1. **Brownlie Principle for testing effective government:**
   * Do they have their own executive?
   * Do they conduct their relations through their executive?
   * Do they have an independent legal system?
   * Do they have their own courts?
   * Do they have their own nationality?

2. **The court may have regard to unincorporated treaties:**
   * To interpret ambiguous legislation
   * To test the validity of delegated legislation on grounds of reasonableness
   * Where the treaty is evidence of a customary public international law.

3. **Definition of international custom:**
   International custom, as evidence of a general practice accepted as law.

   Two legs of customary international law:
   1. General practice (usus)
   2. Accepted as law (opinio iuris sive necessitatis (opinio iuris))

4. **Definition of treaty reservations:**
   A reservation is an offer by the reserving state to the other parties to a multilateral treaty that the agreement between them will have certain content.

5. **Dualism:**
   * The dualists see 2 systems of law - PIL on the one side and municipal law on the other.
   * Each system has its own content, subjects and sourced and operated within its own sphere.
   * There should be no conflict between the 2, but if one were to arise a court would be obliged to follow its municipal provisions.
   * Some process of incorporation is necessary to make PIL available to the municipal court.

6. **Enforcement of Public International Law:**
   1. Retortion
   2. Reprisal
   3. Embargo
   4. Sanctions
   5. Boycott
   6. Hot Pursuit
   7. Diplomatic Action
   8. Self Defense

7. **Enforcement of Public International Law: ICC**
   **Jurisdiction (if the state cannot prosecute):**
   - One of the parties are a state party
   - The accused is a national of the state party
   - The crime is committed in the territory of the state
   - State is not a party, but accepts the court’s jurisdiction
   - UN security council refers the situation to the prosecutor

8. **Harmonisation:**
   * An attempt to reach a compromise between monism and dualism
   * It tries to explain the application of PIL in the various municipal systems.
   * The court examines PIL and applies it to the extent that its jurisdictional rules allows it to do so.

9. **International Law:**
   Body of rules and principles which are binding upon states in their relations with one another.

10. **Ius Cogens:**
    Defined by Article 53 of the VC as:
    * An obligatory rule (of)
    * general international law (which is)
    * accepted and recognized by the community of states as a whole (as)
    * a rule from which no deviation is allowed (and)
    * which can be altered only by another norm or rule of the same kind.

11. **Monism:**
    * The monists see a single hierarchic of law deriving from natural law with PIL and municipal law as integral parts of the higher system.
    * PIL therefor applies within the municipal system without the need for adoption by the courts or transformation by the legislature.
    * PIL is superior within the hierarchy.

12. **Public international law:**
    Defined as: The rules which govern the following relations:
    - Between sovereign independent states.
    - Between sovereign independent states and organisations made up of states.
    - Between organisations made up of states.

13. **Requirements for statehood:**
    * Permanent Population
    * Specific territory
    * Effective government
    * Foreign affairs
    * Recognition

14. **Reservations to treaties: A summary:**
    * First: Reservations arise only in multilateral treaties
    * Secondly: Treaties are consensual
    * Thirdly: The aim of a multilateral treaty is to get as many states as possible to agree to as many issues as possible.

15. **State liability: Circumstances precluding wrongfulness:**
    1. Consent (art 29)
    2. Countermeasures (art 30)
    3. Irresistible force (art 31)
    4. Distress (art 32)
    5. Necessity (art 33)
    6. Self Defense (art 34)

16. **Treaty:**
    An international agreement concluded between states in written form and governed by international law, whether embodiess in a single instrument or in two or more related instruments and whatever its particular designation. Or;

    A treaty is an agreement, whether written or oral, concluded between public international law subjects with the intention of creating a public international law relationship. The agreement must give rise to reciprocal rights and duties and must be governed by public international law.

17. **Void Treaties: VC Art 48 - Error:**
    A state may invoke error it is assumed the following: A fact or situation (which was) material (and) formed on the basis of consent when the treaty was concluded and it did not itself contribute to the error; or the circumstances were not suspicious.
18. **Void Treaties: VC Art 49 - Fraud**: A state may invoke fraud if: It was induced by fraudulent action of other negotiating states to conclude the treaty.

19. **Void Treaties: VC Art 50 - Corruption**: A state may invoice corruption of there was: Direct or indirect corruption (of) the state's representative (by) another negotiating state.

20. **Void Treaties: VC Art 51 - Coercion**: A state may invoke coercion where there was: Coercion of a representative by act or threats against the representative by any person.

21. **Void Treaties: VC Art 52 - Force**: A state may invoke force if there was: Coercion of a state by threat or use of force contrary to the principles of international law in the Charter.

22. **Ways of concluding a treaty**: * Exchange of instruments
   * Ratification
   * Acceptance
   * Approval
   * Accession
   * By any other means so agreed

23. **When are treaties voidable**: 1. Fulfillment of obligations
    2. Treaty Provision
    3. Consent
    4. Unilateral Repudiation
    5. Conclusion of a new treaty
    6. Breach of treaty
    7. Impossibility of performance
    8. Fundamental change of circumstances: Rebus sic stantibus
    9. War and suspension of diplomatic/consular relations
    10. Ius Cogens