edward Elgar

Another objective of SteR is to publish books in English through renowned foreign publishers such as Intersentia, Edward Elgar, Brill/Nijhoff, and Oxford University Press. Prominent examples include *A philosophical introduction to human rights* written by Prof. Mertens and published by Cambridge University Press (2020) and *Competition law in the EU* written by Prof. Johan van de Gronden and Dr Catalin Rusu (Elgar, 2021). SteR researchers also have been involved in editing books and series. This contributes to the academic reputation of the researcher and the institute because it emphasises that a researcher has an extensive network of contacts. In the last years, several SteR members – including Prof. Henri de Waele, Dr Eva Rieter and Dr Lize Glas – have been asked to contribute to the prestigious *Max Planck Encyclopedia* of International Procedural Law (Oxford University Press).

In terms of demonstrable use of products, several publications have received political and media attention or have affected legal practice [Appendix B.7]. The NJB [article](#) *Ongezien onrecht in het vreemdelingenrecht* (Unseen injustice in immigration law) written by junior and senior CMR researchers attracted a wave of [media attention](#) in April 2021. The authors argued that immigration proceedings offer little room to accommodate individual circumstances, and an overall lack of cooperation between different levels of government causes foreign nationals to fall between the cracks of the system. Partly because of this and other publications, the notion of proportionality (*menselijke maat*) was reintroduced in Dutch case law. An illustration of the significant societal impact of this publication is the fact that it won the prestigious 2021 Hermesdorf Prize.

Another example of impact on legal practice is the research conducted by Dr Ralph Frins, who has published extensively on natural conservation law. In doing so, he had a major influence on the [decision](#) of the Council of State on the Programmatic Approach to Nitrogen. For example, he introduced the criterion that the positive effects of mitigation measures that ‘depend on the reaction of an animal and/or the natural system’ should be disregarded when making an appropriate assessment.⁶ The Council of State also adopted this criterion in the aforementioned decision (point 18).

Other examples of impact are the [report](#) about the *toeslagenaflaaffaire* written by a committee chaired by Prof. Diana van Hout, and the [report](#) and NJB article concerning the self-reflection of the judiciary (*Recht vinden bij de rechtbank*; Prof. Ashley Terlouw and Dr Karen Geertsema were involved).

The institute’s research quality is further evidenced by the editorships held by SteR researchers for “class A” law journals,⁷ important case law journals and esteemed textbook series [Appendix B.12]. Our researchers organise or are invited to participate in respected national and international conferences and seminars [Appendix B.15]. Our researchers have also been awarded various research grants and prizes, which constitute important marks of recognition [Appendices B.9 and 11].

Marks of recognition

- Prof. Paul Bovend’Eert won a Radboud Science Award in 2020 for his research on the Dutch monarchy.
- Dr Dorian Schaap won both the Willem Nagel Prize 2019 and de Van Poeljeprijs 2018 for his dissertation ‘The Police, the Public, and the Pursuit of Trust’.
- Rowin Jansen (2020) and Ruben te Molder (2021) won the University Dissertation Award 2020 for their Master’s theses.
- Dr Lonneke Peperkamp obtained a grant from the Irish Research Council.
- Dr Iris Sportel and Dr Jasper Krommendijk obtained VENI grants.
- Dr Lize Glas (2016) and Dr Madeline Garlick (2017) received the Max van der Stoel Human Rights Awards for their dissertations.

6 Case note: CJEU 26 April 2017, ECLI:EU:C:2017:3001, TBR 2017/148

7 Class A refers to the recognition of academic standards of a law journal. The journals are identified by the faculty’s Science Committee and placed on the *A-tijdschriftenlijst*.

SteR's accomplishments in relation to research quality can best be discussed in light of its mission and unique position. Its output is distinguished by the institute's reputation for solid high-quality legal doctrinal research (section 3.A). The added value lies in the study of foundational principles of public law from various public law domains, as illustrated by the volume *Toetsingsintensiteit* (intensity of judicial review). The quality and distinctiveness of SteR's research is enhanced by cooperation across (public) law disciplines, as illustrated by case study I (section 3.B). The 2019 midterm report describes two examples of successful and high-quality research clusters that primarily consist of related PhD projects involving various departments and areas of public law: integrity and externalisation of migration policy.⁸

Within the Conflict Resolution Institutions theme, a noteworthy accomplishment is the edited [volume](#) (*nulmeting*) about the domain of the judge (edited by Prof. Marieke Dubelaar, Dr Lize Glas, Prof. Ashley Terlouw and Prof. Marijke ter Voert). This volume is based on the assumption that the judge traditionally plays an important role in legal conflict resolution. However, increasingly disputes are not submitted to the courts, but to other conflict resolvers or withdrawn from judicial conflict resolution. In addition to the judge, a vast field of conflict resolvers has emerged. The role of the judge has also changed: they face different tasks and are expected to possess more specialised knowledge. These changes vary in pace and by jurisdiction. While in some jurisdictions the courts have started to work in a different way to meet the demand and developments, in other jurisdictions many (and more) cases are settled outside the courts. The volume provides a systematic overview of the shifts that have taken place within differing jurisdictions. The combined insights should lead to a reflection on the position of the judge in the field of conflict resolution and an answer to whether cases are actually handled by the officials and bodies that are best equipped to do so.

