

## Index

- ACHR. *See* American Convention on Human Rights
- African Court on Human and Peoples' Rights, 242–243, 247
- Ago, Roberto, 73
- aliens, treatment of, on basis of reciprocity, 149–151
- American Convention on Human Rights (ACHR), 87, 241, 248–249
- American Treaty on the Pacific Settlement of Disputes, 219–220
- Antarctic Treaty, 133–134, 137–138
- arbitral tribunals, 254–255
- Aristotle, 12, 15
- Articles on the Responsibility of States for Intentionally Wrongful Acts (ARSIWA), 95–96
- enforcement of international law, state responsibility in, 196–198
  - state responsibility in, for enforcement of law, 196–198, 200–213
- Austria v Italy*, 103
- Axelrod, Robert, 15
- bilateral imperfect contracts, 23–24
- bilateral investment treaties (BITs), 155
- in Germany, 177
  - intra-European, 177–178
  - investor–state dispute settlement for, 251–252
- bilateral obligations, 44–50, 196–197
- bilateral reciprocity, 12
- bilateral treaties, 75–76, 89–94, 145–146
- air transport agreements, 90–93
    - Canada–US Air Transport Agreement, 92–94
    - Colombia–UAE Air Transport Agreement, 92–94
    - Colombia–Uruguay Air Transport Agreement, 92
    - France–US Air Transport Services Agreement, 91
    - Italy–US Air Transport Agreement Arbitration, 90
  - bilateral investment treaties, 155
  - Chicago Convention, 90–93
  - equality in, 94
    - strict, 90–93
    - equity in, 93–94
    - historical development of, 89
  - bilaterisable multilateral treaties, 95–98
  - BITs. *See* bilateral investment treaties
- Calvo Doctrine, 152
- Cameroon v Nigeria*, 227–228
- CBDR principles. *See* “common but differentiated responsibilities” principles
- CERD. *See* Convention on the Elimination of All Forms of Racial Discrimination
- Certain Iranian Assets* case, 66–67
- Charlemagne, 21
- Charter of the United Nations, 136
- civil law systems, contract law in, 26–28
- breach of contract, 29–30
- classical international law, 5
- clauses de souplesse*, 124
- clean hands principle, 66–67
- collective interest, regulation of, 102
- comity, 58–59
- Commission v Germany*, 122
- “common but differentiated responsibilities” principles (CBDR principles), 109–115
- common law systems, contract law in, 25–26
- community, reciprocity and, 1–2, 42
- commutative justice, 12–13
- recognition and, 13
- compromissory clauses, 219–221

