

Treaty Interpretation Oxford International Law Library

Modern Treaty Law and Practice Treaty Interpretation by the WTO Appellate Body Treaty Interpretation Between the Lines of the Vienna Convention? Research Handbook on the Law of Treaties Domestic Courts and the Interpretation of International Law Interpretation of International Investment Treaties The Oxford Handbook of International Human Rights Law Intertemporal Linguistics in International Law The Law of Investment Treaties The Oxford Handbook of Comparative Foreign Relations Law The Vienna Conventions on the Law of Treaties Interpreting the Nuclear Non-Proliferation Treaty Interpretation in International Law Treaties and Subsequent Practice Treaty Interpretation Comparative International Law Comparative Reasoning in International Courts and Tribunals Commentaries on Selected Model Investment Treaties Treaty Interpretation Treaty Interpretation The Evolutionary Interpretation of Treaties On the Interpretation of Treaties Extraterritorial Application of Human Rights Treaties Evolutionary Interpretation and International Law The Oxford Handbook on the Sources of International Law Treaty Conflict and the European Union Interdisciplinary Perspectives on International Law and International Relations Modification of Treaties by Subsequent Practice Static and Evolutive Treaty Interpretation The Oxford Handbook of the Sources of International Law The Interpretation of International Law by Domestic Courts International Law The Interpretation of Acts and Rules in Public International Law The Impact of Human Rights Law on General International Law The Law of Treaties Beyond the Vienna Convention The Oxford Guide to Treaties Patterns of Treaty Interpretation as Anti-Fragmentation Tools Treaty Interpretation in Investment Arbitration Good Faith and International Economic Law

Modern Treaty Law and Practice

In *Domestic Courts and the Interpretation of International Law*, Odile Ammann examines the methodology and reasoning which domestic courts, including Swiss courts, use to interpret international law. She argues that interpretative methods must be taken more seriously in international law.

Treaty Interpretation by the WTO Appellate Body

The 1969 and 1986 Vienna Conventions on the Law of Treaties are essential components of the contemporary international legal order. They aim at regulating what has become the main source of public international law and a crucial tool in interstate relations. The Vienna Conventions codify to a significant extent the customary rules that pre-existed in the field, but also put forward innovative concepts, such as *jus cogens*. In spite of their importance, these two instruments had so far not been the object of a detailed commentary. These volumes fill that gap, by providing both international and national lawyers

with an in-depth analysis of each provision of both Conventions. The structure of each commentary is essentially uniform, with the first part dedicated to the exposition of that provision's object and purpose and to the assessment of its customary status. The second part of each commentary deals with the main issues of interpretation raised by the provision in question. Extensive reference is made to the travaux préparatoires of both Conventions, including the work of the UN International Law Commission and the proceedings of the 1969 and 1986 diplomatic conferences, and to practice both prior to and following the adoption of the Conventions. The 90 + authors who contributed to the book come from twenty different countries and include some of the most respected experts in international law.

Treaty Interpretation

This is the first comprehensive account of the modern international law of treaty interpretation expressed in 1969 Vienna Convention, Articles 31-33. As stated by the anonymous referee, it is the most theoretically advanced and analytically refined work yet accomplished on this topic. The style of writing is clear and concise, and the organisation of the book meets the demands of scholars and practitioners alike.

Between the Lines of the Vienna Convention?

This book brings together the most influential contemporary writers in the fields of international law and international relations to take stock of what we know about the making, interpretation, and enforcement of international law. The contributions to this volume critically explore what recent interdisciplinary work reveals about the design and workings of international institutions, the various roles played by international and domestic courts, and the factors that enhance compliance with international law.

Research Handbook on the Law of Treaties

The question of the sources of international law inevitably raises some well-known scholarly controversies: where do the rules of international law come from? And more precisely: through which processes are they made, how are they ascertained, and where does the international legal order begin and end? This is the static question of the pedigree of international legal rules and the boundaries of the international legal order. Second, what are the processes through which these rules are made? This is the dynamic question of the making of these rules and of the exercise of public authority in international law. The Oxford Handbook of the Sources of International Law is the very first comprehensive work of its kind devoted to the question of the sources of international law. It provides an accessible and systematic overview of the key issues and debates around the sources of international law. It also offers an authoritative theoretical guide for anyone

studying or working within but also outside international law wishing to understand one of its most foundational questions. This Handbook features original essays by leading international law scholars and theorists from a range of traditions, nationalities and perspectives, reflecting the richness and diversity of scholarship in this area.

