



ΕΦΗΜΕΡΙΣ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ

ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ΕΝ ΑΘΗΝΑΙΣ
ΤΗ 23 ΜΑΪΟΥ 1974

ΤΕΥΧΟΣ ΠΡΩΤΟΝ

ΑΡΙΘΜΟΣ ΦΥΛΛΟΥ
141

ΝΟΜΟΘΕΤΙΚΟΝ ΔΙΑΤΑΓΜΑ ΥΠ' ΑΡΙΘ. 402

Περί κυρώσεως της από 23 Μαΐου 1969 Συνθήσεως της Βιέννης περί του Δικαίου των Συνθηκών και του προσσηρημένου αυτή παραρτήματος.

Ο ΠΡΟΕΔΡΟΣ ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

Προτάσει του 'Ημετέρου 'Υπουργικού Συμβουλίου, άπεφασίσαμεν κατ' διατάσσομεν:

"Άρθρον Πρώτον

Κυροῦται καὶ κτᾶται ἰσχὺν νόμου ἡ ἐν Βιέννῃ καὶ ὑπὸ τὴν αἰγίδα τοῦ 'Οργανισμοῦ 'Ηνωμένων 'Εθνῶν καταρτισθεῖσα τὴν 23ην Μαΐου 1969 Σύμβασις περὶ τοῦ Δικαίου τῶν Συνθηκῶν μετὰ τοῦ προσσηρημένου αὐτῇ παραρτήματος ὧν τὸ κείμενον ἐν πρωτοτύπῳ εἰς τὴν ἀγγλικὴν γλῶσσαν καὶ ἐν μεταφράσει εἰς τὴν ἐλληνικὴν ἔχει ὡς ἑπεται:

VIENNA CONVENTION ON THE LAW OF TREATIES

The States Parties to the present Convention.

Considering the fundamental role of treaties in the history of international relations.

Recognizing the ever-increasing importance of treaties as a source of international law and as a means of developing peaceful co-operation among nations, whatever their constitutional and social systems.

Noting that the principles of free consent and of good faith and the pacta sunt servanda rule are universally recognized.

Affirming that disputes concerning treaties, like other international disputes, should be settled by peaceful means and in conformity with the principles of justice and international law.

Recalling the determination of the peoples of the United Nations to establish conditions under which justice and respect for the obligations arising from treaties can be maintained.

Having in mind the principles of international law embodied in the Charter of the United Nations, such as the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the domestic affairs of States, of the prohibition of the threat or use of force and of universal respect for, and observance of, human rights and fundamental freedoms for all,

Believing that the codification and progressive development of the law of treaties achieved in the present Convention will promote the purposes of the United Nations set forth in the Charter, namely, the maintenance of international peace and security, the development of friendly relations and the achievement of co-operation among nations.

Affirming that the rules of customary international law will continue to govern questions not regulated by the provisions of the present Convention,

Have agreed as follows:

PART I

INTRODUCTION

Article 1

Scope of the present Convention

The present Convention applies to treaties between States.

Article 2

Use of terms

1. For the purposes of the present Convention:

(a) «treaty» means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation;

(b) «ratification», «acceptance», «approval» and «accession» mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty;

(c) «full powers» means a document emanating from the competent authority of a State designating a person or persons to represent the State for negotiating, adopting or authenticating the text of a treaty, for expressing the consent of the State to be bound by a treaty, or for accomplishing any other act with respect to a treaty;

(d) «reservation» means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State;

(e) «negotiating State» means a State which took part in the drawing up and adoption of the text of the treaty;

(f) «contracting State» means a State which has consented to be bound by the treaty, whether or not the treaty has entered into force;

(g) «party» means a State which has consented to be bound by the treaty and for which the treaty is in force;

(h) «third State» means a State not a party to the treaty;

(i) «international organization» means an inter-governmental organization.

2. The provisions of paragraph 1 regarding the use of terms in the present Convention are without prejudice to the use of those terms or to the meanings which may be given to them in the internal law of any State.

Article 3

International agreements not within the scope of the present Convention

The fact that the present Convention does not apply to international agreements concluded between States and other subjects of international law or between such other subjects of international law, or to international agreements not in written form, shall not affect:

(a) the legal force of such agreements;

(b) the application to them of any of the rules set forth in the present Convention to which they would be subject under international law independently of the Convention;

(c) the application of the Convention to the relations of States as between themselves under international agreements to which other subjects of international law are also parties.

Article 4

Non-retroactivity of the present Convention

Without prejudice to the application of any rules set forth in the present Convention to which treaties would be subject under international law independently of the Convention, the Convention applies only to treaties which are concluded by States after the entry into force of the present Convention with regard to such States.

Article 5

Treaties constituting international organizations and treaties adopted within an international organization

The present Convention applies to any treaty which is the constituent instrument of an international organization and to any treaty adopted within an international organization without prejudice to any relevant rules of the organization.

PART II

CONCLUSION AND ENTRY INTO FORCE OF TREATIES

SECTION I: CONCLUSION OF TREATIES

Article 6

Capacity of States to conclude treaties

Every State possesses capacity to conclude treaties.

Article 7

Full powers

1. A person is considered as representing a State for the purpose of adopting or authenticating the text of a treaty or for the purpose of expressing the consent of the State to be bound by a treaty if:

(a) he produces appropriate full powers; or

(b) it appears from the practice of the States concerned or from other circumstances that their intention was to consider that person as representing the State for such purposes and to dispense with full powers.

2. In virtue of their functions and without having to produce full powers, the following are considered as representing their State:

(a) Heads of State, Heads of Government and Ministers for Foreign Affairs, for the purpose of performing all acts relating to the conclusion of a treaty;

(b) heads of diplomatic missions, for the purpose of adopting the text of a treaty between the accrediting State and the State to which they are accredited;

(c) representatives accredited by States to an international conference or to an international organization or one of its organs, for the purpose of adopting the text of a treaty in that conference, organization or organ.

Article 8

Subsequent confirmation of an act performed without authorization

An act relating to the conclusion of a treaty performed by a person who cannot be considered under article 7 as authorized to represent a State for that purpose is without legal effect unless afterwards confirmed by that State.

Article 9

Adoption of the text

1. The adoption of the text of a treaty takes place by the consent of all the States participating in its drawing up except as provided in paragraph 2.

2. The adoption of the text of a treaty at an international conference takes place by the vote of two-thirds of the States present and voting, unless by the same majority they shall decide to apply a different rule.

Article 10

Authentication of the text

The text of a treaty is established as authentic and definitive;

(a) by such procedure as may be provided for in the text or agreed upon by the States participating in its drawing up; or

(b) failing such procedure, by the signature, signature ad referendum or initialling by the representatives of those States of the text of the treaty or the Final Act of a conference incorporating the text.

Article 11

Means of expressing consent to be bound by a treaty

The consent of a State to be bound by a treaty may be expressed by signature, exchange of instruments constituting a treaty, ratification, acceptance, approval or accession or by any other means if so agreed.

Article 12

Consent to be bound by a treaty expressed by signature

1. The consent of a State to be bound by a treaty is expressed by the signature of its representative when;

(a) the treaty provides that signature shall have that effect,

(b) it is otherwise established that the negotiating States were agreed that signature should have that effect, or

(c) the intention of the State to give that effect to the signature appears from the full powers of its representative or was expressed during the negotiation.

2. For the purposes of paragraph 1.

(a) the initialling of a text constitutes a signature of the treaty when it is established that the negotiating States so agreed;

(b) the signature ad referendum of a treaty by a representative, if confirmed by his State, constitutes a full signature of the treaty.

Article 13

Consent to be bound by a treaty expressed

by an exchange of instruments constituting a treaty

The consent of States to be bound by a treaty constituted by instruments exchanged between them is expressed by that exchange when,

(a) the instruments provide that their exchange shall have that effect, or

(b) it is otherwise established that those States were agreed that the exchange of instruments should have that effect.

Article 14

Consent to be bound by a treaty expressed
by ratification, acceptance or approval

1. The consent of a State to be bound by a treaty is expressed by ratification when:

(a) the treaty provides for such consent to be expressed by means of ratification,

(b) it is otherwise established that the negotiating States were agreed that ratification should be required.

(c) the representative of the State has signed the treaty subject to ratification; or

(d) the intention of the State to sign the treaty subject to ratification appears from the full powers of its representative or was expressed during the negotiation.

2. The consent of a State to be bound by a treaty is expressed by acceptance or approval under conditions similar to those which apply to ratification.

Article 15

Consent to be bound by a treaty
expressed by accession

The consent of a State to be bound by a treaty is expressed by accession when:

(a) the treaty provides that such consent may be expressed by that State by means of accession;

(b) it is otherwise established that the negotiating States were agreed that such consent may be expressed by that State by means of accession; or

(c) all the parties have subsequently agreed that such consent may be expressed by that State by means of accession.

Article 16

Exchange or deposit of instruments of ratification, acceptance, approval or accession

Unless the treaty otherwise provides, instruments of ratification, acceptance, approval or accession establish the consent of a State to be bound by a treaty upon:

(a) their exchange between the contracting States,

(b) their deposit with the depositary; or

(c) their notification to the contracting States or to the depositary; if so agreed.

Article 17

Consent to be bound by part of a treaty
and choice of differing provisions

1. Without prejudice to articles 19 to 23, the consent of a State to be bound by part of treaty is effective only if the treaty so permits or the other contracting States so agree.

2. The consent of a State to be bound by a treaty which permits a choice between differing provisions is effective only if it is made clear to which of the provisions the consent relates.

Article 18

Obligation not to defeat the object and purpose of a treaty prior to its entry into force

A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

(a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty; or

(b) it has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed.

SECTION 2 : RESERVATIONS

Article 19

Formulation of reservations

A State may, when signing, ratifying, accepting, approving or acceding to a treaty, formulate a reservation unless:

(a) the reservation is prohibited by the treaty;

(b) the treaty provides that only specified reservations, which do not include the reservation in question, may be made; or

(c) in cases not falling under sub-paragraphs (a) and (b), the reservation is incompatible with the object and purpose of the treaty.

Article 20

Acceptance of and objection to reservations

1. A reservation expressly authorized by a treaty does not require any subsequent acceptance by the other contracting States unless the treaty so provides.

2. When it appears from the limited number of the negotiating States and the object and purpose of a treaty that the application of the treaty in its entirety between all the parties is an essential condition of the consent of each one to be bound by the treaty, a reservation requires acceptance by all the parties.

3. When a treaty is a constituent instrument of an international organization and unless it otherwise provides, a reservation requires the acceptance of the competent organ of that organization.

4. In cases not falling under the preceding paragraphs and unless the treaty otherwise provides:

(a) acceptance by another contracting State of a reservation constitutes the reserving State a party to the treaty in relation to that other State if or when the treaty is in force for those States;

(b) an objection by another contracting State to a reservation does not preclude the entry into force of the treaty as between the objecting and reserving States unless a contrary intention is definitely expressed by the objecting State;

(c) an act expressing a State's consent to be bound by the treaty and containing a reservation is effective as soon as at least one other contracting State has accepted the reservation.

5. For the purposes of paragraphs 2 and 4 and unless the treaty otherwise provides, a reservation is considered to have been accepted by a State if it shall have raised no objection to the reservation by the end of a period of twelve months after it was notified of the reservation or by the date on which it expressed its consent to be bound by the treaty, whichever is later.

Article 21

Legal effects of reservations and of objections to reservations

1. A reservation established with regard to another party in accordance with articles 19, 20 and 23:

(a) modifies for the reserving State in its relations with that other party the provisions of the treaty to which the reservation relates to the extent of the reservation; and

(b) modifies those provisions to the same extent for that other party in its relations with the reserving State.

2. The reservation does not modify the provisions of the treaty for the other parties to the treaty inter se.

3. When a State objecting to a reservation has not opposed the entry into force of the treaty between itself and the reserving State, the provisions to which the reservation relates do not apply as between the two States to the extent of the reservation.

Article 22

Withdrawal of reservations and of objections to reservations

1. Unless the treaty otherwise provides, a reservation may be withdrawn at any time and the consent of a State which has accepted the reservation is not required for its withdrawal.

2. Unless the treaty otherwise provides, an objection to a reservation may be withdrawn at any time.

3. Unless the treaty otherwise provides, or it is otherwise agreed:

(a) the withdrawal of a reservation becomes operative in relation to another contracting State only when notice of it has been received by that State;

(b) the withdrawal of an objection to a reservation becomes operative only when notice of it has been received by the State which formulated the reservation.

Article 23

Procedure regarding reservations

1. A reservation, an express acceptance of a reservation and an objection to a reservation must be formulated in writing and communicated to the contracting States and other States entitled to become parties to the treaty.

2. If formulated when signing the treaty subject to ratification, acceptance or approval, a reservation must be formally confirmed by the reserving State when expressing its consent to be bound by the treaty. In such a case the reservation shall be considered as having been made on the date of its confirmation.

3. An express acceptance of, or an objection to, a reservation made previously to confirmation of the reservation does not itself require confirmation.

4. The withdrawal of a reservation or of an objection to a reservation must be formulated in writing.

SECTION 3 : ENTRY INTO FORCE AND PROVISIONAL APPLICATION OF TREATIES

Article 24

Entry into force

1. A treaty enters into force in such manner and upon such date as it may provide or as the negotiating States may agree.

2. Failing any such provision or agreement, a treaty enters into force as soon as consent to be bound by the treaty has been established for all the negotiating States.

3. When the consent of a State to be bound by a treaty is established on a date after the treaty has come into force, the treaty enters into force for that State on that date, unless the treaty otherwise provides.

4. The provisions of a treaty regulating the authentication of its text, the establishment of the consent of States to be bound by the treaty, the manner or date of its entry into force, reservations, the functions of the depositary and other matters arising necessarily before the entry into force of the treaty apply from the time of the adoption of its text.

Article 25

Provisional application

1. A treaty or a part of a treaty is applied provisionally pending its entry into force if:

(a) the treaty itself so provides; or

(b) the negotiating States have in some other manner so agreed.

2. Unless the treaty otherwise provides or the negotiating States have otherwise agreed, the provisional application of a treaty or a part of a treaty with respect to a State shall be terminated if that State notifies the other States between which the treaty is being applied provisionally of its intention not to become a party to the treaty.

PART III

OBSERVANCE, APPLICATION AND INTERPRETATION OF TREATIES

SECTION 1 : OBSERVANCE OF TREATIES

Article 26

Pacta sunt servanda

Every treaty in force is binding upon the parties to it and must be performed by them in good faith.

Article 27

Internal law and observance of treaties

A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This rule is without prejudice to article 46.

SECTION 2 : APPLICATION OF TREATIES

Article 28

Non-retroactivity of treaties

Unless a different intention appears from the treaty or is otherwise established, its provisions do not bind a party in relation to any act or fact which took place or any situation which ceased to exist before the date of the entry into force of the treaty with respect to that party.

Article 29

Territorial scope of treaties

Unless a different intention appears from the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory.

Article 30

Application of successive treaties relating to the same subject-matter

1. Subject to Article 103 of the Charter of the United Nations, the rights and obligations of States parties to successive treaties relating to the same subject-matter shall be determined in accordance with the following paragraphs.

2. When a treaty specifies that it is subject, to or that it is not to be considered as incompatible with, an earlier or later treaty, the provisions of that other treaty prevail.

3. When all the parties to the earlier treaty are parties also to the later treaty but the earlier treaty is not terminated or suspended in operation under article 59, the earlier treaty applies only to the extent that its provisions are compatible with those of the later treaty.

4. When the parties to the later treaty do not include all the parties to the earlier one:

(a) as between States parties to both treaties the same rule applies as in paragraph 3;

(b) as between a State party to both treaties and a State party to only one of the treaties, the treaty to which both States are parties governs their mutual rights and obligations.

5. Paragraph 4 is without prejudice to article 41, or to any question of the termination or suspension of the operation of a treaty under article 60 or to any question of responsibility which may arise for a State from the conclusion or application of a treaty the provisions of which are incompatible with its obligations towards another State under another treaty.

SECTION 3 INTERPRETATION OF TREATIES

Article 31

General rule of interpretation

1. A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.

2. The context for the purpose of the interpretation of a treaty shall comprise, in addition to the text, including its preamble and annexes;

(a) any agreement relating to the treaty which was made between all the parties in connexion with the conclusion of the treaty;

(b) any instrument which was made by one or more parties in connexion with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty.

3. There shall be taken into account, together with the context:

(a) any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions;

(b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation;

(c) any relevant rules of international law applicable in the relations between the parties.

4. A special meaning shall be given to a term if it is established that the parties so intended.

Article 32

Supplementary means of interpretation

Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion, in order to confirm the meaning resulting from the ap-

plication of article 31, or to determine the meaning when the interpretation according to article 31:

(a) leaves the meaning ambiguous or obscure; or
(b) leads to a result which is manifestly absurd or unreasonable.

Article 33

Interpretation of treaties authenticated in two or more languages

1. When a treaty has been authenticated in two or more languages, the text is equally authoritative in each language, unless, the treaty provides or the parties agree that, in case of divergence, a particular text shall prevail.

2. A version of the treaty in a language other than one of those in which the text was authenticated shall be considered an authentic text only if the treaty so provides or the parties so agree.

3. The terms of the treaty are presumed to have the same meaning in each authentic text.

4. Except where a particular text prevails in accordance with paragraph 1, when a comparison of the authentic texts discloses a difference of meaning which the application of articles 31 and 32 does not remove, the meaning which best reconciles the texts, having regard to the object and purpose of the treaty, shall be adopted.

SECTION 4 : TREATIES AND THIRD STATES

Article 34

General rule regarding third States

A treaty does not create either obligations or rights for a third State without its consent.

Article 35

Treaties providing for obligations for third States

An obligation arises for a third State from a provision of a treaty if the parties to the treaty intend the provision to be the means of establishing the obligation and the third State expressly accepts that obligation in writing.

Article 36

Treaties providing for rights for third States

1. A right arises for a third State from a provision of a treaty if the parties to the treaty intend the provision to accord that right either to the third State, or to a group of States to which it belongs, or to all States, and the third State assents thereto. Its assent shall be presumed so long as the contrary is not indicated, unless the treaty otherwise provides.

2. A State exercising a right in accordance with paragraph 1 shall comply with the conditions for its exercise provided for in the treaty or established in conformity with the treaty.

Article 37

Revocation or modification of obligations or rights of third States

1. When an obligation has arisen for a third State in conformity with article 35, the obligation may be revoked or modified only with the consent of the parties to the treaty and of the third State, unless it is established that they had otherwise agreed.

2. When a right has arisen for a third State in conformity with article 36, the right may not be revoked or modified by the parties if it is established that the right was intended not to be revocable or subject to modification without the consent of the third State.

Article 38.

Rules in a treaty becoming binding on third States through international custom

Nothing in articles 34 to 37 precludes a rule set forth in a treaty from becoming binding upon a third State as a customary rule of international law, recognized as such.

PART IV

AMENDMENT AND MODIFICATION OF TREATIES

Article 39.

General rule regarding the amendment of treaties

A treaty may be amended by agreement between the parties. The rules laid down in Part II apply to such an agreement except in so far as the treaty may otherwise provide.

Article 40.

Amendment of multilateral treaties

1. Unless the treaty otherwise provides, the amendment of multilateral treaties shall be governed by the following paragraphs.

2. Any proposal to amend a multilateral treaty as between all the parties must be notified to all the contracting States, each one of which shall have the right to take part in :

(a) the decision as to the action to be taken in regard to such proposal;

(b) the negotiation and conclusion of any agreement for the amendment of the treaty.

3. Every State entitled to become a party to the treaty shall also be entitled to become a party to the treaty as amended.

4. The amending agreement does not bind any State already a party to the treaty which does not become a party to the amending agreement; article 30, paragraph 4 (b), applies in relation to such State.

5. Any State which becomes a party to the treaty after the entry into force of the amending agreement shall, failing an expression of a different intention by that State :

(a) be considered as a party to the treaty as amended, and

(b) be considered as a party to the unamended treaty in relation to any party to the treaty not bound by the amending agreement.

Article 41

Agreements to modify multilateral treaties between certain of the parties only

1. Two or more of the parties to a multilateral treaty may conclude an agreement to modify the treaty as between themselves alone if:

(a) the possibility of such a modification is provided for by the treaty; or

(b) the modification in question is not prohibited by the treaty and:

(I) does not affect the enjoyment by the other parties of their rights under the treaty or the performance of their obligations,

(II) does not relate to a provision, derogation from which is incompatible with the effective execution of the object and purpose of the treaty as a whole.

2. Unless in a case falling under paragraph 1 (a) the treaty otherwise provides, the parties in question shall notify the other parties of their intention to conclude the agreement and of the modification to the treaty for which it provides.

PART V

INVALIDITY, TERMINATION AND SUSPENSION OF THE OPERATION OF TREATIES

SECTION 1 : GENERAL PROVISIONS

Article 42

Validity and continuance in force of treaties

1. The validity of a treaty or of the consent of a State to be bound by a treaty may be impeached only through the application of the present Convention.

2. The termination of a treaty, its denunciation or the withdrawal of a party, may take place only as a result of the application of the provisions of the treaty or of the present Convention. The same rule applies to suspension of the operation of a treaty.

Article 43

Obligations imposed by international law independently of a treaty

The invalidity, termination or denunciation of a treaty, the withdrawal of a party from it, or the suspension of its operation, as a result of the application of the present Convention, or of the provisions of the treaty, shall not in any way impair the duty of any State to fulfil any obligation embodied in the treaty to which it would be subject under international law independently of the treaty.

Article 44

Separability of treaty provisions

1. A right of a party, provided for in a treaty or arising under article 56, to denounce, withdraw from or suspend the operation of the treaty may be exercised only with respect to the whole treaty unless the treaty otherwise provides or the parties otherwise agree.

2. A ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty recognized in the present Convention may be invoked only with respect to the whole treaty except as provided in the following paragraphs or in article 60.

3. If the ground relates solely to particular clauses, it may be invoked only with respect to those clauses where:

(a) the said clauses are separable from the remainder of the treaty with regard to their application;

(b) it appears from the treaty or is otherwise established that acceptance of those clauses was not an essential basis of the consent of the other party or parties to be bound by the treaty as a whole; and

(c) continued performance of the remainder of the treaty would not be unjust.

4. In cases falling under article 49 and 50 the State entitled to invoke the fraud or corruption may do so with respect either to the whole treaty or, subject to paragraph 3, to the particular clauses alone.

5. In cases falling under articles 51, 52 and 53, no separation of the provisions of the treaty is permitted.

Article 45

Loss of a right to invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty

A State may no longer invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty under articles 46 to 50 or articles 60 and 62 if, after becoming aware of the facts:

(a) it shall have expressly agreed that the treaty is valid or remains in force or continues in operation, as the case may be; or

(b) it must by reason of its conduct be considered as having acquired in the validity of the treaty or in its maintenance in force or in operation, as the case may be.

SECTION 2 : INVALIDITY OF TREATIES

Article 46

Provisions of internal law regarding competence to conclude treaties

1. A State may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance.

2. A violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in good faith.

Article 47

Specific restrictions on authority to express the consent of a State

If the authority of a representative to express the consent of a State to be bound by a particular treaty has been made subject to a specific restriction, his omission to observe that restriction may not be invoked as invalidating the consent expressed by him unless the restriction was notified to the other negotiating State prior to his expressing such consent.

Article 48

Error

1. A State may invoke an error in a treaty as invalidating its consent to be bound by the treaty if the error relates to a fact or situation which was assumed by that State to exist at the time when the treaty was concluded and formed an essential basis of its consent to be bound by the treaty.

