

KUWAIT

CCPR

RESERVATIONS AND DECLARATIONS

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

Interpretative declaration regarding article 2, paragraph 1, and article 3:

Although the Government of Kuwait endorses the worthy principles embodied in these two articles as consistent with the provisions of the Kuwait Constitution in general and of its article 29 in particular, the rights to which the articles refer must be exercised within the limits set by Kuwaiti law.

Interpretative declaration regarding article 23:

The Government of Kuwait declares that the matters addressed by article 23 are governed by personal-status law, which is based on Islamic law. Where the provisions of that article conflict with Kuwaiti law, Kuwait will apply its national law.

Reservations concerning article 25 (b):

The Government of Kuwait wishes to formulate a reservation with regard to article 25(b). The provisions of this paragraph conflict with the Kuwaiti electoral law, which restricts the right to stand and vote in elections to males.

It further declares that the provisions of the article shall not apply to members of the armed forces or the police.

OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

Finland, 25 July 1997

With regard to declarations and the reservation made by Kuwait:

"The Government of Finland notes that according to the interpretative declarations the application of certain articles of the Covenant is in a general way subjected to national law. The Government of Finland considers these interpretative declarations as reservations of a general kind.

The Government of Finland is of the view that such general reservations raise doubts as to the commitment of Kuwait to the object and purpose of the Covenant and would recall that a reservation incompatible with the object and purpose of the Covenant shall not be permitted. As regards the

reservation made to article 25 (b), the Government of Finland wishes to refer to its objection to the reservation made by Kuwait to article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women.

It is the common interest of States that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Finland is further of the view that general reservations of the kind made by the Government of Kuwait, which do not clearly specify the extent of the derogation from the provisions of the covenant, contribute to undermining the basis of international treaty law.

The Government of Finland therefore objects to the aforesaid reservations made by the Government of Kuwait to the [said Covenant] which are considered to be inadmissible.

This objection does not preclude the entry into force in its entirety of the Covenant between Kuwait and Finland."

Germany, 10 July 1997

With regard to declarations and the reservation made by Kuwait:

["The Government of the Federal Republic of Germany notes that article 2 (2) and article 3 have been made subject to the general reservation of national law. It is of the view that these general reservations may raise doubts as to the commitment of Kuwait to the object and purpose of the Covenant.

The Government of the Federal Republic of Germany regards the reservation concerning article 8 (1) (d), in which the Government of Kuwait reserves the right not to apply the right to strike expressly stated in the Covenant, as well as the interpretative declaration regarding article 9, according to which the right to social security would only apply to Kuwaitis, as being problematic in view of the object and purpose of the Covenant. It particularly feels that the declaration regarding article 9, as a result of which the many foreigners working on Kuwaiti territory would, on principle, be totally excluded from social security protection, cannot be based on article 2 (3) of the Covenant.

It is in the common interest of all parties that a treaty should be respected, as to its object and purpose, by all parties.

The Government of the Federal Republic of Germany therefore objects to the [said] general reservations and interpretative declarations.

This objection does not preclude the entry into force of the Covenant between Kuwait and the

Federal Republic of Germany."]

(Chapter IV.3, Multilateral Treaties Deposited with the Secretary-General)

Netherlands, 22 July 1997

With regard to the declarations and the reservation made by Kuwait:

[Same objection identical in essence, mutatis mutandis as the one made for Algeria.]

[Ed. note: as follows:

With regard to the interpretative declaration made by Algeria concerning article 13, paragraphs 3 and 4:

"In the opinion of the Government of the Kingdom of the Netherlands, the interpretative declaration concerning article 13, paragraphs 3 and 4 of the International Covenant on Economic, Social and Cultural Rights must be regarded as a reservation to the Covenant. From the text and history of the Covenant it follows that the reservation with respect to article 13, paragraphs 3 and 4 made by the Government of Algeria is incompatible with the object and purpose of the Covenant. The Government of the Kingdom of the Netherlands therefore considers the reservation unacceptable and formally raises an objection to it.

[This objection is] not an obstacle to the entry into force of [the Covenant] between the Kingdom of the Netherlands and Algeria."

(Chapter IV.3, Multilateral Treaties Deposited with the Secretary-General)

Norway, 22 July 1997

With regard to the declarations and the reservation made by Kuwait :

"In the view of the Government of Norway, a statement by which a State Party purports to limit its responsibilities by invoking general principles of internal law may create doubts about the commitment of the reserving State to the objective and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. Under well-established treaty law, a State is not permitted to invoke internal law as justification for its failure to perform its treaty obligations. Furthermore, the Government of Norway finds the reservations made to article 8, paragraph 1 (d) and article 9 as being problematic in view of the object and purpose of the Covenant. For these reasons, the Government of Norway objects to the said reservations made by the Government of Kuwait.

The Government of Norway does not consider this objection to preclude the entry into force of the Covenant between the Kingdom of Norway and the State of Kuwait.”

Sweden, 23 July 1997

With regard to the declarations and the reservation made by Kuwait:

"The Government of Sweden notes that the interpretative declarations regarding article 2, paragraph 1, article 3 and 23 imply that central provisions of the Covenant are being made subject to a general reservation referring to the contents of national law. The Government of Sweden further notes that the reservation concerning article 25 (b) is contrary to the object and purpose of the Covenant.

The Government of Sweden is of the view that these interpretative declarations and this reservation raise doubts as to the commitment of Kuwait to the object and purpose of the Covenant.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose by all parties, and that states are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid interpretative declarations and reservation made by the Government of Kuwait upon accession to the [said Covenant].

This objection does not preclude the entry into force in its entirety of the Covenant between Kuwait and Sweden."