

„A Theory of Boilerplate in International Agreements“

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‘Boilerplate’ terms are those that appear in a multitude of agreements – such as ‘entry into force’ terms copied directly from the United Nations Handbook on Final Clauses. We know little about such boilerplate in international law. However, literature in a different institutional setting, private law contracts, indicates that while boilerplate can make negotiations more efficient, it has a dark side: it may be imposed by more powerful parties to gain benefits; it can persist even as conditions change; and it can take on a life of its own and come to mean something different from what was intended by the drafters. The paper develops a theory of boilerplate in international agreements, with a focus on two questions: (1) when does boilerplate arise; (2) why do states use boilerplate.