

ASSER
INSTITUTE



Centre for International & European Law



T.M.C.
Asser Instituut
Annual Report 2012

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Foreword

I am pleased to present the Annual Report 2012 for the T.M.C. Asser Instituut.

This report provides a summary of the many activities carried out and supervised by staff of the Institute in the period January – December 2012. It demonstrates the diversity of accomplishments and achievements booked towards fulfilling our mission - which is to be innovative and successful in the creation, transfer and application of new knowledge in the broad field of international law - and indeed our continued commitment to our many stakeholders and clients.

Looking back on 2012, I can happily conclude that Asser championed yet another successful year despite the persistent global economic crisis and reduced government funding in areas where our expertise counts. This sombre backdrop to our plans did not stop us from pushing forward and gaining strong momentum particularly in the latter half of the year resulting in a number of successful publications, tender awards and acquisitions.

As a mainly, publicly-funded knowledge Institute, we engaged and networked with our regional and global environment seeking dynamic and multiple forms of interactions such that we were successful in fostering (international) academic linkage and post graduate education, capacity building, promoting deeper understanding of international law issues and providing quality and sound legal advice to policy makers and practitioners. Together with our partners, we believe our activities represent relevant and strong public value.

From a financial perspective, Asser has had a satisfactory year given the circumstances of

uncertain and changeable market conditions. We closed our books with a positive balance of €105,000.

Our major challenge for 2013 and beyond is the positioning of the Institute related to its 'parent' universities' law schools as well as issues relating to governance, funding and indeed programming in the broadest sense (strategic direction) including the acquisition, steering and management of resources to ensure continuity and success.

Rest to say, as this report demonstrates, we have had a successful year. We are proud of our reputation for high quality research, evidence based policy and consultancy advice and innovative, interdisciplinary (executive) training programmes. Whilst perusing the following pages you will hopefully be impressed by what the Asser team has brought to bear in 365 days. The diversity of partners, sponsors, activities, coverage and reach reflect our commitment and contribution to research and research support.

I acknowledge and am grateful for the advice and support received from our Executive Board during 2012. I thank all our associates and partners, national and international with whom we have collaborated and I conclude with a very big 'thank you' to 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 in 2012 because it has great employees.

Ann O' Brien, MBA
Executive Director

February 2013

Introduction

T.M.C. Asser Instituut

Located in the 'international zone' of The Hague – the City of Justice, Peace and Security, The T.M.C. Asser Instituut, a distinctive, inter-university research Institute specialised in International and European Law, is a unique clustering of knowledge and experience in scholarly research, education and training, knowledge management and dissemination, publishing and academic community organising.

The Institute's international community of scholars (permanent and visiting researchers) is engaged in research and postgraduate training and dissemination of knowledge in furtherance of the purposes and principles of International Law.

The Institute cooperates closely with and supports the Dutch universities' activities in the relevant disciplines and is in turn vastly networked to universities and institution, governments and NGOs on a global level.

The Institute stimulates fundamental and applied research in the areas of Private International Law, Public International Law, Law of the European Union, International Humanitarian Law, International Criminal Law, International and European Sports Law and International Commercial Arbitration.

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

Asser's strength and merit is recognised and utilised by a diversity of interested parties including researchers in international universities, other international legal institutions, publishers, (international) government ministries, European Commission, agencies for international development, embassies, courts and tribunals and so forth.

Rest to say, the T.M.C. Asser Instituut is a prestigious, high quality, flexible and dynamic entity – a mandated body and proactive centre of expertise in (niches of) International Law.

Mission & Scope

Since its inception in 1965, the Institute has aspired 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 also seeks to play a pivotal role in initiating and facilitating dialogue and other activities among academics and professionals which are of importance in disseminating in-depth and broad knowledge of International Law and European Law in the Netherlands and beyond, whilst contributing to the strengthening of The Hague's position as the City of Justice, Peace and Security.

The Institute has an excellent reputation at national and international level for its development, organisation and hosting of conferences and academic meetings, demand driven postgraduate programmes and executive trainings. Its ancillary websites and data collections all contribute to a coherent and integral strategy in the area of knowledge transfer.

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The Institute has its own publishing house, T.M.C. Asser Press which not only serves the publishing needs of the T.M.C. Asser Instituut, but also those of academics and practitioners worldwide in the fields of International and European Law.

Asser in a Global Perspective

Globalisation has been challenging International Law at an unprecedented level. Major legal issues and approaches transcend national boundaries and frequently require international collaboration and know-how to make further progress. It is increasingly recognised that domestic issues are better understood when addressed with a global perspective.

