

Preface

Treaty interpretation is a very important component in the operation of all treaties. It is governed by a set of rules provided in Articles 31–33 of the Vienna Convention on the Law of Treaties (VCLT). These rules were actually codified from the customary rules of treaty interpretation. But the current codified rules are relatively short and much simplified. International players and interpreters would not be able to apply them simply based on the wordings if they are not familiar with international practices and jurisprudence. However, the understanding and skill of treaty interpretation should not be the know-how exclusively possessed by those who are extremely familiar with international practices and jurisprudence. There should be a relatively detailed set of interpretation provisions, which are precise enough so that parties to any treaty and all potential interpreters should be able to understand the exact rules and apply them, but also flexible enough so that interpreters are still able to make their overall assessments in the course of interpretation in different cases. In addition, there are new situations (such as the increasing possibilities for different treaties to be in conflict with each other) which need to be addressed in the conduct of treaty interpretation. Certain rules governing the emerging situations should also be needed. The book argues that it is desirable to have a second round of codification so that certain existing international practices and jurisprudence concerning treaty interpretation as well as certain new rules addressing emerging issues can be codified into the VCLT to make treaty interpretation more predictable and transparent. I hope that my argument of a new round of codification will provide an input in the broader discussion of treaty interpretation and that the concrete suggestions in the book about the actual provisions to be incorporated into the new set of codified rules will serve as a useful basis for the ultimate result of codification.

In addition to explaining the purpose of this book, I like to take this opportunity to thank one of my best students at National Taiwan University College of Law, Yi-tzu Chen, who assisted me to edit the book, especially in checking the sources of

citations and their formats. She has greatly helped expedite the publication of the book. I also like to thank the team from Springer. They are extremely efficient and professional. I enjoy very much working and cooperating with them for the publication of academic works.

Taipei, Taiwan
August 2017

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Treaty Interpretation Under the Vienna Convention on
the Law of Treaties

A New Round of Codification

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2017, XIX, 361 p., Hardcover

ISBN: 978-981-10-6865-2