

INDEX

- acquiescence 4.23–30
- acquired rights under contracts 6.169,
10.01–2
 - legal order of predecessor State 10.07–9
 - sovereignty 10.08, 10.09, 10.10, 10.12
 - international law and rights and obligations 10.03–6
 - successor State can modify 10.10–16
 - compensation 10.12, 10.16
 - human rights 10.15
 - obligations under international law 10.14
- Africa 5.44 *see also individual countries*
- air-transport agreements 4.44
- Albania
 - Kosovo 3.14
- Algeria 13.86
- annexation in context of colonization
 - State contracts 13.94
 - colonial successor States 13.95–7
 - State practice supports non-succession 13.98–109
- annexation of Crimea by Russia 6.99, 9.12
 - BITs and State contracts *see* annexation of Crimea by Russia and international investment law
 - Crimea: part of Ukraine and under Russian occupation 6.126–7
 - effectivity 6.110, 6.111, 6.127, 6.150
 - ICSID Convention 9.12
 - illegal 6.109, 6.126–7, 6.147, 6.164, 6.179
 - corporations, obligations of 6.137, 6.138–43
 - legality of annexation 6.177, 6.178, 6.179, 6.183, 6.186, 6.188–96
 - self-defence 6.157
 - States: obligation not to recognize annexation 6.117–20, 6.131
 - non-recognition obligation under custom 6.188–96, 6.197–202
 - use of force by Russia 6.114–16, 6.183
 - Vienna Convention (1978) does not apply 6.121–5
 - jus cogens* 6.105, 6.115, 6.117, 6.130, 6.137, 6.191–3, 6.194
 - sanctions 6.118, 6.142, 6.143, 6.169, 6.198, 6.201
 - secession 6.105, 6.108, 6.110–11
 - ‘remedial’ right to 6.112–13
 - self-determination 6.110–111, 6.113
 - sequence of events 6.100–107
 - referendum 6.102–3, 6.104, 6.105
 - transfer of territory 6.108–9, 6.146–7
 - Vienna Convention 6.109, 6.122
 - Vienna Convention 6.109
 - does not apply 6.121–5, 6.126
- annexation of Crimea by Russia and international investment law 6.99, 6.129
- acquired rights under contracts 6.169
- BITs to which Ukraine a party 6.109, 6.145, 6.171
 - armed conflict, effect of 6.153–9
 - legal protections occupying force must provide 6.152, 6.167–70
 - MTF rule 6.146–52
 - no BIT protection 6.160–166, 6.171
 - Ukraine–Russia BIT: war clause 6.154
 - minimum standard of treatment 6.170, 6.198
 - State contracts 6.130–131
 - corporations, status of 6.132–7
 - illegal annexation and corporations 6.138–43
 - Ukraine–Russia BIT: claims by Ukrainian investors 6.99, 6.109, 6.144, 6.173–4

- BIT should logically not apply 6.181–7
de facto situation 6.186, 6.196
 jurisdiction 6.175–80, 6.184–5, 6.190,
 6.194, 6.195–6, 6.206
 pragmatic approach 6.197–203
 Russia not participating 6.178
 set aside proceedings 6.194
 State-owned enterprises 6.179
 State-to-State arbitration 6.204–6
 Ukraine: submissions as non-disputing
 party to BIT 6.178, 6.186, 6.196,
 6.200, 6.203
 arbitration 1.02, 2.09, 2.12, 6.01–4, 14.52,
 17.10
 clause 1.07, 1.15, 11.08, 13.72, 13.73–4,
 14.74
 investor's legal personality 6.136
 MFN clause 6.33
 private entities and legal succession
 15.17
 State-owned companies 15.18–30
 consent 1.08, 6.01, 6.27, 6.167, 15.30
 ICSID Convention 9.13–16, 16.24
 Crimea *see under* annexation of Crimea by
 Russia and international investment
 law
 critical date 6.69, 6.86–7, 6.92
 Czechoslovakia, dissolution of 6.05–7
 correctly addressed 6.16–27
 silence or limited analysis 6.08–15
 ICSID Convention 15.02
 consent in context of 9.13–16, 16.24
 nationality 16.02, 16.23–6, 16.54
 no automatic succession to 9.10–12
 territorial nexus 14.11
 Montenegro, secession of 13.07–11
Sanum v. Laos
 tribunal and subsequent court
 proceedings *see Sanum v. Laos* case
 succession during proceedings: affecting
 home State of claimant investor
 16.01–2
 basic rules: acquisition/loss of
 nationality 16.03–17
 continuing jurisdiction 16.19–55
 ICSID Convention criteria 16.23–6
 rule of continuous nationality 16.27–55
 succession during proceedings: affecting
 respondent State 15.01
 continuing jurisdiction 15.02–5
 dissolution of States 15.12–13
 illustration: commercial arbitration
 15.17–30
 incorporation and unification of States
 15.06–8
 secession 15.09–11
 transfer of territory 15.14–16
 typical factual pattern of cases 6.03
 USSR, break-up of 6.28–34, 13.05–6
 Yugoslavia, dissolution of 6.35
Mytilineos case 6.36–40, 15.03–4, 15.09
 other cases 6.41–3
 armed conflict and BITs 6.153–9
 Armenia
 BITs 3.21, 3.25, 3.27
 instruments adopted on break-up of
 USSR 4.35–7
 Asia 5.44 *see also individual countries*
 Australia 6.127
 Austria
 Croatia
 1997 BIT 6.42
 SFRY BIT 6.42
 unilateral declaration 4.28
 Czech Republic and Czechoslovakia BIT
 3.12
 Hungary Dual Monarchy 13.14,
 13.57–62, 14.58
 Kosovo 3.14
 Montenegro and BITs signed by
 predecessor State 3.33
 Serbia-Montenegro, new BIT with 3.07
 Slovakia and Czechoslovakia BIT 6.19,
 6.21–6
 USSR, treaties with 3.20
 BIT 3.21
 Tajikistan 3.21
 autonomous government 13.47, 14.30,
 14.33, 14.38–40
 Azerbaijan
 BITs 3.21, 3.25, 3.27
 instruments adopted on break-up of
 USSR 4.35–7