- conduct  
 of individuals, reciprocity of, 13–22, 43–44  
 applicability of, 44–50  
 characteristics of, 44–50  
 equality, 49  
 equivalence, 49  
 proportionality and, 45, 68  
 relativity, 49–50  
 compliance and, 14  
 definition of, 44  
 human behaviours and, 13–17  
 social behaviours and, 14
- Confucius, 17
- Congress of Vienna, 70
- consent  
 in investor–state dispute settlement, reciprocity of, 255–257  
 in treaties  
 for third States, requirements of, 141–143  
 in Vienna Convention on the Law of Treaties, 142
- Constantine, 23–24
- Constitution of Cyprus, 37–38
- Constitution of Greece, sovereignty limitations under, 37–38
- Constitution of Portugal, sovereignty limitations under, 37–38
- contract law, 22–36  
 breach of contract, 28–31  
 in civil law systems, 29–30  
 fundamental breach, 30  
 material breach, 30  
 termination as result of, 28–29  
 in civil law systems, 26–28  
 breach of contract, 29–30  
 in common law systems, 25–26  
 contractual treaties, 71–73  
 definition of contract in, 26  
 in French law, 32, 35  
 functional basis of, 24–25  
 in German law, 27, 33–35  
 good faith concept and, 27  
 international law and, comparisons between, 31, 33–36  
 under Islamic law, 32  
 between multiple parties, 27  
 natural law theory and, 26  
 Roman law of obligations, 22  
 bilateral imperfect contracts, 23–24  
 creditors and, 23  
 debtors and, 23  
 innominate contracts, 22–24  
 synallagmatic contracts, 27, 33, 57  
*trait pour trait*, 25  
 under Treaty of Kadesh, 33
- UNIDROIT Principles of International Commercial Contracts, 29–30  
 under Vienna Convention on the Law of Treaties, 30  
 withholding of performance under, 27–28
- contractual treaties, 71–73  
 reservations to, 82–83
- Convention Against Torture, 243, 248
- Convention on Biological Diversity, 115
- Convention on Migrant Workers, 248
- Convention on the Elimination of All Forms of Racial Discrimination (CERD), 243, 247
- Convention on the Law of the Sea (UNCLOS), 230–238  
 Article 287, 232–235  
 Article 297, 235–237  
 automatic exceptions, 235–236  
 Article 298, 235–237  
 optional exceptions, 236–237  
 basic characteristics of, 230–232  
 declarations under, 232–235  
 dispute settlement mechanisms and, 230–232, 237–238  
 International Tribunal for the Law of the Sea, 231–233
- Convention on the Protection of Persons From Enforced Disappearance, 243, 248
- Convention on the Rights of the Child (CRC), 86, 248
- Convention on the Settlement of Investment Disputes (ICSID), 179
- Corn Products International v Mexico*, 178, 211–212
- Costa v ENEL*, 39
- countermeasures, to enforcement, 207–217  
 debate about levels of, 209–210  
 in EU member states, 201–216  
 legal regimes of, 210–212  
 limitations of, 212–215  
 non-punitive nature of, 212  
 proportionality and, 214  
 reprisals as, 207–208  
 by states other than injured state, 215–217
- CROC. *See* Convention on the Rights of the Child
- Currie v Misa*, 25
- customary international law, 58–63
- Darmstädter, F., 10–11
- debtors, in contract law, 23
- Decaux, Emmanuel, 1
- Declaration on Friendly Relations and Co-operation, 3

- declarations, in Optional Clause system,  
 223–225  
 Democratic People's Republic of Korea  
 (DPRK), 104  
 diffuse reciprocity, 45–46, 176  
 diplomatic protection, 180–183  
 diplomatic reciprocity, 53–54  
 dispute settlement mechanisms, UNCLOS  
 and, 230–232, 237–238  
 dispute settlement understandings (DSUs),  
 130–131  
 distributive justice, 12  
 recognition and, 13  
 domestic law systems, 36–41  
 in federal states, 40–41  
 in U.S., 40  
 sovereignty limitations in, reciprocity as  
 condition for, 37–40  
 in ECJ cases, 39–40  
 under EU law, 39–40  
 in French Constitutional Court, 38–39  
 in national constitutions, 37–40  
 DPRK. *See* Democratic People's Republic of  
 Korea  
 DSUs. *See* dispute settlement  
 understandings  
 Dupuy, Pierre-Marie, 21  
  
 ECHR. *See* European Convention on Human  
 Rights  
 ECJ. *See* European Court of Justice  
 ECtHR. *See* European Court of Human  
 Rights  
 EEC. *See* European Economic Community  
*ejusdem generis* principle, 155–156  
 enforcement, of international law. *See also*  
 countermeasures  
 International Law Commission debates  
 on, 185–186  
 on concept of crime, rejection of,  
 205–207  
 obligations in state responsibility,  
 196–207  
 Law of Treaties, 188  
 non-performance exceptions, 185–195  
 primary rules for, 191–192  
 purpose of, 191–192  
 reciprocity and, 187–188  
 restrictions on, 192–194  
 secondary rules for, 191–192  
 under Vienna Convention on the Law  
 of Treaties, Article 60, 186–190,  
 192–194, 197–201  
 state responsibility in, 185, 195–207  
 under Articles on the Responsibility of  
 States for Intentionally Wrongful  
 Acts, 196–198, 200–213  
  
