

BRUNEI DARUSSALAM

CEDAW

RESERVATIONS AND DECLARATIONS

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

Reservations:

“The Government of Brunei Darussalam expresses its reservations regarding those provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the official religion of Brunei Darussalam and, without prejudice to the generality of the said reservations, expresses its reservations regarding paragraph 2 of Article 9 and paragraph 1 of Article 29 of the Convention.”

OBJECTIONS MADE TO STATE PARTY’S RESERVATIONS AND DECLARATIONS

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

Austria, 18 December 2006

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of Austria has examined the reservations made by the Government of Brunei Darussalam upon accession to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of Austria finds that the reservation to article 9, paragraph 2 would inevitably result in discrimination against women on the basis of sex. This is contrary to the object and purpose of the Convention.

The Government of Austria further considers that, in the absence of further clarification, the reservation "regarding those provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam" does not clearly specify its extent and therefore raises doubts as to the degree of commitment assumed by Brunei Darussalam in becoming a party to the Convention.

The Government of Austria would like to recall that, according to article 28, paragraph 2 of the Convention as well as customary international 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.

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.

For these reasons, the Government of Austria objects to the aforementioned reservations made by Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women.

This position however does not preclude the entry into force in its entirety of the Convention between Brunei Darussalam and Austria."

Belgium, 30 April 2007

With regard to the reservations made by Brunei Darussalam upon accession:

Belgium has carefully examined the reservation formulated by Brunei Darussalam when it acceded, on 24 May 2006, to the Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979. Belgium notes that the reservation formulated with respect to article 9, paragraph 2, concerns a fundamental provision of the Convention and is therefore incompatible with the object and purpose of that instrument.

In addition, the reservation makes the implementation of the Convention's provisions contingent upon their compatibility with the Constitution of Brunei Darussalam and the beliefs and principles of Islam, the official religion of Brunei Darussalam. This creates uncertainty as to which of its obligations under the Convention Brunei Darussalam intends to observe and raises doubts as to Brunei Darussalam's respect for the object and purpose of the Convention.

Belgium recalls that, under article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted. It is in the common interest for all parties to respect the treaties to which they have acceded and for States to be willing to enact such legislative amendments as may be necessary in order to fulfil their treaty obligations. Under customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted (article 19 (c)).

In consequence, Belgium objects to the reservation formulated by Brunei Darussalam with respect to the Convention on the Elimination of All Forms of Discrimination against Women. This objection shall not preclude the entry into force of the Convention between the Kingdom of Belgium and Brunei Darussalam. The Convention shall enter into force in its entirety, without Brunei Darussalam benefiting from its reservation.

Canada, 14 June 2007

With regard to the reservations made by Brunei Darussalam upon accession:

"Canada has carefully examined the reservation formulated by Brunei Darussalam when it acceded, on 24 May 2006, to the Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979.

Canada notes that the reservation formulated with respect to article 9, paragraph 2, concerns a fundamental provision of the Convention and is therefore incompatible with the object and purpose of that instrument.

In addition, the reservation makes the implementation of the Convention's provisions contingent upon their compatibility with the Constitution of Brunei Darussalam and the beliefs and principles of Islam, the official religion of Brunei Darus salam. The Government of Canada notes that such general reservation of unlimited scope and undefined character does not clearly define for the other States Parties to the Convention the extent to which Brunei Darussalam has accepted the obligations of the Convention and creates serious doubts as to the commitment of the State to fulfil its obligations under the Convention. Accordingly, the Government of Canada considers this reservation to be incompatible with the object and purpose of the Convention.

It is in the common interest of States that treaties to which they have chosen to become party 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.

Canada recalls that, under article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted.

Under customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted.

In consequence, Canada objects to the reservation formulated by Brunei Darussalam with respect to the Convention on the Elimination of All Forms of Discrimination against Women. This objection shall not preclude the entry into force of the Convention between Canada and Brunei Darussalam. The Convention shall enter into force in its entirety, without Brunei Darussalam benefiting from its reservation."