Asser's reputation and reach is far-ranging. From its location in the International Zone of the World's legal capital - The Hague - the Institute has, through the years interacted with and hopefully played a small but significant role in advancing knowledge amongst judiciary and practitioners, on virtually every continent, from the premise that a country's economic, political, and democratic development depends on the foundation of the rule of law.

The T.M.C. Asser Instituut is a network organisation, interacting with and benefiting its many stakeholders and relationships. It is precisely these associations and the combinations thereof that enable the Institute to be innovative and successful in its undertakings. Identifying needs and interaction and cooperation with associates on national and international levels result in overcoming the economic hurdles and challenges related to economies of scale, and steers towards satisfying collective needs. The Institute, as founding partner of International Centre for Counter-Terrorism (ICCT) – The Hague

(together with The Netherlands Institute of International Relations 'Clingendael' and The Centre for Terrorism and Counterterrorism, Campus The Hague/Leiden University) exemplifies this role.

Through working with and for governments, supreme courts, academia and practitioners, staff at the Institute have designed, developed and delivered a truly broad and comprehensive range of products and services with the financial support of a diverse range of international donors.

Its contribution extends not only to the participants who attend the many trainings and events. 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.

The Institute's international network has again this year, increased in size, as has its global impact.

2012 in brief

2012, kicked off for the T.M.C. Asser Instituut with the customary mix of reflection and anticipation of new opportunities, risks and adventure ahead. Knowing that even the most robust of plans are subject to the unpredictability and flux of an unpredictable environment and that it is only through cooperating here at Asser and with our many national and international partners and stakeholders that we would be successful in realising our goals.

'Standing still' has never been an option and continuous adjustments to and fine-tuning of our operations is necessary to enable us to continue to excel and to keep the entire organisation 'fit for purpose' and poised for further success.

On an organisational level, much attention has

been afforded fruitful discussions with the Executive Board and key stakeholders on our future positioning among our partner universities and in the legal landscape as indeed on the focus of the Institute's research programme, its funding and its activities.

In 2012, we welcomed the staff of the Internationaal Juridisch Instituut (IJI) who transferred their offices to the premises of the Asser Institute. We quickly embarked upon our first collective project, together with colleagues from the University of Rotterdam, in conducting a study on '*Current Gaps and Future Perspectives of a European Framework of Private International Law*' for the Committee on Legal Affairs of the European Parliament.

We were proud to be awarded KNAW subsidies for conferences entitled "*Human Rights in EU Crisis Management Operations: A Duty to Respect and to Protect?*" from the Centre for the Law of EU External Relations (CLEER), and "*Prosecutor, Watchdog, Diplomat, Manager: The Multiple Roles of the International Prosecutor*", in cooperation with the International Humanitarian and Criminal Law Platform.

Our application to the Jean Monnet Lifelong Learning call for proposals concerning the project entitled '*Commercial power Europe: advancing societal and environmental goals through Trade Relations*' was selected (from a total of 447 applicants) for EU co-financing.

Our (CLEER) EU Council Presidency lecture series welcomed Mr. Jarosław Bratkiewicz, Political Director at the Ministry of Foreign Affairs of the Republic of Poland to talk about the Experiences of the Polish Presidency of the Council of the EU in the field of external relations.

The ASSER International Sports Law Centre hosted the first of a series of Roundtables to discuss solutions to tackling sports fraud which convened an interesting group of practitioners, academics, and law enforcers to identify the various types of sports fraud and the actors involved and discuss the threats they pose to the integrity of sports.

We launched the 'International Crimes Database & Web-Environment' an online database providing access to comprehensive information on international crimes and their prosecution. We acknowledge the Dutch Ministry for Security and Justice for the financial support of this project.

We organized and hosted the Dutch round of the Philip C. Jessup International Law Moot Court Competition and the continuingly successful Supranational Criminal Law lecture series.

The quality of our training programmes and seminars were positively reviewed by the Nederlandse Orde van Advocaten.

We concluded a number of large research projects and embarked upon many more.

We developed and delivered a range of (multidisciplinary) Summer Schools engaging with a diversity of partners including the OPCW, Radio Netherland Training Center (RNTC), International Centre for Counter-Terrorism (ICCT) – The Hague and Washington College of Law and welcomed participants from all over the world.

We submitted successful bids for the tenders for both the Matra Pre-Accession Training Programme (Matra PATROL) - Strengthening Institutional capacity in the Rule of Law and the Matra

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South Programme for Arab Countries - Supporting democratic transition in the Arab region.

