

OTMeHeHO MJIM H3MeHeH0 TOJibKO C COрjiaCHfl yHaCTHHKOB floрOBopa M TpeTbero pocyнаpCTBa, eam TOJIBKO He ycTaHOBJeHO, HTO OHM yCJOBMJIHHCb 06 MHOM.

2. Ecjim fljia TpeTbero rocy^apcBa B03HHKaeT npaBo b cooTBeCT@MM CO CTaTbeÜ 36, TO 3TO npaBO HE MOJKeT 6bITb OTMCHCHO MJIM M3MeHeHo yнаcTHMKaMii, ecjin ycTaHOBJeHO; HTO, corjiaCHO cy-mecTBOBaBMeMy HaMepeHMio, 3TO npaBO He nofljexajio OTMeHe MJIM H3MeHeHMio 0e3 coмaчнa 3Toro TpeTbero rocy^apcBa.

CTaTbH 38

**HopMbi, cOfлeпHomweчH B aoporoпe, KOTOpbiecraiiioiiHTca o0a3aTejibHHMH flpeTbHX pocyapcTB B pe3yjibTaTe B03HHKH0BCHHH Memнyнаpоннopo GÖblHail**

**CpaTbM 34—37 HMKOMM o6pa30M ne npensrcTByior Kai<OH-Jin0o HopMe, cOfлeпKameяca B #opOBop, cTaTb o0H3aTejibiTOM fljin TpeTbero pocyflapcraa B KaacTBe oöMHHOH HopMbi MemнyHapofl-Hopo npaBa, npH3HaBaeM0M KaK TaKOBяa.**

MACTb IV

nOnPABKM K floрOBOPAM M M3MEHEHME BOPOBOPOB

CTaTbH 39

**OSmee npaBHJio, Kacaioмeecn nonpaBOK K «opoBopaM**

**flopoBop MO>i<eT 0biTb M3MeHeH no corjiaieHMio Mexmy yнаcT-HHKaiMH. HopMbi, M3JI05KeHHbie B HaCTM II, npHMeиWOTCH B OTHO-memm TaKopo corjiaieHHH, ecjrai TOJibKO ^opoBop He npeflыcMa-TpMBaeT HHoe.**

CTaTbH 40

**BHeцemie nonpaBOK B MHOpocToroHime norOBopH**

1. Ecjim flopoBop He npeflыcMaTpuBaeT MHoe, npii BHeцeHMM non-paBOK b MHOpocToroHHMÜ flopoBop cieflyeT pyKOBOfлCTBOBaTbCH KHaceoie^yioiUHMM нyмcTаMH.

2. Bee floroBapHBaroiiyecH rocy^apcraa aojKKHbi yBeлoMjiHTbca o JIKDSOM npefljioHceHWH, KacaioMeMa nonpaBOK K MHOpocToroH-HeMy flopoBopy, KOTopbie cOYHCNH ceяCTBOBaTb B OTHomeHnx Meikfly BceMH yнаcниMKaMH, npнneM Kanмoe M3 floroBapHBaio-miixcfl rocy^apCTB MMeer npaBO yHaCTBOBäTb B :

- a) npMHHTMH пemeHHH o том, hto cjie#yeT cnenam b OTHOine-HMM TaKopo npefljioHCeHMH;
- b) neperonax m 3aKJHoneHMH JiioCopo corjiaieHMH o BHece-mm nonpaBOK b flopoBop.

3. Kaacfloe pocyнаpCTBO, Mjvpeiomee npa.BO craTb yнаcTHHKOM flopoBopa, Ta.Kxce HMeer npaibo CTaTb yнаcTHMKOM florosopa, B KOTopbм Sbijim BHeceHH nonpaBKM.

4. CorjiaieHHe o BHeцepom nonpaBOK He CBH3Wbaer pocyнаp-CTBO, ynee HBjииomeeчH yнаcTHMKOM #opoBopa, HO He CTaBinee yнаcTHMKOM. corrauieKnH o BHeceHMM nonpaBOK B florosop; B OTHOineHKH TaKopo rocy^apcTsa npиHMeиeTCH nyHKT. 4 «b» CTaTbH 30.

5. pocyflapCTBO, Kopopoe CTano yнаcTHHKOM copoBopa nocie BcrrыjieHMH b cpuy corjiaieHHH o BHeceHMM nonpaBOK, ecjin TOJibKO OHO He 3BHBJIHeT 00 HHOM HaMepeHHM:

- a) CHMTaepчH yнаcTHMKOM flopoBopa, b kotopm Sbijim BH-ecenb nonpaBKM.M
- b) CHMTaerTCH yнаcTHMKOM noroBopa, b kotopm He Sbijim BHe-ценb nonpaBKM, b oTHoieHMM jноCopo yнаcTHMKa flopoBopa, He CBH3aHHoro corjianieHJTeM o BHeceHMM nonpaBOK b floro-Bop.