2. Paragraph 1 shall not apply if the State in question contributed by its own conduct to the error or if the circumstances were such as to put that State on notice of a possible error.

3. An error relating only to the wording of the text of a treaty does not affect its validity; article 79 then applies.

Article 49

Fraud

If a State has been induced to conclude a treaty by the fraudulent conduct of another negotiating State, the State may invoke the fraud as invalidating its consent to be bound by the treaty.

Article 50

Corruption of a representative of a State

If the expression of a State's consent to be bound by a treaty has been procured through the corruption of its representative directly or indirectly by another negotiating State, the State may invoke such corruption as invalidating its consent to be bound by the treaty.

Article 51

Coercion of a representative of a State

If the expression of a State's consent to be bound by a treaty which has been procured by the coercion of its representative through acts or threats directed against him shall be without any legal effect.

Article 52

Coercion of a State by the threat or use of force

A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations.

Article 53

Treaties conflicting with a peremptory norm of general international law (*jus cogens*)

A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.

SECTION 3 : TERMINATION AND SUSPENSION OF THE OPERATION OF TREATIES

Article 54

Termination of or withdrawal from a treaty under its provisions or by consent of the parties

The termination of a treaty or the withdrawal of a party may take place:

(a) in conformity with the provisions of the treaty; or

(b) at any time by consent of all the parties after consultation with the other contracting States.

Article 55

Reduction of the parties to a multilateral treaty below the number necessary for its entry into force

Unless the treaty otherwise provides, a multilateral treaty does not terminate by reason only of the fact that the number of the parties falls below the number necessary for its entry into force.

Article 56

Denunciation of or withdrawal from a treaty containing no provision regarding termination, denunciation or withdrawal

1. A treaty which contains no provision regarding its termination and which does not provide for denunciation or withdrawal is not subject to denunciation or withdrawal unless:

(a) it is established that the parties intended to admit the possibility of denunciation or withdrawal; or

(b) a right of denunciation or withdrawal may be implied by the nature of the treaty.

2. A party shall give not less than twelve months' notice of its intention to denounce or withdraw from a treaty under paragraph 1.

Article 57

Suspension of the operation of a treaty under its provisions or by consent of the parties

The operation of a treaty in regard to all the parties or to a particular party may be suspended:

(a) in conformity with the provisions of the treaty; or

(b) at any time by consent of all the parties after consultation with the other contracting States.

Article 58

Suspension of the operation of a multilateral treaty by agreement between certain of the parties only

1. Two or more parties to a multilateral treaty may conclude an agreement to suspend the operation of provisions of the treaty, temporarily and as between themselves alone, if:

(a) the possibility of such a suspension is provided for by the treaty, or

(b) the suspension in question is not prohibited by the treaty and:

(I) does not affect the enjoyment by the other parties of their rights under the treaty of the performance of their obligations;

(II) is not incompatible with the object and purpose of the treaty.

2. Unless in a case falling under paragraph 1(a) the treaty otherwise provides, the parties in question shall notify the other parties of their intention to conclude the agreement and of those provisions of the treaty the operation of which they intend to suspend.

Article 59

Termination or suspension of the operation of a treaty implied by conclusion of a later treaty

1. A treaty shall be considered as terminated if all the parties to it conclude a later treaty relating to the same subject-matter and:

(a) it appears from the later treaty or is otherwise established that the parties intended that the matter should be governed by that treaty; or

(b) the provisions of the later treaty are so far incompatible with those of the earlier one that the two treaties are not capable of being applied at the same time.

2. The earlier treaty shall be considered as only suspended in operation if it appears from the later treaty or is otherwise established that such was the intention of the parties.

Article 60

Termination or suspension of the operation of a treaty as a consequence of its breach

1. A material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part.

2. A material breach of a multilateral treaty by one of the parties entitles:

(a) the other parties by unanimous agreement to suspend the operation of the treaty in whole or in part to terminate it either:

(I) in the relations between themselves and the defaulting State, or

(II) as between all the parties;

(b) a party specially affected by the breach to invoke it as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting State;

(c) any party other than the defaulting State to invoke the breach as a ground for suspending the operation of the treaty in whole or in part with respect to itself if the treaty is of such a character that a material breach of its provisions by one party radically changes the position of every party with respect to the further performance of its obligations under the treaty.

3. A material breach of a treaty, for the purposes of this article, consists in:

(a) a repudiation of the treaty not sanctioned by the present Convention; or

(b) the violation of a provision essential to the accomplishment of the object or purpose of the treaty.

4. The foregoing paragraphs are without prejudice to any provision in the treaty applicable in the event of a breach.

5. Paragraphs 1 to 3 do not apply to provisions relating to the protection of the human person contained in treaties of a humanitarian character, in particular to provisions prohibiting any form of reprisals against persons protected by such treaties.

Article 61

Supervening impossibility of performance

1. A party may invoke the impossibility of performing a treaty as a ground for terminating or withdrawing from it if the impossibility results from the permanent disappearance or destruction of an object indispensable for the execution of the treaty. If the impossibility is temporary, it may be invoked only as a ground for suspending the operation of the treaty.

2. Impossibility of performance may not be invoked by a party as a ground for terminating, withdrawing from or suspending the operation of a treaty if the impossibility is the result of a breach by that party either of an obligation under the treaty or of any other international obligation owed to any other party to the treaty.

Article 62

Fundamental change of circumstances

1. A fundamental change of circumstances which has occurred with regard to those existing at the time of the conclusion of a treaty, and which was not foreseen by the parties, may not be invoked as a ground for terminating or withdrawing from the treaty unless:

(a) the existence of those circumstances constituted an essential basis of the consent of the parties to be bound by the treaty; and

(b) the effect of the change is radically to transform the extent of obligations still to be performed under the treaty.

2. A fundamental change of circumstances may not be invoked as a ground for terminating or withdrawing from a treaty:

(a) if the treaty establishes a boundary; or

(b) if the fundamental change is the result of a breach by the party invoking it either of an obligation under the treaty or of any other international obligation owed to any other party to the treaty.

3. If, under the foregoing paragraphs, a party may invoke a fundamental change of circumstances as a ground for terminating or withdrawing from a treaty it may also invoke the change as a ground for suspending the operation of the treaty.

Article 63

Severance of diplomatic or consular relations

The severance of diplomatic or consular relations between parties to a treaty does not affect the legal relations established between them by the treaty except in so far as the existence of diplomatic or consular relations is indispensable for the application of the treaty.

Article 64

Emergence of a new peremptory norm of general international law (jus cogens)

If a new peremptory norm of general international law emerges, any existing treaty which is in conflict with that norm becomes void and terminates.

SECTION 4 : PROCEDURE

Article 65

Procedure to be followed with respect to invalidity, termination, withdrawal from or suspension of the operation of a treaty

1. A party which, under the provisions of the present Convention, invokes either a defect in its consent to be bound by a treaty or a ground for impeaching the validity of a treaty, terminating it, withdrawing from it or suspending its operation, must notify the other parties of its claim. The notification shall indicate the measure proposed to be taken with respect to the treaty and the reasons therefor.

2. If, after the expiry of a period which, except in cases of special urgency, shall not be less than three months after the receipt of the notification, no party has raised any objection, the party making the notification may carry out in the manner provided in article 67 the measure which it has proposed.

3. If, however, objection has been raised by any other party, the parties shall seek a solution through the means indicated in Article 33 of the Charter of the United Nations.

4. Nothing in the foregoing paragraphs shall affect the rights or obligations of the parties under any provisions in force binding the parties with regard to the settlement of disputes.

5. Without prejudice to article 45, the fact that a State has not previously made the notification prescribed in paragraph 1 shall not prevent it from making such notification in answer to another party claiming performance of the treaty or alleging its violation.

Article 66

Procedures for judicial settlement, arbitration and conciliation

If, under paragraph 3 of article 65, no solution has been reached within a period of 12 months following the date on which the objection was raised, the following procedures shall be followed:

(a) any one of the parties to a dispute concerning the application or the interpretation of article 53 or 64 may, by a written application, submit it to the International Court of Justice for a decision unless the parties by common consent agree to submit the dispute to arbitration;

(b) any one of the parties to a dispute concerning the application or the interpretation of any of the other articles in Part V of the present Convention may set in motion the procedure specified in the Annex to the Convention by submitting a request to that effect to the Secretary-General of the United Nations.

Article 67

Instruments for declaring invalid, terminating, withdrawing from or suspending the operation of a treaty

1. The notification provided for under article 65 paragraph 1 must be made in writing.

2. Any act declaring invalid, terminating, withdrawing from or suspending the operation of a treaty pursuant to the provisions of the treaty or of paragraphs 2 or 3 of article 65 shall be carried out through an instrument communicated to the other parties. If the instrument is not signed by the Head of State, Head of Government or Minister for Foreign Affairs, the representative of the State communicating it may be called upon to produce full powers.

Article 68

Revocation of notifications and instruments provided for in articles 65 and 67

A notification or instrument provided for in articles 65 or 67 may be revoked at any time before it takes effect.

SECTION 5 : CONSEQUENCES OF THE INVALIDITY, TERMINATION OR SUSPENSION OF THE OPERATION OF A TREATY

Article 69

Consequences of the invalidity of a treaty

1. A treaty the invalidity of which is established under the present Convention is void. The provisions of a void treaty have no legal force.

2. If acts have nevertheless been performed in reliance on such a treaty;

(a) each party may require any other party to establish as far as possible in their mutual relations the position that would have existed if the acts had not been performed;

(b) acts performed in good faith before the invalidity was invoked are not rendered unlawful by reason only of the invalidity of the treaty.

3. In cases falling under articles 49, 50, 51 or 52, paragraph 2 does not apply with respect to the party to which the fraud, the act of corruption or the coercion is imputable.

4. In the case of the invalidity of a particular State's consent to be bound by a multilateral treaty, the foregoing rules apply in the relations between that State and the parties to the treaty.

Article 70

Consequences of the termination of a treaty

1. Unless the treaty otherwise provides or the parties otherwise agree, the termination of a treaty under its provisions or in accordance with the present Convention:

(a) releases the parties from any obligation further to perform the treaty;

(b) does not affect any right, obligation or legal situation of the parties created through the execution of the treaty prior to its termination.

2. If a State denounces or withdraws from a multilateral treaty, paragraph 1 applies in the relations between that State and each of the other parties to the treaty from the date when such denunciation or withdrawal takes effect.

Article 71.

Consequences of the invalidity of a treaty which conflicts with a peremptory norm of general international law

1. In the case of a treaty which is void under article 53 the parties shall :

(a) eliminate as far as possible the consequences of any act performed in reliance on any provision which conflicts with the peremptory norm of general international law; and

(b) bring their mutual relations into conformity with the peremptory norm of general international law.

2. In the case of a treaty which becomes void and terminates under article 64, the termination of the treaty :

- (a) releases the parties from any obligation further to perform the treaty;
- (b) does not affect any right, obligation or legal situation of the parties created through the execution of the treaty prior to its termination; provided that those rights, obligations or situations may thereafter be maintained only to the extent that their maintenance is not in itself in conflict with the new peremptory norm of general international law.

Article 72.

Consequences of the suspension of the operation of a treaty

1. Unless the treaty otherwise provides or the parties otherwise agree, the suspension of the operation of a treaty under its provisions or in accordance with the present Convention :

(a) releases the parties between which the operation of the treaty is suspended from the obligation to perform the treaty in their mutual relations during the period of the suspension;

(d) does not otherwise affect the legal relations between the parties established by the treaty.

2. During the period of the suspension the parties shall refrain from acts tending to obstruct the resumption of the operation of the treaty.

PART VI

MISCELLANEOUS PROVISIONS

Article 73.

Cases of State succession, State responsibility and outbreak of hostilities

The provisions of the present Convention shall not prejudice any question that may arise in regard to a treaty from a succession of States or from the international responsibility of a State or from the outbreak of hostilities between States.

Article 74.

Diplomatic and consular relations and the conclusion of treaties

The severance or absence of diplomatic or consular relations between two or more States does not prevent the conclusion of treaties between those States. The conclusion of a treaty does not in itself affect the situation in regard to diplomatic or consular relations.

Article 75.

Case of an aggressor State

The provisions of the present Convention are without prejudice to any obligation in relation to a treaty which may arise for an aggressor State in consequence of measures taken in conformity with the Charter of the United Nations with reference to that State's aggression.

PART VII

DEPOSITARIES, NOTIFICATIONS, CORRECTIONS AND REGISTRATION

Article 76.

Depositaries of treaties.

1. The designation of the depositary of a treaty may be made by the negotiating States, either in the treaty itself or in some other manner. The depositary may be one or more States, an international organisation or the chief administrative officer of the organization.

2. The functions of the depositary of a treaty are international in character and the depositary is under an obligation to act impartially in their performance. In particular, the fact that a treaty has not entered into force between certain of the parties or that a difference has appeared between a State and a depositary with regard to the performance of the latter's functions shall not affect that obligation.

Article 77.

Functions of depositaries

1. The functions of a depositary, unless otherwise provided in the treaty or agreed by the contracting States, comprise in particular;

(a) keeping custody of the original text of the treaty and of any full powers delivered to the depositary;

(b) preparing certified copies of the original text and preparing any further text of the treaty in such additional languages as may be required by the treaty and transmitting them to the parties and to the States entitled to become parties to the treaty;

(c) receiving any signatures to the treaty and receiving and keeping custody of any instruments, notifications and communications relating to it;

(d) examining whether the signature or any instrument, notification or communication relating to the treaty is in due and proper form and, if need be, bringing the matter to the attention of the State in question;

(e) informing the parties and the States entitled to become parties to the treaty of acts, notifications and communications relating to the treaty;

(f) informing the States entitled to become parties to the treaty when the number of signatures or of instruments of ratification, acceptance, approval or accession required for the entry into force of the treaty has been received or deposited;

(g) registering the treaty with the Secretariat of the United Nations;

(h) performing the functions specified in other provisions of the present Convention.

2. In the event of any difference appearing between a State and the depositary as to the performance of the latter's functions, the depositary shall bring the question to the attention of the signatory States and the Contracting States or, where appropriate, of the competent organ of the international organization concerned.

Article 78.

Notifications and communications

Except as the treaty or the present Convention otherwise provide, any notification or communication to be made by any State under the present Convention shall :

(a) if there is no depositary, be transmitted direct to the States for which it is intended, or if there is a depositary, to the latter;

(b) be considered as having been made by the State in question only upon its receipt by the State to which it was transmitted or, as the case may be, upon its receipt by the depositary,

(c) if transmitted to a depositary, be considered as received by the State for which it was intended only when the latter State has been informed by the depositary in accordance with article 77, paragraph 1(e).

Article 79.

Correction of errors in texts or in certified copies of treaties

1. Where, after the authentication of the text of a treaty, the signatory States and the contracting

States are agreed that it contains an error, the error shall, unless they decide upon some other means of correction, be corrected:

(a) by having the appropriate correction made in the text and causing the correction to be initialled by duly authorized representatives,

(b) by executing or exchanging an instrument or instruments setting out the correction which it has been agreed to make; or

(c) by executing a corrected text of the whole treaty by the same procedure as in the case of the original text.

2. Where the treaty is one for which there is a depositary, the latter shall notify the signatory States and the contracting States of the error and of the proposal to correct it and shall specify an appropriate time-limit within which objection to the proposed correction may be raised. If, on the expiry of the time-limit:

(a) no objection has been raised, the depositary shall make and initial the correction in the text and shall execute a *procès-verbal* of the rectification of the text and communicate a copy of it to the parties and to the States entitled to become parties to the treaty;

(b) an objection has been raised, the depositary shall communicate the objection to the signatory States and to the contracting States.

3. The rules in paragraphs 1 and 2 apply also where the text has been authenticated in two or more languages and it appears that there is a lack of concordance with the signatory States and the contracting States agree should be corrected.

4. The corrected text replaces the defective text *ab initio*, unless the signatory States and the contracting States otherwise decide.

5. The correction of the text of a treaty that has been registered shall be notified to the Secretariat of the United Nations.

6. Where an error is discovered in a certified copy of a treaty, the depositary shall execute a *procès-verbal* specifying the rectification and communicate a copy of it to the signatory States and to the contracting States.

Article 80.

Registration and publication of treaties

1. Treaties shall, after their entry into force, be transmitted to the Secretariat of the United Nations for registration or filing and recording, as the case may be, and for publication.

2. The designation of a depositary shall constitute authorization for it to perform the acts specified in the preceding paragraph.

PART VIII

FINAL PROVISIONS

Article 81.

Signature

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice and by any other State invited by the General Assembly of the United Nations to become a party to the Convention, as follows: until 30 November 1969, at the Federal Ministry for Foreign Affairs of the Republic of Austria, and subsequently, until 30 April 1970, at United Nations Headquarters, New York.

Article 82.

Ratification

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 83.

Accession

The present Convention shall remain open for accession by any State belonging to any of the categories mentioned in article 81. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 84.

Entry into force

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the thirty-fifth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the thirty-fifth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 85.

Authentic texts

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE AT VIENNA, this twenty-third day of May, one thousand nine hundred and sixty-nine.

Annex

1. A list of conciliators consisting of qualified jurists shall be drawn up and maintained by the Secretary-General of the United Nations. To this and, every State which is a Member of the United Nations or a party to the present Convention shall be invited to nominate two conciliators, and the names of the persons so nominated shall constitute the list. The term of a conciliator, including that of any conciliator nominated to fill a casual vacancy, shall be five years and may be renewed. A conciliator whose term expires shall continue to fulfil any function for which he shall have been chosen under the following paragraph:

2. When a request has been made to the Secretary-General under article 66, the Secretary-General shall bring the dispute before a conciliation commission constituted as follows:

The State or States constituting one of the parties to the dispute shall appoint:

(a) one conciliator of the nationality of that State or of one of those States, who may or may not be chosen from the list referred to in paragraph 1; and

(b) one conciliator not of the nationality of that State or of any of those States, who shall be chosen from the list.

The State or States constituting the other party to the dispute shall appoint two conciliators in the same way. The four conciliators chosen by the parties shall be appointed within sixty days following the date on which the Secretary-General receives the request.

The four conciliators shall, within sixty days following the date of the last of their own appointments, appoint a fifth conciliator chosen from the list, who shall be chairman.

If the appointment of the chairman or of any of the other conciliators has not been made within the period prescribed above for such appointment, it shall be made by the Secretary-General within sixty days following the expiry of that period. The appointment of the chairman may be made by the Secretary-General either from the list or from the membership of the International Law Commission. Any of the periods within which appointments must be made may be extended by agreement between the parties to the dispute.

Any vacancy shall be filled in the manner prescribed for the initial appointment.

3. The Conciliation Commission shall decide its own procedure. The Commission with the consent of the parties to the dispute, may invite any party to the treaty to submit to it its views orally or in writing. Decisions and recommendations of the Commission shall be made by a majority vote of the five members.

4. The Commission may draw the attention of the parties to the dispute to any measures which might facilitate an amicable settlement.

5. The Commission shall hear the parties, examine the claims and objections, and make proposals to the parties with a view to reaching an amicable settlement of the dispute.

6. The Commission shall report within twelve months of its constitution. Its report shall be deposited with the Secretary-General and transmitted to the parties to the dispute. The report of the Commission, including any conclusions stated therein regarding the facts or questions of law, shall not be binding upon the parties and it shall have no other character than that of recommendations submitted for the consideration of the parties in order to facilitate an amicable settlement of the dispute.

7. The Secretary-General shall provide the Commission with such assistance and facilities as it may require. The expenses of the Commission shall be borne by the United Nations.

ΣΥΜΒΑΣΙΣ ΤΗΣ BIENNΗΣ ΠΕΡΙ ΤΟΥ ΔΙΚΑΙΟΥ ΤΩΝ ΣΥΝΘΗΚΩΝ

Τὰ συμβαλλόμενα ἐν τῇ παρούσῃ Συμβάσει Μέρη :

Λαμβάνοντα ὑπ' ὄψιν τὸν θεμελιώδη ρόλον τῶν συνθηκῶν ἐν τῇ ἱστορίᾳ τῶν διεθνῶν σχέσεων,

Ἀναγνωρίζοντα τὴν ὁλονὲν αὐξανομένην σημασίαν τῶν συνθηκῶν ὡς πηγῆς τοῦ Διεθνoῦς Δικαίου καὶ ὡς τρόπου ἀναπτύξεως τῆς εἰρηνικῆς μεταξὺ τῶν λαῶν συνυπάρξεως ἀνεξαρτήτως τῶν συνταγματικῶν καὶ τῶν κοινωνικῶν τῶν συστημάτων,

Σημειοῦντα, ὅτι αἱ ἀρχαὶ τῆς ἐλευθέρως συναινέσεως καὶ τῆς καλῆς πίστεως καὶ τοῦ σεβασμοῦ τῶν ὑπεσχημένων παγκοσμίως ἀναγνωρίζονται,

Βεβαιοῦντα, ὅτι διαφοραὶ ἀφορῶσαι εἰς συνθήκας, ὡς αἱ λοιπαὶ διεθνεῖς διαφοραί, θὰ ἔδει νὰ ἐπιλύωνται δι' εἰρηνικῶν μέσων καὶ συμφῶνως μὲ τὰς ἀρχὰς τῆς δικαιοσύνης καὶ τοῦ Διεθνoῦς Δικαίου,

Ὑπομνήσκοντα ὅτι οἱ λαοὶ τῶν Ἠνωμένων Ἐθνῶν εἶναι ἀποφασισμένοι νὰ δημιουργήσουν συνθήκας δυνάμει τῶν ὁποίων ἡ δικαιοσύνη καὶ ὁ σεβασμὸς τῶν συμβατικῶν ὑποχρεώσεων θὰ δύναται νὰ διατηρηθῇ,

Ἐχοντα ὑπ' ὄψιν τὰς ἀρχὰς τοῦ Διεθνoῦς Δικαίου τὰς ἀνευρισκομένας εἰς τὸν Χάρτην τῶν Ἠνωμένων Ἐθνῶν ὡς αἱ ἀρχαὶ τῆς ἰσότητος τῶν δικαιωμάτων καὶ αὐτοδιαθέσεως τῶν λαῶν, τῆς κυριάρχου ἰσότητος καὶ ἀνεξαρτησίας ὅλων τῶν κρατῶν, τῆς μὴ ἐπεμβάσεως εἰς τὰς ἐσωτερικὰς ὑποθέσεις τῶν λαῶν, τῆς ἀπαγορεύσεως τῆς ἀπειλῆς ἢ χρήσεως βίας καὶ τοῦ οἰκουμενικοῦ σεβασμοῦ καὶ τηρήσεως δι' ὅλους τῶν ἀνθρωπίνων δικαιωμάτων καὶ θεμελιωδῶν ἐλευθεριῶν,

Πεποιθότα, ὅτι ἡ κωδικοποίησις καὶ προοδευτικὴ ἀνάπτυξις τοῦ δικαίου τῶν συνθηκῶν, ἥτις ἐπετεύχθη διὰ τῆς παρούσης συμβάσεως θὰ προαγάγῃ τοὺς σκοποὺς τῶν Ἠνωμένων Ἐθνῶν, ὡς οὗτοι περιλαμβάνονται εἰς τὸν Χάρτην συγκεκριμένως τὴν διατήρησιν τῆς διεθνoῦς εἰρήνης καὶ ἀσφαλείας, τὴν ἀνάπτυξιν φιλικῶν σχέσεων καὶ τὴν ἐπίτευξιν συνεργασίας μεταξὺ τῶν Ἐθνῶν,

Διαβεβαιοῦντα ὅτι οἱ κανόνες τοῦ ἐθιμικοῦ Διεθνoῦς Δικαίου θὰ συνεχίσουν νὰ διέπουν ζητήματα μὴ ρυθμιζόμενα ὑπὸ τῶν διατάξεων τῆς παρούσης συμβάσεως.

