

Vienna Convention on the Law of Treaties 1969

维也纳条约法公约

The States Parties to the present Convention,

本公约各当事国，

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

鉴于条约在国际关系历史上之基本地位，

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

承认条约为国际法渊源之一，且为各国间不分宪法及社会制度发展和平合作之工具，其重要性日益增加，

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

鉴悉自由同意与善意之原则以及条约必须遵守规则及举世所承认，

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,

确认凡关于条约之争端与其他国际争端同，皆应以和平方法且依正义及国际法之原则解决之，

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,

念及联合国人民同兹决心创造适当环境俾克维持正义及尊重由条约而起之义务，

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,

鉴及联合国宪章所载之国际法原则，诸如人民平等权利及自决，所有国家主权平等及独立，不干涉各国内政，禁止使用威胁或武力以及普遍尊重与遵守全体人类之人权及基本自由等原则。

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 cooperation among nations,

深信本公约所达成之条约法之编纂及逐渐发展可促进宪章所揭示之联合国宗旨，即维持国际和平与安全，发展国际间之友好关系并达成其彼此合作，

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

确认凡未经本公约各条规定之问题，将仍以国际习惯法规则为准，

Have agreed as follows:

爰议定条款如下：

PART I. INTRODUCTION

第一编 导言

Article 1 Scope of the present Convention

第一条 本公约之范围

The present Convention applies to treaties between States.

本公约适用于国家间之条约。

Article 2 Use of terms

第二条 用语

1. For the purposes of the present Convention:

一、就适用本公约而言：

(i) “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;

（甲）称‘条约’者，谓国家间所缔结而以国际法为准之国际书面协定，不论其载于一项单独文书或两项以上相互有关之文书内，亦不论其特定名称如何；

(ii) “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;

（乙）称‘批准’，‘接受’，‘赞同’及‘加入’者，各依本义指一国据以在国际上确定其同意受条约拘束之国际行为；

(iii) “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;

（丙）称‘全权证书’者，谓一国主管当局所颁发，指派一人或数人代表该国谈判，议定或认证条约约文，表示该国同意受条约拘束，或完成有关条约之任何其他行为之文件；

(iv) “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;

（丁）称‘保留’者，谓一国于签署，批准、接受、赞同或加入条约时所做之片面声明，不论措辞或名称如何，其目的在摒除或更改条约中若干规定对该国适用时之法律效果；

(v) “negotiating State” means a State which took part in the drawing up and adoption of the text of the treaty;

（戊）称‘谈判国’者，谓参与草拟及议定条约约文之国家；

(vi) “contracting State” means a State which has consented to be bound by the treaty, whether or not the treaty has entered into force;

（己）称‘缔约国’者，谓不问条约已未生效，同意受条约拘束之国家；

(vii) “party” means a State which has consented to be bound by the treaty and for which the treaty is in force;

（庚）称‘当事国’者，谓同意承受条约拘束及条约对其有效之国家；

(viii) “third State” means a State not a party to the treaty;

（辛）称‘第三国’者，谓非条约当事国之国家；

(ix) “international organization” means an intergovernmental organization.

（壬）称‘国际组织’者，谓政府间之组织。

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.

二、第一项关于本公约内各项用语之规定不妨碍此等用语，在任何国家国内法上之使用或所具有之意义。

Article 3 International agreements not within the scope of the present Convention

第三条 不属本公约范围之国际协定

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:

本公约不适用于国家与其他国际法主体间所缔结之国际协定或此种其他国际法主体间之国际协定或非书面国际协定，此一事实并不影响：

- (a) the legal force of such agreements;
(甲) 此类协定之法律效力;
- (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;
(乙) 本公约所载任何规则之依照国际法而毋须基于本公约原应适用于此类协定者, 对于此类协定之适用;
- (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.
(丙) 本公约之适用于国家间以亦有其他国际法主体为其当事者之国际协定为根据之彼此关系。

Article 4 Non-retroactivity of the present Convention

第四条 本公约不溯既往

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.

以不妨碍本公约所载任何规则之依国际法而毋须基于本公约原应适用于条约者之适用为限, 本公约仅对各国于本公约对各该国生效后所缔结之条约适用之。

Article 5 Treaties constituting international organizations and treaties adopted within an international organization

第五条 组成国际组织之条约及在一国际组织内议定之条约

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.

本公约适用于为一国际组织组织约章之任何条约及在一国际组织内议定之任何条约, 但对该组织任何有关规则并无妨碍。

PART II. CONCLUSION AND ENTRY INTO FORCE OF TREATIES

第二编 条约之缔结及生效

SECTION 1. CONCLUSION OF TREATIES

第一节 条约之缔结

Article 6 Capacity of States to conclude treaties

第六条 国家缔结条约之能力

Every State possesses capacity to conclude treaties.

每一国家皆有缔结条约之能力。

Article 7 Full powers

第七条 全权证书

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:

一、任一人员如有下列情况之一, 视为代表一国议定或认证条约约文或表示该国承受条约拘束之同意:

- (a) he produces appropriate full powers; or
(甲) 出具适当之全权证书; 或

(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.

(乙) 由于有关国家之惯例或由于其他情况可见其此等国家之意思系认为该人员为此事代表该国而可免除全权证书。

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

二、下列人员由于所任职务毋须出具全权证书，视为代表其国家：

(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;

(甲) 国家元首，政府首长及外交部长，为实施关于缔结条约之一切行为；

(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;

(乙) 使馆馆长、为议定派遣国与驻在国间条约约文；

(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.

(丙) 国家派往国际会议或派驻国际组织或该国际组织一机关之代表，为议定在该会议，组织或机关内议定之条约约文。

Article 8 Subsequent confirmation of an act performed without authorization

第八条 未经授权所实施行为之事后确认

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.

关于缔结条约之行为系依第七条不能视为经授权为此事代表一国之人员所实施者，非经该国事后确认，不发生法律效力。

Article 9 Adoption of the text

第九条 约文之议定

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.

一、除依第二项之规定外，议定条约约文应以所有参加草拟约文国家之同意为之。

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.

