

# Note to Contributors

The *AYIHL* invites submission of manuscripts, in English or French, on subjects relating to international humanitarian law, policy and action. A manuscript will be considered for publication:

- Only on the assurance that it has not in whole or in part or in substance been published or offered for publication elsewhere;
- On the understanding that it may be submitted in confidence to an expert referee or expert referees for evaluation;
- On the understanding that the editors reserve the right to make what changes they consider desirable
  - (a) to bring the manuscript into the house style of the *AYIHL*;
  - (b) to eliminate errors of typing, grammar, syntax, punctuation, spelling, idiom and the like;
  - (c) to eliminate ambiguity, illogicality, tautology, circumlocution and redundancy;
  - (d) to produce accuracy and coherence;
  - (e) to improve the mode of expression and style of writing;
  - (f) to avoid possible criminal or civil liability.

Authors are required to read their manuscripts very carefully to avoid the need for the editors to exercise these rights extensively. In particular, authors are asked to check the computer print-out and to acquaint themselves with the house style of the *AYIHL*. Note, in particular:

## *Books*

The name of the author of a book or article cited should, on the first occasion it is mentioned, be given in full exactly as the author gives it. The title of a book is to be in italics, with, if appropriate, the volume number referred to by an upper case roman numeral (not in italics), the edition (not in italics), year of publication, section or paragraph number and page number (the page number should be preceded by a p if there is a section or paragraph number). Thus:

- Fritz Kalshoven & Liesbeth Zegveld *Constraints on the Waging of War* 3ed (2001) 53.
- James Crawford *The International Law Commission's Articles on State Responsibility* (2002) para 4 p 153.
- DP O'Connell *International Law* II 2ed (1970) 842 (cited in J Dugard *International Law: A South African Perspective* 3ed (2005) 238).
- Thomas M Franck *Recourse to Force* (2002) 49-52.
- Sir Hersch Lauterpacht (ed) *L Oppenheim's International Law: A Treatise* vol II: *Disputes, War and Neutrality* 7th ed (1952) 209.

- Jean-Marie Henckaerts and Louise Doswald-Beck *Customary International Humanitarian Law* Vol I: Rules (2005) 291.
- Carl von Clausewitz *On War* (English translation by JJ Graham) (1968) 103.

#### *Journal Articles*

The name of the author of an article cited should, on the first occasion it is mentioned, be given in full exactly as the author gives it. The title of the article should be surrounded by single quotation marks. Thereafter: the year of publication (not in italics); the volume number (not in italics); the title of the volume (in italics); the number of the first page of the article; the specific section or paragraph number and page number (the page number should be preceded by a p if there is a section or paragraph number). Thus:

- Hennie Strydom 'Jus ad bellum and jus in bello in the South African Constitution' (2004) 29 *South African Yearbook of International Law* 78.
- Jutta Brunné and J Stephan Toope 'The Use of Force: International Law After Iraq' (2004) 53:4 *International and Comparative Law Quarterly* 785.

#### *Newspaper Articles*

If mentioned, the name of the author of an article cited should, on the first occasion it is mentioned, be given in full exactly as the author gives it. The title of the article should be surrounded by single quotation marks. Thereafter: the title of the newspaper (in italics); between parentheses, the place of publication and the date of publication; the page number. Thus:

- Duncan Campbell 'Depression and suicide attempts are reported from Guantanamo Bay' *The Guardian* (London, 5 July 2003) 4.
- 'The Legal Black Hole' *Daily Telegraph* (London, 12 June 2006) 3.

#### *Internet References*

If mentioned, the name of the author of an article cited should, on the first occasion it is mentioned, be given in full exactly as the author gives it; alternatively, the name of the organisation responsible for the article should be given. The title of the article or report should be surrounded by single quotation marks. Thereafter: the internet address between <and>; between parentheses, the date on which the site was accessed. Thus:

- United Nations 'Report of the Secretary-General to the Security Council' (A/65/820-S/2011/250), available at <<http://unispal.un.org/UNISPAL.NSF/0/70BF34991DA5D6B08525788E004BA583>> (accessed on 27 May 2012).

- UNICEF 'Guide to the optional protocol on the involvement of children in armed conflict' 14, available at <[http://www.unicef.org/emerg/files/option\\_protocol\\_conflict.pdf](http://www.unicef.org/emerg/files/option_protocol_conflict.pdf)> (accessed on 6 July 2011).
- General Assembly Resolution 1386 (XIV) (adopted on 20 November 1959), available at <[http://www.unicef.org/lac/spbarbados/Legal/global/General/declaration\\_child1959.pdf](http://www.unicef.org/lac/spbarbados/Legal/global/General/declaration_child1959.pdf)> (accessed on 21 February 2012).

### Case Law

As a general rule, the first reference to a case in the body of the text might employ a common abbreviated reference.