Asser International Sports Law Center in consortium with the Institute for Information Law (IViR) of the University of Amsterdam was awarded a European Commission Study on '*Sports Organisers' Rights in the EU*'.

T.M.C. Asser Press, together with its partner Springer, was selected as the publisher of the prestigious book commemorating the 60th anniversary of the Court of Justice of the European Union entitled '*The Court of Justice and the Construction of Europe: Analyses and Perspectives on Sixty Years of Case-law - La Cour de Justice et la Construction de l'Europe: Analyses et Perspectives de Soixante Ans de Jurisprudence*'.

Within our broad network, Asser conceived and delivered some 27 Lectures, Conferences, Seminars and Round Tables on all academic fields covered by the Institute. For these events alone, we welcomed more than 1,000 participants to the Institute.

We launched a new, fresh corporate house style for all our communications.

Asser's Social Media Network has been further developed to facilitate interaction and dissemination. Our network on Twitter and LinkedIn continued to expand and Asser has also joined the social media platform Facebook.

It was a busy and successful year!



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*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 and Private International Law, EU Law and International & European Sports Law. Researchers are active in carrying out academic and applied research, PhD candidate supervision, consultancy, professional training, knowledge dissemination and valorisation.

Asser's academic research programme is anchored in the inter-university research programmes of its constituent and other international universities. In 2012, the Institute's research department numbered 8 PhD candidates and 9 senior research fellows. An additional 6 visiting scholars were welcomed to the Institute to conduct their individual research on the premises. The breadth and impact of Asser's research output ranges from books, edited volumes and scientific publications in international peer-reviewed journals to contract research which feeds into policy-making at national, European and international levels.

For a complete list of publications by Asser staff members in 2012, see the online Appendix 'Asser Staff Publications' at: www.asser.nl/annualreport2012

Following on from its academic strength, the Institute is also competent in delivering timely, evidence-based knowledge and advice to a broad stakeholder base. Its experience in capacity building and providing technical support to judiciaries and public administrations in Central and Eastern Europe, Asia and the Middle East, coupled with its extensive international networks of experts, and its know-how in undertaking policy-relevant research justifies its strong international reputation for content and quality.

The Institute's academic standing makes consultancy a natural extension of its research work. In addition to providing expert opinions to 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, the European Union, 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.

The impact of our applied research is evident from the 2012 highlights that include the following projects and studies:

- **The Legislator's Role in Establishing the Rule of Law in line with EU and International Standards.** Commissioned by the Dutch Embassy in Kyiv, Asser partnered with the Legislation Institute of the Verkhovna Rada of Ukraine to develop and implement this project which will assist participants to devise means of incorporating and implementing EU and international standards into Ukrainian law, legislative process and practice. In December 2012, Dutch, Ukrainian and EU legislative and governmental experts participated in a round-table discussion at Asser. In 2013, experts from Asser and the Legislation Institute will train some 50 civil servants in Kyiv.
- **A European Framework of Private International Law: Current Gaps and Future Perspectives.** Commissioned by the Committee on Legal Affairs of the European Parliament, Asser with colleagues from the Internationaal Juridisch Instituut and the University of Rotterdam, has conducted a study which provides answers to two main questions, namely: 1. what are the current gaps of the existing framework of the Private International Law within European Union and to what extent can this framework be widened; 2. what would be the advantage of adopting of additional legislation. The study furthermore investigated the feasibility of the establishment of a code on Private International Law, among other issues. The final report was presented to the Legal Affairs Committee of the European Parliament on 17 December 2012.
- **Multiple Framework Contracts for the provision of Services of Legal, Economic and Technical Assistance in the fields of Energy and Mobility and Transport Policies.** Commissioned by the European Commission, Shared Resource Directorate MOVE/ENER. Asser is a member of the consortium, led by Panteia, Business Unit NEA, which has been selected amongst the winning consortia for Lot 4: Legal assistance in the field of mobility and transport. The purpose of the framework contract is to provide DG JUST with timely, evidence-based services of an intellectual nature to support its impact assessment, evaluation and evaluation related services, in all policy areas within the remit of the DG. The services required will involve a number of diversified tasks in areas such as general affairs in the field of transport, European mobility network, innovative and sustainable mobility, logistics, maritime, land transport including safety issues and aviation.
- **Commercial Power Europe: Advancing Societal and Environmental Goals through Trade Relations.** Under the European Commission (DG Education and Training) **Jean Monnet Lifelong Learning programme**, the Centre for the Law of EU External Relations (CLEER) has embarked upon this project with the broad aim being to pool knowledge, stimulate and facilitate academic interaction in a specific area of EU external relations, create synergies between and raise awareness of global societal concerns and convene the widest possible audience to examine a central, highly topical, yet so far less explored area of the EU's external actions. Specifically, the project aims to assess the EU's action towards and potential to employ



