

APRIL 2014 ■ VOLUME 108, NUMBER 2

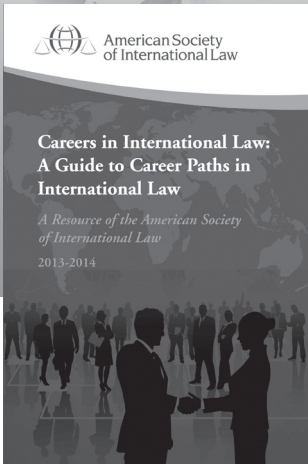
American Journal of International Law

INSIDE THIS ISSUE

- The Meaning of “Force” and the Boundaries of the *Jus ad Bellum*: Are “Minimal” Uses of Force Excluded from UN Charter Article 2(4)?
Tom Ruys
- Remediating Disregard in Global Regulatory Governance: Accountability, Participation, and Responsiveness
Richard B. Stewart
- Current Developments: Provisional Measures and the *MV Arctic Sunrise*
Douglas Guilfoyle and
Cameron A. Miles



PUBLISHED BY The American Society of International Law



The Guide to Career Paths in International Law

ASIL's Career Guide is a comprehensive resource that answered my questions about how to best prepare for a job search. As a new professional, it was important for me to have access to advice that gave me confidence in my career development endeavors. It's a must-read for everyone who wishes to pursue a career in international law.

Klara Tothova Jordan
Assistant Director of the
Cyber Statecraft Initiative at the
Atlantic Council

The 2013-14 edition of *Careers in International Law: A Guide to Career Paths in International Law* includes detailed, step-by-step advice for evaluating professional development choices. The Guide also provides personal insights from a variety of international law practitioners. It includes everything from study abroad options to scholarship opportunities, networking and professional presentation, and four appendices featuring more than 30 international fellowships, nearly 200 international internships, and dozens of international moot court and writing competitions.

Visit www.asil.org/careerguide to learn more and to purchase. ASIL member discounts apply.



**American Society
of International Law**

*Serving International Lawyers.
Strengthening International Law.*

2223 Massachusetts Avenue, NW | Washington, DC 20008 | www.asil.org

AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 108

April 2014

NO. 2

CONTENTS

PAGE

- The Meaning of “Force” and the Boundaries of the *Jus ad Bellum*: Are “Minimal” Uses of Force Excluded from UN Charter Article 2(4)?** *Tom Ruys* 159

Are there forcible acts that, because of their small scale or confined purposes, are not prohibited by UN Charter Article 2(4)? Some acts that might fall below a supposed “gravity threshold” are small-scale armed confrontations or counter-terrorist operations, targeted killings, forcible abductions of single individuals, and hostage rescue operations. This article argues that no gravity threshold applies to Article 2(4) and that small-scale acts remain covered by the prohibition on using force. In addition to potentially enabling states to invoke various “grounds precluding wrongfulness” to justify an expanding range of small-scale forcible acts, excluding such acts from the scope of Article 2(4) is conceptually confused and inconsistent with customary practice.

- Remedying Disregard in Global Regulatory Governance: Accountability, Participation, and Responsiveness** *Richard B. Stewart* 211

In exercising their growing powers, the myriad specialized global regulatory bodies tend systematically to disregard the interest and concerns of less powerful groups and individuals, causing them significant harms and deprivations. Important gaps in global regulation also leave the disregarded without vital protections. The article presents a new analytical taxonomy of governance mechanisms—decision rules, accountability mechanisms, and other regard-promoting measures—to diagnose the institutional roots of these injustices and provide a conceptual platform for global governance reform.

Current Developments

- Provisional Measures and the *MV Arctic Sunrise*
Douglas Guilfoyle and Cameron A. Miles 271

International Decisions

Edited by David P. Stewart

- Request for Interpretation of the Judgment of 15 June 1962 in the Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand)* (John D. Ciorciari) 288
- International Court of Justice decision on territorial dispute involving sovereignty over the Temple of Preah Vihear and environs
- Delfi AS v. Estonia* (Mart Susi) 295
- European Court of Human Rights judgment on responsibility of Internet news portal for defamatory comments posted by readers and freedom of expression
- Jones v. United Kingdom* (Chimène I. Keitner) 302
- European Court of Human Rights judgment on whether granting immunity to a foreign state and officials contravenes right of access to court under the European Convention on Human Rights
- In re *Indus Waters Kishenganga Arbitration (Pakistan v. India)* (John R. Crook) 308
- Arbitration awards on hydroelectric dispute regarding stability of water flow under the Indus Waters Treaty

