

T.M.C. Asser Instituut (ed.)

Yearbook of international humanitarian law

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The *Yearbook of international humanitarian law 1998 (YIHL)* is the first publication devoted specifically (if not exclusively) to international humanitarian law to be issued on a yearly basis. This new publication therefore merits the attention of all those who are concerned with humanitarian matters, whether academics, staff of humanitarian organizations or casual onlookers interested in humanitarian affairs. To produce the first issue of such a publication is a challenge and necessarily an experiment, but it can already be said that the results are commendable. The general editor, Professor Horst Fischer of the University of Leiden, Netherlands, and the Ruhr-Universität Bochum, Germany, and the managing editor, Avril McDonald from the T.M.C. Asser Instituut, The Hague, Netherlands, should be congratulated on having produced in a short time a reference work which readers may very well hope to find each year on their desks. The next Yearbook will have to prove the success of the enterprise.

In the words of the publisher, “[t]he Yearbook’s aim is to serve worldwide practice, which is understood to include implementation, research and development and the teaching of the law”. The editors intend to cover all aspects of international humanitarian law, including developments in related fields, such as human rights law, disarmament law and conflict resolution. To achieve this end, they have established an impressive network of correspondents from all over the world who gather material and information regarding the practice of international humanitarian law in their respective regions or countries.

The *Yearbook* follows the usual pattern for such publications. It consists of four main parts, with the following headings: Articles, Current developments, Correspondents’ reports and Documentation, followed by a table of cases and an index. Short items of information and documentary material account for by far the greater part of the *YIHL*, about five times as many pages as the first part devoted to scholarly articles.

Among the latter the reader will find an article by Christopher Greenwood, Professor of International Law at the London School of Economics, entitled “International humanitarian law and United Nations

military operations". The author succeeds in clarifying the rather intricate legal and political issues raised by the presence of United Nations forces in conflict situations and the applicability of humanitarian law to their operations. Professor Ivo Josipovic of the University of Zagreb examines a range of domestic legislation established to meet obligations arising out of the Statute of the International Criminal Tribunal for the former Yugoslavia. In the first part, the author identifies the issues which such legislation has to cover. He then brings together an impressive amount of documentary material which otherwise would be hardly accessible. Raúl Emilio Vinuesa, professor at the University of Buenos Aires, discusses in his article the "Interface, correspondence and convergence of human rights and international humanitarian law". After examining doctrinal aspects, analysing the rules on derogation from human rights obligations and discussing the so-called non-derogable "hard core" of human rights, the author provides valuable information on the experience of Argentina during the "dirty war" of the seventies and the subsequent practice of the Argentine authorities and courts.

The second part, entitled "Current developments", opens with the informative report "The year in review", written by Avril McDonald, the *Yearbook's* managing editor. The reader will find a host of information on various issues, developments or institutions related in one way or another to international humanitarian law and practice. The following key topics give an idea of the broad scope of this overview: the negotiations leading to the establishment of the International Criminal Court, the practice of the two ad hoc Criminal Tribunals, the activities of the ICRC Advisory Service on International Humanitarian Law, the project to establish a set of minimum humanitarian standards, the United Nations reports on the protection of women and children, the anti-personnel landmines issue, developments with respect to control or prohibition of weapons of mass destruction and information on United Nations peace-keeping and peace-enforcement operations. Although short and condensed, these items of information, with the numerous citations of sources, will no doubt prove very useful.

Most of the issues mentioned in McDonald's report appear again in some way or another in one of the subsequent short articles. From the end of impunity in Rwanda to German practice on international humanitarian law, numerous brief comments provide details on and, particularly important, access to sources and documentary material. The short texts published under the heading "Correspondents' reports, a guide to State practice concerning

international humanitarian law” explain the domestic practice of States. They range from information on ratification of an international treaty to comments on domestic legislation, e.g. on the recently adopted Chinese National Defence Law.

In its last chapter, the *YIHL* publishes a host of documentary material, some of which may otherwise not be easily available. Parts of the published documents are of an international character, others are of national origin. A table of cases and a detailed index close the volume.

This short review cannot do justice to the wealth of material presented by the *Yearbook*. Readers will have to forge their own opinion on the usefulness of the project for research purposes, for teaching or for use in professional practice. In the reviewer’s opinion, it is the documentary part of the *YIHL* which merits the closest attention. Much of what is now easily available thanks to the *Yearbook* would have been beyond the reach of scholars or other interested persons who do not have ready access to all primary sources. The editors might, however, wish to give consideration to the way in which information and documents are dealt with in the various chapters of the documentary section, in order to enhance clarity and avoid double entries. Access to specific documents could be improved by way of a detailed summary. The question may also be raised whether it is necessary to include in this already rather voluminous work matters which clearly do not belong to the sphere of international humanitarian law (e.g. reference to an agreement on confidence building measures between China and India). Finally, a compilation of recently published books and articles on international humanitarian law would make the *YIHL* even more attractive.

All in all, the *Yearbook* is a welcome contribution to the literature on international humanitarian law. This new annual publication will facilitate access to its sources and to relevant documents and thereby encourage scholarly work in this field.

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