- Baltic States
 breakup of USSR 3.17, 3.18, 6.28, 7.07
- Bangladesh 6.112, 7.07, 15.18–30
- Belarus
 BITs 3.21, 3.25
 instruments adopted on break-up of
 USSR 4.35–7
- Belgium 13.87
 Kosovo 3.15
 Montenegro 3.32
 USSR, bilateral treaties with 3.20
- Belgium–Luxembourg Economic Union
 Czech Republic and Czechoslovakia BIT
 3.12, 6.15
 Kosovo 3.14
 USSR BIT
 Belarus 3.21, 3.25
 continuation approach 3.25–8
 Kyrgyzstan 3.21, 3.25
 Russia 3.21, 6.33
 Tajikistan 3.21, 3.25
 Turkmenistan 3.21, 3.25
- bilateral free trade agreements 2.10
- bilateral investment treaties (BITs) 1.10–13,
 17.02–7
 arbitration *see separate entry*
 armed conflict 6.153–9
 act of aggression 6.157
 security clauses 6.154
 survival clauses 6.158
 war clauses 6.154
 consent for continuation of BITs *see*
separate entry
 continuation of predecessor States' BITs
 solutions where no agreement *see*
 Vienna Convention (1978)
 State practice on *see separate entry*
 controversial issue 2.01–8
 pragmatism 2.08
tabula rasa/continuity dichotomy 2.01
 uncertainty 2.02–3, 2.05, 2.06
 corporations, status of 6.134, 6.136, 6.137
 Crimea *see under* annexation of Crimea by
 Russia and international investment
 law
 direct rights theory 17.05–7
 overview 2.09–15
 survival clauses 6.158, 17.06
- Bosnia and Herzegovina
 France
 new BIT 3.36
 SFRY BIT 3.35
 ICSID Convention 9.11
 Netherlands
 new BIT 3.42
 SFRY BIT 3.37, 3.41, 4.29
- bribery 6.194
- Bulgaria
 Montenegro and BITs signed by
 predecessor State 3.33
- Burma 13.97
- Canada 8.01–7
 Czech Republic and Czechoslovakia BIT
 6.09
 new BIT and continuity approach
 3.13
 Serbia and SFRY BIT 3.09
 USSR BIT 3.23
 Kazakhstan 3.21, 4.38, 4.41, 6.34
 Russia 3.21, 4.41
- capitalism 5.16, 5.82–3, 6.55
- Catalonia 2.11
- cession of territory 1.51, 14.20, 14.26,
 14.73
 continuation of predecessor States' BITs,
see Vienna Convention (1978)
 Hong Kong and Macao to China
 overview of State practice 6.44–7
Sanum v. Laos case *see separate entry*
 transfer or *see* transfer of territory
- change of nationality *see* nationality of
 claimant investor
- China
 cession of Hong Kong and Macao to 6.97
 overview of State practice 6.44–7
Sanum v. Laos case *see separate entry*
- Czech Republic and Czechoslovakia BIT
 3.13
 ICSID Convention 9.12
 USSR BIT
 Russia 3.2, 3.21
- coherence of international legal order
 10.06

- colonization *see* annexation in context of
colonization
- companies *see* corporations
- compensation 14.31
armed conflict
BITs: war clauses 6.154
expropriation 6.130, 14.62, 17.08
acquired rights 10.12, 10.16
State contracts 12.06, 12.07, 12.08,
12.09, 12.10, 13.82–3, 13.86
unjust enrichment 14.60, 14.72
- competence theory and territory 1.24
- conduct of parties: inferred or tacit consent
for continuation of BITs 4.38–45
- Congo 13.86, 13.87
- consent for continuation of bilateral treaties:
Vienna Convention (1978) 5.23, 5.41,
5.75
distinguishing State practice favouring
continuity 5.57–62
legal nexus with territory 5.49–51
new States 5.43, 5.48, 5.63, 5.69, 5.73–4,
5.85
not triangular relationship 5.55–6
'personal equation' 5.52–4, 5.74, 5.85
voluntary character 5.51
tabula rasa should apply to secession and
dissolution of States 5.43, 5.63–74,
5.86, 5.89
- consent for continuation of BITs 3.27, 3.28,
4.01, 5.23
express 4.02–3, 4.20, 5.32
inferred or tacit *see separate entry*
- consent to arbitration 1.08, 6.01, 6.27,
6.167, 15.30
ICSID Convention 9.13–16, 16.24
- consent to change respondent State 15.11
- continuity of State 1.19
State identity *see separate entry*
- corporations
illegal annexation and obligations of
6.137, 6.138–43
nationality 16.10–17, 16.24
sanctions 6.142, 6.143
State-owned 6.179, 11.02, 15.18–30
status of 6.132–7, 11.07, 15.06
see also nationality of claimant investor
- corruption 6.194
- Council of Europe
annexation of Crimea by Russia 6.103,
6.118
coup d'État 1.27
- Crimea *see* annexation of Crimea by Russia
- Croatia
Austria 4.28, 6.42
France
new BIT 3.36
SFRY BIT 3.35
- ICSID Convention 9.11
- Kosovo 3.14
- Montenegro and BITs signed by
predecessor State 3.33
- Netherlands
new BIT 3.42
SFRY BIT 3.37
- Cuba 13.15, 13.22, 13.24, 13.99
- customary international law 4.26, 10.06,
10.16, 13.14
bilateral treaties 5.48, 5.58, 5.60, 5.86,
5.88
codifying 2.06, 4.18, 6.153
continuity principle and multilateral
treaties 7.04, 7.08, 8.02
corporations 6.132, 6.137, 6.143
derogation by agreement from 6.84
illegal occupation of territory 6.125,
6.132, 6.149
minimum standard of treatment (MST)
6.170, 10.14
moving treaty frontier (MTF) rule 5.09,
6.83, 6.84, 6.149, 6.150
nationality, rule of continuous 16.29,
16.31, 16.32, 16.33, 16.54
non-recognition obligation 6.117, 6.150,
6.189, 6.190
non-State actors 6.132
State continues after separation of part of
its territory 6.28
territorial scope of treaties 5.10
unification of States 5.26
- Cyprus
Montenegro and BITs signed by
predecessor State 3.33, 6.41

