

### 31. Peru

Statement (on behalf of CELAC) made in the Sixth Committee, Seventy-second session (2017), 19th meeting, 24 October 2017:<sup>80</sup>

[I]n Peru there is no internal norm that refers directly to the provisional application of treaties, with the exception of Article 25 of the *Vienna Convention on the Law of Treaties*—as it is part of domestic law according to the 1993 Political Constitution of Peru. Peru, at the time of expressing its consent to said Convention, entered a reservation, subjecting the possibility of provisional application of the treaties to prior compliance with the provisions of the Constitution of Peru regarding the approval and ratification of treaties.

We have been able to identify cases in the practice of Peru of instances in which the decision has been made to provisionally apply a treaty, although such decision is not made by a single body or authority but rather a series of State bodies and authorities that participate in different stages of the treaty-making process.

As an example of provisional application of a treaty we have the *Multiparty Trade Agreement between Peru and Colombia, on the one hand, and the European Union and its Member States, on the other*, signed in Brussels on June 26, 2012, to which Ecuador has recently been added (“Trade Agreement of 2012”), whose article 330, paragraph 3, makes Provisional Application possible. It should be noted that the said Agreement continues to be provisionally applied to date.

As for the termination of the provisional application of a treaty, it normally ends with the entry into force. In this regard, Peru wishes to cite certain examples:

- i. *Agreement between Peru and the Netherlands on the Establishment of Training Workshops*, Article VI (December 9, 1965);
- ii. Protocol, 1979, for the Fifth Extension of the *Wheat Trade Agreement*, 1971, Article 8 (March 21, 1979);
- iii. Agreement for the exchange of notes between Peru and Argentina (June 17, 1979);
- iv. *International Sugar Agreement*, article 37 (July 5, 1984).

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<sup>80</sup> Unofficial translation (from Spanish) by the United Nations Secretariat. Full text available at: [https://www.un.org/en/ga/sixth/72/pdfs/statements/ilc/peru\\_1.pdf](https://www.un.org/en/ga/sixth/72/pdfs/statements/ilc/peru_1.pdf).