Asser Research fellow Claudio Matera contributed to Publication of the House of Lords report on 'Strategic Guidelines for the EU’s Next Justice and Home Affairs Programme'

On the 14th of April, 2014, the European Union Committee of the House of Lords in the U.K. published a report pertaining to the new legislative and policy programme of the Area of Freedom, Security and Justice that will replace the current Stockholm Programme. The report entitled "Strategic guidelines for the EU's next Justice and Home Affairs programme: steady as she goes" is available together with all of the evidence received by the Committee.
Research fellow Claudio Matera was invited to submit written evidence to the committee and his contribution is featured in the final report.

PRESS RELEASE: Springer to collaborate with Dutch law publisher T.M.C. Asser Press on journal programme

Springer now handles the entire English journal and book programme of Asser Press

The Hague | Berlin | Heidelberg, 26 May 2014

Springer and T.M.C. Asser Press, a prominent Dutch specialist publisher for international law, have signed a publishing agreement for four English-language law journals: Netherlands International Law Review, European Business Organization Law Review, European Constitutional Law Review, and Hague Journal on the Rule of Law. Under the agreement, effective January 2015, Springer is to handle production, marketing and distribution of T.M.C. Asser Press’s journals. Asser Press will continue to be responsible for the programme planning. All journals will continue to be branded as T.M.C. Asser Press titles. They were previously distributed by Cambridge University Press.

Read the entire Press Release.

The Hague Environmental Law Facility Lecture Series launched with lecture on Whaling in the Antarctic

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

One instrument to support this mission is The Hague Environmental Law Facility Lecture Series. These lectures are delivered in The Hague by renowned speakers in the field of international and European environmental law and focus on environmental law issues, especially in the area of enforcement, compliance and implementation.
The first HELF lecture on “Whaling in the Antarctic: Observations on the ICJ Judgment in the Case Australia v. Japan, New Zealand intervening” took place on Friday 4 April, 2014 at the Asser Institute. A few days before the event, on 31 March 2014, the International Court of Justice (ICJ) pronounced its judgment in this case. Australia had claimed that Japan’s continued pursuit of a large-scale programme of whaling under its research programme is in breach of that countries’ obligations under the International Convention for the Regulation of Whaling.

The ICJ found that the special permits granted by Japan for the killing of whales under its research programme were not “for purposes of scientific research” as the Whaling Convention stipulates, and ordered Japan to revoke all permits and not to issue new permits under this programme. Dr. Ribbelink provided his observations and comments on the manner in which the ICJ decided in this case.

Should you wish to receive more information on EEL and forthcoming events/HELFL lectures, please subscribe to the EEL newsservice.

**Asser International Sports Law Blog launched**

The ASSER International Sports Law Centre has recently launched its new blog. Not so surprisingly, it will cover everything you need to know on International Sports Law: Cases, Events, Publications. It will also feature short academic commentaries on “hot topics”.

https://www.madmimi.com/p/3897e4?fe=1&pact=23056144261
The blog is an interactive universe. You, reader, are more than welcome to engage with the Asser International Sports Law Centre via your comments on the posts, or a message through the contact form.

This is an exciting development for the Centre, a new dynamic way to showcase scholarly output and to engage with the sports law world. We hope you will enjoy it and that it will push you to come and visit us on our own playing field in The Hague. **Check out the Sports Law Blog.**

**Study on Sports Organisers’ Rights**

On 24 April 2014, the European Commission published the “**Study on Sports Organisers’ Rights in the EU**”, which was carried out by the ASSER International Sports Law Centre (T.M.C. Asser Instituut) and the Institute for Information Law (University of Amsterdam).

The main objectives of the study were to map the legal framework applicable to the origin and ownership of rights to sports events (sports organisers’ rights) in the 28 EU Member States, to analyse the nature and scope of sports organisers’ rights with regard to licensing practices in the field of the media and to examine the possibility of establishing licensing practices beyond the media field, notably in the area of gambling and betting. Following this, the study had to formulate recommendations on the opportunity of EU action to address any problems that may be identified in the abovementioned areas of analysis.

