JULY 2015 ■ VOLUME 109, NUMBER 3

# American Journal of International Law

#### **INSIDE THIS ISSUE**

- Symposium:
  - **Exploring Comparative**
  - **International Law**
  - Anthea Roberts, Paul Stephan
  - Pierre-Hugues Verdier, Mila Versteeg
  - Katerina Linos
  - Neha Jain
  - Mathias Forteau
  - Christopher McCrudden
- Editorial Comment: The Executive's Misplaced Reliance on War Powers "Custom" Michael J. Glennon
- Notes & Comments: Responses to Koh and Buchwald on the Crime of Aggression Alain Pellet Bing Bing Jia



PUBLISHED BY The American Society of International Law

## Debate, Discussion, and Problem Solving



#### ASIL 110TH ANNUAL MEETING MARCH 31 – APRIL 2, 2016 WASHINGTON, DC Save the Date!

With over a century of tradition and experience behind it, the American Society of International Law's Annual Meeting has become the most important gathering in the field of international law.

More than 1,200 practitioners, academics, and students travel to Washington, DC, each spring from all over the world to debate and discuss the latest developments in their field.

Visit **www.asil.org/annualmeeting** to learn more. ASIL member discounts apply.



Serving International Lawyers. Strengthening International Law.

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

is a bit like an overflowing buffet table of international law dishes. It brings people from all over the world, interesting topics, and is truly a defining event for international law aficionados.

The Annual Meeting

Lucinda Low Partner, Steptoe & Johnson, LLP

### AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 109

#### July 2015

NO. 3

#### CONTENTS

PAGE

#### **Exploring Comparative International Law**

This symposium explores the possibilities of "comparative international law": as a field, a cluster of inquiries using comparative methods, or a set of approaches to aspects of international law. These articles frame this inquiry, examine issues of methodology, discuss the uses and limits of comparative materials in adum- brations of general principles of (international) law and in analyses of customary international law and treaty law, and present comparative multicountry research on international law in national legal systems.	
Comparative International Law: Framing the Field	
Anthea Roberts, Paul B. Stephan, Pierre-Hugues Verdier, and Mila Versteeg	467
How to Select and Develop International Law Case Studies: Lessons from	/
Comparative Law and Comparative Politics Katerina Linos	475
Comparative International Law at the ICTY: The General Principles Experiment	606
Neha Jain	486
Comparative International Law Within, Not Against, International Law: Lessons from the International Law Commission Mathias Forteau	498
	498
International Law in National Legal Systems: An Empirical Investigation <i>Pierre-Hugues Verdier and Mila Versteeg</i>	514
Why Do National Court Judges Refer to Human Rights Treaties? A Comparative	714
International Law Analysis of CEDAW Christopher McCrudden	534
Editorial Comment	
The Executive's Misplaced Reliance on War Powers "Custom" Michael J. Glennon	551
Notes and Comments	
Response to Koh and Buchwald's Article: Don Quixote and Sancho Panza Tilt at	
Windmills Alain Pellet	557
The Crime of Aggression as Custom and the Mechanisms for Determining Acts of	
Aggression Bing Bing Jia	569
The Francis Deák Prize	582
Nominations for the Board of Editors	582
Current Developments	
The 2014 Judicial Activity of the International Court of Justice Christine Gray	583
International Decisions Edited by David P. Stewart	
Prosecutor v. Ruto (Charles Chernor Jalloh)	610
International Criminal Court Appeals Chamber decision on power of trial chambers to subpoena unwilling witnesses and duties of states parties to comply	

