

HeBMemaTejibCTBa bo BHyTpeMnie aena rocyaapCTB, 3anpemeHMa yrp03M chjiou *mm* ee npuMeaemie h eccoSmero ysaxceHMa h coBmofleHMa npaB neaoBexa h ochobhbx CBOBoa aaa Bcex.

no.iaraa, mto xoaHtpHxagHH h nporpecchBhoe pa3BHTHe npaBa flopoBopob, ocymecTBaeHHbie b HacToamei Kohbchuhh, byayT enocoCTBOBaTb aocpaaceHMK) yxa3aHHbix b YcTaBe gejiei Opraим-3apMM OObeflMHeHHbix HaiipiH, a hmchho noaaep*aHmo Meaay-HapoaHoro MMpa h 6e30nacHocTM, pa3BMTHo apyaceCTseHHbix OTHomeHMM Meacay Hapoaa.vra h ocymecTBaepouo hx coTpyaHH-nectBa apy c apyro.M,

noaTBepataaa, hto hopmh MeacayHapoanoro oobWHoro npaaa oyayT no-npeacHeMy peryanpotBa-rb BonpocH, xoTopne He Hainan pemenna B noaocaeHMax Haepoamei KohBeHipa,

aopOBopHirach o rouxecaayioeme:

HACTbi

BBAEHEME

CiaTba 1

CTepa npiiMeiieHia Haepoamei KOHBCHHH

HacToamaa KohBeHipa nPHMeHaeTca K aopOBopam Mexay rocyaapCTBaMH.

CTaTba 2

ynOTpeBjieHHe TepMiiHOB

1. Haa gejiei Haepoamei KohBeHipai:

- «aopob» 03HaaaeT MeacayHapoaHoe coraameHHe, 3axai-HeHHoe Mea<ay rocyaapCTBaMH B nncbMeHHOy (popwie m pe-ryjimpieMoe MeaayHapoaHbim npaom, He3aBMCMMOy Toro, coaepaeHTca an Taxoe coraameHHe b oAHOM aoxy-MeHTe, b aeyx hjih HecxojibKHX Cba3aHHbix Me>i<ay co6ou aoKyivieHTax, a Taioxe He3aBHCHMO OT ero KOHKperHoro HaHMeHOBSHHA;
- «paTHTpHKaipia», «npHHHTHe», «yTBep5xaeHwe» h «npHcoeaneHHe» 03HaaaiOT, B'3aBHCHMOCTH OT caaaa, HMeromni Taxoe HaHMeHOBaHHe MeacayHapoaHbiy axT, nocpeacTBOM xOTO-popo rocyaapCTBo BwpaaeaeT B MeamypaonOM ruiaHe CBoe coraace Ha o6a3aTeabHOCTb aaa Hero aopobpa;
- «noaHOMOana» onanawT aoxyMenr, xoTopw HecxoanT ot xoMneTeHTHOro opraHa rocyaapCTBa h nocpeacTBOM xOTO-popo oaho Han Hecxoabxo anq Ha3HanaK)TCH npeacraBasm. 3TO rocyaapCTBo b genax BeaeHHH neperobopob, npHHHTHa TexTa aopobpa nan ycTaHOBJeHMa ero ayTeHTHHHOCTH, BwpaaxeHHH coraaceHa stoto rocyaapCTBa Ha o6a3aTeabHOCTb ■aaa Hero aopopai Han B peax coBepmenna aioBopo apy-roro axTa, OTHoeameroca x aopobpy;
- «opobpax» 03HaaaeT oahocTopoHHee 3aabjieHHe B aio6oi (JopMyaHpoBxe h noa JIIO6HM HaMMeHOBaimeM, caeaaHHe rocyaapcraoM npi noanckaKHM, paTH<pMxagMH, npHHaTMM HHH yTBepcaeHHH aopobpa Han npHcoeaneHCHHH x Heiy, nocpeacTBOM xoToporo oho xeeaaex HcxaiOHHTb nJH H3Me-HHTb KcpnaHHecxoe aeicyBHe onpeaeaeHHbix noaocaeHHy aopobpa B HX npHMeHeHHH x aahHOMy rocyaapCTBy,-
- «yaacTBiomee B neperobopax rocyaapCTBo» 03HaaaeT rocyaapCTBo, xoTopoe npHHHMaao yaacTHe B cocTaBaehHHH h npH-HaTHH Texca aopobpa;
- «aopobpHbaioemeca rocyaapCTBo» 03HaaaeT rocyaapCTBo, xoTopoe coraachBOCb na o6a3aTeabHOCTb aaa Hero aopob-pa, He3aBHCHMO OT Toro, BCTymii an aopobp b enay nan Her;
- «ynacTHHX» 03HaaaeT rocyaapCTBo, KOTopoe coraaceHocb Ha o6a3aTeabHOCTb aaa »ero aopobpa h an» xoToporo aopob-pa HaxoaMTca B CHae.

