

# T. M.C. Asser Instituut Annual Report 2014

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# Table of Contents

Foreword	3
T.M.C. Asser Instituut	5
Research	6
Consultancy	10
Education & Training	14
Network & Events	20
T.M.C. Asser Press	28
Financial overview	32
Organisation	34
Sponsors, Beneficiaries and Partners	37
Stakeholder Universities	41

# Online appendices available at www.asser.nl/annualreport2014

Inter-university Research
Asser Staff Publications, Lectures & Presentations
Research Projects
Training Programmes
Events
T.M.C. Asser Press Publications

T.M.C. Asser Instituut Staff

# Foreword

It gives me great pleasure to present the Annual Report 2014 of the T.M.C. Asser Instituut.

This report provides you with a summary of the accomplishments of staff of the institute in the period January to December 2014. It gives you an impression of how Asser is successful in fulfilling its mission which is to be innovative and successful in the creation, transfer and application of new knowledge in the broad field of International and European Law.

In 2014, we have again proudly and professionally upheld our international reputation for delivering high quality research, publications, conferences and seminars, evidence-based policy and consultancy advice as well as innovative, interdisciplinary (executive) training programmes.

We have worked with many partners, institutions and individuals to realise a host of successful endeavours and we have welcomed many renowned scholars and practitioners to speak and engage in our activities, hosted both in The Hague and abroad.

#### **New Asser Board Model**

During 2014, preparations were finalised for the new governance model for the institute. A one-tier board structure, comprising three executive and two non-executive board members, has replaced the former, two-tier governing and management board model and has become effective per I January 2015.

Professor Ernst Hirsch Ballin is the President of the new Board. The Academic and Executive Directors positions are filled by Professor Janne Nijman and Ann O' Brien, MBA, respectively. The non-executive members are Professor Edgar du Perron (University of Amsterdam) and Professor Suzan Stoter (Erasmus University Rotterdam).

Professors Michiel Scheltema and Carel Stolker completed their terms as Chairman and Vice Chairman of the Board in October 2014. The institute has very much benefitted from their guidance and is grateful to them for their many years of advice and inspiration.

#### **Finance**

We remain in satisfactory shape financially. Thanks to our strenuous and strategic efforts to acquire commissions that contribute to our income, and to our ongoing efforts to control and reduce expenditure where possible, we are in a position to increase our reserves with a healthy € 618,000.

#### **Looking forward**

In 2015, we will see the institute strengthen and elaborate its synergy with the Law Faculty of the University of Amsterdam, particularly in the field of Public International Law. We will provide new focus and expand our research and dissemination activities in the field of Private International Law. We will see our contribution to activities of the International Centre for Counter-Terrorism grow and we look forward to celebrating, with you, fifty years of international and European law initiatives at our institute.

We thank all those who have contributed to Asser's success this last year and in particular the Asser staff, who have once again gone about their work with calm professionalism and high standards in the face of not inconsiderable challenges. The institute has been successful again in 2014 because it has great employees.

Ernst Hirsch Ballin President June 2015



# T.M.C. Asser Instituut

The T.M.C. Asser Instituut is a distinctive, interuniversity research institute operating in the field of International and European Law. Drawing on a history of some 50 years of research excellence, publishing, education and training and consultancy, the institute's contemporary research programmes and activities are designed to further the principles and practice of international law whilst contributing to a coherent and integral strategy in the area of knowledge transfer and valorisation.

The institute is located in The Hague, the Netherlands. The University of Amsterdam is responsible for the personnel and financing of the institute on behalf of the other stakeholder universities. The Asser Institute and the Amsterdam Centre for International Law will coordinate their research in public international law.

The institute cooperates closely with and supports these universities' activities in the relevant legal disciplines and is in turn vastly networked to other universities and institutions, governments and NGOs on a global level.

Our work in 2014 was guided by three principles:

- I. Continuous provision of solid support to our partner universities by hosting and steering inter-university research programmes, engaging colleague academics in Asser activities, seconding Asser staff when required and realising publications and other projects that are delivering the highest quality, relevance, value and results.
- 2. Ensuring we have the right talent and resources to generate the necessary funding for this work.
- Maximising the efficiency and effectiveness of our work whilst maintaining high standards of quality and service provision.

#### Mission & Scope

The T.M.C. Asser Instituut's mission is to further legal research and scholarship, preferably on an inter-university basis, through initiating, supporting and realising innovative, scholarly research, conferences, publications, networks, and postgraduate/executive education. It seeks to play a pivotal role in initiating and facilitating dialogue and debate among academics and professionals which are of importance in sharing and disseminating in-depth and broad knowledge of International Law and European Law in the Netherlands and overseas.

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

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

# Research

cademic and applied research, publishing, PhD candidate research and supervision, consultancy, professional training, knowledge dissemination and valorisation activities place Asser researchers at the forefront of new initiatives towards strengthening the rule of law and international justice. It is the power of partnership that makes Asser successful in what it does and the institute actively promotes the creation of research networks in its domain, both on a permanent and an ad hoc basis.

In 2014, the institute's research department numbered nine senior research fellows and six PhD candidates. An additional 9 visiting scholars and 21 interns were welcomed to the institute to conduct their individual research on the premises.

#### Research output and impact

The breadth and impact of Asser's research output ranges from books, edited volumes, scientific publications in international peer-reviewed journals, opinion pieces and discussions on pertinent issues of international law, providing serious background information for the media and blogs to contract research which feeds into policy-making at national,

European and international levels thus creating new knowledge and benefiting society.

