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Nota di contenuto	Introduction -- I. The Reasons for this Work -- II. The Course of this Work -- III. Terminology -- 1. The Structure of Obligations Under the Optional Clause -- I. An Obligation Pre Seisin ? -- II. An Obligation Towards Other States ? -- 2. The Nature of the Optional Clause -- I. Unilateral Declarations, Bilateral and Multilateral Treaties -- II. Article 36 of the Statute -- III. The Nature of the Optional Clause as Seen by States -- IV. The Nature of the Optional Clause in Jurisprudence -- V. Conclusion -- VI. Excursus: The Applicability of the VCLT -- 3. The Creation of Obligations Under the Optional Clause -- I. Freedom to Join or to Abstain -- II. Accession, Signature, Ratification, and Deposition -- III. The Moment Declarations Enter into Force -- IV. The Withdrawal of Reservations -- V. Result -- 4. Interpretation of the Optional Clause Declarations -- I. The Rules for Treaty Interpretation Applied to the Optional Clause . -- II. The Statute, the Charter and State Practice -- III. Jurisprudence on the Interpretation of Optional Clause Declarations -- IV. Result -- V. Excursus: Interpretation of the Connally Reservation -- 5. Reservations Under the Optional Clause -- I. The Notion ' Reservation ' (Article 2(1)(d) VCLT) -- II. The Effects of Reservations Under the Optional Clause (Article 21 VCLT) -- III. The Permissibility of Reservations (Article 19 VCLT) -- IV. The Separability of Optional Clause Declarations and Their Reservations -- V. The States ' Objections to Reservations (Article 20 VCLT) -- VI. Result -- 6.

Withdrawals and Agreements -- I. Partial Withdrawals and ' Amendments ' of Optional Clause Declarations -- II. The Right to Unilaterally Withdraw Optional Clause Declarations -- III. Mutual Amendments and Agreements -- IV. Result

Sommario/riassunto

"The International Law Commission's Guiding Principles for Unilateral Declarations and its Guide to Practice on Reservations to Treaties are among the recent developments in international law. These developments support a new assessment on how optional clauses (eg Art 62(1) of the American Convention on Human Rights) and especially the Optional Clause (Art 36(2) of the Statute of the International Court of Justice (ICJ)) can be characterised and treated. The question is in how far optional clauses and the respective declarations can be considered a multilateral treaty or a bundle of unilateral declarations and to what extent one of the corresponding regimes applies. Based on inter alia on the jurisprudence of the Permanent Court of International Justice and the ICJ on the Optional Clause, but also on the relevant jurisprudence of the Inter-American Court of Human Rights and the European Court of Human Rights and the General Comments of the United Nations Human Rights Committee, this book provides a comprehensive assessment of all legal issues regarding the Optional Clause and also optional clauses in general. The book deals with the making of Optional Clause declarations, the interpretation of such declarations and reservations made to the declarations as well as the withdrawal or amendment of declarations."--Bloomsbury Publishing.
