

LESOTHO

CEDAW

RESERVATIONS AND DECLARATIONS

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

Reservation:

"The Government of the Kingdom of Lesotho declares that it does not consider itself bound by article 2 to the extent that it conflicts with Lesotho's constitutional stipulations relative to succession to the throne of the Kingdom of Lesotho and law relating to succession to chieftainship.

Note

On 25 August 2004, the Government of Lesotho informed the Secretary-General that it had decided to modify its reservation. The original reservation made upon ratification reads as follows:

"The Government of the Kingdom of Lesotho declares that it does not consider itself bound by article 2 to the extent that it conflicts with Lesotho's constitutional stipulations relative to succession to the throne of the Kingdom of Lesotho and law relating to succession to chieftainship. The Lesotho Government's ratification is subject to the understanding that none of its obligations under the Convention especially in article 2 (e), shall be treated as extending to the affairs of religious denominations. Furthermore, the Lesotho Government declares it shall not take any legislative measures under the Convention where those measures would be incompatible with the Constitution of Lesotho."

(Note 32, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)

OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

Finland, 1 November 1996

With regard to the reservations made by Lesotho upon ratification:

[Same objection, mutatis mutandis, as the one made for Malaysia.]

[Ed. note: as follows:

With regard to the reservations made by Malaysia upon accession:

"The reservations made by Malaysia, consisting of a general reference to religious and national law without specifying the contents thereof and without stating unequivocally the

provisions the legal effect of which may be excluded or modified, do not clearly define to the other Parties of the Convention the extent to which the reserving State commits itself to the Convention and therefore creates serious doubts about the commitment of the reserving State to fulfill its obligations under the Convention. Reservations of such unspecified nature may contribute to undermining the basis of international human rights treaties.

The Government of Finland also recalls that the reservations of Malaysia are subject to the general principles of observance of treaties according to which a party may not invoke the provisions of its internal law as justification for failure to perform its treaty obligations. It is in the common interest of States that Parties to international treaties are prepared to take the necessary legislative changes in order to fulfil the object and purpose of the treaty.

Furthermore, the reservations made by Malaysia, in particular to articles 2 (f) and 5 (a), are two fundamental provisions of the Convention the implementation of which is essential to fulfilling its object and purpose.

The Government of Finland considers that in their present formulation the reservations made by Malaysia are clearly incompatible with the object and purpose of the said Convention and therefore inadmissible under article 28, paragraph 2, of the said Convention. In view of the above, the Government of Finland objects to these reservations and notes that they are devoid of legal effect."]

Netherlands, 1 November 1996

With regard to the reservations made by Fiji upon accession and Lesotho upon ratification:

[Same objection, mutatis mutandis, as the one made for Malaysia.]

[Ed. note: as follows:

With regard to the reservations made by Malaysia upon accession:

"The Government of the Kingdom of the Netherlands considers ... that such reservations, which seeks to limit the responsibilities of the reserving State under the Convention by invoking the general principles of national law and the Constitution, may raise doubts as to the commitment of this State to the object and purpose of the Convention and, moreover contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties should be respected, as to object and purpose, by all parties.

The Government of the Kingdom of the Netherlands further considers that the reservations made by Malaysia regarding article 2 (f), article 5 (a), article 9 and article 16 of the

Convention are incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands therefore objects to the above-mentioned reservations. This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Malaysia."]

Norway, 30 October 1996

With regard to the reservations made by Lesotho upon ratification:

[Same objection, mutatis mutandis, as the one made for Maldives.]

[*Ed. note: as follows:*

With regard to the reservations made by Maldives upon accession:

"In the view of the Government of Norway, a reservation by which a State party limits its responsibilities under the Convention by invoking general principles of internal law may create doubts about the commitments of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermine the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties also are respected, as to their object and purpose, by all parties. Furthermore, under well established international treaty law, a State is not permitted to invoke internal law as justification for its failure to perform its treaty obligations. For these reasons, the Government of Norway objects to Maldives reservations.

The Government of Norway does not consider this objection to constitute an obstacle to the entry into force of the above-stated Convention between the Kingdom of Norway and the Republic of Maldives."]

Note

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...[O]n 12 February 1997, the Secretary-General received from the Government of Denmark the following communication with regard to reservations made by Kuwait upon ratification:

"The Government of Denmark finds that the said reservations are covering central provisions of the Convention. Furthermore it is a general principle of international law that internal law may not be invoked as justification for failure to perform treaty obligations. The Government of Denmark finds that the reservations are incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law. Consequently, the Government of Denmark

objects to these reservations.

It is the opinion of the Government of Denmark that no time limit applies to objections against reservations, which are inadmissible under international law.

The Convention remains in force in its entirety between Kuwait and Denmark.

The Government of Denmark recommends the Government of Kuwait to reconsider its reservations to the [said] Convention."

On that same date, the Secretary-General also received from the Government of Denmark, communications, identical in essence, mutatis mutandis, as the one made for Kuwait, with regard to reservations made by Lesotho (see also note 39)...

(Note 31, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)