二、国际会议议定条约之约文应以出席及参加表决国家三分之二多数之表决为之，但此等国家以同样多数决定适用另一规则者不在此限。

Article 10 Authentication of the text

第十条 约文之认证

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

条约约文依下列方法确定为作准定本：

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

(甲) 依约文所载或经参加草拟约文国家协议之程序；或

(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 of the Final Act of a conference incorporating the text.

（乙）倘无此项程序，由此等国家代表在条约约文上，或在载有约文之会议最后文件上签署，作待核准之签署或草签。

Article 11 Means of expressing consent to be bound by a treaty

第十一条 表示同意承受条约拘束之方式

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.

一国承受条约拘束之同意得以签署、交换构成条约之文书、批准、接受、赞同或加入，或任何其他同意之方式表示之。

Article 12 Consent to be bound by a treaty expressed by signature

第十二条 以签署表示承受条约拘束之同意

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

一、遇有下列情形之一，一国承受条约拘束之同意，以该国代表之签署表示之：

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

（甲）条约规定签署有此效果；

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

（乙）另经确定谈判国协议签署有此效果；或

(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.

（丙）该国使签署有此效果之意思可见诸其代表所奉全权证书或已于谈判时有些表示。

2. For the purposes of paragraph 1:

二、就适用第一项而言：

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

（甲）倘经确定谈判国有此协议，约文之草签构成条约之签署；

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

（乙）代表对条约作待核准之签署，倘经其本国确认，即构成条约之正式签署。

Article 13 Consent to be bound by a treaty expressed by an exchange of instruments constituting a treaty

第十三条 以交换构成条约之文书表示承受条约拘束之同意

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

遇有下列情形之一，国家同意承受由彼此间交换之文书构成之条约拘束，以此种交换表示之：

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

（甲）文书规定此种交换有此效果；或

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

（乙）另经确定此等国家协议文书之交换有此效果。

Article 14 Consent to be bound by a treaty expressed by ratification, acceptance or approval

第十四条 以批准接受或赞同表示承受条约拘束之同意

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

一、遇有下列情形之一，一国承受条约拘束之同意，以批准表示之：

- (a) the treaty provides for such consent to be expressed by means of ratification;
(甲) 条约规定以批准方式表示同意；
- (b) it is otherwise established that the negotiating States were agreed that ratification should be required;
(乙) 另经确定谈判国协议需要批准；
- (c) the representative of the State has signed the treaty subject to ratification; or
(丙) 该国代表已对条约作须经批准之签署；或
- (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.
(丁) 该国对条约作须经批准之签署之意思可见诸其代表所奉之全权证书，或已于谈判时有此表示。

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.

二、一国承受条约拘束之同意以接受或赞同方式表示者，其条件与适用于批准者同。

Article 15 Consent to be bound by a treaty expressed by accession

第十五条 以加入表示承受条约拘束之同意

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

遇有下列情形之一，一国承受条约拘束之同意以加入表示之：

- (a) the treaty provides that such consent may be expressed by that State by means of accession;
(甲) 条约规定该国得以加入方式表示此种同意；
- (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
(乙) 另经确定谈判国协议该国得以加入方式表示此种同意；
- (c) all the parties have subsequently agreed that such consent may be expressed by that State by means of accession.
(丙) 全体当事国嗣后协议该国得以加入方式表示此种同意。

Article 16 Exchange or deposit of instruments of ratification, acceptance, approval or accession

第十六条 批准书、接受书、赞同书或加入书之交换或交存

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:

除条约另有规定外，批准书、接受书、赞同书或加入书依下列方式确定一国承受条约拘束之同意：

- (a) their exchange between the contracting States;
(甲) 由缔约国互相交换；
- (b) their deposit with the depositary; or
(乙) 将文书交存保管机关；或
- (c) their notification to the contracting States or to the depositary, if so agreed.
(丙) 如经协议，通知缔约国或保管机关。

Article 17 Consent to be bound by part of a treaty and choice of differing provisions

第十七条 同意承受条约一部分之拘束及不同规定之选择

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

一、以不妨碍第十九条至第二十三条为限，一国同意承受条约一部分之拘束，仅于条约许可或其他缔约国同意时有效。

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.

二、一国同意承受许可选择不同规定之条约之拘束，仅于指明其所同意之规定时有效。

Article 18 Obligation not to defeat the object and purpose of a treaty prior to its entry into force

第十八条 不得在条约生效前妨碍其目的及宗旨之义务

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

一国负有义务不得采取任何足以妨碍条约目的及宗旨之行动：

(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

（甲）如该国已签署条约或已交换构成条约之文书而须经批准。接受或赞同，但尚未明白表示不欲成为条约当事国之意思；或

(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.

（乙）如该国已表示同意承受条约之拘束，而条约尚未生效，且条约之生效不稽延过久。

SECTION 2. RESERVATIONS

第二节 保留

Article 19 Formulation of reservations

第十九条 提具保留

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

一国得于签署、批准、接受、赞同或加入条约时，提具保留，但有下列情形之一者不在此限：

(a) the reservation is prohibited by the treaty;

（甲）该项保留为条约所禁止者；

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

（乙）条约仅准许特定之保留而有关之保留不在其内者；或

(c) in cases not failing under subparagraphs (a) and (b), the reservation is incompatible with the object and purpose of the treaty.

（丙）凡不属（甲）及（乙）两款所称之情形，该项保留与条约目的及宗旨不合者。

Article 20 Acceptance of and objection to reservations

第二十条 接受及反对保留

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

一、凡为条约明示准许之保留，无须其他缔约国事后予以接受，但条约规定须如此办理者，不在此限。

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.

二、倘自谈判国之有限数目及条约之目的与宗旨，可见在全体当事国间适用全部条约为每一当事国同意承受条约拘束之必要条件时，保留须经全体当事国接受。

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.

三、倘条约为国际组织之组织约章，除条约另有规定外，保留须经该组织主管机关接受。

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

四、凡不属以上各项所称之情形，除条约另有规定外：

(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;

（甲）保留经另一缔约国接受，就该另一缔约国而言，保留国即成为条约之当事国，但须条约对各该国均已生效；

(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;

（乙）保留经另一缔约国反对，则条约在反对国与保留国间并不因此而不生效力，但反对国确切表示相反之意思者不在此限；

(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.

