2010 has been an exciting year for the Melbourne Journal of International Law (‘MJIL’). A key change to the culture of the Journal has been the successful welcoming of new JD students to the MJIL Committee as part of the ongoing LLB–JD transition at Melbourne Law School.

2010 also saw the beginning of MJIL’s partnership with the Opinio Juris law blog, joining journals such as the Yale Journal of International Law and the Harvard International Law Journal. Online symposia held to coincide with each issue have enabled the Journal to reach a new audience through an exciting and dynamic format.

Our goal in producing Volume 11 of the Journal was to build on the Journal’s solid foundation to cement its reputation as a leading generalist international law journal. The breadth of content as well as the quality of insight shown in Volume 11 attests to both the Journal’s strong reputation as well as the high quality of work performed by members of the MJIL committee.

Issue 11(1) includes pieces on the future of space tourism by Steven Freeland, evolving rules of procedure in international criminal law by Nicolas Croquet and a consideration of international law issues relating to the Balibo Five by Robert Dubler SC. It also includes a commentary by Douglas Guilfoyle on the fight against Somali piracy and a careful consideration of research issues relating to the Mekong River basin by Fleur Johns, Ben Saul, Philip Hirsch, Tim Stephens and Ben Boer. Aspects of the recent China — Audiovisuals WTO Appellate Body Report are considered in a case note by Joost Pauwelyn, while Jacqueline Peel, a member of our Advisory Board, reviews When Cooperation Fails: The International Law and Politics of Genetically Modified Organisms by Mark A Pollack and Gregory C Shaffer. We are also particularly excited to include a feature by Ramesh Thakur on issues of law and legitimacy that confront the United Nations.

Issue 11(2) includes thought-provoking pieces on areas as diverse as global financial regulation, WTO law, cultural property under international law as well as broader issues of public international law both in practice and in theory. We are particularly glad to include pieces by Margaret Young and Rain Liivoja, both faculty members of the Melbourne Law School, on fragmentation of the law relating to endangered marine species and service jurisdiction respectively. We are also excited to include a reflection by the Hon Michael Kirby on his time as UN Special Representative for Human Rights in Cambodia.

We would like to thank everyone who has contributed to the publication of Volume 11 of the Journal, including our authors, anonymous referees and members of our Committee, Advisory Board and the broader MJIL family. We would also like to thank the University of Melbourne and our major sponsors, Allens Arthur Robinson, Freehills and Mallesons Stephen Jaques, for their support and generosity.

Tim Farhall, Christopher Hibbard and Mary Quinn

2010 MJIL Editors

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mjl.law.unimelb.edu.au  law-mjil@unimelb.edu.au
WTO MOOT TEAM 2010

In 2010 MJIL General Member Brendan Fitzgerald competed as part of the Melbourne Law School World Trade Organisation Moot Team alongside Tim Lau, Dean Merriman and Katherine Tomasic in the European Law Students Association (‘ELSA’) WTO Moot Competition. The 2010 WTO moot problem involved questions of international trade law and its intersection with intellectual property rights and regional trade agreements.

The team finished in the top four teams in the Final Round of the Competition held in Santo Domingo, Dominican Republic.

The team received awards for the best respondent’s written submission in the global competition and for winning the Asia-Pacific regional round. All members of the team received prizes, including scholarships to the International Economic Law and Policy Organization masters course in Barcelona, Spain.

JESSUP MOOT TEAM 2010

In 2010 Jordina Rust (MJIL Assistant Editor), Nahal Zabarjadi (Assistant Editor), James Ellis (Assistant Editor), Stephen Muirhead (General Member) and Vincent Vuu competed as part of the Melbourne Law School team in the 2010 annual Philip C Jessup International Law Moot Court Competition.

The competition problem addressed issues including the self-determination of peoples, sovereignty over territory, permanent sovereignty over natural resources and international investment law. The team performed strongly in Canberra, Australia and narrowly missed a place in the regional rounds.

The team was coached by Mr Kevin Heller, MJIL Advisory Board Member and Senior Lecturer at Melbourne Law School.