<i>China—Measures Related to the Exportation of Rare Earths, Tungsten, and Molybdenum</i> (Elizabeth Trujillo)	616
World Trade Organization Appellate Body report on rare earths export restric- tions of China under its GATT obligations regarding health and the environ- ment	
Shepherd v. Germany (Klaus Ferdinand Gärditz)	623
European Court of Justice judgment on qualification of deserters claiming to be conscientious objectors for protection as refugees under European law	(2)
Konaté v. Burkina Faso (Dinah Shelton)	630
African Court on Human and Peoples' Rights judgment on penalizing freedom of expression, especially of journalists charged with criminal defamation	(2)
Zivotofsky ex rel. Zivotofsky v. Kerry (Ingrid Wuerth)	636
U.S. Supreme Court decision on president's constitutional authority to prohibit U.S. citizens born in Jerusalem from designating "Israel" as their birthplace on passports	
Contemporary Practice of the United States Relating to International Law	
Edited by Kristina Daugirdas and Julian Davis Mortenson	
United States Adjusts Aid to Egypt in Light of Legal and Political Developments	644
P5+1 and Iran Reach Agreement on Iranian Nuclear Program; Obama Administration Seeks Congressional Approval	649
United States Authorizes New Sanctions Program Aimed at Foreign Perpetrators of	(50
Cyberattacks and Cyberexploits Normalization of Cuba-U.S. Relations Continues	658 663
U.S. Navy Continues Freedom of Navigation and Overflight Missions in the South China Sea	000
Despite China's "Island-Building" Campaign	667
U.S. Department of Justice Charges Leaders of FIFA, Affiliate Soccer Organizations, and Sports Marketing Companies in 47-Count Indictment	672
<b>Recent Books on International Law</b> <i>Edited by Richard B. Bilder</i>	
<b>Review Essay</b> Global Judicialization Revisited (José E. Alvarez)	677
Book Reviews	
Neff, Stephen C. Justice Among Nations: A History of International Law	
(Rüdiger Wolfrum)	686
Gostin, Lawrence O. <i>Global Health Law</i> (Gian Luca Burci)	691
Reisman, W. Michael, and Christina Skinner. <i>Fraudulent Evidence Before</i>	
<i>Public International Tribunals: The Dirty Stories of International Law</i> (Nancy Amoury Combs)	697
Llamzon, Aloysius P. Corruption in International Investment Arbitration	0)/
(Stanimir A. Alexandrov)	702
Books Received	707
International Legal Materials, Contents, Vol. 54, No. 3, 4	

#### **BOARD OF EDITORS** Editors in Chief

ex officio

MARK DAVID AGRAST Honorary Editors

JOSÉ ENRIQUE ALVAREZ New York University School of Law

DAPO AKANDE Oxford University KAREN J. ALTER Northwestern University ANTONY ANGHIE University of Utah MAHNOUSH H. ARSANJANI New Haven, Connecticut EYAL BENVENISTI Tel Aviv University Faculty of Law LAURENCE BOISSON DE CHÁZOURNES 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 BHUPINDER SINGH CHIMNI Jawaharlal Nehru University JAMES THUO GATHII Lovola Law School TOM GINSBURG University of Chicago Law School Ryan Goodman New York University School of Law LAURENCE R. HELFER Duke University School of Law LORI FISLER DAMROSCH

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 CHRISTINE M. CHINKIN London School of Economics JAMES R. CRAWFORD University of Cambridge JOHN R. CROOK Potomac, Maryland 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 Senior Editors ANNA ASCHER STEPHEN SCHER

BENEDICT KINGSBURY New York University School of Law University of Utah Alexandra Huneeus University of Wisconsin Law School KAREN KNÓP University of Toronto Law School DONALD M. MCRAE University of Ottawa Faculty of Law CATHERINE POWELL Fordham Law School KAL RAUSTIALA Univ. of California (UCLA) School of Law NATALIE REID Debevoise & Plimpton HENRY J. RICHARDSON, III Temple University Beasley School of Law ANTHEA ROBERTS London School of Economics Columbia University School of Law GREGORY SHAFFER Univ. of California, Irvine School of Law DAVID P. STEWART Georgetown University Law Center Alan O. Sykes Stanford Law School CARLOS MANUEL VÁZQUEZ Georgetown University Law Center INGRID WUERTH Vanderbilt Law School FREDERIC L. KIRGIS Washington and Lee Univ. School of Law Cynthia Črawford Lichtenstein Boston College Law School ANDREAS F. LOWENFELD (1930–2014) New York University School of Law DAVID A. MARTIN University of Virginia 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 RUTH WEDGWOOD SJohns Hopkins University BURNS H. WESTON The University of Iowa College of Law Associate Editor JULIE ROBERTS FURGERSON

