# International & Comparative Law Quarterly

**VOLUME 74** 

PART 2

**APRIL 2025** 

#### **ARTICLES**

The Articulation of Obligations Erga Omnes and Erga Omnes Partes by the International Court of Justice: Coherence or Confusion?

Priya Urs

Third-Party Countermeasures: Making Custom Out of Ambiguous Practice?

Alexandra Hofer

Provisional Measures and the End of Prima Facie Jurisdiction

Massimo Lando

The Nuclear Non-Proliferation Treaty's Gordian Knot: The Intractable Problem of the Legality of Nuclear Sharing

Anna Hood

The New Chinese Doctrine of Non-Intervention

Samuli Seppänen and Ewan Smith

'Victorian' Traditions: British International Law Scholarship, 1830–1914

Robert Schütze

Internationality Overreach in the Interpretation of Uniform Private Law Conventions: The Contra Proferentem Rule and the CISG

Katarzyna Kryla-Cudna

#### **SHORTER ARTICLES**

Reconciling Divergent Meanings in the Interpretation of Multilingual Treaties

Cleo Hansen-Lohrey

A New Era for the OSCE Moscow Mechanism Following the 2022 Invasion of Ukraine

Veronika Bílková and Elīna Šteinerte

#### **BOOK REVIEWS**

Public International Law Private International Law Comparative Law Human Rights European Law





# British Institute of International and Comparative Law

**The British Institute of International and Comparative Law** (BIICL) is a leading independent legal research and membership organisation with charitable status, unaffiliated to any university. It is the only body of its kind in the UK and one of very few in the world. It is not publicly or privately funded by any one government, institution or person. Established in 1958 and based in London with a dedicated team of staff, it brings together legal practitioners in private and public practice, in-house counsel, scholars and students, as members and contributors. It has developed a strong global network in international and comparative law and the rule of law.

BIICL undertakes five key activities: **applied legal research**, **events**, **capacity-building training**, **publications and membership services**. We conduct research around the world across the broad range of public international law, private international law, comparative law, competition law, European law and international investment law and the rule of law. Our focus is on practical applied research, based on strong conceptual foundations, offering examples of good practice, and recommendations for policy and legal actions. Our activities often cross the traditional boundaries of law, so as to engage with contemporary national, regional and international issues, and we consistently have an impact on law and policy worldwide.

BIICL has created **a diverse community** of scholars and practitioners and serves as an unrivalled focal point for our substantial membership base. BIICL members include judges, practising lawyers, government officials, regulators, international civil servants, academics and students. We keep our members abreast of the latest developments in international and comparative law.

Within BIICL, the **Bingham Centre for the Rule of Law** is devoted to the study and promotion of the rule of law worldwide. Launched in 2010, the Centre has established a broad base of work internationally that highlights threats to the rule of law while promoting high quality studies and training.

# INSTRUCTIONS FOR CONTRIBUTORS

The ICLQ welcomes the submission of contributions for consideration by the Board of Editors with a view to publication. All manuscripts must be submitted online via the ScholarOne platform: http://mc.manuscriptcentral.com/iclq.

The Board of Editors will only consider material which complies with the following:

- 1. The submission should be an original, unpublished work not currently under consideration for publication elsewhere. Please note that our exclusive submission policy means you cannot submit your work to another journal until you have received a decision from us. If you would like to submit to another journal, you must withdraw your article from consideration by the ICLQ.
- 2. The ICLQ publishes articles that deal with public international law, private international law, comparative law, human rights law and European Union law. It particularly encourages the submission of innovative and original articles whose theme or content illuminate more than one of these subject areas. Articles which do no more than rehearse familiar and well-known material, or which are concerned only with national law (other than private international law) in a non-comparative way, should not be submitted.
- 3. Long articles should not exceed 12,000 words (15,000 words including footnotes). Pieces of up to 8,000 words (including footnotes) will usually be considered for the 'Shorter Articles' section. The Editors will decide on the section to which all contributions, irrespective of length, are best suited should they be accepted for publication. ScholarOne will require you to enter the word count (including footnotes) when submitting your article, and to indicate if you intend it for the 'Shorter Articles' section.
- 4. Footnotes should be numbered consecutively throughout the article and be in the form normally used by the ICLQ. Please see the Style Guide for further information. Footnoting should not be excessive.
- 5. A short (50–100 words) abstract of the article should be supplied. We reserve the right to edit abstracts for length and style. Please also supply a minimum of fi ve keywords (maximum ten) for your article to enable digital searching.
- 6. Authors should state their present academic or professional affi liation and indicate any professional or personal involvement in the subject matter of the article.
- 7. The ICLQ only accepts submissions online via the ScholarOne platform. To upload your manuscript please go to: http://mc.manuscriptcentral.com/iclq. Detailed instructions for submitting your manuscript online can be found at the submission website by clicking on the `Instructions and Forms' link in the top right of the screen; and then clicking on the `Author Submission Instructions' icon on the following page. The Managing Editor will acknowledge receipt

of the manuscript, with a reference number, which should be quoted in all correspondence.

For the ICLQ Style Guide, please visit www.journals.cambridge.org/iclq/ifc. In all matters not included in this Guide, the ICLQ follows the OSCOLA citation system for house style; please visit www.law.ox.ac.uk for details.

# **SUBSCRIPTIONS**

Subscriptions, orders, and enquiries should be sent to Cambridge University Press, University Printing House, Shaftesbury Road, Cambridge, CB2 8BS, UK, email: journals@cambridge.org. Current prices can be found at https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/subscribe. Back issues of all volumes are now available at the current cover price. For more information on the journal see https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly.

