

BERKELEY JOURNAL OF INTERNATIONAL LAW



ARTICLES

Back in the Game: International Humanitarian Lawmaking by States

Yahli Shereshevsky

International Law and Corporate Participation in Times of Armed Conflict

Kevin Crow

Bordering Migration/Migrating Borders

Ayelet Shachar

BERKELEY JOURNAL OF INTERNATIONAL LAW

VOLUME 37

2019

NUMBER 1

ABOUT THE JOURNAL

The *Berkeley Journal of International Law* (BJIL) (ISSN 1085-5718) is edited by students at U.C. Berkeley School of Law. As one of the leading international law journals in the United States, BJIL infuses international legal scholarship and practice with new ideas to address today's most complex legal challenges. BJIL is committed to publishing high-impact pieces from scholars likely to advance legal and policy debates in international and comparative law. As the center of U.C. Berkeley's international law community, BJIL hosts professional and social events with students, academics, and practitioners on pressing international legal issues. The Journal also seeks to sustain and strengthen U.C. Berkeley's international law program and to cultivate critical learning and legal expertise amongst its members.

Website: <http://www.berkeleyjournalofinternationallaw.com/>
<http://scholarship.law.berkeley.edu/bjil/>

Journal Blog: <http://berkeleytravaux.com/>

Indexes: *The Berkeley Journal of International Law* is indexed in the *Index to Legal Periodicals*, *Browne Digest for Corporate & Securities Lawyers*, *Current Law Index*, *Legal Resource Index*, *LegalTrac*, and *PAIS International in Print*. Selected articles are available on LexisNexis and Westlaw.

Citation: Cite as *Berkeley J. Int'l L.*

Submissions: The editors of the *Berkeley Journal of International Law* invite the submissions of manuscripts. Manuscripts will be accepted with the understanding that their content is unpublished previously. If any part of a paper has been published previously, or is to be published elsewhere, the author must include this information at the time of the submission. Citations should conform to THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (20th ed.) except where common sense dictates otherwise. Please review our website for additional submissions guidance and send all manuscripts to bjilsubmissions@berkeley.edu.

Sponsorship: Individuals and organizations interested in sponsoring the *Berkeley Journal of International Law* should contact the Editors-in-Chief at bjil@berkeley.edu.

Copyright: Copyright for material published in the Journal is held by the University of California Regents except where otherwise noted.

BERKELEY JOURNAL OF INTERNATIONAL LAW

VOLUME 37

2019

NUMBER 1

CONTENTS

BACK IN THE GAME: INTERNATIONAL HUMANITARIAN LAWMAKING BY STATES <i>Yahli Shereshevsky</i>	1
INTERNATIONAL LAW AND CORPORATE PARTICIPATION IN TIMES OF ARMED CONFLICT <i>Kevin Crow</i>	64
BORDERING MIGRATION/MIGRATING BORDERS <i>Ayelet Shachar</i>	93

BERKELEY JOURNAL OF INTERNATIONAL LAW

VOLUME 37

2019

NUMBER 1

BOARD OF EDITORS

Editors-in-Chief

LAUREN KELLY-JONES
NATHAN KELLER

Managing Editor

ALLISON MURRAY

Senior Publishing Editor

MARIBETH HUNSINGER

Senior Development Editor

HILARY WONG

Senior Submissions Editor

CHARLOTTE CHUN

Internal Supervising Editor

PAULA GERGEN

Senior Executive Editor

JULIA JACOVIDES

External Supervising Editor

TAE KIM

Publishing Editors

ELIZABETH GLUSMAN
BLAKE VOGEL

Executive Editor

JARUI WANG

Submissions Editors

MICHAEL HARRIS
BRENDEN GLAPION
LEYLA KARIMZADEH
NORAH AREFAH

Blog Editors

EDWARD RICHTER
KEVIN CACABELOS

Symposium Editors

CASSANDRA CALDERON
ISAAC RAMSEY
ROBYN PARISER
HARRIS MATEEN
SARAH MANEVAL

Web Editor

NIKITA YOGESHWARUN

IL Representatives

CHRISTINE HULSIZER
NICK REEM

LLM Representatives

FABIAN UNSER-NAD
SIRAAT YOUNAS

Senior Articles Editors

MADDIE BOYD
SARAH ALMOND-PIKE
ZHU ZHU
ANDI MADDOX
SHAIKA AHMED

Articles Editors

ALEXANDRA ZARETSKY
ISAAC WEBB
ASHLEY LEE
JULIEN CROCKETT

YEJI HAN
AMBER MUHAMMED
COURTNEY WANG
CAT WILLIAMS

LIJA SILIUNAS
CAROLINE SOUSSLOFF
DRU SPILLER
AMANDA (AJ) JARAMILLO

JESSICA SIAH
GABRIELA KARAIVANOVA

Associate Editors

SIRAAT YOUNAS
FABIAN UNSER-NAD
TATIANA KORONIA

SHERIDAN CHOI
DEVIN BERGSTEIN

Members

LUIS RAMOS
ELIZABETH (LILY) BAGGOTT
YUXIN GU
DYLAN HELGESON
DANNY KONINGISOR
BRYCE ROSENBOWER
MARIA SANCHEZ
LIV WILLIAMS
SAFAA ALY
TALHA MIRZA
MIN SOO KIM
NICK REEM
SARAH BAUER
ALESSIA VARIESCHI
AMANDA SADRA
JENNA WALDMAN

TIM PATTERSON
JEAN MORROW
KELLY KYUN-LEE GO
ANGELA MOON
ALIX VADOT
CHRIS S. MOON
SELA BROWN
SARAH DOMENICK
ADNAN TORIC
LIZZY BRILLIANT
REAGHAN BRAUN
CHIP HALL
ELIZABETH CHAN LEE
KEVIN BOCEK
QIAN ZHOU
ANOOP SADANANDAN

COURTENEY CRANEY
JESSICA CUDDIHY
LUKE MILLER
KARIN BASHIR
SARAH LOUGHMAN
JINA KIM
LUIS RAMOS
STEPHANIE SONG
HENRY W. LEUNG
IVEY DYSON
CHRISTINE HULSIZER
SARANG SHAH
ELIZABETH HALL
ISAAC FLEGEL-MISHLOVE
KELSEY MILLER
MOQIU LI

Faculty Advisors

MARCI HOFFMAN
KATERINA LINOS