CAMBRIDGE

Cambridge University Press
978-0-521-45546-6 - Treaty Conflict and the European Union
Jan Klabbers
Index
More information

INDEX

AB:AC conflicts 18, 33, 98
abortion legislation 190
acquiescence 78, 79, 81
administrative agreements 50
ADR standards 216
Ago, Roberto 69n
air traffic agreements *see Open Skies* cases
Alexy, Robert 30
Amado, Gilberto 69n, 83
amendment of treaties
  article 307 TEC 133–5, 177
  Open Skies cases 134, 178, 212
  Vienna Convention 179
  see also inter se agreements; modification of treaties
analytical theory 24–5
Angola 137, 138
Arbelaiz-Emazabe case 184–6, 192
armed forces 103
  jurisdiction 108–10
  see also war
assurances, system of 93
asylum lawyers 8
Atiyah, Patrick 20–1
Atlantic Charter 50
audiovisual agreement 224
Aufricht, Hans 50n, 64–6, 67, 68, 72
Aust, Anthony 50n
Austria 139, 201
Austro-German Customs Régime opinion 56–7
avoidance strategies 101–3
avoidance techniques 104
  see also judicial escapism
Ayadi case 162

Barclay's 156–7
Belgium 108, 125–6, 138, 139, 143, 202
Belgium-Luxembourg Economic Union (BLEU) 136–7
Berlin, Isaiah 46
Bermann, George 192n
bilateral investment treaties (BITs) 214–15
bilateralisation 77, 92
Binder, Guyora 11, 100, 219
biodiversity 101
Borgen, Christopher J. 93
Bosphorus case 154, 156, 168, 170–2, 173, 174
Brierly, J.L. 70–1
Brownlie, Ian 19, 81n
Bryan-Chamorro Treaty 60–1
Budvar case 149
bureaucracies 45
  segmentation 12, 50
Burgoa case 127–9, 130, 148–9, 150, 229
Burton, Steven J. 31–2

Cañas-Jerez Treaty 60–1
Cartagena Protocol on Biosafety 101
Castrén, Erik 81
Centro-Com case 156–8
child maintenance 105
China 218
Christianity
  subsidiarity and 192
Churchill, Winston 50
classic cases 55–61
classic writers 52–5

© Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-0-521-45546-6 - Treaty Conflict and the European Union
Jan Klabbers
Index
More information

Commission v. *Austria* 139
Commission v. *Belgium* 138, 139
Commission v. *Italy* 120–5, 126–7, 128, 132, 135, 153, 229
Commission v. *Portugal* 137–9
compensation 24, 37n, 72
conditioned territorial application clause 224–5
Confédération Francaise Démocratique du Travail (CFDT) v. *European Communities* 167–8
conflict clauses 12
conflict rules 101–3
consent to be bound 21–2
contract law 20–1, 31, 51, 75
  freedom of contract 43, 99
  racial discrimination 31
contractual conception of treaty law 24, 51, 52, 53, 66–7
Convention on Insider Trading, 1989 Protocol
  disconnection clause 220
Convention on Mutual Administrative Assistance on Tax Matters 1988
  disconnection clause 220
Convention on the Prevention of Terrorism 2005
  disconnection clause 222–3
Convention of Saint-Germain-en-Laye 1919 57–9
coordination mechanisms 12, 66, 92–3
coordination problems 13, 18, 28–9, 33
  clashing values and 13–14, 33–5, 39–42
  resolution 33
Corpus iuris 49
Costa Rica 60–1
Council of Europe Convention on the Prevention of Terrorism 102–3
Court of First Instance (CFI) 4–5, 112, 173, 174
  jurisdiction 112, 158–63
Croatia 216
cultural cooperation agreements 125–6
customs duties 120–5
Czechoslovakia 66

Da Costa and Schaake case 145–6
damages 75, 76, 77
Davies, Gareth 192
de lege ferenda 71
death penalty
  extradition and 39, 104, 109–10
deceit 49–50
decision-making 31–2
Denmark 183
  Nordic cooperation 203–5
designations of origin 130–1
desuetudo 50, 98
diplomatic assurances 8
disconnection clause 219–23, 224
discrimination
  gender 129–30
  nationality 213
  race 31
divisibility of multilateral treaties 92
doctrine 61–7
double taxation agreements 18, 204, 205, 207–9, 214, 216
Draft Treaty Establishing a Constitution for Europe 118–19
Dworkin, Ronald 26, 27, 29, 30, 33, 34

