条約の改	为 貝	見るこれ 月余とす 約とす	り 第三 に よ る 版 慣 ら を り こ 習		更回い権 又て利 はのに 変撤つ	又国	
条約は、当事国の間の合意によつて改正することができる。	第三十九条 条約の改正に関する一般的な規則	第四部条約の改正及び修正	国を拘束することとなることを妨げるものではない。ている規則が国際法の慣習的規則と認められるものとして第三第三十四条から前条までの規定のいずれも、条約に規定され	第三十八条(国際慣習となる条約の規則)	• ることができない。 • ることができない。 • ることができないことが意図 • ることができないことが意図 • ることができない。	いる場合には、条約の当事国及び当該第三国の同意があると1.第三十五条の規定によりいずれかの第三国が義務を負つて	第三十七条(第三国の義務又は権利についての撤回又
A treaty may be amended by agreement between the parties. The rules laid	Article 39 General rule regarding the amendment of treatles	PART IV AMENDMENT AND MODIFICATION OF TREATIES	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.	Article 36 Rules in a treaty becoming binding on third States through international custom	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.	oligation has arisen for obligation may be revok	Article 37 Revocation or modification of obligations or rights of third States

条約法条約

六 〇 九

		改の多 正条数 約国 の間	な え 一 限 的 す
5 条約を改正する合意が効力を生じた後に条約の当事国とみる国は、別段の意図を表明しない限り、	用する。	 1 多数国間の条約の改正する合意の交渉及び締結 2 多数国間の条約を改正する合意の交渉及び締結 (b) 当該条約を改正する権利を有する。 (a) 当該提案に関してとられる措置についての決定 (b) 当該条約を改正する権利を有する。 (c) 当該条約を改正する権利を有する。 	か、第二部に定める規則を適用する。当該合意については、条約に別段の定めがある場合を除くほ

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

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

 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, which does not become a party to the amendation of the state of the state

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.

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第四十二条 条約の有効性及び条約の効力の存続	効性 及 び 有
第一節 総則	
第五部 条約の無効、終了及び運用停止	
段 の 当 定 事	
2 条約を修正する合意を締結する意図を有する当事国は、当いこと。 ヨと同ゴーたいこととたる急系の表気に関するものでた	
」果 D 的	
他 の 当 の	
て	るみま 合修い
	こ 事 一 の の う に 間 当 、 の ら 、 こ 間 、 の ら 、 こ し の ら 、 こ し の ら 、 の ら の ら 、 の ら の ら 、 の ら の ら 、 の ら の ら の ら 、 の ら の ろ の ら の ら の ろ の ろ の ろ の ろ の ろ の ろ の ろ の ろ の ろ の ろ ろ の ろ ろ ろ ろ ろ ろ ろ ろ ろ ろ ろ ろ ろ
1 多数国間の条約の二以上の当事国は、次の場合には、条約	条数 約国
いてのみ修正する合意	

Agreements to modify multilateral treaties between certain of the parties only Article 41

第四十一条

多数国間の条約を一部の当事国の間にお

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

- (a) the possibility of such a modification is provided for by the treaty; ŝ
- 6 the modification in question is not prohibited by the treaty and:
- does not affect the enjoyment by the other parties of their rights under the treaty or the performance of their obligations;
- (i1) 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.

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

provides.

PART V

SECTION 1: GENERAL PROVISIONS

INVALIDITY, TERMINATION AND SUSPENSION OF THE OPERATION OF TREATIES

条約法条約

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Validity and continuance in force of treaties

Article 42

分身 性 <i>¥</i> ₀ 可)	るてにれ関条 義課基国係約 務さづ際をと れい法離の			力の存続 一
1 条糸を廃棄し、糸糸カ・肥連し又は糸糸の週月を停止する	第四十四条条約	務に何ら影響を及ぼすものではない。国際法に基づいて課されるような義務についての国の履行の責は、条約に規定されている義務のうち条約との関係を離れても了若しくは廃棄、条約からの当事国の脱退又は条約の運用停止この条約又は条約の適用によりもたらされる条約の無効、終	される義務第四十三条 条約との関係を離れ国際法に基づいて課	の運用停止についても約又はこの条約の適用条約の終了若しくは廃きる。	意の有効性は、この条約の適用によつてのみ否認することが1.条約の有効性及び条約に拘束されることについての国の同
a fight of a with post-one mapped 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 except as provided in the following paragraphm or in article 60.	Article Separability of t	The invalidity, termination or demunciation of a treaty, the withdrawal of a party from it, or the muspension 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 43 Obligations imposed by international law independently of a treaty	2. The termination of a treaty, its domunisation 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.	 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.

