

4. Belgium

Statement made in the Sixth Committee, Sixty-sixth session (2013), 26th meeting, 5 November 2013:⁶

Article 167 of the Belgian Constitution revised in 1994, contains an essential principle in the matter according to which all treaties must be submitted to the parliamentary consent of the Competent assembly(s). The assent conditions the effect of treaties in Belgian law.

Neither Article 167 of the Constitution, nor the *Cooperation Agreement* of March 8, 1994 between the Federal State, the Communities and the Regions of the Kingdom of Belgium, relating to modalities for concluding mixed treaties (in the Belgian constitutional sense), envisage the question of the provisional application of treaties.

While provisional application of treaties can certainly be agreed between the parties and produce its effects in international law, it has a limit in domestic law because of the constitutional requirement of consent.

When the effect of the provisionally applied treaty is sought in domestic law, the agreement concerning the provisional application, as well as the provisions of the agreements being provisionally applied, must be subject to the assent procedure.

Before the revision of the Constitution, Belgium had a practice of provisional application of certain agreements, without the prior consent of the competent Assemblies, such as air transport agreements and agreements relating to raw materials.

⁶ Unofficial translation (from French) by the United Nations Secretariat. Full text available at: <https://www.un.org/en/ga/sixth/68/pdfs/statements/ilc/belgium.pdf>.