

ASSER
INSTITUTE



Centre for International & European Law



T.M.C.
Asser Instituut
Annual Report 2013

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Foreword

I am pleased to present the Annual Report 2013 of the T.M.C. Asser Instituut.

Here you will find a summary of the accomplishments of staff of the Institute in the period January to December 2013. You will get an impression of how Asser is successful in fulfilling its mission which is to be innovative and successful in the creation, transfer and application of new knowledge in the broad field of International and European Law.

Throughout 2013, the Institute engaged and networked with its regional and global environment. It sought and achieved dynamic and multiple forms of interactions such that many successes were booked in fostering (international) academic linkage, post graduate education, capacity building and promoting a deeper understanding of international law issues.

In 2013, we have had many reasons to be proud.

We are proud to have two members of our staff appointed to the position of Professor. Namely, Vesna Ladic who has been appointed as Professor of EU Civil Procedure at the University of Rijeka, Croatia and Ben Van Rompuy who has been appointed as Professor of Competition Policy and Media Regulation at the Vrije Universiteit Brussel. We are proud of our international reputation for delivering high quality research, publications, conferences and seminars, evidence based policy and consultancy advice as well as innovative, interdisciplinary (executive) training programmes. We are proud of our success rate and the high scores awarded many of our project proposals that received funding from both the European Commission and Parliament.

We are proud of the impact our innovative conferences have had on participants and governments, national and international.

We are also proud of the good relationships we build and nurture with our partners and associates.and we are proud of so much more, so please read on!

From a financial perspective, Asser has closed its books with a positive balance of €507,000.

Much of what we have brought to bear in 2013 is the result of solid collective efforts with a diversity of sponsors, donors, partners, clients and beneficiaries in The Netherlands and beyond. Through our research and research support activities we have reached out to the four corners of the world and are connected to a broad global audience. We believe our individual and collective activities have had considerable impact on the many beneficiaries and that they represent relevant and strong public value.

Looking forward, there is more to do. In 2014 we will see the Institute strengthen and elaborate its synergy with the Law Faculty of the University of Amsterdam, particularly in the field of Public International Law. We will provide new focus and expand our research and dissemination activities in the field of Private International Law. We will build on our strengths and with our networks and partners we will continue to use our independence, authority and expertise to provide more impact for more people in the future.

I thank all those who have contributed to Asser's success this last year and in particular the Asser staff, who have once again gone about their work with calm professionalism and high standards in the face of not inconsiderable challenges. The Institute has been successful again in 2013 because it has great employees.

Ann O' Brien, MBA, *Executive Director*
February, 2014

Introduction

The T.M.C. Asser Instituut is a distinctive, inter-university research institute operating in the field of International and European Law. It is an internationally recognised, unique clustering of knowledge and experience in scholarly research, education and training, knowledge management and dissemination, publishing and academic community organising. Its ancillary websites and data collections all contribute to a coherent and integral strategy in the area of knowledge transfer and valorisation. The Institute is located in The Hague, the Netherlands.

The Institute has its own publishing house, T.M.C. Asser Press, which promotes and disseminates through print and electronic media, on a truly international level, the best of academics and practitioners worldwide in the fields of International and European Law.

As a public, non-partisan organisation, governed by a Board comprising representation from its nine stakeholder universities¹, the Institute cooperates closely with and supports these universities' activities in the relevant legal disciplines and is in turn vastly networked to other universities and institutions, governments and NGOs on a global level. The University of Amsterdam is the 'penvoerder' of the T.M.C. Asser Instituut.

Mission & Scope

The T.M.C. Asser Instituut's mission is to further legal research and scholarship, preferably on an inter-university basis, through initiating, supporting and realising innovative, scholarly research,

publications, networks, and postgraduate/executive education. It seeks to play a pivotal role in initiating and facilitating dialogue and debate among academics and professionals which are of importance in sharing and disseminating in-depth and broad knowledge of International Law and European Law in The Netherlands and beyond.

Asser's reputation and reach is far-ranging. The Institute's international community of staff, visiting researchers and interns have, through the years interacted with and hopefully played a small but significant role in advancing knowledge and delivering insightful and impartial analysis to opinion makers, including government officials, members of the judiciary, academics, members of the bar, and journalists across the world, from the premise that a country's economic, political, and democratic development depends on the foundation of the rule of law.

Whether staff at the Institute is active in undertaking research that contributes to the analysis of complex and pressing legal challenges, is convening the top minds and diverse perspectives to build understanding through robust debate, or is contributing to the development of international institutional capacity building through the development and delivery of tailor-made training programmes, Asser utilises its strong networks and teams up in collaborative partnerships to share knowledge with a diverse and international public through a combination of means (online, interactive trainings, conferences and seminars, publications, etc.).

¹ Stakeholder universities are: University of Amsterdam, VU University Amsterdam, Erasmus University Rotterdam, Tilburg University, Maastricht University, Leiden University, Utrecht University, Radboud University Nijmegen, University of Groningen.

In Memory of ...

Tobias Michael Carel Asser (1838–1913) was a brilliant student who studied law in Amsterdam. In 1860, at the age of twenty-two, he defended his doctoral thesis and was appointed by the Dutch government as a member of an international commission which was to negotiate the abolition of tolls on the Rhine River.

Asser practiced law for a brief period but devoted his life mainly to teaching, scholarship, and politics. Noted as a negotiator, Asser was involved in virtually every treaty concluded by the Dutch government during the period 1875 to 1913. One of his triumphs was the securing of a seat for Spain and for The Netherlands alongside France, England, Germany, Austria, Italy, Russia, and Turkey on the Suez Canal Commission, the body that drew up the Suez Canal Convention of 1888 and guaranteeing the canal's neutrality. Noted also as an arbiter of international disputes, he was a member of the Permanent Court of Arbitration for its first case hearing - the Pious Fund dispute between the United States and Mexico (1902).

