



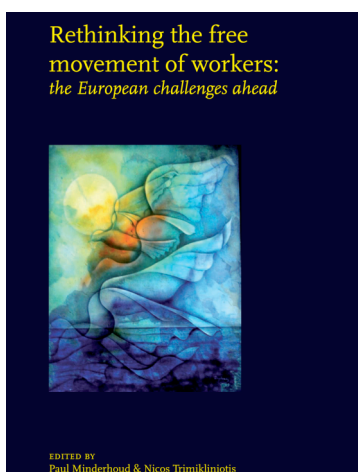
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Newsletter

Newsletter

We would like to draw your attention to a number of recently published books

Recently published



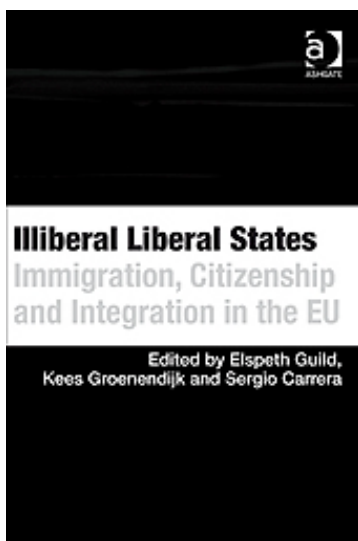
Rethinking the free movement of workers: the European challenges ahead
by **Paul Minderhoud & Nicos Trimikliniotis** (eds.),
Nijmegen (NL): Wolf Legal Publishers 2009 <www.wolfpublishers.nl>
ISBN: 978-90-5850-464-7

Forty years of free movement of workers in Europe is an outstanding accomplishment. This collective publication will undoubtedly contribute to the analytical thinking of its path and development over these past four decades, and will help identify visible and hidden obstacles to free movement of workers which still need to be overcome.

Experience has proved over the years that the existence of free movement of workers contributes effectively to meet labour and skills shortages in the Member States. Therefore, helping to increase worker mobility, and improving the functioning of European labour markets and of the internal market, could eventually contribute to economic growth.

The concept of European citizenship, though still an open one, clearly denotes entitlements and responsibilities thus shaping a fundamental link towards a common 'political community'. In Community terms, the main underlining policy concern is how to bring Europe closer to its citizens, and it is probably the legitimacy itself of the European approach that is at stake when dealing directly with the concrete problems of the citizen. This becomes especially clear in the case, amongst others, of mobility for employment purposes to another Member State.

Jackie Morin, European Commission



The Illiberal Liberal States. Immigration, Citizenship and Integration in the EU
by **Elspeth Guild, Kees Groenendijk and Sergio Carrera** (eds.),
Farnham (UK): Ashgate 2009 <www.ashgate.com>
ISBN: 978-0-7546-7698-0

Understanding the dynamics of the illiberal practices of liberal states is increasingly important in Europe today. This book examines the changing relationship between immigration, citizenship and integration at the European and national arenas. It studies some of the main effects and questions the comprehensiveness of the exchange and coordination of public responses to the inclusion of third country nationals in Europe, as well as their compatibility with a common European immigration policy driven by a rights-based approach and the respect of the principles of fair and equal treatment of third country nationals.

The volume reviews key national experiences of immigration and citizenship laws, the use of integration and the 'moving of ideas' between national arenas. The framing of integration in immigration and citizenship law and the ways in which policy convergence is being achieved through the EU framework on integration raises a number of conceptual dilemmas and a set of definitional premises in need of reflection and consideration



Still not Resolved? Constitutional issues of the European Arrest Warrant
by Elspeth Guild and Luisa Marin (eds.)

Nijmegen (NL): Wolf Legal Publishers 2009 <www.wolfpublishers.nl>
ISBN: 978-90-5850-445-6

This book is essential reading for anyone interested in the issues arising from the EU's European Arrest Warrant, its 'flagship' instrument implementing the principle of mutual recognition in criminal law, as it examines in depth the basic principles and institutional context of the European Arrest Warrant, as well as its often-troubled implementation into Member States' national law.