Ebony Maritime case 144, 155–6, 158
economic liberties 43
economic sanctions
  article 301 TEC 160
  see also sanctions
Economidès, Constantin P. 221
ECSC Treaty 117, 167
emissions trading 39
environmental agreements 217–18
  conflicting agreements 33
  economic agreements and 35
  emissions trading 39
environmental law 8

© Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-0-521-45546-6 - Treaty Conflict and the European Union
Jan Klabbers
Index
More information

environmental obligations
investment protection and 8
source 6
trade agreements and 7, 9, 12, 13, 36–7, 50
trade and 29n
environmental problems
systems theory 39
equal treatment directive 129–30
erga omnes obligations 94, 95
ERTA case 11, 187–8, 189, 211, 225–6
Espoo Convention 218
Estonia 208, 209, 217–18
estoppel 21, 78, 81
Euratom Treaty 117–18
European Commission of Human Rights 167–8
European Community
acquis communautaire, protection of 118, 200, 203, 216, 217, 223, 225
competences 115, 147, 157, 186–92
shared competences 189
conditioned territorial application clause 224–5
disconnection clause 219–23
division of powers 176, 188–92
domestic law paradigm 194–8
legal order 16
new legal order 195
Nordic cooperation and 204
powers and institutional law 183–93
pre-emption doctrine 191–2, 213
regulations 195–7
scope of powers 186–92
as successor to member states 160
as *sui generis* 198
supremacy of EC law 119, 174, 228
disconnection clause and 221
European Convention and 163–7
Strasbourg attitude 167–72, 174
UN Charter and 151–63
WTO law and 16, 197, 219
see also European Union
European Convention on Human Rights (ECHR) 16, 105–1
article 307 protection 163–4
before the EC Court 16, 163–7
death penalty 104, 109
extradition of criminal suspects 5
first Protocol 34
freedom of expression 33–4
property rights 34
ratification 151, 163
relationship with Community law 5, 8
status 150–1
supremacy 115, 151
European Convention on Transfrontier Television
disconnection clause 220
European Court of Human Rights (ECtHR)
declining jurisdiction 106–7
perspective 5–6
Soering decision 5, 104
on supremacy of EC law 167–72
European Court of Justice (ECJ)
article 307 case law 20, 120–49, 226
actual rights in issue 126–30
amendment of treaties 133–5, 177
inter se agreements 120, 125–6
interpretation and application distinction 146–8
multipolar treaties 131–3
with new member states 130–1
obligation to bring treaty commitments into conformity with EC law 124, 135–9
private parties 136
protection under EC Treaty 5
time of conclusion 133–5
ECHR before 16, 163–7
expertise in international law 140–2
implementation of UN sanctions 15–16, 156–8, 170

© Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-0-521-45546-6 - Treaty Conflict and the European Union
Jan Klabbers
Index
More information

European Court of Justice (*cont.*)
international law and 15–16, 139, 140–8
jurisdiction 108, 112, 142–8
agreements with third parties 144
article 234 TEC 143–6
high seas 158
mixed agreements 145n, 148
UN Security Council sanctions 15–16, 156–8, 170
members 140–3
preliminary rulings 144, 145–6
supremacy of EC law 46
UN Charter before 151–63
article 297 TEC 152, 153–4
article 307 TEC 151, 152, 153–4, 155, 157, 159, 174
WTO law and 16
European Parliament
elections 168–9
European Space Agency 170–1
European Union
Acts of Accession 119–20, 183, 204
federalism 191
international law and 15–17
lawyers 142–3
priority of EU law 102
separate legal order 16–17
subsidiarity 192
Terrorism Convention 102
see also European Community
Exclusive Economic Zones 127
Exportur case 130–1
extradition
death penalty and 39, 104, 109–10
extradition agreements 5, 18, 33, 40
diplomatic assurances 8
EU-US agreement 224–5
human rights and 12, 40
judicial discretion 104

