

Nadja Reimold

Continuity in Times of Change

Acquired Rights and State Succession



Nomos

Beiträge zum
ausländischen öffentlichen Recht und Völkerrecht

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Nadja Reimold

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For Theodor and Helen

Acknowledgments

This book has been a journey, in so many respects. It represents my PhD thesis that was submitted in December 2022 and defended in April 2023 at Ludwig-Maximilians-University Munich.

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Greifswald, January 2024

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List of Abbreviations

<i>ACHR</i>	American Convention on Human Rights
<i>AcTHR</i>	African Court on Human and Peoples' Rights
<i>A.D.I.L.</i>	Annual Digest and Reports of Public International Law Cases
<i>AFDI</i>	Annuaire Français de Droit International
<i>AG</i>	Advocate General
<i>AHRLJ</i>	African Human Rights Law Journal
<i>A.J.I.C.L.</i>	African Journal of International and Comparative Law
<i>AJIL</i>	American Journal of International Law
<i>ALQ</i>	Arab Law Quarterly
<i>AMDI</i>	Anuario Mexicano de Derecho Internacional
<i>Am.J.Comp.L.</i>	American Journal of Comparative Law
<i>Am Rev Intl Arb</i>	American Review of International Arbitration
<i>Am.U.J.Int'l L.& Pol'y</i>	American University Journal of International Law and Policy
<i>Am.U.Int'l L.Rev.</i>	American University International Law Review
<i>Arbitr Int</i>	Arbitration International
<i>ARIEL</i>	Austrian Review of International and European Law
<i>ARSIWA</i>	Articles on Responsibility of States for Internationally Wrongful Acts
<i>Art.</i>	Article
<i>ARV</i>	Archiv des Völkerrechts
<i>ASA</i>	Association Suisse de l'Arbitrage
<i>AsianJIL</i>	Asian Journal of International Law
<i>ASIL</i>	American Society of International Law

<i>ASIL Proceedings</i>	Proceedings of the Annual Meeting of the American Society of International Law
<i>Aust YBIL</i>	Australian Yearbook of International Law
<i>AYBIL</i>	Asian Yearbook of International Law
<i>Badinter Commission</i>	Conference on Yugoslavia Arbitration Commission
<i>Baltic Y.B. Int'l L.</i>	Baltic Yearbook of International Law
<i>BGB</i>	Bürgerliches Gesetzbuch (German Civil Code)
<i>BGBL.</i>	Bundesgesetzblatt (Official Gazette of Germany or Austria)
<i>BIT</i>	Bilateral Investment Treaty
<i>Brexit</i>	British Withdrawal from the EU-Treaties
<i>BVerfG</i>	Bundesverfassungsgericht (German Federal Constitutional Court)
<i>BYbIL</i>	British Yearbook of International Law
<i>Cardozo J. Int'l & Comp. L.</i>	Cardozo Journal of International and Comparative Law
<i>Case W. Res. J. Int'l L.</i>	Case Western Reserve Journal of International Law
<i>CAT</i>	UN Convention Against Torture
<i>CC</i>	Constitutional Charter
<i>CEDAW</i>	UN Convention on the Elimination of all Forms of Discrimination Against Women
<i>Cf.</i>	Confer
<i>CSFR</i>	Czech and Slovak Federal Republic
<i>Chinese JIL</i>	Chinese Journal of International Law
<i>CIS</i>	Commonwealth of Independent States
<i>CJEU</i>	Court of Justice of the European Union
<i>CJICL</i>	Cambridge Journal of International and Comparative Law
<i>C.L.J.</i>	Cambridge Law Journal

