



## Список рекомендуемой литературы для специального курса «Право договоров»

### SESSION N°1

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- A. The law of treaties: conventional and customary law
- B. The agreement and its different forms
- C. The place of conventional law in the system of sources of international law
- D. Conclusion of treaties
- E. Reservations to treaties

#### Readings:

- Vienna Convention on the Law of Treaties, 1969, Articles 6-23.
- International Law Commission, *Guide to Practice on Reservations to Treaties*, 2011.
- **AUST**, Anthony, *Modern Treaty Law and Practice*, Cambridge, Cambridge University Press, 2013, pp. 5-27 and 87-144.
- **KOLB**, Robert, *The Law of Treaties. An Introduction*, Cheltenham-Northampton, Edward Elgar, 2016, pp. 1-88.

### SESSION N°2

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- A. Interpretation of treaties
- B. Subsequent practice and its role in respect to treaties

#### Readings:

- Vienna Convention on the Law of Treaties, 1969, Articles 31-33.
- International Law Commission, Subsequent agreements and subsequent practice in relation to the interpretation of treaties. Text of the draft conclusions adopted by the Drafting Committee on second reading, 11 May 2018 UN doc. A/CN.4/I.907
- *South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa)*, Judgment of 18 July 1966, ICJ Reports 1966, paras. 9-36.
- *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion of 21 June 1971, ICJ Reports 1971, paras. 42-54.



- *Kasikili/Sedudu Island (Botswana/Namibia)*, Judgment of 13 December 1999, ICJ Reports 1999, paras. 52-70 and 79.
- *Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)*, Judgment of 13 July 2009, ICJ Reports 2009, paras. 25-26, 40 and 50-71.
- *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment of 20 April 2010, ICJ Reports 2010, paras. 123-150.
- *Whaling in the Antarctic (Australia v. Japan; New Zealand intervening)*, Judgment of 31 March 2014, paras. 42-58 and 70-97.
- **AUST**, Anthony, *Modern Treaty Law and Practice*, Cambridge, Cambridge University Press, 2013, pp. 205-226.
- **KOLB**, Robert, *The Law of Treaties. An Introduction*, Cheltenham-Northampton, Edward Elgar, 2016, pp. 128-165.
- KOHEN, Marcelo, "Keeping Subsequent Agreements and Practice in Their Right Limits", in **NOLTE**, Georg (ed.), *Treaties and Subsequent Practice*, Oxford, Oxford University Press, 2013, pp. 34-45.

### SESSION N°3

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#### A. Invalidity of Treaties

##### Readings:

- Vienna Convention on the Law of Treaties, 1969, Articles 46-53.
- **AUST**, Anthony, *Modern Treaty Law and Practice*, Cambridge, Cambridge University Press, 2013, pp. 273-282.
- **KOLB**, Robert, *The Law of Treaties. An Introduction*, Cheltenham-Northampton, Edward Elgar, 2016, pp. 89-114.

### SESSION N°4

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#### A. Suspension of treaties

#### B. Termination of treaties

##### Readings:

- Vienna Convention on the Law of Treaties, 1969, Articles 54-64.



- *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion of 21 June 1971, ICJ Reports 1971, paras. 91-95.
- *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, Advisory Opinion of 20 December 1980, ICJ Reports 1980, pp. 91-96, paras. 40-49.
- *Gabcíkovo-Nagymaros Project (Hungary/Slovakia)*, Judgment of 25 September 1997, ICJ Reports 1997, paras. 98-115.
- **AUST**, Anthony, *Modern Treaty Law and Practice*, Cambridge, Cambridge University Press, 2013, pp. 245-272.
- **KOLB**, Robert, *The Law of Treaties. An Introduction*, Cheltenham-Northampton, Edward Elgar, 2016, pp. 206-259.

## SESSION N°5

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- A. State succession in respect of treaties
- B. The codification of the law of treaties: an assessment

### Readings:

- Vienna Convention on Succession of States in Respect of Treaties, 1978.
- **AUST**, Anthony, *Modern Treaty Law and Practice*, Cambridge, Cambridge University Press, 2013, pp. 320-340.
- **ZIMMERMAN**, Andreas and **DEVANEY**, James, "Succession to treaties and the inherent limits of international law", in **TAMS**, Christian *et al.* (eds), *Research Handbook on the Law of Treaties*, Cheltenham-Northampton, Edward Elgar, 2014, pp. 505-540.
- **KOHEN**, Marcelo, "La codification du droit des traités: quelques éléments pour un bilan global", *Revue générale de droit international public*, 2000, vol. 106 n° 3, pp. 577-613.

