

Study on the Methods of Treaty Interpretation By Domestic Courts

Chuanbo Liu

Anhui University of Finance and Economics, Bengbu, China

Abstract

In the context of global integration, domestic courts are faced with an ever-increasing demand for treaty interpretation and application, which is a realistic way to enhance the authority and credibility of the Chinese judiciary. Based on this, we discuss the challenges faced by domestic courts in the specific application of treaty interpretation methods, and put forward suggestions for improvement in response to these problems. These challenges include conflicts and inconsistencies between methods of interpretation, the lack of systematic and comprehensive rules on methods of interpretation, and limitations on the use of dynamic methods of interpretation. In order to overcome these dilemmas, the following recommendations are made: the establishment of a diversified system of interpretation methods; the construction of uniformly applicable rules of interpretation methods; and the reasonable use of dynamic interpretation methods. The implementation of these recommendations will help domestic courts to better respond to cases involving international treaties and, in practice, ensure that treaty provisions are correctly and fairly implemented.

Keywords

Domestic courts; Treaty interpretation; Methods of interpretation.

1. Introduction

Treaties are recognized in both international and domestic law as an important tool for States and international organizations to cooperate and coordinate their actions with each other. As globalization accelerates, more and more complex issues need to be resolved through international cooperation and consultation. Consequently, the interpretation and application of treaties have become an important part of the daily work of domestic courts. However, as treaties involve multiple countries and regions, their methods of interpretation and application may be affected by a variety of factors, such as national legal systems, judicial practices, cultural traditions and political factors. Therefore, it is of great significance to study the methods of treaty interpretation by domestic courts in order to promote the effective implementation of treaties at home. Since the reform and opening up, China has unswervingly promoted the policy of opening up to the outside world and deepened exchanges and cooperation with other countries around the world, a process that has significantly contributed to the construction and development of China's foreign-related judicial system. In this process, foreign-related trial work has experienced a historic leap from scratch, from weak to strong, showing a vigorous development[1]. On this basis, the article will discuss the influence of different national legal systems and judicial practices on the methods of treaty interpretation, in order to reveal the possible complementary or conflicting relationship between various methods of interpretation. Finally, the article will put forward some suggestions to ensure that domestic courts can maintain a high degree of consistency, efficiency and justice in the interpretation and application of international treaties. Through this study, it is hoped that it will serve as a reference for domestic courts to better fulfill their duties and effectively safeguard the international legal order and national interests.

2. Interpretation of Treaties by Domestic Courts and Methods of Treaty Interpretation by Domestic Courts

2.1. Bases for treaty interpretation by domestic courts

The applicability of international treaties is generally reflected in international judicial and arbitration platforms such as the International Court of Justice, international arbitral tribunals and the World Trade Organization Dispute Settlement Body (WTO DSB), which are dedicated to mediating and settling disputes between subjects of international law at the international level. However, with the acceleration of globalization and the deepening of interdependence among countries, the influence of international law has transcended national borders, and many matters that were originally regarded as domestic issues have gradually assumed the characteristics of "internationalization", which has made it necessary for domestic courts to frequently face issues and challenges related to international law in the course of judicial adjudication. As the core component of the domestic rule of law system, domestic courts are responsible for ensuring that judicial activities are harmonized with international treaties to which the country is a signatory and by which it is bound. It is particularly worth mentioning that as a member of the International Court of Justice (ICJ), Article 38(1) of the Statute of the ICJ, to which our country is a party, clearly defines the main sources of law that the ICJ should follow in deciding cases, and these provisions provide a solid theoretical foundation and jurisprudence for the identification and application of international law by the domestic courts in their judicial practice, and strongly support the active exploration and practice of the development and innovation of the rules of international law by the Chinese courts. These provisions provide a solid theoretical foundation and jurisprudential basis for domestic courts to identify and apply international law in judicial practice, and strongly support Chinese courts' active exploration and practice in the development and innovation of international law rules. The Statute gives domestic courts two roles: firstly, they can be used as auxiliary materials to determine the existence and content of international law; secondly, the judgments of domestic courts can be used as evidence of state practice, which contributes to the formation of international customary law[2]. Together, these two roles establish the key role of domestic court judgments in the process of identifying and shaping international law, and provide a theoretical basis for realizing a good interaction between domestic courts and international law. At the beginning of the establishment of China's contract law system in the 1980s, the Circular of the Supreme People's Court Transmitting the Circular of the Ministry of Foreign Economy and Trade on Several Issues to be Attended to in the Implementation of the United Nations Convention on Contracts for the International Sale of Goods clearly stipulated that courts should follow the provisions of Article 7 of the United Nations Convention on Contracts for the International Sale of Goods (CISG) when interpreting the Convention. Now that the Civil Code has come into force and is being implemented, Articles 466 and 142(1) thereof integrate the relevant provisions of the Vienna Convention on the Law of Treaties (hereinafter referred to as the Convention on the Law of Treaties) and the CISG, which are mainly interpreted in accordance with the terms, nature, and purpose of the contract as well as the principle of honesty and good faith.