Below, a snapshot of our 2014 publications:

- T.D. Gill, R. Geiss, R. Heinsch, T. McCormack, Ch. Paulussen and J. Dorsey (eds.), Yearbook of International Humanitarian Law, Vol. 15 (2012), T.M.C. Asser Press, The Hague 2014, VIII, 256 pp
- W.Th. Douma, 'The sustainability of the EU's biofuels policy', in L. Squintani, H.H.B. Vedder, M. Reese and B. Vanheusden (eds.), Sustainable Energy United in Diversity

   Challenges and Approaches in Energy Transition in the European Union, European Environmental Law Forum (EELF) Series, Vol. I (2014), pp. 25-46
- V. Lazic, 'Procedural Justice for Weaker Parties in Cross-border Litigation under the EU Regulatory Scheme', *Utrecht Law Review*, Vol. 10, Issue 4 (2014), pp. 100-117
- V. Lazic, 'Recognition and Enforcement of Foreign arbitral awards: the Application of the New York Convention by National Courts: Netherlands', in L.P.W. van Vliet (ed.), Netherlands Reports to the Nineteenth International Congress of Comparative Law, Vienna 2014, Intersentia, Antwerpen/Oxford 2014, pp. 31-76





# Consultancy



he institute's academic standing makes consultancy a natural extension of its research work. In addition to providing expert opinions, research and advice on pressing legal issues to policy makers, Dutch and international law firms, courts, businesses and enterprises, legal advice is also provided to national and international governmental and nongovernmental organisations, including ministries, the European Union, the Council of Europe, the European Parliament and the United Nations. The institute's specific expertise complementary in nature to that of other specialised entities and as such Asser research staff frequently joins forces with combinations of external parties, working together to make significant contributions to a wide ranging clientele, in the Netherlands, in Europe and further afield.

The impact of our applied and contract research activities is evident from the 2014 highlights that include the following projects and studies:

# Study on Sports Organisers' Rights in the EU

Together with the Institute of Information Law (IViR) of the University of Amsterdam, Asser researchers conducted this EU-wide study for the European Commission's DG Education

and Culture. The main objectives of the study were to map the legal framework applicable to the origin and ownership of rights to sports events in the 28 EU Member States; to analyse the nature and scope of sports organisers' rights with regard to licensing practices in the field of the media; and to examine the possibility of establishing licensing practices beyond the media field, notably in the area of gambling and betting. This study formulated recommendations on the opportunity of EU action to address problems identified in the abovementioned areas of analysis.



# Consultancy

# European Commission Study to Evaluate the Brussels Ilbis Regulation An Appraisal of the Application in the Netherlands

Asser researchers contributed to a study on 'The assessment of Regulation (EC) No 2201/2003 and the policy options for its amendment' that is being carried out by Deloitte & Touche GmbH, Hamburg. This multi-country study, commissioned by the European Commission, undertakes to map out the practice of the Member States' courts and authorities in relation to the Brussels Ilbis Regulation (Regulation 2201/2003). Asser staff drew up the report for the Netherlands which describes relevant case law for the year 2012 and identifies specific problems which have arisen in the Netherlands with regard to the application of the Brussels IIa Regulation based on case law. The multi-country study of Deloitte & Touche is expected to be completed in 2015.

# European Parliament - Framework Contract on Impact Assessment and European Added Value - Lot 3 (Environment, Public Health, Food Safety, Employment and Social Affairs)

In March 2014, MATRIX UK, in partnership with the T.M.C. Asser Instituut, was awarded a multiple framework contract by the DG for Internal Policies at the European Parliament. Within the scope of this contract, Asser provides independent legal advice services in the field of Impact Assessment and European Added Value, specifically in the area of Environment, Public Health, Food Safety, Employment and Social Affairs. Expertise is provided, on request, in the form of briefing papers, research papers and studies. The contract has a maximum duration of 48 months.

# Research networks provide foreign policy expertise for the European Parliament, Directorate-General for External Policies - EP/EXPO/B/FWC/2013-08

In April 2014, Asser experts joined Trans European Policy Studies Association, Brussels (TEPSA) in a framework contract awarded by the European Parliament for short-term services providing expertise on a range of foreign policy subjects for Lot 5: Development and Lot 8: Human Rights.

The required expertise will focus on policy options and/or analysis of situations, based on factual evidence and sound advice relevant to the committees' work. The contract is for a 4 year period and commenced in September 2014.

# European Commission study: Mapping the Labour Status of Sports people under EU Law

In September 2014, the T.M.C. Asser Instituut was awarded a contract by the European

"Asser researchers contributed to a study on 'The assessment of Regulation (EC) No 2201/2003 and the policy options for its amendment' that is being carried out by Deloitte & Touche GmbH, Hamburg."



# "Asser Staff with the International Centre for Counter-Terrorism – The Hague (ICCT), initiated a capacitydevelopment project aimed at addressing the challenges posed by the growing phenomenon of Foreign Fighters."

Commission's DG Employment to analyse the impact of intra-EU mobility on the labour status of sports people under EU and national law.

The study resulted in a report describing the labour concept applicable to sports people (worker or self-employed person) under EU law, CIEU case law, decisions of Court of Arbitration for Sport (CAS) and national law and jurisprudence in five Member States (Belgium, Croatia, Czech Republic, United Kingdom and Germany). Stock was taken of the situation and specificities of contractual relationships at national level in these countries concerning the status of professional footballers. Participation in club championships and the impact of cross-border movement of sporting professionals on national systems and contractual relationships, was studied. The distinction between intra-EU free movements of workers (Article 45 TFEU) from cross-border provision of services (Article 56 TFEU) and freedom of establishment (Article 49 TFEU) in the sports sector was analysed. The study was carried out in the period September 2014 – March 2015.

