

## THAILAND

### CERD

#### **RESERVATIONS AND DECLARATIONS**

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

Interpretative Declaration:

"General Interpretative Declaration

The Kingdom of Thailand does not interpret and apply the provisions of this Convention as imposing upon the Kingdom of Thailand any obligation beyond the confines of the Constitution and the laws of the Kingdom of Thailand. In addition, such interpretation and application shall be limited to or consistent with the obligations under other international human rights instruments to which the Kingdom of Thailand is party.

Reservations

1. The Kingdom of Thailand interprets Article 4 of the Convention as requiring a party to the Convention to adopt measures in the fields covered by subparagraphs (a), (b) and (c) of that article only where it is considered that the need arises to enact such legislation.
2. The Kingdom of Thailand does not consider itself bound by the provisions of Article 22 of the Convention."

#### **OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS**

**France, 25 April 2003**

With regard to the declaration made by Thailand upon accession:

The Government of the Republic of France has examined the interpretative declaration made by the Government of the Kingdom of Thailand upon accession to the Convention on the Elimination of All Forms of Racial Discrimination of 7 March 1966. The Government of the Republic of France considers that, by making the interpretation and implementation of the provisions of the Convention subject to respect for the Constitution and legislation of the Kingdom of Thailand, the Government of the Kingdom of Thailand is making a reservation of such a general and indeterminate scope that it is not possible to ascertain which changes to obligations under the Convention it is intended to introduce. Consequently, the Government of France considers that this reservation as formulated could make the provisions of the Convention completely ineffective. For these reasons, the

Government objects to this interpretative declaration, which it considers to be a reservation likely to be incompatible with the object and purpose of the Convention.

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**Germany**, 29 April 2003

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

"The Government of the Federal Republic of Germany has examined the General Interpretative Declaration to the International Convention on the Elimination of all Forms of Racial Discrimination made by the Government of the Kingdom of Thailand at the time of its accession to the Convention.

The Government of the Federal Republic of Germany considers that the General Interpretative Declaration made by Thailand is in fact a reservation that seeks to limit the scope of the Convention on an unilateral basis.

The Government of the Federal Republic of Germany notes that a reservation to all provisions of a Convention which consists of a general reference to national law without specifying its contents does not clearly define for the other State Parties to the Convention the extend to which the reserving state has accepted the obligations out of the provisions of the Convention.

The reservation made by the Government of the Kingdom of Thailand in respect to the applications of the provisions of the Convention therefore raises doubts as to the commitment of Thailand to fulfill its obligations out of all provisions of the Convention.

Hence the Government of the Federal Republic of Germany considers this reservation to be incompatible with the object and purpose of the Convention and objects to the General Interpretative Declaration made by the Government of the Kingdom of Thailand.

This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and the Kingdom of Thailand."

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**Romania**, 3 December 2003

With regard to the general interpretative declaration made by Thailand upon accession:

"The Government of Romania has examined the general interpretative declaration made by the Government of Thailand at the time of its accession to the Convention on the Elimination of all Forms of Racial Discrimination.

The Government of Romania considers that the general interpretative declaration is, in fact, a

reservation formulated in general terms, that not allows to clearly identify the obligations assumed by Thailand with regard to this legal instrument and, consequently, to state the consistency of this reservation with the purpose and object of the above-mentioned Convention, in accordance with the provisions of article 19 (c) of the Vienna Convention on the Law of Treaties (1969).

The Government of Romania therefore objects to the aforesaid reservation made by Thailand to the Convention on the Elimination of all Forms of Racial Discrimination.

This objection, however, shall not preclude the entry into force of the Convention between the Government of Romania and Thailand."

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**Sweden**, 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."

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**United Kingdom of Great Britain and Northern Ireland, 26 June 2003**

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

"The Government of the United Kingdom have examined the interpretative declaration made by the Government of the Kingdom of Thailand to the International Convention on the Elimination of All Forms of Racial Discrimination (New York, 7 March 1966) on 28 January 2003 in respect of the Government of the Kingdom of Thailand having no obligation to interpret and apply the provisions of the Convention beyond the confines of the Constitution and the laws of the Kingdom of Thailand and, in addition, that the interpretation and application shall be limited to or consistent with the obligations under other international human rights instruments to which the Kingdom of Thailand is party.

In the view of the Government of the United Kingdom, this declaration amounts to a reservation. This reservation amounts to a general reference to national law without specifying its contents and does not clearly define for the other States Parties to the Convention the extent to which the declaring State has accepted the obligations of the Convention. The Government of the United Kingdom therefore object to the reservation made by the Government of the Kingdom of Thailand.

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