

# Vienna Convention on the Law of Treaties

## SECTION 1. OBSERVANCE OF TREATIES

### Article 26 *Pacta sunt servanda*

Every treaty in force is binding upon the parties to it and must be performed by them in good faith.

### Article 27 Internal law and observance of treaties

A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This rule is without prejudice to article 46.

## SECTION 2. APPLICATION OF TREATIES

### Article 28 Non-retroactivity of treaties

Unless a different intention appears from the treaty or is otherwise established, its provisions do not bind a party in relation to any act or fact which took place or any situation which ceased to exist before the date of the entry into force of the treaty with respect to that party.

### Article 29 Territorial scope of treaties

Unless a different intention appears from the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory.

### Article 30 Application of successive treaties relating to the same subject-matter

1. Subject to Article 103 of the Charter of the United Nations, the rights and obligations of States parties to successive treaties relating to the same subject-matter shall be determined in accordance with the following paragraphs.

2. When a treaty specifies that it is subject to, or that it is not to be considered as incompatible with, an earlier or later treaty, the provisions of that other treaty prevail.

3. When all the parties to the earlier treaty are parties also to the later treaty but the earlier treaty is not terminated or suspended in operation under article 59, the earlier treaty applies only to the extent that its provisions are compatible with those of the latter treaty.

4. When the parties to the later treaty do not include all the parties to the earlier one:

(a) as between States parties to both treaties the same rule applies as in paragraph 3;

(b) as between a State party to both treaties and a State party to only one of the treaties, the treaty to which both States are parties governs their mutual rights and obligations.

5. Paragraph 4 is without prejudice to article 41, or to any question of the termination or suspension of the operation of a treaty under article 60 or to any question of responsibility which may arise for a State from the conclusion or application of a treaty the provisions of which are incompatible with its obligations towards another State under another treaty.

### **SECTION 3. INTERPRETATION OF TREATIES**

#### **Article 31**

##### **General rule of interpretation**

1. A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.

2. The context for the purpose of the interpretation of a treaty shall comprise, in addition to the text, including its preamble and annexes:

(a) any agreement relating to the treaty which was made between all the parties in connection with the conclusion of the treaty;

(b) any instrument which was made by one or more parties in connection with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty.

3. There shall be taken into account, together with the context:

(a) any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions;

(b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation;

(c) any relevant rules of international law applicable in the relations between the parties.

4. A special meaning shall be given to a term if it is established that the parties so intended.

#### **Article 32**

##### **Supplementary means of interpretation**

Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion, in order to confirm the meaning resulting from the application of article 31, or to determine the meaning when the interpretation according to article 31:

(a) leaves the meaning ambiguous or obscure; or

(b) leads to a result which is manifestly absurd or unreasonable.

#### **Article 33**

##### **Interpretation of treaties authenticated in two or more languages**

1. When a treaty has been authenticated in two or more languages, the text is equally authoritative in each language, unless the treaty provides or the parties agree that, in case of divergence, a particular text shall prevail.

2. A version of the treaty in a language other than one of those in which the text was authenticated shall be considered an authentic text only if the treaty so provides or the parties so agree.

3. The terms of the treaty are presumed to have the same meaning in each authentic text.

4. Except where a particular text prevails in accordance with paragraph 1, when a comparison of the authentic texts discloses a difference of meaning which the application of articles 31 and 32 does not remove, the meaning which best reconciles the texts, having regard to the object and purpose of the treaty, shall be adopted.

## **SECTION 2. INVALIDITY OF TREATIES**

### **Article 46**

#### **Provisions of internal law regarding competence to conclude treaties**

1. A State may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance.

2. A violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in good faith.

# UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (1982)

## SECTION 2. LIMITS OF THE TERRITORIAL SEA



### *Article 3*

#### *Breadth of the territorial sea*

Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.

## SECTION 4. CONTIGUOUS ZONE



### *Article 33*

#### *Contiguous zone*

1. In a zone contiguous to its territorial sea, described as the contiguous zone, the coastal State may exercise the control necessary to:

(a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;

(b) punish infringement of the above laws and regulations committed within its territory or territorial sea.

2. The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

# Charter of the United Nations

## Preamble

### *We the Peoples of the United Nations Determined*

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

### *And for these Ends*

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and

to ensure by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

### *Have Resolved to Combine our Efforts to Accomplish these Aims*

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

## Chapter I

### Purposes and Principles

#### *Article 1*

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

## *Article 2*

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

## **Utdrag frå ODA-avtalen (også teken inn i lovsamlinga):**

Avtale mellom EFTA-statene om opprettelse av et Overvåkingsorgan og en Domstol.

**Art 34.** Det hører under EFTA-domstolen å gi rådgivende uttalelser om fortolkningen av EØS-avtalen.

Når et slikt spørsmål blir reist ved en domstol i en EFTA-stat, og domstolen finner at en uttalelse er nødvendig før den avsier sin dom, kan den anmode EFTA-domstolen om å gi en slik uttalelse.

En EFTA-stat kan i sin interne lovgivning begrense retten til å anmode om en rådgivende uttalelse til domstoler som etter den nasjonale lovgivning dømmer i siste instans.

## **Domstolslova § 51a (første ledd):**

**§51a.** Når en norsk domstol i en sak må ta stilling til tolkningen av Avtalen om Det europeiske økonomiske samarbeidsområde med protokoller, vedlegg og de rettsakter vedleggene omhandler, kan den i samsvar med Avtalen mellom EFTA-statene om opprettelse av et overvåkingsorgan og en domstol artikkel 34 forelegge tolkningsspørsmålet for EFTA-domstolen. Rettens beslutning om at et tolkningsspørsmål skal eller ikke skal forelegges for EFTA-domstolen, kan ikke angripes ved kjæremål eller anke.

## **Utdrag frå EF-traktaten:**

### *Artikel 234*

Domstolen har kompetence til at afgøre præjudisielle spørsmål:

- a) om fortolkningen af denne traktat
- b) om gyldigheden og fortolkningen af retsakter udstedt af Fællesskabets institutioner og ECB
- c) om fortolkningen af vedtægter for organer, der oprettes af Rådet, når bestemmelse herom findes i de pågældende vedtægter.

Såfremt et sådant spørgsmål rejses ved en ret i en af medlemsstaterne, kan denne ret, hvis den skønner, at en afgørelse af dette spørgsmål er nødvendig, før den afsiger sin dom, anmode Domstolen om at afgøre spørgsmålet.

Såfremt et sådant spørgsmål rejses under en retssag ved en national ret, hvis afgørelser ifølge de nationale retsregler ikke kan appelleres, er retten pligtig at indbringe sagen for Domstolen.