

# ANNUAL REPORT 2016



**ASSER**  
INSTITUTE

*Centre for International & European Law*

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President Ernst Hirsch Ballin  
of the T.M.C. Asser Instituut  
Foto: Jeroen Oerlemans

# Foreword

2016 brought questions of trust and distrust to the forefront of discussions on international and European law and institutions. The discussions in today's newspapers – on Brexit and the EU, TTIP, the attitude of the Trump Administration towards international organisations and international law, on the intent of several African countries to quit the International Criminal Court – suggest a decline in public support for multilateral organisations and treaties.

These tendencies in our societies are first of all reaction against international developments such as terrorism, climate policies and mass migration. As a result they affect society's trust as a whole in international law and institutions. Therefore, more than ever before, this time calls for trustworthy international institutions to which citizens can entrust public interests.

Against the background of these international, European and national developments, the orientation of the Strategic Research Agenda (2016-2020) of the T.M.C. Asser Instituut, 'International and European Law as a Source of Trust in a Hyper-connected World', towards questions of (dis)trust and trustworthiness came at a crucial time. For example, the institute organised a Summer Programme on Countering Terrorism and a forum on the International Court of Justice, focusing on trustworthiness in its ongoing capacity as the World Court. The research framework agenda fosters the institute's ambitions on fundamental and policy-oriented research. It is moreover the substantive basis for the institute's activities for 2016-2020.

Pursuant to the Strategic Research Agenda, the Research Department of the Asser Institute has moved from clusters (organised around legal fields) to thematic strands. A medium-size institute such as the Asser Institute needs a well-functioning research community across fields; the organisation in strands stimulates intellectual dialogue and research collaboration. The interesting research and societal questions of today are thematic, and straddle different legal fields. At least, this is how we perceive this in the Asser Research community.

## International stage

The T.M.C. Asser Instituut extended its presence at the international stage by its contribution to the annual meeting of the American Society of International Law (ASIL) with the keynote speech I delivered on *Countering Violent Extremism: Understanding the Shifting Landscape in National and International Approaches* at the closing session of the 110<sup>th</sup> ASIL annual conference in Washington DC in April 2016. This speech was followed by a panel discussion on the same theme, focusing on several key issues, including how to bridge and balance counterterrorism efforts at the international, national and local level.

## Asser-ICJ Lecture Series

On 10 February 2016 we launched the Asser-ICJ Series at the Great Hall of the Peace Palace together with President Ronny Abraham of the International Court of Justice. We organised four lectures. One of these lectures was devoted to *70 years ICJ* with key speakers such as former President



Rosalyn Higgins, Jean d'Aspremont, Professor of Public International Law, University of Manchester, and Professor of International Legal Theory, University of Amsterdam, and Ingo Venzke, Associate Professor of International Law, University of Amsterdam, and Executive Director of the Amsterdam Center for International Law (ACIL).

### Annual T.M.C. Asser Lecture

The second T.M.C. Asser Lecture on 8 December 2016 was delivered by Professor Onora O'Neill on *Accountable Institutions, Trustworthy Cultures*. The Annual Lecture supports the Asser's research agenda while it also aims to organise a platform for constructive, critical reflection on the role of law in addressing the challenges and (potentially radical) changes of the global society of the 21st century.

### Global cities and international law

One locus of social challenges where trust – or the apparent absence thereof – plays a pivotal role is the 'global city'. Throughout the ages, world cities or 'global cities' are at the forefront of trust-related challenges with their great diversity of social, economic and ethnic backgrounds, religions and lifestyles. In 2016, four people commenced with their PhD studies on trust in global cities, focusing on the early days and the societal challenges in the 21<sup>st</sup> century. The programme, that will take four years, is made possible by a grant of the Gieskes Strijbis Fonds.

### Looking forward

In 2017, the Amsterdam Center for International Law of the University of Amsterdam and the T.M.C. Asser Instituut will launch the Summer School on 'The Law and Practice of International Dispute Settlement'. This new Summer School will explore both pressing and perennial issues in international adjudication and dispute settlement, from the com-

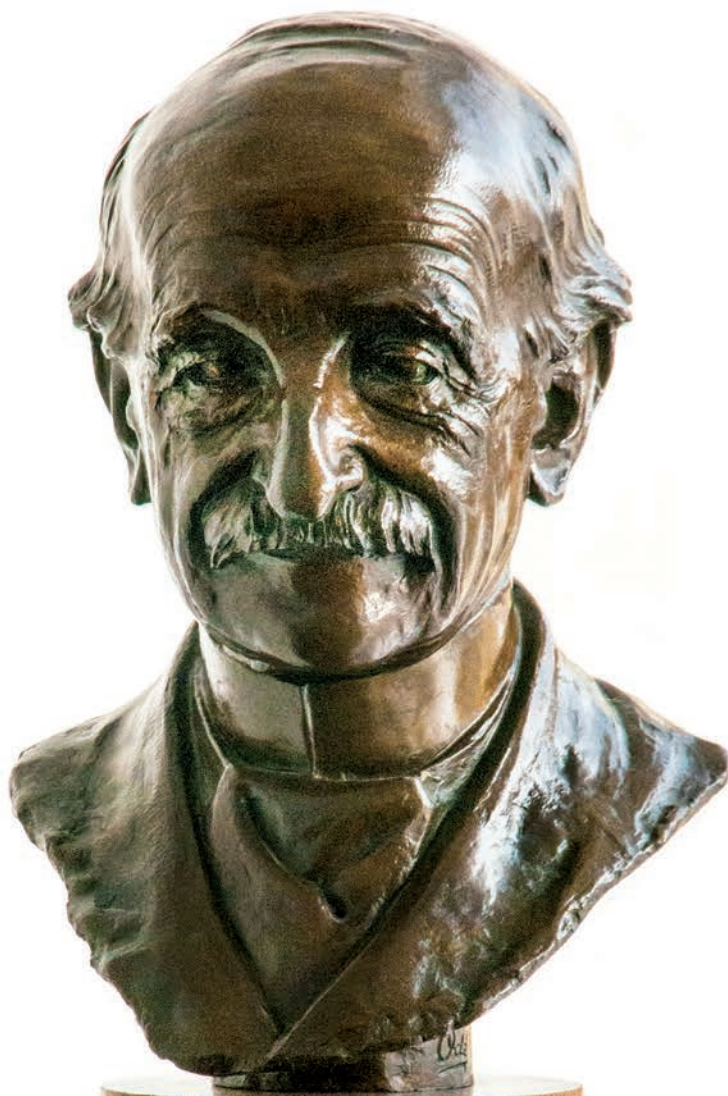


On 10 February 2016 the T.M.C. Asser Instituut launched the Asser-ICJ Series at the Great Hall of the Peace palace together with President Ronny Abraham of the International Court of Justice.

bined perspectives of practice and public interests. Also, new research projects will be established as part of the research strands of the Strategic Research Agenda 2016-2020. An example is 'Doing Business Right', which is part of the broader research strand 'Advancing Public Interests in International and European Law'. The Third Annual Lecture will be delivered on 30 November 2017 in the Academy Hall of the Peace Palace by internationally acclaimed scholar on globalisation and public intellectual Saskia Sassen (Columbia University, New York City).

We would like to take this opportunity to thank everyone who has contributed to our success, particularly the staff of the T.M.C. Asser Instituut and its former board member and long-standing director Ann O'Brien, who left the institute in June 2016. Together we will continue to build on our achievements.

Ernst Hirsch Ballin  
President  
June 2017



Tobias M.C. Asser (1838-1913)  
Nobel Peace Prize laureate of 1911  
Donated on December 6, 2012  
By Prof. W.D.H. Asser

The T.M.C. Asser Instituut was named after Tobias M.C. Asser. Asser received the Nobel Peace Prize in 1911.