economic ties with third countries so as to promote 'European values' beyond its commercial interest. The approach is to identify the normative framework and policy instruments that fit best the EU's ambition to employ its commercial ties and global presence for values and goals that go beyond trade advantages and which can be applied in a consistent and influential manner and even serve for other countries and multilateral organisations as examples to follow. The organisers wish to plant the most pertinent regulatory issues in the legal and policy environment that followed the entry into force of the Lisbon Treaty so as to suggest new, innovative, practical solutions to the challenges facing the future of the EU's activities in linking its commercial strength with value-laden authority in a global standard setting.

- **Study on Sports Organisers' Rights in the EU.** In its 2011 Communication on Developing the European Dimension of Sport, the European Commission announced that it would launch a study to analyse the exploitation of rights to sports events (sports organisers' rights) from the perspective of the EU legal framework. The tender to carry out this study was awarded in December 2012 to the T.M.C. Asser Instituut in consortium with the Institute for Information Law (IViR) of the University of Amsterdam.

The Asser International Sports Law Centre will coordinate the study, which aims to provide a comprehensive comparative analysis of various issues related to sports organisers' rights from an EU perspective, including:

- the origin, ownership, and scope of sports organisers' rights in the EU Member States;
- the systems and licensing practices related to the marketing and exploitation of media rights and image rights; and

- the possibility of establishing licensing practices beyond the media field, in particular in the area of gambling.

The study will enable the European Commission to assess whether EU action is needed to address identified problems.

- **Protecting Intelligence Sources and Witnesses in Terrorism-Related Court Cases-Criminal Justice Sector/Rule of Law Capacity Building Project**

Working with our partners, International Centre for Counter-Terrorism (ICCT) – The Hague, we aim, through this project, to create a capacity building programme that is focused on assisting governments, legislators and the judiciary in developing or improving good practices in an effective and rule of law-based criminal justice sector response to terrorism. The proposed activity relates to the efforts of the Global Counterterrorism Forum (GCTF) Criminal Justice Sector/Rule of Law Working Group and the GCTF *Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector* (Rabat Memorandum), which recognises that the "primary objective of any effective criminal justice response to terrorism is to prevent terrorist incidents before they produce large-scale casualties or similar devastating results, while fully respecting applicable International Law and promoting the rule of law."

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.

For a complete list of our research projects in 2012, see the online Appendix 'Research Projects' at www.asser.nl/annualreport2012



*Education
& Training*



“Interesting to have the already discussed legal theories applied to military/ conflict realm.”

Participant of the Summer Programme on Countering Terrorism in the Post 9/11 World, 2012

The T.M.C. Asser Instituut is a leading and authoritative provider of executive and post-graduate education for professionals and graduate students operating in the judicial sector. The Institute has a long-standing reputation for quality and excellence and is accomplished in recognising and understanding the unique challenges faced by today's legal practices.

Staff at the Institute is experienced and proficient in designing specific courses to address and meet the unique demands of our (international) clients. Each training programme has 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.

Working with partners from complimentary fields we are 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, CRBN issues, counterterrorism as well as contributing to curricula of international (USA & Lebanon) law degree programmes.

Our accomplishments in 2012 have helped further establish Asser (internationally) as a valued provider of quality expertise. A total of nine tailor-made training programmes were developed and delivered (in The Hague and abroad).

Highlights include:

- **The Advanced Summer Programme ‘Countering Terrorism in the Post- 9/11 World’** which was successfully organised in cooperation with the International Centre for Counter-Terrorism (ICCT) - The Hague, for the second year.
- **The Third Annual Summer Programme on ‘Disarmament and Non-Proliferation of Weapons of Mass Destruction in a Changing World’.** Organised in cooperation with the Organisation for the Prohibition of Chemical Weapons (OPCW), this annual programme welcomed

-Being passionate about this topic for almost 10 years and having recently graduated it was a unique opportunity to extend my knowledge on WMD issues, meet great people and discuss with international experts. According to me the programme was absolutely well organized and reached all my expectations and even more. Without any doubts, what I have learned and the contacts that I have made will decidedly determine my future professional life which will be, I hope, in the field of disarmament and non-proliferation of WMD.-

Participant of the Summer Programme on 'Disarmament and Non-Proliferation of Weapons of Mass Destruction in a Changing World', September 2012

in 2012 some top level speakers including Ms. Rose Gottemoeller, Acting U.S. Under Secretary for Arms Control and International Security, who addressed participants on "Arms Control in the Information Age".

