

# REPUBLIC OF KOREA

CCPR

## RESERVATIONS AND DECLARATIONS

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

Reservations:

The Government of the Republic of Korea [declares] that the provisions of [...] article 22 [...] of the Covenant shall be so applied as to be in conformity with the provisions of the local laws including the Constitution of the Republic of Korea.

Note

On 15 March 1991, 19 January 1993 and 2 April 2007, respectively, the Government of the Republic of Korea notified the Secretary-General of its decision to withdraw the reservations made in respect of article 23 (4) (with effect from 15 March 1991), of article 14 (7) (with effect from 21 January 1993) and of article 14 (5) (with effect from 2 April 2007) made upon accession.

*(Note 35, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)*

## OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

**Germany**, 28 May 1991

[The Federal Republic of Germany] interprets the declaration to mean that the Republic of Korea does not intend to restrict its obligations under article 22 by referring to its domestic legal system.

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**Netherlands**, 10 June 1991

"In the opinion of the Government of the Kingdom of the Netherlands it follows from the text and the history of the International Covenant on Civil and Political Rights that the reservations with respect to articles 14, paragraphs 5 and 7 and 22 of the Covenant made by the Government of the Republic of Korea are 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 objection to it. This objection is not an obstacle to the entry into force of this Covenant between the Kingdom of the Netherlands and the Republic of Korea."

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**United Kingdom of Great Britain and Northern Ireland, 24 May 1991**

"The Government of the United Kingdom have noted the statement formulated by the Government of the Republic of Korea on accession, under the title "Reservations". They are not however able to take a position on these purported reservations in the absence of a sufficient indication of their intended effect, in accordance with the terms of the Vienna Convention on the Law of Treaties and the practice of the Parties to the Covenant. Pending receipt of such indication, the Government of the United Kingdom reserve their rights under the Covenant in their entirety."

Note

...

[O]n 7 June 1991, the Government of Czechoslovakia had made the following objection:

"The Government of the Czech and Slovak Federal Republic considers the reservations entered by the Government of the Republic of Korea to the provisions of paragraphs 5 and 7 of article 14 and article 22 of the International Covenant on Civil and Political Rights as incompatible with the object and purpose of the Covenant. In the opinion of the Czechoslovak Government these reservations are in contradiction to the generally recognized principle of international law according to which a state cannot invoke the provisions of its own internal law as justification for its failure to perform a treaty.

"Therefore, the Czech and Slovak Federal Republic does not recognize these reservations as valid. Nevertheless the present declaration will not be deemed to be an obstacle to the entry into force of the Covenant between the Czech and Slovak Federal Republic and the Republic of Korea."

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*(Note 7, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)*

**DECLARATION RE: ARTICLE 41**

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

[The Government of the Republic of Korea] recognizes the competence of the Human Rights Committee under article 41 of the Covenant.