The **main findings of the study** can be summarised as follows:

- In the great majority of EU countries the interests of sports organisers find direct or indirect recognition in the general laws of property and contracts. The study does not point out an urgent need for a harmonising initiative in this respect;
- The laws on copyright and neighbouring rights that provide legal protection of the audio-visual recordings and broadcasts of sports events are almost completely harmonised in the EU;

[Link to Study on Sports Organisers’ Rights](https://www.madmimi.com/p/3897e4?fe=1&pact=23056144261)
• While the calls of sports organisations for effective enforcement remedies are comparable to those of the traditional content industries, the case for expedient remedies is arguably stronger for sport. This is related to the highly perishable media value of many sports events, which is usually exhausted immediately with the live coverage of the event;
• If Member States seek to secure a “fair financial return” from revenue derived from (commercial) betting or gambling services to sport, it is recommended to put in place a centrally driven distribution system that allocates this revenue on the basis of transparent criteria (i.e. proportions and beneficiaries prescribed by legislation);
• A right to consent to bets could be considered as one of the available mechanisms to protect the integrity of sport from betting-related match fixing on condition that extensive and resource-intensive institutional and operational requirements necessary for its successful implementation can be satisfied. Yet it can only function as a partial regulatory response since it risks leaving less popular and visible sports more exposed to integrity risks.

On 14 May 2014, the ASSER International Sports Law Centre and the Institute for Information Law officially presented the final report and hosted a lively debate on the findings between the main authors of the report and various stakeholders, including representatives of the Sports Rights Owners Coalition, the European Gaming and Betting Association, Premier League, Bundesliga, the European Sports Security Association (ESSA), European Lotteries, and many others.

• Ben van Rompuy – Interview with Metro ‘Warrige gokwet bedreigt de Nederlandse topsport’, 20 May 2014.
• Ben van Rompuy – Interview with BNR Radio (from 1h27), 20 May 2014.

**Three Strategies for defending ‘Sporting Autonomy’: Keynote Address by Professor Stephen Weatherill**

On 10 April, the ASSER Sports Law Centre had the honour of welcoming Prof. Weatherill (Oxford University) for a thought-provoking lecture.
In his *lecture*, Prof. Weatherill outlined to what extent the rules of Sports Governing Bodies enjoy legal autonomy (the so-called lex sportiva) and to what extent this autonomy could be limited by other fields of law such as EU Law. The 45 minutes long lecture lays out three main strategies used in different contexts (National, European or International) by the lex sportiva to secure its autonomy. The first strategy, "The contractual solution", relies on arbitration to escape the purview of national and European law. The second strategy, is to have recourse to “The legislative solution”, i.e. to use the medium of national legislations to impose lex sportiva's autonomy. The third and last strategy – “The interpretative or adjudicative solution”– relies on the use of interpretation in front of courts to secure an autonomous realm to the lex sportiva.

**Call for Papers International Sports Law Journal**

The International Sports Law Journal (ISLJ), a peer-reviewed publication by Asser Press and Springer-Verlag, is accepting sports law related articles, papers, comments and
reviews for consideration for publishing both online and in hard-copy issues. Please review the Authors Guidelines and make your submission online.

We are accepting submissions now for the 2014 upcoming publications.

Model Institutions for a Sustainable Future: a comparative constitutional law perspective

Dr. Wybe Douma delivered a lecture entitled “Operationalising the precautionary principle: defining the roles of scientists, legislators and Model Institutions in dealing with uncertainty” at the Model Institutions Conference which took place from 24-26 April 2014 in Budapest. The conference was organised by the Hungarian Ombudsman for future Generations and convened at the Houses of Parliament. The aim of the conference was to exchange good practices for the national implementation of sustainability and intergenerational justice and to understand the unique characteristics of the relevant national institutions. Other speakers included former ICJ Judge Weeramantry.

