

## **QATAR**

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### **RESERVATIONS AND DECLARATIONS**

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

Reservations:

(a) Any interpretation of the provisions of the Convention that is incompatible with the precepts of Islamic law and the Islamic religion;

and

(b) The competence of the Committee as indicated in articles 21 and 22 of the Convention.

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

**Finland**, 16 January 2001

With regard to the reservation made by Qatar upon accession:

"The Government of Finland has examined the context of the reservation made by the Government of Qatar regarding any interpretation incompatible with the precepts of Islamic law and the Islamic religion. The Government of Finland notes that a reservation which consists of a general reference to national law without specifying its contents does not clearly define for the other Parties to the Convention the extent to which the reserving State commits itself to the Convention and may therefore raise doubts as to the commitment of the reserving state to fulfil its obligations under the Convention. Such a reservation, in the view of the Government of Finland, is 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 also notes that the reservation of Qatar, being of such a general nature, raises doubts as to the full commitment of Qatar to the object and purpose of the Convention and would like to recall that, according to the Vienna Convention on the Law of the Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

For the above-mentioned reasons the Government of Finland objects to the reservation made by the Government of Qatar. This objection does not preclude the entry into force of the Convention between Qatar and Finland. The Convention will thus become operative between the two States

without Qatar benefitting from this reservation."

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**France**, 24 January 2001

With regard to the reservation made by Qatar upon accession:

The Government of the French Republic has carefully considered the reservation made by the Government of Qatar to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, whereby it excludes any interpretation of the Convention which would be incompatible with the precepts of Islamic law and the Islamic religion. The reservation, which seeks to give precedence to domestic law and practices over the Convention to an indeterminate extent, is comprehensive in scope. Its terms undermine the commitment of Qatar and make it impossible for the other States parties to assess the extent of that commitment. The Government of France consequently objects to the reservation made by Qatar.

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**Germany**, 23 January 2001

With regard to the reservation made by Qatar upon accession:

"The Government of the Federal Republic of Germany has examined the reservation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment made by the Government of Qatar. The Government of the Federal Republic of Germany is of the view that the reservation with regard to compatibility of the rules of the Convention with the precepts of Islamic law and the Islamic religion raises doubts as to the commitment of Qatar to fulfil its obligations under the Convention. The Government of the Federal Republic of Germany considers this reservation to be incompatible with the object and purpose of the Convention. Therefore the Government of the Federal Republic of Germany objects to the aforesaid reservation made by the Government of Qatar to the Convention.

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

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**Luxembourg**, 6 April 2000

With regard to the reservation made by Qatar upon accession:

The Government of the Grand Duchy of Luxembourg has examined the reservation made by the Government of the State of Qatar to the Convention [...] regarding any interpretation incompatible with the precepts of Islamic law and the Islamic religion.

The Government of the Grand Duchy of Luxembourg considers that this reservation, by referring in a general way to both Islamic law and the Islamic religion without specifying their content, raises doubts among other States Parties about the degree to which the State of Qatar is committed to the observance of the Convention. The Government of the Grand Duchy of Luxembourg believes that the aforementioned reservation of the Government of the State of Qatar is incompatible with the objective and purpose of the Convention, because it refers to it as a whole and seriously limits or even excludes its application on a poorly defined basis, as in the case of the global reference to Islamic law.

Consequently, the Government of the Grand Duchy of Luxembourg objects to the aforementioned reservation made by the Government of the State of Qatar to [the Convention]. This objection does not prevent the entry into force of the Convention between the Grand Duchy of Luxembourg and the State of Qatar.

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**Netherlands**, 19 January 2001

With regard to the reservation made by Qatar upon accession:

"The Government of the Kingdom of the Netherlands considers that the reservation concerning the national law of Qatar, which seeks to limit the responsibilities of the reserving State under the Convention by invoking national law, may raise doubts as to the commitment of this State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law.

It is in the common interest of States that treaties to which they have chosen to become party should be respected, as to object and purpose, by all parties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservation made by the Government of Qatar.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Qatar."

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**Norway**, 18 January 2001

With regard to the reservation made by Qatar upon accession:

"It is the Government of Norway's position that paragraph (a) of the reservation, due to its unlimited scope and undefined character, is contrary to the object and purpose of the Convention, and thus impermissible according to well established treaty law. The Government of Norway therefore objects to paragraph (a) of the reservation.

This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and Qatar. The Convention thus becomes operative between Norway and Qatar without Qatar benefitting from the said reservation."

