

Annual Report 2007



T.M.C. ASSER INSTITUUT



Stichting T.M.C. Asser Instituut - Institute for Private and Public International Law,
International Commercial Arbitration and European Law

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Annual Report 2007

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Chapter 1

Foreword

Before you lies the 42nd Annual Report of the T.M.C. Asser Instituut.

This Annual Report is more concise than in previous years, a conscious choice that is consistent with our aim of focusing on the essence of our work and building on our strengths.

The report describes the main events of 2007 which are grouped under the Chapters Inter-university knowledge development, Academic Community organizing and knowledge transfer.

The year 2007 started on a note of optimism and high expectations due to the fact that an External Review committee had assessed the Institute and had presented a constructive and positive report laying down the basis for the Institute's future. The Committee's findings confirmed the need for a Hague-based, inter-university research and service organisation representing and facilitating the Dutch universities with law faculties. It was noted that the Institute's location in The Hague, the city of Justice, Peace and Security, amidst a vibrant and still developing environment of International organisations, presents ample opportunity for stakeholders and partners.

The Review Committee's report favoured developments with respect to financial and organisational stability as well as focus in the choice and composition of Research programmes. At the end of 2007, the draft version of a five year covenant with the University of Amsterdam, our governing body, was submitted for approval to the Boards of the University and the Institute. The covenant covers the years 2008-2012 and is the foundation for a sound financial position and the necessary restructuring of research activities of combined research groups of both the Institute and participating universities.

2007 may be characterised as a year of transition where a few highlights deserve special attention.

The conference 'Tackling Climate Change- An Appraisal of the Kyoto Protocol and options for the future', which was held on 30 and 31 March at the T.M.C. Asser Instituut, addressed practical and technical solutions and policies to the problems of climate change. During this meeting interesting and useful information was presented and discussed. Key note speakers Professor Bothe from the University of Stuttgart and Feng Gao, Head Legal Counsel of the UNFCCC opened the meeting. Results of the meeting were published in a book later that year.

On 15 May the *Handboek Internationaal Recht* was officially presented. The Handbook, an initiative of the T.M.C. Asser Instituut, is the first handbook to be published in the Dutch language since the 3rd and last edition of *Grondlijnen van het Volkenrecht*

by professor J.P.A. François. Authors and contributors to the handbook come from a variety of Dutch universities. The book as a result of many years of intensive collaboration between editors and contributors is a good example of the inter-university collaboration. In the presence of many authors and guests, copies of the book were presented to representatives of the *trias politica*: Dr Ernst Hirsch Ballin, Minister of Justice, Dr Willebrord Davids, President of the Hoge Raad der Nederlanden (Supreme Court), and Mr Alexander Pechtold, deputy chairperson of the Parliamentary Commission for Foreign Affairs.

Together with its partners the Grotius Centre and the Coalition for the International Criminal Court, the Section of IHL and ICL of the Institute continue to host the weekly Wednesday evening Supranational Criminal Law Lecture Series. The lecture by Frederick Swinnen and Stefan Waespi on the Tribunal for the Lebanon was a notable one. The section IHL/ICL, together with its partners the Netherlands Red Cross and the Amsterdam Center for International Law, introduced a second series called 'The HILAC Law and Armed Conflict Lecture series'.

Building on similar research activities in earlier years, as requested by the Ministry of Economic Affairs, the T.M.C. Asser Instituut, together with the University of Leiden, has researched complaints from different organizations in The Netherlands that have endured problems with regard to strict rules from the Dutch government on top of EU directives. The Netherlands Ministry of Transport, Public Works and Water Management commissioned the T.M.C. Asser Instituut to undertake a 'Study of national opt-outs in working hours legislation for road transport'.

At the end of 2007, a two-year comparative study on enforcement procedures of family rights conducted for the European Commission (DG Justice, Liberty and Security) was completed. The study was carried out in co-operation with Prof Paul Vlaardingebroek of Tilburg University and with the help of reporters from the EU member states.

The years ahead will prove crucial as initiatives on the restructuring of the research activities will take effect. The Institute's personnel is committed to making the most of its opportunities and wishes to retain its excellent track record in services rendered to its partners at both national and international levels.

Therefore, on behalf of the entire Institute, I would like to express the wish and the intention that the T.M.C. Asser Instituut's activities will continue to be successful and appreciated in its niche of operation, the global field of international law.

Chapter 2

The Institute

Since its foundation in 1965, the T.M.C. Asser Instituut has developed into a leading academic inter-university institute in the broad field of International Law. Its mission is to initiate, support and realize activities, on an inter-university basis, which are of importance to disseminating in-depth and broad knowledge of international law in the Netherlands and beyond. Supported by its strong belief that The Hague, as a unique global centre of international law, offers great opportunities to the Dutch universities for scholarly research, education, and dissemination (and sharing) of their knowledge, the Institute has chosen to actively promote a high-quality knowledge infra-structure in The Hague by establishing and facilitating an open and internationally acclaimed academic network where the expertise of the participating faculties and the Institute is combined and forms its foundation.

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.

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, 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).

Because of its inter-university background, the Institute cooperates 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.

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.

The T.M.C. Asser Instituut is located in The Hague, the Netherlands, which, as the 'City of Justice, Peace and Security', hosts many of the world's most important international judicial organizations.



At 31 December 2007, a total of 57 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. The total, Full-Time Equivalent (FTE) in 2007 was 47.669 namely 19.105 FTE academic staff and 28.564 FTE supporting and controlling staff.

In 2007, the following persons were appointed to academic staff: J. Kleffner, E.V. Koppe, M.J. Salgado Dominguez and E. Guellali. Furthermore, N.S.M.P. Amtenbrink, J.G. Lammers, L.M.J. de Meijer, P. Willemsen, S. Jagessar, R. Rose, M. Eijdenberg-Addinks, C.D.C. Masouy en V.P. Pouliot were appointed to supporting and administrative staff.

In 2007 W.F.W. van Ballegooij, E.V. Koppe, A.J.M. MacDonald, M.L. Nybondas, H.H.G. Post and A. Venckuté left the Academic Staff. J.W.M. de Wit, A.A.J. Straman, M.D. Barendrecht-Deelen, I. van Amerongen, J.G. Ouwerkerk, L. de Vries, A. de la Parra, and P. Otten left the supporting and administrative staff. More facts and figures concerning personnel are presented in Annex 2.

Chapter 3

Inter-University Knowledge Development

3.1 Staff and activities

3.1.1 General

The combination of the facilities and the location of the Institute, the composition of its (international) staff and the unique collection of documentary information available, not only permit academic teamwork on a large scale, but also create a stimulating intellectual and international environment for individual scholarly development. T.M.C. Asser research staff is involved both in fundamental inter-university research activities, contract research and consultancy.

The members of the Asser Research staff have their own field of legal expertise (see Annex 2). For detailed information about their individual publications, lectures, etc. see the Annexes 3–6.

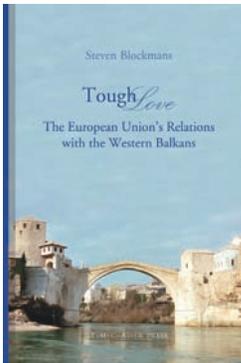
3.1.2 Ph.D. research

T.M.C. Asser research 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.



Steven Blockmans (European Law) defended his Ph.D.: 'Tough Love: the European Union's relations with the Western Balkans' on 25 October 2007 at the University of Leiden. Supervisors: Prof. Dr. C. Hillion (Leiden University) and Prof. Dr. H. Neuhold (Universität Wien, Austria).

In November 2007, a commercial edition of the monograph was published by T.M.C. Asser Press.



The European Union has come a long way in the Western Balkans in just a few years. Where, in the 1990s, the EU stood by and watched the Balkans burn, it was the US, within NATO, that acted decisively to stop the wars. In the aftermath of the Kosovo crisis, the Union finally found its voice to say no to new armed conflict in the heart of Europe. As part of the international presence in the region, the EU adopted sanctions, brokered political agreements, launched its first-ever police and military missions and directed economic, legal and administrative reforms to eradicate the root causes of radical discontent and instability. Yet, despite the comprehensive nature of the Union's involvement, its strategies have been marked by confusion, its actions by concurrent or competing mandates of other international organizations. As a result, the returns on the EU's invest-

ments are dwindling, exactly at a time when nation-building in the Western Balkans has entered its final stages with the separation of Serbia and Montenegro, the search for bringing an end to the international governance of Bosnia-Herzegovina and the ongoing negotiations on a final status for Kosovo. As the Western Balkans still contains the possibility of a genuine security threat, there is a real imperative now to move the region as a whole from the stage of international protectorates and weak states to the stage of accession to the euro-atlantic organizations to which they aspire. In his Ph.D. thesis, Steven Blockmans presents legal and political ways and means to restructure the international effort to see these defining processes through. The author argues that, under the leadership of the European Union, only a 'tough love' strategy based on a firm but fair application of the conditionality principle can lead to the integration of the Western Balkans into the European mainstream.

The following staff members continued their Ph.D. research in 2007:

- Wouter van Ballegooij (European Law): judicial cooperation in criminal matters. Supervisor: Prof. W.T. Eijsbouts, University of Amsterdam.
- Roberto Branco Martins (International Sports Law): legal aspects of Social Dialogue 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.
- Amna Guellali (International Humanitarian Law/ International Criminal Law) is finishing her Ph.D. on the topic 'The role of international criminal law in the convergence between Human Rights and Humanitarian Law' at the European University Institute in Florence; supervisor Prof. Pierre-Marie Dupuy of the European University Institute in Florence.
- Mr. Bart-Jan van het Kaar (Private International Law): Evidence in Private International Law. Supervisor Prof. Mr. Dr. P. Vlas (VU University Amsterdam). He will defend his Ph.D. at the VU University of Amsterdam on 17 June 2008.
- Leonardo Massai (European Law): EU Climate Policy. Supervisors: Prof. Michael Bothe and Prof. Eckhard Reh binder, Johann Wolfgang Goethe University, Frankfurt am Main, Germany.
- Marjan Olfers (International Sports Law): Sports and Competition Law: A Comparison between the United States and Europe [In het belang van de sport?

Sportregel of Europese mededingingsregel]. Supervisors: Prof. Heiko van Staveren and Prof. Jan Winter, VU University of Amsterdam. She is expected to defend her Ph.D. in 2008.

- Karolien Pieters (European Law): the integration of the Mediterranean countries in the EU internal market. Supervisor: Prof. Ramses Wessel, University of Twente.
- Michiel de Rooij (International Private Law): Conflicts of Law Issues of Carriage by Sea. Supervisor: Prof. D.M. Polak (University of Leiden).
- Jan Anne Vos (Public International Law): The Function of International Law (supervisor: D.L. Bethlehem, University of Cambridge, UK).
- Maria Nybondas (International Humanitarian Law/ International Criminal Law) left the T.M.C. Asser Instituut on 1 July 2007 but stayed on as associate researcher to continue her Ph.D. research on individual criminal and command responsibility (supervisors: Prof. Harmen van der Wilt, University of Amsterdam and Prof. Terry Gill, University of Amsterdam / University of Utrecht).

3.1.3 Asser Dissertations Programme

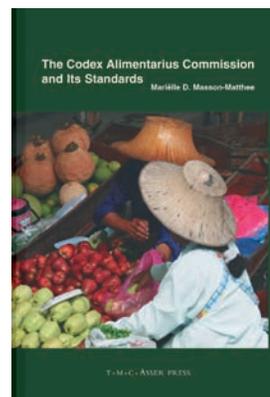
In 1996, the T.M.C. Asser Instituut introduced the Asser Dissertations Programme (ADP). This Ph.D.-programme has been developed in order to support and stimulate research in the Institute's fields of activity. It offers young talented researchers the opportunity to prepare a dissertation. The T.M.C.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

On 26 October 2007 Mariëlle Matthee defended her Ph.D. on: 'The Codex Alimentarius Commission and Its Standards' at the University of Maastricht, supervisor: Prof. Dr. E.I.L. Vos, University of Maastricht.

Mariëlle D. Masson-Matthee participated in the Asser Dissertations Programme from 1999–2003. In the later years Ms. Matthee regularly participated in Asser projects as associate researcher of the T.M.C. Asser Instituut.

The Codex Alimentarius Commission was established by the Food and Agricultural Organization (FAO) and the World Health Organization (WHO) in 1963, as subsidiary organ of both organizations. Since its establishment, the Commission has been charged with the creation of the Codex Alimentarius: a collection of uniformly-defined food standards. Examples of food standards adopted by the Commission are the Standard for Natural Mineral Waters, the Maximum Residue Levels (MRLs) for hormone growth promoters in cattle, and the Standard for Sardines and Sardine-Type Products. The authority of the Commission is restricted by its position as a subsidiary body of the FAO and the WHO. However, with regard to its normative powers, the Commission operates independently from its parent organizations.

This book examines the legal aspects of the Codex Alimentarius Commission and its standards, and describes more precisely the actual status of the standards, both within the framework of the WTO agreements as well as within the context of the EC legal order. In addition, it defines the consequences of the new status of the Codex standards for the legitimacy of the institutional framework of the Commission, its standard-setting procedure, and the Codex standards themselves.



All *present participants in the ADP* were co-appointed and co-financed with Dutch universities. In 2007 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 the University of Tilburg 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 Ph.D. researcher at the University of Amsterdam since September 2006 and participant in the ADP since 1 January 2007 on: 'Anticipatory Self-Defence'. Her supervisor is Prof. Dr. T.D. Gill, University of Amsterdam.
- Ms. Tamara Takacs (Hungary), research fellow at the Utrecht University and participant in the ADP since 1 January 2004, on: 'The Implications of EU Law for Hungarian constitutionalism' (supervisors: Prof. Dr. S. Prechal, Utrecht University and Dr. József Petrétai, University of Pécs, Hungary).

3.1.4 Asser Research Fellowships Programme

Under the Asser Research Fellowships Programme (ARFP) the Institute continuously hosts foreign scholars and visiting fellows for varying periods of time, providing all the facilities and services necessary, including academic counsel. Because of 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.

- Mr. Kwon Jeong-hoon, prosecutor at the Seoul Western Prosecutor's Office, South Korea, was sent by the Korean government to The Hague to study the Domestic implementation of the ICC Statute in Korea. He stayed at the Institute from 11 December 2006 till 2 February 2007.
- Prof. Dr. Dmitry Tarikanoff, professor in Civil Law at the Russian Law Academy of the Ministry of Justice of Russia and lecturer at the Russian President's School of Private Law, stayed at the Institute from 22 January till 19 April 2007 to conduct research on: Characterisation in Private International Law.
- Dr. Nicholas Tsagourias, an expert in International Law in Armed Conflict and International Criminal Law of the School of Law of the University of Bristol, UK stayed at the Institute from 3 May till 29 June 2007 to conduct research on The responsibility of international organizations for peacekeeping operations.
- Mr. Vidush Pat Singhania, student at the Mumbai University in India, stayed for a study and research visit at the Asser International Sports Law Centre of the T.M.C. Asser Instituut from 1 June till 31 July 2007.

3.1.5 Contract research and consultancies

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 organizations such as the European Union, World Bank, UNDP and UNESCO, the Council of Europe or national governmental and non-governmental organizations. Expert advice in those fields, especially in private international law and international commercial arbitration, is provided to law firms, companies and judicial authorities.

3.1.5.1 PROJECTS – A survey of Contract Research and Consultancies in 2007

In 2007, some major projects have either been launched or continued.

Albania

- *Strengthening the Ministry of European Integration (January 2007–May 2009)*
The contract is intended to provide support to the Government of Albania's European Integration efforts, specifically by strengthening the capacity of the Ministry of European Integration to play a coordinating role for European Integration and ensure the effective use of Community assistance programmes. The project 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.
Experts: Steven Blockmans, Wybe Douma and Jan de Jongh. Alfred Kellermann, former General Secretary of the T.M.C. Asser Instituut, is the team leader.