The views expressed in the contributions to this journal are those of their author(s) and do not necessarily reflect the views either of the Board of Editors of the journal or of the British Institute of International and Comparative Law (BIICL). BIICL is a registered charity and an independent research institute committed to supporting high standards of scholarship in all aspects of international and comparative law.

The ICLQ has been selected for coverage in Clarivate's products and services. The journal is indexed and abstracted in the Social Sciences Citation Index, the Journals Citation Reports/Social Sciences Edition and Current Contents/Social and Behavioural Sciences.

# **PERMISSIONS**

For all matters concerning rights and permissions please contact Cambridge University Press. For more information go to: http://www.cambridge.org/about-us/rights-permissions.

# © 2025 British Institute of International and Comparative Law

Printed in Great Britain by Henry Ling Limited, The Dorset Press, Dorchester, DT1 1HD

This journal issue has been printed on FSC<sup>TM</sup>-certifi ed paper and cover board. FSC is an independent, non-governmental, not-for-profit organization established to promote the responsible management of the world's forests. Please see www.fsc.org for information.

Authors of accepted articles in International & Comparative Law Quarterly now have the option to publish on a Gold Open Access basis.

**Cambridge Journals Online:** For further information about this journal please go to the journal web site at <a href="https://www.cambridge.org/ICLQ">www.cambridge.org/ICLQ</a>.

# **BIICL GOVERNANCE**

# **President**

The Rt Hon the Lord Neuberger of Abbotsbury

#### **Vice Presidents**

The Rt Hon the Lord Collins of Mapesbury
Judge Joan Donoghue
The Rt Hon Sir David Edward KCMG KC
Sir Christopher Greenwood GBE CMG KC

#### Director

Professor Spyros Maniatis

#### **Board of Trustees**

Eve Salomon CBE, Chair

Chiann Bao

Guy Beringer CBE KC (Hon)

Shehzad Charania MBE

Dean Curtis

Mark Gregory

Kate Jones

Alex Just

Ndanga Kamau

Dr Sorcha MacLeod

Professor Jain MacNeil

Habib Motani

Liz Perks

Audley Sheppard KC

Rupert Skilbeck

Professor Elies van Sliedregt

# **Advisers to the Board of Trustees**

Martin Paisner CBE

### ICLO EDITORIAL BOARD

#### **Co-General Editors**

Professor Alex Mills, University College London

Professor Spyros Maniatis, British Institute of International and Comparative Law

#### **Board Members**

Professor Richard Barnes, University of Lincoln

Professor Paula Giliker, University of Bristol

Professor Lawrence Hill-Cawthorne, University of Bristol

Professor Angus Johnston, University of Oxford

Professor Urfan Khaliq, Cardiff University

Professor Andrew Lang, University of Edinburgh

Professor Chin Leng Lim, Chinese University of Hong Kong

Professor Dominic McGoldrick, University of Nottingham

Professor Louise Merrett, University of Cambridge

Professor Lavanya Rajamani, University of Oxford

Professor Philippa Webb, King's College London

Professor Katja S Ziegler, University of Leicester

# **Managing Editor**

Anna Riddell-Roberts, British Institute of International and Comparative Law

#### **Assistant Editor**

Adaena Sinclair-Blakemore, British Institute of International and Comparative Law

#### **Book Review Editor**

Professor Angus Johnston, University of Oxford



# International and Comparative Law Quarterly

Volume 74	April 2025	Part 2
	ARTICLES	
	igations Erga Omnes and Erga Omnes tional Court of Justice: Coherence or Priya Ut	rs 257
THIRD-PARTY COUNTERMEA AMBIGUOUS PRACTICE?	sures: Making Custom Out of Alexandra Hofe	er 287
Provisional Measures an	d the End of Prima Facie Jurisdiction Massimo Land	lo 319
	eration Treaty's Gordian Knot: The of the Legality of Nuclear Sharing <i>Anna Hoo</i>	d 349
THE NEW CHINESE DOCTRIN	ne of Non-Intervention Samuli Seppänen and Ewan Smit	h 377
'Victorian' Traditions: Bi 1830–1914	ritish International Law Scholarship, Robert Schütz	ze 409
	ACH IN THE INTERPRETATION OF UNIFORM ONS: THE CONTRA PROFERENTEM RULE AND Katarzyna Kryla-Cudn	a 437
	SHORTER ARTICLES	
Reconciling Divergent M Multilingual Treaties	Meanings in the Interpretation of Cleo Hansen-Lohre	ey 467
A New Era for the OSCE Invasion of Ukraine	Moscow Mechanism Following the 2022 Veronika Bílková and Elīna Šteinert	te 485
	BOOK REVIEWS	
SARAH THIN, Beyond Bilater Breaches of Non-Bilateral	alism: A Theory of State Responsibility for Obligations (Liyu Feng)	503

HELEN XANTHAKI, Legislative Drafting for the EU: Transposition Techniques as a Roadmap for Better Legislation and a Sustainable EU	
(Henri de Waele)	505
NICO KRISCH AND EZGI YILDIZ, The Many Paths of Change in International Law (Jie Guo)	508
JULIEN CHAISSE, Hong Kong as an Actor in International Economic Law (Juan Du and Xueliang Ji)	511
Lukasz Gruszczynski, Marcin J Menkes, Veronika Bílková and Paolo Davide Farah, <i>The Crisis of Multilateral Legal Order: Causes</i> ,	
Dynamics and Implications (Xien Liu, Muneeb Khan and Aiman Bibi)	513