Czech Republic, 11 April 2007

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of the Czech Republic has examined the reservations made by the Government of Brunei Darussalam upon accession to the Convention on the Elimination of All Forms of Discrimination against Women regarding Article 9 paragraph 2 and those provisions of the Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam.

The Government of the Czech Republic notes that a reservation to a Convention which consists of 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. Furthermore, the reservation made to Article 9 paragraph 2, if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary 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 28 paragraph 2 of the Convention and according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Czech Republic therefore objects to the aforesaid reservations made by the Government of Brunei Darussalam to the Convention. This objection shall not preclude the entry into force of the Convention between the Czech Republic and Brunei Darussalam. The Convention enters into force in its entirety between the Czech Republic and Brunei Darussalam, without Brunei Darussalam benefiting from its reservation."

Denmark, 6 October 2006

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of Denmark has examined the reservations made by the Government of Brunei Darussalam upon accession to the Convention on the Elimination of all Forms of Discrimination Against Women regarding article 9 (2) and all provisions of the Convention not in accordance with the principles of Islam.

The Government of Denmark finds that the general reservation made by the Government of Brunei Darussalam with reference to the principles of Islam is of unlimited scope and undefined character. The Government of Denmark furthermore notes that the reservation to article 9 (2) would inevitably result in the discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. Consequently, the Government of Denmark considers the said

reservations to be incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law.

The Government of Denmark wishes to recall that, according to article 28 (2) of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Denmark therefore objects to the aforementioned reservations made by the Government of Brunei Darussalam to the Convention on the Elimination of all Forms of Discrimination Against Women. This shall not preclude the entry into force of the Convention in its entirety between Brunei Darussalam and Denmark.

The Government of Denmark recommends the Government of Brunei Darussalam to reconsider its reservations to the Convention on the Elimination of all Forms of Discrimination Against Women."

Estonia, 4 December 2006

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of the Republic of Estonia has carefully examined the reservations made by the Government of Brunei Darussalam to Article 9, paragraph 2 of the Convention on the Elimination of all Forms of Discrimination Against Women.

The reservation to Article 9, paragraph 2, if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention.

Furthermore, the reservation made by Brunei Darussalam makes a general reference to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam. The Government of Estonia is of the view that in the absence of further clarification, the reservation makes it unclear to what extent the State of Brunei Darussalam considers itself bound by the obligations of the Convention and therefore raises concerns as to the commitment of the State of Brunei Darussalam to the object and purpose of the Convention.

According to Article 28, paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Estonia therefore objects to the reservation to Article 9, paragraph 2, and to the general reservation regarding the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, made by the Government of Brunei Darussalam to the Convention on the Elimination of all Forms of Discrimination Against Women.

This objection shall not preclude the entry into force of the Convention on the Elimination of all

Forms of Discrimination Against Women as between the Republic of Estonia and the State of Brunei Darussalam."

Finland, 27 February 2007

With regard to the reservations made Brunei Darussalam upon accession:

The Government of Finland has carefully examined the contents of the general reservation made by the Government of Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women and the specific reservation concerning paragraph 2 of Article 9 of the Convention.

The Government of Finland recalls that by acceding to the Convention, a State commits itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women.

The Government of Finland notes that a reservation which consists of a general reference to religious or other national law without specifying its contents does not clearly define to other Parties to the Convention the extent to which the reserving State commits itself to the Convention and creates serious doubts as to the commitment of the receiving State to fulfil its obligations under the Convention. Such reservations are, furthermore, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

The Government of Finland also notes that the specific reservation made by Brunei Darussalam concerning paragraph 2 of Article 9 aims to exclude one of the fundamental obligations under the Convention and is therefore in contradiction with the object and purpose of the Convention.

