

AJIL

American Journal of International Law

INSIDE THIS ISSUE

- Editorial Comments
Conflicting Approaches to the U.S.
Common Law of Foreign Official Immunity
Curtis A. Bradley
Rethinking Derogations from Human
Rights Treaties
Laurence R. Helfer
- Lead Article
The *Monetary Gold* Principle: Back to
Basics
Zachary Mollengarden and Noam Zamir
- Current Developments
International Law and the 2020
Amendments to the Russian Constitution
Lauri Mälksoo



American Society
of International Law

CAMBRIDGE
UNIVERSITY PRESS

AMERICAN JOURNAL OF INTERNATIONAL LAW

Vol. 115

January 2021

No. 1

CONTENTS

PAGE

Editorial Comments

Conflicting Approaches to the U.S. Common Law of Foreign Official Immunity

Curtis A. Bradley 1

For more than a decade, U.S. courts have struggled to develop a common law immunity regime to govern suits brought against foreign government officials, and they are now divided on a number of issues, including the extent to which they should defer to the executive branch and whether to recognize a *jus cogens* exception. This Editorial Comment considers a more conceptual division in the courts, between an “effect-of-judgment” approach that would confer immunity only when the judgment that the plaintiff is seeking would be directly enforceable against the foreign state, and a broader “nature-of-act” approach that would confer immunity whenever the plaintiff’s case is challenging conduct carried out on behalf of the state. The Comment argues in favor of the nature-of-act approach and explains why analogies in this context to domestic civil rights litigation are misplaced.

Rethinking Derogations from Human Rights Treaties

Laurence R. Helfer 20

Numerous governments have responded to the COVID-19 pandemic by declaring states of emergency and restricting individual liberties protected by international law. However, many more states have adopted emergency measures than have formally derogated from human rights conventions. This Editorial Comment critically evaluates the existing system of human rights treaty derogations. It analyzes the system’s problems, identifies recent developments that have exacerbated these problems, and proposes a range of reforms in five areas—embeddedness, engagement, information, timing, and scope.

Lead Article

The *Monetary Gold* Principle: Back to Basics

Zachary Mollengarden and Noam Zamir 41

In *The Case of the Monetary Gold Removed from Rome in 1943*, the International Court of Justice concluded that it cannot decide a dispute in which a third party’s legal interests “would form the very subject-matter of the decision.” This Article argues that what has become known as the *Monetary Gold* principle conflicts with the Court’s obligation to decide cases submitted by consenting parties and should be abandoned.

Current Developments

International Law and the 2020 Amendments to the Russian Constitution

Lauri Mälksoo 78

International Decisions

Edited by Julian Arato

Australia—Anti-Dumping Measures on A4 Copy Paper (Weihuan Zhou and Delei Peng) 94

WTO Dispute Settlement Panel on remedies for a “particular market situation” under Article 2.2 of the Anti-Dumping Agreement, and use of proxies in calculating remedial duties

Republic of Slovenia v. Republic of Croatia (Brian McGarry) 101

Court of Justice of the European Union on jurisdiction over external arbitration agreements between members, territorial boundaries, and accession

Nevsun Resources Ltd. v. Araya (Beatrice Walton) 107

Supreme Court of Canada on private right of action against corporations for violations of customary international law and act of state doctrine

Contemporary Practice of the United States Relating to International Law

Edited by Kristen Eichensehr

Trump Administration Brokers Accords to Normalize Relations Between Israel and Six Countries 116

WTO Panel Rules Against U.S. Claim that Tariffs on Chinese Goods Are Justified as Necessary to Protect “Public Morals” 120

United States Pursues Regulatory Actions Against TikTok and WeChat Over Data Security Concerns 124

United States Terminates Hong Kong’s Special Status Due to National Security Law Imposed by Beijing 131

United States Imposes Economic Sanctions and Visa Restrictions on International Criminal Court Officials 138

United States Fails to Secure Multilateral Snapback Sanctions Against Iran Congress and the Trump Administration Spar Over U.S. Arms Sales to the Saudi-Led Coalition in Yemen 146