SteR has also achieved a lot through interdisciplinary cooperation with academic partners and by deepening the empirical components of its research (sections 3.A and 3.C). Recent examples include two research projects funded by prestigious grants from the Dutch ZonMW/NWO in 2020. One addresses the impact of the COVID-19 crisis on the judiciary and the position of vulnerable parties seeking justice and relied on a large-scale empirical study

involving interviews with professionals and litigants.⁹ The [other](#) focused on the effects of COVID-19 measures on two groups of migrant workers (mobile EU citizens and 'undocumented' migrants) who work in crucial sectors such as agriculture and the meat processing industry. The results were presented at a conference attended by various stakeholders, including legislative drafters working at the Ministry of Justice. The conference was also covered by the press. CMR researchers conducted this study with the Radboud University Network on Migrant Inclusion (RUNOMI), also in collaboration with researchers affiliated with Radboud UMC and the Nijmegen School of Management. External research partners include De Burcht, the European Labour Authority, Euregio Rijn-Waal, Region North-Limburg, INTERREG, Fairwork, FNV, Inspectorate SZW, Algemene Bond Uitzendondernemingen (ABU), Otto Workforce and the LOS Foundation. The research aims to deliver policy recommendations for the structural improvement of the working and living conditions of labour migrants who work in essential sectors. The project has a spin-off collaboration with the Hochschule (university of professional education) in Kleve to conduct similar research in their neighbouring region, North-Rhine Westfalia.

Over the last six years, SteR's strategy has focused on stimulating the internationalisation of its research, especially in selected areas (section 3.D). One significant illustration is the selection of the Centre for Migration Law (CMR) as [Jean Monnet Centre of Excellence \(2018-2021\)](#) for the second time. This provided the opportunity to carry out a programme called CIMIS (Citizenship, Migration and Security in the EU), spearheaded by Prof. Elspeth Guild, Prof. Paul Minderhoud, Dr Karin Zwaan and Dr Sandra Mantu. CIMIS examines how the interplay between migration and security shapes the legal landscape of EU migration law and the rights and experiences of migrants. Programme research is focused on interpreting selected EU legislative measures by the European Court of Justice and at the national level. The implementation of Directive 2004/38 in 11 selected Member States was analysed in relation to three key areas: family reunion, social rights, and residence rights for EU citizens and their family members.

9 M.J. ter Voert, E. Bauw, M.M. Boone, M.R. Bruning, M.M. Bruquetas, M.J. Dubelaar, K.E. Geertsema, L.R. Glas, A. Pivaty, A.B. Terlouw & S.G.C. van Wingerden (Eds.), *Gevolgen van COVID-19. voor de rechtspraak en kwetsbare rechtzoekenden. Een onderzoek naar maatregelen en de positie van rechtzoekenden binnen het straf-, civiele jeugdbeschermings-, en vreemdelingenrecht*. Nijmegen/ Leiden/ Utrecht: Radboud Universiteit/ Universiteit Leiden/ Universiteit Utrecht [Gevolgen van COVID-19 voor de rechtspraak en kwetsbare rechtzoekenden](#) | Scholarly Publications (universiteitleiden.nl)

The research-teaching nexus played an important role as evidenced by the annual [summer school](#) 'Citizenship and migration: Europe's 21st century challenges', and two specialised courses for EU judges. The findings have also been disseminated via three quarterly newsletters on European migration law legislation and jurisprudence and three specialised seminars on the Students and Researchers Directive 2016/801, the Schengen crisis and Free movement and on Hard (EU) Law through Soft Courts. The results of the activities of CIMIS were also [published](#) in a book, in several articles in peer reviewed journals and in

online published [presentations](#), in a [special issue](#) of the *European Journal of Migration and Law* and in three publications in the Nijmegen Migration Law [Working Papers Series](#).

SteR adopts a relatively unique approach to the study of international and European law by researching international and European developments from the perspective of the national (often Dutch) legal order. This is evidenced by case study II.



Case study I **A unique doctrinal focus from various public law perspectives**

The intensity of judicial review is a much-debated topic that goes to the heart of the foundations of public law including the *trias politica*, rule of law and fundamental rights. The relevance is illustrated by the *toeslagenaffaire*, during which most courts were reticent to adopt a high standard of judicial review in Dutch childcare benefits cases.

