

## Quadrant II – Glossary

**Paper Code: PIN0301**

**Module Name:** Meaning, Classification of Treaties, Formation, Ratification, Reservation and Termination-Important Maxims-'Pactatertiesnecnocent', 'Rebus sic stantibus', 'Pacta sunt servanda'

**Module No: 20**

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### **Glossary of terms/words:**

#### **For the purposes of the present Convention:**

**(a) “treaty”** means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation;

**(b) “ratification”, “acceptance”, “approval” and “accession”** mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty;

**(c) “full powers”** means a document emanating from the competent authority of a State designating a person or persons to represent the State for negotiating, adopting or authenticating the text of a treaty, for expressing the consent of the State to be bound by a treaty, or for accomplishing any other act with respect to a treaty;

**(d) “reservation”** means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State;

**(e) “negotiating State”** means a State which took part in the drawing up and adoption of the text of the treaty;

**(f) “contracting State”** means a State which has consented to be bound by the treaty, whether or not the treaty has entered into force;

**(g) “party”** means a State which has consented to be bound by the treaty and for which the treaty is in force;

**(h) “third State”** means a State not a party to the treaty;

**(i) “international organization”** means an intergovernmental organization.

**Pacta Tertiis Nec Nocent Nec Prosunt** - Latin: a treaty binds the parties and only the parties; it does not create obligations for a third state

Clausula **rebus sic stantibus** is a clause in international conventions (international agreements or treaties) that provides for the unenforceability of a treaty due to fundamentally changed circumstances.

**pacta sunt servanda** - [Latin: pacts must be respected] Agreements are to be kept; treaties should be observed. Pacta sunt servanda is the bedrock of the customary international law of treaties and, according to some authorities, the very foundation of international law. Without such an acceptance, treaties would become worthless.