This index lists aspects of treaty law addressed in the preceding chapters. As the whole book is about the law of treaties and much of it about the Vienna Conventions governing aspects of that law, those terms are not referenced. The same holds true for names of cases.

accession 14, 31, 170, 199, 229, 263  
see also ratification

adoption 17, 37, 169, 263

agreements in simplified form 264–6

amendments (to treaties) 12 n 24, 67, 229, 313–14, 359–72  
see also modification; revision
disconnection clauses 360–62
tacit amendments 362–4

application 13, 18, 28, 33–4, 45 n 21, 47, 57, 67 n 105, 128, 134, 137–8, 153–85, 186–221, 257–8, 274–81, 465–8, 560–63

approximate 28, 465–8
extraterritorial 186–221

provisional 134, 137–8, 170

scope of
material 173, 213
personal 33–4, 45 n 21, 173, 222–53
temporal 18, 45 n 21, 153–85
territorial 173, 186–221, 425, 560–63

by international court/tribunal 13, 47

by domestic court 128

armed conflict (and treaties) 541–65

as a ground for withdrawal, termination, suspension 542–51

and modification of treaty law 556–60

and normative treaties 552–6
derogation of treaties 556–60

authentication 261–3  
see also signature

bilateral investment treaties (BITs) 49 n 38, 213 n 64, 220, 227, 317, 333, 337, 376–7, 385, 410, 609–11, 623, 631
bena fides  
see good faith

boundary treaties 4–9, 12, 51, 173, 191, 195, 246–7, 267, 532–3
responses to 483–501
countermeasures in response to 19 n 5, 494–6  
see also countermeasures
distinguished from withdrawal, suspension, termination
integral obligations 486–7
interdependent obligations 486–7
international responsibility for 36–7, 480–83, 587–94
jus cogens 36
material 8, 17, 32–3, 41, 71–2, 118, 267, 317–18, 323, 485–6
treaty law responses to 483–9

cession (of territory) 191, 195, 218, 520–21

circumstances precluding wrongfulness 314–15, 326–32, 494–6
countermeasures 328, 494–6  
see also countermeasures
force majeure 314, 328–30
and jus cogens 327