<i>Tza Yap Shum v. Republic of Peru</i> (Shen Wei)	315
ICSID arbitration award interpreting bilateral investment treaty between Peru and China regarding indirect expropriation	
Contemporary Practice of the United States Relating to International Law	
<i>Edited by Kristina Daugirdas and Julian Davis Mortenson</i>	
Another Mexican National Executed in Texas in Defiance of <i>Avena</i> Decision	322
Manhattan Arrest of Indian Consular Official Sparks Public Dispute Between the United States and India	325
United States Questions Claims Based on China's "Nine-Dash Line" in the South China Sea	331
United States Takes Steps to Combat Illegal Trade in Wildlife	334
U.S. Compromises Facilitate Agreement on World Trade Organization's Bali Package; Question Remains Whether Bali Package Requires Congressional Approval	337
Destruction of Syrian Chemical Arms Delayed	340
Iran Nuclear Agreement Is Implemented Notwithstanding Expressions of Distrust by Iran and the U.S. Congress	343
Recent Books on International Law	<i>Edited by Richard B. Bilder</i>
Review Essay	
International Law and Governance in a Changing Arctic (Brian R. Israel)	348
Book Reviews	
Baxter, Richard. <i>Humanizing the Laws of War: Selected Writings of Richard Baxter</i> (Detlev F. Vagts, Theodor Meron, Stephen M. Schwebel, and Charles Keever, eds.) (George H. Aldrich)	359
Shaffer, Gregory C. (ed.). <i>Transnational Legal Ordering and State Change</i> (Galit A. Sarfaty)	362
Posner, Eric A., and Alan O. Sykes. <i>Economic Foundations of International Law</i> (Timothy Meyer)	365
Fassbender, Bardo, and Anne Peters (eds.). <i>The Oxford Handbook of the History of International Law</i> (Jacob Katz Cogan)	371
Edwards, Alice. <i>Violence Against Women Under International Human Rights Law</i> (Jaya Ramji-Nogales)	376
Pauwelyn, Joost, Ramses A. Wessel, and Jan Wouters. <i>Informal International Law-making</i> (Charlotte Ku)	380
Books Received	384
International Legal Materials, Contents, Vol. LII, No. 6; Vol. LIII, No. 1	387

BOARD OF EDITORS

Editors in Chief

JOSÉ ENRIQUE ALVAREZ
New York University School of Law

BENEDICT KINGSBURY
New York University School of Law
University of Utah

DAPO AKANDE
Oxford University
MAHNOUSH H. ARSANJANI
New Haven, Connecticut
EYAL BENVENISTI
Tel Aviv University Faculty of Law
LAURENCE BOISSON DE CHAZOURNES
University of Geneva School of Law
CURTIS A. BRADLEY
Duke University School of Law
JUTTA BRUNNÉE
University of Toronto Faculty of Law
DAVID D. CARON
King's College London Dickson Poon School of Law
CHRISTINE M. CHINKIN
London School of Economics
JOHN R. CROOK
Potomac, Maryland
TOM GINSBURG
University of Chicago Law School
RYAN GOODMAN
New York University School of Law
LAURENCE R. HELFER
Duke University School of Law

DAVID A. MARTIN
University of Virginia School of Law
DONALD M. MCRAE
University of Ottawa Faculty of Law
KAL RAUSTIALA
Univ. of California (UCLA) School of Law
ANTHEA ROBERTS
London School of Economics
Columbia University School of Law
RICHARD H. STEINBERG
Univ. of California (UCLA) School of Law
DAVID P. STEWART
Georgetown University Law Center
JANE E. STROMSETH
Georgetown University Law Center
ALAN O. SYKES
New York University School of Law
CARLOS MANUEL VÁZQUEZ
Georgetown University Law Center
RUTH WEDGWOOD
Johns Hopkins University
INGRID WUERTH
Vanderbilt Law School

