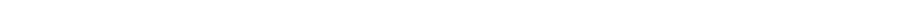


Annual Report 2009



T.M.C. ASSER INSTITUUT





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Foreword

Meeting the Challenge!

Throughout 2009, the T.M.C. Asser Instituut has continued to make good progress in restructuring and developing its operations to remain successful and profitable and to meet the requirements of its Covenant (2008-2013) with its governing body, the University of Amsterdam.

Despite the global economic downturn, we have, through the collective effort of the entire staff, secured and implemented a considerable number and variety of projects and activities, thus enabling us to reflect on 2009 as a successful year in the Institute's history.

Our Inter-university research programmes, namely: CLEER (www.cleer.eu), CEPIL (www.CEPIL.eu), Public International Law and International Sports Law (www.sportslaw.nl) have each moved forward and are in various stages of development along the lines set out in our strategic and operational plans. For example, CLEER has orchestrated a successful launching event and the introduction and subsequent publication of numerous working papers.

The Institute was once again host to some 350 participants from a plethora of countries who came to participate in the many post-graduate training programmes developed and delivered by Asser and university staff and experts and practitioners in the field. The MTEC programmes (Administration of Justice and Legislation), developed in cooperation with the Dutch Ministries for Foreign Affairs and Justice as well as the European Academy for Law and Legislation, were oversubscribed indicating the tremendous interest and need for the respective trainings in the target EU and EU accession countries. The first training programme on 'Police and Judicial Cooperation between the EU Member States', was successfully developed and delivered in close collaboration with Hague based international organisations Europol and Eurojust. This training course clearly fills the need for more information for, for example, police officers on the functioning of and current developments in home and justice affairs within the EU.

Once again, our partnerships and alliances are instrumental in enabling us to meet the need and demand for such topical knowledge dissemination.

The weekly lecture series organised in cooperation with the International Coalition for the ICC, the Grotius Centre, the Amsterdam Centre for International Law and the Dutch Red Cross, as well as the diversity of other conferences seminars and round tables delivered drew some 2,000 participants across our threshold.

Embassies, (international) law schools, NGOs, lawyers, practitioners, ministries and Hague based and (inter)national law organisations number among our many stakeholders and partners.



Our solid reputation and our willingness and ability to address international law matters of concern have meant that Asser researchers have been in constant demand for policy and consultancy advice to user communities.

Our accomplishment in project acquisition saw staff involved in a diversity of interesting and relevant projects. We reflect back with pride on some of our many successful events which include:

- A two year grant from the Ministry of Foreign Affairs to design and implement the 'Europafonds' project. The objective of the project is to inform Dutch citizens of the role, the European Union plays in terms of policy and decision-making and its impact on their day to day lives.
- A research study on the implementation of the World Anti-Doping Code in the 27 EU Member States, commissioned by the Minister of Sport of the Flemish Government.
- A research study on the Environmental Aspects of Aviation commissioned by the Dutch Ministry of Housing, Spatial Planning and the Environment.
- A research study on the Equal Treatment of Non-Nationals in Individual Sports Competitions commissioned by the European Commission, DG Education and Culture, Sport Unit.
- A research study on the applicability of the Safety of Life and Sea Convention (SOLAS) on certain categories of ships on international voyages.

In line with our Academic Community Organiser role, the T.M.C. Asser Instituut has been an active player, co-initiator and contributor from the very beginning to the business plan and successful 'FES aanvraag' that has resulted in the green light for setting up of an Institute of Global Justice in The Hague.

Our image also received a boost in 2009 where organisational change continues to be made effective. The transformation of the Library into a modern virtual knowledge centre enabled the start of reconstruction works in 2010 to convert the library into a modern space for conferences and seminars. At the same time, the Asser portal (www.asser.nl) and its subsidiary websites as well as the underlying database structure were renewed and modernised.

T.M.C. Asser Press invested considerably by publishing more than 30 books and on-line services for periodicals were further developed.

This annual report reflects the commitment to research and research support of all the academic and administrative staff at the T.M.C. Asser Instituut and our research associates in the Netherlands and abroad. It also reflects the continued advice and support we have received from our Executive and Governing Board whose members bring to bear on our work their high-level experience drawn from the business, policy and academic communities.

Rest to say, our Institute is ultimately successful through the good will and personal contributions of its dedicated staff.

The T.M.C. Asser Instituut was up to the challenge in 2009!

April 2010

Directorate T.M.C. Asser Instituut

Frans A. Nelissen
General Director

Ann O'Brien
Deputy Director



The Institute

The T.M.C. Asser Instituut was founded in 1965 by the law faculties of the Dutch universities.

Today, it is a leading academic inter-university institute operating in the broad field of International Law.

This inter-university institute cooperates closely with and supports the Dutch universities activities in the relevant disciplines. The academic fields covered by the Institute are Private International Law, Public International Law, the Law of the European Union, International Commercial Arbitration, International Humanitarian Law, International Criminal Law and International Sports Law.

Its mission is to initiate, support and realise innovative, scholarly research and post-graduate education activities, preferably on an inter-university basis, and be instrumental in initiating and facilitating other activities which are of importance to disseminating in-depth and broad knowledge of International Law and European law in the Netherlands and beyond, whilst contributing to strengthening The Hague's position as the city of Justice, Peace and Security.

The Institute has its own publishing house, TMC Asser Press. The Asser Press 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.

Inter-university knowledge development (examples of both fundamental and applied academic research are to be found in Chapter 3) and academic community organizing (see Chapter 4), in the aforementioned areas, are the principal activities of the Institute. 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 trainings. Its ancillary websites, data collections and library all contribute to a coherent and integral strategy in the area of knowledge transfer (see for examples Chapter 5).

2.1 Governing Board

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 constitute the governing board of the T.M.C. Asser Instituut.

Composition of the Governing Board in 2009:

- Chairman: Prof. Mr. M. Scheltema
- University of Amsterdam: Prof. Dr. C.E. du Perron
- VU University Amsterdam: Prof. Mr. Dr. P. Vlas
- University of Groningen: Prof. Mr. L.C.A. Verstappen
- Leiden University: Prof. Dr. C.J.J.M. Stolker
- Maastricht University: Prof. Dr. A.W. Heringa
- Radboud University Nijmegen: Prof. Dr. C.J.H. Jansen
- Erasmus University Rotterdam: Prof. Dr. M. J. Kroeze
- Tilburg University: Prof. Dr. R.C.H. Lesaffer
- Utrecht University: Prof. Dr. I.G. Dekker

During 2009, the Directorate of the Asser Institute convened twice with its Governing Board. During the December 2009 meeting, the Board declared its unanimous opinion that the T.M.C. Asser Instituut was the most obvious and suitable organisation and platform to represent the participating universities in both the (to be established) Institute of Global Justice (IGJ) in The Hague.

2.2 Executive Board

Composition of the Executive Board in 2009:

- Chairman: Prof. Mr. M. Scheltema
- University of Amsterdam: Prof. Dr. C.E. du Perron
- Leiden University: Prof. Dr. C.J.J.M. Stolker

During 2009, the Directorate of the T.M.C. Asser Instituut convened quarterly with its Executive Board. Recurring agenda points were the development and further shaping of the Institute's inter-university research programmes as well as the financial position of the institute and its development within the framework of the Covenant with its governing body, the University of Amsterdam.

Other issues discussed and supported include the plans to modernise the library, facilitate and transform it into a virtual knowledge centre whilst also creating a modern multi-functional conference and meeting room.



2.3 Works Council

In October the Works Council set about replacing its members who had completed their two-year term of office. The quorum of three persons presented their candidacy and were appointed without election. The former Works Council consisted of: Steven Blockmans, Bart-Jan van het Kaar and Victorine Verkruijsen (secretary). The new Works Council was installed on 2 November, 2009 and consists of: Claudio Matera , Sabine Terheijden and Victorine Verkruijsen.

2.4 Staff

On 31 December 2009, a total of 47 persons were employed by the T.M.C. Asser Instituut, including temporary and project related staff. The latter category concerns, amongst others, personnel involved in projects of The Hague Academic Coalition such as The Hague Justice Portal and The Hague Forum for Judicial Expertise.

In 2009 A. Vermeer, P. Vloemans, J. Odermatt, H.H.G. Post and D.P. Taylor joined the staff of the T.M.C. Asser Instituut.

In 2009 A.R. Apostel, E. Guellali, M.J. Osiel, S.E. Radin, G.E. Schmidt, M. Kondas, N.A. van de Heuvel, P. Bakker, H.H.G. Post, V.P. Pouliot and D.P. Taylor left the Institute.

More facts and figures concerning personnel are presented in Annex 2.



Inter-university Knowledge Development

3.1 Inter-university research programmes

As described in the previous Annual Report (2008), the T.M.C. Asser Instituut has deployed initiatives and activities to implement the decision of 8 December 2008 taken by the Governing board to set up the following three inter-university research programmes, to be hosted and coordinated by the T.M.C. Asser Instituut in The Hague:

- 1) Public International Law (with a focus on International Humanitarian Law (IHL) and International Criminal Law (ICL));
- 2) Law of the European Union (with a focus on the external dimension thereof); and
- 3) Private International Law (with a focus on the Europeanisation thereof).

Dr. Steven Blockmans, of the T.M.C. Asser Instituut, is the overall coordinator of these research programmes.

3.1.1 Public International Law

Thanks to its long-standing research tradition in Public International Law and its seat in The Hague, 'City of Justice, Peace and Security' and home to a number of (relatively new) judicial institutions such as the ICJ, ICTY, ICTR and the ICC, the T.M.C. Asser Instituut is well-placed to offer law faculties a platform for inter-university research and an interface with judicial practice, especially in the fields of International Humanitarian Law and international criminal law.

In the first half of 2009, the T.M.C. Asser Instituut continued its efforts to implement the decision of its Governing board to establish inter-faculty research cooperation in the field of Public International Law with the Universities of Amsterdam (Prof. A. Nollkaemper), Leiden (Prof. N. Schrijver) and Tilburg (Prof. W. van Genugten). In cooperation with those involved, ways were explored for research cooperation with a more specific focus, namely in the field of IHL/ICL. At the end of 2009, representatives of the following faculties expressed their interest in setting up a platform for research cooperation in the field of IHL/ICL, hosted by the T.M.C. Asser Instituut:

- University of Amsterdam (Prof. Dr. T.D. Gill, Prof. Dr. Mr. G.K. Sluiter, Dr. Y. Donders)
- Leiden University (Dr. C. Stahn)
- Utrecht University (Prof. Dr. T.D. Gill)
- VU University Amsterdam (Prof. Mr. E. van Sliedregt)
- Tilburg University (Prof. Mr. W.J.M. van Genugten)

The first quarter of 2010 should see the creation of this new inter-faculty cooperation and the adoption of its conceptual framework.

3.1.2 Law of the European Union - Centre for the Law of EU External Relations (CLEER)

The Centre for the Law of EU External Relations (CLEER), (<http://www.cleer.eu>) was launched in early 2009. This inter-university research programme combines and channels the Institute's and universities' research activities in the field of EU external relations law.



CLEER is the first authoritative research interface between academia and practice in the field of the Union's external relations. CLEER's ambition is to stimulate excellence in research, reflection and teaching in EU external relations studies in higher education institutions in and outside the Union and to promote innovative solutions to practical challenges to the external dimension of the EU's legal order.

Network and management structure

Hosted by the T.M.C. Asser Instituut, CLEER serves as a forum for debate on the role of the EU in the world, but its most distinguishing feature lies in its in-house research capacity, complemented by a growing network of partner institutions.

The Board of CLEER is composed of professorial representatives of a number of Dutch universities:

- Erasmus University Rotterdam (Prof. dr. F. Amtenbrink)
- Maastricht University (Dr. A. Ott)
- Leiden University (Prof. dr. C. Hillion)
- University of Twente (Prof. dr. R.A. Wessel)
- T.M.C. Asser Instituut (Dr. W. Douma & Dr. S. Blockmans)



Board of CLEER

In 2009, the Board of CLEER met 3 times. At the end of 2009, the existing management structure was widened to include representatives (EU external relations law experts) of all Dutch law faculties which hitherto did not participate in CLEER:

- University of Amsterdam (Dr. C. Eckes)
- Utrecht University (Dr. T. Takacs)
- University of Groningen (Dr. D. Kochenov & J.W. van Rossem)
- Tilburg University (Dr. N. Skoutaris)
- Radboud University Nijmegen (Dr. H. de Waele)
- VU University Amsterdam (Dr. K. Herlin-Karnell)

Research programme

CLEER's research programme centres on the analysis of (i) the reception of international law in the EU's legal order, (ii) the projection of EU law on the international plane and (iii) issues of coherence and consistency in EU external policy-making and implementation.

Thematic research is focused on (i) the external dimension of the EU's Justice and Home Affairs; (ii) the protection and promotion of economic and financial interests; (iii) the protection of the environment, climate and energy; and (iv) the ability to provide military security. The research programme was revised to take account of the entry into force of the Lisbon Treaty on 1 December 2009.

Application for 2nd money stream funding

In 2009, the European Commission (EC) (DG Education and Culture), under its Jean Monnet Lifelong Learning programme, awarded a grant of approx. EUR 50,000 to CLEER for the organization of expert seminars and conferences, and the production of working papers in the period from 1 September 2009 until 31 August 2010.

In the last quarter of 2009, a request for funding was awarded by the Dutch Ministry of Justice for the organization, in the first quarter of 2010, of an international conference devoted to the external dimension of the EU's justice and home affairs, more in particular the preparation of an Action Programme aimed at the implementation of the December 2009 'Stockholm Programme'.

In October 2009, CLEER joined ranks with the Universities of Bristol, Leuven and Lund in a consortium led by the University of Ghent to obtain a grant from the Flemish Organization for Scientific Research (FWO) to set up a 'research community' to examine the coherence and consistency between the EU's external trade policy and the external objectives on development, environment & climate, and human rights. Unfortunately, this tender was unsuccessful.

Also in October 2009, Claudio Matera submitted an application to NWO for funding for his PhD research entitled 'The European Union as an international actor in the Area of Freedom, Security and Justice. - A legal constitutional analysis'. Research supervisors are Prof. R. Wessel (University of Twente) and Dr. S. Blockmans.

Activities and products

CLEER's inaugural conference was organized on 2 October 2009 at the premises of the T.M.C. Asser Instituut. The topic of the conference, 'The EU in the world: external relations law for the 21st century', fell squarely within the conceptual programme of CLEER's inter-faculty research cooperation. A heterogeneous audience of approx. 80 experts from practice (incl. European Parliament, European Court of Justice, Member States' institutions) and academia (from Amsterdam to Zagreb Universities) listened to how Mr. Jean-Claude Piris (DG Legal Service, Council of the EU) and Prof. Bernd Martenczuk (Legal Service, European Commission), and their respondents, evaluated the most important institutional changes to be introduced by the Lisbon Treaty in the field of external relations. Pending the positive outcome of the crucial Irish referendum on the Lisbon Treaty, the mood among the colloquium's participants was optimistic. In the afternoon sessions, the debate turned to mechanisms ensuring the unity in (external) diversity of the EU and the changing relationship between the EU and the international legal orders. The conference was closed with an overview of the future activities to be organised by CLEER in its inaugural one-year project sponsored by the European Commission under its Jean Monnet Lifelong Learning programme.



The launch of the new research centre received extra momentum with the reference to Prof. Hillion's CLEER Working Paper No. 2009/2 in Advocate General Poaires Maduro's Opinion in Case C-246/07, *Commission v. Sweden*, rendered on 1 October 2009 (note 15). This working paper was one of 6 published in 2009:

- CLEER Working Papers 2009/1: 'The European Union and crisis management: will the Lisbon Treaty make the EU more effective?', by Steven Blockmans and Ramses A. Wessel
- CLEER Working Papers 2009/2: 'Mixity and coherence in EU external relations: the significance of the "duty of cooperation"', by Christophe Hillion
- CLEER Working Papers 2009/3: 'EU Peace building: concepts, players and instruments', by Simon Duke and Aurélie Courtier
- CLEER Working Papers 2009/4: 'Interaction between EU Law and international law in the light of *Intertanko and Kadi*: the dilemma of norms binding the Member States but not the Community', by Jan Willem van Rossem
- CLEER Working Papers 2009/5: 'Ensuring compliance? Enhancing judicial application of the *acquis communautaire* before accession', by Allan F. Tatham
- CLEER Working Papers 2009/6: 'EU peace building in Georgia: limits and achievements', by Michael Merlingen and Rasa Ostrauskaite

The final versions of the working papers were made available in electronic format to a global public via CLEER's new website (<http://www.cleer.eu>), hosted by the T.M.C. Asser Instituut. In addition printed versions of the papers were produced and distributed among a growing number of 'Friends of CLEER' (leading academics and practitioners in the field of EU external relations law) and at CLEER's inaugural conference. CLEER's expanding network of specialists in the field of EU external relations law is maintained through the website and a quarterly electronic newsletter, the first one of which was sent to almost 300 subscribers to CLEER's mailing list.

3.1.3 Private International Law

In 2009, efforts were made to emulate the initial success of CLEER in the field of private international law. The T.M.C. Asser Instituut appointed one of its senior researchers (Dr. B.J. van het Kaar) as initiator and coordinator of the inter-university research programme in Private International Law.

Representatives of Dutch universities are already cooperating with the T.M.C. Asser Instituut in the framework of the editorial board of one of the most prominent journals in the field of private international law, NIPR (Nederlands Internationaal Privaatrecht):

- Erasmus University Rotterdam (Dr. X.E. Kramer)
- University of Amsterdam (Prof. Mr. J.A. Pontier and Prof. Mr. A. van Hoek)
- Utrecht University (Dr. I. Curry-Sumner)
- Radboud University Nijmegen (Dr. P. Vonken)

In the second half of 2009, the University of Groningen (Prof. Mr. M.H. ten Wolde) and Maastricht University (Prof. Mr. G.R. de Groot) joined the team. They provided feedback on initial texts describing a conceptual framework for research cooperation ('Private International Law in a Global Perspective'). At the very end of 2009, the University of Amsterdam (Prof. Mr. A. van Hoek) was approached to strengthen the network. Cooperation with the Erasmus University Rotterdam (Prof. T. van Mierlo, Dr. X. Kramer) is also envisaged.

The plan is to consolidate this new inter-faculty cooperation in the first quarter of 2010 and to produce the first output, in terms of publications and tenders, in the second half of 2010. It is the intention to launch a 'Centre for the Europeanisation of Private International Law' (CEPIL) www.cepil.eu in the third quarter of 2010.

3.1.4 International Sports Law



Whilst not initially included in the designated domains for inter-university research cooperation, International Sports Law is nonetheless an area in which the T.M.C. Asser Instituut has been carrying out pioneering work in the field of both academic and applied research. The relevance, impact and potential of this '4th line' was recognized by the Governing Board during its Board meeting in the second half of 2009. The Governing Board sanctioned the T.M.C. Asser Instituut to go ahead and formally undertake the launch of a fourth inter-university programme, namely International Sports Law.

The T.M.C. Asser Instituut's research in international sports law is of an interdisciplinary as well as comparative law character, covering all fields of law in which the institute specialises, i.e., private international law, public international law including the law of international organisations, international commercial arbitration and the law of the European Union. The ASSER International Sports Law Centre (established in 2002, <http://www.sportslaw.nl>) emerged from the projects carried out up until then by Asser researchers. Asser researcher Dr. Robert C.R. Siekmann was appointed Director of the Centre. The mission is to provide a centre of excellence, to the sporting world at large (sports ministries, international - intergovernmental organisations, sports associations and federations, the professional sports industry, etc.). It will provide high quality research, services and products on both a national and an international basis. The Centre has a worldwide network of academics and practitioners and cooperation agreements with various sports law institutes and centres in Europe and beyond, including Asia, South Africa and North and South America.

The Centre is responsible for editing and publishing *The International Sports Law Journal (ISLJ)*, which appears twice a year (spring and autumn), as well as the organisation of regular, topical events.

The Centre cooperates with the University of Amsterdam (R. Branco-Martins), Tilburg University (Prof. Dr. M. Colucci, Prof. Dr. F. Hendrickx, and Dr. S. Jellinghaus), VU University Amsterdam (Dr. M. Olfers) and the Catholic University of Leuven (Prof. R. Blanpain).

3.2 Individual Research

3.2.1 PhD research

The T.M.C. Asser Instituut's academic staff is stimulated and facilitated to perform research at doctorate level. Such research is part of the fundamental research activities undertaken by staff at the Institute and fosters academic collaboration with the Dutch universities.

PhD defence Karolien Swinnen-Pieters

On 1 October 2009, Karolien Pieters (EU Law) successfully defended her doctorate thesis entitled: *The integration of the non-European Mediterranean countries into the European Internal Market*. Karolien wrote her PhD under the supervision of Professor Ramses Wessel of the University of Twente. Her Promotion Commission was made up

of Professor Frans Nelissen of the University of Groningen and director of the T.M.C. Asser Instituut; Professor Fabian Amtenbrink of the Erasmus University of Rotterdam; Professor Nico Groenendijk of the University of Twente; Professor Nico Schulte Nordholt of the University of Twente. The ceremony was presided over by the Vice Chancellor, Professor Olaf Fisscher.

A commercial edition of the dissertation will be published by Asser Press in 2010.



Abstract PhD thesis

The EU internal market is not merely a European internal process, but has a strong external dimension. The EU integration process did not stop in 1993 when the EU internal market was realised, but the external dimension of the EU internal market became more and more significant. The EU wants to transfer the principles of its internal market to third countries such as the Mediterranean countries as it wants to get easier access to foreign markets in a globalised world.

The Mediterranean countries, on their part, want to integrate into the EU internal market to reap the benefits of this successful integration process. Dr. Karolien Pieters has examined to what extent this integration process of the Mediterranean countries into the EU internal market has been successful as regards the liberalisation of the movement of goods, services, capital as well as persons. This question is important though in a more and more globalised world. The central question of this study is therefore as follows: 'To what extent has the integration of the Mediterranean countries into the EU internal market of goods, services, capital and persons been successful?' For the assessment of the (un)successfulness of the integration process, dr. Pieters first analysed the extent of integration of the Mediterranean countries into the EU internal market at present and then compared the Euro-Med integration principles which the principles of the EU internal market itself.



