

5. In general terms, the practice followed by the Chilean Government in respect of the conclusion of treaties is as follows:

The Government of Chile appoints a plenipotentiary, who, if the convention is to be signed in Chile, is usually the Minister of Foreign Affairs, but negotiations are generally carried out by qualified officials of the Ministry and of the competent technical bodies. When the treaty is to be negotiated in a foreign country, the Chilean plenipotentiary is usually the diplomatic representative accredited to that country, or in special cases, a plenipotentiary *ad hoc*, or the delegate, or delegates, to the international body or conference concerned, advised, when necessary, by experts who also take part in the negotiation or discussion of the agreement. It often happens that the convention is signed by a different plenipotentiary who has had no part in the negotiations, acting on direct instructions from the Ministry. When the treaty has been signed in satisfactory terms the Ministry of Foreign Affairs submits its official text, in Spanish, to the approval of the National Congress by means of a written Message signed by the President of the Republic and the Minister of Foreign Affairs.

6. The approval of the National Congress is communicated to the Ministry of Foreign Affairs by an official letter empowering the President of the Republic to proceed to the ratification of the said treaty. An instrument of ratification is drawn up, and signed, by the President of the Republic and by the Minister of Foreign Affairs. When the other signatory issues a similar instrument of ratification, the ratifications are exchanged in the case of bilateral treaties; in the case of multilateral treaties, Chile's ratification is deposited.

7. Once the ratifications have been exchanged or deposited, the treaty is considered as binding upon the Government of Chile. Nevertheless the Ministry of Foreign Affairs, in conformity with Decree No. 328 of 21 June 1926, issues a decree promulgating the international treaty concerned, and this decree is signed by the President of the Republic and the Minister of Foreign Affairs, an authorized copy being issued for publication in the Official Gazette.

8. All treaties and agreements which have entered into force and have been promulgated are sent for registration with the Secretariat of the United Nations, in conformity with article 102 of the Charter.

9. Accession to an international convention is subject to the same procedure as ratification. If the text of a treaty requires its acceptance, the constitutional procedure for ratification is followed, as there are no provisions relating to the new term "acceptance".

16. China

CONSTITUTION OF 1 JANUARY 1947. TRANSLATION PUBLISHED BY
THE CHINESE MINISTRY OF INFORMATION, NANKING 1947

Article 38. The President shall, in accordance with the provisions of the Constitution, exercise the powers of conclusion of treaties, declaration of war, and making of peace.

Article 53. The Executive Yuan is the highest administrative organ of the State.

Article 58. Prior to the submission to the Legislative Yuan of any ... Bill concerning ... treaties..., the President and the Heads of the various Ministries and Commissions of the Executive Yuan shall present the said Bill to the Executive Yuan Council for discussion and decision.

Article 62. The Legislative Yuan is the highest legislative organ of the State.

Article 63. The Legislative Yuan shall have the power to decide upon ... any Bill concerning ... conclusion of peace, treaties ...

17. Colombia

(a) CONSTITUTION OF 16 FEBRUARY 1945. TEXT FURNISHED BY THE COLOMBIAN MINISTRY OF FOREIGN AFFAIRS. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 76. Congress is vested with the power of making laws. By means of these laws it exercises the following functions:

(22) To approve, or withhold approval of, treaties and conventions entered into by the Government with foreign Powers.

Article 78. Congress and each of its houses are forbidden:

(4) To require the Government to transmit to them the instructions given to diplomatic agents, or to give information relative to negotiations of a confidential character.

Article 120. ...

(20) It is the duty of the President of the Republic, as the supreme administrative authority, to direct diplomatic and commercial relations with other Powers or sovereigns, to appoint and receive diplomatic agents, and to conclude with foreign Powers treaties and conventions which shall be submitted for the approval of Congress.

(b) ACT 7 OF 30 NOVEMBER 1944 RELATING TO THE VALIDITY AND PUBLICATION OF INTERNATIONAL TREATIES IN COLOMBIA. TEXT SUPPLIED BY THE COLOMBIAN MINISTRY OF FOREIGN AFFAIRS. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. Treaties, pacts, conventions, agreements or other international acts approved by Congress in accordance with articles 69 and 116 of the Constitution,¹ shall not be considered to have the force of domestic law so

¹ At the time of the passing of the Act the Constitution of 1886, as amended, was in force. The articles specified in the Act appear to relate to matters of procedure.