- **Matra Pre-Accession Training Programme (Matra PATROL) - Strengthening Institutional capacity in the Rule of Law.** Commissioned by the Netherlands Ministry of Foreign Affairs, Europe Department (DEU), the T.M.C. Asser Instituut, with its partners, Ecorys Nederland BV and The Hague Academy for Local Governance (HALG), will implement the Matra Pre-Accession Training Programme (Matra PATROL) - Strengthening Institutional capacity in the Rule of Law - during the period 2012 – 2015.

Each year, eight, 10-day training courses will be delivered to groups of 25 participants on: Administration of Justice, Access to Justice, Pub-

lic Procurement, Integrity, Management of Public Finances, Decentralisation, Quality, Implementation and Enforcement of Legislation and Alternative Dispute Resolution to participants from Albania, Bosnia-Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia, and Turkey.

This training programme aims to stimulate, support and contribute to the efficient implementation of the EU acquis in the area of 'rule of law' and to strengthen relations between the Netherlands and the target countries by sharing the necessary knowledge and skills with policy advisors, members of the judiciary and other civil servants.

From 18-28 November 2012, the first three trainings of Matra PATROL were delivered simultaneously, in The Hague: Access to Justice, developed and delivered by Asser, Public Finance Management, developed and delivered by Ecorys and Integrity developed and delivered by HALG.



Rose Gottemoeler at the Third Annual Summer Programme on 'Disarmament & Non-Proliferation of Weapons of Mass Destruction in a Changing World', September 2012

- **Matra South Programme for Arab Countries - Supporting Democratic Transition in the Arab Region.** Commissioned by Agentschap.NL, EVD International and on behalf of the Netherlands Ministry for Foreign Affairs, the T.M.C. Asser Instituut developed the training programme, 'Administration of Justice' as part of the Matra South Programme for Arab Countries - Supporting democratic transition in the Arab region.

The three year training programme (2013-2014) aims to stimulate and support democratic transition in the Arab region and also to strengthen relations between the Netherlands and the target countries 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. Eligible coun-

tries for the Matra South training programme are: Morocco, Tunisia, Libya and Jordan.

The first training of the Matra South Training Programme, 'Administration of Justice', took place at the T.M.C. Asser Instituut from 2 -12 December, 2012. A follow-up workshop with the participants will be convened in Tunis, Tunisia in March 2013.

- **International Criminal Law & Procedure – Lebanon Lectures.** The inter-university programme on International Criminal Law and procedure was launched in November 2011 by the T.M.C. Asser Instituut in cooperation with the Special Tribunal for Lebanon. In the beginning of 2013 the programme obtained three more years of funding.

*“Dear T.M.C Asser Instituut,
I want to say thanks for this big opportunity that you gave me: first to let me explore the real world of justice. Second to introducing us to respectful professors and judges in this program which is first of its kind in Lebanon and the Middle East. And finally, all the words of thanks will not be enough to express my gratitude and appreciation for your efforts to build a better future for young generations.”*

This programme is unique in that it enables law students from no less than eight different universities in Lebanon to follow a 2-semester module (14 lectures) on International Criminal Law and procedure, from a central location in Lebanon.

Not only has this initiative filled an obvious gap in the current curricula of the individual participating universities, but it provided a unique academic experience for all involved as the individual lectures (every other week) were 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 were gathered, in Beirut.

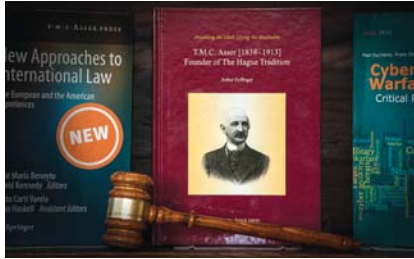
The T.M.C. Asser Instituut is:

- A signatory of the Gedragscode¹ (Landelijke Commissie Hoger Onderwijs)
- An ABA² 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 2012 training programmes can be found in the online Appendix 'Training Programmes' at www.asser.nl/annual-report2012. Here you can also find the Appendix 'Asser Staff Lectures & Presentations' which gives a detailed overview of all lectures and presentations given by Asser staff members in 2012.

¹ De Gedragscode internationale student in het Nederlandse hoger onderwijs (Code of Conduct) garandeert de kwaliteit van het hoger onderwijs aan buitenlandse studenten.