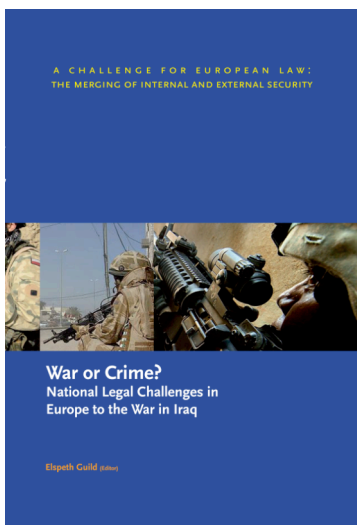
Steve Peers, Professor, School of Law, University of Essex

This book is an important addition to the growing literature on the European Arrest Warrant. It contains detailed and insightful contributions by key experts in the field, coming from academia, EU policy and legal practice. The book contains a number of valuable, up-to-date chapters on the implementation of the European Arrest Warrant Framework Decision in Member States. In this context, it is essential

reading for both academics and practitioners dealing with the constitutional implications of the European Arrest Warrant in particular and mutual recognition in criminal matters in the EU more generally. The book is also recommended to those interested in the development of the law and politics of EU criminal justice and its relationship with EU and national constitutional law.

Valsamis Mitsilegas, Reader in law, Queen Mary, University of London

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War or Crime? National Legal Challenges in Europe to the War in Iraq
by Elspeth Guild (ed)

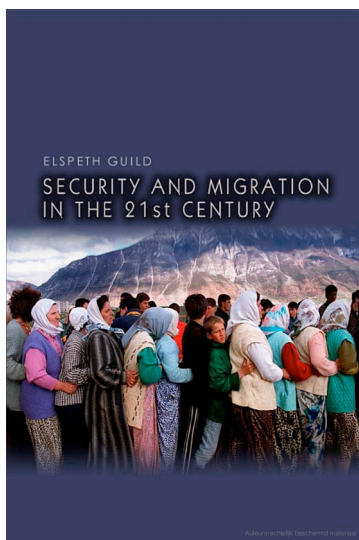
Nijmegen (NL): Wolf Legal Publishers 2009 <www.wolfpublishers.nl>
ISBN: 978-90-5850-435-7

If terrorism is the problem and security the need, where does resort to military force fit in? Three studies included here recall that the framework of obligation is clear enough in principle. Security Council mandates may be uncertain and there are tensions between peacemaking and peace-building, but just as authority marches with the use of force, so too does responsibility. Yet in a supposedly liberal and democratic environment, that responsibility is regularly resisted by Governments. The counterweight for European States is the protection provided by the ECHR, and indirectly also by the European Court of Justice. The applicable law may be in flux, but rules and remedies can apply in moments of exception, even for those for whom an espace juridique is just wishful thinking. Four case studies nevertheless remind us that all is not well at the front line. Denmark, the Netherlands, Poland and the United Kingdom have all had experience of combat and peace enforcement in Iraq and/or Afghanistan, and consequently have had to find answers to difficult questions when things go wrong.

This valuable collection stresses the constitutional and social challenges raised by involvement in the use of military force. Disillusion becomes democratic deficit in the face of spin and non-disclosure and the authority of government is rightly called into question. This volume steps into that gap, helps us better to understand the linkages between law in Europe and external action, and points the way to clearer constitutional control and a strengthened foundation in the rule of law.

Guy S. Goodwin-Gill, Senior Research Fellow, All Souls College, Oxford, Professor of International Refugee Law

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Security and Migration in the 21st Century

by Elspeth Guild

Cambridge (UK): Polity Press 2009-09-29

ISBN: 978-0-7456-4442-4

The 21st century has brought new and challenging dimensions to our understanding of security and migration. The old Cold War framework of security as related to war and peace, international relations and foreign affairs has given way to a multiplicity of competing notions, including internal security, human security and even social security. At the same time, migration has become a hotly contested issue, characterised by an enormous difference of views and objectives.

