

NORWAY

CESCR

RESERVATIONS AND DECLARATIONS

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

Subject to reservations to article 8, paragraph 1 (d) "to the effect that the current Norwegian practice of referring labour conflicts to the State Wages Board (a permanent tripartite arbitral commission in matters of wages) by Act of Parliament for the particular conflict, shall not be considered incompatible with the right to strike, this right being fully recognised in Norway."

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

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

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. □

23 April 2002

With regard to the statement made by China made upon ratification:

"The Government of Norway has examined the statement made by the People's Republic of China upon ratification of the International Covenant on Economic, Social and Cultural Rights.

It is the Government of Norway's position that the statement made by China in substance constitutes a reservation, and consequently can be made subject to objections.

According to the first paragraph of the statement, the application of Article 8.1(a) of the Covenant shall be consistent with relevant provisions of national legislation. This reference to national legislation, without further description of its contents, exempts the other States Parties from the possibility of assessing the intended effects of the statement. Further, the contents of the relevant provision is not only in itself of fundamental importance, as failure to implement it can also contribute to a less effective implementation of other provisions of the Covenant, such as Articles 6 and 7.

For these reasons, the Government of Norway objects to the said part of the statement made by the People's Republic of China, as it is incompatible with the object and purpose of the Covenant.

This objection does not preclude the entry into force in its entirety of the Covenant between the Kingdom of Norway and the People's Republic of China. The Covenant thus becomes operative between Norway and China without China benefiting from the reservation."

17 November 2005

With regard to the declaration made by Pakistan upon signature:

"The Government of the Kingdom of Norway have examined the Declaration made by the Government of the Islamic Republic of Pakistan on 3 November 2004 on signature of the International Covenant on Economic, Social and Cultural Rights (New York, 16 December 1966). According to the first part of the Declaration, the Government of the Islamic Republic of Pakistan "will implement the (...) provisions (embodied in the Covenant) in a progressive manner, in keeping with the existing economic conditions and the development plans of the country". Since some fundamental obligations embodied in the Covenant, including in particular the principle of non-discrimination found in Article 2 (2) thereof, are not susceptible to progressive implementation and are thus to be guaranteed immediately, the Government of the Kingdom of Norway consider that this part of the Declaration represents a significant qualification of Pakistan's commitment to guarantee the provisions embodied in the Covenant.

According to the second part of the Declaration, "(t)he provisions of the Covenant shall, however, be subject to the provisions of the constitution of the Islamic Republic of Pakistan. "The Government of the Kingdom of Norway note that a general reference to national law without

specifying its contents does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention.

The Government of the Kingdom of Norway consider that both parts of the Government of the Islamic Republic of Pakistan's Declaration seek to limit the scope of the Covenant on a unilateral basis and therefore constitute reservations. The Government of the Kingdom of Norway consider both reservations to be incompatible with the object and purpose of the Covenant, and therefore object to the reservations made by the Government of the Islamic Republic of Pakistan.

This objection does not preclude the entry into force in its entirety of the Covenant between the Kingdom of Norway and the Islamic Republic of Pakistan, without the Islamic Republic of Pakistan benefiting from its reservations."