

*Annual Report 2008*



**T.M.C. ASSER INSTITUUT**





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## Foreword

In 2008 the T.M.C. Asser Instituut agreed a five-year covenant with its governing body, the University of Amsterdam. This covenant offers clarity and assurance with respect to the Institute's funding derived from the so-called 'first money stream'. Furthermore, it describes the expectations and commitments of both parties whilst laying the foundation for a sustainable financial and academic future.

Resultant from findings and recommendations emanating from both the Evaluation Report (2007) and the Covenant (2008-2012), the Institute embarked upon the initiation of three inter-university research programmes. The perseverance and sheer hard work of the many parties involved in this initiative resulted in the Institute's Board approving the three programmes during its sitting in December 2008. The most advanced initiative to date is the European Law programme. The T.M.C. Asser Instituut together with the Law faculties of the Universities of Rotterdam, Leiden, Maastricht and Twente established the Centre for the Law of EU External Relations (CLEER).

Needless to say, much progress has also been made in establishing a similar inter-university research programme in the area of Public International Law with the Universities of Amsterdam, Leiden and Tilburg. The Private International Law programme will also be initiated in 2009.

The activities of the Education, Training and Events unit received an extra impulse with the appointment of Ann O' Brien as Head of Department. She is also the Deputy Director of the Institute. We reflect back with pride on some of our many successful events which include:

- The Summer Law Programme on 'International Criminal Law: In Search of Accountability', run in collaboration with the War Crimes Research Office of American University's Washington College of Law. This annual course contributes 6 credits to the American University's own (International Bar Association accredited) Master programme on International Criminal Law. The programme attracted some 40 graduate students from the American University and other top US Law Schools.
- The organisation of 6 tailor made training courses for Judges and Prosecutors in the framework of the Hague Forum for Judicial Expertise. These courses were in 2008 organised on behalf of The Hague Academic Coalition and participants hailed from Iraq, Iran, Cambodia and Sudan.



- The MTEC course 'Administration of Justice from an organisational and policy perspective' delivered to 50 senior civil servants from European Union accession countries under the auspices of the CROSS Agency of the EVD.
- The organisation of the first colloquium on 'Jihad and the challenges of international and domestic law' which undertook one of the first attempts to review the discourses of Jihad and the impact it has on the actions of States and non-state actors.

Also in 2008 the T.M.C. Asser Instituut, together with The Hague Institute for the Internationalisation of Law (HiIL) signed a collaboration agreement with the International Criminal Court to coordinate and supply case law and documentation to the successful 'Legal Tools project'. Initial steps were undertaken to collect data and research opportunities for technical cooperation and a sustained financial future.

Our researchers were involved in a variety of research activities both fundamental and applied, carrying out studies for Dutch ministries and International organisations; such as the European Union.

The feasibility study aimed at identifying and promoting The Hague as 'City of Justice, Peace and Security' as a location for international organisations in the field of the environment and environment-related subjects is worth mentioning. Projects with respect to 'promoting the social dialogue in the area of sports' were continued and based on the established experience new projects were acquired and successfully implemented.

We were also pleased to be able to congratulate Amna Guellali, Bart-Jan van het Kaar, Marjan Olfers and Tamara Takács (Asser Dissertations Programme) on completing their PhD studies.

Once again, the numerous topical lectures delivered within the Supranational Criminal Law lectures series drew large audiences, in particular the lecture delivered by Professor Cherif Bassiouni on 1 October 2008. The Institute's Round Table organised on the 'upcoming case against Radovan Karadzic at the ICTY' was also extremely well attended.

The various adjustments to our business practices during the past year have resulted in a further fine-tuning of our focus with an improvement in our efficiency. The years ahead will see further attention paid to achieving organisational and cultural change that will aid the Institute to fulfil its role as an open inter-university organisation presenting a platform for interdisciplinary and high quality research where motivated staff of both the Institute and Universities will work in harmony.

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.

This inter-university institute cooperates closely with and supports the Dutch universities activities in the broad field of international law.

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.

### Governing Board T.M.C. Asser Instituut in 2008:

- 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. Loth
- Tilburg University: Prof. Dr. R.C.H. Lesaffer
- Utrecht University: Prof. Dr. A.H.A. Soons

Since its foundation, the T.M.C. Asser Instituut has developed into a leading academic inter-university institute in the broad field of International Law.

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 Legal Capital of the World.

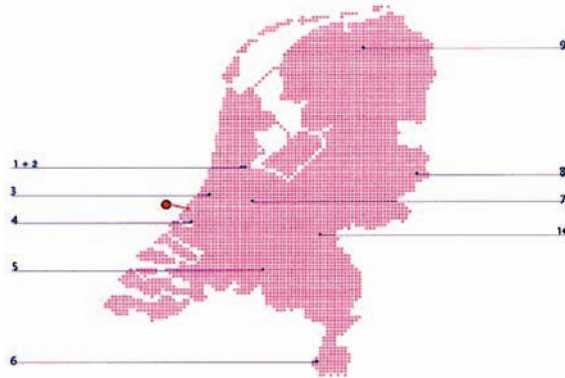
Recognised nationally and internationally as a dynamic and proactive organisation, the T.M.C. Asser Instituut is, first and foremost, the professional, Hague-based,



inter-university research centre facilitating and contributing to research in the fields of Public and Private International Law and European Law.

It is the primary leading and supportive Academic Community Organiser and bridge-builder where research, teaching, scholarship, knowledge dissemination and service are integrated to stimulate intellectual enquiry and lay the foundation for responsible leadership in the global legal environment whilst promoting a high quality professional legal infrastructure in The Hague and the wider global community.

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).



**1. Universiteit van Amsterdam (Penvoeder)**  
*University of Amsterdam*



**2. Vrije Universiteit Amsterdam**  
*VU University Amsterdam*



**3. Universiteit Leiden**  
*Leiden University*



**4. Erasmus Universiteit Rotterdam**  
*Erasmus University Rotterdam*



**5. Universiteit van Tilburg**  
*Tilburg University*



**6. Universiteit Maastricht**  
*Maastricht University*



**7. Universiteit Utrecht**  
*Utrecht University*



**8. Universiteit Twente**  
*University of Twente*



**9. Rijksuniversiteit Groningen**  
*University of Groningen*



**10. Radboud Universiteit Nijmegen**  
*Radboud University Nijmegen*



**T.M.C. Asser Instituut**





Due to its inter-university background, the Institute cooperates intensively with Dutch law faculties and other national and foreign organizations. Within this inter-university framework, the University of Amsterdam (UvA) holds a special position as the T.M.C. Asser Instituut's governing body. This relationship is further highlighted by the recent development whereby the University of Amsterdam and the T.M.C. Asser Instituut have reached agreement on a five year covenant (2008-2012) pertaining to financial, administrative and academic sustainability and quality of the Institute. In the framework of this covenant the Directorate of the T.M.C. Asser Instituut has prepared its Strategic Plan 2008-2012: *Building on our Strengths*, clearly setting the goals and objectives for the mid-term future.

The Institute has its own publishing house, T.M.C. 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.

On 31 December 2008, a total of 56 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 2008 A.M. O' Brien was appointed as Deputy Director of the T.M.C. Asser Instituut. The following persons were appointed to the academic staff: A.R. Apostol, C. Matera and M.J. Osiel. Furthermore, N.A. van den Heuvel, L.T. Janssen, M. Kondas and F.M. Peters-Bierman were appointed to the supporting and administrative staff.

In 2008 R.C. Branco Martins, M. Haring-Olfers and M.J. Salgado Dominguez left the Academic Staff; T.N.J. Kok-Maan, I. van Dun-van den Bosch, A. Riem, C.D.C. Masouy and N.J. Walbridge left the supporting and administrative staff.

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



## Inter-University Knowledge Development

### 3.1 New inter-university research programmes

On 8 December 2008, the Deans of the law faculties in the Netherlands, convened in the framework of the Supervisory Board of the T.M.C. Asser Instituut, approved the creation of 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 (International Humanitarian Law, International Criminal Law);
2. Law of the European Union (with a focus on the external dimension thereof); and
3. Private International Law.

The programmes will be operational for an initial period of 4 years, with a mid-term review to take place towards the end of 2010.

This support came after months of preparatory work, by most notably, Frans Nelissen, Steven Blockmans and the Executive Board of the T.M.C. Asser Instituut, to pool the resources of a number of eminent academics based in the various law faculties and the T.M.C. Asser Instituut into 'pilot' teams to hammer out draft research programmes and rules of procedure for their future cooperation as inter-faculty research councils.

The creation of these inter-university research programmes requires the realignment of the research departments at the T.M.C. Asser Instituut such that strengths are pooled towards an efficient and effective cooperation.

Each research programme will accommodate 5 Asser research fellows: 2 at post-doc level (40% research time), 2 doctoral researchers (40% research time) and 1 PhD candidate [assistent-in-opleiding, AIO] (80% research time).

The Directorate of the T.M.C. Asser Instituut is responsible for proposing research fellows, for consideration for participation in the research programmes, to the inter-faculty research councils. Doctorate holders will, in principle, automatically qualify for participation therein. Other candidates will be proposed on a merit basis.

The members of the Supervisory Board of the T.M.C. Asser Instituut agreed that the inter-faculty research councils for the 3 programmes would not replace the so-called 'Commissies' in those fields. The 'Commissies', composed of *all* professors in the given domains, will remain responsible for the coordination of, inter alia, conferences, syllabi and their own research. The 'Commissies' will be able to advise the new inter-faculty research councils, but the latter will carry the exclusive responsi-

bility for the content, quality and coherence of the new inter-university research programmes. The inter-faculty research councils will operate an 'open door' policy, which means that their composition may change with changes in the relevant expertise held at a certain moment at faculties in the Netherlands.

### 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 (IHL) and International Criminal Law (ICL). Members of the inter-faculty research council are:

- Prof. Dr. Andre Nollkaemper (University of Amsterdam)
- Prof. Dr. Nico Schrijver (Leiden University)
- Prof. Dr. Willem van Genugten (Tilburg University)

This research council, assisted by Dr. Yvonne Donders (University of Amsterdam) who was programme Co-ordinator until the end of 2008, has drafted a research programme which centres around 3 inter-connected themes:

- the re-visiting of the fundamental concepts of war, peace and security in the post-9/11 world with a plurality of actors;
- *jus post bellum* (the concept of 'peace building'; a separate legal regime between *jus pacis* and *jus in bello*?; 'responsibility to rebuild' as a consequence of the 'responsibility to protect?'); and
- the global judicial architecture (world courts for human rights, terrorism, the environment, financial markets).

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

Over the past two decades, the T.M.C. Asser Instituut's EU-law research department has developed a strong scholarly reputation in the field of the external dimension of EU law and it increasingly acts as an academic interface with those EU agencies which have their seat in The Hague, namely Europol and Eurojust. Through the new Centre for the Law of EU External Relations (CLEER), which was established in the wake of the Supervisory Board's decision on 8 December 2008, the T.M.C. Asser Instituut now coordinates high-level academic research in the Netherlands in a specific field of EU law. Top academics, all of whom have made an international name for themselves in the domain of EU external relations law, have committed themselves and their universities to making CLEER a European success by accepting an active role in the Centre's inter-faculty research council. They are:

- Prof. Dr. Fabian Amtenbrink (Erasmus University Rotterdam)
- Prof. Dr. Christophe Hillion (Leiden University)

- Dr. Andrea Ott (Maastricht University)
- Prof. Dr. Ramses Wessel (University of Twente)

The T.M.C. Asser Instituut, represented by Dr. Wybe Douma (full member of the council) and Dr. Steven Blockmans (Programme Coordinator), acts as an academic community organizer of CLEER. CLEER operates an 'open door' policy, which means that other Dutch universities with internationally recognised competences in the field of EU external relations law may become affiliated with CLEER in the future. The natural ambition is to expand CLEER's activities across (and beyond) the EU in the not too distant future.

#### *CLEER's research programme*

Since the start of the European integration process, the legal orders of the EC/EU and the Member States have co-existed and have been influenced by international law. Conversely, the EU is a regulatory superpower with a policy lead in many areas (e.g. chemicals legislation, energy and climate, the euro). But the EU has failed to pull its political weight in the world. New developments at the level of the EU treaties, secondary legislation and case-law create conflicts with the evolving international legal order. CLEER's research programme is centred 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;
- III. coherence in EU foreign policy-making; and
- IV. the consistency and effectiveness of EU external policy implementation.

Furthermore, four policy domains have been earmarked for further research because of their relevance to the EU's contribution in enhancing global stability and prosperity:

- i. the fight against international immigration and crime;
- ii. the protection and promotion of economic and financial interests;
- iii. the protection of the environment, climate and energy;
- iv. the ability to provide military security. Legal issues in and between these domains are rapidly developing and offer ample opportunities for innovative research.

#### *Activities and products*

In June 2008, international legal experts drawn from both academia and practice (EU institutions) participated in a two-day workshop on 'Recent development in EU External relations: the Treaty of Lisbon', held at Kasteel Vaeshartelt near Maastricht and sponsored by the Jean Monnet Programme of the European Commission. The event was organised by the inter-faculty research council *avant la lettre* and proved a successful precursor of the kind of cooperation institutionalised by the Deans at their meeting on 8 December 2008. Likewise, a two-day conference on 'EU-Turkey relations' was organised in October in Istanbul, this time with the financial support of Yeditepe University, Istanbul.



In an effort to replicate the successes of the 2008 seminars, an application for a grant of EUR 50.000,- has recently been submitted by the T.M.C. Asser Instituut under the Jean Monnet Lifelong Learning Programme of the European Commission. The objective is to invite international experts from academia and practice to further the debate on the above-mentioned issues at:

- a launching event of CLEER with roundtable in The Hague;
- a closed workshop in The Hague where referees will comment on 10 working papers written by invited experts; and
- a final conference in Brussels at which the findings of CLEER's research cooperation will be presented to a public composed of academics, policy-makers and opinion-makers.

Subsequently, the final versions of the 10 working papers will be made available in electronic format to a global public via SSRN and CLEER's website, hosted by the T.M.C. Asser Instituut. In addition printed versions of the papers will be realised and published by the T.M.C. Asser Instituut. Furthermore, CLEER's expanding network of specialists in the field of EU external relations law will be maintained through the website and regular electronic mailings of new 'products' and upcoming events. As such, CLEER will contribute to the development of academic studies and will promote innovative solutions to practical challenges to the external dimension of the EU's legal order.

### 3.1.3 Private International Law

Explorations for inter-faculty research cooperation in the field of the Europeanisation of Private International Law, which were conducted at an early stage by Dr. Robert Siekmann and Michiel de Rooij, will be picked up again in 2009 by the coordinator of this 'pilot', Dr. Bart-Jan van het Kaar.

## 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. This research is part of the fundamental research activities by the staff and fosters academic collaboration with the Dutch universities.

#### *PhD defence Bart-Jan van het Kaar*

On 17 June 2008, Bart-Jan van het Kaar, member of the academic staff of the T.M.C. Asser Instituut (Private International Law) defended his PhD: *IPR-bewijsrecht en bewijsverrijging* [the role of Private International Law in the field of the law on evidence] at the VU University Amsterdam. Supervisor: Prof. Mr. Dr. P. Vlas (VU University Amsterdam).

A commercial edition of this thesis was published by Kluwer in the *Recht en Praktijk Series*.



Doctoral thesis on the role of Private International Law in the field of the law on evidence. Under this heading, the study deals with three issues relating to evidence in the conflict of laws. The first issue pertains to questions of international procedural law and evidence: can Dutch courts assume jurisdiction to grant a Dutch interim measure for the obtainment of evidence abroad? Is it possible to recognise such a decision in the country where the witnesses must be examined? The second and main part of the thesis deals with the question regarding the law to be applied to matters of evidence. This is a problem of characterization: the question whether evidence is governed by the *lex fori* (the law of the place of action) or by the *lex causae* (the law governing the legal relationship) depends upon the characterization of evidence as a formal or substantive question of procedure. The third and last part of the thesis relates to evidence in

international cases taken abroad. This topic is covered by various international agreements (e.g. 1970 Hague Convention) and by European Law (e.g. Regulation 1206/2001).

### PhD defence Amna Guellali

On 29 September 2008 Amna Guellali, member of the academic staff of the T.M.C. Asser Instituut (International Humanitarian Law/International Criminal Law) successfully defended her PhD on



*Vers une convergence entre les droits de l'homme, le droit international humanitaire et le droit penal international* [The Interplay between International Criminal Law, Human rights and International humanitarian law] at the European University Institute in Florence, Italy.

Supervisor: Prof. Pierre-Marie Dupuy of the European University Institute in Florence.

Amna Guellali with the members of the defence panel: Theodor Meron, Pierre Marie Dupuy, Francesco Francioni and Slim Laghmani.

The interplay between International Humanitarian Law (IHL), Human Rights Law (HRL) and International Criminal Law (ICL) has become one of the major issues attracting the attention of the world community. Even though the convergence has already started after the second world war, with the prosecution of the major criminals responsible for the commission of egregious war crimes and crimes against humanity, there was an institutional separation between them, culminating in the refusal by the International law commission, which has been entrusted with the task of codifying international law, to codify IHL, fearing that it would undermine the prohibition of armed conflicts in the Charter. It is only after the Teheran Conference that a new concept emerged in the international legal discourse, *Human rights in armed conflicts*.