Prof. Ludwig Krämer; Prof. Gyula Bándi; and Dr. Wybe Douma

3rd Annual PhD Day - International Humanitarian and Criminal Law Platform
On 15 May 2014, the T.M.C. Asser Instituut organised the 3rd PhD Day of the International Humanitarian and Criminal Law (IHCL) Platform. This Platform, created in 2010, aims to establish an academic network fostering research in the area of international criminal law (ICL) and international humanitarian law (IHL), providing an academic platform for discussion of relevant contemporary issues and legal questions for which there is, as yet, no fixed jurisprudential position. The current participating institutions are the University of Amsterdam, the VU University Amsterdam, Leiden University, the University of Groningen, the Netherlands Defence Academy and the T.M.C. Asser Instituut, which coordinates the platform.

Activities of the Platform consist of conferences, book launches and the annual PhD Day, where PhD candidates, in a very informal setting, can present their research or simply ask questions about research-related issues they would like to have feedback on.

For institutions/universities interested in joining the IHCL Platform, or for more information about upcoming events, please contact its coordinator Christophe Paulussen.

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**Research Day 2014 - Netherlands School of Human Rights Research**

On 22 May 2014 the T.M.C. Asser Instituut, in cooperation with the Working Group on International Criminal Law of the Netherlands School of Human Rights Research, organised a well-attended Research Day on the theme *Exploring the Synergies between Norms and Institutions of International Criminal Law and Human Rights Law*. The Research Day commenced with presentations by three PhD candidates, Nicole Siller (RuG), Drazan Dukic (UvT) and Qiao Congrui (UU), on synergies and areas of tension, fragmentation and differentiation in ICL and human rights law in their doctoral research. Following the PhD session were panel discussions with senior academics and practitioners, including Prof. dr. Hector Olásolo, Dov Jacobs, Marieke Wierda and Dan Saxon. These sessions explored the interactions of these fields of law in the institutional settings of international criminal proceedings and human rights fact-finding. The event also marked the ‘re-launch’ of the ICL Working Group, an informal platform within the School of Human Rights Research that seeks to enhance academic exchange and build a professional network by holding presentations, debates and discussions at member institutions. While centering on academic research, the Working Group also welcomes the participation of practitioners and others with an interest in ICL. The ICL Working Group can be contacted at: iclworkinggroup@gmail.com.
IPR Meeting 22 May, 2014

During the afternoon of Thursday 22 May 2014, a meeting was organised at the T.M.C Asser Instituut bringing together academics of Netherlands universities who are specialising in private international law. In total, the gathering attracted some 20 participants representing most law faculties in the Netherlands. Presentations were given by Prof. Katharina Boele-Woelki, Utrecht University, on the evaluation of the Brussels IIA Regulation and by Marta Pertegas Sender, First Secretary, Permanent Bureau of the Hague Conference, The Hague, on the work of the Hague Conference for Private International Law. Following the presentations, an open discussion took place on further options in respect of private international law research and education in the Netherlands. A date was set for a similar event, to be held 21 May 2015.

3rd Matra South Training Programme for Arab Countries on Administration of Justice
For the third time and also the last year of the Matra South training programme, the Asser Institute has successfully organised a 10-day training for judges and prosecutors from the Arab region. Participants from Egypt, Jordan, Libya, Morocco and Tunisia have gained knowledge from and shared experiences with their counterparts from the Netherlands during this intensive and interactive course in The Hague. The aim of the programme is to support democratic transition in the Arab region through lectures sessions, study visits and back home action planning. The group was composed of young generation of judges and public prosecutors mostly who are starting their career and therefore are looking forward to build on this experience and promote the judicial system in their home country. A follow-up workshop will be held in September in Rabat with the participants in order to share implementing experiences and best practices with Asser experts.

**Diploma ceremony for the inter-university programme on International Criminal law and Procedure**

On the 15th of May 2014, 166 students from eight Lebanese universities received their certificates in the company of their proud parents and friends. The students successfully participated in third season of the inter-university programme on international criminal law and procedure, an initiative launched in November 2011 by the T.M.C. Asser Instituut in cooperation with the Special Tribunal for Lebanon.