# Foreign Fighters Initiative: Workshop Development

In November 2014, the International Centre for Counter-Terrorism – The Hague (ICCT), with input from Asser experts, initiated a capacity-

development project aimed at successfully addressing the challenges posed by the growing number of Foreign Fighters that travel abroad, in particular to Syria and Iraq, to engage in or otherwise support terrorist activity.

The overall objective of this project is to assist governments in strengthening and developing an effective rule of law-based response to dealing with Foreign Fighters. A series of tailor-made workshops for four countries in the MENA region and the Balkans will be developed to the specific contexts, capacities and needs of the recipient countries. The workshops will be held at the International Institute for Justice and the Rule of Law in Malta.

This project relates to efforts of the Global Counter Terrorism Forum (GCTF) and its The Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the Foreign Fighter Phenomenon and corresponds with the recently adopted UN Security Council Resolution 2178 (2014) on Foreign Fighters. This pilot project is sponsored by the Government of the Netherlands, in line with its comprehensive strategy to countering terrorism.

For a complete list of our research projects in 2014, see the online Appendix 'Research Projects' at www.asser.nl/annualreport2014



he T.M.C. Asser Instituut is a leading and authoritative provider of executive and postgraduate education. Utilising our collective knowledge and skills and the power of partnership we are accomplished and successful in creating truly unique and highly relevant programmes on a variety of subjects and levels for a diverse range of individuals operating in the judicial sector. Among others, we interact with judges, prosecutors, legislators, civil servants, diplomats, lawyers and students.

The breadth of Asser's training programmes ranges from capacity building to interdisciplinary knowledge development for professionals to contributing to curricula of international universities' law degree programmes. The impact of our work is that the rule of law is strengthened in developing countries' judiciaries, professionals in the public and private sector are equipped with up-to-date knowledge on the legal framework pillar for topics including counter-terrorism, environmental law, CBRN issues, European and sports law and students of selected international universities have the opportunity to learn from and engage with the top legal practitioners and academics in the legal capital, The Hague.

#### Accomplishments in 2014 include:

#### **Capacity building**

Responding to demand and specific needs, we have developed and delivered a total of fifteen unique and tailor-made training programmes (including train the trainer), in The Hague and abroad. Through our efforts and knowledge exchange, we have changed the perspectives of some 500 immediate participants and the countless peers and colleagues they, in turn, have and will go on to influence.

We are proud to have delivered a high degree of expertise and competence, taking advantage of our academic integration and our extensive network of excellent and renowned speakers, teaching staff and associates.

Below, some examples of our accomplishments in 2014:

# Matra Pre-Accession Training on Rule of Law (Matra PATROL)

Working with the Dutch Ministry of Foreign Affairs and the Dutch Council for the Judiciary, we have developed curricula geared towards institutional capacity building in the rule of law. 2014 saw the delivery of a further eight trainings,

# **Education & Training**



Participants of the Matra PATROL training programme presenting during the Debating & Presentation Skills Workshop

in The Hague, within the framework of the 4-year Matra PATROL training programme (2012-2015).

The Asser trainings focused on the topics of 'Access to Justice', 'Administration of Justice', 'Quality, Application and Enforcement of Legislation' and 'Alternative Dispute Resolution'. Our efforts have contributed to capacity and democracy building by raising knowledge levels and sharing best practices and skills with some 275 participants (policy advisors, members of the judiciary and other civil servants) from the EU pre-accession countries Albania, Bosnia-Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia, and Turkey.

In the closing months of 2014, we convened a series of workshops with Matra alumni receptions in five countries in the region. The workshops enabled a select number of Matra PATROL alumni to explore further some of the recurring and relevant topics that featured prominently in their training and discussions in The Hague

This entire Matra PATROL training programme is commissioned and funded by the Netherlands Ministry of Foreign Affairs. Our partners in delivering this large-scale programme are The Hague Academy for Local Governance and Ecorys BV, Rotterdam.



Welcome speech by Ms. Daphne Bergsma, Director European Integration, Netherlands Ministry of Foreign Affairs

# Enhancing Efficiency in the Administration of Justice

This training programme, designed for professionals of the Supreme Court of Albania and the staff of the Department for Public Relations and External Affairs (including Legal Officers and Advisors to the Chief Justice, ICEUPA Director and the Director of Judicial Administration) dealt with the key elements of the Administration of Justice, International Judicial Cooperation, and Administration in Civil and Commercial Matters. Specific topics included EU Law in the national legal order, the impact of EU Acquis on national law, jurisdiction of courts, court management, international judicial cooperation and trans-border legal disputes.

Participants were provided with an enhanced understanding of how to adopt EU standards in their justice management system in order to reduce the time for case adjudication in the Albanian courts. Trainings were held in both The Hague and Tirana (train the trainer).

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

With this tailor-made (four-year) training programme on Administration of Justice, we are contributing to stimulating and supporting democratic transition in the Arab region as well as helping to strengthening relations between the Netherlands and the target countries of Morocco, Tunisia, Libya, Egypt and Jordan. The programme is designed to share knowledge and skills with judges, public prosecutors and officers from national Ministries of Justice, Courts and other (semi)governmental organisations involved in the rule of law, in order for them to lead and inspire the modernisation of the judicial systems of their home countries, building from the Dutch experience. Training takes place in The Hague and is complemented with workshops with participants and key stakeholders in both Tunis and Rabat. This programme is commissioned by RVO.nl and is funded by the Netherlands Ministry of Foreign Affairs.



