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Vol. 112

October 2018

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- Human Rights in War: On the Entangled Foundations of the 1949 Geneva Conventions** *Boyd van Dijk* 553

The relationship between human rights and humanitarian law is one of the most contentious topics in the history of international law. Most scholars studying their foundations argue that these two fields of law developed separately until the 1960s. This article, by contrast, reveals a much earlier cross-fertilization between these disciplines. It shows how “human rights thinking” played a critical generative role in transforming humanitarian law, thereby creating important legacies for today’s understandings of international law in armed conflict.

- A Rule Book on the Shelf? Tallinn Manual 2.0 on Cyberoperations and Subsequent State Practice** *Dan Efrony and Yuval Shany* 583

This article evaluates acceptance of the Tallinn Rules by states on the basis of eleven case studies involving cyberoperations, all occurring after the first Tallinn Manual was published in 2013. Our principal findings are that (1) it is unclear whether states are ready to accept the Tallinn Rules; (2) states show uneven interest in promoting legal certainty in cyberspace; and (3) a growing need for coordinated response to cyberattacks may induce states to consider more favorably the Tallinn Rules.

- Domestic Investment Statutes in International Law** *Jarrod Hepburn* 658

Alongside now-controversial investment treaties, many states also maintain domestic investment statutes. Although these laws offer protections similar to investment treaties and are increasingly applied in investor-state arbitration, they have—unlike the treaties—attracted limited scholarly scrutiny. This article argues that investment statutes can plausibly be characterized either as unilateral acts in international law or as domestic law. The article examines the significant consequences that follow from these characterizations, providing the first comprehensive analysis of these hybrid statutes.

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Imperfect Alternatives: Institutional Choice and the Reform of Investment

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Sergio Puig and Gregory Shaffer

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This Article applies the theory of comparative institutional analysis to evaluate the trade-offs associated with alternative mechanisms for resolving investment disputes. We assess the trade-offs in light of the principle of accountability under the rule of law, which underpins the goals of fairness, efficiency, and peace that are attributed to investment law. The Article makes two recommendations: first, reforms should address complementarity between domestic and international institutions; second, institutional choices should respond to the different contexts that states face.

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The *Jus ad Bellum*'s Regulatory Form *Monica Hakimi* 151

This article argues that a form of legal regulation is embodied in decisions at the UN Security Council that condone but do not formally authorize specific military operations. Such decisions sometimes inflect or go beyond what the *jus ad bellum* permits through its general standards—that is, under the prohibition of cross-border force and small handful of exceptions. Recognizing that this form of regulation is both part of the law and different in kind from regulation through the general standards should change how we think about the *jus ad bellum*.

Specially-Affected States and the Formation of Custom *Kevin Jon Heller* 191

Although the United States has relied on the ICJ's doctrine of specially-affected states to claim that it and other powerful states in the Global North play a privileged role in the formation of customary international law, the doctrine itself has never been systematically developed by the ICJ or by legal scholars. This article fills that lacuna by addressing two questions: (1) what makes a state "specially affected"?; and (2) what is the importance of a state qualifying as "specially affected" for the formation of custom? It concludes that a theoretically coherent understanding of the doctrine would give states in the Global South significant power over custom formation.

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* The section editor has been corrected since original publication. An erratum notice detailing this change was also published (DOI: 10.1017/ajil.2018.57).

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