

55. Mongolian People's Republic

CONSTITUTION OF 30 JUNE 1940. TEXT FROM *Sovetskoe Gosudarstvo i Pravo*, 1947, No. 8. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Chapter II. The Organization of the State

Article 10. The jurisdiction of the Mongolian People's Republic, as represented by its highest organs of authority and organs of government, extends to:

(a) Representation of the Mongolian People's Republic in international relations: the conclusion and ratification of treaties with other States.

Chapter IV. The Little Khural¹ and the Presidium of the Little Khural²

Article 23. The Presidium of the Little Khural:

. . .

(j) Ratifies treaties and agreements with other States.

56. Nepal

The Maharajah of Nepal promulgated a Constitution which took effect on 1 April 1948. This Constitution, however, contains no reference to any rules on the subject of the exercise of the treaty-making power, and no official information is available concerning any customs or usages in the matter.

57. Netherlands

EXCERPT FROM LETTER OF 17 JUNE 1952 ADDRESSED TO THE LEGAL DEPARTMENT OF THE SECRETARIAT BY THE PERMANENT DELEGATION OF THE NETHERLANDS. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Amended Articles of the Constitution of 8 May 1952³

Article 58. The Crown shall have the supreme direction of foreign relations. It shall promote the development of the international legal order.

Article 60. Agreements with other Powers and with international organizations shall be concluded by, or with the authorization of, the Crown and, in any case where an agreement so requires, shall be ratified by the Crown.

¹ The Legislative Assembly elected by the Great People's Khural, which is the Assembly of Electors.

² Members: 1 President, 1 Vice-President, 1 secretary, 4 members.

³ Under the Netherlands Constitution, these articles, in order to be valid amendments, require to be approved by a two-thirds vote by the States-General twice, once before, and once after, a dissolution. The first approval has been given but at the time of going to press (1 December 1952) the new States-General had not yet given the second approval. Even after such approval, the articles require the signature of the Queen.

The agreements shall be submitted to the States-General as soon as possible; they shall not be ratified, and shall not come into effect, until they have received the approval of the States-General.

The courts shall not have power to inquire into the constitutionality of agreements.

Article 60a. The above approval shall be deemed to have been given unless, within thirty days after the submission of the agreement, the wish is expressed by or in the name of one of the Chambers of the States-General or by at least one-fifth of the constitutional membership of one of the Chambers, that the agreement should be subject to a decision by the States-General, or if both Chambers of the States-General declare, before the expiry of this time-limit, that no decision is requested. The time-limit mentioned in the foregoing paragraph shall be suspended when the States-General are not in session. In all cases where an agreement is subject to a decision by the States-General, approval may only be given by legislation.

Article 60b. Except in the circumstances described in article 60c, this approval shall not be required:

(a) In the case of an agreement for which provision is made by legislation;

(b) If the agreement refers exclusively to the implementation of an approved agreement, in so far as the States-General, in giving their approval, did not otherwise stipulate;

(c) If the agreement does not involve the Realm in any important financial commitments and is concluded for not more than one year;

(d) If, in exceptional cases of an urgent nature, the interests of the Realm require that the agreement should come into effect without delay.

An agreement within the terms of (d) shall not be concluded except with the proviso that it shall be terminated if the approval of the States-General is withheld. The States-General shall be notified immediately of the conclusion of the agreement. The agreement shall also be submitted to the States-General for approval if, within thirty days after this notification, a request to that effect is made by, or in the name of, one Chamber of the States-General or by at least one-fifth of the constitutional membership of one Chamber.

The provisions contained in the foregoing paragraph shall not be applicable if it would manifestly conflict with the interests of the Realm to observe them. In any such case the agreement shall be submitted to the States-General as soon as possible and, if they withhold their approval, it shall be terminated as quickly as is consistent with the terms of the agreement.

Article 60c. If the development of the international legal order so requires, it shall be permissible for an agreement to depart from the provisions of the Constitution. In any such case the agreement shall not be deemed to be approved unless the States-General decide to approve it by two-thirds of the votes cast in each Chamber.

Article 60d. The provisions of the four preceding articles shall apply, *mutatis mutandis*, to accessions to agreements.

Articles 60, 60a and 60b shall apply, *mutatis mutandis*, to the denunciation of agreements, the second paragraph of article 60 to be construed as requiring that the States-General shall be notified of the intention to denounce.

Article 60e. If any legislative provision in force in the Realm is or becomes incompatible with any agreement published in conformity with article 60f before or after the enactment of the provision, then the provision in question ceases to be applicable.

Article 60f. Agreements shall only be binding on citizens if they have been published. The rules to be observed in the publication shall be prescribed by legislation.

Article 60g. Legislative, administrative and jurisdictional powers may be delegated to international organizations by, or in virtue of, an agreement.

Article 60e shall apply, *mutatis mutandis*, to decisions by international organizations.

58. New Zealand

MEMORANDUM OF 29 APRIL 1952 FROM THE GOVERNMENT OF NEW ZEALAND

In New Zealand, the Crown, acting on the advice of the New Zealand Government, is the constitutional organ responsible for the conduct of foreign affairs. Accordingly, when full powers and instruments of ratification are required for the negotiation or conclusion of treaties in the Heads of State form, the necessary instruments are signed by Her Majesty the Queen.

Nowadays New Zealand, in conformity with international practice, usually enters into international agreements in the inter-governmental form. In such cases the Queen's signature is not obtained and full powers, instruments of ratification, etc., are signed on behalf of the Government by the Minister of External Affairs. This he can do under the authority of the External Affairs Act, 1943. By that Act, the Minister of External Affairs, appointed by the Governor-General, is charged "generally with the administration of the external and foreign affairs of New Zealand, including relations with other countries, communications between the Government of New Zealand and other governments, the representation of New Zealand in other countries, and the representation of other countries in New Zealand."

59. Nicaragua

CONSTITUTION OF 6 NOVEMBER 1950. TEXT FROM *La Gaceta, Diario Oficial*, VOL. 54, No. 235. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 148. It is within the competence of Congress, each Chamber sitting separately

. . .

(7) To approve or withhold approval of treaties concluded with foreign nations. The treaties referred to in article 6 require, for their approval, two-thirds of the votes cast.¹

¹ *Article 6.* The territory and sovereignty of the Republic are indivisible and inalienable. However, treaties may be concluded that tend toward union with one or more of the Republics of Central America; or that have for their purpose the construction, sanitation, operation, and defence of an inter-oceanic canal across the national territory. Pacts may also be concluded that aim at granting temporary use of national territory to an American Power, for Continental defence exclusively.