Under the continuous promotion of the "Belt and Road" Initiative, courts in China have experienced a significant increase in the demand for treaty interpretation and application. In response to this phenomenon, China's Supreme People's Court (the Supreme Court) promulgated the Opinions on the Provision of Judicial Services and Guarantees by the People's Courts to Promote the Construction of the "One Belt, One Road" (the "One Belt, One Road" Judicial Opinions) in June 2015, which, in particular, put forward clear requirements for the work of China's courts in treaty interpretation. In particular, it puts forward clear requirements for the work of Chinese courts in the interpretation of treaties: "It is necessary to conduct in-

depth research into international treaties signed or jointly participated by the countries along the route and our country in the fields of trade, investment, finance and maritime transportation, etc., and to strictly comply with the provisions of the Vienna Convention on the Law of Treaties, and to make good-faith and reasonable interpretations based on the ordinary meanings of the terms of the treaties, taking into account the context and the objectives and purposes of the treaties. The VCLT shall be strictly guided by the provisions of the Vienna Convention on the Law of Treaties, based on the ordinary meaning of the terms of the treaty, taking into account the context and with reference to the object and purpose of the treaty, and shall be interpreted in good faith and reasonably, so as to enhance the consistency, stability, and predictability of the application of international treaties and practices in the hearing of cases.[3]" Nevertheless, the Belt and Road Judicial Opinion does not provide more detailed guidance or operational rules on how to interpret a treaty "strictly" in accordance with the Vienna Convention on the Law of Treaties, except for reiterating the content of Article 31(1) of the Convention. (c) The Commission's work on the interpretation of treaties. By screening 4,234 judgments involving "international treaties" between 2009 and 2024, we found 12 judgments adopting relevant interpretation methods. Among them, 12 judgments involved textual interpretation, 6 purposive interpretation, 1 intentional interpretation, and 6 systematic interpretation.

2.2. Methods of treaty interpretation by domestic courts

2.2.1. Textual interpretation methods

Domestic courts are more inclined to use the method of textual interpretation in treaty interpretation, i.e., to search for a clear meaning by scrutinizing the specific textual expressions of a treaty. This method is the most common and direct way of interpretation and ensures the accurate implementation of legal provisions. Focusing on the rigor and accuracy of the words of a treaty, domestic courts have held that the provisions of a treaty should be taken literally in order to avoid subjective interpretations and ambiguities from arising. Grotius emphasized that words should be interpreted according to their natural contemporary meaning and generally accepted conventions, rather than going back to their etymological meaning, unless there was conclusive evidence pointing to a contrary interpretation. Textual interpretation, as a principle of interpretation formalized in the Vienna Convention on the Law of Treaties, is also known as textual or grammatical interpretation, and is centred on the interpretation of the content of the treaty contained in the text according to its grammatical structure and rules[4]. Within this framework, the principle of "ordinary meaning" has been generally recognized by the international community, that is, any interpretation of the text of a treaty must be based on the natural meaning of the text in the universal context. It is worth noting that the "ordinary meaning" referred to in Article 31.1 of the Convention is not simply equivalent to the general understanding in everyday language, but is subject to the constraints and influences of a number of factors, including, but not limited to, the etymological meaning of the words, their specific application in the context of the treaty, the overall object and purpose of the treaty, as well as the need to ensure the validity and reasonableness of the treaty. The rationality of the treaty is also a consideration in ensuring its validity and reasonableness. Therefore, when applying the method of textual interpretation, these factors must be taken into account in order to achieve a comprehensive, accurate and reasonable reading of the provisions of the treaty.