Early in his scholarly career he turned to the problems of international law, dedicating himself particularly to the area of Private International Law in which he soon rose to a position of authority and leadership. Believing that legal conflicts between nations could best be solved by international conferences, where commonly agreed solutions would be reached and implemented by the participating nations, he persuaded the Dutch government to convene several conferences of European powers to work out a codification of Private International Law. Asser presided over the Hague Conferences on Private International Law (HCPIIL) in 1893 and 1894, which led to the drafting of ground

breaking conventions on subjects of international trade and family law. The HCPIIL continues its pioneering work today on subject such as international adoption and child abduction.

Asser's most important work was the hosting of the Hague Peace Conferences in 1899 and 1907. In recognition of this work and his role in arbitration, e.g. on the Bering Strait, He was awarded, together with Alfred Fried, the Nobel Peace Prize in 1911.

Active in efforts to establish an academy of International Law, Asser did not live to see this dream become a reality. He passed away on July 29, 1913 in The Hague, just a month shy of the opening of the iconic Peace Palace, where The Hague Academy of International Law and the nearby Hague Conference on Private International Law are still living memories to his legacy.

He is remembered as a man with a vision, with a passionate devotion for the field of law, with a remarkable level of energy and drafting skills, but also as a pragmatic man who never got lost in idealism. He represents the ultimate link between Private and Public International Law, and the T.M.C. Asser Instituut proudly bears his name.





*Research &
Consultancy*



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he research department of the T.M.C. Asser Instituut encompasses four research clusters, each with specialised expertise in the fields of Public International Law, Private International Law, Law of the European Union, and International and European Sports Law. Asser's researchers are engaged in academic and applied research, publishing, PhD candidate supervision, consultancy, professional training, knowledge dissemination and valorisation and in doing so are at the forefront of new initiatives on strengthening the rule of law and international justice. The breadth and impact of Asser's research output ranges from books, edited volumes, scientific publications in international peer-reviewed journals, opinion pieces and discussions on pertinent issues of International Law. This work provides serious background information for the media and blogs and fuels contract research which feeds into policy-making at national, European and international levels.

Below, a snapshot of our 2013 publications:

- V. Lazić, 'Enhancing the Efficiency of Dispute Settlement Clauses in the European Union', in: N. Bodiřoga-Vukobrat/G.G. Sander/S. Rodin (eds.), *Legal Culture in Transition - Supranational and International Law Before National Courts*, Europäisches und internationales Wirtschaftsrecht, Band 4, Logos Verlag, Berlin (2013) pp. 181-209.
- C. Matera, 'The Influence of International Organisations on the EU's Area of Freedom, Security and Justice: A First Inquiry', in: R. A. Wessel and S. Blockmans (eds.), *Between Autonomy and Dependence: The EU Legal Order Under the Influence of International Organisations*, Springer/TMC Asser Press, 2013, pp. 269-296.
- B. Van Rompuy, 'Cunning as a Fox – Dutch Competition Authority clears long-term acquisition of Dutch football broadcasting rights' (2013) 34 *European Competition Law Review* (4) 223.
- T. Takács and J. Verschaeve. 'The EU's international identity; the curious case of the OECD', in: H. de Waele and J.-J. Kuipers (eds.), *The European Union's Emerging International Identity: Views from the Global Arena*, Brill, Leiden, 2013, pp. 187-209.
- K. Jones, 'Compliance Mechanisms as a Tool of Prevention?' in: M.R. Haberfeld & D. L. Sheehan (eds.), *Match Fixing in International Sports: Existing Processes Law Enforcement and Prevention Strategies*, Springer, December 2013.
- C. Paulussen, E. Bakker and E. Entenmann, 'Dealing with European Foreign Fighters in Syria:

Governance Challenges & Legal Implications' (and), ICCT Research Paper, 16 December 2013, available at www.icct.nl/publications

Academic research at Asser is anchored in the inter-university research programmes of its constituent and other international universities. It actively promotes the creation of research networks in its domain, both on a permanent and an ad hoc basis. For example, Asser hosts, coordinates and participates in the Centre for the Law of EU External Relations (CLEER), a forum for debate and an authoritative research interface between academia and practice dealing with the legal aspects of the role of the EU in the world. Utilising its long-standing research tradition in Public International Law and its seat in The Hague, home to a plethora of international (criminal) courts and tribunals such as the ICJ, ICC, ICTY and STL, Asser hosts and participates in the interuniversity platform on International Humanitarian and Criminal Law (IHCL), in fields which lie at the crossroads of the participating universities research programmes.

In 2013, the Institute's research department numbered nine senior research fellows and eight PhD candidates. An additional eight visiting scholars were welcomed to the Institute to conduct their individual research on the premises.

The Institute's academic standing makes consultancy a natural extension of its research work. In addition to providing expert opinions, research and advice on pressing legal issues to policy makers, Dutch and international law firms, courts, businesses and enterprises, legal advice is also provided to national and international governmental and non-governmental organisations, including ministries, international criminal tribunals, the European

Union, the Council of Europe, the European Parliament and the United Nations. The Institute's specific expertise in the above-mentioned fields is complementary in nature to that of other specialised (commercial) entities and as such Asser research staff frequently joins forces with combinations of external parties, working together to make significant contributions to a wide ranging clientele, in the Netherlands, in Europe and further afield.

Accomplishments in 2013 include:

The impact of our applied and contract research activities is evident from the 2013 highlights that include the following projects and studies:

The Boundaries of the Battlefield: A Critical Look at the Legal Paradigms and Rules in Countering Terrorism

Bringing together experts from both sides of the Atlantic Ocean to brainstorm on possible effective approaches and methods to counter terrorism and in doing so, helping this discussion forward.