# About T.M.C. Asser Instituut

Established in 1965, the T.M.C. Asser Instituut is an internationally renowned centre of expertise in the fields of public international law, private international law and European law. As a research institute for international and European law, the T.M.C. Asser Instituut strives for excellent fundamental and independent policy-oriented research. It accomplishes its mission by organising critical and constructive reflection on international and European legal developments, at the interface of the worlds of academia, legal practice and governance. The knowledge generated is disseminated further by means of training, conferences and publications.

## Tobias Asser

The institute is named after Tobias M.C. Asser (1838 – 1913). He was an expert in private international law and active in many fields of international law, as well as the peaceful settlement of international conflicts. He founded the Hague Conference on Private International Law and played a significant role in bringing the Peace Conference to The Hague in 1899. Asser received the Nobel Peace Prize in 1911, above all for his devotion to the Hague Conference on Private International Law. Asser was the first, and until now the only, Dutch citizen to be honoured with this prestigious prize.

## Inter-university institute

The T.M.C. Asser Instituut was founded in 1965 as an interuniversity institute for international law in The Hague. During the past 50 years, the institute has developed into an internationally renowned centre of expertise in the fields of public international law,

private international law and European law. The University of Amsterdam is, on behalf of the Dutch universities, responsible for the funding of the institute and its embedding in the academic organisation.

Located in The Hague, the 'International City of Peace and Justice', the T.M.C. Asser Instituut is the established location where critical and constructive reflection on international and European legal developments takes place. In the vicinity of the many Hague international institutions, both legal and non-legal, diplomatic missions, and government ministries, the institute exercises strong convening power and attracts legal scholars from around the world to present and test cutting-edge ideas in their respective fields of expertise.

The Asser Institute has a strong tradition in pursuing independent research. The coming years will see the institute build on this research expertise and further strengthen its academic profile, whilst fostering its orientation towards fundamental and independent policy-oriented research.

In doing so, the Asser Institute will continue to fulfil the following roles:

- A facilitator for all Dutch Law Schools that wish to collaborate with the T.M.C. Asser Instituut in research networks, projects and/or in knowledge dissemination activities. The institute will actively promote the collaboration with and between Dutch Law Schools; and
- A vanguard institute for the University of Amsterdam (UvA) in The Hague (for the UvA Law School in general and the Amsterdam Center for International Law (ACIL) in particular).





Prof. Dr. Janne Nijman,  
Academic Director of the T.M.C.  
Asser Instituut

# Research

In 2016, the Asser Institute launched its Strategic Research Agenda 'International and European Law as a Source of Trust in a Hyper-connected World'. This agenda guides and directs the further development of the institute's research and is the substantive basis for the institute's direction for the years 2016-2020. The strategic agenda structures research thematically along the lines of three different, yet interrelated strands:

- Human Dignity and Human Security in International and European Law;
- Advancing Public Interests in International and European law; and
- Adequate Dispute Settlement and Adjudication in International and European Law.

## Human Dignity

If law cannot provide a sense of human dignity and security, it falls short of cultivating trust. Upholding the rule of law and a generally high level of human rights protection both contribute to the development of trust (which is arguably also true in reverse). In 2016, researchers of this research strand were involved in a wide variety of research and knowledge dissemination events, including the publication of academic articles and books, research projects commissioned by ministries, as well as national and international organisations and tribunals, the supervision of PhDs, and the organisation of presentations, conferences, expert meetings, lectures and summer programmes.

Research conducted within this research strand generally adopts as its normative framework a human rights approach to contemporary global challenges, inter alia in

the field of counter-terrorism. It particularly pays attention to foreign (terrorist) fighters and military operations (with a specific focus on the responsibility of states and international organisations), international criminal law, international humanitarian law, the law of (the) EU (external relations), justice sector reforms, anti-discrimination law, comparative constitutional law, as well as law and society studies. It examines what it means to safeguard human dignity and human security in these fields of law.

## Highlights

- In 2016, the Asser Institute organised excellent lectures, for example in the *Supranational Criminal Law Lecture Series*. Topics discussed were the legal ramifications of the Armenian genocide and the prosecution of genocide and other international crimes in Guatemala.
- Publication and presentation in Nieuwspoort of the EU Foreign Fighters report, to which Christophe Paulussen & Bérénice Boutin (and former Asser colleague Jessica Dorsey) contributed. It has now been downloaded more than 35.000 times (see box next page).

## Advancing Public Interests

Upon its launch in summer of 2016, the research strand 'Advancing Public Interests in International and European Law' has been developing a new research project on 'Doing Business Right', which will lead to a Winter Academy in January 2018, as well as to various events and publications in the course of 2017 and 2018. In 2016, the researchers in this field continued to work on projects

## Publication of 'Foreign Fighters under International Law and Beyond'

On 31 May 2016, the T.M.C. Asser Instituut hosted a panel discussion on the occasion of the launch of the book 'Foreign Fighters under International Law and Beyond'. The book, edited by Asser researcher Christophe Paulussen, comprehensively addresses the foreign fighter phenomenon from a variety of perspectives in order to better understand it and to assist those grappling with issues associated with foreign fighters. It also aims to present deeper observations regarding foreign fighters that are insightful to future conflicts and dilemmas beyond the current situations in Iraq and Syria.

Paulussen C, de Guttry A, Capone F (eds) (2016) *Foreign Fighters under International Law and Beyond*. T.M.C. Asser Press, The Hague.



In 2016, the T.M.C. Asser Instituut hosted a panel discussion on the occasion of the launch of the book 'Foreign Fighters under International Law and Beyond', edited by Asser researcher Christophe Paulussen.

and commitments initiated earlier. Two volumes with Asser Press on European sports law and international sports arbitration were published under the editorship of the Head of the Asser International Sports Law Centre, Antoine Duval. The researchers also continued to publish and lecture on the transnational regulation of sports. Research focused on CETA and the interaction of trade policies with environmental regulation, state aid in sports and on foreign direct investments in the mining sector and sustainability.

### Highlights

- This year Asser Press published the first edition of the new Yearbook on International Sports Arbitration. This Yearbook, edited by Antoine Duval in partnership with a leading Swiss arbitration scholar, offers both case notes and longer articles on arbitration in sport. It is the first to provide an in-depth review of the case law of the Court of Arbitration for Sport and its reception by national courts.
- The team of the Asser International Sports Law Centre also published an edited volume on 'The Legacy of Bosman', reviewing 20 years of evolving interaction between EU law and sport. The book includes many of the main scholars in the field and constitutes an extremely valuable overview of the various legal changes that followed the *Bosman* ruling.
- Conference on *Better Regulation and EU Law-making: One Year On*. This event took stock of the Better Regulation agenda presented by Commission First Vice-President Frans Timmermans in May 2015 and also examined the impact of linguistic diversity for the application of EU law.



**Conference on Better Regulation and EU Law-making**

It was organised jointly by the T.M.C. Asser Instituut and DG Translation/European Commission Representation in the Netherlands.

## Adequate Dispute Settlement and Adjudication

The research on international dispute settlement and adjudication produced fundamental and cutting-edge research in a number of areas pertaining to issues of public and private law in theory and practice. A dynamic forum was held on research into the International Court of Justice, focusing on trustwor-

thiness in its ongoing capacity as the World Court [see box next page]. The same was also realised for controversies surrounding the International Criminal Court, and challenges to its trustworthiness as the world's foremost international criminal law tribunal. The fundamental research of this research strand included published critical inquiries into natural law in international legal theory and practice, as well as qualities of Kantian cosmopolitanism in public international legal doctrine. In the field of private international law, research was commissioned by the European Commission into cross-border proceedings in family law matters before national courts and the Court of Justice of the European Union. Research in this field also includes extensive published analysis of the Brussels I-bis Regulation, as well as issues of mutual recognition in the enforcement of judgments in the European Union. The Dutch Ministry of Foreign Affairs also commissioned research into the issues encountered at the interface of public interest, civil litigation, and administrative practices.