The following members of staff continued their PhD research in 2009:

- Leonardo Massai (European Law): *The Compliance of the European Community and the Member States with the obligations of the Kyoto Protocol*. Supervisors: Prof. Dr. Michael Bothe and Prof. Dr. Eckhard Rehbinder, Johann Wolfgang Goethe University, Frankfurt am Main, Germany. He is expected to defend his PhD in 2010.
- Claudio Matera (European Law): *The European Union as an international actor in the Area of Freedom, Security and Justice. A legal constitutional analysis*. Supervisor: Prof. Dr. R.A. Wessel, University of Twente.
- Michiel de Rooij (Private International Law): *Conflicts of Law Issues of Carriage by Sea*. Supervisor: Prof. Dr. D.M. Polak, Leiden University.
- Arjen Vermeer (International Humanitarian Law/International Criminal Law): *The Right to Humanitarian Assistance in the Event of Natural Disasters*. Supervisors: Prof. Dr. F.N. Nelissen and Prof. Dr. M.M.T.A. Brus, University of Groningen.

- Jan Anne Vos (Public International Law): *The Function of International Law*. Supervisor: Prof. Dr. W. Werner, VU University Amsterdam. He is expected to defend his PhD in 2010.

3.2.2 2nd Money stream applications

Members of staff of the Institute are stimulated to apply for 2nd money stream funding opportunities in order to fund their individual (fundamental) research. The institute expresses its gratitude to Nick van de heuvel for his support for these undertakings. In 2009 Karolien Pieters and Jan Anne Vos studied the possibilities and they are expected to submit applications in 2010.

In the last quarter of 2009, Leonardo Massai prepared his 'VENI' application for NWO funding. Bart-Jan van het Kaar submitted his NWO funding grant application at the end of the year. Initial results are expected during the first quarter of 2010.

3.2.3 Books published in 2009 by Asser staff

- W.Th. Douma, *Feasibility study for The Hague environmental law facility, Vol. I* (34 p.) and *Vol. II* (98 p.)
- K. Pieters, *The Integration of the Mediterranean Countries in the EU Internal Market*, PhD thesis, University of Twente. A commercial edition of the dissertation will be published by Asser Press in 2010
- S.E. Radin, *Criminal Jurisdiction 100 Years after the 1907 Hague Peace Conference - 2007 Hague Joint Conference on Contemporary Issues of International Law*, co-editor with W.J.M. van Genugten and M.P. Scharf
- R.C.R. Siekmann, *EU, Sport, Law and Policy – Regulation, Re-Regulation and Representation*, co-editor with Simon Gardiner and Richard Parrish, T.M.C. Asser Press, The Hague 2009
- R.C.R. Siekmann, *TV Rights and Sport – Legal Aspects*, co-editor with Ian Blackshaw and Steve Cornelius, T.M.C. Asser Press, The Hague 2009

3.2.4 Asser Dissertations Programme

In 1996, the T.M.C. Asser Instituut introduced the Asser Dissertations Programme (ADP) in order to support and stimulate research in the Institute's fields of activity. It offers young talented researchers financial assistance to enable them to undertake doctorate studies. The T.M.C. Asser Instituut only accepts new candidates when their appointment and financing is shared with another organization, preferably a law faculty.

PhD defence Felix Ndahinda

On 16 December 2009, Felix Ndahinda (Ruanda/Congo) defended his doctorate thesis entitled: *Indigeness in Africa: A Contested Framework for Empowerment of 'Marginalized' Ethno-Cultural Communities*. Supervisors: Prof. Dr. W.J.M. van Genugten and Dr. R.M. Letschert, Tilburg University.

Felix Ndahinda is presently working as an Assistant Professor at the International Victimology Institute of Tilburg University. From 2005 – 2009, he worked as a PhD Researcher at the International Victimology Institute of Tilburg University and participated in the Asser Dissertations Programme.

A commercial edition of the dissertation will be published by Asser Press in 2010.

Abstract PhD thesis

During the last two decades, a growing number of African ethno-cultural communities have adopted a new form of identification as the indigenous peoples of Africa. Claimant communities are mainly (former) hunter-gatherers and transhumant pastoralists. The



former category includes groups such as the San (Bushmen) of Southern Africa, the Batwa-Pygmyes of Tropical Africa, a number of groups living in East Africa such as the Hadzabe, Sengwer and Ogiek, while the latter is composed of groups such as the Maasai, the Mbororo, the Tuareg and the Khoikhoi. The indigenous rights movement is a global dynamic aimed at advocating for the rights of communities whose customs, institutions, beliefs

and identities have been and continue to be suppressed by dominant societies in countries where they live. The movement is further mainstreamed within the United Nations through a development of relevant legal standards such as the 2007 Declaration on the Rights of Indigenous Peoples.

Indigenous claims from the African continent are backed by many (international) actors such as indigenous rights activists, donor countries and institutions as well as by some scholarship. However, exclusive claims by only some groups as constitutive of the indigenous peoples of Africa are resisted - by many African governments, some members non-claimant communities where they live and some anthropologists - on the ground that descendents of all pre-colonial inhabitants of Africa are indigenous to the continent.

The book reflects on the reality and sources of marginality of claimant indigenous groups. Noting the limitedness of elaborate studies on the contextual realities of these groups, the study explores the appropriateness of proposed legal and other solutions aimed at empowering claimant communities. The study finds that undisputedly, most, if not all, claimant indigenous communities in Africa face real problems of sustainability of their traditional living environments and livelihoods. Most of them also face problems of societal discrimination and political marginalization. While calling for empowerment measures aimed at addressing the predicament of claimant communities, the book questions the appropriateness of the indigenous rights framework in inherently multiethnic African countries.

The author argues that whether under the indigenous rights framework or other mechanisms, forms of protection of claimant indigenous communities need to take into account the somehow competing identity claims by other non-claimant communities equally willing to safeguard their differential identities. It is argued that the emerging concept of human security might be relevant in better capturing the complexity of identity claims in Africa. The study suggests that the root causes of indigenous claims in Africa need to be contextually and holistically addressed. Thus, legal, political and other forms of arrangements to protect particularly vulnerable communities –such as claimant indigenous peoples - would only lead to long-lasting solutions if socio-political and economic sources of marginality of claimant indigenous and other communities are addressed.

PhD defence Tamara Takács

On 16 January 2009, Tamara Takács defended her doctorate thesis entitled: *Participation in EU Decision Making - Implications on the National Level*. Supervisors: Prof. Dr. S. Prechal, Utrecht University and Dr. József Petrétai, University of Pécs, Hungary.

Ms. Tamara Takács (Hungary) is presently working as a Lecturer on International and European Institutional Law at Utrecht University School of Law (The Netherlands). From 2004 – 2008, she worked as a research fellow at Utrecht University and participated in the Asser Dissertations Programme.

For an abstract of her PhD thesis see the Institute's Annual Report 2008. A commercial edition of the dissertation was published by T.M.C. Asser Press.

All *current participants in the ADP* were co-appointed and co-financed with Dutch universities. In 2009 the following researchers continued their research under the auspices of this programme:

- Ms. Nynke Baarsma, research fellow at the University of Groningen since 1 September 2005 and participant in the ADP since March 2006 on: *Grondslagen en methoden van het Europees familieconflictenrecht* (Supervisor: Prof. Mr. M.H. ten Wolde, University of Groningen) left both the University of Groningen and the ADP in September 2009. She is expected to defend her PhD thesis in 2010.
- Ms. Kinga J. Tibori Szabo (Romania), external PhD researcher at the University of Amsterdam since September 2006 and participant in the ADP since 1 January 2007 on: *Anticipatory Self-Defence* (Supervisor: Prof. Dr. T.D. Gill, University of Amsterdam).

3.2.5 Asser Research Fellowships Programme becomes Asser Visiting Researchers Programme

In 2009 the name of the Asser Research Fellowships Programme was changed to Asser Visiting Researchers Programme (AVRP).

Under this programme the T.M.C. Asser Instituut continuously hosts foreign scholars and visiting fellows for varying periods of time, providing all the facilities and services necessary, including academic counsel. Under special arrangements, scholars may benefit from the libraries and services of international organizations located in the vicinity of the Institute such as, for example, the world-renowned library of the Peace Palace.

In 2009 the Institute hosted the following guest researchers:

- 29 September – 3 November 2009. Dr. Claudia Cárdenas Aravena (Chile), lecturer at the Universidad de Chile, Santiago, Chile, stayed at the Institute to conduct research for her research project on: 'The criterion of "interests of justice" in the Statute of the ICC'.
- 15 July 2009 – present. Dov Jacobs (France), PhD researcher at the European University Institute at Florence, Italy, stays at the Institute to conduct research for his PhD thesis on: 'International Criminal Justice, Transitional Justice and the question of Amnesties'.
- 2 – 31 July 2009. Anna Juryk (Poland), PhD student at the Jagiellonian University, Institute of International Private Law, in Cracow, Poland, stayed at the Institute to conduct research for her PhD thesis on: 'Maintenance obligations in private international law'.
- 10 February – 10 July 2009. Prof. Dr. Ana Christina Paulo Perreira (Brazil) of the Faculty of Law at the University of State of Rio de Janeiro, Brazil, stayed at the Institute during her sabbatical leave to conduct research on: 'The international liability of States for Transboundary Damage: Doctrine and Jurisprudence'.

3.2.6 Associate researchers

PhD defence Maria Nybondas

On 25 November 2009, Maria Nybondas, associate researcher International Humanitarian Law/ International Criminal Law defended her doctorate thesis entitled: *The Command Responsibility Doctrine in International Criminal Law and Its Applicability to Civilian Superiors*. Supervisors: Prof. Harmen van der Wilt, University of Amsterdam and Prof. Terry Gill, University of Amsterdam / Utrecht University.

A commercial edition of the dissertation will be published by Asser Press in 2010.

Abstract PhD thesis

The command responsibility doctrine is applied to both military commanders and civilian superiors before international courts and tribunals. Command responsibility, if established, imposes criminal liability on the superior who is charged on the basis of this doctrine. At the same time, military commanders consider command responsibility as a broader concept, anchored in military tradition, which covers all those responsibilities that are inherent in the position they hold or are part of their assignment. Command responsibility, if considered from these two different perspectives, is not limited to criminal liability as imposed by international criminal law.

Under international law, the command responsibility doctrine is applied to superiors who did not take the necessary and reasonable measures to prevent or punish the perpetrators of international crimes, where these perpetrators were the subordinates of the superior. The provisions on command responsibility in the Statutes of the ICTY and ICTR (the *ad hoc* tribunals) are identical. The Rome Statute of the ICC (ICC Statute) contains a more elaborate provision on command responsibility, the most significant difference being the division of the provision into two parts, the first being applicable to military commanders and persons effectively acting as military commanders, and the second being applicable to other superiors, i.e., to superior-subordinate relationships not described in the first part.

In her study, Maria Nybondas examines the applicability of the doctrine to civilians, in particular. For the purposes of the command responsibility doctrine, civilian superiors are exceptional in that they (normally) do not share the formal, *de jure*, hierarchical and disciplinary system inherent in the military machinery. In many instances, if not in all cases, this reality makes proving command responsibility in relation to civilian superiors different from, and usually more challenging than in relation to military commanders. The aim of the study is to discover which approach should be taken when applying command responsibility to civilian superiors. A further aim is to establish whether an explicit differentiation between military commanders and civilian superiors is justified and necessary for a consistent application of command responsibility under international criminal law.



The author concludes that when applying command responsibility in future cases, the discussion should focus on respect for the origin and purpose of the doctrine. The author finds it established that convictions on the basis of command responsibility can almost exclusively be materialised and be justified where the case falls within the 'traditional ambit' of command responsibility. The 'traditional ambit' represents a more limited range of cases, mostly cases against military commanders who failed in their duties and were, at most, indifferent to the consequences, but played no active part in the commission of the crimes. These cases are true to the purpose of the doctrine. These findings leave little room for trying civilian superiors on the basis of command responsibility.

- Mr. Leendert Erkelens, former civil servant at the Dutch Ministry of Justice, researched articles on certain issues related to the European Election Act, and a specific provision of the Dutch Opium Act. In addition to his personal research activities Mr. Erkelens participated in European Law research projects on behalf of the Institute.
- Dr. Flora Goudappel, Associate Professor at the Faculty of Law at the Erasmus University Rotterdam worked at regular intervals at the T.M.C. Asser Instituut, on her book entitled *The Effects of EU Citizenship* which will be published by TMC Asser Press in 2010, as well as on the co-edited book *Asylum Law in the European Union*. In addition to her personal research activities Dr. Goudappel participated in contract research projects on behalf of the Institute.
- Dr. Avril McDonald, former head of the department of International Humanitarian Law/ International Criminal Law of the T.M.C. Asser Instituut, was appointed as lecturer International Humanitarian Law at the department of Constitutional Law and International Law of the University of Groningen.
- Ms. Fiona Mucklow, Chadbourne & Parke, Registered Foreign Lawyers and Solicitors, London, UK, cooperates with Wybe Douma on their book *Environmental Finance and Responsible Business in Russia: Practical and Legal Trends*. The book will be published by TMC Asser Press in 2010.

3.3 Contract research and consultancy

3.3.1 General

Staff of the T.M.C. Asser Instituut is regularly involved in contract research, consultancy and the preparation of legal opinions on questions of International and European Law, most notably upon request from international organisations such as the European Union, the World Bank, the UNDP and UNESCO, the Council of Europe or national governmental and non-governmental organisations.

3.3.2 Projects launched in 2009

- *Secondment members Asser staff at the Ministry of Housing, Spatial Planning and the Environment (April 2009 – April 2010)*
The T.M.C. Asser Instituut signed an agreement with the Dutch Ministry of Housing, Spatial Planning and the Environment for the secondment of Wybe Douma (European Law), Karolien Pieters (European Law) and Jan Anne Vos (Public International Law) as legal advisors to the Ministry.
- *'Europa in het dagelijks leven' ['Europe day-to-day'] (1 April 2009 – 31 January 2011)*
The objective of the project is to inform the Dutch citizens of the role, the European Union plays in terms of policy and decision-making and its impact on their day to day

lives, and to ensure that citizens base their opinions on independent facts and sound knowledge of the European Union.

The project received a grant from the 'Europafonds' from the Dutch Ministry of Foreign Affairs. The Europafonds aims to support projects that contribute to the public awareness and sharing of information about the European Union in the Netherlands carried out by organisations based in our country.

The first phase of the project consisted of a series of lectures/debates in four different cities (The Hague, Amsterdam, Utrecht and Breda), which were held in April - July 2009. The lecture/debate was divided in two parts, where one part focused on a description of European law in five areas (citizenship, security, sport, environment, future and external relations) and one part in an exchange of views or debate between the speakers and members of the public. See Chapter 4 for a full description of the lecture series.

Lectures were given by members of the academic staff of the Institute: Bart-Jan van het Kaar, Karolien Pieters, Steven Blockmans, Wybe Douma, Leonardo Massai, Claudio Matera, Robert Siekmann, Vesna Lasic, Michiel de Rooij, Jan Willem Soek, Roberto Branco Martins.

A second series of lectures/debates will be organized in June, September – November 2010.

Experts: Bart-Jan van het Kaar (project manager) and Laura de Meijer (conference manager).

- *Support to the National Judicial Academy, Republic of Serbia (16 September 2009 – 16 September 2011)*

This EU project is carried out in collaboration with Hulla & co., Human Dynamics KG (Austria), who has the lead in the project.

The overall objective of the project is to strengthen the rule of law and promote sound functioning of the judiciary in the Republic of Serbia, by raising the professional qualifications of judges, prosecutors, and other legal and judicial personnel. The specific objective of the Project is to strengthen the Judicial Academy as an institution, and improve the quality of its programmatic activities, so it is better positioned to fulfil its important role with respect to raising the professional qualifications of Judges, Prosecutors, their Assistants, and other court personnel.

The specific objective is to be achieved by:

- Strengthening Management and Human Resources at the Judicial Academy
- Providing key support to the Initial Professional Formation Programme for Candidate Judges and Prosecutors at the Judicial Academy
- Improving the Oversight and Information Management Systems at the Judicial Academy

Experts: Vesna Lasic, Karolien Pieters, Steven Blockmans

- *Studies on Safety of Life at Sea Treaty (SOLAS) project (October 2009 – February 2010)*

In February 2009 an advice was presented to BBZ (Vereniging voor Beroepschartervaart) regarding the applicability of the conditions of the Safety of Life at Sea Treaty (SOLAS) for professional sailing ships at sea. A quick scan has been made to investigate the validity of the opinion that SOLAS was never meant for the ships of BBZ. In 2009 a follow-up study was commissioned to the T.M.C. Asser Instituut by the Ministry of Transport, Public Works and Water Management to find conclusive

legal proof that historic sailing ships are exempted from the SOLAS convention.
Experts: Frans Nelissen, Marco van der Harst.

- *Study on the implementation of the World Anti-Doping Code in the EU (December 2009 – July 2010)*

In December 2009, the Minister of Sport of the Flemish Government commissioned a research project on the implementation of the World Anti-Doping Code in the 27 EU Member States to the T.M.C. Asser Instituut.

The fight against doping is becoming an increasingly important topic on the European agenda.

During the past few years, activity in this area mainly focused on the World Anti Doping Code that is the subject of the Copenhagen Declaration and the UNESCO Anti Doping Convention. The work of the informal EU Working Group on Anti-Doping, of course, actively contributes to this. Despite the enhanced attention devoted to the issue, practice has shown that the central aim of the Code, being mainly a harmonised approach to the fight against doping, is still far from being realised in the EU as well, for various reasons. The need for a European framework for cooperation in the fight against doping on the basis of the Code or otherwise therefore requires further investigation. In order to be able to reach any sound agreement at the European level, reliable information on the state of affairs in each Member State is vital.

The aim of the study is to make an inventory how the World Anti-Doping Code is implemented, both at governmental and non-governmental level, in the 27 EU Member States of the European Union. The main topic of investigation is to what extent the effort of the World Anti-Doping Agency (WADA) for a harmonized approach to the fight against doping has been realized in the European Union.

At the start of the Belgian EU Presidency in July 2010, the results of the study will be presented to the other Member States and the European Commission, and additionally to the Council of Europe, UNESCO and the World Anti-Doping Agency (WADA) as a starting point for further consideration and discussion within the framework of the fight against doping in sport.

Experts: Robert Siekmann, Janwillem Soek.

- *Study on Packaging directive - Conformity checking of measures by Member States to transpose Directives in the sector of environment (Directive 2004/12/EC) (January – February 2009)*

The objective of this study was to provide the European Commission with legal information on conformity of laws, regulations and administrative provisions adopted by The Netherlands, with a view to transposing one Directive under the contract 'Conformity checking of measures by Member States to transpose Directives in the sector of environment'. This contract was carried out by Milieu Ltd (Belgium) with the T.M.C. Asser Instituut as a subcontractor for this part of the study. The tasks of the Institute's expert consisted in collecting the relevant legislation, collecting case law at national level and to complete a conformity study.

Expert: Wybe Douma

- *Study on the Environmental Aspects of Aviation (April – September 2009)*

The Dutch Ministry of Housing, Spatial Planning and the Environment commissioned a research study on the Environmental Aspects of Aviation to the T.M.C. Asser Instituut.

The main project goals of the study were:

- Research into the possible extent of measures of, in particular, the Dutch provinces to be taken with respect to the reduction of noise pollution, originating from small regional airports, within the limits of regulations on the national, international and European levels.
- Research into the possibilities to reduce and/or ban noise pollution, caused by military aviation departing from and landing on a foreign airfield, but experienced on Dutch territory. Particular attention was paid to the problems relating to the AWACS stationed at the Geilenkirchen airbase in Germany. Solutions were sought on the international, European and Dutch levels.

In September 2009 the final report was presented to the Ministry.

Experts: Olivier Ribbelink, Wybe Douma, Frans Nelissen, Leonardo Massai, and Hanneke van Traa – Engelman (affiliation).

- *Support implementation EU-harmonized Albanian legislation (July – December 2009)*
This overall project is carried out by GtZ (Deutsche Gesellschaft für Technische Zusammenarbeit, GmbH). On request of GtZ, T.M.C. Asser Instituut has delivered technical assistance to the Albanian School of Magistrates (ASM), Tirana. The activities included a train the trainers session in searching EU legal databases, an assessment of training needs and advice for the development of further trainings. Furthermore, the internal work-flow of the ASM has been assessed, as well as the ICT infrastructure and website. Advice has been provided on the functional and technical specifications of a web-enabled infrastructure for managing and monitoring the continued training programme of the judges.
Expert: Jan de Jongh
- *Screening regulations Belgian local authorities to Directive 2006/123/EG*
The T.M.C. Asser Instituut was commissioned to undertake this study by De Vries Juristen (Woerden, the Netherlands). The main goal of the research was the screening of the regulations of the Belgian local authorities to the European Directive no. 2006/123/EG of 28 December 2009. This European Directive aims at removing obstacles in the field of free traffic of services and freedom of establishment.
Expert: Karolien Pieters
- *Study on the Equal Treatment of Non-Nationals in Individual Sports Competitions*
In December 2009, the European Commission, DG Education and Culture, Sport Unit, commissioned a research study on the Equal Treatment of Non-Nationals in Individual Sports Competitions to the T.M.C. Asser Instituut.
Discrimination on grounds of nationality is prohibited in the Treaties, which establish the right for any citizen of the Union to move and reside freely in the territory of the Member States. The Treaties also aim to abolish any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment. The same prohibitions apply to discrimination based on nationality in the provision of services. Moreover, membership of sports clubs and participation in competitions are relevant factors to promote the integration of residents into the society of the host country. A growing number of questions and complaints are addressed to the European Commission by European citizens, informing it of restrictions on access to sports activities and/or sports competitions to certain Member States and in various sports.
The study consists of an analysis on the issue of access to sports competitions,

specifically individual competitions, by non-nationals, together with exhaustive knowledge of the discriminatory provisions adopted by sports federations in the Member States vis-à-vis Community nationals. The study will put forward suggestions for possible alternative solutions that comply with Community law and provide an appropriate response to the problems posed by the discriminatory measures identified.