2.2.2. Intended method of interpretation

Intentional interpretation is a key concept in the field of treaty interpretation, requiring the interpreter to take into account the original conception or purpose of the parties to the treaty. However, there is a divergence of views among academics as to whether this intention is based on the "original intention" at the time of the conclusion of the treaty or on a new intention that the parties may have had at the time of the dispute. If the former position is taken, i.e., that

intention refers to the original conception of the treaty at the time of its conclusion, then the process of interpretation needs to rely on the relevant background information during the conclusion of the treaty, which, according to article 19 of the draft Vienna Convention on the Law of Treaties, may include an early version of the draft, the exchange of replies during the negotiation process, the records of the discussions in the Commission or in plenary meetings, the report of the Commission, the reports of the special rapporteurs and the public statements of negotiators or interested persons. public statements by negotiators or interested persons, etc[5]. In contrast, to the extent that it is argued that intention should be interpreted in the light of the evolution of the treaty and on the basis of the intention of the parties at the time the dispute arose, the Vienna Convention on the Law of Treaties itself does not expressly provide the specific rules or guiding principles required for such an interpretation. The intention approach requires courts to focus on the intention of the parties at the time of the treaty's creation and even after changes and developments, but in the current practical application, the majority view is to search for the intention of the parties at the time of the treaty's creation.

2.2.3. Purpose Interpretation Method

The purposive approach to interpretation, which emphasizes the incorporation of a consideration of the fundamental object and purpose of the treaty in the process of interpretation, presents a broader and deeper normative significance than treaty-making intention, which focuses on the intention of a single party[6]. Whereas treaty-making intention focuses on revealing the direct will of the parties to a particular treaty, purposive interpretation looks at the treaty system as a whole, aiming to respect and preserve its original purpose as a tool for resolving international conflicts and disputes in the long term. In the case of purposive interpretation, while the core of the analysis is the text of the treaty itself, which seeks to unearth its underlying objectives, the process should not be limited to the literal meaning of the words, as in the case of treaty-making intentions. It is worth noting that the object and purpose pursued by many long-standing conventions have evolved and enriched with the changes in the international environment and the passage of time. This dynamism has led to the emergence of the theory of evolutionary interpretation, which rationally takes the "time element" into account, arguing that changes in the object and purpose of a treaty over time should be fully taken into account when interpreting the treaty, so as to ensure that the results of the interpretation can be better adapted to, and serve, current and future international legal practice.

2.2.4. Bona fide methods of interpretation

The concrete application of the principle of good faith in the field of treaty interpretation is the principle of good faith interpretation. Since the expression "good faith" itself is highly abstract and imprecise, the principle of good faith interpretation, which is based on it, also exhibits a characteristic that is difficult to define clearly. Although it is difficult for us to give a precise definition to summarize the principle of good faith interpretation, it is certain that this principle is not one of the specific rules of interpretation explicitly listed in the Vienna Convention on the Law of Treaties, but rather, as a more basic and universally applicable principle, it runs through the entire process of treaty interpretation, guiding and constraining the various methods and factors of interpretation stipulated in the Convention. Although the principle of good faith interpretation is ostensibly a requirement for the conduct of the interpreter, i.e., the interpreter is required to act in good faith and impartially in interpreting the treaty, its deeper meaning goes far beyond this scope. From the point of view of the validity and application of treaties, the principle of good faith interpretation actually implies the spirit of effective interpretation, that is, the pursuit of the rationality and enforceability of the results of treaty interpretation. Under the guidance of this principle, the interpreter will naturally apply a series of interpretation techniques and rules to ensure that the intention of the treaty is accurately conveyed and

effectively implemented in international practice. Therefore, the principle of good faith interpretation is not only an expectation of the personal quality of the interpreter, but also an important force that pushes the interpretation of treaties in a more scientific and rational direction. Bona fide interpretation means that when interpreting and applying a treaty, the court pays attention to the values, moral standards and socio-political goals behind it.

