

4. npeflbiflymue nymcTbi He 3aTparnBaiOT nojio>KeotM floroaopa, npMMeHMMbix B cnyae ero Hapyrnerioia.

5. IlyHKTHI, 2 h 3 He npiMeHSiOTca k nojioaceiHHHM, Kacaw- ipHMca 3amMTH HejioBeneKOM* jimhhqctm, KOTopne coflepacTca b floroBopax, hochiumx ryMaHMrapHNM xapaKTep, m ocooehHO k nojioaceiHHHM, HCKjiOHaiouMM jiooSyio ejiopMy penpeccaJIMy no OTHomeHMio k jinpaM, nojib3yiomMMca 3ainMTOu no tskhm floro- BopaM.

CTaTbH 61

nocjieflyjomaa neB03M0>KH0CTb BbinojiHemiH

1. ynaCTHHK BnpaBe cewnaTbca Ha HeB03M03KHOcn> BbinojiHemiH floroBopa KaK Ha ochOBaHMe fljia npeparperioia floroBopa nan Bbixofla M3 Hero, ecjiM 3Ta HeB03M0ach0CTb aBaaTca cjielICTBMeM 6e3B03BpaTHopo Mcne3HOBeHMa mjim yHMHTOHeHMa oSbeicpa oSxoflMoro fljia BHnojeHMa florosopa. EcjiH TaKaa Be03M00K- Hoarb aBJiaeTca BpeMeHHoi, Ha nee mocho ocyparbca KaK aa ochOBaHMe Jiimib fljia npMoeraHOBjieHMa fleacTBMa florosopa.

2. YnaCTHMK He BnpaBe ccbinaTbca Ha HeB03M0JKHocrb BbinojiH- HMa Kax Ha ochOBamie fljia npeKpaueHna florosopa, Bbixofla m3 »ero mjim npMOCTaHOBHeHMa ero flencTB-nn, ecim 3Ta HeB03M0ac- HOCTb aBaaTca pe3yjiBTaTOM HapymeHMa cTimm ynaCTHMKOIM jim60 o6a3aTejiCTBa no floroBopy, jim60 nnoro MeJKfly HapoflHor o o6a- 3aTeaCTBa, B3aToro mm Ha ce6a no oraiomeHMio k jiooSoMy flpy- rowy ynaCTHMKy floroBopa.

CTaTbH 62'

KopeHHoe M3MeHeHMe ocTOHTejibCTB

1. Ha KopeHHoe M3MeHeHMe, KOTopoe npoM3omjio b othouichm oScToarejibCTB, cymecTBOBaBinn npi 3aiKHoneHHM floroBopa, m Koropoe He npeflBMfleJiocb ynaCTHMKaMn, HeJib3a ccbinaTbca KaK Ha ochOBaHwe «na npeKpaueHna floroBopa mjim Bbixofla m3 Hero, 3a MCKjnoneHMeM Tex caynaeB, Korfla:

- a) HajimHMe Taxnx oScroarejibcb cocTaBJiano cymecTBemoe ochOBaHMe coraana ynaCTHMKOB Ha o6a3aTejiBhoe> fljia hmx floroBopa; m
- b) nocjieICTBMe MCMenekH oScroirrejibCTB KopeHHbiM o6pa3OM M3MeHaeT cejiery fleicTBua o6a3aTeaCTB, see erpe nofljioKa- IUMX BbinoaHeHMK) no floroBopy.

2. Ha KopeHHoe M3MeneHMe oScroaTeaCTB Hejibaa ccbuia-rbca KaK Ha ochOBaHMe AJIH npeKpaueHna floroaopa MJIM Bbixofla M3 Hero:

- a) ecjiM florQBop ycTaHaBJiHBaeT rpauny; MJIM
- b) ecjiM TaKoe KopeHHoe MSMe h eHMe, Ha KOTopoe cewjiaeTca ynaCTHMK floroaopa, aBJiaeTca pe3yjiBTaTOM HapyineHMa 3TMM ynaCTMKOM JIM60 oBa3aTeai>CTBa no florosopy, JIM60 MHoro Meacfly HapoflHor O0a3aTeaMXTBa, B3HTOTO MM na ce- no OTHoni e HM io k jiooOMy «pyroMy ynaCTHKKy florosopa.

3. Ecjim, b cooTBeTCTBMM c npeflbiflyiunMM nyHKTaMH, ynaCTHMK BnpaBe ccbinaTbca Ha KopeHHoe M3MeHeHne oScroaTejibcb KaK Ha ochOBajnie Ana npeKpaueHna floroBopa mjim Bbixofla m3 Hero, to oh BnpaBe Taicace ccbinaTbca Ha 3to HSMCHeHMe KaK Ha ochoa- Hne fljia npMOCTaHOBjieHMa p&ucvix floroaopa.

CTaTbH 63

Pa3pbiB AHUIUOMaTHHeCKHX MJIM KOHCyjiBCKMX OTHomeHMM

Pa3pMB flIHUIOMaTHHeCKMX MJIM KOHCyjiBCKMX OTHomeHMM flefly ynaCTHMKaMM floroBopa He BjiMaCT Ha npaBOBwe OTHomeHMa, ycraHOBjieHHbie Meac^y HMMM aoroBopoM, 3a MCKjooneHMieM cjiy- naeB, Kor^a Hajimne flMimoMaTMHeCKMX MJIM KOHCyjiBCKMX meHMM HeoSxoffMOMy uja BbinojraeHMa ao.roBopa.