<i>C.L.Q.</i>	Cornell Law Quarterly
<i>CML Rev.</i>	Common Market Law Review
<i>Colum.J.Eur.L.</i>	Columbia Journal of European Law
<i>Colum.J.Transnat'l L.</i>	Columbia Journal of Transnational Law
<i>Colum.L.Rev.</i>	Columbia Law Review
<i>Cp.</i>	Compare
<i>CPA</i>	Comprehensive Peace Agreement (Sudan - South Sudan)
<i>CRC</i>	UN Convention on the Rights of the Child
<i>Crim.L.F.</i>	Criminal Law Forum
<i>Croatian Y.B. Eur. L. & Pol'y</i>	Croatian Yearbook of European Law and Policy
<i>CRPC</i>	Commission for Real Property Claims
<i>CUP</i>	Cambridge University Press
<i>DAngVers</i>	Die Angestelltenversicherung (Zeitschrift der Bundesversicherungsanstalt für Angestellte)
<i>DtZ</i>	Deutsch-Deutsche Rechts-Zeitschrift
<i>Duke J.Comp.& Int'l L.</i>	Duke Journal of Comparative and International Law
<i>EAEC</i>	European Atomic Energy Community
<i>EECC</i>	Eritrea-Ethiopia Claims Commission
<i>EC</i>	European Communities
<i>ECHR</i>	European Convention on Human Rights In footnotes: Reports of the European Court of Human Rights
<i>ECR</i>	European Court Reports
<i>ECtHR</i>	European Court of Human Rights
<i>EEZ</i>	Exclusive Economic Zone
<i>E.H.R.L.R.</i>	European Human Rights Law Review
<i>EJIL</i>	European Journal of International Law
<i>E.J.M.L.</i>	European Journal of Migration and Law

List of Abbreviations

<i>ELR</i>	European Law Reporter
<i>Emory Int'l L.Rev.</i>	Emory International Law Review
<i>ETS</i>	European Treaty Series
<i>Et seq(q).</i>	et sequentia
<i>EU</i>	European Union
<i>EuConst</i>	European Constitutional Law Review
<i>EU Rights Charter</i>	EU Charter of Fundamental Rights
<i>EurJLawEcon</i>	European Journal of Law and Economics
<i>EUSS</i>	EU Settlement Scheme (UK)
<i>Termination Agreement</i>	Agreement for the Termination of Bilateral Investment Treaties between the Member States of the European Union
<i>FBH</i>	Federation of Bosnia and Herzegovina
<i>FET</i>	Fair and Equitable Treatment
<i>Fordham Int'l L.J.</i>	Fordham International Law Journal
<i>FRG</i>	Federal Republic of Germany
<i>FRY</i>	Federal Republic of Yugoslavia
<i>FYBIL</i>	Finnish Yearbook of International Law
<i>GC</i>	Grand Chamber
<i>GDR</i>	German Democratic Republic
<i>Geneva Convention</i>	Convention Relating to Upper Silesia between Germany and Poland
<i>Genocide Convention</i>	Convention on the Prevention and Punishment of the Crime of Genocide
<i>GG</i>	Grundgesetz (German Constitution)
<i>GoJIL</i>	Göttingen Journal of International Law
<i>GB</i>	Great Britain
<i>GYIL</i>	German Yearbook of International Law
<i>Harv. Int'l L.J.</i>	Harvard International Law Journal
<i>Hastings L.J.</i>	Hastings Law Journal

<i>HgYbIL</i>	Hague Yearbook of International Law / Annuaire de La Haye de Droit International
<i>HJIL/ZaöRV</i>	Heidelberg Journal of International Law / Zeitschrift für ausländisches öffentliches Recht und Völkerrecht
<i>HKBL</i>	Hong Kong Basic Law
<i>HKLJ</i>	Hong Kong Law Journal
<i>HKLRD</i>	Hong Kong Law Reports and Digest
<i>HKSAR</i>	Hong Kong Special Administrative Region
<i>Human Rights Rev.</i>	Human Rights Review
<i>IA</i>	International Affairs
<i>IACtHR</i>	Inter-American Court of Human Rights
<i>ICCPR</i>	International Covenant on Civil and Political Rights
<i>ICERD</i>	International Convention against Racial Discrimination
<i>ICESCR</i>	International Covenant on Economic, Social and Cultural Rights
<i>ICJ</i>	International Court of Justice
<i>ICJ Rep</i>	Reports of Judgments, Advisory Opinions and Orders of the International Court of Justice
<i>ICJ Statute</i>	Statute of the International Court of Justice
<i>ICLQ</i>	International and Comparative Law Quarterly
<i>ICSID</i>	International Center for Settlement of Investment Disputes
<i>ICSID Convention</i>	Convention on the Settlement of Investment Disputes between States and Nationals of Other States
<i>ICTY</i>	United Nations International Criminal Tribunal for the former Yugoslavia
<i>IDI</i>	Institut de Droit International
<i>ILA</i>	International Law Association