This two-day, transatlantic symposium, realized with the support of the International Centre for Counter-Terrorism – The Hague (ICCT), the International Humanitarian and Criminal Law Platform, the Konrad Adenauer Stiftung, the Municipality of The Hague and the Netherlands Ministry of Foreign Affairs, convened top legal experts from academia, civil society, governments, the military and multilateral organisations to





Mr. Gilles de Kerchove, EU Counter-Terrorism Coordinator, delivers the keynote speech at the Boundaries of the Battlefield symposium

discuss the contours of various approaches states take against non-state actors with the goal of countering terrorism. Specifically, the symposium addressed issues related to uses of force and how these may affect and define the geographic and temporal scope and limitations of the laws of armed conflict in relation to counter-terrorism. The resultant ICCT research paper by J. Dorsey and C. Paulussen entitled 'The Boundaries of the Battlefield: A Critical Look at the Legal Paradigms and Rules in Countering Terrorism', has now been downloaded more than 200 times and has made it into the SSRN top-10 list of recent downloads in several categories. www.papers.ssrn.com

Manual entitled 'Preventive Measures and Best Practices against Fraud, Corruption and Bribery committed through Legal Entities for the purpose of Financial and Economic Gain' presented to the European Commission

This manual contains the research findings and comparative overview resultant from a

survey of the then 27 Member States of the EU (including the 3 candidate countries), on their implementation of EU and international norms with respect to the prevention and fight against corruption, bribery and fraud committed by and through legal entities. This project was funded by the European Commission under its ISEC Programme and by the Dutch Ministry of Security and Justice.

Study on Risk Management and Conflict of Interest Prevention Measures to Combat Betting-Related Match Fixing

The T.M.C. Asser Instituut has, under a competitive tendering process, been selected by the European Commission to conduct an EU-wide study on betting-related match fixing. The study aims to (1) identify preventive measures such as restrictions on certain types of sports bets that pose particular integrity risks or conflicts of interest provisions (e.g. prohibiting athletes, coaches, and sport officials from betting on sports events in which they participate) and (2) scrutinise their enforcement at the national and cross-border level.



Mr. Roel van Rossum, Chairman of the International Crimes Database Steering Committee

The study, which is carried out in collaboration with Prof. dr. Jack Anderson (Queen's University Belfast), commenced in November 2013. The results will go towards informing the Commission's upcoming recommendation on preventive match fixing measures to be applicable across the EU Member States and sports disciplines.

The Launch of the International Crimes Database (ICD)

(www.internationalcrimesdatabase.org)

This new database offers the world an excellent, free and easy-to-use database on a topic that deserves all our attention: international crimes. This tool is of immense usefulness in providing access to a comprehensive range of information on international crimes broadly defined and their prosecution (case summaries, ICD briefs - short papers touching upon new or controversial issues in the field of international crimes, videos etc.) and benefits a broad range of parties including lawyers, judges, students, academics, families and communities of victims of crimes, and others, in helping them develop a better

understanding of international criminal law. The database is developed, hosted and maintained by the T.M.C. Asser Instituut and supported by the Dutch Ministry of Security and Justice and the International Centre for Counter-Terrorism (ICCT) – The Hague.

Jean Monnet Grant awarded for CLEER proposal 'Human Security as a New Operational Framework for Enhancing Human Rights Protection in the EU's Security and Migration Policies'

In the face of high competition for EU funding (595 applications), the CLEER (Centre for the Law of EU External Relations) was selected for EU co-financing, with a top score of 85%. This grant enables CLEER to implement its research project aimed at facilitating academic interaction in closely interrelated areas of EU external conduct, creating synergies between and raising awareness of global security concerns. The project will also serve to gather the now distinct and separate research areas under one heading and facilitate the establishment of a comprehensive and operational framework



contributing to the overall assessment of the EU's role in tackling challenges stemming from emerging crises.

Yearbook of International Humanitarian Law -Year in Review

A comprehensive overview highlighting developments in International Humanitarian Law and International Criminal Law. C. Paulussen and J. Dorsey, 'Year in Review 2012', in: T.D. Gill et al. (eds.), *Yearbook of International Humanitarian Law*, Vol. 15 (2012), T.M.C. Asser Press: The Hague 2014, pp. 187-236.

The Yearbook is one of the most authoritative sources on International Humanitarian Law and the world's only annual publication devoted to the study of the laws governing armed conflict. It provides a truly international forum for high-quality, peer-reviewed academic articles focusing on this crucial branch of International Law. Distinguished by contemporary relevance, the *Yearbook of International Humanitarian Law* bridges the gap between theory and practice and serves as a useful reference tool for scholars, practitioners, military personnel, civil servants, diplomats, human rights workers and students.

Foundations of the Draft Environmental Code ('Omgevingswet') in the light of European and International Environmental Law

Commissioned by the Dutch Ministry of Infrastructure and the Environment, Asser, in collaboration with the Centrum voor Omgevingsrecht- en Beleid/NILOS of the University of Utrecht and Element Advocaten (Eindhoven), investigated the foundations of the draft Environmental Code in the light of European and International Environmental Law. The researchers examined whether the provisions in

the draft Code form a basis for implementing the obligations arising from some 39 EU directives and treaties, either in the draft Code itself or later on via legislation to be based on the draft Code, like ministerial decrees. The results of the study enabled the Ministry to improve the draft Code, for instance by adding provisions that were lacking, or improving provisions that do form a legal basis but could be improved in other ways.

Commercial Power Europe: Advancing Societal and Environmental Goals through Trade Relations

This CLEER research project, funded through the Life Long Learning Programme of the EU, is devoted to the modalities which the EU has applied to seek respect for human rights, labour standards, economic development and the environment from its negotiating partners in return for market access, tariff concessions and preferential treatment. In these and other efforts and successes, we rely on our excellent relationships and networks with the Dutch and international universities, consultancies and national and international organisations.

Handbook of EU Environmental Policy Implementation in the Netherlands

Together with the Institute for Environmental Studies (IVM, VU University Amsterdam), Asser undertook the updating of the Handbook of EU Environmental Policy Implementation in the Netherlands (Handboek Implementatie EU Milieubeleid) for the Dutch Ministry of Infrastructure and Environment.

For a complete list of our research projects and publications in 2013, see the online Appendix 'Research Projects' and 'Staff Publications' at www.asser.nl/annualreport2013



*Education
& Training*



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he T.M.C. Asser Instituut is a leading and authoritative provider of executive and postgraduate education for professionals and graduate students operating in the judicial sector.

Often combining our specific expertise with the complementary fields of our many partners, we are accomplished and successful in creating truly unique and highly relevant programmes on a variety of subjects and levels for a diverse range of participants including among others, judges, prosecutors, legislators, civil servants, diplomats, lawyers and students.