Mr. Jérôme Champagne, Former candidate to the FIFA Presidency



Mr. Jerry Smith, Organisation for the Prohibition of Chemical Weapons (OPCW)



Mr. Tibor Tóth, Former Executive Secretary CTBTO

# **Education & Training**



## **Summer Programmes**

#### (www.asser.nl/summerprogrammes)

Together with our partners we welcomed some 100 participants, from thirty two countries across the globe, to participate in our Summer Programmes on:

- International Criminal Law and International Legal Approaches to Terrorism 2 – 25 June 2014, The Hague
- CLEER Summer School on the Law of **EU External Relations** 23 - 27 June 2014, Brussels





• International Sports Law: Is Sport Playing by the Rule of Law? 30 June - 4 July 2014, The Hague



• Countering Terrorism in the Post 9/11 World: Legal Challenges & Dilemmas 25 – 29 August 2014, The Hague



• International and European Environmental Law: Facing the Challenges? 25 - 29 August 2014, The Hague





• Disarmament and Non-Proliferation of Weapons of Mass Destruction in a Changing World I – 5 September 2014, The Hague





"Not only do these lectures fill an obvious gap in the current curricula of the individual participating universities, but it also provides a unique academic experience for all involved as the individual lectures are delivered by prominent (international) academics and practitioners in the field, via internet streaming, from the T.M.C. Asser Instituut in The Hague, the Netherlands, to the lecture theatre where the students are gathered, in Beirut."

# International Criminal Law and Procedure – Delivering Knowledge to Southern Partners

The inter-university programme on International Criminal Law and Procedure, now in its fourth season, is a powerful and successful cooperation between the Asser Institute, the Outreach Section of the Special Tribunal for Lebanon and Lebanese universities' law faculties. This unique initiative enables Lebanese law students from no less than eight different universities in Lebanon to follow a series of 14 lectures on International Criminal Law and Procedure, from a central location in Lebanon. Some 150 students participated in the 2014 lectures.

Not only do these lectures fill an obvious gap in the current curricula of the individual participating universities, but it also provides a unique academic experience for all involved as the individual lectures are delivered by prominent (international) academics and practitioners in the field, via internet streaming, from the T.M.C. Asser Instituut in The Hague, the Netherlands, to the lecture theatre where the students are gathered, in Beirut.

The T.M.C. Asser Instituut is:

- A signatory of the Gedragscode<sup>2</sup> (Landelijke Commissie Hoger Onderwijs)
- An ABA<sup>3</sup> approved partner in (US) law school curriculum
- Mandated Body for twinning activities.

A detailed list of all our 2014 training programmes can be found in the online Appendix 'Training Programmes' at www.asser.nl/annualreport2014.



- <sup>2</sup> De Gedragscode internationale student in het Nederlandse hoger onderwijs (Code of Conduct) garandeert de kwaliteit van het hoger onderwijs aan buitenlandse studenten.
- <sup>3</sup> ABA (American Bar Association). ABA's most important stated activities are the setting of academic standards for law schools, and the formulation of model ethical codes related to the legal profession.

# Network & Events

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

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

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

During the course of 2014, staff at the institute conceived, hosted and delivered a truly broad and comprehensive range of events (a total



L-R: Mr. Jun Wang, Director of External Relations OPCW; H.E. Mr. Ahmet Üzümcü, Director-General of the OPCW; and Dr. Paul Walker, International Program Director of the Environmental Security and Sustainability Program, Green Cross International

# Network & Events

of 40 lectures, conferences, seminars, round tables and book launches, many in partnership with other organisations). These events have been responsible for bringing together various communities (leading legal scholars, faculties, students, policy makers, practitioners and other professionals) and delivering rich content to these specific interest groups on-time and to specification, whilst providing participants with the opportunity to convene, share, discuss and explore current and new knowledge and developments relevant to their specific interest areas.

The financial support of a diverse range of national and international donors, to make these events happen, is acknowledged here. We are proud to have contributed to building the skills and capacity of tomorrow's leaders and institutions.

#### Accomplishments in 2014 include:

# Expert meeting convened to discuss the findings of the report of the "Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (DPRK)"

20 March 2014

The Asser Institute was privileged to welcome the Honorable Michael Kirby to The Hague for the first discussions of his Commission's report in the presence of practitioners, academics, and representatives of NGOs. Judge Kirby's Commission was mandated by the United Nations Human Rights Council, to investigate the systematic, widespread and grave violations of human rights in the DPRK with a view to ensuring full accountability, in particular for violations which may amount to crimes against humanity. The meeting at Asser examined the possibilities



Judge Michael Kirby, Australia's former Justice of the High Court and chairman of the UN Commission of Inquiry on Human Rights in the DPRK

for the realisation of the recommendations made in the Commission's report. The full report may be viewed at the website of the Office of the High Commissioner for Human Rights.

# Launch of The Hague Environmental Law Facility Lecture Series

4 April 2014

The Hague Environmental Law Facility (HELF) is a joint initiative of the T.M.C. Asser Instituut, the Institute for Environmental Security (IES) and its European Environmental Law (EEL) network. HELF is active in contributing to the sphere of international and European environmental law by bringing together those involved in research, education, policy advice and practice in this field to discuss concrete challenges regarding the development and implementation of environmental law.