federalism theory 191
see also pre-emption doctrine
fidelity principle *see* *Gemeinschaftstreue*
Finland 201–2
air services agreements 217
bilateral investment treaties (BITs) 214–15
double taxation agreements 216
inter se agreements 209–11
Nordic cooperation 203–5
posterior treaties with third parties 213–19
protection of classified information 209
road traffic agreements 216
Finnish Treaty Series 201–2, 214
Fischer-Lescano, Andreas 35–9
Fish, Stanley 142
fisheries regime 127–30, 148–9, 228
catch quotas 183–5
Fitzmaurice, Sir Gerald 74–7, 79, 80n, 82, 92, 180
France 49, 118, 130–1, 151, 209
free elections 168–9
free movement of capital 4
free movement of goods 39, 131–3, 164–6
free trade 44
Atlantic Charter negotiations 50
as a value 29, 41–2
freedom of assembly 164–6
freedom of contract 43
freedom of establishment 4
freedom of expression 26, 28, 33–5, 44, 164–6
racial hatred and 26, 34–5
freedom to provide services 190
Fuller, Lon 25–6, 27–8, 40
fundamental rights *see* human rights

Gemeinschaftstreue 4, 10, 188, 193, 209, 211, 229
General Agreement on Tariffs and Trade (GATT) 42, 121, 122, 123
GATT 1947 133
GATT 1994 133–4
genocide convention 23
Germany 49, 65–6, 125–6, 143, 209
UN Charter 151, 153
Gibraltar 168–9
good faith 21, 73, 99, 193

© Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-0-521-45546-6 - Treaty Conflict and the European Union
Jan Klabbers
Index
More information

Gottardo case 213
Grana-Novoa case 213
Great Powers 65, 66
greenhouse gases 217
Grotius, Hugo 49, 52–3, 54, 55, 69

Hague Child Maintenance Convention 105
Hart, H.L.A. 25, 27, 37n
Harvard Draft Convention on the Law of Treaties 64, 66, 75
Henn and Darby 131–3, 148, 229
hierarchy of norms 94–6, 99
Hitler, Adolf 49
Hobbes, Thomas 96
human rights
  conflicts 26, 34–5
  diplomatic assurances 8
  extradition treaties and 12, 40
  freedom of contract 43
  hierarchy of norms 40, 94–6
  international cooperation and 170–2
  principles 34
  systems theory 36, 37, 39
  trade and 29n, 42–4
  trade treaties and 7, 9, 35, 94–5
  WTO law and 42
  see also European Convention on Human Rights; United Nations Charter
Hurd case 145

implied powers doctrine 11
In Re P.K. 106
institutionalised rationalities 36
instruments
  treaties as 22–3, 70, 85, 99, 227
integral treaties 75, 76–7, 82–3, 84, 92, 180
integration theory 44
intent 21–2, 112
inter se agreements 9–10, 64, 200, 202
  anterior treaties 120, 125–6
  disconnection clause and 222
  double taxation agreements 205, 207–9
  integral treaties 75, 76
  interdependent treaties 75, 76
  Oscar Chinn case 57, 58
  posterior treaties 116, 176, 179, 181, 182–3, 184, 198, 205–11
  reciprocating treaties 75, 76
interdependent treaties 75, 76–7, 82–3, 84, 92
interim obligations 24
International Convention on the Settlement of Investment Disputes (ICSID) panels 6
International Convention for the Suppression of the Financing of Terrorism 102
International Court of Justice (ICJ) 6–7, 21, 74, 77, 95
International Covenant on Civil and Political Rights (ICCPR) 34
International Fruit Company case 144, 160
International Labour Organization (ILO) Conventions 129–30, 139, 147
international law 5, 51, 100
  Article 307 TEC and 10–11
  contract law and 51
  courts and 5–7, 11
  ECJ and 15–16, 139, 140–8
  ECJ lawyers and 140–2
  environmental law 8
  EU and 15–17
  fragmentation 8–9, 222
  humanitarian law 102–3
  invalidity and 21
  nature 60
  self-contained regimes 9
  supremacy 159, 161, 212
  theory in 19–20
  values and 13–14
  Vienna Convention and 210–11
International Law Commission (ILC) 62, 68
  drafting the Vienna Convention 70, 79–85
  Study Group on the Fragmentation of International Law 8, 110–11

© Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-0-521-45546-6 - Treaty Conflict and the European Union
Jan Klabbers
Index
More information

International Tribunal for the Law of the Sea 6
interpretation 25, 50, 53, 54, 73, 74, 92, 93, 97
  concretisation of norms 92
  reconciliatory 26, 85
  of rules 27
  Vienna Convention 69–70
  WTO and 108
interpretive community 142
invalidity 21, 73, 76, 81, 82
investment protection 8
Iran 7, 111–12
Ireland 127, 154–5, 170–2
  abortion legislation 190
  Act of Accession 183
Iron Rhine arbitration 108
Italy 120–5, 202

Jenks, C. Wilfred 51, 64, 66–7, 68, 74
Jiménez de Aréchaga, Eduardo 84
Jones, Kent 41–2
judicial escapism 104–8
  alternative options 105
  declining jurisdiction 106–8
  non-conflict 105–6
  using discretion 104
jurisdiction
  armed forces 108–10
  Court of First Instance 112, 158–63
  declining 106–8
  European Court of Justice 108, 112, 142–8
    agreements with third parties 144
    article 234 TEC 143–6
    high seas 158
    mixed agreements 145n, 148
    UN Security Council sanctions 15–16, 156–8, 170
  International Court of Justice 6
  limited 106–8
jurisprudence 18
  analytical theory 24–5
  decision-making 31–2
  normative conflicts 24–33
  rules 25–7
  rules and principles distinguished 27, 29–30
jus cogens 21, 59, 77, 80, 99, 161, 162
jus dispositivum 58
just war 52, 54–5

Kadi case 162, 163, 173–4, 219
Karl, Wolfram 33
Kearney, Richard 85
Kelsen, Hans 25
Kolliopoulos, Alexandros G. 221
Koskenniemi, Martti 37n, 96, 112
Koutrakos, Panos 118
Kramer case 183
Krück, Hans 175n, 197
Kyoto Protocol 217

labour agreements 7, 12
Latvia 6, 106–7, 218
Lauterpacht, Sir Hersch 60, 71–4, 75, 77, 79, 80n
Law of the Sea Convention 6
law of treaties 13, 14, 18–46, 227
  AB:AC conflicts 18
  codification 22, 23
  contractual conception 24, 51, 52, 53, 66–7
  customary law 23
  intent 21–2
  interim obligations 24
  law of state responsibility and 22–3, 24, 63, 82, 99–100
  reservations, rules on 24
  systems theory 35–9
  treaties as instruments 22–3, 70, 85, 99, 227
  treaties as obligations 22, 23, 85, 99, 227
League of Nations Covenant 63, 66
  article 20 152
  desuetudo 50n
legal systems 36–9
Levy case 129, 145, 147
lex constuctionis 36
lex ferenda 71
lex mercatoria 36
lex posterior 54, 90, 91–2, 97–8, 100, 118, 123, 181, 219

© Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-0-521-45546-6 - Treaty Conflict and the European Union
Jan Klabbers
Index
More information

classic cases 55–61
doctrine 63, 64–6, 67
human rights conflicts 34–5
lex prior 67, 90, 100, 169
classic cases 55–61
lex specialis 54, 67, 90, 97–8, 99
article 297, 153
human rights conflicts 35
Lockerbie cases 6
London Fisheries Convention 127, 148–9, 184
Lucarno Treaty 1925 49
Lugano Convention
disconnection clause 223
Luxembourg 136–7

Maastricht Treaty 154, 164, 169, 170, 192
Machiavelli, Niccolò 49, 52
McNair, Lord Arnold Duncan 22n, 230
Marceau, Gabrielle 42, 43
Matteuci case 125–6, 210
Matthews case 168–70, 177
Matz, Nele 92–3
Mavrommatis Jerusalem Concessions 55–6
maxim pacta sunt servanda 118
memoranda of understanding 50
military alliances 62, 83
mixed agreements 116, 188–9, 191, 200
disconnection clause 220
ECJ jurisdiction 145n, 148
modification of treaties
Vienna Convention 69, 179, 181–2, 222
see also amendment of treaties; *inter se* agreements
Montenegro 156–7
Montreal Protocol 42
most-favoured-nation (MFN) clauses 62, 215
Mox Plant case 6, 147–8
multipolar treaties 131–3
Munich Agreement 1938 65
Mus, Jan 91, 94