（丙）表示一国同意承受条约拘束而附以保留之行为，一俟至少有另一缔约国接受保留，即发生效力。

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.

五、就适用第二项与第四项而言，除条约另有规定外，倘一国在接获关于保留之通知后十二个月期间届满时或至其表示同意承受条约拘束之日为止，两者中以较后之日期为准，迄未对保留提出反对，此项保留即视为业经该国接受。

Article 21 Legal effects of reservations and of objections to reservations

第二十一条 保留及对保留提出之反对之法律效果

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

一、依照第十九条、第二十条及第二十三条对另一当事国成立之保留：

(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

（甲）对保留国而言，其与该另一当事国之关系上照保留之范围修改保留所关涉之条约规定；及

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

（乙）对该另一当事国而言，其与保留国之关系上照同一范围修改此等规定。

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

二、此项保留在条约其他当事国相互间不修改条约之规定。

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.

三、倘反对保留之国家未反对条约在其本国与保留国间生效，此项保留所关涉之规定在保留之范围内于该两国间不适用之。

Article 22 Withdrawal of reservations and of objections to reservations

第二十二条 撤回保留及撤回对保留提出之反对

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.

一、除条约另有规定外，保留得随时撤回，无须经业已接受保留之国家同意。

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

二、除条约另有规定外，对保留提出之反对得随时撤回。

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

三、除条约另有规定或另经协议外：

(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;

（甲）保留之撤回，在对另一缔约国关系上，自该国收到撤回保留之通知之时起方始发生法律效力；

(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.

（乙）对保留提出之反对之撤回，自提出保留之国家收到撤回反对之通知时起方始发生法律效力。

Article 23 Procedure regarding reservations

第二十三条 关于保留之程序

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.

一、保留、明示接受保留及反对保留，均必须以书面提具并致送缔约国及有权成为条约当事国之其他国家。

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.

二、保留系在签署须经批准、接受或赞同之条约时提具者，必须由保留国在表示同意承受条约拘束时正式确认。遇此情形，此项保留应视为在其确认之日提出。

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

三、明示接受保留或反对保留系在确认保留前提出者，其本身无须经过确认。

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

四、撤回保留或撤回对保留提出之反对，必须以书面为之。

SECTION 3. ENTRY INTO FORCE AND PROVISIONAL, APPLICATION OF TREATIES

第三节 条约之生效及暂时适用

Article 24 Entry into force

第二十四条 生效

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

一、条约生效之方式及日期，依条约之规定或依谈判国之协议。

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.

二、倘无此种规定或协议，条约一俟确定所有谈判国同意承受条约之拘束，即行生效。

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.

三、除条约另有规定外，一国承受条约拘束之同意如系于条约生效后之一日期确定，则条约自该日起对该国生效。

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.

四、条约中为条约约文之认证，国家同意承受条约拘束之确定，条约生效之方式或日期、保留、保管机关之职务以及当然在条约生效前发生之其他事项所订立之规定，自条约约文议定时起适用之。

Article 25 Provisional application

第二十五条 暂时适用

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

一、条约或条约之一部分于条约生效前在下列情形下暂时适用：

(a) the treaty itself so provides; or

（甲）条约本身如此规定；或

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

（乙）谈判国以其他方式协议如此办理。

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.

二、除条约另有规定或谈判国另有协议外，条约或条约一部分对一国暂时适用，于该国将其不欲成为条约当事国之意思通知已暂时适用条约之其他各国时终止。

PART III. OBSERVANCE, APPLICATION AND INTERPRETATION OF TREATIES

第三编 条约之遵守、适用及解释

SECTION 1. OBSERVANCE OF TREATIES

第一节 条约之遵守

Article 26 “Pacta sunt servanda”

第二十六条 条约必须遵守

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

凡有效之条约对其各当事国有拘束力，必须由各该国善意履行。

Article 27 Internal law and observance of treaties

第二十七条 国内法与条约之遵守

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.

一当事国不得援引其国内法规定为理由而不履行条约。此项规则不妨碍第四十六条。

SECTION 2. APPLICATION OF TREATIES

第二节 条约之适用

Article 28 Non-retroactivity of treaties

第二十八条 条约不溯既往

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.

除条约表示不同意思，或另经确定外，关于条约对一当事国生效之日以前所发生之任何行为或事实或已不存在之任何情势，条约之规定不对该当事国发生拘束力。

Article 29 Territorial scope of treaties

第二十九条 条约之领土范围

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.

除条约表示不同意思，或另经确定外，条约对每一当事国之拘束力及于其全部领土。

Article 30 Application of successive treaties relating to the same subject matter

第三十条 关于同一事项先后所订条约之适用

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.

一、以不违反联合国宪章第一百零三条为限，就同一事项先后所订条约当事国之权利与义务应依下列各项确定之。

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.

二、遇条约订明须不违反先订或后订条约或不得视为与先订或后订条约不合时，该先订或后订条约之规定应居优先。

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.

三、遇先订条约全体当事国亦为后订条约当事国但不依第五十九条终止或停止施行先订条约时，先订条约仅于其规定与后订条约规定相合之范围内适用之。

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

四、遇后订条约之当事国不包括先订条约之全体当事国时：

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

（甲）在同为两条约之当事国间，适用第三项之同一规则；

(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.

（乙）在为两条约之当事国与仅为其中一条约之当事国间彼此之权利与义务依两国均为当事国之条约定之。

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.

五、第四项不妨碍第四十一条或依第六十条终止或停止施行条约之任何问题，或一国因缔结或适用一条约而其规定与该国依另一条约对另一国之义务不合所生之任何责任问题。

SECTION 3. INTERPRETATION OF TREATIES

第三节 条约之解释

Article 31 General rule of interpretation

第三十一条 解释之通则

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.

