

Volume 116 ■ Issue 2 ■ April 2022

ISSN 0002-9300

AJIL

American Journal of International Law

INSIDE THIS ISSUE

- Manufacturing Statelessness
Neha Jain
- Making Sense of Security
J. Benton Heath
- The Road Not Taken: Comparative
International Judicial Dissent
Jeffrey L. Dunoff and Mark A. Pollack



American Society
of International Law

CAMBRIDGE
UNIVERSITY PRESS

AMERICAN JOURNAL OF INTERNATIONAL LAW

Vol. 116

April 2022

No. 2

CONTENTS

PAGE

Lead Articles

Manufacturing Statelessness

Neha Jain 237

Having recently emerged from its unenviable status as the runt of international law, the phenomenon of statelessness nonetheless eludes traditional international legal instruments. Confronted with questions of nationality that typically fall within the domain of sovereignty, international and regional human rights bodies struggle to rein in the increasingly creative measures that states adopt to obscure the production and persistence of statelessness. This Article uncovers and dissects the different ways in which states manufacture statelessness not through explicitly discriminatory laws and unequal treatment, but through manipulating ostensibly neutral criteria for nationality. The Article identifies three such criteria that are not traditionally considered “suspect” categories for the grant or denial of nationality: time, territory, and administrative practice. It also suggests doctrinal, policy, and strategic tools for identifying and responding to the types of statelessness that are not a collateral consequence of state failure or incompetence, but the outcome of state intentionality.

Making Sense of Security

J. Benton Heath 289

This Article theorizes “security” as a site of continuing struggle in the international system between competing approaches to identifying and responding to urgent threats. Rather than endorsing a single approach, this Article argues that a claim to “security” can imply any one of four approaches to law and policy, each of which has radically divergent implications for who is empowered by a security claim and how that power interacts with existing legal rules. By moving among these four approaches, security claims can disrupt established systems of knowledge-production and redescribe the world in new ways.

The Road Not Taken: Comparative International Judicial Dissent

Jeffrey L. Dunoff and Mark A. Pollack 340

This Article analyzes long-standing disagreements over dissent’s effect on judicial legitimacy, independence, and legal doctrine by undertaking the first comparative study of dissent practices across three leading tribunals, the International Court of Justice, the European Court of Human Rights, and the European Court of Justice. Surprisingly, we find that each of the central claims in debates over dissent at international courts is mistaken. We find that the presence of dissents has little systematic impact on legitimacy; the key factor instead is patterns of dissent that suggest bias among international

judges. We find that the effects of dissent on judicial independence are mediated by a third factor, namely the length and renewability of judicial terms of office. Finally, we find that dissents promote law development, but little evidence that today's dissents form the basis for future majority rulings. We then outline a research agenda to examine the impact of dissent at the larger universe of international courts.

International Decisions

Edited by Julian Arato

- Qatar v. United Arab Emirates* (Geir Ulfstein) 397
 ICJ on discrimination based on nationality or national origin under the Convention on the Elimination of All Forms of Racial Discrimination.
- File 03378-2019-PA/TC* (Juan-Pablo Pérez-León-Acevedo) 403
 Peruvian Constitutional Tribunal on the tension between a woman's right to live free from domestic violence and an accused aggressor's right to a hearing in Peruvian Constitutional Law, International Human Rights Law, and within the Inter-American human rights system.
- Advisory Opinion OC 26/20* (Mariela Morales Antoniazzi) 409
 IACtHR on the consequences of a member state withdrawing from the American Convention on Human Rights and the OAS Charter, and the ongoing effects of the collective guarantee embodied by the Inter-American human rights system.