## SEMINAR

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The "withdrawal" of the United States of America from the Paris Agreement adopted by the 21<sup>st</sup> Conference of the Parties of the UNFCCC on 12 December 2015 and of the Joint Comprehensive Plan of Action announced by President Donald Trump respectively on 1 July 2017 and on 8 May 2018: A legal analysis

### Readings:

- Paris Agreement adopted by the 21<sup>st</sup> Conference of the Parties of the UNFCCC on 12 December 2015, Article 28.



- Statement of President Donald Trump, 1 July 2017.
- Joint Comprehensive Plan of Action, Vienna, 14 July 2015.
- United Nations Security Council Resolution 2231 (2015), 20 July 2015.
- Statement of President Donald Trump, 8 May 2018.

## SELECTED BIBLIOGRAPHY

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### Treaties:

Vienna Convention on the Law of Treaties, 1969.

Vienna Convention on Succession of States in Respect of Treaties, 1978.

Vienna Convention on the Law of Treaties between States and International Organizations and between International Organizations, 1986.

Paris Agreement adopted by the 21<sup>st</sup> Conference of the Parties of the UNFCCC on 12 December 2015.

### Case Law:

*South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa)*, Judgment of 18 July 1966, ICJ Reports 1966, p. 6.

*Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion of 21 June 1971, ICJ Reports 1971, p. 16.

*Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, Advisory Opinion of 20 December 1980, ICJ Reports 1980, p. 73.

*Gabcíkovo-Nagymaros Project (Hungary/Slovakia)*, Judgment of 25 September 1997, ICJ Reports 1997, p. 3.

*Kasikili/Sedudu Island (Botswana/Namibia)*, Judgment of 13 December 1999, ICJ Reports 1999, p. 1045.

*Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)*, Judgment of 13 July 2009, ICJ Reports 2009, p. 213.

*Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment of 20 April 2010, ICJ Reports 2010, p. 14.

*Whaling in the Antarctic (Australia v. Japan; New Zealand intervening)*, Judgment of 31 March 2014, ICJ Reports 2014, p. 226.



### **Books:**

**AUST**, Anthony, *Modern Treaty Law and Practice*, Cambridge, Cambridge University Press, 2013.

**CANIZZARO**, Enzo (ed.), *The Law of Treaties Beyond the Vienna Convention: Liber Amicorum Giorgio Gaja*, Oxford-New York, Oxford University Press, 2011.

**CORTEN**, Olivier and **KLEIN**, Pierre (eds.), *The Vienna Convention on the Law of Treaties. A Commentary*, Oxford-New York, Oxford University Press, 2011.

**KOLB**, Robert, *The Law of Treaties. An Introduction*, Cheltenham-Northampton, Edward Elgar, 2016.

**NOLTE**, Georg (ed.), *Treaties and Subsequent Practice*, Oxford-New York, Oxford University Press, 2013.

**REUTER**, Paul, *Introduction to the Law of Treaties*, London-New York, Pinter Publishers, 1989.

**TAMS**, Christian *et al.* (eds.), *Research Handbook on the Law of Treaties*, Cheltenham-Northampton, Edward Elgar, 2016.

### **ILC Documents:**

*Guide to Practice on Reservations to Treaties*, 2011.

### **Articles and Chapters:**

**KOHEN**, Marcelo, "La codification du droit des traités : quelques éléments pour un bilan global", *Revue générale de droit international public*, 2000, vol. 106 n° 3, pp. 577-613.

**KOHEN**, Marcelo, "Keeping Subsequent Agreements and Practice in Their Right Limits", in **NOLTE**, Georg (ed.), *Treaties and Subsequent Practice*, Oxford, Oxford University Press, 2013, pp. 34-45.

**ZIMMERMAN**, Andreas and **DEVANEY**, James, "Succession to treaties and the inherent limits of international law", in **TAMS**, Christian *et al.* (eds), *Research Handbook on the Law of Treaties*, Cheltenham- Northampton, Edward Elgar, 2014.