一、条约应依其用语按其上下文并参照条约之目的及宗旨所具有之通常意义，善意解释之。

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

二、就解释条约而言，上下文除指连同弁言及附件在内之约文外，并应包括：

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

（甲）全体当事国间因缔结条约所订与条约有关之任何协定；

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

（乙）一个以上当事国因缔结条约所订并经其他当事国接受为条约有关文书之任何文书。

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

三、应与上下文一并考虑者尚有：

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

（甲）当事国嗣后所订关于条约之解释或其规定之适用之任何协定；

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

（乙）嗣后在条约适用方面确定各当事国对条约解释之协定之任何惯例。

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

（丙）适用于当事国间关系之任何有关国际法规则。

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

四、倘经确定当事国有此原意，条约用语应使其具有特殊意义。

Article 32 Supplementary means of interpretation

第三十二条 解释之补充资料

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

为证实由适用第三十一条所得之意义起见，或遇依第三十一条作解释而：

(a) leaves the meaning ambiguous or obscure; or

（甲）意义仍属不明或难解；或

(b) leads to a result which is manifestly absurd or unreasonable.

（乙）所获结果显属荒谬或不合理时，为确定其意义起见，得使用解释之补充资料，包括条约之准备工作及缔约之情况在内。

Article 33 Interpretation of treaties authenticated in two or more languages

第三十三条 以两种以上文字认证之条约之解释

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.

一、条约约文经以两种以上文字认证作准者，除依条约之规定或当事国之协议遇意义分歧时应以某种约文为根据外，每种文字之约文应同一作准。

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.

二、以认证作准文字以外之他种文字作成之条约译本，仅于条约有此规定或当事国有此协议时，始得视为作准约文。

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

三、条约用语推定在各作准约文内意义相同。

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.

四、除依第一项应以某种约文为根据之情形外，倘比较作准约文后发现意义有差别而非适用第三十一条及第三十二条所能消除时，应采用顾及条约目的及宗旨之最能调和各约文之意义。

SECTION 4. TREATIES AND THIRD STATES

第四节 条约与第三国

Article 34 General rule regarding third States

第三十四条 关于第三国之通则

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

条约非经第三国同意，不为该国创设义务或权利。

Article 35 Treaties providing for obligations for third States

第三十五条 为第三国规定义务之条约

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.

如条约当事国有意以条约之一项规定作为确立一项义务之方法，且该项义务经一第三国以书面明示接受，则该第三国即因此项规定而负有义务。

Article 36 Treaties providing for rights for third States

第三十六条 为第三国规定权利之条约

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.

一、如条约当事国有意以条约之一项规定对一第三国或其所属一组国家或所有国家给予一项权利，而该第三国对此表示同意，则该第三国即因此项规定而享有该项权利。该第三国倘无相反之表示，应推定其表示同意，但条约另有规定者不在此限。

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.

二、依第一项行使权利之国家应遵守条约所规定或依照条约所确定之条件行使该项权利。

Article 37 Revocation or modification of obligations or rights of third States

第三十七条 取消或变更第三国之义务或权利

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.

一、依照第三十五条使第三国担负义务时，该项义务必须经条约各当事国与该第三国之同意，方得取消或变更，但经确定其另有协议者不在此限。

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.

二、依照第三十六条使第三国享有权利时，倘经确定原意为非经该第三国同意不得取消或变更该项权利，当事国不得取消或变更之。

Article 38 Rules in a treaty becoming binding on third States through international custom

第三十八条 条约所载规则由于国际习惯而成为对第三国有拘束力

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.

第三十四条至第三十七条之规定不妨碍条约所载规则成为对第三国有拘束力之公认国际法习惯规则。

PART IV. AMENDMENT AND MODIFICATION OF TREATIES [top ↑](#)

第四编 条约之修正与修改

Article 39 General rule regarding the amendment of treaties

第三十九条 关于修正条约之通则

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

条约得以当事国之协议修正之，除条约可能另有规定者外，此种协议适用第二编所订之规则。

Article 40 Amendment of multilateral treaties

第四十条 多边条约之修正

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

一、除条约另有规定外，多边条约之修正依下列各项之规定。

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:

二、在全体当事国间修正多边条约之任何提议必须通知全体缔约国，各该缔约国均应有权参加：

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

(甲) 关于对此种提议采取行动之决定；

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

(乙) 修正条约之任何协定之谈判及缔结。

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

三、凡有权成为条约当事国之国家亦应有权成为修正后条约之当事国。

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.

四、修正条约之协定对已为条约当事国而未成为该协定当事国之国家无拘束力；对此种国家适用第三十条第四项（乙）款。

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:

五、凡于修正条约之协定生效后成为条约当事国之国家，倘无不同意思之表示：

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

(甲) 应视为修正后条约之当事国，并

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

(乙) 就其对不受修正条约协定拘束之条约当事国之关系言，应视为未修正条约之当事国。

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

第四十一条 仅在若干当事国间修改多边条约之协定

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

一、多边条约两个以上当事国得于下列情形下缔结协定仅在彼此间修改条约：

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

(甲) 条约内规定有作此种修改之可能者；或

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

(乙) 有关之修改非为条约所禁止，且：

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

(一) 不影响其他当事国享有条约上之权利或履行其义务者；

(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.

(二) 不关涉任何如予损抑即与有效实行整个条约之目的及宗旨不合之规定者。

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.

二、除属第一项(甲)款范围之情形条约另有规定者外,有关当事国应将其缔结协定之意思及协定对条约所规定之修改,通知其他当事国。

PART V. INVALIDITY, TERMINATION AND SUSPENSION OF THE OPERATION OF TREATIES top ↑

第五编 条约之失效、终止及停止施行

SECTION 1. GENERAL PROVISIONS

第一节 总则

Article 42 Validity and continuance in force of treaties

第四十二条 条约之效力及继续有效

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.

一、条约之效力或一国承受条约拘束之同意之效力仅经由本公约之适用始得加以非议。

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.

二、终止条约、废止条约,或一当事国退出条约,仅因该条约或本公约规定之适用结果始得为之。同一规则适用于条约之停止施行。

Article 43 Obligations imposed by international law independently of a treaty

第四十三条 无须基于条约之国际法所加义务

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.

