



# DOMESTIC PROCESSES FOR JOINING THE PARIS AGREEMENT

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## INTRODUCTION

On December 12, 2015, 196 Parties to the United Nations Framework Convention on Climate Change (UNFCCC) adopted the Paris Agreement. When the Paris Agreement opened for signature, on April 22, 2016, in New York, 175 Parties (174 countries and the European Union) signed.<sup>1</sup> Fifteen countries also deposited<sup>2</sup> their instruments of ratification, acceptance, or approval, consenting to be bound by the terms of the Agreement as Parties to it.

Once at least 55 Parties to the UNFCCC, accounting in total for at least an estimated 55 percent of total global greenhouse gas emissions, join the Paris Agreement (i.e., by depositing their instruments of ratification, acceptance, approval, or accession), the Agreement will “enter into force,” meaning it comes into effect and will be legally binding for those countries that have joined.<sup>3</sup>

Many of the countries that have signed the Agreement have also made public statements indicating that they will deposit their instruments and join in 2016, or as soon as they are able to complete their domestic authorization processes. In order to formally join the Agreement, national governments must take appropriate steps, according to their own national laws. National law, most commonly a national constitution, governs which countries have the authority to enter into international agreements, such as the Paris Agreement, and what process must be followed.

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*Technical notes document the research or analytical methodology underpinning a publication, interactive application, or tool.*

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WRI assessed the national constitutions of the top 100 greenhouse gas emitters<sup>4</sup> to understand the process by which each country is authorized to deposit its instrument of ratification, acceptance, or approval and join the Paris Agreement as a Party. Even though each country's domestic legal framework is unique, each of its domestic processes can be broadly considered to fall into one of five main categories. The extent and breadth of domestic political support that each country will need in order to join the Paris Agreement will depend, at least in part, on its type of process for joining the Agreement.

This analysis forms the basis of the Domestic Approval Map within the Paris Agreement Tracker's display options.

## ENTRY INTO FORCE OF THE PARIS AGREEMENT

The requirements for entry into force of the Paris Agreement build on an extensive body of international law under the Vienna Convention on the Law of Treaties.<sup>5</sup> This treaty states that adoption is the formal act that establishes the form and content of an agreement. By adopting the Paris Agreement, each of the Parties agreed to its content.

For a period of one year, from April 22, 2016, to April 21, 2017, the Paris Agreement is open for signature by the Parties to the UNFCCC. However, signing alone does not make a country a Party to the Agreement.<sup>6</sup> As with many other multilateral agreements under international law, countries sign the Paris Agreement "subject to ratification, acceptance or approval." Under these circumstances, a country's signature indicates its willingness to continue the process of ratification and creates an obligation to refrain from acts that would defeat the object and purpose of the Agreement.<sup>7</sup>

It is the subsequent deposit of an instrument of ratification, acceptance, approval,<sup>8</sup> or accession<sup>9</sup> that indicates the country's consent to be bound by the Paris Agreement under international law. What occurs between signing and depositing this instrument is the domestic approval process. The nature of these processes varies significantly among countries and depends on the requirements set out in their respective national legal frameworks, most commonly the national constitution.

## METHODOLOGY

To determine the process by which each of the top 100 greenhouse gas emitters is authorized to join an international agreement such as the Paris Agreement, the text of each country's national constitution was analyzed. The entire text of each constitution was examined, with particular attention was paid to the provisions relating to executive and legislative authority relevant to international agreements. Every effort was made to identify the most recent national constitution. For those countries whose national constitution was silent on joining international agreements, *e.g.*, for Canada, we referred to relevant academic literature.

Where it exists, national legislation relating to the ratification of international agreements was also analyzed to expand on the provisions of the national constitution (*e.g.*, China's Law of the People's Republic of China on the Procedure of the Conclusion of Treaties). Where possible, these provisions were cross-referenced against overviews and summaries prepared by national government ministries, as indicated in the footnotes to Annex 1.

Only those processes outlined in the national constitution or national legal framework have been captured in this analysis. Informal or unofficial procedures for ratification have not been included.

For many countries, the relevant constitutional provisions were not definitive. Where the nature of the domestic approval processes varied according to the nature of the international agreement (*e.g.*, peace treaties; treaties and agreements concerning international organizations; and those that modify the internal laws of the state; or treaties that may only be ratified based on a corresponding law), and it was not apparently clear whether or not the Paris Agreement met the stated requirements the higher level of legislative scrutiny was selected unless the country's intention has been made clear.

This analysis does not identify the instances in which legislation may be necessary to implement a country's obligations under the Paris Agreement. This is a determination that must be undertaken at the national level on a case-by-case basis and with regard to the nature of the country's obligations under the Paris Agreement and the national and sub-national legal framework. Such a discussion was beyond the scope of this analysis.

Given these limitations, the authors recognize the possibility that the processes outlined in Annex 1 may not accurately reflect the process required to join the Paris Agreement. For this reason, the authors welcome any necessary clarification to the interpretation provided in Annex 1 or information that may have been missed.

## DOMESTIC APPROVAL PROCESSES

Although each individual country's unique domestic process is established in its national constitution or national legal framework, there are broad similarities among different countries' processes. Based on the analysis outlined above, we have characterized each of the top 100 greenhouse emitters<sup>10</sup> as falling into one of five broad categories of domestic approval processes.

1. Executive, either the President, Prime Minister, Cabinet or Monarchy (**Executive**) (*e.g.*, India).
2. Executive, but with additional administrative requirements, or tradition for a period of legislative notification and oversight but no approval authority (**Executive plus notification to legislature**) (*e.g.*, Australia and Bangladesh).
3. Executive and the majority consent<sup>11</sup> of one legislative body (either one house of a bicameral legislature or unicameral legislature) (**Executive plus majority consent of one legislative body**) (*e.g.*, Mexico and China).
4. Executive and the super-majority<sup>12</sup> consent of one legislative body (either one house of a bicameral legislature or unicameral legislature) or majority of both houses of a bicameral legislature. (**Executive plus super-majority consent of one legislative body or majority consent of two legislative bodies**) (*e.g.*, Philippines and Japan).
5. Multiple executive and legislative bodies (**Multiple executive and legislative bodies**) (*e.g.*, the European Union<sup>13</sup>).

Annex 1 identifies the domestic approval processes for each of the top 100 emitters and categorizes each according to the categories above.

## ANNEX 1: SUMMARY OF DOMESTIC PROCESSES

Table 1 | Summary of Domestic Processes

PARTY <sup>14</sup>	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>China</b>	3 Majority consent of one legislative body	The State Council (executive) conducts foreign affairs and negotiates and concludes international treaties and agreements (Article 89 of the Constitution of the People's Republic of China). <sup>15</sup> After the signing of a treaty or an important agreement, the State Council refers it to the Standing Committee of the National People's Congress (unicameral legislature) for decision on ratification (Article 67 of the Constitution of the People's Republic of China and Article 7 of the Law of the People's Republic of China on the Procedure of the Conclusion of Treaties). Treaties and agreements concerning peace, territory, judicial assistance and extradition, those containing stipulations inconsistent with the laws of China, those subject to ratification as agreed by the contracting parties, and other treaties and agreements subject to ratification require approval by the Standing Committee (Article 7 of the Law of the People's Republic of China on the Procedure of the Conclusion of Treaties). Bills and proposals require a vote by a simple majority of all the members of the Standing Committee to be accepted (Article 30 of Rules of Procedure for the Standing Committee of the National People's Congress of the People's Republic of China. <sup>16</sup> If the Standing Committee approves the treaty, the President ratifies it (Article 81 of the Constitution of the People's Republic of China and Article 7 of the Law of the People's Republic of China on the Procedure of the Conclusion of Treaties). <sup>17</sup>
<b>United States</b>	1 Executive	The President directs foreign policy, engaging as appropriate representatives from relevant United States government agencies, and negotiates, concludes, and signs international treaties and agreements. United States law distinguishes among treaties, congressional-executive agreements, and sole-executive agreements. Article II, Section 2, Clause Two of the US Constitution gives the President power to make or enter into treaties with the "advice and consent of two-thirds of the Senate." <sup>18</sup> Congressional-executive agreements go through the normal legislative process and therefore require approval by the ordinary majorities in both houses of Congress before being sent to the President for approval. Sole-executive agreements are those that can be entered into by the President. All three classes are considered treaties for the purposes of international law. <sup>19</sup> The US has joined the Paris Agreement as a sole-executive agreement. <sup>20</sup>
<b>European Union</b>	5 Multiple executive and legislative bodies at both EU and member state level	<p>The European Union (EU) is a regional economic integration organization (REIO) for the purposes of the UNFCCC and the Paris Agreement. Accordingly, it can join the Paris Agreement alongside its 28-member states (including the United Kingdom).<sup>21</sup> How the EU and its member states enter into international agreements depends on the content of the particular treaty and its subject matter. In the case of the Paris Agreement, the EU is expected to join it as a "mixed agreement," together with all its member states.<sup>22</sup> Article 218 of the Treaty on the Functioning of the European Union (TFEU) governs this process, as far as the EU itself is concerned. The EU Council of Ministers approves the signature and conclusion of the agreement based on a proposal by the European Commission. As with the majority of international agreements, the consent of the European Parliament is required for it to join the Paris Agreement. Throughout the procedure, the Council usually acts by a qualified majority, unless unanimity is required for internal EU legislation in the field in question.<sup>23</sup></p> <p>Signature and ratification by each of the EU 28 member states are subject to their respective national constitutional requirements. In accordance with past practice and as a matter of EU law arising from the "duty of cooperation"<sup>24</sup> under Article 4.3 of the Treaty on European Union, the EU and all 28 member states are expected to deposit their instruments of ratification, acceptance, or approval of the Paris Agreement concurrently. Accordingly, for the purposes of determining entry into force, only the EU has been included in this list.</p>

Table 1 | Summary of Domestic Processes, continued

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Russia</b>	4 Executive plus majority consent of two legislative bodies	Under Article 86 of the Constitution of the Russian Federation, the President negotiates and signs international treaties and agreements, although under Article 92, this power can be delegated to the Chairman of the government (the government consists of the Chairman, Deputy Chairman, and Federal Ministers). The Federal Assembly (bicameral legislature) has the power to ratify international agreements, however the President must also sign the instruments of ratification. The Federal Assembly is composed of two chambers, the State Duma and the Council of Federation. The Federal Assembly does not have an explicit duty to ratify international agreements, however this is implied, because the President has the power to sign ratification Instruments only. According to article 106 of the Constitution of the Russian Federation, the State Duma must adopt laws that implement the international agreements, and subsequently the Council of Federation must examine and approve the laws. The Federal Assembly passes resolutions by majority vote, unless it is amending the Constitution of the Russian Federation. In that instance, it needs a two-thirds vote of both houses. <sup>25</sup>
<b>India</b>	1 Executive	The Federal Parliament of India has exclusive power to make laws regulating entry into and implementation of international treaties, under Articles 246 and 253 (read with Entry 14 of List I of the Seventh Schedule of the Constitution of India). <sup>26</sup> Under Article 53, the executive power is vested in the President. Article 253 empowers the Parliament to make any law for implementing “any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.” By virtue of Article 73 of the Constitution of India, however, the Executive power of the Union (the executive federal government) extends, in the absence of parliamentary legislation, to the matters with respect to which the Parliament has power to make laws subject, of course, to constitutional limitations. Therefore, because Parliament has not so far made any law regulating the procedure concerning the entering into treaties and agreements, nor with respect to their implementation, the Union can exercise the power to enter into and implement international treaties. No law has been made regulating the manner in which the Government shall sign or ratify the international conventions and covenants. It is left totally to the Executive not only to enter into treaties and agreements but also to decide the manner in which they should be implemented, except where such implementation requires making of a law by Parliament, in which case Article 253 applies. <sup>27</sup>
<b>Japan</b>	4 Executive plus majority consent of two legislative bodies	The Cabinet concludes international treaties and agreements, with prior or, depending on circumstances, subsequent approval of the Diet (Article 73 of the Constitution). <sup>28</sup> The Emperor, upon the advice and approval of Cabinet, is responsible for attesting the instruments of ratification and promulgating treaties (Article 7 of the Constitution). The Diet passes legislation by a majority vote in both houses, with the requirement that at least one-third of the total members be present (Article 56). When the House of Councilors makes a decision different from that of the House of Representatives, and when no agreement can be reached even through a joint committee of both Houses, or in the case of failure by the House of Councilors to take final action within 30 days, the decision of the House of Representatives shall be the decision of the Diet (Article 60 and 61 of the Constitution). Once ratified, treaties have domestic legal force (Article 98 of the Constitution). <sup>29</sup>