Namibia opinion 95
nationality claims 106
nationality discrimination 213
NATO Status of Forces Agreement (SOFA) 109–10
neo-functionalist integration theory 44–5
Netherlands 106, 108–10, 118, 184, 202, 208–9
New York Convention on the Elimination of All Forms of Discrimination against Women 129
Nicaragua 60–1
Nikula case 204
Nordic cooperation 203–5
normative conflicts 18
conflict of rights compared 26
hierarchy of norms 25, 40
in jurisprudence 24–33
North Atlantic Treaty
Reform Treaty 2007 and 119
Norway
Nordic cooperation 203–5
nuclear energy 117
nuclear weapons 95
nullity 59, 64, 80, 81, 82

obscene materials, importing 131–3
Oil Platforms case 6–7, 111–12
Open Skies cases 4, 11, 211, 215
amendment of treaties 134, 178, 212
British case 212–13
exclusive Community competence and 186–8, 191, 192
international law and 5, 11, 218–19
Opinion 1/76 187, 188
oral agreements 23
Organisation des Modjahedines du peuple d'Iran v. *Council* 162
Oscar Chinn case 57–60, 65

pacta sunt servanda 23, 62, 65, 71, 89n, 99
pacta tertiis nec nocent nec prosunt 88–9, 95, 98

© Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-0-521-45546-6 - Treaty Conflict and the European Union
Jan Klabbers
Index
More information

Pal, Radhabinod 81
Panhuys, van H. F. 80n
Paolillo, Felipe 99n
Pauwelyn, Joost 96–8, 99, 100, 107–8, 177n
Permanent Court of International Justice (PCIJ) 21, 55–7
Petersmann, Ernst-Ulrich 43–4
pluralism 111
pornography, importing 131–3
Portugal 5, 137–9
postal services 131, 132–3
posterior treaties 10, 14, 116, 175–7
  article 307 and 10–11, 176
  bilateral investment treaties (BITs) 214–15
  classification problems 178–83, 198
  Community agreements 223–5
  conditioned territorial application clause 224–5
  disconnection clause 219–23, 224
  domestic law paradigm 194–8
  double taxation agreements 204, 205, 207–9, 214, 216
  inter se agreements 116, 176, 179, 181, 182–3, 184, 205–11
  international law and 11
  Nordic cooperation 203–5
  powers and institutional law 183–93
  practice 200–26
  Spanish Protocol 179–82
  substantive revision 177
  with third parties 200, 202, 206, 211–19
  time of conclusion 177–8
  Vienna Convention 178–9
pre-emption doctrine 191–2, 213
principle of maximum effectiveness 91–2
principle of the more favourable position 91–2
principle of political decision 33, 46, 88–90, 227, 228, 229
  courts and 108–10
  meaning 18–19, 88
  narrowing the scope 90–3
principle of systemic integration 110–12
principles
  rules distinguished 27, 29–30, 34
property rights 34, 35, 44, 100, 170
provisional measures 6
public morals 131
Puissochet, Jean-Pierre 158n

quaestio juris 39

racial discrimination 31
racial hatred
  freedom of expression and 26, 34–5
Reciprocal Holding of Crude Oil and Petroleum Products 208
reciprocating treaties 75, 76
Reform Treaty 2007, 119–20, 229
Refugee Convention
  purpose 180
  Spanish Protocol and 180–1
  Vienna Convention and 181–2
renegotiated treaties 133–5
res inter alios acta 70, 75, 77, 78–9, 82, 89, 99, 117, 227
reservations, rules on 24
Reuter, Paul 84
rights
  conflicting 26, 29, 34
  property rights 34, 35, 44, 100, 170
  values and 29
  see also human rights
road traffic agreements 11, 216
Roosevelt, Franklin D. 50
Rosenne, Shabtai 22, 70, 80–1, 83, 84
Roucounas, Emmanuel 135
Rousseau, Charles 63–4, 67, 72, 73, 75
rules
  absolute 27
  certainty and uncertainty 27
  on conflict of treaties 24
  conflicting 25–7
  of general application 24

© Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-0-521-45546-6 - Treaty Conflict and the European Union
Jan Klabbers
Index
More information

interpretation 27
jurisprudence 25–7
justifications 27
meanings 27
principles distinguished 27, 29–30, 34
purposes 27–9
on reservations 24
validity 30
Rundgren case 204
Russia 6, 106–7, 214, 217
see also Soviet Union

Sadat-Akhavi, Seyed Ali 91, 92
sanctions
article 301 TEC 160
economic 160
UN Security Council 15–16, 153–62, 170–2, 231
Schauer, Frederick 25, 28
Schengen Agreements 205–6
Schermers, H.G. 167n
Schmidberger case 164–6, 228
scholarships 125–6
Schütze, Robert 228
Security Council *see* United Nations
separability of treaty provisions 83
Serbia 156–7
'serial' treaties 132n, 133
severability of treaty provisions 74
sex discrimination 129–30
ships, impounding 156
Short v. *Netherlands* 108–9
Sinclair, Sir Ian 19n, 85, 89, 230
Slivenko case 106
social security conventions 213
Soering case 5, 104, 105
sovereignty 21
reservation 153
Soviet Union 49
see also Russia
Spain 127–8, 130–1, 184–6, 192
Spanish Protocol 179–82
state responsibility, law of 22–3, 24, 63, 82, 99–100
Study Group on the Fragmentation of International Law 8, 110–11
subsidiarity 192
successive treaties
EC as successor to member states 160
fixing the date of 85, 86, 97
same subject matter 85, 86
Spanish Protocol 179–82
time of conclusion 133–5, 177–8
Surinam 106
suspension of treaty regimes 21, 69
Sutherland, Peter 29
Sweden 4–5, 201
Nordic cooperation 203–5
Switzerland 224
systems theory 35–9

tax treaties 13
termination of treaties 21, 69, 73
desuetudo 50, 98
implied 78–9
terrorism Conventions 102, 222–3
Teubner, Gunther 35–9
theory
criticism 19
in international law 19–20
practice and 19
time of conclusion
anterior treaties 133–5
posterior treaties 177–8
Timmermans, Christiaan 230–1
Tokyo Convention 1974, 132
Trachtman, Joel P. 35n, 42
trade
environmental protection and 29n
human rights and 29n, 42–4
systems theory 37, 39
as a value 29, 41–2
trade agreements
bureaucratic segmentation and 12
emissions trading 39
environmental obligations and 7, 9, 12, 13, 36–7, 50
human rights and 7, 9, 35, 42–4, 94–5
most-favoured-nation clauses 62, 215
trade norms 7, 8–9

© Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-0-521-45546-6 - Treaty Conflict and the European Union
Jan Klabbers
Index
More information

Transfrontier Television Convention
  disconnection clause 220
Treaty Establishing the European Community (TEC)
  article 10 4, 188, 193, 211, 229
  article 34 209
  article 43 212
  article 84 187
  article 133 157, 187
  article 234 143–6
  article 292 147
  article 293 207
  article 297 152, 153–4
  article 301 154
  article 307 14, 20, 101, 115, 116–20, 212, 226, 228
    amendment of treaties 133–5, 177
    anterior treaties 116–49
    anterior treaties with new member states 130–1
    application between members states *inter se* 125–6, 205, 209
    application involving actual rights 126–30
    case law 120–49
    ECHR and 163
    international law and 10–11
    limited protective role 122–3
    multipolar treaties 131–3
    obligation to bring treaty commitments into conformity with EC law 124, 135–9
    posterior treaties 10–11, 176
    protection of *acquis communautaire* 118, 200
    restrictive interpretation 11, 153
    scope 10–11
    termination of incompatibilities 10
    text 116
    time of conclusion of treaties 133–5, 178
    UN Charter and 151, 152, 153–4, 155, 157, 159, 174
    validity of EC acts under article 230 TEC and 136n
  commercial policy 157, 187
  economic sanctions 160
  Gemeinschaftstreue 4, 10, 188, 193, 209, 211, 229
  justice and police cooperation 209
  UN sanctions 15–16, 153–62, 170–2, 231
Treaty of European Union (TEU)
  article 6 164, 174
Tuori, Kaarlo 19–20
Tuytschaever, Fili 189–90