MJIL is pleased to announce the appointment of Chris Gordon (2011 MJIL Case Note Editor) to the 2011 Jessup Moot Team. Laura Bellamy (2009 MJIL Editor) is the team coach.
In 2010 MJIL began an exciting association with the highly respected and widely read law blog Opinio Juris <www.opiniojuris.com>. Since then, MJIL has staged two ‘online symposia’ featuring blog-sized versions of articles published in the Journal. MJIL invites professors and practitioners with similar research interests or areas of expertise to address the key arguments of each piece. The authors are then given the opportunity to respond to these comments and critiques.

Online symposia are a valuable opportunity to draw academics and commentators from the same field into a discussion of the finer points of their argument or thesis. The published exchanges highlight points of contention and divergence in the field, and open the debate to new perspectives. Further, the symposia provide a forum in which other academics, students and other interested parties can participate in further debate and discourse on MJIL texts.

The online symposia have also proven to be a means of allowing debate to keep pace with recent events and to reflect the complexity of a live issue as facts emerge. The November 2010 Symposium featured a piece by Douglas Guilfoyle about the applicability of International Humanitarian Law to the issue of Somali piracy. After publication in Issue 11(1) of MJIL and during preparations for publication on Opinio Juris, it became clear that links had developed between parties in the Somali civil war and the pirates operating of the Gulf of Aden. The symposium gave Dr Guilfoyle the opportunity to respond to these developments and outline their impact on his argument.

Other featured exchanges have ranged from theoretical explorations of law, legitimacy and justice in relation to the role of the United Nations with Professor Ramesh Thakur, to a discussion on how to conceptualise and legally define private space flight with Professor Steven Freeland. We have been fortunate to have a series of excellent respondents who have provided thorough analysis and thought provoking responses. We greatly appreciate their contribution, and that of the authors who have allowed us to feature their work.

Many thanks go to Opinio Juris and Kevin Jon Heller in particular, for inviting us to participate in this partnership. We look forward to further exploring some of the articles in Issue 11(2) in our next symposium.

To view the 2010 symposia, head to:


Jordina Rust
MJIL Assistant Editor

The 2010 inaugural Global Justice and Law Film Series, organised in collaboration with Melbourne Law School’s Global Justice Studio, was a great success and will become an annual event on the MJIL calendar. The series consisted of two evenings with a reception, film screening and subsequent discussion led by prominent academics.

The first film shown in 2010 was Aguirre, the Wrath of God, with Professor Gerry Simpson, MJIL Advisory Board Member, speaking about the intersection of empire, sovereignty and international law. The second film shown was Waltz with Bashir, with Professor Ghassan Hage providing a commentary on the film with respect to depictions of the 1982 Lebanon war.
UNTOLD STORIES: HIDDEN HISTORIES OF WAR CRIMES TRIALS

The ‘Untold Stories’ symposium, convened by Jennifer Balint, Kevin Heller and Gerry Simpson, took place at Melbourne Law School over three days in October 2010. The idea behind the symposium was to uncover and explore some of the less well-known war crimes trials with a view to recognising institutional innovations predating the more familiar landmarks.

The initial call for papers generated a great deal of interest and the symposium brought together 31 scholars from around the world who are researching such trials. Presenters spoke on an extraordinarily diverse range of topics including recent proceedings in Ethiopia and Cambodia, post-World War II trials in Hong Kong, Finland and Australia and the prosecution of industrialists who facilitate the commission of war crimes.

Of particular fascination were the presentations that focused on some of the older, more obscure, war crimes trials in history. Mr Benjamin Brockman-Hawe travelled from the Special Tribunal for Lebanon to talk about the nineteenth century trial of Siamese commander Phra Yot before the Franco-Siamese mixed court. Associate Professor Gregory S Gordon from the University of North Dakota provided fresh insights on the 1474 prosecution of Peter von Hagenbach in the Holy Roman Empire, widely recognised as one of the earliest international war crimes trials.

The keynote address on the Crime of Aggression was presented as an engaging, and often entertaining, public lecture by Professor Roger Clark of Rutgers Law School. This was followed by the official symposium dinner at University House which gave participants an opportunity to socialise outside the formal conference setting while enjoying a performance by a cello and violin duo from the VCAM who, inspired by the themes of the symposium, played early 20th century classical pieces.