 bilateral obligations, 196–197  
 for injured states, 204–205  
 integral obligations, 197–201  
 interdependent obligations, 197–201  
 International Law Commission  
 obligations, 196–207  
 rights and, correlation between  
 obligations and, 201–202  
 equal treaties, 109–111, 116–121  
 equality  
 in bilateral treaties, 94  
 strict equality, 90–93  
 conduct and, 49  
 obligation and, 49  
 reciprocity and, 42  
 sovereign equality, 52  
 equity, 66  
 in bilateral treaties, 93–94  
 equivalence, 49  
 ethics, 17–18  
 morality and, 17  
 EU law, sovereignty limitations under,  
 reciprocity as condition for, 39–40  
 European Convention on Human Rights  
 (ECHR), 241  
 European Court of Human Rights (ECtHR),  
 104, 241  
*Ireland v UK*, 103, 106, 174–175  
 European Court of Justice (ECJ), 122. *See also*  
*specific cases*  
*Commission v Germany*, 122  
 sovereignty limitations and, 39–40  
*Van Gend en Loos* case, 122–123, 146  
 European Economic Community (EEC),  
 treaties between countries in,  
 116–118  
 European Union (EU). *See also* EU law  
 bilateral investment treaties in, 177–178  
 enforcement countermeasures by,  
 201–216  
 treaties for international organisations  
 in, 122–123  
 express condition of reciprocity, 229  
  
 factual reciprocity, 53–54  
 fair and equitable treatment, 152–153  
 fairness, 15  
 FCN treaties. *See* friendship, commerce and  
 navigation treaties  
 Fitzmaurice, Sir Gerald, 72–73  
 formal reciprocity, 53  
*forum prorogatum*, 222–223  
 France  
 air transport agreements in, 91  
 Constitutional Court, 38–39  
 French Constitution, sovereignty  
 limitations under, 37–38

- France–US Air Transport Services Agreement, 91
- French law, contract law in, 32, 35
- friendship, commerce and navigation treaties (FCN treaties), 147
- fundamental breach of contract, 30
- game theory, 4, 15–17  
 Prisoner's Dilemma, 16–17  
 reciprocity and, 4
- General Agreement on Tariffs and Trade (GATT), 116–119, 144–145
- general dispute settlement treaties, 219–221
- Geneva Convention (1929), 81, 145, 162, 164
- Geneva Convention (1949), 163, 169–171, 184
- “Golden Rule,” 17
- good faith concept, 27
- Great Powers, 135–136
- Grotius, 17
- Hague Convention, 162–163
- Hammurabi Code, 20
- Havana Convention, 77
- HRC. *See* Human Rights Committee
- human rights. *See also* human rights courts and treaty bodies  
 exceptions in treaties, 84–89  
 Human Rights Committee, 88, 104  
 integral-type treaties, 102–103  
 International Covenant on Civil and Political Rights, 88  
 treatment of individuals and, 159–160, 173–175  
 under investment law, 177–180  
 Universal Declaration on Human Rights, 148
- Human Rights Committee (HRC), 88, 104, 244–246
- human rights courts and treaty bodies  
 African Court on Human and Peoples' Rights, 242–243, 247  
 American Convention on Human Rights, 87, 241, 248–249  
 Convention Against Torture, 243, 248  
 Convention on Migrant Workers, 248  
 Convention on the Elimination of All Forms of Racial Discrimination, 243, 247  
 Convention on the Protection of Persons From Enforced Disappearance, 243, 248  
 Convention on the Rights of a Child, 248  
 European Convention on Human Rights, 241
- Human Rights Committee, 88, 104, 244–246
- individual–state complaints, 241–246  
 additional declarations, instruments for, 243–244  
 direct consent to treaty instrument, 242–243  
 reciprocity and, irrelevance of, 244  
 reservations, 244–246
- Inter–American Court of Human Rights, 75, 87, 241, 243
- investor–state dispute settlement (ISDS), 250–258  
 in arbitral tribunals, 254–255  
 for bilateral investment treaties, 251–252  
 jurisdiction for, 252–254  
 most-favoured nation clause in, 252–255  
 overview of, 257–258  
 process of, 251–252  
 reciprocity of consent in, 255–257  
 jurisdiction of, 241–250  
 investor–state dispute settlement, 252–254  
 state–state complaints, 246–250  
 acceptance requirements, 247  
 procedure availability, 247  
 unilateral decisions, 248–249
- IACHR. *See* Inter-American Court of Human Rights
- ICC. *See* International Criminal Court
- ICCPR. *See* International Covenant on Civil and Political Rights
- ICSID. *See* Convention on the Settlement of Investment Disputes
- IHL. *See* international humanitarian law
- ILC. *See* International Law Commission
- ILO. *See* International Labour Organisation
- imperfect contracts. *See* bilateral imperfect contracts
- individual rights, 84–89  
 treatment of individuals and, 159–160
- individuals. *See* treatment of individuals
- inequitable treatment, 15
- innominate contracts, 22–24
- insurance law, retaliatory legislation and, 41
- integral obligations, 197–201
- integral-type treaties, 102–107  
 collective interest regulation, 102  
 human rights treaties, 102–103  
 as objective order, 103–105  
 unilateral nature of, 105–107
- Inter-American Court of Human Rights (IACHR), 75, 87, 241, 243