The Government of Finland also recalls Part VI, Article 28 of the Convention, according to which reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of Finland therefore objects to the above -mentioned reservations made by the Government of Brunei Darussalam to the Convention. This objection does not preclude the entry into force of the Convention between Brunei Darussalam and Finland. The Convention will thus become operative between the two States without Brunei Darussalam benefiting from its reservations.

France, 13 June 2007

With regard to the reservations made by Brunei Darussalam upon accession:

The Government of the French Republic has examined the reservations made by Brunei Darussalam upon acceding to the Convention on the Elimination of All Forms of Discrimination against Women, of 18 December 1979. The Government of the French Republic believes that in 'expressing' reservations regarding provisions of the Convention 'that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam', Brunei Darussalam is making a reservation of broad and indeterminate scope which does not allow the other States Parties to ascertain which provisions of the Convention are envisaged and which may render the provisions of the Convention null and void. The Government of the French Republic believes that this reservation is incompatible with the object and purpose of the Convention and objects to it. The Government of the French Republic also objects to the reservation made specifically to article 9, paragraph 2 of the Convention. These objections shall not preclude the entry into force of the Convention between France and Brunei Darussalam.

Germany, 19 December 2006

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of the Federal Republic of Germany has carefully examined the reservations made by Brunei Darussalam on 24 May 2006 upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women of 18 December 1979. The reservations state that Brunei Darussalam does not consider itself bound by provisions of the Convention that are contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, in particular Article 9 (2) of the Convention.

The Government of the Federal Republic of Germany is of the opinion that by giving precedence to the beliefs and principles of Islam and its own constitutional law over the application of the provisions of the Convention, Brunei Darussalam has made a reservation which leaves it unclear to what extent it feels bound by the obligations of the Convention and which is incompatible with the object and purpose of the Convention. Furthermore, the reservation to Article 9 (2) will unavoidably result in a legal situation that discriminates against women, which is incompatible with the object and purpose of the Convention,

Pursuant to Article 28 (2) of the Convention, reservations that are 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 above -mentioned reservations. This objection shall not preclude the entry into force of the Convention between the

Federal Republic of Germany and Brunei Darussalam."

Greece, 15 June 2007

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of the Hellenic Republic consider that the reservation "regarding those provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the official religion of Brunei Darussalam" is of unlimited scope and undefined character, while furthermore, subjects the application of the Convention to the constitutional law of Brunei Darussalam and the beliefs and principles of Islam. It is, therefore, incompatible with the object and purpose of the Convention.

Moreover, the Government of the Hellenic Republic consider that the reservation to article 9 par. 2 does not specify the extent of the derogation therefrom and, therefore, are incompatible with the object and purpose of the Convention.

The Government of the Hellenic Republic recall that, according to Article 28 paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

For these reasons, the Government of the Hellenic Republic object to the abovementioned reservations formulated by Brunei Darussalam.

This objection shall not preclude the entry into force of the Convention between Greece and Brunei Darussalam."

Hungary, 24 April 2007

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of the Republic of Hungary has examined the reservation made by the Brunei Darussalam on 24 May 2006 upon accession to the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979. The reservation states that the Brunei Darussalam does not consider itself bound by Article 9 (2) of the Convention.

The Government of the Republic of Hungary is of the opinion that the reservation to Article 9 (2) will unavoidably result in a legal situation that discriminates against women, which is incompatible with the object and purpose of the Convention.

Pursuant to Article 28 (2) of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Republic of Hungary therefore objects to the above-mentioned reservation. This objection shall not preclude the entry into force of the Convention between the Republic of Hungary and the Brunei Darussalam."

Ireland, 19 December 2006

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of Ireland has examined the reservation made on 24 May 2006 by Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination Against Women at the time of its accession thereto.

The Government of Ireland notes that Brunei Darussalam subjects application of the Convention on the Elimination of All Forms of Discrimination against Women to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam. The Government of Ireland is of the view that a reservation which consists of a general reference to religious law and to the Constitution of the reserving State and which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, may cast doubts on the commitment of the reserving State to fulfil its obligations under the Convention. The Government of Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Convention. The Government of Ireland recalls that according to Article 28, paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Ireland further considers that the reservation made with respect to Article 9, paragraph 2 is incompatible with the object and purpose of the Convention.