List of Abbreviations

<i>ILC</i>	International Law Commission
<i>ILM</i>	International Legal Materials
<i>ILR</i>	International Law Reports
<i>I.L. & S</i>	Islamic Law and Society
<i>IMA</i>	Independent Monitoring Authority
<i>IMF</i>	International Monetary Fund
<i>Ind.J.Global Legal Studies</i>	Indiana Journal of Global Legal Studies
<i>Int.C.L.R.</i>	International Criminal Law Review
<i>Int.C.L.Rev.</i>	International Community Law Review
<i>I.O.L.R.</i>	International Organizations Law Review
<i>JAfr L</i>	Journal of African Law
<i>JC</i>	Joint Committee
<i>J Const L East & Cen Eur</i>	Journal of Constitutional Law in Eastern and Central Europe
<i>JHistIntLaw</i>	Journal of the History of International Law / Revue d'histoire du droit international
<i>J.I.A.N.L.</i>	Journal of Immigration, Asylum and Nationality Law
<i>JIDS</i>	Journal of International Dispute Settlement
<i>JIEL</i>	Journal of International Economic Law
<i>J.Int'l Arb.</i>	Journal of International Arbitration
<i>J.Int'l Econ.L.</i>	Journal of International Economic Law
<i>JIntRelatDev</i>	Journal of International Relations and Development
<i>J Priv Int L</i>	Journal of Private International Law
<i>JuS</i>	Juristische Schulung
<i>JZ</i>	Juristenzeitung
<i>KFOR</i>	UN Security Force “Kosovo Force”
<i>lit.</i>	litera
<i>LJIL</i>	Leiden Journal of International Law

<i>Loy. L.A. Int'l & Comp. L.</i>	Loyola of Los Angeles International and Comparative Law Review
<i>MEED</i>	Middle East Economic Digest
<i>MPEPIL</i>	Max Planck Encyclopedia of Public International Law
<i>Max Planck Yb UN L</i>	Max Planck Yearbook of United Nations Law
<i>Mich.J.Int'l L.</i>	Michigan Journal of International Law
<i>MJECL</i>	Maastricht Journal of European and Comparative Law
<i>NAFTA</i>	North American Free Trade Agreement
<i>NC</i>	Constitution of Namibia
<i>N.C.J. Int'l L.</i>	North Carolina Journal of International Law
<i>NIEO</i>	New International Economic Order
<i>NILEPET</i>	Nile Petroleum Corporation
<i>NILR</i>	Netherlands International Law Review
<i>NILQ</i>	Northern Ireland Legal Quarterly
<i>no.</i>	Number
<i>Nord J Int Law</i>	Nordic Journal of International Law
<i>NYL.J.</i>	New York Law Journal
<i>NYU.J.Int'l Law & Pol.</i>	New York University Journal of International Law & Politics
<i>OG</i>	Official Gazette
<i>OP</i>	Optional Protocol
<i>OSCE</i>	Organization for Security and Co-operation in Europe
<i>OUP</i>	Oxford University Press
<i>P-1</i>	Art. 1 of the First Protocol to the European Convention on Human Rights (Protection of Property)
<i>(op.) para.</i>	(Operative) Paragraph
<i>PCA</i>	Permanent Court of Arbitration