### Highlights

- On 10 February 2016, the Asser-ICJ Series was launched. Four lectures were organised including one in cooperation

## EP Study – The inclusion of financial services in EU free trade and association agreements: Effects on money laundering, tax evasion and avoidance

This study investigated the implementation and effects of financial services provisions in selected EU free trade agreements with third countries, with a particular focus on money laundering, tax evasion and elusion. It concluded that trade liberalisation increases the threat of money laundering, and there-

fore it is likely to contribute to an increase in illicit financial flows. To remedy these threats, the study provides a number of policy recommendations. The project team presented these results at the European Parliament's International Trade Committee (INTA) on 21 April 2016.



## Symposium: *A Court for the World? Trust in the ICJ 50 years after South West Africa*

On 30 November 2016, together with the Amsterdam Center for International Law at the University of Amsterdam, the T.M.C Asser Instituut hosted *A Court for the World? Trust in the ICJ 50 years after South West Africa*. The symposium included two panels of world-class scholars and practitioners, followed by an evening keynote delivered by His Excellency Judge Abdulqawi Ahmed Yusuf, Vice President of the International Court of Justice. Panel participants included Her Excellency Professor Maria Teresa Infante Caffi, Professor Dr John Dugard, Dr Victor Kattan, Dr Sara Kendall, Dr Cecily Rose, and Dr Ingo Venzke.

The ICJ's 1966 decision on the merits of the *South West Africa* cases was widely

perceived as a pure disaster. It cast the Court into a deep crisis and alienated newly independent states from the Court, all but destroying the trust that they had placed in the principal judicial organ of the United Nations. A judgment of such magnitude warrants recollection and sustained reflection. On the occasion of its anniversary, the opportunity was taken to inquire into the court's past and present capacity to induce trust, and explore questions of the court's representativeness, as well as its responsiveness to the aspirations of different parts of the world. His Excellency Vice President Yusuf's keynote specifically addressed *Trust in International Courts and Tribunals by African States after South West Africa*.



Together with the Amsterdam Center for International Law (ACIL) at the University of Amsterdam, the T.M.C Asser Instituut hosted *A Court for the World? Trust in the ICJ 50 years after South West Africa*. The symposium included a keynote delivered by His Excellency Judge Abdulqawi Ahmed Yusuf, Vice President of the International Court of Justice.

*'I have been struck by the important role that the Asser Institute plays in the intellectual life of The Hague. The young international lawyers who serve in various capacities at the ICJ have shown a keen interest in the programmes of the Asser Institute. For them, and for the staff of the other international courts and institutions in The Hague, the Asser Institute offers opportunities to enrich their understanding of international law and to learn about aspects of international law that are not part of their current responsibility. In this way, the institute contributes directly to the cross-fertilization that strengthens international courts and organizations. The programs of the institute offer a vivid illustration of the role of The Hague as the City of Peace and Justice.'*

**Her Excellency ICJ Judge Joan Donoghue**

with ACIL (UvA) devoted to 70 years of the ICJ, *The International Court of Justice at 70: Impact and Functions*.

- Burundi, South Africa and Gambia have signalled their intent to quit the ICC, shocking the international community, with dramatic implications for the Court, for international criminal law, and for the international community. On 11 November 2016 a roundtable discussion was organised, *Quitting the ICC*, that discussed implications of the latest developments (see also page 26/27).

## Asser PhD programme

Five PhD candidates have started their PhD research in the academic year 2016-17. During the course of 2016, the Asser Institute developed a general vision on the Programme and subsequently the different components of an excellent training programme. Asser's PhD programme is a dynamic platform in an intimate research environment. The goal of the Asser Institute has always been to train researchers to work at the cutting-edge of international law, conducting independent research at the interface of academia and practice, with strong and deep connections with other Dutch universities. PhD candidates are offered a unique learning experience and research hub in The Hague, the practical heart of international law and centre of Dutch foreign affairs.

The PhD programme is designed to foster cutting-edge research into international law in a time of change. Fundamental research contributes crucially to trustworthy international law and institutions, and is more necessary than ever in this period of sustained globalisation and increasing pluralisation in the international system.

This work is organised around close contact between supervisors and PhD researchers, supported by professional training activities, and featuring collaborative theoretical and methodological queries intended to assist our PhDs in the development of each dissertation. The PhD research environment at the T.M.C. Asser Instituut is enhanced by, and in turn enhances, our regular activities involving the community of researchers and practitioners in the The Hague region and beyond— a true advantage of The Hague as the locus of a PhD Programme.

## The Global City: Challenges, Trust and the Role of Law

The world is urbanising rapidly and cities themselves continue to internationalise. Three global trends underlie the internationalisation of the city: globalisation, urbanisation and decentralisation in the context of international law. 'The Global City: Challenges, Trust and the Role of Law' is a four-year research programme within which PhD



candidates examine these developments. The programme is supported by a €1.2 million research grant awarded by the Gieskes Strijbis Fonds. In September 2016, four PhD

candidates started their research, namely Mr Yehonatan Elazar, Ms Julia van der Krieke, Mr Miha Marcenko and Ms Lisa Roodenburg.

*This century is characterised by intensified migration, both transnational as well as rural to urban. Most of this migration is directed towards cities, being economic, political and cultural centres. As a result, cities face an immense challenge in handling this influx of people. Existing issues are amplified and new frictions arise. Cities are places of contradictions. The wealthy share the same space with the poor and those in power are mutually dependent of the marginalised. Human rights norms are frequently mobilised in order to address injustices and to frame urban diversity. It is crucial that we better understand what this engagement with human rights norms actually does and means; we cannot simply view it as a neutral tool that improves the wellbeing of people.*

**Lisa Roodenburg**

Two of the PhD candidates focus on the role of international law (in particular human rights law) in the engagement of global cities with the urgent (global) social challenges of the 21<sup>st</sup> century impacting urban life. One doctoral project examines the current manifestation of the global city at the international stage through the interaction with international human rights law, while the second project examines the reproduction of international human rights law within the global city.

*This research sheds light on the possible new ways of how cities influence and distribute international human rights law, and thus change its meaning and reach.*

**Miha Marcenko**

The other two PhD candidates will explore the 17<sup>th</sup> century intellectual history of Amsterdam – arguably, one of the global cities of the 17<sup>th</sup> century – with a particular emphasis on the influence of the socio-political and legal ideas of the Portuguese Jewish community on the legal thinking on urban diversity and citizenship; as well as the legal views on trade relations with non-European peoples and the slave trade in particular.

*I enjoy this research because it allows me to see how law, religion, literature and money have worked together in order to impact and contribute to the development of international law.*

**Yehonatan Elazar**

While each of the four PhD projects raises its own range of questions, the four PhD projects together will address a number of related themes: diversity, migration and trade (including the slave trade); political participation and citizenship; the role of law, fundamental rights and duties as a possible source of trust in the global city of the past and present; and, the role and position of the global city in the international (legal) order of the past and present.

*This research is important because it provides insight into acceptance or non-acceptance of migrants in Amsterdam in the Early Modern Period. It provides a new perspective on the early settlement of Jews in the Dutch Republic and their engagement with the city and its authorities; a topic that has not been extensively researched. Perhaps it will also change our ideas on what official texts and rulings meant for the inhabitants of 17<sup>th</sup> century Amsterdam.*

**Julia van der Krieke**





On the occasion of its 50th Anniversary (1965 – 2015), the T.M.C. Asser Instituut has launched, on 2 December 2015, the Annual T.M.C. Asser Lecture on the development of international law. It aspires to be a platform for constructive, critical reflection on the role of law in addressing the challenges and (potentially radical) changes of the global society of the 21st century.