2.2.5. Dynamic interpretation methods

In the panel and appellate body reports of the WTO dispute settlement system, the dynamic interpretation strategy has been labeled as "evolutionary interpretation", which shows a high degree of flexibility compared with the fixed and static interpretation method. Whereas static interpretation adheres to the literal meaning of the text and treats it as unchanging, dynamic interpretation is responsive to the changing meaning of a treaty over time and in context. Similarly, in the judicial practice of the common law system, judges also need to take into account the tension between the legal tradition and the evolution of the times, and root the interpretation of the law in the current social soil and political ecology. Whether it is the solemn interpretation of the Constitution, or the daily interpretation of the common law, legal interpretation activities should essentially take a dynamic perspective, that is, to fully take into account the profound impact of the current social, political and legal environment. In the context of treaty interpretation, dynamic interpretation refers specifically to the judge's decision on a specific case, giving the existing legal terms in the treaty text a new interpretation in line with the spirit of the times, to ensure that the application of the treaty can be closely in line with the trend of social and cultural evolution and the pursuit of legal values[7]. This dynamic approach to interpretation emphasizes that, in interpreting treaties, judges should move away from absolute reliance on legislative intent and flexibly adjust their interpretive strategies in accordance with the dynamic changes in the social and legal environment.

To summarize, when interpreting treaties, domestic courts usually make comprehensive use of methods such as textual, intentional, purposive, bona fide, systematic and dynamic interpretations in order to ensure that the provisions of the treaty are properly and fairly implemented. However, in concrete practice, there may be complementary or conflicting relationships between the different methods, so they need to be flexibly applied and weighed according to the characteristics of the case and actual needs. In general, domestic courts focus on the accuracy of textual expressions in treaty interpretation, while also taking into account the purpose and intent of the treaty and the goodwill of the parties. This reflects the cautious and conservative attitude of domestic courts in international law, pursuing accurate understanding and implementation of treaties. However, with the development of the international community and changes in the legal environment, domestic courts also need to adjust their methods of interpretation in due course to meet new legal challenges and practical needs.

3. Treaty Problems with the Methods of

3.1. Conflicts and inconsistencies between interpretative approaches

In practice, conflicts between methods can lead to very different interpretations of the same treaty provision by different methods of interpretation. These conflicts may arise from ambiguities in the legal provisions themselves, lack of forms of interpretative pronouncements, linguistic and cultural differences, and so on. Since international treaties involve relations between several sovereign States, the views and interests of the parties on the same issue may also change. In such cases, the Court must weigh the various methods of interpretation together in order to avoid problems of partiality or loss of intent and purpose. Conflicts between textual and intentional interpretations are common in international treaty law. Textual interpretation focuses on the clear meaning of the literal provisions of a treaty, while intentional

interpretation focuses on the consensus and will of the parties when the treaty was first formulated and signed. This conflict arises when the literal meaning of the treaty is inconsistent with the understanding and commitment previously reached by the parties. The conflict between purposive interpretation, which emphasizes that the treaty is intended to achieve a specific goal and function, and bona fide interpretation, which focuses on the values and socio-political goals behind it. In practice, the two approaches may lead to very different litigation outcomes. For example, in interpreting a dispute settlement mechanism in a trade agreement, purposive interpretation may require the court to give priority to the achievement of trade facilitation objectives, while good faith interpretation emphasizes the principles of fairness and justice. In such cases, the court would need to find a balance between the two.

3.2. Lack of systematic and well-developed rules on methods of interpretation

When it comes to the applicability of methods of treaty interpretation, especially in relation to major international disputes or politically sensitive issues, different subjects of law may be driven by their political positions to hold different views on the applicability of methods of treaty interpretation. That could lead to disputes and disagreements, as different parties might try to utilize different methods of interpretation to support their positions. In such cases, consensus or dispute resolution needs to be sought through dialogue, consultation or other dispute resolution mechanisms. When there is a conflict between domestic and international law, courts may need to weigh the validity of different legal provisions to ensure harmonization and consistency between domestic and international law. However, determining which legal provision should prevail may pose challenges. In some States, international law may be considered to prevail in its application, while in others, domestic law may be considered to take precedence. Resolving such conflicts may require reliance on the judgment and interpretation of the courts, and harmonization with international law may need to be ensured through a process of amending or updating domestic law. Moreover, the application of the rules of treaty interpretation in China's judicial practice has not yet made a clear distinction between the different situations of application of the Convention on the Law of Treaties and the special United Nations Convention on Contracts for the International Sale of Goods (CISG), and the ambiguous application of such basic rules is not conducive to the construction of a set of universally applicable and consistently interpreted treaty interpretation mechanisms[8]. The methods of treaty interpretation are usually influenced by international jurisprudence and State practice, but may lack a clear guiding document for their concrete application. That could lead to uncertainty and inconsistency in interpretation. In order to address this problem, States could develop more specific and clear guidance documents to assist courts in the correct application of treaty interpretation methods in practice and to reduce uncertainty. Such guidance documents could include the interpretation documents of relevant international organizations, common declarations or agreements between States, and relevant provisions formulated in domestic law.