Recent Books on International Law

Edited by Richard B. Bilder

Review Essay

The Limits of Human Rights Limits (Henry J. Richardson III)
Hannum, Hurst. *Rescuing Human Rights: A Radically Moderate Approach* 154

Book Reviews

Ramcharan, Bertrand G. *Modernizing the UN Human Rights System*
(B.S. Chimni) 171

Redse Johansen, Sigrid. *The Military Commander’s Necessity: The Law of Armed Conflict and Its Limits*
(Beth Van Schaack) 176

O'Connell, Mary Ellen. <i>The Art of Law in the International Community</i> (Neha Jain)	183
Delerue, François. <i>Cyber Operations and International Law</i> (Ido Kilovaty)	187
Books Received	193

BOARD OF EDITORS

Editors in Chief

CURTIS A. BRADLEY
Duke University School of Law

LAURENCE R. HELFER
Duke University School of Law

ANNE VAN AAKEN
University of St. Gallen
DAPO AKANDE
Oxford University
KAREN J. ALTER
Northwestern University
ANTONY ANGHIE
National University of Singapore
KARIMA BENNOUNE
Univ. of California, Davis School of Law
LAURENCE BOISSON DE CHAZOURNES
University of Geneva School of Law
GRÁINNE DE BÚRCA
New York University School of Law
BHUPINDER SINGH CHIMNI
Jawaharlal Nehru University
HARLAN GRANT COHEN
University of Georgia School of Law
ASHLEY DEEKS
University of Virginia School of Law
JEFFREY DUNOFF
Temple University Beasley School of Law
MELISSA J. DURKEE
University of Georgia School of Law
JEAN GALBRAITH
University of Pennsylvania Carey Law School
JAMES THUO GATHII
Loyola University Chicago School of Law

TOM GINSBURG
University of Chicago Law School
JACK GOLDSMITH
Harvard Law School
MONICA HAKIMI
University of Michigan Law School
ALEXANDRA HUNEEUS
University of Wisconsin Law School
BING BING JIA
Tsinghua University School of Law
FLEUR JOHNS
Univ. of New South Wales, Sydney School of Law
KAREN KNOP
University of Toronto Faculty of Law
JOHN H. KNOX
Wake Forest University School of Law
KATERINA LINOS
Univ. of California, Berkeley School of Law
CATHERINE POWELL
Fordham Law School
NATALIE REID
Debevoise & Plimpton
HENRY J. RICHARDSON III
Temple University Beasley School of Law
ANTHEA ROBERTS
Australian National University
GREGORY SHAFFER
Univ. of California, Irvine School of Law

ex officio

CATHERINE AMIRFAR
Debevoise & Plimpton
MARK DAVID AGRAST

American Society of International Law

Honorary Editors

GEORGE H. ALDRICH*
St. Michaels, Maryland
JOSÉ ALVAREZ
New York University School of Law
MAHNOUSH ARSANJANI
New Haven, Connecticut
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
The Hague, the Netherlands
JOHN R. CROOK
Potomac, Maryland
LORI FISLER DAMROSCH
Columbia Law School
RICHARD A. FALK
University of California, Santa Barbara
TOM J. FARER
University of Denver
MICHAEL J. GLENNON
Fletcher School, Tufts University

Senior Copyeditor
ERIN LOVALL
Cite-checker
MEGAN CARROLL

Administrative Editor
MEAGHAN KELLY

CYNTHIA CRAWFORD LICHTENSTEIN
Boston College Law School
DAVID A. MARTIN
University of Virginia School of Law
MICHAEL J. MATHESON
George Washington Univ. Law School
THEODOR MERON
Oxford University
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
South Woodstock, Vermont
DINAH L. SHELTON
George Washington Univ. Law School
DAVID P. STEWART
Georgetown University Law Center
PETER D. TROOBOFF
Covington & Burling LLP
RUTH WEDGWOOD
Johns Hopkins University