EuropeAid/123003/C/SER/AL



Belgium

- *Training services for developing country diplomats based in Brussels in a Programme of Post-graduate Academic Education in WTO Law (August 2006–August 2007)*
This project was funded by the European Commission and it had two objectives. One of them was to contribute to the building of capacity in developing countries in the field of WTO law by training diplomats from developing countries. The other was to facilitate developing country participation in the WTO, notably dispute settlement, with a strengthened and improved format of technical assistance through legal training.
Experts: Rudolf Adlung, Iveta Alexovicová, Micheal Blakeney, Geert van Calster, Wybe Douma, Gail Evans, Mark Jacobs, Adam Lazowski, Edgar Lenski, Marielle Matthee, Matthias Oesch, Andrea Ott, Denise Prevost, Jan Anne Vos.

Bulgaria

- *Establishing a European Union Law Documentation Centre for the Judiciary (April 2006–April 2008)*
This project aims 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 is being carried out by the Nederlands Helsinki Comité, taking care of the overall management. The T.M.C. Asser Instituut provides most of the project's key experts.

Experts: Jan de Jongh, Elisabeth Gorkovoi, Julien Simon

- *Strengthening of the Bulgarian Judiciary; Training of Magistrates and Administrative Staff (March 2006–November 2007)*

The project was a twinning between the Bulgarian and Spanish governmental organizations. The experts of the T.M.C. Asser Instituut were involved in several training activities such as seminars and workshops on EU law held in 2006 and 2007.

Experts: Steven Blockmans, Tamara Takács, Asta Venckuté.

Kosovo

- *Support to Justice (May 2006–January 2008)*

The overall objective of the project is to assist the development and strengthening of effective justice structures and policies and to guarantee a space of freedom, security and justice for all Kosovo's citizens, in accordance with EU standards and best practices.

More specifically, the objectives of this project are aimed at:

- To support the establishment of the Ministry of Justice and other institutions of the justice sector.
- To provide strategic advice and support to the new Ministry of Justice and other institutions in the justice sector to effectively execute their responsibilities in the areas of justice.

This project was carried out by Hulla & Co. Human Dynamics KG, taking care of the overall management. The T.M.C. Asser Instituut provided one expert, Steven Blockmans.

Ukraine

- *Strengthening the Ministry of Environment*

The project follows a preliminary study on the options for the design of a Green Investment Scheme (GIS) in Ukraine concluded by the World Bank in November 2006 and it is aimed at the development of guidelines and tools for the State Forestry Committee under the Ministry of Environment of Ukraine to propose the inclusion of carbon sequestration through afforestation in a possible Green Investment Scheme package within the framework of the sale of Assigned Amount Units under the Kyoto Protocol.

The main conclusion of the project is that GIS represents a big opportunity for development for the forestry sector of Ukraine and that afforestation/ reforestation activities, but also forest fire prevention, pests and diseases control as well as sustainable forest management, forest certification and capacity building are among the possible beneficiaries of this innovative instrument. Furthermore, the designed scheme provides for a reliable structure in terms of monitoring, reporting and verification. For all these reasons, the State Forestry Committee is in the position for advocating the inclusion of afforestation/reforestation activities in the AAUs pilot transaction and moreover the key role of the forestry sector within the GIS. On the basis of these considerations a package of guidelines for the inclu-

sion of the forestry sector in the GIS scheme to be designed by the national government were submitted to the Ministry of Environment of Ukraine.

This project was carried out by Agrotec S.p.A as an extension of scope and services of the 'Preparation and Design of the Ukraine Reforestation BioCarbon Fund Project' developed in 2006. The T.M.C. Asser Instituut provided one expert, Leonardo Massai.

Multi Country

- *Bacri III supplement for Aruba and the Dutch Antilles*

Last year 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.

In 2007 the Institute did a supplement study for Aruba and the Netherlands Antilles. The researchers involved were Rob Siekmann and JanWillem Soek.

- *Training of national judges in EC competition law (December 2006–June 2007)*

For this project, T.M.C. Asser Instituut provided training in European Competition law for national judges from Estonia and the Netherlands.

Experts: Karolien Swinnen-Pieters, Steven Blockmans, Marc Fierstra, Floris Vogelaar, Jurian Langer, Sigrid Stroux.

The Netherlands

Contract Research

- *Data-input services relating to the Brussels I database (February 2004–December 2007)*

During this project, the T.M.C. Asser Instituut has been determining and electronically collecting the texts of the already existing and new judgements, or the relevant excerpts, and proofreading them. Furthermore, a summary of each judgement in the language of the judgement was provided. The project was funded by the European Commission.

Experts: Guus Schmidt, Jan de Jongh.

- *Research National Opt-Outs*

Fase I

Ministry of Economic Affairs – Nationale koppen op Europese wetgeving (December 2006–January 2007): As requested by the Ministry of Economic Affairs, the T.M.C. Asser Instituut, together with the University of Leiden, has researched complaints from different organizations in The Netherlands that have endured problems with regard to strict rules from the Dutch government on top of EU directives. Sometimes, comparative research is necessary.

Experts: Steven Blockmans, Marco van der Harst

Fase II

Ministry of Transport, Public Works and Water Management – Studie nationale koppen in de arbeidstijdenwetgeving voor het wegvervoer (September–December 2007).

The Netherlands Ministry of Transport, Public Works and Water Management commissioned the T.M.C. Asser Instituut to undertake a 'Study of national opt-outs in working hours legislation for road transport'.

Experts: Rob Siekmann, Karolien Pieters, Steven Blockmans, Marco van der Harst, Leonardo Massai, Adam Lazowski.



The reduction of the many rules and regulations was a top priority of the former government as well as a main concern of the present government. The Dutch government wants to deal with over-regulation by means of a research of the so-called 'National Opt-Outs on European rules'. This involves cases where the Netherlands, while implementing European Directives in national legislation, implemented stricter conditions than necessary. This stricter regulation is called a 'national opt-out'. The Dutch government asked the business society if it were confronted with such 'national opt-out' which could lead to unequal competition as regard to the business in the other Member States. The Dutch business society responded to this request and submitted the several supposed 'national opt-outs'.

The Dutch government asked the T.M.C Asser Instituut to assess these submitted 'national opt-outs'. The assessment was divided in 2 phases. During the first phase of the research (December 2006 – May 2007) the government wanted to know whether the submitted 'national opt-outs' were national opt-outs in a juridical sense and if so, which type of 'national opt-outs' it were. This legal research was performed by a scientific team of the Europe Institute of the University of Leiden and the section European Law of the T.M.C. Asser Instituut. As a result of this analysis, the Dutch government reviewed the national opt-outs which the researchers indicated as 'national opt-outs' in a legal sense (April 2007–September 2007).

In a second phase, the Ministry of Transportation and Water of the Netherlands gave the researchers of the T.M.C. Asser Instituut a more specific task. This task consisted of the research into detail of the existence of 'national opt-outs' as regards the rules concerning working, driving and rest periods in the road transportation (September 2007–December 2007). As a result of this analyse, the Dutch government analyzed if the found 'national opt-outs' also had negative economical consequences.

- *The Hague Platform for International Environmental Law Project (May 2006–April 2007)*

As subcontractor of the Institute for Environmental Security, the T.M.C. Asser Instituut was in charge of carrying out the desk research, drafting the questionnaire and carrying out interviews in a project which aims at identifying and promoting The Hague as Legal Capital of the world, as centre for peace and security and as a location of international organizations in the field of the environment and environment-related subjects. The project was funded by the Dutch Ministry of Housing, regional development and the Environment and the Ministry of Foreign Affairs as well as the municipality of The Hague.

Experts: Wybe Douma, Daria Ratsiborinskaya, Leonardo Massai, Frans Nelissen.

- *Ministry of Transport, Public Works and Water Management – Onderzoek institutionele aspecten binnenvaart (November 2006–January 2007)*

The T.M.C. Asser Instituut has investigated the possibilities of an international organ that has authority over inland navigation for the Dutch Ministry of Transport, Public Works and Water Management. A study was made about the feasibility of such a body.

Expert: Steven Blockmans.

- *Implementatie onderzoek spoorweg richtlijnen (November 2007 – March 2008)*
The Netherlands Ministry of Transport, Public Works and Water Management commissioned the Institute to carry out a research about the implementation of EU directives on railroad regulations into Dutch law.
Experts: Jan Anne Vos, Marco van der Harst
- *Ministry of Transport, Public Works and Water Management – Basisnet vervoer (March–October 2007)*
This project from the T.M.C. Asser Instituut is a study about the present rules for transportation of hazardous materials for the Dutch Ministry of Transport, Public Works and Water Management. It also consists of an additional study for the legal possibilities for prohibition of transport of chlorine bulk goods in the Netherlands, which was completed by the end of 2007.
Experts: Steven Blockmans, Bert Barnhoorn

3.1.5.2 Legal Advisory Service

In 2007, 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 on 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 2007 totalled 100. 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.

3.2 Research highlights 2007

3.2.1 T.M.C. Asser Instituut Launches New EU-Definition

On the eve of the meeting of the European Council of 18/19 October 2007, during which the text of a new Reform Treaty was agreed upon, the T.M.C. Asser Instituut launched a new definition of the European Union. At present, the EU is usually being described in negative terms, such as: The EU is neither a state nor just another international organisation. In academic circles, the Union is often referred to as a 'constructio sui generis', while some politicians tend to label it as an 'Unidentified Political Object'. On initiative of Jacob Hoeksma, lawyer and author, the T.M.C. Asser Instituut has convened a Round Table of legal experts with a view to explore the nature of the European Union on 7 September 2007. It was attended both by legal experts and (former) politicians, including the Dutch Minister of Justice, Dr. E.M.H. Hirsch Ballin. The meeting concluded that the outlines of the new Reform Treaty clearly indicate that the Union is not any longer heading for a federal state. Instead, the European Union continues to develop into a new and unique phenomenon in international law. The meeting considered that the EU has been founded in 1992 as a Union of Citizens and Member States and that the Union has obtained more distinct and unique qualities ever since, notably through the Charter of Fundamental Rights of the EU. The meeting concluded that a Union of Citizens and Mem-

bers States must be identified from a legal point of view as a new category of international law and that the European Union can be defined as:

'an organisation of sovereign States, in which the citizens of the Member States are also citizens of the Union and in which the governance of the Union is not only bound by the rule of law, but is also required to meet similar democratic standards to those required of the governance of its Member States'

This new EU-definition was presented to the European Commission in Brussels on 3 October 2007. The conclusions of the Asser Round Table will encourage politicians and citizens alike to realise that the Period of Reflection has not only resulted in the draft of a new Reform Treaty, but also in a definition of the European Union, which is based upon that Reform Treaty.



Wybe Douma of the T.M.C. Asser Instituut presents the new definition of the European Union to EU Commissioner Neelie Kroes.



EU Commissioners Neelie Kroes (Competition), Joaquín Almunia (Economic and Monetary Affairs), Vladimír Špidla (Employment, Social Affairs and Equal Opportunities) and Olli Rehn (Enlargement) with Wybe Douma (T.M.C. Asser Instituut), Jaap Hoeksma and students after the presentation of the new definition of the European Union on 3 October 2007.

3.2.2 Presentation *Handboek Internationaal Recht*, 15 May 2007, Peace Palace

On 15 May 2007, a very special event took place in the Peace Palace, The Hague, when the *Handboek Internationaal Recht* was officially presented. In the presence of many authors and guests, copies of the book were presented to representatives of the *trias politica*: Dr Ernst Hirsch Ballin, Minister of Justice, Dr Willebrord Davids, President of the Hoge Raad der Nederlanden (Supreme Court), and Mr Alexander Pechtold, deputy chairperson of the Parliamentary Commission for Foreign Affairs. The three guests of honour had been asked to address the audience briefly about the role and significance of international law in and for their respective work, and all three did so splendidly and with great verve.

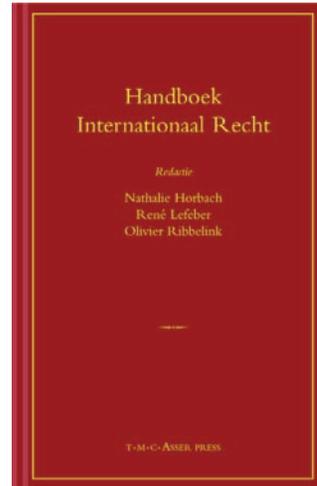
The Handbook, an initiative of the T.M.C. Asser Instituut, is the first handbook to be published in the Dutch language since the 3rd and last edition of *Grondlijnen van het Volkenrecht* by professor J.P.A. François (published in 1967). Since then, international law has seen many new and often far-reaching developments, in existing fields, such as human rights law, international economic law, and international criminal law, as well as the creation of new specialisations, such as international environmental law. The new *Handbook* is an up-to-date general handbook, which in all 23 chapters focuses on the practice and position of the Kingdom of the Netherlands in the international legal order, including relevant examples from Dutch practice.

Authors and contributors to the handbook come from a variety of Dutch universities. The book as a result of many years of intensive collaboration between editors

and contributors is a good example of the inter-university collaboration. The editors are Dr Nathalie Horbach, senior lecturer in the Nuclear Law & Policy Program at the University of Dundee, Dr René Lefeber, senior lawyer at the international law division of the Netherlands Ministry of Foreign Affairs, and Dr Olivier Ribbelink, Head of Research of the T.M.C. Asser Instituut. Dr Olivier Ribbelink was also responsible for the overall coordination of the project.

It is the intention of the editors and the T.M.C. Asser Press to periodically update the *Handboek Internationaal Recht* and to begin work on an English version.

More details can be found on: www.asserpress.nl.



For an overview of the chapters and authors of the *Handboek Internationaal Recht* see Annex 8.



From left to right: Frans Nelissen, Philip van Tongeren, Olivier Ribbelink, René Lefeber, Ernst Hirsch Ballin, Nathalie Horbach, Willebrord Davids and Alexander Pechtold.

3.2.3 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 has pulled together with the Amsterdam Center for International Law (ASIL) at the University of Amsterdam and the Netherlands Defence Academy to form 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.

3.2.4 Research project with ICRC: Direct participation by civilians in hostilities

Avril McDonald and Sasha Radin are 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.

3.2.5 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 B.V, a leading legal consultancy firm in the field of public procurement.

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

In 2007 Asta Venckutė performed this research as an employee of the T.M.C. Asser Instituut till 19 September 2007. On 11 February 2008 her successor, Ramona Apostol (Rumania), has been appointed. In the framework of this cooperation Corvers and the T.M.C. Asser Instituut are currently looking at new possibilities to further develop research collaboration with the University of Leiden and the University of Antwerp.

On the website www.aanbestedingsrechtonline.nl of the SDU all relevant information on public procurement law is published.

Recent developments on public procurement law, both European and national, are published. Besides there are archives where all European and national legislation on public procurement and official publications can be found. Another important element of this online source of information is that relevant recent European and national case law is collected and accompanied by a summary of the case.

From 1 March 2007 Maria Salgado Dominguez worked for the T.M.C. Asser Instituut and Corvers to summarize and comment on 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 Verkruijssen, from the Department of Information Services and Information technology, was responsible for the gathering and collection of most of the documentation.

3.2.6 **Wathelet report: the relationship between sport and EU law**

The Asser International Sports Law Centre commissioned Prof. Melchior Wathelet, Universities of Louvain-la-Neuve and Liège, Belgium and a former member of the European Court of Justice, to analyse the relationship between sport and EU law, particularly in the light of the 2006 Independent European Sport Review (*Arnaut Report*).