## Annual T.M.C. Asser Lecture

“Across the last fifty years, there have been huge efforts to construct more accountable institutions at every level from international organisations to state bureaucracies, from giant corporations and NGOs to small businesses and local charities. A principal instrument in seeking greater accountability has been an extension of law and regulation: more enforceable rules constraining more institutions and their office holders in more of their activities. Yet accountability by regulation has often disappointed. The principal problem is not that rules do not matter: they are evidently needed for the rule of law, and hence also for the protection of human rights, for democracy, and for commercial life. However, rules are always and unavoidably incomplete and indeterminate.”

Professor O'Neill expressed this view at the Second Annual T.M.C. Asser Lecture in The Hague in December 2016. O'Neill argues the use of rules is always a matter of judgement, and it is an illusion to imagine the rules can go 'all the way down'. Yet contemporary regulation often appears to ignore this well-established point. In her opinion, a more adequate approach to institutional life would recognise the importance of institutional cultures that acknowledge the importance of institutional life being guided by purposes, standards and cultures that require and foster the exercise of judgement in the use of rules.

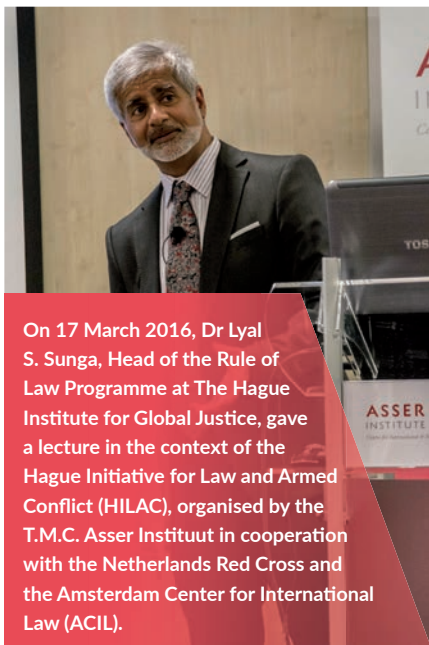


On 8 December 2016, Onora O'Neill (University of Cambridge/House of Lords, UK) delivered the Second T.M.C. Asser Lecture on *Accountable Institutions, Trustworthy Cultures* at the Gotische Zaal in The Hague.

## Cooperation Amsterdam Center for International Law

The T.M.C. Asser Instituut and the ACIL of the University of Amsterdam have further developed their partnership throughout the course of 2016. Together, the institute and ACIL represent a cutting edge platform for international legal scholarship in The Hague. In 2016, this partnership featured several notable events. One was *A Court for the World? Trust in the ICJ 50 years after South West Africa*, which involved consideration of the concept of trust in the world court fifty years after the notorious *South West Africa* cases. [see box on page 12]. That symposium followed an earlier reflection on the International Court of Justice on the occasion of its 70<sup>th</sup> anniversary, *The International Court of Justice at 70: Impact and Functions*. A round-table was also held examining trust in the International Criminal Court in the immediate wake of the threatened withdrawals by South Africa, Gambia and Burundi.

The *Hague Initiative for Law and Armed Conflict (HILAC) Lecture Series* is an occasional lecture series on the subject of law and armed conflict organised by the T.M.C. Asser Instituut since 2005, in cooperation with the Netherlands Red Cross and ACIL. The HILAC Lecture Series has welcomed the biggest names in international humanitarian law to the T.M.C. Asser Instituut. On 17 March 2016, Dr Sunga, Head of the Rule of Law Programme at The Hague Institute for Global Justice and Visiting Professor at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, addressed a wide array of challenges that present-day 'lawless' conflicts pose for international law. In July, Jean-Marie Henckaerts, Head of the International Committee of the Red Cross project to update the Commentaries on the Geneva Conventions of 1949 and their Additional Protocols of 1977, and Eve La Haye, member of the ICRC commentary team, gave insight to the questions how the Conventions and its updates can contribute to better respect and protection for the victims of armed conflict.



In addition, the Asser Institute and the ACIL worked together towards the launch of the inaugural *Law and Practice of International Dispute Settlement* Summer School in 2017. A dynamic programme with renowned lecturers, including Laurence Boisson de Chazournes, Armin von Bogdandy, Hélène Ruiz-Fabri, Maxi Scherer, Stephan Schill, Winfried van den Muijsenbergh, Olivier Corten, in addition to convenors Ingo Venzke and Geoff Gordon, will be held 10 – 14 July 2017.

## Memory Laws in European and Comparative Perspective (MELA)

MELA is a four-nation, EU-sponsored consortium gathered to examine memory laws throughout Europe and the world, organised with the support of a major HERA (Humanities in the European Research Area) grant totalling over €1.2 million awarded in March 2016. The consortium consists of Queen Mary University of London, T.M.C. Asser

Instituut (University of Amsterdam), Alma Mater Studiorum University of Bologna and the Polish Academy of Sciences. Dr Uladzislau Belavusau (Principal Investigator) and Ms Marina Bán (PhD candidate and Research Assistant) are working on the MELA-project (2016-2019) on behalf of the T.M.C. Asser Instituut.

Memory laws enshrine state-approved interpretations of crucial historical events. They commemorate the victims of past atrocities, as well as heroic individuals or events emblematic of national and social movements. They date back centuries and continue to spread throughout Europe and the world.

Memory laws affect people in various and oftentimes controversial ways. They sometimes impose criminal penalties on speech or conduct deemed offensive to the plight of national heroes or tragic victims. In that punitive form, memory laws impose limits on democratic freedoms of expression, association, the media, or on scholarly research. Yet, memory laws reach beyond the bounds of criminal law. Children everywhere grow up reading state-approved texts designed to impart not merely knowledge, but also an interpretation of history. Governments everywhere designate national memorial ceremonies or authorise the construction of public monuments. The line between punitive and non-punitive laws indeed remains far from clear. Decisions, for example, concerning the content of school textbooks ordinarily fall outside the criminal law, but in many countries instructors dissenting from a prescribed view of the past may find themselves dismissed or disciplined.

MELA investigates the question: when do memory laws conflict with values of democratic citizenship, political pluralism or fundamental human rights? Are the punitive laws

inevitably abusive? Are the non-punitive laws mostly benign? Are there optimal ways for states to propagate historical memory?

### **T.M.C. Asser Instituut for International & European Law Research Paper Series on SSRN**

In 2016, the Asser Institute launched its Research Paper Series on the Social Science Research Network (SSRN). The Series

includes both accepted papers from the institute's researchers and short policy briefs on timely topics. The Series has attracted a considerable amount of attention to the output of our researchers with more than 1600 downloads in the first year of existence. Our most downloaded paper, a policy brief on France's emergency regime after the terrorist attacks in Nice and Paris, has been downloaded more than 400 times. The use of SSRN is expected to increase in the

## **Judicial Decisions on the Law of International Organizations**

With the rising relevance of international organisations in international affairs, and the general trend to litigation to settle disputes, international institutional law issues have increasingly become the subject of litigation, before both international and domestic courts. The judicial treatment of this field of international law is addressed in the book 'Judicial Decisions on the Law of International Organizations'. Through

commentary on excerpts of the most prominent international and domestic judicial decisions that are relevant to the law of international organisations, the book provides an in-depth analysis of judicial decisions. On 14 September 2016, the editors and the Asser Institute, in cooperation with the KU Leuven and Twente University, organised the book presentation.



**Presentation of the book 'Judicial Decisions on the Law of International Organizations', 14 september 2016 at the T.M.C. Asser Instituut**



coming years to provide greater exposition to the work of the institute and deepen our academic and policy influence.