h) «TpeTbe rocyaapCTBo» 03HaaaeT rocyaapCTBo, He hbjihio-mecca ynacTHHXOM aopobpa;

i) «MeacayHapoaHaa opraHH3aipia» 03HaaaeT MeacnpasHTeab-CTBeHHyw opraHH3aqH-o.

2. noaocaeHHa nyHTaI, xacaioemeca ynoTpeOaeHna TepMH-HOB . b HacToamei KohseHHHH, ne 3HTparHBHK>T ynoTpedaeHHa 3THX TepMHHOB- HBH 3HaieKHH, XOTOObie MOPyT SblTb npHaaHbl HM bo BHypeHHeM npaBe aioBopo rocyaapCTBa.

CTaTba 3

MeacayHapoaHbie coraameHia. He Bxoaamne B ccepy nPHMeHema HacToamei KohBeiinnH

Tot cbaxT, hto HacToamaa KohBeHpMa He nPHMeHaeTca x Me>x-ayHapoaHMM coraameHHAM, 3axaiOHeHHbim Meacay rocyaapCTBaMH h apyiHMH cy6bexTaMH MeacayHapoaHoro npaBa HHH Meaeay Ta-XHMH apyMH cy6bexTaMH MeacayHapoaHoro npaBa, h x Meaeay-HapoaHMM coraameHHAM He B xIMCbMeHHOH cpopMe, He 3aTpaH-BaeT:

- ropHaHnecxoi ciiaw Taxnx coraameHHy;
- nPHMeHeHHA x HMM aioSbix nopM, H3aoaceHHbix B HacToamei 'Ko-HBeHaHM, noa aeicyBHe xOTOPMX OHH noanaaaa 6BI B enay MeacayHapoaHoro npaBa, He3aBHCHMO OT HacToamei KOHBeHHHH;
- nPHMeHeHHA HacToamei KohBeHipoi x OTHomeHHHM rocyaapCTB Meacay co6ou c paMxax MeaMyaapoahMX coraame-HHH, ynacTHHXaMH xOTOPMX aBaiOTca Taxace apyne cybixTH MeacayHapoaHoro npaBa.

CTaTba 4

HacToamaa KohBeHpya He HMeeT oBpaTHOy enaw

Ec3 ymerSa aaa nPHMeHeHHA aio6bix hopM, H3aoaceHHbix b HacToamei KohBeHpMH, noa aeicyBHe xOTOPMX noanaaaa 6H aopobpbi B enay MeacayHapoanoro npaBa, He3aBHCHMO OT Koh-BeHpHH, OHa nPHMeHaeTca Toabxo x aopobpam, 3axaK)HeHHHM rocyaapCTBaMH nocae ee BCTynaehHH b enay b OTHomeHHH sthx rocyaapCTB.

CTaTba 5

HorOBopw, ynpewaioemne MOKaynapopHbie opraHH3aTiHH, h aopobpbi, npHHHTbie b paMxax Meaaynapoanoi opraHH3aHHH

HacToamaa KOHBCYMH nPHMeHaeTca x aio6omy aopobpy, HBaawmeMyca ynpaHTeabHMM axTOM MeacayHapoaHoi opraHM-3aimH, h x aio6omy aopobpy, npHHHTOMy B paMxax Meaaynapoanoi opraHH3aipii, 6e3 ymeroa aaa cooTBeTCTByiomux npaana aaHnoi opraHH3aipHH.

HACTbi II

3AKJIIOpIEHME H BCTYIUIEHIE HOPOBOPOB B CMJiy PA3HEJI I: 3AKJIOB[EHME BOPOBOPOB

CTaTba 6

npaBococOHOCTb rocyaapCTB 3akjioqaTb aopOBopu

Kaaceoe rocyaapCTBo o6aaaeT npaBococO6HocTbK) 3axax)HaTb aopobpH.

CTaTba 7

HOJIHOMOHHA

1. Jingo CHHTaeTca npeacpaBJiaiomHM'rocyaapCTBO jih6o b geax npHHHTHH Texca aopobpa hhh ycTaHOBaehHa ero ayTeHTHHHOCTH,