Συνεφώνησαν ἐπὶ τῶν ἀκολουθῶν :

ΜΕΡΟΣ Ι

ΕΙΣΑΓΩΓΗ

*Ἀρθρον 1.

Ἐφαρμογὴ τῆς παρούσης Συμβάσεως.

Ἡ παροῦσα σύμβασις ἐφαρμόζεται ἐπὶ τῶν συνθηκῶν μεταξὺ κρατῶν.

*Ἀρθρον 2.

Χρησιμοποιούμενοι ὅροι.

1. Διὰ τοὺς σκοποὺς τῆς παρούσης συμβάσεως :

(α) Διὰ τοῦ ὅρου «συνθήκη» νοεῖται διεθνὴς συμφωνία συνομολογουμένη μεταξὺ κρατῶν, εἰς ἔγγραφον τύπον καὶ διεπομένη ὑπὸ τοῦ Διεθνoῦς Δικαίου, ἀνεξαρτήτως ἐὰν περιλαμβάνεται εἰς ἓν, δύο ἢ πλείονα ἔγγραφα καὶ ἀνεξαρτήτως τῆς εἰδικῆς αὐτῆς ὀνομασίας.

(β) Διὰ τοῦ ὅρου «ἐπικύρωσις», «ἀποδοχή», «ἔγκρισις» καὶ «προσχώρησις» νοεῖται εἰς ἐκάστην περίπτωσιν ἡ οὕτω καλουμένη διεθνὴς πράξις διὰ τῆς ὁποίας τὸ κράτος συναινεῖ, ἐν τῷ διεθνεῖ πεδίῳ, ὅπως δεσμευθῇ διὰ τῆς συνθήκης.

(γ) Διὰ τοῦ ὅρου «πληρεξούσιον» νοεῖται ἔγγραφον τῆς ἀρμοδίας ἀρχῆς τοῦ κράτους, καθορίζον ἐν ἡ πλείονα πρόσωπα διὰ τὴν ἀντιπροσώπευσιν τοῦ κράτους διὰ τὴν διαπραγματεύσιν, υἱοθέτησιν ἢ βεβαίωσιν τοῦ κειμένου Συμβθήκης, διὰ τὴν ἔκφρασιν τῆς συναινέσεως τοῦ κράτους ὅπως δεσμευθῇ διὰ τῆς συνθήκης ἢ διὰ τὴν τέλεσιν οἰασθῇποτε ἐτέρας πράξεως, ἀναφορικῶς πρὸς αὐτήν.

(δ) Διὰ τοῦ ὅρου «ἐπιφύλαξις» νοεῖται ἡ ἀνεξαρτήτως τοῦ χρησιμοποιούμενου ὅρου μονομερὴς δήλωσις τοῦ κράτους, κατὰ τὴν ὑπογραφὴν, ἐπικύρωσιν, ἀποδοχὴν, ἔγκρισιν ἢ προσχώρησιν εἰς συνθήκην, διὰ τῆς ὁποίας ἐπιδιώκει ν' ἀποβάλλῃ ἢ νὰ τροποποιήσῃ τὰ ἔννομα ἀποτελέσματα διατάξεων τινῶν τῆς συνθήκης, κατὰ τὴν ἐφαρμογὴν τῶν ἑναντι τοῦ κράτους τούτου.

(ε) Διὰ τοῦ ὅρου «διαπραγματευόμενον κράτος» νοεῖται τὸ κράτος, τὸ ὁποῖον συμμετέσχεν εἰς τὴν σύνταξιν καὶ υἱοθέτησιν τοῦ κειμένου τῆς συνθήκης.

(στ) Διὰ τοῦ ὅρου «συμβαλλόμενον κράτος» νοεῖται τὸ κράτος τὸ ὁποῖον συνήνεσε νὰ δεσμευθῇ διὰ τῆς συνθήκης ἀνεξαρτήτως ἐὰν ἡ συνθήκη ἐτέθη ἐν ἰσχύϊ ἢ ὄχι.

(ζ) Διὰ τοῦ ὅρου «μέρος», νοεῖται τὸ κράτος τὸ ὁποῖον συνήνεσε νὰ δεσμευθῇ διὰ τῆς συνθήκης καὶ διὰ τὸ ὁποῖον ἡ Συνθήκη εἶναι ἐν ἰσχύϊ.

(η) Διὰ τοῦ ὅρου «τρίτον κράτος» νοεῖται τὸ κράτος τὸ ὁποῖον δὲν τυγχάνει μέρος εἰς τὴν συνθήκην.

(θ) Διὰ τοῦ ὁρου «διεθνῆς ὀργανισμός» νοεῖται ὁ δια-
κυβερνητικὸς ὀργανισμός.

2. Αἱ διατάξεις τῆς παραγράφου 1 ὡς πρὸς τὴν χρῆσιν
τῶν ὁρων ἐν τῇ παρούσῃ συμβάσει δὲν θίγουν τὴν χρῆσιν
τῶν ὡς ἄνω ὁρων ἢ τὴν ἐννοίαν ἣν ἐνδεχομένως προσλαμ-
βάνουν εἰς τὸ ἐσωτερικὸν δίκαιον τοῦ κράτους.

Ἄρθρον 3.

Διεθνεῖς Συμφωνίαι μὴ ἐμπίπτουσιν εἰς τὰ πλαίσια τῆς
παρούσης Συμβάσεως.

Τὸ γεγονός ὅτι, ἡ παροῦσα σύμβασις δὲν ἐφαρμόζεται
ἐπὶ διεθνῶν συμφωνιῶν μεταξύ κρατῶν καὶ ἄλλων ὑπο-
κειμένων τοῦ Διεθνoῦς Δικαίου ἢ μεταξύ τῶν ὡς ἄνω
ἐτέρων ὑποκειμένων τοῦ Διεθνoῦς Δικαίου, ἢ ἐπὶ διεθνῶν
συμφωνιῶν, συνομολογηθεῖσιν εἰς ἄγραφον τύπον, δὲν ἐπη-
ρεάζει :

(α) τὴν νομικὴν ἰσχὺν τῶν τοιούτων συμφωνιῶν.

(β) τὴν ἐφαρμογὴν ἐπ' αὐτῶν οἰουδήποτε τῶν κανόνων
τῶν θεσπιζομένων ἐν τῇ παρούσῃ συμβάσει, εἰς τοὺς ὁποίους
θὰ ὑπῆγοντο, κατὰ τὸ Διεθνὲς Δίκαιον, ἀνεξαρτήτως τῆς
ἐν λόγῳ Συμβάσεως.

(γ) τὴν ἐφαρμογὴν τῆς συμβάσεως εἰς τὰς μεταξύ τῶν
κρατῶν σχέσεις, τὰς διεπομένους ὑπὸ διεθνῶν συμφωνιῶν
εἰς τὰς ὁποίας τυγχάνουν ἐξ ἴσου μέρη ἕτερα ὑποκείμενα
τοῦ Διεθνoῦς Δικαίου.

Ἄρθρον 4.

Μὴ ἀναδρομικότης τῆς παρούσης Συμβάσεως.

Διαφυλασσομένης τῆς ἐφαρμογῆς οἰωνδήποτε κανόνων
περιλαμβανομένων ἐν τῇ παρούσῃ συμβάσει, εἰς τοὺς ὁποίους
θὰ ὑπῆγοντο αἱ συνθήκαι κατ' ἐφαρμογὴν τοῦ Διεθνoῦς
Δικαίου ἀσχέτως τῆς συμβάσεως ταύτης, αὕτη ἐφαρμόζε-
ται μόνον ἐπὶ συνθηκῶν, αἵτινες συνωμολογήθησαν ὑπὸ
τῶν κρατῶν μετὰ τὴν θέσιν ἐν ἰσχύϊ τῆς παρούσης συμβά-
σεως ἐναντι τούτων.

Ἄρθρον 5.

Συνθῆκαι ἰδρυτικαὶ Διεθνῶν Ὑργανισμῶν
καὶ Συνθῆκαι υἱοθετηθεῖσαι ὑπὸ τούτων.

Ἡ παροῦσα σύμβασις ἐφαρμόζεται ἐπὶ πάσης συνθήκης
ἰδρυτικῆς Διεθνoῦς Ὑργανισμοῦ καὶ ἐπὶ πάσης τοιαύτης
υἱοθετηθείσης ὑπ' αὐτοῦ, ἐπιφυλασσομένων τῶν σχετικῶν
κανόνων τοῦ Ὑργανισμοῦ.

ΜΕΡΟΣ II

ΣΥΝΟΜΟΛΟΓΗΣΙΣ ΚΑΙ ΘΕΣΙΣ ΕΝ ΙΣΧΥΙ ΤΩΝ ΣΥΝΘΗΚΩΝ

ΤΜΗΜΑ 1 : ΣΥΝΟΜΟΛΟΓΗΣΙΣ ΤΩΝ ΣΥΝΘΗΚΩΝ

Ἄρθρον 6.

Ἱκανότης τῶν κρατῶν συνομολογήσεως συνθηκῶν.

Ἐκαστον κράτος κέκτηται τὴν ἱκανότητα συνάψεως συν-
θηκῶν.

Ἄρθρον 7.

Πληρεξουσιότης.

1. Πρόσωπόν τι θεωρεῖται ἀντιπρόσωπος τοῦ κράτους
πρὸς υἱοθέτησιν ἢ ἐπιβεβαίωσιν τοῦ κειμένου τῆς συνθήκης
ἢ πρὸς ἐκφράσιν τῆς συναινέσεως τοῦ κράτους ὅπως δε-
σμευθῇ διὰ τῆς συνθήκης, ἐάν :

(α) ἐπιδείξῃ κατάλληλον πληρεξουσιότητα, ἢ

(β) προκύπτῃ ἐκ τῆς πρακτικῆς τῶν ἐνδιαφερομένων
κρατῶν ἢ ἐξ ἄλλων συνθηκῶν, ὅτι ἦτο ἢ πρόθεσις των ν'
ἀναγνωρίσουν τοῦτο ὡς ἀντιπρόσωπον τοῦ κράτους διὰ τοὺς
ὡς ἄνω σκοποὺς χωρὶς νὰ ζητήσουν τὴν παρουσίαν τοῦ
πληρεξουσίου ἐγγράφου.

2. Ὡς ἐκ τῆς θέσεώς των, οἱ κάτωθι θεωροῦνται ὡς
ἐκπροσωποῦντες τὸ κράτος των, ἄνευ ὑποχρέωσης ἐπι-
δείξεως πληρεξουσιότητος :

(α) Ἀρχηγοὶ κρατῶν, Πρόεδροι Κυβερνήσεων καὶ Ὑ-
πουργοὶ Ἐξωτερικῶν ἐπὶ τῷ τέλει διενεργείας ἀπασῶν
τῶν ἀναφερομένων εἰς τὴν σύναψιν τῆς συνθήκης πράξεων,

(β) Ἀρχηγοὶ Διπλωματικῶν Ἀποστολῶν, ἐπὶ τῷ τέλει
υἱοθετήσεως τοῦ κειμένου συνθήκης μεταξύ τοῦ διαπιστεύ-
οντος κράτους καὶ τοῦ παρ' ᾧ ἡ διαπίστευσις,

(γ) Ἀντιπρόσωποι διαπεπιστευμένοι ὑπὸ τῶν κρατῶν
εἰς διεθνῇ διάσκεψιν ἢ διεθνῇ ὀργανισμόν ἢ ὄργανον τοῦτου
ἐπὶ τῷ τέλει υἱοθετήσεως τοῦ κειμένου συνθήκης ἐν τῇ ὡς
ἄνω διασκέψει, ὀργανισμῷ ἢ ὀργάνῳ.

Ἄρθρον 8.

Μεταγενεστέρα ἐπιβεβαίωσις πράξεως ἐνεργηθείσης ἄνευ
ἐξουσιοδοτήσεως.

Πρᾶξις ἀναφερομένη εἰς τὴν σύναψιν συνθήκης, ἐνεργη-
θεῖσα ὑπὸ προσώπου, μὴ δυναμένου νὰ θεωρηθῇ κατὰ τὸ
ἄρθρον 7 ὡς ἐξουσιοδοτούμενον ν' ἀντιπροσωπεύσῃ τὸ κρά-
τος πρὸς τοῦτο, εἶναι ἄνευ νομικοῦ ἀποτελέσματος ἐκτός
ἐὰν μεταγενεστέρως ἐπιβεβαιωθῇ ὑπὸ τοῦ κράτους τοῦτου.

Ἄρθρον 9.

Υἱοθέτησις τοῦ κειμένου.

1. Ἡ υἱοθέτησις τοῦ κειμένου συνθήκης γίνεται τῇ συναί-
νεσει ἀπάντων τῶν κρατῶν, τῶν μετασχόντων εἰς τὴν ἐκπό-
νησιν ταύτης, ἐξαιρουμένης τῆς ἐν παραγράφῳ 2 περιπτώ-
σεως :

2. Ἡ υἱοθέτησις τοῦ κειμένου συνθήκης ἐν διεθνεῖ δια-
σκέψει πραγματοποιεῖται διὰ τῆς ψήφου τῶν δύο τρίτων
τῶν παρόντων καὶ ψηφίζοντων κρατῶν, ἐκτός ἐὰν τὰ κράτη
ταῦτα, διὰ τῆς ὡς ἄνω πλειοψηφίας ἀποφασίσουν νὰ ἐφαρ-
μόσουν διάφορον κανόνα.

Ἄρθρον 10.

Ἐπιβεβαίωσις τοῦ κειμένου.

Τὸ κείμενον συνθήκης καθίσταται αὐθεντικὸν καὶ ὀρι-
στικόν :

(α) κατὰ τὴν διαδικασίαν τὴν προβλεπομένην ἐν τῷ κει-
μένῳ ἢ συμφωνουμένην παρὰ τῶν ἐν τῇ ἐκπονήσει τῆς
συνθήκης μετεσχόντων κρατῶν, ἢ

(β) ἐλλείψει τοιαύτης διαδικασίας, διὰ τῆς ὑπογραφῆς,
ὑπογραφῆς AD REFERENDUM ἢ μονογραφῆς ὑπὸ τῶν
ἀντιπροσώπων τῶν κρατῶν τοῦ κειμένου τῆς συνθήκης ἢ
τῆς Τελικῆς Πράξεως τῆς διασκέψεως, ἐν τῇ ὁποίᾳ ἔχει
καταχωρηθῇ τὸ κείμενον.

Ἄρθρον 11.

Τρόποι ἐκφράσεως τῆς συναινέσεως πρὸς δέσμευσιν διὰ
τῆς συνθήκης.

Ἡ συναινέσις τοῦ κράτους ὅπως δεσμευθῇ διὰ τῆς συν-
θήκης δύναται νὰ δοθῇ διὰ τῆς ὑπογραφῆς, ἀνταλλαγῆς
ὀργάνων, ἀποτελούντων συνθήκην, ἐπικυρώσεως, ἀποδοχῆς
ἐγκρίσεως ἢ προσχωρήσεως, ἢ δι' οἰουδήποτε ἐτέρου συμπε-
φωνημένου τρόπου.

Ἄρθρον 12.

Συναινέσις πρὸς δέσμευσιν διὰ τῆς συνθήκης παρεχομένη
δι' ὑπογραφῆς.

1. Ἡ συναινέσις τοῦ κράτους ὅπως δεσμευθῇ διὰ τῆς
συνθήκης παρέχεται διὰ τῆς ὑπογραφῆς τοῦ ἀντιπροσώπου
τοῦ κράτους τοῦτου, ὁσάκις :

(α) Ἡ συνθήκη προβλέπει ὅτι ἡ ὑπογραφή θὰ ἔχῃ τὸ
ἀποτέλεσμα τοῦτο.

(β) Προκύπτει άλλως, ότι τὰ κράτη τὰ ὁποῖα μετέσχον εἰς τὴν διαπραγματεύσιν συνεφώνησαν ὅτι ἡ συνθήκη θὰ ἔχῃ τὸ ἀποτέλεσμα τοῦτο, ἢ

(γ) ἡ πρόθεσις τοῦ κράτους νὰ προσδώσῃ τοιοῦτον ἀποτέλεσμα εἰς τὴν ὑπογραφὴν, προκύπτει ἐκ τῶν πληρεξουσίων τοῦ ἀντιπροσώπου του ἢ ἐξεδηλώθη κατὰ τὴν διάρκειαν τῶν διαπραγματεύσεων.

2. Διὰ τοὺς σκοποὺς τῆς παραγράφου 1 :

(α) Ἡ μονογραφὴ ἐνὸς κειμένου ἰσοδυναμεῖ πρὸς ὑπογραφὴν τῆς συνθήκης ἐὰν προκύψῃ, ὅτι τὰ κράτη τὰ ὁποῖα μετέσχον τῶν διαπραγματεύσεων, οὕτω συνεφώνησαν,

(β) ἡ ὑπογραφὴ AD REFERENDUM συνθήκης ὑπὸ ἀντιπροσώπου κράτους τινὸς ἰσοδυναμεῖ πρὸς ὀριστικὴν ὑπογραφὴν τῆς συνθήκης, ἐὰν ἐπιβεβαιωθῇ παρὰ τοῦ τελευταίου τούτου.

Ἄρθρον 13.

Συναίνεσις πρὸς δέσμευσιν διὰ συνθήκης ἐκφραζομένη δι' ἀνταλλαγῆς ὀργάνων ἀποτελούντων συνθήκην.

Ἡ συναίνεσις κρατῶν ὅπως δεσμευθῶν διὰ συνθήκης ἀποτελουμένης ἐξ ὀργάνων ἀνταλλαγέντων μεταξὺ τῶν, παρέχεται, ὡςάκις :

(α) τὰ ὄργανα προβλέπουν, ὅτι ἡ ἀνταλλαγὴ τῶν θὰ ἔχῃ τὸ ἀποτέλεσμα τοῦτο, ἢ

(β) ἐὰν ἄλλως προκύπτῃ, ὅτι τὰ κράτη ταῦτα συνεφώνησαν ὅτι ἡ ἀνταλλαγὴ τῶν ὀργάνων θὰ ἔχῃ τὸ ἀποτέλεσμα τοῦτο.

Ἄρθρον 14.

Συναίνεσις πρὸς δέσμευσιν διὰ συνθήκης παρεχομένη διὰ ἐπικυρώσεως ἀποδοχῆς ἢ ἐγκρίσεως.

1. Ἡ συναίνεσις τοῦ κράτους ὅπως δεσμευθῇ διὰ συνθήκης παρέχεται διὰ τῆς ἐπικυρώσεως, ὡςάκις :

(α) ἡ συνθήκη προβλέπει ὅτι ἡ συναίνεσις αὕτη παρέχεται διὰ τῆς ἐπικυρώσεως,

(β) ἄλλως προκύπτει ὅτι τὰ κράτη τὰ ὁποῖα μετέσχον εἰς τὴν διαπραγματεύσιν συνεφώνησαν, ὅτι ἡ ἐπικύρωσις θὰ εἶναι ἀναγκαία,

(γ) ὁ ἀντιπρόσωπος τοῦ κράτους τούτου ὑπέγραψε τὴν συνθήκην, ὑπὸ τὴν ἐπιφύλαξιν τῆς ἐπικυρώσεως, ἢ

(δ) ἡ πρόθεσις τοῦ κράτους τούτου νὰ ὑπογράψῃ τὴν συνθήκην ὑπὸ τὴν ἐπιφύλαξιν τῆς ἐπικυρώσεως, προκύπτει ἐκ τῶν πληρεξουσίων ἐγγράφων τοῦ ἀντιπροσώπου του ἢ ἔχει δηλωθῇ κατὰ τὴν διάρκειαν τῆς διαπραγματεύσεως.

2. Ἡ συναίνεσις τοῦ κράτους ὅπως δεσμευθῇ διὰ συνθήκης παρέχεται δι' ἀποδοχῆς ἢ ἐγκρίσεως ὑπὸ ὅρων ἀναλόγων πρὸς ἐκείνους οἱ ὁποῖοι ἐφαρμόζονται ἐπὶ τῆς ἐπικυρώσεως.

Ἄρθρον 15.

Συναίνεσις πρὸς δέσμευσιν διὰ συνθήκης παρεχομένη διὰ προσχωρήσεως.

Ἡ συναίνεσις κράτους ὅπως δεσμευθῇ διὰ συνθήκης παρέχεται διὰ τῆς προσχωρήσεως, ὡςάκις :

(α) ἡ συνθήκη προβλέπει ὅτι ἡ συναίνεσις αὕτη δύναται νὰ παρασχεθῇ ὑπὸ τοῦ κράτους τούτου διὰ τῆς προσχωρήσεως,

(β) ἄλλως προκύπτει, ὅτι τὰ κράτη τὰ ὁποῖα μετέσχον εἰς τὴν διαπραγματεύσιν συνεφώνησαν ὅτι ἡ συναίνεσις αὕτη θὰ ἠδύνατο νὰ παρασχεθῇ ὑπὸ τοῦ κράτους τούτου διὰ τῆς προσχωρήσεως,

(γ) ἅπαντα τὰ μέρη συνεφώνησαν μεταγενεστέρως, ὅτι ἡ τοιαύτη συναίνεσις θὰ ἠδύνατο νὰ παρασχεθῇ παρὰ τοῦ κράτους διὰ τῆς προσχωρήσεως.

Ἄρθρον 16.

Ἀνταλλαγὴ ἢ κατάθεσις τῶν ὀργάνων τῆς ἐπικυρώσεως, ἀποδοχῆς, ἐγκρίσεως ἢ προσχωρήσεως.

Ἐκτὸς ἐὰν ἄλλως προβλέπη ἡ συνθήκη, τὰ ὄργανα τῆς ἐπικυρώσεως, ἀποδοχῆς, ἐγκρίσεως ἢ προσχωρήσεως συνιστοῦν τὴν συναίνεσιν τοῦ κράτους ὅπως δεσμευθῇ διὰ ταύτης, κατὰ τὴν στιγμὴν :

(α) τῆς ἀνταλλαγῆς αὐτῶν μεταξὺ τῶν συμβαλλομένων κρατῶν,

(β) τῆς καταθέσεως αὐτῶν παρὰ τῷ Θεματοφύλακι,

(γ) τῆς γνωστοποιήσεως εἰς τὰ συμβαλλόμενα κράτη καὶ εἰς τὸν Θεματοφύλακα, ἐὰν οὕτω συνεφωνήθη.

Ἄρθρον 17.

Συναίνεσις πρὸς δέσμευσιν ὑπὸ μέρους τῆς συνθήκης καὶ ἐπιλογὴ μεταξὺ διαφόρων διατάξεων.

1. Ἐπιφυλασσομένων τῶν ἄρθρων 19—23, ἡ συναίνεσις κράτους τινὸς ὅπως δεσμευθῇ ὑπὸ μέρους συνθήκης τινὸς δὲν δημιουργεῖ ἀποτελέσματα παρὰ μόνον ὅταν ἡ συνθήκη ἐπιτρέπη τοῦτο ἢ ὅταν τὰ ἄλλα συμβαλλόμενα κράτη συναινῶν εἰς τοῦτο.

2. Ἡ συναίνεσις τοῦ κράτους ὅπως δεσμευθῇ διὰ τῆς συνθήκης, ἐπιτρεπούσης ἐπιλογὴν μεταξὺ διαφόρων διατάξεων ταύτης, δὲν δημιουργεῖ ἀποτελέσματα, παρὰ μόνον ἐὰν καταστῇ σαφὲς διὰ ποίας ἐκ τῶν διατάξεων παρέχεται ἡ συναίνεσις.