条约因本公约或该条约规定适用结果而失效、终止或废止,由当事国退出,或停止施行之情形,绝不损害任何国家依国际法而毋须基于条约所负履行该条约所载任何义务之责任。

Article 44 Separability of treaty provisions

第四十四条 条约之规定可否分离

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.

一、除条约另有规定或当事国另有协议外,条约内所规定或因第五十六条所生之当事国废止、退出或停止施行条约之权利仅得对整个条约行使之。

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.

二、本公约所承认之条约失效、终止、退出或停止施行条约之理由仅得对整个条约援引之,但下列各项或第六十条所规定之情形不在此限。

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

三、倘理由仅与特定条文有关,得于下列情形下仅对各该条文援引之:

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

(甲) 有关条文在适用上可与条约其余部分分离;

(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

(乙) 由条约可见或另经确定各该条文之接受并非另一当事国或其他当事国同意承受整个条约拘束之必要

根据；及

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

(丙) 条约其余部分之继续实施不致有失公平。

4. In cases falling 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.

四、在第四十九条及第五十条所称情形下，有权援引诈欺或贿赂理由之国家得对整个条约或以不违反第三项为限专对特定条文援引之。

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

五、在第五十一条、第五十二条及第五十三条所称之情形下，条约之规定一概不许分离。

Article 45 Loss of a right to invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty

第四十五条 丧失援引条约失效、终止、退出或停止施行条约理由之权利

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:

一国于知悉事实后而有下列情形之一者，即不得再援引第四十六条至第五十条或第六十条及第六十二条所规定条约失效、终止、退出或停止施行条约之理由：

(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

(甲) 该国业经明白同意条约有效，或仍然生效或继续施行；或

(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.

(乙) 根据该国行为必须视为已默认条约之效力或条约之继续生效或施行。

SECTION 2. INVALIDITY OF TREATIES

第二节 条约之失效

Article 46 Provisions of internal law regarding competence to conclude treaties

第四十六条 国内法关于缔约权限之规定

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.

一、一国不得援引其同意承受条约拘束之表示为违反该国国内法关于缔约权限之一项规定之事实以撤销其同意，但违反之情事显明且涉及其具有基本重要性之国内法之一项规则者，不在此限。

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.

二、违反情事倘由对此事依通常惯例并秉善意处理之任何国家客观视之为显然可见者，即系显明违反。

Article 47 Specific restrictions on authority to express the consent of a State

第四十七条 关于表示一国同意权力之特定限制

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 States prior to his expressing such consent.

如代表表示一国同意承受某一条约拘束之权力附有特定限制，除非在其表示同意前已将此项限制通知其他谈判国，该国不得援引该代表未遵守限制之事实以撤销其所表示之同意。

Article 48 Error

第四十八条 错误

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.

一、一国得援引条约内之错误以撤销其承受条约拘束之同意，但此项错误以关涉该国于缔结条约时假定为存在且构成其同意承受条约拘束之必要根据之事实或情势者为限。

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.

二、如错误系由关系国家本身行为所助成，或如当时情况足以使该国知悉有错误之可能，第一项不适用之。

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

三、仅与条约约文用字有关之错误，不影响条约之效力，在此情形下，第七十九条适用之。

Article 49 Fraud

第四十九条 诈欺

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.

倘一国因另一谈判国之诈欺行为而缔结条约，该国得援引诈欺为理由撤销其承受条约拘束之同意。

Article 50 Corruption of a representative of a State

第五十条 对一国代表之贿赂

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.

倘一国同意承受条约拘束之表示系经另一谈判国直接或间接贿赂其代表而取得，该国得援引贿赂为理由撤销其承受条约拘束之同意。

Article 51 Coercion of a representative of a State

第五十一条 对一国代表之强迫

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.

一国同意承受条约拘束之表示系以行为或威胁对其代表所施之强迫而取得者，应无法律效果。

Article 52 Coercion of a State by the threat or use of force

第五十二条 以威胁或使用武力对一国施行强迫

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.

条约系违反联合国宪章所含国际法原则以威胁或使用武力而获缔结者无效。

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

第五十三条 与一般国际法强制规律（绝对法）抵触之条约

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.

条约在缔结时与一般国际法强制规律抵触者无效。就适用本公约而言，一般国际法强制规律指国家之国际社会全体接受并公认为不许损抑且仅有以后具有同等性质之一般国际法规律始得更改之规律。

SECTION 3. TERMINATION AND SUSPENSION OF THE OPERATION OF TREATIES

第三节 条约之终止及停止施行

Article 54 Termination of or withdrawal from a treaty under its provisions or by consent of the parties

第五十四条 依条约规定或经当事国同意而终止或退出条约

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

在下列情形下，得终止条约或一当事国得退出条约：

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

（甲）依照条约之规定；或

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

(乙) 无论何时经全体当事国于谘商其他各缔约国后表示同意。

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

第五十五条 多边条约当事国减少至条约生效所必需之数目以下

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.

除条约另有规定外，多边条约并不仅因其他当事国数目减少至生效所必需之数目以下而终止。

Article 56 Denunciation of or withdrawal from a treaty containing no provision regarding termination, denunciation or withdrawal

第五十六条 废止或退出并无关于终止、废止或退出规定之条约

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:

一、条约如无关于其终止之规定，亦无关于废止或退出之规定，不得废止或退出，除非：

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

(甲) 经确定当事国原意为容许有废止或退出之可能；或

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

(乙) 由条约之性质可认为含有废止或退出之权利。

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

二、当事国应将其依第一项废止或退出条约之意思至迟于十二个月以前通知之。

Article 57 Suspension of the operation of a treaty under its provisions or by consent of the parties

第五十七条 依条约规定或经当事国同意而停止施行条约

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

在下列情形下，条约得对全体当事国或某一当事国停止施行：

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

(甲) 依照条约之规定；或

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

(乙) 无论何时经全体当事国于谘商其他各缔约国后表示同意。

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

第五十八条 多边条约仅经若干当事国协议而停止施行

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:

一、多边条约两个以上当事国得暂时并仅于彼此间缔结协定停止施行条约之规定，如

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

(甲) 条约内规定有此种停止之可能，或

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

(乙) 有关之停止非为条约所禁止，且：

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

(一) 不影响其他当事国享有条约上之权利或履行其义务；

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

(二) 非与条约之目的及宗旨不合。

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.