The report's content (October 2007) was officially supported by Prof. Stephen Weatherill, Jacques Delors Professor of European Community Law, University of Oxford, United Kingdom, Prof. Roger Blanpain, Universities of Leuven, Belgium and Tilburg, The Netherlands, Prof. Klaus Vieweg, University of Erlangen-Nuremberg, Germany, Dr Richard Parrish, and Dr Stefaan van den Bogaert, University of Maastricht, The Netherlands, and other academics and practitioners. The 'Wathelet Report' was published in *The International Sports Law Journal (ISLJ)* 2007/3–4 pp. 3–12 ('Sport Governance and EU Legal Order: Present and Future'). It was distributed also in its original French version throughout Europe by means of a press-release via ANP (see also: www.sportslaw.nl/NEWS). The project was commissioned to the Centre by the European Football Clubs Grouping G-14 in Brussels.

3.2.7 **Feasibility study on the necessity of an online database with case law from international, hybrid and national courts in the field of international criminal law**

In the spring of 2007 Dr. Erik V. Koppe, on behalf of the T.M.C. Asser Instituut carried out the 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.

The study was carried out with the financial support of the Raad voor de rechtspraak and the College van Procureurs Generaal. Both organizations as well as some specialists in the field participated in the working group which was put in place for the study.

Object and purpose of this study was to investigate whether it would be desirable, feasible, and necessary to create one central public and comprehensive online database with case law from international, hybrid, and national courts in the field of international criminal law.

Currently, access to case law in this field is either fragmented or otherwise complicated. A number of public and non-public online databases provide access to some of the judgments in international criminal law, but none of them is comprehensive in character and very few of them provide quick and easy access to case law from domestic courts.

It is essential that this data and information is collected and made available to those who will need it the most, such as practitioners, scholars, and other interest groups. It is not surprising therefore, that the idea for such an online and comprehensive database came exactly from a prominent practitioner in international criminal law, Mr. Roel van Rossum, Vice-President of the District Court in The Hague and who is involved in the adjudication of individuals who are prosecuted for international crimes under the International Crimes Act.

The T.M.C. Asser Instituut together with the Hague Institute for the Internationalization of Law (HiIL), has agreed to coordinate and support the initiatives undertaken for this project in cooperation with the initiators, in line with its experience with similar projects, and in accordance with its position as an inter-university institute located in the judicial capital of the world.

It is proposed to establish a new and independent online and public database by a consortium that would include the T.M.C. Asser Instituut as the possible leading partner as well as other institutional partners. This database would ideally combine available data and information from existing projects, such as the Hague Justice Portal's preliminary DomCLIC database and the American University War Crimes Research Office's database. Asser and HiIL have negotiated a cooperation agreement with the International Criminal courts' Legal Tools project which will be signed in the spring of 2008. Other partners could include specialized institutions and organizations as well as existing data collections (i.e. the ASIL's ILDC project) and academic bodies, preferably from all continents in order to ensure a balanced and non-biased approach.

3.2.8 The 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.

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.

At the end of 2006 a majority of the partners expressed their wish to continue the collaboration and the T.M.C. Asser Instituut took it upon it to maintain the website and continue to work together with the network of experts established during the project. This part of the continued project was made possible by a grant from the Dutch Ministry of Justice's Directorate General for Legislation, International Affairs, Integration and Immigration and Legislation Department.

In 2007 special attention was given to update and complete the documentation and publication pages of the website. Users of the website have received support by either staff members of the Institute or experts collaborating within the project.

Experts involved are: Julien Simon, Philip van Tongeren, Wouter van Ballegooij, Steven Blockmans, Victorine Verkruijsen and Dick Blom all members of staff of the T.M.C. Asser Instituut. Leendert Erkelens joined the team and the collaboration with the University of Amsterdam, The Max Planck Institute of Freiburg and the London based NGO JUSTICE continued.

3.2.9 **Comparative study on enforcement procedures in Member States of the EU regarding family rights, practical difficulties faced in the area of justice in civil matters, and the options available for resolving these problems and facilitating citizens' lives.**

At the end of 2007, a comparative study on enforcement procedures of family rights conducted for the European Commission (DG Justice, Liberty and Security) was completed (*December 2005 – February 2007*). The study was carried out in co-operation with Prof Paul Vlaardingerbroek of Tilburg University and with the help of reporters from the EU member states (with the exception of Romania and Bulgaria) who answered a detailed legal questionnaire. Most reporters were drawn from the academic community and were often members of the International Society for Family Law.

The study consisted of both a legal and an empirical analysis. The legal analysis was based on the answers to the legal questionnaire. The empirical analysis was based on existing statistical information and on a survey directed to legal practitioners and other interested parties and that was distributed via the web.

The focus of the study was the enforcement of court decisions on parental responsibility and related issues, such as the exercise of visiting rights. The enforcement of such decisions was analyzed both in internal situations, within one jurisdiction, and in cross-border situations, involving more than one jurisdiction. The parties in conflict in these cases are usually the parents of the child or children involved. The solutions and approaches in the internal legal systems vary, at the international level some harmonization has been achieved by treaty law (the 1980 Hague Convention on Child Abduction) and by community legislation (the regulation Brussels IIbis).

The final conclusions may be summarized as follows.

There is a growing discrepancy between modern approaches in the internal law of the member states and the law applicable to cross-border situations. This is an argument to reconsider the current policy for dealing with cross-border cases, at least between the member states. A catalyst for this is the emphasis the internal law of more and more member states now places on continuous joint parental responsibility. In the internal legal systems, the modern approach is that parental responsibility is seen more and more as an obligation towards the child, which is not dependant on other circumstances, such as the existence of a marital bond.

Any future rules on enforcement should have regard to the type of judgment that is to be enforced. It appears possible to distinguish two distinct situations. Firstly, when prompt action is necessary to protect the child; secondly, when the exercise of the obligations of the parents towards the child must be settled and regulated between all parties involved. The enforcement measures taken should take this distinction into account. Another issue that future rules should resolve is whether enforcement measures must be requested and specified by parties, or decided by a court upon its own motion.

Comparison of the legal systems of the member states does not demonstrate a settled approach of the problem. The approach seen in recent national legislation of



a small group of member states could however serve as a point of departure for harmonizing the rules for cross-border situations. Modern systems in Belgium and Sweden give a central role to the court but make it possible for the court to achieve voluntary compliance. The choice on the most appropriate measure to enforce the family law decision is left to the court and not to the parties. This approach could lead to a uniform or harmonized model that includes mediation and gives the court a leading role in the enforcement process. Strengthening co-operation between the courts of the member states will be necessary to make this model function in cross-border situations.

It was thought that to bring successful changes in the current situation much depends on the common perception within the European Community on how parental responsibility should be exercised. Certainly on the international level, there is a confrontation between the mobility of persons and the consequences this may have for children. The report sets out a number of dilemmas that currently exist and which should be considered before solving the current problems. These dilemmas are not necessarily of a legal nature. On the basis of the outcome of these considerations, actions can be developed by the European Community.

Experts: Michiel de Rooij, Paul Vlaardingenbroek, Anton Nijssen, Bart Jan van het Kaar, Guus Schmidt.

Chapter 4

Academic Community Organizer

4.1 General

In its capacity as academic community organizer, the T.M.C. Asser Instituut promotes and facilitates the activities of networks of academics and special interest groups. The organization of a wide range of (international) events and the active support of networks in the field of international law is instrumental to achieve this objective.

Not only is the T.M.C. Asser Instituut an important provider of general support and services in the academic world but as a member of the 'The Hague Joint Conferences' and partner in The Hague Academic Coalition, the T.M.C. Asser Instituut plays a pivotal role in the development of The Hague as a centre of excellence in international law and as the city of 'Peace and Justice'.

4.2 Hague Academic Coalition



The Hague Academic Coalition (HAC) is a consortium of six, Hague based academic organizations: 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). 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 HAC has a rotating chairmanship. From 1 January 2005 till 31 December 2007 Prof. Dr. Frans Nelissen, director of the T.M.C. Asser Instituut, has been the chairman of the HAC.

The Coalition was established to promote collaborative efforts between these six organizations. The HAC intends to promote research, education and public debate in support of the development of international policy, law, governance and international negotiation towards justice, peace and sustainable development.

Joint HAC activities in support of this mission include:

- The '*From Peace to Justice*' conference series.
- 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.



- Within the framework of HAC activities and with considerable support of the Municipality of The Hague, the T.M.C. Asser Instituut has developed and hosts *The Hague Justice Portal*: www.haguejusticeportal.net.

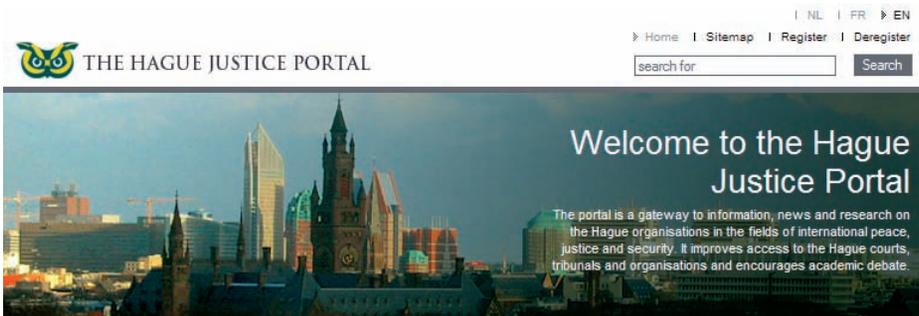
The Hague Justice Portal – Portail Judiciaire de La Haye is the virtual gateway to information, news, and research activities in, and related to, The Hague. It was officially launched by Her Royal Highness Princess Margriet of the Netherlands on 6 April 2006.

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 in The Hague.

The main projects of the Portal are:

- The Hague Justice Journal – Journal Judiciaire de La Haye
- PCA Awards project: In cooperation with the Permanent Court of Arbitration
- DomCLIC project: Domestic Jurisprudence on International Criminal Law



4.3 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.

4.4 The Hague Prize for International Law

On 18 September 2002 The Hague Prize for International Law was launched by The Hague Prize Foundation, The Hague, the Netherlands.

Prof. Dr. F.A. Nelissen, General Director of the T.M.C. Asser Instituut, is secretary of the Nominating Committee of The Hague Prize Foundation.

Prof. Shabtai Rosenne was the first to receive the prestigious Hague Prize for International Law in June 2004.

The prize will be awarded every two years to individual(s) and/or organizations that have made – through publications or achievements in the practice of law – a special contribution to the development of public international law, private international law or to the advancement of the rule of law in the world. The prize consists of a special medal and a monetary award of € 50.000,—.

During a special award ceremony at the Peace Palace in The Hague on 28 June 2007, The Hague Prize 2007 has been awarded to Professor M. Cherif Bassiouni for his distinguished contribution in the field of international law.

Bassiouni is professor of Law at DePaul University College of Law in Chicago, USA. He is President Emeritus of the International Human Rights Law Institute at DePaul University.

4.5 Annual Colloquium on European Law

Since 1972 the T.M.C. Asser Instituut has organized the annual, T.M.C. Asser Instituut Colloquium on European Law. These Colloquia are one day academic events, in the Dutch or English language, and deal with a specific and contemporary issue in the field of EU law. Every fourth or fifth year, however, they alternate with a major conference that has a strong international focus and attracts speakers and participants from all over the world. Conferences on European Law have been held annually and quickly gained the reputation of being a major event in the European Union law calendar.

On 11 and 12 October 2007 the 37th conference was held at the Paleiskerk in The Hague. The 2007 colloquium concerned itself with The European Union and International Crisis Management: Legal and Policy Aspects.

During the 1990's, the European Union stood by and watched the Balkans burn. Reliance upon US diplomacy and NATO's military power to put the fire out condemned the EU to paying the bills for reconstruction, while not moving the emphasis to conflict prevention and crisis management. Frustration at such inadequacies and calls for change by others led France and the United Kingdom, the EU Member States that pack the most military punch, to prod their colleagues at the European Council's December 1999 summit at Helsinki in carrying forward work on the development of the Union's own military and non-military crisis management capabilities with the objective of a strengthened and credible European Security and Defence Policy (ESDP).

Since 2001, the European Union has affirmed its operational capability through the launching of sixteen ESDP operations, five of which, so nearly one third of all missions, took or are still taking place in the Western Balkans. Macedonia and Bosnia-Herzegovina have served as good testing grounds to make forthcoming ESDP missions a success. Lessons learned from these operations should be taken to heart when the EU will embark on its biggest civilian mission in the high-risk territory of Kosovo.



In the aftermath of the Kosovo crisis, barely eight years ago, the European Union has worked hard to say 'No' to violence in the heart of Europe, as indeed elsewhere. The proliferation of the EU's own institutional and operational mechanisms, and its cooperation with other international organisations to manage crises on its doorstep and farther afield, have led to a whole series of new legal and political questions which were addressed at the 37th Asser Colloquium on European Law.

During the one and a half day conference, leading European Law scholars from the Netherlands and abroad discussed the themes of the Conference in seven panel meetings.

After an introduction by Prof. Frans Nelissen the conference was opened by Mr. W.J. Deetman (Mayor of the Hague), followed by a welcome address by Mr. E. van Middelkoop, Minister of Defence of the Netherlands.

Mr G. de Vries, former EU counter terrorism coordinator, held the dinner speech on: The nexus between EU crisis management and counter-terrorism.

Around 80 persons attended the conference.

The conference proceedings will be published by Asser Press.

The conference was organized by Wybe Douma and Steven Blockmans of the European Law department (program) and Laura de Meijer (Conference Manager), Patrick Willemsen and Sabine Terheijden (Education and Events department of the T.M.C. Asser Instituut).



Mr. E. van Middelkoop, Minister of Defence of the Netherlands, addresses the colloquium on European Law.

4.6 The Hague Joint Conference 2007

The Hague Joint Conferences, established in 1999, is a foundation in which the American Society of International Law, the Netherlands Society of International Law, the municipality of The Hague and the T.M.C. Asser Instituut participate. Its biennial conferences on issues of international law not only further academic discussion in general, but also highlights the important position of The Hague in this field. The Conference Department of the T.M.C. Asser Instituut is responsible for the practical organization of these conferences which are held every two years in early summer.

The 8th Hague Joint Conference (28–30 June 2007) took place in the Steigenberger Kurhaus Hotel in Scheveningen. The theme was 'Criminal Jurisdiction 100 Years after the 1907 Hague Peace Conference'. This conference was chaired by Mr. W. van Genugten, University of Tilburg and Mr M. Scharf, Case Western Reserve University.

The keynote address of the conference was held by Mr Luis Moreno Ocampo, chief prosecutor of the ICC. The conference dinner speech was held by the Dutch Minister of Justice, Dr. E. Hirsch Ballin.



Around 225 persons attended the Hague Joint Conference.

The conference proceedings will be published by Asser Press.

Reception at the Peace Palace offered by the municipality of The Hague to the participants of the Joint Conference.



Reception at the Peace Palace. From left to right Prof. Nico Schrijver (chairman NVIR), Mr. R. Hoekstra (chairman Foundation Hague Joint Conferences), Mr. W. Deetman (Mayor of The Hague) and Mr. Michael Scharf (ASIL).

4.7 Philip C. Jessup International Law Moot Court Competition

For over 30 years the T.M.C. Asser Instituut has organised the Dutch National Round of the Philip C. Jessup International Law Moot Court Competition.

This Competition is organised by the International Law Students Association (ILSA) in Washington DC, USA, each year at the end of March/beginning of April and will last about a week. Teams consisting of two to five international law students from over fifty countries participate each year in this International Competition. The International Rounds include the International Preliminary Rounds, Quarterfinal and Semi-final Round and the World Championship Jessup Cup Round.

Under the auspices of the ILSA each year a hypothetical case based upon a timely subject of international law is drafted by international scholars and practitioners. Each team shall present and argue the case on behalf of both the applicant and the

respondent. Each team shall prepare an applicant and a respondent memorial in the English language. The memorials will be judged by memorial judges.

Since the Netherlands may only participate with one team in the annual international rounds, a Dutch National Round is yearly organised by the T.M.C. Asser Instituut. The Dutch National Administrator, who has always been an employee of the Institute, forms together with senior staff members from the Dutch universities and a staff member of the T.M.C. Asser Instituut the Organising Committee. Three to six Dutch university teams enter the preliminary national round so that one may be chosen to represent the Netherlands.

