

Volume 112 ■ Issue 4 ■ October 2018

ISSN 0002-9300

AJIL

American Journal of International Law

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American Society
of International Law

CAMBRIDGE
UNIVERSITY PRESS

AMERICAN JOURNAL OF INTERNATIONAL LAW

Vol. 112

October 2018

No. 4

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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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ISSN: 0002-9300

E-ISSN: 2161-7953

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