六 一 二

効若しく

A State may no longer invoke a ground for invalidating, terminating, withdrawing from or mumpending the operation of a treaty under articles 46 to 50	いずれの国も、次条から第五十条までのいずれか、第六十条
Article 45 Loss of a right to invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty	権利の喪失 退又は条約の運用停止の根拠を援用する 第四十五条 条約の無効若しくは終了、条約からの脱
5. In cases failing under articles 51, 52 and 53, no separation of the provisions of the treaty is permitted.	は、認められない。5 第五十一条から第五十三条までの場合には、 条約の分割ることかてきる
4. In cases failing under articles 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.	ても、3の規定に従うことを条件として、この権利を行使す利を行使することができるものとし、特定の条項のみについとして援用する権利を有する国は、条約全体についてこの権4 第四十九条及び第五十条の場合には、詐欺又は買収を根拠
(c) continued performance of the remainder of the treaty would not be unjust.	はないこと。(
(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	とが、条約自体から明らかであるか又は他の方法によつて他の当事国の同意の不可欠の基礎を成すものでなかつたこゆ 当該条項の受諾が条約全体に拘束されることについての
(a) the said clauses are separable from the remainder of the treaty with regard to their application;	のであること。())、当該条項がその適用上条約の他の部分から分離可能なもの)
3. If the ground relates solely to particular clauses, it may be invoked only with respect to those clauses where:	についてのみ援用することができる。つ、次の条件が満たされる場合には、当該根拠は、当該条項3.2に規定する根拠が特定の条項にのみ係るものであり、かついてのみ援用することができる。

条約法条約

六 一 三

のる能結条 規国にす約 定内関るを 法す権締			Ť C	復援の運 ℓ 利用根用∉ のす 拠停 寝るを止○	条脱約終 約退か了
1 いずれの国も、条約に拘束されることについての同意が条合には、明白であるとされる。	定第四十六条 条約を締結する権能に関する国内法の規	第二節 条約の無効	を黙認したとみなされるような行為(b) 条約の有効性、条約の効力の存続又は条約の運用の継続同意	と又は条約が引き続き運用されることについての明示的な(a) 条約が有効であること、条約が引き続き効力を有するこは、当該根拠を援用することができない。	争ん
 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. 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 46 Provisions of internal law regarding competence to conclude treaties	SECTION 2: INVALIDITY OF TREATIES	(b) it must by reason of its conduct be considered as having acquiesced in the validity of the treaty or in its maintenance in force or in operation, as the case may be.	(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	or articles 60 and 62 if, after becoming aware of the facts:

六一四

別対るを国 のす権表の 権 限 特 に す 意

与した場合又は国が何らかの錯誤の発生の可能性を予見する2.1の規定は、国が自らの行為を通じて当該錯誤の発生に寄	として援用することができる。約に拘束されることについての自国の同意を無効にする根拠いた事実又は事態に係る錯誤である場合には、当該錯誤を条束されることについての自国の同意の不可欠の基礎を成して存在すると自国が考えていた事実又は事態であつて条約に拘1 いずれの国も、条約についての錯誤が、条約の締結の時に	第四十八条 錯誤	用することができない。り、代表者によつて表明された同意を無効にする根拠として援り、代表者によつて表明された同意を無効にする根拠として援による同意の表明に先立つて他の交渉国に通告されていない限者が当該制限に従わなかつたという事実は、当該制限が代表者代表者の権限が特別の制限を付して与えられている場合に代表特定の条約に拘束されることについての国の同意を表明する	第四十七条(国の同意を表明する権限に対する特別の

第四十九条

条

約法条約

の規定を適用する。

ぼすものではない。このような錯誤については、第七十九条 条約文の字句のみに係る錯誤は、条約の有効性に影響を及

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ことができる状況に置かれていた場合には、

適用しない。

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詐欺

六一五

Article 49 Fraud

its validity; article 79 then applies. An error relating only to the wording of the text of a treaty does not affect conduct to the error or if the circumstances were such as to put that State on 2. Paragraph 1 shall not apply if the State in question contributed by its own

notice of a possible error.

錯

誤

Article 48

1. A State may invoke an error in a treaty as invalidating its consent to

be bound by a particular treaty has been made subject to a specific restriction,

If the authority of a representative to express the consent of a State to

Specific restrictions on authority to express the consent of a State

Article 47

negotiating States prior to his expressing such consent.

the consent expressed by him unless the restriction was notified to the other his omission to observe that restriction may not be invoked as invalidating