The inaugural HELF lecture on "Whaling in the Antarctic: Observations on the ICJ Judgment in the Case Whaling in the Antarctic, Australia v. Japan, New Zealand intervening" discussed the ICJ findings that the special permits granted by Japan for the killing of whales under its research programme were not "for purposes of scientific research" as the Whaling Convention stipulates, and ordered Japan to revoke all permits and not to issue new permits under this programme.

# Keynote lecture Professor Stephen Weatherill, University of Oxford "Keeping the judges out! Three Strategies for defending 'Sporting Autonomy"

10 April 2014

This event celebrated the publication of "European Sports Law: Collected Papers, second edition" (T.M.C. Asser Press) containing the collected works of Stephen Weatherill on the interaction between EU law and sport.

# Private International Law – National Meeting

22 May 2014

Bringing together private international law academics from the Netherlands universities. This gathering attracted some 20 participants representing most law faculties in the Netherlands. Presentations were given by Prof. Katharina Boele-Woelki, Utrecht University, on the evaluation of the Brussels IIA Regulation and by Marta Pertegás Sender, First Secretary, Permanent Bureau of the Hague Conference for Private International Law, on her institutions work. The presentations were complemented by active discussion on current and future options with respect to private international law research and education in the Netherlands.



Prof. Stephen Weatherill, University of Oxford

# Network & Events

# CLEER Conference "Using Human Security as a legal framework to analyse the Common European Asylum System"

4 July 2014

The Centre for the Law of EU External Relations (CLEER) convened the second conference relating to its ongoing research project "Human Security: a new framework for enhanced human rights in the EU's foreign security and migration policies".

This expert conference went beyond traditional approaches to refugee protection in the Common European Asylum System (CEAS) and triggered an interdisciplinary debate on the prospects of incorporating "Human Security" in the application of the EU asylum acquis and border control policies.



# Benjamin Ferencz opened a new season of the SCL Lecture Series with a lecture entitled "Illegal armed force as a Crime against Humanity"

2 September 2014

It was a great honour for the institute to welcome Mr. Benjamin Ferencz, the only surviving Nuremberg war crimes prosecutor to deliver the first Supranational Criminal Law (SCL) lecture of the autumn series. Mr. Ferencz, who served



Mr. Benjamin Ferencz, Former Nuremberg Prosecutor

as a combat soldier in World War II and who has devoted his life trying to deter illegal war by holding responsible leaders to account in national or international criminal courts, enthralled a very large audience with his dynamic and thought provoking lecture.

Ferencz concluded by noting that whilst we are making progress in developing a more humane world, it will take a long time to change the way people think about the use of armed force and that there is also still a long way to go in the evolution of international law. The lecture may be viewed online at the Asser Institute's International Crimes Database site: www.internationalcrimesdatabase.org

# Private International Law - PhD Candidates Meeting

9 October 2014

To enhance and share knowledge of ongoing research in the field of Private International Law, the Asser Institute organised a PhD candidate workshop for participants from both Dutch and Flemish law faculties.

This platform, which enabled the presentation and discussion of the individual thesis topics amongst colleagues in the field, drew PhD candidates from the universities of Antwerp, Ghent, Leuven and Rotterdam, Presentations concerned a wide variety of issues, including among others recognition and enforcement of foreign judgments; the international aspects of employment contracts in road transport; uniform civil procedure instruments; private international law aspects of the liability of classification societies; the methodology of European choice-of-law and the maxim of iura novit curia in EU private international law. Interesting and enthusiastic discussions, mutual feedback on the research projects and a great networking opportunity were some of the benefits for the participants.

#### **Cyberwarfare Conference**

3 December 2014

This international conference brought together top researchers in the field, including the legal group of experts involved in the drafting of the Tallinn Manual, to discuss the law applicable to cyber warfare. Timing could not have been better, with respect to the then recent Sony Pictures cyber-attack highlighting the very real threat to our security and the possibility that Pyongyang cyber warfare could be used to retaliate against military and other strategic targets.

The conference examined the two major fields pertaining to cyber warfare, namely the *jus ad bellum*, the law regulating when States can resort to the use of force and the *jus in bello*,



L-R: Prof. Michael Schmitt, United States Naval War College and University of Exeter; Ms. Liis Vihul, NATO Cooperative Cyber Defence Centre of Excellence; Prof. Larissa van den Herik, Leiden University; and Col. Prof. Paul Ducheine, University of Amsterdam and the Netherlands Defence Academy

# Network & Events

the law applicable during armed conflicts. It also addressed the process after Tallinn 1.0., namely Tallinn 2.0.

This conference was made possible through the generous financial support of the Gerda Henkel Stiftung, the Netherlands Ministry of Defence and the University of Amsterdam.

# Council of Europe Seminar on Sports Betting Monitoring and Fraud Detection Systems in the fight against match-fixing

10 December 2014

The Council of Europe's Enlarged Partial Agreement on Sport (EPAS) and the Asser International Sports Law Centre co-organised this important seminar. The new Council of Europe Convention on the Manipulation of Sports Competitions makes several references to these systems. More than 80 representatives of public authorities and sports organisations convened and discussed the features of the existing monitoring systems, their relevance and shortcomings, and how the Council of Europe can contribute to their effectiveness and use. Mr. Stanislas Frossard, Executive Secretary of Council of Europe's EPAS, spoke on the Council of Europe Convention on the Manipulation of Sports Competition - a multilateral treaty that aims to prevent, detect, and punish match-fixing in sport as well as to enhance the exchange of information, and national and international co-operation, between the public authorities concerned, and with sports organisations and sports betting operators.