Ἄρθρον 18.

Υποχρέωσις περὶ μὴ ἀποστερήσεως συνθήκης τινὸς τοῦ ἀντικειμένου καὶ τοῦ σκοποῦ τῆς πρὸ τῆς θέσεώς της ἐν ἰσχύϊ.

Τὸ Κράτος ὑποχρεοῦται ὅπως ἀπόσχη ἐκ πράξεων, αἵτινες θ' ἀπεστέρουν συνθήκην τινὰ τοῦ ἀντικειμένου καὶ σκοποῦ ταύτης ὡςάκις :

(α) ὑπέγραψε τὴν συνθήκην ἢ προέβη εἰς ἀνταλλαγὴν ὀργάνων ἀποτελούντων συνθήκην ὑπὸ τὴν ἐπιφύλαξιν τῆς ἐπικυρώσεως, ἀποδοχῆς ἢ ἐγκρίσεως, ἐφ' ὅσον δὲν ἐξεδήλωσε τὴν πρόθεσιν του νὰ καταστῇ μέρος ταύτης, ἢ

(β) ἐξεδήλωσε τὴν συναίνεσιν ὅπως δεσμευθῇ διὰ τῆς συνθήκης ἐντὸς τῆς περιόδου ἣτις προηγεῖται τῆς θέσεως ἐν ἰσχύϊ τῆς συνθήκης καὶ ὑπὸ τὸν ὅρον ὅτι ἡ διαδικασία αὕτη δὲν θὰ καθυστερήσῃ ἀδικαιολογίτως.

ΕΠΙΦΥΛΑΞΕΙΣ

Ἄρθρον 19.

Διατύπωσις ἐπιφυλάξεων.

Ἐν κράτος δύναται, κατὰ τὴν ὑπογραφὴν, ἐπικύρωσιν, ἀποδοχὴν, ἐγκρίσιν συνθήκης ἢ προσχωρήσιν εἰς αὐτήν, νὰ διατυπώσῃ ἐπιφύλαξιν ἐκτὸς ἐὰν :

(α) ἡ ἐπιφύλαξις ἀπαγορεύεται ὑπὸ τῆς συνθήκης,

(β) ἡ συνθήκη ὀρίζει, ὅτι μόνον καθοριζόμεναι ἐπιφυλάξεις, εἰς ἃς δὲν περιλαμβάνεται ἡ ἐν θέματι ἐπιφύλαξις δύναται νὰ γίνουν, ἢ

(γ) εἰς περιπτώσεις μὴ ἐμπιπτούσας εἰς τὰς ὑπὸ παραγράφου (α) καὶ (β) ἡ ἐπιφύλαξις εἶναι ἀσυμβίβαστος πρὸς τὸ ἀντικείμενον καὶ τὸν σκοπὸν τῆς συνθήκης.

Ἄρθρον 20.

Ἀποδοχὴ ἐπιφυλάξεων καὶ ἀντιρρήσεις εἰς ταύτας.

1. Ἐπιφύλαξις ρητῶς ἐπιτρεπομένη ὑπὸ τῆς συνθήκης οὐδεμίαν μεταγενεστέραν ἀποδοχὴν ὑπὸ τῶν ἄλλων συμβαλλομένων κρατῶν ἀπαιτεῖ ἐκτὸς ἐὰν ἡ συνθήκη οὕτως ὀρίξῃ.

2. Εάν εκ του περιωρισμένου αριθμού των κρατών τα οποία μετέσχον εις την διαπραγματεύσιν ως και του αντικειμένου και του σκοπού συνθήκης τινός προκύπτει ότι η εφαρμογή της συνθήκης εν τη ολόκληρτη αυτής, μεταξύ όλων των μερών αποτελεῖ ουσιώδη προϋπόθεσιν της συναινέσεως ενός εκάστου τούτων πρὸς δέσμευσιν διὰ της συνθήκης, ἡ ἐπιφύλαξις ἀπαιτεῖ ἀποδοχὴν ὑφ' ὧν των μερών.

3. Εάν συνθήκη τις ἀποτελεῖ ἰδρυτικὴν πρᾶξιν διεθνούς ὀργανισμοῦ καὶ ἐκτὸς ἐὰν ἄλλως ὀρίζεται, ἡ ἐπιφύλαξις ἀπαιτεῖ τὴν ἀποδοχὴν ὑπὸ τοῦ ἀρμοδίου ὀργάνου τοῦ ὀργανισμοῦ τούτου.

4. Εἰς περιπτώσεις μὴ ἐμπιπτούσας εἰς τὰς ἀνωτέρω παραγράφους καὶ ἐκτὸς ἐὰν ἡ συνθήκη ἄλλως ὀρίζῃ :

(α) Ἀποδοχὴ ὑπὸ ἐτέρου συμβαλλομένου κράτους ἐπιφυλάξεως τινός καθιστᾷ τὸ ἐπιφυλασσόμενον κράτος μέρος τῆς συνθήκης ἐν σχέσει πρὸς αὐτὸ τὸ ἕτερον κράτος ἐὰν ἡ συνθήκη εἶναι ἐν ἰσχύι ἢ ὁσάκις τίθεται ἐν ἰσχύι μεταξύ των κρατῶν τούτων.

(β) Ἀντίρρῃσις ὑπὸ ἐτέρου συμβαλλομένου κράτους εἰς ἐπιφύλαξιν τινα δὲν ἀποκλείει τὴν θέσιν τῆς συνθήκης ἐν ἰσχύι ὡς πρὸς τὰ διατυπώοντα τὴν ἀντίρρῃσιν καὶ τὴν ἐπιφύλαξιν κράτη ἐκτὸς ἐὰν ἀντίθετος πρόθεσις σαφῶς ἐκφράζεται ὑπὸ τοῦ διατυπώσαντος τὴν ἀντίρρῃσιν κράτους.

(γ) Πρᾶξις ἐκφράζουσα τὴν συναινέσιν κράτους τινός ὥπως δεσμευθῇ διὰ τῆς συνθήκης καὶ περιλαμβάνουσα ἐπιφύλαξιν, ἰσχύει ἀφ' ἧς ἐν τοῦλάχιστον ἕτερον συμβαλλόμενον κράτος ἀποδεχθῇ τὴν ἐπιφύλαξιν.

5. Διὰ τοὺς σκοποὺς των παραγράφων 2 καὶ 4 καὶ ἐκτὸς ἐὰν ἡ συνθήκη ἄλλως ὀρίζῃ, ἐπιφύλαξις τις θεωρεῖται ὡς γενομένη ἀποδεκτή ὑπὸ κράτους τινός, ἂν τοῦτο δὲν ἔχη διατυπώσει ἀντίρρῃσιν εἰς τὴν ἐπιφύλαξιν εἴτε μέχρι τῆς ἐκπνοῆς 12μήνου περιόδου ἀπὸ τῆς εἰς τοῦτο ἀνακοινώσεως τῆς ἐπιφυλάξεως εἴτε μέχρι τῆς ἡμερομηνίας κατὰ τὴν ὁποίαν ἐξέφρασε τὴν συναινέσιν του ὥπως δεσμευθῇ διὰ τῆς συνθήκης ἐὰν αὕτη εἶναι μεταγενεστέρα.

Ἄρθρον 21.

Νομικαὶ συνέπειαι ἐπιφυλάξεων καὶ ἀντιρρήσεων εἰς ἐπιφύλαξεις.

1. Ἐπιφύλαξις ἰσχύουσα ἐν σχέσει πρὸς ἕτερον μέρος συμφώνως πρὸς τὰ ἄρθρα 19, 20 καὶ 23 :

(α) Τροποποιεῖ διὰ τὸ ἐπιφυλασσόμενον κράτος, εἰς τὰς μετὰ τοῦ ἐτέρου ἐκείνου μέρους σχέσεις του, τὰς διατάξεις τῆς συνθήκης εἰς τὰς ὁποίας ἀφορᾷ ἡ ἐπιφύλαξις, κατὰ τὴν ἑκτασιν τὴν προβλεπόμενην ὑπὸ τῆς ἐπιφυλάξεως καὶ

(β) Τροποποιεῖ κατὰ τὴν αὐτὴν ἑκτασιν τὰς διατάξεις ταύτας διὰ τὸ ἕτερον ἐκεῖνο μέρος εἰς τὰς σχέσεις του μετὰ τοῦ ἐπιφυλασσόμενου κράτους.

2. Ἡ ἐπιφύλαξις δὲν τροποποιεῖ τὰς διατάξεις τῆς συνθήκης διὰ τὰ ἄλλα μέρη εἰς τὰς μετὰ τῶν σχέσεις.

3. Ὅταν κράτος τὸ ὁποῖον διετύπωνεν ἀντίρρῃσιν εἰς τὴν ἐπιφύλαξιν δὲν ἀντετάχθη εἰς τὴν θέσιν ἐν ἰσχύι τῆς συνθήκης μετὰ αὐτοῦ καὶ τοῦ ἐπιφυλασσόμενου κράτους αἱ διατάξεις εἰς ἃς ἀφορᾷ ἡ ἐπιφύλαξις δὲν ἐφαρμόζονται μετὰ τῶν δύο τούτων κρατῶν κατὰ τὴν ἑκτασιν τὴν προβλεπόμενην ὑπὸ τῆς ἐπιφυλάξεως.

Ἄρθρον 22.

Ἀνάκλησις ἐπιφυλάξεων καὶ ἀντιρρήσεων εἰς ἐπιφύλαξεις.

1. Ἐκτὸς ἐὰν ἡ συνθήκη ἄλλως ὀρίζῃ, ἐπιφύλαξις τις δύναται νὰ ἀνακληθῇ ἀνὰ πᾶσαν στιγμὴν χωρὶς νὰ εἶναι ἀναγκαία ἡ συναινέσις τοῦ κράτους τοῦ ἀποδεχθέντος τὴν ἐπιφύλαξιν.

2. Ἐκτὸς ἐὰν ἡ συνθήκη ἄλλως ὀρίζῃ, ἀντίρρῃσις εἰς ἐπιφύλαξιν δύναται νὰ ἀνακληθῇ ἀνὰ πᾶσαν στιγμὴν.

3. Ἐκτὸς ἐὰν ἡ συνθήκη ἄλλως ὀρίζῃ, ἢ ἄλλως συμφωνηθῇ :

(α) Ἡ ἀνάκλησις ἐπιφυλάξεως ἰσχύει ἐν σχέσει πρὸς ἕτερον συμβαλλόμενον κράτος μόνον ὅταν ἡ ἀνακοινώσις τῆς ἐλήφθη ὑπὸ τοῦ κράτους τούτου.

(β) Ἡ ἀνάκλησις ἀντιρρήσεως εἰς ἐπιφύλαξιν ἰσχύει μόνον ὅταν ἡ ἀνακοινώσις τῆς ἐλήφθη ὑπὸ τοῦ διατυπώσαντος τὴν ἐπιφύλαξιν κράτους.

Ἄρθρον 23.

Διαδικασία ἀφορῶσα εἰς τὰς ἐπιφύλαξεις.

1. Ἡ ἐπιφύλαξις, ἡ ρητὴ ἀποδοχὴ τῆς ἐπιφυλάξεως καὶ ἡ ἀντίρρῃσις εἰς ἐπιφύλαξιν τινὰ δέον ὅπως διατυπώνται ἐγγράφως καὶ κοινοποιῶνται πρὸς τὰ συμβαλλόμενα κράτη δικαιούμενα νὰ μετὰσχουν τῆς συνθήκης.

2. Εάν διετυπώθῃ κατὰ τὴν ὑπογραφὴν τῆς συνθήκης ὑπὸ τὴν ἐπιφύλαξιν τῆς ἐπικυρώσεως, ἀποδοχῆς ἢ ἐγκρίσεως, ἡ ἐπιφύλαξις δέον ὅπως ἐπιβεβαιωθῇ ρητῶς ὑπὸ τοῦ ἐπιφυλασσόμενου κράτους κατὰ τὴν στιγμὴν κατὰ τὴν ὁποίαν παρέχει τὴν συναινέσιν του ὥπως δεσμευθῇ διὰ τῆς συνθήκης. Ἐν τοιαύτῃ περιπτώσει ἡ ἐπιφύλαξις θεωρεῖται ὡς γενομένη κατὰ τὴν ἡμερομηνίαν τῆς ἐπιβεβαιώσεως τῆς.

3. Ρητὴ ἀποδοχὴ ἐπιφυλάξεως ἢ ἀντιρρήσεως πρὸς τὴν, ὡς γένομεναι πρὸ τῆς ἐπιβεβαιώσεως τῆς ἐπιφυλάξεως δὲν ἀπαιτοῦν ἐπιβεβαιώσιν.

4. Ἡ ἀνάκλησις ἐπιφυλάξεως ἢ ἀντιρρήσεως εἰς ἐπιφύλαξιν δέον ὅπως διατυπωθῶν ἐγγράφως.

ΤΜΗΜΑ 3 : ΘΕΣΙΣ ΕΝ ΙΣΧΥΙ ΚΑΙ ΠΡΟΣΩΡΙΝΗ ΕΦΑΡΜΟΓΗ ΤΩΝ ΣΥΝΘΗΚΩΝ.

Ἄρθρον 24.

Θέσις ἐν ἰσχύι

1. Ἡ συνθήκη τίθεται ἐν ἰσχύι κατὰ τὸν τρόπον καὶ κατὰ τὴν ἡμερομηνίαν ἣν αὕτη προβλέπει ἢ διὰ συμφωνίας των μετασχόντων τῆς διαπραγματεύσεως κρατῶν.

2. Ἐλλείψει τοιαύτης διατάξεως ἢ συμφωνίας ἡ συνθήκη τίθεται ἐν ἰσχύι εὐθὺς ὡς ἡ συναινέσις πρὸς δέσμευσιν δι' αὐτῆς παρεσχέθη ὑφ' ὧν των μετασχόντων εἰς τὴν διαπραγματεύσιν κρατῶν.

3. Ὅσάκις ἡ συναινέσις ενός κράτους ὥπως δεσμευθῇ διὰ τῆς συνθήκης παρέχεται εἰς ἡμερομηνίαν μεταγενεστέρην τῆς θέσεως ἐν ἰσχύι ταύτης, αὕτη δεσμεύει τὸ κράτος τοῦτο ἀπὸ τῆς ἐν λόγῳ ἡμερομηνίας, ἐκτὸς ἐὰν ἄλλως ὀρίζεται ἐν τῇ συνθήκῃ.

4. Αἱ διατάξεις τῆς συνθήκης, αἱ ὁποῖαι διακωνοῦν τὰ τῆς ἐπιβεβαιώσεως τοῦ κειμένου ταύτης, τὴν παροχὴν τῆς συναινέσεως των κρατῶν ὥπως δεσμευθῶν διὰ τῆς συνθήκης, τὸν τρόπον καὶ τὴν ἡμερομηνίαν θέσεως ἐν ἰσχύι ταύτης, τὰς ἐπιφύλαξεις, τὰ καθήκοντα τοῦ θεματοφύλακος ὡς καὶ ἕτερα θεμέλια ἀνακύπτοντα κατ' ἀνάγκην πρὸ τῆς θέσεως ἐν ἰσχύι τῆς συνθήκης ἐφαρμόζονται ἀπὸ τῆς υἱοθετήσεως τοῦ κειμένου.

Ἄρθρον 25.

Προσωρινὴ Ἐφαρμογὴ.

1. Συνθήκη ἢ τμήμα συνθήκης ἐφαρμόζεται προσωρινῶς ἐν ἀναμονῇ τῆς ἐνάρξεως τῆς ἰσχύος αὐτῆς :

(α) Εάν ἡ συνθήκη αὕτη οὕτως ὀρίξῃ ἢ

(β) ἐὰν τὰ μετασχόντα τῆς διαπραγματεύσεως κράτη οὕτω συνεφώνησαν κατ' ἄλλον τρόπον.

2. Ἐξαίρεσις τῆς περιπτώσεως κατ' ἣν ἡ συνθήκη ἄλλως ὀρίζει ἢ κατ' ἣν τὰ μετασχόντα τῆς διαπραγματεύσεως κράτη ἄλλως συνεφώνησαν, ἡ προσωρινὴ ἐφαρμογὴ τῆς συνθήκης ἢ τμήματος συνθήκης ὡς πρὸς ἓν κράτος τερατίζεται ἐὰν τὸ κράτος τοῦτο κοινοποιήσῃ εἰς τὰ ἄλλα κράτη, μετὰ τῶν ὁποίων ἡ συνθήκη ἐφαρμόζεται προσωρινῶς, τὴν πρόθεσιν του νὰ μὴ καταστῇ μέρος εἰς τὴν συνθήκην.

ΜΕΡΟΣ ΙΙΙ •

ΣΕΒΑΣΜΟΣ, ΕΦΑΡΜΟΓΗ ΚΑΙ ΕΡΜΗΝΕΙΑ ΤΩΝ ΣΥΝΘΗΚΩΝ

ΤΜΗΜΑ 1 : ΤΗΡΗΣΙΣ ΤΩΝ ΣΥΝΘΗΚΩΝ

"Άρθρον 26.

PACTA SUNT SERVANDA

Ἐκάστη συνθήκη ἐν ἰσχύϊ, δεσμεύει τὰ εἰς αὐτὴν συμβαλλόμενα μέρη καὶ δεόν νὰ τηρῇται καλῇ τῇ πίστει.

"Άρθρον 27.

Ἐσωτερικὸν Δίκαιον καὶ τήρησις τῶν συνθηκῶν.

Τὸ συμβαλλόμενον ἐν τῇ συνθήκῃ μέρος δὲν δύναται νὰ ἐπικαλεσθῇ τὰς διατάξεις τοῦ ἐσωτερικοῦ τοῦ δικαίου ὡς δικαιολογίαν διὰ τὴν μὴ ὑπ' αὐτοῦ τήρησιν τῆς συνθήκης. Ἡ διάταξις αὕτη δὲν θίγει τὸ ἄρθρον 46.

ΤΜΗΜΑ 2 : ΕΦΑΡΜΟΓΗ ΤΩΝ ΣΥΝΘΗΚΩΝ

"Άρθρον 28.

Μὴ ἀναδρομικὴ ἰσχὺς τῶν συνθηκῶν.

Ἐξαίρεσις τῆς περιπτώσεως καθ' ἣν ὑφίσταται διάφορος πρόθεσις, προκύπτουσα ἐκ τῆς συνθήκης ἢ ἄλλως πως αἱ διατάξεις τῆς συνθήκης δὲν δεσμεύουν ἐν μέρος δι' οἷανδήποτε πρᾶξιν ἢ γεγονός, τὸ ὁποῖον ἔλαβε χώραν ἢ οἷανδήποτε κατάστασιν ἢ ὁποία ἐπαυσεν ὑφισταμένη, πρὸ τῆς ἡμερομηνίας θέσεως τῆς συνθήκης ἐν ἰσχύϊ ὡς πρὸς τοῦτο.

"Άρθρον 29.

Ἐδαφικὴ ἐφαρμογὴ τῆς συνθήκης.

Ἐξαίρεσις τῆς περιπτώσεως καθ' ἣν ὑφίσταται διάφορος πρόθεσις, προκύπτουσα ἐκ τῆς συνθήκης ἢ ἄλλως πως ἡ συνθήκη δεσμεύει ἕκαστον μέρος ἐπὶ ὁλοκλήρου τοῦ ἐδάφους του.

"Άρθρον 30.

Ἐφαρμογὴ διαδοχικῶν συνθηκῶν ἀναφερομένων εἰς τὸ αὐτὸ ἀντικείμενον.

1. Συμφώνως τῷ ἄρθρῳ 103 τοῦ Χάρτου τῶν Ἑνωμένων Ἐθνῶν, τὰ δικαιώματα καὶ αἱ ὑποχρεώσεις τῶν κρατῶν τῶν συμβαλλομένων εἰς διαδοχικὰς συνθήκας, ἀναφερομένας εἰς τὸ αὐτὸ ἀντικείμενον καθορίζονται κατὰ τὰς κατωτέρω παραγράφους :

2. "Οτε ἡ συνθήκη ὀρίζει ὅτι ὑπόκειται εἰς τὰς διατάξεις προγενεστέρας ἢ μεταγενεστέρας συνθήκης ἢ ὅτι δὲν θὰ ἔδει νὰ θεωρῇται ἀσυμβίβαστος πρὸς αὐτάς, προέχουν αἱ διατάξεις τῆς συνθήκης εἰς τὴν ὁποίαν γίνεται ἡ ἀναφορά.

3. "Οτε ἅπαντες οἱ συμβαλλόμενοι εἰς προγενεστέραν συνθήκην τυγχάνουν ἐπίσης συμβαλλόμενοι εἰς μεταγενεστέραν τοιαύτην, τῆς πρώτης ἐξ αὐτῶν μὴ καταργηθείσης ἢ ἀνασταλείσης, συμφώνως πρὸς τὸ ἄρθρον 59, ἡ προγενεστέρα συνθήκη ἐφαρμόζεται καθ' ὃ μέτρον αἱ διατάξεις ταύτης δὲν συγκρούονται πρὸς τὰς διατάξεις τῆς μεταγενεστέρας τοιαύτης.

4. "Οτε (τὰ συμβαλλόμενα μέρη) εἰς τὴν μεταγενεστέραν συνθήκην δὲν τυγχάνουν ἅπαντα τὰ συμβαλλόμενα εἰς τὴν προγενεστέραν συνθήκην μέρη :

(α) Ἰσχύει ἡ διάταξις τῆς ὡς ἄνω παραγράφου 3 διὰ τὰ συμβαλλόμενα μέρη εἰς ἀμφοτέρας τὰς συνθήκας.

(β) Μεταξὺ κρατῶν συμβαλλομένου εἰς ἀμφοτέρας τὰς συνθήκας καὶ ἐτέρου συμβαλλομένου εἰς μόνον μίαν ἐξ αὐτῶν, τὰ ἀμοιβαῖα αὐτῶν δικαιώματα καὶ ὑποχρεώσεις διέπει ἡ συνθήκη εἰς τὴν ὁποίαν ἀμφοτέρα τὰ κράτη τυγχάνουν συμβαλλόμενα μέρη.

5. Ἡ παράγραφος 4 δὲν θίγει τὸ ἄρθρον 41 ἢ οἰονδήποτε ζήτημα ἀφορῶν εἰς τὴν λήξιν ἢ εἰς τὴν ἀναστολὴν λειτουργίας τῆς συνθήκης, κατὰ τὸ ἄρθρον 60, ἢ οἰονδήποτε ζήτημα εὐθύνῃς τὸ ὁποῖον ἤθελε προκύψει δι' ἐν κράτος ἐκ τῆς συνομολογήσεως ἢ τῆς ἐφαρμογῆς συνθήκης, αἱ διατάξεις τῆς ὁποίας τυγχάνουν ἀσυμβίβαστοι πρὸς τὰς ὑποχρεώσεις του ἐναντι ἐτέρου κράτους δυνάμει ἐτέρας συνθήκης.

ΤΜΗΜΑ 3 : ΕΡΜΗΝΕΙΑ ΤΩΝ ΣΥΝΘΗΚΩΝ

"Άρθρον 31.

Γενικὸς κανὼν ἐρμηνείας.

1. Ἡ συνθήκη δεόν νὰ ἐρμηνεύηται καλῇ τῇ πίστει συμφώνως πρὸς τὴν συνθήκην ἔννοιαν ἣτις δίδεται εἰς τοὺς ὅρους τῆς συνθήκης, ἐν τῷ συνόλῳ αὐτῶν καὶ ὑπὸ τὸ φῶς τοῦ ἀντικειμένου καὶ τοῦ σκοποῦ της.

