

# Supervening impossibility of performance

Article 61 VCLT covers only **very narrow situations**, concerning *'the permanent disappearance or destruction of an object indispensable for the execution of the treaty'* (e.g. the submergence of an island, or the drying up of a river).

Moreover, *'if the impossibility is temporary, it may be invoked only as a ground for suspending the operation of the treaty'*

# Article 61 Supervening Impossibility Of Performance

**Michael J. Bowman, Dino Kritsiotis**



## **Article 61 Supervening Impossibility Of Performance:**

Commentary on the 1969 Vienna Convention on the Law of Treaties Mark Eugen Villiger, 2009 The 1969 Vienna Convention on the Law of Treaties regulating treaties between States lies at the heart of international law This commentary interprets the Convention's 85 articles clearly and precisely It covers such major topics as reservations to treaties their interpretation and the grounds for terminating a treaty for instance breach Emphasis is placed on the practice of States and tribunals and on academic writings It contains further sections on customary international law and the Convention's history while providing up to date information on ratifications and reservations This commentary is a must for practitioners and academics wishing to establish the meaning and scope of the provisions of the Vienna Convention on the Law of Treaties

**Die Grenzen der Vertragstreue im Völkerrecht** Christina Binder, 2013-09-30 Die Arbeit untersucht das Spannungsverhältnis zwischen Vertragstreue und Umstandsänderung im aktuellen Völkerrecht Hierzu werden zunächst die Rechtsinstitute des allgemeinen Völkervertragsrechts grundlegende Umstandsänderung nachträgliche Unmöglichkeit der Erfüllung und Obsoleszenz dargestellt die ein Abrücken von Vertragspflichten durch eine Vertragspartei unter dem Eindruck der nachträglichen Änderung der Umstände ermöglichen Im Folgenden wird erörtert inwiefern die Rechtswidrigkeitsausschlussgründe des Rechts der Staatenverantwortlichkeit Notstand und here Gewalt das Instrumentarium des allgemeinen Völkerrechts als Grenzen der Vertragstreue erweitern Schließlich wird der Umgang mit Umstandsänderungen in ausgewählten Vertragsregimen Menschenrechten Seerecht GATT WTO Regime und Investitionsrecht analysiert und gefragt inwiefern die Grenzen der Vertragstreue in den spezifischen Regimen differenzierter gezogen werden und wie das Verhältnis zwischen den Vertragsbestimmungen und den Rechtsinstituten des allgemeinen Völkerrechts zu sehen ist

**Vienna Convention on the Law of Treaties** Oliver Dörr, Kirsten Schmalenbach, 2011-11-22 The Commentary on the Vienna Convention on the Law of Treaties provides an in depth article by article analysis of all provisions of the Vienna Convention The texts are uniformly structured I Purpose and Function of the Article II Historical Background and Negotiating History and III Elements of the Article The Vienna Convention on Treaties between States and IOs and between IOs is taken into account where appropriate In sum the present Commentary contains a comprehensive legal analysis of all aspects of the international law of treaties Where the law of treaties reaches into other fields of international law e g the law of state responsibility the relevant interfaces are discussed and contextualized With its focus on international practice the Commentary is addressed to academia as well as to practitioners of international law

Investitionsschutz und Geschäftsgrundlage Orhan Bayrak, 2019-05-17 Zahlreiche Privatrechtsordnungen kennen eine Geschäftsgrundlagenstörung ebenso das Völkerrecht in Art 62 WVRK Kann aber ein Gastgeberstaat einem ausländischen Investor den Wegfall der Geschäftsgrundlage entgegenhalten um in schweren Wirtschaftskrisen neue Gesetzgebung zu rechtfertigen Ist die Norm mithin auch gegenüber Individuen anwendbar Die Untersuchung entschlüsselt einzelne Problemkreise dieser Forschungsfrage die im Querschnittsbereich

zwischen Völkerrecht und Zivilrecht angesiedelt sind Sie kommt in einer dogmatischen Analyse zu dem Ergebnis dass Art 62 WVRK auch im gemischten Schiedsverfahren anwendbar ist Anschließend zeigt die konkrete Fallanwendung anhand der Spanienfälle zur Förderung von Solarenergie dass Art 62 WVRK auch die sachgerechtere Lösung ist als etwa der Staatsnotstand oder FET Grundsatz Die Kautelarpraxis bestätigt diese Erkenntnis denn eine Geschäftsgrundlagenstudie ist vermehrt auch Regelungsgegenstand neuerer Investitionsschutzabkommen