- Serbia and BIT signed by Serbia and Montenegro 6.43
- Czech Republic 1.03
- arbitration cases 6.05–7
- correctly addressed 6.16–20, 6.26–7
- silence or limited analysis 6.08–13, 6.15
- consent for continuation of treaties
- conduct of parties 4.38
- unilateral declaration 4.08, 4.22, 4.28
- ICSID Convention 9.11
- Kosovo 3.14
- Montenegro and BITs signed by predecessor State 3.33
- practice regarding Czechoslovakia's BITs 3.10–13
- rebus sic stantibus* 5.79
- Vienna Convention (1978) 2.07, 3.10, 3.11, 3.12
- Czechoslovakia and Austria-Hungary Dual Monarchy 13.14
- Czechoslovakia, dissolution of 1.03, 1.46, 2.08, 3.02, 3.10, 4.08, 5.87, 7.04
- arbitration 6.05–7
- correctly addressed 6.16–27
- silence or limited analysis 6.08–15
- ICSID Convention 9.11 *see also* Czech Republic; Slovakia
- decolonization 1.50, 2.04, 5.04, 5.44–7, 5.66–71, 5.72, 5.89
- State contracts 13.77–85, 13.86, 13.87
- unjust enrichment 14.62, 14.73
- see also* annexation in context of colonization
- definition of State succession 1.18
- Denmark
- Czech Republic and Czechoslovakia BIT 3.12
- USSR BIT 3.23
- Russia 3.2, 3.21
- developing States 11.03
- devolution agreements 5.30, 5.67
- consent 4.07, 4.31–4, 6.56, 6.91, 6.98
- illustration: break-up of USSR 3.27, 4.35–7
- definition 4.32
- Sanum v. Laos* case 6.48, 6.56, 6.71, 6.83–5, 6.89, 6.91–2, 6.98
- diplomatic protection 16.30, 16.37–48, 16.49, 16.50, 16.51, 16.54
- direct rights theory 17.05–7
- discrimination 10.13, 15.25, 15.26, 15.30
- remedial right to secession 6.113
- dissolution of States 1.46, 13.14, 14.20, 14.22, 14.30
- continuation of predecessor States' BITs, *see* Vienna Convention (1978)
- Czechoslovakia, dissolution of *see separate entry*
- international organizations 9.08
- multinational treaties 7.02–6, 7.09–10
- nationality
- corporations 16.15, 16.16, 16.17
- individuals 16.04, 16.07
- secession and dissolution of States: Vienna Convention (1978) *see separate entry*
- State contracts 13.53, 14.26, 14.66, 14.67, 14.73
- new States generally not bound 13.54–6, 13.62
- State practice 13.57–62
- succession during arbitration proceedings respondent State 15.12–13
- USSR, break-up of 3.18
- Yugoslavia, dissolution of *see separate entry see also* USSR
- domestic law 6.56, 6.84, 6.87, 9.14, 10.08
- nationality 16.05, 16.06, 16.07, 16.09, 16.10, 16.13, 16.20–21
- unjust enrichment 14.48
- due process 6.170, 6.198, 10.14
- East Timor 6.127, 9.11
- Egypt 1.45, 13.68
- new BIT with Serbia-Montenegro 3.07
- emigration 1.28
- equality of States 10.03, 10.04, 10.11, 10.12
- Eritrea 7.07, 9.11
- Ethiopia 7.07, 9.11, 13.96, 13.98
- European Union 7.04

- annexation of Crimea by Russia 6.103,
6.118, 6.142
- Commission 6.103
notify BITs to 3.26, 3.33
- European Council 6.103
- Official Journal of 3.21
- ex injuria jus non oritur* 6.127, 6.197
- exchange of letters
predecessor States' BITs 3.01, 3.04, 3.06,
3.12, 3.14, 3.15, 3.33, 3.34, 3.35,
3.41, 3.42, 3.43, 4.29, 4.43
- Sanum v. Laos* case
paucity of factual elements 6.54
- Singapore Appeal Court 6.77, 6.86–90,
6.92
- Singapore High Court 6.65–70, 6.72,
6.93–6
- express consent for continuation of BITs
4.02–3, 4.20, 5.32
- expropriation 6.160, 13.16, 14.44, 14.69,
16.43
- compensation 6.130, 14.62, 17.08
- acquired rights 10.12, 10.16
- State contracts 12.06, 12.07, 12.08,
12.09, 12.10, 13.82–3, 13.86
- unjust enrichment 14.44
- fair and equitable treatment 6.156, 6.160,
6.170, 14.52
- financial institutions 9.04
- Finland 13.24
- Czech Republic and Czechoslovakia BIT
3.12
- Montenegro BIT 3.32
- USSR BIT
Russia 3.21
- force majeure* 6.162
- force, use of 6.105, 6.111, 6.114–16, 6.117,
6.118, 6.119, 6.123, 6.125, 6.147,
6.150, 6.151, 6.157, 6.183, 6.190,
6.191, 6.192, 13.94
- framework of analysis: State contracts 1.16,
12.08–14, 17.09
- France 1.27, 13.21, 13.58, 13.86, 13.98,
14.56
- Alsace-Lorraine 1.25, 1.51, 13.25
- Czech Republic and Czechoslovakia BIT
3.12
- Kosovo and SFRY BIT 3.14
- Montenegro and BITs signed by
predecessor State 3.33, 3.35
- Serbia-Montenegro
France-SFRY BIT 3.06, 3.35
- SFRY BIT 3.06, 3.14, 3.33, 3.35–6
- USSR, treaties with 3.20
- BIT 3.21
- fraud 6.194
- full protection and security 6.154, 6.156,
6.157, 6.160, 10.14
- G-7 6.103
- general principle of law
unjust enrichment 14.48–53
- Georgia 6.168
- BITs 3.21, 3.25
- instruments adopted on break-up of
USSR 4.35–7
- Germany 1.47, 2.08, 3.06
- Alsace-Lorraine 1.25, 1.51, 13.25
- Czech Republic and Czechoslovakia BIT
3.11, 3.12, 6.09, 6.12–13, 6.20
- Diplomatic Conference adopting Vienna
Convention (1978) 5.41
- incorporation of GDR 5.19–20, 15.06
- State contracts 13.73–4
- Kosovo and SFRY BIT 3.14, 6.43
- Montenegro and BITs signed by
predecessor State 3.33
- South Sudan and 1963 Sudan-Germany
BIT 3.03
- USSR, bilateral treaties with 3.20
- BITs 3.21, 6.30
- Greece 14.61
- arbitration
1997 FRY BIT 6.36–40
- Czech Republic and Czechoslovakia BIT
3.12
- Montenegro and BITs signed by
predecessor State 3.33
- State contracts 13.21, 13.26–8, 13.36–49,
14.10, 14.56
- habitual residence 16.04, 16.06, 16.43

