

SOURCES OF INTERNATIONAL LAW: international agreements



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art. 38 of the Statute of the International Court of Justice

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:
 - **international conventions**, whether general or particular, establishing rules expressly recognized by the contesting states;
 - **international custom**, as evidence of a general practice accepted as law;
 - the **general principles of law** recognized by civilized nations;
 - subject to the provisions of Article 59, **judicial decisions** and the **teachings** of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.
2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

what is international agreement?

DEFINITION

agreement concluded between States in written form and governed by international laws, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation

act which denotes a merger of wills of two or more international subjects for the purpose of regulating their interests by international rules

International Agreement

Covenant

General Act

Charter

Declaration

Statute

Protocol

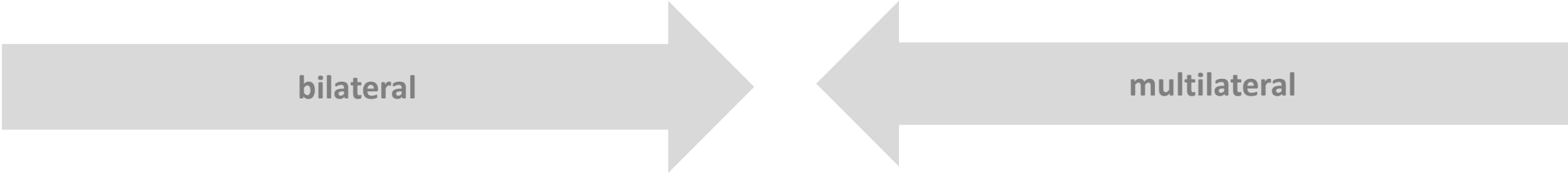
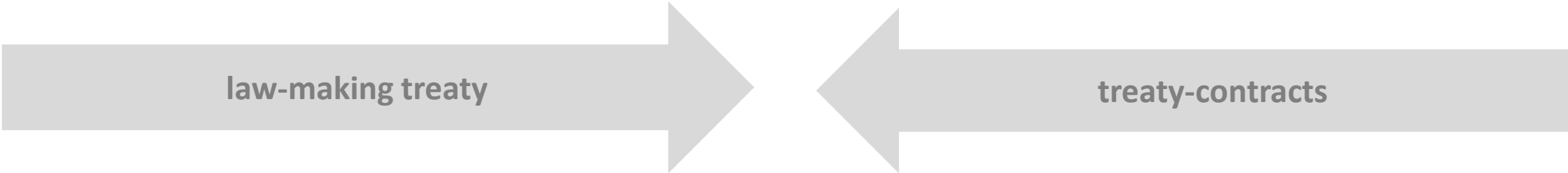
Treaty

Pact

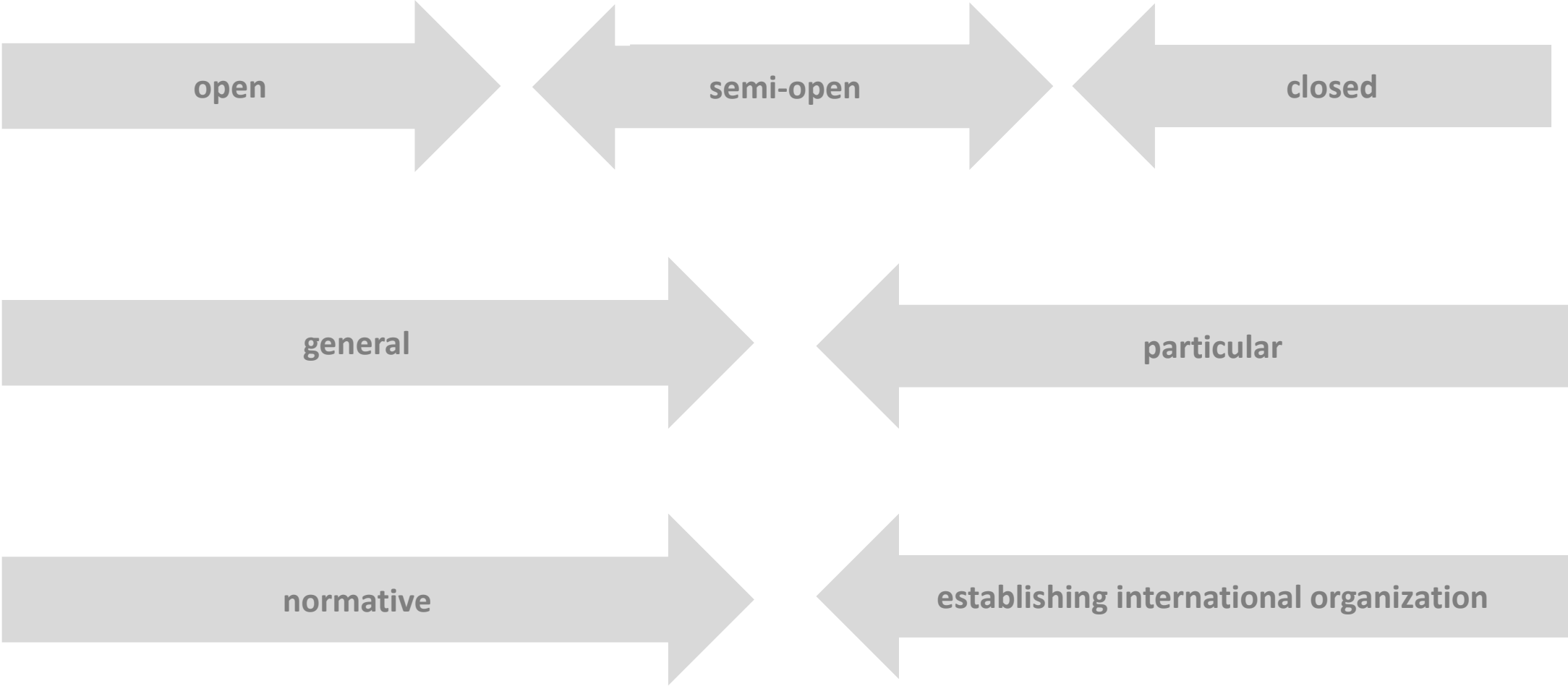
Convention

types

types



types



treaty as a source of international obligation

international agreements on the law of treaties

I. Vienna Convention on the Law of the Treaties

- signed: 23th of May 1969
- entry into force: 27th of January 1980

II. Vienna Convention on Succession of States in respect of Treaties

- signed: 22th of August 1978
- entry into force: 6th of November 1996

III. Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations

- signed: 21st of March 1986
- entry into force: -

structure of international agreement

procedure of concluding

procedure of concluding

negotiation



adoption / authentication of the text



expression of consent to be bound by the treaty



reservations



provisional application *



entry into force

types of consent to be bound by the treaty

types of consent to be bound by the treaty

signature

exchange of
instruments
constituting a
treaty

ratification

acceptance

approval

accession

by any other mean
if so agreed

reservations

rules on interpretation

invalidity of treaties

invalidity of treaties

- non-compliance with municipal law requirements
- error
- fraud
- corruption of a State's representative
- coercion
- conflict with *ius cogens*

termination and suspension of treaties

termination and suspension of treaties

- under its provisions
- by consent of all parties
- as a result of conclusion of a later treaty
- as a result of material breach
- as a result of supervening impossibility of performance
- as a result of *rebus sic stantibus* clause
- emergence of a new *ius cogens*