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International Law Documents

U.S. Naval War College (Editor)

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7. German Constitutions

A. BASIC LAW FOR THE FEDERAL REPUBLIC OF GERMANY, 20 MAY 1949

(United States Department of State Publication 3526.)

[Translation]

ARTICLE 16. (1) No one may be deprived of his German citizenship. The loss of citizenship may occur only on the basis of a law and, against the will of the person concerned, only if the person concerned is not rendered stateless thereby.

(2) No German may be extradited to a foreign country. The politically persecuted shall enjoy the right of asylum.

ARTICLE 24. (1) The Federation may, by legislation, transfer sovereign powers to international institutions.

(2) In order to preserve peace, the Federation may join a system of mutual collective security; in doing so it will consent to those limitations of its sovereign powers which will bring about and secure a peaceful and lasting order in Europe and among the nations of the world.

(3) For the settlement of international disputes, the Federation will join a general, comprehensive, obligatory system of international arbitration.

ARTICLE 25. The general rules of international law shall form part of federal law. They shall take precedence over the laws and create rights and duties directly for the inhabitants of the federal territory.

ARTICLE 26. (1) Activities tending to disturb or undertaken with the intention of disturbing the peaceful relations between nations, and especially preparing for aggressive war, shall be unconstitutional. They shall be made subject to punishment.

(2) Weapons designed for warfare may be manufactured, transported or marketed only with the permission of the Federal Government. Details shall be regulated by a federal law.

ARTICLE 32. (1) The maintenance of relations with foreign states shall be the affair of the Federation.

(2) Before the conclusion of a treaty affecting the special

conditions of a Land, the Land must be consulted sufficiently early.

(3) Insofar as the Laender are competent to legislate, they may, with the approval of the Federal Government, conclude treaties with foreign states.

ARTICLE 59. (1) The Federal President shall represent the Federation in matters concerning international law. He shall conclude treaties with foreign states on behalf of the Federation. He shall accredit and receive the envoys.

(2) Treaties which regulate the political relations of the Federation or refer to matters of federal legislation shall require, in the form of a federal law, the approval or the participation of the corporations competent at the time for federal legislation. For administrative agreements the provisions concerning the federal administration shall apply appropriately.

ARTICLE 73. The Federation shall have exclusive legislation on:

1. Foreign affairs;
2. Citizenship of the Federation;
3. Freedom of movement, passports, immigration, emigration and extradition;
5. The unity of customs and commercial territory, commercial and navigation agreements, the freedom of traffic in goods and the traffic in goods and payments with foreign countries, including customs and frontier protection.

ARTICLE 100. (2) If in litigation it is doubtful whether a rule of international law forms part of federal law and whether it creates direct rights and duties for the individual (Article 25), the court shall obtain the decision of the Federal Constitutional Court.

B. CONSTITUTION OF THE REPUBLIC OF BAVARIA, 1 DECEMBER 1946

(Office of Military Government for Germany (U. S.), Constitutions of
Bavaria, Hesse, and Württemberg-Baden (1947), pp. 33-55.)

[Translation]

ARTICLE 84. The generally recognized principles of international law as valid as part of domestic law.

C. CONSTITUTION OF THE STATE OF HESSE, 1 DECEMBER 1946

(Office of Military Government for Germany (U. S.), Constitutions of Bavaria, Hesse, and Württemberg-Baden (1947), pp. 33–55.)

[Translation]

ARTICLE 67. The rules of international law are valid as part of the law of the State without requiring express incorporation in the law of the State. No law is valid which conflicts with such rules or with a State treaty.

D. CONSTITUTION FOR WÜRTTEMBERG-BADEN,
24 NOVEMBER 1946

(Office of Military Government for Germany (U. S.), Constitutions of Bavaria, Hesse, and Württemberg-Baden (1947), pp. 33–55.)

[Translation]

ARTICLE 46. The generally recognized rules of international law are binding integral parts of the law of the State. They are binding for the State and for the individual citizen.

The rights granted to foreigners by international law may be claimed by them, even though they are not set forth in State legislation.

8. Constitution of the Republic of Haiti, 23 December 1946

(*Le Moniteur*, 23 December 1946; translation based on R. H. Fitzgibbon, *The Constitutions of the Americas*, pp. 444–466.)

[Translation]

ARTICLE 1. The Republic of Haiti is one, indivisible, free, sovereign, independent, democratic, and social.

Port-au-Prince is its capital and the seat of its government.

All islands lying within the limits consecrated by international law, of which the principal ones are La Tortue, La Gonâve, l'Ile-à-Vache, les Cayemittes, la Navase, and la Grande Caye, from an integral part of the territory of the Republic, which territory is inviolable and cannot be alienated by any treaty or convention.

ARTICLE 10. The right of [owning] real property is granted to aliens resident in Haiti and to foreign corporations for their dwelling needs.

However, an alien resident in Haiti may not, in any case, become owner of more than one place of habitation in a locality. He may not, in any case, engage in the business of renting real property.

The right of [owning] real property is likewise granted to