- Schlössels, R.J.N. (2021). Evenredigheid als limiet. De langverwachte conclusie over toetsing aan het evenredigheidsbeginsel. *Jurisprudentie Bestuursrecht Plus*, 21 (3), 126-140.
- Bazuin, A., Boesman, T., Catsburg, J., Geertsema, K.E., Ginneken, L. van, Ham-Kolk, M. van, Koenis, M., Terlouw, A.B. & Schelfhout, T. (2021). Recht vinden bij de rechtbank. Zelfreflectie op de kinderopvang-toeslagzaken door de bestuursrechters bij de rechtbanken. *Nederlands Juristenblad*, 96 (37), 3100-3103.
- Boogaard, G. & Schutgens, R.J.B. (2019). Na ons de zondvloed? Over de Urgenda-zaak en het beginsel van constitutionele hoffelijkheid bij de oplegging van dwangsommen aan de Staat. *Overheid en Aansprakelijkheid*, 2019 (2), 52-61.

- Hulle, R. van der (2020, October 30). *Naar een Nederlandse political question-doctrine? Een beschouwing over de rol van de rechter in politieke geschillen*. Radboud University (XV, 380 pag.) (Deventer: Wolters Kluwer) Prom./coprom.: Prof. R.J.B. Schutgens & J.J.J. Sillen.

Several SteR researchers have published high-profile articles on judicial review. They have also been active in the media¹⁰ and have been consulted by legal practitioners.¹¹ As part of a more collaborative effort combining public law perspectives, a multidisciplinary team convened a project following the *SteR-middag* in 2018 (Prof. Roel Schutgens, Prof. Raymond Schlössels, Dr Jasper Krommendijk, Dr Hans Peters, Prof. Claartje Bulten, Prof. Ashley Terlouw and PhD candidate Edsard van der Werf). They invited a broad group of experienced SteR researchers – including several PhD candidates, research fellows and assistant professors – to reflect on the subject from their specialisation covering both public and private law.¹² To strengthen the collaboration with the sister faculties in Leiden and Utrecht as partners in the *sectorplan*, researchers from those faculties were also involved in the project. The volume was presented to a renowned expert audience in March 2022. The first edition was presented to the President of the Administrative Division of the Council of State, Bart-Jan van Ettehoven.

¹⁰ Prof. Roel Schutgens in *Nieuwsuur* on 9 October 2018; Schutgens, R.J.B. (2015). Urgenda en de trias. *Nederlands Juristenblad*, 90 (33), 1675-1682.

¹¹ Prof. Raymond Schlössels participated in an internal expert meeting of the Central Appeals Tribunal (CBb) on 15 November 2021.

¹² Laura Davies, Rob van der Hulle, Mikhel Timmerman, Geert Pesselse, Karen Geertsema, Dirk Sanderink.



Case study II SteR's study of international and European law from a Dutch perspective

One of SteR's main internationalisation strategies is researching international and European developments from the perspective of the Dutch legal order, as also reflected by the *Interaction* (WW) programme. There are several good examples of high-quality research investigating the interaction (or dialogue) between international and European courts and quasi-judicial bodies with Dutch courts and authorities. Dr Jasper Krommendijk led a VENI project (2017-2021) on national courts and preliminary references to the EU Court of Justice. It resulted in one open access monograph with a renowned international publisher (Elgar). The prominent international scholar Prof. Gráinne de Búrca (New York University Law School, USA) praised the monograph: 'This book is a very welcome addition to the small but growing literature providing qualitative empirical insight into the practice of a range of national courts in relation to the preliminary reference procedure of EU law, and how those judges perceive the procedure and the role of the Court of Justice. Thoughtfully and carefully written, and based on case-law analysis and primary interviews with judges from three national jurisdictions, the book offers a rich and nuanced picture.'¹³



Other examples of related research into the interaction between national and international courts

- Glas, L.R. (2016, January 25). *The theory, potential and practice of procedural dialogue in the European Convention on human rights system*. Radboud University.
- Claassen, J. (2019). 'Attitude or aptitude? Explaining the lack of preliminary references in Dutch competition law cases', in Rauegger, C.; Wallerman, A. (ed.), *The Eurosceptic Challenge. National Interpretation and Implementation of EU Law* (Hart 2019), pp. 175-189.
- Rieter, E.R. & Zwaan, K.M. (Ed.). (2021). *Urgency and human rights. The protective potential and legitimacy of interim measures*. Den Haag: Asser Press.
- Glas, L.R. and Krommendijk, J. (2022) 'A Strasbourg story of swords and shields: National courts' motives to request an advisory opinion from the ECtHR under Protocol 16', *European Convention on Human Rights Law Review*.