The breadth and impact of Asser's training programmes range from capacity building in developing countries' judiciaries towards strengthening the rule of law to interdisciplinary knowledge development for students and professionals through providing the legal framework pillar for topics including war reporting, CBRN issues, counter-terrorism as well as contributing to curricula of international universities' law degree programmes.

Our (tailor-made) training programmes have a high degree of flexibility and competence, taking advantage of our academic integration and our extensive network of excellent and

renowned speakers, teaching staff and associates. In 2013, we have developed and delivered a total of fourteen unique and tailor-made training programmes, in The Hague and abroad. Through our efforts, we have changed the perspectives of some 500 immediate participants and the countless peers and colleagues they, in turn, have gone on to influence.

**Accomplishments in 2013 include:
The Matra Patrol Training Programmes
on Access to Justice, Administration
of Justice, Legislation and Alternative
Dispute Resolution**

Working with the Dutch Ministry of Security and Justice and the Dutch Council for the Judiciary, we have developed curricula geared towards institutional capacity building in the Rule of Law. We have contributed to capacity and democracy building by raising knowledge levels and sharing best practices and skills with some 275 participants (policy advisors, members of the judiciary and other civil servants) from the pre EU Accession countries Albania, Bosnia-Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia, and Turkey. This four-year programme (2012-2016) is sponsored by the Dutch Ministry of Foreign Affairs.



L-R; Prof. Dr. E.M.H. Hirsch Ballin (Professor of Human Rights Law, UvA, Professor of Dutch and European Constitutional Law, Tilburg University), H.E. A. Üzümcü (Director-General of the OPCW), Mr. F. Teeven (Dutch State Secretary of Security and Justice and Minister for Migration), Judge F. Pocar (Judge, ICTY)

The Legislator's Role in Establishing the Rule of Law that Complies with EU and International Standards

Commissioned by the Dutch Embassy in Kiev, we delivered a programme of trainings and workshops to 50 legislation experts and civil servants of the Legislation Institute of the Verkhovna Rada of Ukraine, in Kiev and in doing so we were effective in raising the confidence, knowledge and capacity of this group toward incorporating and implementing EU and international standards into Ukrainian law, legislative processes and practice. This project contributed to improving the legal framework towards the establishment of rule of law in Ukraine that complies with EU and international standards.

Summer Programme covering 'The Expanding Area of International Sports Law'

Twenty years ago the concept of 'Sports Law' would have been foreign to most. Today, it is widely recognised as an established field of

legal scholarship and practice with much media attention due to the high profile of athletes, sports clubs and organisations' frequent, endless encounters with the law.

Asser's International Sports Law Centre successfully launched the first 'Sports law' training programme in July, where 25 international participants convened to discuss with internationally renowned sports law experts, academics, practitioners, arbitrators and public officials, the hottest topics and emerging trends in International Sports Law and the topics of law that impact upon sports.

Summer Programme on 'Disarmament and Non-Proliferation of Weapons of Mass Destruction in a Changing World'

Whilst the UN Security Council was deliberating on action towards destroying Syria's alleged stockpile of Weapons of Mass Destruction (WMD) in August, some 30 participants from no less than 20 countries convened in The Hague for the Asser Interactive Summer Programme.



“It is an amazing opportunity to study sports law related aspects with people from the most different cultural backgrounds. The high quality of the speakers should be acknowledged as it makes the summer programme very interesting and allows participants to analyse and debate (different) subjects with qualified experts in the area.”

Participant of the Sports Law Summer Programme, 2013

Eminent speakers shared their knowledge and thoughts on an array of topics including the history, purpose and provisions of treaties on WMDs, the diplomatic, legal and technical aspects of organisations dealing with WMDs and how treaties on WMDs are implemented at national level.

Advanced Programme ‘Countering Terrorism in the Post- 9/11 World’

Successfully organised in cooperation with the International Centre for Counter-Terrorism (ICCT) - The Hague, this advanced Programme provided participants with a deepened understanding of the phenomena of violent radicalisation and terrorism, the contemporary methods to counter it, the role of civil society, judicial bodies and international organisations in countering terrorism and the applicable international and domestic legal frameworks.

The week-long training ended with a round table discussion which examined the truly international problem of foreign fighters travelling to Syria, exploring the motivational factors for those going and addressing ways in which western policymakers can deal with this problem. The panellists, Ms. Amy-Jane Gielen (owner and founder of A.G. Advies BV.), Mr. Maajid Nawaz (Co-Founder

and Chairman of Quilliam), Mr. Richard Barrett (former Head of the UN Al Qaida/Taliban monitor) and Mr. Sergei Boeke (ICCT Research Fellow) provided four complimentary insights. A lively debate with the audience addressed additional issues such as counter-narratives and the possibility of legal measures for preventing the flow of foreign fighters travelling to Syria.

Matra South Programme for Arab Countries - Supporting Democratic Transition in the Arab Region

With the tailor-made training programme on Administration of Justice, we are contributing to stimulating and supporting democratic transition in the Arab region and also to strengthening relations between The Netherlands and the target countries (Morocco, Tunisia, Libya, Egypt and Jordan), by sharing the necessary knowledge and skills with policy advisors, members of the judiciary and other civil servants working for the administration of justice in order for them to lead and inspire the modernisation of the judicial systems of their home countries, building from the Dutch experience. Part of this training took place in The Hague and it was complemented with workshops with participants and key stakeholders in both Tunis and Rabat.



L-R; Judge C. J. Tarfusser (Vice President of the ICC), Mr. P. de Klerk ('Dutch' Sherpa of the 2014 Nuclear Security Summit)

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Legal Aspects of the Fight against Corruption: Russian and European Experiences. International - Teleconference Bridge with members of the Law Faculty of Kazan (Volga region) Federal University and Young Lawyers Association of the Republic of Tatarstan

Within the framework of the 300 years Netherlands-Russia relations, the T.M.C. Asser Instituut and the University of Maastricht contributed to the development of Russian legal science by convening an online seminar together with Kazan University, Russia. Speakers from the three universities discussed various aspects of the fight against corruption in Russia, The Netherlands and the European Union.