Submissions Editors 2020–21

JONATHAN J. CHOI
OLIVIA CORAL DANIELS
J. CONNOR DAUGHTON
MARYAM KANNA
REBECCA E. THOMPSON
SIQI WANG
BAILEY WILLIAMS

AMERICAN JOURNAL OF INTERNATIONAL LAW

The *American Journal of International Law (AJIL)* has been published quarterly since 1907. It features articles, essays, and editorial comments by pre-eminent scholars on developments in international law and international relations. *AJIL* contains summaries and analyses of decisions by national and international courts and arbitral or other tribunals, and of contemporary U.S. practice in international law. Each issue lists recent publications in English and other languages, many of which are reviewed in depth. The *AJIL* is indispensable for all professionals working in international law, economics, trade, and foreign affairs.

AJIL (ISSN: 0002-9300) is published quarterly (January, April, July, October) in print and digitally by Cambridge University Press (One Liberty Plaza, 20th floor, New York, NY 10006) on behalf of the American Society of International Law. Periodicals postage rate paid at New York, NY, and at additional mailing offices. POSTMASTER: Send address changes in the USA, Canada, and Mexico to: *American Journal of International Law*, Cambridge University Press, Journals Fulfillment Department, One Liberty Plaza, 20th floor, New York, NY 10006. Send address changes elsewhere to *American Journal of International Law*, Cambridge University Press, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, England.

As a nonpartisan organization whose members hold a diversity of views, the Society refrains from taking positions on policy matters, except in accordance with the formal process set forth in the ASIL Constitution and Regulations. The views expressed in the articles, editorial comments, book reviews, and all other contributions to *AJIL* are those of the individual authors and do not necessarily represent the views of the Board of Editors or the Society.

THE AMERICAN SOCIETY OF INTERNATIONAL LAW

The American Society of International Law (ASIL) is a nonprofit, nonpartisan, educational membership organization founded in 1906 and chartered by Congress in 1950. Headquartered in Washington, D.C., its mission is “to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice.” ASIL holds Special Consultative Status with the Economic and Social Council of the United Nations and is a constituent society of the American Council of Learned Societies.

ASIL's 3,500 members come from more than one hundred nations with nearly 40 percent residing outside the United States. Its members include scholars, jurists, practitioners, government officials, leaders in international and nongovernmental organizations, students, and others interested in international law. Through its many publications, conferences, briefings, and educational events, ASIL seeks to serve the needs of its diverse membership and to advance understanding of international law among policymakers and the public.

ASIL is a volunteer-led organization governed by an elected Executive Council and administered by an executive director and professional staff.

Become a member

asil.org/membership

Join one of the Society's Partner Programs and receive complimentary ad space in *AJIL*

asil.org/financial-support/sponsors-and-institutional-supporters

Follow the Society on Twitter

twitter.com/asilorg

Like us on Facebook

facebook.com/AmericanSocietyofInternationalLaw

OFFICERS AND EXECUTIVE COUNCIL OF THE SOCIETY, 2020–2021

President CATHERINE AMIRFAR
Honorary President PATRICK ROBINSON
Vice Presidents ANDREA K. BJORKLUND, DAVID W. BOWKER, MARINN F. CARLSON, DAVID J. SCHEFFER
Executive Vice President and Executive Director MARK DAVID AGRAS
Secretary JAMES A. R. NAFZIGER
Treasurer NANCY L. PERKINS
Assistant Treasurer RONALD J. BETTAUER
Audit Committee Chair SUSAN KARAMANIAN

Past Presidents: JOSÉ E. ALVAREZ, CHARLES N. BROWER, JAMES H. CARTER, LORI FISLER DAMROSCH, DONALD FRANCIS DONOVAN, LUCINDA A. LOW, SEAN D. MURPHY, LUCY F. REED, ARTHUR W. ROVINE, ANNE-MARIE SLAUGHTER, PETER D. TROOBOFF, EDITH BROWN WEISS