However, the theory of the cross fertilization between these three fields has received an impetus due to many different factors: the revival of International Criminal Law, with the creation by the Security Council of the two *ad hoc* tribunals and then the adoption of the Rome Statute creating the International Criminal Court; the change in the nature of conflicts, which are becoming more and more internal, therefore changing the tenets of tradi-

tional humanitarian law based on inter-state relations; the blurring of the distinction between war and peace, between combatants and civilians, in the new wars emerging after the September 11 attacks and the use of the rhetoric of war to characterize the fight against transnational armed groups; all these elements have triggered a new wave of studies of this interplay and the need in international law to consider HRL, IHL and ICL in an interactive and complementary way rather than as separate fields.

The main conclusions of the PhD are that these three fields of international law have already reached a high level of integration, with the incorporation in each field of the main features characterizing the other one. On the substantial and procedural levels, Human rights have infused in the field of IHL and ICL the human-rights based approach, with its focus on the rights of the individual. This element has featured a paradigmatic change in the way IHL is interpreted and applied by international criminal tribunals. On the other side, IHL has been structured since the Geneva Conventions around the international prosecution of war crimes. The jurisprudence of the tribunals has enabled much faster development in some related areas, for instance in the applicability of humanitarian law to non-international armed conflicts and even to situations of internal strife. But this common criminalization presents also difficult questions such as the need to delimit, or determine the parameters between human rights with its accompanying concepts of state responsibility and humanitarian law with its accompanying concepts of individual criminal responsibility.

#### *PhD defence Marjan Olfers*

On 29 January 2009, Marjan Olfers, VU University of Amsterdam, until recently a member of the academic staff of the T.M.C. Asser Instituut's International Sports Law Centre successfully defended her PhD on *Sport en Mededingingsrecht* [Sport and Competition Law – An Interesting Twosome]. Supervisor: Prof. Heiko van Staveren, co-supervisor: Prof. Jan Winter, VU University of Amsterdam.

A commercial edition of this thesis was published by Kluwer in the *Recht en Praktijk Series*.



#### *Sport and Competition Law: an interesting twosome.*

Not that long ago, at the end of the twentieth century, competition law made its entry into the world of sport. Sport regulations have been placed in a (European) competition law framework ever since because of conflicts between players or athletes and the association, between the clubs and the association, between the association and emerging other associations, or between the association and third parties such as broadcasting licence holders, etc. In 1999 the European Commission had to handle more than 50 sport-related complaints. Competition law is being used as an instrument to settle disputes in favour of the individual's own interests, the club's interests, or those of a third party (such as broadcasting licence holders), which are often diametrically opposed to the interests of the collective, the sports organizations as a whole. Casting a side-glance at

the development of applying competition law to sports regulations in the United States, one may assume that the trend to interfere using competition law will continue for the time being.

Central to this research was the tension between sports regulations and European competition law. In that context the research was aimed at determining whether sports regulations have their own sphere, and, if so, how this sphere is defined in relation to European competition law.

The key question was researched from two important angles: a. The uniqueness of sport. Referred to in this study also as the basic principles of sport or the intrinsic value of sport; b. Sport's beneficial function to society. Referred to in this study also as the extrinsic value of sport.





The following members of staff continued their PhD research in 2008:

- Ramona Apostol (European Law): Public procurement of innovation in The Netherlands and Romania. Supervisor yet to be determined.
- Roberto Branco Martins (International Sports Law): Collective bargaining in the European professional football sector. Supervisors: Prof. Erik Verhulp, Hugo Sinzheimer Institute for Labour Law, University of Amsterdam, and Dr. Richard Parrish, Director of the Centre for Sports Law Research, Edge Hill University, Ormskirk, United Kingdom.
- Leonardo Massai (European Law): The Compliance of the European Community and the Member States with the obligations of the Kyoto Protocol. Supervisors: Prof. Michael Bothe and Prof. Eckhard Rehbinder, Johann Wolfgang Goethe University, Frankfurt am Main, Germany. He is expected to defend his PhD in 2009.
- Claudio Matera (European Law): Adjudicating the external action of the EU in the Area of Freedom, Security and Justice. Supervisor yet to be determined.
- Karolien Pieters (European Law): The integration of the Mediterranean countries in the EU internal market. Supervisor: Prof. Ramses Wessel, University of Twente. She is expected to defend her PhD on 1 October 2009.
- Michiel de Rooij (International Private Law): Conflicts of Law Issues of Carriage by Sea. Supervisor: Prof. D.M. Polak (Leiden University).
- Jan Anne Vos (Public International Law): The Function of International Law (supervisor: Prof. Wouter Werner, VU University Amsterdam).

### 3.2.2 Asser Dissertations Programme

In 1996, the T.M.C. Asser Instituut introduced the Asser Dissertations Programme (ADP). This PhD-programme has been developed in order to support and stimulate research in the Institute's fields of activity. It offers young talented researchers the opportunity to prepare a dissertation. The T.M.C. Asser Instituut only accepts new candidates when their appointment and financing is shared with another organization, preferably a law faculty.

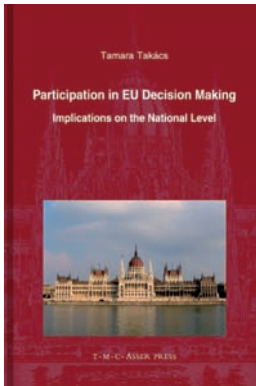
#### *PhD defence Tamara Takács*

On 16 January 2009, Tamara Takács defended her PhD on: 'Participation in EU Decision Making Implications on the National Level' at Utrecht University. 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 ADP.

A commercial edition of the dissertation was published by T.M.C. Asser Press.

Amongst the main concerns that preceded the European Union's all time biggest enlargement of 2004 was whether the new Member States would smoothly integrate into the EU decision-making procedures. The worrying speculations of how the difference between the interest, political- and negotiation cultures of 'old' and 'new' Member States would slow



down decision making in the EU – turned out to be wrong. Empirical studies show that the accession of the new Member States did not slow down the legislative machinery of the EU. However, the challenge that the ‘new’ countries – amongst them Hungary – faced, were manifold and required significant constitutional and institutional preparation and adaptation for acting as Member State. The constitutional preparation required the introduction of the ‘Europe clause’, an authorising article laying down the rules on the transfer of competences from national to EU level. In Hungary, the years-long debates resulted in a constitutional amendment that authorised the exercise of the powers at the EU level replacing the originally sole exercise by the Hungarian governmental institutions. The thesis analysed the institutional linkages between the national institu-

tions and the EU level in the different stages leading up to EU lawmaking. The coordination of EU policy at national level revolves around the establishment of a position that Hungarian representatives will exert in the EU decision making. The Government’s dominant role in operating the coordination structure through a multi-layered construct connecting departments reinforces the tendencies prior to accession, when the Government played a central role in the conduct of accession negotiations and the Parliament acted as a bystander. After accession, the Parliament augmented its intention to join the Government in the conduct of EU policies and now scrutinises the participation of this latter in the EU law-making processes. The parliamentary involvement includes significant information and deliberating rights. However, despite the existing control tools that Parliament has at its disposal, practice has shown that Parliament has not held Government to account for its deeds in the legislative discussions in Brussels or enforced its views previously expressed. The national position is then channelled into the Brussels arena. The matrix of networks that Government has established in Brussels centres around the work and function of the Permanent Representation, but extends to various other actors in Brussels and has on multiple occasions lead to successful lobbying and interest-representation in the EU law-making process. Once the EU act is adopted, it arrives back to national level to exert its effect. For this aim, additional implementing legislation by national institutions is sometimes required. In this respect, the Hungarian legislative principles maintain principles such as democracy and the primacy of Parliament’s legislative role *vis-à-vis* Government. Thus, while implementing legislation is a ‘new’ task as well, it fits neatly into the traditional constitutional principles and structure of separation of powers and confirms Parliament’s strong position therein. The overall findings of the research revealed that Europeanisation does not necessarily lead to convergence between countries in every aspect of a country’s participation and membership to the EU.

All *current participants in the ADP* were co-appointed and co-financed with Dutch universities. In 2008 the following researchers continued their research in the ADP:

- 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).
- Mr. Felix Ndahinda (Ruanda/Congo), research fellow at the International Victimology Institute of Tilburg University since 1 October 2005 and participant in

the ADP since 1 November 2006 on: 'African Indigenous Peoples: From Victimization to Empowered Actors' (Supervisors: Prof. Dr. W.J.M. van Genugten and Ms. Dr. R.M. Letschert, Tilburg University).

- 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).

### 3.2.3 Asser Research Fellowships Programme

Under the Asser Research Fellowships Programme (ARFP) 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.

- Hernan Salinas Burgos (Universidad Catolica de Chile) stayed at the Institute from 2 January–18 February 2008 to conduct research for his PhD thesis on: Diplomatic Protection and New Trends in International Law;
- Marieta Rabohchiyska (Sophia University St. Kliment Ohridski, Bulgaria) stayed at the Institute from 1–31 July 2008 to conduct research for her PhD thesis on EC/EU legal personality legal personality;
- Fu Yu (Southwest University of Political Science and Law, China) stayed at the Institute from 1–31 July 2008 to conduct research on the Dispute Settlement Mechanism on Regional Integration between China and ASEAN.
- Chen Bin (Wuhan University, China) stayed at the Institute from 1 July–29 August 2008 to conduct research for his PhD thesis on The Impact of Self-Contained Regime on the Development of International Law: Taking the Practice of WTO law as Coordinates.
- Valentina Falco (European University Institute, Florence, Italy) stayed at the Institute from 7 July–15 September 2008 to conduct research for her PhD thesis on Old Continent, New Wars: the EU and International Humanitarian Law.

### 3.2.4 Research activities by associate researchers

- Leendert Erkelens, former civil servant at the Dutch Ministry of Justice, worked on an article on certain issues related to the European Election Act (to be published in May 2009 in *SEW, Tijdschrift voor Europees en economisch recht*). In addition to his personal research activities Mr. Erkelens participated in contract research projects on behalf of the Institute.
- Dr. Flora Goudappel, Assistant Professor at the Faculty of Law at the Erasmus University Rotterdam worked during her sabbatical leave from 27 February till 26 April 2008 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 2009. 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, completed her work on the book entitled *Depleted Uranium Weapons and International Law – A precautionary approach*. Eds.: A. McDonald, J.K. Kleffner and B. Toebes. TMC Asser Press 2008.
- 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 is expected to be published in 2009 by TMC Asser Press.
- Maria Nybondas, associate researcher International Humanitarian Law/ International Criminal Law continued her PhD research on individual criminal and command responsibility (Supervisors: Prof. Harmen van der Wilt, University of Amsterdam and Prof. Terry Gill, University of Amsterdam / Utrecht University).

### 3.3 Contract research and consultancies

#### 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. Expert advice in those fields, especially in Private International Law and International Commercial Arbitration, is provided to law firms, companies and judicial authorities.

#### 3.3.2 Projects launched in 2008

- *Advies inzake toelaatbaarheid van het hanteren van sociale criteria in procedures voor de toekenning van overheidsopdrachten in het licht van WTO-recht [The use of social criteria in public procurement procedures in the light of WTO law] (March–May 2008)*

The purpose of the study, which was conducted by the T.M.C. Asser Instituut at the request of Senter Novem (an agency of the Netherlands Ministry of Economic Affairs) in the framework of the collaboration with Corvers Procurement Services B.V., is to examine the legality of the use of social criteria in public procurement procedures. This involves the assessment of the consistency or inconsistency of the actual use of the social criteria in public procurement procedures with the law of the WTO (World Trade Organization) in particular with the Agreement on Government Procurement (GPA).

Experts: Jan-Anne Vos, Frans Nelissen, Ramona Apostol, Wybe Douma

- *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 is 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.

- *Onderzoek (quick scan) over zeilende beroepsvaart op zee (November–December 2008)* [Study (quick scan) about conditions Safety of Life at Sea Treaty (SOLAS) for professional sailing ships at sea]

The aim of this study was to investigate if the Safety of Life at Sea treaty (SOLAS) is really meant for professional sailing ships. A quick scan has been made to investigate the validity of the opinion that SOLAS was never meant for the ships of BBZ (Vereniging voor Beroepschartervaart).

Experts: Frans Nelissen, Marianna Kondàs.

### 3.3.3 Ongoing and/or completed projects in 2008

#### Albania

- *Strengthening the Ministry of European Integration (January 2007-May 2009)*  
EU accession is one of the priorities of Albania. The signing of the Stabilisation and Association Agreement (SAA) has been hailed as the 'most significant event for Albania since the fall of communism'. Implementation of the SAA is seen by the EU and the Member States as a significant indicator of readiness to achieve the candidate status and thereafter EU membership.

The overall objective of this project is to provide support to the Government of Albania's European Integration (EI) 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 is 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.

The specific objectives are *inter alia*:

- to increase monitoring and coordinating activities of the Ministry of European Integration (Mol) as regards the implementation of commitments deriving from the SAA and European Partnership;
- to increase its capacity to monitor and coordinate donor's assistance in fields related to EI as well as to perform its role as National Coordinator (NC);
- to strengthen the capacity of the Mol with regard to the translation needs arising from the adoption of the *acquis communautaire*;
- to strengthen the capacity of Mol to monitor the coordination process through developing an adequate and integrated IT system;
- to increase knowledge and general awareness about the EI impact in Albania.

The SMEI has as its main beneficiary the Mol. Several governmental, administrative, parliamentary bodies, committees, offices involved in the EU accession process will also benefit from the Project.

The projects activities started in January 2007 and are planned to be finished by May 2009 under the leading of FINEUROP (contractor).

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



EuropeAid/123003/C/SER/AL



### Bulgaria

- *Establishing a European Union Law Documentation Centre for the Judiciary (April 2006–April 2008)*

This project aimed to contribute to the accession of Bulgaria to the EU. It covers areas of assistance, transfer of knowledge and exchange of information such as the establishment of the EU Law documentation centre, the development of a web enabled inter- and intranet infrastructure and training of the various target groups on the use of the established technology and facilities.

The project was carried out by the Nederlands Helsinki Comité, taking care of the overall management. The T.M.C. Asser Instituut provided most of the project's key experts.

Experts: Jan de Jongh, Elisabeth Gorkovoi, Julien Simon.

On 9 October 2008 and as an extension of this project, a delegation of Bulgarian and Romanian judiciary visited the T.M.C. Asser Instituut in the framework of a study tour. The objectives of this visit were:

*For Bulgaria:*

to strengthen the capacity of the Bulgarian judiciary to apply the Community law through setting up of a network of court coordinators on EU Law and an EU Law-related web system, established on the basis of the experience of the 'EURINFRA project' implemented in The Netherlands.

*For Romania:*

to increase the knowledge and accessibility of European Law amongst the Romanian judiciary through facilitating the access to European legislation and jurisprudence and training of judges and prosecutors in this field.

See also Chapter Four, paragraph 4.4 Study Visits.

### Vietnam

- *Strengthening the Vietnam Competition Authorities in the field of enforcement of Competition law (November 2007–November 2008)*

This project was aimed at strengthening the relations between governmental bodies of the Netherlands and Vietnam. In particular, between the Dutch Ministry of Economic Affairs and the Vietnamese Ministry of Trade and between the Dutch Competition Authority (NMA) and the Vietnamese Competition Administration



Department (VCAD), but also between the Vietnamese authorities and several Dutch sectoral regulators such as the Consumentenbond and the Dutch Post and Telecom Authority [Onafhankelijke Post en Telecommunicatie Autoriteit – OPTA]. The governmental bodies as well as the independent organisations were able to exchange views, knowledge and experience and strengthened their bilateral relations.

This project built on the previous study visit that took place in November 2007 under the project *Competition Policy in Vietnam* (number IPS08/VN/1) within the framework of the G2G.nl-short Programme. This time, the project consisted in the transfer of knowledge and experience to the Vietnamese beneficiaries through 2 training courses on investigation skills in competition cases: the first course took place in Hanoi in July 2008 and the second course in Haiphong in November 2008. The courses took place with 2 experts of the NMA and an expert of the T.M.C. Asser Instituut. These 2 courses were preceded by an inception mission by the experts of the T.M.C. Asser Instituut in March 2008. In August 2008, a member of the VCAD came to the T.M.C. Asser Instituut for a one-week training in national and European competition law after which he conducted an internship at the premises of the NMA.

Experts: Wybe Douma, Karolien Pieters and Maria Salgado-Dominguez.

### Multi-Country

- *Conformity Study of Member States' national implementation measures transposing Community instruments in the area of citizenship of the Union (December 2007–December 2008)*

Studies were produced which analysed the conformity of national transposing measures with 3 key Directives and one EU Act in the area of citizenship. The Commission will use these studies as background information in its function to ensure, in accordance with Article 226 of the EC Treaty, that this Community legislation is fully and correctly transposed in the Member States.

Experts: Wybe Douma, Karolien Pieters, Marco van der Harst, Leendert Erkelens.

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

The objective of the contract is 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–September 2009)*

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.

Experts: Robert Siekmann, Janwillem Soek.

### The Netherlands

- *Implementatie onderzoek spoorweg richtlijnen [Research about implementation EU directives on railroad regulations] (November 2007–March 2008)*

The Netherlands Ministry of Transport, Public Works and Water Management commissioned the T.M.C. Asser Instituut to map out the implementation of several Directives on railroad regulations (96/48/EC, 2001/16/EC, 91/440/EC, and 2001/14/EC) in the Netherlands. The Directives and the corresponding Dutch legislation were included in a Table of Concordance. Furthermore, several shortcomings were assessed and commented upon.

Experts: Jan Anne Vos, Marco van der Harst.

