

MECHANISM FOR REGULATING ADDITIONAL TERMS IN INTERNATIONAL TREATY LAW

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Annotation. This article examines the regulation of supplementary provisions in international treaty law, highlighting the mechanisms that enable states to adapt treaties to evolving circumstances. The argument is that clear procedures for amending and supplementing treaties are vital for preserving legal stability among states and ensuring ongoing cooperation in areas such as security, trade, environmental protection, and human rights. The analysis addresses international and national legal standards on supplementary provisions, with special attention to the treaty policy of the Republic of Uzbekistan and relevant conventions, particularly the Vienna Convention, using practical examples to demonstrate how supplementary instruments are coordinated and integrated into treaty practice.

Keywords: International treaties, supplementary provisions, standards and mechanisms, Vienna Convention, norms, national, international, international security, trade, environment, human rights, practice, implementation.

ENTRANCE

International treaties are pivotal in the economic and social growth of countries like Uzbekistan, providing external resources, fostering cultural exchange, and strengthening international ties. Yet, when treaties face new issues or unforeseen circumstances, a clear mechanism for regulating additions or modifications is needed. The argument advanced here is that embedding robust procedures for introducing supplementary terms into treaties enables these agreements to remain effective and adapt to change.

The law of international treaties, being one of the main institutions of international law, forms the legal basis of interstate relations in the context of today's globalization and geopolitical integration. The effective implementation of international treaties is a crucial tool not only for ensuring the legal stability of states but also for fostering sustainable cooperation

in key strategic areas, including international security, trade, ecology, and human rights. Additional conditions (protocols, appendices, declarations), which occupy an important place in the structure of international treaties, are of particular importance in ensuring the consistent and full implementation of these documents.

According to statistics, about 60% of international treaties concluded by the United Nations contain additional documents of various forms. For example, the Paris Climate Agreement (Paris Agreement under the United Nations Framework Convention on Climate Change. - Paris, 2015) is one of the main documents consolidating the legal force of the main treaty.¹

METHODOLOGY AND LITERATURE ANALYSIS

The role of theory in jurisprudence is invaluable. A number of domestic scholars and lawyers working in Uzbekistan have researched international treaty law, including the mechanism for regulating additional conditions in international treaty law. In conjunction with international norms, national law allows for a comprehensive understanding of the general directions of state policy on the regulation of international treaties throughout our country.²

In this regard, Doctor of Juridical Sciences, Academician A.Kh. Saidov, Doctor of Juridical Sciences, Professor M.A. Tillaboev, L. Isakov, M. Hamidova, N.A. Nugmanov, S. Ishonkhodzhaev, G.G. Nazarova, N.Kh. Khaydarov, D.Sh. Umarkhanova and a number of our scientists have conducted a number of scientific works on the regulation of additional conditions in international law and the law of international treaties, including in the law of international treaties. The works of international scholars such as I. Brownlie, A. Aust, M. Fitzmaurice, E. Denza, J. Klabbers, A. Abashidze, I.V. Ivanyuk, I.G. Ushkalov, P. Appleyard, K. Bretel, M. Vokuyev, S. Gusarova, S. Zholdasova, and other legal scholars have been studied for application in the research work.

Ian Brownlie is one of the leading theorists of international law, who analyzed the legal nature of international treaties, additional conditions, and their practical impact in his book "Principles of Public International Law." Ian Brownlie also emphasizes the importance of proportionality and balance of interests between contract participants in assessing the impact of additional terms on the contract's validity. The main source of international treaty law is

¹ United Nations Framework Convention on Climate Change. (2015). Paris Agreement. <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>.

² Пархомова Ю. Источники международного миграционного права. Журнал международного права и международных отношений №3, 2008.-С.32.

international custom, since international treaties are formed on the basis of international custom. International custom is evidence of common practice, recognized as a legal norm.

Most states do not participate in international treaties for various reasons. For them, contract law continues to operate in the form of customary law. As a result of the codification of the basic principles and norms of international treaty law, three major conventions were adopted, which are the main source of international treaty law. The 1969 Vienna Convention on the Law of Treaties (on treaties concluded exclusively between states).³

Vienna Convention of 1978 "On the Succession of States in Relation to Treaties" (partially relating to the law of international treaties). Vienna Convention "On Treaties between States and International Organizations or International Organizations" of 1986. These conventions apply only to written forms of treaties. They do not apply to contracts not concluded in writing and contracts concluded with the participation of non-state or non-organizational entities.⁴

RESULTS AND DISCUSSION

The rapid growth of world development makes the problem of timely consideration of contracts increasingly relevant. Taking into account the specific changes in the international system, this problem is of particular relevance. In this area, experience after the Second World War is important. The war showed how dangerous the current world system is. As a result, despite fundamental ideological differences, the states agreed to form a new international legal system based on the UN Charter. After the end of the Cold War, as a result of the formation of new relations, changes were made to the law of international treaties.