This programme is unique in that it enables law students from eight different universities* in Lebanon to follow 14 lectures on international criminal law and procedure together. This initiative provides a unique academic experience for all involved as the individual lectures are delivered by prominent (international) academics and practitioners in the field, via internet streaming, from the T.M.C. Asser Instituut in The Hague, the Netherlands, to one of the lecture halls in the participating Universities in Lebanon.
Not only does this initiative fill a gap in the current curricula of the eight participating universities, it also strengthens the cooperation between these universities.

*American University of Science and Technology (AUST), Beirut Arab University (BAU), Notre Dame University (NDU), Université La Sagesse (ULS), Université Libanaise (UL), Université Saint-Esprit de Kaslik (USEK) and Université Saint-Joseph (USJ). and the American University of Beirut (AUB).

The IntLawGrrls’ group photo - ASIL’s Women in International Law Interest Group

The Women in International Law Interest Group (WILIG) of the American Society of International Law (ASIL) organised on the 10th of April 2014 its annual WILIG Luncheon. Three female Judges of the International Court of Justice – Julia Sebutinde, Joan Donoghue, and Hanquin Xue – were honoured with the Prominent Woman in International Law Awards at this inspiring lunch. Retired U.S. Supreme Court Justice Sandra Day O'Connor delivered the opening remarks.

A feature of recent American Society of International Law meetings has been the IntLawGrrls’ group photo – a group that aims to give a voice to women scholars, lawyers, policymakers, leaders, activists on issues related to international law. This year's edition was made at the close of the WILIG luncheon. The three judges joined the photo, along with among others Ambassador Patricia O'Brien, ASIL Executive Director Betsy Andersen, new ASIL President Lori Damrosch and our colleague Jessica Dorsey.

Art exhibition at Institute opened by the Ambassador of the Republic of Iraq

On the 4th of April, the temporary art exhibition at the institute displaying the work of Iraqi artist Mr. Salam Djaaz, was officially opened by H.E. Dr. Saad Ibrahim, Ambassador of the Republic of Iraq.
Mr. Salam Djaaz, born in Bagdad, studied Fine Arts at the University of Bagdad and Painting & Graphic at the Koninklijke Academie in The Hague. He works mostly in an expressionistic and figurative way being inspired by life itself; from his own life in Bagdad and The Hague, but also from the people around him. He is much inspired by the Mesopotamian culture and other ancient societies.

Mr. Djaaz’s work is exhibited at the institute until June 2014.

More information

Projects & Research


The T.M.C. Asser Instituut is a member of a consortium, led by Trans European Policy Studies Association, Brussels (TEPSA), which has been awarded an EP service contract for the provision of short-term expertise on a range of foreign policy subjects Including Development and Human Rights.

The required expertise will focus on policy options and/or analysis of situations, based on factual evidence and sound advice relevant to the committees' work. The expertise sought will be used inter alia for the compilation of data and knowledge, cost-benefit analysis and impact assessments and for outlining and evaluating policies and legislation. It is designed both to strengthen the committees’ knowledge and ability to respond to Commission proposals or Council activities and to provide a solid basis for some of the committees' own initiatives. In addition to written work, the framework contract will also cover associated services such as presentations in committee or other meetings, and the organisation of workshops.

The contract runs from September 2014 for a period of 4 years.
Mr. Michiel de Rooij has participated as the legal expert for the Netherlands in a European Commission ‘Study on the assessment of Regulation (EC) No 2201/2003 and the policy options for its amendment’ and delivered the final report for Netherlands. This project was led by Deloitte & Touche GmbH, Hamburg.

**Publications**

- Antoine Duval, "Dérives financières du football : Bosman innocent, l'Europe aussi", les cahiers de football, 6 May 2014.
- Antoine Duval, "Doping Paradise – How Jamaica became the Wild West of Doping", Play the Game, 6 May 2014.
- Antoine Duval, “Comment un avocat belge et l'UE pourraient rendre justice au PSG (dans cinq ans)”, 17 May 2014.

