

## FINLAND

CESCR

### OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

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

25 July 1997

With regard to the declarations and the reservation made by Kuwait:

"The Government of Finland notes that according to the interpretative declaration regarding article 2, paragraph 2, and article 3 the application of these articles of the Covenant is in a general way subjected to national law. The Government of Finland considers this interpretative declaration as a reservation of a general kind. The Government of Finland is of the view that such a general reservation raises doubts as to the commitment of Kuwait to the object and purpose of the Covenant and would recall that a reservation incompatible with the object and purpose of the Covenant shall not be permitted.

The Government of Finland also considers the interpretative declaration to article 9 as a reservation and regards this reservation as well as the reservation to article 8, paragraph 1(d), as problematic in view of the object and purpose of the Covenant.

It is in the common interests 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 Finland is further of the view that general reservations of the kind made by the Government of Kuwait, which do not clearly specify the extent of the derogation from the provisions of the Covenant, contribute to undermining the basis of international treaty law.

The Government of Finland therefore objects to the aforesaid reservations made by the Government of Kuwait to the [said Covenant].

This objection does not preclude the entry into force of the Covenant between Kuwait and Finland."

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13 December 1999

With regard to the declarations to Articles 2, 3, 7, 8, 10 and 13 made by Bangladesh upon accession:

"The Government of Finland has examined the contents of the declarations made by the Government of Bangladesh to Articles 2, 3, 7, 8, 10 and 13 and notes that the declarations constitute reservations as they seem to modify the obligations of Bangladesh under the said articles.

A reservation which consists of a general reference to national law without specifying its contents does not clearly define for the other Parties of the Convention the extent to which the reserving state commits itself to the Convention and therefore may raise doubts as to the commitment of the reserving state to fulfil its obligations under the Convention. Such a reservation is also, in the view of the Government of Finland, 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.

Therefore the Government of Finland objects to the aforesaid reservations made by the Government of Bangladesh. This objection does not preclude the entry into force of the Convention between Bangladesh and Finland. The Convention will thus become operative between the two States without Bangladesh benefitting from these reservations".

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13 October 2004

With regard to the declarations and the reservation made by Turkey upon ratification:

"The Government of Finland has examined the declarations and reservation made by the Republic of Turkey to the International Covenant on Economic, Social and Cultural Rights. The Government of Finland notes that the Republic of Turkey reserves the right to interpret and apply the provisions of the paragraphs 3 and 4 of Article 13 of the Covenant in accordance with the provisions under articles 3, 14 and 42 of the Constitution of the Republic of Turkey.

The Government of Finland emphasises the great importance of the rights provided for in paragraphs 3 and 4 of Article 13 of the International Covenant on Economic, Social and Cultural Rights. The reference to certain provisions of the Constitution of the Republic of Turkey is of a general nature and does not clearly specify the content of the reservation. The Government of Finland therefore wishes to declare that it assumes that the Government of the Republic of Turkey will ensure the implementation of the rights recognised in the Covenant and will do its utmost to bring its national legislation into compliance with the obligations under the Covenant with a view to withdrawing the reservation. This declaration does not preclude the entry into force of the Covenant between the Republic of Turkey and Finland."

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15 November 2005

With regard to declaration made by Pakistan upon signature:

"The Government of Finland has carefully examined the declaration made by the Government of the Islamic Republic of Pakistan regarding the International Covenant on Economic, Social and Cultural Rights. The Government of Finland takes note that the provisions of the Covenant shall, according to the Government of the Islamic Republic of Pakistan, be subject to the provisions of the constitution of the Islamic Republic of Pakistan.

The Government of Finland notes that a reservation which consists of a general reference to national law without specifying the 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 therefore objects to the above-mentioned declaration made by the Government of the Islamic Republic of Pakistan to the Covenant. This objection does not preclude the entry into force of the Covenant between the Islamic Republic of Pakistan and Finland. The Covenant will thus become operative between the two states without the Islamic Republic of Pakistan benefiting from its declaration."