Table 1 | Summary of Domestic Processes, continued

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Brazil</b>	4 Executive plus majority consent of two legislative bodies	The President represents the federal government in foreign and domestic affairs, and has exclusive power to negotiate and conclude international treaties, conventions, and acts (Article 84 of the Constitution of the Federative Republic of Brazil). The National Congress has exclusive powers to act definitively on international treaties, agreements, or acts that result in onerous or burdensome charges or commitments encumbering the national patrimony (Article 49 of the Constitution of the Federative Republic of Brazil). Once the President concludes negotiation of the treaty, its text is sent to the House of Representatives in the form of an Executive Message. After the House of Representatives approves the treaty, the text is sent to the Senate. Approval by the Senate takes the form of a legislative decree, which is issued by the President of the Senate. Approval requires an absolute majority of the total members of the Representatives and Senators, with a positive vote of the absolute majority of the members present at the session. Once approved, the treaty is published in the <i>Diario Oficial do Congresso Nacional</i> , the official publication for Congress's formal acts (note that if the House of Representatives does not approve the treaty, the legislative process is ended, and nothing is sent to the Senate). Legislative decrees are considered to be the final evidence of the National Congress's will during the treaty-making process, although it is customary for congressionally approved international agreements to be put into effect by a President's Decree of Promulgation. <sup>30, 31</sup>
<b>Canada</b>	2 Executive plus notification to legislature	The ratification of international treaties and agreements is not explicitly mentioned in the Constitution of Canada. The Executive branch is the only branch with the authority to negotiate, sign, and ratify international treaties and agreements. The Minister of Foreign Affairs is responsible for negotiating treaties, or supervising the negotiations conducted by other relevant ministries. Once the text of the treaty has been agreed upon, the minister responsible for negotiating the agreement submits it to the Cabinet for approval. Once it is approved, an authorized member signs the treaty, and the Cabinet prepares an Order in Council authorizing the Minister of Foreign Affairs to sign the relevant instrument of ratification or accession (as appropriate). In 2008, the federal government announced a new policy designed to enhance parliamentary involvement in the process by ensuring that all treaties be tabled in the House of Commons before ratification. The Clerk of the House of Commons distributes the full text of the agreement accompanied by a memorandum. The House of Commons then has 21 sitting days to consider the treaty before the executive takes action to ratify the treaty. The House has the power to debate the treaty and to pass a motion recommending action, including ratification; however, such a vote has no legal force. When treaties do not require implementing legislation, the government will observe a waiting period of at least 21 sitting days after a treaty is tabled before taking legal steps to bring the treaty into force. <sup>32</sup>
<b>Republic of Korea</b>	3 Executive plus majority consent of one legislative body	The President concludes and ratifies international treaties and agreements (Article 73 of the Constitution of the Republic of Korea). <sup>33</sup> The Minister of Foreign Affairs directs and supervises those delegates appointed to negotiate treaties. The bureau in charge of the negotiation of a treaty sends the agreed treaty text to the Director-General for Treaties and requests him or her to initiate the domestic procedures for concluding the treaty. The Ministry of Government Legislation reviews treaties before they are sent to the State Council for deliberation. Article 89, paragraph 3 of the Constitution stipulates that proposed treaties be referred to the State Council (executive) for deliberation. After the deliberation of the State Council, the agreed-upon treaty text is given the President's constitutional approval. The Director-General for Treaties submits the text for the Foreign Minister and Prime Minister's countersignatures and the President's approval. The National Assembly (unicameral legislature) shall have the right to consent to the conclusion and ratification of treaties pertaining to mutual assistance or mutual security; treaties concerning important international organizations; treaties of friendship, trade, and navigation; treaties pertaining to any restriction in sovereignty; peace treaties; treaties that will burden the State or people with an important financial obligation; and treaties related to legislative matters (Article 60). Approval requires a majority vote with a majority of the members present (Article 49). In order to have domestic effect, treaties need to be promulgated in the official gazette. Once ratified and published, treaties have the same effect as domestic law (Article 6). <sup>34</sup>

Table 1 | Summary of Domestic Processes, continued

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Mexico</b>	3 Executive plus majority consent of one legislative body	The President has the power to lead the foreign policy; to make and execute international treaties; as well as to end, condemn, suspend, modify, amend, withdraw reservations and make interpretative declarations relating such treaties and conventions, requiring the authorization of the Senate (Article 89(X) of the Constitution of Mexico). The Senate has exclusive power to analyze the foreign policy conducted by the President, and to approve the treaties and agreements made by the President (Article 76 of the Constitution of Mexico). Once ratified by the Senate, treaties and agreements have binding authority (Article 94 of the Constitution of Mexico). <sup>35</sup>
<b>Indonesia</b>	4 Executive plus majority consent of two legislative bodies	The Constitution, the Indonesian Law on Treaties Law No. 37/1999, and the Indonesian Law on Treaties Law No. 24/2000 govern the negotiation and ratification of international treaties and agreements. Under Law No. 24/2000, the President and the Minister of Foreign Affairs have the power to conclude treaties. <sup>36</sup> In the case of treaties and agreements that give rise to consequences that are broad and fundamental to the life of the people, create financial burdens for the State and/or require amendments to legislation or the enactment of new legislation, the President must obtain the agreement of the National Parliament, which consists of the House of Representatives and the People's Consultative Assembly (bicameral legislature) (Article 11 (2) of the Constitution). Under article 10 of Law 24/2000, ratification by way of legislation shall be enacted for treaties that involve matters pertaining to politics, peace, defense, and state security; alterations to or delimitation of the territory; sovereignty or sovereign rights of the state; human rights and the environment; the creation of a new legal norm (law-making treaties); and foreign loans and aid. Ratification of a treaty by presidential decree is conducted for treaties whose subject matter is procedural in nature and which necessitate prompt implementation without affecting national laws. Once the treaty is ratified, every law or presidential decree concerning the ratification of a treaty shall be published in the State gazette. The Indonesian Constitution is silent on the relationship between international and domestic law, and there exist no laws or doctrine on the implementation of treaties in the Indonesian domestic legal system. Treaties, however, are not formally recognized in the hierarchy of Indonesian law, and thus tend to attach themselves to a ratification or transformation instrument. It is not clear whether Indonesia practices monism or dualism, since Indonesia's practice on implementation of treaties has not been consistent.
<b>South Africa</b>	4 Executive plus majority consent of two legislative bodies	The national executive negotiates and signs international treaties and agreements (Section 231(1) of the Constitution of the Republic of South Africa). <sup>37</sup> If there are self-executing provisions, those provisions are considered law and are judicially enforceable without enabling legislation. An international agreement of a technical, administrative, or executive nature, or an agreement that does not require either ratification or accession, entered into by the national executive, binds the Republic without approval by the National Assembly and the National Council of Provinces, but it must be tabled in both the National Assembly and the National Council of Provinces within a reasonable time (Section 231(3) of the Constitution of the Republic of South Africa). If they require national legislation, Parliament must pass a law to ratify and enact a treaty. Any other treaty or agreement binds the Republic only after it has been approved by resolution in both the National Assembly and the National Council of Provinces (Section 231(2) of the Constitution of the Republic of South Africa). Agreements requiring parliamentary approval are agreements that: require ratification or accession (usually multilateral agreements); have financial implications, which require an additional budgetary allocation from Parliament; or have legislative or domestic implications (e.g., require new legislation or legislative amendments). All agreements that require parliamentary approval must be submitted to the Cabinet for consideration and approval. Once the Cabinet recommends that the agreement be approved by Parliament, it must be tabled in Parliament. Approval by Parliament requires a majority vote of the members of the National Assembly present (Section 53(1) of the Constitution of South Africa), and the agreement of at least five provinces in the National Council of Provinces (Section 65(1) of the Constitution of the Republic of South Africa). When interpreting any legislation, every court must prefer any reasonable interpretation of the legislation that is consistent with international law to any alternative interpretation that is inconsistent with international law (Section 233 of the Constitution of the Republic of South Africa). <sup>38</sup>