DONALD FRANCIS DONOVAN

ex officio

ELIZABETH ANDERSEN

Honorary Editors

GEORGE H. ALDRICH
St. Michaels, Maryland
RICHARD B. BILDER
University of Wisconsin Law School
CHARLES N. BROWER
The Hague, the Netherlands
EDITH BROWN WEISS
Georgetown University Law Center
THOMAS BUERGENTHAL
George Washington Univ. Law School
JAMES R. CRAWFORD
University of Cambridge
ANTHONY D'AMATO
Northwestern University School of Law
RICHARD FALK
University of California, Santa Barbara
TOM J. FARER
University of Denver
MICHAEL J. GLENNON
Fletcher School, Tufts University
ROSALYN HIGGINS
The Hague, the Netherlands
JOHN H. JACKSON
Georgetown University Law Center

FREDERIC L. KIRGIS
Washington and Lee Univ. School of Law
CYNTHIA CRAWFORD LICHTENSTEIN
Boston College Law School
ANDREAS F. LOWENFELD
New York University School of Law
MICHAEL J. MATHESON
George Washington Univ. Law School
THEODOR MERON
The Hague, the Netherlands
JOHN NORTON MOORE
University of Virginia School of Law
BERNARD H. OXMAN
University of Miami School of Law
W. MICHAEL REISMAN
Yale Law School
STEPHEN M. SCHWEBEL
Washington, D.C.
DINAH SHELTON
George Washington Univ. Law School
PETER D. TROOBOFF
Covington & Burling LLP
BURNS H. WESTON
The University of Iowa College of Law

Senior Editors
ANNA ASCHER
STEPHEN SCHER

Associate Editor
JULIE ROBERTS FURGERSON

Publications Manager
EMILY C. CUMBERLAND

Assistant to the Editors in Chief
RACHEL JONES

THE AMERICAN SOCIETY OF INTERNATIONAL LAW

The American Society of International Law was organized in 1906 “to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice.” Society membership is open to all persons of any nationality and profession who are interested in its objectives. Information about membership and sponsorship programs is available online at www.asil.org. The Society is incorporated by an Act of Congress approved September 20, 1950 (64 Stat. 869).

OFFICERS AND EXECUTIVE COUNCIL OF THE SOCIETY, 2014–2015

President LORI FISLER DAMROSCH
Honorary President GABRIELLE KIRK McDONALD
Vice Presidents GARY BORN, ANNE JOYCE, GREGORY SHAFFER,
CHANTAL THOMAS
Executive Vice President and Executive Director ELIZABETH ANDERSEN
Secretary JAMES A. R. NAFZIGER
Treasurer NANCY L. PERKINS

Past Presidents: JOSÉ E. ALVAREZ, CHARLES N. BROWER, EDITH BROWN WEISS, DAVID D. CARON, JAMES H. CARTER, DONALD FRANCIS DONOVAN, LUCY REED, ARTHUR W. ROVINE, ANNE-MARIE SLAUGHTER, PETER D. TROOBOFF

Honorary Vice Presidents: DONALD FRANCIS DONOVAN, DAVID D. CARON, LUCY REED

Council Members: STANIMIR A. ALEXANDROV, ANGELA M. BANKS, DAVID BOWKER, KAREN BRAVO, ANUPAM CHANDER, ELIZABETH CHIEN-HALE, DONALD EARL CHILDRESS III, SARAH H. CLEVELAND, HARLAN COHEN, ANDREW GUZMAN, OONA HATHAWAY, GLENN HENDRIX, SANDRA L. HODGKINSON, DUNCAN B. HOLLIS, CHIMÈNE KEITNER, MEG KINNEAR, K. RUSSELL LAMOTTE, JEREMY I. LEVITT, KEITH LOKEN, ANDREA MENAKER, VINCENT O. NMEHIELLE, CYMIE PAYNE, KAL L. RAUSTIALA, ROBERT D. SLOANE