At the end of a very successful three days, participants reflected on the highly informative and thoughtful presentations, and considered the significance of the symposium for future scholarship in this important, and until now, often neglected area of international criminal law.

Monique Cormier
Research Associate
ARC War Crimes History Project
Melbourne Law School

AUSTRALIAN GUIDE TO LEGAL CITATION: 3RD EDITION

2010 marked the culmination of more than two years of hard work by MJIL in collaboration with the Melbourne University Law Review (’MULR’) to produce the third edition of the Australian Guide to Legal Citation (’AGLC3’), the premier citation guide for legal scholars, students and practitioners in Australia. MJIL is particularly proud to have contributed a substantive section on how to cite international legal materials, in addition to assisting with the revision of all sections. From 2010, the AGLC3 has replaced the Melbourne Manual for International Law Citation as the official MJIL style guide.

The production of the AGLC3 was jointly overseen by General Editors Sara Dehm (2009 MJIL Editor) and Dave Heaton (2009 MULR Editor) with the assistance of a committee composed of members of both journals, including MJIL members James Ellis, Christopher Hibbard and Errol Lloyd. Editorial and non-editorial members of both journals provided further support, as did the Melbourne Law School faculty and members of the wider legal community.

The keynote address on the Crime of Aggression was presented as an engaging, and often entertaining, public lecture by Professor Roger Clark of Rutgers Law School. This was followed by the official symposium dinner at University House which gave participants an opportunity to socialise outside the formal conference setting while enjoying a performance by a cello and violin duo from the VCAM who, inspired by the themes of the symposium, played early 20th century classical pieces.

At the end of a very successful three days, participants reflected on the highly informative and thoughtful presentations, and considered the significance of the symposium for future scholarship in this important, and until now, often neglected area of international criminal law.

Monique Cormier
Research Associate
ARC War Crimes History Project
Melbourne Law School

Mary Quinn
2010 MJIL Editor

The AGLC3 was launched on 21 October 2010 at Melbourne Law School by Hilary Charlesworth, Professor of International Law and Human Rights at the Australia National University College of Law.

MJIL and MULR would like to thank Arnold Bloch Leibler, Freehills and Mallesons Stephen Jaques for their generous sponsorship of the third edition.
International economic law (IEL) is generally seen as having three main branches: international trade (including the World Trade Organization (WTO) and preferential trade agreements); international investment; and international monetary policies. The global Society of International Economic Law (SIEL) was formally launched in July 2008, when it held its first biennial conference in Geneva. SIEL’s second biennial conference was held in Barcelona from 8 to 10 July 2010, hosted by the University of Barcelona and its IELPO Programme (which offers a Master of Laws in International Economic Law and Policy). SIEL targets ‘academics and academically-minded practitioners and officials in the field of IEL, in all parts of the world’, with the goals of building networks, fostering local expertise in IEL, representing the discipline of IEL in relevant fora, and encouraging ‘research, practice, service and teaching’ in IEL.

Melbourne Law School excels in IEL, with numerous academics engaged in research and teaching in this field, including through the LLB subject International Economic Law and the LLB/JD subjects Institutions in International Law and WTO: Moot Court Competition. Indeed, Melbourne Law School is the only institution to have won the European Law Students’ Association WTO Moot Court Competition more than once, and a number of Melbourne Law School students have won prizes to undertake coursework offered in the IELPO programme, following their successes in this competition. The Melbourne Law Masters office offers a Graduate Diploma in International Economic Law, as well as individual subjects such as International Economic Law; WTO Law and Dispute Settlement; Developing Countries and the WTO; Global Financial Order: IMF and World Bank; Trade and Environment; Trade, Human Rights and Development and International Investment Law and Arbitration. In 2011, one of the highlights of the programme will be the exciting new subject Trade, Intellectual Property Rights and Public Health, which will be taught by visitors Antony Taubman (Director, Intellectual Property Division, WTO) and Jayashree Watal (Counsellor, Intellectual Property Division, WTO).