In partnership with the International Centre for Counter-Terrorism – The Hague (ICCT), we drafted an authoritative guidance paper entitled **Processes of Curriculum and Training Development for Capacity Building in the Justice Sector: Methodology for Success.**

This document focuses specifically on the design of training curricula to enhance knowledge and skills as a feature of capacity building. The paper is

one of three chapters in the Guidance Document to inform the curriculum development of the International Institute of Justice and the Rule of Law. The Institute, to be provisionally established in Malta, is intended to serve as an international centre for excellence, resource and training, which is dedicated to strengthening law and justice institutions, interstate legal cooperation, and practitioner networks in the field of counter-terrorism. The report is the result of a six-month stakeholder consultation process conducted by the Center on Global Counterterrorism Cooperation (CGCC), the Institute for Security Studies (ISS) and ICCT.

Training Programme 'Inside International justice'

Journalists have a crucial role to play in reporting on and monitoring the work of the institutions that are set up to deliver international justice, informing their readers and audiences about what takes place in the courts and tribunals, how these institutes are organised and run, what their impact is and how effective they are. They also need to think critically about international criminal justice and make sure that they ask the



people in power those pertinent questions in order to identify the real problems in this field, with the aim of course that these problems are addressed and solved.

Together with the RNTC (an international training institute based in the Netherlands serving media professionals working in broadcast, print and online media), Asser delivered a week-long training programme to working journalists. Participants hailed from Mali, Kenya, Uganda, Sudan, DRC, Georgia, Vietnam, Indonesia, Pakistan and the Netherlands were actively engaged in discussions and workshops where they were provided with the relevant background and up to date knowledge, contacts and examples of best practices in order that they may report accurately, distinctively and independently on the work of the institutes that deliver international justice.

International Criminal Law and Procedure – Delivering Knowledge to Southern Partners

The inter-university programme on International Criminal Law and Procedure, now in its third season, is a powerful and successful cooperation between Asser, the Outreach Section of the Special Tribunal for Lebanon and Lebanese universities' law faculties. This unique series of lectures enables Lebanese law students from no less than eight different universities in Lebanon to follow 14 lectures on International Criminal Law and Procedure, from a central location in Lebanon.

Not only does this initiative fill an obvious gap in the current curricula of the individual participating universities, but it provides a unique academic experience for all involved as the individual lectures are delivered by prominent



(international) academics and practitioners in the field, via internet streaming, from the T.M.C. Asser Instituut in The Hague, the Netherlands, to the lecture theatre where the students are gathered, in Beirut.

The T.M.C. Asser Instituut is:

- A signatory of the Gedragscode² (Landelijke Commissie Hoger Onderwijs)
- An ABA³ approved partner in (US) law school curriculum
- NOVA (Nederlandse Orde van Advocaten) recognised provider of education and training for the judiciary.
- Mandated Body for twinning activities.

A detailed list of all our 2013 training programmes can be found in the online Appendix 'Training Programmes' at www.asser.nl/annualreport2013

²De Gedragscode internationale student in het Nederlandse hoger onderwijs (Code of Conduct) garandeert de kwaliteit van het hoger onderwijs aan buitenlandse studenten.

³ABA (American Bar Association). ABA's most important stated activities are the setting of academic standards for law schools, and the formulation of model ethical codes related to the legal profession.



*Network &
Events*



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ollowing through from its academic strengths, the Institute is competent in delivering timely, evidence-based knowledge and advice to a broad stakeholder base. Instrumental to facilitating and promoting academic research and its findings is the organisation of a range of quality (international) conferences, seminars, workshops and events.

Asser's international network continues to increase in size, as does its global impact.

Asser's contribution extends not only to the participants who attend the many trainings and events or those who read and follow its publications. It reaches a plurality of stakeholders all over the world through an extensive network of alumni who continuously spread gained knowledge and skills in their own countries.

During the course of 2013, Staff at the Institute conceived hosted and delivered a truly broad and comprehensive range of events (a total of 48 Lectures, Conferences, Seminars, Round Tables and book launches, often in partnership with other organisations). These events have been responsible for bringing together various communities (leading legal scholars, faculties,

students, policy makers, practitioners and other professionals) and delivering rich content to these specific interest groups on-time and to specification, whilst providing participants with the opportunity to convene, share, discuss and explore current and new knowledge and developments relevant to their specific interest areas.

The financial support of a diverse range of national and international donors is acknowledged here. We are proud to have been instrumental in bringing academics, practitioners, students and young professionals together and to have contributed to building the skills and capacity of tomorrow's leaders and institutions.

**Accomplishments in 2013 include:
The 4th Hague Colloquium on
International Law entitled 'Recognition
in Private International Law'**

The T.M.C. Asser Instituut, together with The Hague Institute for the Internationalisation of Law, convened this colloquium in honour of Professor Dr. Paul Lagarde, who was awarded this honour for his extraordinary contribution to the study and development of private international law.

“Mr. Lagarde is one of the most important contributors to the work of the Hague Conference on Private International Law. The so called ‘Hague Conventions’ have an impact on the daily lives of people all over the world. These Conventions deal with issues such as international adoption of children, parental child abduction, easing international formalities for official documents, and international access to justice. Professor Lagarde also performed an important role in the development of private international law within the European Union, for which his Hague work was an important source of inspiration”.

Dr. Bernard Bot, Chairman of The Hague Prize Foundation



temporal scope and limitations of the laws of armed conflict in relation to counter-terrorism. Besides this main theme, which operates within the armed conflict paradigm, the conference also discussed and assessed the law-enforcement paradigm. It offered diverse perspectives from both sides of the Atlantic on targeted killings and the use of drones, on the balance between military action and law enforcement and on the question whether there is a need for a new framework in counter-terrorism. This two-day conference revealed much common ground between Europe and the U.S. on counter-terrorism. It also helped highlight the prevailing differences especially in a domain such as counter-terrorism, in which international cooperation is vital.