List of Abbreviations

<i>PCIJ</i>	Permanent Court of International Justice
<i>PDRY</i>	People's Democratic Republic of Yemen
<i>Polish Y.B.Int'l L.</i>	Polish Yearbook of International Law
<i>PRC</i>	People's Republic of China
<i>PUP</i>	Princeton University Press
<i>RBDI</i>	Revue Belge de Droit International
<i>RCEEL</i>	Review of Central and East European Law
<i>RdC</i>	Recueil des Cours/ Collected Courses of the Academy of International Law
<i>R.F.S.P.</i>	Revue Francaise de Science Politique
<i>Rev.Int'l Aff.</i>	Review of International Affairs
<i>RGDIP</i>	Revue Générale de Droit International Public
<i>RIDC</i>	Revue Internationale de Droit Comparé
<i>RoY</i>	Republic of Yemen
<i>SAYbIL</i>	South African Yearbook of International Law
<i>SAJIA</i>	South African Journal of International Affairs
<i>SALJ</i>	South African Law Journal
<i>SCC</i>	Stockholm Chamber of Commerce
<i>SEER</i>	Journal for Labour and Social Affairs in Eastern Europe
<i>SFRY</i>	Socialist Federal Republic of Yugoslavia
<i>SGCA</i>	Singapore Court of Appeal (Unreported Judgments)
<i>SGHC</i>	Singapore High Court (Unreported Judgments)
<i>Sri Lanka J.Int'l L.</i>	Sri Lanka Journal of International Law
<i>Stan.J.Int'l L.</i>	Stanford Journal of International Law
<i>SU</i>	Soviet Union
<i>Succession Agreement</i>	Agreement on Succession Issues Between the Five Successor States of the Former State of Yugoslavia
<i>SUDAPET</i>	Sudan National Petroleum Corporation

SYbIL	Spanish Yearbook of International Law
TDM	Transnational Dispute Management
TEU	Treaty on European Union
<i>Tex. Int'l L. J.</i>	Texas International Law Journal
<i>T.Jefferson L.Rev.</i>	Thomas Jefferson Law Review
TMU	Treaty Establishing a Monetary, Economic and Social Union (Germany)
TV	Treaty of Versailles
UK	United Kingdom of Great Britain and Northern Ireland
UKCLA	UK Constitutional Law Association
UN	United Nations
UNC	Charter of the United Nations
UNCITRAL	United Nations Commission On International Trade Law
UNCTAD	United Nations Conference on Trade and Development
UNGA	United Nations General Assembly
UN-HABITAT	United Nations Human Settlements Programme
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Interim Administration Mission in Kosovo
UN OHCHR	UN Office of the High Commissioner for Human Rights
UNRIAA	UN Reports of International Arbitral Awards
UNSC	United Nations Security Council
<i>U.Miami L.Rev.</i>	University of Miami Law Review
USA	United States of America
USMCA	United States-Mexico-Canada Agreement

List of Abbreviations

USSR	Union of Soviet Socialist Republics
UT	Unification Treaty (Germany)
UT.L.J.	University of Toronto Law Journal
Va. J. Int'l L	Virginia Journal of International Law
VCLT	Vienna Convention on the Law of Treaties
VCSSPAD	Vienna Convention on Succession of States in Respect of State Property, Archives and Debts
VCSST	Vienna Convention on Succession of States in Respect of Treaties
<i>Venice Commission</i>	European Commission for Democracy Through Law
VermG	Vermögensgesetz (Germany)
<i>Vienna Conventions</i>	Vienna Convention on Succession of States in Respect of Treaties + Vienna Convention on Succession of States in Respect of State Property, Archives and Debts
WA	Withdrawal Agreement (UK - EU)
WB Act	Walvis Bay and Off-Shore Islands Act (Namibia)
<i>WB Transfer Act</i>	Act to Provide for the Transfer to Namibia of the Territory of and Sovereignty Over Walvis Bay and Certain Islands (South Africa)
WIRO	Wirtschaft und Recht in Osteuropa
YAR	Yemen Arab Republic
<i>YbIDI</i>	Yearbook of the Institute de Droit International
<i>YbILC</i>	Yearbook of the International Law Commission
<i>Yrbk Islam Mid East L</i>	Yearbook of Islamic and Middle Eastern Law
YEL	Yearbook of European Law
<i>ZaöRV/HJIL</i>	Zeitschrift für ausländisches öffentliches Recht und Völkerrecht /Heidelberg Journal of International Law

<i>Zbornik PFZ</i>	Zbornik Pravnog Fakulteta Zagrebu (Proceedings of the Faculty of Law in Zagreb)
<i>ZöR</i>	Zeitschrift für öffentliches Recht