Additional output includes seven articles in international peer-reviewed journals, a special issue in an international open access journal, eight Dutch refereed articles and one book in Dutch accessible to the wider public (co-authored with former Supreme Court judge Prof. Marc Loth). Dr Krommendijk gave seven presentations at international conferences, university guest lectures, and over 20 presentations and training sessions for societal stakeholders, including judges, NGOs and lawyers. Particularly noteworthy was the presentation of the book written with Loth during a conference for the Dutch judges of the highest courts in *De Efteling* in 2018. The project resulted in cooperation with Dr Jos Hoevenaars (EUR) Prof. Jurian Langer (RUG) and international researchers in the context of a seminar in 2019). A parallel PhD project (Jesse Claassen; 2017-2022) ensured that scientific insights are more widely generalisable. One indication of a teaching-research nexus is that insights from this project were used in courses such as Introduction to European Law (B1) or EU Institutional Law (B2) and found their way into a co-authored EU law textbook.¹⁴

¹³ Also see the book review in *Common Market Law Review*.

¹⁴ Gronden, J.W. van de, Krommendijk, J., Looijestijn-Clearie, A., Tans, S.J. & Waele, H.C.F.J.A. de (2021). *Kern van het Europees recht*. Den Haag: Boom Juridisch.

4.2 Societal relevance

SteR's mission is to conduct research with a high societal value, with a view to and in close cooperation with legal practice. Impact on policy, legislation and jurisprudence is key. SteR's strategy has been to broaden its cooperation with societal stakeholders (section 3.E). Case studies III and IV shed further light on the institute's societal achievements.

The midterm committee (2019) was positive about the strengthened position of annotations as 'building blocks'. The framework is an excellent way to give annotations – which are essential to SteR's legal-doctrinal profile – a meaningful place in the contemporary research climate.

In legal research, national publications remain important because of their continuous relevance for the national legal system and legal practice. This explains SteR's commitment to annotations (case notes). Following the 2017 recommendations of the assessment committee, the institute adopted a framework for case comments (*Kwaliteitskader annotaties*) to guarantee the quality of annotations. SteR researchers are encouraged to cluster their annotations around carefully chosen themes as building blocks for later academic articles. The midterm report described several successful examples of such clustering by Prof. Hansko Broeksteeg, Dr Joost Sillen and Dr Jasper Krommendijk.¹⁵

Textbooks

- Zwaan, K.M., Terlouw, A.B., Strik, M.H.A., Oosterom-Staples, H., Minderhoud, P.E., Lange, T. de, Grutters, C.A.F.M., Geertsema, K.E. & Fernhout, R. (2020). *Nederlands Migratierecht*. Den Haag: Boom Juridische Uitgevers
- Schlössels, R.J.N., Albers, C.L.G.F.H., Hillegers, S. & Kole, S. (2020). *Kern van het bestuursrecht*. Den Haag: Boom juridisch
- Bovend'Eert, P.P.T., Broeksteeg, J.L.W., Kortmann, C.N.J. & Vermeulen, B.P. (2021). *Constitutioneel Recht*. Deventer: Wolters Kluwer
- Gronden, J.W. van de, Krommendijk, J., Looijestijn-Clearie, A., Tans, S.J. & Waele, H.C.F.J.A. de (2021). *Kern van het Europees recht*. Den Haag: Boom Juridisch

SteR researchers are key contributors to professional education for attorneys, and they disseminate their academic knowledge to parties such as lawyers, judges, and legal advisers through the Centre for Postgraduate Legal Education (*Centrum voor Postacademisch Juridisch Onderwijs*, *CPO*). The CPO is the largest provider of legal post-initial education in the Netherlands. Moreover, in autumn 2021, SteR organised a series of lectures jointly with the Court of Appeal The Hague on trias politica. Based on the research-teaching nexus, SteR researchers also contribute to textbooks for university courses.

Our researchers hold numerous secondary positions in various boards, committees and expert groups [Appendix B.8]. They are frequently invited to fill advisory roles and temporary judge positions. Prof. Ybo Buruma has been a judge at the Supreme Court (since 2011), while Prof. Ben Vermeulen has been a member of the Council of State (since 2008). SteR knows how to capitalise on contract funding: it has conducted research for the WODC, the judiciary, the Ministry of Justice and other social actors [Appendix B.10].