On a Saturday in February of each year the Dutch National Round for the hearing of the oral pleadings will be organised in The Hague. Each team will argue both as applicant and as respondent in English before a court of three to five judges. The final score for each team shall be the total of the points scored for the memorials and the oral pleadings. The team with the highest score is the Dutch National Champion and is allowed to participate in the International Rounds. The team with the best memorials (not necessarily the winning team) is allowed to send in the memorials to compete in the international Hardy C. Dillard Competition for the best Memorials. During the Dutch National Round a jury of two lawyers will designate which individual team member will receive the price for the best orator.

In the year 2007, five Dutch teams, representing the Universities of Amsterdam, Maastricht, Leiden, Rotterdam and Utrecht, entered this yearly competition. The national rounds were held on February, 3rd 2007 at the Palace of Justice in The Hague. The organization of the national rounds is in the hands of the T.M.C. Asser Instituut in co-operation with the Jessup Organizing Committee.

The prize for the Best Memorial went to the University of Amsterdam. The award for Best Oralist was given to Yu Zhang (University Utrecht) and Ieva Miluna (University of Amsterdam).

The team of the University of Utrecht represented The Netherlands on 25 – 31 March 2007 at the International Rounds in Washington, D.C., USA. The results of the Jessup 2007 Competition are available on: www.ilsa.org.

4.8 Kyoto Conference at the T.M.C. Asser Instituut

The conference 'Tackling Climate Change – An Appraisal of the Kyoto Protocol and options for the future', which was held on 30 and 31 March at the T.M.C. Asser Instituut, addressed practical and technical solutions and policies to the problems of climate change, as they have recently been presented in the film 'An inconvenient truth', by Al Gore. It was a well organized meeting during which interesting and useful information was presented and discussed. Key note speakers Professor Bothe from the University of Stuttgart and Feng Gao, Head Legal Counsel of the UNFCCC opened the meeting, which then gave space to a wide array of experts each of whom involved in different legal and business aspects of the ever more complex world of climate change. 85 people participated in the conference. The substantial aspects of the conference were organised by Leonardo Massai and Wybe Douma, who both also delivered papers. As associated Asser expert, Daria Ratsiborinskaya also made a contribution. The conference proceedings will be published by Asser Press.



Kyoto Conference at the T.M.C. Asser Instituut.

Dr. Wybe Th. Douma addresses the audience. At the table from left to right: Mr. Leonardo Massai (T.M.C. Asser Instituut), Professor Michiel Bothe and Mr. Feng Gao.

4.9 Expert Meeting European Union

On 7 September 2007 a round table concerning the character of the European Union was organized together with Jaap Hoeksma. Speakers were:

Dr. W.Th. Douma (T.M.C. Asser Instituut), Drs. J.H. ten Broeke (member of the European Affairs commission of the Dutch Lower Chamber), Mr. J.A. Hoeksma (Euroknow), Prof. Dr. Th.C. van Boven (University of Maastricht), Prof. dr. F. Amentbrink (Erasmus University Rotterdam) and Prof. dr. R. A. Lawson (University Leiden). At the end of the meeting conclusions of research were handed to the Dutch Minister of Justice, Dr. E.M.H. Hirsch Ballin.

On 3 October the 'new EU definition', the result of the debate of the 7 September round table, was presented to EU commissioner Neelie Kroes (See also paragraph 3.2.1).



Dr. E.M.H. Hirsch Ballin, the Dutch Minister of Justice, addresses the Expert Meeting European Union.

4.10 European and International Uniform Law – How to achieve a uniform legal practice of the rules of uniform law

The conference was organized by the European Legal Forum (IPR Verlag) in cooperation with the Association Européenne des Avocats (AEA), the Institut Suisse de Droit Comparé and the T.M.C. Asser Instituut at the European University Institute in Florence, Italy at 26–27 October 2007. The aim of the conference was to give a follow-up to the Study for European Research Network for Private International Law which was presented to the European Commission in November 2006.

Speakers included Dr. M. Lehmann (University of Bayreuth), Prof. A. Kur (Max Planck Institute, München) Dr. A. Schulz (Federal Office of Justice, Bonn), Prof. A. Staudinger (University of Bielefeld), Dr. Th. Simons (Simons Rechtsanwälte), Prof. J. Harris (University of Birmingham), Prof. P. Hay (Emory University, Atlanta), Prof R. Haussmann (University of Konstanz), E. Lein (Institut Suisse de Droit Comparé), D. Tisconia (ITTIG), Prof. P. Schlosser (University of Munich), Prof. G. Hirsch (German Federal Court), Lord Th. Bingham of Cornhill (House of Lords), A. Pascal (Cour de Cassation, Paris), Prof. C. Baudenbacher (President EFTA Court).

4.11 Study Visit Albanian government officials

Within the framework of the EU Cards project: Strengthening the Ministry of European Integration in Albania (SMEI-project) Alfred Kellermann organised a study tour for Albanian government officials to the Hague and Brussels to share the experiences of the Dutch and European Institutions with implementation and application of European and International Legislation and practice from 7–17 October.

Elisabeth Gorkovoi, librarian of the T.M.C. Asser Instituut organised this project on behalf of the Institute.

4.12 Study tour Competition Policy, Vietnam

At the end of November 2007 the T.M.C. Asser Instituut, in cooperation with the Vietnamese Competition authority and the Dutch Ministry of Economic Affairs, organised a project in the field of competition law for the Vietnamese Competition Administration Department. The project 'Competition Policy in Vietnam' had as its objective to strengthen the relations between governmental bodies of The Netherlands and Vietnam. In particular it aimed at strengthening the relations between the Dutch Ministry of Economic Affairs and the Vietnamese Ministry of Trade and between the Dutch Competition Authority and the Vietnamese Competition Administration Department. This project offered, besides transfer of knowledge and experience to the Vietnamese delegation, the possibility that the abovementioned governmental bodies of The Netherlands and Vietnam meet each other and make the first contacts, which can be useful for follow up projects.

The 7 participants in the program were officials working at the Vietnamese Competition Administration Department and the Vietnamese Competition Council. One official was working for the Vietnamese Ministry of Internal Affairs. The delegation

was led by the Director General of the Vietnamese Competition Administration Department.

The project 'Competition Policy in Vietnam' consisted of a study tour for the above mentioned delegation in the Netherlands and Belgium with duration of one week.

4.13 Lectures, conferences and seminars Asser International Sports Law Centre

Seminar: The Sports Market in 2007: Market and Regulation

In Amsterdam, on 6 February 2007 AON and the Law Firm of Brantjes Veerman, in cooperation with the Centre organised a seminar on 'The Sports Market in 2007: Market and Regulation' [De sportmarkt anno 2007: de markt en de regulering]. The main speakers were Kevin Roberts, Sport business International, London, Roberto Branco Martins and Uri Coronel, AON Risk Management, Amsterdam).

Seminar Sport sponsoring and tax authorities

In The Hague, on 12 June 2007 a seminar on 'Sponsoring and Tax authorities' (Sponsoring en Fiscus – Belastingtechnische consequenties van sportsponsoring) was organised by the Centre in cooperation with Business Development Racing (BDR) and Dutch National Racing Team (DNRT).

The seminar was opened by Mr Huub Vermeulen, Chairman of DNRT, and chaired by Mr Jaap Wilkens, Chairman of BDR. The main speaker was Mr Pieter Asjes, tax lawyer and consultant with PriceWaterhouseCoopers, Amsterdam.

Seventh annual Asser-Clingendael International Sports Lecture

On 6 September 2007, the seventh annual Asser-Clingendael International Sports Lecture was held at the Clingendael Institute in The Hague. This year's topics were: 'The Council of Europe and Sport / The European Union and Sport: A New Perspective to Pan-European Sport Cooperation and the European Commission's White Paper on Sport'. The Lecture was introduced by Dr Robert Siekmann and chaired by Prof. Ian Blackshaw, Honorary Fellow of the Centre. Guest lecturers were: Mr Stanislas Frossard, Sport Department, Directorate for Youth and Sport, Council of Europe, Strasbourg; and Dr Michal Krejza, Head of Sport Unit, European Commission, Brussels. At the Lecture two recent sports law book publications, which were produced by the ASSER International Sports Law Centre in cooperation with T.M.C. Asser Press were presented to the speakers respectively: 'The Council of Europe and Sport: Basic Documents' and 'European Sports Law: Collected Papers' by Stephen Weatherill. The Lecture was the first occasion on which the White Paper on Sport was presented on behalf of the European Commission to a wider audience at a seminar.

Conference: Recent Developments in sport and law in the European Union

The Centre took the initiative to organize a conference on 'Recent Developments in sport and law in the European Union' in Lisbon, the capital of the then EU Presidency, on 26 September 2007, in cooperation with the Law Firm ABBC and the Portuguese Olympic Committee (COP). The conference aimed to discuss the content of the European Commission's White Paper and its impact on the sports sector

in the EU and in Portugal. A special focus of the conference was on the activities of players' agents in professional football. On this occasion the first copy of the book 'Players' Agents Worldwide – Legal Aspects', published by the T.M.C. Asser Press, was presented to Comandante Vicente Moura, President of the Portuguese Olympic Committee. Roberto Branco Martins was one of the main speakers at the conference.

Seventh Asser International Sports Law Lecture

In The Hague, on 1 November 2007 Professor Steve Cornelius, Director of the Centre for Sports Law of the University of Johannesburg delivered the Seventh Asser International Sports Law Lecture on 'The Organisational and Legal Aspects of the Football World Championship 2010 in South Africa'. The meeting was chaired by Robert Siekmann.

Conference: The EU *acquis communautaire* in sport and its implementation in Ukrainian legislation in the context of preparing for the 2012 European Football Championship in Poland and Ukraine

On 27 November 2007, within the framework of the European Commission's TAIEX programme the Institute for Legislation of the Verkhovna Rada (National Parliament) of Ukraine in cooperation with the Football Federation, the Ministry on Family, Youth and Sports, the Ministry of Justice, the National Olympic Committee and the ASSER International Sports Law Centre organised a conference on 'The EU *acquis communautaire* in sport and its implementation in Ukrainian legislation in the context of preparing for the 2012 European Football Championship in Poland and Ukraine'. The conference was chaired by Prof. Oleksandr Kopylenko, Director of the Institute for Legislation of the Verkhovna Rada of Ukraine, and attended by the ambassadors of the European Commission, Poland and the Netherlands. Robert Siekmann was the first speaker at the conference and delivered a keynote paper on 'The Concept of the Specificity of Sport in European Union Law'; Roberto Branco Martins spoke on the subjects of Social dialogue in European professional football and the regulation of players' agents in a European perspective. The Asser team further consisted of Richard Parrish and Samuli Miettinen, both of Edge Hill University, United Kingdom as guest speakers at the conference.

4.14 Lecture series International Humanitarian Law and International Criminal Law

4.14.1 HILAC Law and Armed Conflict Lecture Series

The HILAC 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.

During 2007, there were many successful HILAC lectures; see the list below. One in particular which stands out, is Jelena Pejic's lecture on *Terrorism and humanitarian*

law: some current challenges (12 April 2007). Jelena Pejic is a legal advisor for the International Committee of the Red Cross. She spoke about the very real problem today in determining which law is applicable to terrorist attacks and the quandary with which governments are currently faced. The lecture was very well attended, including officials from the international courts and tribunals, governmental officials, academics, NGO's and students.

The following speakers gave presentations in 2007:

- Professor Horst Fischer, University of Leiden and Ruhr-Universität Bochum, on '*The Principle of Humanity*' (30 January 2007);
- Mark Hiznay, Human Rights Watch and Thomas Nash, Cluster Munition Coalition, on '*Cluster Munitions and IHL*' (27 February 2007);
- Professor Jelena Pejic, ICRC on '*Terrorism and humanitarian law: some current challenges*' (12 April 2007);
- Stéphane Bourgon, Defence Counsel before the ICTY, Former Military Legal Advisor to the Canadian Armed Forces on '*The Principle of Proportionality*' (8 May 2007);
- Frits Kalshoven, Professor Emeritus of Leiden University, on '*From the Martens Clause to Tadic Jurisdiction and beyond: custom and principle as sources of LOAC*' (24 May 2007);
- Judge Abdul Koroma, Judge at the International Court of Justice, on '*The Application of the Fundamental Principles of IHL by the International Court of Justice*' (19 June 2007);
- Gabor Rona, International Legal Director of Human Rights First, on '*A bull in the china shop: the 'war on terror' and international law in the United States*' (3 July 2007);
- Professor Terry Gill, Netherlands Defence Academy, University of Utrecht and University of Amsterdam, on '*The Principle of Military Necessity*' (7 December 2006).
- Theo Boutruche, University of Geneva, '*The Principle of Superfluous Injury and Unnecessary Suffering*' (18 September 2007);
- Koen de Groof, International Humanitarian Law Division of the Belgian Red Cross, on '*Targeted killings under IHL*' (15 November 2007).

4.14.2 Supranational Criminal Law Lecture Series

Together with its partners the Grotius Centre and the Coalition for the International Criminal Court, the Section of IHL and ICL of the Institute continue to host the weekly Wednesday evening Supranational Criminal Law Lecture Series. Because of staff shortage at the Grotius Centre, Asser organized the fall 2007 lectures as well. The lectures were attended each week by 40–70 visitors.

While there were numerous interesting and well-attended Supranational Criminal Law lectures during the year 2007, one to be highlighted was Frederick Swinnen and Stefan Waespi's lecture on *The United Nations International Independent Investigation Commission and the Special Tribunal for Lebanon* (14 November 2007). Frederick Swinnen is currently Special Political Adviser to the ICTY's Prosecutor and Stefan Waespi is a Senior Trial Attorney at the ICTY. Both were part of the UN



International Independent Investigation Commission (IIIC) to investigate the assassination of Lebanese Prime Minister Rafik Hariri and others. They therefore were able to give first-hand information regarding their experience as part of the investigative team. The issue is of much relevance to The Hague legal community since the Special Tribunal for Lebanon will be situated in The Hague. The lecture was filled to its capacity, with Judges, court officials, governmental representatives, academics, NGO's students and representatives from the media, attending.

For a complete list of the lectures in 2007 please see: www.wihl.nl.

4.15 Book Launch

Professor Kalshoven's book: *Reflections on the Law of War: Collected Essays*

The Section International Humanitarian Law and International Criminal Law of the T.M.C. Asser Instituut organized a book launch, lecture and reception for Professor Emeritus of Leiden University, Frits Kalshoven, together with Martinus Nijhoff Publishers at the T.M.C. Asser Instituut (25 June 2007). The book launch was for Professor Kalshoven's book on *Reflections on the Law of War: Collected Essays*, The 17th volume of Martinus Nijhoff's International Humanitarian Law Series. The book launch was followed by a lecture by Professor Tim McCormack on 'David Hicks and the Charade of Guantanamo Bay'.

4.16 Inter-university publications

4.16.1 Student readers

In consultation with the Dutch universities a new and upgraded edition of the student readers *Elementair Internationaal Recht 2007* and *Arresten Institutioneel Recht 2007* have been prepared and published. It shows the Instituut's commitment to supplying the students in the Netherlands with good and reasonably priced study materials.

4.16.2 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 8.

4.16.2.1 *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 holds the Editorial Office.

Published three times a year, the *Netherlands International Law Review (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 succeeded Ms Dr. K. Henrard (University of Groningen) as managing-editor on 1 February 2007. The Editorial Assistant is Mrs. Wilma van Sas of the T.M.C. Asser Instituut.

4.16.2.2 *Netherlands Yearbook of International Law*

Since 1970 the *Netherlands Yearbook of International Law (NYIL)* has been published under auspices of the T.M.C. Asser Instituut. Besides 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 since 2005 are Prof. Dr. D. Curtin (University of Utrecht) and Prof. P.A. Nolkaemper (University of Amsterdam).

