

THE UN FRIENDLY RELATIONS DECLARATION AT 50

The year 2020 marks the seventy-fifth anniversary of the United Nations Organization, and the fiftieth anniversary of the UN Friendly Relations Declaration, which states the fundamental principles of the international legal order. In commemoration, some of the world's most prominent international law scholars from all continents have come together to offer a comprehensive study of the fundamental principles of international law. Each chapter in this volume reflects decades of experience, work and reflection by the most authoritative voices of the field. At the same time, the book is an invitation to end narrow specialisation and re-engage with the wider body of rules and processes that lie at the foundations of the international legal order.

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Edited by Jorge E. Viñuales
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AN ASSESSMENT OF THE FUNDAMENTAL PRINCIPLES
OF INTERNATIONAL LAW

Edited by

JORGE E. VIÑUALES

University of Cambridge



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To my teachers, colleagues and students

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Abbreviations

BBNJ	marine biological diversity of areas beyond the limits of national jurisdiction
BIT	bilateral investment treaty
CESCR	Committee on Economic, Social and Cultural Rights
CISG	Convention on Contracts for the International Sale of Goods (1980)
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)
CRAMRA	Convention on the Regulation of Antarctic Mineral Resource Activities (1988)
DSU	Dispute Settlement Understanding
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
ECOSOC	Economic and Social Council
ECtHR	European Court of Human Rights
EIA	environmental impact assessment
FET	fair and equitable treatment
FSB	Financial Stability Board
FTA	free trade agreement
GAL	Global Administrative Law
GATS	General Agreement on Trade in Services (1994)
GATT	General Agreement on Tariffs and Trade (1947)
HRC	UN Human Rights Committee
IACtHR	Inter-American Court of Human Rights
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights (1966)
ICESCR	International Covenant on Economic, Social and Cultural Rights (1966)
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICSID	International Centre for Settlement of Investment Disputes
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
ILA	International Law Association
ILC	International Law Commission
ILO	International Labour Organization
IMF	International Monetary Fund

ISA	International Seabed Authority
ITLOS	International Tribunal for the Law of the Sea
ITO	International Trade Organization
IWG	Intergovernmental Working Group
MEA	multilateral environmental agreements
NAM	Non-Aligned Movement
NIEO	New International Economic Order
PCA	Permanent Court of Arbitration
PCIJ	Permanent Court of International Justice
SD	self-determination
SPS	Application of Sanitary and Phytosanitary Measures
TBT	Technical Barriers to Trade
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UNCIO	United Nations Conference on International Organization (1945)
UNCITRAL	United Nations Commission on International Trade Law
UNCLOS	United Nations Convention on the Law of the Sea (1982)
UNCTAD	United Nations Conference on Trade and Development
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change (1992)
UNGA	United Nations General Assembly
UPR	Universal Periodic Review
VCLT	Vienna Convention on the Law of Treaties (1969)
WHO	World Health Organization
WTO	World Trade Organization
WTO-DSB	World Trade Organization Dispute Settlement Body