

### 34. Portugal

Statement made in the Sixth Committee, Sixty-seventh session (2012), 21st meeting, 5 November 2012.<sup>86</sup>

In what concerns Portugal, practice is based on a restrictive interpretation of Article 8(2) of the Portuguese Constitution. According to such interpretation, Portugal is only bound by a treaty after it has been internally approved and published in the official gazette, and the treaty itself enters into force in the international legal order. Hence, in the case of Portugal, the provisional application of a treaty is not admissible.

Statement made in the Sixth Committee, Seventy-sixth session (2021), 16th meeting, 25 October 2021.<sup>87</sup>

For my delegation, the special relevance of this Guide also stems from the fact that Portugal, in accordance with its constitutional framework, is prevented from applying treaties provisionally.

Therefore, Portugal welcomes the acknowledgement that States, and international organizations retain the right (i) to submit a reservation concerning the provisional application of the treaties which they have signed; and (ii) to oppose the provisional application of a treaty by another State or international organization, by means of a unilateral declaration.

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<sup>86</sup> Full text available at: [https://www.un.org/en/ga/sixth/67/pdfs/statements/ilc/portugal\\_3.pdf](https://www.un.org/en/ga/sixth/67/pdfs/statements/ilc/portugal_3.pdf).

<sup>87</sup> Edited by the United Nations Secretariat. Full text available at: [https://www.un.org/en/ga/sixth/76/pdfs/statements/ilc/16mtg\\_portugal\\_1.pdf](https://www.un.org/en/ga/sixth/76/pdfs/statements/ilc/16mtg_portugal_1.pdf).