### Asser's inter-university activities

The T.M.C. Asser Instituut endeavours to closely cooperate with Dutch and foreign universities and operates through national and international networks of scholars, legal practitioners and professional societies. It actively promotes the creation of research networks in the domains of the institute, both on a permanent and an ad hoc basis.

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

Hosted by the T.M.C. Asser Instituut, the Centre for the Law of EU External Relations (CLEER) is a forum for debate and an authoritative research interface between academia and practice dealing with the legal aspects of the role of the EU in the world. Since the start of the European integration process, the legal orders of the EU and the Member States have co-existed and been

influenced by international law. Conversely, the EU is a regulatory superpower with a policy lead in many areas. However, the EU has failed to pull its political weight in the world. New developments at the level of the EU treaties, secondary legislation and case-law create conflicts with the evolving international legal order.

In 2016, the CLEER presented their third intensive one-week Summer School in EU External Relations Law, hosted by Maastricht University from 27 June – 1 July 2016. The programme comprised interactive lectures delivered by renowned academic experts, workshops led by experienced practitioners and excursions to the EU institutions, enabling participants to glean first-hand experience of how theory is transformed into practice. In cooperation with the Embassy of the Grand Duchy of Luxembourg in The Hague, CLEER organised a lecture to evaluate the experience of the Luxembourg Presidency of the EU Council in the field of external relations.

### Tiptoeing to TTIP

'Tiptoeing to TTIP: What kind of Agreement for what kind of partnership', edited by Luca Pantaleo, Wybe Douma and Tamara Takács contains six contributions from leading academics on a series of crucial issues connected to the negotiation of a trade agreement between the EU and US. The contributions by Davor Jančić, Joana Mendes, Wybe Douma, Ingo Venzke, Luca Pantaleo and Pieter Jan Kuijper critically investigate possible forms of transatlantic cooperation which will shape the global practice of trade agreements in the near future.

The chapters address the democratic legitimacy and participatory tools of the controversial regulatory cooperation Chapter and its impact on consumers and the environment, and the legitimacy and functions of the even more controversial investor-state arbitration mechanism. The edited volume, published in the CLEER Paper Series, is the outcome of a roundtable organised by the T.M.C. Asser Instituut in partnership with the Dutch Ministry of Foreign Affairs in September 2015.

### *International Humanitarian and Criminal Law (IHCL) Platform*

The objective of the IHCL Platform is to establish an academic network fostering research in the area of international criminal law and humanitarian law, providing an academic platform for discussion of relevant contemporary issues and legal questions for which there is, as yet, no fixed jurisprudential position. In 2016, the Institute for International Law of the KU Leuven joined the Platform, which already consisted of representatives from the T.M.C. Asser Instituut (coordinator), the University of Amsterdam, the VU University Amsterdam, Leiden University, the University of Groningen, the Netherlands Defence Academy, Tilburg University and Maastricht University.

One example of an activity from 2016 was a panel discussion, organised in cooperation with the International Committee of the Red Cross (ICRC), which aimed at examining the role of international criminal law in fostering compliance with international humanitarian law. This discussion took place within the framework of the ICRC's Conference Cycle on 'Generating Respect for the Law'.

### *Collaborative projects in the field of Private International Law and International Civil Procedure*

In the field of Private International Law and International Civil Procedure, the T.M.C. Asser Instituut is currently collaborating closely with Dutch and international partners – universities and other academic institutions – to carry out two Research Projects granted by the EU Commission.

- The Project on 'Cross-Border Proceedings in Family Law Matters before National Courts and CJEU' is carried out by the Asser Institute in cooperation with Dutch partners Internationaal Juridisch Instituut, Utrecht University and the universities of Ghent and Valencia.
- The project entitled 'The Application of Brussels I (recast) in the Legal Practice of EU Member States' is carried out in cooperation with the Erasmus School of Law of the Erasmus University Rotterdam and the Leibniz Centre for Law of the University of Amsterdam.



Panel discussion of the IHCL Platform organised in cooperation with the International Committee of the Red Cross (ICRC), which aimed at examining the role of international criminal law in fostering compliance with international humanitarian law.

## Selected publications

Belavusau U (2016) Towards EU Sexual Risk Regulation: Restrictions on Blood Donation as Infringement of Active Citizenship. *European Journal of Risk Regulation*, 7, 4, 2016, pp. 801-809

Boutin B, Paulussen C, Dorsey J (2016) Towards a European Position on the Use of Armed Drones? A Human Rights Approach. ICCT Report, October 2016

Douma W (2016) The WTO and climate change. In: Farber D, Peeters M (eds) *Climate Change Law / Elgar Encyclopedia of Environmental Law*, Vol. I. Edward Elgar, Cheltenham, pp. 298-308

Duval A, Rigozzi A (eds) (2016) *Yearbook of International Sports Arbitration 2015*, T.M.C. Asser Press, The Hague

Gordon G (2016) Natural Law in International Legal Theory: Linear and Dialectical Presentations. In: Hoffmann F, Orford A (eds) *The Oxford Handbook of the Theory of International Law*. Oxford University Press, Oxford

Hirsch Ballin E (2016) Mutual Trust: The Virtue of Reciprocity – Strengthening the Acceptance of the Rule of Law through Peer Review. In: Closa C, Kochenov D (eds) *Reinforcing Rule of Law Oversight in the European Union*. Cambridge University Press, Cambridge, pp. 133-146

Lazić V (2016) Multiple Faces of Mutual Recognition: Unity and Diversity in Regulating Enforcement of Judgements in the European Union. In: Fletcher M, Herllin-Karnell E, Matera C (eds) (2016) *The European Union as an Area of Freedom, Security and Justice*. Routledge, Oxon/New York, pp. 337-357

Nijman J (2016) Renaissance of the City as Global Actor. The role of foreign policy and international law practices in the construction of cities as global actors. In: Fahrmeir A, Hellmann G, Vec M (eds) *The Transformation of Foreign Policy: Drawing and Managing Boundaries from Antiquity to the Present*. Oxford University Press, Oxford, pp. 209-242

Paulussen C (2016) Arrest and transfer. In: De Brouwer A.-M., Smeulers A (eds) *The Elgar Companion to the International Criminal Tribunal for Rwanda*. Edward Elgar, Cheltenham, pp. 265-289

Ribbelink O, Pantaleo L (2016) The Establishment of a Special Court against Terrorism. *EJIL Talk Blog*, 7 January 2016

Takács T (2016) Situating the Transatlantic Trade and Investment Partnership (Negotiations) in European Union Common Commercial Policy. *Legal Issues of Economic Integration*, 43.4, (2016) pp. 341-350

For a complete overview of the T.M.C. Asser research output in 2016, see the online Appendix 'Research, publications, Presentations and Outreach' at [www.asser.nl/annualreport2016](http://www.asser.nl/annualreport2016)

# Knowledge disseminating activities

In 2016, the T.M.C Asser Instituut was again active and successful in carrying out various lectures, seminars and conferences. They served as a platform for high-level discussions and interactions with the institute's multitude of partners, academics and practitioners, policy-makers, and the wider legal community of The Hague and beyond. The various specialised summer schools that have been organised for many years, complemented knowledge dissemination and provided participants with first-hand information from and direct access to the leading specialists in relevant legal and policy subject areas. The collaborative research grants that were awarded by international and national donors and were steered by the institute's research staff and managed by its Project Office, have been excellent avenues to further connect the academic world and the research output of the institute; a process that is not only relevant, but also highly topical and fosters scholarship in international and European law. In addition, capacity-building activities conducted to develop new and enhance existing programmes linked the solid expertise and expansive experience of the institute's staff in advancing rule of law standards, international and European, to legal professionals in various countries.

