

Les traités : source conventionnelle du droit international public

Les traités constituent des **accords écrits matérialisant la rencontre de volontés entre plusieurs sujets de droit international public**. Ils produisent alors des effets juridiques, dans le respect du droit international public et des droits internes.

- En vertu de l'article 2 de la convention de Vienne de 1969, les traités ont **obligatoirement une forme écrite**. Même si la France n'a pas ratifié ce traité, les dispositions ont une portée coutumière : elles s'appliquent même aux États non parties.
- Les traités ont une **force contraignante**.

→ La naissance des traités internationaux

Première étape : la négociation

Les autorités compétentes pour la négociation sont fixées par les Constitutions des différents États. En principe, il s'agit du **pouvoir exécutif** mais, ce peut être également toute personne mandatée explicitement par l'État : le **plénipotentiaire**.

La négociation permet de mettre en place des discussions autour de textes proposés et de cette discussion peut naître des modifications...

Les traités internationaux ont tous plus ou moins la même structure, à savoir :

- Un préambule
- Un dispositif
- D'éventuelles annexes.

ATTENTION : les protocoles additionnels ne sont pas des annexes, ce sont des instruments juridiques autonomes.

Actualiteacutes En Droit International Priveacute Ubt

DJ Losen



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