

## SWEDEN

### CERD

#### OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

*(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)*

5 July 1989

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

"Article 5 contains undertakings, in compliance with the fundamental obligations laid down in article 2 of the Convention, to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the rights enumerated in the article.

The Government of Sweden has come to the conclusion that the reservations made by Yemen are incompatible with the object and purpose of the Convention and therefore are impermissible according to article 20, paragraph 2 of the Convention. For this reason the Government of Sweden objects to these reservations. This objection does not have the effect of preventing the Convention from entering into force between Sweden and Yemen, and the reservations cannot alter or modify, in any respect, the obligations arising from the Convention."

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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."

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14 January 2003

With regard to declarations made by Turkey upon ratification:

The Government of Sweden has examined the declarations made by Turkey upon ratifying the International Convention on the Elimination of All Forms of Racial Discrimination.

Paragraph 1 of the declaration states that Turkey will implement the provisions of the Convention only to the States Parties with which it has diplomatic relations. This statement in fact amounts, in the view of the Government of Sweden, to a reservation. The reservation makes it unclear to what extent the Turkey considers itself bound by the obligations of the Convention. In absence of further clarification, therefore, the reservation raises doubts as to the commitment of Turkey to the object and purpose of the Convention.

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. According to article 20 of the International Convention on the Elimination of All Forms of Racial Discrimination, a reservation incompatible with the object and purpose of the convention shall not be permitted.

The Government of Sweden objects to the said reservation made by the Government of Turkey to the International Convention on the Elimination of All Forms of Racial Discrimination.

This objection does not preclude the entry into force of the Convention between Turkey and Sweden. The Convention enters into force in its entirety between the two States, without Turkey benefitting from its reservation.

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27 January 2004

With regard to the interpretative declaration made by Thailand upon ratification:

"The Government of Sweden has examined the general interpretative declaration made by the Kingdom of Thailand upon acceding to the International Convention on the Elimination of All Forms of Racial Discrimination.

The Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. The Government of Sweden considers that the interpretative declaration made by the Kingdom of Thailand in substance constitutes a reservation.

The Government of Sweden notes that the application of the Convention is being made subject to a general reservation referring to the confines of national legislation, without specifying its contents. Such a reservation makes it unclear to what extent the reserving state considers itself bound by the obligations of the Convention. The reservation made by the Kingdom of Thailand therefore raises doubts as to the commitment of the Kingdom of Thailand to the object and purpose of the Convention. In addition, according to the Vienna Convention on the Law of Treaties, a party to a treaty may not invoke the provisions of its internal law as justification for its failure to abide by the treaty.

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. According to customary law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

The Government of Sweden therefore objects to the aforesaid reservation made by the Kingdom of Thailand to the International Convention on the Elimination of All Forms of Racial Discrimination.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Thailand and Sweden. The Convention enters into force between the two States, without the Kingdom of Thailand benefitting from this reservation."

**DECLARATION RE: ARTICLE 14**

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

"Sweden recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within the

jurisdiction of Sweden claiming to be victims of a violation by Sweden of any of the rights set forth in the Convention, with the reservation that the Committee shall not consider any communication from an individual or a group of individuals unless the Committee has ascertained that the same matter is not being examined or has not been examined under another procedure of international investigation or settlement."