Domestic Courts and the Interpretation of International Law

This unique book brings together leading experts from diverse areas of public international law to offer a comprehensive overview of the approaches to evolutionary interpretation in different international legal regimes. It begins by asking what interpretation is, offering the views of expert authors on the question, its components and definitions. It then comments on situations that have called for evolutionary interpretation in different international legal regimes, including general international law, environmental law, human rights law, EU law, investment law, international trade law, and how domestic courts have, on occasions, interpreted treaties and other international legal instruments in an evolutionary manner. This timely, authoritative compendium offers an in-depth understanding of the processes at work in evolutionary interpretation as well as a prime selection of the current trends and future challenges.

Interpretation of International Investment Treaties

The rise of investment arbitration in the last decade has generated an unprecedented body of arbitral case law. The work of these arbitral tribunals has provided scholars and practitioners with public international law jurisprudence, including materials on treaty interpretation which has not yet been thoroughly analysed. This book evaluates the contribution of investment arbitration treaty interpretation jurisprudence to international law, covering all key aspects of treaty interpretation. Included in the book's coverage are awards which feature in prominent discussions or in applications of treaty interpretation rules. Among the significant portion of arbitral awards analysed, which deal with investment treaties, are ICSID awards, ad hoc investment arbitration awards, NAFTA awards, and Energy Charter Treaty awards. The extensive analysis of investment arbitration awards and decisions has also been used to create a table highlighting both the references to principles of treaty interpretation and instances in which they were rejected. This invaluable insight into the practice of investment tribunals will be of interest to both practitioners and academics alike. Foreword by Professor Michael Reisman, Yale Law School _

The Oxford Handbook of International Human Rights Law

This Oxford Handbook ambitiously seeks to lay the groundwork for the relatively new field of comparative foreign relations law. Comparative foreign relations law compares and contrasts how nations, and also supranational entities (for example,

the European Union), structure their decisions about matters such as entering into and exiting from international agreements, engaging with international institutions, and using military force, as well as how they incorporate treaties and customary international law into their domestic legal systems. The legal materials that make up a nation's foreign relations law can include constitutional law, statutory law, administrative law, and judicial precedent, among other areas. This book consists of 46 chapters, written by leading authors from around the world. Some of the chapters are empirically focused, others are theoretical, and still others contain in-depth case studies. In addition to being an invaluable resource for scholars working in this area, the book should be of interest to a wide range of lawyers, judges, and law students. Foreign relations law issues are addressed regularly by lawyers working in foreign ministries, and globalization has meant that domestic judges, too, are increasingly confronted by them. In addition, private lawyers who work on matters that extend beyond their home countries often are required to navigate issues of foreign relations law. An increasing number of law school courses in comparative foreign relations law are also now being developed, making this volume an important resource for students as well. Comparative foreign relations law is a newly emerging field of study and teaching, and this volume is likely to become a key reference work as the field continues to develop.

Intertemporal Linguistics in International Law

This book investigates whether treaty interpretation at the ECtHR and WTO, which are sometimes perceived as promoting 'self-contained' regimes, could constitute a means for unifying international law, or, conversely, might exacerbate the fragmentation of international law. In this regard, the practice of the ICJ on treaty interpretation is used for comparison, since the ICJ has made the greatest contribution to the development and clarification of international law rules and principles. Providing a critical analysis of cases at the ICJ, ECtHR and WTO, both prior to and since the adoption of the 1969 Vienna Convention on the Law of Treaties, the book reveals how the ECtHR and WTO apply the general rules of treaty interpretation in patterns which are similar to those used by the ICJ to address difficulties in interpreting the text of treaties. Viewed in the light of the ECtHR's and WTO's interpretative practices, both the VCLT's general rules of interpretation and the ICJ's interpretative practice serve to counteract the fragmentation of international law.

The Law of Investment Treaties

Jan Klabbers examines how membership of the European Union affect treaties concluded between the member and non-member states.