2. Τὸ σύνολον τῆς συνθήκης, διὰ τοὺς σκοποὺς ἐρμηνείας ταύτης, ἐκτὸς τοῦ κειμένου, περιέχοντος τὸ προοίμιον καὶ τὰ παραρτήματα αὐτῆς, περιλαμβάνει :

(α) Πᾶσαν συμφωνίαν σχετικὴν πρὸς τὴν συνθήκην, ἣτις συνομολογήθη μεταξὺ ὄλων τῶν μερῶν, ἐπ' εὐκαιρίᾳ τῆς συνάψεως τῆς συνθήκης.

(β) Πᾶν ἔγγραφο, τὸ ὁποῖον συνετάγη ὑφ' ἐνὸς ἢ πλείονων μερῶν ἐν σχέσει πρὸς τὴν σύναψιν τῆς συνθήκης, τὸ ὁποῖον ἐγένετο ἀποδεκτὸν ὑπὸ τῶν ἄλλων μερῶν ὡς ἔγγραφο σχετιζόμενον πρὸς τὴν συνθήκην.

3. Ὁμοῦ μετὰ τοῦ συνόλου τῆς συνθήκης δεόν νὰ λαμβάνωνται ὑπ' ὄψιν :

(α) Πᾶσα μεταγενεστέρα συμφωνία μεταξὺ τῶν μερῶν ἀφορῶσα εἰς τὴν ἐρμηνείαν τῆς συνθήκης ἢ τὴν ἐφαρμογὴν τῶν διατάξεων ταύτης.

(β) Πᾶσα μεταγενεστέρα πρακτικὴ ἀκολουθηθεῖσα ὑπὸ τῶν συμβαλλομένων μερῶν κατὰ τὴν ἐφαρμογὴν τῆς συνθήκης ἢ ὁποία συνιστᾷ συμφωνίαν αὐτῶν ὡς πρὸς τὴν ἐρμηνείαν ταύτης.

(γ) Ἄπαντες οἱ σχετικοὶ κανόνες τοῦ Διεθνοῦς Δικαίου οἱ ἐφαρμοζόμενοι εἰς τὰς μεταξὺ τῶν συμβαλλομένων μερῶν σχέσεις.

4. Εἰδικὴ ἔννοια δύναται νὰ δοθῇ εἰς ἓνα ὅρον ἐὰν προκύπτῃ ὅτι αὕτη ἦτο ἡ πρόθεσις τῶν συμβαλλομένων μερῶν.

"Άρθρον 32.

Συμπληρωματικὰ μέσα ἐρμηνείας.

Δύναται νὰ γίνῃ προσφυγὴ εἰς συμπληρωματικὰ μέσα ἐρμηνείας, περιλαμβανομένων τῶν προπαρασκευαστικῶν τῆς συνθήκης ἐργασιῶν καὶ τῶν περιστάσεων ὑφ' ἃς συνήφθη αὕτη, προκειμένου νὰ ἐπιβεβαιωθῇ ἡ ἔννοια ἢ προκύπτουσα ἐκ τῆς ἐφαρμογῆς τοῦ ἄρθρου 31 ἢ προκειμένου νὰ προσδιορισθῇ ἡ ἔννοια, ἐν περιπτώσει καθ' ἣν ἡ κατὰ τὸ ἄρθρον 31 ἐρμηνεία :

(α) Ἀφήνει τὴν ἔννοιαν ἀσαφῇ ἢ ἀφανῇ.

(β) Ὁδηγεῖ εἰς ἀποτέλεσμα, τὸ ὁποῖον τυγχάνει προδήλως ἄτοπον ἢ παράλογον.

"Άρθρον 33.

Ἐρμηνεία συνθηκῶν ἐπιβεβαιουμένων εἰς δύο ἢ περισσοτέρας γλώσσας.

1. "Οτε ἡ συνθήκη κατέστη αὐθεντικὴ εἰς δύο ἢ πλείονας γλώσσας, τὸ κείμενον ταύτης τυγχάνει ἐξ ἴσου αὐθεντικὸν εἰς οἰονδήποτε τῶν γλωσσῶν τούτων, ἐκτὸς ἐὰν ἡ συνθήκη ὀρίξῃ ἢ τὰ συμβαλλόμενα μέρη συμφωνοῦν, ὅτι ἐν περιπτώσει διισταμένων γνώμῶν ὠρισμένον κείμενον θὰ προέχῃ.

2. Κείμενον συνθήκης εἰς γλῶσσαν ἐτέραν ἐκείνων εἰς ἃς ἐπιβεβαιώθη θεωρεῖται αὐθεντικὸν κείμενον μόνον ἐὰν ἡ συνθήκη οὕτως ὀρίξῃ ἢ τὰ μέρη οὕτω συνεφώνησαν.

3. Οί όροι τής συνθήκης νοούνται ως έχοντες τήν αὐτήν ἐννοίαν εἰς ἕκαστον αὐθεντικόν κείμενον.

4. Ἐξαιρέσει τής περιπτώσεως καθ' ἣν προέχει ὠρισμένον κείμενον, κατὰ τήν ὡς ἄνω παράγραφον 1, ὁσάκις σύγκρισις τῶν αὐθεντικῶν κειμένων ἀποκαλύπτει διαφορὰν ἐννοίας, μὴ ἐκλείπουσαν ἐκ τής ἐφαρμογῆς τῶν ἄρθρων 31 καὶ 32, θὰ υἱοθετηθῇ ἡ ἐννοία ἥτις καλύτερον συμβιβάζει τὰ κείμενα, λαμβανομένου ὑπ' ὄψιν τοῦ ἀντικειμένου καὶ τοῦ σκοποῦ τής συνθήκης.

ΤΜΗΜΑ 4: ΣΥΝΘΗΚΑΙ ΚΑΙ ΤΡΙΤΑ ΚΡΑΤΗ

Ἄρθρον 34.

Γενικὸς κανὼν ἀφορῶν εἰς τὰ τρίτα κράτη.

Ἡ συνθήκη δὲν δημιουργεῖ ὑποχρεώσεις ἢ δικαιώματα διὰ τρίτον κράτος ἄνευ τής συναινέσεώς του.

Ἄρθρον 35.

Συνθήκαι συνιστῶσαι ὑποχρεώσεις διὰ τρίτα κράτη.

Δημιουργεῖται ὑποχρεώσεις διὰ τρίτον κράτος ἐκ διατάξεως συνθήκης ἐὰν αὕτη τυγχάνῃ ἢ πρόθεσις τῶν συμβαλλομένων μερῶν καὶ τὸ τρίτον κράτος ἀποδεχθῇ ταύτην ρητῶς καὶ ἐγγράφως.

Ἄρθρον 36.

Συνθήκαι συνιστῶσαι δικαιώματα διὰ τρίτα κράτη.

1. Δημιουργεῖται δικαίωμα διὰ τρίτον κράτος ἐκ διατάξεως συνθήκης ἐὰν τὰ συμβαλλόμενα μέρη ἐπιδιώκουν διὰ ταύτης τὴν ἐκχώρησιν δικαιώματος εἰς τρίτον κράτος ἢ εἰς ὁμάδα κρατῶν εἰς τὴν ὁποίαν τοῦτο ἀνήκει ἢ εἰς ἅπαντα τὰ κράτη καὶ τὸ τρίτον τοιοῦτον συγκατίθεται. Ἡ συναινέσις αὕτη τεκμαίρεται ἐφ' ὅσον δὲν ὑπάρχει ἐνδείξεις περὶ τοῦ ἀντιθέτου, ἐκτὸς ἐὰν ἄλλως ὀρίζῃ ἡ συνθήκη.

2. Τὸ κράτος τὸ ὁποῖον ἀσκει δικαίωμα κατ' ἐφαρμογὴν τής παραγράφου 1, προκειμένου νὰ ἀσκήσῃ τὸ δικαίωμα τοῦτο ὑποχρεοῦται νὰ σεβασθῇ τοὺς ὅρους οἵτινες προβλέπονται ἐν τῇ συνθήκῃ ἢ δημιουργοῦνται συμφώνως τῇ συνθήκῃ.

Ἄρθρον 37.

Ἀνάκλησις ἢ τροποποίησις ὑποχρεώσεων ἢ δικαιωμάτων τρίτων κρατῶν.

1. Ἐν περιπτώσει δημιουργίας ὑποχρεώσεως διὰ τρίτον κράτος, κατὰ τὸ ἄρθρον 35, αὕτη δύναται νὰ ἀνακληθῇ ἢ νὰ τροποποιηθῇ τῇ συναινέσει τῶν συμβαλλομένων ἐν τῇ συνθήκῃ μερῶν καὶ τοῦ τρίτου κράτους, ἐκτὸς ἐὰν προκύπτῃ ὅτι ταῦτα ἄλλως συνεφώνησαν.

2. Ἐν περιπτώσει δημιουργίας δικαιώματος διὰ τρίτον κράτος, κατὰ τὸ ἄρθρον 36, τοῦτο δὲν δύναται ν' ἀνακληθῇ ἢ νὰ τροποποιηθῇ ὑπὸ τῶν συμβαλλομένων μερῶν ἐὰν προκύπτῃ ὅτι συνεφώνηθη ὅπως τὸ δικαίωμα τοῦτο μὴ ὑπόκειται εἰς ἀνάκλησιν ἢ τροποποίησιν ἄνευ τής συναινέσεως τοῦ τρίτου κράτους.

Ἄρθρον 38.

Συμβατικοὶ κανόνες ὑποχρεοῦντες τρίτα κράτη ἐθιμικῶς.

Οὐδεμία διάταξις τῶν ἄρθρων 34 - 37 κωλύει κανόνα ἐξαγγελλόμενον εἰς συνθήκην ὅπως καταστῇ ὑποχρεωτικὸς διὰ τρίτον κράτος ὡς ἐθιμικὸς κανὼν τοῦ Διεθνoῦς Δικαίου ἀναγνωριζόμενος ὡς τοιοῦτος.

ΜΕΡΟΣ IV.

ΤΡΟΠΟΠΟΙΗΣΙΣ ΚΑΙ ΑΝΑΘΕΩΡΗΣΙΣ ΤΩΝ ΣΥΝΘΗΚΩΝ

Ἄρθρον 39.

Γενικὸς κανὼν τροποποιήσεως τῶν συνθηκῶν.

Ἡ συνθήκη δύναται νὰ τροποποιηθῇ κατόπιν συμφωνίας τῶν συμβαλλομένων μερῶν. Οἱ περιεχόμενοι εἰς τὸ

Μέρος II τής συμβάσεως κανόνες ἰσχύουν εἰς μίαν τοιαύτην συμφωνίαν ἐκτὸς ἐὰν ἄλλως ὀρίζῃ ἡ συνθήκη.

Ἄρθρον 40.

Τροποποίησις πολυμερῶν συνθηκῶν.

1. Ἐκτὸς ἐὰν ἡ συνθήκη ἄλλως ὀρίζῃ ἡ τροποποίησις τῶν πολυμερῶν συνθηκῶν θὰ διέπεται ὑπὸ τῶν κατωτέρω παραγράφων.

2. Πᾶσα πρότασις τροποποιήσεως πολυμεροῦς συνθήκης μεταξὺ ὅλων τῶν μερῶν δέον ὅπως κοινοποιῇται εἰς ἅπαντα τὰ συμβαλλόμενα μέρη, ἕκαστον τῶν ὁποίων δικαιούται νὰ συμμετέχῃ :

(α) Εἰς τὴν λήψιν ἀποφάσεως ἐπὶ τής δοθησομένης εἰς τὴν πρότασιν ταύτην συνεχείας.

(β) Εἰς τὰς διαπραγματεύσεις καὶ συνομολόγησιν οἱσδήποτε συμφωνίας πρὸς τροποποίησιν τής συνθήκης.

3. Ἐκαστον κράτος δικαιούμενον ν' ἀποτελῇ μέρος εἰς συνθήκην δύναται ἐπίσης νὰ καταστῇ μέρος τής συνθήκης ὡς αὕτη τροποποιεῖται.

4. Τὸ σύμφωνον τροποποιήσεως δὲν δεσμεύει οἰονδήποτε κράτος τὸ ὁποῖον ἀποτελεῖ ἤδη μέρος τής συνθήκης καὶ δὲν καθίσταται μέρος τοῦτου. Ὡς πρὸς τὸ κράτος τοῦτο ἐφαρμόζεται ἡ παράγραφος 4 (β) τοῦ ἁρθρου 30.

5. Οἰονδήποτε κράτος τὸ ὁποῖον καθίσταται μέρος εἰς τὴν συνθήκην μετὰ τὴν θέσιν ἐν ἰσχύϊ τοῦ συμφώνου τροποποιήσεως καὶ δὲν ἐκφράζει διάφορον πρόθεσιν θεωρεῖται :

(α) μέρος τής συνθήκης ὡς αὕτη ἐτροποποιήθη,

(β) μέρος τής μὴ τροποποιηθείσης συνθήκης ἐν σχέσει πρὸς συμβαλλόμενον ἐν τῇ συνθήκῃ μέρος, μὴ δεσμευόμενον ὑπὸ τοῦ συμφώνου τροποποιήσεως.

Ἄρθρον 41.

Συμφωνία πρὸς ἀναθεώρησιν πολυμερῶν συνθηκῶν μεταξὺ ὠρισμένων μόνον ἐκ τῶν μερῶν ταύτης.

1. Δύο ἢ περισσότερα συμβαλλόμενα μέρη εἰς πολυμερῆ συνθήκην δύναται νὰ συνομολογήσουν συμφωνίαν περὶ ἀναθεωρήσεως μεταξὺ τῶν τής πολυμεροῦς συνθήκης, ἐφ' ὅσον :

(α) ἡ δυνατότης τοιαύτης ἀναθεωρήσεως προβλέπεται ἐν τῇ συνθήκῃ,

(β) ἡ ἐν λόγῳ ἀναθεώρησις δὲν ἀπαγορεύεται ὑπὸ τής συνθήκης καὶ :

(ι) δὲν θίγει τὰ δικαιώματα ἅτινα ἔχουν τὰ ἀντισυμβαλλόμενα μέρη δυνάμει τής συνθήκης ἢ κατὰ τὴν ἄσκησιν τούτων,

(ιι) δὲν ἀναφέρεται εἰς διάταξιν, παρέκκλισις ἐκ τής οποίας τυγχάνει ἀσυμβίβαστος πρὸς τὴν ἀποτελεσματικὴν τήρησιν τοῦ ἀντικειμένου καὶ τοῦ σκοποῦ τής συνθήκης ἐν τῷ συνόλῳ ταύτης.

2. Ἐκτὸς ἐὰν ἡ συνθήκη ἄλλως ὀρίζῃ, ὡς πρὸς τὴν διάταξιν τής παραγράφου 1 (α), τὰ ἐν λόγῳ συμβαλλόμενα μέρη δέον ὅπως γνωστοποιῶν εἰς τοὺς ἀντισυμβαλλομένους τὴν πρόθεσιν των περὶ συνάψεως συμφωνίας καὶ περὶ τής ἀναθεωρήσεως εἰς τὴν ὁποίαν αὕτη ἀναφέρεται.

ΜΕΡΟΣ V.

ΑΚΥΡΟΤΗΣ, ΛΗΞΙΣ ΚΑΙ ΑΝΑΣΤΟΛΗ ΤΗΣ ΕΦΑΡΜΟΓΗΣ ΤΩΝ ΣΥΝΘΗΚΩΝ

ΤΜΗΜΑ I : ΓΕΝΙΚΑΙ ΔΙΑΤΑΞΕΙΣ

Ἄρθρον 42.

Ἐγκυρότης καὶ τήρησις ἐν ἰσχύϊ τῶν συνθηκῶν.

1. Ἡ ἐγκυρότης συνθήκης ἢ τής συναινέσεως κράτους ὅπως δεσμευθῇ διὰ ταύτης δύναται νὰ ἀμφισβητηθῶν μόνον κατ' ἐφαρμογὴν τῶν διατάξεων τής παρούσης συμβάσεως

2. Ἡ λήξις συνθήκης, ἡ καταγγελία ταύτης ἢ ἡ ἀποχώρησις μέρους ἐξ αὐτῆς, δύνανται νὰ ἐπέλθουν μόνον κατ' ἐφαρμογὴν τῶν διατάξεων τῆς συνθήκης ἢ τῆς παρούσης συμβάσεως. Ὁ αὐτὸς κανὼν ἰσχύει καὶ διὰ τὴν ἀναστολὴν τῆς ἐφαρμογῆς τῆς συνθήκης.

Ἄρθρον 43.

Ὑποχρεώσεις ἐπιβαλλόμεναι ὑπὸ τοῦ Διεθνoῦς Δικαίου, ἀνεξαρτήτως τῆς συνθήκης.

Ἡ ἀκυρότης, ἡ λήξις καὶ ἡ καταγγελία τῆς συνθήκης ἢ ἀποχώρησις μέρους ἐξ αὐτῆς καὶ ἡ ἀναστολὴ ἐφαρμογῆς ταύτης, πραγματοποιοῦμεναι δυνάμει τῶν διατάξεων τῆς συνθήκης ἢ τῆς παρούσης συμβάσεως, οὐδόλως θίγουν τὴν ὑποχρέωσιν τοῦ κράτους ὅπως ἐκπληροῖ οἰασδήποτε ὑποχρεώσεις διαλαμβανόμενας ἐν συνθήκῃ, εἰς τὴν ὁποίαν κατὰ τὸ Διεθνὲς Δίκαιον θὰ ὑπῆγετο τὸ κράτος, ἀνεξαρτήτως τῆς ἐν λόγῳ συνθήκης.

Ἄρθρον 44.

Διαχωρισμός διατάξεων συνθήκης.

1. Δικαίωμα κράτους, ἀπορρέον ἐκ τῆς συνθήκης, ἢ ἐκ τοῦ ἄρθρου 56 τῆς παρούσης συμβάσεως, ὅπως καταγγελίῃ, ἀποχωρήσῃ ἢ ἀναστειλῇ τὴν ἰσχύϊν συνθήκης δύνανται νὰ ἀσκηθῇ μόνον ἐν σχέσει πρὸς ὁλόκληρον τὴν συνθήκην ἐκτὸς ἐὰν ἄλλως αὕτη ὀρίξῃ ἢ τὰ μέρη ἄλλως συνεφώνησαν.

2. Δύνανται νὰ γίνῃ ἐπὶ κλήσις λόγου ἀκυρώσεως συνθήκης, λήξεως ταύτης, ἀποχωρήσεως μέρους ἐξ αὐτῆς, ἢ ἀναστολῆς ἐφαρμογῆς τῆς συνθήκης, ἀναγνωριζομένου ὑπὸ τῆς παρούσης συμβάσεως, μόνον ὡς πρὸς τὴν συνθήκην ἐν τῷ συνόλῳ ταύτης, ἐξαιρέσει τῶν περιπτώσεων αἰτινες ἀναφέρονται εἰς τὰς ἀκολουθίας παραγράφους ἢ εἰς τὸ ἄρθρον 60.

3. Ἐν περιπτώσει καθ' ἣν ὁ ἐπικαλούμενος λόγος ἀναφέρεται μόνον εἰς ὠρισμένας διατάξεις δύνανται νὰ γίνῃ ἐπὶ κλήσις αὐτοῦ μόνον ὡς πρὸς τὰς διατάξεις ταύτας, ὡς αἰ :

(α) αἱ ὡς ἄνω διατάξεις δύνανται νὰ διαχωρισθοῦν ἐκ τοῦ ὑπολοίπου τῆς συνθήκης ἀπὸ ἀπόψεως ἐφαρμογῆς των,

(β) προκύπτει ἐκ τῆς συνθήκης ἢ ἄλλως πως ὅτι ἡ ἀποδοχὴ τῶν διατάξεων τούτων δὲν ὑπῆρξεν οὐσιώδους βάσις τῆς συναίνεσεως τοῦ ἐτέρου συμβαλλομένου μέρους ἢ τῶν συμβαλλομένων μερῶν ὅπως δεσμευθῶν διὰ τῆς συνθήκης ἐν τῷ συνόλῳ ταύτης,

(γ) ἡ συνεχιζομένη ἐφαρμογὴ τοῦ ὑπολοίπου τῆς συνθήκης δὲν θὰ ἦτο ἄδικος.

4. Εἰς περιπτώσεις ἐμπιπτούσας εἰς τὰ ἄρθρα 49 καὶ 50 τὸ κράτος τὸ ὁποῖον δικαιούται νὰ ἐπικαλεσθῇ ἀπάτην ἢ ἀπιστίαν δύνανται νὰ πράξῃ τοῦτο εἴτε ἐν σχέσει πρὸς ὁλόκληρον τὴν συνθήκην εἴτε, συμφώνως τῇ ὡς ἄνω παραγράφῳ 3, ἐν σχέσει πρὸς ὠρισμένας διατάξεις ταύτης.

5. Διαχωρισμός τῶν διατάξεων τῆς συνθήκης δὲν ἐπιτρέπεται εἰς τὰς περιπτώσεις τῶν ἄρθρων 51, 52 καὶ 53.

Ἄρθρον 45.

Ἀπώλεια δικαιώματος ἐπὶ κλήσεως λόγου ἀκυρώσεως, λήξεως, ἀποχωρήσεως ἢ ἀναστολῆς ἐφαρμογῆς συνθήκης.

Τὸ κράτος δὲν δύναται νὰ ἐπικαλεσθῇ λόγον ἀκυρώσεως, λήξεως, ἀποχωρήσεως ἢ ἀναστολῆς ἐφαρμογῆς συνθήκης κατὰ τὰ ἄρθρα 46-50 ἢ 60 καὶ 62, ἀφ' οὗ ἐλαβε γνῶσιν τῶν γεγονότων, ὡς αἰ :

(α) ρητῶς συνεφώνησεν ὅτι ἡ συνθήκη εἶναι ἐγκυρος καὶ τελεῖ ἐν ἰσχύϊ· ἡ παραμένει ἐν ἐφαρμογῇ, ἀναλόγως τῆς περιστάσεως, ἢ

(β) ἐγένετο ἀποδεκτόν, ὡς ἐκ τῆς συμπεριφορᾶς του ὅτι ἡ συνθήκη εἶναι ἐγκυρος, ἐν ἰσχύϊ καὶ ἐν ἐφαρμογῇ, ἀναλόγως τῆς περιπτώσεως.

ΤΜΗΜΑ 2 : ΑΚΥΡΟΤΗΣ ΤΩΝ ΣΥΝΘΗΚΩΝ

Ἄρθρον 46.

Διατάξεις ἐσωτερικοῦ δικαίου ἀναφερόμεναι εἰς τὴν ἀρμοδιότητα συνομολογήσεως συνθηκῶν.

1. Τὸ κράτος δὲν δύναται νὰ ἐπικαλεσθῇ τὸ γεγονός, ὅτι ἡ συναίνεσις του ὅπως δεσμευθῇ διὰ συνθήκης ἐδόθη κατὰ παραβίαν διατάξεως τοῦ ἐσωτερικοῦ τοῦ δικαίου, ἀναφερομένης εἰς τὴν ἀρμοδιότητα συνομολογήσεως συνθηκῶν καὶ ὡς ἐκ τούτου ἀκυρούσης τὴν συναίνεσιν του, ἐκτὸς ἐὰν ἡ παραβίασις αὕτη ἦτο ἐκδηλος καὶ ἀφεώρα κανόνα ἐσωτερικοῦ δικαίου θεμελιώδους σημασίας.