二、除属第一项(甲)款范围之情形条约另有规定者外，有关当事国应将其缔结协定之意思及条约内所欲停止施行之规定通知其他当事国。

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

第五十九条 条约因缔结后订条约而默示终止或停止施行

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:

一、任何条约于其全体当事国就同一事项缔结后订条约，且有下列情形之一时，应视为业已终止：

(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

（甲）自后订条约可见或另经确定当事国之意思为此一事项应以该条约为准；或

(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.

（乙）后订条约与前订条约之规定不合之程度使两者不可能同时适用。

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.

二、倘自后订条约可见或另经确定当事国有此意思，前订条约应仅视为停止施行。

Article 60 Termination or suspension of the operation of a treaty as a consequence of its breach

第六十条 条约因违约而终止或停止施行

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.

一、双边条约当事国一方有重大违约情事时，他方有权援引违约为理由终止该条约，或全部或局部停止其施行。

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

二、多边条约当事国之一有重大违约情事时：

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

（甲）其他当事国有权以一致协议：将条约全部或局部停止施行或终止该条约；

(i) in the relations between themselves and the defaulting State; or

（一）在各该国与违约国之关系上，或

(ii) as between all the parties;

（二）在全体当事国之间，

(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;

（乙）特别受违约影响之当事国有权援引违约为理由在其本国与违约国之关系上将条约全部或局部停止施行；

(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.

（丙）如由于条约性质关系，遇一当事国对其规定有重大违反情事，致每一当事国继续履行条约义务所处之地位因而根本改变，则违约国以外之任何当事国皆有权援引违约为理由将条约对其本国全部或局部停止施行。

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

三、就适用本条而言，重大违约系指：

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

（甲）废弃条约，而此种废弃非本公约所准许者；或

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

（乙）违反条约规定，而此项规定为达成条约目的或宗旨所必要者。

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

四、在上各项不妨碍条约内适用于违约情事之任何规定。

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.

五、第一项至第三项不适用于各人道性质之条约内所载关于保护人身之各项规定，尤其关于禁止对受此种条约保护之人采取任何方式之报复之规定。

Article 61 Supervening impossibility of performance

第六十一条 发生意外不可能履行

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.

一、倘因实施条约所必不可少之标的物永久消失或毁坏以致不可能履行条约时，当事国得援引不可能履行为理由终止或退出条约。如不可能履行系属暂时性质，仅得援引为停止施行条约之理由。

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.

二、倘条约不可能履行系一当事国违反条约义务或违反对条约任何其他当事国所负任何其他国际义务之结果，该当事国不得援引不可能履行为理由终止、退出或停止施行条约。

Article 62 Fundamental change of circumstances

第六十二条 情况之基本改变

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:

一、条约缔结时存在之情况发生基本改变而非当事国所预料者，不得援引为终止或退出条约之理由，除非：
(a) the existence of those circumstances constituted an essential basis of the consent of the parties to be bound by the treaty; and

（甲）此等情况之存在构成当事国同意承受条约拘束之必要根据；及

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

（乙）该项改变之影响将根本变动依条约尚待履行之义务之范围。

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

二、情况之基本改变不得援引为终止或退出条约之理由：

(a) if the treaty establishes a boundary; or

（甲）倘该条约确定一边界；或

(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.

（乙）倘情况之基本改变系援引此项理由之当事国违反条约义务或违反对条约任何其他当事国所负任何其他国际义务之结果。

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.

三、倘根据以上各项，一当事国得援引情况之基本改变为终止或退出条约之理由，该国亦得援引该项改变为停止施行条约之理由。

Article 63 Severance of diplomatic or consular relations

第六十三条 断绝外交或领事关系

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 insofar as the existence of diplomatic or consular relations is indispensable for the application of the treaty.

条约当事国间断绝外交或领事关系不影响彼此间由条约确定之法律关系，但外交或领事关系之存在为适用条约所必不可少者不在此限。

Article 64 Emergence of a new peremptory norm of general international law (“jus cogens”)

第六十四条 一般国际法新强制规律（绝对法）之产生

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

遇有新一般国际法强制规律产生时，任何现有条约之与该项规律抵触者即成为无效而终止。

SECTION 4. PROCEDURE

第四节 程序

Article 65 Procedure to be followed with respect to invalidity, termination, withdrawal from or suspension of the operation of a treaty

第六十五条 关于条约失效、终止、退出条约或停止施行条约应依循之程序

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.

一、当事国依照本公约之规定援引其承受条约拘束之同意有误为理由，或援引非难条约效力、终止、退出或停止施行条约之理由者，必须将其主张通知其他当事国。此项通知应载明对条约所提议采取之措施及其理由。

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.

二、在一非遇特别紧急情形不得短于自收到通知时起算三个月之期间届满后，倘无当事国表示反对，则发出通知之当事国得依第六十七条规定之方式，实施其所提议之措施。

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.

三、但如有任何其他当事国表示反对，当事国应藉联合国宪章第三十三条所指示之方法以谋解决。

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.

三、但如有任何其他当事国表示反对，当事国应藉联合国宪章第三十三条所指示之方法以谋解决。

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.

五、以不妨碍第四十五条为限一国未于事前发出第一项所规定之通知之事实并不阻止该国为答复另一当事国要求其履行条约或指称其违反条约而发出此种通知。

Article 66 Procedures for judicial settlement, arbitration and conciliation

第六十六条 司法解决、公断及和解之程序

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:

倘在提出反对之日后十二个月内未能依第六十五条第三项获致解决，应依循下列程序：

(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;

（甲）关于第五十三条或第六十四条之适用或解释之争端之任一当事国得以请求书将争端提请国际法院裁决之，但各当事国同意将争端提交公断者不在此限；

(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.