The managing-editor is Mr. Bert Barnhoorn, senior researcher in public international law of the Institute. The editorial assistant is Mrs. Karin Peters of the T.M.C. Asser Instituut.

4.16.2.3 *Nederlands Internationaal Privaatrecht*

Since 1983 the Institute publishes *Nederlands Internationaal Privaatrecht (NIPR)* the documentation journal reporting on case law and on treaties, legislation and literature in the field of Dutch private international law. In the year 2000 a new formula of the journal combining scholarly and practical articles, case notes and book reviews with extensive documentation on the case-law of the Dutch courts and the EC Court of Justice as well as new literature, was introduced. In addition, its frequency increased from 3 to 4 issues per year.

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.

The Editor-in-chief is Dr. Paul Vonken of the Radboud University of Nijmegen. The Editorial Assistant is Mrs. Wilma van Sas of the T.M.C. Asser Instituut.



4.16.2.4 *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) and Ms Amna Guellali, LIM (T.M.C. Asser Instituut) succeeded Dr. Avril McDonald and Maria Nybondas as the Managing Editor and Assistant Managing Editor, respectively. The editorial assistant is Mrs. Karin Peters of the T.M.C. Asser Instituut.

4.16.2.5 *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. *European Business Organization Law Review* 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 of the Institute is a member of Editorial Board and Dr. Olivier Ribbelink is a member of the Advisory Board. The Editorial Assistant is Mrs. Inge van Dun of the T.M.C. Asser Instituut.



Chapter 5

Knowledge Transfer

5.1 Education and Training

The T.M.C. Asser Instituut houses a talented core of faculty, supports focused research areas and offers a flexible curriculum that focuses on the companies need to build capacity and strengthen leadership in law in a global society. The postgraduate programmes and courses are demand driven and often tailor-made and are offered both at the institute in The Hague itself as elsewhere.

All programmes are supported by a team of international lecturers, with an academic or professional background in International Law and related disciplines. They include staff from the HAC partner organizations, Dutch universities, international organizations in The Hague and international-based experts, where appropriate, from the region of the programme participants.

5.1.1 Hague Forum for Judicial Expertise

THE HAGUE FORUM FOR JUDICIAL EXPERTISE

Since 2004 the T.M.C. Asser Instituut is responsible for the project 'the Hague Forum for Judicial Expertise' on behalf of the Hague Academic Coalition. The Hague Forum offers high quality courses on a wide range of subjects in various fields of international law, at basic and advanced level. The courses are specifically designed for national judges and magistrates offering them the opportunity to upgrade their knowledge and expertise in international law. The main objectives of the Hague Forum for Judicial Expertise are to provide participants with

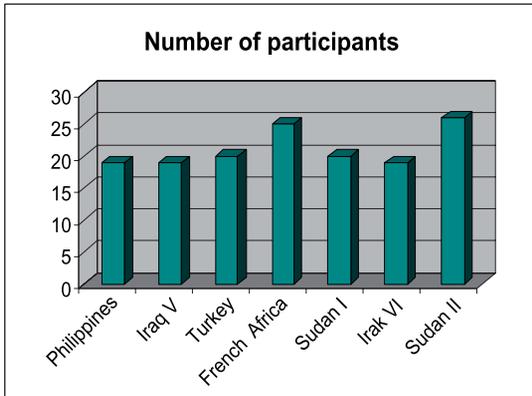
- theoretical knowledge of International Law;
- practical tools to apply international law in the domestic courts;
- essential skills to contribute to the development of international law.

The T.M.C. Asser Instituut is responsible for the implementation and organisation of the Hague Forum. www.hfje.nl, secretariat@hfje.nl

The main target group of the courses developed by the Hague Forum are national judges, justices and magistrates working in the justice sector who are increasingly confronted with aspects of international law in their daily work, be it at the level of a Supreme Court or that of lower courts.

During 2007 seven courses were provided for participants from the Philippines, Iraq (2 courses), Turkey, Sudan (2 courses) and French Speaking Africa. The total number of participants trained in 2007 was 148.





The Hague Forum works with tailor made courses, meeting the needs of the specific group and addressing the issues that are special for their country or region. All courses contain theoretical parts, practical sessions and study visits.

For the courses a number of case studies were developed and used as an exercise to stimulate discussion amongst and with the participants. The case studies are selected with an eye on the relevance for the specific group and their background. These synthesizing exercises encourage the participants to discuss and reflect on how their national system functions in comparison to and in interaction with international law. Topics of the case studies included international human rights standards, international crimes and modes of liability.

In the course for Sudan a moot court was included in which participants took part in simulated court proceedings. The preparation for and performance during the moot court is a team effort, in which the participants have to work together and study and discuss the various roles and interests in the case, with a specific focus on questions of law and procedure that are under dispute coming from a set of facts presented in the specific case. During this specific moot court the participants received insight in the complexity of a pre-trial hearing at the International Criminal Court and of the many different parties and legal issues that are involved.

For some of the courses an action planning was developed. Participants were asked to formulate the topics discussed during the training that are most important to their profession and how this knowledge can be transferred to other relevant actors in the judicial system.

For some of the courses an action planning was developed. Participants were asked to formulate the topics discussed during the training that are most important to their profession and how this knowledge can be transferred to other relevant actors in the judicial system.



Course on international law for judges and prosecutors from the Sudan 22 October–2 November 2007, The Hague, The Netherlands



Farewell Dr Hans de Wit

Dr Hans de Wit, Director of the Hague Forum for Judicial Expertise from its inception in 2005, left the Hague Forum in September. Professor Johan G. Lambers took over his position as of September 2007 and Tanya Mehra became Deputy Director. On 3 October 2007 the Hague Forum organized a Round Table in honour of Dr Hans de Wit, on the occasion of his farewell as Director of the Hague Forum for Judicial Expertise. The theme of the round table was 'Emerging Trends in the Application of International Law', chaired by Dr Hans de Wit.

Speakers during this meeting were: Prof. Dr Frans Nelissen, Chairman Hague Academic Coalition and General Director of the T.M.C. Asser Instituut.

His Excellency Mr Ahmed Fathalla, Ambassador of Egypt spoke on The Development and Extension of International Law: a Need for a Balanced Approach; His Excellency Mr Hans-Peter Kaul, President and Judge of the Pre-trial Division of the ICC focused on The International Criminal Court and International Criminal *Cooperation*; and His Excellency Mr. Ron Muzyert, Netherlands Ambassador for International Organizations elaborated on The Hague Legal Capital.



The presentations were followed by a lively discussion with the public which consisted of – amongst others – members of the international – criminal – institutions and diplomatic corps in The Hague and representatives of ministries and universities.

The meeting was closed by Mr Bert van Delden, Chair of the Council for the Judiciary, who praised Hans de Wit for his achievements during the initial years of the Hague Forum.

5.1.2 Asser College Europe

Asser College Europe (ACE) is the result of a cooperation scheme between the Institute and academic organizations in Central and Eastern Europe. The scheme is aimed at improving education, research and access to information in the field of International Trade and Business Law, including the Law of the European Union, the Law of the World Trade Organization and International Commercial Arbitration. It further seeks to achieve conditions for the favourable development of international legal science and education in the organizations of the countries involved as well as in international legal practice. The Asser College Europe Project was financially supported by the Social Transition Programme Central and Eastern Europe

(Matra) of the Netherlands Ministry of Foreign Affairs (in short: Matra Programme, Netherlands Ministry of Foreign Affairs) for the period of three years: 2004–2006.

In 2007 alternative sources of funding enabled the T.M.C. Asser Instituut to carry on with a reduced number of activities including a 2-months postgraduate course for students from the Moscow State Institute of International Relations (MGIMO), a course for legal information specialists and an Asser College Europe alumni day in Bulgaria.

It is the Institutes' intention to secure funding for at least the postgraduate course within the context of a Master Degree programme from 2008 onward. As of 2007, management of the ACE Secretariat was taken over by Patrick Willemsen.

Participating Institutions in 2007

- Belarusian State University, International Law Department, Minsk, Republic of Belarus, (Dr. U.A. Astapenka)
- Moscow State Institute of International Relations, School of International Law, Moscow, Russia (Dr. Gennady Tolstopyatenko)
- T.M.C. Asser Instituut, The Hague, The Netherlands, (Prof. Dr. F.A. Nelissen)
- University of Belgrade, Faculty of Law, Belgrade, Republic of Serbia.
- University of Novi Sad, Faculty of Law, Novi Sad, Republic of Serbia (Prof. Dr. B. Bordas)

5.1.2.1 The postgraduate course in International Trade and Business Law, including the Law of the European Union, the Law of the World Trade Organization and International Commercial Arbitration

The Russian university MGIMO (Moscow State Institute of International Relations) sent 8 students to participate in the two-month postgraduate course, April–May 2007. From April 2–May 16, these students participated in *Asser College Europe 2007* – a 7-week-course in international trade and business law for law. They were joined by 4 more students: 2 from Belarus (Belarusian State University in Minsk) and 2 from Serbia (Universities of Belgrade and Novi Sad).

The postgraduate course of Asser College Europe consisted of lectures, assignments and working groups. A guided tour of the Peace Palace was included as extracurricular activity at the request of the 12 participants. An impressive list of lecturers participated in the teaching activities. Apart from staff of the T.M.C Asser Instituut, lectures were also provided by legal practitioners from a wide range of Dutch and foreign universities and law firms (University of Maastricht, Tilburg University, University of Utrecht, Faasen & partners, King's College London, Nauta Dutilh, Clifford Chance, Allen & Overy, Essex Court Chambers). Lecturers from the T.M.C. Asser Instituut were: Wybe Douma, Steven Blockmans, Jan Anne Vos, Tamara Takacs, Vesna Lazic, and Bart Jan van het Kaar.

The lecture programme consisted of two modules:

- Module A (2 weeks): The Law of the World Trade Organization.
- Module B (5 weeks): International Commercial Arbitration.

Module A was coordinated by Steven Blockmans, while Module B was coordinated by Vesna Lazic. The course was organized by Patrick Willemsen.

Participants Asser College Europe 2007

- Anton Belyaev, Russia
- Tanja Dugonjic, Serbia
- Andrey Gasanov, Russia
- Leonid Godik, Russia
- Nadzeya Hazdziuk, Belarus
- Sergey Petrykin, Russia
- Elena Pushkareva, Russia
- Ekaterina Romanova, Russia
- Dmitry Smirnov, Belarus
- Predrag Vidakovic, Serbia
- Elena Vlasova, Russia
- Nikita Zhdanov, Russia

5.1.2.2 *ACE Alumni Day*

Since its inception in 1989, the ACE programme is proud to have some 600 alumni throughout Europe and neighbouring countries. Many of these Alumni are actively engaged in the building and functioning of local and central government organisations in their own countries.

The importance of a vibrant alumni network supporting the development of a ‘learned Society’ cannot be underestimated and the value to the individual participants continues to be of relevance long after programme participation. In keeping with tradition, the fifth Alumni Day of the Asser College Europe program took place at the Faculty of Law of Sofia University, Saint Vlas, Bulgaria, on Friday 5 and Saturday 6 October 2007. Some 20 alumni and guests took part in the two day programme. The host of this fifth Alumni Day, Prof. Dr. Tashev, welcomed the participants, along with Prof. Dr. Frans Nelissen (General Director T.M.C. Asser Instituut) and Prof. Dr. Bernadette Bordas (Chairperson of the ACE Steering Committee), followed by a seminar on the *The Recent Developments in the EU: Latest accessions, reform Treaty and in the area of Private International Law*. Speakers included Karolien Pieters, Bart-Jan van het Kaar and Wybe Douma of the T.M.C. Asser Instituut. The Alumni Day was successfully closed with a reception and dinner. The Alumni Day was organized by Laura de Meijer.

5.1.2.3 *ACE Training Course for Legal Information Specialists*

Within the framework of Asser College Europe a one-week training course for law librarians and legal documentalists was held from 8–12 October. This year’s course was attended by 6 participants coming from Bulgaria and Albania.

The learning objectives of the course are to improve the participants’:

- knowledge of European Union law, policies and documentation;
- skills in using international legal materials in general; and
- skills and knowledge of disseminating information to various target groups and in developing information products and services.
- skills and knowledge by learning from best practices

To these ends, the curriculum included lectures, demonstrations, hands-on sessions and practice-oriented exercises on European law, policies and documentation, introductions to other international organizations and their documentation, the use of databases and search engines, information management, content management and knowledge transfer. The programme included the following lectures and introductions:

- Recent developments in Community law: EU relations with the Western Balkans
- History and characteristics of the EU / Institutions of the European Union
- The Institutions of the European Union: what documents do they produce?
- The legislation of the European Union
- Judicial protection in the European Union
- Sources of EC documentation, Official Gazettes and reports / Practical exercises
- Electronic sources of European Union information: online databases, incl. searching with Google (practical exercises)
- Introduction to the Council of Europe and its documentation sources
- Managing an information centre

Excursions to selected organizations were an integral part of the course: the Peace Palace library, the Dutch representations of the European Commission and the European Parliament.

The course was taught by the staff of the Institutes' I&I (explain) department and by experts on European Law of the T.M.C. Asser Instituut. A guest lecture was given by Ms Saskia Bal (Netherlands Institute of Human Rights), and other contributions were given by the hosts at the visited organizations.

Participants to the course were:

- Ms Liliya Ivanova Ivanova (Librarian, National Institute for the Judiciary, Sofia)
- Ms Corneliya Vanyova Kirilova (EU information specialist, National Institute for the Judiciary, Sofia)
- Ms Zana Bufi (Director of the Library, National Parliament, Albania)
- Ms Sonila Meksi (Head Centre for European Documentation, Ministry of European Integration, Tirana)
- Ms Tatjana Naci (Expert Centre for European Documentation, Ministry of European Integration, Tirana)
- Ms Gerta Gradeci (Chief of IT Sector, Ministry of European Integration, Tirana)

5.1.3 Summer Schools

5.1.3.1 Summer Law Program in The Hague

The *Summer Law Program in The Hague* is the product of a unique collaboration between the War Crimes Research Office of the American University's Washington College of Law and the T.M.C. Asser Instituut. The former institute was established in 1995 to provide specialized legal research assistance to internationalized criminal tribunals. The one month Summer Law Program – the first annual American-

style Summer School for US students in The Hague – offers participants an opportunity to study some of the most important legal issues today in the heart of the international justice community. The program was approved and acknowledged by the American Bar Association.

From June 1–30, 2007, 27 J.D. and LL.M. participants from six American universities attended the ABA-approved, six-credit, summer program. The 4-week course consisted of two three-credit courses: International Criminal Law and International Legal Approaches to Terrorism. Student housing was provided in the city centre. Extracurricular activities included receptions, opening and farewell dinners, and a weekend trip to Amsterdam, with a boat tour through the canals and a visit to the Rijksmuseum.

The program was organized by Patrick Willemsen, while Tanya Mehra acted as the Program Manager. Lecturers included staff from the T.M.C. Asser Instituut: Tanya Mehra, Avril McDonald, Steven Blockmans, and Maria Nybondas.



Participants and staff of the Summer Law Program in front of the Peace Palace, seat of the International Court of Justice.

5.1.3.2 *Summer School on International Criminal Law*

From 25 June 26–6 July 2006 the 5th annual Summer School on International Criminal Law was organised by the Grotius Centre for International Legal Studies (Campus The Hague University of Leiden) and the T.M.C. Asser Instituut. The first week took place at the Grotius Centre, while the second week took place at the T.M.C. Asser Instituut, with 34 students participating. Professionals from various international legal organizations, such as the International Criminal Court (ICC), the International Crimes Tribunal for the former Yugoslavia (ICTY) and influential scholars in the field of ICL contribute to this course. Lecturers included Maria Nybondas and Avril McDonald of the T.M.C. Asser Instituut. The course was organized by Patrick Willemsen of the Education Department, with Tanya Mehra as Programme Manager.