The Oxford Handbook of Comparative Foreign Relations Law

The 1969 Vienna Convention on the Law of Treaties makes no express reference to many of the most common canons and interpretative principles derived from international jurisprudence over many years. This volume represents the first modern, freestanding analysis of such canons and principles, their role in treaty interpretation and their relationship with the Vienna Convention regime. A top-flight roster of respected scholars and practitioners of public international law offers an in-depth examination of, among other things: • the origins of canons and interpretive principles; • their utility and limits in treaty interpretation; and • the application of numerous individual canons and interpretive principles, including *effet utile*, *expressio unius*, *lex specialis*, *eiusdem generis*, *in dubio mitius*, *in pari materia*, *ex abundante cautela*, the principles of contemporaneity and evolutive interpretation, and more. Extensive analysis of case law and scholarship provides insightful interpretive guidance across virtually every subfield of public international law. With its valuable insights into when the application of particular canons or principles of interpretation is most likely to be appropriate and persuasive, the volume will be of great value to lawyers representing parties (whether states, corporations or individuals) before international dispute resolution bodies, as well as to judges and arbitrators, legal officials at ministries of foreign affairs, and scholars of public international law.

The Vienna Conventions on the Law of Treaties

This book explores the process of treaty modification by subsequent practice, explaining how such practice can significantly revise treaty obligations or even create new ones, allowing evolution of the law.

Interpreting the Nuclear Non-Proliferation Treaty

Model Bilateral Investment Treaties (BITs) are a state's blueprint for the investment treaties it negotiates with other states. This book compiles commentaries on the Model BITs of 19 key jurisdictions. It analyses state practice on international investment law, detailing each state's legislative regime on foreign investment and their BIT programme

Interpretation in International Law

Intertemporal Linguistics in International Law examines and offers an overdue solution to a specific problem central to the resolution of an ever increasing number of international legal disputes: how to interpret a treaty with terms that change in meaning over time. A wide-ranging review of the relevant international case law and scholarship reveals that no rule, principle or authority of international law – including even the oft-cited evolutionary interpretation doctrine – provides international adjudicators with the firm and practical guidance on this specific question that contemporary international litigants demand. Using an analytical approach inspired by the comparative method and drawing on specific concepts from

external fields including private law, legal theory and, principally, modern-day linguistics, Intertemporal Linguistics in International Law restructures the most relevant international case law around a new conceptual framework that offers fresh insight into the process of treaty interpretation. It demonstrates that by distinguishing between resolving ambiguity and resolving vagueness, and by identifying the temporal sense-intention with which a treaty term is used, international adjudicators can avail themselves of a more predictable and appropriate method for solving this complex and practically important problem of international law.

Treaties and Subsequent Practice

The Oxford Handbook of International Human Rights Law provides an authoritative and original overview of one of the key branches of international law. Forty contributors comprehensively analyse the role of human rights in international law from a global perspective, examining its origins and principles, and measuring its impact on the world.

Treaty Interpretation

The rapid growth in investment treaties has led to a burgeoning number of international arbitration decisions that have applied and interpreted treaty provisions in disputes between investors and states concerning their respective rights. This flurry of treaties and arbitral decisions has seen the creation of a new branch of international law- the law of investment claims. In this revised edition, Jeswald Salacuse examines the law of international investment treaties, specifically in relation to its origins, structure, content, and effect, as well as their impact on international investors and investments, and the governments that are parties to them. Investment treaty law is a rapidly evolving field and since publication of the first edition, the law of international investment treaties has both experienced considerable growth and generated extensive controversy. 2011 saw the highest number of new treaty-based arbitration filed under international investment agreements to date, and in July 2014, the Yukos Universal Limited (Isle of Man) v The Russian Federation culminated with awards of over US\$50 billion; a historic record for any arbitration. Controversy in this field has primarily revolved around the investor-state dispute settlement process, which as thus far involved at least 98 states as respondents. Salacuse captures these developments in this updated edition, examining not only the significant growth in treaties, but the trends that have followed, and their effect on the content and evolution of the law of investment treaties. Specific topics include conditions for the entry of foreign investment and general standards of treatment of foreign investments; monetary transfers; operational conditions; protection against expropriation; dispossession and compensation for losses; dispute settlement, including negotiation, arbitration, and conciliation; and judicial proceedings.