Dr. Robert Siekmann and Janwillem Soek will implement the study in cooperation with Dr. Stefaan van den Bogaert, Professor in European Law, Law Faculty, University of Leiden, Prof. Dr. Richard Parrish, director of the Centre for Sports Law, Edge Hill University, United Kingdom, and Simon Gardiner, reader in Sports Law, Leeds Metropolitan University, United Kingdom.

Experts: Robert Siekmann, Janwillem Soek, Marco van der Harst, Julien Simon.

3.3.3 Ongoing and/or completed projects in 2009

Albania

- *Strengthening the Ministry of European Integration (January 2007- July 2009)*
This 2.5 year project in support of the Ministry of European Integration of Albania was finalized in July 2009. The T.M.C. Asser Instituut was a member of a consortium led by Fineurop (Milan).

The projects activities started in January 2007. The overall objective of this project was to provide support to the Government of Albania's European Integration efforts, specifically by strengthening the capacity of the Ministry of European Integration to play a coordinating role for European Integration and ensure the effective use of Community assistance programmes. The project was also foreseen to strengthen the policy making capacities of the Government central and line agencies, and to provide support to the Parliament and regulatory bodies to improve their ability to perform regulatory and oversight functions.

In June 2009, the Final Conference and last Steering Committee Meeting of the SMEI-project (Strengthening the Ministry of European Integration) took place in Tirana to discuss the steps taken by Albania on its path towards European integration: preparation for the implementation of the Stabilisation and Association Agreement (which entered into force on 1 April 2009); setting up the necessary inter-institutional coordination committees; the follow-up of Albania's EU membership application (on 28 April). A revised Law Drafting Manual, which incorporates guidelines on approximation of Albanian legislation to the EU's Acquis, was also presented.

In July a final report was presented to the European Commission.

Experts: Steven Blockmans, Wybe Douma and Jan de Jongh.



EuropeAid/123003/C/SER/AL



Bulgaria

- *Technical Assistance for building up national administrative capacity of the central administration at Bulgaria in EU policies (June 2008 – 31 May 2009)*

A project by ECORYS (the Netherlands) and the T.M.C. Asser Instituut for the Dutch Ministry of Foreign Affairs. Beneficiary: Bulgarian Ministry of Finance and line ministries of the Republic of Bulgaria.

The objective of the project was to further strengthen the administrative capacity of the Bulgarian administration through training in order to implement the new EU policies for the period 2007-2013:

- Training of trainers, who can train relevant regional and local administrations and directorates in EU programmes and horizontal policies;
- Training of the central administration by training civil servants in the fields of Justice and Home Affairs (among other things);
- Development of training material.

Experts: Steven Blockmans, Wybe Douma, Flora Goudappel, Leendert Erkelens.

Multi-country

- *Conformity Study of measures of Member States to transpose Directives in the sector of Environment (October 2007- February 2009)*

The objective of the contract was to produce studies which analyse the conformity of national transposing measures with twenty five key Directives in the sector of environment. The Commission will use these studies as background information in its function to ensure, in accordance with Article 226 of the EC Treaty, that the Community environmental Directives are fully and correctly transposed in the Member States.

Tables of Concordance and detailed reports were prepared for the European Commission, in a consortium lead by Milieu Ltd. on Strategic Environmental Impact Assessment, the Water Framework Directive and the Large Combustion Plants Directive. Experts: Wybe Douma, Jan-Anne Vos.

- *The role of the Member States in the Organizing and functioning of professional sport activities (December 2008 – November 2009)*

The European Commission, Employment, Social Affairs and Equal Opportunities DG commissioned this project to the T.M.C. Asser Instituut.

According to the specifications as to the actions of private entities, the European Court of Justice has indicated that Member States might be responsible for breach of EC law by private entities, recognized as having legal personality, whose activities are directly or indirectly under State's control. Therefore, the existence of behaviour breaching Community law that can be attributed to the State is the fundamental element. The same reasoning applies also in the field of professional sports activities, where behaviour breaching Community law attributed to the State should be present. Consequently, in order to improve the Commission's knowledge of the functioning of professional sports activities across the EU and outline the general trends in Europe, it should be examined whether and to what extent, Member States participate directly or indirectly in the organization of professional sports activities, with a view of clarifying the different levels of responsibility.

The final report was presented to the European Commission in November 2009. In the report conclusions were presented regarding the responsibility of the EU Mem-

ber States for the activities of the national sports governing bodies.
Experts: Robert Siekmann, Janwillem Soek.

3.4 Promoting Social Dialogue in the European Sport Sector



Staff of the ASSER International Sports Law Centre has recognised experience and expertise in undertaking comparative multi-country studies, covering all EU Member States, in the field of European Sports Law and in particular with regard to European Social Dialogue (Article 136 and following of the EC Treaty). In this context, projects were undertaken within the framework of the project 'Moving forward towards European social dialogue in the sport sector: Content and Contact' (CC-project), undertaken by EURO-MEI (employees) and the European Association of Sport Employers (EASE).

In 2009 two Social Dialogue projects - all financed by the European Commission, DG Employment, Social Affairs and Equal Opportunities - were finalised:

- *European professional cycling project (November 2008 – October 2009)*
The start of the project was a riders' meeting that took place in Barcelona in December 2008 (see Chapter 4 Academic Community Organizer – par 4.3.11 Annual report 2008).
The final report on the 'Study into the identification of themes and issues, which can be dealt with in a Social Dialogue in the Professional Cycling Sector' was published in October 2009.
Within the framework of this study workshops and meetings, in which key stakeholders' representatives participated, were organized in Madrid (26 March), Berlin (6 May), and Brussels (12 May).
Experts: Robert Siekmann, Janwillem Soek and Roberto Branco Martins.
- *Study on Health and safety in the sport sector (September 2008 – May 2009)*
Within the framework of the Social Dialogue project, the Asser International Sports Law Centre was commissioned in September 2008 to research the issue 'Health and Safety in the Sport Sector' in the 27 EU Member States.
The study had a descriptive character and included a general listing of health and safety issues in a broad sense in the sport sector, as well as a listing of measures taken to prevent risks and injuries and to promote workers' health (best practices) across the EU. The interim report of the study was presented and discussed at a conference in Lisbon, Portugal, in April 2009. The final report was presented to the European Commission in Brussels in May 2009.
Experts: Robert Siekmann, Janwillem Soek, Marco van der Harst and Roberto Branco Martins.

3.5 The City of The Hague: Platform for International Environmental Law. Feasibility study on The Hague Espace for Environmental Global Governance (April 2006 - March 2009)

The T.M.C. Asser Instituut and the Institute for Environmental Security with the support of the Dutch Ministry of Foreign Affairs, the Dutch Ministry of Housing, Spatial Planning and the Environment and the city of The Hague were working on a 'Feasibility study on The Hague Espace for Environmental Global Governance', a project aimed at investigating ideas and options for the creation of a legal facility in The Hague related to the promotion of development, enforcement and compliance of international environmental law.

Objectives

- Highlight role and position of The Hague in international environmental law (IEL)
- Generate synergy among international organizations and other institutions dealing with IEL
- Raise profile of participating organizations and institutions
- Contribute to capacity buildings in developing countries in the field of international environmental law

The T.M.C. Asser Instituut was responsible for the desk research, drafting the questionnaire and carrying out interviews to develop a project which aims at identifying and promoting The Hague as 'City of Justice, Peace and Security' as a location of international organisations in the field of the environment and environment-related subjects. This study presented the findings of the research project 'The Hague Espace for Environmental Global Governance'.

The objective of the study was to investigate the usefulness and necessity of a facility in the field of environmental law in The Hague that would carry out services that have a policy and practical relevance, are based on the most recent international legal developments and would offer attainable and realistic solutions to identified problems. The facility should not carry out work that is already done elsewhere, and should be affiliated to one or more existing institutions in The Hague.

The research was carried out between November 2007 and February 2009.

In May 2009, the Institute for Environmental Security in collaboration with the T.M.C. Asser Instituut has published the proposal for a The Hague Environmental Law Facility (HELFL). The two institutions are currently engaged in securing adequate funding for the follow-up of the first part of the project, namely the establishment of such a facility in The Hague.

Experts: Wybe Douma, Leonardo Massai, Frans Nelissen, Marianna Kondas.

3.6 European Arrest Warrant Project

In 2004 the T.M.C. Asser Instituut, together with a consortium of (inter)national partners started the work on the European Arrest Warrant Project. The initial project was made possible by a considerable grant of the European commission's Department of Justice and Home Affairs and results of the project are to be found on the website www.euro.warrant.net.

In 2006 the initial phase of the project ended successfully and the project's website contains a well researched wealth of information on the implementation and application of the Framework Decision on the European Arrest Warrant and relevant complementary issues and topics.

In 2007 and 2008 staff of the T.M.C. Asser Instituut continued working on the project. This was made possible by a grant in 2007 from the Dutch Ministry of Justice's Directorate General for Legislation, International Affairs, Integration and Immigration and legislation Department. During 2009, the activities concerned primarily in updating the documentation sections of the website by the T.M.C. Asser Instituut members of staff.

Throughout these years special attention was given to update and complete the documentation and publication pages of the website. The on-line bibliography and current affairs section was kept up-to-date and additional topics were taken into account in order to complement existing information to supply users with adequate information. Users of the website have received support by either staff members of the Institute or experts collaborating within the project. The collaboration with the University of Amsterdam, The Max Planck Institute of Freiburg and the London based NGO JUSTICE continued.

Experts: Julien Simon, Philip van Tongeren, Claudio Matera, Steven Blockmans, Victorine Verkruisen, Dick Blom and Leendert Erkelens.

3.7 Asser Legal Advisory Services

In 2009, the T.M.C. Asser Instituut continued offering its legal advisory services to law firms, courts, companies and ministries. This service has been developed for organizations and (sometimes) individuals who require specific and tailor made legal advice in one of the fields covered by the institute. Such advice is usually given in reply to a specific queries relating to individual, one-off cases. Most related to the field of private international law, and covered topics ranging from issues of jurisdiction and applicable law with regard to divorces, matrimonial property, inheritance, commercial contracts and related topics.

Experts: Bart-Jan van het Kaar, Michiel de Rooij, Wybe Douma, Steven Blockmans.

On 19 February 2009, Dr. Wybe Douma of the T.M.C. Asser Instituut presented his legal opinion in the Dutch Parliament on the report issued by the committee Nature restoration Westerschelde (the committee Nijpels) on options for nature compensation in the province of Zeeland. He explained that the proposed flooding of a polder - a sensitive issue in a province struck by a major flooding in 1953 killing hundreds of persons - is not prescribed by the Habitats Directive. This opinion was also expressed by the other legal expert present (from the law firm De Brauw Blackstone).

At the invitation of the Ministry of Foreign Affairs (Inspectie Ontwikkelingssamenwerking en Beleidsevaluatie - IOB), Dr. Steven Blockmans of the T.M.C. Asser Instituut participated in the second meeting of the External Evaluation Panel for Dutch policy towards the Western Balkans from 1999 to 2007. The research project has been granted to a consortium of Deloitte Consulting and Clingendael Institute.

Academic Community Organizer

4.1 General

The Institute also functions as an Academic Community Organizer focused on knowledge development and dissemination to and for a global audience. Through the development and delivery of summer schools, training courses, seminars, workshops, round tables, conferences and collaborative publications, this role is being fulfilled.

Demand driven, the Institute's staff is experienced in understanding stakeholder's priorities. This staff is skilled in designing and delivering customized programmes, training courses and workshops to satisfy the particular requirements of a diverse group of stakeholders ranging from graduate students to professionals, from civil servants to prosecutors and judges and a whole range of other interested parties.

Asser's lecture series, workshops, seminars, conferences and periodicals address the most recent developments and impending challenges in key areas of international law. Drawing on an international pool of prominent experts and participants, they create the platform to openly discuss and share facts and developments, information and ideas in practice-oriented discussions.

4.2 Moot Courts

In its role as Academic Community Organizer, the T.M.C. Asser Instituut plays a central role in organising and coordinating a number of Moot Courts on behalf of and for law students from Dutch and international universities' law faculties.

4.2.1 Philip C. Jessup International Law Moot Court Competition

On 31 January 2009, the 32nd Dutch National Round of the Philip C. Jessup International Law Moot Court Competition took place in the Palace of Justice, The Hague. The organization of the national rounds is in the hands of Laura de Meijer, Conference Manager at the T.M.C. Asser Instituut, who operates, as National Coordinator, in co-operation with and on behalf of the International Law Student Association (ILSA). The Jessup Moot Court Competition is generally considered the largest and most prestigious international-law moot court competition world-wide, with more than 500 law schools from over 80 countries participating. Five teams, representing the University of Amsterdam, Erasmus University Rotterdam, Maastricht University, Leiden University and Utrecht University participated.

In an exciting final round the teams of the Universities of Utrecht and Maastricht competed for a place in the International Rounds. The judges' panel for the finals consisted of three judges from the International Court of Justice: Judge R. Ranjeva, president of the panel, Judge K. Keith, and Judge M. Bennouna.



The winning team from Utrecht University

Overall results teams:

1. Utrecht University (Marieke de Hoon, Evelien Pol, Elinor Fry, Xander Woodhouse) team coach: Guido den Dekker
2. Maastricht University (Rachael Butcher, Tabe Dwinger, Clifford Machoka, Jana Nysten) team coach: Menno Kamminga
3. Erasmus University Rotterdam (Ruben Brouwer, Lieneke Louman, Djorn Rump) team coach: Fabian Raimondo
4. Leiden University (Coman Kenny, Stoyan Panov, Abigail Telford, Simon Grabovec) team coach: Eric de Brabandere
5. University of Amsterdam (Yulia, Nuzban, Fred Pereira, Karolina Klizaitė, Hiba Harakeh, Natalja Mickevica) team coach: Sven Meereboer

The prize for the Best Memorial went to the team of the Erasmus University Rotterdam. The award for Best Oralist was awarded to Xander Woodhouse, Utrecht University, and Simon Grabovec, Leiden University.

The competition was organized with the support of:

- The Municipality of The Hague
- De Provincie Zuid-Holland
- M.A.O.C. Gravin van Bylandt Stichting
- Stichting Dr Hendrik Muller's Vaderlandsch Fonds
- Barents Krans
- T.M.C. Asser Press
- Martinus Nijhoff Publishers (an imprint of Brill Academic Publishers)

In the International Rounds in Washington D.C., U.S.A., which took place from 22 - 28 March 2009, the team from the University of Utrecht ranked 40th among 104 teams. The quality of their memorials earned them 4th place in the competition for the Alone E. Evans Award.

Out of more than 500 competitors, three members of the team made it to the Top-100 Oralist list: Xander Woodhouse (54th position), Evelien Pol (58th position) and Elinor Fry (94th position).

4.2.2 Kalshoven Moot Court Competition on International Humanitarian Law

From 23 - 27 February 2009, the Netherlands Red Cross organized the 2nd Frits Kalshoven Competition on International Humanitarian Law. Teams from the University of Amsterdam, VU University Amsterdam, Leiden University, Maastricht University, Tilburg University, Utrecht University, Radboud University Nijmegen, the Roosevelt Academy (Middelburg), and the Netherlands Defence Academy participated. The overall winner was Utrecht University; the best team in the Moot Court: Netherlands Defence Academy; Best Oralist: Diane Schipper, Netherlands Defence Academy.



The Frits Kalshoven Competition on International Humanitarian Law is not a standard Moot Court. It is an intensive week, in which participants deal with both theory and practice of IHL. The competition deals with a fictitious, but realistic scenario of armed conflict. In various sessions the teams are required to apply the rules of IHL. Participants are encouraged to consider the same situation of armed conflict from a variety of perspectives through different role-playing exercises.

On 24 February, the TMC Asser Instituut hosted the competition. The participants attended four workshops, and took part in role-plays. One of the workshops was given by Dr. Amna Guellali, senior researcher IHL at the TMC Asser Instituut.

4.2.3 **Permanent Court of Arbitration Vis Pre-Moot**

In 2009 the PCA Vis Pre-Moot competition was organised for the third time by the Permanent Court of Arbitration (PCA) in cooperation with the TMC Asser Instituut. These practice rounds were organized to prepare students for the annual Willem C. Vis International Commercial Arbitration Moot, to be held in Vienna from April 2 to 9, 2009.

The practice rounds were held on 22 and 23 March 2009. The first day took place at the T.M.C. Asser Instituut and the second day in the PCA's facilities in the Peace Palace. On each day there were morning and afternoon sessions. Dr. Vesna Lazic was the coordinator on behalf of the T.M.C. Asser Instituut. Seven universities attended the pre-moots: the University of Cologne, King's College London, Elon University (U.S.A.), Ecole de Formation des Barreaux de la Cour d'appel de Paris, Institut d'Etudes Politiques de Paris, Leiden University, and Versailles Bar School.

4.3 **Conferences, Seminars, Round Tables**

4.3.1 **The 8th Asser-Clingendael International Sports Lecture on Sport Governance**

On 19 February 2009, the 8th Asser-Clingendael International Sports Lecture on 'Current Topics of Good Governance in Sport in a European Legal Perspective' took place. This lecture dealt in particular with the legal and institutional position and characteristics of the newly established European Club Association (ECA) in the European professional football landscape as well as lessons learned from the European Court of Justice's verdict in the MOTOE case, which explores the boundaries between regulation and commercial exploitation by state-empowered sports bodies. Speakers were respectively: Dr. Michael Gerlinger, Director of Legal Affairs of FC Bayern Munich, Germany and Mr. Samuli Miettinen, University of Salford Law School, United Kingdom. Their presentations were preceded by special contributions on sport legislation and the regulation of professional football in Russia by Mr Denis Rogachev, lecturer at the Moscow State Law University and adviser of the Minister of Sport of Russia and Mr Mikhail Prokopets, advocate and former legal counsel of the Russian Football Union. The meeting was co-chaired by Dr. Robert Siekmann, T.M.C. Asser Instituut and Prof. Ian Blackshaw, advocate and member of the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland.

4.3.2 **Round Table on the Gaza Conflict**

On 26 March 2009, a special HILAC (The Hague Initiative on Law and Armed Conflict) event was organized on 'The international Legal Issues arising from the Gaza Conflict 2008/9'. This Round Table had four panel sessions and a debate. Speakers were Mark J. Osiel (T.M.C. Asser Instituut), Wouter Werner (VU University Amsterdam), Amna Guellali (T.M.C. Asser Instituut), Avril McDonald (University of Groningen, T.M.C. Asser Instituut), Jann Kleffner, (University of Amsterdam), Thomas de Saint Maurice (International Com-



mittee of the Red Cross), Geert-Jan Knoops (Utrecht University and Defence Counsel in International Cases), Eric David (Université Libre de Bruxelles), and Rogier Bartels (Netherlands Red Cross). Laura de Meijer, Conference Manager at the T.M.C. Asser Instituut was responsible for the overall organisation.

4.3.3 **Asser Round Table: US and EU Approaches towards Precaution and Global Warming: A New Era under the Obama Administration**

On 28 May 2009, an Asser Round Table took place at the T.M.C. Asser Instituut. The title was: US and EU approaches towards precaution and global warming: a new era under the Obama administration. Guest speaker of this round table was: Prof. David A. Wirth, Director of International Programs, Boston College Law School.

4.3.4 **Bassiouni conference: Fighting Impunity and Promoting International Justice**

The T.M.C. Asser Instituut and the Grotius Centre for International Legal Studies assisted Professor Cherif Bassiouni with the organization of a Europe Regional Conference Programme in The Hague, on 7 – 8 June 2009. The topic of the conference was: 'Fighting impunity and promoting international justice'. The first day, for a selected group of invitees, took place in the Novotel hotel; the second day the conference aimed for a wider audience and took place in the Peace Palace. Around 200 persons attended this latter event including speakers from all the tribunals, based in The Hague. Laura de Meijer, Conference Manager at the T.M.C. Asser Instituut was responsible for the overall organisation.



4.3.5 **European Commission's DG Enlargement (TAIEX) Workshop on Sports Law in Belarus**

On 15 June 2009, a Workshop was held on 'Sports Law: Prospects of Development through Cooperation', organized by the European Commission's DG Enlargement (TAIEX), in cooperation with the National Olympic Committee of Belarus and the National Center of Legislation and Legal Research of the Republic of Belarus. The purpose of the workshop, attended by 135 representatives of sports organizations, governmental

institutions and academics, was to discuss current challenges in the field of sport and law, and to contribute to the development of effective sports policies in Belarus. Dr. Robert Siekmann, director ASSER International Sports Law Centre, took the initiative for the workshop and headed a team of academic experts from the Netherlands and the United Kingdom, who gave presentations on EU law and policy aspects in relation to sport. Previous similar workshops, in which the ASSER International Sports Law Centre was involved, took place in Kiev (Ukraine) and Tirana (Albania) in the preceding years. The next workshop will be held in Ankara (Turkey) on 17 February 2010.

4.3.6 International Justice Day

On 17 July 2009, to celebrate International Justice Day, the Coalition for the ICC, the Grotius Centre for International Legal Studies (Leiden University, Campus The Hague) and the T.M.C. Asser Instituut co-organized a panel discussion on '11 years Rome Statute', commemorating the day on which the Rome Statute, the founding treaty of the International Criminal Court, was adopted. Speakers were, amongst others: Judge Hans-Peter Kaul, Goran Sluiter, Mariana Pena, and Ms. Deborah Ruiz Verduzco.

4.3.7 The 9th Asser International Sports Law Lecture on Sports Betting

On 16 September 2009, the 9th Asser International Sports Law Lecture on 'Sports Betting Policy from a European Law perspective: Freedom of Services vs. Public Interest' dealt with, *inter alia*, the recent judgment of the European Court of Justice in the Liga Portuguesa de Futebol Professional case.