(乙) 关于本公约第五编任一其他条文之适用或解释之争端之任一当事国得向联合国秘书长提出请求，发动本公约附件所定之程序。

Article 67 Instruments for declaring invalid, terminating, withdrawing from or suspending the operation of a treaty

第六十七条 宣告条约失效、终止、退出或停止施行条约之文书

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

一、第六十五条第一项规定之通知须以书面为之。

2. Any act of 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.

二、凡依据条约规定或第六十五条第二项或第三项规定宣告条约失效、终止、退出或停止施行条约之行为，应以文书致送其他当事国为之。倘文书未经国家元首、政府首长或外交部长签署，得要求致送文书国家之代表出具全权证书。

Article 68 Revocation of notifications and instruments provided for in articles 65 and 67

第六十八条 撤销第六十五条及第六十七条所规定之通知及文书

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

第六十五条或第六十七条所规定之通知或文书得在其发生效力以前随时撤销之。

SECTION 5. CONSEQUENCES OF THE INVALIDITY,

第五节 条约失效、

TERMINATION OR SUSPENSION OF THE OPERATION OF A TREATY

终止或停止施行之后果

Article 69 Consequences of the invalidity of a treaty

第六十九条 条约失效之后果

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.

一、条约依本公约确定失效者无效。条约无效者，其规定无法律效力。

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

二、但如已有信赖此种条约而实施之行为，则：

(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;

(甲) 每一当事国得要求任何其他当事国在彼此关系上尽可能恢复未实施此项行为前原应存在之状况；

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

(乙) 在援引条约失效之理由前以善意实施之行为并不因条约失效而成为不合法。

3. In cases falling under article 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.

三、遇第四十九条、第五十条、第五十一条或第五十二条所称之情形，第二项之规定对应就诈欺、贿赂行为或强迫负责之当事国不适用之。

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.

四、遇某一国家承受多边条约拘束之同意成为无效之情形，上列各项规则在该国与条约当事国之关系上适用之。

Article 70 Consequences of the termination of a treaty

第七十条 条约终止之后果

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:

一、除条约另有规定或当事国另有协议外，条约依其规定或依照本公约终止时：

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

（甲）解除当事国继续履行条约之义务；

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

（乙）不影响当事国在条约终止前经由实施条约而产生之任何权利、义务或法律情势。

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.

二、倘一国废止或退出多边条约，自废止或退出生效之日起，在该国与条约每一其他当事国之关系上适用第一项之规定。

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

第七十一条 条约因与一般国际法强制规律相抵触而失效之后果

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

一、条约依第五十三条无效者，当事国应：

(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

（甲）尽量消除依据与任何一般国际法强制规律相抵触之规定所实施行为之后果；及

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

（乙）使彼此关系符合一般国际法强制规律。

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

二、遇有条约依第六十四条成为无效而终止之情形，条约之终止：

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

（甲）解除当事国继续履行条约之义务；

(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.

（乙）不影响当事国在条约终止前经由实施条约而产生之任何权利、义务或法律情势，但嗣后此等权利、义务或情势之保持仅以与一般国际法新强制规律不相抵触者为限。

Article 72 Consequences of the suspension of the operation of a treaty

第七十二条 条约停止施行之后果

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:

一、除条约另有规定或当事国另有协议外，条约依其本身规定或依照本公约停止施行时：

(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;

（甲）解除停止施行条约之当事国于停止施行期间在彼此关系上履行条约之义务；

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

（乙）除此以外，并不影响条约所确定当事国间之法律关系

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

二、在停止施行期间，当事国应避免足以阻挠条约恢复施行之行为。

PART VI. MISCELLANEOUS PROVISIONS top ↑

第六编 杂项规定

Article 73 Cases of State succession, State responsibility and outbreak of hostilities

第七十三条 国家继承、国家责任及发生敌对行为问题

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.

本公约之规定不妨碍国家继承或国家所负国际责任或国家间发生敌对行为所引起关于条约之任何问题。

Article 74 Diplomatic and consular relations and the conclusion of treaties

第七十四条 外交及领事关系与条约之缔结

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.

两个以上国家之间断绝外交或领事关系或无此种关系不妨碍此等国家间继续条约。条约之缔结本身不影响外交或领事关系方面之情势。

Article 75 Case of an aggressor State

第七十五条 侵略国问题

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.

本公约之规定不妨碍因依照联合国宪章对侵略国之侵略行为所采取措施而可能引起之该国任何条约义务。

PART VII. DEPOSITARIES, NOTIFICATIONS, CORRECTIONS AND REGISTRATION

第七编 保管机关、通知、更正及登记

Article 76 Depositaries of treaties

第七十六条 条约之保管机关

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 organization or the chief administrative officer of the organization.

一、条约之保管机关得由谈判国在条约中或以其他方式指定之。保管机关得为一个以上国家或一国际组织或此种组织之行政首长。

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.

二、条约保管机关之职务系国际性质，保管机关有秉公执行其职务之义务。条约尚未在若干当事国间生效或一国与保管机关间对该机关职务之行使发生争议之事实，尤不应影响该项义务。

Article 77 Functions of depositaries

第七十七条 保管机关之职务

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

一、除条约内另有规定或缔约国另有协议外，保管机关之职务主有为：

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

(甲) 保管条约约文之正本及任何送交保管机关之全权证书；

(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;

(乙) 备就约文正本之正式副本及条约所规定之条约其他语文本，并将其分送当事国及有权成为条约当事

国之国家；

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

(丙) 接收条约之签署及接收并保管有关条约之文书，通知及公文；

(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;

(丁) 审查条约之签署及有关条约之任何文书、通知或公文是否妥善，如有必要并将此事提请关系国家注意；

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

(戊) 将有关条约之行为，通知及公文转告条约当事国及有权成为条约当事国之国家；

(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;

(己) 于条约生效所需数目之签署或批准书，接受书，赞同书或加入书已收到或交存时，转告有权成为条约当事国之国家；

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

(庚) 向联合国秘书处登记条约；

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

(辛) 担任本公约其他规定所订明之职务。

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.

二、倘一国与保管机关间对该机关职务之执行发生争议时，保管机关应将此问题提请签署国及缔约国注意，或于适当情形下，提请关系国际组织之主管机关注意。

Article 78 Notifications and communications

第七十八条 通知及公文

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:

除条约或本公约另有规定外，任何国家依本公约所提送之通知或公文，应：

(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;

(甲) 如无保管机关，直接送至该件所欲知照之国家，或如有保管机关，则送至该机关；

(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;

(乙) 仅于受文国家收到时，或如有保管机关，经该机关收到时，方视为业经发文国家提送；

(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).