Comparative International Law

From trade relations to greenhouse gases, from shipwrecks to cybercrime, treaties structure the rights and obligations of states, international organizations, and individuals. For centuries, treaties have regulated relations among nation states. Today, they are the dominant source of international law. Thus, being adept with treaties and international agreements is an indispensable skill for anyone engaged in international relations, including international lawyers, diplomats, international organization officials, and representatives of non-governmental organizations. The Oxford Guide to Treaties provides a comprehensive guide to treaties, shedding light on the rules and practices surrounding the making, interpretation, and operation of these instruments. Leading experts provide essays designed to introduce the law of treaties and offer practical insights into how treaties actually work. Foundational issues are covered, including what treaties are and when they should be used, alongside detailed analyses of treaty formation, application, interpretation, and exit. Special issues associated with treaties involving the European Union and other international organizations are also addressed. These scholarly treatments are complimented by a set of model treaty clauses. Real examples illustrate the approaches treaty-makers can take on topics such as entry into force, languages, reservations, and amendments. The Oxford Guide to Treaties thus provides an authoritative reference point for anyone studying or involved in the creation or interpretation of treaties or other forms of international agreement.

Comparative Reasoning in International Courts and Tribunals

By definition, international law, once agreed upon and consented to, applies to all parties equally. It is perhaps the one area of law where cross-country comparison seems inappropriate, because all parties are governed by the same rules. However, as this book explains, states sometimes adhere to similar, and at other times, adopt different interpretations of the same international norms and standards. International legal rules are not a monolithic whole, but are the basis for ongoing contestation in which states set forth competing interpretations. International norms are interpreted and redefined by national executives, legislatures, and judiciaries. These varying and evolving interpretations can, in turn, change and impact the international rules themselves. These similarities and differences make for an important, but thus far, largely unexamined object of comparison. This is the premise for this book, and for what the editors call "comparative international law." This book achieves three objectives. The first is to show that international law is not a monolith. The second is to map the cross-country similarities and differences in international legal norms in different fields of international law, as well as their application and interpretation with regards to geographic differences. The third is to make a first and preliminary attempt to explain these differences. It is organized into three broad thematic sections, exploring: conceptual matters, domestic institutions and comparative international law, and comparing approaches across issue-areas. The chapters are authored by contributors who include leading international law and comparative law scholars with diverse backgrounds, experience, and perspectives.

Commentaries on Selected Model Investment Treaties

Questions as to when a state owes obligations under a human rights treaty towards an individual located outside its territory are being brought more and more frequently before both international and domestic courts. Victims of aerial bombardment, inhabitants of territories under military occupation, deposed dictators, suspected terrorists detained in Guantanamo by the United States, and the family of a former KGB spy who was assassinated in London through the use of a radioactive toxin, allegedly at the orders or with the collusion of the Russian government - all of these people have claimed protection from human rights law against a state affecting their lives while acting outside its territory. These matters are extremely politically and legally sensitive, leading to much confusion, ambiguity and compromise in the existing case law. This study attempts to clear up some of this confusion, and expose its real roots. It examines the notion of state jurisdiction in human rights treaties, and places it within the framework of international law. It is not limited to an inquiry into the semantic, ordinary meaning of the jurisdiction clauses in human rights treaties, nor even to their construction into workable legal concepts and rules. Rather, the interpretation of these treaties cannot be complete without examining their object and purpose, and the various policy considerations which influence states in their behaviour, and courts in their decision-making. The book thus exposes the tension between universality and effectiveness, which is itself the cause of methodological and conceptual inconsistency in the case law. Finally, the work elaborates on the several possible models of the treaties' extraterritorial application. It offers not only a critical analysis of the existing case law, but explains the various options that are before courts and states in addressing these issues, as well as their policy implications.