Error

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

第五十二条 武力による威嚇又は武力の行使による国 Generation of a State by the threat of use of force	る強制 である場合には、いかなる法的効果も有しない。 国の代表 第五十一条 国の代表者に対する預為又は脅迫による強制の結果行われたもの 第五十一条 国の代表者に対する強制の結果行われたもの なintr bia shall be vituent agy legal effect.	第五十条 国の代表者の買収 It is expression of a Statel some to be bound by a treaty an invalidating state of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some to be bound by the treaty of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some treated by be treaty. BO代表 If the expression of a statel some to be bound by a treaty of a Statel some to be bound by a treaty of a Statel some to be bound by a treaty and the completion at invalidating the completion of a statel some to be bound by the treaty. BO代表 If the expression of a statel some to be bound by the treaty of a Statel some treats. Corruption of a statel some to be bound by the treaty. If the expression of a statel some to be bound by the treaty. If the expression of a statel some to be bound by the treaty. If the expression of a statel some to be bound by the treaty. If the expression of a statel some to be bound by the treaty. If the expression of a statel some to be bound by the treaty. If the expression of a statel some to be bound by the treaty. If the expression of a statel some to be bound by the treaty.	きる。 許二教 いずれの国も、他の交渉国の詐欺行為によつて条約を締結す Ir a State has been induced to conclude a treaty it in tread as involution induced to conclude a treaty it is tread as involution induced to conclude a treaty it is tread as involution induced to conclude a treaty it is tread as involution induced to conclude a treaty it is tread as involution induced to conclude a treat involut
<u>Article 52</u> <u>Coervion of a State by the threat or use of force</u> 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 Mations.	21 tative of a State be bound by a treaty which has been be through acts or threats directed t.	<u>50</u> n <u>taive of a State</u> to be bound by a treaty has been sentative directly or indirectly by oke much corruption as invalidating	a treaty by the fraudulent conduct of obe the fraud as invalidating its

六 一 六

らはのづ同当条 の条終く意事約 脱約了条に国又 退か又約基のは		約 触 規 法 一 ず 範 の 般 る に 強 国 条 抵 行 際	する る 国 に 対
 下回る数への当事国数の減少 第五十五条 多数国間の条約の効力発生に必要な数をなるでていない締約国は、事前に協議を受ける。となつていない締約国は、事前に協議を受ける。 朱約に基づく場合 たる時点においても行うことができる。もつとも、当事国場合に行うことができる。 	第五十四条 条約又は舎約からの脱退第五十四条 条約又は当事国の同意に基づく条約の終第三節 条約の終了及び運用停止	入れ、かつ、認める規範をいう。 る規範として、国により構成されている国際社会全体が受け る規範として、国により構成されている国際社会全体が受け る逸脱も許されない規範として、また、後に成立する同一の性 ある。この条約の適用上、一般国際法の強行規範とは、いかな 締結の時に一般国際法の強行規範に抵触する条約は、無効で	第五十三条(一般国際法の強行規範に抵触する条約

Treaties conflicting with a peremptory norm of general international law (jus cogens) Article 53

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

SECTION 3: TERMINATION AND SUSPENSION OF THE OPERATION OF TREATIES

Article 54

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

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

(b) at any time by consent of all the parties after consultation with

the other contracting States.

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

Reduction of the parties to a multilateral treaty below the number necessary for its entry into force Article 55

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(b) at any time by consent of all the parties after consultation with the other contracting States.	(b) すべての当事国の同意がある場合。この場合には、いか	く 余
(a) in conformity with the provisions of the treaty; or	(a) 条約に基づく場合 「教気の計画目にていて 化ユモネスマオティーング	意 [をに]
The operation of a treaty in regard to all the parties or to a particular party may be suspended:	寺戸り当事国こつ、て亭上することができる。条約の運用は、次のいずれかの場合に、すべての当事国又は	当事国の
Article 57 Suppension of the operation of a treaty under its provisions or by consent of the parties	第五十七条 条約又は当事国の同意に基づく条約の運	
2. A party shall give not less than twelve months' notice of its intention to denounce or withdraw from a treaty under paragraph 1.	月前までに通告する。	退か
(b) a right of demunciation or withdrawal may be implied by the mature of the treaty.		うは
(a) it is established that the parties intended to admit the possibility of denunciation or withdrawal; or	い た 当	のな症
 A treaty which contains no provision regarding its termination and which does not provide for demunciation or withdrawal is not subject to demunciation or withdrawal unless: 	棄し、又はこれから脱退することができない。していない条約については、次の場合を除くほか、これを廃1(終了に関する規定を含まずかつ廃棄又は脱退について規定	る退棄終 見に関えて こます 脱廃
<u>Article 56</u> Demunciation of or withdrawal from a treaty containing no provision regarding termination, demunciation or withdrawal	の脱退ない条約の廃棄又はこのような条約から第五十六条(終了、廃棄又は脱退に関する規定を含ま	減事数を
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.	理由として終了することはない。が条約の効力発生に必要な数を下回る数に減少したことのみを多数国間の条約は、条約に別段の定めがない限り、当事国数	に効の多 必力条数 要発の間 な生の間
7-1	异¥ 注 字 ¥	

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		用条意の事一の多 停約にみ国部条数 止のよののの約国 運る合間当の間	止の 運 用 停
用停止 第五十九条 後の条約の締結による条約の終了又は運	ない。の場合において条約に別段の定めがあるときは、この限りでの場合において条約に別段の定めがあるときは、この限りでしている条約の規定を他の当事国に通告する。ただし、1(a)は、当該合意を締結する意図及びその運用を停止することと2 条約の運用を停止する合意を締結する意図を有する当事国	 多数国間の条約の二以上の当事国は、次の場合には、条約の趣旨及び目的に反することとなるものでないこと。 (i) 条約の趣旨及び目的に反することとなるものでないこと。 (i) 条約に基づく他の当事国による権利の享有又は義務の見行を妨げるものでないこと。 (i) 条約に基づく他の当事国による権利の享有又は義務の人間行を妨げるものでないこと。 	の合意による条約の運用停止第五十八条(多数国間の条約の一部の当事国の間のみ事国となつていない締約国は、事前に協議を受ける。なる時点においても停止することができる。もつとも、当