International conference ‘Boundaries of the Battlefield- A Critical Look at the Legal Paradigms and Rules in Countering Terrorism

Specifically, the high-level conference addressed issues related to uses of force and how these may affect and define the geographic and

EU Council Presidency Lecture Series

Our (CLEER) EU Council Presidency lecture series which focuses on a specific segment of EU external actions and spotlights the role of the incumbent presidencies in coordination and leadership in regional and global issues. In 2013 we welcomed both Mr. Louis Telemachou



L-R; H.E. Louis Telemachou (Ambassador of Cyprus to the Netherlands), H.E. Mary Whelan (Ambassador of Ireland to the Netherlands)

Ambassador of Cyprus and Mrs. Mary Whelan Ambassador of Ireland who provided clear insights to the major challenges and achievements they experienced and booked in representation, negotiation and coordination at the helm of the EU Council.

CLEER-ICCT Conference in Brussels discussed some 10 years of EU External Action in Countering Terrorism

The 'External Dimension of EU Counter-Terrorism Policy' conference convened academics, legal and policy experts, policy makers and stakeholders in Brussels to discuss some ten years of EU external action in countering terrorism. It addressed pertinent aspects of the EU counter-terrorism policy such as the horizontal division of competences and the choice of the appropriate legal basis. The geographical differentiation of EU initiatives and the need of coordination with Member States in the execution of the different actions and transversal issues such as the respect for the rule of law and human rights which remains an unresolved issue.

The CLEER Workshop on 'EU Environmental Norms and Third Countries: the EU as a Global Role Model'

The workshop was the second event of CLEER's 'Commercial power Europe: advancing societal and environmental goals through trade relations' project, implemented with the support of the Lifelong Learning Programme of the European Union. Academics, legal and policy experts, policy-makers, stakeholders and practitioners were invited to discuss the modalities of the EU employing trade and other instruments to promote sustainable development including protection of the environment.

In March, Asser organised a roundtable on sports betting entitled **Online sportweddenschappen - perspectieven & uitdagingen voor de Nederlandse sport**', which brought together more than 50 experts and stakeholders to exchange views and know-how on the opportunities (e.g. new revenue streams, more exposure) and challenges (e.g. image problems, increased risk of match-fixing)



Ms. Michèle Coninx, President of Eurojust, delivers the keynote speech at the EPPO conference

of online sports betting for sports organisers in the Netherlands.

In September, the conference **'Criminal Law Protection of the European Union's Financial Interests: a Shared Constitutional Responsibility of the EU and its Member States?'** provided the first opportunity to academia together with representatives of the EU Member States and EU institutions to evaluate the legislative proposal of the European Commission with regard to establishing the European Public Prosecutor Office.

Japanese Delegation of Lawyers received at Asser International Sports Law Centre

A delegation of lawyers representing the Japanese Federation of Bar Associations and who have been appointed to a special committee to focus on establishing the area of sports law in Japan, visited the T.M.C. Asser Instituut in May, to gain more knowledge in the area of sports law and sports governance, specifically. Members of

the Dutch Ministry of Health, Welfare and Sport, Dutch Parliament, Dutch Olympic Committee, and others in the sports community participated in the round table discussions and information exchange. Mr. Masaru Tsuji, Ambassador of Japan to the Netherlands also joined the group.

International conference 'Human Security as a Tool for a Comprehensive Approach to Human Rights and Security Linkages in EU Foreign Policy'

The EU has stepped up its role as a self-professed global security provider but no coherent policy and normative framework exists to consistently implement human security policy into EU external action. With the entry into force of the Lisbon Treaty and the emergence of new structures to develop and implement external action, a renewed focus on existing research on human security is needed.

CLEER's project 'Human Security: a new framework for enhanced human rights in the EU's foreign security and migration policies',



supported by the Lifelong Learning Programme (LLP) of the European Union is specifically integrating elements of EU external action in security, development and migration policies, through the paradigm of human security.

The December conference brought together academics, legal and policy experts, policy-makers and representatives of civil society to discuss an operational framework for a distinct EU approach to security policy so as to provide effective protection and due respect to individuals' human rights in conflict and post-conflict context. The focus was on the need for enhancing coordination and synergies of the EU's so far fragmented toolbox addressing peace, security, stability and development issues, for the overall goal of heightened human rights protection.

Supranational Criminal Law (SCL) and Hague Initiative for Law and Armed Conflict (HILAC) Lecture Series

Asser's SCL and HILAC lecture series enable (PhD) students, diplomats, scholars and practitioners from international organisations and tribunals to discuss current developments in a very informal way and with the biggest names in the field of international humanitarian law and international criminal law.

In the course of our SCL lecture series, a long running collaboration with the CICC and the Grotius Centre at the University of Leiden, and which has now completed its 10th season, we welcomed many distinguished speakers to the Institute, including **Ms. Kimberly Prost**, Ombudsperson for the Security Council Al-Qaida Sanctions Committee who delivered a lecture on 'The Role of the Ombudsperson for the Security Council Al-Qaida Sanctions



SCL Lecture with L-R; Dr. Christophe Paulussen (T.M.C. Asser Instituut), Ms. Kimberly Prost (Ombudsperson for the Security Council Al-Qaida Sanctions Committee)

Committee and the Effectiveness of her Office' and **Ambassador Tiina Intelmann**, President of the ICC Assembly of State Parties, speaking on 'Key outcomes of the twelfth session of the Assembly of State parties and the way forward'.

In the context of our HILAC lecture series, organised in cooperation with the Netherlands Red Cross and the Amsterdam Center for International Law, a lecture was provided by **Professor Laurie Blank**, the Director of the International Humanitarian Law Clinic of Emory University School of Law, who spoke on 'The Law of War and Military Operations in the Courtroom: Thoughts from the Gotovina Case' and also **Yoram Dinstein**, Professor Emeritus at the University of Tel Aviv and twice a former Charles H. Stockton Professor of International Law at the U.S. Naval War College, spoke in the context of HILAC, on 'The Changing and Unchanging Law of War'.