5.1.3.3 *Summer Course Human Rights*

From 20–31 August 2007 the Netherlands Institute of Human Rights of Utrecht University, together with the Catholic University of Leuven (Belgium), organized the *Summer Course Human Rights*, an annual course in Humanitarian Law. The first week of this course was organized in co-operation with the T.M.C. Asser Instituut (by Dr. Olivier Ribbelink, with operational support by Patrick Willemsen of the Education & Events department). There were 25 participants, who attended lectures all week at the T.M.C. Asser Instituut, with visits to international organizations in The Hague included in the programme as well. The second week of the course was held in Leuven, including visits to Strasbourg and Brussels. There were 25 participants.

5.1.4 **Training Course in WTO Law**

In 2006, the T.M.C. Asser Instituut started organising the *WTO Course for Diplomats* – a course in WTO law for diplomats from developing countries, taking place in Brussels every 14 days. Olivier Ribbelink and Jan Anne Vos are the course Project Director and Project Coordinator respectively. This post-graduate training course has been organised at the request of the European Commission, DG Trade, Directorate F. Fifteen participants followed the course, which lasted the entire academic year 2006/2007. The lectures took place in 17 full-day sessions in Brussels, Belgium, including midterm and final exams.

Lecturers included staff from the T.M.C. Asser Instituut, Wybe Douma and Jan Anne Vos. The course has been continued for the 2007/2008 academic year, with another 15 participants. The course was organized and coordinated by Marian Barendrecht at first. As of August 2007, the organization of the 2007/2008 course was taken over Patrick Willemsen.

The first course has been a great success, according to all involved, that is, the participants, the European Commission, and the T.M.C. Asser Instituut.

during a closing ceremony on the roof-terrace of the hotel, the participants of the 2006–2007 course were presented with their Certificates, by Olivier Ribbelink.



Participants of the 2006–2007 course in WTO law, after the closing ceremony on the roof-terrace of the hotel Sofitel in Brussels (11 September 2007). On the second row, Dr Olivier Ribbelink (T.M.C. Asser Instituut), and Mr Jean-François Brakeland (DG Trade, European Commission).

5.1.5 IND Course

On 5–7 February 2007 and 5–7 March 2007 the T.M.C. Asser Instituut organized a Course on the exclusion clause Article 1F of the UN Refugee Convention (1951) at the request of the Immigration and Naturalization Department (IND) of the Dutch Ministry of Justice. This specialized 3-day course was held at the IND offices in Utrecht. The Ministry of Justice selected 17–19 participants.

5.1.6 Cooperation on sports law-specific lawyer training

In March 2007 a General Agreement of Cooperation was signed in Budapest, Hungary, between the Deans of the Faculty of Physical Education and Sport Sciences, Semmelweis University and of the Faculty of Law and Political Sciences, Peter Pazmany Catholic University, Dr Mihaly Nyerges and Dr Gyula Bandi respectively, and Dr Robert Siekmann on behalf of the ASSER International Sports Law Centre. The Agreement concerns in particular cooperation on ‘sports law-specific lawyer training’ as from the 2008/2009 academic year. The programme is still in the process of being elaborated in cooperation with Dr Andras Nemes of Semmelweis University.

The Centre also gave intellectual support to Prof. Alexandru Virgil-Voicu, Faculty of Physical Education and Sports, ‘Babes-Bolyai’ University, Cluj-Napoca, Romania, who took the initiative in developing a Masters in sports law in cooperation with the Faculty of Law of the Ecological University in Bucharest.

5.2. Information and Information Technology

5.2.1 NIPR online

In close cooperation with the editorial staff of the NIPR, information specialists of the department of I&I have together with the T.M.C. Asser Press developed a database and content management system to publish the NIPR-journal on line. After the decision of Kluwer to discontinue the publication of the documentation on CD-ROM in the series *Juridische Bibliotheek Select*, the publisher received many requests to publish these materials on-line. It is expected that the fully operational version this

new electronic service will be launched together with the publication of the first issue of NiPR Volume 2009.

The new service will provide access to the full text of the articles published in the NIPR since 2001 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 will become searchable to subscribers of NIPR at the website www.nipr-online.eu. It will also include more than 2500 references to the bibliographic information on the literature in the field of Dutch private international law. In the course of 2008 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:

- *Corvers Procurement Services*
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 has been delivered to Corvers Procurement on a monthly basis.
- *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, M.A. van der Harst, K. Swinnen-Pieters prepared the annual overview of EU legislation 2005 (*EU-wetgevingskroniek 2005*, in *SEW Tijdschrift voor Europees en Economisch Recht*, nr.9/2006).

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 at an international meeting in Barcelona and the answering of various questions from other EDC's.

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.

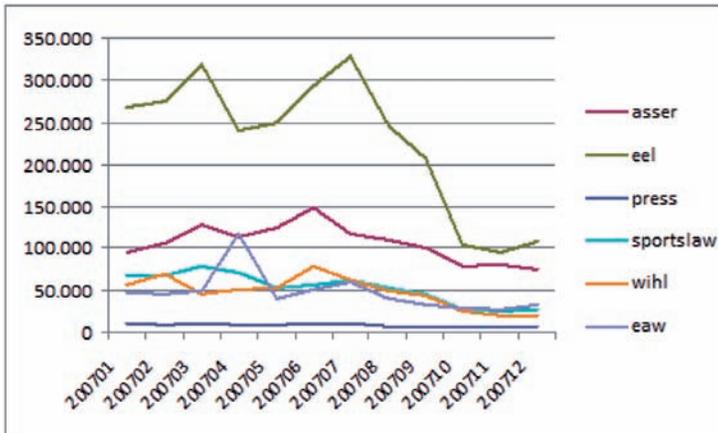
5.3.4 Websites

The Institute hosted in 2007 the following portals and websites:

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

average number of page views for all Asser-sites are shown in the diagram below.

In the year 2007 the total number of page views of the Asser Portal showed an increase from 2.893.000 in 2006 to 5.911.452 page views in 2007. The number of visits in 2007 to the Asser sites was 1.664.279.



The Hague Justice Portal is a project of the Hague Academic Coalition. The Asser Instituut operates as the administering body on behalf the Hague Academic Coalition and provides project management.

5.4 T.M.C. Asser Press



2007 was again a good year for T.M.C. Asser Press with the publication of 31 new book titles, an increase of 55% over 2006 and 15 journal issues. In addition, 8 backlist titles were reprinted during the course of the year. Our partner Cambridge University Press contributed significantly to our growth with strong worldwide marketing and sales campaigns. In 2007 sales and net income grew by 19%.

Our English language periodicals received strong additional exposure and easy access through Cambridge Journals Online (CJO), which make them electronically available at more than 1200 libraries worldwide through its library consortia deals. The journal *Nederlands Internationaal Privaatrecht (NIPR)* celebrated its 25th year of publication. It also marked the start of the development of *NIPR-Online*, which will be tested in 2008 and fully made available to its subscribers in 2009.

In its effort to achieve timely publication of its yearbooks, the T.M.C. Asser Instituut made organizational changes in the management of its publications and also invested heavily to make the publication possible of four yearbooks in 2007, the *Yearbook of International Humanitarian Law*, Volume 7 (2004) and Volume 8 (2005) and the *Netherlands Yearbook of International Law*, Volume 36 (2005) and Volume 37 (2006).

Book launches were held for *The United Nations and the European Union: An ever stronger partnership*, edited by Jan Wouters, Frank Hoffmeister and Tom Ruys, at the United Nations Headquarters and the European Parliament, in New York and Brussels, respectively. Both events were well attended.

The *Information Technology and Law* series (*IT&Law*), co-published with the Netherlands Organisation for Scientific Research (NWO), continued to grow strongly with the publication of Volumes 13–15. It has found a strong niche in the market place with a growing readership worldwide.



The *International Sports Law Series* (Editors: Rob Siekmann and Janwillem Soek) published four new volumes in this leading sports law series (for more details, please see below).

The Hague Academic Press (HAP) – T.M.C. Asser Press's imprint for the publications of the Hague Academic Coalition (HAC) and the Hague Institute for the Internationalisation of Law (HiIL) – marked the development of several titles which will be published in 2008 (please see below the Preview 2008 for details).

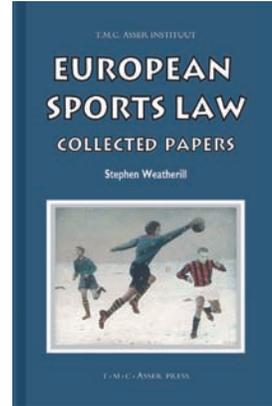
T.M.C. Asser Press co-published with Bruylant (Brussels) the French edition of Rosenne's *The Hague Peace Conferences of 1899 and 1907 and International Arbitration* to commemorate the centennial celebration of the 1907 conference, which will make this classic text more easily available to the francophone world.

The following titles deserve special mention:

- Two new International Organization for Migration (IOM) books appeared: *International Migration Law – Developing Paradigms and Key Challenges*, edited and developed by Ryszard Cholewinski, Richard Perruchoud and Euan MacDonald in collaboration with recognized IML experts. This book encapsulates the law of international migration by examining current developments and emerging issues. The *Compendium of International Migration Law Instruments*, edited by Richard Perruchoud and Katarina Tömölová, serves as the companion book to the aforementioned title.
- *Implementing Negotiated Agreements – The Real Challenge to Intrastate Peace*. This book was edited by Miek Boltjes (Kredtha – International Peace Council for States, Peoples and Minorities). It examines why the record of implementation of peace agreements between governments and population groups within their state is so poor, and what is being and can be done to change this.
- *Tough Love – The European Union's Relations with the Western Balkan* by Steven Blockmans. The author argues that under the leadership of the European Union only a 'tough love' strategy, based on a firm but fair application of the conditionality principle, can lead to the integration of the Western Balkans into the European mainstream.
- *The Codex Alimentarius Commission and Its Standards* by Mariëlle Masson-Matthee. She examines the legal aspects of the Codex Alimentarius Commission and its standards, and describes more precisely the actual status of the standards, both within the framework of the WTO agreements as well as within the context of the EC legal order. It also defines the consequences of the new status of the Codex standards for the legitimacy of the institutional framework of the Commission, its standard-setting procedure, and the Codex standards themselves.
- *Fighting the War on File Sharing*, Volume 14 in the IT & Law Series, by Aernout Schmidt, Wilfred Dolfsma and Wim Keuvelaar. The explosive growth of the Napster and KaZaA services shows that peer-to-peer file sharing has tremendous appeal in our information society. This book is important to anyone concerned about how intellectual property law, economics and rhetoric fuel the war on file sharing, and, in general, to everyone interested in the future of the Media Industry on the Internet.



- *Constitutional Rights and New Technologies – A Comparative Study*. Volume 15 in the IT & Law Series was edited by Ronald Leenes, Bert-Jaap Koops en Paul De Hert. New technologies affect the legal system, but do they and should they also affect constitutional rights? This book surveys changes in constitutional rights and human rights policy related to developments in ICT and new technologies in the US, Canada, France, Germany, Sweden, Belgium and the Netherlands.
- *European Sports Law – Collected Papers* by Stephen Weatherill. This book, which appears in the *Asser International Sports Law Series*, is a vademecum for al those involved in a variety of ways and functions in the exciting field of international sport and the ever unfolding challenges that the interface between European law and sport provide in daily life. It contains the collected works (1989–2006) of Stephen Weatherill (University of Oxford) for which he provided an up-to-date and comprehensive introduction.
- *Players' Agents Worldwide – Legal Aspects (Asser International Sports Law Series)*, edited by Robert Siekmann, Richard Parrish, Roberto Branco Martins and Janwillem Soek. This book covers the legal regulations governing players' agents in forty countries. An informative comparative survey, which will serve as an important source of reference.
- *European Court of Human Rights – Case-Law of the Grand Chamber 1998–2006* by J. Šikuta and E. Hubáľková. This book contains a collection of summaries of judgments and decisions of the Grand Chamber of the 'new' European Court of Human Rights, adopted since November 1998. The judgments are classified in chronological order. Each summary contains the relevant facts, consisting of a summary of relevant facts and the Court's legal analyses and opinions.
- *The Iron Rhine (IJzeren Rijn) Arbitration (Belgium-Netherlands) Award of 2005*, appearing in the *Permanent Court of Arbitration Award Series*, edited by Belinda Macmahon. This unique bi-lingual volume comprises the official English version of the Award rendered in the *Iron Rhine Arbitration*, and a French translation. In his perceptive introduction Colin Warbrick, (University of Birmingham) has considered the Award in the context of its contribution to international and European Community law issues.



For a complete overview of the 2007 publications and a preview for 2008 please see Annex 9.

Annex 1

Governing Board & Scientific Commissions

Governing Board

Chairman: Prof. Mr. M. Scheltema

University of Amsterdam

Prof. Dr. C.E. du Perron

Radboud University of Nijmegen

Prof. Dr. Y. Buruma

VU University Amsterdam

Prof. Mr. Dr. P. Vlas

Erasmus University Rotterdam

Prof. Dr. M. Loth

University of Groningen

Prof. Mr. L.C.A. Verstappen

Tilburg University

Prof. Dr. Ph. Eijlander

Leiden University

Prof. Dr. C.J.J.M. Stolker

Utrecht University

Prof. Dr. A.F.M. Dorresteijn

Maastricht University

Prof. Dr. A.W. Heringa

Composition of the Scientific Commissions

Commission on European Law

Chairman: Mrs. Prof. Dr. S. Prechal, Utrecht University

Secretary: Mrs. 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: Mr. 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



Annex 2

Staff – Facts & Figures

Management

General Director	F.A. Nelissen
Deputy Director a.i.	A.J. Nijssen
Operations Manager	J.J.M. Simon

Staff

Academic Staff (WP) (alphabetical order)		FTE*
W.F.W. van Ballegooij	European Law	1
L.A.N.M. Barnhoorn	Public International Law	1
S.F. Blockmans	European Law	1
R.C. Branco Martins	International Sports Law	0.8
W.Th. Douma	Head of European Law Department	1
E. Guellali (appointed 16 November)	International Humanitarian Law	0.13
M. Harinck-Olfers	International Sports Law	0.2
B.J. van het Kaar	Private International Law	1
E.V. Koppe (appointed 20 February/resigned 30 June)	Public International Law	0.375
V. Lazic	International Commercial Arbitration	0.5
L. Massai	European Law	1
A. J. M. McDonald (resigned 1 June)	International Humanitarian Law	0.4
F.A. Nelissen	Public International Law	1
M.L. Nybondas (resigned 1 July)	International Humanitarian Law/Public International Law	0.5
S.E. Radin	International Humanitarian Law	1
O.M. Ribbelink	Head of Public International Law department	1
M.J. de Rooij	Private International Law	1
M. J. Salgado Dominguez (appointed 1 March)	European Law	0.5
G.E. Schmidt	Private International Law	1
R.C.R. Siekmann	Head of International Sports Law Centre/ Head of Private International Law Department	1
J.W. Soek	International Sports Law	1
K.F.H. Swinnen-Pieters	European Law	1
A. Venckuté (resigned 15 September)	European Law	0.7
J.A. Vos	Public International Law	1
Projects Office		
I. van Amerongen (resigned 1 April)	Manager	0.21
N.S.M.P. Amtenbrink (appointed 1 September)	Project Manager	0.2
M.D. Barendrecht-Deelen (resigned 1 September)	Project Manager	0.4
T.N.J. Kok-Maan	Project Manager	0.8

* Full-time equivalent

Education, Training and Events

J.G. Lammers (appointed 1 September)	Director HFJE	0.07
T. Mehra	Deputy Director HFJE	1
L.M.J. de Meijer (appointed 18 April)	Project Manager Education and Events	0.71
J.L. van der Meulen	Programme Co-ordinator HFJE	0.3
J.G. Ouwerkerk (resigned 1 July)	Project Manager Education and Events	0.3
S.J. Terheijden	Project Manager Education and Events	0.8
L. de Vries (resigned 1 June)	Project Manager Education and Events	0.33
P. Willemsen (appointed 1 February)	Project Manager Education and Events	0.92
J.W.M. de Wit (resigned 1 September)	Director HFJE	0.19

