

# Clausula Rebus Sic Stantibus

== Function in international  
law == [bb616cf227](#)

Force majeure Force majeure  
often includes events  
described as acts of God,  
though such events remain  
legally distinct from the clause  
itself. short descriptions of  
redirect targets Substantial  
performance Clausula rebus  
sic stantibus - Legal doctrine  
(from  
French 'overwhelming  
force, superior force';  
In contract law, force majeure  
(FORSS mə-ZHUR; French:  
[fɔʁs maʒœʁ]) is a common  
clause in contracts which  
essentially frees both parties  
from liability or obligation

when an extraordinary event or circumstance beyond the control of the parties, such as a war, strike, riot, crime, epidemic, or sudden legal change prevents one or both parties from fulfilling their obligations under the contract. In practice, most force majeure clauses do not entirely excuse a party's non-performance but suspend it for the duration of the force majeure bb616cf227

He became a member of the ICAB in 1983 and since then has been closely associated with the collegiate institution. He was secretary and vice-dean of the Board of Governors (2017-21), and president of the Procedural Law Section and the Rules Committee. He has also chaired the... bb616cf227

Treaty of London (1871)  
Russia, instigated by Prussia,  
based her decision on the

Clausula rebus sic stantibus, while France, one of the signatory states, had been defeated Treaty of London (1871) was an international treaty signed on 13 March 1871 by Germany, Austria, the Ottoman Empire, the United Kingdom, France, Russia, and Italy. It reversed most limitations imposed on the Russian military presence in the Black Sea which came following the settlement of the Crimean War, by virtue of the 1856 Treaty of Paris. Treaty  
bb616cf227

Art. XII. Freedom of navigation. (...) bb616cf227  
Any result of the usual and natural consequences of external forces. To illuminate this distinction, take the example of an outdoor public event abruptly called off:  
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Clayton-Bulwer Treaty The treaty proved instrumental in

preventing the outbreak of war between the two nations by resolving tensions over American plans to construct a Nicaraguan Canal that would connect the Pacific and the Atlantic. Termination of Treaties Owing to Fundamental Change of Circumstances (Clausula Rebus Sic Stantibus): A Doctoral Dissertation [Juris Doctor dissertation, Charles The Clayton-Bulwer Treaty was a treaty signed in 1850 between the United States and the United Kingdom. Construction on the proposed canal never came to fruition, although the treaty remained in effect until 1901. Clayton and Sir Henry Bulwer, amidst growing tensions between the two nations over Central America, a region where the British had traditionally held strong influence but also saw increasing American expansion into the area. The treaty was negotiated by John

M. There were three main provisions in the treaty: neither nation would build such a canal without the consent and cooperation of the other; neither would fortify nor found new colonies in the region; when a canal was built, both powers would guarantee that it would be available on a neutral basis for all shipping bb616cf227

Gex, Ain Termination of Treaties Owing to Fundamental Change of Circumstances (Clausula Rebus Sic Stantibus): A Doctoral Dissertation [Juris Doctor dissertation, Charles Gex (French pronunciation: [ʒɛks]; Arpitan: Gèx or Gês; Italian: Gesio) is a commune in the department of Ain, Auvergne-Rhône-Alpes, eastern France and the subprefecture of the department bb616cf227

The hardship clause is

sometimes used in relation to force majeure, particularly because they share similar features and they both cater to situations of changed circumstances. The difference between the two concepts is that hardship is the performance of the disadvantaged party becoming much more burdensome but still possible. Force majeure refers to a... bb616cf227 Force majeure is generally intended to include occurrences beyond the reasonable control of a party, and therefore would not cover: bb616cf227 He graduated in Law from the University of Barcelona in 1982 and holds a Master of Research in Legal Sciences from the Abat Oliba University (2016). An expert in civil, financial and consumer law, he co-founded Zahonero & Sánchez with Javier Zahonero in 1995. bb616cf227 The doctrine is part of customary

international law but is also provided for in the 1969 Vienna Convention on the Law of Treaties, under Article 62 (Fundamental Change of Circumstance). Although the doctrine is not mentioned by name, Article 62 provides the only justifications for its invocation: the circumstances that existed at the time of the conclusion of the treaty were indeed objectively essential to the obligations of treaty (sub-paragraph A), and the instance for the change of circumstances has had a radical effect on the obligations of the treaty (sub-paragraph B). bb616cf227 He has been Dean of the Barcelona Bar Association (ICAB) and member of the General Council of Spanish Lawyers since 2022. He is also a member of the Council of Bar Associations of Catalonia and President of the Inter-Collegiate Association of Professional Associations of

