

3. Every State or international organization 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 or international organization 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 or organization.

5. Any State or international organization 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 or that organization:

(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.

Article 41

Agreements to modify multilateral treaties between certain of the parties only

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

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

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

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

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.

3. Enhver stat eller international organisation, som er berettiget til at blive deltager i traktaten, skal ligeledes være berettiget til at blive deltager i den ændrede traktat.

4. Overenskomsten om ændringen binder ikke nogen stat eller international organisation, der allerede er deltager i selve traktaten, men som ikke er deltager i overenskomsten om ændringen; artikel 30, stk. 4 (b) finder anvendelse over for en sådan stat eller organisation.

5. Enhver stat eller international organisation, som bliver deltager i traktaten, efter at overenskomsten om ændringen er trådt i kraft, skal, forudsat at vedkommende stat eller vedkommende organisation ikke giver udtryk for en anden hensigt:

(a) betragtes som værende deltager i den ændrede traktat og

(b) betragtes som deltager i den uændrede traktat i forhold til enhver deltager i traktaten, som ikke er bundet af overenskomsten om ændringen.

Artikel 41

Overenskomster, der modificerer multilaterale traktater i forholdet mellem enkelte af deltagerne

1. To eller flere deltagere i en multilateral traktat kan indgå en overenskomst om modifikation af traktaten sig imellem, hvis:

(a) traktaten forudser muligheden for en sådan modifikation, eller

(b) traktaten ikke forbyder en sådan modifikation, og denne

(i) ikke griber ind i de øvrige deltageres rettigheder eller i opfyldelsen af deres forpligtelser i henhold til traktaten;

(ii) ikke vedrører en bestemmelse, fra hvilken en afvigelse er uforenelig med den effektive gennemførelse af traktatens hensigt og formål som helhed.

2. Medmindre traktaten i tilfælde, der omfattes af stk. 1 (a), bestemmer noget andet, skal vedkommende deltagere meddele de øvrige deltagere, at de har til hensigt at afslutte overenskomsten, og hvilken modifikation af traktaten denne overenskomst indebærer.