- *Legal Advice for the Dutch Ministry of Housing, Spatial Planning and the Environment on national standardisation regulation of fireworks in the light of EU law (December 2007–May 2008)*

The T.M.C. Asser Instituut consulted the Ministry about the possibility for a national standardisation regulation for importers of firework. The experts of the T.M.C. Asser Instituut examined the following question: 'Is there a possibility for a legal standardisation regulation for importers of firework, as proposed by certain firework companies, in the Netherlands according to European and International obligations (WTO)?' The experts of the T.M.C. Asser Instituut investigated the legal possibility of such a national standardisation regulation for importers of fireworks by means of a legal conformity check to:

1. The EU Directive on Pyrotechnic Articles
2. The EU Directive on Services
3. Other relevant EU legislation

The Ministry emphasized the importance of the following question: 'Is it possible to insert the possibility of a CE-mark (Conformité Européenne) for fireworks in this legal standardization regulation?' To provide an answer to this question, the experts of the T.M.C. Asser Instituut compared the possibility of such a CE-mark for fireworks to the relevant EU legislation.

Experts: Wybe Douma, Karolien Pieters, Marie-Catharine van Engelen.

- *Prevention of organised crime: The registration of legal persons and their directors and the international exchange of information – Supplement study for Aruba and the Netherlands Antilles (November 2007–April 2008)*

In 2007 the T.M.C. Asser Instituut completed a report for the Dutch Ministry of Justice, which mapped the international, European and national legal framework



in respect of the exchange of information regarding organized crime and the financing of terrorism. It was a comparative legal study in the EU Member States on the possibilities for the improvement of the international exchange of information on legal persons with the purpose of (transnational) organised crime.

In 2008 the Institute did a supplement study for Aruba and the Netherlands Antilles. Experts: Robert Siekmann, Janwillem Soek (with the cooperation of Van Eps Kunneman Van Doorne attorneys at law).

### 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 to establish Social Dialogue in the European professional football sector: covering the 15 'old' EU Member States (2004) and the then 10 candidate EU Member States (2004). For the European Football Clubs Grouping G-14

a study was undertaken into the possible participation of the Association of European Professional Football Leagues (EPFL) and G-14 in a Social Dialogue in the European professional football sector (2006).

In 2008 the following Social Dialogue projects – all financed by the European Commission, DG Employment, Social Affairs and Equal Opportunities – were started and/or finalised:

- *Study on the identification of themes and issues to be dealt with in a Social Dialogue in the European professional football sector (November 2007– May 2008)*

The purpose of this study was to identify the 'content' of a Social Dialogue in the European professional football sector; that is possible themes and issues which are suitable to be considered and discussed in the Social Dialogue Committee to be established under EU auspices.

The study was a follow-up to the previous studies that were undertaken to promote Social Dialogue in the European professional football sector. In those studies potential social partner organisations, that is employers' (clubs) as well as employees (players) unions were identified at the national level in EU Member States and the then candidate countries, and the possibilities to establish representative organisations at the European level were investigated.

Experts: Robert Siekmann, Janwillem Soek, Roberto Branco Martins and Marjan Olfers.

- *European professional cycling project (November 2008–May 2009)*

In November 2007 a similar, 'agenda items' study in European professional cycling was launched, with the official support of the employers' and employees' organizations as well as the world governing body UCI. The start of the project was a riders' meeting that took place in Barcelona in December 2008 (see Chap-

ter 4 Academic Community Organizer – par 4.3.11). Workshops with the participation of key sporting officials will be organised in Madrid, Berlin, Brussels, Rome and Paris in spring 2009.

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 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) the Asser International Sports Law Centre was commissioned in September 2008 to research into the issue of ‘Health and Safety in the Sport Sector’ in the 27 EU Member States.

This study will have a descriptive character and include 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 promote workers’ health (best practices) across the EU. The draft results of the study will presented at a conference of the CC-project in Lisbon in April and in Brussels In May 2009.

Experts: Robert Siekmann, Janwillem Soek and Roberto Branco Martins.

### 3.5 The City of The Hague: Platform for International Environmental Law – Feasibility study on The Hague Space for Environmental Global Governance

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 are currently working on a ‘Feasibility study on The Hague Space 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 is 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 presents the findings of the research project ‘The Hague Space for Environmental Global Governance’.

The objective of the study is 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.

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

### 3.6 Research project with ICRC: Direct participation by civilians in hostilities

Avril McDonald and Sasha Radin were involved in a joined research project with the International Committee of the Red Cross (ICRC) concerning direct participation by civilians in hostilities. This project hosted the fourth of what had originally been envisaged as four expert meetings. However, it was decided during the meeting, held in Geneva in November 2006 that the work could not be finalised within this period. During 2007 the participants revised the draft and a final consultation was held in February 2008. The outcome of the process will be a document entitled: *Guidance for the Military on the Notion of Direct Participation in Hostilities*. It is expected that this document will be published in 2009.

### 3.7 Cooperation in the field of Public Procurement Law

The T.M.C. Asser Instituut has established a long-term cooperation in European Public Procurement Law with Corvers Procurement Services, a leading legal consultancy firm in the field of public procurement.

In 2007 The T.M.C. Asser Instituut and Corvers have signed an agreement to commonly finance PhD research in this area.

On 11 February 2008 Ramona Apostol (Rumania), has been appointed as PhD researcher in the framework of this collaboration. Corvers and the T.M.C. Asser Instituut are currently looking at new possibilities to further develop research collaboration with Leiden University and the University of Antwerp.

The T.M.C. Asser Instituut collects and provides relevant documentation like: EU legislation, policy documents and case law of the Court of Justice of the EC on procurement measures of the EU as well as Dutch case law on procurement issues. Victorine Verkruijsen, from the Department of Information Services and Information Technology, was responsible for the gathering and collection of most of the documentation.

Experts: Victorine Verkruijsen, Maria Salgado-Dominguez, Ramona Apostol, Wybe Douma, Julien Simon.

### 3.8 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.euowarrant.net](http://www.euowarrant.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.

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.

### 3.9 Asser Legal Advisory Services

In 2008, 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 legal advice in one of the fields covered by the institute. Such advice is usually given in reply to a specific question relating to an individual one-off case. The number of legal advices provided in 2008 totalled 105. The advice that was given mostly concerned issues of Private International Law and/or Foreign Substantive Law. The topics ranged from protection of children and inheritance to building contracts. Usually the advice was written at the request of law firms in the Netherlands.

Experts: Bart-Jan van het Kaar, Michiel de Rooij.



### Asser Legal Advisory Services

## Academic Community Organizer

### 4.1 General

The Institute is 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 2 February 2008, the 31st 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 in co-operation with and on behalf of the International Law Student Association (ILSA). 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 Leiden and Utrecht competed for a place in the International Rounds. The quality of the two finalist teams was such that the judges had difficulty in reaching a decision. However, the team of Leiden University won with two votes to one.

The prize for the Best Memorial went to Utrecht University. The award for Best Oralist was given to Sahib Singh (Leiden University) and Martha Smolarz (Maastricht University).

The competition was organized with support of the Municipality of The Hague, Province Zuid Holland, Stichting Dr. Hendrik Muller Vaderlandsch Fonds, Freshfields, Stichting Geld- en Effectenhandel, BarentsKrans N.V., M.A.O.C. Gravin van Bylandt Stichting, Loyens & Loeff, T.M.C. Asser Press, Eleven International Publishing and Martinus Nijhoff.

In the International Rounds in Washington D.C., which took place from 6–12 April 2008, the team of Leiden University ranked 58<sup>th</sup> among 97 teams.

The University Utrecht team delivered an excellent performance in the 2008 Jessup competition. The quality of their memorials earned them 2nd place in the Hardy C. Dillard Competition for memorials of the Jessup Competition.

#### 4.2.2 Telders Moot Court Competition

On 13 February 2008, two teams competed in the National Rounds of the Telders Moot Court which took place at the T.M.C. Asser Instituut. Teams from the Universities of Utrecht and Groningen took part in this competition. The team from the University of Groningen won the National Rounds earning a place in the International Rounds.

The Judges panel consisted of three members of the staff of the T.M.C. Asser Instituut: Jan-Anne Vos, Olivier Ribbelink and Hans Lammers.

The team from Groningen ended in 13<sup>th</sup> place in the International Rounds.



Telders National Round at the T.M.C. Asser Instituut. In front the three judges, from left to right: Hans Lammers, Olivier Ribbelink and Jan-Anne Vos, members of the academic staff of the Institute.

#### 4.2.3 Frits Kalshoven Moot Court Competition on International Humanitarian Law

From 23–27 February 2008, the Netherlands Red Cross, with the help of the T.M.C. Asser Instituut, organized the 2<sup>nd</sup> Frits Kalshoven Competition on International Humanitarian Law. Teams from all-but-one Dutch law faculties and the Netherlands Defence Academy took part in this event (9 teams total). The language of the competition was English and due to the large number of LL M students that applied, most teams had a very international composition. The competition was based on a

fictitious but realistic scenario of an armed conflict. To prove their understanding and knowledge of International Humanitarian Law, the students first took part in role playing (during which they played, for example, a military lawyer advising on targeting issues, or an ICRC delegate visiting a detention centre), before the final round which took place in a more traditional 'moot court setting'. After the counting of all jury reports, Utrecht was the winner of the role playing part, the Netherlands Defence Academy of the moot court, and again Utrecht the overall winner of the competition.

#### 4.2.4 Permanent Court of Arbitration Vis Pre-Moot

In 2008 the PCA Vis Pre-Moot was organised for the third time in co-operation with the T.M.C. Asser Instituut and the Permanent Court of Arbitration (PCA). Practice rounds were held on 22 and 23 March 2008. 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. The following universities attended the Pre-Moot: Cologne, Leiden, Elon (U.S.A.), King's College London, Sciences-Po (Paris), and the Ecole de Formation Professionnelle des Barreaux de la Cour d'Appel de Paris.

### 4.3 Conferences, Seminars, Round Tables

#### 4.3.1 Asser Round Table: European Climate Change Policy – Challenges after Bali

On 21 February 2008, a Round Table was organized on the European Climate Change Policy.

The Round Table addressed the major results of the international negotiations on the Kyoto Protocol regime held in Bali in December 2007 and the effects on EU climate change policy. The discussion focused on the decision of the EU and the Member States to take the lead in the fight against climate change and the reduction of greenhouse gas emissions at the global level. In particular, the Round Table considered the Bali Action Plan adopted in December 2007 within the framework of the negotiations on the future commitment period of the Kyoto Protocol. It established the roadmap and a two-track process (Convention and Kyoto Protocol) aiming at the identification of a post 2012 global climate regime to be adopted by COP15 and COP/MOP5 in Copenhagen in 2009.

In this context, the position of the EU has been discussed and, in particular, the following three pillars of EU climate policy:

- Energy Policy for Europe package adopted on 10 January 2007 by the European Commission;
- EU Presidency Conclusions of the European Council of 8–9 March 2007: Member States agreed on binding targets for the reduction of GHG emissions and the increase of the share of renewable energy in the final consumption of energy of 20% by 2020 and for the reduction of energy consumption by 20% in comparison with 2020 projections to be achieved through the increase of energy efficiency;



- New legislative proposals on the integration of climate and energy policy in the EU presented on 23 January 2008 by the European Commission setting the stage for the future European commitment in these fields.

Speakers included: Wybe Douma (T.M.C. Asser Instituut), Frans Nelissen (T.M.C. Asser Instituut), Louise van Schaik (Clingendael Netherlands Institute of International Relations) and Leonardo Massai (T.M.C. Asser Instituut).

Round Table on European Climate Change Policy at the T.M.C. Asser Instituut. From left to right: Leonardo Massai and Wybe Douma (T.M.C. Asser Instituut) and Louise van Schaik (Clingendael).



#### 4.3.2 International Workshop on the White Paper on Sport

On 22 February 2008, a workshop was held at the T.M.C. Asser Instituut on 'the White Paper on Sport'. The workshop focused on the social and economic function of sport and the organization of sport.

Co-organisers were the T.M.C. Asser Instituut and Edge Hill University, Ormskirk, United Kingdom and the event was supported by The British Council and NWO Partnership Programme in Science.



On the left Robert Siekmann, director Asser International Sports Law Centre, who chaired the workshop.

The meeting was chaired by Robert Siekmann (T.M.C. Asser Instituut) and Richard Parrish (Edge Hill University). Speakers included: David McArdle (University of Stirling), Andy Smith and Chris Platts (University of Chester), Guy Osborn (University of Westminster), Mark James (University of Salford) and Geoff Pearson (University of Liverpool). Andrea Pinna (Erasmus University Rotterdam), Jack Anderson (Queen's University, Belfast), Stefaan van den Bogaert (Maastricht University), Steven Jellinghaus (Tilburg University), Marjan Olfers (T.M.C. Asser Instituut/VU University of Amsterdam) and Frank Hendrickx (Tilburg University).



#### 4.3.3 **Actuality sport seminar: Webster, DRC and CAS, a new Bosman?**

On 21 April 2008, a seminar on 'Webster, DRC and CAS: A New Bosman?' was organised at the T.M.C. Asser Instituut in cooperation with the universities of Tilburg (the Netherlands) and Leuven (Belgium). Speakers were: Prof. Frank Hendrickx (University of Leuven / Tilburg University), Frans de Weger (De Vos attorneys at law, Amsterdam, The Netherlands) and Dr. Steven Jellinghaus (De Voort Hermes De Bont attorneys at law / Tilburg University).

The meeting was introduced by Dr. Robert Siekmann and chaired by Dr. Stefaan van den Bogaert (Maastricht University).

The well-known Bosman verdict (1995) had a major impact on international football and can be regarded as one of the most important sports cases in history.

The European Court of Justice stressed that transfer compensation to be paid by a club for a player who had ended his contractual relationship with his former club was not permitted, since it violated the free movement of workers in the European Union. This was a serious shock to the international football industry. Clubs faced particular difficulties after 'Bosman' in that they could no longer prevent players who reached the end of their contracts departing at will. The clubs invented legal constructions to maintain a stronger hold on their players. They began negotiating contracts for longer periods, and drafted contract clauses that allowed them to secure large compensation in case players would wish to leave during the term of their contract. Another method the clubs invented after 'Bosman' was to insert clauses whereby they unilaterally reserved the right to extend the contract. However, on the basis of new FIFA rules, the Court of Arbitration for Sport (CAS) – and in first instance the FIFA Dispute Resolution Chamber (DRC) – ruled in the Webster decision (2007) that, after a specific period, players might unilaterally terminate their contract if they would pay the remaining value of their contract to their club as compensation.

#### 4.3.4 **Network of EU Environmental Lawyers (NEEL) Meeting**

On 20 May 2008, the 6th meeting for members of the Network of EU Environmental Lawyers (NEEL) was organized at the Peace Palace in The Hague.

The topic of this meeting was: 'Implementing EU environmental law successfully, facing the challenges ahead'. The meeting was attended by a majority of legal experts working in the Ministry of Environment of the 27 Member States. Furthermore, officials from the EU (Commission and Court of First Instance) contributed to the event.



The main purpose of the meeting was to discuss and exchange ideas on how to improve implementation and enforcement of European Environmental Law (EEL). Amongst others, the following issues were addressed: challenges to the implementation of EEL at the EU and national level, coordination among the different Ministries involved in the transposition of EEL, the influence of political powers on the



transposition of EC legislation into national law, the enforcement deficits, the lack of centralised application and enforcement of EEL.

Wybe Douma and Leonardo Massai of the T.M.C. Asser Instituut assisted the Dutch Ministry of Environment (VROM) in the organization of the event and in the preparation and analysis of a specific questionnaire. Furthermore, Douma and Massai contributed to the assessment of the results of the event and edited the conference book.

The book: *Implementing EU environmental law successfully; facing the challenges ahead*, Wybe Th. Douma and Leonardo Massai (eds.), has been published by TMC Asser Press in 2008.

#### 4.3.5 Hague Academic Coalition Conference – From Peace to Justice

On 15 and 16 May 2008, the annual Hague Academic Coalition (HAC) conference was organised at the Peace Palace in The Hague. The topic of the conference was: ‘From Peace to Justice: The Dynamics of Constitutionalism in the Age of Globalisation’.

The keynote speaker was Prof. Bertrand G. Ramcharan, Professor of International Human Rights Law at the Geneva Graduate Institute of International Studies and former UN (acting) High Commissioner for Human Rights.

The aim of the conference was to explore, from a variety of viewpoints, the dynamics and (changing) meaning(s) of constitutionalism in today’s globalizing world by means of plenary sessions with keynote speakers as well as interactive workshop discussions.

Jan Anne Vos of the T.M.C. Asser Instituut was a member of the program committee.

#### 4.3.6 Seminar Sports Agents in the USA

On 5 June 2008, a seminar on ‘Sports Agents in the United States of America: Regulation and Practice’ was organized by the Asser International Sports Law Centre. The speakers were: Prof. Rick Karcher, Director, Center for Law and Sports, Florida Coastal School of Law, USA, and Jean-Christian Drolet, preparing a PhD on international sports law at the University of Hamburg, on ‘The Value of Professional Sports Persons: Do Agents Actually Matter?’

The seminar was introduced by Robert Siekmann (T.M.C. Asser Instituut) and chaired by Samuli Miettinen (Edge Hill University, Ormskirk, United Kingdom).

The seminar provided an opportunity to engage in a comparative approach to sport agent regulation, since there are glaring differences between the systems in the United States of America and Europe. The first question from the perspective of an American familiar with agent regulation in the United States is: why should the football world governing body FIFA have any say whatsoever in how agents conduct their business with players? Another glaring difference between the United States and Europe is the characterization of the agent’s role.

#### 4.3.7 **Actuality Sport Seminar: 6+5 and home grown players rule: solutions to protect club identity and quality of national teams?**

On 5 June 2008, a seminar on '6+5 and Home Grown Players Rule: Solutions for the Protection of Club Identity and the Quality of National Representative Teams in European Professional Football?' was organized by the Asser International Sports Law Centre.