Honorary Vice Presidents: LORI FISLER DAMROSCH, LUCINDA A. LOW, SEAN D. MURPHY

Council Members: JULIAN ARATO, PERRY S. BECHKY, MARNEY L. CHEEK, KATHLEEN E. CLAUSSEN, JACOB KATZ COGAN, STEVEN A. CROWN, MELISSA J. (MJ) DURKEE, REBECCA HAMILTON, STEVEN HILL, CHRISTINA HIOUREAS, REBECCA INGBER, ERIC TALBOT JENSEN, ALOYSIUS (LOUIE) LLAMZON, TIYANJANA MALUWA, DAVID H. MOORE, TAFADZWA PASIPANODYA, PATRICK W. PEARSALL, MARK A. POLLACK, CATHERINE POWELL, BRUCE C. RASHKOW, CAROLINE S. RICHARD, SONIA E. ROLLAND, ELIZABETH TRUJILLO, JARROD WONG

Counsellors: DIANE MARIE AMANN, LAURENCE BOISSON DE CHAZOURNES, NICOLA BONUCCI, JOHN R. CROOK, MARCELLA DAVID, TIMOTHY L. DICKINSON, BRIAN EGAN, JAMES T. GATHI, XUE HANQIN, PETER MASON, M. MARGARET McKEOWN, NATALIE Y. MORRIS-SHARMA, JOSEPH E. NEUHAUS, STEPHEN W. PRESTON, BALAKRISHNAN RAJAGOPAL, STEVEN R. RATNER, NATALIE REID, LEILA NADYA SADAT, DAN SAROOSHI, STEVEN M. SCHNEEBAUM, RICHARD H. STEINBERG, JANE E. STROMSETH, BRUCE C. SWARTZ, PETER TOMKA

PHILANTHROPY AND THE SOCIETY

The American Society of International Law is grateful to its Patrons and the many members who contribute to the Annual Fund and the Endowment. Patron-level donors and Heritage Circle members who have included the Society in their estate plans are acknowledged below. The Society gratefully acknowledges the support of its Law Firm, Publisher and Academic Partners, who are listed on the next page. All institutional partners and individual donors of \$500 and above are acknowledged in the Society's Annual Report for the year in which the gift was made.

LEADERSHIP PATRONS

This category recognizes extraordinary and sustained philanthropic support of the Society.

HOWARD M. HOLTZMANN*

CHARLES N. BROWER

PATRONS (2017–)

Elihu Root Patron (\$50,000)

ANONYMOUS
DONALD K. ANTON
CHARLES N. BROWER
DONALD FRANCIS DONOVAN AND
JENNIFER LAKE
ARTHUR W. ROVINE

Cordell Hull Patron (\$25,000)

CATHERINE M. AMIRFAR
LORI FISLER DAMROSCH AND JEAN FISLER
R. DOAK BISHOP
JAMES H. CARTER
TAI-HENG CHENG
JOHN R. CROOK
ELI WHITNEY DEBEVOISE II
EDWARD G. KEHOE
JAMES G. LEITNER AND TRACY HIGGINS
LUCINDA A. LOW AND DANIEL B.
MAGRAW
SEAN D. MURPHY AND JULIE MURPHY
JENNIFER NEWSTEAD

PAUL S. REICHLER

James Brown Scott Patron (\$15,000)

MARK D. AGRAS AND DAVID M. HOLLIS
ARIF ALI
JOSÉ E. ALVAREZ AND SUSAN DAMPLO
SIMON N. BATIFORT
JULIE BEDARD
ANDREA K. BJORKLUND
DAVID BOWKER
CHARLES H. CAMP
STEVEN CROWN
TIMOTHY L. DICKINSON
CHRISTINA HIIOUREAS
MÉLIDA N. HODGSON
ERIC J. KADEL
BENEDICT KINGSBURY
CHARLOTTE KU
EDWARD KWAKWA
ALOYSIUS LLAMZON
ERIC C. MALLEY
PEDRO MARTINEZ-FRAGA