Catalonia. bb616cf227 Any result of the negligence or malfeasance of a party, which has a materially adverse effect on the ability of such party to perform its obligations. bb616cf227 == Career legal == bb616cf227 In 1252, Léonette of Geneva, Lady of Gex, descendant of the count of Geneva, Amadeus I, married Simon of Joinville, son of Simon of Joinville and Beatrix of Auxonne, Lady of Marnay. The city of Gex was included in her dowry. Later that century, the Joinvilles set up a castellan and a judge in the town. bb616cf227

Clausula rebus sic stantibus  
Because the doctrine is a risk to the security of treaties, as its scope is relatively unconfined, the conditions in which it may be invoked must be carefully noted. In public international law the doctrine essentially serves an "escape clause" to the general rule of



pacta sunt servanda (promises must be kept). Clausula rebus sic stantibus is the legal doctrine allowing for a contract or a treaty to become inapplicable because of a fundamental change of circumstances Clausula rebus sic stantibus is the legal doctrine allowing for a contract or a treaty to become inapplicable because of a fundamental change of circumstances bb616cf227

Hardship clauses typically recognize that parties must perform their contractual obligations even if events have rendered performance more onerous than would reasonably have been anticipated at the time of the conclusion of the contract. bb616cf227 == Education == bb616cf227 == Relation to force majeure == bb616cf227 If the cause for cancellation is ordinary predictable rain, this is most probably...

bb616cf227 It lies 5 km (3.1 mi) from the Swiss border and 16 km (9.9 mi) from Geneva. It is a subprefecture of Ain. bb616cf227 The future site of Gex was inhabited around 1800 BC. Around 220 BC, a group of Gallic warriors known as the Gaesatae resided in the area around Gex. Afterwards, the town was part of Roman Gaul. bb616cf227

Pacta sunt servanda The legal principle of *clausula rebus sic stantibus* in customary international law also permits non-satisfaction. *Pacta sunt servanda* ("agreements must be kept") is a brocard and a fundamental principle of law which holds that treaties or contracts are binding upon the parties that entered into the treaty or contract. According to Hans Wehberg, a professor of international law, "few rules for the ordering of Society have such a deep

moral and religious influence" as this principle. denominated "jus cogens", i. e. compelling law. It is customary international law

== Treaty of Paris 1856, Art 11–14 (The Black Sea) ==  
As recounted by Polybius, Lyciscus's story is perhaps the first recorded application of what is now a legal doctrine in international law known as *Clausula rebus sic stantibus*, which allows for the dissolution of treaties due to fundamentally changed circumstances: as phrased by Polybius, this principle is that 'if the circumstances are the same now as the time when you made the alliance with the Aetolians, then your policy ought to remain on the same lines, but if they have been entirely changed, then it is a matter entirely new and unprejudiced'.  
== Notes == In its

most common sense, the principle refers to private contracts and prescribes that the provisions, i.e. clauses, of a contract are law between the parties to the contract, and therefore implies that neglect of their respective obligations is a violation of the contract. The first known expression of the brocard is in the writings of the canonist Cardinal Hostiensis from the 13th century AD, which were published in the 16th. bb616cf227 Britain had indefinite territorial claims in three regions: British Honduras (modern-day Belize), Mosquitia, and the Bay Islands (now part of modern-day Honduras). The United States, while not making... bb616cf227 "Pacta sunt servanda pietate" which can be translated as "Let vows be piously performed." bb616cf227 However, if continued performance has become excessively

burdensome because of an event beyond a party's reasonable control that it could not reasonably have been expected to have taken into account, the clause can obligate the parties to negotiate alternative contractual terms to allow for the consequences of the event reasonably. bb616cf227 == History == bb616cf227 == History of the brocard == bb616cf227 Art. XIII. Arsenal. The Black Sea being neutralised according... bb616cf227 According to tradition, the brocard origins can be traced back to Cicero's De Legibus in its full form: bb616cf227