Information and Information Technology

D.G. Blom	Library assistant	1
E. Gorkovoi	Librarian	0.8
M.A. van der Harst	Webmaster	1
J.S. de Jongh	Head Information Services and -Technology	1
V.P. Verkruijsen	Information Specialist	1

Publications

I. van Dun-van den Bosch	Editorial Assistant	0.26
K. Peters-Moes	Editorial Assistant	0.5
W.G.M. van Sas-Wildeman	Editorial Assistant	0.8

Supporting and Administrative Staff (OBP)

A. Assoufi	Janitor	1
P. Bakker	Head of Administration	0.8
A.M. Bolweg	Office Support Assistant	0.6
S. Jagessar (appointed 5 November)	Administrator	0.154
D. de Jongh	Administrator	1
A.A.M. van Kersbergen	Management Assistant Research	0.75
J.T. Mooren-Hooijmans	Assistant Human Resources	0.3
A.J. Nijssen	Deputy Director a.i.	0.4
T.J.M. Olsthoorn	Advisor Human Resources	0.6
A. de la Parra (resigned 16 October)	Administrator	0.63
M.H.A. Piekaar	Executive Secretary	0.66
R. Rose (appointed 1 September)	Assistant Technical Services	0.33
J.J.M. Simon	Operations Manager	1
A.L.D. Smit	Receptionist	1
A.A.J. Straman (resigned 22 September)	Printing and reproduction assistant	0.44

T.M.C. Asser Press

M.H. Bastiaans	Assistant Publisher Asser Press	1
M. Eijdenberg-Addiks (appointed 1 August)	Editorial Assistant	0.16
A. Riem	Management Assistant	0.5
P.E. van Tongeren	Publisher T.M.C. Asser Press	1
A.H.C. Wessels-Voorbij	Marketing Co-ordinator	0.6

The Hague Academic Coalition (Project employees)

C. D.C. Masouy (appointed 20 August)	Project Assistant Hague Portal	0.183
P. Otten (resigned 31 July)	Managing Editor Hague Portal	0.58
V.P. Pouliot (appointed 1 February)	Project Assistant Hague Portal	0.917
H.H.G. Post (resigned 14 October)	Project Leader Hague Portal	0.37
N. J. Walbridge	Project Assistant Hague Portal	1

Participants in the Asser Dissertations Programme – ADP

Name	Supervisor(s)
Nynke Baarsma	Prof. Dr. M.H. ten Wolde, University of Groningen
Felix Ndahinda	Prof. Dr. W.J.M. van Genugten and Ms. Dr. R.M. Letschert, Tilburg University
Tamara Takacs	Prof. Dr. S. Prechal, University of Utrecht 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
Kwon Jeong-hoon (Seoul Western Prosecutor's Office, South-Korea)	11-12-2006 – 02-12-2007
Prof. Dr. Dmitry Tarikanoff (Russian Law Academy)	22-01-2007 – 19-04-2007
Dr. Nicholas Tzagourias (University of Bristol, UK)	03-05-2007 – 29-06-2007
Vidush Pat Singhania, student Mumbai University, India)	01-06-2007 – 31-07-2007

Student Assistants and Trainees

Name	Period	Tutor(s)
L. Boundouhi	24-11-2006 – 03-02-2007	V.P. Verkruijssen
N.E. Gabay	01-10-2006 – 31-03-2007	S.E. Radin
W.C. Madarie	13-11-2006 – 31-03-2007	J.S. de Jongh
V.P. Pouliot	01-11-2006 – 31-01-2007	J.S. de Jongh
R. Vermeeren	16-11-2006 – 15-05-2007	J.S. de Jongh
P. Willemsen	01-10-2006 – 31-01-2007	R.C.R. Siekmann
S.K. Woods	05-12-2006 – 04-06-2007	L. Massai
B.M. Platell	14-09-2006 – 30-06-2007	W.T. Douma
M.D. Peters	16-04-2007 – 31-07-2007	F.A. Nelissen
T.O. Schelfhout	16-04-2007 – 15-07-2007	S.E. Radin
E.C. Bell	05-02-2007 – 25-05-2007	A.J.M. McDonald
E.C. Bos	01-02-2007 – 31-07-2007	R.C.R. Siekmann
G. Danilovic	16-03-2007 – 31-12-2007	R.C.R. Siekmann
D. Djukic	02-05-2007 – 30-06-2007	S.E. Radin
A. van der Drift	01-02-2007 – 30-06-2007	R.C.R. Siekmann
G. Ekkelenkamp	01-04-2007 – 30-06-2007	R.C.R. Siekmann
J.C. Schulte	01-04-2007 – 30-06-2007	J.S. de Jongh
A. Strijbos	01-02-2007 – 30-06-2007	W.T. Douma
M.L. de Vos	29-01-2007 – 30-06-2007	W.T. Douma
J.I. Hantel	05-02-2007 – 04-04-2007	A.J.M. McDonald
S.S.A. van Leeuwen	07-05-2007 – 06-08-2007	L.A.N.M. Barnhoorn
A.M. de Vries	11-06-2007 – 30-11-2007	J.S. de Jongh
B. Sonczyk	15-08-2007 – 14-11-2007	J.S. de Jongh
M.A. Bakker	01-06-2007 – 01-05-2008	R.C.R. Siekmann
M. Kondas	20-08-2007 – 19-06-2008	W.T. Douma
S.W. Couwenberg	10-09-2007 – 31-01-2008	R.C.R. Siekmann
L. Wannet	01-10-2007 – 15-02-2008	L.A.N.M. Barnhoorn



Annex 3

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

- Chairman of the Works-Council (Ondernemingsraad) of the T.M.C. Asser Instituut since November 2007.

R. Branco Martins

- Director Pro Agent,
- General Manager European Football Agents Association

W.Th. Douma

- Member, Organising committee Asser conference 'Tackling Climate Change: An Appraisal of the Kyoto Protocol and options for the future', 30–31 March 2007.

B.J. van het Kaar

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

A.E. Kellermann

- Senior Policy and Legal Advisor of the T.M.C. Asser Instituut.
- Team Leader in Tirana of EU CARDS project 'Strengthening the Ministry of European Integration in Albania' from 9 January 2007–9 May 2009. Implemented by Fineurop, Haus, TMC Asser Instituut

A.A.M. van Kersbergen

- Chairman of the Works-Council (Ondernemingsraad) of the T.M.C. Asser Instituut (re-signed November 2007).

L. Massai

- Member, Organising committee Asser conference 'Tackling Climate Change: An Appraisal of the Kyoto Protocol and options for the future', 30–31 March 2007.

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
- Chairman of the Board of the Hague Academic Coalition (a co-operation between The Carnegie Foundation, The Clingendael Institute, T.M.C. Asser Instituut, Institute of Social Studies and the Grotius Centre for International Legal Studies of Leiden University).
- 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)

M.L. Nybondas

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

M. Olfers

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

J.G. Ouwkerk

- National Administrator and Member of the Organising Commission for the Dutch National Round of the Philip C. Jessup International Law Moot Court Competition.

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 of the 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, Summer Course on Human Rights', 20–27 August 2007, The Hague & Leuven, Belgium.
- Member, Program Committee, Hague Academic Coalition, From Peace to Justice Conference, on: Culture and International Law, 16–17 April 2007, The Hague.

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].

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.

Ph.E. Van Tongeren

- Member, European Society of International Law.
- Member, European Union Publishers Forum.

Annex 4

Staff – Editorial Functions

W.F.W. van Ballegooij

- Managing editor European Arrest Warrant project.

L.A.N.M. Barnhoorn

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

S.F. Blockmans

- Co-editor for S. Blockmans and S. Prechal (eds.), *Reconciling the Deepening and Widening of the European Union* (The Hague, TMC Asser Press 2007), 212 pp.

W.Th. Douma

- Editor-in-Chief, *European Environmental Law* website: <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).
- Redactieraad Sdu Mail RO, Milieu en Natuur (Editorial board member for an electronic newsletter on spatial planning, environment and nature).

A. Guellali

- Assistant-managing editor *Yearbook of International Humanitarian 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.E. Koppe

- Managing Editor, *Netherlands International Law Review*

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)
- Editor, *European Environmental Law* website: www.eel.nl
- Associate Editor, Qualenergia website (www.qualenergia.it), regular submission of brief articles (in Italian)

A. McDonald

- Managing Editor, *Yearbook of International Humanitarian Law* till 1 April 2007
- Corresponding Editor, *Humanitäres Völkerrecht*.

M.L. Nybondas

- Assistant Managing Editor, *Yearbook of International Humanitarian Law*, till 1 July 2007

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).

G.E. Schmidt

- Member of the Board of Editors, *Nederlands Internationaal Privaatrecht (NIPR)* (Netherlands Private International Law – NIPR).
- Correspondent, *Tijdschrift voor Familie- en Jeugdrecht (FJR)*.

R.C.R. Siekmann

- General Editor, *International Sports Law Journal*.
- General Manager, www.sportslaw.nl (website of ASSER International Sports Law Centre).

J.W. Soek

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

P.E. van Tongeren

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



Annex 5

Staff – Publications

Books

S.F. Blockmans

- *Tough Love: The European Union's Relations with the Western Balkans* (The Hague, TMC Asser Press 2007), 421 pp.
- *Reconciling the Deepening and Widening of the European Union* (The Hague, TMC Asser Press 2007), 212 pp. Co-editor with S. Prechal (eds.)

W.Th. Douma

- *The Kyoto Protocol and Beyond: Legal and Policy Challenges of Climate Change*, TMC Asser Press, The Hague, 2007 (co-editor with L. Massai and M. Montini)

L. Massai

- *The Kyoto Protocol and Beyond: Legal and Policy Challenges of Climate Change*, TMC Asser Press, The Hague, 2007 (co-editor with W.Th. Douma and M. Montini)

O.M. Ribbelink

- *Handboek Internationaal Recht* [Manual on Public International Law] co-editor with N. Horbach and R. Lefeber, and project coordinator (The Hague, T.M.C. Asser Press 2007) 968 pages.
- *Forty Years of International Law*, speeches on the occasion of 40 years of the T.M.C. Asser Instituut, editor, T.M.C. Asser Instituut, 2007.

R.C.R. Siekmann

- *Legal Comparison and the Harmonization of Doping Rules – Pilot Study for the European Commission*, co-editor with Klaus Vieweg (Duncker & Humblot, Berlin 2007).

Articles

S.F. Blockmans

- 'Reconciling Widening and Deepening: Enlargement as a Vehicle to Break the Union's Constitutional Deadlock', in A. Albi & J. Ziller (eds.), *The European Constitution and National Constitutions: Ratification and Beyond* (Dordrecht, Kluwer Law International 2007), pp. 249–259
- 'The European Integration Process: a continuum of 'deepening' and 'widening'', in S. Blockmans and S. Prechal (eds.), *Reconciling the deepening and widening of the European Union* (The Hague, TMC Asser Press 2007), pp. 1–12 with S. Prechal.
- 'Consolidating the Enlargement Agenda for Southeastern Europe', in S. Blockmans and S. Prechal (eds.), *Reconciling 'deepening' and 'widening' of the European Union* (The Hague, TMC Asser Press 2007), pp. 59–86.

W.Th. Douma

- Introduction to “*The Kyoto Protocol and Beyond: Legal and Policy Challenges of Climate Change*”, TMC Asser Press, The Hague, 2007, pp. 1–3 (with L. Massai)
- “The Russian Federation and the Kyoto Protocol”, in: *The Kyoto Protocol and Beyond: Legal and Policy Challenges of Climate Change*, pp. 135–146 (with D. Ratsiborinskaya)
- ‘Viewpoint: Striking a market-environmental balance’, in: *ENDS Europe REPORT 16*, August 2007, p. 2
- ‘Europese invloed op regelgeving meetbaar’ [European influence on legislation can be measured], *NJB* 2007, nr. 29, pp. 1828–1834, with R. Hartmanova, K. Pieters and K. Feenstra
- ‘Implementatie van de Dienstenrichtlijn: een administratieve krachttoer ten behoeve van minder bureaucratie’, [Implementation of Services Directive: an administrative tour de force aimed at less bureaucracy], *Regelmaat*, 2007, nr. 5, pp. 181–189
- ‘Superstaat Europa?’ in: F. Van Mil and C. Hendriks, *Eigenlijk bent u een Europeaan. Essays over kansen zonder grenzen*, Amsterdam, 2007, pp. 200–205
- ‘The Bali results, the USA and the road ahead’, News Flash on EU department website at www.asser.nl, 18 December 2007.

A.E. Kellermann

- ‘The Impact of EU accession on the National Legal order of Albania’, *Revista E Drejta Parlamentare dhe Politikat Ligjore*, Publication of the Albanian Parliament, Nr 1/2007 pp. 4–34
- ‘EU experiences with Good Governance’ *Revista E Drejta Parlamentare dhe Politikat Ligjore*, Publication of the Albanian Parliament, Nr 37/2007, pp. 4–27

V.E. Koppe

- Hague Case Law – Latest Developments, *Netherlands International Law Review*, Vol. 54, 2007, pp. 185–191.
- De bescherming van het milieu tijdens internationaal gewapend conflict, *IHR in de kijker*, 2007, 12 pp. (bij de redactie).

V. Lazic

- ‘The Role of Courts and Arbitral Institutions under the Croatian Arbitration Act: Does the Act Present a “Friendly” Legal Framework for Arbitration?’ *Croatian Arbitration Yearbook*, Vol. 14, Year 2007, str. 21–40.
- ‘Where Do We Stand on the Rome I Regulation?’, in K. Boele-Woelki, F.W. Grosheide (eds.), *The Future of European Contract Law*, Liber Amicorum for E. Hondius, Kluwer Law International, 2007, pp. 19–42 (with K. Boele-Woelki).

L. Massai

- ‘The EU and climate change: Leading the way towards a Post-2012 regime?’, in *Carbon and Climate Law Review*, 01/2007, Lexxion: Berlin.
- ‘EU enlargement and climate policy’, in P. Harris (ed.), *Europe and global climate change: politics, foreign policy and regional cooperation*, Edward Elgar Publishing: Cheltenham, UK, 2007
- ‘Joint Implementation in an enlarged EU: Recent development and outstanding legal issues’, in Freestone, D. and Streck, C. (eds.), *Environmental Liability Special Edition The Kyoto Protocol: recent developments in carbon finance*, Volume 15, Issue 2, Lawtext Publishing, 2007
- ‘European Climate and Energy Policy Dossier’, in European Environmental Law website, www.eel.nl, 2007

O.M. Ribbelink

- ‘Ruimterecht’ [The Law of Outer Space] in *Handboek Internationaal Recht* eds. O. Ribbelink, N. Horbach and R. Lefeber, TMC Asser Press, 2007, pp. 839–869.



J.W. Soek

- “Termination of International Employment Agreements and the ‘Just Cause’ Concept in the Case Law of the FIFA Dispute Resolution Chamber” in: *The International Sports Law Journal* (ISLJ) 2007/3–4 pp. 28–45.

K. Swinnen-Pieters

- ‘Europese invloed op regelgeving meetbaar’ [European influence on legislation can be measured], *NJB* 2007, nr. 29, pp. 1828–1834, with W.Th. Douma, R. Hartmanova, and K. Feenstra

Others

L.A.N.M. Barnhoorn

- Netherlands Judicial Decisions Involving Questions of Public International law, 2004–2005, 37 *NYIL* (2006) pp. 397–478.

S.F. Blockmans

- *EU-wetgevingskroniek 2006*, in 9 *SEW* (2007), pp. 334–347 with W.Th. Douma, M. van der Harst, W. van Ballegooij & B. Platell
- *Tough Love: the European Union’s Relations with the Western Balkans*, in 82 *Nederlands Juristenblad* (2007), pp. 2851–2852
- *Ten Years South-East European Cooperative Initiative – From Dayton to Brussels* edited by Erhard Busek, New York: Wien, Springer, 2006. 32 *European Law Review* (2007) pp. 929–929.

