

73. Syria

CONSTITUTION OF 5 SEPTEMBER 1950. TEXT¹ FROM "INFORMATIONS CONSTITUTIONNELLES ET PARLEMENTAIRES", *Union Interparlementaire*, 1 APRIL 1951, 3RD SERIES, No. 6

Article 51. Les traités concernant la sûreté de l'Etat ou les finances publiques, les traités de commerce et tous les traités conclus pour plus d'une année ne sont définitivement acquis qu'après leur ratification par la Chambre des Députés.

Article 77. 1° Le Gouvernement doit tenir le Président de la République informé des négociations internationales;

2° Le Président de la République signe les traités et les ratifie après adoption par la Chambre des députés;

3° Il accrédite les chefs des missions diplomatiques auprès des Gouvernements étrangers et reçoit les chefs des missions diplomatiques accrédités auprès de lui.

74. Thailand

MEMORANDUM OF 9 NOVEMBER 1951 FROM THE MINISTRY OF FOREIGN AFFAIRS OF THAILAND

1. In Thailand the Law of Treaties is regulated by section 154 of the Constitution of 1949, which reads as follows:

"Section 154. It shall be the Royal Power of the King to conclude peace treaties and other treaties with foreign States.

"Any treaty which provides for a change in the Thai territories, or which requires the promulgation of an Act to enforce its provisions, must be approved by the National Assembly."

2. The term "Treaty" in the above provision is used in the wide sense and includes any kind of international compact. Any treaty, convention, agreement, arrangement, etc., which may be concluded is, therefore, governed by this provision.

3. However, in exercising the Royal Power thus vested in the King, His Majesty's Government have not failed to take into account the fact that, in modern times, there are an increasing number of international compacts concluded amongst nations on various matters, and have tried to conform to international practices in this connexion, in so far as such practices are not in direct conflict with the above provision of the Constitution. As the conclusion of treaties is exclusively within the power of the King, it follows that, to be valid, a treaty must always be made in the name of the King. This is, in actual fact, complied with in the case of a treaty between the Heads of States, as appears from the preamble which invariably begins with "His Majesty the King of Thailand, and His Majesty the King of (or the President of ..., as the case may be), being desirous of strengthening etc."

4. On the other hand, there are other agreements, more especially in modern times, which are concluded merely by governments without

¹ Described as "traduction officieuse".

mentioning the Heads of States. To comply with the relevant provision of the Constitution, therefore, it is the duty of the Government, in the document putting such an agreement in force, to insert a formula stating in unequivocal terms that the Government has received the necessary sanction from the King.

5. As regards the procedure for the denunciation of a treaty, in the absence of any provision on this point in the Constitution, each case must be considered in accordance with the terms of the treaty in question.

6. The question of publication of treaties is not governed by any legislation in Thailand, but in practice, as a general rule, a Royal Proclamation is published in the Government Gazette, but this does not constitute a pre-requisite which would affect the validity of a treaty.

75. Turkey

(a) CONSTITUTION OF 10 JANUARY 1945. TRANSLATION PUBLISHED IN THE SERIES "TURKEY TODAY" NO. 11, ISSUED BY THE TURKISH INFORMATION OFFICE, NEW YORK

Article 26. The Grand National Assembly directly exercises such functions as enacting, modifying, interpreting and abrogating laws; concluding conventions and treaties of peace with foreign states...

(b) MEMORANDUM OF 6 JUNE 1951 FROM THE TURKISH GOVERNMENT. (ORIGINAL IN ENGLISH)

1. According to the above article, the Grand National Assembly directly exercises such functions as, *inter alia*, concluding conventions, treaties, and peace with foreign States. However, in practice, international instruments are not negotiated, concluded and signed by the Grand National Assembly itself, nor by delegates appointed to that effect by the Grand National Assembly. The negotiation, conclusion and signature of international instruments is carried out by representatives of the Government. These representatives are appointed by, and their credentials are issued upon a decree of, the Council of Ministers. The international instruments signed or adhered to by these representatives are submitted by the Government to the Grand National Assembly, and become effective, in regard to Turkey, upon ratification by the Grand National Assembly.

2. In addition to the general rule embodied in the Turkish Constitution and referred to above, Law No. 4582, dated 5 June 1944 (see (c) below) empowers the Government to conclude *modi vivendi* and trade agreements, of a provisional character, to modify the customs duties of articles referred to in the provisional trade agreements, and in *modi vivendi*, and to take measures affecting articles originating from States which are unwilling to come to an agreement.

3. The provisions of Law No. 4582 were to come into effect for a period of two years, as of 13 June 1944. This period was extended three times, in 1946, 1948 and 1950 by Laws No. 4931, 5217, 5589, respectively. The provisions of Law No. 4582 are thus in force until 13 June 1952.

4. According to article 1 of the above-mentioned law, the Government has competence to negotiate and conclude *modi vivendi*, and trade and pay-