

PROF.

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**"THEN AND NOW,
and the role of time in
the interpretation of
treaties"**



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HS 15.01 (Moot-Court-
und Verhandlungsraum)
and online

The Vienna Convention on the Law of Treaties suggests that looking over one's shoulder at the past of a treaty may be necessary when interpreting the treaty. Articles 31 and 32 VCLT respectively refer to subsequent practice and subsequent agreement (in article 31(3)) and preparatory work, otherwise known as travaux préparatoires (in article 32). Both provisions look back at a different point in time, either what happened after the treaty entered into force and was being relied upon, or a time before the treaty did formally exist and was being negotiated. The talk will reflect on these references to the past in the process of treaty interpretation, and whether or how they may collide. Preparatory work is increasingly not being compiled anymore – even if diplomats and academics seem to think it will always be available – , and subsequent practice may not be available for particularly the situation that calls for interpretation of specific parts of a treaty. Thus, while both provisions provide an 'organized' set of rules for treaty interpretation, but when looking from a practitioner's perspective at these references to the past of a treaty are they really helpful in the process of interpretation?

The **GILDS** is founded and chaired by **Professor Erika De Wet**,
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