- Hong Kong 1.51, 6.44, 6.45, 6.48, 6.97
 ICSID Convention 9.12
see also Sanum v. Laos case
- human rights 16.39
 acquired rights under contracts 10.15
 armed conflict: AREAC 6.156
 corporations 6.137
 individuals: direct right of action against States 6.133
 occupied territory 6.152, 6.168
 remedial right to secession 6.112, 6.113
- humanitarian law 6.167
- Hungary
 Austria-Hungary Dual Monarchy 13.14, 13.57–62, 14.58
 Montenegro and BITs signed by predecessor State 3.33
- ICSID Convention 15.02
 consent in context of 9.13–16, 16.24
 nationality 16.02, 16.23–6, 16.54
 no automatic succession to 9.10–12
 territorial nexus 14.11
- identity *see* State identity
- immigration 1.28
- incorporation of State 1.47, 6.96, 14.22
 continuation of predecessor States' BITs, *see* Vienna Convention (1978)
- nationality
 corporations 16.15, 16.16
 individuals 16.04
- State contracts 13.63, 14.26
 State practice and tribunal 13.73–4
 successor State bound 13.64–6
 succession during arbitration proceedings respondent State 15.06–7
 Vienna Convention (1978) 5.18–20
- India 9.07
- individuals 6.133, 6.140, 6.141, 6.156, 6.168, 10.01, 15.06
 nationality 16.04–9
see also nationality of claimant investor
- Indonesia 6.127, 9.11, 13.86
- inferred or tacit consent for continuation of BITs 2.13, 3.44, 4.04–6, 5.32
 conduct of parties 4.38–45
 government website 4.41, 4.42, 4.43
 treaty refers to another treaty 4.45
- devolution agreements 4.07, 4.31, 4.33, 6.56, 6.91, 6.98
 definition 4.32
 illustration: break-up of USSR 3.27, 4.35–7
 nature and effect of 4.32–4
- unilateral declarations 3.27, 4.07, 4.08–9, 4.33
 effect on State making it 4.17
 required form 4.10–16
 response by 'other State party' 4.18–22
 silence and passivity of 'other State party' 4.23–30
- Institut de Droit international
 acquired rights 10.03, 10.13
 continuous nationality, rule of 16.39, 16.45, 16.47
 definition of devolution agreement 4.32
 legality requirement 6.124
 Newly Independent States 13.84, 13.85
 structural continuity 14.30, 14.32, 14.35, 14.36
 succession to State responsibility 13.55, 13.64, 14.04–5, 14.10
 territorial nexus 14.13–18, 14.20
 unjust enrichment 14.63, 14.65
- International Court of Justice (ICJ) 6.07, 7.03, 10.06
 continuator State 1.49
 date jurisdiction determined 15.03
 declarations of independence 6.105
 nationality 16.40, 16.45
 non-recognition obligation 6.117, 6.138, 6.199
 non-State actors 6.132, 6.133
 occupying force and human rights 6.168
 'remedial' right to secession 6.112–13
 State identity 1.38, 6.07
- international investment agreements (IIAs) 2.09, *see* BITs
- International Law Association (ILA)
 continuity of treaties 5.48, 5.57, 5.58, 5.88
 multilateral treaties 7.07
 continuous nationality, rule of 16.39, 16.45
 non-State actors 6.132

- International Law Commission (ILC) 1.05,
1.12, 2.12, 10.03, 13.64
acquired rights 10.01, 10.09, 13.65–6,
13.95, 13.97
armed conflict: AREAC 6.153–9
Articles on State Responsibility 14.31
 force majeure 6.162
 insurrectional movements 14.32
 obligation not to recognize 6.117,
 6.193
 State contracts 11.06, 14.09
continuity principle and multilateral
 treaties 7.07, 7.09
definition of succession of States 1.18
inferred or tacit consent for continuation
 of BITs
 conduct of parties 4.39
 unilateral declarations 4.17, 4.19, 4.20,
 4.23, 4.26
international organizations 9.03, 9.04,
 9.05
nationality
 individuals 16.04, 16.05, 16.06, 16.07
 legal persons 16.11, 16.13
 rule of continuous 16.31–2, 16.33,
 16.39, 16.46, 16.49
Newly Independent States 1.50, 2.04,
 13.77, 13.79, 13.80–82, 13.86
non-recognition obligation: violations of
 jus cogens norms 6.117
non-State actors 6.132
secession or separation 1.49
transfer of territory 1.51
Vienna Convention (1978) 2.02, 2.03,
 2.04, 2.07, 2.14, 17.03
 history of 5.03, 5.04
 Newly Independent States 5.30, 5.43
 secession and dissolution of States *see*
 separate entry
 unification of States 5.22
International Monetary Fund (IMF) 9.04
international organizations
 generally no succession 9.04–5
 ICSID Convention
 no automatic succession to 9.10–12
 special category of treaties creating
 9.02–3
 State practice 9.06–9
 international or transnational public policy
 6.194
 Iran 1.27
 Iraq 6.115, 6.130
 Israel
 East Jerusalem 6.115
 Golan Heights 6.115
 Montenegro and BITs signed by
 predecessor State 3.33
 State contracts 13.15
 Italy 13.24, 13.26–7, 13.58, 13.96, 13.98
 iura novit curia 6.177
 Japan 13.21, 13.58
 jus cogens 6.105, 6.115, 6.117, 6.130, 6.150,
 6.191–3
 acquired rights under contracts 10.14
 corporations 6.137
 UN: non-recognition and call upon
 Home States 6.139–42
 transnational public policy 6.194
Kazakhstan
 BITs 3.21, 6.34
 conduct of parties 4.38, 4.41
 instruments adopted on break-up of
 USSR 4.35–7
Korea 13.21
Kosovo 2.11, 6.112
 Germany
 SFRY BIT 3.14, 6.43
 ICSID Convention 9.11, 9.16
 Serbia's BITs 3.14–15
 unilateral declaration 4.20
 form of 4.16
Kuwait 6.115
 Kosovo 3.14
Kyrgyzstan
 BITs 3.21, 3.25
 instruments adopted on break-up of
 USSR 4.35–7
legal personality, international 6.132–7,
 11.07, 15.06
legal persons
 nationality 16.10–17
letters *see* exchange of letters

- Lithuania
 Montenegro and BITs signed by predecessor State 3.33
- Luxembourg *see* Belgium-Luxembourg Economic Union
- Macao 1.04, 1.51, 6.44, 6.46–7, 6.97
 ICSID Convention 9.12
Sanum v. Laos case *see separate entry*
- Macedonia
 France
 new BIT 3.36
 SFRY BIT 3.35
 ICSID Convention 9.11
 Kosovo 3.14
 Montenegro 3.32
 Netherlands
 new BIT 3.42
 SFRY BIT 3.37, 3.38–40
- Madagascar 13.21, 13.98
- Mexico
 China BIT 6.97
 minimum standard of treatment (MST) 6.170, 6.198, 10.14, 12.08, 17.08
 misrepresentations by claimant 6.194
- Moldova 2.07
 BITs 3.21
 instruments adopted on break-up of USSR 4.35–7
- Montenegro 1.36, 1.45, 1.49, 2.11
 France 3.33
 SFRY BIT 3.35
 ICSID Convention 9.11
 Kosovo 3.14
 multilateral treaties 7.07
 Netherlands 3.33
 SFRY BIT 3.37, 6.41
 Russia
 1995 FRY BIT 6.41
 Serbia-Montenegro
 practice regarding BITs of 3.29–34
 secession from 3.09, 6.36–9, 7.07
 Vienna Convention (1978) 2.07
 moving treaty frontier (MTF) rule 5.07–9, 6.50, 6.53, 6.91, 6.96, 6.98
 annexation of Crimea by Russia 6.146–52, 6.201
- Art 29 VCLT 6.151
 Ukraine ratified Vienna Convention 6.147
 exceptions to 5.12–17, 6.53, 6.55–60, 6.64–7, 6.72, 6.75–91, 6.96
 incorporation of State 5.19, 5.20
 interaction between Art 15 VCST and Art 29 VCLT 5.10–11, 6.74, 6.96
Sanum v. Laos case *see separate entry*
 multilateral treaties 2.09, 3.19, 5.04, 5.05, 5.22
 continuity principle 7.01–10
 hypothetical illustration 8.01–7
 corporations 6.134
 ICSID Convention 9.01–16
 Newly Independent States 5.27, 5.28, 5.29, 5.43, 5.44–7
 legal nexus with territory 5.49
 secession and dissolution of States:
 Vienna Convention (1978) 5.31, 5.41, 7.02
- NAFTA (North American Free Trade Agreement) 8.01–7, 16.22, 16.28–30, 16.34
rebus sic stantibus 5.78, 5.80
- Namibia 6.140, 6.142, 6.193, 13.88–92, 14.08
 moving treaty frontier (MTF) rule 5.09
 nationality of claimant investor 16.01–2
 basic rules 16.03
 individuals 16.04–9
 legal persons 16.10–17
 rule of continuous nationality 16.27–55
 diplomatic protection 16.30, 16.37–48, 16.49, 16.50, 16.51, 16.54
 investment arbitration 16.36, 16.49–55
 origins of controversy: *Loewen* case 16.28–36
 State succession 16.42–8, 16.50, 16.52, 16.55
Sanum v. Laos case 6.62–3
 State contracts 16.02
 tribunal: continuing jurisdiction despite change of 16.19–55
 BITs in general 16.20–22
 critical date(s) 16.22, 16.24, 16.25–6