The speakers were: Dr. Ruben Conzelmann (University of Cologne, Germany) and Dr. Stefaan van den Bogaert (Maastricht University).

The seminar was introduced by Robert Siekmann and chaired by Samuli Miettinen. Recently, certain international sports authorities have advocated the adoption of rules that might be contrary to Community law. It is questioned whether the UEFA's rule requiring that professional football teams include a certain quota of locally trained players could be accepted as being compatible with the Treaty provisions on free movement of workers. FIFA's '6+5' rule provides that at the beginning of each match, each club must field at least six players who are eligible to play for the national team of the country concerned.

#### 4.3.8 **Master Class on Mediation and Arbitration in Patent Disputes**

On 10 June 2008, a 'Master Class on Mediation and Arbitration in Patent Disputes' was organized by the Netherlands Patent Office at their premises, in cooperation with the T.M.C. Asser Instituut. The Master Class was introduced by Dr. Guus Brosterhuizen, Director of the Netherlands Patent Office and Prof. Frans Nelissen, General Director of the T.M.C. Asser Instituut.

The speakers were: Ignacio de Castro (Arbitration and Mediation Center, World Intellectual Property Organisation (WIPO)), Willem Hoorneman (CMS Derks Star Busmann Law Firm, Utrecht, the Netherlands) and Prof. Ian Blackshaw (Court of Arbitration of Sports).

Sports-related disputes are on the increase and combined with the phenomenal rise of the Internet and its growing sports content many of these disputes relate to sports domain names that have been abusively registered and used in 'cyberspace', known as 'cybersquatting'. An alternative dispute resolution procedure has been established to deal with cases of 'cybersquatting'. This procedure is administered by the Arbitration and Mediation Center of WIPO, a specialized Agency of the United Nations, based in Geneva, Switzerland.

#### 4.3.9 **Third Hague Colloquium on Fundamental Principles of Law**

The Third Hague Colloquium: 'Jihad and the challenges of international and domestic law' took place at the Peace Palace, The Hague. The Conference was organised by Amna Guellali, Ann O' Brien and Laura de Meijer of the T.M.C. Asser Instituut.

The Hague Colloquium supplements the bi-annual Hague Prize for International law with a colloquium on a topic to be selected by the laureate.

Prof. Cherif Bassiouni (DePaul University, Chicago, USA) who was the recipient of the 2007 Hague Prize, chose the intriguing topic of Jihad and the challenges of international and domestic law in order to foster the knowledge and in-depth under-



standing of one of the major challenges facing the contemporary international community.



Cheriff Bassiouni presented the introductory lecture at the colloquium.



From left to right: Frans Nelissen (T.M.C. Asser Instituut), Cheriff Bassiouni and Sam Muller (Hague Institute for the Internationalisation of Law).



An overview of the colloquium at the Peace Palace, The Hague.

The aim of the colloquium was twofold:

- To clarify the meanings of Jihad, its understanding and the manipulation of its sense since the rise of political Islam during the 1960s.
- To deepen and broaden the understanding of the relationship between Jihad, Islam and national and international law.

Scholars from Muslim as well as western countries discussed the different views of Jihad and its relationship with law, politics and armed conflicts. The originality of the colloquium was that scholars from Islamic countries as well as experts in Islamic law from western countries engaged in a constructive dialogue on the compatibility between Islam and international law, in order to curb the monopolization of the discourse on Islam by the most radical interpretations of this religion. It was envisaged by all participants and by the organizers of the colloquium that it is of the utmost importance to disentangle the justification of the use of violence by Salafist and fundamentalist groups from their religious underpinning. The meeting undertook one of the first attempts to review the discourses of Jihad and the impact it had on the actions of States and non-states actors.

Speakers included many prominent scholars among others:

**Cherif Bassiouni:** Distinguished Research Professor of Law at DePaul University College of Law, Chicago and President Emeritus of the International Human Rights Law Institute;

**Tariq Ramadan:** Professor of Islamic Studies, Oxford College Faculty of Theology and visiting Professor Citizenship and Identity, Erasmus University Rotterdam;

**Maurits Berger:** Professor of Islam in the Contemporary West, Leiden University;

**Gabor Rona:** International Legal Director of Human Rights First;

**William Fenrick:** Dalhousie University Law School, formerly Senior Legal Adviser in the Office of the Prosecutor, International Criminal Tribunal for the Former Yugoslavia.

Some 65 persons participated in the colloquium which was made possible through the generous support received from the National Coordinator for Counter-terrorism (Dutch Ministry for Justice), the Unit Terrorism and New Threats (Dutch Ministry for Foreign Affairs), Hague Institute for the Internationalisation of Law (HiIL) and the T.M.C. Asser Instituut.

#### 4.3.10 Asser Round Table on the Karadzic Case

On 6 November 2008, a Round Table was organised at the T.M.C. Asser Instituut on the upcoming case against Radovan Karadzic at the International Criminal Tribunal for the Former Yugoslavia (ICTY). Speakers included: Defence Counsel Stephane Bourgon, Prof. Goran Sluiter (University of Amsterdam), plus journalists Heikelina Verrijn Stuart and Mirko Klarin. Mark Osiel, director International Humanitarian and Criminal Law of the T.M.C. Asser Instituut, served as moderator. The event was attended by some 120 people.

#### 4.3.11 Social Dialogues IV Riders CPA Riders meeting Barcelona

On 18 and 19 December 2008, the CPA Riders Meeting took place in Barcelona under the supervision of Cedric Vasseur (Association of Professional Cyclists, CPA), Robert Siekmann and Roberto Branco Martins (T.M.C. Asser Instituut). This meeting was held to collate opinions of cyclists and national cycling organizations on their social working conditions.

The meeting was funded and supported by the European Commission, DG Employment, Social Affairs and Equal Opportunities with the purpose of promoting the social dialogue.

For more information about the Social Dialogue Project, see Chapter 3.4.



Participants at the CPA Riders meeting. On the front row, third from right Robert Siekmann; at the back row, fifth from right, Laura de Meijer, Conference Manager T.M.C. Asser Instituut.



## 4.4 Study Visits

### 4.4.1 Capitol Hill delegation

In May a delegation of some ten staff members from Capitol Hill, Washington DC were welcomed in The Netherlands on a fact-finding mission under the auspices of the Dutch Ministry for Foreign Affairs. The week-long tour commenced with a visit to the T.M.C. Asser Instituut.

### 4.4.2 Romanian and Bulgarian delegation

As an extension to the successfully completed MATRA-project concerning the Establishment of a EU Law Documentation Centre for the Judiciary at the National Institute of Justice, the consortium of the Netherlands Helsinki Committee and the T.M.C. Asser Instituut were requested by the EVD to organize a study tour to the Netherlands to enable the participants to learn from the experience of the Eurinfra-project and, in particular, the experience with so-called 'Gerechts-coördinatoren Europees recht'.

Within the framework of this study tour a delegation of nine representatives from the National Training Centres for the Judiciary in Romania and Bulgaria arrived in the Netherlands in October and paid visits to inter alia, the SSR, the Judiciary Council and the T.M.C. Asser Instituut.

## 4.5 Lecture Series International Humanitarian Law and International Criminal Law

### 4.5.1 Supranational Criminal Law Lecture Series



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Since 2003 the Institute's Section of International Humanitarian and Criminal Law organizes the lecture series together with our 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 (every Wednesday at 7 pm) which spotlights aspects of International Criminal Law of current interest. The series runs for three seasons each year (Autumn, Winter and Spring).

While there were numerous interesting and well-attended Supranational Criminal Law lectures during the year 2008, one to be highlighted was Prof. Cherif Bassiouni's lecture on 1 October 2008. During his stay in The Netherlands, for the 3<sup>rd</sup> Hague Colloquium, Prof. Bassiouni was delighted to be able to address a wider audience and was pleased to deliver a lecture entitled 'Reflections on the Darfur Case'. This lecture was interesting not only due to the content of the lecture, but also due to the extensive and prominent audience participation and discussion. The lecture was very well-attended (125 attendees).



Mark Osiel, the Institute's director of International Humanitarian and Criminal Law introducing Cheriff Bassiouni.



Cheriff Bassiouni addressing the audience at the library of the T.M.C. Asser Instituut on 1 October 2008.

### *Supranational Criminal Law Lectures in 2008*

- 5 March 2008, André Laperrière, Executive Director of the Trust Fund for Victims, on 'The Trust Fund for Victims: Innovations and challenges'
- 12 March 2008, Nick Grono, Deputy President, International Crisis Group, on 'The role of deterrence and accountability in the Darfur and Northern Ugandan peace processes'
- 19 March 2008, Goran Sluiter, Professor in International Criminal Procedure, University of Amsterdam, on 'Due process and criminal procedure in the Extraordinary Chambers in the Courts of Cambodia'
- 26 March 2008, Lorraine Smith, Programme Manager, International Bar Association, on 'Balancing Rights: Practical considerations regarding the rights of victims before the ICC vs. the rights of the defendant'
- 2 April 2008, Deborah Ruiz Verduzco, International Law and Human Rights Programme, ICC Campaign, Parliamentarians for Global Action, on 'Justice seen to be done: Strategies, Limits and Opportunities of the International Criminal Court Communication Activities'
- 9 April 2008, Prof. Swart, University of Amsterdam, on 'Special Tribunal for Lebanon, A Selection of Issues'
- 16 April 2008, Olivia Swaak-Goldman, Jurisdiction, Complementarity and Cooperation Division (JCCD) International Criminal Court, on 'The ICC in Darfur: Challenges in achieving effective cooperation'
- 23 April 2008, Sergey Vasiliev, University of Amsterdam, on 'International Criminal Procedure: A Coherent Bod'
- 7 May 2008, Mariana Pena FIDH, on 'Colombian Justice and Peace Law: Implementation challenges in the light of ICC's principle of complementarity'
- 14 May 2008, Judge Doherty, Presiding Judge of the SCSL, on 'Developments of ad hoc tribunals and the innovations of the SCSL'
- 21 May 2008, Prof. Frederique de Vlamming, University of Amsterdam, on 'The prosecutorial policy of the ICTY'
- 28 May 2008, Daniëlla Dam-de Jong, Lecturer, University of Amsterdam, on 'The dark side of resource wealth: the protection of natural resources during armed conflict'
- 4 June 2008, Gregory Townsend, Trial Attorney, Office of the Prosecutor, International Criminal Tribunal for the former Yugoslavia, on 'The 12 March 2008



Appeals Chamber Decision in the Case of the Prosecutor v. Athanase Seromba (ICTR): An Analysis'

- 11 June 2008, Dr. Rosanne van Alebeek, Assistant Professor, Department of International Law, University of Amsterdam, on 'Functional immunity and international crimes: Was the promise of the Pinochet case an empty one?'
- 18 June 2008, Maître Xavier-Jean Keita, Principal Counsel, Office of the Public Counsel for the Defence (OPCD) and Ms. Melinda Taylor, Associate Counsel, Office of Public Counsel for the Defence (OPCD), International Criminal Court, on 'The Office of Public Counsel for the Defence (OPCD) and the challenges for the Defence before the International Criminal Court (ICC)'
- 25 June 2008, Dr. Larissa van den Herik, Associate Professor in Public International Law, Leiden University, on 'Is international criminal responsibility for legal persons possible?'
- Extraordinary Lecture Monday, 7 July 2008, Prof. Michael A. Newton, Professor of the Practice of Law, Vanderbilt Law School, on 'The Anfal Genocide: Law, Legislation, and Politics'
- 24 September 2008, Steven Kay, QC, ICTY, on 'Self-Representation – Lawyers in the eye of the storm'
- 1 October 2008, Prof. Cherif Bassiouni, DePaul University, on 'Reflections on the Darfur Case'
- 8 October 2008, Judge Song, ICC, on 'Participation of Victims at the ICC – Reflections on Selected Issues'
- 15 October 2008, Prof. Van der Wilt, University of Amsterdam, on 'Assessing "unwillingness" and "inability": can the case law of the European Court of Human Rights provide useful guidelines?'
- 22 October 2008, Lina Pimentel Biscaia, Analyst in the Office of the Prosecutor at the ICC, on 'East Timor's Special Panels for Serious Crimes: creation, composition, applicable law, jurisdiction and challenges'
- 29 October 2008, Rod Rostan, Legal Advisor, Jurisdiction, Complementarity and Cooperation Division (JCCD), Office of the Prosecutor, International Criminal Court, on 'Reflections on the Lubanga Case'
- 5 November 2008, Geraldine Mattioli, Advocacy Director, International Justice Program Human Rights Watch at Human Rights Watch, on 'Acting as a catalyst for national war crimes prosecutions: the ICC and fighting impunity in the Congo'
- 12 November 2008, Thomas Wayne Pittman, Senior Legal Officer, Trial Chamber 1, ICTY and Don Taylor, Associate Legal Officer for Trial Chamber II, on 'Ending Impunity for Private Military Contractors & Implications for Superior Responsibility'
- 19 November 2008, Brigitte Chelebian, Representative of the CICC in Beirut, on 'Promoting the ICC in the Middle East: perspectives and challenges'
- 26 November 2008, Maxim Ferschtman, Senior Legal Advisor with the Equality and Citizenship program at the Open Society Justice Initiative, on 'The obligation to investigate torture claims: the example of Chechen cases at the ECHR'
- 10 December 2008, Robin Vincent, Registrar, Special Tribunal for Lebanon, on 'The Administration of Tribunals'.



#### 4.5.2 HILAC Law and Armed Conflict Lecture Series

The Law and Armed Conflict Lecture Series is an occasional evening lecture series on the subject of law and armed conflict, which is held at the T.M.C. Asser Instituut. 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. These lectures are well received and attended.



Amsterdam Center for International Law

Het Nederlandse  Rode Kruis

T.M.C. ASSER INSTITUUT  
THE HAGUE, THE NETHERLANDS

There were 13 lectures in 2008:

- Hans Boddens Hosang, Dutch Ministry of Defence, on 'Rules of Engagement and IHL'
- Steven Freeland, Senior Lecturer in International Law, University of Western Sydney, on 'The Application of the Rules of International Humanitarian Law to the Military Use of Outer Space'
- Dr. Liesbeth Lijnzaad, on 'Gender and IHL'
- Prof. Dr. Wolff Heintschel von Heinegg, on 'Contemporary issues of naval warfare'
- Judge Theodor Meron, ICTY, on 'Does International Criminal Justice Work?'
- Major Chris de Cock, on 'Current Challenges in Air and Missile Warfare'
- Dr. Marten Zwanenburg, Legal advisor to the Netherlands Ministry of Defence, on 'Occupation under International Humanitarian Law'
- Prof. Tim McCormack, Australian Red Cross, Professor of International Humanitarian Law & Director of the Asia Pacific Centre for Military Law, University of Melbourne Law School, on 'Cluster Munitions, Proportionality and the Foreseeability of Civilian Damage'
- Dr. Gary Solis, on 'Removal of Protected Persons from Occupied Territories'
- Dr. Nils Melzer, International Committee of the Red Cross, on 'Direct Participation in Hostilities'
- Prof. Dr. Liesbeth Zegveld, on 'Remedies for War Victims'
- Prof. Dr. Ove Bring, Professor in International Law at the Department of Security and Strategic Studies at the Swedish National Defence College WHERE on 'The Law on Neutrality and Collective Security: a Historical Perspective'
- Scott Spence, on 'The Biological and Toxin Weapons Convention and its Implementation through National Law'.

Two that stood out in particular were Judge Theodor Meron's lecture (22 April 2008) and Dr. Nils Melzer's lecture (16 September 2008). Judge Meron, judge at the ICTY, gave a critical, constructive and clear overview of challenges faced in the field of international criminal justice.

Nils Melzer, a legal advisor for the International Committee of the Red Cross, gave a lecture on the results of the 5-year long expert meeting process on direct participation in hostilities. Both lectures were extremely well attended, and included officials from the international courts and tribunals, governmental officials, academics, NGO's and students.

## 4.6 Hague Academic Coalition



### 4.6.1 General

The Hague Academic Coalition (HAC) is a consortium of Hague based academic organizations. During 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 will join 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 'From Peace to Justice' conference series. See paragraph 4.3.5.
- The Hague Forum for Judicial Expertise. As of 2005, the T.M.C. Asser Instituut is responsible for this new Hague International Expert Centre for the Judiciary on behalf of The Hague Academic Coalition. See Chapter 5.1.
- 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](http://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. It was officially launched by Her Royal Highness Princess Margriet of the Netherlands on 6 April 2006.

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.



## 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

In the spring of 2007 Dr. Erik V. Koppe, on behalf of the T.M.C. Asser Instituut, carried out a Feasibility Study relative to the necessity of an online database with case law from international, hybrid and national courts in the field of International Criminal Law. One of the conclusions of the study was that it would be desirable, feasible, and necessary to create one central public and comprehensive online database providing free access to case law from international, hybrid, and national courts in the field of International Criminal Law. A second conclusion was that such a database should be developed in close cooperation with similar initiatives and ongoing projects, such as The Hague Justice Portal's pilot-project DomCLIC and the American University War Crimes Research Office's database.