So what do we mean by security and migration in the contemporary world? How do these two important fields intersect? And what does this collision of policy concerns and public interests mean for states and individuals alike? In this cutting-edge book, Elspeth Guild seeks to answer these pressing questions, drawing on a wide range of recent examples from the impact of asylum seekers on state border security to identity security in citizenship rules to illustrate her arguments. By approaching the topic from the perspective of the individual – citizen of one state,

migrant in another – the book examines key aspects of the security-migration nexus, such as the relationship with refugees; torture; extraordinary rendition; privacy and the retention of personal data; and human rights' protection.

The first volume in Polity's new 'Dimensions of Security' series, this book is a must-read for all students of international politics, development studies and related fields.

In this important work, Elspeth Guild provides us with a systematic analysis of the relationship between security and migration. Guild brings together critical security studies with a new approach to migration - 'critical migration studies', providing important insights into the changing relationships between citizens and states."

Stephen Castles, University of Oxford

Recently published (in Dutch)



Angst en regelgeving. Onderscheid door de overheid op grond van nationaliteit, afkomst en religie

by Ashley Terlouw (inaugural speech, in Dutch).

Nijmegen (NL): Wolf Legal Publishers 2009 <www.wolfpublishers.nl>

ISBN: 978-90-5850-446-3

Verschillende maatregelen van de overheid lijken te zijn gebaseerd op angst voor mensen met een andere nationaliteit, afkomst of religie. Prof. Ashley Terlouw onderzocht de invloed van angst op regelgeving en deed dat aan de hand van de Sanctieregeling Iran. Deze regeling verbiedt Nederlandse universiteiten en nucleaire instellingen Iraanse burgers - dus ook Iraanse Nederlanders - toe te laten als zij daardoor in aanraking kunnen komen met nucleaire informatie. Prof. Terlouw onderzocht de achtergrond van de regeling, hoe de regeling wordt uitgevoerd en wat de effecten ervan zijn voor in Nederland verblijvende Iraniërs en Iraanse Nederlanders.

Forthcoming (in Dutch)

Cover
not yet
available

De Praktijk van de Pardonregeling, monografie Vreemdeling en Recht
by **Carolus Grütters** (in Dutch).

Den Haag (NL): Sdu 2009 <www.sdu.nl>

ISBN: 978-90-

Na de Tweede Kamerverkiezingen van 2006 werd tijdens de coalitieonderhandelingen een akkoord bereikt over een 'Pardonregeling'. Met deze regularisatieregeling wilde het kabinet Balkenende IV 'schoon schip maken'. De 'Regeling afwikkeling nalatenschap oude Vreemdelingenwet' beoogde in één keer de gehele voorraad van zo'n 30.000 oude asielzaken weg te werken, door aan alle nog in Nederland verblijvende vreemdelingen die onder de oude Vreemdelingenwet een asielverzoek hadden ingediend, ambtshalve een verblijfsvergunning te verlenen.

In dit boek wordt verslag gedaan van empirisch onderzoek naar de totstandkoming, inhoud en de uitvoering van de Pardonregeling vooral in de gemeenten.

Centraal in dit onderzoek staat dat de uitvoering van een regeling waarbij zoveel verschillende partijen een rol spelen hoogstwaarschijnlijk niet in alle betrokken gemeenten op eenzelfde wijze zal worden uitgevoerd: niet met betrekking tot de afgifte van burgemeestersverklaringen en niet met betrekking tot de beoogde sluiting van de noodopvang eind 2009. Onderzocht is welke verschillen zich hebben voorgedaan, hoe die verschillen kunnen worden verklaard, en wat de gevolgen ervan zijn geweest voor het bereiken van de oorspronkelijke doelstelling.