



The New Oxford Companion to Law

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good faith (*bona fides*) in international law

Good faith is a central principle of public international law. It is among the ‘general principles of law’ referred to in Article 38 of the Statute of the International Court of Justice, which lists the sources of law to be applied by the World Court. As one leading authority puts it, ‘[t]he significance of this principle touches every aspect of international law’.

The principle that all international obligations are to be interpreted and applied in good faith is expressly recognized in treaties and in the decisions of international courts and tribunals. Article 2 of the Charter of the United Nations, which sets out the Principles of the Organization, provides that ‘[a]ll Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the ... Charter’. Article 26 of the Vienna Convention on the Law of Treaties of 1969, which sets out the fundamental principle of the law of treaties (*pacta sunt servanda*), states that ‘[e]very treaty in force is binding upon the parties to it and must be performed by them in good faith’. Article 31 of the Vienna Convention provides that ‘[a] treaty shall be interpreted in good faith’. The same principle extends beyond the law of treaties to the interpretation and application of all obligations under international law (for example, those arising under the decisions of international courts and tribunals, Security Council resolutions and unilateral declarations by states).

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