Speakers were: Mr. Tjeerd Veenstra, Director of the Dutch lotto organization and chairman of the legal working group of the executive committee of the organization of European state-run lotteries in Brussels, Mr. Joris van Manen, partner and lawyer at De Brauw Blackstone Westbroek law firm, Amsterdam. These speakers discussed the current Dutch position in particular. During the second half of the seminar, comparative law contributions were presented by Prof. John Wolohan, Ithaca College, Ithaca, New York, on the status juris in the United States of America, and Ms. Genevieve Gordon, Birkbeck College, London University, regarding the United Kingdom. The meeting was chaired by Mr. Alan Little of the Criminal Law section of the Law Faculty of Tilburg University. Together with Prof. Cyrille Fijnaut, he is co-editor of *Regulation of Gambling: European and National Perspectives*, Martinus Nijhoff Publishers, Leiden/Boston 2007. The ASSER International Sports Law Centre is in the process of publishing a book on *Sports Betting: Law and Policy* for which, so far, 33 country studies from Europe and beyond have been received.

Asser staff involved: Dr. Robert Siekmann (programme) and Laura de Meijer (overall organisation).

4.3.8 The 38th Asser Colloquium on EU Law & launch of the Centre for the Law of EU External Relations - CLEER

On 2 October 2009, the Centre for the Law of EU External Relations, CLEER (see also Chapter 3, par. 3.1.2.) was officially launched with a colloquium held at the premises of the T.M.C. Asser Instituut. The conference was organized by Asser staff members Dr. Steven Blockmans (programme) and Laura de Meijer (organisation).

The topic of the conference: 'The EU in the world: external relations law for the 21st century', fell squarely within the conceptual programme of CLEER's inter-faculty research cooperation. A heterogeneous audience of approx. 80 experts from practice (incl. European Parliament, European Court of Justice, Member States' institutions) and academia (from Amsterdam to Zagreb Universities) listened how Mr. Jean-Claude Piris (DG Legal Service, Council of the EU) and Prof. Bernd Martenczuk (Legal Service, European Com-



mission), and their respondents, evaluated the most important institutional changes to be introduced by the Lisbon Treaty in the field of external relations. Pending the positive outcome of the crucial Irish referendum on the Lisbon Treaty, the mood among the colloquium's participants was optimistic. In the afternoon sessions, the debate turned to mechanisms ensuring the unity in (external) diversity of the EU and the changing relationship between the EU and the international legal orders. The conference was closed with an overview of the future activities to be organised by CLEER in its inaugural one-year project sponsored by the European Commission under its Jean Monnet Lifelong Learning programme.

The launch of the new research centre received extra momentum with the reference to Prof. Christophe Hillion's CLEER Working Paper No. 2009/2 in Advocate General Poaires Maduro's Opinion in Case C-246/07, *Commission v. Sweden*, rendered on 1 October 2009 (note 15).



CLEER opening: Dr. Steven Blockmans, Co-ordinator, inter-university research programmes.



CLEER opening: Prof. Michiel Scheltema, Chairman of the Executive Board of the T.M.C. Asser Instituut

4.3.9 The 2nd Conference on Islam, Politics and Law: Perspectives on: International Humanitarian Law between Universalism and Cultural Legitimacy

On 27 November 2009, the 2nd conference in The Hague on Islam, Politics and Law was held in the Peace Palace. The T.M.C. Asser Instituut co-organised the conference with the Hague Institute for the Institutionalization of the Law (HiIL). The meeting, opened by Frans Nelissen, got off to an energetic start with a four-strong panel providing its expert views and opinions on: 'IHL: the Universality versus Cultural Relativity Debate'. The second and third panel were entitled 'Islamic legal and Political Perspectives on the use of force', and 'Selected Topics: Islam and IHL', respectively.

The conference drew 60 (selected) international experts and provided for an intensive but truly enlightening day of discussion and debate. The conference was made possible by the generous support of the Dutch Ministry of Foreign Affairs, the National Coordinator for Counter Terrorism (NCTB) and the Royal Dutch Academy of Sciences (Koninklijke Nederlandse Academie voor Wetenschappen).

The Programme was the result of the collective effort of the staff of the T.M.C. Asser Instituut (Amna Guellali, Olivier Ribbelink, Arjen Vermeer, Ann O'Brien, and Laura de Meijer) and staff of the Ministry of Foreign Affairs and the NCTB.





Left Panel 3: Mohamed Abdel Aziz Ibrahim, Khartoum UNMIS, Jann Kleffner, University of Amsterdam, Said Mahmoudi, University of Stockholm; Right Panel 1: Jean D'Aspremont, University of Amsterdam, Muhammad Munir, International Islamic University, Islamabad, Kathleen Cavanaugh.

4.3.10 Conference Mare Liberum 1609-2009

The year 2009 marked the fourth centenary of the publication of Hugo Grotius' famous pamphlet *Mare Liberum*, which played a significant role in the establishment of the international law principle of the freedom of the high seas. The *Mare Liberum* conference was organized by the T.M.C. Asser Instituut, under the auspices of the Hague Academic Coalition (HAC), and in cooperation with the Amsterdam Centre of International Law (University of Amsterdam), the Huygens Institute (KNAW - Royal Netherlands Academy of Arts and Sciences), and the Netherlands Institute for the Law of the Sea (NILOS) of Utrecht University. Laura de Meijer, Conference Manager at the T.M.C. Asser Instituut was responsible for the overall organisation



Plenary discussion chaired by Nico Schrijver (Leiden University) and the three panel chairs: Bibi van Ginkel (Clingendael), Hans Correll (former under-Secretary General UN) and Frans Nelissen, T.M.C. Asser Instituut.



In the morning session, the history of Hugo Grotius and his ideas were revisited; the afternoon session dealt with current issues in the international law of the sea, in light of the thoughts of Hugo de Groot. The afternoon programme was prepared by Prof. Dr. Fred Soons (NILOS) and Prof. Dr. Frans Nelissen, General Director T.M.C. Asser Instituut. In addition to the two key note speeches, three parallel sessions were held on 1) Current issues in the modern law of the sea, such as piracy and maritime terrorism; 2) Climate change and the consequences for the Arctic, and 3) The responsibilities of the flag state and the need to reform. Frans Nelissen chaired the last mentioned panel, which specifically dealt with substandard shipping and the responsibilities of the flag state with regard

to fishing vessels (over fishing) sailing their flag. The panellists were: Alistair Graham (World Wild Life Und International) and Harm Dotinga (Netherlands Institute of the Law of the Sea).

A presentation of the conference, including interviews broadcasted by Dag Den Haag TV, can be found at: www.dagdenhaag.tv.

4.3.11 Nobel Prize seminar in cooperation with Norwegian Embassy

On 14 December 2009, the Norwegian Embassy together with the T.M.C. Asser Instituut organised an *Afternoon Conversation*, devoted to the intriguing book on H.E. Judge Thomas Buergenthal's childhood, entitled: *Tolerance, Forgiveness and Reconciliation. Looking into the future with experience from the past*. The speakers were Judge Buergenthal and H.E. Mr. Knut Volleback, High Commissioner on National Minorities of the OSCE. The latter interviewed the former. The event took place at the T.M.C. Asser Instituut and was followed by a reception. 80 persons attended the seminar. Asser Staff involved: Dr. Olivier Ribbelink and Sabine Terheijden.



Frans Nelissen introducing Judge Buergenthal and H.E. Mr. Knut Volleback. Foreground Ms. Eva Bugge, Ambassador of Norway (left) and Mrs. Buergenthal



Ms. Eva Bugge, Ambassador of Norway

4.4 Study Visits

4.4.1 Visit Alma College

On 19 May 2009, a group of students, under the guidance of Edward C. Lorenz, from Alma College, USA, visited The Hague. The students were participating in a programme on 'Leadership in the Law of War, Peace, and Human Rights'. The purpose of the programme was to better prepare U.S. students to understand the history and value of international law. Both Dr. Amna Guellali and Dr. Olivier Ribbelink of the T.M.C. Asser Instituut addressed the students on this topic.

4.4.2 Visit Sri Lankan Chief Justice, Minister of Justice, and Ambassador

On 30 September 2009, a six strong delegation from Sri Lanka paid a visit to the T.M.C. Asser Instituut.

- His Lordship the Chief Justice of Sri Lanka Mr. Asoka de Silva
- Hon. Minister of Justice & Law Reforms Mr. Milinda Moragoda
- H.E. the Ambassador of Sri Lanka Mrs. Grace A. Asirwatham
- Hon. Justice Chitrasiri
- First Secretary of the Embassy of Sri Lanka Mr. Senarath Dissanayake
- Second Secretary of the Embassy of Sri Lanka Mr. Isuru Balapatabendi

After some presentations on what the T.M.C. Asser Instituut can offer in the field of Training for the Judiciary and civil servants of the Ministry of Justice, the discussion focused on the immediate Training needs of the Sri Lankan Judiciary, both short and long-term. Asser staff involved: Hans Lammers, Tanya Mehra, and Sabine Terheijden.

4.5 Lecture series

4.5.1 Supranational Criminal Law Lecture Series



Since 2003, the T.M.C. Asser Instituut has organized the lecture series together with its partners the Grotius Centre (Leiden University, Campus Den Haag) and the Coalition for the International Criminal Court (CICC).

The Supranational Criminal Law Lecture Series is a weekly lecture series (in principle, every Wednesday at 7 pm) which spotlights aspects of International Criminal Law of current interest. The lectures are meant for academics, students, diplomats, international lawyers, and other people working in the international legal sphere in The Hague. It is a three part series organised in, autumn, winter and spring respectively. The winter and autumn series 2009 were organized by and held at the T.M.C. Asser Instituut. The lectures in the spring of 2009 were organized by and held at the Grotius Centre of International Legal Studies.

Asser staff involved: Sasha Radin organised the winter series, Sabine Terheijden and Arjen Vermeer organized the autumn series. Amna Guellali gave a lecture on 8 April 2009.

While there were numerous interesting and well-attended Supranational Criminal Law lectures during the year 2009, one to be highlighted was the opening lecture of the autumn series on 23 September by ICTY Judge Bakone Justice Moloto on 'Command Responsibility in the Jurisprudence of the ICTY'. The lecture was very interesting, not only due to the content of the lecture, but also because of the lively discussion following the lecture between Judge Bakone Justice Moloto and one of his fellow judges of the ICTY.

Over a hundred people attended this lecture.

Supranational Criminal Law Lectures in 2009:

- 15 January, David Schwendiman, Deputy Chief Prosecutor & Head of the Special Department for War Crimes of the Prosecutor's Office of Bosnia & Herzegovina, on 'After the Shooting Stops: Justice at Home after the Fighting Ends – Challenges Facing the Domestic Prosecution of War Crimes in Bosnia and Herzegovina'
- 28 January, Kevin Jon Heller, Senior Lecturer, University of Melbourne Law School, on 'Situational Gravity under the Rome Statute'
- 4 February, Ewing Ahmed, Presenter of Face a la Justice in the DRC and Katy Glassborow, Reporter for the Institute for War and Peace Reporting, on 'Reporting on the Lubanga Trial in the DRC'
- 25 February, Niels Blokker, Professor of International Institutional Law at Leiden University, Deputy Legal Advisor at Netherlands Ministry of Foreign Affairs, on 'The Crime of Aggression'
- 4 March, Andreas O'Shea, Defence Counsel Special Court for Sierra Leone, on 'The general relativity of the duty to prosecute international crimes'
- 11 March, Brenda J. Hollis, Principal Trial Attorney, Office of the Prosecutor, Special Court for Sierra Leone, on 'Lessons learned from international criminal courts and tribunals'
- 18 March, Bibi van Ginkel, Senior Research Fellow, Netherlands Institute of International Relations Clingendael, on 'Are the Ad Hoc Tribunals and the ICC a good platform to deal with international terrorism?'
- 25 March, Justine Masika Bihamba, Coordinator, Synergy of Women Against Sexual Violence (SFVS), Democratic Republic of the Congo and Carla Ferstman, Director, REDRESS, on 'The start of the Lubanga trial from the perspectives of victims' rights'
- 8 April, Amna Guellali, Senior Researcher International Humanitarian Law/International Criminal Law at the T.M.C. Asser Instituut, on 'Human rights, IHL and international criminal law: overlapping, clash or complementarily?'
- 22 April, Matias Hellman, Legacy Officer, Office of the President, ICTY, on 'Reflections on the ICTY's legacy'
- 13 May, Silvana Arbia, Registrar, International Criminal Court, on 'The Uganda situation – From Referral to Review Conference'
- 20 May, Ton Zwaan, Researcher, Centre for Holocaust and Genocide Studies, on 'Genocide, justice, and the problem of impunity'
- 26 May, Joseph Kamara, Deputy Prosecutor, Special Court for Sierra Leone, on 'Preserving the legacy of the Special Court for Sierra Leone: Challenges and Lessons learned in Prosecuting Grave Crimes in Sierra Leone'
- 3 June, David Donat Cattin, Programme Director, Parliamentarians for Global Action, on '11 years after the Adoption of the Rome Statute: Limits in the practice of States on Cooperation with the Court and Remedies available through the enactment of National Implementing Legislation'
- 10 June, Errol Mendes, Professor, International and Human Rights Law, University of Ottawa, on 'Immunities of State Officials under the ICC Statute'
- 23 June, Michael Scharf, Professor of Law, Frederick K. Cox International Law Center at Case Western Reserve University School of Law, on 'To JCE or not JCE? Insights from the Cambodia Tribunal'
- 8 July, Mohamed Bangura, Trial Attorney Special Court for Sierra Leone, on 'Prosecuting the crime of attack on peacekeepers: A practitioner's challenge'
- 23 September, Judge Bakone Justice Moloto, Judge International Criminal Tribunal for the Former Yugoslavia, on 'Command responsibility in the jurisprudence of ICTY'



- 30 September, Colleen Rohan, Founding Member International Criminal Law Bureau, Chairperson, ADC-ICTY Disciplinary Council, on 'Legal Ethics in International Criminal Trials'
- 7 October, Redress Book Launch, Forward by Judge Odio Benito, Judge International Criminal Court, on 'Reparations for Victims of Genocide, War Crimes and Crimes against Humanity - Systems in Place and Systems in the Making'
- 14 October, Helen Hamzei, Leiden University, on 'Child victims' access to the ICC - Does the ICC constitute an avenue to justice for the most vulnerable?'
- 21 October, Liliane de Marco, International Bar Association, on 'Nowhere to hide? Public information at the ICC'
- 28 October, Mark Freeman, International Crisis Group, on 'Amnesties for mass atrocity'
- 4 November, Lorraine Smith, International Bar Association, on 'Provisional Release'
- 11 November, André de Hoogh, University of Groningen, on 'The arrest warrant for president Al-Bashir and the question of his immunities (and looking more broadly, relating it to the situation of former president Taylor)'
- 18 November, Liz Evenson, Human Rights Watch, on 'Selling Justice Short: Why Accountability Matters'
- 25 November, Mr. Niamatullah Ibrahim, Deputy Director, Afghan Watch, Mr. Aung Htoo, general secretary, Burma Lawyers' Council, Mr. Bhatara Ibnu Reza, executive member, Indonesian Civil Society, moderated by Evelyn Serrano, Asia and Pacific Coordinator, Coalition for the ICC (Manila, Philippines), on 'ICC Campaigns in Asia: Prospects and challenges in Afghanistan, Burma and Indonesia'
- 2 December, Andrew Cayley, on 'The intervention of criminal law in the conduct of warfare: From the American Civil war to Darfur'
- 9 December, John Dugard, Leiden University, on 'Should the ICC exercise jurisdiction over Gaza?'



4.5.2 HILAC: Hague Initiative Law and Armed Conflict Lecture Series

The Hague Initiative Law and Armed Conflict (HILAC) Lecture Series is an occasional evening lecture series on the subject of law and armed conflict. It is hosted by The Hague Initiative on Law and Armed Conflict (HILAC), consisting of the T.M.C. Asser Instituut, the Netherlands Red Cross and the Amsterdam Centre for International Law. The lectures are meant for academics, students, diplomats, international lawyers, and other people working in the international legal sphere in The Hague.

These lectures are well received and attended, with an average of 100 attendees per lecture.

In 2009, three lectures, and a special HILAC event on the Gaza conflict were held at the premises of the T.M.C. Asser Instituut. For the Round Table on the Gaza conflict held on 26 March, see 4.3.3. The evening lectures were:

- 10 February, Judge Keith, International Court of Justice, on 'Perspectives and Challenges for IHL'
- 20 May, Prof. Sassoli, University of Geneva, Switzerland, on 'Non-State actors and IHL'
- 16 June, Judge Greenwood, International Court of Justice, on 'Belligerent Reprisals'

Asser staff involved: Amna Guellali (first part of the year) and Sabine Terheijden.

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Het Nederlandse  Rode Kruis



Amsterdam Center for International Law

4.6 Hague Academic Coalition

4.6.1 General

The Hague Academic Coalition (HAC) is a consortium of Hague based academic organizations. Until 2008 the coalition comprised six organisations: the Carnegie Foundation (the Peace Palace), the T.M.C. Asser Instituut, the Grotius Centre for International Legal Studies (Leiden University, Campus The Hague), the Institute of Social Studies, the Clingendael Institute, and The Hague Institute for the Internationalisation of the Law (HiiL). In 2009 The Hague University of Applied Sciences [Haagse Hogeschool] and The Hague Academy for International Law joined the HAC. The HAC collaborates intensively with other partners: the Dutch Council for the Judiciary, The Hague Conference on Private International Law, the law faculties of the Dutch universities, and the various international organizations in The Hague in the field of international law.

The Coalition promotes collaborative efforts between Hague based academic organizations. The HAC promotes research, education and public debate in support of the development of international policy, law, governance and international negotiation towards justice, peace and sustainable development.

4.6.2 **Joint HAC activities**, carried out by the T.M.C. Asser Instituut, in support of this mission include:

- The Mare Liberum Conference; see paragraph 4.3.10.
- The Hague Forum for Judicial Expertise. As of 2005, the T.M.C. Asser Instituut is responsible for this Hague International Expert Centre for the Judiciary on behalf of The Hague Academic Coalition. See Chapter 5.1.1.1.
- Throughout of 2009, The T.M.C. Asser Instituut has been actively involved (as a member of HAC) in contributing to discussion and documentation leading to the establishment of an International Institute for Global Justice in The Hague.
- Within the framework of HAC activities and with considerable support of the Municipality of The Hague, the T.M.C. Asser Instituut has developed and hosts The Hague Justice Portal www.haguejusticeportal.net.

The Hague Justice Portal - Portail Judiciaire de La Haye - is the virtual gateway to information, news, and research activities in, and related to, The Hague. The Portal disseminates up-to-date information about core legal institutions and about international organisations. The Portal also promotes, and provides increased access to the workings of Hague-based institutes and research centres that are relevant to the pursuit of international peace, justice and security.

The Editorial Board of the bilingual Hague Justice Portal - Portail Judiciaire de La Haye, is based at the T.M.C. Asser Instituut. The T.M.C. Asser Instituut operates as the administering body on behalf of the HAC and provides project management and ICT services. At the end of 2009 the HAC decided to continue the Portal in English only.



4.7 Asser Participation in the School of Human Rights Research

In 2000 the T.M.C. Asser Instituut joined the School of Human Rights Research, a network in which the universities of Leiden, Maastricht, Rotterdam, Tilburg and Utrecht participate. Dr. Olivier Ribbelink of the T.M.C. Asser Instituut is a member of the Board of the School. Every year the School of Human Rights Research, together with the Catholic University of Leuven (Belgium), and in cooperation with the T.M.C. Asser Instituut, organizes the Summer Course Human Rights. See Chapter 5.

4.8 International Crimes Database and Webplatform project

With support from the Dutch 'College van procureurs-generaal' the T.M.C. Asser Instituut decided to continue the work on the International Crimes Database Project, which is published on the Hague Justice Portal under the name of 'DomClic project'. By the end of 2009 DomClic included more than 360 national cases with references to approximately 900 related documents.

In the autumn the Ministry of Justice gave a partially positive decision on the grant request submitted by the Institute and its partner, the Hague Institute for the Internationalization of Law (HiiL) for the further development of the International Crimes Database and Webplatform Project. The Ministry decided to support one of the components in the project, i.e., the cooperation with the ICC in the Legal Tools project. In accordance with the memorandum of understanding between Asser and HiiL, HiiL will be responsible for the execution and management of the project. Accordingly, the T.M.C. Asser Instituut submitted the materials it collected within the DomClic-project to HiiL for further processing.

Experts: Jan de Jongh, Julien Simon, Philip van Tongeren, David Taylor.

4.9 Research Forum on the Law of Armed Conflict and Peace Operations

Staff working in the area of International Humanitarian Law and International Criminal Law of the T.M.C. Asser Instituut, the Amsterdam Centre for International Law (ACIL) at the University of Amsterdam and the Netherlands Defence Academy formed a Research Forum on the Law of Armed Conflict and Peace Operations (LACPO).

This Programme has as its primary aim the investigation of the increasing and changing nature of the role that law plays in relation to situations of armed conflict and a wide variety of peace operations, including post-conflict transitional situations.

4.10 The Hague Prize for International Law

On 25 June 2009, the third The Hague Prize for International Law was awarded to Dame Rosalyn Higgins, former President of the International Court of Justice. The ceremony took place in the Peace Palace with Queen Beatrix in attendance.

Prof. Dr. F.A. Nelissen, General Director of the T.M.C. Asser Instituut, is secretary of the Nominating Committee, which is presided over by Prof. Dr. A.H.A. Soons (Utrecht University).

The Nominating Committee unanimously decided to recommend awarding the 2009 Prize to Dame Rosalyn Higgins.



4.11 Inter-university publications

4.11.1 Student readers

- Compiled and edited by the T.M.C. Asser Instituut, in collaboration with the Law Faculties of the Dutch Universities, the new and revised edition of the well-established student reader *Elementair Internationaal Recht / Elementary International Law – 2009* was published.

- In cooperation with the Dutch Red Cross the new student reader *Inleiding Humanitair Oorlogsrecht* (J.C. van den Boogaard, S. Boswijk, and R. Bartels) has been prepared. The reader will be published in 2010.

4.11.2 Periodical publications

Successful examples of academic cooperation are the periodical publications under auspices of the T.M.C. Asser Instituut and published by the Asser Press, in which members of the Law Faculties of Dutch and foreign universities and staff members of the international organizations in The Hague participate, both as authors and/or board members.