On the basis of the findings and recommendations the T.M.C. Asser Instituut and The Hague Institute for the Internationalization of Law (HiIL), have filed in 2008 a grant request with the Dutch Ministry of Justice and the Dutch Ministry of Foreign Affairs for a project bearing the name 'International Crimes Database and Webplatform project'. The project entails basically four components:

- Content development, i.e. collecting and indexing national case law and national legal information on core international crimes and international criminal and humanitarian law
- Technical development, i.e. the development of an internal database platform for the purpose of facilitating efficient working procedures, information interchange and web publishing
- Networking, i.e. establishing a network of national correspondents and a network of researchers and other experts.
- Translation, i.e. the translation of a selection of national decisions into EN to allow inter alia comparative research

The proposed project will closely cooperate with the Legal Tools project of the International Criminal Court. To that effect Asser and HiIL have concluded a Cooperation Agreement with the ICC specifically for the cooperation in the two Legal Tools (1) national case law on core international crimes and (2) national jurisdictions. Asser and HiIL will be the coordinating partner of these tools and will be responsible for the delivery of information concerning 70 countries and the quality control, translations etc. of all information included in these tools.

Following the signature of the Cooperation Agreement in September 2008, the T.M.C. Asser Instituut hosted a meeting with the so-called Legal Tools Outsourcing part-

ners (LTOP) to discuss the status and progress of the new website of the Legal Tools project. It is expected that this new site will be launched in the spring of 2009. Representatives of the legal Tools Advisory Committee of the ICC and the following Legal Tools Outsourcing Partners attended the meeting:

- Norwegian Centre for Human Rights (University of Oslo, Sweden)
- International Peace Research Centre (University of Oslo, Sweden)
- Human Rights Law Centre (University of Nottingham, United Kingdom)
- International Research and Documentation Centre for War Crimes Trials (University of Marburg, Germany)
- Trial (Geneva, Switzerland)
- Institute of International Law and International Relations (Karl-Franzens-Universität, Graz, Austria)
- Institute of Informatics and Law (University of Saarland, Germany)
- Hague Institute for the Internationalisation of Law (The Hague, the Netherlands)

Having received a starting grant from the College van Procureurs and pending a positive decision on the grant application with the Ministries and in order not to lose momentum, the T.M.C. Asser Instituut decided to continue the work on the DomClic-pilot, which by the end of 2008 included more than 300 national cases with references to approximately 600 related documents. These data, together with a selection of data collected by the department of IHL/ICL will be integrated into the Legal Tools project as soon as sponsoring has been secured.

Experts: Jan de Jongh, Julien Simon, Philip van Tongeren, Vincent Pouliot.

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

Staff of the Section International Humanitarian Law and International Criminal Law of the T.M.C. Asser Instituut, the Amsterdam Centre for International Law (ASIL) 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 Inter-university publications

### 4.10.1 Student readers

In consultation with the Dutch universities a new and upgraded edition of the student reader *IPR Rechtspraak* has been prepared. It was published by *Ars Aequi*. Editor of the student reader was Dr. Bart-Jan van het Kaar.

#### 4.10.2 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.

##### 4.10.2.1 *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 and Comparative 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 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 2008 Volume LV of the *Netherlands International Law Review* was published.



##### 4.10.2.2 *Netherlands Yearbook of Public International Law*

Since 1970 the *Netherlands Yearbook of Public International Law (NYIL)* has been published under auspices of the T.M.C. Asser Instituut. In addition to articles the NYIL contains a documentation section 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. General Editors are Prof. I.F. Dekker (Utrecht University) and Prof. P.A. Nollkaemper (University of Amsterdam).

The managing-editor is Bert Barnhoorn, senior researcher in Public International Law of the T.M.C. Asser Instituut. The editorial assistant is Karin Peters of the T.M.C. Asser Instituut.

In 2008 Volume 38 (2007) of the *NYIL* was published.

##### 4.10.2.3 *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. Members of the board of

editors are the staff of the Private International Law section of the T.M.C. Asser Instituut and Dutch experts in Private International Law. There are four issues each year.

In 2008 Dr. Xandra Kramer (Erasmus University Rotterdam) took over the helm from the long-standing Editor-in-Chief Dr. Paul Vonken (Radboud University Nijmegen). The Editorial Assistant is Wilma van Sas of the T.M.C. Asser Instituut.

In 2008 *NIPR* was revamped and revised its editorial policy. It opened its doors for English language articles to meet the demand from its foreign subscribers. And finally, it completed the test stage of *NIPR-Online*, which will be available to subscribers starting in 2009.

In 2008 *NIPR Volume 26* (four issues) was published.

#### 4.10.2.4 *Netherlands Yearbook on International Humanitarian Law*

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

The Yearbook features long, in-depth articles and shorter contributions in its Articles and Current Developments sections. 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.

Prof. Tim McCormack (University of Melbourne) is the general editor. Dr. Jan Kleffner (University of Amsterdam) is the Managing Editor. Michelle Lesh of the Asia Pacific Centre for Military Law coordinated and edited the correspondents' reports. The editorial assistant is Karin Peters of the T.M.C. Asser Instituut.

In 2008 the *Yearbook of International Humanitarian Law*, Volume 9 (2006) was published. With the publication of *Yearbook of International Humanitarian Law*, Volume 10 (2007) and Volume 11 (2008), in February and December 2009, respectively, this important yearbook will be back on schedule.

#### 4.10.2.5 *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 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. The Editorial Assistant is Inge van Dun of the T.M.C. Asser Instituut.

In 2008 Volume 9 of *EBOR* was published.

#### 4.10.2.6 *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 2008 ISLJ 2008/1–2 pp. 152 and 160 respectively, were published.



## 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.

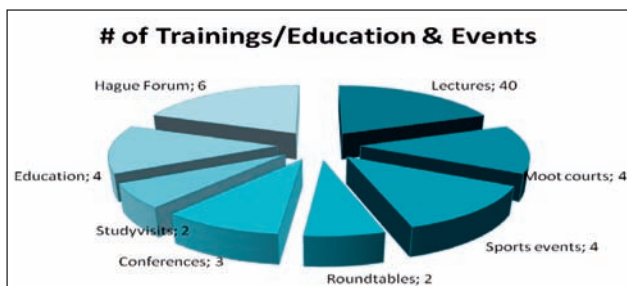
Most trainings are organized at the T.M.C. Asser Instituut or at locations in the immediate vicinity of the Institute, where there is the opportunity to benefit from the proximity, access to and interaction/input from a diverse array of international legal institutions and their specific expertise. For 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.

#### Training/Education Delivered

Training classes: 10  
 Number of participants: 261  
 Countries served: 58

#### Total Events

Events delivered: 54  
 Number of participants: 1650



#### 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 implementation and organisation of The Hague Forum for Judicial Expertise on behalf of The Hague Academic Coalition, of which it is a member.



Initiated in 2004, the Forum 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.

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

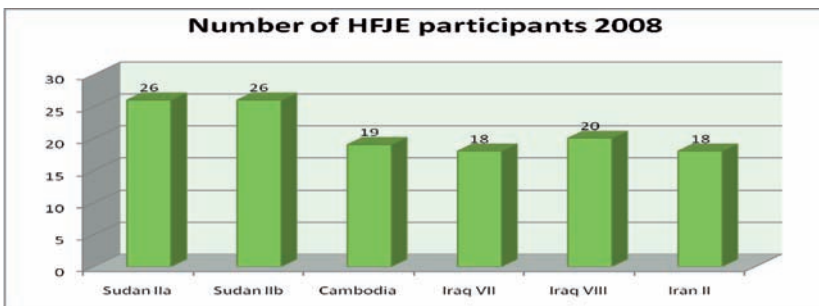
enables participants to improve the application of international law by their national courts, strengthen the ability to administer justice and in the long term contribute to advancing the respect for human rights, sustainable peace and stability.



Participants and staff at the Course on International Water and Environmental Law and International Economic Law for Legal Advisers from Sudan in Khartoum.

The following courses and trainings were delivered during 2008

- **Sudan** – Course on International Human Rights Law, International Humanitarian Law and International Criminal Law for Legal Advisers from Sudan
- **Sudan** – Course on International Water and Environmental Law and International Economic Law for Legal Advisers from Sudan in Khartoum
- **Cambodia** – Course on International Criminal Law for the Judges of the Extraordinary Chambers in the Courts of Cambodia.
- **Iraq** – BENELUX Management of Investigation Course for Judges and Police Officers from Iraq
- **Iran** – Course on International Criminal Law for judges, prosecutors and defence counsels from Iran
- **Iraq** – BENELUX Management of Investigation Course for Judges and Police Officers from Iraq.



For more information please visit the project's website: [www.hfje.nl](http://www.hfje.nl) where the annual report for 2008 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 the Forum to improve services.

#### 5.1.1.2 Training Course in WTO Law

In the academic year 2007/2008, the T.M.C. Asser Instituut organised for the second time the 'WTO Course for Developing Countries Diplomats' in Brussels, Belgium. On behalf of the European Commission, DG Trade, Directorate F2, this post-graduate training course was specially developed and tailored to the needs of the participants. The lecturers, both academics and practitioners with specific and highly significant practical experience, originated from many, mostly European Union, countries. The course and the lecturers have, once again been highly evaluated by the participants.

The programme consisted of 21 full-day sessions and two exams, and was delivered twice monthly during the entire academic year. The participants were all junior diplomats from developing countries, stationed in Brussels, and had been selected by DG Trade of the European Commission. They hailed from Bangladesh, Chile, Costa Rica, Egypt, Ecuador, El Salvador, Ethiopia, Fiji Islands, Honduras, Indonesia, Mauritius, Samoa, Thailand, Uganda and Zambia. All 15 participants successfully completed the course, and received their certificates with pride.

The course dealt with a wide range of topics, and included the origins of the World Trade Organization, in-depth sessions on its structure and basic agreements, including the evolution from the WTO's predecessor, the General Agreement on Tariffs and Trade (GATT), from 1947 until now. Other topics covered, *inter alia*, rules of origin, safeguards, technical barriers to trade, agriculture, dispute settlement in the



WTO with special attention on disputes involving the EU as well as developing countries, the future of the WTO, and the ongoing negotiations in the Doha Development Round, all with a focus on the position of developing countries in the WTO.

Graduation WTO course 2007–2008. Participants and Olivier Ribbelink (T.M.C. Asser Instituut) programme director.

#### 5.1.1.3 MTEC Administration of Justice

From 17–28 November 2008, the T.M.C. Asser Instituut organised the training course entitled 'Administration of Justice from an organisational and policy perspective'. 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).

The general aim of this course was to share knowledge and to strengthen cooperation between public servants and magistrates in the European field with respect to the administration of justice. The focus was on the Dutch and EU situations.



MTEC participants at work . . .

and on tour . . .

Participants 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 some 150 applications. A total of 50 participants from these target countries were eventually selected to take part in the training course.

### 5.1.2 Summer schools (graduate training)

#### 5.1.2.1 *Second Annual Summer Law Programme in The Hague*

From 25 May–21 June 2008, 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 credits. The programme was composed of two three-credit courses: International Criminal Law and International Legal Approaches to Terrorism.



Students Summer Law Program in front of the Peace Palace, seat of the International Court of Justice

Studying at the library of the T.M.C. Asser Instituut



The course **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.

The course **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 Fausto Pocar, Judge Bennouna and Judge Christine van de Wyngaert, Helen Duffy Michele Coninx and many others to lecture to and share their knowledge and expertise with the students.

A comprehensive social programme was also catered for.

### 5.1.2.2 Summer Course Human Rights



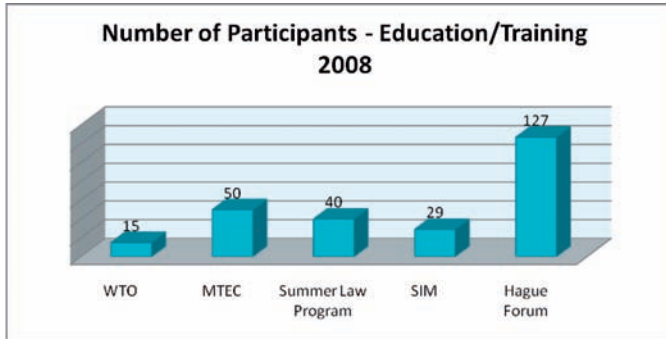
Young professionals from many continents participated in the Summer Course Human Rights.

From 18–29 August 2008 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 the hosting organization during the first week of this Summer School.

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'. In the year of the 60<sup>th</sup> Anniversary of the Universal Declaration of Human Rights, the Summer Course Human Rights focussed on the current state of universal and regional systems of human rights protection. Attention was paid to procedures and

institutions for human rights monitoring at the universal and regional level, their co-existence and effectiveness.



## 5.2 Information and Information Technology

### 5.2.1 NIPR online

The online version of *NIPR* was launched in May and provides access to the full text of the articles published in the *NIPR* since 2000 and to all documentation published in *NIPR* since 1983. At the launch, more than 6500 judgements of Dutch courts on issues of Private International Law have become searchable to subscribers of *NIPR* on an experimental basis at the website: [www.nipr-online.eu](http://www.nipr-online.eu). *NIPR* online also includes more than 2500 references to the bibliographic information on the literature in the field of Dutch Private International Law. In the course of 2009 information on treaties and legal acts will be added to the site as well as additional functionalities, such as RSS-feeds etc.

### 5.2.2 Library and Information services

Apart from the information services to members of staff and other individual customers of the library, information services have been provided on a regular basis to:

- Covers Procurement Services
  - 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 Covers Procurement Services.
  - Dutch case law on procurement issues is delivered weekly to Covers Procurement Services.
- 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 by Marco van der Harst (assistant editor).
- 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.

- *SEW*  
S.F. Blockmans, W.T. Douma, M.C. van Engelen en M.A. van der Harst prepared the annual overview of EU legislation 2007 [*EU-wetgevingskroniek 2007*] in: *SEW Tijdschrift voor Europees en economisch recht*, 2008, pp. 330–344.

The library was also active as a coordinator for the working group of Dutch European Documentation Centres (EDC). The activities included, *inter alia*, the organization of the annual national meeting, representing the group with the European Commission in Brussels and the answering of various questions from other EDC's. Initiatives have been taken to strengthen the network of information services in The Hague and to explore the possibilities to intensify the cooperation with the Peace Palace Library and the Information department of the Institute of Social Studies.

### 5.2.3 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
- EU-enlargement agreements
- Proposals for EC-directives and JHA framework decisions
- 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

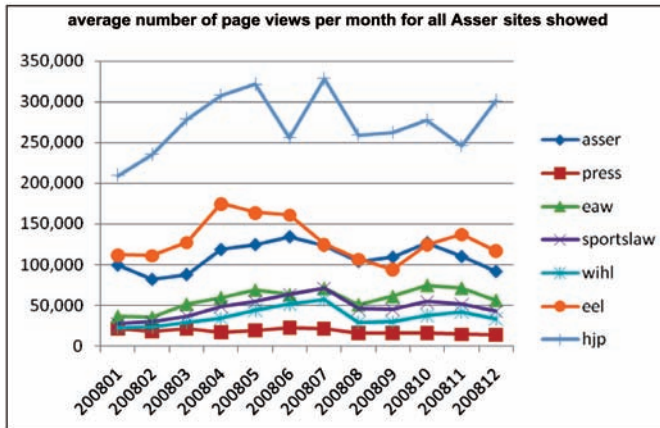
The information systems are being made available on CD-ROM (SDU: Register officiële Publicaties) and/or the Intranet and Internet of the Institute.



### 5.2.4. Websites

The Institute hosted in 2008 the following portals and websites:

- Asser Portal ([www.asser.nl](http://www.asser.nl)) and its sub-sites:
  - T.M.C. Asser Instituut
  - T.M.C. Asser Press ([www.asserpress.nl](http://www.asserpress.nl))
  - Hague Joint Conference
  - Hague Forum for Judicial Expertise ([www.hfje.nl](http://www.hfje.nl))
  - Private International Law
  - International Commercial Arbitration
  - Public International Law
  - International Humanitarian Law / International Criminal Law ([www.wihl.nl](http://www.wihl.nl))
  - European Law
  - European Environmental Law ([www.eel.nl](http://www.eel.nl))
  - Asser International Sports Law Centre ([www.sportslaw.nl](http://www.sportslaw.nl))
  - European Arrest Warrant Project ([www.euowarrant.net](http://www.euowarrant.net))
- Website NVIR ([www.nvir.org](http://www.nvir.org))
- The Hague Justice Portal ([www.haguejusticeportal.net](http://www.haguejusticeportal.net))



In the year 2008 the total number of page views of the Asser Portal was 4.780.045 and the number of visitors was 1.227.143.

In cooperation with the Informatiseringscentrum of the University of Amsterdam a long-distance learning environment was created for The Hague Forum of Judicial Expertise (HFJE). The new environment is open to the participants of the training courses of the HFJE only.

Furthermore, initiatives have been taken for a major overhaul of the design and content of all Asser websites, the results of which will be tangible in spring 2009. The Hague Justice Portal (HJP) is a project of The Hague Academic Coalition. The T.M.C. Asser Instituut operates as the administering body on behalf of The Hague Academic Coalition and provides project management services.



### 5.3 T.M.C. ASSER PRESS



T.M.C. Asser Press had a successful year with the publication of 24 new book titles, 14 journal issues, and 8 reprints of its backlist titles. Cambridge University Press continued to be a strong partner with its excellent worldwide marketing and sales campaigns.

Our English language journals and yearbooks increased their exposure worldwide through Cambridge Journals Online (CJO), which makes the periodicals electronically available at more than 1200 libraries worldwide through its well-established library consortia deals.

In 2008 T.M.C. Asser Press joined the new Cambridge Digital Journals Archive Project, where all our periodicals will be incorporated. These periodicals will form an important part of this archive, and extend the content available to readers back to volume 1, issue 1, with contemporary functionality to complement the existing articles. It will be available through Cambridge Journals Online and include full searching capability and reference-linking where possible, to increase the value of the historical articles. It will be fully available in May 2009.