- ICSID Convention criteria 16.23–6
 rule of continuous nationality 16.27–55
- NATO (North Atlantic Treaty Organization) 6.118
- natural resources 13.83, 14.15
- Netherlands 16.12
- Czech Republic and Czechoslovakia BIT 3.12, 6.10, 6.11, 6.16–17, 6.18
- Montenegro and BITs signed by predecessor State 3.33, 3.37, 6.41
- SFRY-Netherlands BIT 3.06, 3.33, 3.37–42, 4.29, 6.41
- new BIT with Serbia-Montenegro 3.07
- Slovakia and Czechoslovakia BIT 6.14, 6.15, 6.18
- USSR BIT
- Russia 3.21
- Newly Independent States 1.50, 14.22
- continuation of predecessor States' BITs, *see* Vienna Convention (1978)
- nationality
- corporations 16.15
- individuals 16.04, 16.07
- State contracts 13.75, 14.26
- generally not bound 13.76–85
- State practice ambiguous 13.86–93
- unjust enrichment 13.85, 13.87, 14.62, 14.73
- Vienna Convention (1978) 2.04, 5.04, 5.27–30
- bilateral treaties 5.27, 5.28, 5.30, 5.43, 5.48–62, 5.63
- multilateral treaties 5.27, 5.28, 5.29, 5.43, 5.44–7
- tabula rasa* 5.27, 5.43, 5.44–62, 5.63, 5.64, 5.65–74, 5.85, 5.89
- non-recognition, obligation of 6.117–20, 6.131, 6.150, 6.188–202
- corporations 6.137, 6.138–43
- Norway
- Czech Republic and Czechoslovakia BIT 3.12
- occupation 6.168
- Crimea *see* annexation of Crimea by Russia
- State identity and temporary belligerent 1.23
- O'Connell, D.P. 1.05, 1.16, 1.18, 1.41, 1.43, 1.49, 2.04, 2.05, 3.03, 4.05, 7.04, 7.09, 9.05, 9.07, 10.03, 10.04, 10.05, 10.07, 10.08, 10.09, 10.10, 10.12, 10.13, 10.14, 10.16, 12.02, 12.03–7, 12.08, 12.11, 12.12, 12.14, 13.01, 13.14, 13.15, 13.18, 13.21, 13.22, 13.24, 13.25, 13.31, 13.32, 13.33, 13.35, 13.50, 13.58, 13.60, 13.68, 13.83, 13.84, 13.86, 13.87, 13.95, 13.96, 13.98, 13.99, 14.02, 14.03, 14.22, 14.25, 14.42, 14.48, 14.50, 14.60, 14.64, 14.65, 14.66, 14.68, 16.06, 16.40, 16.45
- Organization for Security and Co-operation in Europe (OSCE)
- annexation of Crimea by Russia 6.103, 6.112, 6.118
- Ottoman Empire
- State contracts 13.26–8, 13.36–42, 13.44, 13.50
- Turkey and 1.26, 1.28, 1.32, 1.40, 13.44
- pacta tertiis nec nocent nec prosunt* 6.91
- Pakistan 7.07, 9.07, 15.18–30
- Palestine 6.168, 13.21, 13.33–5
- personality, international legal 6.132–7, 11.07, 15.06
- Philippines 13.15, 13.22, 13.24, 13.86, 13.99
- planned economy 5.16, 5.82, 6.55
- Poland 1.25, 13.14, 13.30–32, 14.57, 14.58
- Montenegro and BITs signed by predecessor State 3.33
- USSR, bilateral treaties with 3.20
- provisional application of treaties: unilateral declaration 4.17
- Qatar
- Kosovo 3.14
- Quebec 2.11, 7.07, 8.01–7, 14.36
- rebus sic stantibus* 5.32, 5.75–84
- retroactivity 6.70, 6.88, 6.92, 6.158, 7.09
- revolution 1.27