For a complete overview of the members of the editorial and advisory boards, and correspondents see Annex 7.

4.11.2.1 *Netherlands International Law Review*

The first issue of the *Netherlands International Law Review (NILR)* was published in 1953. Since 1973, NILR is published in cooperation with the T.M.C. Asser Instituut, which also hosts the Editorial Office.

Published three times a year, the *NILR* addresses relevant topics and recent trends in Private and Public International Law. Articles are combined with English-language reports on topical Dutch judicial decisions, survey of the case law on the topic of Civil Jurisdiction and Enforcement of Judgments in Europe, an update on the current developments regarding The Hague's international tribunals, an overview of The Hague Conventions on Private International Law, book reviews, and occasionally, a short commentary on case law or legislation.

The Board of Editors consists of Private and Public International Law experts from the Dutch Law Faculties (see Annex 7). The editor-in-chief is Prof. P. Vlas (VU University of Amsterdam); Dr. Erik Koppe (Freshfields Bruckhaus Deringer, Amsterdam) is the Managing Editor since 1 February 2007. The Editorial Assistant is Wilma van Sas of the T.M.C. Asser Instituut.

In 2009 Volume LVI of the *Netherlands International Law Review* was published. The *NILR* is also available on-line to subscribers through Cambridge Journals Online (<http://journals.cambridge.org/action/displayJournal?jid=NLR>).

4.11.2.2 *Netherlands Yearbook of International Law*

Since 1970, the *Netherlands Yearbook of International Law (NYIL)* has been published under auspices of the T.M.C. Asser Instituut. In addition to scholarly articles the *NYIL* contains a documentation section with surveys of State Practice, Treaties, Municipal Legislation and Judicial Decisions, prepared by the staff of the T.M.C. Asser Instituut. The Board of Editors consists of Public International Law experts from the Dutch Law Faculties (See Annex 7). General Editors are Prof. Dr. I.F. Dekker (Utrecht University) and Prof. Dr. E. Hey (Erasmus University Rotterdam).

The Managing-Editor is Mr L.A.M.N. Barnhoorn, senior researcher in Public International Law of the T.M.C. Asser Instituut. The Assistant Managing Editor is Ms K. Peters of the T.M.C. Asser Instituut.

In 2009 Volume 39 (2008) of the *NYIL* was published. The *NYIL* is also available on-line to subscribers through Cambridge Journals Online

(<http://journals.cambridge.org/action/displayJournal?jid=NYL>).

In preparation of Volume 40 of the *NYIL*, to be published in 2010, a seminar on the



Concept of Necessity was held on 24 and 25 April 2009 at the VU University of Amsterdam. The speakers of the seminar will develop their lectures into articles for *NYIL* 2010. Wouter Werner and Tarcisio Tarzini, both of the VU University of Amsterdam, are the Editors of this special thematic volume of the *NYIL*.

4.11.2.3 *Nederlands Internationaal Privaatrecht*

Since 1983, the Institute publishes *Nederlands Internationaal Privaatrecht (NIPR)*, the documentation journal reporting on case law, and on treaties, legislation and literature in the field of Dutch Private International Law. In the year 2000, a new formula of the journal combining scholarly and practical articles, case notes and book reviews with extensive documentation on the case-law of the Dutch courts and the EC Court of Justice as well as new literature, was introduced.

In 2008, *NIPR* opened its doors for English language articles to meet the demand from its foreign subscribers.

In 2009 *NIPR-Online* (www.nipr-online.eu) was launched, which is available to subscribers. It features all current *NIPR* issues and also back volumes going back to the year 2000 and Literature and Jurisprudence to 1983. Currently the Treaty and Legislation sections are being developed, which will be on-line in 2010. *NIPR-Online* is supported by a specially developed content management system which facilitates sophisticated searches. Its user-friendly environment allows multiple users to simultaneously access the same content. It was well received in the market place.

Staff working in the area of Private International Law at the T.M.C. Asser Instituut and Dutch experts in Private International Law (see Annex 7) are members of the board of editors. There are four issues each year of which the fourth is a thematic issue.

The editor-in-chief is Dr. Xandra Kramer (Erasmus University Rotterdam). The Editorial Assistant is Wilma van Sas of the T.M.C. Asser Instituut.

In 2009 *NIPR Volume 27* (four issues) was published. Issue 4 was a special thematic issue on the Rome I Regulation.

4.11.2.4 *Yearbook of International Humanitarian Law*

Since 1998 the *Yearbook of International Humanitarian Law* is published by Asser Press in cooperation with the T.M.C. Asser Instituut.

The Yearbook's Articles and Current Developments sections features long, in-depth articles and shorter contributions. All articles and current developments are peer-reviewed, and the emphasis is on contemporary developments of pressing importance in the field of International Humanitarian Law. The *Yearbook of International Humanitarian Law* also includes Correspondents' Reports, a detailed guide to state practice concerning International Humanitarian Law, compiled from information gathered by the Yearbook's worldwide network of correspondents. The Board of Editors consists of experts in International Humanitarian Law from all over the world (see Annex 7).

In 2009, Prof. Michael N. Schmitt (Professor of Public International Law, Durham University Law School, UK) succeeded Prof. Tim McCormack (University of Melbourne) as General Editor, and Dr. Louise Arimatsu (London School of Economics, Department of Law) succeeded Dr. Jann Kleffner (University of Amsterdam) as Managing Editor, respectively. The Assistant Managing Editor is Ms K. Peters of the T.M.C. Asser Instituut.

In 2009 the *YIHL*, Volume 10 (2007) was published. The *YIHL* is also available on-line to subscribers through Cambridge Journals Online

(<http://journals.cambridge.org/action/displayJournal?jid=YHL>).

4.11.2.5 *European Business Organisation Law Review*

Since 2000, the *European Business Organization Law Review (EBOR)* is published by Asser Press in cooperation with the T.M.C. Asser Instituut. *EBOR* publishes articles, case-notes and book reviews, written by experts in the field critically analyzing national company laws, European Community company law and related legal topics.

The Editorial and Advisory Board consists of experts in the field from all over the world (see Annex 7). The editor-in-chief is Dr. Reiner Kulms (Max Planck Institut für Ausländisches und Internationales Privat Recht, Hamburg, Germany). Dr. Vesna Lazic (T.M.C. Asser Instituut) is a member of the Editorial Board and Dr. Olivier Ribbelink (T.M.C. Asser Instituut) is a member of the Advisory Board.

In 2009 Volume 10 of *EBOR* was published. *EBOR* is also available on-line to subscribers through Cambridge Journals Online

(<http://journals.cambridge.org/action/displayJournal?jid=EBR>).

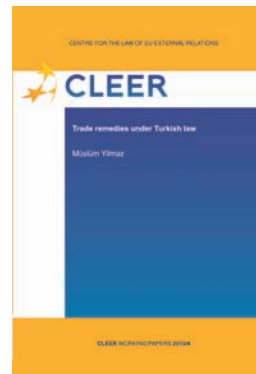
4.11.2.6 *The International Sports Law Journal*

The *International Sports Law Journal (ISLJ)* is the official journal of the ASSER International Sports Law Centre since 2002. The General Editors are Dr. Robert Siekmann and Dr. Janwillem Soek. In 2009 2009/1-2, pp. 148, and 2009/3-4, pp. 164, were published.

4.11.2.7 *CLEER working papers and electronic newsletter*

The Centre for the Law of EU External Relations (CLEER) is one of the inter-university research programmes of the T.M.C. Asser Instituut (see Chapter 3, par. 3.1.2). CLEER (<http://www.cleer.eu>) channels the Institute's and universities' research activities in the field of EU external relations law. The activities organized by CLEER were sponsored by the European Commission under its Jean Monnet Lifelong Learning programme. In 2009 CLEER published 6 working papers.

The working papers are available via CLEER's new website (<http://www.cleer.eu>). In addition printed versions of the papers were produced and distributed among a growing number of 'Friends of CLEER' (leading academics and practitioners in the field of EU external relations law) and at CLEER's inaugural conference. CLEER's expanding network of specialists in the field of EU external relations law is maintained through the website and a quarterly *electronic newsletter*, the first one of which was sent to almost 300 subscribers to CLEER's mailing list.



Knowledge Transfer

5.1 Education and Training

Located in the City of Justice, Peace and Security, the T.M.C. Asser Instituut is in a unique position to cater for and deliver high quality training courses and organize unique events in the different branches of international law.

The training courses are compact and to the point; intensive and interactive with varying aims from updating knowledge and deepening understanding of specific areas of international law to providing the opportunity to acquire or upgrade knowledge and skills in a multicultural context.

Most training programmes are organized at the T.M.C. Asser Instituut or at locations in the immediate vicinity of the Institute, where there is the opportunity to benefit from the proximity, access to and interaction/input from a diverse array of international legal institutions and their specific expertise. For example, the Institute co-organises and delivers a substantial part of the ABA accredited Master programme on International Criminal Law with The War Crimes Research Office of American University's Washington College of Law.

A new development is www.Asserversity.eu, the E-learning environment of the T.M.C. Asser Instituut. *Asserversity* is accessible to participants of the Institute's training courses. The site also facilitates communication with and between the participants during the course and after returning home. See Chapter 5.2.4.

5.1.1 Professional development /training

5.1.1.1 *Hague Forum for Judicial Expertise*

The T.M.C. Asser Instituut is responsible for the organisation and implementation of The Hague Forum for Judicial Expertise (HFJE) on behalf of The Hague Academic Coalition, of which it is a member.



Initiated in 2004, the Forum currently delivers its services to developing countries where it provides national judges, prosecutors and other professionals working in the global justice sector a firm grounding in the various fields of international law, at basic and advanced level, by offering training courses to upgrade their knowledge and expertise in international law and in how to improve the application of international law in domestic courts.

In the year under review, the HFJE received the good news that the HFJE proposal submitted to the Pieken in Delta subsidy funds, has been awarded by both the Ministry of

Economic Affairs and the Municipality of The Hague. The subsidy will enable the Hague Forum to further expand its expertise and reach and to develop itself such that it can be in a position to financial secure its own operation over a period of time.

The tailor made courses meet the needs of the participants and address the issues that are relevant to the political and legal context of their country.

The combination of

- theoretical knowledge of international law
- practical tools to apply international law in the domestic courts
- essential skills to contribute to the development of international law
- useful study visits to international tribunals

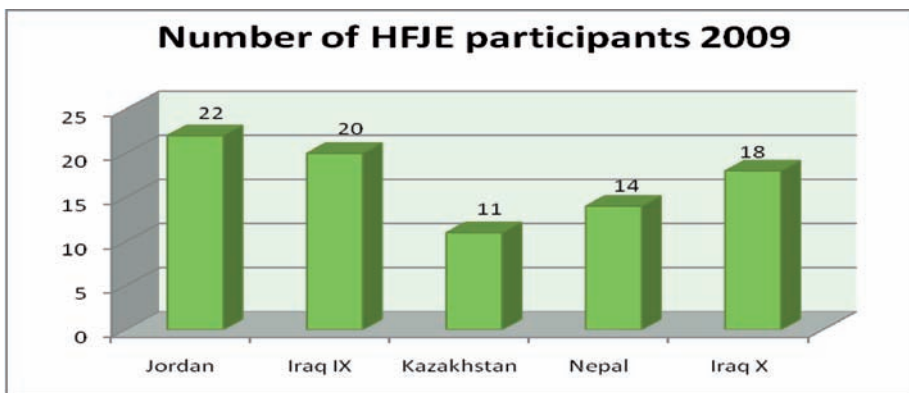
enables participants to improve the application of international law by their national courts, strengthen the ability to administer justice and in the long term contribute to advancing the respect for human rights, sustainable peace and stability.

The following courses and trainings were delivered in 2009:

- **Jordan** - Course on International Criminal Law for judges and prosecutors from Jordan, 16 – 24 April 2009
- **Iraq** - BENELUX Management of Investigation Course for Judges and Police Officers from Iraq, 4 – 19 June 2009
- **Kazakhstan** - Training Course for officials from Kazakhstan, 31 August – 11 September 2009
- **Nepal** - Course on international criminal law for judges from Nepal, 10 – 17 September 2009
- **Iraq** - BENELUX Management of Investigation Course for Judges and Police Officers from Iraq, 12 – 27 November 2009

For more information please visit the project's website: www.hfje.nl where the annual report for 2009 can be found for the project as well as an interactive learning environment for course participants. This environment is part of a long life learning strategy which was set-up by HFJE to improve services.

Staff involved: Prof. Hans Lammers (Project Director), Olivier Ribbelink, Amna Guellali, Tanya Mehra, Sabine Terheijden, Shyam Jagessar, Ann O' Brien.



5.1.1.2 *Europol & Eurojust: Their Role in EU Police and Judicial Cooperation*

On 14 & 15 May 2009, the Education Department and the Department of EU Law of the T.M.C. Asser Instituut have successfully delivered this new tailor-made training course on Police and Judicial Cooperation between the EU Member States, in close collaboration with Europol and Eurojust.

The general aim of this course is to share knowledge and experience and to develop networks and strengthen cooperation between participants working in the field of Freedom, Security and Justice. The contributions of Europol and Eurojust to this programme provided participants with a clear insight into the functioning of these two EU bodies and the way they cooperate and interact among each other as well as with authorities of the Member States and with other law enforcement bodies.

The course is unique in that not only is it co-developed with Europol and Eurojust, but participants also get the opportunity to receive lectures at three locations from key experts in this field: the lecture programme consisted of morning sessions at the T.M.C. Asser Instituut, with visits to both Europol and Eurojust respectively in the afternoon for further lectures by their experts.

This training course is targeted to senior police officers, civil servants from the Ministries of Justice and Interior and/or judiciary in the 27 EU member states, who come into contact with the issue on a daily basis. Eleven participants from a diversity of EU countries (the Netherlands, Finland, Romania, Italy, Portugal, Sweden, Belgium, Croatia and the UK) participated in this first edition.

The programme was concluded with a reception at the Eurojust premises. Participants expressed their satisfaction with the training and would recommend it to their colleagues. The programme will be offered again in May 2010.

Asser staff involved: Patrick Willemsen, Claudio Matera, Steven Blockmans, Leendert Erkelens and Flora Goudappel, Ann O' Brien



Training Course Europol & Eurojust , 14 - 15 May 2009
The Hague, The Netherlands

5.1.1.3 MTEC Administration of Justice

From 15 – 26 June 2009, the T.M.C. Asser Instituut organized the training programme ‘Administration of Justice from an organizational and policy perspective’ for the second time, after a successful first edition last November.

This programme was developed on behalf of Bureau CROSS of the EVD International Business and Cooperation, agency of the Ministry of Economic Affairs, in light of the MATRA Training for European Cooperation (MTEC), funded by the Dutch Ministry for Foreign Affairs.



The general aim of this course was to share knowledge and to strengthen cooperation between public servants and magistrates in the European field of the administration of justice. The focus was on the Dutch and EU situations, in the areas that are relevant for accession to the EU and European integration in general.

Participant were officials (civil servants, judges and prosecutors) from the national ministries of Justice and other (governmental) organisations involved in the Rule of Law, drawn from the new Member States (Romania, Bulgaria), (potential) candidate member countries (Albania, Croatia, Turkey, Serbia, Montenegro and Macedonia) and the Eastern and Southern neighbours of the enlarged European Union (Russia, Ukraine, Belarus, Moldova, Morocco and Jordan).

Interest in the programme was enormous, with almost 150 applications. A total of 50 participants from these target countries were eventually selected to take part in the training course. The selection was done by Jan de Jongh of the T.M.C. Asser Instituut, in close consultation with the Ministry of Justice and the EVD. Lecturers during the programme included Asser staff members Jan de Jongh, Vesna Lazic, Bart-Jan van het Kaar, Karolien Pieters, and Claudio Matera. Patrick Willemsen was responsible for the overall organisation of the training course.

5.1.1.4 Kazakhstan ‘Path to Europe’ Training

From 31 August – 11 September, a training course for officials from Kazakhstan took place at the T.M.C. Asser Instituut. The course, entitled ‘Kazakhstan “Path to Europe” Training’ was delivered to a group consisting of eleven persons, supreme court judges, employees from the ministry of justice and staff from the prosecutor’s office. This training programme has been financially aided by the Netherlands Ministry of Foreign Affairs in cooperation with the Netherlands Ministry of Justice (content). Themes of the programme were: Development of legislative reform, Sharing and transfer of progressive international ideas in the field of law, Promotion of democratic change and access to information. Asser staff involved: Jan de Jongh, Ann O’ Brien, Laura de Meijer, Sabine Terheijden.



5.1.1.5 Sports Law Training in Indonesia

From 5-10 October 2009, Robert Siekmann and Roberto Branco Martins, general manager of the European Football Agents Association (EFAA) and lecturer in Labour Law and Sport at the Law Faculty of the University of Amsterdam, visited Indonesia at the invitation of Mr Hinca Pandjaitan, advocate and Director of the Indonesia Lex Sportiva Instituta in Djakarta. The visit took place within the framework of the Cooperation Agreement between the ASSER International Sports Law Centre and the Lex Sportiva Instituta. On 5 October, a meeting took place with a delegation of the sports editors of the daily newspaper Kompas in Djakarta. On 6 October, presentations were given at a training course for the CEO's of the Football Premier League clubs regarding the organization and development of professional football in Indonesia at Makassar. On 7 October, the Community Shield match between the national champions and the cup winners of Indonesia was visited at the invitation of the Liga Indonesia. On 8 October, presentations were given at a seminar on Lex Sportiva and Professional Football at the Law Faculty of



Joko Driyono, Director of the Football League of Indonesia, Robert Siekmann, Roberto Branco Martins (both ASSER International Sports Law Centre), and Hinca Pandjaitan, Director of the Indonesia Lex Sportiva Institute, Djakarta – sitting in the front - and the CEO's of the Super League of Indonesia clubs, at the international sports law short course on 'Professionalizing Football in Indonesia' in Makassar, Indonesia, 6 October 2009.



From left to right: Hinca Pandjaitan, Director of the Indonesia Lex Sportiva Institute, Djakarta, Roberto Branco Martins (ASSER International Sports Law Centre), Prof. Bintan Saragih, Dean School of Law, Pelita Harapan University (UPH), Djakarta, Robert Siekmann (Director, ASSER International Sports Law Centre) and Joko Driyono, Director of the Football League of Indonesia, at the International Seminar on 'Lex Sportiva and Professional Football' at UPH in Djakarta, 8 October 2009.

Pelita Harapan University (UPH) at Djakarta. Finally, on 9 October, a meeting took place with the Secretary General of the Football Association of Indonesia (PSSI).

5.1.1.6 MTEC Legislation

In the spring of 2009, the T.M.C. Asser Instituut submitted and won the tender to develop and deliver a two-week training programme on 'Legislation' for and to a group of 50 participants.

The programme was commissioned by the EVD (CROSS Agency) and was funded by the Ministry of Foreign Affairs.

The target group was Senior Civil servants (experts and policy makers) with relevant working experience in the area concerned, drawn from the new Member States (Romania, Bulgaria), candidate member countries (Croatia, Turkey and Former Yugoslav Republic of Macedonia) and potential candidate members (Albania, Bosnia and Herzegovina, Kosovo, Montenegro and Serbia).

From 23 November 23 – 4 December 2009, the first edition of the MTEC Legislation training programme successfully took place. The T.M.C. Asser Instituut worked closely in this venture with staff from the European Academy for Law & Legislation and from the Ministry for Justice.

The general aim of this course is to train participants in the various basic principles of the legislative process that are applicable to each participants' country such that they are equipped with the knowledge, insights and practical skills that will enable them to further develop their legal order and legislative processes back home in line with the 'acquis communautaire'.

Interest in this new topic was high: there were over 200 applications, a record for these kinds of courses, out of which Steven Blockmans, course director, and Patrick Willemsen, project manager Education, of the T.M.C. Asser Instituut selected 50 participants, in close consultation with the Ministry of Justice. It was an honour to have the Minister for Justice, Dr. Hirsch Ballin deliver an upbeat and positive address to the participants during the closing ceremony which was held at the T.M.C. Asser Instituut.

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Lecturers during the programme included Asser staff members Steven Blockmans, Jan de Jongh, Claudio Matera and Leonardo Massai. A visit to Amsterdam, including a guided boat tour over the canals, a debating dinner and receptions were also part of the course.



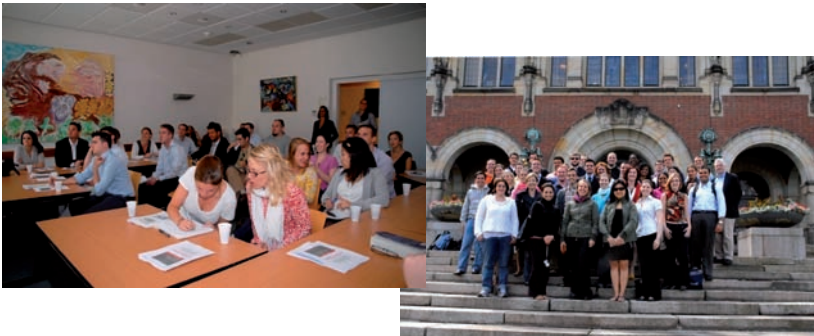
Closing ceremony of the MTEC Legislation training programme: the Dutch Minister of Justice, Dr. Hirsch Ballin (standing on the right) delivered a speech in honour of the participants, the training, and the Institute.



5.1.2 Summer schools (graduate training)

5.1.2.1 The 3rd Annual Summer Law Program in The Hague

From 2 – 28 June 2009, the ABA-accredited *Summer Law Program in The Hague* was once again, successfully delivered. This unique collaboration between the War Crimes Research Office of the American University's Washington College of Law, and the T.M.C. Asser Instituut enabled some 40 J.D. and LL.M. students, from nine different American universities to travel to The Hague for a 4-week intensive study programme good for six (American Bar Association – ABA) credits.



The programme was composed of two three-credit courses: *International Criminal Law* and *International Legal Approaches to Terrorism*.

