

Treaty Exit and Intra-branch Conflict at the Interface of International and Domestic Law

by Professor Laurence R Helfer

Admission of \$50
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Register

Professor Helfer will discuss two important and unresolved issues raised by the unilateral withdrawal from denunciation of treaties.

The first issue concerns whether treaty obligations end in both international and domestic law after a state leaves a treaty. Exit often produces the same effects in both legal systems, but some withdrawals bifurcate a treaty's status, ending its obligations in domestic law but continuing to bind the state internationally, or vice versa.

The second issue concerns denunciations initiated by different branches of government. The decision to withdraw from a treaty is usually carried out by the executive acting unilaterally. Less well known, but potentially more fraught from a foreign relations perspective, are instances in which the impetus for exit originates with legislators or judges. Conflicts involving both dimensions of treaty exit stem from a common source—the different domestic and international rules governing how states enter into and leave treaties and the divergent policies that underlie those rules.

Professor Helfer will discuss a typology to categorise these conflicts, drawing upon examples of actual and potential treaty denunciations in several countries.

The talk is based on a chapter in the *Oxford Handbook of Comparative Foreign Relations Law* (edited by Curtis Bradley, 2019).

Laurence R Helfer is Harry R Chadwick, Sr Professor of Law and co-director of the Center for International and Comparative Law at Duke University in North Carolina. He is also a Permanent Visiting Professor at iCourts: The Center of Excellence for International Courts at the University of Copenhagen, which awarded him an honorary doctorate in 2014. He currently serves as the co-Editor-in-Chief of the *American Journal of International Law*.

Professor Helfer has authored more than 70 publications and has lectured widely on his diverse research interests, which include international human rights, treaty design, international adjudication, and the interdisciplinary analysis of international law and institutions.



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