Table 1 | **Summary of Domestic Processes, continued**

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Australia</b>	2 Executive plus notification of legislature	The power to enter into treaties is an executive power within Section 61 of the Australian Constitution and, accordingly, is the formal responsibility of the Executive. <sup>39</sup> Australia has adopted the position that the Joint Standing Committee on Treaties (JSCOT) shall review and report on all actions proposed by the government before action is taken that binds Australia to the terms of the international agreement. The treaty-making process requires all treaty actions proposed by the Executive to be tabled in Parliament, along with a National Interest Assessment (NIA), during which time the proposed treaty action is subject to an inquiry and report by the JSCOT. Although the Constitution does not confer on the Parliament any formal role in treaty making, all treaties (except those the government decided are urgent or sensitive) are tabled in both Houses of Parliament for at least 15 to 20 sitting days prior to binding treaty action being taken. The treaty text, NIA, and associated documents will also be published, and the public is able to make comments on the proposed treaty action (which may be through public hearings). At the completion of the review, JSCOT reports to Parliament with advice on whether Australia should take binding treaty action and other related issues that arise during the review. As a general rule, all treaty actions will follow the JSCOT process. The one exception is where the Minister for Foreign Affairs certifies that a treaty is particularly urgent or sensitive, involving significant commercial, strategic, or foreign policy interests. <sup>40</sup>
<b>Iran</b>	3 Executive plus majority consent of one legislative body	The Islamic Consultative Assembly must ratify international treaties and agreements (Article 77 of the Constitution of the Islamic Republic of Iran). Once approved by the Islamic Consultative Assembly, they are to be signed by the President or his or her legal representative (Article 125 of the Constitution of the Islamic Republic of Iran). <sup>41</sup>
<b>Turkey</b>	3 Executive plus majority consent of one legislative body	The President is responsible for ratifying and promulgating international treaties and agreements (Article 104 of the Constitution of the Republic of Turkey). <sup>42</sup> The Grand National Assembly is responsible for approving the ratification of treaties and agreements (Article 87 of the Constitution of the Republic of Turkey). Agreements regulating economic, commercial, or technical relations, and covering a period of no more than one year, may be put into effect through promulgation, provided they do not entail any financial commitment by the State, and provided they do not interfere with the status of individuals or with the property rights of Turks abroad. In such cases, these agreements shall be brought to the attention of the Grand National Assembly. Implementation agreements based on an international treaty, and economic, commercial, technical, or administrative agreements, which are concluded depending on the authorization as stated in the law, shall not require approval of the Grand National Assembly of Turkey. Once ratified, treaties and agreements have authority superior to that of domestic law. (Article 90 of the Constitution of the Republic of Turkey). <sup>43</sup>
<b>Ukraine</b>	3 Executive plus majority consent of one legislative body	The President negotiates and concludes international contracts (Article 106 of the Constitution of Ukraine). The Verkhovna Rada (Supreme Council of Ukraine) (unicameral legislature) determines the bases of foreign policy and is responsible for ratifying or denouncing treaties (Article 85 of the Constitution of Ukraine). Once ratified, treaties are part of domestic law (Article 9). <sup>44</sup> The law about international treaties of Ukraine (June 29, 2004 of No. 1906-IV) establishes the procedure for the conclusion, accomplishment and cancellation of international treaties of Ukraine in accordance with the Constitution. <sup>45</sup>
<b>Sierra Leone</b>	3 Executive plus majority consent of one legislative body	The President is responsible for relations with foreign states and the execution of international treaties and agreements. <sup>46</sup> Treaties and agreements that relate to any matter within the legislative competence of Parliament, or that in any way alter the law, impose charge on, authorize expenditure, or declare war are subject to ratification by Parliament through an act or by resolution supported by the vote of a majority of the members of Parliament (Article 40 of the Constitution of Sierra Leone). Sierra Leone practices a dualist system of laws and so treaties must be domesticated by the passage of implementing legislation so that they have the force of domestic law. <sup>47</sup>

Table 1 | Summary of Domestic Processes, continued

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Argentina</b>	4 Executive plus majority consent of two legislative bodies	The President concludes and signs international treaties and agreements (Section 99 of the Constitution of the Argentine Nation). <sup>48</sup> For treaties that grant jurisdiction or competence to an international organization, there must be approval by an absolute majority vote of the totality of both houses of Congress. This applies to both approval and rejection of a treaty. The provinces are also empowered, with the knowledge of Congress, to enter into international agreements, provided they are consistent with the national foreign policy and do not affect the powers delegated to the federal government or the public credit of the nation (Section 124 of the Constitution of the Argentine Nation).
<b>Kazakhstan</b>	4 Executive plus majority consent of two legislative bodies	The President has authority to negotiate, sign international treaties, and instruments of ratification (Article 44 (11) of the Constitution of the Republic of Kazakhstan). <sup>49</sup> International treaties must pass review by the Constitutional Council (Article 72(3) of the Constitution of the Republic of Kazakhstan). If the Council does not approve it, the treaty may not be ratified. If the Council does approve it, then the treaty must be ratified by Parliament in a simple majority vote of both houses (Senate and Majilis) in separate sessions (Article 54 (7) of the Constitution of the Republic of Kazakhstan). Presidential objections to Constitutional Council or Parliament decisions may be overridden by a two-thirds vote of either body. <sup>50</sup>
<b>Saudi Arabia</b>	2 Executive plus notification of legislature	International agreements are approved by royal decree (Article 70 of the Constitution). The Shura Council has the right to review prior to the royal decree being issued (Article 18 of the Constitution). <sup>51</sup>
<b>Cote d'Ivoire</b>	4 Executive plus super-majority consent of one legislative body	All international treaties are ratified and negotiated by the President of the Republic of the Cote d'Ivoire (Article 84 of the Constitution). <sup>52</sup> Peace treaties, treaties and agreements concerning international organizations, and those that modify the internal laws of the state may only be ratified as the result of a law enacted by the National Assembly (unicameral legislature) (Article 85 of the Constitution), which requires a two-thirds majority vote. Once ratified and published, they have authority superior to domestic law (Article 87 of the Constitution). <sup>53</sup>
<b>Vietnam</b>	3 Executive plus majority consent of one legislative body	The Prime Minister is responsible for deciding and directing the negotiation, conclusion, and joining of international treaties with foreign heads of state (Article 98 of the Constitution of the Socialist Republic of Vietnam). <sup>54</sup> Treaties with respect to war and peace, national sovereignty, membership of the Socialist Republic of Vietnam in important international and regional organizations, international treaties on human rights, citizen's fundamental rights and duties, and other international treaties inconsistent with statutes and resolutions taken by the National Assembly must be submitted to the National Assembly (unicameral legislature) for ratification (Article 70 of the Constitution of the Socialist Republic of Vietnam). Once international treaties are ratified by the National Assembly, the President has the responsibility to decide on their ratification or accession. (Article 88 of the Constitution of the Socialist Republic of Vietnam).
<b>Ecuador</b>	3 Executive plus majority consent of one legislative body	The President is responsible for signing and ratifying treaties and other international instruments. The President of the Republic shall inform the National Assembly (unicameral legislature) immediately of all the treaties he or she signs, with a precise description of its nature and content (Article 418 of the Constitution of Ecuador). The National Assembly is required to ratify international treaties under certain circumstances only, including: "... (3) When they involve a commitment to enact, amend, or repeal a law; ... (7) When they attribute powers of a domestic legal nature to an international or supranational organization; and (8) When they compromise the country's natural heritage and especially its water, biodiversity, and genetic assets (Article 419 of the Constitution of Ecuador). <sup>55</sup>

Table 1 | **Summary of Domestic Processes, continued**

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Thailand</b>	4 Executive plus majority consent of two legislative bodies	The King concludes international treaties and agreements (Section 190 of the Constitution of the Kingdom of Thailand). <sup>56</sup> The Ministry of Foreign Affairs Department of Treaties and Legal Affairs determines whether it falls within the scope of Section 190. If it does not, the Cabinet can sign and ratify the treaty. Treaties that deal with territory, require a change in law, affect economic and social stability; or have significant bindings on trade, investment, or national budget must be approved by the National Assembly (bicameral legislature) (Section 190 of the Constitution of the Kingdom of Thailand). The National Assembly is bound to enact any act of Parliament required to implement the obligations under the treaty before the treaty enters into force.
<b>Nigeria</b>	4 Executive plus majority consent of two legislative bodies	The Treaties (Making Procedure etc) Decree No 16 of 19926 classifies treaties into three categories: (a) law-making treaties which affect or modify existing legislation or powers of the National Assembly must be enacted into law (b) agreements which impose financial, political and social obligations or have scientific or technological importance must be ratified; and (c) those that deal with mutual exchange of cultural and educational facilities need no ratification. <sup>57</sup>
<b>Uzbekistan</b>	4 Executive plus majority consent of two legislative bodies	The President conducts negotiations and signs international treaties and agreements (Article 93 of the Constitution of the Republic of Uzbekistan). The Oliy Majlis (bicameral legislature) has exclusive powers to ratify or denounce treaties and agreements (Article 78 of the Constitution of the Republic of Uzbekistan). <sup>58</sup>
<b>United Arab Emirates</b>	1 Executive	Before the conclusion of any treaty or international agreement that may affect the special position of any one of the Emirates, Union authorities shall consult that Emirate in advance (Article 124 of the Constitution of the United Arab Emirates). <sup>59</sup> The government must inform the Union National Council of international treaties and agreements concluded with other states, together with appropriate explanations (Article 91 of the Constitution of the United Arab Emirates). The Federal Supreme Council is responsible for the ratification of international treaties and agreements, which shall be accomplished by decree (Article 47 of the Constitution of the United Arab Emirates). The President signs the treaties and agreements that the Federal Supreme Council has ratified (Article 54 of the Constitution of the United Arab Emirates). <sup>60</sup>
<b>Malaysia</b>	4 Executive plus majority consent of two legislative bodies	The Yang di-Pertuan Agong (executive) makes and concludes international treaties and agreements (Article 39 & Federal List in Ninth Schedule of the Constitution of Malaysia). <sup>61</sup> Parliament may make laws with respect to any of the matters enumerated in the Federal List (Article 74 of the Constitution of Malaysia), which includes treaties, agreements, and conventions with other countries and all matters that bring the Federation into relations with any other country (Federal List in Ninth Schedule of the Constitution of Malaysia). <sup>62</sup>
<b>Egypt</b>	3 Executive plus majority consent of one legislative body	The President of the Republic represents the state in foreign relations and concludes treaties and ratifies them after the approval of the House of Representatives. International treaties ratified by Egypt have the force of law and in all cases supersede domestic law (Article 151 of the Constitution of Egypt). <sup>63</sup>
<b>Venezuela</b>	3 Executive plus majority consent of one legislative body	The President directs the international relations of the Republic and signs and ratifies international treaties, agreements, and conventions (Article 236(4) of the Constitution of the Bolivarian Republic of Venezuela). Treaties agreed to by the Republic must be approved by the National Assembly (unicameral) prior to their ratification by the President, with the exception of those that seek to perform or perfect pre-existing obligations of the Republic, apply principles expressly recognized by the Republic, perform ordinary acts in international relations, or exercise powers expressly vested by law in the National Executive (Articles 154 and 187 of the Constitution of the Bolivarian Republic of Venezuela). <sup>64</sup>

Table 1 | Summary of Domestic Processes, continued

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Cameroon</b>	4 Executive plus majority consent of two legislative bodies	The President negotiates and ratifies treaties and international agreements (Article 43 of the Constitution). Treaties and international agreements falling within the area of competence of the Legislative Power as defined in Article 26 (dealing with rights, guarantees and obligations of citizens, status of persons and property ownership, political, administrative, and judicial organization, financial and patrimonial matters, programming objectives of economic and social action, and education) shall be submitted to the National Assembly (bicameral legislature) for authorization to ratify (Article 43 of the Constitution). Ratified treaties override national laws (Article 45 of the Constitution). <sup>65</sup>
<b>Pakistan</b>	4 Executive plus majority consent of two legislative bodies	Article 142 of the Constitution and the Federal Legislative List under the “Fourth Schedule—Legislative Lists” section of the Constitution give Parliament the exclusive power to make laws with respect to the international treaties, conventions, and agreements. <sup>66</sup> The Ratification of International Treaties Act of 2013 outlines the process and procedures that need to take place to ratify an international treaty. The Ministry of Foreign Affairs submits a bill for consideration to the Cabinet and the Parliament. The bill shall, depending on its subject matter, be considered by both Houses of Parliament. Where a majority in both the Houses of Parliament approves it without any reservations to the treaty, the Cabinet Secretary shall prepare the instrument of ratification of the treaty. Where the bill is passed with reservations to some provisions of the treaty, it shall be ratified with those reservations to the corresponding articles in the treaty. Where Parliament rejects the bill, the government shall not ratify such treaty. <sup>67</sup>
<b>Columbia</b>	4 Executive plus majority consent of two legislative bodies	The President is responsible for directing international relations and making international treaties and agreements (Article 189(2) of the Constitution). Congress (bicameral legislature) is responsible for approving or rejecting treaties (Article 150(16) of the Constitution). The President may give temporary effect to treaties of an economic or commercial nature agreed upon in the context of international organizations. In such a case, as soon as a treaty enters into force provisionally, it must be sent to Congress for its approval. If Congress does not approve the treaty, its application will be suspended (Article 224 of the Constitution). <sup>68</sup>
<b>Philippines</b>	4 Executive plus super-majority consent of one legislative body	The treaty-making process is an executive function performed by the President. The President negotiates, approves, ratifies, and signs international treaties and agreements. No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate (Section 21 of the Constitution of the Republic of the Philippines). <sup>69, 70</sup>
<b>Algeria</b>	1 Executive	The President decides and conducts foreign policy, and concludes and ratifies international treaties and agreements (Article 77 of the Constitution). <sup>71</sup> Armistice agreements; peace, alliance, and union treaties; treaties related to State borders; and treaties involving expenses not provided for in the State budget are ratified by the President of the Republic following an explicit approval by each of the chambers of the Parliament (Article 131 of the Constitution). Once ratified, treaties and agreements have an authority superior to domestic law (Article 132 of the Constitution). <sup>72</sup>
<b>Bangladesh</b>	2 Executive plus notification of legislature	Article 145(A) of the Constitution states that all international treaties with foreign countries shall be submitted to the President, who shall cause them to be laid before the National Parliament (unicameral legislature). <sup>73</sup>