SteR also serves the legal practice with research, legislative proposals, advice and recommendations. For instance, several researchers have been consulted by the Dutch Parliament: Prof. Paul Bovend'Eert on ministerial appointments (2021), Dr Simon Tans and Prof. Henri de Waele on the future of the WTO (2021), Prof. Ashley Terlouw on ethnic profiling (2021), Prof. Henri de Waele on CETA (2020), Prof. Masha Fedorova on terrorism (2019) and Prof. Roel Schutgens on referenda (2018). Prof. van de Gronden wrote an EU law report for the *Stichting Handhaving Vrije Artsenkeuze* (foundation for the protection of free choice of doctors) in 2020. Prof. Tesseltje de Lange and Dr Simon Tans also wrote a report for the European Commission on EU trade and migration. This report has contributed to an adjustment of Dutch national implementation of mobility clauses in trade agreements. CMR is involved in writing three quarterly newsletters (NIAS, NEMIS and NEFIS) focused on European migration law legislation and jurisprudence. It also collaborated with UNHCR to develop a Digital Case Tool on Asylum in Europe (*DICTA*).

¹⁵ Self-evaluation report 2016-2018, p. 5-6.

Marks of recognition

The societal relevance of SteR's research is widely acknowledged throughout the country, which translates into media attention or membership in (civil society) advisory bodies:

- Prof. Tonny Nijmeijer was appointed Advocate General in the Administrative Law Division of the Council of State on 1 October 2021.
- Prof. Piet Hein van Kempen was appointed permanent member of the Scientific Advisory Council of The Institute on Crime & Criminal Justice (ICCJ) in 2021.
- Prof. Ashley Terlouw was appointed coordinator of the parliamentary inquiry committee on the effectiveness of anti-discrimination legislation.
- Prof. Raymond Schlössels was a member (2017-20) of a committee of the Administrative Law Association (VAR) reporting on the Europeanisation of administrative law.
- Prof. Paul Bovend'Eert (2020) & Prof. Jacques Sluysmans (2021) were appointed Officer in the Order of Orange-Nassau.
- Prof. Ashley Terlouw has been Chair of the Meijers Committee since 2020.



Case study III Research with a high societal value

In 2019-2020, Prof. Paul Bovend'Eert (constitutional law) conducted research into the role of the King in a modern parliamentary democracy. The research led to the October 2020 publication of a book titled *De Koning en de monarchie. Toekomstbestendig?* (Wolters Kluwer, 2020, 275 pp.) In it, Bovend'Eert uses constitutional law and historical research to analyse the positions of the King in the Dutch constitutional system. He discusses the development of the monarchy in the government and the formation of the cabinet and as head of state, and in terms of royal immunity and ministerial responsibility, the expenditure on the monarchy, the royal family and monarchies elsewhere in Europe. The central question is to what extent the regulations about kingship require adjustment to make kingship future-proof in a modern parliamentary democracy.

At the time of its publication, which coincided with the criticised Greece trip taken by King Willem-Alexander and his family, the book received a great deal of media attention.¹⁶ Thereafter, the book and its themes have continued to attract a great deal of public interest. In 2021, Bovend'Eert received the Radboud Science Award 2021 for his research on the King and the monarchy. He also developed a

teaching programme for primary schools with Assistant Professor Toni van Gennip. His research on the King and the monarchy also provided an opportunity for Bovend'Eert to participate in a multi-day international congress on European Monarchies in London in 2019, which was organised by the Constitution Unit of University College London. As a result of that conference, Bloomsbury/Hart published a book, *The Role of Monarchy in Modern Democracy. European Monarchies Compared* (eds. Robert Hazell and Bob Morris), in 2020 to which Bovend'Eert contributed. He is currently involved in preparations for an international publication (OUP) on the financing of monarchies.



¹⁶ E.g. *NOS Nieuwsuur* on 18 October 2020 ('Wat betekent vakantie Griekenland Willem-Alexander voor Rutte?'); see also Titia Ketelaar, 'Bij de Oranjes gaat het altijd om geld', *NRC Handelsblad*, 30 October 2020.



Case study IV

Impact on legal practice

Prof. Piet Hein van Kempen and Prof. Masha Fedorova have conducted extensive research into the topical and greatly debated – nationally and internationally – question of what leeway international law leaves to states for regulated legalisation of cannabis cultivation and trade for recreational use. In 2016, they published a second study¹⁷ on that question that particularly focused on the interaction of positive human rights obligations with the UN drug control conventions.¹⁸ This research was commissioned by the municipalities of Heerlen, Eindhoven and Utrecht and conducted under the supervision of an independent commission of experts. Updated versions of both studies were published in English in 2019.¹⁹

The studies have generated attention and debate in academic and political circles on national and international levels. In the Netherlands, the innovative research has strengthened the reasoning on which basis several Dutch municipalities have urged the national government to take steps to resolve the impasse of the *achterdeurproblematiek* ('back door' problem) in Dutch drugs policy. In addition, the research was picked up by and discussed with parliament representatives and has formed an important stepping stone towards a proposal for a new bill. This in turn led to the new law on controlled cannabis supply chain experiment that entered into force in 2021.