² ABA (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.



SPECIAL TRIBUNAL FOR LEBANON





*Network &
Events*



Instrumental to facilitating and promoting academic research and its findings is the organisation of a range of quality (international) conferences, workshops and events.

During the course of 2012, the T.M.C. Asser Instituut conceived and hosted a variety of events designed to enhance the knowledge and networks of the community it serves in The Hague, The Netherlands and beyond. 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.

Broader networks include Asser's participation and involvement with The Hague Institute for Global Justice (THIGJ), the Hague Academic Coalition (HAC), the Netherlands Association for International Law (NVIR), International Centre for Counter-Terrorism (ICCT) – The Hague, and more.

In 2012, we conceived and delivered a total of 27 Lectures, Conferences, Seminars and Round Tables, often in partnership with other organisations.

2012 Highlights include:

- **Prosecutor, Watchdog, Diplomat, Manager: The Multiple Roles of the International Prosecutor - Conference** . This conference, organised in cooperation with the International Humanitarian and Criminal Law Platform and financially supported by the Royal Netherlands Academy of Arts and Sciences (KNAW), was the first to bring together top researchers, practitioners and civil society to critically discuss and assess the multiple roles of the international prosecutor – a multifaceted actor who plays an increasingly important role on the international (legal and political) stage, for instance as a potential global preventer of crimes. The conference offered a timely opportunity to reflect and formulate lessons for current and future international prosecutors.
- **The ICC and Palestine: A Closed Chapter? by Prof. John Dugard, Prof. Liesbeth Zegveld & Dr. Chantal Meloni - Supranational Criminal Law Lecture**

and Book Launch. Together with our partners the Grotius Centre (Leiden University, Campus Den Haag) and the Coalition for the International Criminal Court (CICC), the Research cluster 'International Humanitarian Law and International Criminal Law' of the T.M.C. Asser Instituut organises the Supranational Criminal Law Lectures Series. These weekly lectures spotlight aspects of International Criminal Law of current interest.

This book launch coincided with the Supranational Criminal Law Lecture in which Professor John Dugard, Professor Liesbeth Zegveld and Dr. Chantal Meloni gave their views on the Gaza issue. A record number of 150 people attended this lecture and contributed to a lively discussion.

- **Preventing Fraud, Corruption and Bribery committed by and through Legal Entities – Conference.** With our partners, The Polish Institute of International Affairs (PISM) and the Dutch Ministry for Security and Justice, this conference was convened in Warsaw, Poland in July 2012.

The conference aimed to increase knowledge among the authorities of the EU Member States on international regulations related to organised crime, fraud and corruption. The conference was part of a larger EU commissioned project entitled "Preventing fraud, corruption and bribery committed through legal entities for the purpose of financial and economic gain", focussed on legal and policy related dimensions of this issue and on best practices regarding the prevention of corruption and other financial and economic crimes.

- **The legislator's role in establishing the rule of law in line with EU and international standards - Expert Roundtable.**

This Round table was part of the larger project '*The legislator's role in establishing the rule of law in line with EU and international standards*', aiming to develop and deliver activities which will assist participants to devise means of incorporating and implementing EU and international standards into Ukrainian law, legislative process and practice. Partner in this project is the Legislation Institute of the Verkhovna Rada of Ukraine.

- **Asser/IJI Seminar.** The Governing Boards of both the T.M.C. Asser Instituut and the Internationaal Juridisch Instituut (IJI) convened a mini seminar to mark and celebrate the successful cooperation between the two institutes, in particular, since IJI's move to the Asser premises in April 2012.

Mr Hans van Loon, Secretary General of The Hague Conference on Private International Law, delivered an interesting lecture entitled 'Mondialisering van het IPR'.

6 December 2012 was also the occasion on which Mr. Daan Asser, great grandson of Mr. T.M.C. Asser, officially handed over a bronze bust of his great-grandfather to Mr. Michiel Scheltema, Chair of Asser's Governing Board.

A detailed list of all our 2012 events can be found in the online Appendix 'Events' at: www.asser.nl/annualreport2012





Asser Press



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he 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.

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 2012.

Highlight 2012

T.M.C. Asser Press, together with its partner Springer, was selected as the publisher of the prestigious book commemorating the 60th anniversary of the Court of Justice of the European Union entitled 'The Court of Justice and the

Construction of Europe: Analyses and Perspectives on Sixty Years of Case-law - La Cour de Justice et la Construction de l'Europe: Analyses et Perspectives de Soixante Ans de Jurisprudence'. (Eds.: Allan Rosas, Egils Levits, Yves Bot).