Treaty Interpretation

This book explains the rules for interpretation of treaties and gives examples of their application in national and international jurisdictions. The rules of treaty interpretation codified in the Vienna Convention on the Law of Treaties now apply to virtually all treaties which may be encountered in an international context and also within national legal systems where treaties have an impact on a large and growing range of matters. The rules of treaty interpretation differ somewhat from typical rules for interpreting legal instruments and legislation within national legal systems. Lawyers, and also some administrators, diplomats, and officials at international organisations, are increasingly likely to encounter issues of treaty interpretation which require not only knowledge of the relevant rules of interpretation, but also how these rules have been, and are to be, applied in practice. Now that the codified rules of treaty interpretation have been in force for some twenty-five years, there is a considerable body of case law on their application. This case law, combined with the history and analysis of the rules of treaty interpretation, provides a basis for understanding this most important task in the application of treaties internationally and within national systems of law. Any lawyer who ever has to consider international matters, and increasingly any lawyer whose work involves domestic legislation with any international connection, is at risk nowadays

of encountering a treaty provision which requires interpretation, whether the treaty provision is explicitly in issue or is the source of the relevant domestic legislation. This book provides a guide to interpreting treaties properly in accordance with the modern rules.

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The rules of treaty interpretation codified in the 'Vienna Convention on the Law of Treaties' now apply to virtually all treaties, in an international context as well as within national legal systems, where treaties have an impact on a large and growing range of matters. The rules of treaty interpretation differ somewhat from typical rules for interpreting legal instruments and legislation within national legal systems. Lawyers, administrators, diplomats, and officials at international organisations are increasingly likely to encounter issues of treaty interpretation which require not only knowledge of the relevant rules of interpretation, but also how these rules have been, and are to be, applied in practice. Since the codified rules of treaty interpretation came into decree, there is a considerable body of case-law on their application. This case-law, combined with the history and analysis of the rules of treaty interpretation, provides a basis for understanding this most important task in the application of treaties internationally and within national systems of law. Any lawyer who ever has to consider international matters, and increasingly any lawyer whose work involves domestic legislation with any international connection, is at risk nowadays of encountering a treaty provision which requires interpretation, whether the treaty provision is explicitly in issue or is the source of the relevant domestic legislation. This fully updated new edition features case law from a broader range of jurisdictions, and an account of the work of the International Law Commission in its relation to interpretative declarations. This book provides a guide to interpreting treaties properly in accordance with the modern rules.

The Evolutionary Interpretation of Treaties

Subsequent practice by states is crucial to the interpretation of treaties. This book examines its potential to serve as a substitute for formal treaty amendments. It combines both practical and theoretical contributions on the subject and includes the reports of the International Law Commission's 'Treaties over Time' programme.

On the Interpretation of Treaties

This book examines an unexplored method of interpretation: the use of domestic law in the interpretation of international law.

Extraterritorial Application of Human Rights Treaties

In international economic law, the principle of good faith has been argued and applied in a highly fragmented and disjointed way, leading to inconsistent decisions by tribunals. This book provides a comprehensive analysis of the principle and practice of good faith, and its relationship with international trade and investment.

Evolutionary Interpretation and International Law

This monograph examines international legal regulation, analyses how it interacts with non-legal factors, and seeks to understand and confront the alleged inherent ambiguity and indeterminacy.

The Oxford Handbook on the Sources of International Law

The question of whether the meaning of terms used in treaties can evolve over time is highly contentious within international law. This book examines how treaties should be interpreted, and how best to marry the intention of the parties to the treaty with the changing socio-political context over time.

Treaty Conflict and the European Union

The Interpretation of International Law by Domestic Courts assesses the growing role of domestic courts in the interpretation of international law. It asks whether and if so to what extent domestic courts make use of the international rules of interpretation set forth in the Vienna Convention on the Law of Treaties. Given the expectation that rules of international law are to have a uniform interpretation and application throughout the world, the practice of domestic courts is considerably more diverse. The contributions to this book analyse three key questions: first, whether international law requires a coherent interpretive approach by domestic courts. Second, whether a common or convergent methodological outlook can be found in domestic court practice. Third, whether a common interpretive approach is desirable from a normative perspective. The book identifies a considerable tension between international law's ambition for universal and uniform application and a plurality of different approaches. This tension between unity and diversity is analysed by a group of leading international lawyers from a wide range of geographical, disciplinary and methodological approaches. Drawing on domestic practice of number of jurisdictions including, among others, Colombia, France, Japan, India, Israel, Mexico, South Africa, the United Kingdom and the United States, the book puts the interpretative practice of domestic courts in a wider context. Its chapters offer doctrinal, practical as well as theoretical perspectives on a central question for international law.

