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The Permanent Mission of the Republic of Turkey to the United Nations presents its compliments to the Office of Legal Affairs of the Secretariat of the United Nations, and with reference to the Latter's Note no: LA/COD/63 dated 24 September 2018, concerning the draft guidelines on provisional application of treaties, has the honour to communicate the following: According to Turkish legislation, in order for Turkey to be legally bound by any international agreement, such agreement has to be approved in accordance with the relevant domestic procedures. In this regard, mere signing of the agreement does not suffice. Also, the Constitution and domestic laws of the Republic of Turkey do not contain any clause that expressly regulates or allows provisional application of international agreements. Furthermore, Turkey is not party to the Vienna Convention on the Law of Treaties (1969).

In view of the foregoing, Turkey would like to reiterate the importance of the consent of States as regards "provisional application of treaties". Turkey maintains the view that treaties should be applied after their entry into force, as a rule, and that provisional application before entry into force should be regarded as an exception that would be applied at the discretion of States. In this regard, the draft guidelines and the draft model clauses should only aim to guide those States and international organizations that wish to apply certain bilateral or multilateral treaties provisionally, and should not prejudice the flexible and voluntary nature of this legal concept. Based on this understanding, Turkey also considers that it would be more suitable for the concept of provisional application to be included in treaties as a voluntary option which States can choose to apply by making a declaration to that end, and not as a legal obligation which States would have to opt out of or make reservations to. Article 15 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency and Article 13 of the Convention on Early Notification of a Nuclear Accident would be useful examples in this context.

In addition to the above, the Permanent Mission would also like to refer to the statements that have been delivered on this topic on behalf of Turkey in the past Sixth Committee sessions.

The Permanent Mission of the Republic of Turkey to the United Nations avails itself of this opportunity to renew to the Office of Legal Affairs of the Secretariat of the United Nations the assurances of its highest consideration.

New York, 17 December 2019

Office of Legal Affairs  
Secretariat of the United Nations  
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