Five Melbourne Law School academics were involved in the conference in Barcelona. I presented a paper co-authored with Associate Professor Andrew Mitchell on China’s telecommunications obligations in the WTO. Jürgen Kurtz (Senior Lecturer and Director of Studies, Graduate Diploma of IEL) chaired a panel on ‘Trade and Investment in Comparative Perspectives’. Margaret Young (Senior Lecturer) gave a presentation on climate change and international trade law, and Associate Professor Sarah Biddulph also attended to further her research collaboration with a number of the international participants.

The conference involved an extremely full programme on all aspects of IEL over two and a half days in sunny Barcelona, with many of the sessions being held in parallel. Highlights included the Robert Hudec Lecture by Professor Joseph Weiler (New York University) — entitled ‘Constituting a Global Economic Public Space’ and held in the magnificent Salo de Cent — and key note speeches by Professor Giorgio Sacerdoti (Bocconi University, Milan and former Member of the WTO Appellate Body) and Professor Gabrielle Marceau (University of Geneva and Counsellor, Legal Affairs Division of the WTO). Other distinguished contributors included SIEL President, Professor Donald McRae (University of Ottawa and Member of the International Law Commission) and Professor Don Regan (University of Michigan). More junior academics and practitioners were also well-represented, with the conference covering cutting edge topics ranging from contemporary jurisdictional problems in investor-State arbitration to the development of a WTO framework agreement on trade in energy. Some sessions had a regional focus (for example, African perspectives on trade and agriculture; a Latin American perspective of the relationship between climate change and trade; perspectives on IEL and China), while others focused on methodological or conceptual issues concerning IEL and its relationship with other policy objectives such as health and safety.

In sum, the conference was extremely vibrant, thought-provoking and enjoyable, assisting in cementing SIEL’s significance in the IEL field and paving the way for the next biennial SIEL conference, to be held in Singapore from 12 to 14 July 2012, hosted by the National University of Singapore.

Tania Voon
MJIL Advisory Board Member
Associate Professor, Melbourne Law School
Executive Council Member, SIEL
MJIL ANNUAL COCKTAIL EVENING

The Journal’s annual cocktail party was held on 18 August 2010 at the Blue Diamond Club on Queen Street, Melbourne. The party was extremely well attended by MJIL Committee members, Advisory Board Members, authors and general friends of the Journal alike.

We were particularly honoured to have Mark Drumbl, Class of 1975 Alumni Professor at Washington & Lee University, as a guest speaker. Professor Drumbl gave a nuanced and thought-provoking address on the general utility of international law with interesting examples drawn from his own experiences and observations of international criminal law.

After the speech, the 2010 Editors were proud to present the 2011 Editors, recently elected at the 2010 Annual General Meeting, to the broader MJIL community. Sam Naparstek, Tiong Tjin Saw and Suzanne Zhou bring with them a broad experience of the various positions in MJIL as well as an impressive knowledge of international law. We are confident they will uphold their new roles to the highest standards and be strong advocates for the Journal in the year to come.

Christopher Hibbard
2010 MJIL Editor

We would like to thank all those who helped us celebrate our 11th anniversary.

We wish Sam Naparstek, Tiong Tjin Saw and Suzanne Zhou, the 2011 Editors-elect, all the best for the coming year.
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THE UNIVERSITY OF MELBOURNE
**ALUMNI NEWS**

This year, we invited *MJIL* alumni Lydia Wong, Jeremy Leung and Alex Bowen to reflect on their time beyond the Law School at our sponsor firms: Allens Arthur Robinson, Freehills and Mallesons Stephen Jaques respectively.

**Lydia Wong**  
**Solicitor, Allens Arthur Robinson**

After finishing uni at the end of 2006, I spent half a year perfecting my filing, photocopying, and trolley-pushing skills as a full time paralegal at Middletons. My reward for this stint was a four-month travelling adventure that took me through the USA, Western Europe, Morocco and China before returning to Melbourne to do my articles at Allens Arthur Robinson (‘AAR’) in 2008. Encounters with commercial law during my time at AAR include assisting with selling a cheese factory, attempting to improve Melbourne’s public transport system and learning the intricacies of easements that make up a sewerage system. However after three years based in Melbourne, the ‘international’ bug has bitten again and I will be taking a leave of absence from AAR to head to London in early 2011 for new work and travel opportunities.