International Criminal Law: In Search of Accountability provided an introduction to international criminal law and explored the various ways in which national, internationalized and international courts and tribunals have attempted to enforce criminal responsibility for serious violations of human rights and humanitarian law. *International Legal Approaches to Terrorism in the 21st Century* examined counter-terrorism measures from an international and comparative law perspective and considered the interrelation between these measures and the obligations of states under international human rights and humanitarian law.

Students had the opportunity to study some of today's most important legal issues in the heart of the international justice community. The T.M.C. Asser Instituut invited leading experts such as Judge Hans-Peter Kaul (Vice-President of the ICC), Judge Daniel

Nsereko, Helen Duffy of INTERIGHTS and many others to lecture to and share their knowledge and expertise with the students. Visits to major courts and legal organizations located in The Hague were included, as well as a comprehensive social programme. The Summer Law Program in The Hague is the product of a unique collaboration between the War Crimes Research Office of American University's Washington College of Law, established in 1995 to provide specialized legal research assistance to internationalized criminal tribunals, and the T.M.C. Asser Instituut.

Asser staff involved: Tanya Mehra, Olivier Ribbelink, Jaclyn Rooker and Patrick Willemsen.

5.1.2.2 Summer Course Human Rights



From 17 – 29 August 2009, the Netherlands School of Human Rights Research, together with the Catholic University of Leuven (Belgium), North Western University of Chicago and University of Notre Dame, organized the advanced Summer Course on Human Rights.

The T.M.C. Asser Instituut was hosting organization during the first week of this Summer School. The second week took place in Leuven (Belgium).

The central theme of this year's programme was 'The Responsibility to Protect'.

Some 30 young professionals with academic or practical experience in the field of law and/or human rights were provided with the opportunity to study and undertake study visits to various international legal institutions in the 'legal capital of the world'.

The Netherlands School of Human Rights Research is a joint effort of the faculties of law and the humanities of a number of universities in the Netherlands. The Research School is coordinated from the Netherlands Institute of Human Rights (SIM), Utrecht University. Asser staff involved: Olivier Ribbelink, Ann O' Brien and Patrick Willemsen.

5.2 Lecturing by Asser staff members

Members of the Asser staff gave lectures and presentations at various conferences and courses throughout the year, both at universities and for the general public. See Annex 6 – Staff, Presentations and Session for their individual presentations.

5.2.1 Asser staff members lecturing at universities

- Leonardo Massai worked as lecturer in EU Law at the School of Law at Utrecht University from April until July 2009.
- Steven Blockmans:
 - Leiden University, MA course 'The EU in the world' (Prof. dr. C. Hillion)
 - The EU's Common Foreign and Security Policy, 12 May 2009
 - European Security and Defence Policy, 12 May 2009
 - European Development Policy, 14 May 2009
 - The EU's Enlargement Policy, 14 May 2009
 - The Stabilisation and Association Process (EU-Western Balkans), 19 May 2009

- European Neighbourhood Policy and EU-Russia relations, 19 May 2009
 - Maastricht University, MA course 'External relations of the EU' (Dr. A. Ott)
 - CFSP and ESDP, 13 May 2009
 - EU enlargement and ENP, 18 May 2009
 - American University, Washington College of Law, 3rd Annual Summer Law Program, 'International Legal Approaches to Terrorism in the 21st Century'
 - International cooperation and enforcement in the fight against terrorism and terrorist-related acts, 15 June 2009
 - University of Tirana, MA course 'EU business law'
 - Fundamental principles of the internal market, 1 July 2009
 - Free movement of persons and EU citizenship, 2 July 2009
 - Common Commercial Policy, 3 July 2009
 - Kazakhstan, Judicial Academy
 - Reform of the legal order as a condition for closer relations with the EU: role of the judiciary
 - European Commission, In-service training for DG RELEX, DG TRADE, DG DEV, DG ELARG, DG AIDCO
 - Consistency and coherence in EU external relations: the EU and the Western Balkans, 4 February, 24 June, 14 September, 16 November 2009
 - MATRA Training for European Cooperation (MTEC), course on 'Legislation' for legal drafters of 10 countries from South-eastern Europe, The Hague, course director, 23 November – 4 December 2009.
- Claudio Matera and Karolien Pieters lectured the course *European Legal Governance* at the University of Twente in October 2009 – January 2010.

5.2.2 Lecture series: 'Europa in uw Dagelijks Leven' ['Europe day-to-day']

In April, May and June 2009, the T.M.C. Asser Instituut organized 20 lectures as part of the project 'Europa in uw Dagelijks Leven' ['Europe day-to-day'] to inform Dutch citizens of the role of the European Union. This project was subsidized by the Europafonds of the Dutch Ministry of Foreign Affairs (See also Chapter 3, par. 3.3).

The lectures took place in The Hague, Amsterdam, Utrecht and Breda, and dealt with specific topics of interest for Dutch citizens. Most lectures were in Dutch to reach the biggest possible audience. Asser Conference Manager, Laura de Meijer, organized the lecture series; members of the Asser academic staff gave one or more lectures: Steven Blockmans, Leonardo Massai, Wybe Douma, Karolien Pieters, Claudio Matera, Bart-Jan van het Kaar), Vesna Lazic, Michiel de Rooij, Rob Siekmann, Jan Willem Soek, Roberto Branco Martins.



Celebration at the Asser Instituut at the start of the lecture series Europe Day-to-day

Programme lecture series

Lezingenserie: Europa in uw dagelijks leven www.asser.nl/ europa	Amsterdam	Breda	Den Haag	Utrecht
	Stadhuis Boekmanzaal, Amstel 1, 19.30uur	Locatie A: Stadhuis grote Trouwzaal, Grote Markt 38 Locatie B: Stadskantoor ontvangstzaal, Claudius Prinsenlaan 10	Haagsche Kluis, Plein 20, 19.30uur	De Kargadoor, Oudegracht 36, 19.30uur
Europa en sport	28 April	18 May 20.00uur, B	7 May	26 May
Europa's invloed op ons klimaat, milieu en energiebeleid	12 May	27 May 20.00uur, A	28 April	6 May
De toekomst van Europa en de rol van Nederland	19 May	30 May 11.00uur, A	13 May	18 May
Wat betekent Europa voor uw veiligheid en financiën?	26 May	23 May 11.00uur, A	20 May	3 June
Nederlander of 'Unieburger'	2 June	6 May 20.00uur, A	27 May	13 May

5.3 Information and Information Technology

5.3.1 The 'Bert Voskuil Library'

Following an assessment of the library services and the information needs of the Institute it has been decided to transform the 'Bert Voskuil library' into a virtual Knowledge Centre and service provider. A core collection of the main handbooks and academic journals and other library materials in the domains of the Institute will be maintained, but the main focus will now be on providing digitalized information services. These services will include, *inter alia*, current awareness services based on personal profiles to researchers and research networks, supporting training courses with electronic dossiers and bibliographies, the digitalization of sources only available in print, maintaining a photo-archive, training in searching techniques etc. The main platforms on which the services will be provided are the intranet and extranet environment (asserversity.eu) of the Institute and by e-mail.

In close consultation with the research departments, the Peace Palace Library and other libraries the books and journals acquisition policy has been revised. Where possible and opportune, subscriptions to journals electronically available and accessible through the Internet, the Peace Palace Library catalogue and/or the network of the University of Amsterdam, have been cancelled. Also, holdings of official gazettes, such as the *Official Journal of the EU* and the *Staatscourant* and *Tractatenblad*, and other sources being available in electronic format have been discontinued.

5.3.2 Asser Websites

In 2009, the websites of the Institute received a major overhaul. The work included a complete re-design of the Asser websites, the integration of the different databases supporting the different websites into one single database and the development of a new content management system. Furthermore, the content of many of the old sites has been revised.

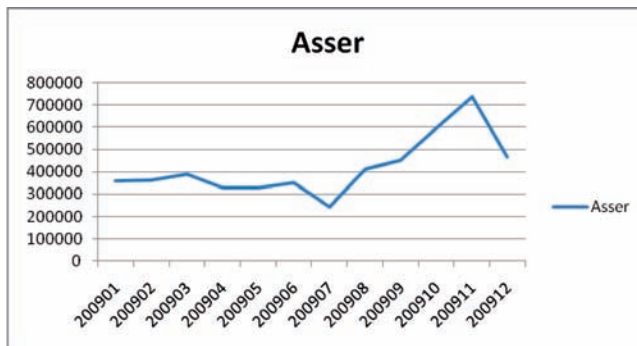
The new Asser portal (www.asser.nl) was launched in July and provides easy access to the research activities in the domains of the Institute, as well as direct access to specific activities of the Institute, such as trainings, events, projects and publications. Browsing and navigation are facilitated with 'go-directly-to'-functions, as well as quick links and so-called breadcrumbs. All sites and sub sites have the same look and feel, thus improving the visibility of the Institute also on sites having their own url, such as www.cleer.eu and www.euowarrant.net.

To maintain the new database and websites, a new content management system has been developed. This complex, custom built, management tool will allow for future integration of data management systems and process management.

The following sites have been integrated into the new Asser Portal (www.asser.nl):

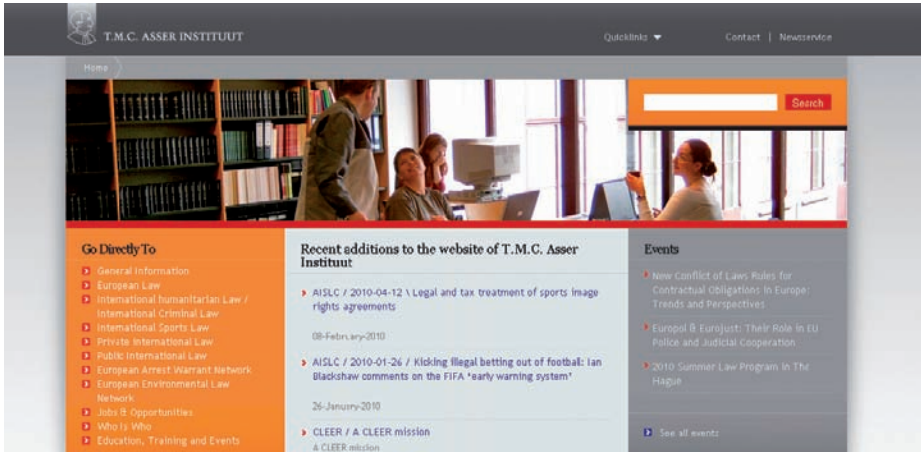
- T.M.C. Asser Instituut
- T.M.C. Asser Press (www.asserpress.nl) (available as of June 2010)
- Private International Law
- International Commercial Arbitration
- Public International Law
- International Humanitarian Law / International Criminal Law (www.wihl.nl)
- European Law
- European Environmental Law (www.eel.nl)
- Asser International Sports Law Centre (www.sportslaw.nl)
- European Arrest Warrant Project (www.euowarrant.net)

As part of the ongoing developments in these areas considerable work has been done in the development of new websites such as: www.cleer.eu and www.nipr-online.eu.



Average number of page views per month for all Asser-sites

The statistics show a steady increase in the number of page views after the migration from the old to the new platform in July 2009. The drop in December is caused by the fact that no data are available for the full month of December.



5.3.3 Information systems and databases

The following information systems/databases are regularly updated with the documentation and information collected by the research teams and the department of I&I:

- Decisions of the Court of Justice of the EC and the Court of First Instance of the EC and the EFTA Court
- EU-cases on European Environmental law
- EC-directives and JHA framework decisions: implementation by the Netherlands
- Proposals for EC-directives and JHA framework decisions
- EU-enlargement agreements
- EU-literature
- Dutch case law on Private International Law
- Dutch literature on Private International Law
- Dutch legislation on Private International Law
- Treaties on Private International Law
- Legal practice on Private International Law
- Treaties on Public International Law
- Dutch State Practice
- Dutch case law on Public International Law
- Dutch literature on Public International Law
- Terminology Public International Law
- International Humanitarian Law documents
- International Transport Treaties
- EU-doping rules
- Comparative database on the Framework Decision on the European Arrest Warrant

The information systems are being made available on CD-ROM (SDU: Register Officiële Publicaties / Europaat) and/or the Intranet and Internet of the Institute.

5.3.4 Asserversity.eu

Asserversity is the E-learning environment of the T.M.C. Asser Instituut. Asserversity has been developed in cooperation with the Informatiseringscentrum of the University of Amsterdam. Asserversity is open for access only to participants of the training courses

organized by the T.M.C. Asser Instituut. Its main purpose is to facilitate communication with and between the participants during the course and after their return home.

On the Assersversity home page participants will be able to find information which is relevant for all courses, such as information on The Hague and general information on the training programmes and courses developed by the Institute. The course-specific information can be found on the sub-site of the training course. This information is only accessible to participants. Each course-site includes functions such as:

- course schedule and programme
- mailing list of the participants
- presentations and other course materials
- questionnaires and evaluation forms
- photo-gallery of the course
- my workspace

Evaluations show that the participants to the courses highly appreciate this service and a large majority expects to use it also after returning home.

5.3.5 Information projects and services

On a contractual basis information services have been provided by Ms V. Verkruijsen and Mr. M. van der Harst to:

- Corvers Procurement Services
 1. EU legislation, policy documents and case law of the Court of Justice of the EC on procurement measures of the EU are delivered monthly to Corvers Procurement Services.
 2. Dutch case law on procurement issues is delivered weekly to Corvers Procurement Services.
- SDU
The cooperation with the SDU in the delivery of information on the implementation of EC-directives by the Netherlands and the case law of the Court of Justice of the EC for the purpose of the two CD-ROM publications *CD-JURIS Europa* and *Register Officiële Publicaties* and the online information system *Europmaat* was continued.
- Kluwer
For the purpose of publication in *International Transport Treaties, including Transport News*, Kluwer Law International, the status of international transport treaties is being regularly updated. This service will be discontinued in 2010.
- SEW
S.F. Blockmans, W.T. Douma, M.C. van Engelen en M.A. van der Harst prepared the annual overview of EU legislation 2008 [*EU-wetgevingskroniek 2008*] to be published in: *SEW Tijdschrift voor Europees en economisch recht*, 2010, p. XXX-XXX.

5.3.6 Hosting services

The Institute continued to host the following sites:

- Hague Justice Portal (www.haguejusticeportal.net)
- Judicap (www.judicap.nl)
- NVIR (www.nvir.org)

5.4 T.M.C. Asser Press



In 2009, T.M.C. Asser Press materialised a step change in the number of books it published. With 31 book publications it delivered a 30% increase over 2008. In addition it published 17 journal issues, and 6 reprints of its backlist titles. It has now a backlist of more than 175 titles. Despite the uncertain world economy, reduced library budgets, and a continued weak British pound the Press performed reasonably well.

Key Figures TMC Asser Press 2009

- New Books 31
- Series 10
- Reprints 6
- Journals/Issues 5/17
- Titles in Stock 175

Our English language journals and yearbooks received much exposure worldwide through Cambridge Journals Online (CJO), which makes the periodicals electronically available at more than 1300 libraries worldwide through its well-established library consortia system.

In collaboration with The Hague Institute for the Internationalisation of Law (HiIL) the peer-reviewed, semi-annual *Hague Journal on the Rule of Law (HJRL)* was successfully launched at the American Society of International Law Annual Conference in Washington, DC. Its Editors-in-Chief are Julio Faundez and Randy Peerenboom.

Cambridge University Press successfully introduced its new Cambridge Journals Digital Archive, where also the back volumes (prior to 2004) of our English language journals and yearbooks are on-line accessible.

After introducing bilingual publication (Dutch and English) in 2008 the journal *Nederlands Internationaal Privaatrecht (NIPR)* officially launched in 2009 its *NIPR Online*. Both were well received in the marketplace.

The Press continued its collaboration with Prof. Gerhard Werle (Humboldt Universitaet, Berlin) by publishing the second edition (hardcover and paperback) of his successful *Principles of International Criminal Law*.

The T.M.C. Asser Instituut continues to collaborate with the Dutch Law Faculties on the production of the new edition of its well-known student reader *Elementair Internationaal Recht – Elementary International Law 2009*.

The T.M.C. Asser Instituut continued its full commitment to the publication of its high-quality yearbooks, which resulted in the publication of the *Netherlands Yearbook of International Law*, Volume 39 (2008) and the *Yearbook of International Humanitarian Law* completing its first decade with the publication of Volume 10 (2007).



The *Asser International Sports Law Series* (Eds.: Robert Siekmann and Janwillem Soek) continued its growth with four new titles (see Annex 8). It has established itself as the premier English language sports law series.

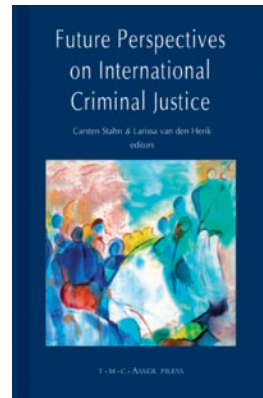
The *European Constitutional Law Review (EuConst)* reached a milestone not only by its early inclusion in the important Thomson-Reuters (Philadelphia, USA) index services, but also by its encouraging ranking (73 out of 104) in its first appearance in the law section of the Science Citation Index (SCI). SCI is the internationally accepted yardstick for evaluating journals. For a new European journal a remarkable feat, because this section is traditionally dominated by American university law reviews and few non-American journals make it on this list.

Under T.M.C. Asser Press's Hague Academic Press imprint the new *Hague Colloquium on the Fundamental Principles of Law Series* was launched with the publication of *Self-Defence as Fundamental Principle* (Eds.: A. Stephens, S. Muller, A. Eyffinger) and *Highest Courts and the Internationalisation of Law* (Eds.: S. Muller, M. Loth). The topic of a volume in this series is selected by the recipient of the prestigious Hague Prize for International Law.

On the reprint front *The Europeanisation of International Law* (Eds.: J. Wouters, A. Nollkaemper, E. de Wet) achieved the remarkable feat of going back to press twice within the year.

The following titles deserve special mention:

- *Future Perspectives in International Criminal Justice* (Eds.: Carsten Stahn and Larissa van den Herik). International criminal law is shaped by the influence of individual scholars and the impact of specific rulings and legal frameworks. This book provides a fresh perspective on the subject, revisiting the sources, treatment and reception of doctrine and jurisprudence from an inter-generational perspective, and a review of key concepts of individual responsibility and procedural law.
- *Criminal Jurisdiction 100 Years after the 1907 Hague Peace Conference* (Eds.: W. van Genugten, M. Scharf, S. Radin). The book contains the edited results of the 8th Hague Joint Conference (ASIL, NVIR, T.M.C. Asser Instituut), which honoured the centennial anniversary of The Hague Conference of 1907 with a series of keynote addresses and panels focusing on salient issues in international humanitarian law and criminal jurisdiction.
- *The European Arrest Warrant in Practice* (Eds.: N. Keijzer and E. van Sliedregt). The book reviews the European Arrest Warrant system since its implementation in 2004. It focuses on the most important differences between the new and the former extradition systems, discusses practical problems that have been encountered and offers recommendations for improvements. It also includes two chapters dealing with other (regional) extradition systems (the Nordic countries and the United States).
- *Trust Funds under International Law - Trustee Obligations of the United Nations and International Development Banks* by Ilias Bantekas. The book examines the establishment of trust funds by States and international organizations in respect of international development, environmental protection, fiscal stabilization, democracy-building and others. It traces their foundational legal attributes, their



investment potential and legal status as investors and the legal means by which they are set up. It also examines the various decision-making and management models adopted in contemporary trusts, the fiduciary and other duties of the trustee, as well as the status and rights of beneficiaries.

- *OPCW: The Legal Texts, 2nd Edition* (Eds.: Lisa Woolomes Tabassi, Santiago Oñate Laborde, Donata Rugarabamu and Florian Fehres). This second edition of *OPCW: The Legal Texts* brings together the texts of the decisions, policies, understandings, regulations and other legal instruments that have guided the operation of the Convention over the last decade, including its regime for verification of the destruction of chemical weapons. 186 countries have adhered to the CWC over the last decade.
- *Sport, Mediation and Arbitration* by Ian Blackshaw. This new addition to the Asser International Sports Law Series deals with the increasingly important subject of alternative dispute resolution (ADR) in sport. The forms of ADR pertinent to the settlement of sports disputes, including mediation, arbitration and 'expert determination', are clearly explained and illustrated with case histories, rulings and awards. Likewise, the organisation and activities of the main sports bodies offering discrete extra-judicial forms of dispute resolution are covered. The book also reviews the emerging Lex Sportiva of the Court of Arbitration for Sport (CAS) built up over its 25 years' existence. The settlement of sports-related 'domain name' disputes by the Arbitration and Mediation Center of the World Intellectual Property Organization (WIPO) is also featured.
- *The Notion of Progress in International Law Discourse* by Thomas Skouteris. Progress is a familiar slogan in international law, commonly used to accompany claims for improvement or change. At the same time, the notion of progress is rarely explored as such in the literature. The book addresses this gap by examining the function of the notion of progress in international law rhetoric and writing. By looking at three concrete case studies taken from 'everyday' international law, the book concentrates on explaining 'what is it' that makes a specific international law event synonymous with progress. It engages questions of narrativity, objectivity, and truth in some of international law's founding progress narratives.
- *Defence Counsel in International Criminal Law* by Jarinde Temminck Tuinstra. This book examines whether international criminal courts enable defence counsels to conduct effective defences. When the *ad hoc* tribunals for the former Yugoslavia and Rwanda were set up in the mid-nineties little thought had been given as to how to organise the defence. Simply assigning one counsel per accused was deemed sufficient. However, it soon turned out that more assistance was necessary to guarantee a fair trial to the accused. The book examines the position of the defence at international criminal courts given the *sui generis* character of international criminal proceedings and analyses important issues concerning the defence, such as legal aid, equality of arms, professional ethics and disciplinary law and the right to self-representation.
- *The 1998 – 2000 War between Eritrea and Ethiopia: An International Perspective* (Eds.: A. de Guttry, H. Post, G. Venturini). The book analyses from an international legal perspective the nature and the state of the boundary conflict preceding the actual armed conflict, the military actions themselves as well as developments in the aftermath of the military activities, like the role of the UN peace-keeping deployment and the responsibility for the multitude of explosive remnants of the war. The authors address the complex issues of responsibility for the use of force, violations of humanitarian law and 'borderline' issues regarding situations where the law of armed conflict and the (successive) law of peace meet. Ample attention is paid to



the decisions of the Eritrea-Ethiopia Claims Commission and the Eritrea-Ethiopia Boundary Commission.