Table 1 | **Summary of Domestic Processes, continued**

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Chile</b>	4 Executive plus majority consent of two legislative bodies	The President negotiates, concludes, signs, and ratifies international treaties and agreements. Treaties and agreements must be submitted to the National Congress (bicameral legislature) for approval (Article 32 of the Constitution). Approval requires a corresponding quorum in each Chamber (Article 54 of the Constitution). <sup>74</sup>
<b>Belarus</b>	4 Executive plus majority consent of two legislative bodies	The President conducts negotiations and signs international treaties and agreements (Article 84 of the Constitution of the Republic of Belarus). The National Assembly (bicameral legislature) has authority to ratify or denounce international treaties and agreements by a majority vote of the full composition of each Chamber (Articles 97 and 100 of the Constitution of the Republic of Belarus). <sup>75</sup>
<b>Democratic People's Republic of Korea</b>	3 Executive plus majority consent of one legislative body	The Cabinet negotiates and concludes international treaties and agreements (Article 119 of the Constitution). They are then sent to the Supreme People's Assembly (unicameral legislature) or Presidium (when the Supreme People's Assembly is in recess) for approval. The Supreme People's Assembly has authority to ratify or denounce treaties (Article 91 of the Constitution), as does the Presidium (Article 110). Since the Supreme People's Assembly is in recess for all but a few days of the year, the ratification of international treaties and agreements is essentially a duty performed by the Presidium. <sup>76</sup>
<b>New Zealand</b>	2 Executive plus notification of legislature	The procedures for ratifying international treaties and agreements are not contained in the Constitution. <sup>77</sup> By common law, the power to ratify or denounce treaties rests with the Executive. Paragraph 7.112 of the Cabinet Manual states that the power to take treaty action rests with the Executive. <sup>78</sup> The Cabinet manual states that multilateral treaties and major bilateral treaties of particular significance will be presented to the House of Representatives for select committee consideration by the foreign affairs, defense, and trade select committee, before the Executive takes binding treaty action. The parliamentary treaty examination process requires all multilateral treaties and major bilateral treaties of particular significance to be presented to the House before binding treaty action is taken. The government will not take binding treaty action until the treaty is implemented (if necessary) in New Zealand's domestic law. <sup>79</sup>
<b>Peru</b>	3 Executive plus majority consent of one legislative body	International treaties and agreements concerning human rights; sovereignty, dominion, or integrity of the State; national defense, financial obligations, or taxes; or requiring modification of existing law must be approved by Congress (unicameral legislature) before ratification by the President (Article 56 of the Constitution). The President may ratify all other treaties (Article 57). Once ratified, treaties become part of domestic law (Article 55 of the Constitution). <sup>80</sup>
<b>Syrian Arab Republic</b>	3 Executive plus majority consent of one legislative body	The President and the Council of Ministers conclude international treaties and agreements. The President has the power to revoke them. The People's Assembly (unicameral legislature) is responsible for the approval of international treaties and conventions related to the safety of the state, including treaties of peace and alliance and all treaties related to the rights of sovereignty or conventions that grant privileges to foreign companies or institutions, as well as treaties and conventions entailing additional expenses not included in its budget; or treaties and conventions related to loans or that are contrary to the provisions of the laws in force and require new legislation that should come into force. <sup>81</sup>

Table 1 | Summary of Domestic Processes, continued

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Israel</b>	3 Executive plus majority consent of one legislative body	The Knesset (unicameral legislature) is responsible for ratifying international treaties and agreements. Once the treaty or agreement is approved, the President then signs it. There is a requirement that there also be a countersignature by the Prime Minister or another minister designated by the government. <sup>82</sup>
<b>Turkmenistan</b>	3 Executive plus majority consent of one legislative body	The President supervises the execution of foreign policy (Article 53 of the Constitution). The Mejlis (unicameral legislature) ratifies or denounces international treaties and agreements (Article 63 of the Constitution). Treaties changing the legislation of Turkmenistan, multilateral and long-term economical treaties, and treaties that the Parties agreed upon its ratification are subject to ratification by the Parliament (Article 11 of the Law). The procedure is completed by the approval of the President. Once ratified, treaties have an authority superior to domestic law (Article 6 of the Constitution). <sup>83</sup>
<b>Iraq</b>	4 Executive plus super-majority consent of one legislative body	The Council of Ministers negotiates international treaties (Article 80). The treaty is sent to the Council of Representatives for ratification, which requires a two-thirds majority to be approved (Article 61 of the Constitution). The treaty is then sent to the President to be signed, which concludes the ratification process (Article 73 of the Constitution). <sup>84</sup>
<b>Zimbabwe</b>	4 Executive plus majority consent of two legislative bodies	The President concludes or executes international treaties and agreements (Article 110). An international treaty that has been concluded or executed by the President or under the President's authority: (a) does not bind Zimbabwe until it has been approved by Parliament (bicameral legislature); and (b) does not form part of the law of Zimbabwe unless it has been incorporated into the law through an act of Parliament (Article 327). Once ratified, the State must incorporate treaties into domestic law (Article 34). <sup>85</sup>
<b>Sudan</b>	4 Executive plus majority consent of two legislative bodies	The Council of Ministers initiates legislation approving international treaties and agreements (Article 72 of the Constitution). The National Assembly (bicameral legislature) approves treaties and international agreements (Article 91 of the Constitution). The President then signs international treaties and agreements for ratification (Article 58 of the Constitution). <sup>86</sup>
<b>Serbia</b>	3 Executive plus majority consent of one legislative body	The National Assembly (unicameral legislature) adopts, by a majority vote of all deputies, laws that regulate the ratification of international treaties (Articles 99 and 105 of the Constitution). After this, the President of the Republic of Serbia promulgates the laws in accordance with the Constitution. The law on a ratified international treaty should be published in the official gazette of the Republic of Serbia. Ratified international treaties and generally accepted rules take precedence over domestic legislation, and only the Constitution stands above them in terms of hierarchy. <sup>87</sup>
<b>Angola</b>	3 Executive plus majority consent of one legislative body	The National Assembly (unicameral legislature) is responsible for approving for ratification and signing treaties, conventions, agreements, and other international instruments involving matters within its absolute legislative responsibility, in addition to treaties to which Angola is a party involving international organizations, the rectification of borders, friendship, cooperation, defense, and military affairs (Article 161 of the Constitution). The President is responsible for signing and ratifying international treaties, conventions, agreements, and other instruments. International treaties can be ratified upon the approval of the National Assembly (Article 121 of the Constitution). Duly approved or ratified international treaties and agreements shall come into force in the Angolan legal system after they have been officially published and have entered into force in the international legal system, for as long as they are internationally binding upon the Angolan state (Article 13 of the Constitution). <sup>88</sup>

Table 1 | **Summary of Domestic Processes, continued**

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Qatar</b>	2 Executive plus notification of legislature	The Council of Ministers directs the negotiations for international treaties and agreements (Article 121 of the Constitution). The Prince concludes the treaties and agreements by a decree, and notifies the Advisory Council (unicameral legislature). Peace treaties and treaties pertaining the State's territory, or sovereignty rights, or public or private rights of citizens, or those that involve amendment of the State's laws must be issued by law to be put into force. The treaty or the agreement shall have the force of law after it is ratified and published in the official gazette (Article 68 of the Constitution). <sup>89</sup>
<b>Morocco</b>	4 Executive plus majority consent of two legislative bodies	The King signs and ratifies treaties. The Parliament (bicameral legislature) must approve international treaties or agreements under the following circumstances: the treaties of peace or of union, or those relative to the delimitation of the frontiers, the commercial treaties or those that engage the finances of the State or the application of which necessitate legislative measures, as well as those treaties relative to the individual or collective rights and freedoms of the citizens [feminine] and citizens [masculine], may only be ratified after having been previously approved by the law (Article 55). <sup>90</sup>
<b>Norway</b>	3 Executive plus majority consent of one legislative body	The King has the power to ratify international treaties and agreements. Approval by the Storting (unicameral legislature) is only needed for issues of "special importance," or if the treaty or agreement requires a change in Norwegian law. Treaties on matters of special importance, and, in all cases, treaties whose implementation, according to the Constitution, necessitates a new law or a decision by the Storting, are not binding until the Storting has given its consent thereto (Article 26). The reference to treaties of special importance means that treaties that are not considered of special importance are only submitted to the cabinet (of ministers) for ratification. It is not necessary to submit them to the Parliament. However, in practice, most treaties are considered important and are in fact submitted to the Parliament, which approves their ratification with a parliamentary resolution. Article 93 of the Constitution provides for transfer of state powers to international organizations by consent of at least a three-fourths majority of the Storting. Norway follows the tradition of dualism. <sup>91</sup>
<b>Switzerland</b>	4 Executive plus majority consent of two legislative bodies	The Federal Council (executive) signs international treaties and submits treaties that require domestic legislation to the Federal Council (bicameral legislature) for approval (Article 184). The Federal Council approves treaties by a majority vote of a majority of its members in both houses. There are many instances in which issues may be decided by referenda. According to Article 140(1) (b) of the Federal Constitution, an international treaty must be submitted to popular vote requiring approval by both a majority of votes and a majority of cantons if the ratification of the treaty implies membership in a supranational community. Optional referenda are used when unifying Swiss law with multilateral law and entry into international organizations. <sup>92</sup>
<b>Azerbaijan</b>	3 Executive plus majority consent of one legislative body	The Milli Mejlis (National Assembly) (unicameral legislature) determines the general rules on the ratification and denunciation of international agreements (Article 94 of the Constitution). The President concludes intergovernmental treaties and agreements and submits them to the Milli Mejlis for approval (Article 109(17) of the Constitution). The Constitution authorizes the Milli Mejlis to ratify or denounce international treaties, agreements, and conventions (Article 95 of the Constitution). The Milli Mejlis has two months to ratify any treaty put before it. In urgent cases, the timeframe is 20 days. The President signs decrees on the ratification of international agreements. International Treaties and agreements that have been ratified are superior to the domestic law of Azerbaijan (Articles 148 and 151 of the Constitution). <sup>93</sup>