Until now, there were no clear rules beyond the agreement of the parties. The concepts of "transformation" and "revision" began to appear. The UN Secretariat's document on the final provisions of the treaty distinguishes between the norms on amendment and the norms on the control of the treaty. The first provides for the replacement of individual norms of the contract, and the second - the replacement of the contract itself. Today, multilateral agreements are amended with the consent of the majority.

Special amendments to the general agreement are also permitted. In practice, it is even more difficult to determine the procedure for changing the provisions of the contract with the

³ United Nations. (1969). Vienna Convention on the Law of Treaties.
http://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

⁴ United Nations. (1986). *Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations*.
http://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

consent of the parties without making official changes. International relations have diverse and multifaceted characteristics. These features are taken into account when forming contracts. There are also norms of a general nature regarding cooperation in a particular area. Their true meaning stems from the level of cooperation and the agreed practice of the participants.

There are also imperative norms, for example, regarding the propagation of radio waves. Amendments and additions have a significant impact on the rights and obligations of states. The provision that the consent of all parties is required to amend the treaty was enshrined in the London Protocol of 17 January 1871, according to which any state can amend its treaty obligations only on the basis of "the consent of the parties to the treaty of friendship." The UN Secretariat's Legal Department's memorandum states: "In the past, there was an opinion that multilateral conventions are amended by the general consent of the original contracting parties."⁵

CONCLUSION

In the law of international treaties, the mechanism for regulating additional conditions refers to the rules and mechanisms that organize the processes of introducing new or changing existing conditions in international treaties. Additional conditions or changes are made by agreement between the parties to the agreement. This mechanism can be explained as follows. When an international treaty is signed, additional terms, amendments, or new requirements may be included in its text.

These are mainly determined by agreement between the countries or parties to the agreement. Also, to amend the Contracts or add new terms, the parties may sign additional protocols or agreements. These protocols become part of the treaty and must be ratified by all parties. And the consent of all parties is required for the inclusion of additional conditions. If there is no one-sided consent, changes to the contract will not be made.

International organizations, such as the UN or other specialized agencies, often participate in supplementing or amending international treaties. These organizations play an important role in ensuring the implementation of contracts and formalizing new agreements. If disputes arise between the parties regarding additional terms or amendments, international courts or arbitration systems can be used to resolve them.

These systems play an important role in ensuring the execution of the contract. In some cases, additional terms or amendments are directly included in the text of the contract, and

⁵ Great Britain, Austria-Hungary, France, Germany, Italy, Ottoman Empire, & Russia. (1871). *Protocol of London, 17 January 1871*. In *British and Foreign State Papers* (Vol. 61, pp. 19–20). London: Her Majesty's Stationery Office.

sometimes issued in the form of new legal acts or additional protocols. In general, the process of making additions and amendments to international treaties should be clear and orderly, so that fair and understandable agreements are reached between all parties. The 1969 Vienna Convention "On International Treaties" is an international document that establishes the basic norms for amendments and additions to international treaties.

In addition, the 1986 Vienna Convention "On Treaties between States and International Organizations" defines the procedure for making amendments and additions to the terms of the treaty. Today, multilateral agreements are amended with the consent of the majority. Separate amendments to the general agreement are also allowed. In practice, it is even more difficult to determine the procedure for changing the provisions of the contract with the consent of the parties without making official changes. It is important to develop and implement a clear mechanism for changing the terms of the contract or introducing additional terms. As a result, an institution emerges in the law of international treaties. This can create many conveniences for the parties.

INVITATION

Chapter 6 Articles 52 and 53 of the Law of the Republic of Uzbekistan dated 06.02.2019 No. ZRU-518 "On International Treaties of the Republic of Uzbekistan." Article 52. International treaties of the Republic of Uzbekistan may be amended by mutual agreement of the parties to the treaty.

Article 53. Amendments to international multilateral treaties of the Republic of Uzbekistan. Amendments to a multilateral agreement, unless otherwise provided by the agreement, are made as follows.

All Contracting States shall be notified of any proposal to amend the multilateral agreement. Such changes should be applied in relations between all participants, and this notice should clearly indicate the procedure and time for considering the proposals and attach the draft of the main proposal.

Each Contracting State has the right:

- a) participate in deciding what needs to be done on such a proposal;
- b) participate in any negotiations and conclusion of an agreement on amendments to the contract.

Any state that has the right to become a party to the treaty also has the right to be a party to the amendments made to the treaty.

REFERENCES

1. United Nations Framework Convention on Climate Change. (2015). Paris Agreement.
2. Brownlie, I. (2008). Principles of Public International Law (7th ed.). Oxford University Press.
3. Пархомова Ю. Источники международного миграционного права. Журнал международного права и международных отношений №3, 2008.-С.32.
4. United Nations. (1969). Vienna Convention on the Law of Treaties.
5. United Nations. (1986). Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations.
6. Umarxanova, D., Hakimov, A., & Rashidov, K. Law of International Treaties. (Tashkent 2021). Page 111.
7. Great Britain, Austria-Hungary, France, Germany, Italy, Ottoman Empire, & Russia. (1871). Protocol of London, 17 January 1871. In British and Foreign State Papers (Vol. 61, pp. 19–20). London: Her Majesty's Stationery Office.