

Treaties in context II.

An interdisciplinary contribution to the course on the law of treaties

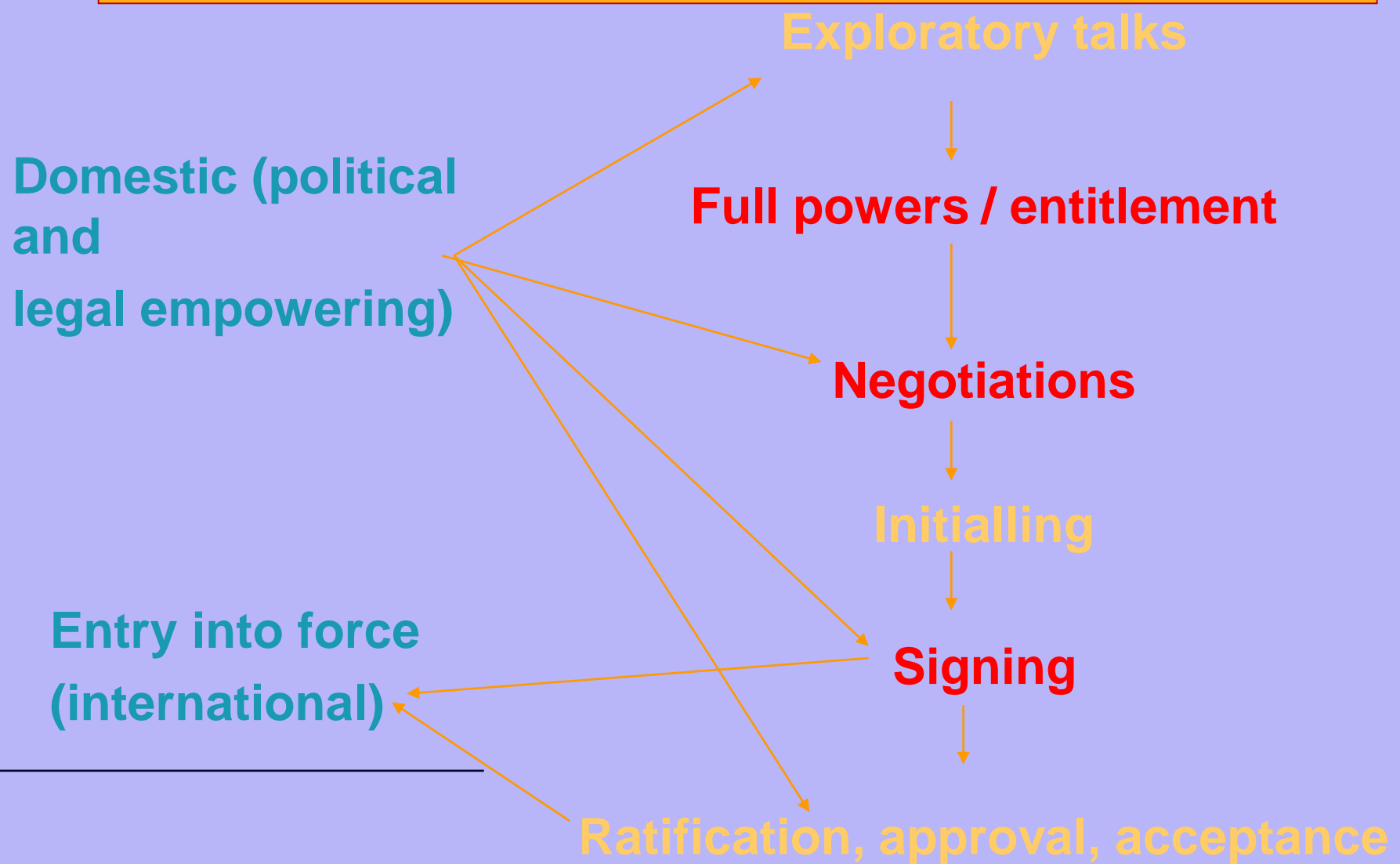
# TREATY MAKING IN PRACTICE.

**Multilateral and bilateral negotiations. Techniques and tactics.**



**Presented by Boldizsár Nagy  
at the Mykolas Romeris University,  
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# The conclusion of a treaty and ancillary steps



*Registration with the Secretary General of the United Nations*

*Transformation into domestic law*

*Accession*

# Negotiation – key elements



## Negotiation – key elements

- The role of the **language**
- The weight of the **personalities** (chairperson, president of the conference)
- The significance of the **informal entities** (open-ended working groups, „friends of the president” group)
- **Rules of procedure** - frequently the key to substantive victory
- **Time factor** and the „definitive text”

# Expressing consent to be bound by a treaty

## Means of expressing consent to be bound by a treaty

- Vienna Convention, Article 11

The consent of a State to be bound by a treaty may be expressed by

- signature,
- exchange of instruments constituting a treaty,
- ratification, acceptance, approval
  
- or accession,
  
- or by any other means if so agreed.

# Recommended readings

## Books:

- Arnold D. **McNair** [Lord Mc Nair]: The Law of treaties, Oxford, 1961
- Paul **Reuter**: Introduction to the Law of Treaties, London, Kegan, 1995
- Ian **Sinclair** [Sir]: The Vienna Convention on the Law of Treaties 2nd ed. Manchester university press, 1984
- Jan **Klabbers**: The Concept of Treaty in international Law, The Hague, Kluwer, 1996
- **National Treaty Law and Practice** (series of the American Society of Int'l Law, edited by Monroe Leigh and Merritt R Blakeslee)
  - 1995: France, Germany, India, Switzerland, Thailand, UK,
  - 1999: (Leigh, Blekeslee and - Benjamin Ederington eds) – Austria, Chile, Colombia, Japan, The Netherlands, United States,
  - 2003: (The same eds.): Canada, Egypt, Israel, Mexico, Russia, South Africa
- Rüdiger **Wolfrum** – Volker **Röben** (eds.): Developments of international Law in Treaty Making, Springer, Berlin-Heidelberg, 2005
- **Villiger**, Mark E.: Commentary on the 1969 Vienna Convention on the Law of Treaties Martinus Nijhoff, Leiden, 2009
- **Corten**, Olivier, and Pierre **Klein**. (eds): The Vienna Conventions on the Law of Treaties: A Commentary. Oxford: Oxford UP, 2011.
- Oliver **Dörr** and Kirsten **Schmalenbach** (eds): The Vienna Convention on the Law of Treaties: A Commentary. Berlin: Springer, 2012
- Anthony **Aust**: Modern Treaty Law and Practice, 3rd ed Cambridge, CUP, 2014

# Thanks!

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