Table 1 | Summary of Domestic Processes, continued

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Ethiopia</b>	3 Executive plus majority consent of one legislative body	The Prime Minister has the power to direct foreign policy (Article 74 of the Constitution of the Federal Democratic Republic of Ethiopia). <sup>94</sup> The President concludes international treaties and agreements and sends them to the Parliament for approval. The Federal Chambers of Parliament consist of the Council of the Federation and the Council of the People's Representatives. The former has the right to decide constitutional issues (Article 62 of the Constitution of the Federal Democratic Republic of Ethiopia), and the latter is responsible for ratifying international treaties and agreements (Article 55 of the Constitution of the Federal Democratic Republic of Ethiopia). A simple majority vote by the Council of the People's representatives is sufficient for ratification (Article 59 of the Constitution of the Federal Democratic Republic of Ethiopia). The President then signs and registers them in Negarit Gazette (Article 71 of the Constitution of the Federal Democratic Republic of Ethiopia). Once ratified and registered, international treaties and agreements are superior to domestic law (Article 9 of the Constitution of the Federal Democratic Republic of Ethiopia).
<b>Singapore</b>	1 Executive	Singapore's Constitution does not have any provisions addressing who has the authority to negotiate, conclude and ratify international agreements. Neither does it have any legislation, executive, or administrative orders, or any other document, official or otherwise, setting out the practices and procedures to be followed in treaty ratification and implementation. <sup>95</sup> Following British practice, powers to manage foreign affairs and international relations in Singapore are primarily vested in the executive government. <sup>96</sup> There is no provision requiring the consent of Parliament before an international convention can be ratified. However, Singapore follows the dualist system where international law and domestic law are distinct entities and systems of law; treaties are not self-executing. As such, treaties and international conventions have no domestic legal effect until subsequently incorporated by an Act of Parliament, which requires a simple majority vote. However, not all international treaties and conventions require implementation through national legislation. For those conventions that do not require implementing legislation, Parliament has no involvement. <sup>97</sup>
<b>Bolivia</b>	4 Executive plus majority consent of two legislative bodies	The President directs the negotiation of international treaties and agreements (Article 172 of the Constitution of the Plurinational State of Bolivia). Treaties and agreements are sent to the Pluri-National Legislative Assembly (bicameral legislature) for approval (Article 158 of the Constitution of the Plurinational State of Bolivia). If the treaty or agreement is approved, it is sent to the President to sign for ratification. Any international treaty shall require approval by popular referendum when 5 percent of the citizens registered on the voting rolls, or 35 percent of the representatives of the Pluri-National Legislative Assembly, request it (Article 259 of the Constitution of the Plurinational State of Bolivia). Once ratified, international treaties and agreements become part of domestic law (Article 257 of the Constitution of the Plurinational State of Bolivia). <sup>98</sup>
<b>United Republic of Tanzania</b>	3 Executive plus majority consent of one legislative body	Tanzania is a common-law country. Once signed, international treaties and agreements are subject to a ratification process that involves the National Assembly (unicameral legislature) and the President. The National Assembly approves all legislation, which is then signed by the President. Article 63 of the Constitution gives the National Assembly the power to deliberate upon and ratify international treaties and agreements. The President can then sign an instrument of ratification and deposit it with the Secretariat of the convention. Once the law is passed, signed by the President, and published in the gazette, the treaty becomes binding. Once ratified, the treaty or agreement becomes part of domestic law and is enforceable in the courts of laws. <sup>99</sup>

Table 1 | **Summary of Domestic Processes, continued**

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Tunisia</b>	3 Executive plus majority consent of one legislative body	The Head of Government leads the public administration and concludes international agreements of a technical nature (Article 92 of the Constitution). The President is responsible for representing the state and determining the orientation of the state's foreign relations. After consultation with the Head of State, the President also has powers to ratify treaties (Article 77 of the Constitution). The Head of the Government is the only authority entitled to present draft laws related to the ratification of treaties to the Assembly of the Representatives of the People (unicameral legislature) (Article 62 of the Constitution). Commercial treaties and treaties related to international organizations, borders of the state, financial obligations of the state, the status of individuals, or dispositions of a legislative character require approval by an absolute majority in Parliament (Articles 64, 65, and 67 of the Constitution). Once approved and ratified by the Assembly of the Representatives of the People, international treaties and agreements have a status superior to that of laws and inferior to that of the Constitution (Article 20 of the Constitution). <sup>100</sup>
<b>Myanmar</b>	4 Executive plus majority consent of two legislative bodies	The Constitution gives the government the responsibility for the conclusion and implementation of international and regional treaties, agreements, conventions and bilateral agreements and treaties (Schedule One—Union Legislative List). <sup>101</sup> The approval of the Pyidaungsu Hluttaw (bicameral legislature) is required for ratification of international treaties and agreements, unless the Pyidaungsu Hluttaw confers the authority on the President to conclude, annul, and revoke any kind of international, regional, or bilateral treaties or agreements without the approval of the Pyidaungsu Hluttaw (Article 108 of the Constitution of the Republic of the Union of Myanmar). After approval of the Pyidaungsu Hluttaw, the President can decide to ratify or annul the treaty or agreement (Article 209 of the Constitution of the Republic of the Union of Myanmar). <sup>102</sup>
<b>Cuba</b>	1 Executive	The Executive Committee of the Council of Ministers (executive) approves international treaties and agreements and then submits them to the Council of State for ratification (Article 98 of the Constitution of the Republic of Cuba). The Council of the State (executive) is invested with the power to ratify or denounce international treaties and agreements by a simple majority vote (Article 90 (m) and Article 91 of the Constitution of the Republic of Cuba). The President of the Council of State is invested with the power to sign ratified treaties and agreements and order their publication in the official gazette of the Republic (Article 93 (j) of the Constitution of the Republic of Cuba). International treaties and agreements become part of national legislation upon ratification. <sup>103</sup>
<b>Ghana</b>	3 Executive plus majority consent of one legislative body	The President concludes international treaties and agreements and may execute them or cause them to be executed. A treaty, agreement, or convention executed by or under the authority of the President shall be subject to ratification by Parliament (unicameral legislature) (Article 75). The relevant Ministry initiates the ratification process and sends a memorandum to the Cabinet seeking approval for ratification. Ratification requires an Act of Parliament or a resolution of Parliament supported by the votes of more than one-half of all the members of Parliament. International treaties and agreements have no automatic application until national legislation has been adopted to implement the provisions of the treaty. <sup>104</sup>
<b>Kuwait</b>	2 Executive plus notification of legislature	The Amir has the power to conclude international treaties and agreements. The Amir must communicate them immediately to the National Assembly (unicameral legislature). The National Assembly is responsible for ratifying those treaties concerning territory, natural resources, sovereign, or citizen rights, commerce, navigation, residence, and expenditure in addition to the budget, and those amending the laws of Kuwait come into force only when made by a law. After ratification, sanction, and publication in the official gazette, the treaty shall have force of law (Article 70). <sup>105</sup>

Table 1 | Summary of Domestic Processes, continued

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Bosnia and Herzegovina</b>	4 Executive plus majority consent of two legislative bodies	The President conducts the foreign policy of the country and negotiates and concludes international treaties and agreements (Article V of the Constitution of Bosnia and Herzegovina). Treaties and agreements are passed to the Parliamentary Assembly (bicameral legislature) to be ratified, which requires approval by both chambers (Article IV of the Constitution of Bosnia and Herzegovina). Treaties and agreements are then sent to the President to sign and ratify (Article V of the Constitution of Bosnia and Herzegovina). <sup>106</sup>
<b>Madagascar</b>	4 Executive plus majority consent of two legislative bodies	The President of the Republic negotiates and ratifies international treaties and agreements (Article 137 of the Constitution). The Prime Minister negotiates and signs international agreements not submitted to ratification (Article 138 of the Constitution). Treaties of alliance and commerce; treaties related to international organizations; treaties that engage the finances of the State, require legislation, or relate to the status of persons; treaties of peace; and treaties that modify the territory must be authorized by law by the Parliament (bicameral legislature). Once ratified and published, they have authority superior to domestic law (Article 137 of the Constitution). <sup>107, 108</sup>
<b>Jordan</b>	4 Executive plus majority consent of two legislative bodies	The King ratifies international treaties and agreements. Treaties and agreements that involve financial commitments to the Treasury or affect the public or private rights of Jordanians shall not be valid unless approved by the National Assembly (bicameral legislature) (Article 33 of the Constitution of the Hashemite Kingdom of Jordan). In addition, any deputy or committee, by consent of the House of Representatives, can request that a treaty or international instrument be submitted to the House of Representatives for ratification. <sup>109</sup>
<b>Uganda</b>	1 Executive	The Constitution of Uganda authorizes the President to make international treaties, agreements, and conventions and authorizes Parliament to make laws to govern the ratification of those treaties, agreements, and conventions (Article 123 of the Constitution). <sup>110</sup> The Ratification of Treaties Act of 1998 also governs the process for ratifying international treaties and agreements. Under this act, treaties that relate to armistice, neutrality, or peace; or those that the Attorney General has certified that its implementation in Uganda would require an amendment of the Constitution, must first be ratified by the Cabinet (Article 2 of the Ratification of Treaties Act of 1998). <sup>111</sup> The Cabinet is then required to lay those instruments before Parliament as soon as possible to be ratified by an act of Parliament (Article 4 of the Law Ratification of Treaties Act of 1998). The Cabinet alone can ratify all other treaties and agreements. Once ratified, the instrument of ratification of a treaty shall be signed, and deposited by the Minister responsible for foreign affairs.
<b>Burundi</b>	4 Executive plus majority consent of two legislative bodies	The President of the Republic directs the negotiations, and signs and ratifies international treaties and agreements (Article 289 of the Burundi Constitution). The treaties of peace and commerce, the treaties related to international organizations, the treaties that engage the finances of the State, those that modify the provisions of a legislative nature, as well as those relative to the status of persons, must be approved by Parliament (bicameral legislature) (Article 290 of the Burundi Constitution). <sup>112</sup>
<b>Dominican Republic</b>	4 Executive plus majority consent of two legislative bodies	The President negotiates and signs international treaties and agreements. The President then submits treaties and agreements to the National Congress (bicameral legislature) for approval (Article 128 of the Constitution). <sup>111</sup> Article 93 of the Constitution gives the National Congress the power to approve or disapprove the international treaties and conventions subscribed to by the Executive Power. Approval requires an absolute majority vote of more than one-half of the members of each chamber (Article 84 of the Constitution). International treaties that have been approved by the National Congress, duly promulgated and adopted, are accorded precedence over procedural laws and have the same authority as the Constitution (Article 26 of the Constitution). <sup>114</sup>