The Government of Ireland therefore objects to the aforesaid reservations made by the Brunei Darussalam to the Convention on the Elimination of All forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between Ireland and Brunei Darussalam."

Italy, 15 June 2007

With regard to the reservations made by the Brunei Darussalam upon accession:

"... the Government of Italy has carefully examined the reservations made by Brunei Darussalam on 24 May 2006 upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women of 18 December 1979. The reservations state that Brunei Darussalam does not consider itself bound by provisions of the Convention that are contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, in particular Article 9 (2) of the Convention.

The Government of Italy is of the opinion that by giving precedence to the beliefs and principles of Islam and its own constitutional law over the application of the provisions of the Convention, Brunei Darussalam has made a reservation which leaves it unclear to what extent it feels bound by the obligations of the Convention and which is incompatible with the object and purpose of the Convention. Furthermore, the reservation to Article 9 (2) will unavoidably result in a legal situation that discriminates against women, which is incompatible with the object and purpose of the Convention. Pursuant to Article 28 (2) of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Italy therefore objects to the above-mentioned reservations. This objection shall not preclude the entry into force of the Convention between Italy and Brunei Darussalam."

Latvia, 6 December 2006

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of the Republic of Latvia has carefully examined the reservations made by the Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women upon accession to the Convention regarding paragraph 2 of Article 9, paragraph 1 of Article 29.

The Government of the Republic of Latvia considers that the aim of the said Convention is to grant the equality between men and women and therefore the distinction between genders regarding the rights to determine the nationality of children is not in accordance with the aim of the said convention.

Moreover, the reservation made by the Brunei Darussalam regarding paragraph 1 of Article 29 is in accordance with the Convention and general principles of international law, because any state may declare that it is not bound by some mechanism of settlement of disputes.

The Government of the Republic of Latvia recalls Article 28 of the Convention setting out that reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of the Republic of Latvia, therefore, objects to the aforesaid reservation made by the Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the Brunei Darussalam. Thus, the Convention will become operative without the Brunei Darussalam benefitting from its reservation."

Netherlands, 11 April 2007

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of the Kingdom of the Netherlands has examined the reservations made by Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women. The Government of the Kingdom of the Netherlands considers that the reservation with respect to article 9, paragraph 2, of the Convention is a reservation incompatible with the object and purpose of the Convention.

Furthermore, the Government of the Kingdom of the Netherlands considers that with the first reservation the application of the Convention on the Elimination of All Forms of Discrimination against Women is made subject to the beliefs and principles of Islam and the provisions of constitutional law in force in Brunei Darussalam. This makes it unclear to what extent Brunei Darussalam considers itself bound by the obligations of the Convention and therefore raises concerns as to the commitment of Brunei Darussalam to the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands recalls that, according to paragraph 2 of article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party 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 the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Brunei."

Norway, 21 March 2007

With regard to the reservation made by Brunei Darussalam upon accession:

"The Government of Norway has examined the reservations made by the Government of Brunei Darussalam upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women (New York, 18 December 1979).

In the view of the Government of Norway, a statement by which a State Party purports to limit its responsibilities under the Convention by invoking general principles of internal or religious law may create doubts about the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. Under well-established international treaty law, a State is not permitted to invoke internal law as a justification for its failure to perform its treaty obligations. For these reasons, the Government of Norway objects to the reservation made by the Government of Brunei Darussalam.

This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and Brunei Darussalam. The Convention thus becomes operative between Norway and Brunei Darussalam without Brunei Darussalam benefiting from the said reservations."

Poland, 7 June 2007

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of the Republic of Poland has examined the reservations made by Brunei Darussalam upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on December 18, 1979, regarding article 9 paragraph 2 and those provisions of the Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam.

