PART 2

*Article 31(3)(c) VCLT and the Principle of Systemic Integration from a Systemic Point of View*
In the first part of this book, the analysis focused on both the written and unwritten elements of Article 31(3)(c). The common element of these two chapters was that the starting point was the VCLT provision; starting from Article 31(3)(c) what was examined was the function, the limits and limitations of this provision and how these may reflect on the structure of the international system itself. However, such an analysis would be incomplete if it stopped at that point. It is not only Article 31(3)(c) that can affect our understanding of the system of international law; the reverse is also possible. For this reason, in the second part of this book, instead of using Article 31(3)(c) VCLT as point of departure for the ensuing analysis, it will be the system of international law that will serve this function.

Chapter 3 will examine whether the so-called principles of conflict resolution have any bearing at all in the interpretative process envisaged by Article 31(3)(c) both VCLT and CIL. Conflict of norms has always been considered an unavoidable, yet not insurmountable, by-product of an incomplete system. The conflict-resolution tools that have been proposed and applied in international jurisprudence to address this systemic flaw will be scrutinised to reveal to what extent they can also apply within the stricter confines of Article 31(3)(c). Finally, in Chapter 4 the analysis will be taken one step further and focus on one of the sources of international law, i.e. custom. The question that will be addressed is whether this source of international law can be an object of interpretation and if this is answered in the affirmative what role can (or has) Article 31(3)(c) played in this process. By starting from the written elements of the provision itself, moving on the unwritten ones, then to resolution of conflicts and finally to the very sources of international law, no stone will have been left unturned and no aspect of Article 31(3)(c) unexamined either as a provision under the VCLT or as customary international law.