THE THEORY, PRACTICE, AND INTERPRETATION OF CUSTOMARY INTERNATIONAL LAW

Although customary international law (CIL) has been central to international law from its inception, it is often misunderstood. This edited volume remedies that problem by tracing the history of CIL, and providing an in-depth study of its theory, practice, and interpretation. Its chapters tackle the big questions which surround this source of international law such as: what are the rules that regulate the functioning of CIL as a source of international law? Can CIL be interpreted? Where do lines between identification, interpretation, application, and modification of a rule of CIL lie? Using recent developments, this volume revisits old debates and resolves them by proffering new and innovative solutions. With detailed examples from international and national courts, it places CIL in a range of settings to explain, explore and reflect upon this developing and highly significant field. This title is also available as Open Access on Cambridge Core.

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THE RULES OF INTERPRETATION OF CUSTOMARY INTERNATIONAL LAW

Established in 2021, the TRICI-Law Book Series is a limited series that aims to publish monographs and edited volumes on topics that shed light on legal interpretation in international law, with a particular emphasis on the interpretation of customary international law. Titles appearing in the series examine the interpretation of customary international law from a theoretical and practical perspective, and compare the characteristics of legal interpretation in international law across courts, regimes and sources as they have evolved and continue to do so through time. The TRICI-Law Book Series is a joint initiative between Cambridge University Press, the European Research Council and the University of Groningen. The titles in this series are available as Open Access.

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University of Groningen
THE THEORY, PRACTICE, AND INTERPRETATION OF CUSTOMARY INTERNATIONAL LAW

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PREFACE

This edited volume finds its origin in a conference on the theory and practice of customary international law (CIL) and its interpretation, held in May 2019 at the University of Groningen. The conference was co-organised by the TRICI-Law project and the Interest Group on International Legal Theory and Philosophy (IGILTP).

The TRICI-Law project, headed by Professor Panos Merkouris, is a five-year research project funded by the European Research Council (ERC) Horizon 2020 program (Grant Agreement No. 759728). The project is dedicated to the in-depth study of CIL interpretation, and the identification of the rules that guide this process. It is the first of its kind, introducing the lens of interpretation as a separate process to be studied in the life cycle of a CIL rule.

The IGILTP is one of the interest groups of the European Society of International Law (ESIL). It seeks to facilitate research into all areas, approaches and questions of a theoretical and philosophical nature with a bearing on international law. In the IGILTP the TRICI-Law project found a willing ally for the organisation of the conference and the collection of this edited volume. It was during our time as co-members of IGILTP’s Coordinating Committee that we exchanged many of the ideas that inspired the theoretical questions tackled in this volume.

The conference presented an ambitious programme. We invited scholars and practitioners to engage with questions that hit at the core of our selected subject: what are the rules that regulate the functioning of CIL as a source of international law? Is the classical paradigm of state practice and opinio juris still valid today? Can CIL be interpreted? Is there a difference between the interpretation of state practice and the interpretation of a customary rule? Where do lines (if any) between identification, interpretation, application and modification of a rule of CIL lie? And what potential lessons may we learn from domestic approaches to these questions?
We were delighted to receive over 100 abstracts in response to our call for papers; a testament to the continued interest that the theory of CIL inspires among scholars and practitioners of international law. We were particularly encouraged to see that many of the abstracts were willing to engage with the novel lens of interpretation alongside the more traditional subjects of CIL genesis and identification. Thus, in our selection of abstracts we were careful to strike a balance between contributions which examined more traditional issues related to the theory of CIL, and contributions which went outside these familiar frameworks. Moreover, attention was paid to bring together a complementary diverse set of contributions which deal with the theory, practice, and interpretation of CIL respectively. The conference, and ultimately the chapters of this edited volume, reflect this balance.