Table 1 | **Summary of Domestic Processes, continued**

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Yemen</b>	3 Executive plus majority consent of one legislative body	The House of Representatives (unicameral legislature) ratifies international treaties and agreements of a political or economic nature, in whatsoever form or level, and in particular those connected to defense, alliance, conciliation, peace, or border issues. The House shall also ratify all international conventions and treaties that involve financial commitments on the part of the State, or require a law for enactment (Article 92). The President issues decrees endorsing treaties and conventions approved by the House of Representatives. The President also ratifies agreements that do not require the approval of the House of Representatives if approved by the cabinet (Article 119 of the Constitution of the Republic of Yemen). <sup>115</sup>
<b>Malawi</b>	2 Executive plus notification of legislature	The President has the power to negotiate, sign, enter into, and accede to international agreements or to delegate such power to ministerial ambassadors and high commissioners (Article 89). The members of the Cabinet assist the President in determining what international agreements are to be concluded or acceded to and to inform Parliament thereon (Article 96 of the Constitution of the Republic of Malawi). <sup>116</sup>
<b>Lebanon</b>	3 Executive plus majority consent of one legislative body	The President (head of state) negotiates and ratifies international treaties and agreements in agreement with the Prime Minister (head of government). The treaty or agreement is then sent to the Council of Ministers for approval. The Chamber of Deputies is notified of the treaty or agreement. Treaties involving the finances of the state, commercial treaties, and in general treaties that cannot be renounced every year shall not be considered ratified until they have been approved by the Chamber of Deputies (Article 52 of the Constitution). Approval requires a majority vote, with a majority of members being present (Article 34 of the Constitution). <sup>117</sup>
<b>Nepal</b>	4 Executive plus super-majority consent of one legislative body	The Prime Minister and Minister of Foreign Affairs negotiate and conclude international treaties and agreements. To be ratified, treaties and agreements require approval by the House of Representatives. Treaties and agreements require approval by a two-thirds majority if they are on the following subjects: (a) peace and friendship, (b) security and strategic alliance, (c) the boundaries of Nepal, and (d) natural resources and the distribution of their uses. All other treaties and agreements require approval of a simple majority (Article 274 of the Constitution). <sup>118</sup>
<b>Paraguay</b>	4 Executive plus majority consent of two legislative bodies	The President negotiates and signs international treaties and agreements (Article 238 of the Constitution). International treaties and agreements require the passage of a law by the National Congress (bicameral legislature) in order to be ratified. The Chamber of Senators has the exclusive power to initiate the consideration of the bills of law relative to the approval of international treaties and agreements (Article 224 of the Constitution). Both Chambers of the National Congress must approve of the treaties and agreements (Article 202 of the Constitution). International treaties validly celebrated, approved by the law of Congress, and whose instruments of ratification were exchanged or deposited, are part of the internal legal order (Article 142 of the Constitution). <sup>119, 120</sup>
<b>Chad</b>	3 Executive plus majority consent of one legislative body	The President negotiates and ratifies international treaties and agreements (Article 218 of the Constitution). The peace treaties, defense treaties, treaties of commerce, treaties related to the use of the national territory or exploitation of natural resources, agreements related to international organization, those that engage the finances of the State, and those that are related to the status [état] of persons, may only be approved or ratified after the authorization of the National Assembly (unicameral legislature) (Article 219 of the Constitution). Once ratified, treaties and agreements have authority superior to that of domestic laws (Article 221 of the Constitution). <sup>121</sup>

Table 1 | Summary of Domestic Processes, continued

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Democratic Republic of the Congo</b>	4 Executive plus majority consent of two legislative bodies	The President of the Republic negotiates and ratifies international treaties and agreements. After a deliberation by the Council of Ministers, the government concludes international agreements not subject to ratification and informs the National Assembly and the Senate (bicameral legislature) (Article 213 of the Constitution). <sup>122</sup> Peace treaties, trade agreements, treaties and agreements relating to international organizations and to the settlement of international conflicts, those that involve public finance, those that amend legislative provisions, those that relate to the status of individuals, and those that entail the exchange and addition of territory may be approved or ratified only by virtue of a law (Article 214 of the Constitution). Lawfully concluded treaties and agreements have, when published, an authority superior to that of the law, subject for each treaty and agreement to the application by the other party (Article 215 of the Constitution). <sup>123</sup>
<b>Bahrain</b>	2 Executive plus notification of legislature	The Amir shall conclude treaties by decree and transmit them immediately to the National Assembly (bicameral legislature) with the appropriate statement. A treaty shall have the force of a law after it has been signed, ratified, and published in the official gazette. Treaties of peace and alliance; treaties concerning the territory of the State, its natural resources, sovereign rights, or public or private rights of citizens; treaties of commerce, navigation, and residence; and treaties that entail additional expenditure not provided for in the budget of the State, or that involve amendment to the laws of Bahrain, shall come into effect only when made by a law (Article 37 of the Constitution). The Amir shall have the right to initiate laws, and he alone shall ratify and promulgate the laws (Article 35 of the Constitution). No law may be promulgated unless it has been passed by the National Assembly and ratified by the Amir (Article 42 of the Constitution). <sup>124</sup>
<b>Burkina Faso</b>	1 Executive	The President ratifies international treaties and agreements (Article 148 of the Constitution). Peace treaties, the treaties of commerce, the treaties that engage the finances of the State, those that modify the provisions of legislative nature, and those that concern the state of persons, can be ratified or approved only by virtue of law (Article 149 of the Constitution). They can take effect only after having been ratified or approved and being published in the official journal. Treaties and agreements that have been approved are superior to domestic laws (Article 151 of the Constitution). <sup>125</sup>
<b>Kenya</b>	4 Executive plus majority consent of two legislative bodies	According to Article 4(1) of the Treaty Making and Ratification Act, the National Executive shall be responsible for initiating the treaty-making process, and negotiating and ratifying treaties. <sup>126</sup> The Cabinet Secretary and Attorney General then submit the treaty to the Cabinet (Article 7 of the Treaty Making and Ratification Act). If the Cabinet approves the ratification of a treaty, the Cabinet Secretary shall submit the treaty and a memorandum on the treaty to the Speaker of the National Assembly (bicameral legislature) (Article 8(1) of the Treaty Making and Ratification Act). The National Assembly may approve the ratification of a treaty with or without reservations to specific provisions of the treaty (Article 8(4) of the Treaty Making and Ratification Act). Once approved, the Cabinet Secretary then prepares the instrument of ratification of the treaty (Article 9(1) of the Treaty Making and Ratification Act). All instruments of ratification of a treaty shall be signed, sealed, and deposited by the Cabinet Secretary at the requisite international body and a copy thereof shall be filed with the Registrar (Article 10(1) of the Treaty Making and Ratification Act). According to Article 2(5) of the Constitution, any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution. <sup>127</sup>
<b>Oman</b>	1 Executive	Oman is an absolute monarchy. The Sultan of Oman signs international conventions and treaties according to the provisions of the law or authorizes their signature and promulgates decrees ratifying the same (Article 42 of the Constitution). <sup>128</sup> Treaties and agreements shall not have the force of law except after their ratification (Article 76 of the Constitution). <sup>129</sup>

Table 1 | **Summary of Domestic Processes, continued**

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Gambia</b>	<b>3</b> <b>Executive plus majority consent of one legislative body</b>	The President negotiates and concludes international treaties and agreements. Approval by the National Assembly (unicameral legislature) is required for ratification (Article 79 of the Constitution). <sup>130</sup>
<b>Afghanistan</b>	<b>4</b> <b>Executive plus majority consent of two legislative bodies</b>	The President negotiates and concludes international treaties and agreements (Article 64 of the Constitution). <sup>131</sup> They require approval of the National Assembly (bicameral legislature) for ratification (Article 90 of the Constitution). The Law of International Treaties (1989) dictates that once a treaty is signed, the government must send it to the National Assembly for ratification. <sup>132</sup> The National Assembly uses its normal legislative process to ratify treaties, a majority vote in favor with no corresponding presidential veto. <sup>133</sup>
<b>Sri Lanka</b>	<b>1</b> <b>Executive</b>	The Constitution does not explicitly mention who is responsible for negotiating, concluding, and signing international treaties and agreements (President, Prime Minister, or Cabinet Ministers). Parliament is responsible for ratifying international treaties and agreements where they are of economic interest to Sri Lanka. Usually this will only apply to trade agreements or special economic treaties. In these cases, approval requires two-thirds of the whole number of Members of Parliament (unicameral legislature) (including those not present). Once ratified, the treaty or agreement shall have the force of law in Sri Lanka and otherwise than in the interests of national security, no written law shall be enacted or made, and no executive or administrative action shall be taken in contravention of the provisions of such treaty or agreement (Article 157 of the Constitution of the Democratic Socialist Republic of Sri Lanka). <sup>134</sup> Note that for those agreements or treaties that do not meet the economic interest requirement under Article 157, the Minister of Foreign Affairs is entrusted with ratification as part of the reserved list of functions for the executive government. Once ratified by the Minister, Parliament would be notified.
<b>Swaziland</b>	<b>4</b> <b>Executive plus majority consent of two legislative bodies</b>	The Prime Minister may execute or cause to be executed an international agreement in the name of the Crown. An international agreement executed by or under the authority of the government shall be subject to ratification and become binding on the government by either (a) an Act of Parliament; or (b) a resolution of at least two-thirds of the members of a joint sitting of the two Chambers of Parliament. Unless it is self-executing, the international agreement becomes law in Swaziland only when enacted into law by Parliament (Article 238 of the Constitution). <sup>135</sup>
<b>Uruguay</b>	<b>4</b> <b>Executive plus majority consent of two legislative bodies</b>	In its capacity as the conductor of Uruguay's foreign policy, the Executive negotiates, signs, and ratifies international treaties and agreements. Once a treaty is signed, the Executive sends it to the General Assembly (bicameral legislature) for approval (Article 168). <sup>136</sup> The General Assembly may only pass or reject the treaty; it may not introduce modifications or amendments. Once the text has been approved, it is sent to the Executive, who is responsible for publishing it in the official gazette, directing the Ministry of Foreign Affairs to deposit the instrument of ratification, and then enforcing the law within the national territory. <sup>137</sup>

