

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

CERD

RESERVATIONS AND DECLARATIONS

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

Upon signature:

Subject to the following reservation and interpretative statements:

"First, in the present circumstances deriving from the usurpation of power in Rhodesia by the illegal régime, the United Kingdom must sign subject to a reservation of the right not to apply the Convention to Rhodesia unless and until the United Kingdom informs the Secretary-General of the United Nations that it is in a position to ensure that the obligations imposed by the Convention in respect of that territory can be fully implemented.

Secondly, the United Kingdom wishes to state its understanding of certain articles in the Convention. It interprets article 4 as requiring a party to the Convention to adopt further legislative measures in the fields covered by sub-paragraphs (a), (b) and (c) of that article only in so far as it may consider with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention (in particular the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) that some legislative addition to or variation of existing law and practice in those fields is necessary for the attainment of the end specified in the earlier part of article 4. Further, the United Kingdom interprets the requirement in article 6 concerning 'reparation or satisfaction' as being fulfilled if one or other of these forms of redress is made available and interprets 'satisfaction' as including any form of redress effective to bring the discriminatory conduct to an end. In addition it interprets article 20 and the other related provisions of Part III of the Convention as meaning that if a reservation is not accepted the State making the reservation does not become a Party to the Convention.

Lastly, the United Kingdom maintains its position in regard to article 15. In its view this article is discriminatory in that it establishes a procedure for the receipt of petitions relating to dependent territories while making no comparable provision for States without such territories. Moreover, the article purports to establish a procedure applicable to the dependent territories of States whether or not those States have become parties to the Convention. Her Majesty's Government have decided that the United Kingdom should sign the Convention, these objections notwithstanding, because of the importance they attach to the Convention as a whole."

Upon ratification:

"First, the reservation and interpretative statements made by the United Kingdom at the time of

signature of the Convention are maintained.

Secondly, the United Kingdom does not regard the Commonwealth Immigrants Acts, 1962 and 1968, or their application, as involving any racial discrimination within the meaning of paragraph 1 of article 1, or any other provision of the Convention, and fully reserves its right to continue to apply those Acts.

Lastly, to the extent if any, that any law relating to election in Fiji may not fulfil the obligations referred to in article 5 (c), that any law relating to land in Fiji which prohibits or restricts the alienation of land by the indigenous inhabitants may not fulfil the obligations referred to in article 5 (d) (v), or that the school system of Fiji may not fulfil the obligations referred to in articles 2, 3 or 5 (e) (v), the United Kingdom reserves the right not to apply the Convention to Fiji."

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

(Ed. note: for the text targeted by the following objection, see the Reservations and Declarations of the State which is the subject of the objection)

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."

26 June 2003

With regard to the declaration made by Turkey upon ratification:

"The Government of the United Kingdom have examined the declaration made by the Government of the Republic of Turkey to the International Convention on the Elimination of All Forms of Racial Discrimination (New York, 7 March 1966) on 16 September 2002 in respect of implementation of the provisions of the Convention only to the States Parties with which it has diplomatic relations.

In the view of the Government of the United Kingdom, this declaration amounts to a reservation. This reservation creates uncertainty as to the States Parties in respect of which Turkey is undertaking the obligations in the Convention. The Government of the United Kingdom therefore object to the reservation made by the Government of the Republic of Turkey.

This objection shall not preclude the entry into force of the Convention between the United

Kingdom of Great Britain and Northern Ireland and the Republic of Turkey."

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."

Note

See note 1 under "Germany" regarding Berlin (West) in the "Historical Information" section in the front matter of *[the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>. For text in Bayefsky.com, see Germany, CERD, Reservations and Declarations, note 10].* (Note 10, Chapter IV.2, *Multilateral Treaties Deposited with the Secretary-General*)

TERRITORIAL APPLICATION

Note

On 10 June 1997, the Secretary-General received communications concerning the status of Hong Kong from the Governments of the United Kingdom and China (see also note 2 under "China" and note 2 under "United Kingdom of Great Britain and Northern Ireland" regarding Hong Kong in the "Historical Information" section in the front matter of *[the electronic version on the*

website of the Multilateral Treaties Deposited with the Secretary-General;
<http://treaties.un.org/pages/HistoricalInfo.aspx>).

[Ed. note: Note 2 under China is as follows:

China

Note 2

By a notification on 20 June 1997, the Government of China informed the Secretary-General of the status of Hong Kong in relation to treaties deposited with the Secretary-General. The notification, in pertinent part, reads as follows:

"In accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, signed on 19 December 1984 (hereinafter referred to as the Joint Declaration), the People's Republic of China will resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997. Hong Kong will, with effect from that date, become a Special Administrative Region of the People's Republic of China. [For the full text of the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, 19 December 1984, see United Nation Treaty Series volume No. 1399, p. 61, (registration number I-23391)].