Counsellors: ROSEMARY BARKETT, DANIEL BETHLEHEM, CHRISTINA CERNA, JOAN E. DONOGHUE, STEPHANIE T. FARRIOR, RITA E. HAUSER, LARRY D. JOHNSON, HAROLD HONGJU KOH, EDWARD K. KWAKWA, SEAN D. MURPHY, SANDRA DAY O’CONNOR, YASUAKI ONUMA, DANIEL M. PRICE, BETH A. SIMMONS, PAUL B. STEPHAN, DAVID P. STEWART, WILLIAM HOWARD TAFT IV, LARRY D. THOMPSON, RUTH WEDGWOOD, PAUL R. WILLIAMS, ADRIEN WING, MARCIA WISS, BRUCE ZAGARIS, NASSIB G. ZIADÉ

PROGRAM OF WORK

In addition to publishing the *American Journal of International Law*, the ASIL offers a variety of information resources and participation opportunities for members as well as nonmembers. These programs, best viewed at www.asil.org, include publications such as *International Legal Materials* and *Studies in Transnational Legal Policy*; electronic bulletins such as *ASIL Insights*, *International Law In Brief*, and *IL.post*; events such as the Annual Meeting and other gatherings in Washington, D.C., and around the world; outreach programs for the judicial sector, the media, and other audiences; an array of resources on the ASIL Web site, such as the Electronic Information System for International Law (EISIL) and the Guide to Electronic Resources for International Law (ERG); and opportunities to be part of an active network bridging expert and nonexpert communities associated with the development of international law.

PHILANTHROPY AND THE SOCIETY

The ASIL accomplishes much of its work through charitable support. The Society is grateful to its many members who contribute to the annual fund and the endowment, the foundations whose grants fund special programs, and the law firms, publishers, universities, and others that sponsor ASIL activity. The Society is particularly honored to receive contributions through the 21st century campaign and Patrons program and to be included in our members' estate plans through the ASIL Heritage Circle. We recognize these contributors below.

21ST CENTURY CAMPAIGN

Leadership (\$1,000,000)
HOWARD M. HOLTZMANN

Leadership (\$250,000)
CHARLES N. BROWER

Elihu Root Patron (\$50,000)
MAHNOUSH H. ARSANJANI AND
W. MICHAEL REISMAN
GARY B. BORN
DAVID D. CARON AND SUSAN SPENCER

DONALD FRANCIS DONOVAN AND
JENNIFER LAKE
LUCINDA A. LOW
DANIEL B. MAGRAW
LUCY F. REED
ARTHUR W. ROVINE
CORDELL HULL PATRON (\$25,000)
LORI FISLER DAMROSC
ELI WHITNEY DEBEVOISE II
JAMES LEITNER
ABBY COHEN SMUTNY

James Brown Scott Patron (\$15,000)
JOSÉ E. ALVAREZ AND SUSAN DAMPLO
CHARLES H. CAMP
DAVID COLSON
GLENN P. HENDRIX
JUDD KESSLER
EDWARD KWAKWA
SEAN D. AND JULIE MURPHY
MARY ELLEN O'CONNELL
DANIEL M. PRICE
ANDRÉS RIGO SUREDA
DON WALLACE JR.

PATRONS

Patrons of the Society have contributed \$10,000 or more to the Society. Patrons may also be recognized posthumously upon such a donation being made in their name.**

DOMINGO E. ACEVEDO
GERALD AKSEN
ARTHUR R. ALBRECHT
GEORGE H. ALDRICH
TEYMOUR A. ALIREZA
JOSÉ E. ALVAREZ AND
SUSAN DAMPLO
DIANE MARIE AMANN
CATHERINE M. AMIRFAR
JAMES G. APPLE
MAHNOUSH H. ARSANJANI
FRANK A. BAUMAN
MRS. RICHARD BAXTER*
DAVID J. BEDERMAN* AND
LORRE B. CUZZE
DANIEL L. BETHLEHEM
RICHARD B. BILDER
R. DOAK BISHOP
JOHN A. BOYD
JOHN BRISCOE
CHARLES N. BROWER
IAN BROWNLEE*
EDITH BROWN WEISS
LEE C. BUCHHEIT
THOMAS BUERGENTHAL
WILLIAM J. BUTLER
SUSANA AND HUGO CAMINOS
CHARLES H. CAMP
DAVID D. CARON AND
SUSAN L. SPENCER
JAMES H. CARTER
TAI-HENG CHENG
DAVID A. COLSON
JAMES RICHARD CRAWFORD
JOHN R. CROOK