The publication of *Challenges in a Changing World – Clingendael Views on Global and Regional Issues* (Eds. J. de Zwaan, E. Bakker and S. van der Meer) was celebrated during Clingendael's 25<sup>th</sup> anniversary ceremony at the Ridderzaal, where Prof. Jaap de Zwaan presented Queen Beatrix of the Netherlands and former UN Secretary-General Kofi Annan with the first copy of the book.



Queen Beatrix of the Netherlands and former UN Secretary-General Kofi Annan with the first copy of the book *Challenges in a Changing World – Clingendael Views on Global and Regional Issues*; an Asser Press publication.

At the farewell party of Mayor Wim Deetman the commemorative, limited edition of *The Hague Legal Capital? Liber in Honorem W.J. Deetman* (Eds.: D. Vriesendorp, F.A. Nelissen and Michail Wladimiroff) was presented to him in gratitude for all his efforts for the City of The Hague, its organizations and people.



Our *Asser International Sports Law Series* (Eds.: Robert Siekmann and Janwillem Soek) added *The Jurisprudence of the FIFA Dispute Resolution Chamber* (F. de Weger) to its list. This series has established itself as the leading, English language sports law series.

Under the T.M.C. Asser Press's special imprint The Hague Academic Press (HAP) two Hague Academic Coalition (HAC) publications were published in the *From Peace to Justice Series: Culture and International Law* (Ed.: P. Meerts) and *Beyond the UN Charter – Peace, Security, and the Role of Justice* (Ed.: O. Ribbelink).

The following titles deserve special mention:

- *The Europeanisation of International Law – The Status of International Law in the EU and its Member States*. This book was edited by J. Wouters, A. Nollkaemper and E. de Wet. It addresses the phenomenon of 'europeanisation' of international law, which means that it is EU law that determines how international law is to be applied in the Member States. The book addresses critical questions pertaining to this development and its consequences for the domestic law of the Member States, the role of the European Court of Justice and for the unity and coherence of Public International Law in the EU.
- *The European Union and Crisis Management – Policy and Legal Aspects*, T.M.C. Asser Instituut Colloquium on European Law – Session 37 – October 2007. This volume was edited by S. Blockmans. Since 1999, the EU has worked hard to close its so-called 'capabilities-expectations gap' in the field of the European Security and Defence Policy. The quick proliferation of the Union's institutional and operational mechanisms to manage crises on its doorstep and farther afield has led to many new legal and policy questions which are addressed by leading academics and practitioners in the light of the Lisbon Treaty and lessons learned from practice in the field.
- *Jus Post Bellum – Towards a Law of Transition from Conflict to Peace*, This book, edited by C. Stahn and J.K. Kleffner, provides a fresh perspective on the use and relevance of the concept of *jus post bellum* in contemporary international law and policy. It examines the origins, contents and prospects of a framework governing transitions from conflict to peace from an inter-disciplinary perspective.
- *Depleted Uranium Weapons and International Law – A Precautionary Approach*. The use of ammunition and armour containing depleted uranium (DU) has been linked to a number of health and environmental consequences of modern warfare, such as Gulf War syndrome and the contamination of natural resources. The book provides an analysis of whether, under what conditions and to what extent the use of DU ammunition is compatible with international law. Relevant legal standards include rules protecting the civilian population and the natural environment during armed conflicts. It was edited by A. McDonald, J.K. Kleffner and B. Toebes.
- *The Legitimacy of Highest Courts' Rulings – Judicial Deliberations and Beyond* In his *Judicial Deliberations: A Comparative Analysis of Judicial Transparency and Legitimacy* (2004), the American-French scholar Mitchel Lasser has tried to re-establish the strengths of the French cassation system. Using Lasser's ap-

proach and ideas as a starting point, in this book judges from the French, Belgian and Dutch Cassation Courts reflect on the challenges that their Courts are facing. The book, which was edited by N. Huls, M. Adams and J. Bomhoff, is a multidisciplinary contribution to the international debate about the legitimacy of highest courts' rulings, the concept of judicial leadership and offers a new perspective in the USA versus Europe debate.

- *Diplomatic Dispute Settlement – The Use of Inter-state Conciliation* by S.M.G. Koopmans. The book discusses the use of non-binding dispute settlement between States. Conciliation is used as an alternative to binding settlement, such as by an international court. It covers conciliation in a broad sense, including various related mechanisms, and proposes a new way of looking at them. The author discusses the history, practice and problems of such settlement practices, looking at border disputes, environmental treaties, investment protection, human rights, GATT/WTO and the work of the UN. It is the first in-depth study of international conciliation in over 30 years and is of great interest to academics, practitioners and graduate students.
- *Self-Regulation in Cyberspace* by J.P. Mifsud Bonnici. Are rules developed and accepted by Internet groups still an important part of Internet regulation? From descriptions of the regulation of different Internet activities, we find that our behaviour on the Internet is regulated by an intricate mesh of rules coming from both private groups and states. Private regulation is indispensable in this mesh of rules. It provides rules where no specific state regulation exists or where it is incomplete or ineffective. Simultaneously, states supply legal (and financial) frameworks that complement private regulation and together effectively regulate Internet activities. This is the 16<sup>th</sup> volume in the IT & Law Series.

For a complete overview of the 2008 publications and a preview for 2009, please see Annex 8.





# Governing Board, Inter-University Research Councils & Scientific Commissions

## Governing Board

Chairman: Prof. Mr. M. Scheltema

**University of Amsterdam**  
Prof. Dr. C.E. du Perron

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**Utrecht University**  
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**Maastricht University**  
Prof. Dr. A.W. Heringa

## Inter-University Research Councils

### Research Council Public International Law

- Prof. Dr. Andre Nollkaemper, University of Amsterdam
- Prof. Dr. Nico Schrijver, Leiden University
- Prof. Dr. Willem van Genugten, Tilburg University
- Dr. Yvonne Donders, University of Amsterdam, Programme Coordinator until December 2008

### Centre for the Law of EU External Relations (CLEER)

- Prof. Dr. Fabian Amtenbrink, Erasmus University Rotterdam
- Prof. Dr. Christophe Hillion, Leiden University
- Dr. Andrea Ott, Maastricht University
- Prof. Dr. Ramses Wessel, University of Twente
- Dr. Wybe Douma, T.M.C. Asser Instituut
- Dr. Steven Blockmans, T.M.C. Asser Instituut, Programme Coordinator

### Private International Law

Members will be appointed in 2009

- Dr. Bart-Jan van het Kaar, T.M.C. Asser Instituut, Programme Coordinator

## Scientific Commissions

### **Commission on European Law**

Chairman: Prof. Dr. S. Prechal, Utrecht University  
Secretary: K. Swinnen-Pieters, LL M, 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: Prof. Dr. C. Flinterman, Utrecht University  
Secretary: Dr. O.M. Ribbelink, T.M.C. Asser Instituut  
Members: 21

## Staff – Facts & 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
----------------	---------------------

### Staff

#### Academic Staff

A.R. Apostol (appointed 11 February)	European Law
L.A.N.M. Barnhoorn	Public International Law
S.F. Blockmans	European Law
R.C. Branco Martins (resigned 1 March)	International Sports Law
W.Th. Douma	Head of European Law Department
E. Guellali	International Humanitarian Law
M. Harinck-Olfers (resigned 1 July)	International Sports Law
B.J. van het Kaar	Private International Law
V. Lazic	International Commercial Arbitration
L. Massai	European Law
C. Matera (appointed 1 September)	European Law
F.A. Nelissen	Public International Law
M.J. Osiel (appointed 1 September)	Head of Public International Law, International Humanitarian and Criminal Law Department
S.E. Radin	International Humanitarian Law
O.M. Ribbelink	Public International Law
M.J. de Rooij	Private International Law
M. J. Salgado Dominguez (resigned 1 April)	European Law
G.E. Schmidt	Private International Law
R.C.R. Siekmann	Head of International Sports Law Centre/ Head of Private International Law Department
J.W. Soek	International Sports Law
K.F.H. Swinnen-Pieters	European Law
J.A. Vos	Public International Law
<b>Education, Training and Events</b>	
M. Kondas (appointed 20 June)	Assistant Education and Research Director HFJE
J.G. Lammers	Education Development Manager
T. Mehra	Project Manager Education and Events
L.M.J. de Meijer	Head of Department
A.M. O' Brien (appointed 15 January)	Project Manager Education and Events
S.J. Terheijden	Project Manager Education and Events
P. Willemsen	Project Manager Education and Events



**Projects Office**

N.S.M.P. Amtenbrink	Project Officer
N.A. van den Heuvel (appointed 1 September)	Project Manager
L.T. Janssen (appointed 1 November)	Account Manager
T.N.J. Kok-Maan (resigned 15 August)	Assistant Account Manager

**Financial Administration**

P. Bakker	Head of Financial Administration
S. Jagessar	Financial Administrator
D. de Jongh	Financial Administrator

**Information 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
C. D.C. Masouy (resigned 31 December)	Project Assistant Hague Portal
V.P. Pouliot	Project Assistant
V.P. Verkruijsen	Information Specialist
N. J. Walbridge (resigned 31 December)	Project Assistant Hague Portal

**Operations & Publications**

A. Assoufi	Janitor
A.M. Bolweg	Office Support Assistant
I. van Dun-van den Bosch (resigned 1 June)	Editorial Assistant
A.A.M. van Kersbergen	Office Manager Research
K. Peters-Moes	Editorial Assistant
R. Rose	Assistant Technical Services
W.G.M. van Sas-Wildeman	Editorial Assistant
J.J.M. Simon	Operations Manager, Head Human Resources Department
A.L.D. Smit	Receptionist

**Human Resources Department**

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

**T.M.C. Asser Press**

M.H. Bastiaans	Assistant Publisher Asser Press
M. Eijdenberg-Addiks	Editorial Assistant
F.M. Peters-Bierman (appointed 22 September)	Management Assistant
A. Riem (resigned 1 September)	Management Assistant
P.E. van Tongeren	Publisher/Director T.M.C. Asser Press
A.H.C. Wessels-Voorbij	Marketing Coordinator

**Participants in the Asser Dissertations Programme – ADP**

<b>Name</b>	<b>Supervisor(s)</b>
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
Tamara Takacs	Prof. Dr. S. Prechal, Utrecht University and Dr. József Petrétai, University of Pécs, Hungary
Kinga J. Tibori Szabo	Prof. Dr. T.D. Gill, University of Amsterdam





## Participants in the Asser Research Fellowships Programme – ARFP

Name	Period
Hernan Salinas Burgos (Universidad Catolica de Chile)	02-01-2008 – 08-02-2008
Marieta Rabohchiyska (Sophia University St. Kliment Ohridski, Bulgaria)	01-07-2008 – 31-07-2008
Fu Yu (Southwest University of Political Science and Law, China)	01-07-2008 – 31-07-2008
Chen Bin (Wuhan University, China)	01-07-2008 – 29-08-2008
Valentina Falco (European University Institute, Florence, Italy)	07-07-2008 – 15-09-2008
E.V. Koppe	01-03-2008 – 30-03-2008

## Student Assistants and Trainees

Name	Period	Tutor(s)
M.A. Bakker	01-11-2007 – 29-04-2008	J.S. de Jongh
M. Kondas	20-11-2007 – 19-06-2008	W.T. Douma
S.W. Couwenberg	10-09-2007 – 31-01-2008	R.C.R. Siekmann
L. Wannet	01-01-2008 – 14-02-2008	L.A.N.M. Barnhoorn
A.S. Brancaforte	01-01-2008 – 31-05-2008	S.E. Radin
F. v.d. Outenaar	01-12-2007 – 31-03-2008	R.C.R. Siekmann
M.C. van Engelen	01-02-2008 – 30-06-2008	W.T. Douma
L.M.Y. Pelswijk	01-02-2008 – 30-04-2008	R.C.R. Siekmann
A.M. de Vries	01-02-2008 – 30-11-2008	J.S. de Jongh
S. Jansen	15-02-2008 – 14-04-2008	L.A.N.M. Barnhoorn
E.V. Perekotiy	15-04-2008 – 31-08-2008	W.T. Douma
J. Odermatt	16-06-2008 – 07-09-2008	J.S. de Jongh
J.J.N. Weel	21-07-2008 – 30-11-2008	R.C.R. Siekmann
N.B.R.L.M. Corbin	21-07-2008 – 20-10-2008	J.S. de Jongh
M.N. Munang	11-08-2008 – 30-09-2008	S.E. Radin
J. Rosendahl	04-08-2008 – 03-11-2008	R.C.R. Siekmann
C. Koot	09-09-2008 – 31-01-2009	R.C.R. Siekmann
M.S. Pedrycz	01-10-2008 – 31-12-2009	R.C.R. Siekmann
E.J.H. Houg	01-12-2008 – 31-01-2009	L.A.N.M. Barnhoorn

### 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.

### Associate Researchers

Flora Goudappel, Erasmus University Rotterdam

Leendert Erkelens, former civil servant Dutch Ministry of Justice

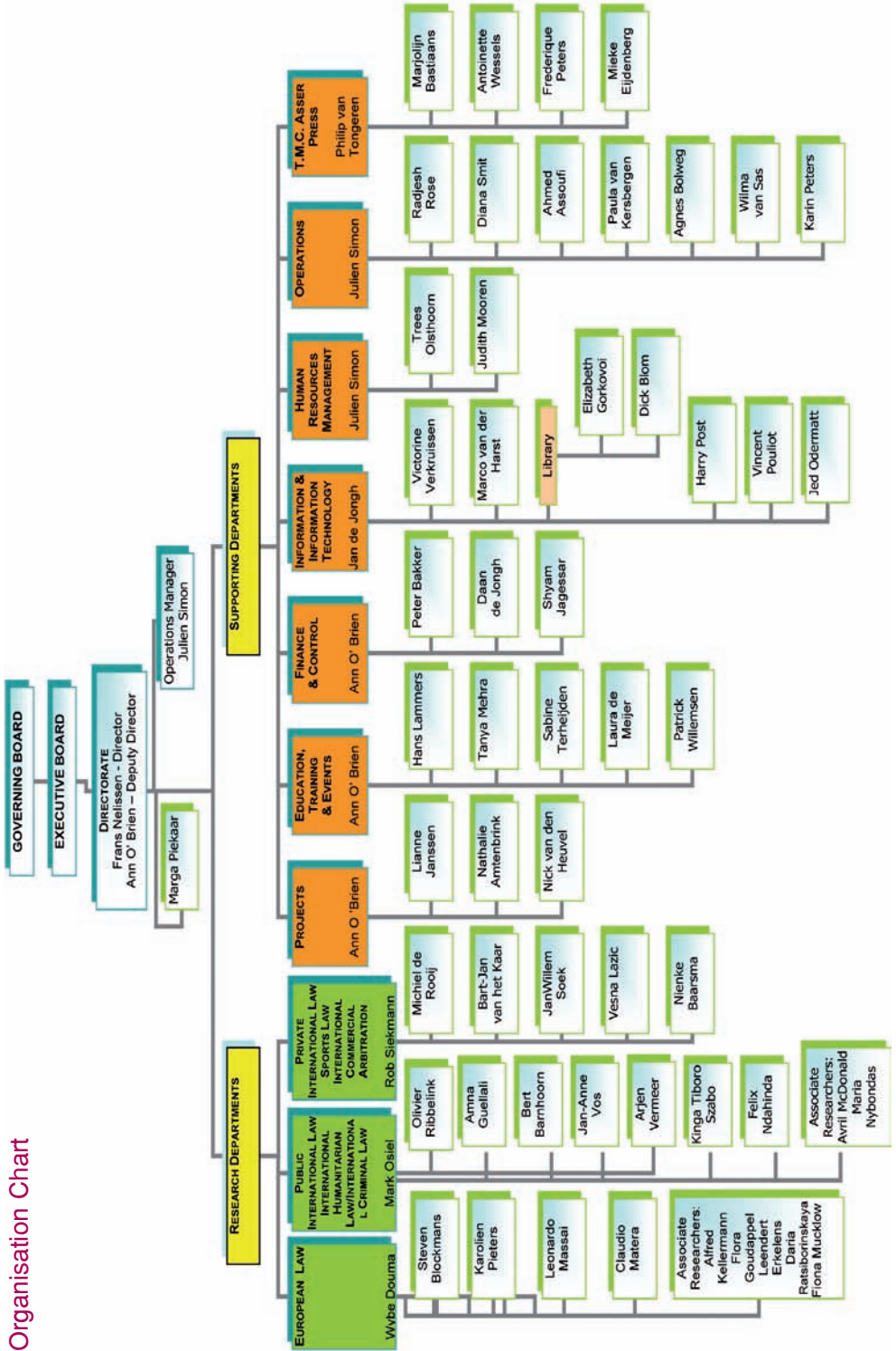
Daria Ratsiborinskaya, Editor, electronic news-service of the European Environmental Law Homepage

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

Maria Nybondas, former member of the International Humanitarian Law and International Criminal Law, T.M.C. Asser Instituut

Organisation Chart



## Staff – Advisory & Board Functions

M.H. Bastiaans

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

S.F. Blockmans

- Programme Coordinator Centre for the Law of EU External Relations (CLEER)
- Chairman of the Works Council (Ondernemingsraad) of the T.M.C. Asser Instituut.

R. Branco Martins

- Director Pro Agent
- General Manager European Football Agents Association

W.Th. Douma

- Member, 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.

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'
- Chair Steering Committee European Arrest Warrant Project
- Member, Steering Committee European Research Network Study on Private 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 Legal Heritage Working Group, The Hague (archives from international law institutions in The Hague)
- 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 of the 'Expert Groep Algemene Justitiële Strategie' (Expert Group on General Judicial Strategy) of the Dutch Ministry of Justice
- 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).