necessity 314, 328, 330–32
self-defence as
see self-defence
codification
see customary international law,
codification of
coercion
see invalidity, due to coercion
coherence (between different treaty
regimes) 423–41
colonial clauses 187, 196–209, 221
communications 62
compliance (with treaty obligations)
31–2, 130–32, 416, 419–23
see also non-compliance procedures
control over 31–2, 137
countermeasures as inducement to
494–6
and domestic law 130–32
conclusion (of treaties) 14, 18, 33, 35,
37, 58–65, 105–108, 113–15, 134,
257–8, 261–2, 313
conflicts (between treaties) 56, 72,
see also conflicts clauses; lex
posterior (principle); lex
specialis (principle); pacta sunt
servanda (principle)
conflicts clauses
see conflicts
consensus 3, 12, 13, 275
ad idem 3
negotiated, as opposed to contrat
d’adhésion 12, 275
consent 44–58, 84–101, 103–104, 107,
113–15, 125, 154, 222 n 1, 237,
240, 263, 267, 313, 353–9
see also pacta sunt servanda
(principle)
consideration 5, 63–5, 115–16
consistent interpretation
see interpretation, consistent
constitutive treaties (of international
organisations)
see international organisations,
agreements establishing
continuing effects clauses
see survival clauses
denunciation
  see withdrawal, termination, suspension
depository
  199, 210, 211, 213, 214, 216, 217, 218, 507, 535, 540
devolution agreements
  see succession to treaties, devolution agreements
dictionaries
  112
direct effect
  6, 8–9, 125, 129, 135–6, 144–6, 241
disconnection clauses
  360–62
dispositive treaties
  5, 7–9, 191, 244–8, 532–3
  see also objective regimes
dissolution (of States)
  see succession to treaties
domestic application (of treaties)
  123–50
domestic law
  27–8, 39–73, 74–122, 123–50, 263–4
comparison of treaty law with domestic (contract) law
  39–73, 74–122
effects of treaties in domestic law
  123–50
supremacy of international law over domestic law
  142–4
techniques to moderate effect in
  138–49
dualism
  128, 141–2, 148
  see also monism
effectiveness (principle)
  172
  see effectiveness (principle)
enforcement
  130, 156
entry into force
  64, 66–7, 69, 107, 167–70, 173, 182–3
distinguished from temporal application
  167–9
erga omnes obligations
  35–7, 41–2, 179, 224, 249–53
error
  see invalidity, due to error
estoppel
  14, 77, 88, 95–6, 98, 101, 106
EU treaties
  see European Union/Community (-ies), constitutive treaties
European Union/Community (-ies)
  4–9, 12, 14, 33–4, 170, 264
costitutive treaties
  4, 5, 6 n 11, 8, 9, 11, 33–4, 170
legal order
  6, 14
mixed agreements
  see international organisations, mixed agreements
organs of
  7
exclusion
  27, 264
effective
  non adimplenti contractus (principle)
  see inadimplenti non est adimplendum (principle);
  breach, material
exceptional circumstances
  see derogation; rebus sic stantibus (principle);
  withdrawal, termination suspension
exchange (of notes, instruments)
  61–2, 105, 263
exit clauses
  314, 332–8
extraterritorial application
  see application, extraterritorial;
  application, scope of, territorial
federal clause(s)
  187, 196–8, 201, 221
federal State(s)
federal unit(s)
force majeure
  see circumstances precluding
  wrongfulness, force majeure
formalism
  92–3, 100, 107, 257–84
fragmentation (of international law)
framework agreement
  see framework convention
framework contract
see framework convention
framework convention 51, 248
fraud
see invalidity, due to fraud
full powers 58–9, 262–3
fundamental change of circumstances
see rebus sic stantibus (principle)
good faith 24–5, 87, 95, 101, 106, 107, 109, 312
host State agreements 567, 582
human rights (treaties) 4, 10–12, 21 n 9, 29–30, 68–9, 73, 118, 140–41, 143–4, 176–7, 180–81, 184–5, 188–9, 192–3, 219
as contrats d’adhésion 12
as pledges 10–11, 68–9
as requiring a special regime 29–30, 68–9, 180–81
and reservations 21 n 9, 68–9
supremacy over domestic law 143–4
succession to
see succession to treaties, human rights treaties
humanitarian law/treaties 12, 41 n 10, 118, 193–4, 219, 239–40, 541–65
implementing legislation 126–30, 136–41, 207
see also domestic law