3.3. Limitations on the use of dynamic methods of interpretation

The dual nature of the dynamic method of interpretation reveals both its indispensable contribution and its inherent limitations, which together contribute to the legitimacy of the application of the treaty and therefore require due attention in the process of interpretation. The shortcomings of dynamic interpretation should be analyzed in depth in terms of its essential characteristics: dependence and flexibility[9]. Its dependence makes dynamic interpretation not directly established as the main method in the Convention on the Law of Treaties, but rather playing an auxiliary and complementary role, which limits its scope of application and effectiveness and requires a higher standard of proof of reasonableness, i.e., there must be solid evidence to support its necessity in order to safeguard legitimacy. However, in practice, it is often difficult to fully satisfy these high standards, resulting in the application

of dynamic interpretation may trigger the challenge of the injured party. In the Gornier case, for example, the International Court of Justice had failed to take into full account the purpose and object of the treaty and subsequent practice when applying dynamic interpretation, thus giving rise to opposition. On the other hand, the flexibility of dynamic interpretation is its core value, which recognizes the dynamism and vitality of international treaties, and the application of it in each case is an innovative interpretation and reconstruction of the treaty, which helps to clarify the rules, fill in the gaps and make up for the loopholes in new situations, so that the treaty can maintain its vitality in keeping with the times. However, such flexibility is also accompanied by the risk that the process of interpretation may be fraught with uncertainty, and the intervention of subjectivity may give rise to diverse conclusions, challenge the stability of precedents, or even change the existing interpretations, thus weakening the predictability and authority of the treaty, the judgment and the results of the interpretation. Such a negative effect has a broad radiating effect, affecting not only the handling of similar cases by the same tribunal, but also the decisions of different tribunals, posing a potential threat to the overall stability of international law.

4. Improvement of Treaty Interpretation Methods by Domestic Courts Recommendations

4.1. Establishment of a diversified system of interpretative methods

Domestic courts usually adopt a combination of interpretative methods, taking into account established understanding practices and the principle of optimal methodology, while also drawing on relevant cases from other countries or international bodies as appropriate, making reference to the results of trials and decisions on similar issues, and focusing on coordination and communication with other countries. The choice of various methods of interpretation should also be guided by objective and universal normative principles, such as the principle of textual interpretation, the principle of purposive interpretation and the principle of good faith interpretation. This will ensure that the courts will make fair, reasonable and predictable decisions and guarantee the stability and accuracy of the international treaty law system. Domestic courts need to establish a diversified system of interpretation methods. Courts need to fully consider the overall purpose and background of the treaty, assess the applicability and feasibility of the textual and intentional interpretation of the treaty, and choose appropriate methods of interpretation. For example, in interpreting a case involving an environmental protection treaty, if the parties have reached a particular consensus on pollutant emission standards during negotiations, the court may weigh this consensus and may need to adopt an intentional interpretation in order to infer the true meaning of the treaty provision. On the other hand, if only the text of the treaty exists without any relevant assisting materials, it is necessary to prioritize the adoption of the better legitimate definition, i.e., to start from the text and to conduct textual interpretation according to the principle of reasonable interpretation, in order to ensure the reasonableness and stability of the parsing result. In conclusion, when dealing with cases involving treaties, the Court needs to carefully weigh the various methods of interpretation, taking into account their general applicability and distinguishing between practices of understanding in the context of reality. When there is a conflict between textual and intentional interpretation, a reasonable interpretation should be sought that best safeguards the purpose of the treaty, guarantees equal treatment and protects the interests of the parties to the treaty, so as to ensure a just, fair and predictable decision. Conflicts between purposive and bona fide interpretations are also common in international treaty law. Purposeful interpretation focuses on the realization of the specific objectives and related functions of the treaty provisions, while good faith interpretation emphasizes the underlying values and socio-political objectives. When it comes to conflicts between the two, courts need