A detailed list of all our 2013 events can be found in the online Appendix 'Events' at www.asser.nl/annualreport2013



Asser Press



The T.M.C. Asser Instituut's publishing unit continues to play a significant role, worldwide in efforts to build the capability of the law profession. All 2013 English book titles are available in hardcopy, MyCopy and e-book format and also through Springer's successful e-book collections, which are now available at thousands of universities and libraries, resulting in high readership and visibility.

T.M.C. Asser Press, together with members of the Law Faculties of Dutch and foreign universities and staff members of the international organisations in The Hague and abroad, continues to support and platform academic cooperation through the publication of books, e-books and journals.

With its strong international distribution channels achieved through its partnership with both Cambridge University Press and Springer-Verlag, the T.M.C. Asser Press journals, books and e-books enjoy broad international distribution, visibility and readership. Despite the volatile world economy and being confronted with reduced university and library budgets the Press performed well in 2013 publishing thirteen new book titles, one reprint and six journals together representing 20 issues.

The Press has had an active and successful year in acquiring, publishing and promoting its publications at many local meetings and at major international conferences, such as the American Society of International Law (Washington, DC) and the European Society of International Law (Amsterdam).

Accomplishments in 2013 include:

- All Asser Press books are listed in Thomson Reuters' Book Citation Index (BCI).
- All Asser Press periodicals are now included in Scopus (Elsevier), the largest abstract and citation database of peer reviewed publications.

- *The Hague Journal on the Rule of Law* (Eds. J. Faundez, R. Peerenboom) was accepted into the Science Citation Index of Thomson Reuters. A remarkable achievement for this relatively new journal.
- *The European Constitutional Law* with its impact factor of 0.426 makes it the highest ranked journal coming from the Netherlands in the Law Section of the Science Citation Index of Thomson Reuters (Philadelphia, USA). It is ranked 89 out of 136 law journals.
- *International Sports Law Journal* (ISLJ) welcomes Jack Anderson as its new Editor-in-Chief.
- 15 October 2013, HILAC, in cooperation with the International Humanitarian and Criminal Law Platform, hosted a commemorative lecture for the late Avril McDonald, a former T.M.C Asser Instituut researcher and the founding Managing Editor of the **Yearbook of International Humanitarian Law**. Avril sadly and unexpectedly passed away in 2010.
- The book **Armed Conflict and International Law: In Search of the Human Face - Liber Amicorum in Memory of Avril McDonald** (Eds.: Marielle Matthee, Brigit Toebes, Marcel Brus) was launched at this event.
- **The new edition of *Elementair Internationaal Recht / Elementary International Law – 2013*, edited by the T.M.C. Asser Instituut in collaboration with the Dutch law faculties, has been well received by the Dutch law students.**

A detailed list of all T.M.C. Asser Press publications in 2013 and a preview of 2014 publications can be found in the online Appendix 'T.M.C. Asser Press Publications' at www.asser.nl/annualreport2013



Financial Overview



Asser's research programmes and activities are designed to further the principles and practice of international law. Our work in 2013 was guided by three principles:

Continuous provision of solid support to our partner universities by hosting and steering interuniversity research programmes and realising publications and other projects that are delivering the highest quality, relevance, value and results.

Ensuring we have the right talent and resources to generate the necessary funding for this work and

Maximising the efficiency and effectiveness of our work whilst maintaining high standards of quality and service provision.

The T.M. C. Asser Instituut is partially funded by public resources. The 1st money stream (administered by the University of Amsterdam) accounts for approximately two thirds of the Institute's net income. The supplementary income is generated through undertaking project based activities for national and international stakeholders including the European Commission (through tendered projects and grants). The Netherlands' Ministries (through tendered projects, trainings and conferences) and Asser

Press. Many other national and international organisations have contributed to the total revenues of the T.M.C. Asser Instituut in 2013.

The Institute's financial affairs for 2013 are synthesised in the table below and are in the process of being audited by the independent auditors, KPMG. Asser's financial performance in 2013 continued the trend of positive results shown in recent years.

At € 3.807 million, the total operating revenues in 2013 represent an increase of 6.6% over the financial year 2012.

Operating revenues are derived primarily from the 1st and 3rd money streams. 3rd money stream = returns from contract research and consultancy, Asser Press publications, education and training programmes and events.

For the year 2013 it was estimated that the operating revenues would exceed the operating expenses by some € 200,000. We are pleased to announce that in 2013 the operating expenses remained stable compared to 2012 but that our income from 2nd and 3rd money stream activities increased.

The Institute's annual operating revenues for the year 2013 were €3,807,000. A positive result of €507,000 was achieved after giving effect to expenses of €3,300,000.

The Institute's net assets totalled €1,041 million at the end of the financial year 2013 representing a 64% increase over the 2012 level.

It remains that in order for the Institute to continue to function as a vital research and knowledge valorisation organisation, a steady amount of new outside financial support must be secured.

The Statement of Activities on the left shows operating revenues and expenses for the year 2013. These amounts show a reduction in operating costs in comparison to previous years.

INCOME AND EXPENDITURE 2013

Income	1 st money stream	€ 2,307,000
	2 nd & 3 rd money streams	<u>€ 1, 500,000 +</u>
Total revenues		€ 3,807,000
Expenditure		<u>€ 3,300,000 –</u>
Result		€ 507,000



Organisation



The T.M.C. Asser Instituut is a public, non-partisan organisation, governed by a Board comprising representation from its nine stakeholder universities. Within the Organisational structure of the University of Amsterdam, the Institute falls under the university's Law Faculty (Since 2010). The Dean of the Law Faculty, Prof. Dr. E. du Perron, is the University of Amsterdam's mandated Regulator of the T.M.C. Asser Instituut and is responsible for mediating the T.M.C. Asser Instituut's affairs with the Senate of the University of Amsterdam.

Governance

The Foundation T.M.C. Asser Instituut is governed by its Governing Board and its Executive Board.