- interdependent obligations, 197–201  
 international conventions. *See specific conventions*  
 International Court of Justice (ICJ). *See also* Statute of International Court of Justice  
*Cameroon v Nigeria*, 227–228  
*Certain Iranian Assets* case, 66–67  
 jurisdiction of, 218–230  
*North Sea Continental Shelf* case, 62–63  
*Right of Passage* case, 61–62, 64, 227  
 international courts and tribunals. *See* human rights courts and treaty bodies; International Court of Justice; International Criminal Court; *specific courts*  
 International Covenant on Civil and Political Rights (ICCPR), 88  
 International Criminal Court (ICC), 39, 238–241  
   jurisdiction of, 239  
   Rome Statute, 240  
 international humanitarian law (IHL),  
   treatment of individuals under,  
   159–172  
   Geneva Convention (1929) and, 162, 164  
   Geneva Convention (1949) and, 163,  
   169–171, 184  
   in non-international armed conflicts,  
   169–171  
   positions of individuals, 171–172  
   reciprocal nature of, 160–165, 169–171  
 international investment law, treatment of  
   individuals under, 159–160,  
   175–180  
   bilateral investment treaties, 175–178  
   Convention on the Settlement of  
   Investment Disputes, 179  
   in Germany, 177  
   human rights and, 177–180  
 International Labour Organisation (ILO),  
   123–125, 148  
 international law  
   bilateral structure of, 201–202  
   classical, 5  
   contemporary, 5  
   customary, 58–63  
   primitive law and, 4  
   reciprocity in, 2–5, 57–68, 260–262  
     comity and, 58–59  
     creation of rules of customary  
     international law, 58–63  
     under fundamental principles of  
     international law, 67–68  
     under general principles of law, 63–68  
     limitations of, 261–262  
     under local customs, 60–63  
     *pacta sunt servanda* principle, 67  
     in specially affected states, 60–63  
     under Statute of International Court of  
     Justice, 57–59, 61–68  
   Treaty of Kadesh and, 20–21  
   Truman Proclamation, 60  
 International Law Commission (ILC),  
   148–149  
   on enforcement of international law,  
   185–186  
   on concept of crime, rejection of,  
   205–207  
   obligations in state responsibility,  
   196–207  
 International Tribunal for the Law of the  
   Sea (ITLOS), 231–233  
 ISDS. *See* investor–state dispute settlement  
 Islamic law, contract law under, 32  
 ITLOS. *See* International Tribunal for the  
   Law of the Sea  
 jurisdiction  
   of human rights courts and treaty bodies,  
   241–250  
   investor–state dispute settlement,  
   252–254  
   of International Court of Justice, 218–230  
   under Statute of International Court of  
   Justice, 219–230  
   of International Criminal Court, 239  
*Kardassopoulos v Georgia*, 176  
 Lauterpacht, Hersch, 70–71  
 law and society, formation of, 9–22  
 Law of Treaties, 132, 188  
 legislative reciprocity, 53–54  
 material breach of contract, 30  
 material reciprocity, 53  
 maximum-effect objection, in treaties,  
   80–81  
 MEAs. *See* multilateral environmental  
   agreements  
 meta-rules, of obligation/ conduct, 50–51  
 MFN clause. *See* most-favoured nation  
   clause  
 minimum standards of treatment, 152–153  
 morality, 17–18  
   Confucian thought and, 17  
   ethics and, 17  
   “Golden Rule,” 17  
 most-favoured nation clause (MFN clause)  
   in investor–state dispute settlement,  
   252–255  
   as standard of treatment, 155–159  
   in bilateral investment treaties, 155

