

FRANCE

CCPR OPTIONAL PROTOCOL

RESERVATIONS AND DECLARATIONS

(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)

Declaration:

France interprets article 1 of the Protocol as giving the Committee the competence to receive and consider communications from individuals subject to the jurisdiction of the French Republic who claim to be victims of a violation by the Republic of any of the rights set forth in the Covenant which results either from acts, omissions, developments or events occurring after the date on which the Protocol entered into force for the Republic, or from a decision relating to acts, omissions, developments or events after that date. With regard to article 7, France's accession to the Optional Protocol should not be interpreted as implying any change in its position concerning the resolution referred to in that article.

Reservation:

France makes a reservation to article 5, paragraph 2(a), specifying that the Human Rights Committee shall not have competence to consider a communication from an individual if the same matter is being examined or has already been considered under another procedure of international investigation or settlement.

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

(Ed. note: for the text targeted by the following objections, see the Reservations and Declarations of the State which is the subject of the objection)

28 January 2000

With regard to the reservation made by Guyana upon accession:

... While article 12, paragraph 1, of the Protocol provides that any State Party may denounce the Protocol "at any time", with the denunciation taking effect "three months after the date of receipt of the notification by the Secretary-General", denunciation of the Protocol may not in any case be used by a State Party for the purpose of formulating reservations to the Covenant well after the party has signed, ratified or acceded thereto. Such a practice would call into question international commitments by a sort of abuse of process; it would be a clear violation of the principle of good faith that prevails in international law and would be incompatible with the rule of *pacta sunt servanda*. The means used (denunciation and accession on the same day to the same instrument but

with a reservation) cannot but elicit a negative reaction.

Consequently, the Government of the French Republic expresses its objection to the reservation made by Guyana.

Note

The Government of Trinidad and Tobago acceded to the Optional Protocol on 14 November 1980. On 26 May 1998 the Government of Trinidad and Tobago informed the Secretary-General of its decision to denounce the Optional Protocol with effect from 26 August 1998. On 26 August 1998, the Government of Trinidad and Tobago re-acceded to the Optional Protocol with a reservation. On 27 March 2000, the Government of Trinidad and Tobago notified the Secretary-General that it had decided to denounce the Optional Protocol for the second time with effect from 27 June 2000.

The Secretary-General received communications from the following States on the dates indicated hereinafter:

...

France (9 September 1999):

[...]While article 12, paragraph 1, of the Protocol provides that any State Party may denounce the Protocol "at any time" and that the denunciation shall take effect "three months after the date of receipt of the notification by the Secretary-General", the denunciation of the Protocol may in no case be used by a State Party for the sole purpose of formulating reservations to that instrument after having signed, ratified or acceded to it. Such a practice would undermine international commitments by constituting a form of misuse of procedure, would be manifestly contrary to the principle of good faith prevailing in international law and would contravene the rule of *pacta sunt servanda*. The means used (denunciation and accession on the same day to the same instrument, but with a reservation) cannot but prompt a negative reaction, irrespective of the doubts which may arise as to the compatibility of this reservation with the goal and purpose of the treaty.

Consequently, the Government of the French Republic expresses its disapproval of the reservation formulated by Trinidad and Tobago.

...

(Note 1, Chapter IV.5, Multilateral Treaties Deposited with the Secretary-General)