Contemporary Practice of the United States Relating to International Law

Edited by Kristen E. Eichensehr

- United States Revokes Terrorist Designation Imposed on the Revolutionary Armed Forces of Colombia (FARC), While Designating Splinter Groups 418
- United States Reelected to UN Human Rights Council 422
- United States Makes Efforts to Curb Misuse of Surveillance Technology 426
- United States Pressures China Over Human Rights Abuses 433
- United States Supports International Efforts to End Conflict in Northern Ethiopia 438
- The Biden Administration Cracks Down on Ransomware 445

Recent Books on International Law

Edited by Richard B. Bilder

Book Reviews

- Shaffer, Gregory. *Emerging Powers and the World Trading System: The Past and Future of International Economic Law.*
 (Sonia E. Rolland) 452
- Spain Bradley, Anna. *Human Choice in International Law.*
 (Emilie M. Hafner-Burton) 459
- Meron, Theodor. *Standing Up for Justice: The Challenges of Trying Atrocity Crimes.*
 (Antonio Coco) 463
- Cullen, Holly, Philipp Kastner, and Sean Richmond (eds.). *The Politics of International Criminal Law.*
 (David P. Stewart) 469

Books Received

473

BOARD OF EDITORS

Editors in Chief

CURTIS A. BRADLEY
University of Chicago School of Law

LAURENCE R. HELFER
Duke University School of Law

Section Editors

JULIAN ARATO
Brooklyn Law School
KRISTEN E. EICHENSEHR
University of Virginia School of Law
RICHARD B. BILDER
University of Wisconsin Law School

ANNE VAN AAKEN
University of Hamburg
E. TENDAYI ACHIUME
University of California, Los Angeles Law School
DAPU AKANDE
Oxford University
KAREN J. ALTER
Northwestern University
S. JAMES ANAYA
University of Colorado Law School
ANTONY ANGHIE
National University of Singapore
KARIMA BENNOUNE
Univ. of California, Davis 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
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

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
TIMOTHY MEYER
Vanderbilt University Law School
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
ADRIEN K. WING
University of Iowa College of Law

ex officio

CATHERINE AMIRFAR
Debevoise & Plimpton
MARK DAVID AGRAST
American Society of International Law

Honorary Editors

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
HILARY CHARLESWORTH
Melbourne Law School, Australia
CHRISTINE M. CHINKIN
London School of Economics
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

HAROLD HONGJU KOH
Yale Law School
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
JOEL P. TRACHTMAN
The Fletcher School of Tufts University
PETER D. TROOBOFF
Covington & Burling LLP
RUTH WEDGWOOD
Johns Hopkins University

Senior Copyeditor
ERIN LOVALL

Cite-checker
MEGAN CARROLL

Administrative Editor
MEAGHAN KELLY

Submissions Editors 2021–22
OLIVIA CORAL DANIELS
J. CONNOR DAUGHTON
BENJAMIN C. GREENE
DIANA KENEALY
ROBIN LIU
JANE TIEN
LAURINE F. VERWIEL
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, 2022–2023

President GREGORY SHAFFER
Honorary President CHRISTOPHER GREENWOOD
Vice Presidents ANNA SPAIN BRADLEY, JAMES THUO GATHII, MELIDA N. HODGSON, CATHERINE POWELL
Executive Vice President and Executive Director MARK DAVID AGRAST
Secretary JAMES A. R. NAFZIGER
Treasurer NANCY L. PERKINS
Assistant Treasurer RONALD J. BETTAUER
Audit Committee Chair SUSAN L. KARAMANIAN

Past Presidents: JOSÉ E. ALVAREZ, CATHERINE AMIRFAR, 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: CATHERINE AMIRFAR, LUCINDA A. LOW, SEAN D. MURPHY

Council Members: OLABISI D. AKINKUGBE, SYED ARIF HYDER ALI, SIMON N. BATIFORT, DAVID M. BIGGE, JAY BUTLER, MELISSA J. (MJ) DURKEE, CHRISTIE EDWARDS, NIENKE GROSSMAN, KATHLEEN HELEN HOOKE, NEHA JAIN, DARIN EDWARD-WESLEY JOHNSON, ALOYSIUS (LOUIE) LLAMZON, PEDRO MARTINEZ-FRAGA, DAVID H. MOORE, TAFADZWA PASIPANODYA, PATRICK W. PEARSALL, MARK A. POLLACK, RAFAEL A. PORRATA-DORIA, JR., SONIA E. ROLLAND, THERESA (TRACY) ROOSEVELT, ÁLVARO SANTOS, FRÉDÉRIC GILLES SOURGENS, MILENA STERIO, NAWI UKABIALA