- Romania
 Montenegro and BITs signed by predecessor State 3.33
- Russia 1.27, 1.32, 1.37, 1.38–9
 annexation of Crimea *by see separate entry*
 arbitration 6.28–34
 China BIT 6.97
 continuing State of USSR 3.17–18, 3.21, 6.28, 6.29–33
 State contracts 13.05–6, 13.12
 FRY BIT (1995) 6.41
 human rights 6.112, 6.113, 6.152, 6.156, 6.168
 ICSID Convention 9.12
 instruments adopted on break-up of USSR 4.35–7
 USSR: BITs 3.21, 4.41
- sanctions 6.118, 6.142, 6.143, 6.169, 6.198, 6.201
- Sanum v. Laos* case 1.04, 6.47, 6.48–51, 6.91–8
 definition of ‘territory’ not included in BIT 6.52
 Joint Declaration (1987) 6.48, 6.56, 6.71, 6.83–5, 6.89, 6.91–2, 6.98
 moving treaty frontier (MTF) rule 5.07, 5.09, 6.50, 6.53, 6.91, 6.96, 6.98, 6.149
 exceptions to 5.12, 5.14, 5.15, 5.16, 5.17, 6.53, 6.55–60, 6.64–7, 6.72, 6.75–91, 6.96
 interaction between Art 15 VCST and Art 29 VCLT 5.10, 5.11, 6.74, 6.96
 retroactivity 6.70, 6.88, 6.92
- Singapore Appeal Court 5.07, 5.10, 5.15, 5.16, 6.73, 6.92, 6.97, 6.98, 6.149
 Arts 15 VCST and 29 VCLT and exceptions 6.74–6
 context, object and purpose of BIT 6.77–85
 exchange of letters: admissibility after critical date 6.86–90, 6.92
 joint declaration, nature and effect of 6.83–5
 Singapore High Court 5.09, 6.61, 6.92, 6.93–6, 6.149
 critical date 6.69
 exceptions under Arts 29 VCLT and 15 VCST and exchange of letters 6.64–7
 letters as evidence, admission of 6.68–70
 nationality of investor 6.62–3
 other evidence 6.71–2
 retroactivity 6.70
- UNCITRAL Tribunal 5.09, 5.14, 5.15, 5.16, 5.85, 5.89, 6.50–52, 6.91–2, 6.98, 6.149
 exceptions under Art 15 VCST 6.55–7
 exceptions under Art 29 VCLT 6.58–60
 paucity of factual elements 6.54
 preliminary observations 6.53–4
rebus sic stantibus 5.81–4
- Scotland 2.11, 7.07
- secession 1.49, 2.11, 14.15, 14.20, 14.22, 14.30
 comparison: Newly Independent States 5.33, 5.43, 5.64, 5.65–74
 bilateral treaties 5.27, 5.43, 5.48–62, 5.63
 multilateral treaties 5.27, 5.43, 5.44–7
 continuation of predecessor States’ BITs, *see* Vienna Convention (1978)
 continuator State after 5.32, 5.55, 5.56
 continuity principle 3.10–11, 3.12, 5.32, 5.43, 5.46, 5.85–9
 exceptions 5.32, 5.43, 5.75–84
- Crimea 6.105, 6.108, 6.110–111
 ‘remedial’ right to secession 6.112–13
- dissolution of States and secession:
 Vienna Convention (1978) 5.02, 5.03, 5.31, 5.85–9, 17.03
 first phase of ILC work 5.33, 5.34–6
 second phase of ILC work 5.33, 5.37–9
 third phase of ILC work 5.33, 5.40–42
 logics and drafting history: *tabula rasa* should apply 5.43, 5.63–5, 5.86, 5.89

- ILC's adoption of Draft Articles (1972)
 5.70–74
 rebus sic stantibus exception 5.32,
 5.75–84
 Waldock's first four reports
 (1969–71) 5.66–9
 effectivity 6.110, 6.111
 international law, violation of 6.111
 international organizations 9.07
 Montenegro 3.09, 6.36–9
 multilateral treaties 7.02–3, 7.07–10
 hypothetical illustration 8.01–7
 nationality
 corporations 16.15, 16.17
 individuals 16.04, 16.07
 not triangular relationship 5.55–6
 self-determination 6.110
 'separation' 5.31
 State contracts 13.03, 14.26, 14.66, 14.67,
 14.73
 continuator State remains bound
 13.04–12
 new State generally not bound
 13.13–16
 succession during arbitration proceedings
 respondent State 15.09–11
tabula rasa 5.32, 5.33, 5.87, 6.26
 Newly Independent States 5.27, 5.43,
 5.44–62, 5.63, 5.64, 5.65–74, 5.85,
 5.89
 phases of ILC work 5.33, 5.36, 5.38,
 5.39, 5.41
 should apply 5.43, 5.63–74, 5.86, 5.89
 unilateral 6.105
 USSR, break-up of 3.18, 6.28, 7.07
 self-determination 5.43, 5.44–7, 5.48, 5.68,
 6.141
 Crimea 6.110–111, 6.113
 remedial right to secession 6.113
 Serbia 1.36, 1.45, 2.11
 continuator of Serbia-Montenegro 3.09,
 3.29, 6.36–40, 6.43, 15.09
 State contracts 13.07–12
 ICSID Convention 9.11
 Kosovo 3.14
 practice of Montenegro: BITs of
 Serbia-Montenegro 3.29–34
 SFRY-Canada BIT 3.09
 SFRY-Sweden BIT 3.08
 Vienna Convention (1978) 2.07
 Serbia-Montenegro *see* Yugoslavia, Federal
 Republic of
 silence and passivity of 'other State party'
 consent for continuation of BITs
 government website 4.43
 unilateral declarations 4.23–30
 Singapore 7.07
 Courts *see under Sanum v. Laos* case
 Slovakia 1.03
 arbitration cases 6.05–7
 correctly addressed 6.18, 6.19, 6.27
 silence or limited analysis 6.14–15
 ICSID Convention 9.11
 Montenegro and BITs signed by
 predecessor State 3.33
 practice regarding Czechoslovakia's BITs
 3.10, 3.11
 Vienna Convention (1978) 2.07, 3.10,
 3.11
 Slovenia
 France
 new BIT 3.36
 SFRY BIT 3.35
 ICSID Convention 9.11
 Montenegro and BITs signed by
 predecessor State 3.33
 Netherlands
 new BIT 3.42
 SFRY BIT 3.37
 South Africa 6.140–142, 6.193, 13.23,
 13.98–109
 moving treaty frontier (MTF) rule 5.09
 South Korea
 USSR BIT
 Russia 3.21
 South Sudan 1.49, 2.02, 2.11, 7.07,
 14.37–9
 ICSID Convention 9.11
 State practice on continuation of Sudan's
 BITs 3.03
 sovereignty 10.08, 10.09, 10.10, 10.12
 international law and rights and
 obligations 10.03–6, 10.07
 Soviet Union *see* USSR

