

Mystifying the Art of Interpretation: The Challenge of Plurilingual Treaties

Abstract

Despite having been codified more than 40 years ago in the Vienna Convention on the Law of Treaties, treaty interpretation remains one of the most dynamic areas in international law. One of the curiosities of the voluminous literature on both the theory of treaty interpretation and on the interpretative practice of international courts and tribunals is the absence of any detailed consideration of the impact of the plurilingual nature of most modern multilateral treaties on the issue of interpretation. The failure to problematize plurilingual interpretation in general international law is in marked contrast to the widespread discussion of the topic in the context of European Union Law but it is possible to view the interpretative practices of the European Union as constituting a self-contained legal regime (*lex specialis*). This paper addresses the hermeneutical challenges posed by the practice of authenticating multilateral treaties in more than one language with a particular emphasis on the role of interpretative communities in the interpretation process.

SPEAKER BIOGRAPHY

Paul Eden is a lecturer in law at the University of Sussex and (the outgoing) co-convenor of the SLS International Law Group. He previously taught at the universities of Cape Town and Leeds. Paul has published in the fields of international, commercial and criminal law. Recent publications include: “Plurilingual Treaties: Aspects of Interpretation” in Alexander Orakhelashvili and Sarah Williams (eds) *40 Years of the Vienna Convention on the Law of Treaties* (BIICL, 2010) 155-182, “Palestinian Statehood: Trapped between Rhetoric and *Realpolitik*” (2013) 62 *International and Comparative Law Quarterly* 225 – 239, “The Role of the Rome Statute in the Criminalization of Apartheid” (2014) 12 *Journal of International Criminal Justice* 171-191 and “The Practices of Apartheid as a War Crime – A Critical Analysis” (2013) 16 *Yearbook of International Humanitarian Law* (forthcoming).

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