Governing Board

The Governing Board is responsible for the

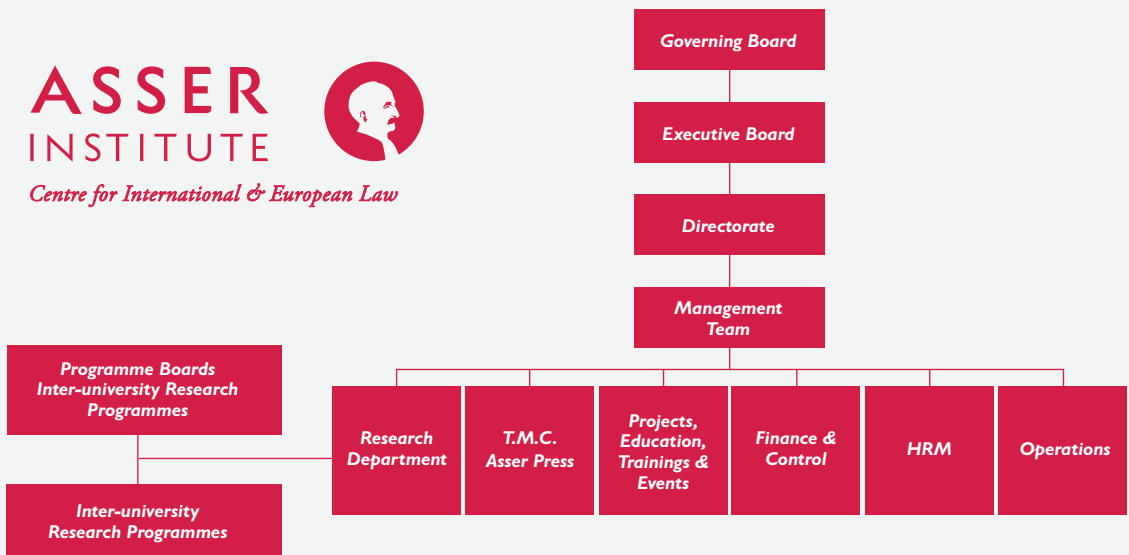
governance and overall management of the Foundation T.M.C. Asser Instituut such that the Institute's strategy and policies embody its mission and objectives. It comprises an independent Chairman and the Deans of the Law faculties of the University of Amsterdam, the VU University of Amsterdam, the University of Groningen, the Radboud University Nijmegen, Leiden University, Maastricht University, the Erasmus University Rotterdam, Tilburg University and Utrecht University.

Executive Board

The Executive Board directs and controls the affairs of the Institute and comprises an independent Chair, and two Board members representing the constituent universities. In 2013, the Executive Board members were Professor Michiel Scheltema (Chair) and Professor Edgar du Perron and Professor Carel Stolker.

ASSER INSTITUTE

Centre for International & European Law



Organisation

During 2013, the Directorate of the T.M.C. Asser Instituut convened on five occasions with its Executive Board. The Institute's academic leadership, its strategic repositioning, its relationship with the Dutch Universities law faculties as well as the financial position and funding of the Institute, were relevant agenda items.

Directorate

The Directorate is responsible for the daily steering of the Institute. In 2013 the Directorate comprised the Executive Director, Ann O' Brien, MBA.

Management Team

The Management team comprises the Directorate and the Heads of the following departments: Research, Human Resources, Operations, Education & Events, Finance &

Control and The T.M.C. Asser Press. In 2013 the Management Team members were Ann O' Brien (Chair), Julien Simon and Philip van Tongeren.

Management encourages a culture where staff development is a continuous process and is a key accountability of all managers. Staff members are encouraged to develop their knowledge and skills and to work effectively both as individuals and as team members.

Personnel

On 31 December 2013, a total of 45 persons (equivalent to 39.792 fte) were employed by the T.M.C. Asser Instituut, including temporary and project related staff. In addition, during 2013, some 38 persons spent various periods at the Institute either as visiting scholars (8) or interns (30).

Key figures

Staff 2013 (persons)	Male	Female	Total
Senior research staff, including Associate Professors	5	2	7
Researcher	6	4	10
Visiting Researcher	3	5	8
Interns	9	21	30
Education & Training		6	6
T.M.C. Asser Press	1	3	4
Projects Office, Finance & Control	2	1	3
Web development and ICT support	2		2
Facilities management, library and documentation services and general support	2	5	7
Human Resources		2	2

A complete overview of the members of staff employed in 2013 can be found in the online appendix 'Staff' at www.asser.nl/annualreport2013



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Thank you to our sponsors and beneficiaries in 2013

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Netherlands organisation for international cooperation in higher education (Nuffic)
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NUFFIC
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RNTC
SDU
Special Tribunal for Lebanon (STL)
Supreme Court of Albania
The University of Brescia
The University of Milan
The University of Padua
The University of Perugia
The Swiss Federal Department of Foreign Affairs

Partners

Thank you to our partners in 2013

American Society for International Law (ASIL)
American University of Science and Technology
and the American University in Beirut
Amsterdam Center for International Law
(ACIL)
Assembly of States Parties (ASP) to the Rome
Statute of the International Criminal Court
(ICC)
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Coalition for the International Criminal Court
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Diplomat Magazine
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Humanitarian Law
Geneva Centre for Security Studies
Global Counterterrorism Forum (GCTF)
GPPAC
Grotius Centre for International Legal Studies
Hague Academic Coalition
Hague Academy for Local Governance
Hague Conference on Private International Law
Hague Institute for the Internationalisation of
Law
Hague University of Applied Sciences
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Indonesian Ministry of Youth and Sport
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of Amsterdam
Institute for Security Studies (ISS)
Institute for Social Studies
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International Criminal Law Network (ICLN)
International Criminal Tribunal for the former
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International Institute for Counter-Terrorism
(ICCT) - The Hague
Internationaal Juridisch Instituut
International Organisation for Migration
International Red Cross
Interpol



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en Veiligheid (NCTV)
Nederlandse Orde van Advocaten
Netherlands Helsinki Committee
Netherlands Red Cross
Netherlands School of Human Rights Research
Netherlands Embassy in Albania
Netherlands Embassy in Egypt
Netherlands Embassy in Indonesia
Netherlands Embassy in Jordan
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The Hague University of Applied Sciences
The Global Institute for the Prevention of
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WODC
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TILBURG  UNIVERSITY

Universiteit Utrecht



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