- Spain
- Czech Republic and Czechoslovakia BIT 3.12
 - Montenegro and BITs signed by predecessor State 3.33
 - Spanish–American War: Treaty of Paris (1898) 13.15, 13.22, 13.24
 - USSR BIT 4.36, 4.43
 - Armenia 3.21, 3.25, 3.27
 - Azerbaijan 3.21, 3.25, 3.27
 - Belarus 3.21, 3.25
 - continuation approach 3.25–8, 4.36
 - Georgia 3.21, 3.25
 - Kyrgyzstan 3.21, 3.25
 - Russia 3.21
 - Tajikistan 3.21, 3.25, 3.27
 - Turkmenistan 3.21, 3.25
 - State contracts 1.05, 1.08, 1.15–16, 13.01, 14.01–6, 17.08–9
 - annexation in context of colonization 13.94
 - colonial successor States 13.95–7
 - State practice supports non-succession 13.98–109
 - annexation of Crimea by Russia 6.130–131
 - corporations, status of 6.132–7
 - illegal annexation and corporations 6.138–43
 - applicable law clause 11.08
 - arbitration clause 11.08, 13.72, 13.73–4, 14.74
 - autonomous government 13.47, 14.30, 14.33, 14.38–40
 - concept of 11.01–8
 - State party: international legal obligations 11.06
 - corporations, status of 6.132–7, 11.07
 - dissolution of States 13.53, 14.26, 14.66, 14.67, 14.73
 - new States generally not bound 13.54–6, 13.62
 - State practice 13.57–62
 - modification by successor State 12.01–2
 - O’Connell’s theory 12.03–7, 12.11
 - proposed new framework 12.08–14
 - nationality of claimant 16.02
 - Newly Independent States 13.75, 14.26
 - generally not bound 13.76–85
 - State practice ambiguous 13.86–93
 - position taken by successor State 13.46, 14.06, 14.07–10
 - power relations 11.05
 - secession 13.03, 14.26, 14.66, 14.67, 14.73
 - continuator State remains bound 13.04–12
 - new State generally not bound 13.13–16
 - signed by organ with structural continuity 14.06, 14.28–9, 14.35–40
 - succession to State responsibility 14.30–34
 - stabilization law clause 11.08
 - territorial nexus *see* territorial nexus and State contracts
 - transfer of territory 13.17, 13.19
 - international courts and tribunals 13.29–52
 - practice of successor States 13.24–8
 - successor State bound 13.18
 - third States whose nationals affected 13.20–23
 - unification and incorporation of States 13.63, 14.26, 14.73–4
 - State practice and courts/tribunals 13.67–74
 - successor State bound 13.64–6
 - unjust enrichment *see separate entry*
 - see also* acquired rights under contracts
 - State debts, succession to 14.21–3
 - State identity
 - criteria to determine 1.23
 - essential portion of State 1.31–2
 - government, population and country’s name 1.27–30
 - recognition by other States 1.33–40
 - territory 1.24–6
 - State succession and 1.18–20
 - basic differences between 1.21–2
 - State-owned enterprises 6.179, 15.18–30
 - State contracts and 11.02
 - State practice on continuation of predecessor States’ BITs 1.11, 2.13, 3.01–4, 3.43–4

- other State parties 3.11
 - France: France-SFRY BIT 3.35–6
 - Netherlands: Netherlands-SFRY BIT 3.37–42
- successor States
 - Czech Republic: Czechoslovakia's BITs 3.10–13
 - FRY and Serbia-Montenegro: SFRY's BITs 3.05–9
 - Kosovo: Serbia's BITs 3.14–15
 - Montenegro: Serbia-Montenegro's BITs 3.29–34
 - new States: break-up of USSR 3.04, 3.16–28
- State property, succession to 14.19–20, 14.63, 14.65
- State responsibility, succession to 13.47, 14.02, 14.61, 14.63, 14.64
 - colonial successor States 13.96, 13.103, 13.109
 - continuous nationality, rule of 16.47
 - Newly Independent States 13.84
 - structural continuity 14.30–33
 - territorial nexus 14.13–18
- statelessness 16.06, 16.07
- statements 4.07
 - devolution agreements *see separate entry*
 - unilateral declarations *see separate entry*
- structural continuity, signed by organ with
 - 14.06, 14.28–9, 14.35–40
 - succession to State responsibility 14.30–34
- survival clauses 6.158, 17.06
- Sweden
 - Czech Republic and Czechoslovakia BIT 3.12
 - Montenegro and BITs signed by predecessor State 3.33
 - SFRY-Sweden BIT 3.08
- Switzerland
 - commercial arbitration 15.18–30
 - Czech Republic and Czechoslovakia BIT 3.12
 - Kosovo 3.14
 - Montenegro and BITs signed by predecessor State 3.33
 - Slovakia and Czechoslovakia BIT 6.15
 - USSR BIT
 - Russia 3.21
 - Syria 1.45, 9.08, 13.68
 - tabula rasa* 1.12, 2.01–2, 2.14, 3.36, 4.04, 6.26, 7.02, 13.15, 13.77
 - Newly Independent States 5.27, 5.43, 5.44–62, 5.63, 5.64, 5.65–74, 5.85, 14.01
 - secession and dissolution of States 5.32, 5.33, 5.87, 6.26, 7.07, 17.03
 - phases of ILC work 5.33, 5.36, 5.38, 5.39, 5.41
 - tabula rasa* should apply 5.43, 5.63–74, 5.86, 5.89
- tacit consent *see* inferred or tacit consent for continuation of BITs
- Tajikistan
 - BITs 3.21, 3.25, 3.27
 - instruments adopted on break-up of USSR 4.35–7
- Tanganyika 1.45, 4.08
- Tanzania 1.45, 9.09
- temporary belligerent occupation 1.23
- territorial nexus and State contracts 13.16, 13.18, 13.22, 13.56, 13.66, 13.72, 13.76, 14.06, 14.11–12
- Newly Independent States 13.85, 13.87
- railway tracks 13.62
- State succession to responsibility and property 14.13–24
 - application to State contracts 14.25–7
- succession during arbitration proceedings respondent State 15.12
- territory 1.24–6
- Timor-Leste 6.127, 9.11
- transfer of territory 1.51, 14.22, 14.30
 - continuation of predecessor States' BITs, *see* Vienna Convention (1978)
 - Crimean crisis 6.108–9, 6.122, 6.146–7
 - nationality
 - corporations 16.15, 16.16
 - individuals 16.04, 16.07
 - State contracts 6.130, 13.17, 13.19
 - international courts and tribunals 13.29–52
 - practice of successor States 13.24–8

- successor State bound 13.18
 third States whose nationals affected
 13.20–23
 succession during arbitration proceedings
 respondent State 15.14–16
 Vienna Convention (1978) 5.05–6
 interaction of Art 15 VCST and Art 29
 VCLT 5.10–11
 ‘moving treaty frontier’ (MTF) rule
 5.07–9
 MTF rule, exceptions to 5.12–17
 treaty refers to another treaty
 inferred or tacit consent 4.45
 Turkey
 Kosovo 3.14
 Montenegro 3.32
 Ottoman Empire and 1.26, 1.28, 1.32,
 1.40, 13.44
 USSR BIT
 Russia 3.2, 3.21
 Turkmenistan
 BITs 3.21, 3.25
 instruments adopted on break-up of
 USSR 4.35–7
 types of State succession 1.41–3, 1.52
 partial: predecessor State continues to
 exist 1.43, 1.48–51
 cession or transfer of territory 1.51
 Newly Independent States 1.50
 secession 1.49
 total: predecessor State ceases to exist
 1.43, 1.44–7
 dissolution 1.46
 incorporation 1.47
 unification 1.45
 Ukraine 2.07, 3.21
 Crimea *see* annexation of Crimea by
 Russia
 Eastern 6.153, 6.157
 instruments adopted on break-up of
 USSR 4.35–7
 unification of States 1.45, 14.22
 international organizations 9.09
 nationality
 corporations 16.15, 16.16
 individuals 16.04
 State contracts 13.63, 14.73–4
 State practice and courts/tribunal
 13.68–72
 successor State bound 13.64–6
 succession during arbitration proceedings
 respondent State 15.08
 Vienna Convention (1978) 5.21–6
 unilateral declarations 3.27, 4.07, 4.08–9,
 4.33, 5.30
 effect on State making it 4.17
 required form 4.10–16
 response by ‘other State party’ 4.18–22
 silence and passivity of ‘other State party’
 4.23–30
 United Arab Republic (UAR) 1.45, 9.09,
 13.68
 United Kingdom 13.58
 annexation 13.98
 Burma 13.96, 13.98
 South Africa 13.98–109
 Czech Republic and Czechoslovakia BIT
 3.12, 6.15
 Kosovo 4.20
 non-continuation of 2002 FRY BIT
 3.14
 State contracts
 transfer of territory: nationals of third
 States 13.21, 13.22, 13.23
 USSR, bilateral treaties with 3.20
 BITs 3.21, 6.31–2
 United Nations
 Charter 6.121, 6.123
 prohibition of use of force 6.114
 Conference on Trade and Development
 (UNCTAD) 6.137
 ‘Investment Policy Hub’ website 3.03,
 3.08, 3.21, 3.23, 3.31, 3.33
 continuity principle 7.05
 corporations
 non-recognition: violation of *jus cogens*
 norm 6.139–42
 General Assembly 6.103, 6.140, 6.141
 annexation of Crimea by Russia 6.119,
 6.139, 6.188–90
 Friendly Relations Declaration 6.115
 natural resources 13.83
 obligation not to recognize 6.117

