

YEMEN

CERD

RESERVATIONS AND DECLARATIONS

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

"The accession of the People's Democratic Republic of Yemen to this Convention shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said Convention.

The People's Democratic Republic of Yemen does not consider itself bound by the provisions of Article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and states that, in each individual case, the consent of all parties to such a dispute is necessary for referral of the dispute to the International Court of Justice.

The People's Democratic Republic of Yemen states that the provisions of Article 17, paragraph 1, and Article 18, paragraph 1, of the Convention on the Elimination of All Forms of Racial Discrimination whereby a number of States are deprived of the opportunity to become Parties to the Convention is of a discriminatory nature, and holds that, in accordance with the principle of the sovereign equality of States, the Convention should be opened to participation by all interested States without discrimination or restriction of any kind."

Note

The Yemen Arab Republic had acceded to the Convention on 6 April 1989 with the following reservation:

Reservations in respect of article 5 (c) and article 5 (d) (iv), (vi) and (vii).

In this regard, the Secretary-General received on 30 April 1990, from the Government of Czechoslovakia the following objection:

"The Czech and Slovak Federal Republic considers the reservations of the Government of Yemen with respect to article 5 (c) and articles 5 (d) (iv), (vi), and (vii) of [the Convention], as incompatible with the object and purpose of this Convention."

See also note 1 regarding "Yemen" in the "Historical Information" section in the front matter of this volume.

[Ed. note: as follows:

In a letter dated 19 May 1990, the Ministers of Foreign Affairs of the Yemen Arab Republic and the People's Democratic Republic of Yemen informed the Secretary-General of the following:

"...The People's Democratic Republic of Yemen and the Yemen Arab Republic will merge in a single sovereign State called the Republic of Yemen (short form: Yemen) with Sana'a as its capital, as soon as it is proclaimed on Tuesday, 22 May 1990. The Republic of Yemen will have single membership in the United Nations and be bound by the provisions of the Charter. All treaties and agreements concluded between either the Yemen Arab Republic or the People's Democratic Republic of Yemen and other States and international organizations in accordance with international law which are in force on 22 May 1990 will remain in effect, and international relations existing on 22 May 1990 between the People's Democratic Republic of Yemen and the Yemen Arab Republic and other States will continue."

As concerns the treaties concluded prior to their union by the Yemen Arab Republic or the People's Democratic Republic of Yemen, the Republic of Yemen (as now united) is accordingly to be considered as a party to those treaties as from the date when one of these States first became a party to those treaties. Accordingly the tables showing the status of treaties will now indicate under the designation "Yemen" the date of the formalities (signatures, ratifications, accessions, declarations and reservations, etc.) effected by the State which first became a party, those eventually effected by the other being described in a footnote.

The People's Democratic Republic of Yemen was admitted to the United Nations by Resolution No. 2310 (XXII) of 14 December 1967 registered under No. 8861. For the text of the declaration of acceptance of the obligations contained in the Charter of the United Nations made by the People's Democratic Republic of Yemen, see United Nations, Treaty Series, vol. 614, p. 21.

[Ed. note: as follows:

The Government of The People's Republic of Southern Yemen here declares that it accepts the obligations contained in the United Nations Charter and undertakes to fulfil them.]

The People's Democratic Republic of Yemen was successively listed in the previous editions as "Southern Yemen", "People's Republic of Southern Yemen", "People's Democratic Republic of Yemen" and "Democratic Republic of Yemen".]

(Note 14, Chapter IV.2, Multilateral Treaties Deposited with the Secretary-General)

Note

In a communication received by the Secretary-General on 10 July 1969, the Government of Israel declared:

"[The Government of Israel] has noted the political character of the declaration made by the Government of Iraq on signing the above Convention.

In the view of the Government of Israel, the Convention is not the proper place for making such political pronouncements. The Government of Israel will, in so far as concerns the substance of the matter, adopt towards the Government of Iraq an attitude of complete reciprocity. Moreover, it is the view of the Government of Israel that no legal relevance can be attached to those Iraqi statements which purport to represent the views of the other States".

Except for the omission of the last sentence, identical communications in essence, mutatis mutandis, were received by the Secretary-General from the Government of Israel as follows: on 29 December 1966 in respect of the declaration made by the Government of the United Arab Republic upon signature [...]; on 16 August 1968 in respect of the declaration made by the Government of Libya upon accession; on 12 December 1968 in respect of the declaration made by the Government of Kuwait upon accession; on 9 July 1969 in respect of the declaration made by the Government of Syria upon accession; on 21 April 1970 made in respect of the declaration made by Government of Iraq upon ratification with the following statement: "With regard to the political declaration in the guise of a reservation made on the occasion of the ratification of the above Treaty, the Government of Israel wishes to refer to its objection circulated by the Secretary-General in his letter [...] and to maintain that objection."; on 12 February 1973 in respect of the declaration made by the Government of the People's Democratic Republic of Yemen upon accession; on 25 September 1974 in respect of the declaration made by the United Arab Emirates upon accession and on 25 June 1990 in respect of the reservation made by Bahrain upon accession.

(Note 15, Chapter IV.2, Multilateral Treaties Deposited with the Secretary-General)

OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

Australia, 8 August 1989

"In accordance with article 20 (2), Australia objects to [the reservations made by Yemen] which it considers impermissible as being incompatible with the object and purpose of the Convention."