- most-favoured nation clause (MFN clause) (cont.)  
 content of, 156–157  
*ejusdem generis* principle, 155–156  
 extension of, 157–158  
 limitations of, 155–156  
 scope of, 155, 158  
*Siemens v Argentina*, 158  
 state invocation of, 157–158  
 unconditionality of, 155  
 unilateral, 157
- multilateral environmental agreements (MEAs), 112  
 Convention on Biological Diversity, 115  
 technology transfer in, 115  
 United Nations Framework Convention on Climate Change, 112–115
- multilateral treaties, 94–107, 145–146  
 under Articles on the Responsibility of States for Intentionally Wrongful Acts, 95–96  
 bilaterisable, 95–98  
 of integral type, 102–107  
 collective interest regulation, 102  
 human rights treaties, 102–103  
 as objective order, 103–105  
 unilateral nature of, 105–107  
 with interdependent obligations, 98–102  
 Vienna Convention on Diplomatic Relations, 95–97
- mutuality, reciprocity and, 45  
*Myth of Protagoras* (Plato), 11
- NAFTA. *See* North American Free Trade Agreement
- national treatment standards, for individuals, 153–154
- natural law theory, contract law and, 26  
 Nicopherus I (Emperor), 21
- non-international armed conflicts, 169–171
- non-reciprocity, in trade agreements, 116–119
- non-territorial regimes, treaties and, 132–134
- North American Free Trade Agreement (NAFTA), 176, 178
- North Sea Continental Shelf* case, 62–63
- NPT. *See* Treaty on the Non-Proliferation of Nuclear Weapons
- objective regimes, of treaties,  
 establishment of, 131–138  
 through customary lawmaking process, 137–138  
 non-territorial regimes, 132–134  
 scope of, 134–138  
 territorial regimes, 132–134
- obligation, reciprocity of. *See also* treaties  
 applicability of, 44–50  
 bilateral, 44–50, 196–197  
 characteristics of, 44–50  
 equality, 49  
 equivalence, 49  
 proportionality and, 45, 68  
 relativity, 49–50  
 definition of, 43–44  
 interconnection of, 52–53  
 public international law and, 51–52  
 structure of, 50–52  
 meta-rules, 50–51  
 principles, 51–52  
 rules, 50–51  
 symmetry of legal causes, 46
- Optional Clause system, 71, 223–229  
 acceptance of same obligation, 225–229  
 declarations under, 223–225  
 express condition of reciprocity, 229  
 in Statute of International Court of Justice, 71
- pacta sunt servanda* principle, 67  
 in treaties, 73–74
- pacta tertiis nec nocent nec prosunt* legal principle, 138–140
- Pan-American rule, in VCLT, 77–78
- Paris Agreement, 110–111
- Peace of Westphalia, 70
- philosophy, reciprocity and, 9–13
- Plato, 11
- plurilateral treaties, 72–73
- Prisoner's Dilemma, 16–17
- private international law, 150–151
- proportionality, 45, 68  
 countermeasures to enforcement and, 214
- psychology, reciprocity and, 9
- punishment, formation of law and, 20
- reaction, as reciprocity, 1
- reciprocity. *See also* conduct; international law; obligation; *specific topics*  
 bilateral, 12  
 community and, 1–2, 42  
 conceptual approach to, xiii–xiv  
 limitations in, 259–260  
 definitions of, 1, 13, 43–53, 262–263  
 diffuse, 45–46, 176  
 diplomatic, 53–54  
 equality and, 42  
 sovereign, 52  
 factual, 53–54  
 formal, 53