The edited volume boasts twenty-three chapters, organized into five parts. Part I, dedicated to the theory of CIL, deals with the fault lines in CIL theory and the need for new approaches. This part contains chapters which examine some of the issues emerging from the theory of CIL, commentaries on the validity of the traditional ‘state practice and *opinio juris*’ model, and suggestions for alternative theoretical approaches. Part II is dedicated to an examination of CIL as a source of international law, with a focus on the doctrine and history of custom. This part contains chapters that critically engage with questions of doctrine, the historical development of CIL, and the contribution of some seminal historical scholars to the way we understand CIL today. Part III turns to the practice of CIL. The chapters in this part present studies of the ways various institutions and actors engage with the application of CIL, and offer commentaries on how these practices shape the way CIL operates in international law. Part IV then introduces the notion of interpretation as a separate stage in the life cycle of a customary rule. This part contains chapters which persuasively illustrate the need to account for interpretation in the operation of a CIL rule, and offer suggestions as to how this may be done. Finally, Part V provides insight into the way domestic courts deal with custom. The chapters in this final part trace the jurisprudence of various domestic courts and illustrate that interpretation of custom (both international and domestic) is regularly engaged in by domestic judges, and that there are valuable lessons to be learned from these approaches for the purposes of international law.

We are deeply grateful to the contributors of this edited volume for their impressive scholarly efforts reflected in each chapter. We also thank the other speakers and chairs of the conference, whose presentations and
comments during the 2019 conference no doubt inspired many of the discussions developed in this volume. We are particularly grateful to His Excellency Judge Raul Pangalangan for his engaging keynote speech on the constraints on codified rules and the enduring power of custom.

This edited volume is the first in a line of publications that will deal with the various issues emerging for the study of CIL interpretation. We are very grateful to Cambridge University Press for hosting this pioneering research collection under the heading of the “TRICI-Law Book Series”. In particular, a special thanks is owed to Ms Finola O’ Sullivan, with whom we fleshed out the idea for this book series on a sunny day in Athens during one of the breaks of the ELSA Conference, and who went above and beyond the call of duty in ensuring that this volume and the book series would get off the ground. We are also indebted to Ms Marianne Nield for her invaluable support and unending patience throughout this process and for those that are still to come, and to Mr Tom Randall and the Cambridge University Press editing team for their continued support through the publication process. A special place of mention is also owed to the ERC and the University of Groningen, without whose generous financial help this edited volume, as well as the TRICI-Law Book Series, would not have been possible.

Finally, we thank Ms Nina Mileva for her assistance in the organisation of the conference and the editing of this volume, as well as Mr Konrad Turnbull for his immense help in all practical matters related to the production of this volume.