BRYAN MACPHERSON
STEPHEN C. MCCAFFREY
JOSEPH E. NEUHAUS
PATRICK W. PEARSALL
NANCY L. PERKINS
INA C. POPOVA
NATALIE L. REID
CAROLINE S. RICHARD
PHILIPPE J. SANDS
STEVEN M. SCHNEEBEUM
MORTIMER N.S. SELLERS
JUDGE BRUNO E. SIMMA
BETH VAN SCHAACK
CHRISTOPHER K. TAHBAZ
ROBERT G. VOLTERRA
DON WALLACE, JR.
ADRIEN K. WING
MARCIA A. WISS
SIR MICHAEL CHARLES WOOD

LEGACY PATRONS (TO 2017)

DOMINGO E. ACEVEDO
GERALD ARSEN
ARTHUR R. ALBRECHT
TEYMOUR A. ALIREZA*
GEORGE H. ALDRICH
DIANE MARIE AMANN
JAMES G. APPLE*
FRANK A. BAUMAN*
MRS. RICHARD BAXTER*
DAVID J. BEDERMAN* AND
LORRE B. CUZZE
DANIEL L. BETHLEHEM
RICHARD B. BILDER
JOHN A. BOYD
JOHN BRISCOE
CHARLES N. BROWER
IAN BROWNIE*
EDITH BROWN WEISS
LEE C. BUCHHEIT
THOMAS BUERGENTHAL
WILLIAM J. BUTLER
DAVID D. CARON* AND SUSAN
SPENCER
HUGO AND SUSANA CAMINOS
DAVID A. COLSON
JAMES RICHARD CRAWFORD
JOHN R. CROOK
ANTHONY D'AMATO*
ARTHUR H. DEAN*
SARAH WHITCRAFT DEFORD*

THOMAS A. DUBBS
EDWARD DUMBAULD*
RICHARD W. EDWARDS, JR.
ALONA E. EVANS*
BENJAMIN B. FERENCZ
DONALD 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*
GLENN P. HENDRIX
ALICE AND LOUIS* HENKIN
ROBERT E. HERZSTEIN*
ROSALYN HIGGINS
KEITH HIGGET*
HOWARD M. HOLTZMANN*
CHARLES A. HUNNICUTT
JOHN H. JACKSON*
ANDREW J. JACOVIDES
MARK R. JOELSON
RICHARD A. JOHNSON
O. THOMAS JOHNSON
KENNETH I. JUSTER
JUDD KESSLER

FREDERIC L. KIRGIS
JEFFREY LANG
SIR ELIHU LAUTERPACHT*
ROY S. LEE
JEREMY I. AND CANDACE C. LEVITT
CYNTHIA C. LICHTENSTEIN
RICHARD B. LILLICH* AND
GERDA HEIDEL*
A. VAUGHAN LOWE
ANDREAS F. LOWENFELD*
HOUSTON PUTNAM LOWRY
BRUNSON MACCHESNEY
ROBERT MACCRATE*
RONALD ST. JOHN MACDONALD*
GABRIELLE KIRK MCDONALD
D. STEPHEN MATHIAS
EDWARD WATSON MCWHINNEY*
ROBERT F. MEAGHER*
THEODOR MERON
HUSAM MESHAL
W. ROBERT MORGAN*
VED P. NANDA
ANDRE NEWBURG
MARY ELLEN O'CONNELL
SHIGERU ODA
BERNARD H. OXMAN
JAN PAULSSON
HERMAN PHLEGER*
B. DONOVAN PICARD
DANIEL M. PRICE

LUCY F. REED
W. MICHAEL REISMAN AND
MAHNOUSH H. ARSANJANI
SANG-MYON RHINEE
DAVIS R. ROBINSON
WILLIAM D. ROGERS*
SEYMOUR J. RUBIN*
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
ANDRES RIGO SUREDA
ENRIQUE P. SYQUIA*
GENEVEVE EAGON 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
NASSIB G. ZIADÉ

THE ASIL HERITAGE CIRCLE

Members who have advised the Society that they made provisions to include the Society in their estate plans.