*"I have been an appellate judge of the Special Tribunal for Lebanon since 2009, and served for 3,5 years as its President. My experience of the Asser Institute embraces its invaluable conduct of the STL's annual course in international criminal law in which I participate; our access to the institute's other programmes; and an appreciation of the part Asser plays in the vital role of The Hague as City of Peace and Justice."*

**His Excellency STL Judge Sir David Baragwanath**

## Asser Summer Programmes

- Summer Programme on International and European Environmental Law: Making it Work

From 29 August – 2 September 2016, the T.M.C. Asser Instituut, in cooperation with the European Environmental Law (EEL) Network and the Hague Environmental Law Facility (HELF), organised the Third Summer Programme on International and European Environmental Law. The programme focused on how to make environmental regimes more effective in practice, and on the important role non-state actors can play.

- Advanced Summer Programme on Countering Terrorism: Legal Challenges and Dilemmas

From 29 August – 2 September 2016, the T.M.C. Asser Instituut and the International Centre for Counter-Terrorism – The Hague (ICCT) organised the Sixth Advanced Summer Programme on Countering Terrorism. It provided participants the necessary knowledge





and insights into the legal frameworks in countering today's and tomorrow's terrorism.

- Summer Programme on Disarmament and Non-Proliferation of Weapons of Mass Destruction in a Changing World

From 4 – 9 September 2016, the T.M.C. Asser Instituut organised, in cooperation with the Organisation for the Prohibition of Chemical Weapons (OPCW), the Seventh Annual Summer Programme on Disarmament and Non-Proliferation of Weapons of Mass Destruction in a Changing World. The programme offered an integrated approach to weapons of mass destruction (WMD) and struck a balance between the legal, scientific, diplomatic and geo-political issues relating to the broad spectrum of WMD in a contemporary world. It linked the disarmament and non-proliferation efforts and at the same time it distinguished the challenges each sub-category of weapons currently face.

- CLEER Summer School on EU External Relations Law

The Centre for the Law of EU External Relations (CLEER) and the T.M.C. Asser Instituut presented the third intensive one-week summer school in EU External Relations Law, hosted by Maastricht University in the European capital of Brussels, from 27 June – 1 July 2016. The programme comprised interactive lectures delivered by renowned academic experts, workshops led by experienced practitioners and excursions to the EU institutions, enabling participants to glean first-hand experience of how theory is transformed into practice.

*'The Asser Institute, "Asser" has been a household word for me, as it were, for a long time before my appointment to the judicial functions. Already as a student at The Hague Academy's courses I discovered the Asser Institute as the permanent institution of higher learning and research in public international law in The Hague. The Asser Institute became "ein Begriff" for me, as we say in German. Over the years I have attended quite a number of lectures offered by the institute, and what I could observe once I had become a Judge was that the staff both of the ICJ's Registry and of my Tribunal belonged to the regular participants in the institute's offerings. You cannot imagine how important it is for somebody engaged full-time in the day-to-day work (and often quite tedious) of our institutions and thus soon in danger of not seeing the forest for the trees, to widen his or her outlook. That is precisely what the Asser Institute is for – and what it does so well.'*

**His Excellency Judge Bruno Simma**

## **Summer Law Program on International Criminal Law and International Legal & Comparative Approaches to Counter-Terrorism**

The programme is the product of a unique collaboration between the War Crimes Research Office of American University's Washington College of Law and the T.M.C. Asser Instituut. Students from top US law schools travelled to The Hague to follow this quality programme and visit courts and tribunals. The programme provided an overview of the fundamental features of international

criminal law and how these crimes are adjudicated before the International Criminal Court (ICC), the ad-hoc tribunals or before national courts. It also examined which preventive and repressive measures are being adopted to counter terrorism and violent extremism in light of the recent attacks. It was organised from 30 May – 22 June 2016.



**Participants of the Summer Law Program on International Criminal Law and International Legal & Comparative Approaches to Counter-Terrorism**

### *Supranational Criminal Law (SCL) Lectures*

The Supranational Criminal Law (SCL) Lectures Series is a lecture series on international criminal law and has been organised by the T.M.C. Asser Instituut since 2003, in cooperation with the Grotius Centre for International Legal Studies of Leiden University (Campus The Hague) and the Coalition for the International Criminal Court. Topics discussed were the legal ramifications of the Armenian genocide and the prosecution of genocide and other international crimes in Guatemala.

### *14 June 2016: Seminar “To Brexit or not to Brexit? Legal implications of the UK’s EU referendum”*

On 14 June 2016, T.M.C. Asser Instituut hosted the event *To Brexit or not to Brexit? Legal Implications of the UK’s EU Referendum*. Professor Laurence Gormley of the University of Groningen and Dr Davor Jancic of the Asser Institute focused on the legal procedures involved in a British exit from the European Union, as well as the legal implications for both the UK and the European Union of both Leave and Remain scenarios.

### *3 February 2016: The Tallinn Manual 2.0 and The Hague Process: From Cyber Warfare to Peacetime Regime*

How do existing international legal norms apply to cyber operations? Not just in times of war, but also to cyber operations that take place outside the context of an armed conflict? The *Tallinn Manual 2.0: The International Law Applicable to Cyber Operations* represents an effort by a International Group of Experts to discuss these issues in depth. In February 2016, the T.M.C. Asser Instituut, in cooperation with the Netherlands Ministry of Foreign Affairs, hosted a presentation on the manual. The presentation was conducted by Dr Marten Zwanenburg, Legal Advisor at the Netherlands Ministry of Foreign Affairs, and Professor Michael N. Schmitt, Project Director of the Tallinn Manual.



### *14 December 2016: Drone Strikes and Counter-Terror Wars: Legal Perspectives and Recommendations for European States*

The International Centre for Counter-Terrorism – The Hague (ICCT) and the European Council on Foreign Relations (ECFR) have both conducted research leading to multiple publications which addressed legal issues surrounding drone strikes and in particular compliance with European human rights obligations. As the involvement of European States in counter-terrorism wars is growing in complexity, these challenges will only become more pressing. To discuss these issues, ICCT and ECFR convened a seminar on the topic of *Drone Strikes and Counter-Terror Wars: Legal Perspectives and Recommendations for European States*.

### *11 November 2016: Roundtable Discussion: “Quitting the ICC”*

Burundi, South Africa and Gambia have signalled their desire to quit the ICC, shocking the international community and posing dramatic implications for the Court, for international criminal law, and for the international



**Roundtable Discussion:**  
**"Quitting the ICC", 11 November 2016**

community at large. The issues at play are varied and complex; South Africa has raised conflicts among international legal regimes; Gambia has raised racial politics of international criminal justice. In the meantime, the Court presses forward in its quest to end impunity and restore trust in its mandate and operations, against increasingly potent charges of neo-colonialism. This roundtable discussed implications of the latest developments.

*27 May 2016: Conference on 'Better Regulation and EU Law-making: One Year On'*

One year after the initiation of the Better Regulation Agenda, and one year after the 2015 conference on this subject, the T.M.C. Asser Instituut hosted a follow up conference to discuss and analyse developments in this crucial policy field. The conference, co-organised with the European Commission Representation in the Netherlands, aimed at highlighting two different aspects of EU law-making: on the one hand, 'getting the legislation right'; and, on the other, 'getting multilingualism in the EU right'. The programme reflected this twofold goal, with the first session focusing on the Institutional Aspects of Better Regulation and the second session on its Linguistic Aspects.

*Closed expert meeting on 'Mental Health and the Foreign Fighter Phenomenon'*

In 2017, a report will be published on the relationship between mental health, radicalisation and the foreign fighter phenomenon. It will be based on a closed, multidisciplinary expert meeting organised in 2016 by the International Centre for Counter-Terrorism – The Hague (ICCT) and the T.M.C. Asser Instituut, one of the founding institutions of the ICCT. It was the first time that the health and justice were brought together on this subject.

