

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-

ment agreements of a provisional character, and to effect changes, with the proviso of reciprocity, in the lists annexed to trade treaties, conventions and *modi vivendi*, or to abrogate completely the said lists and to annex new lists to trade treaties, conventions and *modi vivendi*.

5. Article 2 empowers the Council of Ministers to effect changes of a provisional character in the customs duties of articles referred to in the trade agreements and *modi vivendi* concluded in conformity with article 1 of the above-mentioned law. Article 3 provides that the agreements concluded by the Government, and the measures taken by it, are to be submitted, for ratification, to the Grand National Assembly within a period not exceeding three months. Article 4 deals with measures to be taken by the Government in regard to articles originating from countries which have not, or are unwilling to, come to an agreement with the Government of the Turkish Republic.

(c) ACT NO. 4582 OF 5 JUNE 1944 AUTHORIZING THE PROVISIONAL CONCLUSION OF TRADE AGREEMENTS AND *modus vivendi* ARRANGEMENTS WITH FOREIGN STATES, AND THE AMENDMENT OF CUSTOMS DUES PROVIDED THEREBY, AND DISCRIMINATION AGAINST THE EXPORTS OF STATES NOT ACCEDING TO SUCH AGREEMENTS. PUBLISHED AND PROMULGATED IN *Official Gazette* No. 5729 OF 13 JUNE 1944. TEXT SUPPLIED BY THE TURKISH GOVERNMENT. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

*Article 1.* The Government shall have power to negotiate, and conclude provisionally, trade and payment agreements and *modi vivendi*, and, as necessary, and subject to reciprocity, to amend or rescind any agreed list annexed to a trade treaty or contract or *modus vivendi*, and in like manner to add new lists to a trade treaty or contract or *modus vivendi*.

*Article 2.* The Council of Ministers shall have power, at its discretion, and on a joint proposal of the competent ministry and the Ministry of Customs and Excise, to alter provisionally any customs due, imposed by an article of a trade treaty or contract or *modus vivendi* as referred to in article 1 thereof, or to rescind any such due, or to subject to duty any article previously exempt therefrom.

*Article 3.* The Government shall within three months lay before the Grand National Assembly for its approval any measure adopted or agreement concluded by it in accordance with article 1 or 2 hereof.

*Article 4.* The Government shall have power, generally or specifically, to prohibit, restrict, or limit, or to apply discriminatory treatment to, the manufactures, produce or shipping of any foreign State which has not concluded a trade agreement with the Turkish Government, or to start negotiations for any agreement with any such State or with any State which has not acceded to a trade agreement or *modus vivendi*, or has unilaterally suffered an existing contract to become void before the expiry of its term.

An order made by the Government in the exercise of this power shall become effective after the expiry of a duly determined and notified period.

*Article 5.* This Act shall remain in force for two years from the date of its publication.

*Article 6.* The provisions of this Act shall be enforced by the Council of Ministers.