Counsellors: DIANE MARIE AMANN, LAURENCE BOISSON DE CHAZOURNES, NICOLA BONUCCI, FRITS E. BONTEKOE, KAREN R. BRAVO, JOHN R. CROOK, TIMOTHY L. DICKINSON, BRIAN EGAN, MEG KINNEAR, NATALIE Y. MORRIS-SHARMA, ERUCH (ELCHI) NOWROJEE, MÓNICA PINTO, STEPHEN W. PRESTON, BALAKRISHNAN RAJAGOPAL, JAYA RAMJI-NOGALES, STEVEN R. RATNER, NATALIE REID, VICTORIA SHANNON SAHANI, DAN SAROOSHI, MICHAEL O. SCHARF, DAVID L. SLOSS, EDWARD T. SWAINE, BRUCE C. SWARTZ, XUE HANQIN

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

CURRENT PATRONS

Elihu Root Patron (\$50,000)

CHARLES N. BROWER
THE FAMILY OF ROBERT E. DALTON
SUSAN L. KARAMANIAN
CHARLOTTE KU
ARTHUR W. ROVINE

Cordell Hull Patron (\$25,000)

CATHERINE M. AMIRFAR
R. DOAK BISHOP
TAI-HENG CHENG
JOHN R. CROOK
LORI FISLER DAMROSCH AND
JEAN BAUER FISLER*
ELI WHITNEY DEBEVOISE II
JENNIFER ANNE HILLMAN AND
MITCHELL R. BERGER
EDWARD G. KEHOE
CAROLYN B. LAMM
JAMES G. LEITNER AND TRACY HIGGINS
LUCINDA A. LOW AND DANIEL B.
MAGRAW

SEAN D. MURPHY AND JULIE MURPHY
JENNIFER G. NEWSTEAD
PAUL S. REICHLER
GREGORY SHAFFER AND
MICHELE BATCHER GOODWIN
ADRIEN K. WING

James Brown Scott Patron (\$15,000)

MARK D. AGRAST AND DAVID M. HOLLIS
ARIF HYDER ALI
SIMON N. BATIFORT
PERRY S. BECHKY
JULIE BEDARD
DAVID BOWKER
CHARLES H. CAMP
STEVEN A. CROWN
TIMOTHY L. DICKINSON
JONATHAN DRIMMER
CHRISTINA G. HIOUREAS
MÉLIDA N. HODGSON
ÉRIC J. KADEL
CHARLOTTE KU

EDWARD K. KWAKWA
ALOYSIUS LAMZON
BRYAN MACPHERSON AND
PAMELA VAN HINE
ERIC C. MALLEY
PEDRO MARTINEZ-FRAGA
JOSEPH E. NEUHAUS
PATRICK W. PEARSALL
INA C. POPOVA
NATALIE L. REID
CAROLINE S. RICHARD
PHILIPPE J. SANDS
STEVEN M. SCHNEEBaum
MORTIMER N.S. SELLERS
CHRISTOPHER K. TAHBAZ
ROBERT G. VOLTERRA
DON WALLACE, JR.
MARCIA A. WISS
SIR MICHAEL CHARLES WOOD

LEGACY PATRONS

DOMINGO E. ACEVEDO
GERALD ARSEN
ARTHUR R. ALBRECHT
GEORGE H. ALDRICH
TEYMOUR A. ALIREZA*
JOSÉ E. ALVAREZ AND SUSAN
DAMPLO
DIANE MARIE AMANN
DONALD K. ANTON
JAMES G. APPLE*
FRANK A. BAUMAN*
MRS. RICHARD BAXTER*
DAVID J. BEDERMAN* AND
LORRE B. CUZZE
DANIEL L. BETHLEHEM
RICHARD B. BILDER
ANDREA K. BJORKLUND
JOHN A. BOYD
JOHN BRISCOE
CHARLES N. BROWER
IAN BROWNLE*
EDITH BROWN WEISS
LEE C. BUCHHEIT
THOMAS BUERGENTHAL
WILLIAM J. BUTLER
DAVID D. CARON* AND SUSAN
SPENCER
HUGO AND SUSANA CAMINOS
JAMES H. CARTER
TAI-HENG CHENG
DAVID A. COLSON
JAMES R. CRAWFORD*
JOHN R. CROOK
ANTHONY D'AMATO*

