

Between Unity and Fragmentation: “As if” Methodology and the Rules of Interpretation of International Law

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Abstract: This article discusses the expansion and challenges within the field of international law, particularly focusing on the importance of interpretation and hermeneutic activities. The phenomenon of fragmentation has necessitated a redirection of attention towards legal reasoning. The author centers on the role of codified rules of interpretation in facilitating the “as if” approach and maintaining international law’s coherence in the face of fragmentation. After having emphasized the success of the codification of interpretive rules in the Vienna Convention on the Law of Treaties, the a. highlights situations where interpretation rules may fail to empower international actors to operate “as if” they are part of a unified system. A specific criticism is directed towards Article 33 VCLT, suggesting that comparative translation is a promising aspect of interpreting international law, promoting a unified perspective and ensuring the distinctive nature of the international legal system.

Keywords: Rules of interpretation, Codification, Translation, International law, Fragmentation.

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