#### Matra PATROL in the Region

November - December 2014

The past three years have seen a large number of professionals from the Balkans and Turkey (almost 600 up to October 2014), participate in the Matra PATROL trainings in The Hague. Recognising the power of peer to peer interaction and support and keen to preserve the good relations built through the Matra PATROL trainings on a national and regional level, the Netherlands Ministry of Foreign Affairs extended the ongoing Matra PATROL training programme to include a series of workshops and alumni receptions in the region.

The Asser Institute convened four successful Matra PATROL alumni events in Ankara, Tirana, Skopje and Bosnia and Herzegovina during November and December. The cooperation with the Netherlands Embassies in the region and the input from colleagues and the Ministries of Foreign Affairs and Security and Justice were instrumental in realising these gatherings.

A detailed list of all our 2014 events can be found in the online Appendix 'Events' at www.asser.nl/annualreport2014



L-R: Ms. Diana Dekkers, Netherlands Ministry of Security and Justice; Ms. Ann O'Brien, Executive Director, T.M.C. Asser Instituut; H.E. Mr. Pieter Langenberg, Chargé d'Affaires Netherlands Embassy in Tirana; Dr. Erwin Rooze, EURALIUS IV; Besar Thaçi, EURALIUS IV



H.E. Mr. Ron Keller, Ambassador of the Netherlands in Ankara, Turkey



H.E. Mr. Peter Verheyen, Ambassador of the Netherlands in Skopje, Macedonia



H.E. Mr. Laurent Louis Stokvis, Ambassador of the Netherlands in Belgrade, Serbia



H.E. Mr. Jurriaan Kraak, Ambassador of the Netherlands in Sarajevo, Bosnia and Herzegovina

# Asser Press



he institute's publishing house, T.M.C. Asser Press, promotes and disseminates, on a truly international level, the best legal thinking of academics and practitioners worldwide, in the fields of International and European Law, through print and electronic media.

It enables authors to publish their important work in its prominent peer-reviewed journals and scholarly books and in doing so, it continues to play a significant role, worldwide in efforts to build the capability of the law profession.

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

All 2014 English book titles are available in hardcopy, MyCopy and e-book format which ensures broad international distribution, visibility and readership through their availability at thousands of universities and libraries, worldwide.

Asser Press performed well in 2014 publishing twenty-one new book titles, three reprints and six journals with a total of twenty issues.

Deserving special mention:

- The publication of the third edition of OPCW:
   The Legal Texts, in collaboration with the
   Organisation for the Prohibition of Chemical
   Weapons (OPCW). This volume was
   presented to all Delegates of States Parties at
   the Nineteenth Session of the Conference of
   States Parties (The Hague, 5 December 2014).
- The successful launch of the new International Criminal Justice book series under the editorship of Gerhard Werle, Lovell Fernandez and Moritz Vormbaum with the publication of two volumes.
- The publication of the first volume of the scheduled three volumes of Nuclear Proliferation in International Law (Eds.: Dieter Fleck and Jonathan Blawck-Branch).
- The publication of the Second Edition of European Sports Law – Collected Papers by Stephen Weatherill.
- The publication of the Yearbook of International Humanitarian Law, Volume 16, 2013 (General Editor: Terry Gill), dealing with the topics of Detention in Non-International Armed Conflict and Essays on the Boundaries of the Battlefield and the Netherlands Yearbook of International Law, Volume 44, 2013, with Mielle Bulterman and Willem van Genugten, as the Editors of the Volume on 'Crisis and International Law: Decoy or Catalyst?"

• The receipt of the prestigious SIRACUSA PRIZE 2014 by Marianne Hirsch Ballin, from the International Association of Penal Law and the International Institute of Higher Studies in Criminal Sciences, for her monograph Anticipative Criminal Investigation. Theory and Counterterrorism Practice in the Netherlands and the United States

On the business side, 2014 was also a dynamic year for Asser Press. It saw the signing of a new 5-year contract with Springer for the production, marketing and distribution of its portfolio of journals and saw the transfer of the stock, distribution, billing, accounting and customer service of the journal Nederlands Internationaal Privaatrecht (NIPR), its student text books, Dutch-language books and a limited number of English-language titles from Boom Distributie Centrum to its new distributor, Ten Brink Uitgevers.





Asser Press has been active and successful in acquiring, publishing and promoting (including through several book launches) its publications at many local meetings and at major international conferences throughout 2014. It was represented at the American Society of International Law (Washington, DC), the European Society of International Law (Vienna), FIDE (Copenhagen), and the International Association of Constitutional Law (Oslo).

# Book Launch 'The European Public Prosecutor's Office - An Extended Arm or a Two-Headed Dragon?'

14 November 2014



L-R: Ms. Ingrid van Engelshoven, Deputy Mayor of The Hague; Prof. dr. Ernst Hirsch Ballin, President Asser Institute; and Mr. Leendert Erkelens, Researcher Asser Institute

#### **Furthermore:**

- All Asser Press books are listed in Thomson Reuter's Book Citation Index (BCI). All its periodicals are included in Scopus (Elsevier), the largest abstract and citation database of peer reviewed publications.
- The Hague Journal on the Rule of Law (Eds.: Julio Faundez and Randy Peerenboom) now joins The European Constitutional Law Review (EuConst) and The European Business Organisation Law Review (EBOR), in being included in the important Social Science Citation Index (SSCI) of Thomson Reuters.
- All Asser Press English-language books are available on Springer's innovative platform SpringerLink, which receives annually more than 130.000.000 unique visitors and handles more than 70.000.000 full-text downloads.

