## **Netherlands Yearbook of International Law**

Volume 50

More information about this series at http://www.springer.com/series/8913

Otto Spijkers · Wouter G. Werner · Ramses A. Wessel Volume Editors

# Netherlands Yearbook of International Law 2019

Yearbooks in International Law: History, Function and Future





Volume Editors
Otto Spijkers
China Institute of Boundary and Ocean
Studies (CIBOS)
Wuhan University
Wuhan, China

Wouter G. Werner Faculty of Law, Transnational Legal Studies Vrije Universiteit Amsterdam Amsterdam, The Netherlands

Ramses A. Wessel Department of European and Economic Law Groningen University Groningen, The Netherlands

ISSN 0167-6768 ISSN 1574-0951 (electronic) Netherlands Yearbook of International Law ISBN 978-94-6265-402-0 ISBN 978-94-6265-403-7 (eBook) https://doi.org/10.1007/978-94-6265-403-7

Published by T.M.C. ASSER PRESS, The Hague, The Netherlands www.asserpress.nl Produced and distributed for T.M.C. ASSER PRESS by Springer-Verlag Berlin Heidelberg

© T.M.C. ASSER PRESS and the authors 2021

No part of this work may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, microfilming, recording or otherwise, without written permission from the Publisher, with the exception of any material supplied specifically for the purpose of being entered and executed on a computer system, for exclusive use by the purchaser of the work. The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

This T.M.C. ASSER PRESS imprint is published by the registered company Springer-Verlag GmbH, DE part of Springer Nature.

The registered company address is: Heidelberger Platz 3, 14197 Berlin, Germany

#### **Board of Editors**

Ramses A. Wessel Wouter G. Werner (General Editor) (General Editor)

University of Groningen Vrije Universiteit Amsterdam

Fabian Amtenbrink Maarten den Heijer
Erasmus University Rotterdam University of Amsterdam

Seline Trevisanut Janne E. Nijman
Utrecht University University Of Amsterdam

Panos Merkouris Daniëlla Dam-de Jong University of Groningen Leiden University

Otto Spijkers Harmen van der Wilt
University of Wuhan University of Amsterdam

Managing Editor

Dimitri Van Den Meerssche T.M.C. Asser Institute, The Hague

#### Aims and Scope

The Netherlands Yearbook of International Law (NYIL) was first published in 1970. As a double-blind peer-reviewed publication, the NYIL offers a forum for the publication of scholarly articles of a conceptual nature in a varying thematic area of public international law. In addition, each Yearbook includes a section *Dutch Practice in International Law*. The NYIL is published under the auspices of the T.M.C. Asser Instituut.

#### T.M.C. Asser Instituut

Located in the 'international zone' of The Hague—the City of Justice, Peace and Security, the T.M.C. Asser Institute is a leading, inter-university research institute operating in the broad field of international law.

Founded in 1965, 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. This inter-university institute cooperates closely with and supports the Dutch universities' activities in the relevant disciplines. The academic fields covered by the Institute are Private International Law, Public International Law, Law of the European Union, International Commercial Arbitration, International Humanitarian Law, International Criminal Law and International Sports Law.

The Institute enjoys an excellent reputation at both a national and an international level for its development, organisation and hosting of conferences and academic meetings, demand-driven postgraduate programmes and training. Its ancillary Websites and data collections all contribute to a coherent and integral strategy in the area of knowledge transfer.

The Institute has its own publishing house, T.M.C. Asser Press. T.M.C. Asser Press not only serves the publishing needs of the T.M.C. Asser Instituut, but also those of academics and practitioners worldwide in the fields of International and European Law.

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

Institute Address: R.J. Schimmelpennincklaan 20-22

2517 JN The Hague The Netherlands

Postal Address:

P.O. Box 30461 2500 GL The Hague The Netherlands

Tel.: +3170 342 0300 Fax: +3170 342 0359 Email: NYIL@asser.nl

Internet: https://www.asser.nl

### **Contents**

•	An Introduction Otto Spijkers, Wouter G. Werner and Ramses A. Wessel	1
Par	rt I General Reflections on Yearbooks of International Law	
2	The 'Turn to History' and the Year of the Yearbook of International Law	9
3	A Case in the Politics of Form: Yearbooks of International Law John D. Haskell	21
4	Archiving Legality: The Imperial Emergence of the International Law Yearbook	37
5	On Yearbooks	45
Par	rt II Contributions by Yearbooks of International Law	
6	African Yearbook of International Law: A Quarter-Century of Contribution to the Development and Dissemination of International Law	61
7	Australian Year Book of International Law	75
8	The Canadian Yearbook of International Law/Annuaire canadien de droit international: Founding, Function, Future John H. Currie	85

viii Contents

y	Contributing to the Grotian Moment in Asia Ying-jeou Ma, Chun-i Chen and Pasha L. Hsieh	99
10	Czech Yearbook of Public and Private International Law on the Occasion of Its 10th Anniversary: Achievements and Perspectives	111
11	Ethiopian Yearbook of International Law: Towards Diversifying and Democratizing Voices in the Making and Development of International Law	121
12	Finnish Yearbook of International Law—Past, Present, and Future	131
13	Annuaire Français de Droit International	137
14	German Yearbook of International Law: Origins, Development, Prospects  Andreas von Arnauld and Daley J. Birkett	149
15	The Past, Present and Future of the Hungarian Yearbook of International Law and European Law—An Evolving Story Marcel Szabó	169
16	Indonesia and the Absence of a Yearbook on International Law	183
17	Italian Yearbook of International Law: Genesis, Development and Prospects	195
18	The Development and Future of the Japanese Yearbook of International Law: From Japanese Perspectives to International Academic Forums	211
19	Mexican Yearbook of International Law: A Concept for Researching, Disseminating, and Teaching International Law Manuel Becerra-Ramirez	227
20	'There Was an Idealism that This Information is Useful'—The Origins and Evolution of the Netherlands Yearbook of International Law	239

Contents ix

21	The Palestine Yearbook of International Law: A Medium for a Principled International Law on Palestine and the Palestinian People	253
22	Polish Yearbook of International Law: A History of Constant Change and Adaptation	265
23	Anuario Español de Derecho Internacional: History, Functions and Future  Eugenia López-Jacoiste and María José Cervell Hortal	277
Par	t III Dutch Practice	
24	Fundamental Rights in Digital Welfare States: The Case of SyRI in the Netherlands	289
25	The Continuing Saga of State Responsibility for the Conduct of Peacekeeping Forces: Recent Practice of Dutch and Belgian Courts	309
<b>26</b>	The Enemy of My Enemy: Dutch Non-lethal Assistance for 'Moderate' Syrian Rebels and the Multilevel Violation of International Law	333
Tab	ole of Cases	377
Ind	ex	381