

Consistency in international law

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Impact Paragraph

What is this research about?

When we think of how the law is made and rules are created, we often think of legislators who meet in a large hall to debate and vote on bills. International law is different; there are no legislative houses that decide how rules are made. Instead, in most cases, the rules of international law are created when States, such as Argentina, Belgium, and Canada, get together to discuss what they are willing to accept as law. When they agree, they sign a convention or a treaty, which works in a similar way to a contract between ordinary people.

The intriguing part is that no central authority oversees how the rules of international law are made. So, nothing is stopping Argentina from signing a treaty with Belgium and a completely different treaty with Canada. What would happen if some rule in the treaty between Argentina and Belgium were to conflict with a rule in the treaty signed between Argentina and Canada? Should Argentina follow the treaty with Belgium and disregard the one with Canada, or vice versa?

Conflicts such as these leave the subjects of international law unsure about how they should act. This PhD dissertation attempts to help them make sense of what international law expects from them. It does this by supplying a framework to guide subjects in figuring out what they should do to avoid and deal with conflicts. This research shows that, against our intuitions, more rules do not always lead to more conflicts; sometimes, adding the right kinds of rules can help avoid those conflicts. Also, this research shows that it is possible to deal with conflicts by balancing reasons in favour of and against different conclusions, allowing subjects to figure out what rules apply and what outcomes they lead to.

Who are the target group of this research, and how is this research relevant to them?

As pointed out above, the target group of this research are the subjects of international law, such as States, international organisations (like the United Nations and the European Union), diplomats, and lawyers. This research is relevant to them because it could help them to reason about rule conflicts and find a way to avoid or deal with them.

It is worth pointing out that this research focuses on the philosophy and logic of (international) law and not on substantive or individualised legal matters. It assumes that logic should not determine what the law is, nor should it dictate answers to legal questions.

The goal of logic is simply to provide structure to help legal subjects reason and find answers to their own questions. So, instead of providing answers such as ‘follow this treaty and disregard that other one’, this PhD dissertation gives tools to legal subjects so that these legal subjects can figure out for themselves what international law expects from them.

While this research focuses on international law, it may also be of interest to non-international lawyers, as its theory is not only applicable to international legal rules. So, lawyers dealing with domestic law (such as Dutch or English law) can benefit from the findings of this research. Likewise, non-legal researchers whose field of study focuses on rule-based practices (such as linguistics or ethics) can also use the findings of this research with some minimal adaptations.

What is the envisaged impact of this research?

Concerning social impact, the theory proposed by this research can be used or adapted by the stakeholders of international law to develop an overarching set of rules about rules. This set of rules can help avoid conflicts by defining the applicability of other rules, and it can also include rules that help deal with conflicts by setting up priority relationships between rules, which would help subjects figure out the rules that apply and the outcomes they lead to.

Concerning scientific impact in the short term, the results of this research have been presented at over a dozen scientific conferences in Europe and Latin America. This research will also be published as a monograph, and some parallel findings that did not make it into the finalised dissertation will be published as separate papers in journals with a high impact factor. In the long term, it is hoped that this research can foster continued discussion on rule-making and rule conflicts in international law and show that theoretical research can impact legal practice.