O.M. Ribbelink

- Secretary-General, Association of Attenders and Alumni of The Hague Academy of International Law (AAA)
- 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, European Business Organization Law Review
- Member, Advisory Board, 'Stichting Democratie en Media'
- Member, Interdepartmental Consultation Group on space law-related issues
- Chairman, Netherlands National Round Organizing Committee, Telders International Law Moot Court Competition
- 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, 12<sup>th</sup> Summer Course on Human Rights, August 2008, The Hague & Leuven, Belgium
- Member, Opposition Committee, public defence dissertation by Chukeat Noichim, 'The Asean Space Organization: Legal Aspects and Feasibility', 17 December 2008, Leiden University
- Member, Promotion Committee and Opposition Committee, public defence dissertation by Fabio Tronchetti, 'The Exploitation of Natural Resources of the Moon and other Celestial Bodies: a Proposal for a Legal Regime', 18 December 2008, Leiden University.

M.J. de Rooij

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

R.C.R. Siekmann

- Member of the Board of Appeal (Doping), Netherlands Institute for Litigation in Sport [Stichting Instituut Sportrechtspraak]
- Member, Promotion Committee public defence dissertation by Marjan Olfers, 'Sport en Mededingingsrecht' [Sport and Competition Law – An Interesting Twosome], 29 January 2008, VU University Amsterdam.

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.

## Staff – Editorial Functions

R. Apostol

- Editor, SDU *Aanbestedingsrecht Online*, an on-line collection of Dutch and European jurisprudence in the field of public procurement.

L.A.N.M. Barnhoorn

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

W.Th. Douma

- Editor-in-Chief, *European Environmental Law* website ([www.eel.nl](http://www.eel.nl)) and bi-weekly News service
- Editor, *Jurisprudentie milieurecht* (Dutch journal on environmental case law).
- Editor, *Milieu en Recht* (Dutch journal on environmental law).

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

- Associate Editor, *Carbon and Climate Law Review* ([www.lexxion.de/cclr](http://www.lexxion.de/cclr))
- Editor, *European Environmental Law news service* and website: <http://www.eel.nl>
- Associate Editor, Qualenergia website ([www.qualenergia.it](http://www.qualenergia.it)), regular submission of brief articles (in Italian)

M.L. Nybondas

- Member of the Editorial Board of the Newsletter of the School of Human Rights Research.

S.E. Radin

- Editor, International Humanitarian Law website.

M.J. de Rooij

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

R.C.R. Siekmann

- General Editor, *International Sports Law Journal*
- General Editor, [www.sportslaw.nl](http://www.sportslaw.nl) (website of ASSER International Sports Law Centre)
- Member Editorial Board, *International Journal of Sport*.

J.W. Soek

- Deputy General Editor, *International Sports Law Journal*.

P.E. van Tongeren

- Publishing Editor, *Information Technology & Law Series (IT&Law)*.





## Staff – Publications

### A. Books

S.F. Blockmans

- *The European Union and International Crisis Management: Legal and Policy Aspects*, editor, The Hague, T.M.C. Asser Press 2008, 429 pp.

W.Th. Douma

- *Implementing EU environmental law successfully: Facing the challenges ahead*, The Hague, 160 p. (co-editor with L. Massai).

B.J. van het Kaar

- *IPR-bewijsrecht en bewijsverkrijging* [the role of Private International Law in the field of the law on evidence], Kluwer International, 2008
- *IPR Rechtspraak*, student reader, editor, *Ars Aequi*, 2008.

L. Massai

- *Implementing EU environmental law successfully: Facing the challenges ahead*, The Hague, 160 p. (co-editor with W. Douma).

F. A. Nelissen

- *The Hague Legal Capital? Liber in Honorem W.J. Deetman*, co-editor with David Vriesendorp and Michail Wladimiroff, Hague Academic Press, 2008, The Hague, XXIV + 269 pp.

S. Radin

- *2007 Hague Joint Conference Proceedings – Criminal Jurisdiction 100 Years after the 1907 Hague Peace Conference*; co-editor with Prof. Willem van Genugten and Prof. Michael Scharf; T.M.C. Asser Press 2009.

O.M. Ribbelink

- *Beyond the UN Charter: Peace, Security and the Role of Justice*, editor, Hague Academic Press, an Imprint of T.M.C. Asser Press, 2008, 209+XX pages.

### B. Articles

R. Apostol

- Published 5 monthly articles on different legal aspects of European public procurement in 'Revista de Achizitii Publice' (Public Procurement Review)
- Contributed to the Asser website with two articles: Deposit guarantees in the European Union, EU clean vehicle procurement legislation.



S.F. Blockmans

- 'De Europese Unie en de wederopbouw van de Balkan: Minder ad hoc, meer EU' [The European Union and the reconstruction of the Balkans: Less ad hoc, more EU], in B. Bomert, Th. van den Hoogen and R.A. Wessel (eds.), *Jaarboek Vrede en Veiligheid 2007* [Yearbook of Peace and Security 2007] (Amsterdam, Rozenberg Publishers 2008), pp. 133–151
- 'Een overzicht van nationale koppen in Nederland' [An Overview of Over-implementation of EC Directives in the Netherlands] in *RegelMaat* (2008) pp. 4–14 (with M. van der Harst and K. Pieters)
- 'EU Law Training Courses at the NIJ', in A. Gutierrez Zarza (ed.), *Judicial Training Methodology: A Spanish-Bulgarian Experience* (Sofia, NIJ 2008), pp. 85–101 (with J.A. Varela Agrelo and A. Noe)
- 'EU-Russia Relations through the Prism of the European Neighbourhood and Partnership Instrument', *13 European Foreign Affairs Review* (2008), pp. 167–187
- 'Business as Usual? EU Conditionality Towards Russia under the European Neighbourhood and Partnership Instrument' in M. Entin (ed.), *New Trends in European Integration and European Law – Proceedings of the 10<sup>th</sup> Anniversary Conference of the MGIMO-University Institute of European Law* (St. Petersburg, StPB 2008)
- 'An Introduction to the Role of the EU in Crisis Management', in S. Blockmans (ed.), *The European Union and International Crisis Management: Policy and Legal Aspects* (The Hague, T.M.C. Asser Press 2008), pp. 1–13
- 'European Crisis Management avant la lettre,' in S. Blockmans (ed.), *The European Union and International Crisis Management: Policy and Legal Aspects* (The Hague, T.M.C. Asser Press 2008), pp. 37–52 (with Willem F. van Eekelen)
- 'Timing Albania's Application for EU Membership: making the right choice between the French, Czech and Swedish EU Presidencies, Institute for Democracy and Mediation', *Policy Brief No. 3* (Tirana, IDM 2008), pp. 1–16 (with G. Vurmo)
- 'The Impact of EU Enlargement on the Security Space Shared with Russia', in M. Entin (ed.), *Liber Amicorum in honour of Prof. Lev Matveevitch Entin* (Moscow, MGIMO 2008).

W.Th. Douma

- 'Advocate-General criticises anti-terrorism measures without legal protection' (News Flash), with Nikos Lavranos (NMA), EU law news flash at Asser website, 20 January 2008
- 'Penalty payment as guarantee on implementing EC law' [Dwangsom als garantie op de uitvoering van EG-recht], *Staatscourant*, 21 February 2008, p. 5
- 'Handelsbeperkingen ten behoeve van het klimaat in het licht van het internationale handelsrecht: realistische optie of FAIRy tale?', *Milieu & Recht vol. 35, 2008, nr. 7*, pp. 414–420
- 'Legal Impact of the EU Accession of the Republic of Cyprus', in S. Teryaki (ed.), *The Legal Impact of EU Accession of Cyprus on Relations with the Turkish republic of Northern Cyprus* (Istanbul, TESEV 2008), forthcoming (with Marcel Brus, Wybe Douma, Theo van der Hoogen, Martin Kuijer, S. Teryaki & M. Akgün)
- 'First request for EU 'enhanced cooperation'', EU law news flash at Asser website, 28 August 2008.

E. Guellali

- 'International Criminal Courts Round-Up', *Yearbook of International Humanitarian Law*, vol.10, 2007, pp.133–197.

M.A. van der Harst

- 'Een overzicht van nationale koppen in Nederland' [An Overview of Over-implementation of EC Directives in the Netherlands] in *RegelMaat* (2008), pp. 4–14 (with S.F. Blockmans and K. Pieters).



V. Lazic

- 'Recent Developments in Harmonizing European Private International Law in Family Matters', *European Journal of Law Reform*, Vol. 10, Issue. 1, 2008, pp. 75–96
- Revising the 1976 UNCITRAL Arbitration Rules – Towards a Greater Degree of Transparency in Investment Arbitration?, *PIL Yearbook Law Faculty of the University of Montenegro: Private International Law and Protection of Foreign Investors*, Podgorica, 2008, pp. 29–49.

L. Massai

- 'Obligations of the European Community and its Member States under the Kyoto Protocol', in Treves, T. et al. (eds.), *Non-compliance procedures and mechanisms and the effectiveness of international environmental agreements*, The Hague: Asser Press, 2008.

F. A. Nelissen

- 'International City – UN City – City of Peace and International Justice: Onward to 2015!' in: David Vriesendorp, Frans A. Nelissen, Michail Wladimiroff, eds., *The Hague Legal Capital? Liber in Honorem W.J. Deetman*, Hague Academic Press 2008, pp. 23–30.

O.M. Ribbelink

- 'Another Responsibility to Protect? Some Thoughts on a Possible Consequence of GMES, or How Remote Sensing for the Common Good Could Result in "Another" Responsibility to Protect', in *Changing Perceptions of Sovereignty and Human Rights, Essays in Honour of Cees Flinterman*, Ineke Boerefijn and Jenny Goldschmidt, editors, Intersentia, 2008, pp. 521–527.

J.W. Soek

- 'The Athlete's Right to Respect for His Private Life and His Home', in: *The International Sports Law Journal (ISLJ)* 2008/3–4, pp. 3–13.

K. Swinnen-Pieters

- 'Een overzicht van nationale koppen in Nederland' [An Overview of Over-implementation of EC Directives in the Netherlands] in *RegelMaat* (2008), 4–14 (with S.F. Blockmans and M. van der Harst).

## C. Others

L.A.N.M. Barnhoorn

- Netherlands Judicial Decisions Involving Questions of Public International Law, 2005–2006, 38 *NYIL* (2007) pp. 423–510.

S.F. Blockmans

- EU-wetgevingskroniek 2007 [EU Law Chronicle 2007] in: *SEW, Tijdschrift voor Europees en economisch recht*, 2008, pp. 330–344, with M.A. van der Harst, W.T. Douma and M.C. van Engelen.
- Book reviews:
  - *L'autorité de l'Union européenne*, edited by Loïc Azoulay and Laurence Burgorgue-Larsen (Brussels: Bruylant 2006. 280 pp.), in *14 European Law Journal* (2008)
  - *The security dimensions of EU enlargement: Wider Europe, Weaker Europe?*, edited by David Brown and Alistair J. K. Shepherd [Manchester: Manchester University Press. 2007. 272 pp.] and *Inclusion, Exclusion and the Governance of European Security*, Marc Webber [Manchester: Manchester University Press. 2007. 288 pp.], in *45 Common Market Law Review* (2008).

W.Th. Douma

- EU-wetgevingskroniek 2007 [EU Law Chronicle 2007] in *SEW, Tijdschrift voor Europees en economisch recht* 2008 nr. 9, pp. 330–344, with S. Blockmans, M. van der Harst and M.-C. van Engelen.
- Annotations to the following cases:
  - WTO AB 3 December 2007, case WT/DS332/AB/R, European Communities v. Brazil (*retreated tyres*), JM 2008/17, pp. 104–122
  - Court of First Instance of the EC 7 November 2007, case T–374/04, Germany v. Commission (ex-post adjustments of National Allocation Plan), JM 2008/18, pp. 122–144
  - Dutch Council of State 14 November 2007, case 20070320 7 till 11/1, MenR 2008/19, pp. 124–125
  - ECJ 8 May 2008, case C–491/06, Danske Svineproducenter, JM 2008/68, pp. 551–561
  - ECJ 25 July 2008, C–237/07, Janecek, JM 2008/88, pp. 724–732
  - ECJ 24 June 2008, C–188/07, Commune de Mesquer, JM 2008/89, pp. 732–747, with M.A.G. Welschen (liability Total a.o. for tanker Erika 1999 oil spill disaster).

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* 38 (2007) pp. 367–410
- EU-wetgevingskroniek 2007 [EU Law Chronicle 2007] in: *SEW*, 2008, pp. 330–344 with S.F. Blockmans, W.T. Douma and M.C. van Engelen.

L. Massai

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

C. Matera

- Newsflash to the Asser EU law web site.

S. Radin

- Contributions to International Humanitarian Law website.

## Staff – Lectures, Presentations & Sessions

### R. Apostol

- Held three presentations on the results of the Steppin project, in Riga, Warsaw and Amsterdam.

### S.F. Blockmans

- 8 December 2008, ‘“La nouvelle vague”: the introduction of a more significant Ost-politik in the EU’s Security Policies’, Conference on ‘Challenges Faced by New Member States’, Utrecht University
- 26 November 2008, ‘CFSP & ESDP’, Course on EU Law for Public Administration of Albania, Spanish Development Cooperation (AECID), Ministry of European Integration, Tirana, Albania
- 25 November 2008, ‘EC Transport Law and its Implementation in Albania’, Course on EU Law for Public Administration of Albania, Spanish Development Cooperation (AECID), Ministry of European Integration, Tirana
- 13 November 2008, ‘EU Conflict resolution in the South Caucasus: can the ENP be reinforced with elements from the Stabilisation and Association Process?’, Conference on ‘EU Conflict Resolution in the South Caucasus: Learning from the Balkan Experience?’, University of Bath, UK
- 12 November 2008, ‘Tough Love: the EU’s relations with the Western Balkans’, European Commission, DG RELEX, Brussels
- 18 October 2008, ‘The participation of Turkey in ESDP and CDSP: past, present, future’, workshop on ‘Current Issues in EU-Turkey Relations’ co-organised by Maastricht University, Yeditepe University and T.M.C. Asser Instituut, Yeditepe University, Istanbul
- 16 October 2008, ‘Direct effect of directives and Member State liability’, EU Law course for undergraduate students, Yeditepe University, Istanbul
- 11 October 2008, ‘The ENP and conflict resolution’, Leiden University (Campus The Hague) and Montesquieu Institute conference ‘Neighbours, but not neighbourly?’, The Hague
- 18 September 2008, ‘EU External Relations Law with a Focus on the Eastern Neighbours’, Guest lecture, Leiden-Clingendael Course for Diplomats from South Eastern Europe, Europa Instituut, Leiden University
- 3 July 2008, ‘The European Union: Process, Players, Powers’, Workshop for Legal Base Outsourcing and Sudath Perera Associates law firms, Colombo, Sri Lanka
- 6 June 2008, Presentation of a new Dutch Inter-university Research Cooperation Project: ‘The EU’s Contribution in Enhancing Global Stability and Prosperity’, Jean Monnet Workshop on ‘Recent Development in EU External Relations: the Treaty of Lisbon and External Relations’, 5–6 June 2008, Kasteel Vaeshartelt, Maastricht
- 4 June 2008, ‘International Cooperation and Enforcement in the Fight Against Terrorism and Terrorist-related Acts’, Guest lecture, American University, Washington College of Law, 2<sup>nd</sup> Annual Summer School on ‘International Legal Approaches to Terrorism in the 21<sup>st</sup> Century’, The Hague
- 2 June 2008, ‘EU Enlargement and ENP: process, problems and prospects’, Guest lecture, MA course ‘External Relations of the EU’, European Law School, Maastricht University



- 22 May 2008, 'The Reconstruction of the Balkans: less ad hoc, more EU', Dutch branch of the International Law Association, Spring meeting, Grotius Centre, The Hague
- 26 April 2008, 'New Trends in Conflict Resolution? The EU and de Facto States in Its Neighbourhood', GARNET Conference, 'The EU in International Affairs', Brussels
- 25 April 2008, 'The EU and Its Neighbourhood: new forms of foreign policy-making, frameworks of regional cooperation, dimensionalism and asymmetrical inter-regionalism', GARNET Conference, 'The EU in International Affairs', Brussels
- 15 April 2008, 'Selected instruments of EU external action: a case study of the Western Balkans', Guest lecture, MA course 'The European Union in the World', Leiden University
- 8 April 2008, 'New EU Initiatives towards the Western Balkans: the package of DG Enlargement of 5 March 2008', Briefing Session for the Ministry of European Integration, Tirana, Albania
- 26 March 2008, 'Raising the threshold for further EU enlargement: process, problems and prospects', Guest lecture, Leiden-Clingendael Course for Diplomats from South Eastern Europe, Europa Instituut, Leiden University
- 10 January 2008, 'Political pre-accession criteria: a state of affairs in Albania', SMEI Workshop on Political Criteria, Hotel Tirana International, Albania
- 9 January 2008, 'The Approximation of Albanian Legislation to the EC Transport Acquis', SMEI Briefing Session on Transport, Hotel Tirana International, Albania.

