

Preface

Article-by-article commentaries of treaties which form the backbone of today's international legal system have multiplied over the last years. These reference works are much appreciated both by specialists and by a wider public of lawyers, who use them more occasionally. These commentaries provide accurate, exhaustive, and most often practical information on each of the provisions composing the treaty concerned. Contributions are often authored by specialists on the topic, which contributes to a large extent to the value and interest of this type of work. It is from that perspective that the present commentary of two key instruments of contemporary international law, the 1969 and 1986 Vienna Conventions on the Law of Treaties, was conceived. A first edition of this book was published in French in 2006 (Brussels: Bruylant) and an updated version including most contributors to the first edition was published in English in 2011 by Oxford University Press. After more than a decade, the time seemed right to revisit the commentaries in order to incorporate the latest evolutions in this area. Many contributors to the first edition in English agreed to participate in this second edition. New authors also joined the project alongside the original authors who were not in a position to do so.

Regarding the practice of the last years, it is fuelled with important developments for classical subjects relating to, among others, the interpretation of treaties, the formulation of reservations, withdrawal from treaties, States affirming that they will not become parties to treaties they had previously signed or the ratification of treaties by international organizations which have been included in the new commentaries. Moreover, it was deemed equally important to incorporate international and, to the extent possible, national case law as well as notable doctrinal work that has been published on the topic, particularly by the International Law Commission on the provisional application of treaties, peremptory norms of international law (*jus cogens*), or subsequent agreements and subsequent practice in relation to the interpretation of treaties. As for the first edition, we have aimed at presenting the commentaries in a manner that is as uniform as possible. The commentary to each provision thus includes a preliminary section dealing with the provision's object and purpose and its—possible—customary status. A second part of the commentary is devoted to the discussion of specific problems of interpretation of the provision concerned. Its effects are generally commented upon in a final section.

From a methodological point of view, the present work is premised upon a strictly positivist approach and not upon the philosophy or sociology of international law. Each provision of the Conventions is examined from a *lege lata* perspective, and is not subjected to value judgements. Use has therefore been made mostly of the principles of interpretation enshrined in Articles 31 and 32 of both Conventions: reference to the object and purpose of the provision, to the context, subsequent practice, and *travaux préparatoires*.

This book includes an analysis of both the 1969 Convention provisions and their 1986 equivalents. The commentaries of the 1986 Convention's provisions deal only with particular issues that may have arisen from the adaptation of the relevant provision to the specific situation of international organizations. All the elements pertaining to the 1986

Convention's *travaux* which contributed to the clarification of the meaning of provisions of the 1969 Convention have, for the sake of clarity, been included in the latter's commentary.

In order to provide users with some practical information, a table on the ratification status of both Conventions (as of 28 June 2024) and a list of the International Law Commission's Special Rapporteurs on the law of treaties (and their respective periods of activities) are provided as appendices.

The present book is the outcome of a long process. It includes the contributions of more than 100 authors, who have prepared their commentaries with seriousness and dedication, and have complied with the editors' directives. We wish to thank them for their commitment and their patience. Our warmest thanks also go to Nicola Nicodemo, Ayse Güzel Öztürk, and Thibaud Jourdan, research students from the advanced *LLM in public international law* at the *Université libre de Bruxelles*, as well as to Fiona Argenta, research assistant at the International Law Centre of the same university, who all assisted us most efficiently in the production of this book, and to Cherifa Saddouk followed by Samara Hussain, the International Law Centre's secretaries, who took care of the countless administrative challenges which arose in the course of this project. Finally, we wish to express our gratitude to Oxford University Press for supporting this project and Newgen for assisting us throughout its finalization. Our warmest thanks, in particular, to Merel Alstein, Jack McNichol, Eleanor Capel Smith, Robert Cavooris, Jordan Burke, Sam Bailey, Reyman D. Joseph, and especially Kim Vollrodt for her patience, her very active involvement, and her central role in the completion of this book.

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