

SAUDI ARABIA

CERD

RESERVATIONS AND DECLARATIONS

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

Reservations:

[The Government of Saudi Arabia declares that it will] implement the provisions [of the above Convention], providing these do not conflict with the precepts of the Islamic Shariah.

The Kingdom of Saudi Arabia shall not be bound by the provisions of article (22) of this Convention, since it considers that any dispute should be referred to the International Court of Justice only with the approval of the States Parties to the dispute.

OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

Austria, 19 February 1998

With regard to the general reservation made by Saudi Arabia upon accession:

"Austria is of the view that a reservation by which a State limits its responsibilities under the Convention in a general and unspecified manner creates doubts as to the commitment of the Kingdom of Saudi Arabia with its obligations under the Convention, essential for the fulfilment of its objection and purpose. According to paragraph 2 of article 20 a reservation incompatible with the object and purpose of this Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become Parties are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

Austria is further of the view that a general reservation of the kind made by the Government of the Kingdom of Saudi Arabia, which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, contributes to undermining the basis of international treaty law.

According to international law a reservation is inadmissible to the extent as its application negatively affects the compliance by a State with its obligations under the Convention essential for the fulfilment of its object and purpose.

Therefore, Austria cannot consider the reservation made by the Government of the Kingdom of

Saudi Arabia as admissible unless the Government of the Kingdom of Saudi Arabia, by providing additional information or through subsequent practice, ensures that the reservation is compatible with the provisions essential for the implementation of the object and purpose of the Convention.

This view by Austria would not preclude the entry into force in its entirety of the Convention between the Kingdom of Saudi Arabia and Austria."

Finland, 6 February 1998

With regard to the general reservation made by Saudi Arabia upon accession:

"The Government of Finland is of the view that this general reservation raises doubts as to the commitment of Saudi Arabia to the object and purpose of the Convention and would recall that according to paragraph 2 of article 20 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted. The Government of Finland would also like to recall that according to the said paragraph a reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to the Convention object to it. 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 Finland is further of the view that general reservations of the kind made by Saudi Arabia, which do not clearly specify the provisions of the Convention to which they apply and the extent of the derogation therefrom, contribute to undermining the basis of international treaty law.

The Government of Finland therefore objects to the aforesaid general reservation made by the Government of Saudi Arabia to the [Convention].

Germany, 3 February 1998

With regard to the general reservation made by Saudi Arabia upon accession:

The Government of the Federal Republic of Germany is of the view that this reservation may raise doubts as to the commitment of Saudi Arabia to the object and purpose of the Convention.

The Government of the Federal Republic of Germany would like to recall that, according to paragraph 2 of article 20 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Federal Republic of Germany therefore objects to the said reservation.

The objection does not preclude the entry into force of the Convention between Saudi Arabia and the Federal Republic of Germany.

Netherlands, 3 February 1998

With regard to the general reservation made by Saudi Arabia upon accession:

[Same objection, identical in essence, as the one made for Yemen.]

[Ed. note: as follows:

[25 July 1989

With regard to reservations made by Yemen concerning article 5 (c) and article 5 (d) (iv), (vi) and (vii):

"The Kingdom of the Netherlands objects to the above-mentioned reservations, as they are incompatible with object and purpose of the Convention.

These objections are not an obstacle for the entry into force of this Convention between the Kingdom of the Netherlands and Yemen."]

Norway, 6 February 1998

With regard to the general reservation made by Saudi Arabia upon accession:

"The Government of Norway considers that the reservation made by the Government of Saudi Arabia, due to its unlimited scope and undefined character, is contrary to the object and purpose of the Convention, and thus impermissible under article 20, paragraph 2, of the Convention. Under well-established treaty law, a State party may not invoke the provisions of its internal law as justification for its failure to perform treaty obligations. For these reasons, the Government of Norway objects to the reservation made by the Government of Saudi Arabia.

The Government of Norway does not consider this objection to preclude the entry into force of the Convention between the Kingdom of Norway and the Kingdom of Saudi Arabia."

Spain, 18 September 1998

With regard to the general reservation made by Saudi Arabia upon accession:

The Government of Spain considers that, given its unlimited scope and undefined nature, the reservation made by the Government of Saudi Arabia is contrary to the object and purpose of the Convention and therefore inadmissible under article 10, paragraph 2, of the Convention. Under the generally accepted law of treaties, a State party may not invoke the provisions of its domestic law as a justification for failure to perform its treaty obligations. The Government of Spain therefore formulates an objection to the reservation made by the Government of Saudi Arabia. The Government of Spain does not consider that this objection constitutes an obstacle to the entry into force of the Convention between the Kingdom of Spain and the Kingdom of Saudi Arabia.

Sweden, 27 January 1998

With regard to the general reservation made by Saudi Arabia upon accession:

"The Government of Sweden notes that the said reservation is a reservation of a general kind in respect of the provisions of the Convention which may be in conflict with the precepts of the Islamic Shariah .

The Government of Sweden is of the view that this general reservation raises doubts as to the commitment [of] Saudi Arabia to the object and purpose of the Convention and would recall that, according to article 20, paragraph 2, of the Convention, a reservation incompatible with the object and purpose of this Convention shall not be permitted..

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 is further of the view that general reservations of the kind made by the Government of Saudi Arabia, which do not clearly specify the provisions of the Convention to which they apply and the extent of the derogation therefrom, contribute to undermining the basis of international treaty law.

The Government of Sweden therefore objects to the aforesaid general reservation made by the Government of Saudi Arabia to the [said Convention].

This objection does not preclude the entry into force of the Convention between Saudi Arabia and Sweden. The Convention will thus become operative between the two states without Saudi Arabia benefitting from this reservation."