ANTHONY D'AMATO
LORI FISLER DAMROSC AND
JEAN BAUER FISLER
ARTHUR H. DEAN*
ELI WHITNEY DEBEVOISE II
SARAH WHITCRAFT DEFORD*
TIMOTHY L. DICKINSON
DONALD FRANCIS DONOVAN
AND JENNIFER LAKE
THOMAS A. DUBBS
EDWARD DUMBAULD*
RICHARD W. EDWARDS, JR.
ALONA E. EVANS*
BENJAMIN B. FERENCZ
THOMAS M. FRANCK*
ALWYN V. FREEMAN*
JOHN KING GAMBLE
RONALD E. M. GOODMAN
CHRISTOPHER J. GREENWOOD
JOHN LAWRENCE HARGROVE
VICTORIA M. HARIRI*
OONA A. HATHAWAY
RITA E. HAUSER
JOHN N. HAZARD*
ALICE AND LOUIS* HENKIN
ROBERT E. HERZSTEIN
ROSALYN HIGGINS
KEITH HIGHT*
HOWARD M. HOLTZMANN
CHARLES A. HUNNICUTT
JOHN H. JACKSON
ANDREW J. JACOVIDES
MARK R. JOELSON
RICHARD A. JOHNSON
KENNETH I. JUSTER

SUSAN L. KARAMANIAN
EDWARD G. KEHOE
FREDERIC L. KIRGIS
CHARLOTTE KU
JEFFREY LANG
ELIHU LAUTERPACHT
ROY S. LEE
JEREMY I. AND
CANDACE C. LEVITT
CYNTHIA CRAWFORD
LICHTENSTEIN
MRS. RICHARD LILLICH
LUCINDA A. LOW AND
DANIEL B. MAGRAW
A. VAUGHAN LOWE
ANDREAS F. LOWENFELD
HOUSTON PUTNAM LOWRY
BRUNSON MACCHESNEY*
ROBERT MACCRATE
RONALD ST. JOHN MACDONALD*
D. STEPHEN MATHIAS
EDWARD WATSON MCWHINNEY
ROBERT F. MEAGHER*
THEODOR MERON
HUSAM MESHAL
W. ROBERT MORGAN*
SEAN D. AND JULIE MURPHY
JAMES A. R. NAFZIGER
VED P. NANDA
ANDRE NEWBURG
MARY ELLEN O'CONNELL
SHIGERU ODA
BERNARD H. OXMAN
JAN PAULSSON
NANCY L. PERKINS

HERMAN PHLEGER*
B. DONOVAN PICARD
DANIEL M. PRICE
LUCY F. REED
W. MICHAEL REISMAN
SANG-MYON RHEE
ANDRÉS RIGO SUREDA
DAVIS R. ROBINSON
WILLIAM D. ROGERS*
ARTHUR W. ROVINE
SEYMOUR J. RUBIN*
PHILIPPE J. SANDS
OSCAR SCHACHTER*
STEPHEN M. SCHWEBEL
ANNE-MARIE SLAUGHTER
ABBY COHEN SMUTNY
EARL A. SNYDER*
BARBARA STARK
ERIC STEIN*
CHARLES W. T. STEPHENSON
JOHN R. STEVENSON*
DAVID P. STEWART
LAURENCE STORCH
ENRIQUE P. SYQUIA
GENEVIEVE E. TILLAR*
PETER D. TROOBOFF
DETLEV F. VAGTS*
CHARLES O. VERRILL, JR.
JILL MCCLANAHAN WATSON
RUTH WEDGWOOD
BURNS H. WESTON
EDWIN D. WILLIAMSON
BASIL S. YANAKAKIS
BRUCE ZAGARIS
NASSIB G. ZIADÉ

* deceased

** Since January 2012, Patron designation requires a contribution of \$15,000 or more.

THE ASIL HERITAGE CIRCLE

Members who include the ASIL in their estate plans and so notify the Society may join the ASIL Heritage Circle.