My fond memories of *MJIL* include mastering the art of spotting an italicised full stop at Proofreading Days as a General Member, selecting the canapés for the Cocktail Party as Events Manager, and wading through interesting submissions as the Submissions Coordinator in 2006. I am also the benefactor of the *MJIL* jaffle-maker, although I hope that in the interests of the health and safety of *MJIL* members the jaffle-maker has since been retired.

**Jeremy Leung**  
**Graduate, Freehills**

A series of keyboard entries and clicks later, you get to your final results for those final subjects and suddenly realise, ‘that's it, folks!’ Your university career has ended with an uplifting crescendo and you are left with a sense of nervous excitement about embarking something new and nostalgic that perhaps your mum was right — that your uni years are the best years of your life’ and the days of three-hour coffees on a Tuesday will now be a distant dream.

I beg to differ. Sure, three-hour coffees during weekdays are no longer on the cards but that has been traded in for guilt-free weekends without study. It has been a whirlwind year. Immediately after my editorial term with the *Journal* and a ten week trip around North and South America, I started as graduate at Freehills. I completed my first rotation in Energy and Resources and have started my second rotation in Projects.

The challenges of full time work come thick and fast; some are fairly innocuous, like whether I should have another sandwich during a lunch time training session, and some are far more complex, like how to draft a clause in a joint venture agreement. Both types keep me interested in my work and on my toes. Tackling the latter type of challenge and applying the skills I have learned throughout university and my time at *MJIL* has been deeply rewarding. My early excitement at the prospect of new experiences has continued, particularly because I feel that I'm constantly learning. The last 12 months have been a time of tremendous growth and I hope that as my rotation program continues, and even when I am permanently placed in a group, that such learning will continue.

**Alex Bowen**  
**Solicitor, Mallesons Stephen Jaques**

After graduation I spent a year travelling (highlights included a week in Georgia and three months in West Africa) and in 2010 I started as a Graduate at Mallesons. I have rotated through Mergers & Acquisitions (with a focus on competition) and Banking & Finance and am now in Dispute Resolution. This has kept me quite busy, but many opportunities exist in a firm like Mallesons to diversify your experience and work with different areas of the law, and I have not lost contact with international law and international issues.

The publication of *AGLC3* last year warmed the cockles of my heart and I was recently able to use it in working on an International Humanitarian Law research paper for the Red Cross (about the Special Court for Sierra Leone). Another international project I am contributing to relates to NGOs in Papua New Guinea (and is being co-led by the industrious Zach Meyers (*MJIL* Editor 2008)).

Mallesons also has an extensive (Australian) human rights law practice, for which I have writing research memos, case notes, Charter compliance notes, and most excitingly a fleeting international law and international issues.

The challenges of full time work come thick and fast; some
NEW APPOINTMENTS TO MJIL

The Editors would like to congratulate the following Journal members on their appointment to the Editorial Board:

Executive Board:
Jacinta Bishop (Marketing Manager)
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Matt Jaensch (Submissions Coordinator)
Sasha Jeffrey-Bailey (Events Manager)
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Thomas Campbell            Nicholas Petrie
Vivien Campbell            Lauren Randall
Carmentdy Cooper           Annigje van den Ham
Heidi Edwards              Daniel Wiseman

MJIL HONOURS GRADUATES

We congratulate the following MJIL alumni on their graduation with Honours in Law from the University of Melbourne:

Branko Ananijevski          Claire Leslie
Elena Caravelas             Michael Power
Sara Dehm                   Devon Whittle
Alejandra Duschatzky        Jordan Wilson-Otto
Suzanne Howell              Kim Wonhyo
Jeremy Leung

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GENERAL ANNOUNCEMENTS

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CALL FOR PAPERS

The Editors welcome submissions for Volume 12 of MJIL.

MJIL is a peer-reviewed generalist international law publication that publishes articles, case notes, commentaries, review essays and book reviews.

• Submissions for Issue 12(1) are due on 31 January 2011.
• Submissions for Issue 12(2) are due on 2 July 2011.