Table 1 | Summary of Domestic Processes, continued

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Mongolia</b>	3 Executive plus majority consent of one legislative body	The President, the Prime Minister, the Cabinet Members, and the government negotiate and conclude international treaties and agreements (Articles 33.1 (4) and 38.2 (9) of the Constitution, Articles 7-9 of Mongolia on International Treaties). <sup>138</sup> The State Great Hural (unicameral legislature) is responsible for ratifying or denouncing treaties and agreements (Article 25.1 (15) of the Constitution). The following international treaties are subject to mandatory ratification: international treaties relating to the sovereignty, national security, territory of Mongolia, State frontiers, and personal human rights; international treaties establishing rules other than those provided by Mongolian law; international treaties containing provisions requiring an allocation of additional funds out of the approved State budget; treaties on general conditions for the loans to be extended by the foreign States and international organizations and other loan treaties that will be ratified by the State Ih Hural; treaties agreed to by the contracting parties at the moment of conclusion; and ratification of an international treaty (Article 10 of Mongolia on International Treaties). The State Great Hural can ratify treaties with a simple majority vote held in a session where a majority of its members are present (Article 27.6 of the Constitution). Upon ratification of international treaty, the State Ih Hural shall enact law or issue a decree if it did not ratify such a treaty. The President of Mongolia and the Member of the Cabinet Ministers in charge of external relations shall sign and seal the instrument of ratification (Article 12 of Mongolia on International Treaties). The text shall be deposited with the State central administrative organ in charge of external relations, which will then publish the treaty or agreement as a special publication (Articles 25-26 of Mongolia on International Treaties).
<b>Senegal</b>	3 Executive plus majority consent of one legislative body	The President negotiates and concludes international treaties and agreements (Article 95 of the Constitution). <sup>139</sup> After the signing of an agreement, the Minister in charge of Foreign Affairs prepares a draft bill authorizing the President of the Republic to ratify it. The document is submitted to the Cabinet and, after the Cabinet adopts the document, it is sent to the monitoring body in charge of verifying the constitutionality of legislation. If it is deemed constitutional, the text of the agreement is sent to the National Assembly (unicameral legislature) for review. The peace and commercial treaties, those dealing with international organizations, State finances, status of persons and territory, and those modifying law may be ratified or approved only by virtue of a law (Article 96 of the Constitution). Once approved, the National Assembly adopts a law authorizing the President of the Republic to ratify the agreement. He ratifies or approves them on the authorization of the Parliament (Article 95 of the Constitution). In some cases, rather than enacting a law authorizing the President of the Republic to ratify an agreement, the Parliament may directly ratify the agreement in question through the adoption of a ratification act. Once ratified and published in the official gazette, treaties and agreements have an authority superior to that of domestic law (Article 98 of the Constitution). <sup>140</sup>
<b>Trinidad and Tobago</b>	1 Executive	There is no explicit mention of the process for negotiating, concluding, or ratifying international treaties and agreements in the Constitution. <sup>141</sup> Trinidad and Tobago has a ceremonial President who does not exercise actual executive power. The Prime Minister and the Cabinet retain substantive executive powers, including treaty-making power. As the Head of State, the President does possess treaty-making powers under international law, and agreements made by the President become the source of international rights and obligations for the state. However, by convention, the President does not usually engage in treaty making. An international convention on its own is not enforceable in the Courts unless it is incorporated into domestic legislation. On ratification of these conventions, Trinidad and Tobago undertakes to ensure that they fulfill their international obligations by ensuring that the rights and protections provided under the convention are enjoyed and observed. This obligation may be fulfilled in one of two ways. For certain international conventions, Parliament may choose to incorporate it or parts of it directly into legislation. On the other hand, Parliament may also choose to incorporate the principles, concepts, or measures of a convention into various pieces of legislation. <sup>142</sup>

Table 1 | **Summary of Domestic Processes, continued**

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Guatemala</b>	3 Executive plus majority consent of one legislative body	<p>The President directs foreign policy and international relations and celebrates, ratifies, and denounces treaties and agreements (Article 183(o) of the Constitution).<sup>143</sup> In certain cases, the President can only ratify a treaty after the Congress of the Republic (unicameral legislature) has given its approval. The approval of Congress before the ratification of a treaty, convention or any other international agreement is required when: (a) it affects a law in force that requires the same majority approval as this Constitution; (b) it affects the territorial control of the Nation, establishes the Central American economic or political union, in whole or in part, or confers or transfers competencies to organizations, institutions or mechanisms created within a communitarian legal framework with the purpose of achieving regional or common objectives in the Central American sphere; (c) represents a financial commitment for the State to an undetermined amount or the amount exceeds by 1% the National Budget of Ordinary Income; (d) it constitutes a commitment to submit any issue to judicial decisions or international arbitrations; (e) contains a general arbitration clause or the submission to an international jurisdiction; and (f) appointing commissions of inquiry on specific public administration matters that represent problems of national interest.</p> <p>All other cases do not need the approval of the Congress of Republic (Article 171 of the Constitution). Congress does not have authority to repeal a treaty, this rests solely with the President. Specific procedures must be followed when a treaty conflicts with a norm that wishes to be enacted by Congress, such as the denunciation of the treaty.<sup>144</sup></p>
<b>Zambia</b>	3 Executive plus majority consent of one legislative body	<p>The President negotiates and signs international treaties and agreements (Article 92 of the Constitution). The Cabinet (executive) recommends the accession and ratification of treaties and agreements to the National Assembly (unicameral legislature) (Article 114 of the Constitution). In order to be ratified, treaties and agreements must be approved by a majority vote in the National Assembly (Articles 63 and 78 of the Constitution). Once approved, the President officially ratifies or accedes to the treaty or agreement (Article 92 of the Constitution).<sup>145</sup></p>
<b>Jamaica</b>	1 Executive	<p>The 1962 Jamaica Constitution is silent on the authority to join international agreements and treaties. As with other commonwealth states, the decision to make a treaty clearly rests under common law with the executive branch of the government that represents the State abroad. The common law imposes no legal obligation on the Executive to secure the consent or approval of Parliament prior to treaty ratification, despite the fact that Parliament is the ultimate law-making authority in a Westminster-style democracy.<sup>146</sup></p>
<b>Niger</b>	3 Executive plus majority consent of one legislative body	<p>The President of the Republic negotiates and ratifies the international treaties and agreements (Article 168 of the Constitution). The treaties of defense and peace, the treaties and agreements relative to international organizations, those that modify the internal laws of the State, and those that involve a financial engagement from the State may be ratified only following a law authorizing their ratification (Article 169 of the Constitution). The National Assembly is Niger's unicameral legislature. The treaties or agreements regularly ratified have, from their publication, an authority superior to that of domestic laws (Article 171 of the Constitution).<sup>147</sup></p>

Table 1 | Summary of Domestic Processes, continued

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Republic of Moldova</b>	3 Executive plus majority consent of one legislative body	The President negotiates and concludes international treaties and agreement (Article 86 of the Constitution). The President then submits them to Parliament (unicameral legislature) for ratification. Parliament has the power to ratify, terminate, suspend, and repeal those treaties (Article 66 of the Constitution) dealing with peace, political obligations, defense, issues of disarmament or international control over weapons, or provisions of peace and security; territorial agreements; treaties that require adoption of new laws or amendments to existing ones; international organizations; financial obligations; status of persons, fundamental human rights and freedoms; or any treaties that directly include ratification in their provisions (Article 11 of the Law). Treaties are ratified, adopted, approved, or acceded to by means of Parliament's adoption of an organic law (Article 12 of the Law). The President and the Minister of Foreign Affairs and European Integration sign instruments of ratification (Article 17). The Minister of Foreign Affairs then submits the instruments to the depository (Article 18). <sup>148</sup>
<b>Cambodia</b>	4 Executive plus majority consent of two legislative bodies	The King can enter into international treaties and agreements. The National Assembly (bicameral legislature) votes the approval or denunciation of treaties and agreements by a simple majority vote (Article 90 of the Constitution). <sup>149</sup> The King can sign and ratify those treaties (Article 26 of the Constitution). <sup>150</sup>
<b>Costa Rica</b>	4 Executive plus super-majority consent of one legislative body	The President and the Cabinet Minister of Government have joint power to enter into international treaties and agreements (Article 140). Treaties and agreements that attribute or transfer specific competences to a community juridical order, with the purpose of realizing regional and common objectives, will require the approval of the Legislative Assembly (unicameral legislature). Approval requires a vote of no less than two-thirds of the members of the Legislative Assembly (Article 121). Attendance of at least two-thirds of the Assembly members is required for the Assembly to be in session (Article 117). Treaties or agreements that do not require legislative approval will enter into force once promulgated by the Executive Power (Article 140). Once ratified, treaties and agreements have authority superior to domestic law (Article 7). <sup>151</sup>
<b>The Former Yugoslav Republic of Macedonia</b>	3 Executive plus majority consent of one legislative body	The President or the government may conclude international treaties and agreements (Article 119 of the Constitution). <sup>152</sup> The government proposes ratification to the Assembly (unicameral legislature). The Assembly is responsible for ratification (Article 68 of the Constitution). The Assembly accepts the proposal for association in or dissociation from a union or community with other states by a two-thirds majority vote of the total number of representatives. The Assembly adopts a decision of association or dissociation concerning membership in international organizations by a majority vote of the total number of representatives of the Assembly (Article 121 of the Constitution). Once ratified, they are superior to domestic law (Article 118).

Table 1 | **Summary of Domestic Processes, continued**

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Georgia</b>	3 Executive plus majority consent of one legislative body	The President shall lead and exercise the internal and foreign policy of the state (Article 69 of the Constitution). <sup>153</sup> The President shall negotiate with foreign states and the President, Prime Minister, and Minister for Foreign Affairs may conclude international agreements and treaties (Article 73 of the Constitution and Article 12 of the Law of Georgia on International Treaties). <sup>154</sup> The Umaghlesi Sabcho (Supreme Council) (unicameral legislature), by the majority of the total number of the members of the Supreme Council, shall ratify, denounce, and annul the international treaties and agreements (Article 65 of the Constitution & Article 17 of the Law of Georgia on International Treaties). Apart from the international treaties and agreements providing for ratification, it shall also be obligatory to ratify an international treaty and agreement that: (a) provides for accession of Georgia to an international organization or intergovernmental union; (b) is of a military character; (c) pertains to the territorial integrity of the state or change of the state frontiers; (d) is related to borrowing or lending loans by the state; (e) requires a change of domestic legislation or adoption of necessary laws and acts with force of law with the view of honoring the undertaken international obligations; and (f) requires ratification under other legislative act of Georgia (Article 65 of the Constitution & Article 14 of the Law of Georgia on International Treaties). The President has the power to conclude and ratify treaties and agreements that do not require ratification by the Supreme Council (Article 18 of the Law). Once ratified, treaties and agreements are superior to domestic law (Article 6 of the Law of Georgia on International Treaties).
<b>Kyrgyzstan</b>	4 Executive plus majority consent of two legislative bodies	The President conducts and concludes negotiations and signs (with consent of the Prime Minister) international treaties and agreement and instruments of ratification or accession (Article 64(6) of the Constitution). <sup>155</sup> The President can assign these powers to the Prime Minister or other government officials. The Jogorku Kenesh (Supreme Council) (bicameral legislature) ratifies and denounces international treaties and agreements (Article 74 of the Constitution).
<b>Nicaragua</b>	3 Executive plus majority consent of one legislative body	The President negotiates, concludes, and signs international treaties and agreements (Article 150 of the Constitution). If the treaty or agreement is of an economic character or relates to international commerce, regional integration, defense and security; increases external debt or risks the nation's credit; and or involves the legal structure of the State, then the President submits it to the National Assembly (unicameral legislature) for ratification. The National Assembly has 60 days to ratify or reject the treaty or agreement; otherwise the instruments shall be considered as having been approved (Article 138 of the Constitution). <sup>156</sup>
<b>Mali</b>	3 Executive plus majority consent of one legislative body	The President negotiates international treaties and agreements (Article 114 of the Constitution). Peace treaties; treaties of commerce treaties or accords relating to international organizations; those concerning State finances; and those containing cession, exchange, or joining of territory require approval of the National Assembly (unicameral legislature) (Article 115 of the Constitution). Once ratified, treaties and agreements are superior to domestic law (Article 116 of the Constitution). <sup>157</sup>
<b>El Salvador</b>	3 Executive plus majority consent of one legislative body	The President negotiates, concludes, and signs international treaties and agreements and then submits them to the Legislative Assembly (unicameral legislature) for approval (Article 168 of the Constitution). <sup>158</sup> The Legislative Assembly ratifies or denounces international treaties and agreement (Article 131 of the Constitution). The majority of votes required for the ratification of the treaty will depend on its subject matter. Once it is ratified, it is superior to domestic law (Article 144 of the Constitution). <sup>159</sup>