ARTHUR H. DEAN*
SARAH WHITCRAFT DEFORD*
DONALD FRANCIS DONOVAN AND
JENNIFER LAKE
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 HIGHT*
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

BENEDICT KINGSBURY
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*
STEPHEN C. MCCAFFREY
GABRIELLE KIRK MCDONALD
EDWARD WATSON MCWHINNEY*
D. STEPHEN MATHIAS
ROBERT F. MEAGHER*
THEODOR MERON
HUSAM MESHAL
W. ROBERT MORGAN*
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 AND
MAHNOUSH H. ARSANJANI
SANG-MYON RHEE
DAVIS R. ROBINSON
WILLIAM D. ROGERS*
SEYMOUR J. RUBIN*
OSCAR SCHACHTER*
STEPHEN M. SCHWEBEL
JUDGE BRUNO E. SIMMA
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*
GENEVIEVE EAGON TILLAR*
PETER D. TROOBOFF
DETLEV F. VAGTS*
BETH VAN SCHAACK
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*
GENEVIEVE EAGON TILLAR*
RICHARD YOUNG*

* deceased

LAW FIRM PARTNERS

Platinum

ALLEN & OVERY LLP
ARNOLD & PORTER KAYE SCHOLER LLP
DEBEVOISE & PLIMPTON LLP
FOLEY HOAG LLP
FRESHFIELDS BRUCKHAUS DERINGER LLP
KING & SPALDING LLP
SIDLEY LLP
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
SULLIVAN & CROMWELL LLP
WHITE & CASE LLP
WILMER HALE LLP

Gold

BRYAN CAVE LEIGHTON PAISNER LLP

Bronze

COVINGTON & BURLING LLP
CURTIS MALLET-PREVOST, COLT &
MOSLE LLP
DECHERT LLP
JENNER & BLOCK LLP
STEPTOE & JOHNSON LLP

PUBLISHER PARTNERS

Platinum

CAMBRIDGE UNIVERSITY PRESS

Silver

BRILL NIJHOFF PUBLISHERS
OXFORD UNIVERSITY PRESS

Bronze

HART PUBLISHING

ACADEMIC PARTNERS

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW
BENJAMIN N. CARDOZO SCHOOL OF LAW
BOSTON COLLEGE LAW SCHOOL
BOSTON UNIVERSITY SCHOOL OF LAW
BROOKLYN LAW SCHOOL
CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW
COLUMBIA LAW SCHOOL
CORNELL LAW SCHOOL
DALHOUSIE UNIVERSITY SCHULICH SCHOOL OF LAW
DUKE UNIVERSITY SCHOOL OF LAW
EMORY UNIVERSITY SCHOOL OF LAW
FLETCHER SCHOOL OF LAW AND DIPLOMACY, TUFTS UNIVERSITY
FLORIDA INTERNATIONAL 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
HAMAD BIN KHALIFA UNIVERSITY COLLEGE OF LAW
HARVARD LAW SCHOOL
HOWARD UNIVERSITY SCHOOL OF LAW
INDIANA UNIVERSITY MAURER SCHOOL OF LAW
INDIANA UNIVERSITY MCKINNEY SCHOOL OF LAW
LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW
LOYOLA UNIVERSITY NEW ORLEANS COLLEGE OF LAW
NEW YORK UNIVERSITY SCHOOL OF LAW
NORTHWESTERN UNIVERSITY PRITZKER SCHOOL OF LAW
PACE UNIVERSITY ELISABETH HAUB SCHOOL OF LAW
PENN STATE'S DICKINSON SCHOOL OF LAW
PEPPERDINE UNIVERSITY SCHOOL OF LAW
STANFORD UNIVERSITY LAW SCHOOL
SYRACUSE UNIVERSITY COLLEGE OF LAW
TEMPLE UNIVERSITY BEASLEY SCHOOL OF LAW
UNIVERSITY OF BALTIMORE SCHOOL OF LAW
UNIVERSITY AT BUFFALO 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 LAW SCHOOL
UNIVERSITY OF DENVER STURM COLLEGE 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 OTTAWA FACULTY OF LAW
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:

116 *AJIL* 219 (2022)

ISSN: 0002-9300

E-ISSN: 2161-7953

© American Society of International Law