## **CONTENTS**

	Trejuce puge ix
	Table of cases and official materials xii
	Table of treaties and instruments xx
	PART I Setting the scene 1
1	Introduction 3
	Opening words 3
	Treaty conflict and fragmentation 7
)**	Article 307 TEC and international law 10
	The argument of this book 12
	An assumption and a caveat 15
2	Understanding treaty conflict 18
	Introduction 18
	Theory in international law 19
	A single general theory? 20
	Normative conflict in jurisprudence 24
	Clashing values 33 Systems theory? 35
	Different approaches 39
	Conclusion 45
	PART II International law 47
3	The pre-Vienna Convention regime 49
	Introduction 49
	The classics 52
	The classic cases 55
	Doctrine 61
	Conclusion 67

4	Introduction 69 Lauterpacht's ambivalence 70 Fitzmaurice's analysis 74 Waldock's approach 77 The ILC's apprehensions 79 The Vienna Conference's acceptance 85 Conclusion: ambivalence 87
5	Post-Vienna Convention developments  Zuleeg and the principle of political decision  Narrowing the scope 90  A different option: hierarchy? 94  A different option: lex specialis? 96  Inescapable 98
e	Avoidance strategies: conflict rules 101 Avoidance techniques: judicial escapism 104 A. Using discretion 104 B. Alternative options 105 C. Non-conflict 105 D. Declining jurisdiction 106 Courts and the principle of political decision 108 Conclusion 110  PART III EC law 113
6	The EC and anterior treaties 115  Introduction 115  Article 307 116  Setting the standard: Commission v. Italy 120  Application between member states inter se 125  Application involving actual, non-abstract rights 126  Anterior treaties with new member states 130  Multipolar treaties 131  When is a treaty concluded? 133  A separate story: the second paragraph 135  Possible explanations 140  To conclude: some general issues 148

7	The UN Charter and the European Convention	150
	Introduction 150 The UN Charter before the EC Court 151 The European Convention before the EC Court 163 The Strasbourg attitude 167 Escherian images 173 Conclusion 174	
8	Posterior treaties: conceptual issues 175	
	Introduction 175	
	The time of conclusion 177	
	Classifying the problem 178	
	Powers and institutional law 183	
	A domestic law paradigm? 194	
	Conclusion 198	
9	Posterior treaties: practice 200	
	Introduction 200	
	A (brief) methodological note 201	
	Nordic cooperation 203	
	Inter se agreements 205	
	Posterior treaties with third parties 211	
	The disconnection clause 219	
	Community agreements 223	
	Conclusion 225	
10	Conclusions 227	
	Dibliography 222	
	Bibliography 232	

Index 249