

6. Treaties that are in conflict with absolute prohibitions of the Constitution cannot be entered into, even with the consent of the Storting. The abrogation of a treaty does not require consent by the Storting. The countersigning of international ratification documents is done by the Foreign Minister.

## 61. Pakistan

MEMORANDUM OF 28 DECEMBER 1951 FROM THE GOVERNMENT OF PAKISTAN  
(ORIGINAL IN ENGLISH)

1. There are no laws, regulations, decrees or judicial decisions regarding the negotiation and conclusion of treaties in Pakistan. The matter is governed by custom and usage. Since the creation of Pakistan as a separate Dominion of the Commonwealth, i.e., 15 August 1947, its treaty-making power has been exercised by the Government of Pakistan. When a treaty is to be negotiated as between Governments, the Government of Pakistan authorizes its representatives to exercise its treaty-making powers. These representatives receive Full Powers signed by the Governor-General which authorize them to negotiate, conclude and sign the treaty or other bilateral and multilateral agreements on behalf of Pakistan. When the treaty is to be negotiated and concluded as between Heads of States, the powers of the Head of State are exercised by the Governor General.

2. For agreements of a non-political character of minor importance, certain functionaries are recognized as competent to exercise the treaty-making power of Pakistan to the extent it is delegated to them. Such functionaries are, by virtue of their offices and duties, competent to enter into certain agreements without the requirement of ratification. Thus, for instance, the Director-General of Posts and Telegraphs of Pakistan can enter into bilateral agreements concerning postal and telecommunication matters for which no subsequent ratification is necessary.

3. Ratification of a treaty or other international agreement takes the form of a document—an instrument of ratification. If the treaty or agreement is in Governmental form, the instrument of ratification is signed by the Foreign Minister. If the treaty or agreement is in the Head of State form, the instrument of ratification is signed by the Governor-General. Accession to multilateral international agreements, conventions, protocols, etc., is done by the Government of Pakistan through an instrument of accession, notified by the Foreign Minister or by the Envoy of Pakistan accredited to the country to which the accession is to be notified, or by the Permanent Representative of Pakistan in the United Nations or any of its allied organizations.

## 62. Panama

CONSTITUTION OF 1 MARCH 1946. TEXT FROM CONSTITUCIÓN DE LA REPÚBLICA DE PANAMA (EDICIÓN OFICIAL, PANAMA 1946). TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

*Article 118.* The legislative functions of the National Assembly shall be ... and, in particular, the following:

(5) To approve or withhold approval of public treaties concluded by the Executive.

*Article 144.* The President of the Republic shall exercise the following functions in co-operation with the competent Minister, the Cabinet Council, or the Permanent Legislative Commission, as the case may be, :

(8) The direction of foreign relations; accrediting and receiving diplomatic agents and consuls as well as the conclusion of public treaties and conventions, which shall be submitted to the consideration of the National Assembly;

### 63. Paraguay

CONSTITUTION OF 10 JULY 1940. TEXT FROM CONSTITUCIONES POLÍTICAS DE AMERICA (HAVANA 1942). TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

*Article 51.* The President of the Republic has the following powers:

(11) He negotiates and signs treaties of peace, of commerce, of navigation, of alliance, of boundaries and of neutrality, concordats and other international agreements, being obliged to submit them to the Council of State and to the Chamber of Representatives for their approval.

*Article 63.* The powers of the Council of State shall be:

(2) To judge upon matters of international policy submitted for its consideration by the Executive Power.

*Article 76.* It is within the competence of the Chamber of Representatives:

(8) To consider international treaties, and to authorize the Executive Power to make war or conclude peace.

### 64. Peru

MEMORANDUM OF 28 FEBRUARY 1951 FROM THE GOVERNMENT OF PERU. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

*Constitution of 9 April 1933*

*Article 123.* The functions of Congress are:

(21) To approve or withhold approval of the treaties, concordats, and other conventions concluded with foreign governments.

The above approval mentioned in the text is granted by means of what are known as "legislative decisions" which have the same legal force as an Act. Recently, it has become the practice for such agreements