条約法条約

Suspension of the operation of a multilateral treaty by agreement between certain of the parties only Article 58

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

- (a) the possibility of such a suspension is provided for by the treaty; ę
- (b) the suspension in question is not prohibited by the treaty and:
- Ē does not affect the enjoyment by the other parties of their rights under the treaty or the performance of their
- (ii) is not incompatible with the object and purpose of the treaty.

obligations;

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

Termination or suspension of the operation of a treaty implied by conclusion of a later treaty Article 59

止はのよの後 運終る締の 用了条結条 停又約に約 停又約しの条 止はのて結約 運終の果違 用了条と反 2 2 1 結する場合において次のいずれかの条件が満たされるとき (a) あつた場合には、 ことができる。 は条約の全部若しくは一部の運用停止の根拠として援用する あつた場合には、 るものとみなす。 て確認される場合には、 とが後の条約自体から明らかである場合又は他の方法によつ (b) (a) は、終了したものとみなす。 (i) 他の当事国と違反を行つた約を終了させることができる。 多数国間の条約につきその一の当事国による重大な違反が 二国間の条約につきその一方の当事国による重大な違反が 当事国が条約の運用を停止することのみを意図していたこ 図していたことが後の条約自体から明らかであるか又は他 れらの条約を同時に適用することができないこと。 の方法によつて確認されるかのいずれかであること。 条約は、 において、条約の全部若しくは一部の運用を停止し又は条 当事国が当該事項を後の条約によつて規律することを意 他の当事国は、一致して合意することにより、次の関係 条約と後の条約とが著しく相いれないものであるためこ 第六十条 すべての当事国が同一の事項に関し後の条約を締 他方の当事国は、当該違反を条約の終了又 用停止 条約違反の結果としての条約の終了又は運 条約は、運用を停止されるにとどま

他の当事国と違反を行つた国との間の関係

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

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the other parties by unanimous agreement to suspend the operation of

treaty in whole or in part or to terminate it either:

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in the relations between themselves and the defaulting State, or

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

ન્ of the earlier one that the two treaties are not capable of being the provisions of the later treaty are so far incompatible with those applied at the mame time.

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

intention of the parties.

Article 60

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

other to invoke the breach as a ground for terminating the treaty or suspending

A material breach of a bilateral treaty by one of the parties entitles the

its operation in whole or in part.

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条 約 法条 約

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約法条約

該履行不能を条約の終了又は条約からの脱退の根拠として援された結果条約が履行不能となつた場合には、当事国は、当1 条約の実施に不可欠である対象が永久的に消滅し又は破壊第六十一条 後発的履行不能	規定については、適用しない。	 え う。 3 この条の規定の適用上、重大な条約違反とは、次のものをいう。 3 この条の規定の適用上、重大な条約違反とは、次のものをいう。 3 この条の規定の適用上、重大な条約違反とは、次のものをいう。)的義約 一つ反す 后に務の 部たにへ 「変履 質 運 とりの
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(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 susponding 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 treatise of a humanitarian character, in particular to provisions prohibiting any form of reprisels against persons protected by such treaties.

Article 61 Supervening impossibility of performance

1. A party may invoke the impossibility of performing a tracky as a ground for theminating or withdrawing from it if the impossibility remults from the permanent disappearance or destruction of an object indispensable for the execution of the tracky. If the impossibility is emporary, it may be invoked only as a ground for suspending the operation of the treaty. 化本事 的情

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変根

他の国際的な義務についての違反の結果生じたづく義務についての違反又は他の当事国に対しの根本的な変化が、これを援用する当事国によが境界を確定している場合としができない。穆林本的な変化は、次の場合には、条約の終了又。		として援用することができない。 2 当事国に対し負つている他の国際的な義務についての自国の違反の結果条約が履行不能となつた場合には、当該履行不の進を条約の終了、条約からの脱退又は条約に違いての自国の違反又は他る。 3 当事国に対し負つている他の国際的な義務についての自国の違反又は他る。
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under the treaty or of any other international obligation owed to any other terminating, withdrawing from or suspending the operation of a treaty if the 2. Impossibility of performance may not be invoked by a party as a ground for party to the treaty. impossibility is the result of a breach by that party either of an obligation