to weigh them against the principles of international law and the overall spirit of the treaty text. For example, in a certain trade agreement, if the specific design scheme of the dispute settlement mechanism contributes to the ultimate goal of trade facilitation while taking into account considerations of bona fide legal principles such as fairness and justice, a combination of the two can be used to ensure that the outcome of the decision can be consistent with the purposive interpretation of the agreement while giving priority to the bona fide interpretation that achieves social justice and the interests of individuals. At the same time, the trade-off between purposive and bona fide interpretations should follow the basic principles of fairness, good faith and predictability, and take into account the reasonable expectations of all parties and the development trend of the market economy, so as to ensure that the outcome of the adjudication is fair, effective and prone to durability and broad consensus. The textual interpretation of treaty provisions should be considered the primary consideration in treaty interpretation; secondly, the object and purpose behind the treaty and the overall context of the treaty should be secondary factors, combined with good-faith interpretation to provide a guarantee of legitimacy; and, thirdly, subsequent agreements and practical application of the treaty in relation to interpretation of the treaty should be placed at a more subordinate level as factors that were primarily used to corroborate and verify a context-based reading; Lastly, additional material and the application of dynamic interpretation should serve as a reference at the end of the hierarchy and be used to substantiate or validate the conclusions drawn from the interpretative factors mentioned earlier.

4.2. Construction of uniformly applicable rules on methods of interpretation

The resolution of disputes over the applicability of methods of treaty interpretation and conflicts between domestic and international law needed to be sought through dialogue, consultation and legal procedures. At the same time, the development of clear guiding documents could help to harmonize the practice of interpretation and reduce uncertainty. Such efforts can help ensure the consistency and effectiveness of treaty interpretation methods and promote international consensus on related issues. Our Supreme People's Court is facing an urgent need to develop guidance documents on treaty interpretation. Currently, although the SPC has instructed courts at all levels to follow the general interpretive principles of the Convention on the Law of Treaties in treaty interpretation, the detailed rules for specific judicial interpretation have not yet been clearly defined. It is worth noting that the "principle of consistency of interpretation" referred to by some scholars is not in essence a direct rule of interpretation, but rather a guiding principle to be adopted when there is a need to ensure consistency of interpretation, and its practical application still needs to rely on the specific rules of interpretation of the Convention on the Law of Treaties. In view of the recent new requirements of the Supreme People's Court for the interpretation of the United Nations Convention on Contracts for the International Sale of Goods (CISG), i.e., the adoption of the general principles of interpretation of the Convention on the Law of Treaties, and in view of the current problems in the process of judicial interpretation of treaties in China, it is recommended that a special guiding document be issued as soon as possible, which may be a specialized judicial guidance or a more binding judicial interpretation. The document should cover two core aspects: first, the establishment of a universal interpretation framework. In principle, when interpreting treaties, the courts of China should, except in special circumstances, give priority to the rules and methods of interpretation established by the Convention on the Law of Treaties. This is not only based on the principle of *pacta sunt servanda* in international law, but also our obligation as a member of the Convention. Whether for the purpose of clarifying the specific meaning of the treaty transformation provisions in domestic law, or according to Article 267 of the Civil Procedure Law, when China's participation in the international treaty and domestic law provisions are inconsistent with the provisions of the international treaty to give priority to the application of the provisions of the Convention on

the Law of Treaties, are required to strictly comply with the general rules of interpretation of the Convention. Secondly, it is clear that the special rules of interpretation take precedence. In particular, when the rules of interpretation set forth in Article 7 of the CISG are applicable to cases involving the Convention and the parties have not excluded their application, these rules shall automatically take precedence over the general principles of interpretation of the Convention on the Law of Treaties for the interpretation of specific provisions of the CISG.

