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**THE CHANGING NATURE OF TERRITORIALITY IN INTERNATIONAL LAW**

Traditionally, most rules of international law are based on the notion of state territory. This is obvious in the so called ‘law of coexistence’, which aimed at keeping states peacefully apart—a notion which only makes sense if one thinks in terms of territorial borders. However, even in the so-called ‘law of cooperation’ (bringing states actively together) state boundaries still remain the organizing principle for international regulation.

New developments, however, have challenged traditional ideas of territory as the main organizing principle in international relations. Sociologists have predicted a move from ‘territoriality to functionality’ (Luhmann), a transformation from an order defined in terms of state boundaries towards one defined in terms of functional regimes. Cosmopolitan projects such as human rights or international criminal law often claim to transgress state boundaries, as they are aimed at protecting universal values or the interests of a global community. Free trade projects similarly define state boundaries often primarily in terms of ‘market distortions’ that are to be overcome through new legal regimes. Environmental regimes often seek to protect objects that cannot be adequately grasped in terms of territory, such as the climate, biodiversity or endangered species.

And yet, notwithstanding some profound changes in international law, it is impossible to think law without a territorial locus. If international law is undergoing changes, this implies a *reconfiguration* of territory, not a move beyond it. New functional regimes, for example, reconfigure what counts as legally relevant spaces; just like cosmopolitan projects redefine what it means to be on the territory of a state. In similar fashion, cyber-law constantly faces questions of territorial jurisdiction; questions that challenge existing modes of thinking about territory, but still need a locus to function in the first place.

This Volume will address some consequences of this development. It will, *inter alia*, address:

- The role of ‘territory’ in the law of international organizations;
- The role of territory in cyber-law;
- The delimitation between sovereign territory and spaces belonging to the providence of mankind (outer space, Antarctica etc.);
- The strategic use of ‘territory’ in attempts to avoid responsibility (Guantanamo, refugee law);
- The links between territory and citizenship in international law;
- The notion of ‘territory’ in internationally governed spaces (Kosovo, comparison with the mandate system, etc.).