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<td>AB</td>
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<td>ACHEA</td>
<td>The Association for Christian Higher Education in Australia</td>
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<td>AG</td>
<td>Advocate General</td>
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<td>AJIL</td>
<td>American Journal of International Law</td>
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<td>AppPEN</td>
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<td>Convention on the Elimination of all forms of Discrimination Against Women</td>
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<td>Chinese Journal of International Law</td>
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<td>ChJIL</td>
<td>Chicago Journal of International Law</td>
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<th>Abbreviation</th>
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<td>HRC UN</td>
<td>Human Rights Council</td>
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<td>HR&amp;ILD</td>
<td>Human Rights &amp; International Legal Discourse</td>
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<td>HRLR</td>
<td>Human Rights Law Reports UK Cases</td>
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<td>HYIL</td>
<td>Hague Yearbook of International Law</td>
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<td>ICC</td>
<td>International Criminal Court</td>
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<td>ICJ</td>
<td>International Court of Justice</td>
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<td>ICLQ</td>
<td>International &amp; Comparative Law Quarterly</td>
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<td>ICLR</td>
<td><em>International &amp; Comparative Law Review</em></td>
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<td>ICTR</td>
<td>International Criminal Tribunal for Rwanda</td>
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<td>ICTY</td>
<td>International Criminal Tribunal for Yugoslavia</td>
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<td>ICs</td>
<td>International Courts</td>
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<td>IDI</td>
<td>Institut de Droit International</td>
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<td>IJIL</td>
<td><em>Indian Journal of International Law</em></td>
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<td>IL</td>
<td>International Law</td>
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<td>ILA</td>
<td>International Law Association</td>
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<td>ILC</td>
<td>International Law Commission</td>
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<td>ILDC</td>
<td>International Law in Domestic Courts</td>
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<td>ILR</td>
<td><em>International Law Reports</em></td>
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<td>ILS</td>
<td>International Law Studies</td>
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<td>Ind J Global Legal</td>
<td>Studies <em>Indiana Journal of Global Legal Studies</em></td>
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<td>Int CL Rev</td>
<td><em>International Community Law Review</em></td>
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<td>IO</td>
<td>International Organisation</td>
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<td>IOLR</td>
<td><em>International Organizations Law Review</em></td>
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<td>IP</td>
<td>International Peacekeeping</td>
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<td>IRRC</td>
<td>International Review of the Red Cross</td>
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<td>Isr YB Hum Rts</td>
<td><em>Israel Yearbook on Human Rights</em></td>
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<td>ITLOS</td>
<td>International Tribunal for the Law of the Sea</td>
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<td>IYIL</td>
<td><em>Italian Yearbook of International Law</em></td>
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<td>J Conflict Resol</td>
<td><em>Journal of Conflict Resolution</em></td>
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<td>JC&amp;SL</td>
<td><em>Journal of Conflict and Security Law</em></td>
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<td>JICJ</td>
<td><em>Journal of International Criminal Justice</em></td>
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<td>JIDS</td>
<td><em>Journal of International Dispute Settlement</em></td>
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<td>JIHLS</td>
<td><em>Journal of International Humanitarian Legal Studies</em></td>
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<td>J Intl Econ L</td>
<td><em>Journal of International Economic Law</em></td>
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<td>JLS</td>
<td><em>Journal of Legal Studies</em></td>
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<td>J Med Ethics</td>
<td><em>Journal of Medical Ethics</em></td>
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<tr>
<td>JMWP</td>
<td>Jean Monnet Working Paper</td>
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<tr>
<td>JWT</td>
<td><em>Journal of World Trade</em></td>
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<td>LEG</td>
<td>Legal Theory</td>
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<td>LGDJ</td>
<td>The Librairie générale de droit et de jurisprudence</td>
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<td>Liverpool LR</td>
<td><em>Liverpool Law Review</em></td>
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<td>LJIL</td>
<td><em>Leiden Journal of International Law</em></td>
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<td>Lond rev int law</td>
<td><em>London Review of International Law</em></td>
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<td>Loy LA Int'l &amp; Comp L Rev</td>
<td><em>Loyola of Los Angeles International and Comparative Law Review</em></td>
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<td>L&amp; Phil</td>
<td><em>Law and Philosophy</em></td>
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LPICL The Law & Practice of International Courts and Tribunals
Mich J Intl L Michigan Journal of International Law
Minn L Rev Minnesota Law Review
MJIL Melbourne Journal of International Law
MPEPIL Max Planck Encyclopedia of Public International Law
NILR Netherlands International Law Review
Nord J Intl L Nordic Journal of International Law
NWULR Northwestern University Law Review
NYIL Netherlands Yearbook of International Law
NY L Sch J Hum Rts New York Law School Journal of Human Rights
NZ L Rev New Zealand Law Review
OHCHR Office of the United Nations High Commissioner for Human Rights
OJLS Oxford Journal of Legal Studies
OU University of Oklahoma
Pace Int’l L Rev Pace International Law Review
PCIJ Permanent Court of International Justice
Phil & Pub Aff Philosophy & Public Affairs
Phil Rev Philosophical Review
PROC Proceedings of the Annual Meeting
RBDI Revue Belge de Droit International
RD Revista de Derecho e Jurisprudencia y Ciencias Sociales
RDC Recueil des Cours (Abbreviation for collected courses of the Hague Academy, in references and bibliography)
RG/DIP Revue générale de droit international public
RlAA Reports of International Arbitration Award
RIO Review of International Organizations
Riv Dir Int Rivista di diritto internazionale
RQDI Revue Québécoise de Droit International
RStGH Staatsgerichtshof für das deutsche Reich
RV Reichsverfassung
Santa Clara L Rev Santa Clara Law Review
S Cal L Rev Southern California Law Review
Stan J Intl L Stanford Journal of International Law
Stan L Rev Stanford Law Review
STL Special Tribunal for Lebanon
SYBIL Singapore Year Book of International Law
TRICI-Law The Rules of Interpretation of Customary International Law
TWQ Third World Quarterly
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<td>U Chi L Rev</td>
<td>University of Chicago Law Review</td>
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<td>UCDavis JInt'l L&amp; Pol'y</td>
<td>UC Davis Journal of International Law &amp; Policy</td>
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<td>U Ill L Rev</td>
<td>University of Illinois Law Review</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNC</td>
<td>University of North Carolina</td>
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<tr>
<td>UNCRC UN</td>
<td>Committee on the Rights of the Child</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNHRC</td>
<td>United Nations Human Rights Council</td>
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<td>UNYB</td>
<td>Max Planck Yearbook of United Nations Law</td>
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<tr>
<td>UPR</td>
<td>Universal Periodic Review</td>
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<td>UTLJ</td>
<td>University of Toronto Law Journal</td>
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<tr>
<td>Va J Int'l L</td>
<td>Virginia Journal of International Law</td>
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<td>Vand J Transnat'l L</td>
<td>Vanderbilt Journal of Transnational Law</td>
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<td>VCDR</td>
<td>Vienna Convention on Diplomatic Relations</td>
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<td>VCLT</td>
<td>Vienna Convention on the Law of Treaties</td>
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<td>VfGH</td>
<td>Verfassungsgerichtshof</td>
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<td>VUWLR</td>
<td>Victoria University of Wellington Law Review</td>
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<td>WdW</td>
<td>De Wijsbegeerte der Wetside</td>
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<td>WTO</td>
<td>World Trade Organization</td>
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<td>Yale J Int'l L</td>
<td>Yale Journal of International Law</td>
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<td>Yale LJ</td>
<td>Yale Law Journal</td>
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<td>YBILC</td>
<td>Yearbook of the International Law Commission</td>
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<td>ZaöRV</td>
<td>Heidelberg Journal of International Law</td>
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General Assembly and Security Council
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UNGA ‘Review of the Role of the International Court of Justice: Report of the Secretary-General’ (15 September 1971) UN Doc A/8382; 145
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International Law Commission