- functions of, 53–57  
 in application and execution of law, 56–57  
 as condition of legal rules, 55–56  
 in formation of law, 54–55  
 game theory and, 4, 15–17  
 Prisoner's Dilemma, 16–17  
 inter-subjectivity of, 11, 13  
 in law formation, 18–22  
 power and, 19–20  
 punishment and, 20  
 reversibility mechanisms, 19  
 social relations and, 18  
 as legal concept, 2  
 legislative, 53–54  
 material, 53  
 methodological approach to, xiv  
 mutuality and, 45  
 negative connotations of, 1  
 in philosophy, 9–13  
 in psychology, 9  
 social relations and, 10–11, 14  
 enforcement of social norms, 14  
 social behaviours, 14  
 in sociology, 9  
 specific, 45–46  
 structure of, 17  
 as “tit-for-tat,” 10, 15–16  
 recognition, 13  
 reflexive reciprocity, 46–61  
 relativity, 49–50  
 reprisals, as reciprocity, 1  
 as countermeasures, 207–208  
 reservations, to treaties, 76–89  
 contractual nature of, 82–83  
 human rights exceptions, 84–89  
 individual rights exceptions, 84–89  
 reciprocity and, 83  
 retaliation, as reciprocity, 4  
 in insurance law, 41  
 talionic, 57  
 in tax law, 41  
 retortion, as reciprocity, 1  
 as countermeasure, 208  
*Right of Passage* case, 61–62, 64, 227  
 Roman law, of obligations, 22  
 Rome Statute, of International Criminal Court, 240
- Schwarzenberger, Georg, 3, 158  
*Siemens v Argentina*, 158  
 social relations  
 formation of law and, 18  
 reciprocity and, 10–11, 14  
 enforcement of social norms, 14  
 social behaviours, 14  
 sociology, reciprocity and, 9
- sovereign equality, 52  
 sovereignty limitations, reciprocity as  
 condition for, 37–40  
 in ECJ cases, 39–40  
 under EU law, 39–40  
 in French Constitutional Court, 38–39  
 in national constitutions, 37–40  
 specific reciprocity, 45–46  
 state responsibility. *See* enforcement  
 Statelessness Convention, 151  
 Statute of International Court of Justice,  
 57–59, 61–68  
 acceptance of same obligation, 225–229  
 Article 36.1, 219–223  
 Article 36.2, 223–229  
 Article 36.3, 229  
 Article 38.1(c), 63–68  
 compromissory clauses, 219–221  
*forum prorogatum*, 222–223  
 general dispute settlement treaties, 219–221  
 jurisdiction scope under, 219–230  
 Optional Clause system, 71, 223–229  
 acceptance of same obligation, 225–229  
 declarations under, 223–225  
 express condition of reciprocity, 229  
 special agreements, 221–222  
 synallagmatic contracts, 27, 33, 57
- talionic retaliation, 57  
 taxation law, retaliatory legislation and, 41  
 territorial regimes, treaties and, 132–134  
 third States, treaty effects for, 138–145  
 consent requirements, 141–143  
 obligations as distinct from, 140–141  
*pacta tertiis nec nocent nec prosunt* legal  
 principle, 138–140  
 reciprocity mechanisms, 144–145  
 rights as distinct from, 140–141  
 under UN Charter, 143–144
- trade agreements  
 General Agreement on Tariffs and Trade,  
 116–119  
 non-reciprocity in, 116–119
- treaties. *See also* multilateral treaties;  
 objective regimes; Vienna  
 Convention on the Law of Treaties;  
*specific treaties*  
 bilateral, 75–76, 89–94, 145–146  
 equality in, 90–94  
 equity in, 93–94  
 historical development of, 89  
 Congress of Vienna, 70  
 contractual, 71–73  
 differentiated obligations in, 107–121  
 “common but differentiated  
 responsibilities” principles,  
 109–115

