

PORTUGAL

CRC

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

(Unless otherwise indicated, the objections were made upon ratification, accession or succession)

(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)

15 July 1992

With regard to the reservations made by Myanmar upon accession, by Bangladesh, Djibouti, Indonesia, Kuwait and Pakistan upon ratification and by Turkey upon signature:

"The Government of Portugal considers that reservations by which a State limits its responsibilities under the Convention by invoking general principles of National Law may create doubts on the commitments of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of International Law. It is in the common interest of States that treaties to which they have chosen to become parties also are respected, as to object and purpose, by all parties. The Government of Portugal therefore objects to the reservations.

This objection shall not constitute an obstacle to the entry into force of the Convention between Portugal and Myanmar.

The Government of Portugal furthermore notes that, as a matter of principle, the same objection could be made to the reservations presented by Bangladesh, Djibouti, Indonesia, Kuwait, Pakistan and Turkey."

Subsequently, the Secretary-General received, from the Government of the Portugal, objections of the same nature as the one above with regard to reservations made by the following States on the dates indicated hereinafter:

- 13 December 1994: with regard to the reservation made by Islamic Republic of Iran upon ratification;
- 4 December 1995: with regard to the reservation made by Malaysia upon accession;
- 11 January 1996: with regard to the reservation made by Qatar upon ratification;
- 30 January 1997: with regard to reservations made by Brunei Darussalam, Kiribati and Saudi Arabia upon accession.

Note

On 3 December 1996, the Secretary-General received from the Government of Portugal the following communication regarding the reservation made by Singapore:

[Same text, mutatis mutandis, as the one made with regard to Myanmar under "Objections".]

[*Ed. note: as follows:*

15 July 1992

With regard to the reservations made by Myanmar upon accession, by Bangladesh, Djibouti, Indonesia, Kuwait and Pakistan upon ratification and by Turkey upon signature:

"The Government of Portugal considers that reservations by which a State limits its responsibilities under the Convention by invoking general principles of National Law may create doubts on the commitments of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of International Law. It is in the common interest of States that treaties to which they have chosen to become parties also are respected, as to object and purpose, by all parties. The Government of Portugal therefore objects to the reservations.

This objection shall not constitute an obstacle to the entry into force of the Convention between Portugal and Myanmar.]

(*Note 49, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General*)

TERRITORIAL APPLICATION

Note

On 27 April 1999, the Government of Portugal informed the Secretary-General that the Convention would apply to Macau.

Subsequently, the Secretary-General received communications concerning the status of Macau from China and Portugal (see note 3 under "China" and note 1 under "Portugal" regarding Macau in the "Historical Information" section in the front matter of [*the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].).*

[*Ed. note: Note 3 under China is as follows:*

China

Note 3

By a notification dated 13 December 1999, the Government of the People's Republic of China informed the Secretary-General of the status of Macao in relation to treaties deposited with the Secretary-General. The notification, in pertinent part, reads as follows:

"In accordance with the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macao signed on 13 April 1987 (hereinafter referred to as the Joint Declaration), the Government of the People's Republic of China will resume the exercise of sovereignty over Macao with effect from 20 December 1999. Macao will from that date, become a Special Administrative Region of the People's Republic of China. [For the full text of the Joint Declaration of the Government of the Portuguese Republic and the Government of the People's Republic of China on the Question of Macao, 13 April 1987, see United Nation Treaty Series volume No. 1498, p. 229 (registration number I-25805)]."

It is provided in Section 1 of Elaboration by the Government of the People's Republic of China of its Basic Policies Regarding Macao, which is Annex 1 to the Joint Declaration, and in Article 12, 13 and 14 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China (hereinafter referred to as the Basic Law), which was adopted by the National People's Congress of the People's Republic of China on 31 March 1993, that the Macao Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government of the People's Republic of China. Furthermore, it is provided both in Section VIII of Annex 1 of the Joint Declaration and Article 138 of the Basic Law that international agreements to which the People's Republic of China is not yet a party but which are implemented in Macao may continue to be implemented in the Macao Special Administrative Region.

In this connection, on behalf of the Government of the People's Republic of China, I have the honour to inform your Excellency that:

I. The treaties listed in Annex I to this Note [herein below], to which the People's Republic of China is a Party, will be applied to the Macao Special Administrative Region with effect from 20 December 1999 so long as they are one of the following categories:

(i) Treaties that apply to Macao before 20 December 1999;

(ii) Treaties that must apply to the entire territory of a state as they concern foreign affairs or defence or their nature or provision so require.

II. The Treaties listed in Annex II to this Note, to which the People's Republic of China is not yet a Party and which apply to Macao before 20 December 1999, will continue to apply to the Macao Special Administrative Region with the effect from 20 December 1999.

III. The Government of the People's Republic of China has notified the treaty depositaries concerned of the application of the treaties including their amendments and protocols listed in the aforesaid Annexes as well as reservations and declarations made thereto by the Chinese

Government to the Macao Special Administrative Region with effect from 20 December 1999.

IV. With respect to other treaties that are not listed in the Annexes to this Note, to which the People's Republic of China is or will become a Party, the Government of the People's Republic of China will go through separately the necessary formalities for their application to the Macao Special Administrative Region if it so decided."

The treaties listed in Annexes I and II, referred to in the notification, are reproduced below.

Information regarding reservations and/or declarations made by China with respect to the application of treaties to the Macao Special Administrative Region can be found in the footnotes to the treaties concerned as published herein. Footnote indicators are placed against China's entry in the status list of those treaties.

Moreover, with regard to treaty actions undertaken by China after 1 July 1997, the Chinese Government confirmed that the territorial scope of each treaty action would be specified. As such, declarations concerning the territorial scope of the relevant treaties with regard to the Macao Special Administrative Region can be found in the footnotes to the treaties concerned as published herein. Footnote indicators are placed against China's entry in the status list of those treaties.

Annex I

(The treaties appear in the order as they are provided in these volumes.)

...

Human Rights:

- International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966;

- Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979;

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984;

- Convention on the Rights of the Child, 20 November 1989.

...]

[Ed. note: Note 1 under Portugal is as follows:

Portugal

Note 1

On 18 November 1999, the Secretary-General received from the Government of Portugal, the

following communication:

"In accordance with the Joint Declaration of the Government of the Portuguese Republic and the Government of the People's Republic of China on the Question of Macau signed on 13 April 1987, the Portuguese Republic will continue to have international responsibility for Macau until 19 December 1999 and from that date onwards the People's Republic of China will resume the exercise of sovereignty over Macau with effect from 20 December 1999.

From 20 December 1999 onwards the Portuguese Republic will cease to be responsible for the international rights and obligations arising from the application of [Conventions] to Macau."

See also note 3 under "China". [Ed. note: reproduced immediately above]]

Upon resuming the exercise of sovereignty over Macau, China notified the Secretary-General that the Convention with the reservation made by China will also apply to the Macau Special Administrative Region.

(Note 4, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)