**International Investment Law and the Law of Armed Conflict** Katia Fach Gómez, Anastasios Gourgourinis, Catharine Titi, 2019-08-05 Assessing the extent to which armed conflict impacts the obligations that states have towards foreign investors and their investments under international investment treaties requires considering a wide range of issues many of which are systemic in nature These include substantive and procedural topics not only with regard to international investment law but also concerning the law on the use of force international humanitarian law and human rights law the law of treaties the law of state responsibility and the law of state succession This volume provides an in depth assessment of the overlap between international investment law and the law of armed conflict by charting the terrain of the multifaceted and complex relationship between these two fields of public international law fostering debate and offering novel perspectives on the matter

**The Vienna Conventions on the Law of Treaties** Olivier Corten, Pierre Klein, 2011 The 1969 and 1986 Vienna Conventions on the Law of Treaties are essential components of the international legal order This is the first Commentary on their provisions containing thorough and well structured analyses of each of their Articles It draws on preparatory works and practice and is written by a large collection of experts from the field

**The Oxford Guide to Treaties** Duncan B. Hollis, 2020-05-28 The Oxford Guide to Treaties is the authoritative reference point for anyone studying or involved in the creation or interpretation of treaties and other forms of international agreement For centuries treaties have regulated relations among nation states Today they are the dominant source of international law From trade relations to greenhouse gases from shipwrecks to cybercrime treaties structure the rights and obligations of states international organizations and individuals Being adept with treaties and international agreements is thus an indispensable skill for anyone engaged in international relations including international lawyers diplomats international organization officials and representatives of non governmental organizations This second edition of the award winning volume from Professor Duncan B Hollis provides a comprehensive guide to treaties shedding light on the rules and practices surrounding the making interpretation and operation of these instruments Foundational issues are covered from defining treaties and their alternatives to examining current theorizations about the treaty in international law Chapters review specific stages in the treaty's life cycle including formation application interpretation and exit Special issues associated with treaties involving the European Union and other international organizations are also included A section sampling over four hundred actual treaty clauses complements these scholarly treatments These real examples help illustrate different approaches treaty makers can take on topics such as entry into force languages

reservations and amendments      **Questions of International Law** György Haraszti,1977      *Conceptual and Contextual Perspectives on the Modern Law of Treaties* Michael J. Bowman,Dino Kritsiotis,2018-10-25 In recent years there has been a flourishing body of work on the Law of Treaties crucial for all fields within international law However scholarship on modern treaty law falls into two distinct strands which have not previously been effectively synthesized One concerns the investigation of concepts which are fundamental to or inherent in the law of treaties generally such as consent object and purpose breach of obligation and provisional application while the other focuses upon the application of treaties and of treaty law in particular substantive e g human rights international humanitarian law investment protection environmental regulation or institutional contexts including the Security Council the World Health Organization the International Labour Organization and the World Trade Organization This volume represents the culmination of a series of collaborative explorations by leading experts into the operation development and effectiveness of the modern law of treaties as viewed through these contrasting perspectives      The Law of Treaties Robert Kolb,2023-07-01 Presenting up to date case law and a freshly updated bibliography this second edition of The Law of Treaties is a valuable addition to contemporary international law scholarship It offers much needed clarity on complicated legal cases and questions while maintaining a highly readable style      **Sourcebook on Public International Law** Tim Hillier,1998-02-14 First published in 1998 Routledge is an imprint of Taylor Francis an informa company      **The Law of Treaties** Shabtai Rosenne,1970      **Resilience in Energy, Infrastructure, and Natural Resources Law** Catherine Banet,Hanri Mostert,LeRoy Paddock,Milton Fernando Montoya,Milton Fernando Montoya Pardo,Iñigo del Guayo Castiella,Iñigo del Guayo,2022 Through a mix of thematic chapters and case studies this book offers an analytical approach to developing legal responses which will ensure the needs of present and future generations can be met through energy systems infrastructure development and natural resources management in times of increasingly frequent and disruptive nature based events      International Law and Governance of Natural Resources in Conflict and Post-Conflict Situations Daniëlla Dam-de Jong,2015-06-26 An assessment of the role of international law in preventing natural resources from fuelling armed conflict and improving their governance      *The Application of Foreign Investment Protection in Times of Armed Conflict* Petr Stejskal,2025-08-25 The monograph presents scenarios of situations where foreign investments suffer damage These model scenarios are based on thorough analysis of real cases facts from the ground and recent arbitral practice relating namely to arbitrations against Russia Syria or Libya This allows the author in the next step to ascertain what rules are applicable to the conduct of states towards foreign investments but also to demonstrate how they apply in real case scenarios In particular the work identifies and applies to these tailored scenarios relevant norms of international investment law international humanitarian law and international human rights law These regimes are relevant for protection of foreign investment but they differ as to the situations they govern parties whose conduct they regulate and obligations they stipulate It is therefore appropriate to analyse in their