Table 1 | Summary of Domestic Processes, continued

PARTY	CATEGORY	SUMMARY OF DOMESTIC PROCESSES
<b>Honduras</b>	3 Executive plus majority consent of one legislative body	The President has the power to conclude treaties and agreements and to ratify following approval by the National Congress (unicameral legislature) (Article 245). National Congress must approve all international treaties before their ratification by the Executive Power (Article 16). Treaties of a political and military character; those relating to the national territory, sovereignty, and concessions; those entailing financial obligations for the Public Treasury; those requiring amendment or repeal of any constitutional or legal provision; and those needing legislative measures for their execution must be approved by Congress (Article 245). International treaties entered into by Honduras with other States form part of the domestic law as soon as they enter into force (Article 16). In case of conflict between the treaty or convention, and the law, the former shall prevail (Article 18). The Executive Power may, in matters of its exclusive competence, enter into, ratify, or adhere to international conventions with foreign states or international organizations without the previous requirement of approval by congress, whom it must inform immediately (Article 21). <sup>160</sup>
<b>Panama</b>	3 Executive plus majority consent of one legislative body	The President negotiates and concludes international treaties and agreements (Article 184). They are then submitted to the National Assembly (unicameral legislature) to be ratified (Article 159). Approval requires an absolute majority of the members of the National Assembly. (Article 165). <sup>161</sup>
<b>Lao People's Democratic Republic</b>	3 Executive plus majority consent of one legislative body	The President issues the ratification of international treaties and agreements (Article 67). The government signs treaties and agreements (Article 70 of the Constitution). <sup>162</sup> Specifically, the Ministry of Foreign Affairs negotiates and signs important treaties (Article 15 of the Ordinance) and deposits instruments of ratification (Articles 25 and 30 of the Ordinance). The National Assembly (unicameral legislature) decides on the ratification of the following types of treaties: (1) international treaties on the strengthening of friendship and cooperation, peace, security, boundaries, territory, and state sovereignty; (2) international treaties on the fundamental rights and obligations of the citizens, and/or mutual legal assistance in criminal and civil matters; (3) international treaties on universal international organizations and important regional organizations; (4) treaties contained provisions inconsistent with relevant laws or not provided in domestic laws; (5) treaties relating to the national budget; (6) treaties that contain provisions requiring ratification; and (7) other important international treaties agreed upon by the concerned parties (Article 53 of the Constitution and Article 29 of the Ordinance). Once ratified, treaties and agreements are superior to domestic law (2009 Presidential Ordinance). <sup>163</sup>
<b>Mozambique</b>	3 Executive plus majority consent of one legislative body	The President negotiates and signs international treaties and agreements (Article 162). The Council of Ministers shall have the power to: (g) prepare the signature of international treaties and sign, ratify, adhere to, and terminate international agreements, in matters that are within their governmental jurisdiction (Article 204). The Assembly of the Republic (unicameral legislature) has the power to legislate on basic issues of the country's domestic and foreign policy, and exclusive power to ratify and terminate international treaties (Article 179). Treaties and agreements are approved by a majority vote with a majority of the members of the Assembly present (Article 187). Once ratified, they must be published in the Boletim da Republica (government gazette) in order to have legal effect (Article 144). Once they are published, they enter into force in the Mozambican legal order (Article 18). The Council of Ministers shall have the power to prepare the signature of international treaties and sign, ratify, adhere to, and terminate international agreements in matters that are within their governmental jurisdiction (Article 204). <sup>164</sup>

## ENDNOTES

1. At the time of this writing, a total of 180 countries had signed.
2. Countries “deposit” their instruments with the United Nations Secretary General, who has been appointed under Article 26 of the Paris Agreement as the “Depositary” of the Agreement. The instruments themselves are documents signed by the head of state who declares that the government has considered the relevant agreement; either ratifies, accepts, approves, or accedes to it; and undertakes to faithfully perform and carry out its terms. As the Depositary, the Secretary-General is responsible for accepting the instruments and monitoring the number of Parties and percentage of emissions for which they jointly account for the purposes of determining entry into force.
3. Refer to Article 21 of the Paris Agreement.
4. The COP, under paragraph 104 of decision 1/CP.21, requested the UNFCCC Secretariat to publish a list of the most up-to-date emissions data communicated by Parties for the purpose of determining entry into force under Article 21 of the Paris Agreement. The top 100 emitters analyzed in the process of creating the Domestic Approval Map were drawn from this list and included in the same order. Note that this list does not reflect current emissions, as it is based on the most recent communication to the UNFCCC, which for many developing countries was five to 15 years ago.
5. Vienna Convention on the Law of Treaties, 1155 U.N.T.S. 331, 8 I.L.M. 679, entered into force on January 27, 1980.
6. Unless signing by “definitive signature” and not subject to ratification, acceptance, or approval. Under these circumstances, the signature alone establishes the consent of the state to be bound by the agreement.
7. See Arts. 10 and 18, Vienna Convention on the Law of Treaties 1969.
8. According to the Vienna Convention on the Law of Treaties 1969, “ratification” defines the international act whereby a country indicates its consent to be bound by an international agreement. Depositing an instrument of ratification with the depositary evidences ratification. Instruments of “acceptance” or “approval” of an agreement have the same legal effect as ratification and consequently express the consent of a country to be bound by an agreement. Based on their national constitution, some countries accept or approve an agreement rather than ratify. See Arts. 2(1)(b) and 14(1) and (2) and 16, Vienna Convention on the Law of Treaties 1969.
9. “Accession” signifies the process whereby a country becomes a party to an international agreement that has already been negotiated and signed by other countries. It has the same legal effect as ratification, acceptance, and approval. See Arts. 2(1)(b) and 15, Vienna Convention on the Law of Treaties 1969. Accession usually occurs after the agreement has entered into force, but it can also occur beforehand, depending on the terms of the agreement. Under the Paris Agreement, any Parties who are unable to sign during the one-year signing period, from April 22, 2016, to April 21, 2017, will be able to join by depositing an instrument of accession.
10. Determined based on the table compiled by the UNFCCC Secretariat pursuant to paragraph 104 of decision 1/CP.21 for the purposes of determining entry into force of the Paris Agreement under Article 21.
11. “Majority consent” means a vote in favor by a simple majority, according to the specific voting rules of the relevant legislative body.
12. “Super-majority consent” means a vote in favor by a two-thirds majority.
13. The European Union (EU) and each of its 29-member states are Parties to the UNFCCC. In addition to each of the member states, the EU must also join the Paris Agreement. Each of the member states must separately follow its domestic procedures for ratification, prior to the EU itself being able to complete the procedures that will enable ratification. Each of the individual member states falls into one of the aforementioned categories. In accordance with past practice, member states will not deposit their instrument of ratification, acceptance, or approval until the EU is also in a position to do so.
14. In order of emissions, in accordance with paragraph 104 of decision 1/CP.21 related to entry into force of the Paris Agreement under Article 21, see <http://unfccc.int/resource/docs/2015/cop21/eng/10.pdf#page=30>
15. See [https://www.constituteproject.org/constitution/China\\_2004.pdf?lang](https://www.constituteproject.org/constitution/China_2004.pdf?lang)
16. See [http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content\\_1383928.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383928.htm)
17. Ibid.
18. U.S. CONST. art. II, §2 (providing that the President “shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur”).
19. See Michael John Garcia, “International Law and Agreements: Their Effect upon U.S. Law” (Congressional Research Service), accessible at <https://fas.org/sgp/crs/misc/RL32528.pdf>
20. For the elements that would suggest formal congressional consent, see Daniel Bodansky, “Legal Options for U.S. Acceptance of a New Climate Change Agreement” (Arlington, Va.: Center for Climate and Energy Solutions, 2015), accessible at <http://www.c2es.org/docUploads/legal-options-us-acceptance-new-climate-changeagreement.pdf>; see also the discussion by Gwynne Taraska and Ben Bovarnick, “The Authority for U.S. Participation in the Paris Climate Agreement,” accessible at <https://cdn.americanprogress.org/wp-content/uploads/2015/07/InternationalExecutiveAgreements-report1.pdf>
21. Article 20, Paris Agreement.
22. S. Oberthür, “The Paris Agreement: Rebooting Climate Cooperation—Perspectives on EU Implementation of the Paris Outcome,” *Carbon & Climate Law Review*, 10, no. 1 (2016): 34–45.
23. Article 20, Paris Agreement.
24. Piet Eeckhout, *EU External Relations Law*, 2nd ed. (Oxford: Oxford University Press, 2011).
25. See the Constitution of the Russian Federation, accessible at <http://www.constitution.ru/en/10003000-01.htm>
26. See the Constitution of India, accessible at [https://india.gov.in/sites/upload\\_files/npi/files/coi\\_contents.pdf](https://india.gov.in/sites/upload_files/npi/files/coi_contents.pdf)
27. National Commission to Review the Working of the Constitution, “A Consultation Paper on Treaty-Making Power Under Our Constitution”, accessible at <http://lawmin.nic.in/ncrwc/finalreport/v2b2-3.htm>
28. See the Constitution of Japan, [http://japan.kantei.gov.jp/constitution\\_and\\_government\\_of\\_japan/constitution\\_e.html](http://japan.kantei.gov.jp/constitution_and_government_of_japan/constitution_e.html)
29. For a general discussion of the process, see Makoto Seta, “Japan Country Report”, (National University of Singapore, Centre for International Law), accessible at <http://cil.nus.edu.sg/wp/wp-content/uploads/2010/10/Country-Report-Japan.pdf>
30. See the Constitution of the Federative Republic of Brazil, accessible at [https://www.constituteproject.org/constitution/Brazil\\_2014.pdf](https://www.constituteproject.org/constitution/Brazil_2014.pdf)
31. Guido Soares, “The Treaty-Making Process under the 1988 Federal Constitution of Brazil - Latin America”, 67 Chi.-Kent. L. Rev. 495 (1991), accessible at <http://scholarship.kentlaw.iit.edu/cklawreview/vol67/iss2/11>

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## ABOUT WRI

World Resources Institute is a global research organization that turns big ideas into action at the nexus of environment, economic opportunity and human well-being.

### Our Challenge

Natural resources are at the foundation of economic opportunity and human well-being. But today, we are depleting Earth's resources at rates that are not sustainable, endangering economies and people's lives. People depend on clean water, fertile land, healthy forests, and a stable climate. Livable cities and clean energy are essential for a sustainable planet. We must address these urgent, global challenges this decade.

### Our Vision

We envision an equitable and prosperous planet driven by the wise management of natural resources. We aspire to create a world where the actions of government, business, and communities combine to eliminate poverty and sustain the natural environment for all people.

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We start with data. We conduct independent research and draw on the latest technology to develop new insights and recommendations. Our rigorous analysis identifies risks, unveils opportunities, and informs smart strategies. We focus our efforts on influential and emerging economies where the future of sustainability will be determined.

#### CHANGE IT

We use our research to influence government policies, business strategies, and civil society action. We test projects with communities, companies, and government agencies to build a strong evidence base. Then, we work with partners to deliver change on the ground that alleviates poverty and strengthens society. We hold ourselves accountable to ensure our outcomes will be bold and enduring.

#### SCALE IT

We don't think small. Once tested, we work with partners to adopt and expand our efforts regionally and globally. We engage with decision-makers to carry out our ideas and elevate our impact. We measure success through government and business actions that improve people's lives and sustain a healthy environment.



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