- legal personality 6.133
- membership of 9.07
- Office of the High Commissioner for Human Rights 6.112
- Russia 3.17
- Security Council 6.115, 6.117, 6.119, 6.189
 - Namibia 6.140, 6.193
 - South Africa 6.141, 6.193
- United States 7.04
 - annexation of Crimea by Russia 6.142
 - Czech Republic and Czechoslovakia BIT 3.12, 6.08
 - Iraq 6.130
 - Kosovo 3.14
 - State contracts 13.15, 13.21, 13.24, 13.58, 13.98, 13.103–9
 - territorial nexus 13.16, 13.22, 13.66, 14.26
 - USSR, bilateral treaties with 3.20
- unjust enrichment 6.130, 12.06, 12.14, 13.16, 13.56, 13.72, 13.76, 14.05, 14.06, 14.41
- acquired rights 10.16
- application: State contracts 14.64–74
 - infrastructure 14.66–72, 14.74
- concept of 14.42–7
- equity 14.65
- general principle of law 14.48–53
- judicial decisions 14.54–9
- Newly Independent States 13.85, 13.87, 14.62, 14.73
- scholarship 14.60–63
- territorial nexus 14.25
- USSR 1.32, 1.37, 1.38–9, 1.46, 3.02, 3.16
 - Alma Ata Declaration 3.18, 3.19, 3.27, 4.35–7, 4.43, 7.07
 - arbitration 6.28–34
 - bilateral treaties of 3.19
 - BITs 3.21–8, 4.36, 4.43
 - response of other State parties 3.20, 3.21, 3.23–8
 - ICSID Convention 9.11
 - inferred or tacit consent
 - instruments adopted 4.31, 4.35–7
 - unilateral declaration 4.08
 - Minsk Agreement 3.18, 4.35–6, 7.07, 13.06
 - Moscow Memorandum 4.35, 4.37
 - multilateral treaties of 3.19, 7.07
 - Russia: continuing State of 3.17–18, 3.21, 6.28, 6.29–33
 - State contracts 13.05–6, 13.12
 - State contracts 13.05–6, 13.12, 13.24
 - Vienna Convention (1978) 2.04, 2.07, 2.08
 - see also individual States arising from break-up*
- Uzbekistan
 - BITs 3.21
 - instruments adopted on break-up of USSR 4.35–7
- Vienna Convention (1978) 1.12, 2.02, 2.03–8, 2.14, 4.15, 5.01–4, 17.03
 - annexation of Crimea by Russia 6.109, 6.121–5, 6.126
 - codifying customary law 2.06, 4.18
 - conduct of parties and continuance in force of treaty 4.39–40
 - date applicable 2.06, 2.07
 - ‘default’ rules 2.05
 - devolution agreements 4.33, 5.30, 5.67
 - history of 5.03
 - incorporation of State 5.18–20
 - international organizations 9.03
 - Newly Independent States 2.04, 5.04, 5.27–30
 - bilateral treaties 5.27, 5.28, 5.30, 5.43, 5.48–62, 5.63
 - multilateral treaties 5.27, 5.28, 5.29, 5.43, 5.44–7
 - tabula rasa* 5.27, 5.43, 5.44–62, 5.63, 5.64, 5.65–74, 5.85
 - secession and dissolution of States
 - 3.10–11, 3.12, 5.02, 5.03, 5.31–3, 7.02–9, 8.02, 8.07
 - continuity principle inconsistent and unjustifiable 5.43–89
 - first phase of ILC work 5.33, 5.34–6
 - second phase of ILC work 5.33, 5.37–9
 - tabula rasa* should apply 5.43, 5.63–74, 5.86, 5.89

- third phase of ILC work 5.33, 5.40–42
- transfer of territory 5.05–6
- annexation of Crimea by Russia 6.109, 6.122
- interaction of Art 15 and Art 29 VCLT 5.10–11
- ‘moving treaty frontier’ (MTF) rule 5.07–9
- MTF rule, exceptions to 5.12–17
- unification of States 5.21–6
- split treaty regime 5.24–5
- unilateral declarations 4.18, 5.30
- Vietnam 9.09
- websites, government
- inferred or tacit consent for continuation of BITs 4.41, 4.42, 4.43
- Yemen 1.45, 5.26, 9.09, 13.69–72, 14.73–4, 15.08
- Yugoslavia and Austria-Hungary Dual Monarchy 13.14
- Yugoslavia, dissolution of 1.46, 2.02, 2.07, 2.08, 3.02, 4.08, 5.87, 7.04
- arbitration 6.35
- Mytilineos* case 6.36–40
- other cases 6.41–3
- ICSID Convention 9.11
- see also individual successor States*
- Yugoslavia, Federal Republic of (later Serbia-Montenegro) 1.32, 1.36, 1.38–9, 1.45
- arbitration 6.41
- Mytilineos* 6.36–40
- continuator of SFRY 4.11, 4.15, 9.08
- Montenegro: secession from 3.09, 6.36–9, 7.07
- continuing State *see* Serbia
- Netherlands
- new BIT 3.42
- SFRY BIT 3.37
- practice regarding SFRY’s BITs 3.02, 3.05–9, 3.29, 3.33, 3.35, 3.37
- treaties of SFRY: form of unilateral declaration 4.11–15
- Vienna Convention (1978) 2.04, 2.07
- Zanzibar 1.45