interconnection how these rules govern typical situations that may arise during armed conflict and what particularly they prescribe On the basis of application of these rules on the defined scenarios the monograph focuses on the issue of applicability of investment treaties in occupied territories and on interactions and on the issue of conflict of norms in situations where foreign investments qualify as military objectives

**Kompendium völkerrechtlicher Rechtsprechung**  
 Oliver Dörr, 2004 Oliver Dörr stellt die wichtigsten Leitentscheidungen internationaler Gerichte zum Völkerrecht im englischen Originaltext zusammen und macht sie so dem Anwender zugänglich der nicht ständig Zugriff auf die amtliche Entscheidungssammlung hat Durch die Sammlung von vierzig Urteilen und Gutachten des Ständigen Internationalen Gerichtshofs 1923 1933 und des Internationalen Gerichtshofs 1949 2003 entsteht ein umfassender Überblick über achtzig Jahre völkerrechtlicher Rechtsprechung und ein unverzichtbares Hilfsmittel für die Arbeit mit dem Völkerrecht Jede Entscheidung wird nach einer kurzen Sachverhaltszusammenfassung mit geringen Kürzungen im Originaltext zitiert und wiedergegeben Es folgt eine dogmatische Einordnung der Entscheidung die ihren bis heute gültigen völkerrechtsdogmatischen Ertrag in wenigen Leitsätzen zusammenfasst Den Abschluss bilden jeweils einige Hinweise zur vertiefenden Lektüre

The International Law Commission 1999-2009 Arthur Watts, Arnold Pronto, Michael Wood, 1999 Contains summaries of the Commission's work on various topics and any resulting treaty texts with notes

**The Effects of Armed Conflict on Investment Treaties**  
 Tobias Ackermann, 2022-08-25 Based on author's thesis doctoral Ruhr University at Bochum 2020

*Principles of International Investment Law* Rudolf Dolzer, Ursula Kriebaum, Christoph Schreuer, 2022-01-13 This book outlines the principles behind the international law of foreign investment The main focus is on the law governed by bilateral and multilateral investment treaties It traces the purpose context and evolution of the clauses and provisions characteristic of contemporary investment treaties and analyses the case law interpreting the issues raised by standard clauses Particular consideration is given to broad treaty rules whose understanding in practice has mainly been shaped by their interpretation and application by international tribunals In addition the book introduces the dispute settlement mechanisms for enforcing investment law outlining the operation of Investor State arbitration Combining a systematic analytical study of the texts and principles underlying investment law with a jurisprudential analysis of the case law arising in international tribunals this book offers an ideal introduction to the principles of international investment law and arbitration for students scholars and practitioners alike

*Law and Practice of Investment Treaties* Andrew Paul Newcombe, Lluís Paradell, 2009-01-01 The book focuses on the substantive protections accorded to investors and investments and on the variations among jurisdictions Among the many specific issues and topics that arise in the course of the discussion are the following problems of transparency and conflict of interest the recent growth in IIAs between and among developing nations the effect of new model bilateral investment treaties BITs the ability of non-disputing parties to participate in investor state arbitration theories of the interaction of foreign direct investment FDI and BITs investor state arbitration as an evasion of public

regulatory authority the role of investment funds in international investment fork in the road provisions and institutional versus ad hoc arbitration International business and other investors will greatly appreciate the in depth information and insightful guidance in this solidly useful book It will also be welcomed by jurists and students as a significant milestone in the development of principles in a quickly growing field of practice that is still plagued with inconsistencies

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