The Government of the Republic of Poland considers that the reservations made by the Brunei Darussalam are incompatible with the object and purpose of the Convention which guarantees equal rights of women and men to exercise their economic, social, cultural, civil, and political rights. The Government of the Republic of Poland therefore considers that, according to article 19 (c) of the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969, as well as article 28 (2) of the Convention on the Elimination of All Forms of Discrimination against Women, reservations incompatible with the object and purpose of a treaty shall not be permitted.

Moreover, the Government of the Republic of Poland considers that by making a general reference to the 'beliefs and principles of Islam' without indicating the provisions of the Convention to which they apply, Brunei Darussalam does not specify the exact extent of the introduced limitations and thus

does not define precisely enough the extent to which Brunei Darussalam has accepted the obligations under the Convention.

The Government of the Republic of Poland therefore objects to the aforementioned reservations made by Brunei Darussalam upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on 18 December 1979, regarding article 9 paragraph 2 and those provisions of the Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam.

This objection does not preclude the entry into force of the Convention between the Republic of Poland and Brunei Darussalam."

Portugal, 30 January 2007

With regard to the reservations made by Brunei Darussalam upon accession:

"The reservation concerning the "provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the official religion of Brunei Darussalam" is too general and vague and seeks to limit the scope of the Convention on a unilateral basis that is not authorised by it. Moreover, this reservation creates doubts as to the commitment of the reserving State to the object and purpose of the Convention and, moreover, contributes to undermining the basis of international law. It is in the common interest of all 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 reservation concerning article 9 (2) undermines a key provision of the Convention concerning the elimination of discrimination against women on the basis of sex. This reservation is thus incompatible with the object and purpose of the Convention and is not permitted under article 28 (2) of the CEDAW.

The Government of the Portuguese Republic, therefore, objects to the above mentioned reservations made by the Government of Brunei Darussalam to the CEDAW.

This objection shall not preclude the entry into force of the Convention between Portugal and Brunei Darussalam."

Romania, 8 February 2007

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of Romania has carefully considered the reservations made by Brunei Darussalam on 24 May 2006 upon accession to the Convention on the Elimination of all Forms of Discrimination against Women (New York, 18 December 1979) and regards the reservation made to Article 9 para. 2 as incompatible with the object and purpose of the Convention, as, by its formulation, a certain form of discrimination against women is maintained and, implicitly, the inequality of rights between men and women is perpetuated.

Furthermore, the Government of Romania is of the opinion that the general reservation made by Brunei Darussalam subjects the application of the provisions of the Convention to their compatibility with the Islamic law and the fundamental law of this State. This reservation is, thus, problematic as it raises questions with regard to the actual obligations Brunei Darussalam understood to undertake by acceding to the Convention, and with regard to its commitment to the object and purpose of the Convention.

The Government of Romania recalls that, pursuant to Article 28 para. 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

Consequently, the Government of Romania objects to the aforementioned reservations made by Brunei Darussalam to the Convention on the Elimination of all Forms of Discrimination against Women. This objection shall not preclude the entry into force of the Convention, in its entirety, between Romania and Brunei Darussalam.

The Government of Romania recommends to Brunei Darussalam to reconsider the reservations made to the Convention on the Elimination of all Forms of Discrimination against Women."

Slovakia, 11 May 2007

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of Slovakia has carefully examined the content of the reservations made by the Brunei Darussalam upon its accession to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

The Government of Slovakia is of the opinion that the reservation containing the reference to the beliefs and principles of Islam is too general and raises serious doubt as to the commitment of Brunei Darussalam to the object and the purpose of the Convention.

Moreover, the Government of Slovakia considers that one of the aims of the Convention is to grant

the equality between men and women with respect to determine the nationality of their children. Therefore it finds the reservation of Brunei Darussalam to paragraph 2 of article 9 of the Convention as undermining one of key provisions of the Convention and is incompatible with its object and purpose. It is therefore inadmissible and shall be permitted, in accordance with paragraph 2 of article 28 of the Convention on the Elimination of all Forms of Discrimination against Women.

