

## Abstract

This thesis is a study on rules and legal effects of material breach according to Article 60 of 1969 Vienna Convention on the Law of Treaties. The purpose of this study is to examine and analyze the rules and exceptions including the element of non performance that constituting material breach of treaties or how determine the existence of material breach, especially a definition of object and purpose of treaty which is one of the complex elements that has been argued and remain replete both in practical and theoretical enigma. Articles 60 provided the legal effect of material breach which is suspension and termination of the breached treaty in whole or in part depending on type of treaty. This thesis will focus mainly on the international agreement whether they can be applied aptly to those criteria that state in article 60, as well as analyzing of the problem arising from article 60. So this thesis set out to accomplish those questions.

It was found from studies that the rules and legal effects of material breach according to Article 60 of 1969 Vienna Convention on the Law of Treaties raising several problems ranging from the inconsistent interpretation of the parties on the formation of material breach to the legal consequence of material breach in article 60 is still controversial due to the changing structure of international community which create a special type of treaty that when apply to article 60 will lead to absurd effect, for example a treaty which dealing with environmental issue. Suspension or termination of treaty is however the option of the parties to the treaty to choose the legal effect that they see fit to the benefit of their country. The crucial point is that the right of suspension or termination of treaty does not preclude the parties of the treaty to resort to other legal consequence such as the right of countermeasure, the principle of state responsibility etc. Applying to which legal effect will depend on the policy of the breached party to response to the defaulting state and several factors must be considered, for example the gravity of breach or political consideration in order to maintain the peace of international community as a whole.