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Edited by Ilias Bantekas



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Editor's Preface

Today's students and practitioners are aided in their search for international legal documents from a plethora of on-line resources. Moreover, a number of very good hard copy collections are also available. Why, therefore, the need for a new collection? This arose from personal need and frustration emanating from the lack of cross-referencing to and other useful information regarding international legal instruments. Thus, in addition to the text of a treaty or General Assembly resolution, it is also crucial for one to be aware of current ratifications of treaties as well as votes cast for and against resolutions. Similarly, citations to official publications are useful when concentrated in a single volume and frustrating when one has to look for them elsewhere. Another idea that has materialised in this work is the inclusion of a thematical contents list, which depicts the cohesion and unity of international law and helps users identify the variety of topics found in discrete documents.

This book was edited primarily for use by international law students on both undergraduate and postgraduate courses. It is not, of course, intended to exhaust relevant documentation, but instead provide a compilation of instruments covering most fields of international law. The increased utility and seminal function of so-called "soft law" is well represented in this respect. I would have liked to provide a detailed and extensive list of signatories and parties to the various instruments, as well as a list of reservations, but space constraints ruled otherwise. This book is also aided by a brief examination of each thematical section on the publisher's internet page. This is intended as an introduction to each topic that will familiarise readers with its content, thus enabling students to take the book into exams.

The number of ratifications is accurate as of May 2002. Where omissions have been made they have been indicated by a row of asterisks. I would like to express my gratitude to Mr Jean Perrenoud of the International Committee of the Red Cross for his assistance in tracking down some references. I alone am responsible for any shortcomings, and would welcome any suggestions for further improvement.

Ilias Bantekas
May 2002

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List of Abbreviations and Collections

Bevans	Treaties and Other International Agreements of the USA (1776–1949)
B.S.F.P	British and Foreign State Papers
Cmd.	Command Papers (U.K.)
E.T.S.	ETS Series (Council of Europe)
H.R.L.J.	Human Rights Law Journal
I.L.M.	International Legal Materials
L.N.T.S.	League of Nations Treaty Series
Stat.	U.S. Treaties at Large
T.I.A.S.	Treaties and other International Acts Series ⁱ
T.S.	Treaty Series (USA, 1800–1945) ⁱⁱ
U.K.T.S.	U.K. Treaty Series
U.N.T.S.	United Nations Treaty Series
U.S.T.	United States Treaties and Other International Agreements
Y.B.U.N.	Yearbook of the United Nations

ⁱ Later cumulated by T.I.A.S. number in U.S.T.

ⁱⁱ Replaced by T.I.A.S. in 1945.

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**Treaty Providing for the Renunciation of War as an Instrument of
National Policy (Kellogg-Briand Pact, Pact of Paris) (1928)**

Published in: 46 Stat. 2343; TS 796; 2 Bevans 732; 94 L.N.T.S. 57; **1-001**
U.K.T.S. (1929) 29, Cmd. 3410
Adopted on: August 27, 1928
Entered into force: July 24, 1929
Ratifications: 30 (Venezuela was last on October 24, 1929)

The President of the German Reich, the President of the United States of America, His Majesty the King of the Belgians, the President of the French Republic, His Majesty the King of Great Britain Ireland and the British Dominions beyond the seas, Emperor of India, His Majesty the King of Italy, His Majesty the Emperor of Japan, the President of the Republic of Poland, the President of the Czechoslovak Republic.

Deeply sensible of their solemn duty to promote the welfare of mankind; Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory Power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty;

Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavour and by adhering to the present treaty as soon as it comes into force bring their peoples within the scope of its beneficent provisions, thus uniting the civilised nations of the world in a common renunciation of war as an instrument of their national policy;

Have decided to conclude a treaty and for that purpose have appointed as their respective plenipotentiaries: who, having communicated to one another their full powers found in good and due form have agreed upon the following Articles:

Article I

The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another. **1-002**

Article II

The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means. **1-003**

Article III

The present treaty shall be ratified by the High Contracting Parties named in the preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at Washington. **1-004**

This treaty shall, when it has come into effect as prescribed in the preceding

paragraph, remain open as long as may be necessary for adherence by all the other Powers of the world. Every instrument evidencing the adherence of a Power shall be deposited at Washington and the treaty shall immediately upon such deposit become effective as between the Power thus adhering and the other Powers parties hereto.