2. Ἡ παραβίασις εἶναι ἐκδηλος ἐφ' ὅσον τυγχάνει ἀντικειμενικῶς προφανὴς δι' οἰονδήποτε κράτος συμπεριφερόμενον ἐπὶ τοῦ προκειμένου κατὰ τὴν συνήθη πρακτικὴν καὶ καλῇ τῇ πίστει.

Ἄρθρον 47.

Εἰδικοί περιορισμοὶ εἰς τὴν ἀρμοδιότητα ἐκφράσεως τῆς συναίνεσεως τοῦ κράτους.

Ὅσακις ἐτέθη ὑπὸ εἰδικόν τινα περιορισμὸν ἡ ἀρμοδιότης τοῦ ἀντιπροσώπου πρὸς ἐκφρασιν τῆς συναίνεσεως τοῦ κράτους ὅπως δεσμευθῇ διὰ συνθήκης τινος, ἢ ὑπ' αὐτοῦ, παράλειψις σεβασμοῦ τοῦ τεθέντος περιορισμοῦ δὲν δύναται νὰ ἐπιφέρῃ ἀκύρωσιν τῆς δοθείσης ὑπ' αὐτοῦ συναίνεσεως παρὰ μόνον ἐὰν ὁ περιορισμὸς οὗτος ἐγνωστοποιήθῃ εἰς τὰ ἕτερα διαπραγματευόμενα κράτη πρὸ τῆς ὑπ' αὐτοῦ ἐκφράσεως τῆς τοιαύτης συναίνεσεως.

Ἄρθρον 48.

Πλάνη.

1. Κράτος τι δύναται νὰ ἐπικαλεσθῇ πλάνην τινὰ εἰς συνθήκην ὡς ἀκυροῦσαν τὴν συναίνεσιν του ὅπως δεσμευθῇ διὰ ταύτης, ἐφ' ὅσον αὕτη ἀναφέρεται εἰς γεγονὸς ἢ κατάστασιν, τὴν ὁποίαν τὸ κράτος ἐξέλαβεν ὡς ὑφισταμένην κατὰ τὸν χρόνον τῆς συνομολογήσεως τῆς συνθήκης καὶ ἡ ὁποία ἀπετέλει οὐσιώδη βάσιν τῆς συναίνεσεως του ὅπως δεσμευθῇ συμβατικῶς.

2. Ἡ παράγραφος 1 δὲν ἐφαρμόζεται ἐὰν τὸ ἐν λόγῳ κράτος συνέβαλε διὰ τῆς συμπεριφορᾶς του εἰς τὴν πλάνην ἢ ἐὰν αἱ περιστάσεις ἦσαν τοιαῦται ὥστε νὰ ἔθετον τοῦτο ἐνώπιον τοῦ ἐνδεχομένου ὑπάρξεως λάθους.

3. Πλάνη ἀφορῶσα μόνον εἰς τὴν διατύπωσιν τοῦ κειμένου τῆς συνθήκης δὲν θίγει τὴν ἐγκυρότητα ταύτης. Ἐν προκειμένῳ τυγχάνει ἐφαρμογῆς τὸ ἄρθρον 79.

Ἄρθρον 49.

Ἀπάτη.

Ὅσακις τὸ κράτος ἤχθη εἰς συνομολογήσιν συνθήκης συνεπείᾳ δολίας συμπεριφορᾶς ἐτέρου κράτους ἔχοντος συμμετάσχει εἰς τὰς διαπραγματεύσεις, τοῦτο δύναται νὰ ἐπικαλεσθῇ τὴν ἀπάτην ὡς ἀκυροῦσαν τὴν δοθεῖσαν συναίνεσιν του ὅπως δεσμευθῇ διὰ τῆς συνθήκης.

Ἄρθρον 50.

Δωροδοκία ἀντιπροσώπου κράτους.

Ὅσακις ἐξησφαλίσθη ἡ ἐκφρασις τῆς συναίνεσεως τοῦ κράτους ὅπως δεσμευθῇ συμβατικῶς διὰ δωροδοκίας τοῦ ἀντιπροσώπου του, ἀμέσως ἢ ἐμμέσως ἐπελθούσης δι' ἐνεργειῶν ἐτέρου κράτους ἔχοντος συμμετάσχει εἰς τὰς διαπραγματεύσεις, τοῦτο δύναται νὰ ἐπικαλεσθῇ τὴν δωροδοκίαν ὡς ἀκυροῦσαν τὴν συναίνεσιν του ὅπως δεσμευθῇ διὰ τῆς συνθήκης.

Ἄρθρον 51.

Ἀσκήσις βίας ἐπὶ ἀντιπροσώπου τοῦ κράτους.

Στερεῖται οἰασδήποτε νομικῆς ἰσχύος ἡ ἐκφρασις τῆς συναίνεσεως τοῦ κράτους ὅπως δεσμευθῇ διὰ συνθήκης ἐὰν αὕτη ἐξησφαλίσθη δι' ἀσκήσεως ἐναντίον τοῦ ἀντιπροσώπου του πράξεων ἢ ἀπειλῶν βίας.

"Αρθρον 52.

"Λοκισις βίας ἐπὶ τοῦ κράτους διὰ τῆς ἀπειλῆς ἢ χρήσεως βίας.

"Ἡ συνθήκη εἶναι ἄκυρος ἐὰν ἡ σύναψις τῆς ἐπετεύχθη διὰ τῆς ἀπειλῆς ἢ χρήσεως βίας κατὰ παραβάσιν τῶν ἀρχῶν τοῦ Διεθνοῦς Δικαίου, ὡς περιέχονται αὐταὶ ἐν τῷ Χάρτῃ τῶν Ἑνωμένων Ἐθνῶν.

"Αρθρον 53.

Συνθήκαι συγκρούμεναι πρὸς ἀναγκαστικὸν κανόνα τοῦ γενικοῦ Διεθνοῦς Δικαίου.

"Ἀκυρος εἶναι ἡ συνθήκη, ἐφ' ὅσον αὕτη κατὰ τὸν χρόνον τῆς συνομολογήσεώς της συγκρούεται πρὸς ἀναγκαστικὸν κανόνα τοῦ γενικοῦ Διεθνοῦς Δικαίου. Διὰ τοὺς σκοποὺς τῆς παρούσης συμβάσεως, ἀναγκαστικὸς κανὼν τοῦ γενικοῦ Διεθνοῦς Δικαίου εἶναι κανὼν δεκτὸς καὶ ἀνεγνωρισμένος ὑπὸ τῆς διεθνούς κοινότητος τῶν κρατῶν ἐν τῷ συνόλῳ της ὡς κανὼν, ἐκ τοῦ ὁποίου οὐδεμία παρέκκλισις ἐπιτρέπεται καὶ ὁ ὁποῖος δὲν δύναται νὰ τροποποιηθῇ εἰμὴ διὰ νέου, τοῦ αὐτοῦ χαρακτῆρος κανόνος τοῦ γενικοῦ Διεθνοῦς Δικαίου.

ΤΜΗΜΑ 3 : ΛΗΞΙΣ ΚΑΙ ΑΝΑΣΤΟΛΗ ΤΗΣ ΕΦΑΡΜΟΓΗΣ ΤΩΝ ΣΥΝΘΗΚΩΝ

"Αρθρον 54.

Λήξις ἢ καταγγελία συνθήκης δυνάμει τῶν διατάξεων της ἢ τῇ συναινέσει τῶν συμβαλλομένων μερῶν.

"Ἡ λήξις συνθήκης ἢ καταγγελία ταύτης δύνανται νὰ λάβουν χώραν :

(α) συμφώνως πρὸς τὰς διατάξεις τῆς συνθήκης, ἢ
(β) ἀνὰ πᾶσαν στιγμὴν, διὰ τῆς συναινέσεως ὅλων τῶν μερῶν κατόπιν διαβουλεύσεως μετὰ τῶν ἄλλων συμβαλλομένων κρατῶν.

"Αρθρον 55.

"Ελάττωσις τῶν εἰς πολυμερῇ συνθήκῃ συμβαλλομένων μερῶν κάτω τοῦ ἀριθμοῦ τοῦ ἀναγκαίου διὰ τὴν θέσιν ταύτης ἐν ἰσχύϊ.

"Εκτὸς ἐὰν ἡ συνθήκη ἄλλως ὀρίζῃ, ἡ πολυμερὴς συνθήκη δὲν λήγει ἐκ μόνου τοῦ γεγονότος ὅτι ὁ ἀριθμὸς τῶν μερῶν ταύτης ἡλαττώθη κάτω τοῦ ἀπαραιτήτου διὰ τὴν θέσιν αὐτῆς ἐν ἰσχύϊ ἀριθμοῦ.

"Αρθρον 56.

Καταγγελία ἢ ἀποχώρησις ἐκ συνθήκης μὴ περιλαμβανούσης διατάξεις ἀναφερομένας εἰς τὴν λήξιν, καταγγελίαν ἢ ἀποχώρησιν.

1. Συνθήκη μὴ περιέχουσα διάταξιν ἀφορῶσαν εἰς τὴν λήξιν καὶ μὴ προβλέπουσα τὴν καταγγελίαν ἢ ἀποχώρησιν ἐκ ταύτης δὲν δύναται νὰ καταγγελθῇ ἢ νὰ λυθῇ διὰ ἀποχώρησεως ἐκτὸς ἐὰν :

(α) ἀποδεικνύεται ὅτι τὰ συμβαλλόμενα μέρη εἶχον τὴν πρόθεσιν νὰ δεχθοῦν τὴν δυνατότητα καταγγελίας ἢ ἀποχώρησεως ἐξ αὐτῆς,

(β) τὸ δικαίωμα καταγγελίας ἢ ἀποχώρησεως ἐκ ταύτης συνάγεται ἐκ τῆς φύσεως τῆς συνθήκης.

2. "Εν μέρος ὀφείλει νὰ γνωστοποιήσῃ οὐχὶ ἀργότερον τῶν 12 μηνῶν τὴν πρόθεσίν του, ὅπως, καταγγεῖλῃ συνθήκην ἢ ἀποχώρησιν ἐξ αὐτῆς συμφώνως πρὸς τὴν παράγραφον 1.

"Αρθρον 57.

"Αναστολὴ τῆς ἐφαρμογῆς τῆς συνθήκης δυνάμει τῶν διατάξεων αὐτῆς ἢ τῇ συναινέσει τῶν συμβαλλομένων μερῶν.

Δύνανται νὰ ἀνασταλῇ ἡ ἐφαρμογὴ τῆς συνθήκης ἐν σχέσει πρὸς ἅπαντα τὰ συμβαλλόμενα μέρη ἢ πρὸς ἐν καθοριζόμενον μέρος :

(α) συμφώνως πρὸς τὰς διατάξεις τῆς συνθήκης, ἢ
(β) ἀνὰ πᾶσαν στιγμὴν τῇ συναινέσει ἀπέναντον τῶν συμβαλλομένων μερῶν κατόπιν διαβουλεύσεως μετὰ τῶν ἄλλων συμβαλλομένων κρατῶν.

"Αρθρον 58.

"Αναστολὴ ἐφαρμογῆς τῆς πολυμεροῦς συνθήκης συνεπεῖα συμφωνίας ὀρισμένων μόνον ἐκ τῶν συμβαλλομένων μερῶν.

1. Δύο ἢ περισσότερα συμβαλλόμενα εἰς πολυμερῇ συνθήκην μέρη δύνανται νὰ συνομολογήσουν συμφωνίαν ἔχουσαν ὡς ἀντικείμενον τὴν προσωρινὴν καὶ μόνον μετὰξὺ αὐτῶν ἀναστολὴν τῆς ἐφαρμογῆς τῶν διατάξεων τῆς συνθήκης, ὡςάκις :

(α) ἡ δυνατότης αὕτη ἀναστολῆς προβλέπεται ὑπὸ τῆς συνθήκης,

(β) ἡ ἐν λόγῳ ἀναστολὴ δὲν ἀπαγορεύεται ὑπὸ τῆς συνθήκης καὶ :

(ι) δὲν ἐπηρεάζει τὴν ἀπολαύσιν ὑπὸ τῶν ἄλλων μερῶν τῶν δικαιωμάτων τῶν ἀπορρεόντων ἐκ τῆς συνθήκης, οὔτε τὴν ἐκτέλεσιν τῶν ὑποχρεώσεων των, καὶ

ιι) δὲν τυγχάνει ἀσυμβίβαστος πρὸς τὸ ἀντικείμενον καὶ τὸν σκοπὸν τῆς συνθήκης.

3. "Οσάκις, κατὰ τὰς ἀνωτέρω παραγράφους, συμβαλλόμενον μέρος δύναται νὰ ἐπικαλεσθῇ θεμελιώδη μεταβολὴν τῶν περιστάσεων, ὡς λόγον λήξεως τῆς συνθήκης ἢ ἀποχωρήσεως ἐκ ταύτης, δύναται τοῦτο ὡσαύτως νὰ ἐπικαλεσθῇ τὴν ἀλλαγὴν ὡς λόγον ἀναστολῆς τῆς ἐφαρμογῆς τῆς συνθήκης.

"Αρθρον 59.

Λήξις ἢ ἀναστολὴ ἐφαρμογῆς τῆς συνθήκης συναγομένη ἐκ τῆς συνομολογήσεως μεταγενεστέρως συνθήκης.

1. "Ἡ συνθήκη λογίζεται ὡς λήξασα εὐθὺς ὡς ἅπαντα τὰ μέρη εἰς τὴν συνθήκην συνάψουν μεταγενεστέρως συνθήκην ἐπὶ τοῦ αὐτοῦ ἀντικειμένου, καὶ ὡςάκις :

(α) προκύπτει ἐκ τῆς μεταγενεστέρως συνθήκης ἢ ἄλλως συνάγεται, ὅτι τὰ συμβαλλόμενα μέρη προϋτίθεντο ὅπως τὸ ἐν λόγῳ ἀντικείμενον διέπεται ὑπὸ τῆς συνθήκης ταύτης,

(β) αἱ διατάξεις τῆς μεταγενεστέρως συνθήκης τοσοῦτον δὲν συμβιβάζονται πρὸς τὰς ἀντιστοίχους τῆς προγενεστέρως τοιαύτης ὥστε αἱ δύο συνθήκαι νὰ μὴ δύνανται νὰ ἐφαρμόζωνται ταυτοχρόνως.

2. "Ἡ προγενεστέρως συνθήκη θὰ θεωρῇται ὡς ἔχουσα μόνον ἀνασταλὴν ὡςάκις προκύπτει ἐκ τῆς μεταγενεστέρως τοιαύτης ἢ ἄλλως πως συνάγεται, ὅτι αὕτη ἦτο πρόθεσις τῶν μερῶν.

"Αρθρον 60.

Λήξις ἢ ἀναστολὴ ἐφαρμογῆς τῆς συνθήκης συνεπεῖα παραβιάσεως της.

1. Οὐσιώδης παραβίασις διμεροῦς συνθήκης ἐκ μέρους παρέχει τὸ δικαίωμα εἰς τὸν ἕτερον μέρος νὰ ἐπικαλεσθῇ τὴν παραβάσιν ταύτην ὡς λόγον λήξεως ἢ ἀναστολῆς ἐφαρμογῆς τῆς συνθήκης ἐν ὅλῳ ἢ ἐν μέρει.

2. Οὐσιώδης παραβίασις πολυμεροῦς συνθήκης ὑφ' ἐνὸς τῶν μερῶν παρέχει τὸ δικαίωμα :

(α) εἰς ἕτερα συμβαλλόμενα μέρη ὅπως κατόπιν ὁμοφώνου ἀποφάσεως ἀναστεῖλουν τὴν ἐφαρμογὴν τῆς συνθήκης ἐν ὅλῳ ἢ ἐν μέρει ἢ ὅπως τερματίσουν ταύτην :

(ι) εἴτε ὡς πρὸς τὰς σχέσεις μετὰξὺ αὐτῶν τῶν ἰδίων καὶ τοῦ κράτους τοῦ παραβιάσαντος τὴν συνθήκην,

(ιι) εἴτε ὡς πρὸς ἅπαντα τὰ συμβαλλόμενα μέρη.

(β) εἰς τὸ μέρος, τὸ ὁποῖον εἰδικῶς ἐθίγη ἐκ τῆς παραβιάσεως ὅπως ἐπικαλεσθῇ ταύτην ὡς λόγον ἀναστολῆς ἐφαρμογῆς τῆς συνθήκης ἐν ὅλῳ ἢ ἐν μέρει εἰς τὰς σχέσεις του μετὰ τοῦ παραβιάσαντος τὴν συνθήκην κράτους,

(γ) εἰς οἰονδήποτε μέρος, ἕτερον τοῦ παραβιάσαντος τὴν συνθήκην κράτους, ὅπως ἐπικαλεσθῇ τὴν παραβίασιν ὡς λόγον ἀναστολῆς τῆς ἐφαρμογῆς τῆς συνθήκης ἐν ὅλῳ ἢ ἐν μέρει εἰς ὅ,τι τὸ ἀφορᾷ ἐὰν ἡ συνθήκη εἶναι φύσεως τοιαύτης ὥστε μία οὐσιώδης παραβίασις τῶν διατάξεων τῆς ὑφ' ἐνὸς μέρους νὰ μεταβάλλῃ ριζικῶς τὴν θέσιν ἐκάστου τῶν μερῶν ἀναφορικῶς πρὸς τὴν περαιτέρω ἐκτέλεσιν τῶν ὑποχρεώσεων τῶν δυνάμει τῆς συνθήκης.

3. Διὰ τοὺς σκοποὺς τοῦ παρόντος ἄρθρου, οὐσιώδης παραβίασις τῆς συνθήκης τυγχάνει :

(α) ἀπόρριψις συνθήκης μὴ προβλεπομένη ὑπὸ τῆς παρούσης συμβάσεως, ἢ

(β) παραβίασις διατάξεως οὐσιώδους πρὸς πραγματοποίησιν τοῦ ἀντικειμένου ἢ τοῦ σκοποῦ τῆς συνθήκης.

4. Αἱ προηγούμεναι παράγραφοι δὲν θίγουν οὐδεμίαν διάταξιν τῆς συνθήκης ἐφαρμοζομένην ἐν περιπτώσει παραβιάσεως.

5. Αἱ παράγραφοι 1 ἕως 3 δὲν ἐφαρμόζονται εἰς τὰς διατάξεις τὰς ἀφορώσας εἰς τὴν προστασίαν τῆς ἀνθρωπίνης προσωπικότητος, αἱ ὁποῖαι περιέχονται εἰς συνθήκας ἀνθρωπιστικοῦ χαρακτῆρος, ἰδίᾳ εἰς διατάξεις ἀποκλειούσας ἀντίποινα πάσης μορφῆς κατὰ προσώπων προστατευομένων ὑπὸ τῶν εἰρημένων συνθηκῶν.

Ἄρθρον 61.

Ἐπισυμβάσα ἀδυναμία ἐκτελέσεως.

1. Ἐν μέρος εἰς συνθήκην δύναται νὰ ἐπικαλεσθῇ ἀδυναμία ἐκτελέσεως ὡς λόγον λήξεώς της ἢ ἀποχωρήσεως ἐκ ταύτης ἐὰν ἡ ἀδυναμία αὕτη εἶναι ἀποτέλεσμα ὀριστικῆς ἐξάλειψεως ἢ καταστροφῆς ἐνὸς ἀντικειμένου ἀπαραίτητου πρὸς ἐκτέλεσιν τῆς συνθήκης. Ἐὰν ἡ ἀδυναμία αὕτη εἶναι προσωρινή, τὸ μέρος δύναται νὰ ἐπικαλεσθῇ ταύτην μόνον ὡς λόγον ἀναστολῆς ἐφαρμογῆς τῆς συνθήκης.

2. Τὸ συμβαλλόμενον εἰς συνθήκην μέρος δὲν δύναται νὰ ἐπικαλεσθῇ ἀδυναμίαν ἐκτελέσεως ὡς λόγον λήξεως ταύτης ἢ ἀποχωρήσεως ἐκ ταύτης ἢ ἀναστολῆς ἐφαρμογῆς της ἐὰν ἡ ἀδυναμία αὕτη ἀπορρέῃ ἐκ παραβιάσεως ὑπὸ τοῦ ἐπικαλουμένου ταύτην μέρους εἴτε ὑποχρεώσεως ἐκ τῆς συνθήκης εἴτε οἰαδήποτε ἐτέρας διεθνoῦς ὑποχρεώσεως ἔναντι οἰοῦνδήποτε ἐτέρου μέρους τῆς συνθήκης.

Ἄρθρον 62.

Θεμελιώδης ἀλλαγὴ τῶν περιστάσεων.

1. Δὲν δύναται νὰ γίνῃ ἐπὶ κλησὶς θεμελιώδους ἀλλαγῆς τῶν περιστάσεων, ἡ ὁποία ἐσημειώθη ἐν σχέσει πρὸς τὰς ὑφισταμένας τοιαύτας κατὰ τὴν στιγμὴν τῆς συνολογῆσεως τῆς συνθήκης, αἵτινες δὲν εἶχον προβλεφθῇ ὑπὸ τῶν συμβαλλομένων, ὡς λόγος λήξεως τῆς συνθήκης ἢ ἀποχωρήσεως ἐκ ταύτης, ἐκτὸς ἐὰν :

(α) ἡ ὑπαρξὶς τῶν περιστάσεων αὐτῶν συνίσταται οὐσιώδῃ βάσιν τῆς συναίνεσεως τῶν μερῶν ὅπως δεσμευοῦν διὰ τῆς συνθήκης, καὶ

(β) ἀποτέλεσμα τῆς ἀλλαγῆς ὑπῆρξεν ἡ ριζικὴ μεταβολὴ τῆς ἐκτάσεως τῶν ὑποχρεώσεων, αἱ ὁποῖαι ἀπομένουν πρὸς ἐκπλήρωσιν δυνάμει τῆς συνθήκης.

2. Δὲν δύναται νὰ γίνῃ ἐπὶ κλησὶς θεμελιώδους ἀλλαγῆς τῶν περιστάσεων ὡς λόγος λήξεως τῆς συνθήκης ἢ ἀποχωρήσεως ἐκ ταύτης :

(α) ὁσάκις ἡ συνθήκη καθορίζει μεθοριακὴν γραμμὴν, ἢ

(β) ὁσάκις ἡ θεμελιώδης ἀλλαγὴ τῶν περιστάσεων εἶναι ἀποτέλεσμα παραβιάσεως ὑπὸ τοῦ ἐπικαλουμένου τὴν μεταβολὴν μέρους εἴτε ὑποχρεώσεως θεσπισθείσης ἐν τῇ συνθήκῃ εἴτε ἐτέρας διεθνoῦς ὑποχρεώσεως ἔναντι οἰοῦνδήποτε ἐτέρου συμβαλλομένου εἰς τὴν συνθήκην μέρους.

Ἄρθρον 63.

Διακοπὴ διπλωματικῶν καὶ προξενικῶν σχέσεων.

Ἡ διακοπὴ τῶν διπλωματικῶν ἢ προξενικῶν σχέσεων μεταξὺ τῶν συμβαλλομένων εἰς συνθήκην μερῶν δὲν θίγει τὰς νομικὰς σχέσεις, αἱ ὁποῖαι ὑφίστανται μεταξὺ τῶν, δυνάμει τῆς συνθήκης, ἐκτὸς καὶ καθ' ὃ μέτρον ἡ ὑπαρξὶς τῶν διπλωματικῶν ἢ προξενικῶν σχέσεων τυγχάνει ἀπαραιτήτου διὰ τὴν ἐφαρμογὴν τῆς συνθήκης.

Ἄρθρον 64.

Ἐμφάνισις νέου ἀναγκαστικοῦ κανόνος τοῦ γενικοῦ Διεθνoῦς Δικαίου (IUS COGENS).