Belgium, 8 August 1989

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

These reservations are incompatible with the object and purpose of the Convention and consequently are not permitted pursuant to article 20, paragraph 2, of the Convention.

Canada, 10 August 1989

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

"The effect of these reservations would be to allow racial discrimination in respect of certain of the rights enumerated in Article 5. Since the objective of the International Convention on the Elimination of All Forms of Racial Discrimination, as stated in its Preamble, is to eliminate racial discrimination in all its forms and manifestations, the Government of Canada believes that the reservations made by the Yemen Arab Republic are incompatible with the object and purpose of the International Convention. Moreover, the Government of Canada believes that the principle of non-discrimination is generally accepted and recognized in international law and therefore is binding on all states."

Denmark, 10 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 reservations made by the Government of Yemen are incompatible with the object and purpose of the Convention and the reservations are consequently impermissible according to article 20, paragraph 2 of the Convention. In accordance with article 20, paragraph 1 of the Convention the Government of Denmark therefore formally objects to these reservations. This objection does not have the effect of preventing the Convention from entering into force between Denmark and Yemen, and the reservations cannot alter or modify in any respect, the obligations arising from the Convention."

Finland, 7 July 1989

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

"The Government of Finland formally, and in accordance with article 20 (2) of the Convention, objects to the reservations made by Yemen to the above provisions.

In the first place, the reservations concern matters which are of fundamental importance in the Convention. The first paragraph of article 5 clearly brings this out. According to it, the Parties have undertaken to guarantee the rights listed in that article "In compliance with fundamental obligations laid down in article 2 of the Convention". Clearly, provisions prohibiting racial discrimination in the granting of such fundamental political rights and civil liberties as the right to participate in public life, to marry and choose a spouse, to inherit and to enjoy freedom of thought, conscience and religion are central in a convention against racial discrimination. Therefore, the reservations are incompatible with the object and purpose of the Convention, as specified in paragraph 20 (2) thereof and in article 19 (c) of the Vienna Convention on the Law of Treaties.

Moreover, it is the view of the Government of Finland that it would be unthinkable that merely by making a reservation to the said provisions, a State could achieve the liberty to start discriminatory practices on the grounds of race, colour, or national or ethnic origin in regard to such fundamental political rights and civil liberties as the right to participate in the conduct of public affairs, the right of marriage and choice of spouse, the right of inheritance and the freedom of thought, conscience and religion. Any racial discrimination in respect of those fundamental rights and liberties is clearly against the general principles of human rights law as reflected in the Universal Declaration on Human Rights and the practice of States and international organizations. By making a reservation a State cannot contract out from universally binding human rights standards.

For the above reasons, the Government of Finland notes that the reservations made by Yemen are devoid of legal effect. However, the Government of Finland does not consider that this fact is an obstacle to the entry into force of the Convention in respect of Yemen."

France, 20 September 1989

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

France considers that the reservations made by the Yemen Arab Republic to the International

Convention on the Elimination of All Forms of Racial Discrimination are not valid as being incompatible with the object and purpose of the Convention.
Such objection is not an obstacle to the entry into force of the said Convention between France and the Yemen Arab Republic.

Germany, 8 August 1989

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

"These reservations relate to the basic obligations of States Parties to the Convention to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone to equality before the law and include the enjoyment of such fundamental political and civil rights as the right to take part in the conduct of public life, the right to marriage and choice of spouse, the right to inherit and the right to freedom of thought, conscience and religion. As a result, the reservations made by Yemen are incompatible with the object and purpose of the Convention within the meaning of article 20, paragraph 2 thereof."

Italy, 7 August 1989

"The Government of the Republic of Italy raises an objection to the reservations entered by the Government of the Arab Republic of Yemen to article 5 [(c) and (d) (iv), (vi) and (vii)] of the above-mentioned Convention."

Mexico, 11 August 1989

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

The Government of the United Mexican States has concluded that, in view of article 20 of the Convention, the reservation must be deemed invalid, as it is incompatible with the object and purpose of the Convention.

Said reservation, if implemented would result in discrimination to the detriment of a certain sector of the population and, at the same time, would violate the rights established in articles 2, 16 and 18 of the Universal Declaration of Human Rights of 1948.

The objection of the United Mexican States to the reservation in question should not be interpreted as an impediment to the entry into force of the Convention of 1966 between the United States of Mexico and the Government of Yemen.

Netherlands, 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."

New Zealand, 4 August 1989

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

"The New Zealand Government is of the view that those provisions contain undertakings which are themselves fundamental to the Convention. Accordingly it considers that the reservations purportedly made by Yemen relating to political and civil rights are incompatible with the object and purpose of the Treaty within the terms of the article 19 (c) of the Vienna Convention on the Law of Treaties.

The Government of New Zealand advises therefore under article 20 of the Convention on the Elimination of All Forms of Racial Discrimination that it does not accept the reservations made by Yemen."

Norway, 28 July 1989

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

"The Government of Norway hereby enters its formal objection to the reservations made by Yemen."

Sweden, 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."

United Kingdom of Great Britain and Northern Ireland, 4 August 1989

"The Government of the United Kingdom of Great Britain and Northern Ireland do not accept the reservations made by the Yemen Arab Republic to article 5 (c) and (d) (iv), (vi) and (vii) of the International Convention on the Elimination of All Forms of Racial Discrimination."

(Ed. note: for other objections, see Notes under Reservations and Declarations, above)