*7 – 8 July 2016: Second Conference on the European Public Prosecutor's Office*

A second conference on the European Public Prosecutor's Office (EPPO) took stock of the results of three years of negotiating on the flagship project of EU cooperation in the Area of Freedom, Security and Justice. The event, held at the T.M.C. Asser Instituut, almost three years after the previous event, was developed in cooperation with the Department of Law, Leiden University. Academic scholars gathered together with experts from legal professions and practitioners originating from EU and Member States' institutions.



Practitioners presented the latest state of affairs of the European Council negotiations and views from within. Legal scholars provided in-depth scrutiny of relevant legislative texts. The main results have been summarised in a report available on the T.M.C Asser website. Furthermore, a book is to be published by Asser Press in the summer of 2017 and will provide a range of articles based on the lectures given at the conference. The publication is entitled: 'Shifting Perspectives on the European Public Prosecutor's Office. Proceedings of the Hague Conference, July 2016'.

### *Shiraka Training Programme*

In 2016, the Dutch Ministry of Foreign Affairs launched the Netherlands-Arab Partnership (Shiraka), a successor to the Matra South Programme, with the aim to support the sustainable democratic transition in the Arab region and contribute to the political developments in the region. Within the framework of the Shiraka programme, the T.M.C Asser Instituut organised the training course on 'Administration of Justice' between 4 and 13 December. The course brought together judges, prosecutors and civil servants working in the justice sector to deepen their knowledge and skills, and equip them to lead and inspire the

modernisation of judiciary and prosecution services in their home countries.

### *Twinning Light Project in Macedonia: "Strengthening the judicial cooperation in civil and criminal matters"*

The T.M.C Asser Instituut was involved in this twinning project for Macedonia. Together with senior expert, Professor Vesna Lazić, various training activities were organised in Skopje during the summer months of 2016. The overall objective of this project was the consolidation of the rule of law in the Former Yugoslav Republic of Macedonia by means of improved implementation of international and European Union standards and the provision of recommendations in the areas of freedom, security, justice and respect of human rights. The project's specific purpose is to strengthen the capacities of the Department for International Legal Assistance in Ministry of Justice, Public Prosecution Office, courts and competent stakeholders involved in mutual legal assistance (MLA) regarding the implementation of the international and European Union standards.





**Participants of the Shiraka Training Programme, which aims to support the sustainable democratic transition in the Arab region and contribute to the political developments in the region.**

*EP Study – The inclusion of financial services in EU free trade and association agreements: Effects on money laundering, tax evasion and avoidance*

The T.M.C Asser Instituut and the University of Groningen conducted a study for the European Parliament regarding the inclusion of provisions on financial services in EU Free Trade and Association Agreements (EU FTAA) and the impact of these provisions on money laundering, tax evasion and elusion. The study assessed the relevant provisions of the EU FTAA with Mexico, South Africa, Serbia, South Korea, Colombia and Peru. The project team presented these results at the European Parliament's International Trade Committee (INTA) on 21 April 2016.

**Selected Contributions and Presentations of Asser's Research Staff**

*Ulad Belavusau* participated as an invited expert at the advisory board of MANDOLA project on hate speech, at the EU Cyprus Office, Brussels, Belgium, 4 October 2016.

*Bérénice Boutin* was invited to participate in an expert roundtable on "Aiding and Assisting: Challenges in Armed Conflict and Counterterrorism" at the Chatham House (London), 27 June 2016.

*Wybe Douma* presented on 'CETA and the Precautionary Principle' ELNI-Forum "Assessing CETA's impact on Environmental Law", Brussels, 8 September 2016, joint initiative of CEDRE and ELNI.

*Antoine Duval* gave the presentation “What Lex Sportiva Tells You about Transnational Law” at the Conference: Jessup’s Bold Proposal Engagements with ‘Transnational Law’ after Sixty Years, King’s College London – Transnational Law Institute, 1-2 July 2016.

*Geoff Gordon* was a discussant for papers concerning the respective legal cultures of the CJEU and Constitutional Courts of Member States, and legal practices conducive to developing authority in developing issue-areas of international law, for a Seminar at the Vrije Universiteit Amsterdam on 16 June 2016.

*Davor Jancic* chaired the panel on ‘The Crisis as a Crisis of Democratic and Political Legitimacy’ at the conference “The Euro-Crisis as a Multi-Dimensional Systemic Failure of the EU”, Centre for European Legal Studies, Faculty of Law, University of Cambridge, 31 March - 1 April 2016.

*Janne Nijman* presented the paper ‘Ius gentium et naturae: between fear and trust’, at ‘History/Law/Politics: A Workshop on History and Politics of International Law’, the Buffett Institute for Global Studies, and the

International Law/International Organization Working Group of Northwestern University, 3 June 2016.

*Christophe Paulussen* presented in the panel ‘Current Events: Current Challenges in Countering Terrorism – Preventive and Punitive Responses’ (together with Helen Duffy and Martin Scheinin). European Society of International Law 12th Annual Conference ‘How International Law Works in Times of Crisis’, Riga.

*Olivier Ribbelink* gave a lecture “The Return of the Scythian Gold” at the Solicitor’s International Human Rights Group, Institute of Advanced Legal Studies, London, UK, 8 April 2016.

For a complete overview of the contributions and presentations of Asser’s Research Staff in 2016, see the online Appendix ‘Research, publications, Presentations and Outreach’ at [www.asser.nl/annualreport2016](http://www.asser.nl/annualreport2016)

# Asser Press

The institute's publishing house, T.M.C. Asser Press, promotes and disseminates the best legal thinking of academics and practitioners worldwide, in the fields of international and European Law.

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

The Asser Press English book titles are distributed by publishing partner SpringerNature and available worldwide on Springer's

innovative platform SpringerLink. The books are published in hardcopy, softcover and e-book format, which ensures broad international distribution, visibility and readership through their availability in thousands of universities and libraries. The books are covered in *Bookmetrix*, a comprehensive web-based overview of the reach, usage and readership of the book or chapter by providing various book-level and chapter-level metrics all in one place.

Asser Press performed well in 2016, publishing twenty-three new book titles, and five journals with a total of twenty issues. With regards to content, T.M.C. Asser Press commits itself to the Research Agenda of the



T.M.C. Asser Instituut with the aim of promoting trust and respect in the societies and fields in which international law makes itself felt.

#### *Deserving special mention:*

- In the *International Criminal Justice Series*, a platform for publications in the whole field of international criminal justice, five new volumes were published. *The African Criminal Court, A Commentary on the Malabo Protocol*, edited by Gerhard Werle and Moritz Vormbaum and published in December 2016, is volume 10 in this series.
- In the *ASSER International Sports Law Series*, in which books about legal and policy developments in the emerging field of European and international sports law are published *The Legacy of Bosman, Revisiting the Relationship Between EU Law and Sport*, edited by Antoine Duval and Ben Van Rompuy drew much attention. Marjolaine Viret was awarded the prestigious Swiss Sports Law Association (ASDS) 2016 Prize for her book *Evidence in Anti-Doping at the Intersection of Science & Law*.
- In 2016 the last volume in the book series *Nuclear Non-Proliferation in International Law*, edited by Professor Jonathan L. Black-Branch and Dr Dieter Fleck, was published: Volume III – Legal Aspects of the Use of Nuclear Energy for Peaceful Purposes. Together with Volume I and Volume II (Verification and Compliance) this series sets a basis for a further constructive discourse on the topic at both national and international levels.