At the international level, it is relevant that the research was presented during the 60th session of the UN Commission on Narcotic Drugs (CND) in 2017. In addition, the research was presented during the invitation-only expert seminar organised by the Transnational Institute and the Washington Office on Latin America. Cooperation with experts from these NGOs has resulted in an open access publication in an international peer-reviewed journal and a research paper on the regulation of cannabis and EU law. The cooperation is ongoing. A further brainstorm is taking place now, and Van Kempen and Fedorova's research is being used in the debate about designing a legal approach to smart and health-oriented regulation of cannabis in the EU.

17 The first study was published in 2014, commissioned by WODC: P.H.P.H.M.C. van Kempen, *Internationaal recht en cannabis II. Een beoordeling op basis van VN-drugsverdragen en EU-drugsreggeving van gemeentelijke en buitenlandse opvattingen pro regulering van cannabisteelt voor recreatief gebruik*, Deventer: Wolters Kluwer, 2014.

18 P.H.P.H.M.C. van Kempen & M.I. Fedorova, *Internationaal recht en cannabis II. Regulering van cannabisteelt en – handel voor recreatief gebruik: positieve mensenrechtenverplichtingen versus VN-drugsverdragen*, Deventer: Wolters Kluwer, 2016.

19 P.H.P.H.M.C. van Kempen & M.I. Fedorova, *International Law and Cannabis I. Regulation of Cannabis Cultivation for Recreational Use under the UN Narcotic Drugs Conventions and the EU Legal Instruments in Ant-Drugs Policy, Volume I & II*, Cambridge/Antwerp/Chicago: Intersentia, 2019.



5 Strategy for the next six years

The analysis in the previous sections served as a foundation for the SWOT analysis below. It identified the (internal) strengths and weaknesses, the (external) opportunities we can use to improve ourselves, and the (external) threats that need to be neutralised.

Future strategy

Based on the results of the SWOT analysis, we have formulated a strategy to further improve our quality, societal relevance and viability in the coming years. Because previous committees positively assessed the institute's strategy, the core of it remains unchanged. This strategy also builds on the strategic document and plan of action (*Samen SteR(ke)!*) drawn up in January 2021. This means we will continue to invest in high-quality research in public law with a high social value, founded in positive law and with a strong orientation towards legal practice. SteR aims

to be among the leading research institutes in public law in the Netherlands and to be recognised as an excellent research institute in Europe in selected fields, including migration law, institutional EU law, human rights, competition law, legal philosophy and criminology. The following strategies are thus primarily incremental improvements that build on a solid foundation and the strategy of the past six years.

SWOT analysis



STRENGTHS

- High quality of staff
- A unique reputation for solid high-quality legal doctrinal research that distinguishes SteR from other institutes
- Strong staff involvement with legal practice, society and postgraduate education
- A stimulating, collegial and non-competitive research climate with excellent research facilities
- Excellent cooperation within and between the research programmes & cross-fertilisation between various disciplines of public law
- Good cooperation with the Radboud business law institute OO&R, driven by a common responsibility as one faculty and facilitated by the inspiring and open Grotius building
- A broad representation of all fields of public law and empirical disciplines that allows SteR to respond rapidly to new societal issues and developments
- The study of international and European law with a national law perspective relevant for legal practice
- Many completed PhDs
- The Graduate School enhances effectiveness and attract PhD candidates
- Strong online visibility and communication
- The broad and flexible organisation of the four research programmes (without strict borders)
- The greater role of programme supervisors in terms of stimulating cooperation along strategic themes
- Staff involvement in editorial positions for legal journals, which provides opportunities to shape collaborative research with a clear material output
- The ability of most researchers to publish in both English and Dutch



WEAKNESSES

- PhD trajectories take a long time, especially those of lecturers (*juniordocenten*) and external PhD candidates
- Limited (financial) opportunities to launch new PhD trajectories
- Too few research FTEs at the middle-management level
- Low success rates in obtaining NWO and ERC funding
- Expertise is sometimes dependent on individual researchers
- Most of the international output relies on the efforts of a dozen internationally oriented researchers
- Researchers have a high burden in terms of teaching activities, partly intensified by the pandemic
- The broad, flexible and overlapping organisation of the four research programmes could reduce coherence and recognisability of the individual programmes
- There is a widely shared wish to achieve more far-reaching collaborations. But while it is easy and inspiring to spark enthusiasm for new projects, the follow-up to these kinds of ideas requires constant attention among competing tasks



OPPORTUNITIES

- Increasing societal relevance of public law
- An increased focus on societal impact that matches SteR's embeddedness in legal practice
- Increase in PhD positions through matching possibilities and *sectorplan* in previous years
- Continuous possibilities for contract research and other sources of funding, such as NWA and NWO's Open Competition
- Participation in Dutch and international research projects via interdisciplinary university hubs (e.g. iHub, EUROPAL and RUNOMI)
- Collaboration with other law faculties in the context of the *sectorplan* (and associated financial resources)
- Further strengthening the international orientation by introducing a guest researchers programme
- Further strengthening ties with society and legal practice (Legal Valley, Raad voor de rechtspraak, courts)
- Cooperation between the two research centres (SteR and OO&R) in relation to digitalisation, sustainability and COI



