

International Law Studies – Volume 46

International Law Documents

U.S. Naval War College (Editor)

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their own sovereignty and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

ARTICLE 7. The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people:

Promulgation of amendments of the constitution, laws, cabinet orders and treaties. . . .

ARTICLE 9. Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

ARTICLE 73. The Cabinet, in addition to other general administrative functions, shall perform the following functions:

Administer the law faithfully; conduct affairs of state.

Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet. . . .

ARTICLE 98. This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established laws of nations shall be faithfully observed.

## 11. Constitution of Nicaragua, 22 January 1948

(*Constitucion Política y Leyes Constitutivas de Nicaragua*, 1948)

[Translation]

ARTICLE 1. Nicaragua is a unitary, free, sovereign and independent State.

ARTICLE 2. The basis of the national territory is the *uti possidetis juris* of 1821. The territory between the Atlantic and Pacific Oceans and the Republics of Honduras and Costa Rica is included, and this territory embraces also the adjacent islands, the territorial sea, the continental shelves, and the air space and stratospheric space. Boundaries which are not yet determined shall be fixed by treaties and the law.

ARTICLE 3. The territory and the sovereignty are indivisible and inalienable. Nonetheless treaties may be concluded which tend toward union with one or more republics of Central

America, or which have as their object the construction, guarantee, operation, and defense of an interoceanic canal through the national territory, or which have as their aim the temporary use by an American power of the soil, air, stratosphere, or territorial waters exclusively for continental defense.

ARTICLE 7. Nicaragua proscribes aggressive war and intervention in the internal affairs of other States. It espouses the principles contained in the Atlantic Charter; it recognizes the right of self-determination of peoples and recognizes arbitration as a means of resolving international conflicts.

ARTICLE 22. Foreigners enjoy in Nicaragua all civil rights and guarantees granted to Nicaraguans, without other limitations than those established by laws.

They are obliged to respect the authorities, to obey the laws, and to pay all ordinary and extraordinary contributions to which Nicaraguans are subject.

ARTICLE 23. Foreigners must not in any way interfere in the political activities of the country.

For contravention, though they remain without prejudice subject to the responsibilities which would ordinarily arise, they may be expelled without previous adjudication by the President of the Republic in Council of Ministers, except where the foreigner has a Nicaraguan wife, or legitimate or illegitimate children by a Nicaraguan mother which have been recognized previous to the act which is to be punished.

ARTICLE 24. Foreigners cannot make claims upon nor demand any indemnification from the State except in the cases and in the form in which Nicaraguans could do so; but neither foreigners nor Nicaraguans can claim indemnification from the State when they are damaged in person or property by acts which were not done by legitimate authorities in their public character.

ARTICLE 25. Foreigners cannot have recourse to diplomatic means except in cases of denial of justice. The fact that a judgment which has been rendered is unfavorable to the claimant does not constitute a denial of justice. Those who contravene this provision lose the right to live in the country.

ARTICLE 27. Extradition of foreigners for political crimes or common crimes connected with political ones cannot be allowed. The definition of such crimes is in accordance with treaties or is prescribed by the Supreme Court of Justice if there are no treaties.

ARTICLE 64. There shall be no confiscation of property except

against nationals of an enemy country, and then of not more than seventy-five per cent of their respective net capital when the foreigners are married to Nicaraguan wives or have Nicaraguan children. The twenty-five per cent shall be for the benefit of such Nicaraguan wife and children.

The proceeds of the confiscated property must serve in the first place to indemnify Nicaraguans for confiscations or exactions they have suffered at the hands of the enemy country. . . .

ARTICLE 100. The State does not recognize the legal existence of political parties having an international organization, nor that of communist and fascist parties with similar tendencies even when they adopt other designations. Individuals belonging to them cannot perform any public charge and shall be subject to the sanction established by law. The sole exception is international parties which are neither communist nor totalitarian and which tend toward the union of Central America.

ARTICLE 133. The Legislative Power, acting in separate Chambers, shall have power: . . .

(7) To approve or disapprove treaties concluded with foreign nations. The treaties referred to in Article 3 shall require a two-thirds vote for their approval.

(13) To declare war or authorize the Executive to such end.

ARTICLE 182. The President of the Republic as the supreme administrative authority shall have power:

(1) To defend the independence and the honor of the Nation and the integrity of its territory.

(5) To direct foreign relations, to name the Diplomatic Agents and Consuls of the Republic, and to receive the Diplomatic Agents and admit the Consuls of other nations.

(6) To declare war with the authorization of Congress or to make war without such authorization when it is urgent to repel a foreign aggression.

(7) To conclude treaties and all other diplomatic negotiations, and to ratify them with the previous approval of the Legislative Power.

(8) To permit or deny the transit of foreign troops through the territory of the Republic.

## 12. Constitution of the Republic of Panama, 1 March 1946

(*Constitución de la República de Panamá, Edición Oficial*; translation based on

R. H. Fitzgibbon, *The Constitutions of the America*, pp. 605-651.)

[Translation]

ARTICLE 3. The Republic of Panama is constituted on the