ANONYMOUS (2)
ELIZABETH ANDERSEN
JAMES G. APPLE*
FRANK A. BAUMAN*
CHARLES N. BROWER
JAMES H. CARTER

SARAH WHITCRAFT DEFORD*
MICHAEL AND MARY ANN FARLEY
THOMAS M. FRANCK*
CHRISTIAN A. HERTER, JR.*
SUSAN L. KARAMANIAN
CHIMÈNE KEITNER

CHARLOTTE KU
CYNTHIA CRAWFORD LICHTENSTEIN
H.C.L. MERILLAT*
SEAN D. AND JULIE MURPHY
MARY ELLEN O'CONNELL
LUCY F. REED

OSCAR SCHACHTER*
STEPHEN SCHER
ERIC STEIN*
JOHN R. STEVENSON*
GENEVEVE EAGON TILLAR*
RICHARD YOUNG*

* deceased

LAW FIRM PARTNERS

Platinum

ARNOLD & PORTER KAYE SCHOLER LLP
DEBEVOISE & PLIMPTON LLP
FOLEY HOAG LLP
FRESHFIELDS BRUCKHAUS DERINGER LLP
KING & SPALDING LLP
WHITE & CASE LLP
WILMER HALE LLP

Gold

SULLIVAN & CROMWELL LLP

Bronze

BRYAN CAVE LEIGHTON PAISNER LLP
COVINGTON & BURLING LLP
CURTIS MALLETT-PREVOST, COLT &
MOSLE LLP
DECHERT LLP
JENNER & BLOCK LLP
STEPTOE & JOHNSON LLP

PUBLISHER PARTNERS

Platinum

BRILL NIJHOFF PUBLISHERS
CAMBRIDGE UNIVERSITY PRESS

Silver

OXFORD UNIVERSITY PRESS

Bronze

HART PUBLISHING

ACADEMIC PARTNERS

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW
ARIZONA STATE UNIVERSITY SANDRA DAY O'CONNOR COLLEGE OF LAW
BENJAMIN N. CARDOZO SCHOOL OF LAW
BROOKLYN LAW SCHOOL
CASE WESTERN UNIVERSITY SCHOOL OF LAW
COLUMBIA LAW SCHOOL
CORNELL LAW SCHOOL
DUKE UNIVERSITY SCHOOL OF LAW
EMORY UNIVERSITY SCHOOL OF LAW
FLORIDA STATE UNIVERSITY COLLEGE OF LAW
FORDHAM UNIVERSITY SCHOOL OF LAW
GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL
GEORGE WASHINGTON UNIVERSITY LAW SCHOOL
GEORGETOWN UNIVERSITY LAW CENTER
GRADUATE INSTITUTE OF INTERNATIONAL AND DEVELOPMENT STUDIES OF GENEVA
HARVARD LAW SCHOOL
INDIANA UNIVERSITY MAURER SCHOOL OF LAW
INDIANA UNIVERSITY MCKINNEY SCHOOL OF LAW
LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW
NORTHWESTERN UNIVERSITY PRITZKER SCHOOL OF LAW
PENN STATE'S DICKINSON SCHOOL OF LAW
PEPPERDINE UNIVERSITY SCHOOL OF LAW
QATAR UNIVERSITY COLLEGE OF LAW
STANFORD UNIVERSITY LAW SCHOOL
TEMPLE UNIVERSITY BEASLEY SCHOOL OF LAW
UNIVERSITY OF BALTIMORE SCHOOL OF LAW
UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW
UNIVERSITY OF CALIFORNIA, DAVIS SCHOOL OF LAW
UNIVERSITY OF CALIFORNIA HASTINGS COLLEGE OF THE LAW
UNIVERSITY OF CALIFORNIA, IRVINE SCHOOL OF LAW
UNIVERSITY OF CALIFORNIA, LOS ANGELES SCHOOL OF LAW
UNIVERSITY OF CINCINNATI COLLEGE OF LAW
UNIVERSITY OF COLORADO, BOULDER SCHOOL OF LAW
UNIVERSITY OF GENEVA FACULTY OF LAW
UNIVERSITY OF GEORGIA SCHOOL OF LAW
UNIVERSITY OF HOUSTON LAW CENTER
UNIVERSITY OF IOWA SCHOOL OF LAW
UNIVERSITY OF MIAMI SCHOOL OF LAW
UNIVERSITY OF MICHIGAN LAW SCHOOL
UNIVERSITY OF THE PACIFIC, MCGEORGE SCHOOL OF LAW
UNIVERSITY OF PENNSYLVANIA LAW SCHOOL
UNIVERSITY OF PITTSBURGH SCHOOL OF LAW
UNIVERSITY OF RICHMOND SCHOOL OF LAW
UNIVERSITY OF SOUTHERN CALIFORNIA GOULD SCHOOL OF LAW
VANDERBILT UNIVERSITY LAW SCHOOL
WASHINGTON AND LEE UNIVERSITY SCHOOL OF LAW
WASHINGTON UNIVERSITY SCHOOL OF LAW
YALE LAW SCHOOL