**Media & Outreach**

- Wybe Douma – Guest lecture on “European Environmental Law” as part of the EU law course on Harmonisation, Radboud Universiteit, Nijmegen, 13 May 2014.
- Wybe Douma – Presenting paper “Green Growth in the EU: Challenges in Making Sustainable Development Operational” at the Conference on Environmental Policy and Green Growth in the EU and Israel, Tel Aviv University, Israel, 25 May 2014.
- Wybe Douma – Guest lecture on “legal aspects of dealing with uncertainty with help of the precautionary principle”, Bar Ilan University, Israel, 26 May 2014.
- Claudio Matera has been called to the Editorial Board of "Questions of International Law" (QIL) a new open-source, peer-reviewed e-journal that aims to foster the debate on questions of public international law by providing a dynamic platform for scholars and practitioners. QIL was founded by a group of Italian scholars and was launched online in May 2014. The working languages of QIL are English and French.
• Aaron Matta – Speaker at Jean Monet Conference. Lecture on “Future of Approximation of Laws under the Eastern Partnership; political and economic cost”, National University of Kyiv-Mohyla Academy, Kiev, 4 April 2014.
• Olivier Ribbelink – Interview with Radio Free Europe/Radio Liberty on the annexation of the Crimea by the Russian Federation and whether Ukraine can take the RF to court, 4 April 2014.
• Olivier Ribbelink – Interview with Manichi (Japanese newspaper) and Australian Broadcasting Company (ABC) on the ‘Whaling in the Antarctic’ judgment of the ICJ.
• Olivier Ribbelink – Invited as expert by Parliament Committee on Security and Justice for a special Round Table meeting to discuss a recent report prepared by the Radboud University (Nijmegen) on International law and cannabis, 15 May 2014.
• Ben van Rompuy – Interview with Metro ‘Warrige gokwet bedreigt de Nederlandse topsport’, 20 May 2014.
• Ben van Rompuy – Interview with BNR Radio (from 1h27), 20 May 2014.

Calendar of Trainings & Events

June 2 - 25
Summer Law Program on International Criminal Law and International Legal Approaches to Terrorism
Registration closed

June 18
Public lecture, free admission

June 23 – 27
Second CLEER Summer School on EU External Relations Law, Brussels
Registration closed

June 30 - July 4
Summer Programme on International Sports Law: Is Sport Playing by the Rule of Law?
Fee based, last two weeks to register!

July 4
CLEER Conference on 'Using Human Security as a legal framework to analyse the Common European Asylum System'
Public lecture, free admission

August 25 - 29
Advanced Summer Programme on Countering Terrorism in the Post 9/11 World
Fee based (scholarships available!), open for registration

August 25 - 29 (new in 2014!)
First Summer Programme on International and European Environmental Law
Fee based, open for registration

September 1 - 5
Summer Programme on Disarmament & Non-Proliferation of Weapons of Mass Destruction
Fee based (scholarships available!), open for registration
September 21 – 1 October
MATRA PATROL - Alternative Dispute Resolution
Open for registration

September 22 – 24
Follow-up workshop of the Matra South Programme - Supporting democratic transition in the Arab region
Restricted application

October 19 - 29
MATRA PATROL - Decentralisation
Open for registration

October 19 - 29
MATRA PATROL - European Procurement
Open for registration

October 19 - 29
MATRA PATROL - Administration of Justice
Open for registration

November 4 – 8
Inside International Justice
Restricted application

Newsletter of the T.M.C. Asser Instituut

Editors:
Ann O’ Brien
Marloes van Hooijdonk

The editors retain the privilege not to publish received copy.

The T.M.C. Asser Instituut is a distinctive, inter-university research Institute specialised in International and European law. The institute’s international community of scholars is engaged in research, postgraduate training and dissemination of knowledge in furtherance of the purposes and principles of international law. Its research covers the domains of public international law, private international law the law of the European Union and international and European sports law.