ILC, ‘Comments and Observations Received from Governments’ (27 January, 3 & 12 April 2006) UN Doc A/CN.4/561 and Add 1–2; 177
ILC, ‘Content of the International Responsibility of a State’ (23 April–1 June and 2 July–10 August 2001) UN Doc A/56/10, reproduced in [2001/II – Part Two] YBILC 86; 312
ILC, ‘Draft Conclusions on Peremptory Norms of General International Law (jus cogens)’ (29 April–7 June and 8 July–9 August 2019) UN Doc A/74/10, reproduced in [2019/II – Part Two] YBILC 141; 311
ILC, ‘Draft Conclusions on Subsequent Agreements and Subsequent Practice in Relation to the Interpretation of Treaties, with Commentaries’ (30 April–1 June and 2 July–10 August 2018) UN Doc A/73/10, reproduced in [2018/II – Part Two] YBILC 11; 167, 300, 363, 462


ILC, ‘Formation and Evidence of Customary International Law, Elements in the Previous Work of the International Law Commission that Could Be Particularly Relevant to the Topic, Memorandum by the Secretariat’ (5 May–7 June and 8 July–9 August 2013) UN Doc A/CN.4/659; 169


ILC, ‘Guide to Practice on Reservations to Treaties, with Commentaries’ (26 April–3 June and 4 July–12 August 2011) UN Doc A/66/10/Add.1; 164, 167, 181


ILC, ‘Identification of Customary International Law: Comments and Observations received from Governments, Comments and Observations by the Kingdom of the Netherlands submitted on 23 January 2018’ (14 February 2018) UN Doc A/CN.4/716; 46, 398

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ILC, ‘Report of the International Law Commission on the Work of its 70th Session’ (30 April – 1 June and 2 July – 10 August 2018) UN Doc A/73/10; 4, 416
ILC, ‘Report of the International Law Commission on the work of its 71st session’ (29 April–7 June and 8 July–9 August 2019) UN Doc A/74/10; 164, 166
ILC, ‘Second Report on the Question of Treaties Concluded between States and International Organizations or between Two or More International Organizations by Mr Paul Reuter, Special Rapporteur’ (15 May 1972) UN Doc A/CN.4/271 reproduced in [1972/II] YBILC 75ILC; 352
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ILC, ‘Summary Record of the 729th meeting’ (22 May 1964) UN Doc A/CN.4/SR.729 reproduced in [I/1964] YBILC 34; 290

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ILC, 'Summary Record of the 3150th Meeting' (26 July 2012) UN Doc A/CN.4/SR.3150; 398
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ILC, ‘Summary Record of the 3183rd meeting’ (19 July 2013) UN Doc A/CN.4/SR.3183; 398, 417
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ILC, ‘Summary Record of the 3185th meeting’ (24 July 2013) A/CN.4/SR.3185; 417