It is provided in Section 1 of Annex I to the Joint Declaration, "Elaboration by the Government of the People's Republic of China of its Basic Policies Regarding Hong Kong" and in Articles 12, 13 and 14 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, which was adopted on 4 April 1990 by the National People's Congress of the People's Republic of China (hereinafter referred to as the Basic Law), that the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibility of the Central People's Government of the People's Republic of China. Furthermore, it is provided both in Section XI of Annex I to the Joint Declaration and Article 153 of the Basic Law that international agreements to which the People's Republic of China is not a party but which are implemented in Hong Kong may continue to be implemented in the Hong Kong Administrative Region.

In this connection, on behalf of the Government of the People's Republic of China, I would like to inform Your Excellency as follows:

I. The treaties listed in Annex I to this Note [herein under], to which the People's Republic of China is a party, will be applied to the Hong Kong Special Administrative Region with effect from 1 July 1997 as they:

(i) are applied to Hong Kong before 1 July 1997; or (ii) fall within the category of foreign affairs

or defence or, owing to their nature and provisions, must apply to the entire territory of a State; or

(iii) are not applied to Hong Kong before 1 July 1997 but with respect to which it has been decided to apply them to Hong Kong with effect from that date (denoted by an asterisk in Annex I). II. The treaties listed in Annex II to this Note [herein under], to which the People's Republic of China is not yet a party and which apply to Hong Kong before 1 July 1997, will continue to apply to the Hong Kong Special Administrative Region with effect from 1 July 1997.

The provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong shall remain in force beginning from 1 July 1997.

III. The Government of the People's Republic of China has already carried out separately the formalities required for the application of the treaties listed in the aforesaid Annexes, including all the related amendments, protocols, reservations and declarations, to the Hong Kong Special Administrative Region with effect from 1 July 1997.

IV. With respect to any other treaty not listed in the Annexes to this Note, to which the People's Republic of China is or will become a party, in the event that it is decided to apply such treaty to the Hong Kong Special Administrative Region, the Government of the People's Republic of China will carry out separately the formalities for such application. For the avoidance of doubt, no separate formalities will need to be carried out by the Government of the People's Republic of China with respect to treaties which fall within in the category of foreign affairs or defence or which, owing to their nature and provisions, must apply to the entire territory of a State."

The treaties listed in Annexes I and II, referred to in the notification, are reproduced below.

Information regarding reservations and/or declarations made by China with respect to the application of treaties to the Hong Kong Special Administrative Region can be found in the footnotes to the treaties concerned as published herein. Footnote indicators are placed against China's entry in the status list of those treaties.

Moreover, with regard to treaty actions undertaken by China after 1 July 1997, the Chinese Government confirmed that the territorial scope of each treaty action would be specified. As such, declarations concerning the territorial scope of the relevant treaties with regard to the Hong Kong Special Administrative Region can be found in the footnotes to the treaties concerned as published herein. Footnote indicators are placed against China's entry in the status list of those treaties.

Annex I

(The treaties are listed in the order that they published in these volumes.)

...

Human Rights:

- *Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948;*
 - *International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966;*
 - *Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979;*
 - *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984;*
 - *Convention on the Rights of the Child, 20 November 1989.*
- ...]

[Ed. note: Note 2 under United Kingdom of Great Britain and Northern Ireland is as follows:

United Kingdom of Great Britain and Northern Ireland

Note 2

[On 10 June 1997, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General of the following:

"In accordance with the Joint Declaration of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People's Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of [Conventions] to Hong Kong."

See also note 2 under "China" [Ed. note: reproduced immediately above].

Upon resuming the exercise of sovereignty over HongKong, China notified the Secretary-General that the Convention with the reservation made by China will also apply to the Hong Kong special Administrative Region.

In addition, the notification made by the Government of China contained the following declarations:

1. ...
2. The reservation of the People's Republic of China on behalf of the Hong Kong Special Administrative Region interprets the requirement in article 6 concerning "reparation and

satisfaction" as being fulfilled if one or other of these forms of redress is made available and interprets "satisfaction" as including any form of redress effective to bring the discriminatory conduct to an end.

(Note 5, Chapter IV.2 Multilateral Treaties Deposited with the Secretary-General)

Note

In its instrument of ratification, the Government of the United Kingdom specified that the ratification also applied to the following territories: the Associated States (Antigua, Dominica, Grenada, Saint Christopher Nevis Anguilla and Saint Lucia) and Territories under the territorial sovereignty of the United Kingdom (see note 4) [above], as well as the State of Brunei, the Kingdom of Tonga and the British Solomon Islands Protectorate.

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