W.Th. Douma

- 'Russian energy and environmental law', at LLM-Program 'Advanced Master of Energy and Environmental Law', Faculty of Law, University of Leuven, 13 January 2008
- 'Stricter national environmental protection measures than EU norms', at: The Future of European Environmental Law, University of Groningen, May 2008
- 'Harmonisation of European environmental law', Radboud University Nijmegen, Faculty of Law, May 2008
- 'Recent developments in European Environmental Law', European Law Academy, Trier, 3 June 2008
- 'Liability, Floods, Air Quality and Waste', at: Conference on Recent developments in European Environmental Law, European Investment Bank, Luxemburg, 19 September 2008
- 'Reform of the legal order as a pre-accession condition: Role of the judiciary', MTEC – Administration of Justice Course, The Hague, 27 November 2008
- 'The EU, Russia and Climate Change', Institute for European Studies (IES) of the Free University Brussels (VUB), 10 December 2008
- 'De EU en Nederlandse gemeenten', Ouderkerk, the Netherlands, 11 December 2008.

L. Erkelens

- 'Current developments in Justice and Home Affairs issues in the EU', lecture at the Matra Training for European Cooperation (MTEC), November 2008
- 'EU Justice and Home Affairs issues', training course for civil servants of Institute, November 2008.

E. Guellali

- 'Human rights and the ICC', Conference 'Fighting Impunity in a Fragmented World – New Challenges for the International Criminal Court', European University Institute, Florence, Italy, 23–24 May 2008
- Teaching a course on 'Humanitarian law, Human Rights and International Criminal Law', during the summer course on International Criminal Law organized by the Grotius Centre, The Hague, July 2008
- 'International Criminal Law, Human Rights and International Humanitarian Law: towards a convergence between the three normative frameworks?' in Netherlands Research Forum on the Law of Armed Conflict and Peace Operations, The Hague, 9 October 2008.

B.J. van het Kaar

- ‘Voorlopige bewijsmaatregelen in vervoerszaken’; Studiemiddag ‘Grensoverschrijdend procederen’ Nederlandse vereniging van vervoerrechtadvocaten in samenwerking met het Opleidingscentrum voor Recht en Praktijk (OPR) van de Erasmus University ?, 26 November 2008.

L. Massai

- ‘EC and Member States compliance with the Kyoto Protocol obligations’, University Ca’ Foscari of Venice, 29 October 2008
- ‘The new package on the integrated climate and energy policy’, Recent developments in European environmental law, ERA, Trier, 30 May 2008
- ‘Climate change and the energy challenge: actions at international, European and national level’, series of lectures University of Florence, May 2008
- ‘The EU Emissions Trading System’, EUROSAT 2008, ERA, Trier, 12 March 2008
- ‘International environmental law and climate change’, University of Groningen, 5 October 2007 and 24 October 2008

Papers presented at conferences

- ‘Responsibility for non compliance with the Kyoto Protocol in the EU’, Climate change and energy security, University of Leuven, Belgium, 16 December 2008
- ‘EU climate policy and water policies, Predicting changes in a changing world’, ISA conference, Ravenna (Italy), 28 October 2008.

C.Matera

- The Lisbon Treaty and EU External Relations and the European Arrest Warrant System, MTEC – Administration of Justice Course, The Hague, 17–28 November 2008.

V. Lazic

- Introduction to International Commercial Arbitration, Course on Administration of Justice (programme MTEC) The Hague, 17–28 November 2008
- Lectures on International Commercial Arbitration; LL M Course on ‘International Business Law’ at Utrecht University, September 2008
- Paper entitled ‘The Impact of Uniform Law on the National Law in the Netherlands: Limits and Possibilities – Commercial Arbitration’, presented at the Congress of the International Academy of Comparative Law, under the auspices of the International Institute for the Unification of Private Law (UNIDROIT), the Mexican Ministry of Foreign Affairs, the Institute of Legal Research (Instituto de Investigaciones Jurídicas) of the National Autonomous University of Mexico (UNAM) and the Mexican Centre of Uniform Law, Mexico City, 13–15 November 2008
- Paper entitled ‘Improving the Service of Judicial and Extrajudicial Documents in the European Union: Regulation (EC) No. 1393/2007 of 13 November 2007’, presented at the Conference on Judicial Cooperation in South-East Europe, 18 October 2008.

M. Osiel

- ‘The Judge Advocate Generals in U.S. Counterterrorism Policy: Sources of Resistance to the Bush Administration’; Roundtable ‘Pacify and Punish’, Collège de France, Paris, 24 November 2008
- ‘Individual and Collective Responsibility for Mass Atrocity,’ Eighth Annual Conference on ‘Command, Law, and Ethical Leadership’, Canadian Forces Military Law Centre, Kingston, Canada, 18 November 2008
- ‘What Place for Reciprocity in the Law of Armed Conflict?’, Faculty of Law, University of Connecticut, USA, 17 November 2008
- ‘Reciprocity in Humanitarian Law’, Marie Curie Lecture, Grotius Centre, Leiden University, 10 November 2008
- ‘Reciprocity in the U.S. Approach to Humanitarian Law’, National University of Ireland, Galway, Human Rights Centre, 3 November 2008



- 'Reciprocity in the U.S. Approach to Humanitarian Law', Riga Graduate School of Law, Latvia, conference on 'The Baltic Region and International Humanitarian Law', 17 October 2008
- 'Reciprocity and its Rejection in International Humanitarian Law', Centre for International Law, University of Amsterdam, Faculty of Law, 24 September 2008.

O.M. Ribbelink

- Presentation on Article III Outer Space Treaty, for the Cologne Commentary on Space Law (CoCoSL)-project, Volume I: the Outer Space Treaty; joint project by Cologne Institute for Air and Space Law, DLR, and ESPI, authors meeting, 2 March, Vienna, Austria
- Member, Identification Mission for The Hague Forum for Judicial Expertise, to the Extraordinary Chambers in the Courts of Cambodia (Khmer Rouge Tribunal), January, Phnom Penh, Cambodia
- Meeting of the ILA Committee on the Law of State Succession, 1–2 February, Vienna, Austria
- Lecture, 'The (UNIDROIT) Protocol on Matters Specific to Space Assets & The Convention on International Interests in Mobile Equipment', 22 February, Leiden University, Master of Laws Program in Air and Space Law
- Presentation, 'Long Live the Generalists', Colloquium on the occasion of the 50<sup>th</sup> Birthday of Prof. Dr. Stephan Hobe, 28 March, Universität zu Köln, Cologne, Germany
- Lecture on 'The 1974 Registration Convention, Jurisdiction and Control', and on 'The Netherlands Registration Practice', 17<sup>th</sup> Summer Course in Space Policy and Law of the European Centre for Space Law, 2 September, University of Genoa, Italy
- Panellist in the capacity of expert of the Council of Europe Counter-Terrorism Task Force, in panel on: 'The possible challenges of antiterrorism legislation and practice for the right to freedom of expression and information and freedom of the media: general trends'; Conference on 'Anti-terrorism legislation in Europe since 2001 and its impact on freedom of expression and information', organised by the Council of Europe, the Institute for Information Law of the University of Amsterdam, and the Netherlands Ministry of Education, Culture and Sciences, 17–18 November, Amsterdam, the Netherlands
- Lecture on 'Legal Aspects of Human Space Exploration', Symposium on the Regulation of Human Exploration of Celestial Bodies, 17 December 2008, Leiden University
- Comments for radio-stations
- Judge, Telders International Law Moot Court Competition, Netherlands National Round, 13 February, The Hague
- Judge, Baltic Regional Round, Jessup International Law Moot Court Competition, 7–9 March, Mikolas Romeris University, Vilnius, Lithuania
- Judge, Telders International Law Moot Court Competition, International Semi-Finals, 10–12 April, The Hague
- Judge, European Finals, Manfred Lachs International Space Law Moot Court Competition, Riga Graduate School of Law, Riga, Latvia, 17–19 April 2008.

R.C.R. Siekmann

- Lecture on 'China, Olympic Games and Human Rights' at ELSA-meeting, Radboud University Nijmegen, 26 March 2008
- Speaker on 'The European Union and Sport: Is Sport 'Special' in EU Law and Policy?' and on 'Combating Transnational Football Hooliganism in Europe' at the workshop on The Regulatory Impact of Community Legislation on Sport, organised by the Technical Assistance Information Exchange Instrument (TAIEX) of the European Commission in cooperation with the Ministry of Tourism, Culture and Sport of Albania, Tirana, 28 April 2008
- Key-note speaker on 'From the Specificity of Sport to Social Dialogue' at the Second International Sports Law Conference on 'Sports Law: Perspectives of Development' organized by the Moscow State Legal Academy in cooperation with the Ministry of Sport, the Football Association and the National Olympic Committee, Moscow, 30 May 2008





- Guest speaker on 'Legal Aspects of Combating Football Hooliganism in Europe' at the Autumn Conference on 'Problems of Hooliganism' organized by the German National Association for Sports Law (DVSR), Spiez, Switzerland, 20 September 2008
- Speaker on the Webster Case at the Workshop on 'The Status of Players according to the FIFA Regulations', organized by Legal League Football Lawyers Association, Donetsk (Ukraine), 14 November 2008;
- Speaker on 'Study into the identification of themes and Issues which can be dealt with in a Social Dialogue in the European Professional Football Sector', at the 14<sup>th</sup> World IASL Congress on Sports Law, Athens, 27–29 November 2008.

J.W. Soek

- Speaker on 'The Athlete's Right to Respect for His Private Life and His Home', at the 14<sup>th</sup> World IASL Congress on Sports Law, Athens, Greece, 27–29 November 2008.

K. Swinnen-Pieters

- Inception Mission to Vietnam, Hanoi from 3–7 March 2008
- Training course for the VCAD staff in Haiphong from 10–15 March 2008 on investigation skills in competition cases together with the Dutch Competition Council (NMA)
- Training course in European and Dutch Competition Law for Mr. Minh from the Vietnamese VCAD at the T.M.C. Asser Instituut, 25 to 29 August 200

V.P. Verkuissen

- An introduction to the T.M.C. Asser Instituut database on EC-directives and framework decisions and their implementation in the Netherlands. International training seminar for EDC-librarians, Brussels, 22 and 23 May 2008.

J.A. Vos

- Judge, Telders International Law Moot Court Competition, Netherlands National Round, 13 February, The Hague.



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## T.M.C. Asser Press: A Preview of Publications for the Year 2009 and the List of Publications 2008

### Preview of 2009

T.M.C. Asser Press faces an exciting, but busy year with more than 36 new books, 16 journal issues and several reprints. The *Yearbook of International Humanitarian Law (YIHL)* will publish Volume 10 (2007) and Volume 11 (2008). The *Netherlands Yearbook of International Law (NYIL)* is scheduled to publish its Volume 39 (2008).

In collaboration with The Hague Institute for the Internationalisation of Law (HiiL) and Cambridge University Press the new *Hague Journal on the Rule of Law (HJRL)* will be launched. This peer-reviewed, international journal will start with semi-annual publication. The Editors-in-Chief are Julio Faundez and Randy Peerenboom.

Under The Hague Academic Press imprint several titles are scheduled for publication.

- In the *From Peace to Justice Series* (Hague Academic Coalition): *The Dynamics of Constitutionalism* (Ed.: M. Frishman);
- In the *Law of the Future Series: Best Practices of Criminal Procedure* and *The Changing Role of Highest Courts in an Internationalising World* (Eds.: S. Muller en S. Richards);
- In *The Hague Colloquium on Fundamental Principles of Law Series: Self-Defence as Fundamental Principle* (Eds.: A. Stephens, S. Muller, A. Eyffinger); *Highest Courts and the Internationalisation of Law* (Eds.: S. Muller, M. Loth); and *Jihad and the Challenges of International and Domestic Law* (Eds.: C. Bassiouni, A. Guellali).

Two Permanent Court of Arbitration books are scheduled to be published, *Summaries of PCA Awards as from 1999* and *The OSPAR Arbitration*, the fifth volume in the *Permanent Court of Arbitration Awards Series*.

The following two new volumes will appear in the IT&Law series: *Trust marks in E-Commerce* (Volume 17, P. Balboni) and *Universities and Copyright Collecting Societies* (Volume 18, Dinusha Mendis).

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

- the second edition of the successful *Principles of International Criminal Law* (Gerhard Werle);
- *Future Perspectives on IC Justice* (Eds.: C. Stahn and L. van den Herik);
- *International Criminal Procedure* (Christine Schuon);
- *Defence Counsel in International Criminal Law* (J. Temminck Tuinstra)
- *European Arrest Warrant in Practice* (Eds.: N. Keijzer, E. van Sliedregt);
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- *EU Law in the New Member States – a Brave New World* (Adam Lazowski, Ed.);
- *The 1998–2000 War between Eritrea and Ethiopia: An International Legal Perspective* (Eds.: A. de Guttry, H. Post, G. Veturini);
- *Criminal Jurisdiction: 100 Years after the 1907 Hague Peace Conference* (Hague Joint Conference on Contemporary Issues in International Law – Volume 8; Eds. W. van Genugten, M. Scharf and S. Radin); *The Notion of Progress in International Law Discourse* (Thomas Skouteris).

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

- *Sport, Mediation and Arbitration* (Ian Blackshaw);
- *TV Rights and Sport: Legal Aspects* (Eds.: S.J. Cornelius, I.A. Blackshaw and R. Siekmann);
- *The EU, Sport and Policy* (Eds.: S. Gardiner, R. Parrish and R. Siekmann).

The following Dutch language titles are planned:

- the new edition of its successful student reader *Elementair Internationaal Recht – 2009*, which is the result of the collaborative effort of the T.M.C. Asser Instituut and the Dutch Law Faculties;
- in cooperation with the Dutch Red Cross the reader *Handboek Humanitair Oorlogsrecht* (J.C. van den Boogaard, S. Boswijk, and R. Bartels) will be published; and finally a new volume of *Mededelingen van de NVIR – Preadviezen, Nr. 137*.

T.M.C. Asser Press will continue expanding its publishing programme, with special emphasis on the areas of European Law, international criminal and humanitarian law, information technology law, and international sports law. The Press is looking forward to a challenging 2009 and a continued successful co-operation with Cambridge University Press and Boom Distributie Centrum.

More information about the T.M.C Asser Press and The Hague Academic Press publications can be found on its website [www.asserpress.nl](http://www.asserpress.nl).

## List of publications 2008

### Periodicals and Yearbooks

*Netherlands International Law Review – Volume LV – 2008*

Editor-in-Chief: P. Vlas

ISSN 0165–070X; 3 issues p.y.

Online ISSN 1741–6191

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

*European Business Organization Law Review (EBOR) – Volume 9 – 2008*

Editor-in-Chief: R. Kulms

ISSN 1566–7529; 4 issues p.y.

Online ISSN 1741–6205

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

*European Constitutional Law Review – EuConst – Volume 4 – 2008*

Eds.: W.T. Eijsbouts et al.

ISSN 1574–0196; 3 issues p.y.

Online ISSN 1744–5515

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

*Nederlands Internationaal Privaatrecht – NIPR – Volume 26 – 2008*

Eds.: A.P.M.J. Vonken et al.

ISSN 0167–7594; 4 issues p.y.

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

*Yearbook of International Humanitarian Law – Volume 9 – 2006*

General Editor: T.L.H. McCormack

ISBN 9789067042697 / ISSN 1389–1359

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



*Netherlands Yearbook of International Law (NYIL) – Volume XXXVIII – 2007*

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

ISBN 9789067042680 / ISSN 0167–6768

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

### **Monographs and edited volumes**

*The Europeanisation of International Law; The status of international law in the EU and its Member States*

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

ISBN 9789067042857

*Reconciling the Deepening and Widening of the European Union*

Asser Instituut Colloquium on European Law – Session 36 – September 2006

Eds.: S. Blockmans and S. Prechal

ISBN 9789067042642

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

*The European Union and Crisis Management – Policy and Legal Aspects*

Asser Instituut Colloquium on European Law – Session 37 – October 2007

Ed.: S. Blockmans

ISBN 9789067042864

*Dividing Lines Between the European Union and Its Member States – The impact of the Treaty of Lisbon*

S.C. Sieberson

ISBN 9789067042840

*Free Movement of Goods and Limits of Regulatory Autonomy in the EU and WTO*

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### **Dutch Language Titles**

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Mededelingen van de NVIR Nr.136  
T.H.M. van Wechem & J.A. Pontier  
ISBN 9789067042772

### **Miscellaneous**

*Implementing EU Environmental Law Successfully – Facing the challenges ahead*  
6th Meeting of the Network of EU Environmental Lawyers (NEEL) May 2008  
Eds.: W.Th. Douma and L. Massai



*The Hague Legal Capital? Liber in Honorem W.J. Deetman*  
Eds.: D. Vriesendorp, F.A. Nelissen and Michail Wladimiroff

*OPCW – Resource Guide*  
Reader OPCW Conference – No ISBN

### Reprints

*The United Nations and the European Union: An ever stronger partnership*  
Eds.: J. Wouters, F. Hoffmeister and T. Ruys  
ISBN 9789067042315

*Terrorism and the International Legal Order – With special reference to the UN, the EU and cross-border aspects*  
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N. Lothian and J. Small  
ISBN 9080635618

*Electronic Signatures – Authentication technology from a legal perspective*  
IT&Law Series – volume 5  
M.H.M. Schellekens  
2004, ISBN 9789067041744

*EU Principles on Jurisdiction and Recognition and Enforcement of Judgments in Civil and Commercial Matters*  
J.A. Pontier and Edwige Burg  
2004, ISBN 9789067041737

*Intercontinental Cooperation through Private International Law – Essays in Memory of Peter E. Nygh*  
Eds.: T. Einhorn and K. Siehr 2004, ISBN 9067041785

*Migration and International Legal Norms*  
Eds.: T.A. Aleinikoff and V. Chetail  
2003, ISBN 9067041572

*The Criminal Responsibility of Individuals for Violations of International Humanitarian Law*  
E. van Sliedregt  
2003, ISBN 9067041661