Article 62

Fundamental change of circumstances

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

条

約法条約

効若しく とについてる条約の無 1 条約の当	第六-	範の成立 第四節	なの新た 一般国際 一般国際法 	第六	絶保の断すものではない。ただし、関係の断すものではない。ただし、外交関係 条約の当事国の間の外交	第六	援用することがでできる場合には、それの終了又は多くできる場合には、このである場合には、このである場合には、1日のの約10000000000000000000000000000000000
いての自国の同意の瑕疵を援用する場合又は条約の有一の当事国は、この条約に基づき、条約に拘束されるこ	手続 退又は条約の運用停止に関してとられる 第六十五条 条約の無効若しくは終了、条約からの脱	手続	に抵触する既存の条約は、効力を失い、終了する。般国際法の新たな強行規範が成立した場合には、当該強行	第六十四条(一般国際法の新たな強行規範の成立)	約の適用に不可欠である場合は、この限りでない。ものではない。ただし、外交関係又は領事関係の存在が当該間に当該条約に基づき確立されている法的関係に影響を及ぼ条約の当事国の間の外交関係又は領事関係の断絶は、当事国	第六十三条 外交関係又は領事関係の断絶	援用することができる。できる場合には、当該変化を条約の運用停止の根拠としても条約の終了又は条約からの脱退の根拠として援用することが当事国は、1及び2の規定に基づき事情の根本的な変化をである場合
 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 	Article 65 Procedure to be followed with respect to invalidity, termination, withdrawal from or mumpension of the operation of a treaty	SECTION 4: PROCEDURE	of <u>general international law (the copens)</u> If a new peremptory norms of general international law emerges, any existing treaty which is in conflict with that norms becomes wold and terminates.	Article 64 Basrgence of a new perceptory norm	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 no far as the existence of diplomatic or commular relations is indispensable for the application of the treaty.	<u>Article 63</u> Severance of diplomatic or communiar relations	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 if may also invoke the change as a ground for suspending the operation of the treaty.

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validity of a treaty, terminating it, withdrawing from it or suspending its operation, must notify the other parties of its claim. The motification shall indicate the measure proposed to be taken with respect to the treaty and the reasons therefor.

2. If, after the exploy of a period which, except in cases of special urgency, a ball 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 twelve 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

六二四

条約

法条約

A notification or instrument provided for in article 65 or 67 may be revoked at any time before it takes effect.	る前にいつでも撤回することができる。第六十五条及び前条に規定する通告又は文書は、効果を生ず	条及び前 第六十五
Article 68 Revocation of motifications and instruments provided for in articles 65 and 67	第六十八条 第六十五条及び前条に規定する通告及び	
2. Any act declaring invalid, terminating, withdrawing from or suspending the operation of a treaty pursuant to the provisions of the treaty or of puragraphs 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 Poreign Affairs, the representative of the State communicating it may be called upon to produce full powers.	2 条約の規定又は第六十五条2若しくは3の規定に基づく条	 書さ用条さかせをし せを約せら、終 る停の又脱条了条 文止運は退約さ終
 The notification provided for under article 65, paragraph 1 must be made in writing. 	1 第六十五条1の通告は、書面によつて行わなければならな	, 効条 約 を 宣 言 無
Article 67 Instruments for declaring invalid terminating withdrawing from or suspending the operation of a treaty	させる文書条約から脱退させ又は条約の運用を停止第六十七条(条約の無効を宣言し、条約を終了させ、	
(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.	り、附属書に定める手続を開始させることができる。のいずれも、国際連合事務総長に対し要請を行うことによb.この部の他の規定の適用又は解釈に関する紛争の当事者について合意する場合は.この限りでない。	
interpretation of article 53 or 64 may, by a written application, which it to the International Court of Justice for a decision unless the parties by common consent agree to submit the dispute to arbitration;	- さっただし、紛争の当事者のいずれも	

六二五

1. Unless the treaty otherwise provides or the parties otherwise agree, the	1 条約に別段の定めがある場合及び当事国が別段の合意をす	条約の終
Consequences of the termination of a treaty		
Article 70	第七十条 条約の終了の効果	
	当該特定の国と条約の当事国との関係において適用する。	
a multiversity creaty, one foregoing rules apply in the relations between that State and the parties to the treaty.	意が無効とされた場合には、1から3までに定める規則は、	
4. In the case of the invalidity of a particular State's consent to be bound by	4 多数国間の条約に拘束されることについての特定の国の同	
	詐欺、買収又は強制を行つた当事国については、適用しない。	
3. In cases failing under articles 49, 50, 51 or 52, paragraph 2 does not apply with respect to the party to which the fraud. the act of corruction or the	3 第四十九条から第五十二条までの場合には、2の規定は、	
	ことはない。	
топистая интерсти од тароон оний от има тихаттитий от има издалут.	は、条約が無効であることのみを理由として違法とされる	
	(b) 条約が無効であると主張される前に誠実に行われた行為)	
	きる。	
	の関係においてできる限り確立するよう要求することがで	
in their mutual relations the position that would have existed if the acts had not been performed;	れなかつたとしたならば存在していたであろう状態を相互	
(a) each party may require any other party to establish as far as possible	(a) いずれの当事国も、他の当事国に対し、当該行為が行わ	
	に行為が行われていた場合には、	
2. If acts have nevertheless been performed in reliance on such a treaty:	2 この条約によりその有効性が否定された条約に依拠して既	
	る。無効な条約は、法的効力を有しない。	効
 A treaty the invalidity of which is established under the present Convention is void. The provisions of a void treaty have no legal force. 	1 この条約によりその有効性が否定された条約は、無効であ	条約の無
Consequences of the invalidity of a treaty		
Article 62	第六十九条 条約の無効の効果	
SECTION 5: CONSEQUENCES OF THE LIVALIDITY, DENEMATION OR SUSPENSION OF THE OFERATION OF A THEATY	第王箕(余糸の無交)糸丁又に退用伯山の交界	の撤回
	を匂う疾力、そうとは置目序 こ	及び文書
		条に規定
ホニカ	条約法条約	

