

Article 53: Les clauses secrètes d'aucun traité ne peuvent résilier les clauses ouvertes du même traité.

(c) MEMORANDUM OF 2 JULY 1951 FROM THE IRANIAN GOVERNMENT

Le Gouvernement iranien ou le Gouvernement qui désirerait conclure un traité avec l'Iran, fera connaître ses vœux d'entamer des pourparlers, en ce sens, par une note adressée à l'autre partie.

Au cas où les deux parties seraient d'accord d'entamer des négociations, celles-ci débiteront en un lieu convenu et agréé par les deux parties.

Ces négociations une fois terminées, et en cas d'accord de vue, le texte ainsi rédigé sera paraphé par les représentants des deux parties chargées des négociations.

Le Ministre des Affaires Etrangères soumettra le texte paraphé, en vue de son approbation, au Conseil des Ministres.

Une fois l'approbation du Conseil des Ministres obtenue, le Ministère des Affaires Etrangères priera Sa Majesté Impériale de vouloir bien daigner d'accorder un Ferman autorisant la signature du traité ou de la convention par le Ministre des Affaires Etrangères ou par son remplaçant ou par un représentant dûment autorisé.

Le Firman Impérial une fois accordé les représentants plénipotentiaires des deux parties contractantes se réuniront à une date préalablement convenue pour la signature du traité et après l'échange des signatures de pleins pouvoirs accordés par les chefs de leur Etat respectif et la rédaction du procès-verbal, procéderont à la signature du traité ou de la convention.

Après la signature, un exemplaire du traité sera remis à l'autre partie contractante et le deuxième exemplaire sera conservé par l'Iran.

Le Gouvernement Iranien présentera le texte du traité joint à un projet au parlement en vue de sa ratification et les chambres ratifieront le texte intégralement ou le rejeteront en totalité.

Après la ratification des deux chambres et l'apposition du Sceau Impérial l'échange des instruments de ratification se fera en un lieu mentionné dans le texte même de l'accord.

40. Iraq

MEMORANDUM OF 11 JUNE 1951 FROM THE GOVERNMENT OF IRAQ

1. The only legal text relating to the conclusion of treaties is found in paragraph 4 of article 26 of the Iraqi Constitution which reads as follows:

"The King concludes treaties but may not ratify them without the consent of Parliament."

2. The procedure which is usually followed by the Iraqi Government conforms strictly with the accepted customs of international law. The King, as the Head of the executive authority, issues full powers or credentials to some individual or individuals to conduct negotiations and sign the treaty in his name. When this has been done the Government prepares a legislative bill embodying the treaty, and presents it to parliament for consideration and approval. When both Houses of Parliament have given their consent, authorizing the King to ratify the treaty, he thereupon issues the instrument of ratification, which is deposited or exchanged in accordance with the provisions of the treaty.

3. Conventions and agreements, or other international contracts which do not fall within the scope of treaties, may be entered into by the Government with the authorization of the King as Head of the executive authority, without the prior approval of Parliament. If, however, those international contracts involve any financial obligations, then it becomes mandatory to present them to Parliament for consent, and they are subject to the same conditions as treaties.

41. Ireland

CONSTITUTION OF 1 JULY 1937. TEXT PUBLISHED BY THE GOVERNMENT SALES OFFICE, DUBLIN 1945

Article 29. ...

4. (1) The executive power of the State in, or in connexion with, its external relations shall, in accordance with article 28 of this Constitution,¹ be exercised by, or on the authority of, the Government.

(2) For the purpose of the exercise of any executive function of the State in, or in connexion with, its external relations, the Government may to such extent and subject to such conditions, if any, as may be determined by law, avail itself of, or adopt, any organ, instrument, or method of procedure used or adopted for the like purpose by the members of any group or league of nations with which the State is or becomes associated for the purpose of international co-operation in matters of common concern.

5. (1) Every international agreement to which the State becomes a party shall be laid before Dáil Éireann.²

(2) The State shall not be bound by any international agreement involving a charge upon public funds unless the terms of the agreement shall have been approved by Dáil Éireann.

(3) This section shall not apply to agreements or conventions of a technical or administrative character.

6. No international agreement shall be part of the domestic law of the State save as may be determined by the Oireachtas.³

42. Israel

MEMORANDUM OF 11 MARCH 1951 FROM THE GOVERNMENT OF ISRAEL

1. The situation in Israel is at present characterized by the absence of clear and specific provisions of a legislative character. The Legislative Assembly, the Knesseth, was originally elected in 1949 as a Constituent Assembly, but after lengthy discussion it decided, in the middle of 1950, not to proceed with the adoption of a full constitution and instead to concentrate on the writing of a number of fundamental laws which, in the course of time, would become the formal constitution of the country. Until such laws are adopted the constitutional framework is provided

¹ Article 28 specifies the powers and duties of the various organs of Government.

² House of Representatives.

³ National Parliament (Dáil Éireann and Seanad Éireann).