(丙) 倘系送至保管机关，仅于其所欲知照文国家经保管机关依照第七十七条第一项(戊)款转告后，方视为业经该国收到。

Article 79 Correction of errors in texts or in certified copies of treaties

第七十九条 条约约文或正式副本错误之更正

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:

一、条约约文经认证后，倘签署国及缔约国全认约文有错误时，除各该国决定其他更正方法外，此项错误应依下列方式更正之：

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

authorized representatives;

(甲) 在约文上作适当之更正, 并由正式授权代表在更正处草签;

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

(乙) 制成或互换一项或数项文书, 载明协议应作之更正; 或

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

(丙) 按照原有约文所经之同样程序, 制成条约全文之更正本。

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:

二、条约如设有保管机关, 该机关应将此项错误及更正此项错误之提议通知各签署国及缔约国, 并应订明得对提议之更正提出反对之适当期限。如在期限届满时:

(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;

(甲) 尚无反对提出, 则保管机关应即在约文上作此更正加以草签, 并制成关于订正约文之纪事录, 将该纪事录一份递送各当事国及有权成为条约当事国之国家;

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

(乙) 已有反对提出, 则保管机关应将此项反对递送各签署国及缔约国。

3. The rules in paragraphs I 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 which the signatory States and the contracting States agree should be corrected.

三、遇认证约文有两种以上之语文, 而其中有不一致之处, 经签署国及缔约国协议应予更正时, 第一项及第二项之规则亦适用之。

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

四、除签署国及缔约国另有决定外, 更正约文应自始替代有误约文。

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

五、已登记条约约文之更正应通知联合国秘书处。

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.

六、遇条约之正式副本上发现错误时, 保管机关应制成一项纪事录载明所作之订正, 并将该纪事录一份递送各签署国及缔约国。

Article 80 Registration and publication of treaties

第八十条 条约之登记及公布

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.

一、条约应于生效后送请联合国秘书处登记或存案及纪录, 并公布之。

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

二、保管机关之指定, 即为授权该机关实施前项所称之行为。

PART VIII. FINAL PROVISIONS top ↑

第八编 最后规定

Article 81 Signature

第八十一条 签署

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 29 Federal Ministry for Foreign Affairs of the Republic of Austria, and subsequently, until 30 April 1970, at United Nations Headquarters, New York.

本公约应听由联合国或任何专门机关或国际原子能总署之全体会员国或国际法院规约当事国、及经联合国大会邀请成为本公约当事国之任何其他国家签署，其办法如下：至一九六九年十一月三十日止，在奥地利共和国联邦外交部签署，其后至一九七〇年四月三十日止，在纽约联合国会所签署。

Article 82 Ratification

第八十二条 批准

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

本公约须经批准。批准书应送请联合国秘书长存放。

Article 83 Accession

第八十三条 加入

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.

本公约应听由属于第八十一条所称各类之一之国家加入。加入书应送请联合国秘书长存放。

Article 84 Entry into force

第八十四条 发生效力

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.

一、本公约应于第三十五件批准书或加入书存放之日后第三十日起发生效力。

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.

二、对于在第三十五件批准书或加入书存放后批准或加入本公约之国家，本公约应于各该国存放批准书或加入书后第三十日起发生效力。

Article 85 Authentic texts

第八十五条 作准文本

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.

本公约之原本应送请联合国秘书长存放，其中文、英文、法文、俄文及西班牙文各本同一作准。

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

为此，下列全权代表各秉本国政府正式授予签字之权，谨签字于本公约，以昭信守。

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

公历一千九百六十九年五月二十三日订于维也纳。

ANNEX

附件

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 end, 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.

一、联合国秘书长应制成并保持一和解员名单，由合格法学家组成。为此目的，应请为联合国会员国或本公约当事国之每一国指派和解员二人，如此指派之人士之姓名即构成上述名单。和解员之任期，包括遇因故出缺被派补实之任何和解员之任期在内，应为五年，并得连任。任一和解员任期届满时，应继续执行其根据下项规定被选担任之职务。

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:

二、遇根据第六十六条对秘书长提出请求时，秘书长应将争端提交一依下列方式组成之和解委员会：

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

成为争端当事一方之一国或数国应指派：

(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

（甲）为其本国或其中一国之国民之和解员一人，由第一项所称名单选出或另行选出；及

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

（乙）非其本国或其中任何一国之国民之和解员一人，由名单中选出。

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.

成为争端当事另一方之一国或数国亦应照此方式指派和解员二人。各当事国所选之和解员四人应于自秘书长接到请求之日后六十日内指派之。

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.

此四名和解员，应自其中最后一人被指派之日后六十日内，自上述名单选出第五名和解员，担任出席。

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.

倘出席或和解员中任一人之指派未于上称规定期间内决定，应由秘书长于此项期间届满后六十日内为之。主席得由秘书长自名单中或自国际法委员会委员中指派之。Any of the periods within which appointments must be made may be extended by agreement between the parties to the dispute.

任一指派期限，得由争端之当事国以协议延展之。

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

遇任何人员出缺之情形，应依为第一次指派所定方式补实之。

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.

三、和解委员会应自行决定其程序。委员会得经争端各当事国之同意邀请条约任何当事国向委员会提出口头或书面意见。委员会之决定及建议以委员五人之过半数表决为之。

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

四、委员会得提请争端各当事国注意可能促进友好解决之任何措施。

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.

五、委员会应听取各当事国之陈述，审查其要求与反对意见，并向各当事国拟具提议以求达成争端之友好解决。

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.

六、委员会应于成立后十二个月内提出报告书。报告书应送请秘书长存放并转送争端各当事国。委员会之报告书包括其中关于事实或法律问题所作之任何结论对各当事国均无拘束力，且其性质应限于为求促成争端之友好解决而提供各当事国考虑之建议。

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.

七、秘书长应供给委员会所需之协助与便利。委员会之费用应由联合国担负。