For these reasons, the Government of Slovakia objects to the above mentioned reservations made by the Brunei Darussalam upon its accession to the Convention on the Elimination of all Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between Slovakia and the Brunei Darussalam. The Convention enters into force in its entirety between Slovakia and the Brunei Darussalam without the Brunei Darussalam benefiting from its reservations."

Spain, 13 June 2007

With regard to the reservations made by Brunei Darussalam upon accession:

The Government of the Kingdom of Spain has examined the reservations made by Brunei Darussalam upon acceding to the Convention on the Elimination of All Forms of Discrimination against Women regarding all the provisions of the Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, and regarding article 9.2 of the Convention.

The Government of the Kingdom of Spain believes that, by making the implementation of the provisions of the Convention subject to their compatibility with the Constitution of Brunei Darussalam and with the beliefs and principles of Islam, Brunei Darussalam has made a reservation which does not permit a clear determination of the extent to which it has accepted the obligations deriving from the Convention and that, consequently, the reservation raises doubts about the commitment of Brunei Darussalam to the object and purpose of the Convention. Moreover, the reservation regarding article 9.2 would exempt Brunei Darussalam from its commitment in relation to an essential element of the Convention and allow the continuation of a situation of de jure discrimination against women on grounds of sex which is incompatible with the object and purpose of the Convention.

The Government of the Kingdom of Spain recalls that, under article 28.2 of the Convention, reservations that are incompatible with the object and purpose of the Convention are not permitted.

Accordingly, the Government of the Kingdom of Spain objects to the reservations made by Brunei Darussalam regarding those provisions of the Convention on the Elimination of All Forms of Discrimination against Women that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam and regarding article 9.2 of the Convention. This objection shall not

preclude the entry into force of the Convention between the Kingdom of Spain and Brunei Darussalam.

Sweden, 12 February 2007

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of Sweden has examined the reservations made by Brunei Darussalam on 24 May 2006 to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of Sweden notes that Brunei Darussalam gives precedence to the beliefs and principles of Islam and national legislation over the application of the provisions of the Convention. The Government of Sweden is of the view that this reservation which does not clearly specify the extent of Brunei Darussalam's derogation from the provisions in questions raises serious doubt as to the commitment of Brunei Darussalam to the object and purpose of the Convention.

Furthermore, the Government of Sweden considers that, regarding the reservation made with respect to article 9 (2), if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. It should be borne in mind that the principles of the equal rights of women and men and of non-discrimination on the basis of sex are set forth in the Charter of the United Nations as one of the purposes of the organization, as well as the Universal Declaration of Human Rights of 1948.

According to article 28 (2) of the Convention and to international customary law, as codified in the Vienna convention on the Law of Treaties, reservations incompatible with the object and purpose of the 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 therefore objects to the aforesaid reservations made by Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women and considers them null and void.

This objection shall not preclude the entry into force of the Convention between Brunei Darussalam and Sweden. The convention enters into force in its entirety between the two States without Brunei Darussalam benefiting from its reservations."

United Kingdom of Great Britain and Northern Ireland, 14 June 2007

With regard to the reservations made by Brunei Darussalam upon accession:

"The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations...has the honour to refer to the reservations made by the Government of Brunei Darussalam to the Convention on the Elimination of all Forms of Discrimination Against Women (New York, 18 December 1979), which read:

'The Government of Brunei Darussalam expresses its reservations regarding those provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the official religion of Brunei Darussalam and, without prejudice to the generality of the said reservations, expresses its reservations regarding paragraph 2 of Article 9 and paragraph 1 of Article 29 of the Convention.'

In the view of the United Kingdom a reservation should clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. A reservation which consists of a general reference to a system of law without specifying its contents does not do so. The Government of the United Kingdom therefore object to the reservations made by the Government of Brunei Darussalam.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and Brunei Darussalam."