W.Th. Douma

- EU-wetgevingskroniek 2006 [EU Law Chronicle 2006], parts on environment and energy in 12 *SEW* (2007), pp. 143–147 with S.F. Blockmans, M.A. van der Harst and B. Platell.
- Contributions to EU department website at www.asser.nl
- Annotations to the following cases:
 - Dutch Council of State 14 June 2006, nr. 200510500/1, X v Ministry of Housing, Spatial Planning and Environmental Management, M en R 2007/15, pp. 115–117
 - Dutch Council of State, Remondis and Afvalverwerking Regio Nijmegen v Ministry of Housing, Spatial Planning and Environmental Management, M en R 2007/16, pp. 117–118
 - WTO Panel 29 September 2006, WT/DS291/R, WT/DS292/R en WT/DS293/R, United States of America, Canada and Argentina v. European Community (GMOs), MenR 2007/37, pp. 230–233
 - Court of First Instance of the EC 27 June 2007, case T-182/06, The Netherlands v. Commission (*particle filters*), JM 2007/114, pp. 720–732
 - WTO Panel 12 June 2007, WT/DS332/R, European Union v Brazil (*Retreated tyres*), JM 2007/143
 - Court of Justice of the EC 23 October 2007, case C-440/05, Commission v. Council (*criminal law aspects of pollution by ships*), JM 2007/154

M.A. van der Harst

- EU-wetgevingskroniek 2006 [EU Law Chronicle 2005], in 12 *SEW* (2007) pp. 143–147 with S.F. Blockmans, W.Th. Douma and B. Platell.
- ‘Treaties and other International Agreements to which the Kingdom of The Netherlands is a Party’, *Netherlands Yearbook of International Law (NYIL)* 2007 – Vol. 38.

V.E. Koppe

- Feasibility Study; On the necessity of an online database with case law from international, hybrid and national courts in the field of international criminal law, T.M.C. Asser Instituut, 2007, 70 pp.

- The protection of the environment during international armed conflict, Paper Hague Joint Conference 2007, 10 pp. (forthcoming).

F.A. Nelissen

- Foreword in *Handboek Internationaal Recht* O. Ribbelink, N. Horbach and R. Lefeber, eds., TMC Asser Press, 2007
- Closing address in *Forty Years of International Law*, speeches on the occasion of 40 years of the T.M.C. Asser Instituut, O. Ribbelink ed., pp. 29–32, T.M.C. Asser Instituut, 2007.
- “Wim was een ziener”, in *Op alle bougies vonken Liber Amicorum Wim Deetman*, Mayor of The Hague, pp. 42–43



Annex 6

Staff – Lectures, Presentations & Sessions

S.F. Blockmans

- “Economic Aspects of Security”, RELEX Workshop, “Security Aspects in EU External Policies”, European University Institute, Florence, 14–15 December 2007.
- “Concluding Remarks”, 37th Asser Colloquium, “The European Union and International Crisis Management: Legal and Policy Aspects”, Paleiskerk, The Hague, 12 October 2007.
- “EU Enlargement as a Stabilising Force: Case Study of the Western Balkans”, ICCEES Regional European Congress, “Transcending Europe’s Borders: The EU and Its Neighbours”, Humboldt University, Berlin, 2 August 2007.
- “The EU caught between geography and identity”, BSU-Asser Seminar, “The European Integration Process at 50: foundations and perspectives”, Belarusian State University, Minsk, 8 May 2007.
- “Business as Usual? EU Conditionality Towards Russia under the European Neighbourhood and Partnership Instrument”, Centre of European Studies Seminar, European Neighbourhood Policy: *Naoberschap* in Europe, University of Twente, 20 April 2007
- “Raising the threshold of further EU enlargement: process and problems”, University of Maastricht, “50 Years of European Integration: Foundations and Perspectives”, Maastricht, 24 March 2007
- “Europe’s Flexible Future: reconciling the EU’s deepening and widening agendas”, Staff Seminar, University of Westminster, London, 31 January 2007.

R. Branco Martins

- Speaker on Players’ Agents, Lisbon, 26 September 2007, Conference on “Recent Developments in Sport in the European Union”.
- Speaker on Transfers and Contracts, Social Dialogue and Players’ Agents in Professional Football, seminars on “The European Union and Sport: Law and Policy”, Budapest, 19 March, Cluj-Napoca, 22 October and Kiev, 27 November 2007.

W.Th. Douma

- Presentation on: ‘The Hague, City of International environmental law & the EEL website’, at the meeting of the IUCN Academy of Environmental Law, Leuven, 20 February 2007
- Lecture on European Environmental Law, Faculty of Law, University of Nijmegen, 6 March 2007
- ‘Russia and the Kyoto Protocol’, paper presented at the conference Tackling Climate Change – An appraisal of the Kyoto Protocol and Options for the Future, The Hague, 30–31 March 2007 plus organisation of this conference
- ‘Tourism and the environmental protection law of the EU & The coming tourism policy at the EU level’, TAIEX Workshop on EU Legislation in the field of Tourism, Zagreb, Croatia, 20 April 2007
- Participant to High-level expert seminar on ‘Climate and energy policy after the European Council’, Institute Clingendael, The Hague, 23 April 2007
- ‘The EU, Russia and Belarus’, paper presented at the conference ‘50 Years Treaty of Rome’, Minsk, Belarus, 8 May 2007
- Participation in Recht der Internationale Economische Betrekkingen (RIEB) meeting, Brussels, 22 June 2007

- Asser Round Table on defining the EU (ARTAEU), chair and organisation, 7 September 2007
- 'A definition of the European Union', European Commission, 3 October 2007
- Organisation of ACE Alumni Day 2007, 4–7 October 2007, St. Vlas, Bulgaria
- Participant European Law colloquium, The Hague, 11–12 October 2007
- Participation in Recht der Internationale Economische Betrekkingen (RIEB) meeting, T.M.C. Asser, The Hague, 19 October 2007
- Participant Seminar Handel en duurzaamheid (Trade and Sustainability), Ministry of Economic Affairs and Ministry of Housing, Spatial Planning and Environment, The Hague, 12 November 2007
- 'Towards new European air pollution legislation', paper presented at the conference Air pollution law, St. Petersburg, Russia, 19–21 November 2007
- Participant KNAW Themabijeenkomst 'Klimaatonderzoek: omgaan met onzekerheden', Amsterdam, 26 November 2007
- 'The Treaty of Lisbon and environment / energy', paper presented at University of Utrecht, Faculty of Law conference on the Lisbon Treaty, Utrecht, 14 December 2007.

V.E. Koppe

- Guest Lecture at the University of Utrecht; School of Law; Utrecht, the Netherlands (19 March 2007); Lecture on the protection of the environment during international armed conflict (Master of Laws; 25 students; English).
- Guest Lecturer at Koç University; Faculty of Law, Istanbul, Turkey (7–11 May 2007); Lectures on the law of international peace and security (Bachelor of Laws; 15 students; English).
- Speech on the legal assessment of the Lebanese Oil Spill; Conference on Forces for Sustainability; Peace Palace, The Hague, 14–15 March 2007.
- Speech on the use of nuclear weapons and the protection of the environment during international armed conflict at the Follow-up Symposium on the 10th Anniversary of the ICJ's Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons; British Institute of International and Comparative Law, London, 16 March 2007.
- Panel member on 'The Plundering of Natural Resources and Destruction of the Environment in Times of Armed Conflict'; 8th Hague Joint Conference on Contemporary Issues of International Law; Criminal Jurisdiction 100 Years after the 1907 Hague Peace Conference; 28th – 30th June 2007; The Hague, the Netherlands.

V. Lazic

- 'Insolvency Proceedings and Arbitration', paper presented at the 1st Med-Mid Forum, organized by the European Court of Arbitration with the cooperation of the Mediterranean Arbitration Council, held 6–8 September 2007 in Rome.
- 'Revision of the 1976 UNCITRAL Rules – Towards a greater degree of transparency?', paper presented at the seminar on the Protection of Investment, held on 18–19 October, Monte Negro.
- Lecture on 'Introduction to International Commercial Arbitration', LL.M Course on Internatinal Business Law at Utrecht University, October 2007.

L. Massai

- "Legal barriers to the implementation of CDM projects", Climate Change in South Eastern European Countries II, Joanneum Centre and Serbian Chamber of Commerce, Belgrade, 14 November 2007.
- 'International environmental law and climate change', Course on International Environmental Law, University of Groningen, 5 October 200
- "Planned institutional and legislative setting for the introduction of a GIS in Ukraine", Analysis of Kyoto compliant carbon sequestration potential and evaluation of the Green Investment Scheme in the forestry sector of Ukraine, State Forestry Committee, Kiev, Ukraine, 22 June 2007



- “Climate change and clean energy policy interactions in South and Eastern Europe”, IUCN Academy Seminar, University of Malta, 4 May 2007
- “Legal challenges in EU climate policy”, conference “Tackling Climate Change”, TMC Asser Institute, The Hague, 30 March 2007
- “Instruments for GHG reduction in South and Eastern Europe”, workshop Climate Change in SEE countries, Joanneum Research, Graz, 27 March 2007
- “Current EC Biodiversity Policy”, EUROSAL Workshop, ERA, Trier, 7 February 2007,

F.A. Nelissen

- Speaker 3rd HAC Conference in the From Peace to Justice Series, ‘Culture and International Law’, 16–17 April 2007
- Chairman, Asser Seminar on the occasion of the 3rd HAC conference ‘The Protection of cultural property during armed conflict’, 17 April 2007.
- Member, Opposition Committee, public defence dissertation by Pieter ‘t Hart, ‘Zeehondenjacht in Nederland 1591–1962’, VU University Amsterdam, April 2007
- Member, Opposition Committee, public defence dissertation by Jeanne Pia Mifsud Bonnici, Self-Regulation in Cyberspace, University of Groningen, March 2007

O.M. Ribbelink

- Lecture Introduction international law, course for staff-members of the IND (Immigration and Naturalisation Service), 5 February & 5 March, Utrecht.
- Panellist, session on “Transnational Justice”, Universiteitsdag, Universiteit van Amsterdam, 9 June, Amsterdam.
- Comments on “The UN Mission in Ethiopia and Eritrea (UNMEE)” by Prof. Andrea de Guttry, international conference “The armed conflict between Eritrea and Ethiopia in international legal perspective”, Pisa, Italia, 19–20 October 2007.
- Course on International Law for Legal Advisors of the Ministry of Justice of Sudan (with Prof. dr. J.G. Lammers), Hague Forum of Judicial Expertise, 22–29 November, Khartoum, Sudan.
- Comments for radio-stations
- Member, Opposition Committee, public defence dissertation by Gérardine Meishan GOH, “Dispute Settlement in International Space Law – A Multi-Door Courthouse For Outer Space”, 19 April, Leiden University.
- Judge, Finals Netherlands Round, Jessup International Law Moot Court Competition, 3 February, The Hague.
- Judge, Baltic Regional Round, Jessup International La Moot Court Competition, 9–11 March, Vilnius, Lithuania
- Judge, Telders International Law Moot Court Competition, 12–13 April, The Hague.

R.C.R. Siekmann

- Chairman of seventh Asser-Clingendael International Sports Lecture on “The Council of Europe and Sport / The European Union and Sport: A New perspective to Pan-European Sport Cooperation and the European Commission’s White Paper on Sport”, The Hague, 6 September 2007.
- Key-note speaker at seminars on “The European Union and Sport: Law and Policy”, Budapest, 19 March, Cluj-Napoca, 22 October and Kiev, 27 November 2007.



Annex 7

Editorial and Advisory Boards and Correspondents of the Periodical Publications of the T.M.C. Asser Instituut

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- 12 Internationale rechtshandhaving / International Law Enforcement
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- 20 Recht van de zee / Law of the Sea
Dr. A.G. Oude Elferink, Utrecht University; Prof. Dr. A.H.A. Soons, Utrecht University
- 21 Recht van internationale waterlopen / Law of International Watercourses
Prof. Dr. P.A. Nollkaemper, University of Amsterdam; Mr. C.H.V. de Villeneuve, Ministry of Transport, Public Works and Water Management
- 22 Luchtrecht / Air Law
Dr. P.M.J. Mendes de Leon, Leiden University
- 23 Ruimterecht / Law of Outer Space
Dr. O.M. Ribbelink, T.M.C. Asser Instituut, The Hague



Annex 9

T.M.C. Asser Press: A Preview of Publications for the Year 2008 and the List of Publications 2007

Preview 2008

T.M.C. Asser Press plans to publish more than 30 new books and 16 journal issues, plus several reprints. In 2008 the *Yearbook of International Humanitarian Law (YIHL)* will publish Volume 9 (2006) and Volume 10 (2007). The *Netherlands Yearbook of International Law (NYIL)* is scheduled to publish its Volume 38 (2007). Several new volumes are scheduled for the *Permanent Court of Arbitration Awards Series*, starting with *The Rhine Chlorides Arbitration Concerning the Auditing of Accounts (2004)* and also three new volumes in the IT&Law series. A great number of other titles are planned, such as: the second edition of *Principles of International Criminal Law* (Gerhard Werle); *The Status of International Law in the EU and Member States*, the first volume in the new *Europeanisation of Public International Law Series*, which volume is edited by A. Nollkaemper, E. de Wet and J. Wouters; several international sports law titles, such as *The Jurisprudence of the FIFA Dispute Resolution Chamber* (Frans de Weger) and *TV Rights and Sport* (Ian Blackshaw and Rob Siekmann, Eds.); *Targeting and International Law* (Mike Schmitt); *EU Citizenship* (Flora Goudappel); *Reconciling the Deepening and the Widening of the European Union* (Steven Blockmans and Sacha Prechal, Eds.); *EU Law in the New Member States – a Brave New World* (Adam Lazowski, Ed.); and *Criminal Jurisdiction: 100 Years after the 1907 Hague Peace Conference* (Hague Joint Conference on Contemporary Issues in International Law – Volume 8)

Under the Hague Academic Press imprint several titles are scheduled: *Self-defence in National and International Law* (S. Rosenne et al.) for the Hague Institute for the Internationalisation of Law (HiIL); and *Beyond the Charter: Peace, Security and the Role of Justice and Culture and International Law*, two volumes in the 'From Peace to Justice' series of the Hague Academic Coalition.

It is worthwhile mentioning that, at least, 5 backlist titles will be reprinted.

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

List of Publications 2007

Journals and Yearbooks

Netherlands International Law Review – Volume LIV – 2007

Editor-in-Chief: P. Vlas

ISSN 0165–070X; 3 issues p.a.

Online ISSN 1741–6191

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

European Business Organization Law Review (EBOR) – Volume 7 – 2006

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ISSN 1566–7529; 4 issues p.a..

Online ISSN 1741–6205

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ISSN 1566–7529; 4 issues p.a.

Online ISSN 1741–6205

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European Constitutional Law Review – EuConst – Volume 3 – 2007

Eds.: W.T. Eijssbouts et al.

ISSN 1574–0196; 3 issues p.a..

Online ISSN 1744–5515

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Nederlands Internationaal Privaatrecht – NIPR – Volume 25 – 2007

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

ISSN 0167–7594; 4 issues p.a.

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Yearbook of International Humanitarian Law – Volume 7 – 2004

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ISBN 9789067042246 / ISSN 1389–1359; 803 pages, hardcover

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Yearbook of International Humanitarian Law – Volume 8 – 2005

Editor-in-Chief: T.L.H. McCormack

ISBN 9789067042444 / ISSN 1389–1359; 686 pages, hardcover

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Netherlands Yearbook of International Law (NYIL) – Volume XXXVI – 2005

General Editors: D.M. Curtin and P.A. Nollkaemper

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