4.3. Rationalization of the use of dynamic methods of interpretation

The reason for the recognition and application of dynamic interpretation is that it plays an important role in clarifying and consolidating the rules of international law, a mechanism that, despite many difficulties and challenges, has significantly contributed to the advancement of international law and to the stabilization and renewal of the international order. First and foremost, the dynamic method of interpretation ensures that treaties can flexibly adapt to and instantly reflect changes in the international landscape and the interests and needs of various parties through the interpreter's ability to keenly capture the latest developments in those changes[10]. With the change of time, the profound changes in political, economic and legal fields have constantly triggered new demands and conflicts, which require the international law system to keep pace with the times, and quickly fill in the gaps or adjust the existing rules with the help of dynamic interpretation to cope with the new situation. Taking the case of Market Access for Publications between China and the United States as an example, the adjudicator's interpretation of "sound recording product distribution services" has forward-lookingly incorporated the rapid development of Internet technology, especially the emerging mode of "electronic distribution". "This not only demonstrates the spirit of keeping abreast of the times, but also realizes the immediate updating and enrichment of the content of international treaties. Furthermore, the dynamic method of interpretation adjusts and expands the traditional meaning of treaty texts by reassessing and incorporating post-customary law elements, i.e., those international customary laws that have gradually developed in practice. This process not only facilitates the updating and interpretation of customary international law, but also greatly enhances its scope of application, thus becoming an important driving force for the development of international law[11]. Finally, dynamic interpretation advocates that adjudicators promote the development of international law with positive and innovative perspectives, and the resulting judicial precedents, as a key link in the process of international rule formation, not only enhance their own importance as case law, but also have a high probability of having a far-reaching impact on the judgment of similar cases in the future, and even affect the composition of the sources of international law, providing a strong support for the establishment of international rules..

5. Conclusion

With the deepening of globalization, domestic courts are facing increasing challenges in the interpretation and application of international treaties. This paper proposes a number of solutions aimed at enhancing the authority and credibility of China's judicial system and ensuring the fair and reasonable implementation of international treaties. In order to better meet these challenges, we need to continuously improve our professional knowledge and practical experience in the field of international law, construct a diversified system of treaty interpretation methods and rationally utilize dynamic interpretation methods, as well as improve judges' mastery of various interpretation methods. Only in this way will domestic courts be able to handle cases involving international treaties more effectively and make positive contributions to safeguarding national interests and international justice, while at the same time enhancing their influence and status on a global scale.

References

- [1] Wan E-Xiang: "Strengthening Foreign-Related Trials to Meet the Challenges of WTO Accession", in China's Foreign-Related Commercial and Maritime Trial Guidance and Research (Vol. 1, 2001), p. 9.
- [2] Wu Ka, "The Logical Progression and Practical Orientation of Chinese Courts in Developing International Rules," Law Review 2022, No. 5, p. 187-188.
- [3] Li Haopei, Introduction to the Law of Treaties, Law Press, 2nd ed. 2003, p. 334.
- [4] Zhang, W.-H. Jurisprudence. Higher Education Press, 1999, p. 331.
- [5] Draft Convention on the Law of Treaty, Article 19, comment, p. 956.
- [6] Iru. Empirical Study on the Rules of Treaty Interpretation [D]. Shanghai: east China university of politics and law doctoral dissertation, 2017. p. 92-95.
- [7] Feng Shoutao. Study on Article 31.3 "Any Relevant Rule of International Law"[J]. Journal of Southwest University of Political Science and Law, 2015(1), p. 66-68.
- [8] Zhang Naigen. A test analysis of the application of the rules of treaty interpretation in China's courts[J]. Journal of International Law, 2023, (01), p. 25-27.
- [9] Che Pizhao. Analysis of some basic concepts involved in the application of international treaties by Chinese courts[J]. Politics and Law, 2023,(01), p. 93-95.
- [10] Ai Xiaoyu. Exploration of Treaty Interpretation Methods and Construction of "Double Chain" Model[J]. Journal of Hubei University of Economics (Humanities and Social Sciences Edition), 2020, p. 61-63.
- [11] Zheng Ying. The Development of the Rules of Treaty Interpretation from the Evolutionary Interpretation of Treaties [D]. Suzhou University, 2020, p. 24-31.