Managing Editor 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, 2015-2016

President	Lori Fisler Damrosch
Honorary President	GABRIELLE KIRK MCDONALD
Vice Presidents	yce, Edward Kwakwa, Sean D. Murphy,
	Gregory Shaffer
Executive Vice President and Executive Director	Mark David Agrast
<i>Secretary</i>	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, Karen J. Alter, Angela M. Banks, R. Doak Bishop, Karen Bravo, Donald Earl Childress III, Sarah H. Cleveland, Harlan Cohen, Olufemi Elias, Susan D. Franck, Andrew Guzman, Glenn Hendrix, Sandra L. Hodgkinson, Duncan B. Hollis, Chimène Keitner, Meg Kinnear, K. Russell LaMotte, Keith Loken, Blanca Montejo, Vincent O. Nmehielle, Jide Nzelibe, Cymie Payne, Beth van Schaack, Carlos Vázquez

*Counsellors:* Daniel Bethlehem, Jeffrey Bleich, Marcella David, Joan E. Donoghué, Rita E. Hauser, Larry D. Johnson, Hongju Koh, Elisa Massimino, M. Margaret McKeown, Mary McLeod, Sandra Day O'Connor, Yasuaki Onuma, Daniel M. Price, Richard H. Steinberg, Jane E. Stromseth, Larry D. Thompson, Peter Tomka, Joel P. Trachtman, 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 21<sup>st</sup> century campaign and Patrons program and to be included in our members' estate plans through the ASIL Heritage Circle. We recognize these contributors below.

#### 21<sup>ST</sup> CENTURY CAMPAIGN

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

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

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 AND DANIEL B. MAGRAW ARTHUR W. ROVINE Cordell Hull Patron (\$25,000) R. Doak Bishop James H. Carter Tai-Heng Cheng Lori Fisler Damrosch Eli Whitney Debevoise II

LUCY F. REED

DAVID COLSON

JAMES LEITNER Abby Cohen Smutny **James Brown Scott Patron (\$15,000)** José E. Alvarez and Susan Damplo Charles H. Camp GLENN P. HENDRIX O, THOMAS JOHNSON JUDD KESSLER BENEDICT KINGSBURY CHARLOTTE KU EDWARD KWAKWA GABRIELLE KIRK MCDONALD SEAN D. AND JULIE MURPHY JOSEPH E. NEUHAUS MARY ELLEN O'CONNELL DANIEL M. PRICE ANDRÉS RIGO SUREDA BRUNO SIMMA 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.\*\*

SUSAN L. KARAMANIAN

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 IOHN BRISCOE CHARLES N. BROWER IAN BROWNLIE\* 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 David A. Colson JAMES RICHARD CRAWFORD John R. Crook ANTHONY D'AMATO

LORI FISLER DAMROSCH 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<sup>\*</sup> Oona A. Hathaway RITA E. HAUSER JOHN N. HAZARD\* Alice and Louis\* Henkin ROBERT E. HERZSTEIN ROSALYN HIGGINS KEITH HIGHET\* HOWARD M. HOLTZMANN\* CHARLES A. HUNNICUTT JOHN H. JACKSON Andrew J. Jacovides MARK R. JOELSON RICHARD A. JOHNSON KENNETH I. JUSTER

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<sup>\*</sup> 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 IAN 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<sup>\*</sup> BARBARA STARK ERIC STEIN<sup>3</sup> 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

\*\* 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 \* granted posthumously

\* deceased

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\*

#### Alexander Freeman Arthur K. Kuhn

James Brown Scott Stanley P. Smith

HN HENRY C. MORRIS STANLEY P. SMIT: More information about these and other ASIL philanthropic activities can be found at www.asil.org/financialsupport.cfm.

IN MEMORIAM

#### **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 \$244 (\$285 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<sup>®</sup>/NEXIS<sup>®</sup> services, P.O. Box 933, Dayton, OH 45401, USA, toll-free (800) 227-9597; and West Publishing Company, provider of WESTLAW<sup>®</sup>, 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 coeditors 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 in 30,000 words (including footnotes which should be complete and generally inconformity 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 Sciences.

> Copyright © 2015 by The American Society of International Law Printed by Cadmus Professional Communications, Lancaster, PA 17601