Ἐὰν νέος ἀναγκαστικὸς κανὼν τοῦ γενικοῦ Διεθνoῦς Δικαίου ἤθελεν ἐμφανισθῇ πᾶσα ὑφισταμένη συνθήκη, συγκρουομένη πρὸς τὸν κανόνα τοῦτον, καθίσταται ἄκυρος καὶ τερματίζεται.

ΤΜΗΜΑ 4 : ΔΙΑΔΙΚΑΣΙΑ

Ἄρθρον 65.

Διαδικασία ἐφαρμοστέα ἐν σχέσει πρὸς τὴν ἀκυρότητα, ἢ λῆξιν συνθήκης ἀποχωρήσεως ἐκ ταύτης ἢ ἀναστολὴν ἐφαρμογῆς της.

1. Τὸ συμβαλλόμενον εἰς τὴν συνθήκην μέρος, τὸ ὁποῖον, βάσει τῶν διατάξεων τῆς παρούσης συμβάσεως, ἐπικαλεῖται εἴτε ἐλάττωμα τῆς συναίνεσός του ὅπως δεσμευθῇ διὰ τῆς συνθήκης εἴτε καταγγέλλει τὴν ἰσχὺν ταύτης, τερματίζει ταύτην, ἀποχωρεῖ ἐκ ταύτης ἢ ἀναστέλλει τὴν ἐφαρμογὴν της ὅφειλε ὅπως γνωστοποιήσῃ τοῦτο εἰς τὰ ἕτερα μέρη. Ἡ γνωστοποίησις αὕτη δεόν ὅπως ἀναφέρῃ τὰ προβλεφθέντα μέτρα ὡς πρὸς τὴν συνθήκην ὡς καὶ τοὺς λόγους λήψεως τούτων.

2. Ἐὰν, μετὰ τὴν λῆξιν τῆς περιόδου, ἡ ὁποία πλὴν τῆς ἰδιαιτέρως ἐπειγούσης περιπτώσεως, δὲν θὰ ἔδει νὰ εἶναι μικρότερα τῶν τριῶν μηνῶν ἀπὸ τῆς λήξεως τῆς γνωστοποίησεως, οὐδὲν συμβαλλόμενον εἰς τὴν συνθήκην μέρος προβάλλῃ ἀντίρρησην, τὸ γνωστοποιοῦν μέρος δύναται νὰ λάβῃ τὰ προβλεφθέντα μέτρα συμφώνως τῷ ἄρθρῳ 67.

3. Ὅπωςδήποτε, ἐὰν ἡγέρθῃ ἀντίρρησης ὑφ' οἰοῦνδήποτε ἐτέρου μέρους τῆς συνθήκης, τὰ μέρη θὰ ἐπιζητήσουν τὴν λύσιν τῆς διαφορᾶς κατὰ τὴν διαδικασίαν τὴν προβλεπομένην ὑπὸ τοῦ ἄρθρου 33 τοῦ Χάρτου τῶν Ἠνωμένων Ἐθνῶν.

4. Οὐδὲν ἐκ τῶν διαλαμβανομένων εἰς τὰς προηγούμενας παραγράφους θίγει τὰ δικαιώματα ἢ τὰς ὑποχρεώσεις τῶν μερῶν τὰς ἀπορροεούσας ἐξ οἰονδήποτε δεσμευουσῶν ταῦτα διατάξεων ἐν ἰσχύϊ ὡς πρὸς τὸν διακανονισμόν τῶν διαφορῶν.

5. Ἐπιφυλασσομένης τῆς περιπτώσεως τοῦ ἄρθρου 45, τὸ γεγονός ὅτι κράτος δὲν ἀπτήθυσε προηγουμένως τὴν προβλεπομένην ἐν παραγράφῳ 1 γνωστοποίησιν δὲν ἐμποδίζει τοῦτο ὅπως προβῇ εἰς τὴν γνωστοποίησιν ταύτην ὑπὸ μορφῇ ἀπαντήσεως εἰς ἕτερον μέρος τὸ ὁποῖον ἀπαιτεῖ τὴν ἐκτέλεσιν τῆς συνθήκης ἢ ἰσχυρίζεται ὅτι αὕτη παρεβίασθη.

Ἄρθρον 66.

Διαδικασία δικαστικοῦ διακανονισμοῦ, διαιτησίας καὶ συναλλαγῆς.

Ἐὰν δὲν κατέστη δυνατὴ ἡ ἐπίτευξις λύσεως συμφώνως πρὸς τὴν παράγραφον 3 τοῦ ἄρθρου 65, ἐντὸς τῶν δώδεκα μηνῶν μετὰ τὴν ἡμερομηνίαν καθ' ἣν ἡγέρθη ἡ ἀντίρρησης, αἱ ἀκόλουθοι διαδικασίαι θὰ ἐφαρμόζονται :

(α) πᾶν μέρος εἰς διαφορὰν ἀφορῶσαν εἰς τὴν ἐφαρμογὴν ἢ εἰς τὴν ἐρμηνείαν τῶν ἄρθρων 53 ἢ 64 δύναται, διὰ προσφυ-

γῆς, νὰ τὴν ὑποβάλλῃ εἰς τὸ Διεθνὲς Δικαστήριον πρὸς ἔκδοσιν ἀποφάσεως, πλὴν ἐὰν τὰ μέρη ἤθελον ἀποφασίσαι κατόπιν κοινῆς συμφωνίας νὰ ὑποβάλλουν τὴν διαφορὰν εἰς διαιτησίαν,

(β) πᾶν μέρος εἰς διαφορὰν ἀφορῶσαν εἰς τὴν ἐφαρμογὴν ἢ εἰς τὴν ἐρμηνείαν οἰωνδήποτε ἐτέρων ἄρθρων τοῦ Μέρους V τῆς παρούσης συμβάσεως, δύναται νὰ θέσῃ εἰς ἐνέργειαν τὴν διαδικασίαν τὴν ἀναφερομένην εἰς τὸ Παράρτημα τῆς Συμβάσεως, ἀπευθύνον σχετικὴν αἴτησιν πρὸς τὸν Γενικὸν Γραμματέα τῶν Ἡνωμένων Ἐθνῶν.

Ἄρθρον 67.

Ἐγγραφα διὰ τῶν ὁποίων συνθῆκαι κηρύσσονται ἄκυροι, λήξασαι, ἀνίσχυροι ὡς πρὸς ἓν κράτος ἢ ἐν ἀναστολῇ ἐφαρμογῆς.

1. Ἡ προβλεπόμενη ἐν παραγράφῳ 1 τοῦ ἄρθρου 65 γνωστοποίησις δέον ὅπως διατυπῶται ἐγγράφως.

2. Οἰαδήποτε πράξις διὰ τῆς ὁποίας κηρύσσεται ἀκύροτης συνθήκης, ἢ λήξις ταύτης, ἢ ἀποχώρησις ἐκ ταύτης ἢ ἡ ἀναστολὴ ἐφαρμογῆς ταύτης, ἐπὶ τῇ βάσει τῶν διατάξεων ταύτης ἢ τῶν παραγράφων 2 καὶ 3 τοῦ ἄρθρου 65 δέον ὅπως διενεργῇται δι' ἐγγράφου κοινοποιουμένου εἰς τὰ ἕτερα συμβαλλόμενα μέρη. Ἐὰν τὸ ἐγγραφοῦν τοῦτο δὲν εἶναι ὑπογεγραμμένον ὑπὸ τοῦ Ἀρχηγοῦ τοῦ Κράτους, τοῦ Πρωθυπουργοῦ ἢ τοῦ Ὑπουργοῦ τῶν Ἐξωτερικῶν, ὁ ἀντιπρόσωπος τοῦ κράτους, ὁ ὁποῖος κοινοποιεῖ τοῦτο δύναται νὰ κληθῇ νὰ προσαγάγῃ τὸ πληρεξούσιον ἐγγραφὸν του.

Ἄρθρον 68.

Ἀνάκλησις γνωστοποιήσεων καὶ ἐγγράφων ἀναφερομένων εἰς τὰ ἄρθρα 65 καὶ 67.

Γνωστοποίησις ἢ ἐγγραφοῦν προβλεπόμενον ὑπὸ τῶν ἄρθρων 65 καὶ 67 δύναται ν' ἀνακληθῇ ἀνὰ πᾶσαν στιγμὴν πρὶν ἢ δημιουργήσῃ ἀποτελέσματα.

ΤΜΗΜΑ 5 : ΣΥΝΕΠΕΙΑΙ ΤΗΣ ΑΚΥΡΩΣΕΩΣ, ΛΗΞΕΩΣ ἢ ΑΝΑΣΤΟΛΗΣ ΕΦΑΡΜΟΓΗΣ ΤΗΣ ΣΥΝΘΗΚΗΣ

Ἄρθρον 69.

Συνέπειαι τῆς ἀκυρώσεως τῆς συνθήκης.

1. Ἡ συνθήκη τῆς ὁποίας ἡ ἀκύροτης προβλέπεται ὑπὸ τῆς παρούσης συμβάσεως εἶναι ἀνίσχυρος. Αἱ διατάξεις ἀκύρου συνθήκης δὲν ἔχουν νομικὴν ἰσχύν.

2. Ἐὰν κατ' ἐφαρμογὴν τῆς ὡς ἄνω συνθήκης ἔχουν ὅπωςδήποτε λάβει, χώραν πράξεις τινές :

(α) ἕκαστον συμβαλλόμενον μέρος δύναται νὰ ζητήσῃ ἐξ οἰωνδήποτε ἀντισυμβαλλομένου νὰ δημιουργήσῃ κατὰ τὸ δυνατόν, εἰς τὰς ἀμοιβαίας αὐτῶν σχέσεις, τὴν κατάστασιν, ἣτις θὰ ὑφίστατο ἐὰν δὲν εἶχον συντελεσθῇ αἱ ὡς ἄνω πράξεις,

(β) πράξεις τελεσθεῖσαι καλῇ τῇ πίστει πρὸ τῆς ἐπικλήσεως τῆς ἀκύροτης δὲν καθίστανται παράνομοι διὰ μόνον τὸν λόγον τῆς ἀκύροτης τῆς συνθήκης.

3. Εἰς τὰς περιπτώσεις τῶν ἄρθρων 49, 50, 51 καὶ 52, ἢ παράγραφος 2 δὲν ἔχει ἐφαρμογὴν ὡς πρὸς τὸ συμβαλλόμενον μέρος τὸ ὁποῖον εὐθύνεται διὰ τὴν ἀπάτην, τὴν δωροδοκίαν ἢ τὴν βίαν.

4. Εἰς τὴν περίπτωσιν τῆς ἀκύροτης τῆς συναιρέσεως κράτους τινὸς ὅπως δεσμευθῇ διὰ πολυμεροῦς συνθήκης, οἱ ὑπερθεὶς κανόνες ἐφαρμόζονται εἰς τὰς σχέσεις μεταξύ τοῦ εἰρημένου κράτους καὶ τῶν συμβαλλομένων εἰς τὴν συνθήκην μερῶν.

Ἄρθρον 70.

Συνέπειαι λήξεως τῆς συνθήκης.

1. Ἐξαίρεσις τῆς περιπτώσεως καθ' ἣν ἡ συνθήκη ἄλλως ὀρίζῃ ἢ καθ' ἣν τὰ συμβαλλόμενα μέρη ἄλλως συνεφώνησαν, ἢ λήξις τῆς συνθήκης κατὰ τὰς διατάξεις αὐτῆς ἢ συμφώνως πρὸς τὴν παροῦσαν σύμβασιν :

(α) καθιστᾷ τὰ συμβαλλόμενα μέρη ἐλεύθερα πάσης ὑποχρέσεως περαιτέρω ἐφαρμογῆς τῆς συνθήκης,

(β) δὲν ἐπιδρᾷ ἐπὶ οἰωνδήποτε δικαιώματος, ὑποχρέσεως ἢ νομικῆς καταστάσεως τῶν συμβαλλομένων, δημιουργηθείσης κατὰ τὴν ἐφαρμογὴν τῆς συνθήκης, πρὸ τῆς λήξεώς της.

2. Ἐὰν ἐν κράτος καταγγελίᾳ πολυμερῆ συνθήκην ἢ ἀποχώρησιν ἐξ αὐτῆς, ἢ ὡς ἄνω παράγραφος 1 ἐφαρμόζεται εἰς τὰς σχέσεις μεταξύ τοῦ κράτους τούτου καὶ ἐκάστου τῶν ἐτέρων συμβαλλομένων μερῶν ἀπὸ τῆς ἡμερομηνίας θέσεως ἐν ἰσχύϊ τῆς καταγγελίας ἢ ἀποχωρήσεως.

Ἄρθρον 71.

Συνέπειαι τῆς ἀκυρότητος τῆς συνθήκης, τῆς συγκρουομένης πρὸς ἀναγκαστικὸν κανόνα τοῦ γενικοῦ Διεθνοῦς Δικαίου.

1. Ἐν περιπτώσει συνθήκης ἀκύρου κατὰ τὸ ἄρθρον 53 τὰ συμβαλλόμενα μέρη ὑποχρεοῦνται νά :

(α) ἐξαλείψουν κατὰ τὸν δυνατόν τὰς συνεπείας πάσης πράξεως, ἢ ὁποία ἔλαβε χώραν δυνάμει διατάξεως συγκρουομένης πρὸς ἀναγκαστικὸν κανόνα τοῦ γενικοῦ Διεθνοῦς Δικαίου, καὶ

(β) ἐναρμονίσουν τὰς ἀμοιβαίας αὐτῶν σχέσεις πρὸς τὸν ἀναγκαστικὸν κανόνα τοῦ γενικοῦ Διεθνοῦς Δικαίου.

2. Ἐν περιπτώσει συνθήκης καθισταμένης ἀκύρου καὶ ληγούσης κατὰ τὸ ἄρθρον 64, ἢ λήξις τῆς συνθήκης :

(α) ἀπαλλάσσει τὰ συμβαλλόμενα μέρη πάσης ὑποχρέσεως περαιτέρω ἐφαρμογῆς τῆς συνθήκης,

(β) δὲν θίγει οἰωνδήποτε δικαίωμα, ὑποχρέωσιν ἢ νομικὴν κατάστασιν τῶν μερῶν, δημιουργηθείσαν κατὰ τὴν ἐκτέλεσιν τῆς συνθήκης καὶ πρὸ τῆς λήξεως ταύτης, ἐν τούτοις τὰ ὡς ἄνω δικαιώματα, ὑποχρεώσεις ἢ καταστάσεις δὲν δύνανται νὰ διατηρηθοῦν παρὰ μόνον καθ' ὃ μέτρον ἡ διατήρησις των δὲν ἔρχεται εἰς σύγκρουσιν πρὸς τὸν νέον ἀναγκαστικὸν κανόνα τοῦ γενικοῦ Διεθνοῦς Δικαίου.

Ἄρθρον 72.

Συνέπειαι ἀναστολῆς ἐφαρμογῆς τῆς συνθήκης.

1. Ἐκτὸς ἐὰν ἡ συνθήκη ἄλλως ὀρίξῃ ἢ τὰ μέρη ἄλλως συνεφώνησαν, ἡ ἀναστολὴ τῆς ἐφαρμογῆς τῆς συνθήκης ἐπὶ τῇ βάσει τῶν διατάξεων ταύτης ἢ συμφώνως πρὸς τὴν παροῦσαν σύμβασιν :

(α) ἀπαλλάσσει τὰ μέρη μεταξύ τῶν ὁποίων ἀνεστάλῃ ἢ ἐφαρμογῇ τῆς συνθήκης τῆς ὑποχρέσεως ὅπως ἐφαρμόσουν τὴν συνθήκην εἰς τὰς ἀμοιβαίας αὐτῶν σχέσεις κατὰ τὸν χρόνον τῆς ἀναστολῆς,

(β) δὲν ἐπηρεάζει ἄλλως τὰς νομικὰς σχέσεις μεταξύ τῶν μερῶν τὰς δημιουργηθείσας ὑπὸ τῆς συνθήκης.

2. Κατὰ τὸν χρόνον τῆς ἀναστολῆς τὰ συμβαλλόμενα εἰς τὴν συνθήκην μέρη ὀφείλουν νὰ ἀπόσχουν πάσης ἐνεργείας, ἢ ὁποία παρεμποδίζει τὴν θέσιν ἐκ νέου τῆς συνθήκης ἐν ἰσχύϊ.

Ἄρθρον 73.

Περιπτώσεις διαδοχῆς κράτους, εὐθύνης κράτους καὶ ἐνάρξεως ἐχθροπραξιῶν.

Αἱ διατάξεις τῆς παρούσης συμβάσεως οὐδὲν ζήτημα προδικάζουν τὸ ὁποῖον θὰ ἡδύνατο νὰ ἀναφυῇ ἐν σχέσει πρὸς συνθήκην τινὰ συνεπεία διαδοχῆς κρατῶν ἢ ἐνεκα τῆς διεθνοῦς εὐθύνης κράτους ἢ τῆς ἐνάρξεως ἐχθροπραξιῶν μεταξύ κρατῶν.

Ἄρθρον 74.

Διπλωματικαὶ καὶ προξενικαὶ σχέσεις καὶ ἡ συνομολόγησις τῶν συνθηκῶν.

Ἡ διακοπὴ ἢ ἀνυπαρξία διπλωματικῶν ἢ προξενικῶν σχέσεων μεταξύ δύο ἢ πλείονων κρατῶν δὲν κωλύει τὴν συνομολόγησιν συνθηκῶν μεταξύ τούτων. Ἡ συνομολόγησις συνθήκης αὐτῇ καθ' ἑαυτὴν δὲν ἐπηρεάζει τὰς διπλωματικὰς ἢ προξενικὰς σχέσεις.

"Άρθρον 75.

Περίπτωσης επιτιθεμένου κράτους.

Αί διατάξεις τῆς παρούσης συμβάσεως δὲν θίγουν οἱανδήποτε συμβατικήν ὑποχρέωσιν προκύπτουσαν δι' ἐν ἐπιτιθέμενον κράτος συνεπεία μέτρων λαμβανομένων συμφώνως πρὸς τὸν Χάρτην τῶν Ἑνωμένων Ἐθνῶν ἐν σχέσει πρὸς τὴν ἐπιθετικήν ἐνέργειαν τοῦ κράτους τούτου.

ΜΕΡΟΣ VII

ΘΕΜΑΤΟΦΥΛΑΚΕΣ, ΚΟΙΝΟΠΟΙΗΣΕΙΣ, ΔΙΟΡΘΩΣΕΙΣ ΚΑΙ ΠΡΩΤΟΚΟΛΛΗΣΙΣ

"Άρθρον 76.

Θεματοφύλακες συνθηκῶν.

1. Θεματοφύλακες συνθήκης δύνανται νὰ καθορίζωνται ὑπὸ τῶν συμμετεχόντων εἰς τὰς διαπραγματεύσεις κρατῶν, εἴτε ἐν αὐτῇ τῇ συνθήκῃ εἴτε καθ' οἰονδήποτε ἕτερον τρόπον. Ὁ θεματοφύλαξ δύναται νὰ εἶναι ἐν ἡ πλείονα κράτη, εἰς διεθνῆς ὄργανισμός ἢ ὁ ἀνώτερος διοικητικὸς λειτουργὸς τοιοῦτου ὁργανισμοῦ.

2. Αἱ ἀρμοδιότητες τοῦ θεματοφύλακος συνθήκης τυγχάνουν διεθνoῦς χαρακτήρος καὶ ὁ θεματοφύλαξ ὑποχρεοῦται νὰ ἐκτελῇ τὰ καθήκοντά του ἀμερολήπτως. Εἰδικώτερον, τὸ γεγονός, ὅτι ἡ συνθήκη δὲν ἐτέθη ἐν ἰσχύι ὡς πρὸς ὠρισμένα ἐκ τῶν συμβαλλομένων μερῶν ἢ ὅτι ἐξεδηλώθη διαφορὰ μεταξὺ κρατῶν καὶ θεματοφύλακος ὡς πρὸς τὴν ὑπὸ τοῦ δευτέρου ἐνάσκησιν τῶν ἀρμοδιοτήτων του δὲν θίγει τὴν ὑπερθεὶν ὑποχρέωσιν.

"Άρθρον 77.

Ἀρμοδιότητες Θεματοφυλάκων.

Ἐκτὸς ἐὰν ἡ συνθήκη ἄλλως ὀρίξῃ ἢ τὰ συμβαλλόμενα εἰς τὴν συνθήκην μέρη ἄλλως συμφώνησαν, αἱ ἀρμοδιότητες τοῦ θεματοφύλακος εἶναι, κυρίως, αἱ ἑξῆς :

(α) ἡ φύλαξις τοῦ πρωτοτύπου τῆς συνθήκης καὶ τῶν πληρεξουσίων ἐγγράφων τῶν ἐπιδοθέντων εἰς τὸν θεματοφύλακα.

(β) ἡ ἔκδοσις κεκυρωμένων ἀντιγράφων τοῦ πρωτοτύπου τῆς συνθήκης καὶ οἰωνδήποτε ἑτέρων κειμένων συνθήκης εἰς ἑτέρας γλώσσας, ὡς προβλέπεται ὑπὸ τῆς συνθήκης καὶ ἡ διαβίβασις αὐτῶν εἰς τὰ συμβαλλόμενα μέρη καὶ εἰς τὰ κράτη τὰ δυνάμενα νὰ καταστοῦν συμβαλλόμενα μέρη.

(γ) ἡ μέριμνα διὰ τὴν ὑπογραφήν τῆς συνθήκης καὶ τὴν λήψιν ὡς καὶ τὴν φύλαξιν ὅλων τῶν ἐγγράφων, γνωστοποιήσεων καὶ κοινοποιήσεων ἐν σχέσει πρὸς τὴν συνθήκην.

(δ) ἡ ἐξέτασις κατὰ πόσον ἡ ὑπογραφή, τὸ ἐγγράφον, ἡ γνωστοποίησις ἢ κοινοποίησις ἐν σχέσει πρὸς τὴν συνθήκην διενεργοῦνται δεόντως καὶ ἡ θέσις, ἐν περιπτώσει ἀνάγκης, τοῦ προκύπτοντος ζητήματος ὑπ' ὅψιν τοῦ ἐνδιαφερομένου κράτους.

(ε) ἡ ἐνημέρωσις τῶν συμβαλλομένων μερῶν ὡς καὶ τῶν κρατῶν τῶν δικαιουμένων νὰ καταστοῦν μέρη περὶ τῶν πράξεων, γνωστοποιήσεων καὶ κοινοποιήσεων ἐν σχέσει πρὸς τὴν συνθήκην.

(στ) ἡ ἐνημέρωσις τῶν κρατῶν, τὰ ὁποῖα δικαιοῦνται νὰ καταστοῦν συμβαλλόμενα μέρη περὶ τῆς ἡμερομηνίας κατὰ τὴν ὁποίαν συνεπληρώθη ὁ ἀριθμὸς τῶν ὑπογραφῶν ἢ τῶν ἐγγράφων ἐπικυρώσεως, ἀποδοχῆς, ἐγκρίσεως ἢ προσχωρήσεως, ὁ ὁποῖος ἀπαιτεῖται διὰ τὴν θέσιν ἐν ἰσχύι τῆς συνθήκης.

(ζ) ἡ πρωτοκόλλησις τῆς συνθήκης παρὰ τῇ Γραμματείᾳ τῶν Ἑνωμένων Ἐθνῶν.

(η) ἡ ἐκτέλεσις τῶν ἀρμοδιοτήτων αἱ ὁποῖαι προσδιορίζονται εἰς ἑτέρας διατάξεις τῆς παρούσης συμβάσεως.

