

LAO PEOPLE'S DEMOCRATIC REPUBLIC

CCPR

RESERVATIONS AND DECLARATIONS

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

Reservation:

“The Government of the Lao People’s Democratic Republic accepts Article 22 of the Covenant on the basis that Article 22 shall be interpreted in accordance with the right to selfdetermination in Article 1, and shall be so applied as to be in conformity with the Constitution and the relevant laws of the Lao People’s Democratic Republic.”

Declarations:

“The Government of the Lao People’s Democratic Republic declares that Article 1 of the Covenant concerning the right to self-determination shall be interpreted as being compatible with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24th October 1970, and the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25th June 1993.

The Government of the Lao People’s Democratic Republic declares that Article 18 of the Covenant shall not be construed as authorizing or encouraging any activities, including economic means, by anyone which directly or indirectly, coerce or compel an individual to believe or not to believe in a religion or to convert his or her religion or belief. The Government of the Lao People’s Democratic Republic considers that all acts creating division and discrimination among ethnic groups and among religions are incompatible with Article 18 of the Covenant.

OBJECTIONS MADE TO STATES PARTY’S RESERVATIONS AND DECLARATIONS

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

Austria, 13 October 2010

With regard to the reservation made by the Lao People's Democratic Republic upon ratification:

“The Government of Austria has examined the reservation made by the Government of the Lao People’s Democratic Republic to Article 22 of the International Covenant on Civil and Political Rights at the time of its ratification.

In the view of Austria a reservation should clearly define for the other States Parties to the Covenant

the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to constitutional provisions without specifying its implications does not do so. The Government of Austria therefore objects to the reservation made by the Government of the Lao People's Democratic Republic.

This objection shall not preclude the entry into force of the Covenant between Austria and the Lao People's Democratic Republic.”

Finland, 5 October 2010

With regard to the reservation made by the Lao People's Democratic Republic upon ratification:

“The Government of Finland welcomes the ratification by the Lao People's Democratic Republic of the International Covenant on Civil and Political Rights. Finland has taken note of the reservation made by the Lao People's Democratic Republic to Article 22 thereof upon ratification. The Government of Finland notes that Article 22(2) provides that States Parties may, under certain specific circumstances and for certain specific purposes, restrict the right protected under Article 22(1). The Government of Finland is of the view that the reservation made by the Lao People's Democratic Republic seeks to limit the obligation of the Lao People's Democratic Republic not to restrict the freedom of association to an extent which is incompatible with Article 22(2). The reservation would therefore restrict one of the essential obligations of the Lao People's Democratic Republic under the Covenant and raises serious doubts as to the commitment of the Lao People's Democratic Republic to the object and purpose of the Covenant.

It is in the common interest of States that treaties they have chosen to become parties to 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 such treaties. Furthermore, according to the Vienna Convention on the Law of Treaties of 23 May 1969, and according to well established customary international law, a reservation contrary to the object and purpose of the treaty shall not be permitted.

The Government of Finland therefore objects to the reservation made by the Government of the Lao People's Democratic Republic in respect of Article 22 of the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between the Lao People's Democratic Republic and Finland. The Covenant will thus become operative between the two states without the Lao People's Democratic Republic benefiting from its reservation.”

Ireland, 13 October 2010

With regard to the reservation made by the Lao People's Democratic Republic upon ratification:

“The Government of Ireland has examined the reservations and declarations made by the Lao People’s Democratic Republic upon ratification of the International Covenant on Civil and Political Rights, and notes in particular, the intention of the Lao People’s Democratic Republic to apply the provisions in Article 22 of the Covenant in its territory only insofar as those provisions are in conformity with the Constitution and relevant laws of the Lao People’s Democratic Republic.

The Government of Ireland is of the view that a reservation which consists of a general reference to the Constitution or domestic laws of the reserving State and which does not clearly specify the extent of the derogation from the provision of the Covenant may cast doubts on the commitment of the reserving state to fulfil its obligations under the Covenant.

The Government of Ireland is furthermore of the view that such a reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Covenant. The Government of Ireland recalls that according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Covenant shall not be permitted.

The Government of Ireland therefore objects to the aforesaid reservation made by the Lao People’s Democratic Republic to Article 22 of the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Ireland and the Lao People’s Democratic Republic.”

Netherlands, 8 October 2010

Objection to the reservation made by the Lao People's Democratic Republic upon ratification:

“The Government of the Kingdom of the Netherlands has carefully examined the reservation made by the Government of the Lao People’s Democratic Republic upon ratification of the International Covenant on Civil and Political Rights.

The Government of the Kingdom of the Netherlands considers that with this reservation the application of Article 22 of the Covenant is made subject to national law in force in the Lao People’s Democratic Republic. This makes it unclear to what extent the Lao People’s Democratic Republic considers itself bound by the obligations under Article 22 of the Covenant.

The Government of the Kingdom of the Netherlands considers that such a reservation must be regarded as incompatible with the object and purpose of the Covenant and would recall that, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation

incompatible with the object and purpose of the Covenant shall not be permitted.

The Government of the Kingdom of the Netherlands therefore objects to the reservation made by the Government of the Lao People's Democratic Republic to Article 22 of the Covenant.

This object does not constitute an obstacle to the entry into force of the Covenant between the Kingdom of the Netherlands and the Lao People's Democratic Republic.”

Note

With regard to the reservation made by the Lao People's Democratic Republic upon ratification, the Secretary-General received, from the following States, communications on the dates indicated hereinafter:

United Kingdom of Great Britain and Northern Ireland (21 October 2010):

"The United Kingdom of Great Britain and Northern Ireland has carefully examined the reservation made by the Government of the Lao People's Democratic Republic upon ratification of the International Covenant on Civil and Political rights.

The United Kingdom considers that with this reservation the application of Article 22 of the Covenant is made subject to national law in force in the Lao People's Democratic Republic. This makes it unclear to what extent the Lao People's Democratic Republic considers itself bound by the obligations under Article 22 of the Covenant.

The United Kingdom considers that a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to national law without specifying its implications does not do so.

The United Kingdom therefore objects to the reservation made by the Government of the Lao People's Democratic Republic to Article 22 of the Covenant. This objection shall not preclude the entry into force of the Covenant between the United Kingdom of Great Britain and Northern Ireland and the Lao People's Democratic Republic."

Sweden (18 October 2010):

“The Government of Sweden notes that the Lao People's Democratic Republic has reserved the right to interpret Article 22 in accordance with Article 1, and to apply to Article 22 as to be in conformity with the Constitution and relevant national laws of the Lao People's Democratic Republic. The Government of Sweden is of the belief that this reservation, which does not clearly specify the extent of the derogation, raises serious doubt as to the commitment of the Lao People's Democratic

Republic to the object and purpose of the Covenant.

According to international customary law, as codified in Article 19 of the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a Convention shall not be permitted. 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 obligation under the treaties.

Furthermore, the Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is modified or excluded does not determine its status as a reservation to the treaty. It is the understanding of the Government of Sweden that the declaration of the Lao People's Democratic Republic concerning articles 1 and 18 of the Covenant modifies the legal effect of the provisions of the Covenant in their application to Lao People's Democratic Republic. Hence the Government of Sweden considers that these interpretative declarations in substance constitute reservations.

The Government of Sweden therefore objects to the aforesaid reservations made by the Lao People's Democratic Republic to the International Covenant on Civil and Political Rights and considers the reservations null and void.

This objection does not preclude the entry into force of the Covenant between the Lao People's Democratic Republic and Sweden. The Covenant enters into force in its entirety between the two States, without Lao People's Democratic Republic benefiting from its reservations.”
(Note 28, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)