In 2016 several successful book launches were organised, which drew a great deal of interest in T.M.C. Asser Press' book portfolio:

- The launch of *Foreign Fighters under International Law and Beyond*, edited by Andrea De Guttry, Francesca Capone and Chris-

tophe Paulussen, organised by T.M.C. Asser Instituut, T.M.C. Asser Press and the International Centre for Counter-Terrorism, was held on 31<sup>st</sup> May. The event followed the earlier launch of the book at the Scuola Superiore Sant'Anna in Pisa on 24<sup>th</sup> May.

- *The Extraordinary Chambers in the Courts of Cambodia, Assessing their Contribution to International Criminal Law*, edited by Simon Meisenberg and Ignaz Stegmüller was launched at the T.M.C. Asser Instituut on 8<sup>th</sup> June. The launch was combined with the SCL Lecture: *Lessons from Hybrid Courts: The Kosovo Specialist Chambers*, delivered by Dr Fidelma Donlon, Registrar, Kosovo Specialist Chambers. Simon Meisenberg organised a book launch in Phnom Penh. The Keynote Lecture *Reflections on the ECCC* was delivered by Professor Dr Gregory Stanton, President of Genocide Watch and Research Professor in Genocide Studies and Prevention.
- Book launch of *The Jurisprudence of the FIFA Dispute Resolution Chamber* during the Sports Law Conference *The Wilhelms-haven case: Challenging FIFA and the CAS*, was organised in cooperation with the Dutch Federation of Professional Football Clubs (FBO) and the Asser International Sports Law Centre.

#### **Furthermore**

- The European Business Organization Law Review published a special issue: 'The Banking Union and the Creation of Duties' (EBOR, 2016, vol. 1/2)
- The Dutch/English language journal *Nederlands Internationaal Privaatrecht* published a special issue entitled, "Private International Law and Intellectual Property" (NIPR 2016/4)
- Articles to be published in Asser Press journals become available on SpringerLink as soon as they are finalised ('Online

First'), thus ensuring immediate dissemination of the latest in thinking and research.

- SharedIt, a new content-sharing initiative in which the Asser Press journals are included, enables researchers to easily and legally share their articles online, and thus reach a wide audience.





# Financial overview

The T.M.C. Asser Instituut is partially funded by public resources. In 2016, the core funding by the University of Amsterdam accounted for 39% of the total revenues. The additional 61% is generated through externally funded activities for national and international stakeholders, such as the Dutch Ministry of Foreign Affairs (tendered projects, trainings and conferences), the European Commission (tendered projects and grants), the US state department (management of the Administrative Unit of the Global Counterterrorism Forum), the Hague Municipality (facilitating lectures and research programmes) and the Gieskes Strijbis Fonds (research projects).

A summary of the institute's financial statement 2016 is presented in the table below. The external auditor (Dubois & co) has given an unqualified opinion to the financial statement.

In 2016, Asser's financial performance continued the trend of positive results. The additional income is € 145,000 higher than in 2015, but the direct costs of these activities have risen by € 271,000. Both personnel and material costs show a downward trend. This leads to a result of € 299,000, slightly lower than last year.

The institute's equity totalled € 3,006,000 at the end of the year, which is 54% of the total revenues in 2016 and 61% of the balance sheet total. This shows a healthy financial solvency.

As the core funding will be the same in the next years, a continuation of the net income out of commissioned projects on the 2015/2016 level is needed to secure Asser's position as a vital research and knowledge organization.

	2016	2015
<b>Revenues</b>		
Core funding	€ 2,163,000	€ 2,162,000
Additional income	€ 3,368,000	€ 3,223,000
Total revenues	€ 5,531,000	€ 5,385,000
Direct cost of commissioned projects	€ 1,958,000–	€ 1,687,000–
<b>Gross margin</b>	€ 3,573,000	€ 3,698,000
<b>Expenses</b>		
Personnel costs	€ 2,620,000	€ 2,689,000
Material costs	€ 654,000	€ 657,000
Total expenses	€ 3,272,000	€ 3,346,000
<b>Result</b>	<b>€ 299,000</b>	<b>€ 352,000</b>
Added to designated reserve	€ 200,000	€ 100,000
Added to general reserve	€ 99,000	€ 252,000
<b>Total Equity</b>		
On 1 January	€ 2,707,000	€ 2,354,000
On 31 December	€ 3,006,000	€ 2,707,000





# Organisation

Within the organisational structure of the University of Amsterdam, the Foundation T.M.C. Asser Instituut falls under the university's Law Faculty. The Dean of the Law Faculty, is the University of Amsterdam's mandated Regulator of the T.M.C. Asser Instituut and is responsible for mediating the institute's affairs with the Executive Board of the University of Amsterdam.

## Governance

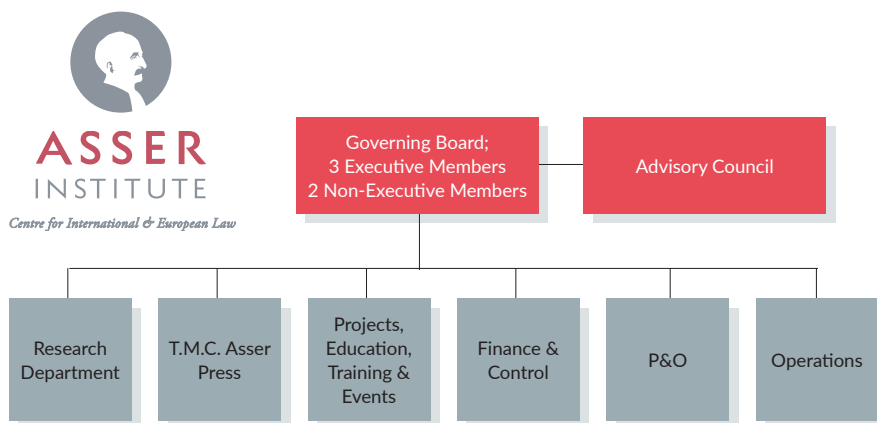
The institute's unitary board structure comprises 3 (three) executive members and 2 (two) non-executive members. At the end of 2016 the executive members were, the President of the Board – Professor Ernst Hirsch Ballin, the Academic Director – Professor Janne Nijman and the managing Director Bas den Hollander MA. The non-executive members in 2016 were Professor André Nollkaemper (University of Amsterdam), as of 1 May, and Professor Suzan Stoter (Erasmus University, Rotterdam).

The Board is responsible for the governance and overall management of the Foundation T.M.C. Asser Instituut such that the institute's strategy and policies embody its mission and objectives.

During 2016, the Executive Board of the T.M.C. Asser Instituut convened on 11 occasions and the General Board convened on 3 occasions. Relevant agenda items included the institute's research agenda, its strategic plan 2016-2020, the organisation's structure and the level and quality of support functions as well as the financial position and funding of the institute.

## Personnel

On 31 December 2016, a total of 45 persons (equivalent to 40.26 fte) were employed by the T.M.C. Asser Instituut, including temporary and project related staff. In addition, during 2016, some 30 persons spent various periods at the Institute either as visiting scholar (6) or intern (24).



## Key figures

Staff 2016 (persons)	Male	Female	Total
Directors (academic and managing)	1	1	2
Research staff, including (Associate) Professors	10	6	16
Visiting Researcher*	1	5	6
Interns*	4	12	16
Projects, Education, Training & Events		5	5
PR and Communication		1	1
T.M.C. Asser Press	1	3	4
Finance	2		2
Web development and ICT support	2		2
Facilities management, library and documentation services and general support	5	2	7
Secretarial support		2	2

\* These figures represent the totals for the entire year 2016.



## Stakeholders universities



UNIVERSITY OF AMSTERDAM

Radboud Universiteit



vrije Universiteit amsterdam



Universiteit Utrecht



Maastricht University

*Leading in Learning!*



rijksuniversiteit  
groningen



Universiteit Leiden

**Colofon:**

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