International Law Association

ILA Committee on Non-State Actors, ‘Third Report of the Committee: Non-State Actors’ (Washington Conference 2014); 304
Study Group on Content and Evolution of the Rules of Interpretation, ‘Preliminary Report’ (Johannesburg 2016); 461

Institut de Droit International

IDI, ‘Resolution: Problems Arising from a Succession of Codification Conventions on a Particular Subject’ (1995) 66 AIDI 435; 233
IDI, ‘Resolution: The Elaboration of General Multilateral Conventions and of Non-Contractual Instruments Having a Normative Function or Objective’ (1987) 62 AIDI 274; 233
IDI, ‘Resolution: The Intertemporal Problem in Public International Law’ (1975) 56 AIDI 536; 361
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Other Reports

Advisory Committee of Jurists, *Procès Verbaux of the Meetings of the Advisory Committee of Jurists: 16 June 24 July 1920 with Annexes* (van Langenhuysen 1920); 231, 355, 400


CEDAW Committee, 'Concluding Observations on the Combined Fourth and Fifth periodic Reports of Maldives' (11 March 2015) UN Doc CEDAW/C/MDV/CO/4–5; 327


Human Rights Council, 'National Report Submitted in Accordance with Paragraph 5 of
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Review: Ghana’ (13 December 2018) UN Doc A/HRC/22/6; 325
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International Commission of Inquiry on Darfur, 'Report of the International
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UN Committee on the Elimination of Racial Discrimination, ‘Addendum to the
Twelfth Periodic Reports of States Parties Due in 2006: Mozambique’ (10 April 2007)
UN Doc CERD/C/8/MOZ/12; 146
UN Committee on the Rights of the Child, 'Consideration of Reports Submitted by
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Doc CRC/C/GC/8; 338
UNDP Moldova & the Office of the High Commissioner for Human Rights Chisinau,
'Draft Report: International Conference on Responding to the UPR
Recommendations: Challenges, Innovation and Leadership’ (UNDP, November 4–5
2011) www.undp.org/content/dam/rbec/docs/UPR%20Conference.pdf; 330
United Nations, 'Vienna Conference on the Law of Treaties: 7th Meeting of the
Committee of the Whole’ (1 April 1968) UN Doc A/CONF.39/C.1/SR.7; 352

Other International Documents

Commission Recommendation (EU) 2017/146 of 21 December 2016 Regarding the
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Draft Final Act Embodying the Results of the Uruguay Round of Multilateral Trade
Negotiations (20 December 1991) GATT Doc MTN.TNC/W/FA; 280
European Commission, 'Commission Recommendation regarding the Rule of Law in
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ICRC, 'International Humanitarian Law and the Challenges of Contemporary Armed
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Negotiating Group on Institutions, ‘Meeting of 26 September 1991 – Note by the Secretariat’ (18 October 1991) GATT Doc MTN.GNG/IN/1; 280
Yoo J, ‘The Soleimani Strike: The President Has the Constitution and Precedent on His Side’ (6 January 2020) National Review; 57

National Legislation

1945 US Presidential Proclamation No 2667, ‘Policy of the United States with Respect to the Natural Resources of the Subsoil and Sea Bed of the Continental Shelf’ 10 Fed Reg 12303 (1945) 13 DSB 485; 374
Bundesverfassungsgericht (Entscheidung vom 23 Oktober 1951) BVerfGE 1; 516, 518, 520, 522
Bundesverfassungsgericht (Entscheidung vom 30 Januar 1973) BVerfGE 34; 520–21
Bundes-Verfassungsgesetznovelle vom 30 Juli 1974, BGBl nr 444/19749; 525
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Grundgesetz für die Bundesrepublik Deutschland vom 23. Mai 1949, BGBl 1949, S 1; 516
Law of Obligations, Official Gazette of R Macedonia No 18 of 5.03.2001 https://bit.ly/3mOqrZU; 470
Reichsgesetz vom 9 Juli 1921 (Federal Act of July 9 1921) RGBl 1921, S 905; 510
Staatsvertrag zwischen den Freistaaten Bayern und Coburg vom 20. Februar 1920, GVBl 1920, S 335; 520
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