の約触規法一 効のす範の般 果無るに強国 効条抵行際

の約触規法一	了
効のす範の般	の
果無るに強国	効
効条抵行際	果
 余約の権利、義務及び法的状態は、条約の終了後は、一般 一般国際法の強行規範によりなした当事国の 一般国際法の強行規範により効力を失い、終了するとされた ものとすること。 当事国は、次のことを行う。 当事国は、条約を引き続き履行する義務を免除される。 当事国は、条約を引き続き履行する義務を免除される。 当事国は、条約を引き続き履行する義務を免除される。 	 る場合を除くほか、条約又はこの条約に基づく条約の終了に 第七十一条 一般国際法の強行規範に抵触する条約の 第七十一条 一般国際法の強行規範に抵触する条約の

Convention: termination of a treaty under its provisions or in accordance with the present

- (a) releases the parties from any obligation further to perform the treaty;
- (b) does not affect any right, obligation or legal situation of the termination. parties created through the execution of the treaty prior to its

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

Consequences of the invalidity of a treaty which conflicts with a peremptory norm of general international law Article 71

- ۲ 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
- (b) bring their mutual relations into conformity with the peremptory norm of general international law; and
- 'of general international law-
- 2 the termination of the treaty: In the case of a treaty which becomes void and terminates under article 64_{+}
- (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 provided that those rights, obligations or situations may thereafter created through the execution of the treaty prior to its termination; be maintained only to the extent that their maintenance is not in

生行及国国 の為び家家 場の敵責承 合発対任継、 効用条 果停約 止の の運

Article 74 Diplomatic and consular relations and the conclusion of treaties	第七十四条(外交関係及び領事関係と条約の締結
The provisions of the present Convention shall not prejudge 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.	断を下しているものではない。の発生により条約に関連して生ずるいかなる問題についても予この条約は、国家承継、国の国際責任又は国の間の敵対行為
Article 73 Cases of State succession, State responsibility and outbreak of mostilities	第七十三条(国家承継、国家責任及び敵対行為の発生)
PART VI Miscellaneous provisions	第六部辨則
During the period of the suspension the parties shall refrain from acts tending to obstruct the resumption of the operation of the treaty.	れのある行為を行わないようにしなければならない。2.当事国は、運用停止の間、条約の運用の再開を妨げるおそ
 (a) releases the parties between which the operation of the treaty is supported from the obligation to perform the treaty in their mutual relations during the period of the supportion; (b) does not otherwise affect the legal relations between the parties established by the treaty. 	aの場合を除くほか、いかなる影響も受けない。b)当事国の間に条約に基づき確立されている法的関係は、間、相互の関係において条約を履行する義務を免除される。a)運用が停止されている関係にある当事国は、運用停止の
 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: 	止により、る場合を除くほか、条約又はこの条約に基づく条約の運用停る場合を除くほか、条約又はこの条約に基づく条約の運用停1 条約に別段の定めがある場合及び当事国が別段の合意をす
<u>Article 72</u> Consequences of the suspension of the operation of a treaty	第七十二条条約の運用停止の効果
itself in conflict with the new peremptory norm of general internat law.	持することができる。国際法の新たな強行規範に抵触しない限度においてのみ維

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条約法条約

Law. itself in conflict with the new peremptory norm of general international

Article 72

Consequences of the suspension of the operation of a treaty

- (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;
- (b) does not otherwise affect the legal relations between the parties established by the treaty.