CTaTbH 64

B03HMKH0BeHMe HOBOM MMnepaTHBHOM HopMbl o6ero MejKnyHapouHoro npaca (jus cogens)

ECJIM B03HMKaET HOBaa MMnepaBHaa »opMa oBuiero Me*ny HapoflHor npaca, TO JHOOM cymecTByiomMM aoroBop, KOTOPMM

Oka3MBaeTCH B npOTMBOpeHMM C 3TOM HopMOM, CT3H0B1MTCH He- ueMCTBMTejibHbiM m npeKpauepH.

PA3HEJI4: nPOHEflyPA

CTaTbH 65

npopeaypa, kotopom cneyeT nnaepiKHBaTBCH b OTHomeM HeaacTBMTejibHOCTM uoroBopa, npeKpaueMHH aoroBopa, Buxona m3 Hero mjim npMOCTaHOBjieHMH ero^ucmhbh

1. ynaCTHMK, KOTOpbIM B COOTBeTCTBMM C nOJIOJKeHMMH Ma- JieH Kohbchumm ccbuiaCTCH Ha nonoK b ccoeM corjiacMM Ha o6x3a- TejibHocrb fljia Hero floroBopa mjim* na ochOBaHMe fljia onapMba- kmh fleMCTBMTejibHOCTM floroBopa, fljw npeKpaueHMH flOPOBopa, Bbixofla M3 Hero mjim npMOCTaHOBjieHMH ero ^ucmhbh, flojimea yBeJIOMMTb flpyrx ynaCTMKOB o ccoeM ppeBOaHMM. B yaeoMjie- bmm fljiaaHbi CbiTb yKa3aHM Mepbi, KOTopjie npeflnoJiaaeTCH npMHHTb b OTHomeHMM florosopa, a TaaoKe mx o6ochOBamiH.

2. Ecjim no MCTeneHMM onpaeneHHoro nepMo^a, kotopmm, 3a MCKjnoneHMeM ejiyuaeB ocoSoM cpohhqctm, flOJiaeh cocTaBjibTb ne Menee Tpx Mecaqeb c momchh nonynemiji yBeoMjieHMa, hm jim60 ynaCTHMK ne BbicKaaceT B03paaceHjM, to HanpiaBMSihtm yBe- flOMJieHMe ynaCTHMK MMeET npaso b nopauKe, ycraHOBjieHHOM craTbe 67, ocymecTBMTb npeycMOTpeHHMe mm Mepsi.

3. Ecjim, oflHaKO, nocneflyer B03paaceHMe co ctopoh juoSoro flpyoro ynaCTHMKa, to yhaCTM*km uojimchm p.06uBarben y.peryjiM- pOBAHMH c noMoiUbio cpeuca, yicasaHHMX b craTbe 33 ycraa OpraHi3auMM 06T>euMiH.eHHbiX HaipiM.

4. Hmhto b npeflbiflyiuMX nyHicrax ne 3aTparMbaer npac mjim o6H3aTejibCTB ynaCTHMKOB b paMKax jiooBix uefierByioiuMx nono- HCeHMM, HBJUHOMMXCH 06H3aTejibHHMM ftJH yHaCTHMKOIB B OTHo- meHMM yperyjiMpoBAHMH cnopo@.

5. Ee3 ymepoa fljia craTbM45, to oScronTejibCTBO, hto roc- AapCTBO He HanpaBMjio paHee yBefloviuemT, pneumicHHoro b nymce 1, He MemaeT eMy HanpasMTb Tano yBeJIOMJieHMe b orser MpyOMy ynaenniKy, xpeByioiueMy BbrnoJiaeiuiH ^oroBopa mjim 3aaBJiHK) iueMy 06 ero HapymeHMM.

CTaTbH 66

npopeaypa cyaeShoro pa36npaTejibCTBa, ap6HTpanca M npMMHpeHMH

ECJIM B reneHMe 12 Mecflueo nocjie flaTN, Korfla GMJIO ccbopMy- jEMpoBaHO B03pa>KeHM,e, He CBJIO nocropHyTO HMKaKoro pemehH B COOTBeTCTBMM C IiyHKTOM 3 CTaTbM 65, TO npMMehHTCH cjielilyio- aaa npoueaypa:

- a) JiioCaH M3 cropoH b cnoe o npumencmm mjim TOJIKOBaHMM craTeM 53 mjim 64 Moacer nepflaTb ero, nyTeM imcbMemiopo 3aHBjieHMH, Ha pemehMe MexnyHapoflHor Cyaa, ecjiM TOJibKO ctopoh he floroBopHTCH c oSmero corjiacMH nepe- flan, 3tot cnop Ha ap6MTpanc;
- b) jiroSaa M3 cropoH b cnoe o irpMMeHeHMM mjim TOJIKosarirr- jnoBOM flpyoi craTbM naCTM V KOHbCHUM MOJKCT Hanan. nponefly, yKa3aHHyo b ITpoinoaceHMM k HacToamei Koh- BeHMM, oSpaniBiiiMcb c cooTBeTCTByioMieM npecbGoii k reHepajibBOMy CeKpeTapio OpraHM3auMM OSbeflMHeHHHX HaipiM.

CTaTbH 67

HOCTyMeHTbl ob OSbHBjieHMH flOPOBopa HefleMCTBHTejibHMM, o npenpameHn floroBopa, o Bbixofle »3 Hero MJIM o HpHOCTaHOBjieHMH ero fleUCTBHT

- 1. yBeJIOMJieHMe, ynoMMHaeMoe b nymce 1 craTbM 65, aojjkho flejiaTbCH b imcbMeHHOM (jiopMe.
- 2. JIMDSOM aKT, MMeioHMM pejibio oSiHBjieHMe floroBopa HefleM- CTBMTejibHbiM mjim npeKpaueHMe floroBopa, bmxoa M3 Hero mjim npMOCTaHOBjieHMe ero fleicrBMH b cooTBeCTBMM c ero nojioace-