Interdisciplinary Perspectives on International Law and International Relations

This new edition of a textbook first published in 2000 provides a comprehensive account of the law of treaties from the viewpoint of an experienced practitioner. As such, it is the first, and only, book of its kind. Aust provides a wealth of examples of the problems experienced with treaties on a daily basis, not just when they are the subject of a court case. He explores numerous precedents from treaties and other related documents, such as memorandums of understanding (MOUs), in detail. Using clear, accessible language, the author covers the full extent of treaty law, drawing examples from both treaties and MOUs. *Modern Treaty Law and Practice* is essential reading for teachers and students of law, political science, international relations and diplomacy, who have an interest in treaties.

Modification of Treaties by Subsequent Practice

The 1968 Nuclear Non-proliferation Treaty has proven the most complicated and controversial of all arms control treaties, both in principle and in practice. Statements of nuclear-weapon States from the Cold War to the present, led by the United States, show a disproportionate prioritization of the non-proliferation pillar of the Treaty, and an unwarranted underprioritization of the civilian energy development and disarmament pillars of the treaty. This book argues that the way in which nuclear-weapon States have interpreted the Treaty has laid the legal foundation for a number of policies related to trade in civilian nuclear energy technologies and nuclear weapons disarmament. These policies circumscribe the rights of non-nuclear-weapon States under Article IV of the Treaty by imposing conditions on the supply of civilian nuclear technologies. They also provide for the renewal and maintenance, and in some cases further development of the nuclear weapons arsenals of nuclear-weapon States. The book provides a legal analysis of this trend in treaty interpretation by nuclear-weapon States and the policies for which it has provided legal justification. It argues, through a close and systematic examination of the Treaty by reference to the rules of treaty interpretation found in the 1969 Vienna Convention on the Law of Treaties, that this disproportionate prioritization of the non-proliferation pillar of the Treaty leads to erroneous legal interpretations in light of the original balance of principles underlying the Treaty, prejudicing the legitimate legal interests of non-nuclear-weapon States.

Static and Evolutive Treaty Interpretation

Clearly and accessibly written, this new text provides a valuable resource for undergraduate and postgraduate students of international law and covers subjects including the history, theories and sources of international law, as well as current areas of interest such as international criminal law.

The Oxford Handbook of the Sources of International Law

Interpretation in International Law is an innovative volume that foregrounds interpretation as central to the generation of legal meaning in international law. The book encourages international lawyers to reflect creatively on how they interpret international law, and to stimulate further research on interpretation in an innovative vein.

The Interpretation of International Law by Domestic Courts

The rules of treaty interpretation codified in the 'Vienna Convention on the Law of Treaties' now apply to virtually all treaties, in an international context as well as within national legal systems, where treaties have an impact on a large and growing range of matters. The rules of treaty interpretation differ somewhat from typical rules for interpreting legal instruments and legislation within national legal systems. Lawyers, administrators, diplomats, and officials at international organisations are increasingly likely to encounter issues of treaty interpretation which require not only knowledge of the relevant rules of interpretation, but also how these rules have been, and are to be, applied in practice. Since the codified rules of treaty interpretation came into decree, there is a considerable body of case-law on their application. This case-law, combined with the history and analysis of the rules of treaty interpretation, provides a basis for understanding this most important task in the application of treaties internationally and within national systems of law. Any lawyer who ever has to consider international matters, and increasingly any lawyer whose work involves domestic legislation with any international connection, is at risk nowadays of encountering a treaty provision which requires interpretation, whether the treaty provision is explicitly in issue or is the source of the relevant domestic legislation. This fully updated new edition features case law from a broader range of jurisdictions, and an account of the work of the International Law Commission in its relation to interpretative declarations. This book provides a guide to interpreting treaties properly in accordance with the modern rules.

International Law

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The Interpretation of Acts and Rules in Public International Law

There is a growing discrepancy between the output of human rights courts which protect the individual and traditional international institutions which protect the interests of states. This volume provides the first systematic analysis of the impact of international human rights courts on more traditional international institutions.