Thus:

- The International Court of Justice (ICJ) defined 'erga omnes obligations' as follows in the *Barcelona Traction* case: ...  
However, the footnote reference should provide the full citation: the name of the court handing down the decision; the case name (in italics); between parentheses, the date of the judgment; the case reference - if in a published collection, the title of the collection should be in italics; the number of the first page of the judgment; the specific section or paragraph number and page number (the page number should be preceded by a p if there is a section or paragraph number).  
Thus:
- ICJ *Barcelona Traction, Light and Power Company, Limited (Belgium v Spain)* (judgment of 5 February 1970) *ICJ Reports* (1970) 3 paras 33 -34 p 32 (hereafter *Barcelona Traction* case).
- ICC *Prosecutor v Thomas Lubanga Dyilo* (Public Judgment pursuant to Article 74 of the Statute No ICC-01/04-01/06 2/593) (14 March 2012) 567 (hereafter *Lubanga* case).
- ICJ *Legality of the Threat or Use of Nuclear Weapons* (Advisory Opinion of 8 July 1996) *ICJ Reports* (1996) 226, 256 (hereafter *Nuclear Weapons* Advisory Opinion).
- SCSL *The Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu* (Trial Chamber II Sentencing Judgment) (19 July 2007) 36, available at <<http://www.sc-sl.org/documents/SCSL-04-16-T-624.pdf>> (accessed on 27 May 2012).
- ICTY (Appeals Chamber) *Prosecutor v Radoslav Branin* (3 April 2007) Case No IT-99-36-A para 482.

### Treaty Law and Legislation

The titles of international treaties and domestic legislation should be in regular script, not italics. When first referred to, the relevant instrument should not be abbreviated; however, if the referred to subsequently, an abbreviation might be used – in which case, the first reference to the instrument should be followed by the abbreviation between parentheses.

Thus:

- The recruitment of child soldiers was first addressed in the Additional Protocols (API and APII) to the four Geneva Conventions (GC).

A footnote reference should spell out the full name of the relevant instrument, its date and where it might be found.

Thus:

- The Geneva Conventions of the 12 August 1949; available at: <<http://www.icrc.org/eng/assets/files/publications/icrc-002-0173.pdf>> (accessed on 28 May 2013).

In the body of the text reference to an article should always appear as Article.

Thus:

- Article I of the Genocide Convention places the obligation on states ‘to prevent and to punish’ genocide, and Article IX provides that disputes relating to inter alia ‘the responsibility of a state for genocide or for any of the other acts enumerated in Article III’ is to be submitted to the ICJ for adjudication.
- The guidance provided in Common Article 3 (CA3) of the GCs as to what constitutes a Non-International Armed Conflict (NIAC) is limited.

In the case of footnotes, ‘Article’ should be spelt out in full if the first word of the sentence; if not, ‘art’ (plural ‘arts’) should be used.

Contrarily, in both the body of the text and in the footnotes,

- ‘section’, with reference to an enactment, is spelt out in full as the first word of a sentence, but otherwise is ‘s’ (plural ‘ss’); subsection is ‘subsec’ (plural ‘subsecs’).
- ‘paragraph’ is spelt out in full as the first word of a sentence, but otherwise is ‘para’ (plural ‘paras’).
- ‘section’ with reference to a book or certain foreign codes of law is § (plural §§).

### *Cross Referencing*

Some Hints:

- See note 21.
- Franck op cit note 21 at 367.
- In the work cited in note 21.
- See also s 7.
- See text to note 21.
- Ibid (meaning in the same place).
- Ibid at 367 (meaning in the place last referred to, but at page 367).

*Other*

A would-be contributor is urged to comply with the following requests:

- The body of the text should be in Times New Roman, 12 font, one and a half space.
- Avoid unnecessary use of punctuation marks in both the text and footnotes. Thus: 'Ibid' not 'Ibid.'; 'Mr' not 'Mr.'; 'Doc' not 'Doc.'; 'No' not 'No.'; 'Alan EF Jones' not 'Alan E.F. Jones'.
- Short quotations are to be within the text; long quotations are normally to begin on a new line, to be indented one space, 11 font, single space.
- In the case of quotations with the text, single – ‘ ’ – quotation marks should be used; if there is a quotation within a quotation, then double quotation marks – “ ” – should be used. In the case of a long, indented quotation, quotation marks should not be used (unless there is a quotation within the quotation, in which case single quotation marks should first be used).
- The footnotes of an article should be numbered consecutively in Arabic numerals in superscript after any punctuation mark, and without any surrounding bracket or full stop. Footnotes should be 10 font, single space.
- Every quotation and every reference is to be carefully checked for accuracy; the editors will try to check once more, but are not always able to do so, and accuracy is to be sought at all times.
- The author of an article accepted for publication is to supply his or her university degrees, professional qualifications, professional or academic status, and his / her email address. This information should appear as the first footnote reference, but not a numbered reference, rather, use an asterisk - \*. (If there are multiple authors, use similar signs.)
- Words in a foreign language are not printed in italics but remain in standard roman print; but if they are in italics in a quotation, they must be left so.

All material to be considered for publication (including articles, recent case notes, notes and comments, correspondence) should be sent electronically to:

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Subscriptions and advertisements are to be addressed to The Publishers, JUTA Law, P O Box 24299, Lansdowne 7779, Western Cape, South Africa.