ANONYMOUS (2)
ELIZABETH ANDERSEN
JAMES G. APPLE
CHARLES N. BROWER
JAMES H. CARTER

SARAH WHITCRAFT DEFORD*
MICHAEL AND MARY ANN FARLEY
THOMAS M. FRANCK*
CHRISTIAN A. HERTER, JR.*
CHARLOTTE KU

CYNTHIA CRAWFORD
LICHTENSTEIN
H. C. L. MERILLAT*
SEAN D. AND JULIE MURPHY
MARY ELLEN O'CONNELL

OSCAR SCHACHTER*
ERIC STEIN*
JOHN R. STEVENSON*
GENEVIEVE EAGON TILLAR*
RICHARD YOUNG*

* granted posthumously

ALEXANDER FREEMAN
ARTHUR K. KUHN

HENRY C. MORRIS

IN MEMORIAM

JAMES BROWN SCOTT
STANLEY P. SMITH

More information about these and other ASIL philanthropic activities can be found at
www.asil.org/financialsupport.cfm.

ORDERS AND INQUIRIES

Subscriptions, Back Issues, and Cumulative Indexes: The *American Journal of International Law* (ISSN 0002-9300) is published quarterly, in January, April, July, and October, and is supplied to all members of the American Society of International Law. The annual subscription rate for nonmembers is \$230 (\$270 outside U.S.). Annual subscription orders should be sent to P.O. Box 164, Washington, DC 20055-0164. Order forms and other information are available online at <http://www.asil.org>. Claims for undelivered issues must be made in writing to the Society (American Journal of International Law, 2223 Massachusetts Avenue, NW, Washington, DC 20008-2064; fax (202)797-7133) within three months of the mailing date specified online at <http://www.asil.org/claims.htm>. Volumes 1 (1907) to date are available from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY 14209-1987, USA, toll-free (800) 828-7571. Cumulative indexes are also available from Hein: 1941–1960, 1961–1970, 1971–1980, 1981–1990, 1991–2000, and 2001–2010.

The *Journal* is also available in nonprint forms:

- Online through JSTOR, the archive/database of scholarly journals, either through individual subscriptions by ASIL members only ((202) 939-6000), or through institutional subscriptions (JSTOR, 149 Fifth Avenue, 8th Floor, New York, NY 10010, (212) 358-6400). See <http://www.jstor.org> for a current list of institutional subscribers.
- Online, through: Hein Online, a service of William S. Hein & Co., Inc., at <http://www.heinonline.org>; Mead Data Central, Inc., provider of the LEXIS®/NEXIS® services, P.O. Box 933, Dayton, OH 45401, USA, toll-free (800) 227-9597; and West Publishing Company, provider of WESTLAW®, P.O. Box 64526, St. Paul, MN 55164-0526, USA, toll-free (800) 937-8529.
- On microform, from: William S. Hein & Co., Inc., 2350 North Forest Road, Getzville, NY 14068, USA, toll-free (800) 828-7571; and University Microfilms, 300 North Zeeb Road, Dept. P.R., Ann Arbor, MI 48106, USA, toll-free (800) 521-0600; or 30–32 Mortimer Street, Dept. P.R., London WIN 7RA, England.
- On CD-ROM format, from: University Microfilms.

For **permission to reuse** materials from the *American Journal of International Law*, please access www.copyright.com, or contact the Copyright Clearance Center, Inc. (CCC), 222 Rosewood Drive, Danvers, MA 01923, (978) 750-8400. CCC is a not-for-profit organization that provides licenses and registration for a variety of users.

Advertising: Inquiries should be sent to the Communications and Development Coordinator, ASIL, 2223 Massachusetts Avenue, NW, Washington, DC 20008-2864, tel. (202) 939-6000; fax (202) 797-7133.

* * * * *

Periodicals postage paid at Washington, DC, and at additional mailing office. POSTMASTER: Send change of addresses to American Journal of International Law, 2223 Massachusetts Ave., NW, Washington, DC 20008-2864.

AMERICAN JOURNAL OF INTERNATIONAL LAW

The views expressed in the articles, editorial comments, book reviews, and all other contributions to the *AJIL* are those of the individual authors and are not to be taken as representing the views of the Board of Editors or the American Society of International Law.

SUBMISSION OF MANUSCRIPTS

The *American Journal of International Law* (AJIL) invites submission of manuscripts on international law subjects. The *Journal's* coverage extends beyond public international law to closely related issues of global governance, transnational law, and national or sub-state law. It generally does not publish manuscripts focused on purely private or commercial law or on comparative or foreign law, including the internal law of the European Union. The *Journal* will not consider submissions whose content has been, or will be, published before it appears in this journal.

