

Teil I

# Allgemeines Völkerrecht

## § 3 Quellen des Völkerrechts

### A. Überblick

**Vertiefende Literatur zu A.:** *J. d'Aspremont*, Formalism and the Sources of International Law, 2011; *A. Boyle/C. Chinkin*, The Making of International Law, 2007; *J. Brunnée*, International Legislation, MPEPIL (10/2010); *A. Clapham*, Beyond the Triad of Sources, FS Riedel, 2013, 73; *V.-D. Degan*, Sources of International Law, 1997; *R. Jennings*, What is International Law and How Do We Tell It When We See It?, SchweizJIR 37 (1981), 59; *E. Kassoti*, Beyond State Consent? International Legal Scholarship and the Challenge of Informal International Law-Making, NILR 63 (2016), 99; *S. Kratzsch*, Rechtsquellen des Völkerrechts außerhalb von Artikel 38 Abs. 1 IGH-Statut, 2000; *A. Orakhelashvili*, The Interpretation of Acts and Rules in Public International Law, 2008; *M. Ruffert*, Gedanken zu den Perspektiven der völkerrechtlichen Rechtsquellenlehre, FS M. Schröder, 2012, 73; *H. Strebelt*, Quellen des Völkerrechts als Rechtsordnung, ZaöRV 36 (1976), 301; *S. Sur*, La créativité du droit international, RdC 363 (2012), 9; *C. Tietje*, Recht ohne Rechtsquellen?, ZfRSoz 2003, 27; *A. Verdross*, Die Quellen des universellen Völkerrechts, 1973; *W. Weiß*, Die Rechtsquellen des Völkerrechts in der Globalisierung: Zu Notwendigkeit und Legitimation neuer Quellenkategorien, AVR 53 (2015), 220; *E. Wyler*, Quelques réflexions sur la typologie des obligations en droit international, avec référence particulière au droit des traités et au droit de la responsabilité, AFDI 65 (2019), 25.

### B. Völkerrechtliche Verträge

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**Zu VI.** A. Aust, Treaties, Termination, MPEPIL (6/2006); L. Bartels/F. Paddeu (Hg.), Exceptions in International Law, 2020; R. Bernhardt, Völkerrechtliche und verfassungsrechtliche Aspekte konkludenter Vertragsänderungen, FS W. Rudolf, 2001, 15; C. Binder, Die Grenzen der Vertragstreue im Völkerrecht am Beispiel der nachträglichen Änderung der Umstände, 2013; I. Cameron, Treaties, Suspension, MPEPIL (12/2020); W. Heintschel von Heinegg, Probleme der Vertragsbeendigung in der völkerrechtlichen Falllösung, Jura 1992, 289; ders., Treaties, Fundamental Change of Circumstances, MPEPIL (3/2021); J. Klabbers, Treaties, Amendment and Revision, MPEPIL (12/2006); E. Leonhardsen, Pride and Perseverance: Strategic Use of *Rebus Sic Stantibus* in Russian Foreign Policy 1870–1950, GYIL 63 (2020), 581; A. Morelli, Withdrawal from Multilateral Treaties, 2021; C. Rabl Blaser, Die *clausula rebus sic stantibus* im Völkerrecht, 2012; M. Schröder/A. Schwerdtfeger, Treaties, Validity, MPEPIL (1/2022); F. M. Voelcker, Schutzklauseln als Grenzpunkte internationaler Integration, 2020.

## C. Das Völkergewohnheitsrecht

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**Zu II.** *A. Alvarez-Jiménez*, Methods for the Identification of Customary International Law in the International Court of Justice's Jurisprudence: 2000-2009, *ICLQ* 60 (2011), 681; *A. D'Amato*, Groundwork for International Law, *AJIL* 108 (2014), 650 (mit Kommentaren von *J. d'Aspremont* und *M. García-Salmones Rovira*); *A. Bleckmann*, Zur Feststellung und Auslegung von Völkergewohnheitsrecht, *ZaöRV* 37 (1977), 504; *F. Bravo*, Méthodes de recherche de la coutume internationale dans la pratique des Etats, *RdC* 192 (1985), 233; *P. Dumberry*, The Formation and Identification of Rules of Customary International Law in International Investment Law, 2016; *J. Fry*, Formation of Customary International Law Through Consensus in International Organizations, *ARIEL* 17 (2012), 49; *H.-W. Jung*, Rechtserkenntnis und Rechtsfortbildung im Völkergewohnheitsrecht, 2012; *A. Reinisch/P. Bachmayer*, The Identification of Customary International Law by Austrian Courts, *ARIEL* 17 (2012), 1; *C. Rynjaert/D. Hora Siccama*, Ascertaining Customary International Law: An Inquiry into the Methods Used by Domestic Courts, *NILR* 65 (2018), 1; *S. Talmon*, Determining Customary International Law: The ICJ's Methodology between Induction, Deduction and Assertion, *EJIL* 26 (2015), 417; *C. Tams*, Die Identifikation des Völkergewohnheitsrechts, *BDGVR* 47 (2016), 323; *S. Yee*, Report on the ILC Project on "Identification of Customary International Law", *ChiJIL* 14 (2015), 375. Schwerpunkt in *ChiJIL* 15 (2016), Heft 1 (Beiträge von *S. Jusoh*, *M. Wood*, *S. Mathias*, *S. Yee*, *R. Mohamad*).

## D. Allgemeine Rechtsgrundsätze

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## E. Sonstige Rechtsquellen und Rechtserkenntnisquellen

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