Key figures for 2012 include:

- The publication of **27 new book titles, 16 journal issues and 3 reprints.**
- The publication of the commemorative book entitled ***A Mission for his Time – Tobias Asser's Inaugural Address on Commercial Law and Commerce– Amsterdam 1862*** (Ed.: Prof. E.M.H. Hirsch Ballin) was launched during a seminar at the Agnietenkapel (UvA) with many members of the Asser family in attendance.
- **Kinga Tibori Szabo** received the prestigious **ASIL Francis Lieber Prize 2012** for her monograph ***Anticipatory Action in Self-Defence – Essence and Limits under International Law.***
- ***Freedom, Security and Justice after Lisbon and Stockholm*** (Eds.: Sarah Wolff, Flora Goudappel, Jaap de Zwaan) received the **Lisboan Research Award.** The book was launched at the Huis van de Democratie with a keynote speech by Prof. Ernst Hirsch Ballin, the former Minister of Justice of the Netherlands.

- **All 2012 English titles distributed by Springer-Verlag are available in hard-copy and e-book format and also through Springer’s e-book collections, which are now available at thousands of universities and libraries.**
- An increase in the number of consortia subscribers to its Journals distributed through Cambridge Journals Online. More than **1900 libraries worldwide now have on-line access to our journals** resulting in greatly increased visibility and usage.
- Springer-Verlag launched its new state-of-the-art electronic platform **Springerlink.com**, an investment of **€20.000.000** and two years of development. This leading platform is visited by millions of visitors per year.
- **All T.M.C. Asser Press books have been accepted in Thomson Reuters’ new Book Citation Index (BCI).**
- The **European Constitutional Law Review (EuConst)** with its impact factor of 0.565 makes it the second highest ranked journal coming from the Netherlands in the Law Section of the important **Science Citation Index (SCI)** of Thomson Reuters (Philadelphia, USA). It is ranked 83 out of 134 journals.
- The **European Business Organizational Law Review (EBOR)**, a recent addition to the **Science Citation Index**, is ranked 96 (out of 134 law journals) with an impact factor of 0.440.
- The *European Constitutional Law Review*, the *European Business Organization Law Review* and the *Hague Journal on the Rule of Law* are now covered in **Westlaw UK** and in **LexisNexis**.
- The journal **Nederlands Internationaal Privaatrecht** (Ed.: Xandra Kramer) completed its 30th volume with the publication of a thematic issue on “Party Autonomy and International Family Law”. Its website **NIPR Online** is now fully operational.
- The successful publication of Volume 14 (2011) of the **Yearbook of International Humanitarian Law** marked for Michael Schmitt the completion of his term as its General Editor.
- The publication of the **Netherlands Yearbook of International Law**, Volume 42 (2011), with the special theme “Agora: The Case of Iraq: international law and politics”, under the General Editorship of Ige Dekker and Ellen Hey.
- Aernout Schmidt, Franke van der Klauw and Christiaan Alberdingk Thijm retired, after many years of good service from the Editorial Board of the successful **IT&Law Series**.
- The **Asser International Sports Law Series** published five new volumes, solidifying its position as the leading English-language international sports law series.
- A well-attended book launch was organized at the T.M.C. Asser Instituut for the book **Is there a Court for Gaza? - A test bench for international justice** (Eds.: Chantal Meloni, Gianni Tognoni).





Judge Rosas (European Court of Justice) and Publisher, Philip van Tongeren (T.M.C. Asser Press) at the book presentation in Luxembourg, Dec. 4, 2012.

- **Cyber Warfare: critical perspectives** (Eds.: P. Duchêne, F. Osinga and J. Soeters). This book was launched at the Cyberwarfare Conference at the Netherlands Defence Academy, Breda.
- The current edition of **Elementair Internationaal Recht/Elementary International Law – 2011**, edited in collaboration with the Dutch law faculties, has been well received by the Dutch law students.

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 **Federation International de Droit Europeen** (Tallinn),

the **American Society of International Law** (Washington, DC) and the **European Society of International Law** (Valencia, Spain).

T.M.C. Asser Press further improved its new and innovative website (www.asserpress.nl), which serves customers and authors worldwide with up-to-date information on its publications.