THREATS

- It remains difficult to attract and retain research talent (PhDs and assistant/associate professors) for some disciplines (especially administrative and criminal law)
- The administrative burden on staff in relation to research and teaching has grown
- Contract research requires careful monitoring to ensure the independence of the research
- It is difficult to obtain NWO and ERC funding, particularly for Dutch-oriented legal-doctrinal research. Success rates are decreasing while applications are time-consuming
- International staff or visiting researchers are expected to operate in a context oriented around Dutch law
- Forthcoming retirements (this can also be an opportunity)
- Fully implementing Open Science is difficult because of its consequences for the legal publishing culture and the existence of particular (legal professional) journals that depend on subscriptions

future strategy

1 Consolidating the institute's strengths: maintaining its unique reputation for solid high-quality legal doctrinal research (see 3A)

The strength of SteR is its unique reputation for solid high-quality legal doctrinal research that distinguishes it from other institutes. To maintain this reputation, SteR will:

- Promote the framework for case comments (*kwaliteitskader annotaties*) among new staff.
- Show appreciation for legal doctrinal research in the institute's external and internal communications, including the selection of yearly key publications for the annual report.
- Pay continuous attention to legal doctrinal research methods in Theory & Methodology (*MeTheoriet*).

2 Further strengthening cooperation within the four research programmes and the two strategic themes of digitalisation and sustainability (see 3B)

Another distinguishing feature of SteR is the excellent cooperation within and between the research programmes and the cross-fertilisation between different disciplines of public law. The previous section highlighted several accomplishments related to such cooperation. In the upcoming years, this will be solidified and extended to important social challenges and strategic themes: digitalisation and sustainability. It is particularly important to remain vigilant to maintain the coherence of SteR's research and ensure that there is sufficient follow-up to brainstorming and networking meetings that aim to foster cooperation. The institute will do the following:

With respect to digitalisation

- Foster collaborative research projects, publications and seminars within SteR and with OO&R, within the sector-plan theme Digital Legal Studies and with iHub.

With respect to (ecological) sustainability

- Foster collaborative research projects, publications and seminars within SteR.
- Foster further intra-faculty cooperation with Healthy Landscape and the Radboud Centre for Sustainability via joint research projects and PhD positions.
- Draw attention to this theme and promote cooperation via the *SteR-middag* in June 2022.
- Work on an NWA proposal on climate conflicts within the context of the national research group of COI.
- Create one PhD project for each research programme on (ecological) sustainability.
- Coordinate the creation of a new Dutch course on sustainability from different public (and perhaps private) fields of law (teaching-research nexus).

Within Foundational Principles & Fundamental Rights

With an eye to more focused research on the foundations of public law in relation to SteR's largest research programme, a concrete 'core theme' was chosen for the 2022-2027 period: the resilience of the rule of law (*weerbare rechtsstaat*). This refers not only to the deteriorating rule of law in countries such as Hungary and Poland, but also worrying developments in the Netherlands (e.g. subversive crime (*ondermijning*), corruption or violations of integrity). This raises the question of how the rule of law can be made more resilient. The edited volume *Naar een weerbare rechtsstaat* serves as a good illustration of SteR's (future) ambitions in relation to the rule of law. Researchers from all SteR departments contributed to that volume, which will be launched along with its the core theme in September 2022. Other steps to be taken in 2022:

- Chiel Kuypers will start his PhD research into the concept of the resilient constitutional state under the supervision of Prof. Ronald Tinnevelt (philosophy of law) and Dr Joost Sillen (constitutional law).
- Because the resilient rule of law is not limited to the Netherlands, Prof. Petra Bárd (associated with the European University Institute, Eötvös Loránd University and the Central European University) has been appointed to the SteR rotating chair dedicated to 'the sustainable rule of law'. With her arrival, the programme seeks to further stimulate cooperation with other (inter)national universities and European political and judicial institutions.
- In addition, Dr Jasper Krommendijk submitted a proposal for a Jean Monnet Chair in EU rule of law and the national legal order in March 2022.

3 Further strengthening cooperation with academic partners (see 3C)

Without diluting the institute's unique position in legal-doctrinal research, SteR will continue to reach out to other disciplines and deepen the empirical and interdisciplinary components of its research. The interdisciplinary university hubs and contract and NWA funding offer opportunities to further stimulate this openness. SteR intends to:

- Create new PhD positions via matching with other faculties and other means.
- Enhance participation in (inter)national research projects and consortia.
- Strengthen participation in interdisciplinary university hubs (e.g. iHub, EUROPAL and RUNOMI).