- *Trustmarks in E-Commerce - The Value of Web Seals and the Liability of their Providers* (IT&Law Series: Volume 17) by Paolo Balboni. Trustmark Organisations (TMOs) are independent parties which provide e-merchants with trustmarks – a label or visual representation indicating that a product, process, or service conforms to specific quality characteristics. Security, privacy, and business practice are three areas in which trustmarks play an important role. Past research focused on economic aspects of trustmarks. This book is the first comprehensive study on trustmarks and related legal aspects. It describes pros and cons of trustmarks for e-economy, e-society and e-policy, assesses TMOs' practice, and focuses on TMOs' liability.

More information about the T.M.C Asser Press and the Hague Academic Press publications can be found on its website www.asserpress.nl.

For a complete overview of the 2009 publications and a preview for 2010, please see Annex 8.



Governing Board, Programme Boards Inter-University Research Programmes and Scientific Commissions

Governing Board

Chairman: Prof. Mr. M. Scheltema

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Prof. Dr. C.E. du Perron

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Prof. Dr. C.J.H. Jansen

VU University Amsterdam
Prof. Mr. Dr. P. Vlas

Erasmus University Rotterdam
Prof. Dr. M.J. Kroeze

University of Groningen
Prof. Mr. L.C.A. Verstappen

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Utrecht University
Prof. Dr. I.G. Dekker

Maastricht University
Prof. Dr. A.W. Heringa

Executive Board

- Prof. Mr. M. Scheltema, chairman
- Prof. Dr. C.E. du Perron, University of Amsterdam
- Prof. Dr. C.J.J.M. Stolker, Leiden University

Programme Boards of the Inter-university research programmes

Programme Board Public International Law

- Prof. Dr. P.A. Nollkaemper, University of Amsterdam
- Prof. Dr. N.J. Schrijver, Leiden University
- Prof. Dr. W.J.M. van Genugten, Tilburg University
- Programme Coordinator, to be appointed

Programme Board for the Centre for the Law of EU External Relations (CLEER)

- Prof. Dr. F. Amtenbrink, Erasmus University Rotterdam
- Prof. Dr. C. Hillion, Leiden University
- Dr. A. Ott, Maastricht University
- Prof. Dr. R.A. Wessel, University of Twente
- Dr. W.Th. Douma, T.M.C. Asser Instituut
- Dr. S.F. Blockmans, T.M.C. Asser Instituut, Programme Coordinator

Programme Board Private International Law

- Prof. Dr. M.H. ten Wolde, University of Groningen
- Prof. Dr. G.R. de Groot, University of Maastricht
- Dr. B.J. van het Kaar, T.M.C. Asser Instituut, Programme Coordinator



Scientific Commissions

Commission on European Law

Chairman: vacancy

Secretary: Dr. K.F.H. Swinnen-Pieters, T.M.C. Asser Instituut

Members: 30

Commission on Private International Law

Chairman: Prof. Mr. Dr. P. Vlas, VU University Amsterdam

Vice-Chairman: Prof. Dr. M.H. ten Wolde, University of Groningen

Secretary: Dr. B.J. van het Kaar, T.M.C. Asser Instituut

Members: 31

Commission on Public International Law

Chairman: Prof. Dr. W.J.M. van Genugten, Tilburg University

Vice-Chairman: vacancy

Secretary: Dr. O.M. Ribbelink, T.M.C. Asser Instituut

Members: 21

Staff – Facts and Figures

Management

F.A. Nelissen	General Director
A.M. O'Brien	Deputy Director
J.J.M. Simon	Operations Manager

Management assistant

M.H.A. Piekaar	Executive Secretary
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Academic Staff

A.R. Apostol (resigned 11 February)	European Law
L.A.N.M. Barnhoorn	Public International Law
S.F. Blockmans	European Law
W.Th. Douma	European Law
E. Guellali (resigned 15 August)	International Humanitarian Law
B.J. van het Kaar	Private International Law
V. Lazic	International Commercial Arbitration
L. Massai	European Law
C. Matera	European Law
F.A. Nelissen	Public International Law
M.J. Osiel (resigned 31 July)	Public International Law, International Humanitarian and Criminal Law
S.E. Radin (resigned 13 February)	International Humanitarian Law
O.M. Ribbelink	Public International Law
M.J. de Rooij	Private International Law
G.E. Schmidt (resigned 31 May)	Private International Law
R.C.R. Siekmann	Director Asser International Sports Law Centre
J.W. Soek	International Sports Law
K.F.H. Swinnen-Pieters	European Law
A. Vermeer (appointed 1 February)	International Humanitarian Law
J.A. Vos	Public International Law

Education, Training and Events

J.G. Lammers	Director HFJE
T. Mehra	Education Development Manager
L.M.J. de Meijer	Project Manager Education and Events
A.M. O'Brien	Head of Department
S.J. Terheijden	Project Manager Education and Events
P. Willemsen	Project Manager Education and Events

Projects Office

N.S.M.P. Amtenbrink	Project Manager
N.A. van den Heuvel (resigned 31 March)	Project Manager
L.T. Janssen	Account Manager
M. Kondas (resigned 15 March)	Assistant Education and Research

Financial Administration

P. Bakker (resigned 30 September)	Head of Financial Administration
S. Jagessar	Administrator
D. de Jongh	Administrator

Information Services and Information Technology

D.G. Blom	Library assistant
E. Gorkovoi	Librarian
M.A. van der Harst	Information Specialist
J.S. de Jongh	Head Information Services and -Technology
J. Odermatt (appointed 1 January)	Managing Editor portal
H.H.G. Post (appointed 1 January – resigned 31 December)	Editor-in-chief Portal
V.P. Pouliot (resigned 15 September)	Editor
D.P. Taylor (appointed 1 October – resigned 31 December)	Editor
V.P. Verkruijsen	Information Specialist

Operations & Publications

A. Assoufi	Janitor
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A.A.M. van Kersbergen	Office Manager Research
K. Peters-Moes	Editorial Assistant
R. Rose	Assistant Technical Services
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A.L.D. Smit	Receptionist

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J.T. Mooren-Hooijmans	Advisor Human Resources
T.J.M. Olsthoorn	Advisor Human Resources

T.M.C. Asser Press

M.H. Bastiaans	Assistant Publisher T.M.C. Asser Press
M. Eijdenberg-Addiks	Editorial Assistant
F. .M. Peters-Bierman	Management Assistant
P.E. van Tongeren	Publisher/Director T.M.C. Asser Press
A.H.C. Wessels-Voorbij	Marketing Coordinator

Participants Asser Dissertations Programme – ADP

Name:	Supervisor(s)
Nynke Baarsma	Prof. Dr. M.H. ten Wolde, University of Groningen
Felix Ndahinda	Prof. Dr. W.J.M. van Genugten and Ms. Dr. R.M. Letschert, Tilburg University
Kinga J. Tibori Szabo	Prof. Dr. T.D. Gill, University of Amsterdam



Participants Asser Visiting Researchers Programme – AVR P

Name:

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 Dov Jacobs (France), European University Institute, Florence, Italy
 Anna Juryk, Jagiellonian University, Cracow, Poland
 Prof. Dr. Ana Christina Paulo Perreira, University of Rio de Janeiro, Brazil

Period

29 September – 3 November 2009
 15 July 2009 – 1 July 2010
 2 – 31 July 2009
 10 February – 10 July 2009

Student Assistants and Trainees

Name

L. Carrier-Desjardins
 T.H. Ertuna
 E.J.H. Houg
 P. van Huizen
 M. Jaliashvili
 G. Kaplan
 C. Koot
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 A.V. Moerlie
 M.S. Pedrycz
 M.J. Smit
 D. Taylor
 P. Vloemans
 A. Wild
 M. Zaleska

Period

01-03-2009 – 01-05-2009
 01-03-2009 – 26-06-2009
 01-12-2008 – 31-01-2009
 10-11-2009 – 09-02-2010
 01-02-2009 – 28-02-2009
 01-12-2009 – 01-03-2010
 09-09-2009 – 31-01-2010
 19-03-2009 – 30-11-2009
 22-06-2009 – 21-12-2009
 07-09-2009 – 22-01-2010
 01-10-2008 – 31-03-2009
 01-02-2009 – 30-04-2009
 06-01-2009 – 30-09-2009
 11-03-2009 – 31-08-2009
 01-07-2009 – 30-09-2009
 19-03-2009 – 31-08-2009

Tutor(s)

J.S. de Jongh
 R.C.R. Siekmann
 L.A.N.M. Barnhoorn
 L.A.N.M. Barnhoorn
 E. Guellali
 B.J. van het Kaar
 R.C.R. Siekmann
 L. Massai
 J.S. de Jongh
 R.C.R. Siekmann
 R.C.R. Siekmann
 R.C.R. Siekmann
 J.S. de Jongh
 W.T. Douma
 R.C.R. Siekmann
 W.Th. Douma

Fellows

Honorary Fellow

Dr. Eduardo Valencia Ospina, former Registrar of the International Court of Justice, has been honoured with the title 'Honorary Fellow of the T.M.C. Asser Instituut' since 2000.

Senior Fellow

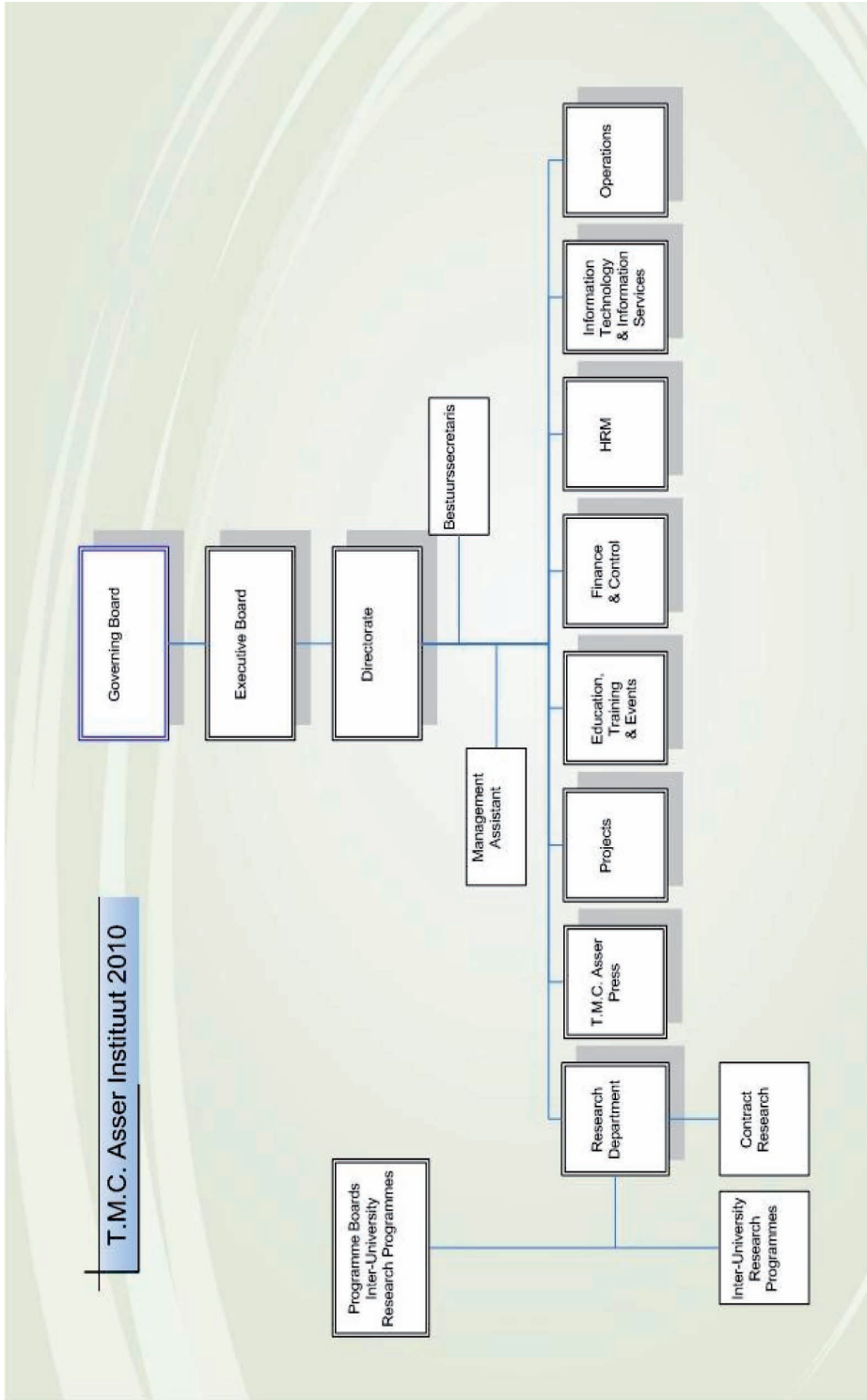
Prof. Michael N. Schmitt, Professor of Public International Law, Durham University Law School, UK, General Editor Yearbook International Humanitarian Law.

Fellow

Dr. Louise Arimatsu, London School of Economics, Department of Law, Managing Editor Yearbook International Humanitarian Law.

Associate Researchers

- Flora Goudappel, Erasmus University Rotterdam
- Leendert Erkelens, former civil servant Dutch Ministry of Justice
- Fiona Mucklow, Chadbourne & Parke, Registered Foreign Lawyers and Solicitors, London, UK
- Avril McDonald, former head International Humanitarian Law and International Criminal Law, T.M.C. Asser Instituut; lecturer in International Humanitarian Law at the University of Groningen.
- Maria Nybondas, former member of the International Humanitarian Law and International Criminal Law, T.M.C. Asser Instituut.



T.M.C. Asser Instituut 2010



Staff – Advisory and Board Functions

M.H. Bastiaans

- Member of the Board (Vice-chairman) of the 'Stichting Juridisch Woordenboek Spaans' (The Spanish Legal Dictionary Foundation).

S.F. Blockmans

- Member of the Board of the Centre for the Law of EU External Relations (CLEER)
- Chairman of the Works Council (Ondernemingsraad) of the T.M.C. Asser Instituut till 1 November.

W.Th. Douma

- Member of the Board of the Centre for the Law of EU External Relations (CLEER)

B.J. van het Kaar

- Programme Coordinator, Inter-university research program on Private International Law
- Secretary of the Scientific Commission on International Private Law of the T.M.C. Asser Instituut.
- Member of the Works Council (Ondernemingsraad) of the T.M.C. Asser Instituut till 1 November.

C. Matera

- Chairman of the Works Council (Ondernemingsraad) of the T.M.C. Asser Instituut since 1 November.

L. de Meijer

- National Administrator, Dutch National Round Philip C. Jessup International Law Moot Court Competition

F.A. Nelissen

- Part-time Professor in International Environmental Law, University of Groningen, the Netherlands
- Member of the Governing Board of the Centre for International Legal Co-operation, Leiden, the Netherlands
- Member of the Board, Nederlandse Vereniging voor Internationaal Recht (NVIR), The Hague, the Netherlands
- Member, International Council of Environmental Law
- Member, International Law Association (ILA) study group on Responsibility in International Organizations
- Member of the Board of Directors, 'Stichting The Hague Joint Conferences', The Hague, the Netherlands
- Secretary of the Nomination Committee 'The Hague Prize for International Law'
- Member of the Board of The Hague Academic Coalition - a consortium between the Carnegie Foundation, the Clingendael Institute, T.M.C. Asser Instituut, Institute of Social Studies, the Grotius Centre for International Legal Studies (Leiden University, Campus The Hague), and The Hague Institute for the Internationalisation of the Law (HiIL)
- Member of the Expert Group City Marketing and Events
- Member of the Board of Panorama Haaglanden
- Member of the Board of the Haganum Festival, The Hague

- Member, Supervisory Board Foundation for International Justice Development Systems (Instituut IJSD)
- Member of the Board Stichting Nederlandse Bouwpluim
- Member of the Groningen Centre of Energy Law
- Member of the jury of the AGV Prijs voor Waterkwaliteit en Waterveiligheid (with: Drs. A. Kraaijeveld, Dr. A.J.W. Boelhouwer, Drs. P.L.B.A. van Geel).

Member of the PhD – Promotion Committees of:

- Huang Jiefang, 'Aviation Safety and ICAO', University of Groningen, 18 March 2009
- Rudolf W. Rijgersberg, 'The Modern State and Trans-National Interdependence. Implications of globalization for democratic constitutional governance examined through the lens of the Internet', University of Groningen, 21 September 2009
- Karolien F.H. Pieters, 'The Integration of the Mediterranean countries in the EU internal market', University of Twente, 1 October 2009

O.M. Ribbelink

- Member, Board of the School of Human Rights Research
- Member, Scientific Council of the T.M.C. Asser Instituut
- Secretary, Scientific Commission on Public International Law of the T.M.C. Asser Instituut
- Member, Committee on the Law of State Succession of the International Law Association (ILA)
- Member, Committee on Space Law of the International Law Association (ILA)
- Member, Advisory Board, 'Stichting Democratie en Media'
- Member, Interdepartmental Consultation Group on space law-related issues
- Member, Program Committee, Hague Forum for Judicial Expertise (HFJE) of The Hague Academic Coalition (HAC)
- Member, Working Group on the Law of International Organizations, Netherlands Society for International Law (NVIR)
- Member, Organizing Committee, 13th Summer Course on Human Rights, August 2009, The Hague & Leuven, Belgium

R.C.R. Siekmann

- Member of the Board of Appeal (Doping), Netherlands Institute for Litigation in Sport [Stichting Instituut Sportrechtspraak]

J.W. Soek

- Member of the Disciplinary Commission (Doping/International Aspects), Netherlands Institute for Litigation in Sport [Stichting Instituut Sportrechtspraak].

K. Swinnen-Pieters

- Secretary of the Scientific Commission on European Law of the T.M.C. Asser Instituut.

S. Terheijden

- Secretary of the Works Council (Ondernemingsraad) of the T.M.C. Asser Instituut since 1 November.
- Secretary of the Programme Board of the Hague forum for Judicial Expertise.

V. Verkruijssen

- Member the Works Council (Ondernemingsraad) of the T.M.C. Asser Instituut.

Staff – Editorial Functions

L.A.N.M. Barnhoorn

- Managing Editor, *Netherlands Yearbook of International Law*.

S.F. Blockmans

- Member of the Board of Editors, *Croatian Yearbook on European Law and Policy*
- Editor, website Centre for the Law of EU External Relations: <http://www.cleer.nl>)
- Managing editor of the cleer working papers series.

W.Th. Douma

- Editor-in-Chief, website European Environmental Law and EEL News Service : <http://www.eel.nl>)

B.J. van het Kaar

- Member of the Board of Editors, *Nederlands Internationaal Privaatrecht – NIPR* (Netherlands Private International Law- NIPR)
- Member of the Editorial Board, *Internationale aspecten motorrijtuigen verzekering en schadebehandeling (NIBESVV)*.

V. Lazic

- Member of the Editorial Board, *Croatian Arbitration Yearbook*
- Member of the Editorial Board, *European Business Organization Law Review*.

L. Massai

- Editor, website European Environmental Law and EEL News Service : <http://www.eel.nl>)
- Associate Editor, *Carbon and Climate Law Review* (www.lexxon.de/cclr)
- Associate Editor, Qualenergia website (www.qualenergia.it)

O.M. Ribbelink

- Member, Advisory Board, *European Business Organization Law Review*

M.J. de Rooij

- Member of the Board of Editors, *Nederlands Internationaal Privaatrecht – NIPR* (Netherlands Private International Law- NIPR).

R.C.R. Siekmann

- Editor: *Asser International Sports Law Series* (book publications)
- General Editor, *International Sports Law Journal*
- General Editor, www.sportslaw.nl (website of ASSER International Sports Law Centre)

J.W. Soek

- Editor: *Asser International Sports Law Series* (book publications)
- Deputy General Editor, *International Sports Law Journal*.
- Editor www.sportslaw.nl (website of ASSER International Sports Law Centre)

Staff – Publications

A. Books

W.Th. Douma

- *Feasibility study for The Hague environmental law facility, Vol. I (34 p.) and Vol. II (98 p.)*.

K. Pieters

- *The Integration of the Mediterranean Countries in the EU Internal Market*, PhD thesis, University of Twente.

S.E. Radin

- *Criminal Jurisdiction 100 Years after the 1907 Hague Peace Conference - 2007 Hague Joint Conference on Contemporary Issues of International Law*, co-editor with W.J.M. van Genugten and M.P. Scharf.

R.C.R. Siekmann

- *EU, Sport, Law and Policy – Regulation, Re-Regulation and Representation*, co-editor with Simon Gardiner and Richard Parrish, T.M.C. Asser Press, The Hague 2009
- *TV Rights and Sport – Legal Aspects*, co-editor with Ian Blackshaw and Steve Cornelius, T.M.C. Asser Press, The Hague 2009.

B. Articles

S.F. Blockmans

- 'An Introduction to Political and Legal Aspects of the EU's Security Policies', in A. Delgado Casteleiro and M. Spornbauer (eds.), *Security Aspects in EU External Relations*, EUI Working Paper LAW 2009/1, pp. 3-10
- 'Raising the Threshold for Further EU Enlargement: Process, Problems and Prospects', in A. Ott and E. Vos (eds.), *Fifty Years of European Integration: Foundations and Perspectives* (The Hague, TMC Asser Press 2009), pp. 203-220
- Përafrimi i legjislacionit shqiptar me acquis communautaire e BE-së: përfshirja institucionale dhe teknikat e hartimit të ligjeveë [Approximation of Albanian Legislation to the EU's Acquis: Institutional Involvement and Law Drafting Techniques], in 44 *Revista Parlamentar* (2009), pp. 4-14
- 'The EU and Conflict Resolution: de facto states in the neighbourhood', in F. Laursen (ed.), *The EU as a Foreign and Security Policy Actor* (Dordrecht, Republic of Letters Publishing 2009) pp., 115-145
- 'The European Union and Crisis Management: Will the Lisbon Treaty Make the EU More Effective?', CLEER Working Papers 2009/1, available at www.cleer.eu [with R.A. Wessel]
- 'The European Union and Crisis Management: Will the Lisbon Treaty Make the EU More Effective?', in 14 *Journal of Conflict and Security Law* (2009), pp. 265-308 [with R.A. Wessel]
- 'The Impact of EU Enlargement on the Security Space Shared with Russia', in M. Entin (ed.), *Liber Amicorum in Honour of Professor Lev Matveevitch Entin* (Moscow, MGIMO 2009).