A detailed list of all T.M.C. Asser Press publications in 2012 and a preview of 2013 publications can be found in the online Appendix 'T.M.C. Asser Press Publications' at: www.asser.nl/annualreport2012



Financial Overview



Against the background of a worldwide economic crisis, reduced Government funding for universities and greater pressure to demonstrate public value, the Institute has been able to maintain its high standards of service provision, generate supplementary income and develop new strategies and approaches for the years ahead.

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 income. The remaining income is earned through undertaking project based activities for national and international stakeholders including the European Commission (through tendered projects, Jean Monnet funds) and the Netherland's Ministries (through tendered projects, training and conferences). Many other national and international organisations have contributed to the total returns of the T.M.C. Asser Instituut in 2012.

The Institute's financial affairs for 2012 are synthesised in the table below and are in the process of being audited by the independent auditors, KPMG. Taken together, they present an Institute faring well in the face of economic malaise in its operating environment.

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 2012 it was estimated that both the operating revenues and operating expenses would each be in the range of €3,500,000. We are pleased to announce that in 2012 the operating expenses were lower than budgeted.

The Institute's annual operating revenues for the year 2012 were €3,430,000. A positive result of €105,000 was achieved after giving effect to expenses of €3,325,000.

The Institute's net assets totalled €577,000 at the end of the financial year 2012.

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

The Statement of Activities below shows operating revenues and expenses for the year 2012. These amounts show a reduction in operating costs in comparison to previous years.

INCOME AND EXPENDITURE 2012		
Income	1 st money stream	€2,305,000
	2 nd & 3 rd money streams	€1,125,000 +
	Total revenues	€3,430,000
Expenditure		€3,325,000 -
Result		€105,000 -/-



Organisation



Within the Organisational structure of the University of Amsterdam, the T.M.C. Asser Instituut 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 Institute'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 Representatives 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

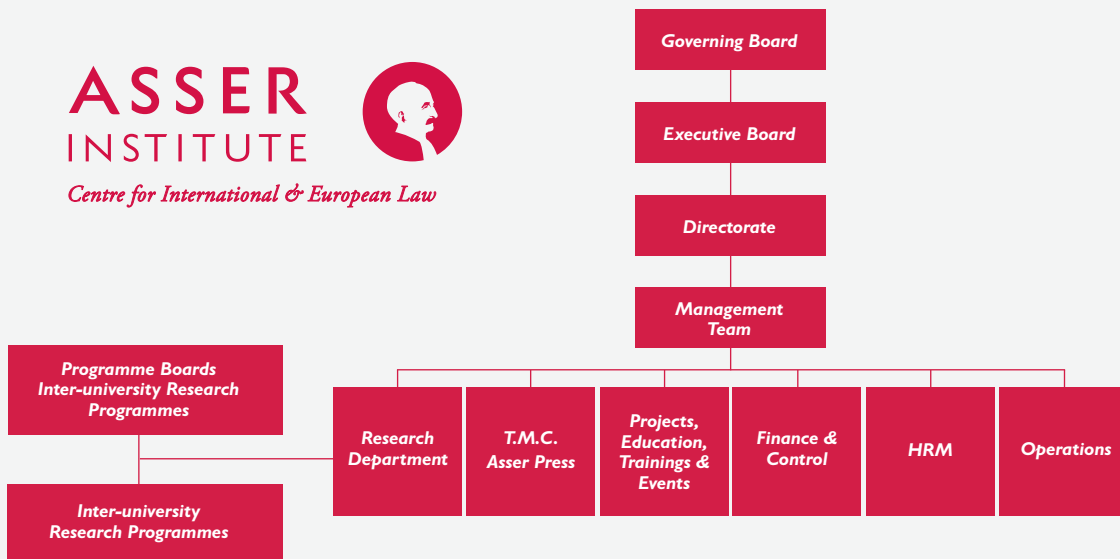
The Executive Board directs and controls the affairs of the Institute and comprises an independent Chair, and two Board members representing the constituent universities. In 2012, the Executive Board members were Professor Michiel Scheltema (Chair), Professors Edgar du Perron and Professor Carel Stolker.

During 2012, the Directorate of the T.M.C. Asser Instituut convened on a number of occasions with its Executive Board. The Institute's academic leadership, its strategic repositioning, its relation-

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ship 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 2012 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 2012 the Management Team members were Ann O' Brien (Chair), Steven Blockmans (until June 2012), 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 2012, a total of 44 persons (equivalent to 38.23 fte) were employed by the T.M.C. Asser Instituut, including temporary and project related staff.

A complete overview of the members of staff employed in 2012 can be found in the online appendix 'Staff' at:

www.asser.nl/annualreport2012

T.M.C. Asser Instituut Annual Report 2012

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