4 Bolstering the institute's international profile in selected fields (see 3D)

SteR has a strong international profile in specific fields, including migration and citizenship, EU institutional law, human rights law, competition law, legal philosophy and criminology. To bolster this international profile, the institute intends to:

- Establish a new Jean Monnet Chair on a theme related to the core of SteR's research.
- Receive and proactively seek more international guest researchers via the newly adopted SteR-wide [Guest Researchers programme](#), especially in relation to SteR's programmes and strategic themes.
- Appoint prominent and reputable international scholars as professor for a rotating rule of law chair (*SteR-wisselleerstoel*).
- Receive and proactively seek more international external PhD candidates and REI fellows.
- Encourage its researchers to publish internationally by lowering barriers and reimbursing editing costs.
- Strengthen the visibility of the international publishing sounding board.
- Participate in international consortia for NWA or Horizon Europe grant applications.
- Enhance cooperation with international partner universities in Leuven, Münster and Glasgow.
- Promote and facilitate external research visits by our staff.

5 Ensuring the enrolment and successful completion of high-quality PhDs (see 3F)

In recent years, SteR has invested in improving the education and supervision of PhD candidates through the Graduate School and dedicated SteR activities. It will continue to do so and also intends to:

- Increase enrolment in the public law research Master's programme through measures like improving the communication strategy and involving Master's students in SteR's activities.
- Invest in finding young talent, including students with a migration background. This will be achieved through greater involvement by the Director in the Master's programme as a coordinator.
- Foster cooperation between senior researchers and (prospective) PhD candidates and research Master's students.
- Organise informal *SteR-avonden* for PhD candidates to talk about general issues related to a successful PhD.
- Involve external PhD candidates in the activities of the institute and Graduate School by also requiring a Training and Supervision Plan (OBP) and a research proposal approved by the Science Committee within two years after registration as an external PhD candidate.

- Attract international external PhD candidates.
- Continuously improve the quality and content of the Graduate School's programme.

6 Further promoting research integrity and Open Science (see 3G)

SteR wishes to further promote Open Science. A complicating factor is that Open Science and open access publishing can and should not be addressed solely within SteR because both have considerable impact on the legal publishing culture and the existence of primarily Dutch professional legal journals. These themes should thus ideally be addressed at the faculty level in close cooperation with all other law faculties in the Netherlands. Nonetheless, the institute intends to do the following:

- Contribute to a faculty policy for open access publishing and promoting it among researchers.
- Ensure that in principle all publications are made available via the Radboud Repository after the reasonable period of six months (*amendment Taverne*) unless researchers explicitly opt out.
- Further promote the use of data management plans and the Radboud Data Repository among researchers conducting empirical research.
- Ensure that research integrity remains a point of discussion by organising separate discussion meetings.

7 Investing in new senior research staff (viability) (see 3H)

SteR has made substantive efforts to create an open, safe, inclusive and more diverse academic environment and culture, even though it has limited influence on human resource policy and recruitment. One challenge is that expertise is sometimes dependent on individual researchers. This especially holds true for international output that relies on the efforts of a dozen internationally oriented researchers. It is thus essential for the viability of the institute – also in light of forthcoming retirements – that it invests in senior research staff in addition to PhD candidates (future strategic goal 5). This is even more critical because several members of the senior research staff (*middenkader*) in the period of review have been appointed professors in Nijmegen¹ or at another university.² It has been difficult to attract new senior research talent, especially for some areas of law that experience competition with legal practice (e.g. criminal and administrative law).

1 Prof. Ronald Tinnevelt; Prof. Masha Fedorova; Prof. Hansko Broeksteeg; Prof. Marieke Dubelaar; Prof. Tineke Strik.

2 Prof. Sven Brinkhoff; Prof. Betty de Hart; Prof. Lonneke Peperkamp; Prof. Joost Sillen.

These strategies will therefore be pursued:

- Reflect on how Recognition & Rewards (*Erkennen & Waarderen*) can contribute to an open academic culture.
- Contribute to a faculty-wide talent development (*talent-beheer*) policy with institute-specific elements.
- Be involved more closely in career tracks of talented senior research staff and the faculty's management development policy to train staff and prepare them for management positions.
- Assist and train promising early career/middle-management researchers (primarily assistant professors) in obtaining indirect funding when the chances of success are relatively high.
- Involve new senior researchers in strategic policy-making for the institute and management positions such as programme supervisors.
- Provide research-related training on topics like science communication and leadership development programmes to senior research staff.
- Ensure that permanent senior research staff members with a contract of more than 0.6 FTE can have more research time in practice, in line with the new faculty HR policy since 2022. Their research time has increased from 35% to 45%, while their teaching load has decreased from 55% to 45%.