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2. The functions of the depo and the depositary is under as in particular, the fact that of the parties or that a diffe with regard to the performance obligation.	2 条約の寄託者との間に意見の相違があるという事実にずれかの国と寄託者との間に意見の相違があるという事実にを生じていないという事実又は寄託者の任務の遂行に関しい特に、この義務は、条約が一部の当事国の間においては効力特に、この義務は、条約が一部の当事国の間においては効力がを置わない。	
1. The designation of the de l. The designation of the de States, either in the treaty a be one or more States, an inte officer of the organization.	い。)、国際機関又は国際機関の主たる行政官のいずれであるい。)、国際機関又は国際機関の主たる行政官のいずれであるを指定することができる。寄託者は、国(その数を問わな1 交渉国は、条約において又は他の方法により条約の寄託者	託 条 約 の 寄
	第七十六条 条約の寄託者	
DEPOSITARIES, NC	第七部寄託者、通告、訂正及び登録	
The provisions of the pre obligation in relation to a tr consequence of measures taken United Nations with reference	負うことのある義務に影響を及ぼすものではない。憲章に基づいてとられる措置の結果いずれかの条約に関連してこの条約は、侵略を行つた国が、当該侵略に関して国際連合	場 っ侵 合た略 国を の行
02	第七十五条 侵略を行った国の場合	
The severance or absence or more States does not preven The conclusion of a treaty doe diplomatic or consular relatic	関係又は領事関係につきいかなる影響も及ぼさない。約の締結は、妨げられない。条約を締結すること自体は、外交れらの関係が存在しない場合にも、これらの国の間における条国の間において外交関係又は領事関係が断絶した場合又はこ	約関及外 の係び交 締と領関 結条事係

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 aggreeor State in consequence of measures taken in conformity with the Charter of the United Mations with reference to that State's aggreesion.

PART VII

DEPOSITARIES, NOTIFICATIONS, CORRECTIONS AND REGISTRATION

Article 76 Depositaries of treaties

 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 organization or the chief administrative

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.

任 寄 務 者 の

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寄託者は、

条約に別段の定めがある場合及び締約国が別段

第七十七条

寄託者の任務

すること。	(a) 条約の原本及び寄託	の合意をする場合を除くほか、
	条約の原本及び寄託者に引き渡された全権委任状を保管	か、特に次の任務を有する。

- d) 条約への署名又は条約に関連する文書、通告若しくは通書、通告及び通報を受領しかつ保管すること。(c) 条約への署名を受け付けること並びに条約に関連する文
- な場合には関係国の注意を喚起すること。報が正式な手続によるものであるかないかを検討し、必要(
- となる資格を有する国に通知すること。(e)条約に関連する行為、通告及び通報を当事国及び当事国
- 認書又は加入書の受付又は寄託の日を当事国となる資格を(1)条約の効力発生に必要な数の署名、批准書、受諾書、承
- (g) 国際連合事務局に条約を登録すること。有する国に通知すること。
- (h) この条約の他の規定に定める任務を遂行すること。(g) 国際連合事務局に条約を登録すること。
- のある内部機関の注意を喚起する。き、署名国及び締約国又は適当なときは関係国際機関の権限意見の相違がある場合には、寄託者は、この場合の問題につま見の相違がある場合には、寄託者は、この場合の問題につまで、

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Article 77 Functions of depositaries

- 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 depositive 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.

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 条約文の確定の後に署名国及び締約国が条約文に誤りがあ 条約文の確定の後に署名国及び締約国が条約文に誤りがあ 	正第七十九条(条約文又は認証謄本における誤りの訂た時に当該国によつて受領されたものとみなす。の前でいる国が前条1値の規定による寄託者からの通知を受けている国が前条1値の規定による寄託者からの通知を受け	により寄託者が受領した時に行われたものとみなす。(b) 通告又は通報のあてられている国が受領した時又は場合(a) 寄託者がない場合には通告又は通報があてられている国条約に基づいていずれの国の行う通告又は通報も、条約又はこの条約に別段の定めがある場合を除くほか、この条約又はこの条約に別段の定めがある場合を除くほか、この
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Article 78 Notifications and communications

Eccept as the treaty or the present Convention otherwise provide, any ification or communication to be made by any State under the present avention shall:

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(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

Mere, after the authentication of the text of a treaty, the signatory States of the contracting States are agreed that it contains an error, the error shall, nless 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

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め国際連合事務局に送付する。 1 条約は、効力発生の後、登録又は記録のため及び公表のた	第八十条(条約の登録及び公表	る。 訂正の調書を作成し、その写しを署名国及び締約国に送付す 6 条約の認証謄本に誤りが発見された場合には、寄託者は、する	5.登録された条約の条約文の訂正は、国際連合事務局に通告5.登録された条約の条約文の訂正は、国際連合事務局に通告ない限り、誤りがあつた条約文に当初から代わる。	40	れらを符合させるよう訂正することを合意するときにも、適れらを符合させるよう訂正することを合意するときにも、適	そして、よ、ことが用っいこされいつ署名国及び帝均国がこ定されている場合において、これらの言語による条約文が符3.1及ひ2に定める規則に「余糸文カニ以上の言語により研	を署名国及び締約国に通報(b) 定められた期限内に異議	格止	は、条約文の訂正を行い、これにつき仮署名するとともに(a) 定められた期限内に異議が申し立てられなかつ たとき	適当な期限を定めるものとし、国が提案された訂正に対して異議を申し立てることができる訂正する提案を署名国及び締約国に通告し、かつ、これらの
 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. 	Article 80 Registration and publication of treaties	6. Mnere an error is discovered in a certified copy of a treaty, the depositary shall execute a <u>proces-werbal</u> specifying the rectification and communicate a copy of it to the signatory States and to the contracting States.	5. The correction of the text of a treaty that has been registered shall be notified to the Secretariat of the United Nations.	4. The corrected text replaces the defective text <u>ab initio</u> , unless the signatory states and the contracting States otherwise decide.		in two or more languages and it appears that there is a lack of concordance which the signatory States and the contracting States agree should be corrected.	(b) an objection has been raised, the depositary shall communicate the objection to the signatory States and to the contracting States.	and to the States entitled to become parties to the treaty;	(a) no objection has been raised, the depositary shall make and initial the correction in the text and shall execute a <u>proces-verbal</u> of the rectification of the text and communicate a copy of it to the parties	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:

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条約法条約	長に寄託する。による加入のために開放しておく。加入書は、国際連合事務総による加入のために開放しておく。加入書は、国際連合事務総この条約は、第八十一条に定める種類のいずれかに属する国	第八十三条 加入	合事務総長に寄託する。この条約は、批准されなければならない。批准書は、国際連	第八十二条 批准	放しておく。 放しておく。 なり国際連合総会が招請したその他の国による署名のために開 す、いずれかの専門機関又は国際原子力機関のすべての加盟 まではニュー・ヨークにある国際連合本部において、 国際連 まではニュー・ヨークにある国際連合本部において、 国際連 この条約は、千九百六十九年十一月三十日まではオーストリ	第八十一条 署名	第八部 最終規定	行為を遂行する権限を与えられたものとする。
、大三三	The present Convention shall remain open for accession by any State belonging to any of the categories mentioned in article S1. The instruments of accession shall be deposited with the Secretary-Ceneral of the United Nations.	Article 83 Accession	The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.	Article 82 Batification	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 Ceneral Asembly of the United Nations to become a party to the Convention, as follows: until 30 November 1969, at the Pederal Ministry for Poreign Affairs of the Republic of Austria, and subsequently, until 30 April 1970, at United Nations Headquarters, New York.	<u>Article 81</u> Signature	PART VIII FINAL PROVISIONS	 The designation of a depositary shall constitute authorization for it to perform the acts specified in the preceding paragraph.

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	末	正	効 力 発 生	
千九百六十九年五月二十三日にウィーンで作成した。	正当に委任を受けてこの条約に署名した。以上の証拠として、下名の全権委員は、それぞれの政府から	る。 る。 第八十五条 正文	書に准日十	一
DOME AT VIENNA, this twenty-third day of May, one thousand nine hundred and sifty-nine.	IN WITNESS MEEREOF the undersigned Flemipotentiaries, being duly authorised thereto by their respective Governments, have signed the present Convention.	<u>Article 85</u> <u>Authentic texts</u> The original of the present Convention, of which the Chinese, English, French, Anssian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.	Entry into force I. The present Convention shall enter into force on the thirtieth day following the date of deposit of the thirty-fifth instrument of retification 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 84

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1. A list of consilitors 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 consiliators, and the mames of the persons so nominated shall constitute the list. The term of a consiliator, including that of say consiliator nominated to fill a canady vacancy, shall be five years and may be remeved. A consiliator whose term expires shall constinue to fully law function for which he shall have been chosen under the following paragraph.

ANNEX

 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 mationality of that State or of one of those States, who may or may not be chosen from the list referred to in puragraph 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 State constituting the other party to the dispute shall appoint two concllators in the same way. The four concllators chosen by the parties shall be appointed within size days following the date on which the Scoretary-Ceneral 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 sirty days following the expiry of that period. The appointment of the chairman may be made by the Secretary-General sither 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 Consiliation 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.

measures which might facilitate an annoable settlement.

The Commission may draw the attention of the parties to the dispute to any

5. The Commission shall hear the parties, examine the claims and objections, and

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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

年五月二十三日に作成されたものである。の後、昭和四十三年及び昭和四十四年にウィーンで開催された二回の全権代表会の後、昭和四十三年及び昭和四十四年にウィーンで開催された二回の全権代表会成されてきた条約法の明確化の必要性が認識されるに至ったため、国際連合の国この条約は、戦後の国家間の条約関係の緊密化及び複雑化に伴い、従来主としてこの条約は、条約の締結、適用、終了等に関する国際法の規則である条約法に(参考)	(署名欄は省略)	する。する。調停委員会の経費は、国際連合が負担助及び便宜を与える。調停委員会の経費は、国際連合が負担て、国際連合事務総長は、調停委員会に対しその必要とする援ない。	検討に付される勧告としての性質以外のいかなる性質も有しく、また、紛争の友好的な解決を容易にするために当事者の
ーンで開催された二回の全権代表会議を経て昭和四十四されるに至ったため、国際連合の国際法委員会での検討化及び複雑化に伴い、従来主として国際慣習法として形関する国際法の規則である条約法について規定している。		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.	submitted for the consideration of the parties in order to facilitate an emicable settlement of the dispute.

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