A detailed list of all T.M.C. Asser Press 2014 publications can be found in the online Appendix 'T.M.C. Asser Press Publications' at www.asser.nl/annualreport2014





The T.M. C. Asser Instituut is partially funded by public resources. Its base subsidy (administered by the University of Amsterdam) accounts for approximately two thirds of the institute's net income. Supplementary income is generated through undertaking project based activities for national and international stakeholders including the European Commission (through tendered projects and grants) the Netherlands' Ministries (through tendered projects, trainings and conferences) and Asser Press, the institute's publishing house. Many other national and international organisations have contributed to the total revenues of the T.M.C. Asser Instituut in 2014.

The institute's condensed financial statement of activities for 2014 is presented in the table below. The accounts have been audited by the independent auditors, KPMG. Asser's financial performance in 2014 continued the trend of

positive results shown in recent years.

At € 3.862 million, the total operating revenues in 2014 are similar to those of the financial year 2013. Likewise, the operating expenses of € 3.144 million for 2014 are at the same level as in 2013. We are pleased to note that the net result for 2014 shows a positive balance of € 618,000.

The institute's general reserve totalled €1.865 million at the end of the financial year 2014. It remains that in order for the institute to continue to function as a vital research and

knowledge valorisation organisation, a steady amount of new outside financial support must be secured.

#### **Condensed Financial Statements**

The Statement of Activities below shows operating revenues and expenses for the years ended 31 December 2014 and 2013.

	2014	2013
revenues		
Base subsidy	€ 2.300,000	€ 2.325,000
Supplementary income	€ 1.562,000	€ 1.580,000
Total revenues	€ 3.862,000	<b>€ 3.905,00</b> 0
EXPENSES		
Personnel	€ 2.525,000	€ 2.503,000
Material costs	€ 619,000	€ 690,000
Total expenses	€ 3.144,000	€ 3.193,000
RESULT	€ 718,000	€ 712,000
Designated reserve	€ -100,000	€ -100,000
NET RESULT	€ 618,000	€ 612,000
Long term debt	€ 1.400,000	€ 1.400,000

# Organisation



Within the Organisational structure of the University of Amsterdam, the T.M.C. Asser Instituut falls under the university's Law Faculty (since 2010). The Dean of the Law Faculty, Prof. Dr. C.E. du Perron, is the University of Amsterdam's mandated Regulator of the T.M.C. Asser Instituut and is responsible for mediating the institute's affairs with the Executive Board of the University of Amsterdam.

#### Governance

Up until and during 2014, the Foundation T.M.C. Asser Instituut had a two tier board system where the governing body was comprised of two separate boards, a governing board and a management board.

#### **Governing Board**

The supervisory or governing board being responsible for the governance and overall management of the Foundation T.M.C. Asser Institute such that the institute's strategy and

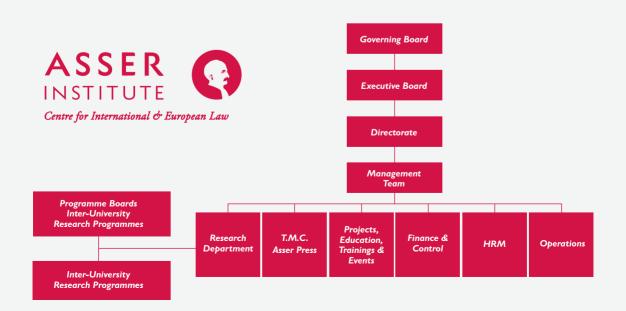
policies embody its mission and objectives. This board comprised an Independent Chairman and the Deans of the Law faculties of the University of Amsterdam, the VU University of Amsterdam, the University of Groningen, the Radboud University Nijmegen, Leiden University, Maastricht University, the Erasmus University Rotterdam, Tilburg University and Utrecht University.

#### **Management Board**

The management or executive board directed and controlled the affairs of the institute and comprised an independent Chair, and two board members representing the constituent universities. In 2014, the management board members were Professor Michiel Scheltema (Chair), Professor Edgar du Perron and Professor Carel Stolker.

#### **Directorate**

The directorate was responsible for the daily steering of the institute. In 2014 the directorate comprised the Executive Director, Ann O' Brien, MBA.



# **Organisation**

During 2014, the directorate of the T.M.C. Asser Instituut convened on four occasions with its Executive Board. The institute's academic leadership, its strategic repositioning, its relationship with the Dutch Universities law faculties as well as the financial position and funding of the institute, were relevant agenda items.

During the latter half of 2014, preparations were made and agreed upon by the members of the supervisory and management boards for the creation of a new, single-tier board structure. This unitary board structure, effective as per I January 2015, comprises three executive and two non-executive board members.

The executive members are, the President of the Board - Professor Ernst Hirsch Ballin, the Academic Director - Professor Janne Nijman and the Executive Director - Ann O Brien, MBA, respectively. The non–executive members

are Professor Edgar du Perron (University of Amsterdam) and Professor Susan Stoter (Erasmus University, Rotterdam).

#### **Management Team**

During 2014, the management team comprised the directorate and the heads of the following departments: Research, Human Resources, Operations, Education & Events, Finance & Control and T.M.C. Asser Press. In 2014 the management team members were Ann O' Brien (Chair), Julien Simon and Philip van Tongeren.

#### **Personnel**

On 31 December 2014, a total of 42 persons (equivalent to 37,2 fte) were employed by the T.M.C. Asser Instituut, including temporary and project related staff. In addition, during 2014, some 30 persons spent various periods at the institute either as visiting scholars (9) or interns (21).