It shall be the duty of the Government of the United States to furnish each government named in the preamble and every government subsequently adhering to this treaty with a certified copy of the treaty and of every instrument of ratification or adherence. It shall also be the duty of the Government of the United States telegraphically to notify such governments immediately upon the deposit with it of each instrument of ratification or adherence.

Montevideo Convention on the Rights and Duties of States (1933)

Published in: 49 Stat. 3097; T.S. 881; 165 L.N.T.S. 19 **2-001**
Adopted on: December 26, 1933
Entered into Force: December 26, 1934 (Article 8 reaffirmed by Protocol of December 23, 1936)
Ratifications: 19 (Bolivia alone had refused to be bound)

Article 1

The State as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other States. **2-002**

Article 2

The federal State shall constitute a sole person in the eyes of international law. **2-003**

Article 3

The political existence of the State is independent of recognition by the other States. Even before recognition the State has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organise itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts. **2-004**

The exercise of these rights has no other limitation than the exercise of the rights of other States according to international law.

Article 4

States are juridically equal, enjoy the same rights, and have equal capacity in their exercise. The rights of each one do not depend upon the power which it possesses to assure its exercise, but upon the simple fact of its existence as a person under international law. **2-005**

Article 5

The fundamental rights of States are not susceptible of being affected in any manner whatsoever. **2-006**

Article 6

The recognition of a State merely signifies that the State which recognises it accepts the personality of the other with all the rights and duties determined by international law. Recognition is unconditional and irrevocable. **2-007**

Article 7

The recognition of a State may be express or tacit. The latter results from any act which implies the intention of recognising the new State. **2-008**

Article 8

- 2-009** No State has the right to intervene in the internal or external affairs of another.

Article 9

- 2-010** The jurisdiction of States within the limits of national territory applies to all the inhabitants.

Nationals and foreigners are under the same protection of the law and the national authorities and the foreigners may not claim rights other or more extensive than those of the nationals.

Article 10

- 2-011** The primary interest of States is the conservation of peace. Differences of any nature which arise between them should be settled by recognised pacific methods.

Article 11

- 2-012** The Contracting States definitely establish as the rule of their conduct the precise obligation not to recognise territorial acquisitions or special advantages which have been obtained by force whether this consists in the employment of arms, in threatening diplomatic representations, or in any other effective coercive measure. The territory of a State is inviolable and may not be the object of military occupation nor of other measures of force imposed by another State directly or indirectly or for any motive whatever even temporarily.

Article 12

- 2-013** The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

Article 13

- 2-014** The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The Minister of Foreign Affairs of the Republic of Uruguay shall transmit authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

Article 14

- 2-015** The present Convention will enter into force between the High Contracting Parties in the order in which they deposit their respective ratifications.

Article 15

- 2-016** The present Convention shall remain in force indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards

the party which denounces but shall remain in effect for the remaining High Contracting Parties.

Article 16

The present Convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union which shall communicate them to the other High Contracting Parties. **2-017**

1945 United Nations Charter (as amended)

3-001 Published in: 59 Stat. 1031; T.S. 993; 3 Bevans 1153; 1 U.N.T.S. xvi
(892 U.N.T.S. 119); 1976 Y.B.U.N. 1043; U.K.T.S.
(1946) 67, Cmd. 7015
Adopted on: June 26, 1945
Entry into force: October 24, 1945
Ratifications: 189

WE THE PEOPLES OF THE UNITED NATIONS

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,
AND FOR THESE ENDS

to practise tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organisation to be known as the United Nations.

CHAPTER I

PURPOSES AND PRINCIPLES

Article 1

3-002 The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and