JOURNAL INFORMATION

AJIL is published in print and digitally by Cambridge University Press on behalf of the American Society of International Law. To reduce time between acceptance and publication, contributions may appear online as *FirstView* publications in advance of their scheduled publication in an issue. Discover the entire *AJIL* back archive at www.cambridge.org/ajil/issues.

Subscriptions

The electronic version of *AJIL* is available to all members of the American Society of International Law by login to the ASIL website www.asil.org. Print copies are also supplied to all members.

To subscribe as a non-member or recommend a subscription to your librarian go to www.cambridge.org/ajil.

Submission of Manuscripts

AJIL invites submission of manuscripts on international law subjects. *AJIL*'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. *AJIL* will not consider submissions whose content has been, or will be, published before it appears in this journal.

AJIL welcomes submissions for **Articles, Essays, and Current Developments** via *AJIL*'s electronic submission website mc.manuscriptcentral.com/ajil or through Scholastica at ajil.scholasticahq.com/.

Editorial Comments are written by members of the Board of Editors. Content for the **Contemporary Practice of the United States Relating to International Law** section of *AJIL* is generated by the editor of that section, Kristen Eichensehr, and outside submissions are not accepted. The **Recent Books on International Law** section contains book reviews that are solicited by invitation of the editor, Richard Bilder. *AJIL* strongly encourages authors and publishers to submit books for review in hard copy to: AJIL Book Review Office, 2223 Massachusetts Avenue, NW, Washington, DC 20008-2864, USA.

The **International Decisions** section, edited by Julian Arato, focuses on final decisions (not subject to further appeal) of international courts or national courts on international law issues. It consists of contributions that are mostly proposed to the editor by readers of the *AJIL*. Proposals for International Decisions should be sent to julian.arato@brooklaw.edu.

AJIL Unbound, an online initiative to supplement *AJIL* by publishing short, original essays, periodically issues open calls for short contributions on specified topics.

AJIL is committed to publishing a diversity of authors, whether based in the United States or abroad, and to covering a wide range of subjects and approaches. Suggestions for topics for *AJIL* **symposia or Agora** should be sent to admin_ajil@law.duke.edu.

All submissions must follow the *AJIL* Style Guide. Full instructions on how to prepare and submit your paper may be found here:
www.cambridge.org/core/journals/american-journal-of-international-law/information/instructions-contributors

Claims and Address Updates

subscriptions_newyork@cambridge.org (in the USA, Canada and Mexico)
journals@cambridge.org (elsewhere)

Copyright and Permissions

www.cambridge.org/about-us/rights-permissions.

To Advertise in the Journal

ad_sales@cambridge.org

Abstracting and Indexing Services

www.cambridge.org/ajil/abstracting

For other ASIL Publications

www.asil.org

Proper Citation

AJIL shall be cited according to the following example:
115 *AJIL* 219 (2021)

ISSN: 0002-9300

E-ISSN: 2161-7953

© American Society of International Law