The *Journal* typically receives over 400 submissions each year for lead articles, current developments, or notes and comments from scholars and practitioners around the world. All such submissions are considered by the co-editors in chief as soon as feasible upon receipt, with expedited attention paid to exclusive submissions and to manuscripts, including candidates for notes, comments and current developments, that are less than 11,000 words. Submissions that are candidates for lead articles must receive, in addition to the approval of the co-editors in chief, the approval of two members of the Board of Editors in order to receive an offer of publication. (Where a submission presents a conflict of interest for the co-editors in chief, as with respect to submissions written by full-time members of the law faculty of New York University, the manuscript is handled by other members of the Board of Editors. Where only one of the two co-editors in chief has such a conflict of interest, the manuscript is handled by the other.) The process for peer review may involve members of the Board and outside scholars consulted for this purpose. This process ordinarily is double blind (meaning that the identity of the authors is unknown to the peer reviewers and vice versa). On occasion, this peer review process generates requests by the co-editors in chief for revision and resubmission. If ultimately rejected, manuscripts ordinarily are not resubmitted to the *Journal*.

Exclusive Submissions:

The *Journal* does not require exclusive submissions. Priority consideration will, however, be accorded where the author states that the submission is exclusive for a specified period of at least six weeks and commits to accept an offer of publication within the specified time period. Authors should bear in mind that, as a professionally juried journal, the *Journal* is rarely if ever able to make offers of publication in response to requests for expedited review within the time limits typically fixed by other journals that have made offers of publication.

Format and Style Guidelines:

All manuscripts should be double-spaced in 12-point Times New Roman type; these formatting requirements apply to all text, quotations, and footnotes. The maximum length for lead articles is 30,000 words (including footnotes which should be complete and generally in conformity with *The Chicago Manual of Style* (16th ed. 2010), *The Bluebook: A Uniform System of Citation* (19th ed., 2010) as well as the AJIL Style Guide.

Shorter pieces with less discursive footnotes, including submissions for lead articles, are strongly encouraged and may receive more expedited review. The maximum length for "Current Developments" and "Notes and Comments" submissions is 11,000 words. All manuscripts should be accompanied by the author's CV (in a separate document and including a list of publications) as well as a short abstract of no more than 150 words.

Given the volume of submissions to the *Journal*, authors are strongly urged to strictly adhere to these guidelines; manuscripts that exceed the word limits indicated, are not generally in conformity with *The Chicago Manual of Style*, or whose footnotes are not in accord with *The Bluebook*, (see above) may be rejected for these reasons alone.

Submissions should be in electronic form and should be transmitted as attachments to e-mail messages addressed to ajil@asil.org. For the *Journal's* complete submissions guidelines information, please visit <http://www.asil.org/ajil-submissions>.

The *Journal* currently uses Word 2010/2007 but can convert manuscripts created in other word processing programs. (In such cases, please specify the program used. Documents must be in easily edited formats.) Please do not send manuscripts in PDF format.

INDEXES AND ABSTRACTS CARRYING AJIL

The *American Journal of International Law* is included in *Dietrich's Index Philosophicus*; EBSCOhost databases; Elsevier databases including SCOPUS; Gale sources including *Academic OneFile*, *Current Law Index*, *General One-File*, *Legal Resources Index*, and *LegalTrac*; H.W. Wilson sources including *Index to Legal Periodicals & Books*, *Index to Legal Periodicals Full Text*, and *Index to Legal Periodicals Retrospective*; IBR—*International Bibliography of Book Reviews of Scholarly Literature in the Humanities and Social Sciences*; IBZ—*International Bibliography of Periodical Literature in the Humanities and Social Sciences*; *Index to Foreign Legal Periodicals*; *International Political Science Abstracts*; ProQuest databases including *CSA Political Science & Governments*, *International Bibliography of the Social Sciences (IBSS)*, *ProQuest Central*, *ProQuest Military*, and *ProQuest Research Library*; *SwetsWise Online Content*; and Thomson Reuters databases including *Current Contents Connect*, *Social Sciences Citation Index*, and *Web of Science*.

Copyright © 2014 by The American Society of International Law
Printed by Cadmus Professional Communications, Lancaster, PA 17601