# **Key figures**

Staff 2014 (persons)	Male	Female	Total
Senior research staff, including (Associate) Professors	4	2	6
Researcher	7	2	9
Visiting Researcher*	6	3	9
Interns *	5	16	21
Education & Training		6	6
T.M.C. Asser Press	I	3	4
Projects Office, Finance & Control	2	1	3
Web development and ICT support	2		2
Facilities management, library and	2	7	9
documentation services and general support			
Human Resources		2	2

<sup>\*</sup> These figures represent the totals for the entire 2014

A complete overview of the members of staff employed in 2014 can be found in the online appendix 'Staff' at www.asser.nl/annualreport2014

ASSER Organisation

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Debat.nl

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Law, KU Leuven

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*39* 

# Organisation

Global Counterterrorism Forum Edge Hill University Embassy of Britain to the Kingdom of the **GPPAC** Netherlands Greek Embassy in The Hague Embassy of Greece to the Kingdom of the Grotius Centre for International Legal Studies Netherlands Hague Academic Coalition Embassy of Indonesia to the Kingdom of the Hague Academy for Local Governance Netherlands Hague Conference on Private International Law Embassy of Israel to the Kingdom of the Hague Institute for the Internationalisation of Netherlands Embassy of Lithuania to the Kingdom of the Houthoff Buruma Law Firm Netherlands Hulla & Co. Human Dynamics KG AU Human Rights in Practice Embassy of Palestine to the Kingdom of the Netherlands Institute for Environmental Studies, Free Erasmus University University of Amsterdam **EU Athletes** Institute for Information Law (IViR) University Eurojust of Amsterdam European Center for Constitutional and Institute for Security Studies Human Rights Institute for Social Studies (ISS) European Club Association (ECA) Institute of Law-Birzeit University European Commission International Centre for Counterterrorism, European Court of Justice The Hague (ICCT) European Environmental Law Network International Court of Justice (ICI) European Gaming & Betting Association International Criminal Court (ICC) **Europe Limited** International Criminal Law Network **European Lotteries** International Criminal Tribunal for the former European Parliament Yugoslavia (ICTY) European Society for International Law International Institute for Justice and the Rule of Europol Law, Malta (III) Federation of Professional Football Internationaal Juridisch Instituut (III) FIFPro International Mediation Institute (IMI) Gate 48 International Migration Organisation (IMO) **GDSI** International Committee Red Cross (ICRC) General Court of the European Union, Interpol Luxemburg Knowledge Platform Security & Rule of Law Geneva Centre for Security Studies Koninklijke Nederlandse Vereniging voor Gerda Henkel Stiftung Internationaal Recht (KNVIR) German Institute for International and Security Lebanese University **Affairs** Legal Aid Board

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Netherlands Defence Academy Netherlands Embassy in Albania

Netherlands Embassy in Bosnia and

Herzegovina

Netherlands Embassy in Egypt Netherlands Embassy in Indonesia Netherlands Embassy in Jordan Netherlands Embassy in Kiev Netherlands Embassy in Kosovo

Netherlands Embassy in Kosovo Netherlands Embassy in Libya Netherlands Embassy in Macedonia

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Netherlands Institute for Human Rights Netherlands Mediation Institute (NMI)

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Netherlands Ministry of Infrastructure and the

Environment

Netherlands Ministry of Security and Justice

Netherlands Ministry of Social Affairs and

**Employment** 

Netherlands Red Cross

Netherlands School of Human Rights Research

NOC/NSF

Northern Ireland Cooperation Overseas

(NI-CO)

Notre Dame University

**NUFFIC** 

Open Society Justice Initiative

Organisation for the Prevention of Chemical

Weapons (OPCW)

Panteia NEA

PAX

Pels Rijcken

Permanent Court of Arbitration

PISM, Warsaw

Planethood Foundation Queen's University Belfast Queen's University Canada Radboud University Nijmegen

RNTC

Rotterdam Port Authority and the Dutch

Maritime Law Association

Royal Professional

RVO.nl

Schutte Schluep & Heide-Jørgensen Sectoral Mediation Organisation SIM Human Rights School Utrecht

Sofreco

Special Tribunal for Lebanon (STL)

Springer- Verlag

Stockholm International Peace Research

Institute

Supreme Court of Albania Syracuse University

Ten Brink

The Global Institute for the Prevention of

Aggression

41

# **Organisation**

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The International Institute for Justice and the  $\,$ 

Rule of Law

The Hague University of Applied Sciences

The Swiss Federal Department of Foreign

**Affairs** 

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Tilburg University

TNO (Dutch Organization for Applied

Scientific Research)

Toolkit Company

Training and Study Centre for the Judiciary

Trans European Policy Studies Association

Trinity College Dublin, IE

TU-Delft nuclear research reactor

United Nations (UN)

UNCTED

United Nations Security Council Counter

Terrorism (UNCCT)

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Université Saint Esprit de Kaslik

Université Saint Joseph

University of Amsterdam

University of Bar Ilan, Ramat Gan, Israel

University of Belfast, UK

University of Bologna

University of California, Hastings College of

Law

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University of Groningen

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UNODC

Vrije Universiteit Brussel

VU University Amsterdam

Wladimiroff Advocaten

WODC

Womens Initiative for Gender Justice

Working Group Biosecurity at Royal

Netherlands Academy of Arts and Sciences

World Lotteries Association

# Stakeholder Universities



















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