

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 sees 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 embodies 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