- treaties. (cont.)  
 equal treaties, 109–111, 116–121  
 non-reciprocity in trade agreements,  
 116–119  
 reciprocity and, 112–115  
 unequal treaties, 107–109  
 in World Trade Organization  
 agreements, 118–119  
 between EEC countries, 116–118  
 effects beyond treaty parties, 131–145  
 general dispute settlement treaties,  
 219–221  
 Havana Convention, 77  
 historical development of, 70–76  
 Inter-American Court of Human Rights,  
 75, 87  
 for international organisations, 121–131  
*clauses de souplesse*, 124  
 dispute settlement understandings,  
 130–131  
 in EU, 122–123  
 International Labour Organisation,  
 123–125  
 UN Security Council, 126–129,  
 136–137  
 World Trade Organization agreements,  
 118–119, 129–131  
 lawmaking, 71–72  
 Peace of Westphalia, 70  
 plurilateral, 72–73  
 treatment of individuals. *See also* human  
 rights; most-favoured nation  
 clause; individual rights  
 Calvo Doctrine and, 152  
 diplomatic protection, 180–183  
 friendship, commerce and navigation  
 treaties, 147  
 human rights and, 159–160, 173–175  
 under investment law, 177–180  
 individual rights and, 159–160, 181–183  
 under international humanitarian law,  
 159–172  
 Geneva Convention (1929) and, 162,  
 164  
 Geneva Convention (1949) and, 163,  
 169–171, 184  
 in non-international armed conflicts,  
 169–171  
 positions of individuals, 171–172  
 reciprocal nature of, 160–165, 169–171  
 reprisals under, 165–168  
 under international investment law,  
 159–160, 175–180  
 bilateral investment treaties, 175–178  
 Convention on the Settlement of  
 Investment Disputes, 179  
 human rights and, 177–180  
 standards of  
 fair and equitable treatment, 152–153  
 minimum, 152–153  
 national treatment and, 153–154  
 under private international law,  
 150–151  
 reciprocity and, 149–159  
 treatment of aliens on basis of  
 reciprocity, 149–151  
 under Statelessness Convention, 151  
 Treaty of Kadesh, 20–21  
 Treaty on the Non-Proliferation of Nuclear  
 Weapons (NPT), 98–101  
 tribunals. *See* arbitral tribunals  
 Truman Proclamation, 60  
 UDHR. *See* Universal Declaration on Human  
 Rights  
 UN. *See* United Nations  
 UNCLOS. *See* Convention on the Law of the  
 Sea  
 unequal treaties, 107–109  
 UNFCCC. *See* United Nations Framework  
 Convention on Climate Change  
 UNIDROIT Principles of International  
 Commercial Contracts, 29–30  
 unilateral most-favoured nation clause, 157  
 United Nations (UN). *See also* Convention on  
 the Law of the Sea  
 Charter of the United Nations, 136  
 third States under, treaty effects for,  
 143–144  
 Security Council, 126–129, 136–137  
 United Nations Framework Convention on  
 Climate Change (UNFCCC),  
 112–115  
 United States (U.S.). *See also specific topics*  
 American Treaty on the Pacific  
 Settlement of Disputes, 219–220  
 North American Free Trade Agreement,  
 176, 178  
 Universal Declaration on Human Rights  
 (UDHR), 148  
 universality, Vienna Convention on the Law  
 of Treaties and, 82  
 UNSC. *See* United Nations  
 U.S. *See* United States  
*Van Gend en Loos* case, 122–123, 146  
 VCCR. *See* Vienna Convention on Consular  
 Relations  
 VCDR. *See* Vienna Convention on  
 Diplomatic Relations  
 VCLT. *See* Vienna Convention on the Law of  
 Treaties  
*Vereinbarung* contracts, 33–36  
*Vertrag* contracts, 33–34, 36



- Vienna Convention on Consular Relations (VCCR), 149
- Vienna Convention on Diplomatic Relations (VCDR), 95–97
- Vienna Convention on the Law of Treaties (VCLT), 30, 70–71, 77–89, 111
- Article 2, 76
- Article 20, 79–81, 84–85, 87
- Article 21.1, 78–79, 81–82
- Article 32, 75
- Article 60, 65
- consent requirements, 142
- drafting history of, 77–79
- enforcement of international law and, non-performance exceptions, 186–190, 192–194, 197–201
- Pan-American rule, 77–78
- reciprocity and, 82
- universality and, 82
- Waldock, Sir Humphrey, 139
- World Trade Organization (WTO), 118–119, 129–131