2. Ἐν περιπτώσει ἀναφυομένης διαφορᾶς μεταξὺ κρατῶν καὶ θεματοφύλακος ἐν σχέσει πρὸς τὴν ὑπὸ τοῦ τελευταίου

ἐκτέλεσιν τῶν ἀρμοδιοτήτων τοῦ ὁ θεματοφύλαξ ὀφείλει νὰ θέτῃ τὸ ζήτημα ὑπ' ὅψιν τῶν ὑπογραφάντων τὴν συνθήκην καὶ τῶν συμβαλλομένων κρατῶν ἢ ἐν ἀνάγκῃ ὑπ' ὅψιν τοῦ ἀρμοδίου ὁργάνου τοῦ ἐνδιαφερομένου διεθνoῦς ὁργανισμοῦ.

"Άρθρον 78.

Γνωστοποιήσεις καὶ κοινοποιήσεις.

Ἐκτὸς ἐὰν ἡ συνθήκη ἢ ἡ παρούσα σύμβασις ἄλλως ὀρίξῃ, πᾶσα γνωστοποίησις ἢ κοινοποίησις μέλλουσα νὰ γίνῃ ὑπὸ κράτους, κατὰ τὰς διατάξεις τῆς παρούσης συμβάσεως :

(α) ἔλλειψι θεματοφύλακος, θὰ διεβιβάζετο ἀπ' εὐθείας εἰς τὰ κράτη πρὸς τὰ ὁποῖα ἀπευθύνεται, καὶ εἰς τὸν θεματοφύλακα ἐν περιπτώσει ὑπάρξεως τούτου.

(β) θὰ θεωρῆται ὡς γενομένη ὑπὸ τοῦ ἐν λόγῳ κράτους μόνον ἐφ' ὅσον παρελήφθη ὑπὸ τοῦ κράτους εἰς τὸ ὁποῖον διεβιβάσθη, ἢ ἀναλόγως τῆς περιπτώσεως, ἐφ' ὅσον παρελήφθη ὑπὸ τοῦ θεματοφύλακος.

(γ) ἐν περιπτώσει διαβιβάσεώς της εἰς τὸν θεματοφύλακα, θὰ θεωρῆται ὡς παραληφθεῖσα ὑπὸ τοῦ κράτους πρὸς τὸ ὁποῖον ἀπευθύνεται μόνον ἀφ' ἧς τοῦτο εἰδοποιηθῇ ὑπὸ τοῦ θεματοφύλακος συμφώνως τῇ παραγράφῳ 1 (ε) τοῦ άρθρου 77.

"Άρθρον 79.

Διόρθωσις λαθῶν κειμένων ἢ κεκυρωμένων ἀντιγράφων συνθήκης.

1. Ἐὰν μετὰ τὴν πιστοποίησιν τῆς αὐθεντικότητος τοῦ κειμένου συνθήκης τινός, τὰ ὑπογράφοντα Κράτη, διαπιστοῦν διὰ κοινῆς συμφωνίας ὅτι τὸ κείμενον τοῦτο περιέχει λάθος τι τοῦτο διορθοῦται δι' ἐνὸς τῶν κατωτέρω τρόπων ἐκτὸς ἐὰν τὰ προμνησθέντα Κράτη, ἀποφασίσουν περὶ ἑτέρου τρόπου διορθώσεως.

α) διόρθωσις τοῦ κειμένου κατὰ τὸν κατάλληλον τρόπον καὶ μονογραφῇ τῆς διορθώσεως ὑπὸ τῶν ἀντιπροσώπων δεόντως ἐξουσιοδοτημένων.

β) κατάρτισις ἐγγράφου ἢ ἀνταλλαγῇ ἐγγράφων ἐντὸς τῶν ὁποίων καταχωρεῖται ἡ διόρθωσις ἥτις συνεφωνήθη νὰ ἐπληρωθῇ εἰς τὸ κείμενον.

γ) κατάρτισις διωρθωμένου κειμένου τοῦ συνόλου τῆς Συνθήκης, συμφώνως, πρὸς τὴν διαδικασίαν τὴν χρησιμοποιοῦνθῆσαν διὰ τὸ χρονικὸν κείμενον.

2. Ὅσακις πρόκειται περὶ συνθήκης διὰ τὴν ὁποίαν ὑφίσταται θεματοφύλαξ, οὗτος γνωστοποιεῖ εἰς τὰ ὑπογράφοντα Κράτη καὶ εἰς τὰ συμβαλλόμενα Κράτη τὸ λάθος καὶ τὴν πρότασιν διορθώσεώς του καὶ ἐξειδικεύει κατάλληλον προθεσμίαν ἐντὸς τῆς ὁποίας δύναται νὰ διατυπωθῇ ἀντίρρῃσις ὡς πρὸς τὴν προτεινομένην διόρθωσιν. Ἐὰν, κατὰ τὴν ἐκπνοὴν τῆς προθεσμίας :

α) οὐδεμία ἀντίρρῃσις ἤθελε διατυπωθῇ, ὁ θεματοφύλαξ πραγματοποιεῖ καὶ μονογραφεῖ τὴν διόρθωσιν ἐν τῷ κειμένῳ συντάσσει πρακτικὸν διορθώσεως τοῦ κειμένου καὶ κοινοποιεῖ ἀντίγραφον τούτου εἰς τὰ ἐν τῇ συνθήκῃ μέρη καὶ εἰς τὰ Κράτη τὰ δυνάμενα νὰ καταστοῦν συμβαλλόμενα μέρη.

β) ἀντίρρῃσις ἤθελε διατυπωθῇ, ὁ θεματοφύλαξ γνωστοποιεῖ τὴν ἀντίρρῃσιν, εἰς τὰ ὑπογράφοντα ἢ τὰ συμβαλλόμενα Κράτη.

3. Οἱ κανόνες οἱ περιεχόμενοι εἰς τὰς παραγράφους 1 καὶ 2 ἐφαρμόζονται ὡσαύτως ὁσαύκις τὸ κείμενον ἐπιστοποιήθη αὐθεντικὸν εἰς δύο ἢ περισσοτέας γλώσσας καὶ ἀναφαίνεται ἔλλειψις παραλληλισμοῦ ἢ ὁποῖα κατὰ τὴν συμφωνίαν τῶν ὑπογραφόντων καὶ συμβαλλομένων Κρατῶν δεόν νὰ διορθωθῇ.

4. Τὸ διωρθωμένον κείμενον ἀντικαθιστᾷ ἐξ ὑπαρχῆς (AT INITIO) τὸ ἡμαρτημένον κείμενον, ἐκτὸς ἐὰν τὰ ὑπογράφοντα καὶ συμβαλλόμενα Κράτη δὲν ἀποφασίσουν ἄλλως.

5. Ἡ διόρθωσις τοῦ κειμένου Συνθήκης τινὸς πρωτοκολληθείσης ἤδη, θὰ γνωστοποιῇται εἰς τὴν Γραμματεῖαν τοῦ Ὁργανισμοῦ τῶν Ἠνωμένων Ἐθνῶν.

6. Ὅσακις λάθος ἀποκαλύπτεται εἰς ἀντίγραφον Συνθήκης τινός, βεβαιωθὲν ἀκριβὲς ὁ θεματοφύλαξ συντάσσει πρακτικὸν διορθώσεως καὶ ἀποστέλλει ἀντίγραφον εἰς τὰ ὑπογράφοντα καὶ εἰς τὰ συμβαλλόμενα Κράτη.

Ἄρθρον 80.

Πρωτοκόλλησις καὶ δημοσίευσις τῶν συνθηκῶν.

1. Αἱ συνθήκαι μετὰ τὴν θέσιν των ἐν ἰσχύϊ δέον νὰ διαβιβάζωνται πρὸς τὸν Γενικὸν Γραμματέα τῶν Ἠνωμένων Ἐθνῶν πρὸς πρωτοκόλλησιν ἢ ἀρχαιοθέτησιν καὶ ἐγγραφὴν ἐν τῷ εὐρετηρίῳ, ἀναλόγως τῆς περιπτώσεως, καὶ πρὸς δημοσίευσιν.

2. Ὁ καθορισμὸς τοῦ θεματοφύλακος ἀποτελεῖ καὶ ἐξουσιοδότησιν τοῦ ὅπως διενεργῇ τὰς ἀναφερομένας, εἰς τὴν προηγουμένην παράγραφον πράξεις.

ΜΕΡΟΣ VIII.

ΤΕΛΙΚΑΙ ΔΙΑΤΑΞΕΙΣ

Ἄρθρον 81.

Ὑπογραφή.

Ἡ παροῦσα σύμβασις θὰ εἶναι ἀνοικτὴ πρὸς ὑπογραφήν ὑπὸ πάντων τῶν κρατῶν-μελῶν τῶν Ἠνωμένων Ἐθνῶν ἢ οἰουδήποτε Εἰδικευμένου Ὁργανισμοῦ, ἢ τῆς Διεθνούς Ὁργανώσεως Ἀτομικῆς Ἐνεργείας ἢ οἰουδήποτε κράτους-μέλους ἐν τῷ Καταστατικῷ τοῦ Διεθνούς Δικαστηρίου καὶ παντὸς ἐτέρου κράτους προσκαλουμένου ὑπὸ τῆς Γενικῆς Συνελεύσεως τῶν Ἠνωμένων Ἐθνῶν ὅπως καταστῇ συμβαλλόμενον μέρος εἰς τὴν σύμβασιν κατὰ τὸν ἀκόλουθον τρόπον.

Μέχρι τῆς 30 Νοεμβρίου 1969 εἰς τὸ Ὁμοσπονδιακὸν Ὑπουργεῖον τῶν Ἐξωτερικῶν τῆς Αὐστρίας καὶ μετὰ ταῦτα, μέχρι τῆς 30 Ἀπριλίου 1970 εἰς τὴν ἑδραν τῶν Ἠνωμένων Ἐθνῶν ἐν Νέᾳ Ὑόρκῃ.

Ἄρθρον 82.

Ἐπικύρωσις.

Ἡ παροῦσα σύμβασις θέλει ἐπικυρωθῇ. Τὰ ἔγγραφα ἐπικυρώσεως θὰ κατατεθοῦν παρὰ τῷ Γενικῷ Γραμματεῖ τῶν Ἠνωμένων Ἐθνῶν.

Ἄρθρον 83.

Προσχώρησις.

Ἡ παροῦσα σύμβασις θὰ παραμείνῃ ἀνοικτὴ εἰς τὴν προσχώρησιν οἰουδήποτε κράτους ἀνήκοντος εἰς μίαν τῶν μνημονευομένων ἐν τῷ ἄρθρῳ 81 κατηγοριῶν, τὰ ἔγγραφα προσχωρήσεως θὰ κατατεθοῦν παρὰ τῷ Γενικῷ Γραμματεῖ τῶν Ἠνωμένων Ἐθνῶν.

Ἄρθρον 84.

Θέσις ἐν ἰσχύϊ.

1. Ἡ παροῦσα σύμβασις θὰ τεθῇ ἐν ἰσχύϊ τὴν 30ὴν ἡμέραν ἀπὸ τῆς ἡμερομηνίας καταθέσεως τοῦ 35ου ἐγγράφου ἐπικυρώσεως ἢ προσχωρήσεως.

2. Δι' ἕκαστον τῶν κρατῶν, ἅτινα θὰ ἐπικυρώσουν τὴν σύμβασιν ἢ θὰ προσχωρήσουν εἰς αὐτὴν μετὰ τὴν κατάθεσιν τοῦ 35ου ἐγγράφου ἐπικυρώσεως ἢ προσχωρήσεως, ἢ σύμβασις θὰ τεθῇ ἐν ἰσχύϊ τὴν 30ὴν ἡμέραν ἀπὸ τῆς καταθέσεως ὑπὸ τοῦ κράτους τούτου τοῦ ἐγγράφου ἐπικυρώσεως ἢ προσχωρήσεώς του.

Ἄρθρον 85.

Αὐθεντικά κείμενα.

Τὸ πρωτότυπον τῆς παρούσης συμβάσεως, τοῦ ὁποίου τὰ κείμενα κινεζικόν, ἀγγλικόν, γαλλικόν, καὶ ρωσικὸν εἶναι ἐξ ἴσου αὐθεντικά, θὰ κατατεθῇ παρὰ τῷ Γενικῷ Γραμματεῖ τῶν Ἠνωμένων Ἐθνῶν.

Εἰς πίστωσιν τούτου οἱ ὑπογραφόμενοι πληρεξούσιοι, δεόντως ἐξουσιοδοτημένοι ὑπὸ τῶν ἀντιστοίχων Κυβερνήσεων των ὑπέγραψαν τὴν παροῦσαν σύμβασιν.

Ἐγένετο ἐν Βιέννῃ τῇ 23ῃ Μαΐου 1969.

ΠΑΡΑΡΤΗΜΑ

1. Ὑπὸ τοῦ Γενικοῦ Γραμματέως τῶν Ἠνωμένων Ἐθνῶν πρόκειται νὰ συνταχθῇ καὶ νὰ τηρῇται κατάλογος μεσολαβητῶν ἀποτελούμενος ἐκ νομικῶν ἐχόντων τὰ νομικὰ προσόντα. Πρὸς τὸν σκοπὸν τούτον, ἕκαστον Κράτος, μέλος τῶν Ἠνωμένων Ἐθνῶν ἢ συμβεβλημένον εἰς τὴν παροῦσαν Σύμβασιν θὰ προσκληθῇ ὅπως ὀρίσῃ δύο μεσολαβητάς, καὶ τὰ ὀνόματα τῶν οὕτω ὑποδειχθησμένων προσώπων θὰ ἀποτελοῦν τὸν κατάλογον. Ἡ θητεία τοῦ μεσολαβητοῦ, συμπεριλαμβανομένου παντὸς μεσολαβητοῦ ὀριζομένου πρὸς πλήρωσιν κενῆς τινὸς θέσεως θὰ εἶναι πενταετής καὶ θὰ δύναται νὰ ἀνανεωθῇ. Ὁ μεσολαβητὴς τοῦ ὁποίου λήγει ἡ θητεία θὰ ἐξακολουθήσῃ νὰ ἐκπληροῖ πᾶν λειτουργήμα ὅπερ τοῦ ἀνετέθη δυνάμει τῆς ἀκολουθοῦσας παραγράφου.

2. Ὅσακις ὑποβάλλεται αἵτησις πρὸς τὸν Γενικὸν Γραμματέα δυνάμει τοῦ ἄρθρου 66, οὗτος θὰ ὑποβάλῃ τὴν διαφορὰν ἐνώπιον ἐπιτροπῆς συμβιβασμοῦ (μεσολαβητῶν) ἀποτελουμένης ἐκ τῶν ἐξῆς :

Τὸ Κράτος ἢ τὰ Κράτη τὰ συνιστῶντα ἐν ἐκ τῶν μερῶν εἰς τὴν διαφορὰν θὰ διορίξῃ :

α) ἓνα μεσολαβητὴν ἐκ τῆς ἐθνικότητος τῆς χώρας ταύτης ἢ τῶν χωρῶν αἵτινες δύνανται ἢ μὴ νὰ ἐκλεγοῦν ἐκ τοῦ καταλόγου τοῦ ἀναφερομένου εἰς τὴν παράγραφον 1, καὶ

β) ἓνα μεσολαβητὴν μὴ ἀνήκοντα εἰς τὴν ἐθνικότητα τοῦ ἐν λόγω Κράτους ἢ ἐξ οἰουδήποτε ἐκ τῶν Κρατῶν αὐτῶν, ὅστις θὰ ἐκλεγῇ ἐκ τοῦ καταλόγου.

Τὸ κράτος ἢ τὰ κράτη τὰ ἀποτελοῦντα τὸν ἕτερον διάδικον εἰς τὴν διαφορὰν θὰ διορίσουν δύο μεσολαβητάς κατὰ τὸν αὐτὸν τρόπον. Οἱ τέσσαρες μεσολαβηταὶ οἱ ἐκλεγέντες ὑπὸ τῶν μερῶν θὰ διορισθῶν ἐντὸς ἐξήκοντα ἡμερῶν ἀπὸ τῆς ἡμερομηνίας παραλαβῆς τῆς αἰτήσεως ὑπὸ τοῦ Γενικοῦ Γραμματέως.

Οἱ τέσσαρες μεσολαβηταὶ ἐντὸς ἐξήκοντα ἡμερῶν ἀπὸ τῆς ἡμερομηνίας τοῦ τελευταίου διορισμοῦ τούτων, θὰ ὀρίσουν πέμπτον μεσολαβητὴν ἐκλεγόμενον ἐκ τοῦ καταλόγου, ὡς Πρόεδρος.

Ἐὰν ὁ διορισμὸς τοῦ Προέδρου ἢ οἰουδήποτε ἐκ τῶν λοιπῶν μεσολαβητῶν δὲν ἐγένετο ἐντὸς τῆς ἀνωτέρω ἡμερομηνίας τοῦ ἐν λόγω διορισμοῦ, οὗτος θὰ γίνεταί ὑπὸ τοῦ Γενικοῦ Γραμματέως ἐντὸς ἐξήκοντα ἡμερῶν ἀπὸ τῆς ἡμερομηνίας λήξεως τῆς περιόδου ταύτης. Ὁ διορισμὸς τοῦ προέδρου δύναται νὰ γίνῃ ὑπὸ τοῦ Γενικοῦ Γραμματέως εἴτε ἐκ τοῦ καταλόγου εἴτε ἐκ τῶν μελῶν τῆς Ἐπιτροπῆς Διεθνούς Δικαίου. Πᾶσαι αἱ προθεσμίαι ἐντὸς τῶν ὁποίων δύνανται νὰ γίνων οἱ διορισμοὶ δύνανται νὰ παραταθοῦν διὰ συμφωνίας μεταξὺ τῶν μερῶν εἰς ἃ ἀφορᾷ ἡ διαφορά.

Πᾶσα κενουμένη θέσις θὰ πληροῦται κατὰ τὸν διὰ τὸν διορισμὸν καθοριζόμενον τρόπον.

3. Ἡ Ἐπιτροπὴ Μεσολαβήσεως θὰ ἀποφασίσῃ περὶ τῆς διαδικασίας ἣν θὰ τηρήσῃ. Ἡ Ἐπιτροπὴ τῇ συναινέσει τῶν μερῶν εἰς ἃ ἀφορᾷ ἡ διαφορά, δύναται νὰ καλέσῃ οἰονδήποτε συμβαλλόμενον μέρος τῆς συνθήκης ὅπως ὑποβάλῃ τὰς ἀπόψεις του προφορικῶς ἢ ἐγγράφως. Αἱ ἀποφάσεις καὶ αἱ Εἰσηγήσεις τῆς Ἐπιτροπῆς θὰ λαμβάνωνται διὰ ψήφου τῆς πλειοψηφίας τῶν πέντε μελῶν.

4. Ἡ Ἐπιτροπὴ δύναται νὰ ἐπιστήσῃ τὴν προσοχὴν τῶν μερῶν τῆς διαφορᾶς εἰς οἰαδήποτε μέτρα τὰ ὅποια ἐνδέχεται νὰ διευκολύνουν τὴν φιλικὴν διευθέτησιν τῆς διαφορᾶς.

5. Ἡ Ἐπιτροπὴ θὰ ἀκούσῃ τοὺς διαδίκους, θὰ ἐξετάσῃ τὰς ἀξιώσεις καὶ τὰς ἐνστάσεις καὶ θὰ εἰσηγηθῇ προτάσεις πρὸς τοὺς διαδίκους μετὰ τὴν προοπτικὴν ἐπιτεύξεως διευθετήσεως τῆς διαφορᾶς.

6. Ἡ Ἐπιτροπὴ θὰ ἀναφέρῃ ἐντὸς δώδεκα ἡμερῶν περὶ τῆς συγκροτήσεώς της. Ἡ ἔκθεσίς της θὰ κατατεθῇ εἰς τὸν Γενικὸν - Γραμματέα καὶ θὰ διαβιβασθῇ εἰς τὰ μέρη τῆς ἐν προκειμένῳ διαφορᾶς. Ἡ ἔκθεσις τῆς Ἐπιτροπῆς, περιλαμβάνουσα, πᾶν συμπέρασμα ἀναφερόμενον ἐν αὐτῇ, ἀφορῶν τὰ πραγματικὰ περιστατικὰ ἢ τὰ νομικὰ ζητήματα, δὲν θὰ δεσμεύῃ τὰ μέρη καὶ θὰ ἔχῃ χαρακτῆρα συστάσεων, ὑποβαλλομένων πρὸς ἐξέτασιν ὑπὸ τῶν μερῶν ἐπὶ τῷ τέλει φιλικοῦ διακανονισμοῦ τῆς διαφορᾶς.

7. Ὁ Γενικὸς Γραμματεὺς θὰ παράσῃ εἰς τὴν Ἐπιτροπὴν πᾶσαν βοήθειαν καὶ διευκλύνειν ἥτις ἐνδεχομένως θὰ ἀπαιτῇται. Τὰ ἐξόδα τῆς Ἐπιτροπῆς θὰ βαρύνουν τὰ ἠνωμένα Ἔθνη.

Ἄρθρον Δεύτερον.

Ἡ ἰσχὺς τῶν διὰ τοῦ παρόντος κυρουμένων Συμφωνίας καὶ παραρτήματος ἄρχεται ἀπὸ τῆς πληρώσεως τῶν ἐν ἄρθροις 83 καὶ 84 αὐτῆς προϋποθέσεων.

Ἐν Ἀθήναις τῇ 30 Ἀπριλίου 1974

Ο ΠΡΟΕΔΡΟΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ΦΑΙΔΩΝ ΓΚΙΖΙΚΗΣ

ΣΤΡΑΤΗΓΟΣ

ΤΟ ΥΠΟΥΡΓΙΚΟΝ ΣΥΜΒΟΥΛΙΟΝ

Ο ΠΡΩΘΥΠΟΥΡΓΟΣ

ΑΔΑΜΑΝΤΙΟΣ ΑΝΔΡΟΥΤΣΟΠΟΥΛΟΣ

ΤΑ ΜΕΛΗ

ΚΩΝΣΤ. ΡΑΛΛΗΣ, ΗΛ. ΜΠΑΛΟΠΟΥΛΟΣ, ΣΠΤΡ. ΤΕΤΕΝΕΣ, ΒΑΣ. ΤΣΟΤΜΠΑΣ, ΣΤΑ. ΤΡΙΑΝΤΑΦΥΛΛΟΥ, ΓΕΩΡΓ. ΤΣΟΤΜΑΝΗΣ, ΔΗΜ. ΤΣΑΚΩΝΑΣ, ΠΑΝ. ΧΡΗΣΤΟΥ, ΤΖΩΡ. ΤΖΩΡΤΖΑΚΗΣ, ΠΑΝ. ΠΑΠΑΡΡΟΔΟΠΟΥΛΟΣ, ΧΑΡ. ΓΕΩΡΓΙΟΠΟΥΛΟΣ, ΤΡΤΦ. ΤΡΙΑΝΤΑΦΥΛΛΑΚΟΣ, ΑΛΕΞ. ΤΖΑΒΕΛΛΑΣ, ΚΩΝΣΤ. ΣΚΙΑΛΟΠΟΥΛΟΣ.

Ἐθεωρήθη καὶ ἐτέθη ἡ μεγάλη τοῦ Κράτους σφραγίς.

Ἐν Ἀθήναις τῇ 2 Μαΐου 1974

Ο ΕΠΙ ΤΗΣ ΔΙΚΑΙΟΣΥΝΗΣ ΥΠΟΥΡΓΟΣ

ΣΤΥΛΙΑΝΟΣ ΤΡΙΑΝΤΑΦΥΛΛΟΥ