Contents

	able of Cases	ix
	able of Legislation st of Abbreviations	xx xxiii
1.	Introduction	1
	 1.1 Research Question and Argument 1.2 Impermissibility of Courts Reconstructing Treaty Obligations 1.3 Outline of the Positions with Which this Book Takes Issue 1.4 Methodological Questions 	1 6 9 14
2.	Different Regimes, Different Methods of Interpretation? 2.1 Introduction 2.2 Constitutional Treaties, Human Rights Treaties,	23 23
	'Ordinary Treaties' 2.3 Systemic Coherence in both Content and Method 2.4 Conclusion	31 48 54
3.	The Means of Interpretation Admissible for the Establishment of the Intention of the Parties 3.1 Introduction 3.2 Evolutionary Interpretation and Good Faith 3.3 Evolutionary Interpretation and the Intention of the Parties 3.4 Conclusion	56 56 63 76 139
4.	The Intertemporal Law 4.1 Introduction 4.2 Normative Criticisms of the Principle of Intertemporality 4.3 Jus Cogens Superveniens: Peremptory Norms and Time 4.4 Conclusion	142 142 150 161 167
5.	 Evolutionary Interpretation, Or Not? Evolutionary Interpretation and Jurisdiction Ratione Temporis 5.1 Introduction 5.2 Jurisdiction Ratione Temporis in the European Court of Human Rights 5.3 The Traditional Doctrine of Jurisdiction Ratione Temporis 5.4 Conclusion 	168 168 169 174 183

viii

6. Conclusion: Evolution Intended	188
6.1 Intention of the Parties and Evo	
6.2 One Coherent Method of Treaty	Interpretation 189
6.3 Evolving International Law	19
6.4 A Redundant Concept?	19
Bibliography	199
Index	209

Contents