impossibility of performance 72, 314, 318–19, 328–30, 549–50
see also circumstances precluding wrongfulness, force majeure inadimplent non est adimplendum (principle) 26, 28, 323
see also breach, material
individuals 6, 7 n 13, 33–4, 36, 126, 135, 137, 146, 154, 188–9, 193, 239–42, 253, 315, 336, 625–53
as bearers of duties under treaties 154, 193, 239–41, 638–41
capacity to enter into treaty relations 627–32, 648–51
as beneficiaries of rights under treaties 6, 7 n 13, 33–4, 126, 135, 137, 146, 188–9, 315, 336, 634–8
as users of treaties 641–8
intent 13, 23, 56, 60, 84–92, 113–15, 135–6, 171–3, 182, 187, 201, 211, 214, 216, 261
international legal personality 10, 72–3
n 130, 173, 195–6, 218, 238, 242, 569–72, 599–602, 627–32
of individuals 173, 242, 627–32
see also individuals
of international organisations 10, 72–3
n 130, 173, 238, 569–72
see also international organisations
of multinational enterprises 173, 599–602
see also multinational enterprises
objective 10
international organisations 4, 8, 32, 41, 50, 72–3
n 130, 126, 141, 164, 170, 173, 222 n 1, 225, 236–9, 253, 263–6, 567–96
agreements by or between 237, 584–5
agreements establishing 4, 8, 32, 41 n 10, 126, 170, 173, 237, 265
competence to make treaties 570–72
forum for conclusion of treaties 266
mixed agreements 264, 575–7
participation (in treaties) 577–9
secondary law 50, 141, 164, 222 n 1, 231, 263–4
affected by the type of treaty 8, 71, 376
agreed by the parties 88, 96–7
art rather than exact science 109–10
conflict avoidance
see interpretation, consistent
consistent 56, 134, 146–9
contextual 20, 33–4, 101, 108–109
controlled approach 108–109, 376
by domestic courts 128, 134, 135–6, 146–9, 401–403
of express terms 7
evolutionary (‘living instrument’) 20, 47, 126, 154, 180, 204
general rules of 109, 134, 275–7, 375–9
historical/intentionalist
see interpretation, and travaux préparatoires
of human rights treaties 46, 392, 394–5
in good faith 109
indeterminacy 275
inter temporal rule 159–61
object and purpose 11, 47, 101, 108, 111, 200, 248, 278–9, 393–7
ordinary meaning 93, 108, 111
and preparatory work
see interpretation, and travaux préparatoires
programmatic 11
role of court or tribunal 12, 46, 96–7, 109–10, 112–13, 126–7, 278–81, 439–41
rules of reflected in VCLT 3–4, 47, 375–88
subsequent agreement 67, 88
subsequent practice 64–5, 88, 267, 278–9, 313–14
supplementary means of 109
systemic integration 33, 56, 111, 278, 388, 431–5, 438
see also systemic integration (principle)
of tax agreements 392–3, 403–405, 408–10
and territorial application 192
of trade law 406–408
and travaux préparatoires 108, 111–12, 201–202
interpretative declarations
see declarations, interpretative
inter temporal law
see interpretation, intertemporal rule
invalidity 25–6, 34–8, 59, 71–2
due to coercion 59
due to corruption 59
due to error 59
due to fraud 59
due to conflict with jus cogens 34–8, 72, 180
procedure for declaring 25–6
jurisdiction
of court/tribunal 6, 29 n 28, 35 n 37, 181–3, 192, 226–7, 235, 335–6
of State 21 n 9, 189–90, 202–204, 227, 241, 247
jus cogens 14 n 29, 30, 34–8, 72, 156, 163, 179–80, 184–5, 249–53, 327, 418, 442–3, 495, 581, 585
lex posterior (principle) 317, 422–3, 428–9, 447, 452–3, 455–6
mandatory declarations
see declarations, mandatory
mixed agreements
see international organisations, mixed agreements
modification 17 n 1, 22, 33, 126, 212–13, 267, 313–14
see also amendments (to treaties); revision
monism 128, 141–2, 148
see also dualism
multinational enterprises 315, 597–624
as addressees of treaties 602–606
capacity to enter into treaties 599–602
and human rights obligations 603–606
as parties to contracts 601–13, 613–21, 651
municipal law
see domestic law