United Kingdom 156–7, 168–9, 212–13
  Act of Accession 183
  extradition treaties 5
United Nations
  EC law and 4, 8
  Security Council 4, 16
    resolutions 195, 219
    sanctions 15–16, 153–62, 170–2, 231
United Nations Charter 6, 63, 66, 71–2
  as anterior treaty 151
  articles 55 and 56 94, 95
  article 103 14, 71, 77, 94, 95, 96, 151–2, 194
  before the EC Court 151–63
    article 297 TEC 152, 153–4
    article 307 TEC 151, 152, 153–4, 155, 157, 159, 174
    sanctions 15–16, 154–62, 170, 231
  erga omnes obligations 94, 95
  Germany and 151, 153
  human rights norms 94–5
  primacy of UN law 71–2, 115, 158, 159, 161
  Reform Treaty 2007 and 119
  trade norms 94–5
United Nations Convention on Biological Diversity 101
United Nations Economic Commission for Europe 216
United States 6–7

© Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-0-521-45546-6 - Treaty Conflict and the European Union
Jan Klabbers
Index
More information

Bryan-Chamorro Treaty 60–1
extradition treaties 5
FCN Treaty with Iran 111–12
Universal Postal Convention 131, 132–3

values 12, 13–14, 46, 100, 110–11
clashing values 18, 28–9, 45–6
awareness 12
coordination problems and 13–14, 33–5, 39–42
human agency 38
cooperation 40
interests and 46
international law and 13–14
law and order 40
rights and 29
trade 29, 41–2
Van Gend & Loos case 195
Vandeweghe case 142–3, 148
Vattel, Emeric de 49, 53–5, 69
Verdross, Alfred 84
Versailles Treaty 49, 65–6
Vienna Convention on the Law of Treaties (VCLT) 13, 14, 30, 32, 103
abrogation of earlier treaty 69
amendment of treaties 179
article 5 16, 17, 229–30
article 16 73
article 26 85, 99, 102, 103
article 27 159, 161, 212
article 30 20, 69, 70, 89–90, 92, 93, 94, 97–8, 118, 139, 179, 181, 211
article 31 69–70, 111, 227
article 40 179
article 41 69, 179, 181–2, 222
article 46 212
article 53 21
article 58 69
article 59 69
article 60 94, 95
clash of values and 13–14
contractual conception 24
draft article 65, 79, 82
drafting 69–70
Fitzmaurice and 74–7, 82
ILC and 79–85
Lauterpacht and 71–4, 75, 79
Vienna Conference's acceptance 85–6
Waldock and 77–9, 80, 81, 82–3
hierarchy principle 94–6
humanitarian character, treaties having 94, 95
interim obligations 24
international law 210–11
interpretation 69–70
invalidity of treaties 21
military alliances 62
modification of existing treaties 69, 179, 181–2, 222
oral agreements 23
posterior treaties 178–9
Spanish Protocol 181–2
reservations, rules on 24
supremacy of international law 159, 161, 212
suspension of treaty regimes 21, 69
termination of treaties 21, 69
treaties as instruments 22, 23, 70, 85, 99, 227
virtue ethics 32
Vitta, Edoardo 59

Waldock, Sir Humphrey 19, 77–9, 80, 81, 82–3, 85–6
war
behaviour of armed forces 103
just and unjust 52, 54–5
Weiler, Joseph 191
Wendt, Frantz 203n
Western European Union (WEU) 206
Wilting, Wilhelm Heinrich 92
Wimbledon case 21
Witte, Bruno de 175, 205, 206, 211
Wolfrum, Rüdiger 92–3
World Trade Organization (WTO) 7, 38, 41–2, 96–7
criticism 45
direct effect of law 219
dispute settlement bodies 6

© Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-0-521-45546-6 - Treaty Conflict and the European Union
Jan Klabbers
Index
More information

World Trade Organization (*cont.*)
Dispute Settlement Understanding (DSU) 97, 107–8
EC law and 197, 219
ECJ and 16
human rights and 42
panels and Appellate Body 97
jurisdiction 107–8

X v. *Jugendamt Tempelhof, Y, and Z and De Raas voor de Kinderbescherming te Zwolle* 105

Yusuf case 162, 163, 173–4, 219

Zuleeg, Manfred 88–90, 91

© Cambridge University Press www.cambridge.org