W.Th. Douma

- 'The Treaty of Lisbon and European environmental policy' (*Het Verdrag van Lissabon en het Europees milieubeleid*), *SEW* 2009, no. 2, pp. 62-65 (with Hans Vedder)

L. Erkelens

- 'Waarvan akte; Enkele Nederlandse voorschriften voor verkiezingen van het Europees Parlement', *SEW*, Nr. 5, mei 2009, pp. 192 – 200.

B.J. van het Kaar

- 'Drie stellingen', *WPNR* 2009 (6784), pp. 108-110.
- 'Bewijsrecht en IPR', *NIPR* 2009, pp. 25-26.
- 'Grenzen aan beslaglegging in Europa', *NIPR* 2009, vol. 2, pp. 139-144.

V. Lazic

- 'The Arbitration Exception in the Brussels Jurisdiction Regulation in the Light of the Judgment of the European Court of Justice in *Allianz SpA et al. v. West Tankers, Inc.*', *Nederlands Internationaal Privaatrecht (NIPR)*, No. 2, 2009, pp. 1-25.
- 'The Impact of Uniform Law on the National Law in the Netherlands: Limits and Possibilities – Commercial Arbitration', *Electronic Journal of Comparative Law (EJCL)*, no. 2, 2009, pp. 1-22.
- 'Country Reports: Netherlands' in: F.-B. Weigand, (ed.), *Practitioner's Handbook on International Arbitration*, Oxford University Press (2009) (with G. Meijer).
- '*Improving the Service of Judicial and Extrajudicial Documents in the European Union: Regulation (EC) No. 1393/2007 of 13 November 2007*', in: V. Šaula (ed.), 'Regional Cooperation in the Field of Civil Proceedings with International Element', *MPP Zbornik/PIL Yearbook, Banja Luka*, 2009, pp. 38-63.

L. Massai

- 'Transboundary Air Pollution', in 2008 edition of the *Yearbook of International Environmental Law* (Vol. 19), Oxford University Press, 2009
- 'Obligations of the European Community and its Member States under the Kyoto Protocol', in T. Treves et al., *Non-compliance Procedures and Mechanisms and the Effectiveness of International Environmental Agreements*, TMC Asser Press, The Hague, 2009, pp. 401 – 424.

M. Osiel

- 'How Should the ICC Office of the Prosecutor Choose its Cases? The multiple meanings of Situational Gravity' published at the Hague Portal <http://www.haguejusticeportal.net/eCache/DEF/10/344.html>

O.M. Ribbelink

- 'Article III', in: *CoCoSL - Cologne Commentary on Space Law, Volume 1, Outer Space Treaty*, Hobe; Schmidt-Tedd; Schrogl (eds.), Carl Heymanns Verlag, 2009, pp. 64-69
- 'Some Remarks on the Nature and Practice of UNMEE', in: *The 1998-2000 War between Eritrea and Ethiopia - An International Legal Perspective*, Andrea de Guttry; Harry H.G. Post; Gabriela Venturini (eds.), T.M.C. Asser Press, 2009, pp. 99-105
- 'Long Live the Generalists!', in: *Globalisation - the State and International Law*, Stephan Hobe (ed.), HMRG-Beiheft 76, Franz Steiner Verlag, 2009, pp. 79-80.

C. Others

L.A.N.M. Barnhoorn

- Netherlands Judicial Decisions Involving Questions of Public International law, 2006- 2007, 39 *NYIL* (2008) pp. 371-457.

S.F. Blockmans

- EU-wetgevingskroniek 2008 [EU Law Chronicle 2008] in: 12 *SEW, Tijdschrift voor Europees en Economisch recht*, 2009, pp. 483-496, with M.A. van der Harst, W.T. Douma and P. Vloemans
- Launch of website of CLEER, at: <http://www.cleer.eu>



W.Th. Douma

- EU-wetgevingskroniek 2008 [EU Law Chronicle 2008] in: 12 *SEW, Tijdschrift voor Europees en Economisch recht*, 2009, pp. 483-496, with M.A. van der Harst, S.F. Blockmans and P. Vloemans.

Annotations to the following cases:

- ECJ 10 February 2009, case C-110/05, Commission v. Italy (trailers behind mopeds), JM 2009/94
- ECJ 17 February 2009, case C-552/07, Commune de Sausheim v. Pierre Azelvandre (publication of GMO test-site locations), JM 2009/38
- ECJ 23 April 2009, case C-362/06 P, Markku Sahlstedt a.o. v. Commission, JM 2009/108
- ECJ 4 June 2009, case C-142/05, Åklagaren v. Percy Mickelsson and Joakim Roos (water scooters), JM 2009/95

M.A. van der Harst

- Treaties and other International Agreements to which the Kingdom of the Netherlands is a Party' *Netherlands Yearbook of International Law* 39 (2008) pp. 329-360
- EU-wetgevingskroniek 2008 [EU Law Chronicle 2008] in: 12 *SEW, Tijdschrift voor Europees en Economisch recht*, 2009, pp. 483-496, with S.F. Blockmans, W.T. Douma and P. Vloemans.

L. Massai

- Regular updates on European environmental law web site (www.eel.nl) and contributions to the Asser EU law web site.

Staff – Lectures, Presentations and Sessions

S.F. Blockmans

- 23 April 2009, 'Beyond the frontiers of law: the Lisbon Treaty', Jean Monnet Conference on EU Law, Inter-University Centre, Dubrovnik
- 8 May 2009, 'The European Union and Crisis Management: Will the Lisbon Treaty Make the EU More Effective?', DELI Conference on 'The European Union and Global Emergencies', Durham University
- 12 June 2009, 'The Show Must Go On! The next steps of Albania towards EU integration', SMEI Closing Conference, Sheraton Hotel, Tirana
- 29 June 2009, 'Inter-institutional cooperation in peace operations', Leuven Centre for Global Governance Studies, Europahuis, Leuven
- 14 September 2009, 'Consistency and coherence in EU external relations: case studies from the Western Balkans', European Commission, DG RELEX, Brussels
- 24 September 2009, 'Dutch approaches to EU enlargement', MK@EU, Debar, Macedonia
- 23 November 2009, 'Dutch decision-shaping on relations with the Western Balkans', 'Communicating Europe', European Stability Initiative, Felix Meritis, Amsterdam.

W.Th. Douma

- 29/30 January 2009, 'Russian energy and environmental law', at LLM-Program 'Advanced Master of Energy and Environmental Law', Faculty of Law, University of Leuven
- 23 February 2009, 'Measuring the influence of Europe on legislation in the Netherlands', paper presented at the conference 'Measuring Europeanization beyond the 80 percent myth', Social Science Research Center Berlin, Germany
- 21 April 2009, *Harmonisation of European environmental law*, University of Nijmegen, Faculty of Law
- 4 May 2009, *Recent developments in European Environmental Law*, European Law Academy, Trier
- April – June 2009, A series of lectures / debates in The Hague, Breda, Utrecht and Amsterdam on the topics 1) The future of the European Union, and 2) The European Union, environment, climate and energy within the Europa fonds project.

E. Guellali

- 24 February, workshop 'ICRC and IHL', Frits Kalshoven Moot Court Competition on International Humanitarian Law organised by the Netherlands Red Cross in collaboration with T.M.C. Asser Instituut.
- 8 April, lecture on 'Human rights, IHL and international criminal law: overlapping, clash or complementarity?' at the Supranational Criminal law lecture series.
- 21-22 April, lecture on 'The new challenges of International humanitarian law', conference in Teheran, Iran, organized by the Iranian Ministry of Justice together with the ICRC delegation.
- 14 May, paper presented at conference on 'Fragmentation of International Law: the Role of International and National Tribunals', organized by Oslo University and the Amsterdam Centre of International Law, Oslo, Norway
- 8 June, course on 'Crimes against Humanity', Summer Law Program Washington College of Law, TMC Asser Instituut.

B.J. van het Kaar

- April – June 2009, Europe day-to-day lecture series in The Hague, Breda, Utrecht and Amsterdam.



V. Lazic

- 27 March 2009, 'Enforcement of Annulled Arbitral Awards', paper presented at the conference on 'International Commercial Arbitration', Belgrade.
- 24-25 September 2009, 'Cross-Border Insolvency: Effects of Insolvency Proceeding in Arbitration', Conference on the Cross-Border Insolvency, Zagreb
- 27 October 2009, 'Arbitrability and Public Policy', lecture held on at the University of Miami
- September and October 2009, 'Introduction to International Commercial Arbitration', Utrecht University
- 28-30 October 2009, 'Cross-Border Insolvency: Effects of Insolvency Proceeding in Arbitration', ABA Conference, Miami
- 31 October 2009, 'Future of the European Convention on the International Commercial Arbitration', Report presented at the Conference on the 'Future of the New York, Panama and European Arbitration Conventions', Miami
- 9 and 11 November 2009, 'Law Applicable to Contractual Obligations – Rome I Regulation' lectures held at the Utrecht University College
- 30 November 2009 and 2 December 2009 'Law Applicable to Non-Contractual Obligations – Rome II Regulation', lectures held at the Utrecht University College.

L. Massai

- April – June 2009, Europe day-to-day lecture series in The Hague, Breda, Utrecht and Amsterdam.
- 6 May 2009, 'New developments under the EU Emissions Trading Scheme', Faculty of Law, University of Amsterdam, Netherlands
- 22 July 2009, 'Mitigation under the AWG LCA and KP processes', VU University of Amsterdam, Netherlands
- 26 November 2009, 'On the way to Copenhagen 2009', University of Utrecht, NL (in French)
- 25 September 2009, 'International environmental law and climate change, University of Groningen
- 31 October 2009, 'E oltre, le risposte del mondo alla sfida del clima' [Where do we stand in the climate change negotiations], presented at Key Energy Copenhagen, Rimini (Italy)
- April until July 2009, lecturer in EU Law at the School of Law at Utrecht University.

C. Matera

- April – June 2009, Europe day-to-day lecture series in The Hague, Breda, Utrecht and Amsterdam.
- May 2009, paper on 'The Area of Freedom, Security and justice as the borderline constitution of the EU', presented at the Conference 'The many Constitutions of Europe', University of Helsinki
- June 2009, Lectures on: Reform of the legal order as a pre-accession condition: Role of the judiciary; The European Arrest warrant and Judicial Cooperation in Criminal Matter, M-Tec course 'The Administration of Justice from an organizational and policy perspective', The Hague
- September 2009, paper presented at a Conference for PhD researchers, Xleme Seminaire doctoral Internationalin, Nice, France;
- November 2009, Lecture on 'EU law: instruments, decision-making procedures'; M-Tec course 'M-Tec Legislation', The Hague
- November 2009 - until February 2010, Lecturer of European Legal Governance, the University of Twente.

M. Osiel

- 7 February, 'How Should the ICC Select its Cases: the Multiple Meanings of Situational Gravity.' Speech at conference in honour of Judge Kirsch upon his retirement from the Presidency of the ICC
- 27-28 April, lecturing at Gottingen University in Germany
- 6-7 May, lectures at the University of Copenhagen (Genocide Studies Centre)
- 5-6 June, lectures on 'legal responses to mass atrocity' at the VU University Amsterdam



O.M. Ribbelink

- 11 February, lecture 'The 1974 Registration Convention, Jurisdiction and Control, and The Netherlands Registration Practice', LLM Program in Air and Space Law, International Institute for Air and Space Law, Leiden University
- 27 February, lecture 'The (UNIDROIT) Protocol on Matters Specific to Space Assets, and The Convention on International Interests in Mobile Equipment', LLM Program in Air and Space Law, Leiden University
- 16 April, lecture 'International Law Revisited', the Hague Forum for Judicial Expertise, Course for Judges from the Kingdom of Jordan
- 26 May, lecture 'The Moon Agreement', Master on Space Institutions and Policy, jointly organised by the Institute for International legal Studies (ISGI-CNR), Italian Space Agency (ASI), and Italian Society for International Organisations (SIOI), Roma, Italia
- 28 May, lecture 'Terrorism in the Framework of the Council of Europe', Master on International Protection of Human Rights, University "La Sapienza", Roma, Italia
- 30 May - 6 June, member, Identification Mission for the Hague Forum for Judicial Expertise, Sudan (Khartoum) and South Sudan (Juba)
- 31 August, lecture, 'International law in the service of human rights: impact and relevance of the international human rights system', Course for judges and civil servants from Kazakhstan
- 10 September, lecture, 'International Law Revisited', the Hague Forum for Judicial Expertise, Course for Judges from Nepal
- Comments for radio-stations and newspapers
- Judge, Telders International Law Moot Court Competition, International Semi-Finals, 16-17 April, The Hague

R.C.R. Siekmann

- 3 March 2009, Participation in Expert Meeting on 'Sport and Doping', organized by Netherlands Ministry of Health, Welfare and Sport, Rotterdam
- 15 June 2009, Presentation on 'The European Union and Sport: Law and Policy', Workshop on 'Sports Law – Prospects for Development through Cooperation', organized by European Commission (TAIEX), Minsk (Belarus)
- 6 October 2010, Presentation on 'International and National Legal Aspects of Combating Football Hooliganism', Seminar on 'How to Organize and Develop Professionalism in Indonesian Football?' organized by Indonesia Lex Sportiva Instituta and Professional Football League of Indonesia, Makassar, Indonesia
- 8 October 2009, Presentation on 'Lex Sportiva and Sport Governance', Seminar on 'Lex Sportiva and Professional Football', organized by Indonesia Lex Sportiva Instituta and Faculty of Law of Pelita Harapan University (UPH), Djakarta, Indonesia
- 4 December 2009, Presentation on 'Sports Betting in the Jurisprudence of the European Court of Justice', Sixth International Sports Law and Taxation Seminar, organized by NOLOT, Amsterdam

J.W. Soek

- 3 March 2009, Participation in Expert Meeting on 'Sport and Doping', organized by Netherlands Ministry of Health, Welfare and Sport, Rotterdam

K. Swinnen-Pieters

- April – June 2009, Europe day-to-day lecture series in The Hague, Breda, Utrecht and Amsterdam.
- October 2009 - January 2010, Lecturer of European Legal Governance, the University of Twente,

V.P. Verkruijsen

- 17 September 2009, 'Europa: onbekend maakt onbemind' ['Europe: unknown makes unloved'], Public Library of Amsterdam

Editorial and Advisory Boards and Correspondents of the periodical publications of the T.M.C. Asser Instituut in 2009

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- G. Parra-Aranguren, Judge of the International Court of Justice; Professor at the University of Caracas, Venezuela
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- B. Simma, Judge of the International Court of Justice
- C. Stahn, Associate Professor of Public International Law, Leiden University
- M. Williams, Professor of International Law, University of Buenos Aires, Argentina
- C. Van den Wyngaert, Judge of the International Criminal Tribunal for the former Yugoslavia
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- S.W.E. Rutten, Maastricht University
- L.A. Steffens, Centre for legal Studies, Malawi
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- H.L.E. Verhagen, Radboud University Nijmegen; Clifford Chance, Amsterdam

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Yearbook of International Humanitarian Law (YIHL)

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T.M.C. Asser Press: A Preview of Publications for the year 2010 and the List of Publications 2009

Preview of 2010

T.M.C. Asser Press faces a challenging year with more than 34 new books, 17 journal issues and several reprints. The *Yearbook of International Humanitarian Law (YIHL)* will publish its Volume 11 (2008), which will be the final volume edited by Tim McCormack, and Volume 12 (2009) under its new editor, Mike Schmitt. The *Netherlands Yearbook of International Law (NYIL)* is scheduled to publish its Volume 40 (2009).

Under the Hague Academic Press imprint several titles are scheduled for publication:

- *The Changing Role of Highest Courts in an Internationalising World* (Eds.: S. Muller en S. Richards) in the new *Law of the Future Series* (The Hague Institute for the Internationalisation of Law).
- *The Dynamics of Constitutionalism* (Ed.: M. Frishman) in the *From Peace to Justice Series* (Hague Academic Coalition).
- *Jihad and the Challenges of International and Domestic Law* (Eds.: C. Bassiouni, A. Guellali) in *The Hague Colloquium on Fundamental Principles of Law Series*.

The Permanent Court of Arbitration will publish its new edition of *Summaries of PCA Awards as from 1999* with the Press.

The well-established *IT&Law Series* will add two new volumes to its list: *The State of Interdependence: Globalization, Internet and Constitutional Governance* (Volume 19, R. Rijgersberg) and *The Impact of Europe on New Modes of e-Government* (Volume 20, Eds.: M. Groothuis and S. van der Hof)

A great number of other titles are planned, such as:

- *International Criminal Procedure* (C. Schuon);
- *EU and Post Conflict Peace building* (Eds.: J. Wouters, S. Blockmans, T. Ruys);
- *The Constitutional Integrity of the EU* (Eds.: F. Amtenbrink, P. v.d. Berg);
- *The Effects of EU Citizenship* (F. Goudappel);
- *EU Law in the New Member States - a Brave New World* (Ed.: A. Lazowski);

Several titles will be published in the *Asser International Sports Law Series*, such as:

- *National Models of Sports Governance* (R. Siekmann and J. Soek);
- *The Court of Arbitration of Sport and Football: Landmark Decisions* (Eds.: R. Siekmann, G. Ioannidis and A. Wild)
- *Sports Image Rights in Europe*, 2nd Edition (I. Blackshaw).

The following Dutch language titles are planned:

- In cooperation with the Dutch Red Cross the new student reader *Inleiding Humanitaire Oorlogsrecht* (J.C. van den Boogaard, S. Boswijk, and R. Bartels);
- A new volume of *Mededelingen van de NVIR - Preadviezen*, Nr. 138.

The Press will launch its new web site in early 2010.

T.M.C. Asser Press will continue expanding its publishing programme, with special emphasis on the areas of international law, European law, international criminal and humanitarian law, information technology law, and international sports law. The Press is looking forward to a challenging 2010.

List of publications 2009

Periodicals and Yearbooks

Netherlands International Law Review - Volume LVI - 2009

Editor-in-Chief: P. Vlas

ISSN 0165-070X; 3 issues p.a.

Online ISSN 1741-6191

A publication in co-operation with the T.M.C. Asser Instituut

European Business Organization Law Review (EBOR) – Volume 10 – 2000

Editor-in-Chief: R. Kulms

ISSN 1566-7529; 4 issues p.a.

Online ISSN 1741-6205

A publication in co-operation with the T.M.C. Asser Instituut

European Constitutional Law Review – EuConst – Volume 5 – 2009

Eds.: W.T. Eijsbouts et al.

ISSN 1574-0196; 3 issues p.a.

Online ISSN 1744-5515

A publication in co-operation with the G.K. VAN HOGENDORPcentre for European Constitutional Studies, University of Amsterdam

Hague Journal on the Rule of Law – Volume 1 – 2009

Editors-in-Chief: J. Faundez and R. Peerenboom

Print ISSN 1876-4045; 2 issues p.a.

Online ISSN 1876-4053

The Hague Journal on the Rule of Law is published in collaboration with the Hague Institute for the Internationalisation of Law (HiIL).

Nederlands Internationaal Privaatrecht - NIPR - Volume 27 - 2009

Eds.: X.E. Kramer et al.

ISSN 0167-7594; 4 issues p.a.

A publication in co-operation with the T.M.C. Asser Instituut

Yearbook of International Humanitarian Law - Volume 10 – 2007

General Editor: T.L.H. McCormack

ISBN 9789067042703 / ISSN 1389-1359

A publication in co-operation with the T.M.C. Asser Instituut

Netherlands Yearbook of International Law (NYIL) - Volume XXXIX – 2008

General Editors: I.F. Dekker and P.A. Nollkaemper

ISBN 9789067043014 / ISSN 0167-6768

A publication in co-operation with the T.M.C. Asser Instituut

Monographs and edited volumes

Criminal Jurisdiction 100 Years after the 1907 Hague Peace Conference

2007 Hague Joint Conference on Contemporary Issues of International Law

Eds.: W.J.M. van Genugten, M.P. Scharf and S.E. Radin

ISBN 9789067042802



Fifty Years of European Integration: Foundations and Perspectives

Eds.: A. Ott and E. Vos
ISBN 9789067042543

The Changing Legal Framework for Services of General Interest in Europe: Between Competition and Solidarity

Eds.: M. Krajewski, U. Neergaard and J. van de Gronden
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Trust Funds under International Law – Trustee Obligations of the UN and International Development Banks

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ISBN 9789067043069

The European Arrest Warrant in Practice

Eds.: N. Keijzer and E. van Sliedregt
ISBN 9789067042932

Principles of International Criminal Law – Second edition

G. Werle
Hardbound ISBN 9789067042758
Paperback ISBN 9789067042765

The 1998-2000 War between Eritrea and Ethiopia: An International Legal Perspective

Eds.: A. de Guttry, H. Post and G. Venturini

Non-Compliance Procedures and Mechanisms and the Effectiveness of International Environmental Agreements

Eds.: T. Treves et al.
ISBN 9789067042734

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D.K. Mendis

ISBN 9789067042987

Dutch Language Titles

Collegemateriaal Elementair Internationaal Recht – 2009

Ed.: T.M.C. Asser Instituut with the Law Faculties of the Dutch Universities

ISBN 9789067043168

Afkoeling na opwarming: Het poolrecht onder druk?

Preadviezen – Mededelingen van de NVIR Nr. 137

A.G. Oude Elferink en R. Lefeber

Reprints

The Europeanisation of International Law; The Status of International Law in the EU and its Member States (two reprints)

Eds.: J. Wouters, A. Nollkaemper and E. de Wet

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