



# **COMPILATION OF CONSTITUTIONAL AND LEGISLATIVE PROVISIONS ON TREATY PRACTICE OF JAPAN**

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## IMPORTANT NOTES

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This document was last amended in December 2012.

## **The Constitution of Japan, 1946**

[Extracts of relevant provisions]

...

### **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:

**(1)** Promulgation of amendments of the constitution, laws, cabinet orders and treaties.

...

**(8)** Attestation of instruments of ratification and other diplomatic documents as provided for by law.

...

### **Article 31:**

No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

...

### **Article 41:**

The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.

...

### **Article 60:**

The budget must first be submitted to the House of Representatives.

...

- (2) Upon consideration of the budget, when the House of Councillors 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, provided for by law, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives shall be the decision of the Diet.

**Article 61:**

The second paragraph of the preceding Article applies also to the Diet approval required for the conclusion of treaties.

...

**Article 73:**

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

...

- (2) Manage foreign affairs.
- (3) 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.

...

- (2) The treaties concluded by Japan and established laws of nations shall be faithfully observed.

**Note:**

The full text of Japan's 1946 Constitution both in English translation and as officially adopted in the Japanese language can be accessed on the official website of Japan's National Diet Library:

- <http://www.ndl.go.jp/constitution/e/etc/c01.html>
- <http://www.ndl.go.jp/constitution/etc/j01.html#s1>