negotiation(s) 1, 8, 12–13, 24 n 15, 61–2, 125, 128, 260, 264, 267, 275, 313 non-compliance procedures 357, 358, 369–73 non-governmental organisations (NGOs) 225, 239 see also non-State actors non-performance 8, 18 n 4, 124–5, 265 see also exceptio non adimplenti contractus non-retroactivity see retroactivity non-State actors 186, 225, 235–42, 253 see also individuals, international organisations, multinational enterprises, non–governmental organisations (NGOs) note verbale 105 notification(s) 59, 66, 199, 210, 320 object and purpose 7, 11, 22, 33, 65, 67, 169, 172, 178, 181, 200, 207, 241, 249, 313 see also interpretation, object and purpose objection(s) 14 n 29, 17 n 1, 22, 27, 33, 51, 61–2, 66, 213, 216–18, 222 n 1, 265 persistent 14 n 29, 222 n 1 to reservations 17 n 1, 22, 27, 33, 61–2, 66, 213, 265 objective regimes 9–10, 51, 173, 244–9 obligations erga omnes see erga omnes obligations optional declarations see declarations, optional opt-out provision(s) 12 n 27 oral agreement(s) 105–106, 261 pacta sunt servanda (principle) 13, 60, 131, 222, 312–40 pacta tertiis (principle) 10, 45, 88, 116–17, 163, 170, 190, 222–53 principle of effectiveness see effectiveness (principle) privity see pacta tertiis (principle) provisional application see application, provisional ratification 13, 60, 128, 134, 199, 210, 263–4, 569 rebus sic stantibus (principle) 9, 64 n 95, 72, 118–19, 313–14, 318–20, 321, 334–5, 488, 540, 550–51 registration 265–6 res inter alios acta (principle) see pacta tertiis (principle) reservations 11–12, 14, 17 n 1, 20–22, 27, 29, 33, 51, 61, 64, 65–9, 113, 125, 187, 209–18, 221, 265, 267, 285–311, 313, 335–6 compatibility test 22, 67, 294–6 competence to determine compatibility 22, 33, 300–309 definition of 212, 214, 287–94 effects of 12 n 24, 14, 27, 65, 68, 125, 265, 285–7, 294–300 interpretative declarations distinguished 211–12, 287–94 opposability test 67, 294–6 permissibility test 12, 22, 67, 294–6 presumption of (in)compatibility 302–306 retroactivity 153–85, 337 distinction between true and material 164 and customary law 165 revision 229 see also amendments (to treaties); modification scope of application see application, scope of self-contained regimes 23–4, 111, 342–6, 541, 552 see also fragmentation self-defence 234, 328 signature 60, 199, 263, 265 see also authentication standing 137, 230, 252 subjects of international law/ subjechhood
see international legal personality
succession to treaties 218–20,
505–40
automatic succession 219, 517,
532–6
border treaties 532–3
boundary agreements 532–3
clean slate principle 219, 516–18,
531–2
devolution agreements 536–7
human rights treaties 219, 532–6
localised treaties 532–3
State practice, recent 519–32
tabula rasa
see succession to treaties, clean
slate
universal succession 517–18
survival clauses 337–8
suspension 32–3, 258, 312–40
see also withdrawal, termination,
suspension
systemic integration (principle) 33, 56,
111
termination 8, 9, 12, 14, 19 n 5, 24,
32–3, 35, 37, 41, 59, 63, 71–2,
118–19, 126, 134, 257–8, 267,
312–40
see also withdrawal, termination,
suspension
third parties 14, 35–6 n 37, 45, 48, 56,
116–17, 222–3, 315
see also pacta tertiis (principle)
travaux préparatoires 4 n 6, 13, 111,
201–202
see also interpretation, and travaux
préparatoires
treaty bodies 29, 126, 140–41, 438–41,
468–71
treaty conflicts
see conflicts
treaty interpretation
see interpretation
treaty-making 44–65, 68–9, 103,
129, 149–50, 186, 257–8, 260,
261–7
unilateral declarations
see declarations, unilateral
ut res magis valeat quam pereat
(principle)
see effectiveness (principle)
validity 4, 8, 14, 59, 245, 261, 265
see also invalidity
of grants of nationality 4
of consent 14
erga omnes 245–6, 251
see also objective regimes;
boundary treaties
inter partes 245, 247
see also pacta tertiis (principle)
of obligations 59
of reservations
see reservations, effects of
withdrawal 14, 24–5, 29 n 28, 126,
312–40
see also withdrawal, termination,
suspension
withdrawal, termination, suspension 8,
9, 14, 19 n 5, 24–6, 29 n 28, 31–3,
35, 37, 41, 59, 63, 71–2, 118–19,
126, 134, 257–8, 267, 312–40,
542–51
distinguished from circumstances
precluding wrongfulness 326–8
due to fundamental change of
circumstances
see rebus sic stantibus (principle)
due to breach
see breach, material
due to desuetude 26, 314, 324–5
due to impossibility
see impossibility of performance
due to armed conflict
see armed conflict (and treaties)
procedure for 320–22
as threat to the peace 31