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its failure to perform a treaty" [25]. If a treaty is not denounced at the international level – which might only "take place only as a result of the application of the provisions of the treaty or of the present Convention" [26] – it remains valid and States must, based on the pacta sunt servanda [27], follow its provisions.

Accordingly, this traditional approach might lead to a situation in which a State removes the treaty domestically but is still bound to comply with it internationally if it is not properly denounced. Based on the general rules of the Vienna Convention on the Law of Treaties, this State, for example, might be forced by international courts to domestically comply with this municipally removed treaty. Moreover, human rights courts might decide that a State had breached a speci c human rights treaty and determine certain changes in this State's domestic laws regardless of the fact that this treaty might not be domestically applicable due to a newer legislation of equal status (in a monist system) or to a lack of willingness to transform this human rights treaty into a domestic statute (in a dualistic State).

is traditional monist and dualist approaches are not suited to explain and accommodate the contemporary practice of international law. International agreements, in European Union law, as Gonenc and Esen points out, are "superior to national laws and directly applicable" [28]. Furthermore, the Inter-American Court of Human Rights, for example, uses the American Convention on Human Rights as the standard instrument to determine changes in domestic law or demand that States act of refrain from acting in certain ways or towards certain individuals [29].

e monist theory, besides its nationalist branch which advocates the superiority of domestic laws [30], has an internationalist approach. e internationalist division of the monist theory allocates prominence

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