The Impact of Human Rights Law on General International Law

The Law of Treaties Beyond the Vienna Convention

Offering a unique conceptual approach to the Law of Treaties this insightful Research Handbook not only sets out the foundational issues, but identifies tensions within the field, including formalism vs flexibility, integrity vs flexibility, and unifor

The Oxford Guide to Treaties

The WTO dispute settlement system is unusually strong but not necessarily unique. How the Appellate Body reads the WTO covered agreements is not a matter of WTO law, it is a technique of general international law. The Appellate Body formulates its interpretation from within its function in the WTO institution as a juridical body. This book explains how the Appellate Body approaches the interpretation of the WTO covered agreements, and contributes to a more general understanding of how treaties are interpreted in practice. It is as much about general international law as it is about WTO law.

Patterns of Treaty Interpretation as Anti-Fragmentation Tools

This book offers a systematic study of the interpretation of investment-related treaties – primarily bilateral investment treaties, the Energy Charter Treaty, Chapter XI NAFTA as well as relevant parts of Free Trade Agreements. The importance of interpretation in international law cannot be overstated and, indeed, most treaty claims adjudicated before investment arbitral tribunals have raised and continue to raise crucial and often complex issues of interpretation. The interpretation of investment treaties is governed by the Vienna Convention on the Law of Treaties (VCLT). The disputes relating to these treaties, however, are rather peculiar as they place multinational companies (or natural person) in opposition to sovereign governments. Fundamental questions dealt with in the study include: Are investment treaties a special category of treaty for the purpose of interpretation? How have the rules on interpretation contained in the VCLT been applied in investment disputes? What are the main problems encountered in investment-related disputes? To what extent are the VCLT rules suited to the interpretation of investment treaties? Have tribunals developed new techniques concerning treaty interpretation? Are these techniques consistent with the VCLT? How can problems relating to interpretation be solved or minimised? How creative have arbitral tribunals been in interpreting investment treaties? Are States capable of keeping effective control over interpretation?

Treaty Interpretation in Investment Arbitration

This book offers a comprehensive analysis of the law of treaties as it emerges from the interplay between the 1969 Vienna Convention on the Law of Treaties and customary international law. It revisits the basic concepts underlying the provisions of the Vienna Convention, so as to determine the actual state of the law and its foreseeable development. In doing so, it examines some of the most controversial aspects of the law of treaties. The book first explores the influence exerted by the Vienna Convention on pre-existing customary law. Certain rules of the Convention which, at the time of its adoption, appeared to fall within the realm of progressive development, can now be regarded as customary international rules. Conversely, a number of provisions of the Convention, in particular those which have been the subject of subsequent codification work by the International Law Commission, have become obsolete. It then examines the impact exerted by the Vienna Convention on the development of other fields of international law, such as the law of international responsibility and the law of international organizations. The last section of the book is devoted to cross-cutting issues, with particular reference to the notion of jus cogens - a concept first used in the Vienna Convention in connection with the problem of the validity of treaties and which, afterwards, has acquired a legal significance going well beyond the Convention. Written by a team of renowned international lawyers, this book offers new insight into the basic concepts and methodology of the law of treaties and its problems.

Good Faith and International Economic Law

The question of the sources of international law inevitably raises some well-known scholarly controversies: where do the rules of international law come from? And more precisely: through which processes are they made, how are they ascertained, and where does the international legal order begin and end? These traditional questions bear on at least two different levels of understanding. First, how are international norms validated as rules of international "law", i.e. legally binding norms? This is the static question of the pedigree of international legal rules and the boundaries of the international legal order. Second, what are the processes through which these rules are made? This is the dynamic question of the making of these rules and of the exercise of public authority in international law. The Oxford Handbook on the Sources of International Law is the very first comprehensive work of its kind devoted to the question of the sources of international law. It provides an accessible and systematic overview of the key issues and debates around the sources of international law. It also offers an authoritative theoretical guide for anyone studying or working within but also outside international law wishing to understand one of its most foundational questions. This handbook features original essays by leading international law scholars and theorists from a range of traditions, nationalities and perspectives, reflecting the richness and diversity of scholarship in this area.

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