CTaTbH 41

CorjiaieHHH 06 M3MeHeHiin MiiopocToroHHHX norOBopos tojibko bo B3aHMOOTHHomeHHHX MCJK.ny onne/fejиииииM yHaCTиHKaMii

1. fl.Ba MJIM HeckOJibKo yнаcTHMKOB MHopoepoHHepo ^opoBopa MoryT 3аклoнMTB corjiaieHMe 06 M3MeHeHM flopoBopa TOJIBKO BO B3aMMOTH0ineHMHX MOKfly COÖOM, OCMIM:

- a) B03M05KH0CTb TaKopo M3MeHeHMH npe^ycMaTpuBaeTCH CaMMM floрOBopOM; MJIM
- b) Taxoe M3MeHeHMe He 3anпemaеTCH ^opoBopOM m :
  - i) He BjiMHeT Ha nojib30BaHHe «pyrMMM yнаcTHMKaMM CBOM-MM npa@aMM no flopoBopy MJIM Ha BbinojiHepaie HMM CBOMX o6H3aTejibCTB; M
  - ii) He 3aTpaMBaeT nojiioKеHMH, OTCTyрmepoie ot KOToporo HBjiaeTCH HecoBMecTMMbim c 3(J)cJJeKTMBHbim ocymecTiBJie-HM6M oBBeipca m uejieii «opoBopa b pejiOM.

2. Ecjim b cjiynaе, noflнаflaioмeM nofl fleMCTBHe nyHopa 1 «a», HoroBopoM He npe^ycMaTpuBaeTCH MHoe, TO yKa3aHHbie yнаcTHM-kh yBeффOMJиHиOT flpyrMX yнаcTHMKOB o ccoem HaMepemM 3aKJиo-HMTb corjiaieHMe m o TOM M3MeHeHn ^opoBopa, Kopopoe CTIMM corjiaieHMe.M npeflыcMaTpuBaeTCH.

HACTb V

**HEBEMCTBHTEJIBHOCTb, FIPEKPAIIIENME M nPMOCTAHOBJIEHME PEJICTBMH AOPOBOPOB PA3AEJI 1: OBIIME HOJO>KEHMH**

CTaTbH 42

**JTeиCTBiiTejibHOCTb M coxpaiicinie Aopoiiope B cnjie**

- 1. YeAcTEMTejibHOCTB flopoBopa MJIM corjiaчHH rocy^apcraa Ha o6H3aTejibH0crrb fljin Hero «opoBopa MonceT ocnapHBaxca TOJIBKO ira ocHOBe npHMeHCHMH HacpoHipeM KohyehpHH.
- 2. npepxameHMe copoBopa, ero ^eHOHcapMH MJIM BBIXO^ M3 Hero yнаcTHMKa Moryp HMeTb Mecpo TOJIBKO B pe3yjibTaTe npMMeHeKMH nojiioHceHMM caMoro «opoBopa MJIM HacpoHMeи KOHBCHPIM. 3TO >Ke npaBHJio npMMeHeTCH K npHocpaHOBjieHMio fleMCTBMH floro-Bopa.

CTaTbH 43

OÖH3aTejibCTBa, HMeиoииe ciuxy Ha ocHOBaиии MOJKayиapo^Horo npaBa, HesamiciiMO OT aorosopa

HefleMCTBMTejibHOCTb, npepxameHMe mjim fleHOHcaifHH ^opoBopa, Bbioxfl m3 Hero Ofлopo m3 yнаcTHMKO mjim npноoTaHOBJeHiMe ero AeUCTBMH, eCJIM OHM HBjииOTCH pe3yjibTaTOM npMMeHeHM HaCT-meM KoHeeHipиM mjim nojiioMceHMM caMoro norOBopa, hm b Koeи Mepe He 3aTpaMBaиOT o0H3aHHOcrb pocyнаpCTBa BbinojiHHTb jikj-6oe 3aM'CaHHoe b florosope o0H3aTejibcrBO, KOTopoe MMeeT cnjй fljin Hero B COOTBeTCTBWH C MejkflyHapOfлHbIM npaBOM, He3aBHCMH ot jioroBopa.

CTaTbH 44

**UejraMOCTb jiorOBopHbix nojiioKemiii**

- 1. ripe^ycMOTpeHHoe b florosope mjim BMTeKaioиe M3 CTan>M 56 npaBo yнаcTHMKa HeHOHcнoBaTb florosop, bwhm m3 Hero mjim npHOCTaHOBMTh ero fleMCTBMe MOMCeT '0bITb MCn0Jib30BaHO B OTHO-ineHMM TOJibKO Bцepo jioroBopa, ocjim ^opoBop ho npe^ycMaTpu-BaeT MHoe mjim ecjin ero yнаcруMKH ne ycjiOBMjpacb o0 mhom.
- 2. Ha npH3Ha@aeMoe B HaicroHipeM KohBeHipиM ooHOBaHiie He-fleMCTBMTejibHOCTM flopoBopa, npeKpameHH florosopa, Bbixo^a m3 Hero mjim npMOCTaHOBJeииMH ero fleMCTBMJи mom<ho ccbuiaTcH b oTH-uieKHM TOJibKO Bцepo flopoBopa bo Bцex cjiynax, KpoMe npe^ycMOTpeHHbix HMxцeчjieflyiomMMH nyHKTaMM mjim CTaTben 60.