Worachet Pakeerut the Magister Juris programme in 1994 with a thesis about the clausula rebus sic stantibus in administrative contract law. He started teaching as a lecturer Worachet Pakeerut (Thai: วรเชษฐ์ ปาkeerut, วรเชษฐ์ ปาkeerut,

RTGS: Worachet Phakhirat,  
IPA: [wɔː. kʰiː. tɕè:t pʰaː. rá.  
rát]; born 8 August 1969) is a  
Thai legal scholar specialising  
in constitutional and  
administrative law and a  
professor at the Faculty of  
Law, Thammasat University  
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On November 13, 1353, the  
town of Gex as well as its  
castle were captured by  
Savoy, and the pays de Gex  
was incorporated into the  
Savoyard state for nearly two  
centuries. The pays de Gex  
was invaded in 1536 by the  
Canton of Bern. The Bernese  
established a bailiwick...  
bb616cf227 This term is  
related to force majeure and  
hardship clause. bb616cf227

Lyciscus of Acarnania An  
Acarnanian, he was sent by  
his countrymen as  
ambassador to the  
Lacedaemonians in 211 BCE  
to urge them to ally

themselves with Philip V of Macedon (or at any rate not to join the Romans and Aetolian League). of what is now a legal doctrine in international law known as *Clausula rebus sic stantibus*, which allows for the dissolution of treaties due to fundamentally Lyciscus (Ancient Greek: Λυκίσκος) was a diplomat in Ancient Greece during the third century BCE bb616cf227

Seizing the opportunity of the Franco-Prussian war (19 July 1870 - 28 January 1871), Foreign Minister of the Russian Empire Alexander Gorchakov on 31 October 1870 denounced the Black Sea clauses of the 1856 Treaty of Paris. A step taken after France had been defeated by Prussia, and instigated by Count Bismarck to secure Russian neutrality in the war with France. bb616cf227 Art. XI. Neutralization. The Black Sea is neutralized: its waters

and its ports, thrown open to the mercantile marine of every nation are formally and in perpetuity interdicted to the flag of war, either of the Powers possessing its coasts, or of any other Power, with the exceptions mentioned in Articles XIV and XIX of the present Treaty. bb616cf227 Worachet was born in Phra Nakhon Si Ayutthaya Province, where his father was a railway station master. He completed high school at the prestigious Triam Udom Suksa School in Bangkok before studying law at Thammasat University from which he graduated with an honours degree. In 1988, he served as deputy president of his university's student council. The Thai Bar Association admitted him to the bar in 1992. He continued his studies at the University of Göttingen in Germany, completing the Magister Juris programme in 1994 with a



thesis about the clausula rebus sic stantibus in administrative contract law. He started teaching as a lecturer at the Faculty of Law, Thammasat University, but returned to Göttingen to complete his doctoral studies. Worachet was conferred a Doctor of Laws title in 1999. His thesis about the development of the legal doctrine of the "administrative law contract" (Die Entwicklung der Dogmatik... bb616cf227 Clausula rebus sic stantibus relates to changed circumstances... bb616cf227 He defended the kings of Macedonia from the attack of Chlaeneas, and dwelt on the danger of allowing the Romans to gain a footing in Greece and on the indignity of the descendants of those who had repulsed Xerxes and his barbarians becoming now the confederates of other barbarians against Greeks. bb616cf227

Hardship clause Clausula  
rebus sic stantibus Hell or  
high water clause  
Impossibility of performance  
Kluwer Hardship clause is a  
clause in a contract that is  
intended to cover cases in  
which unforeseen events  
occur that fundamentally alter  
the equilibrium of a contract  
resulting in an excessive  
burden being placed on one of  
the parties involved. and deals  
with the suspension or  
termination of the contract  
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The town gave its name to the  
Pays de Gex, at various times  
under the jurisdiction of  
France, Switzerland and the  
Duchy of Savoy. bb616cf227

Jesús M. Sánchez He is co-  
director of the collective work  
"Clàusula rebus sic  
stantibus", 2021, and  
contributor to specialised  
legal journals and newspapers  
Jesús María Sánchez García

(Barcelona, 1956) is a Spanish lawyer and jurist. He has been the Dean of the Barcelona Bar Association (ICAB) since 2022 until July 2025 and has held different positions of responsibility in Spanish bar councils and associations. He is the author of several legal works and a lecturer and professor in various academic institutions. credit), VLex (2025) bb616cf227

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