

. . . .
 (8) Receive letters of credence and recall of diplomatic representatives of foreign States accredited to the Republic.

. . . .
 (13) On a motion by the Government ratify or denounce international treaties.

69. Saudi Arabia

(a) CONSTITUTION OF 29 AUGUST 1926. TEXT PUBLISHED IN THE REVUE ÉGYPTIENNE DE DROIT INTERNATIONAL (1947), VOL. 3, PP. 146-156. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 18. The direction of foreign affairs is entrusted by His Majesty to the person who is the most competent and best qualified to perform the duties involved.

(b) DECREE CONSTITUTING A COUNCIL OF MINISTERS, 29 DECEMBER 1931. SAME SOURCE AND TRANSLATION

Article 16. The following departments of government are subject to the authority of the President of the Council:

. . . .
 (2) Foreign Affairs.

70. Spain

ACT OF 17 JULY 1942 CONCERNING THE SPANISH CORTES AS AMENDED BY AN ACT OF 9 MARCH 1946. DICCIONARIO DE LEGISLACION (EDITORIAL ARAZANDI—1951) p. 919. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 14. The Cortes in full session or in committee, according to the circumstances, shall be heard as to the ratification of treaties which affect matters falling within the competence of the Cortes, as specified in the preceding articles¹ of this Act.

71. Sweden

(a) INSTRUMENT OF GOVERNMENT OF 6 JUNE 1809 AS AMENDED. TEXT FURNISHED IN ENGLISH BY THE SWEDISH GOVERNMENT

Article 12. The King shall have power to enter into agreements with foreign Powers after the Council of State has been heard upon the subject. When such agreements deal with matters which are required under this instrument of government to be decided by the Riksdag, either alone or with the King, or when, though not dealing with such matters, they

¹ The preceding articles specify the matters on which the Cortes shall be consulted.

are of major importance, they shall be laid before the Riksdag for approval; and such agreements shall contain a reservation making their validity dependent upon the Riksdag's sanction.

(b) MEMORANDUM OF 28 MAY 1951 FROM THE SWEDISH GOVERNMENT.
TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Should there be an occasion when the interests of the State require that agreements, which are of great importance but do not deal with matters required to be decided by the Riksdag, should be concluded without the confirmation of the Riksdag, this may be done, but in such circumstances the committee on foreign affairs or the advisory committee shall be given an opportunity to express its opinion before the agreement is concluded.

1. The treaties which must be submitted to the Riksdag for approval fall into two classes:

First, treaties dealing with matters which under the Instrument of Government must be decided by the Riksdag, either alone or jointly with the King.

2. This former class includes any agreement the execution of which requires funds, e.g., a vote by the Riksdag or a measure of taxation. An example is a social welfare convention involving the provision of poor relief for the nationals of a certain country. This requires a special appropriation for the authority concerned, a matter which only the Riksdag can decide. Similarly, this category would also include an agreement for the avoidance of double taxation, as the Riksdag alone can levy taxes. Another example is an agreement regarding exemption from customs duties or alteration of customs rates.

3. To this category also belong treaties, execution of which calls for a statute, which under the Instrument of Government can be passed only by joint decision of the King and the Riksdag. Examples are the bills of exchange and cheques conventions, which gave rise to the present statutes on bills of exchange and cheques; citizenship agreements; and a number of treaties relating to private international law, particularly those dealing with the family. This category includes the extradition treaties, the legal basis of which is the criminal law enacted by joint decision and the law concerning the extradition of criminals.

4. The restriction of the King's power to conclude treaties of this kind admits of no exception, and is aimed at preventing encroachment on the fiscal and legislative powers of the Riksdag.

5. The second group of treaties which must be submitted to the Riksdag consists of those which, though not touching on questions falling wholly or partly for decision by the Riksdag, are of major importance. This group may include agreements the execution of which requires legislation falling within the King's constitutional power to make administrative law, for example, police regulations and industrial legislation; and other treaties of major importance which do not call for special legislation but may nevertheless impose obligations upon the State, e.g., most political treaties, and agreements concerning conciliation, judicial decisions and arbitral awards.

6. Whereas a treaty concerning even the least significant legislative or fiscal matter must in all circumstances be laid before the Riksdag for approval, exceptions exist to the rule that the Riksdag must approve treaties of major importance. The Instrument of Government does not specify which treaties are "of major importance". It is accordingly left to the King to decide, after consultation with the Council of State, which is responsible under the Constitution, which agreements are of major importance and must, therefore, be submitted to the Riksdag's examination. It is further provided, in the second paragraph of article 12 of the Instrument of Government, that such an agreement may be concluded without confirmation by the Riksdag in a case where the interests of the State so require, for instance, if the Riksdag is not in session or fails to decide the matter in time. In such a case, however, the Advisory Committee (*Utrikesnamnd*) or the Committee on Foreign Affairs (*Utrikesutskott*) must be given an opportunity to express its opinion before the agreement is concluded. Whether in a given case the State's interests are involved is decided by the King, after consultation with the Council of State. The Advisory Committee is a consultative body in matters of foreign policy and is composed of the members of the Committee on Foreign Affairs. Neither the Advisory Committee nor the Committee on Foreign Affairs may, in the present case, decide to approve a projected agreement on behalf of the Riksdag; it may merely advise for or against.

7. In an attempt to solve the problem in international law of the extent to which the King's constitutionally limited authority to enter into treaties with foreign Powers affects the validity of a treaty as against the other contracting party, a provision was inserted in article 12 of the Instrument of Government laying down that a treaty which has to be submitted to the Riksdag must contain a reservation making its validity depend upon the Riksdag's approval. In treaties concluded by Sweden, this reservation is generally placed in the ratification clause.

8. In practice the Riksdag's approval has taken several forms. In addition to the one provided for in the Constitution, according to which a draft agreement is laid before the Riksdag for approval after signature, there is an approval in advance, authorizing the King to enter into agreements of a more or less specified content. Such authority is usually given subject to reciprocity. In many cases it is written into an existing domestic statute, e.g., the 1918 Poor Relief Act and the provisions of the 1937 Old Age Pensions Act concerning national income and property tax. Naturally the King, in concluding the agreement, may not exceed the authority conferred by the statute; but the existence of the authority does not prevent him from laying the agreement before the Riksdag for its approval.

72. Switzerland

(a) FEDERAL CONSTITUTION¹ OF 12 SEPTEMBER 1848 AS AMENDED AND REVISED.

Article 8: La Confédération a seule le droit de déclarer la guerre et de conclure la paix, ainsi que de faire, avec les Etats étrangers, des alliances et des traités, notamment des traités de péage (douanes) et de commerce.

¹ Text furnished by the Swiss Government.