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**Spain**, 14 March 2000

With regard to the reservation made by Qatar upon accession:

The Government of the Kingdom of Spain has examined the reservation made by the Government of the State of Qatar to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 11 January 2000, as to any interpretation of the Convention that is incompatible with the precepts of Islamic law and the Islamic religion.

The Government of the Kingdom of Spain considers that, by making a general reference to Islamic law and religion rather than to specific content, this reservation raises doubts among the other States parties as to the extent of the commitment of the State of Qatar to abide by the Convention.

The Government of the Kingdom of Spain considers the reservation made by the Government of the State of Qatar to be incompatible with the purpose and aim of the Convention, in that it relates to the entire Convention and seriously limits or even excludes its application on a basis which is not clearly defined, namely, a general reference to Islamic law.

Accordingly, the Government of the Kingdom of Spain objects to the above-mentioned reservation made by the Government of the State of Qatar to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This objection does not prevent the Convention's entry into force between the Government of Spain and the Government of the State of Qatar.

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**Sweden**, 27 April 2000

With regard to the reservations made by the Qatar upon accession:

"The Government of Sweden has examined the reservations made by the Government of Qatar at the time of its accession to the [Convention], as to the competence of the committee and to any

interpretation of the provisions of the Convention that is incompatible with the precepts of Islamic laws and the Islamic religion.

The Government of Sweden is of the view that as regards the latter, this general reservation, which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, raises doubts as to the commitment of Qatar to the object and purpose of the Convention.

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, 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 the Convention shall not be permitted. The Government of Sweden therefore objects to the aforesaid general reservation made by the Government of Qatar to the [Convention].

This shall not preclude the entry into force of the Convention between the State of Qatar and the Kingdom of Sweden, without Qatar benefitting from the said reservation".

#### Note

The Secretary-General received communications relating to the reservation made by Qatar upon accession from the following States on the dates indicated hereinafter:

#### **Italy** (5 February 2001):

"The Government of the Italian Republic has examined the reservation to the Convention against torture and other cruel, inhuman or degrading treatment or punishment made by the Government of Qatar. The Government of the Italian Republic believes that the reservation concerning the compatibility of the rules of the Convention with the precepts of the Islamic law and the Islamic Religion raises doubts as to the commitment of Qatar to fulfill its obligations under the Convention. The Government of the Italian Republic considers this reservation to be incompatible with the object and purpose of the Convention according to article 19 of the 1969 Vienna Convention on the Law of Treaties. This reservation does not fall within the rule of article 20, paragraph 5 and can be objected anytime.

Therefore, the Government of the Italian Republic objects to the aforesaid reservation made by the Government of Qatar to the Convention.

This objection does not preclude the entry into force of the Convention between Italy and Qatar."

#### **Denmark** (21 February 2001):

"The Government of Denmark has examined the contents of the reservation made by the Government of Qatar to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment regarding any interpretation of the provisions of the Convention that is incompatible with the precepts of Islamic law and the Islamic religion. The Government of Denmark considers that the reservation, which is of a general nature, is incompatible with the object and purpose of the Convention and raises doubts as to the commitment of Qatar to fulfil her obligations under the Convention. It is the opinion of the Government of Denmark that no time limit applies to objections against reservations which are inadmissible under international law.

For the above-mentioned reasons, the Government of Denmark objects to this reservation made by the Government of Qatar. This objection does not preclude the entry into force of the Convention between Qatar and Denmark."

**Portugal (20 July 2001):**

"The Government of the Portuguese Republic has examined the reservation made by the Government of Qatar to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York, 10 December 1984), whereby it excludes any interpretation of the said Convention which would be incompatible with the precepts of Islamic Law and the Islamic Religion.

The Government of the Portuguese Republic is of the view that this reservation goes against the general principle of treaty interpretation according to which a State party to a treaty may not invoke the provisions of its internal law as justification for failure to perform according to the obligations set out by the said treaty, creating legitimate doubts on its commitment to the Convention and, moreover, contribute to undermine the basis of International Law.

Furthermore, the said reservation is incompatible with the object and purpose of the Convention. The Government of the Portuguese Republic wishes, therefore, to express its disagreement with the reservation made by the Government of Qatar."

**United Kingdom of Great Britain and Northern Ireland (9 November 2001):**

"The Government of the United Kingdom have examined the reservation made by the Government of Qatar on 11 January 2000 in respect of the Convention, which reads as follows:

'...with reservation as to: (a) Any interpretation of the provisions of the Convention that is incompatible with the precepts of Islamic law and the Islamic religion.'

The Government of the United Kingdom note that a reservation which consists of a general reference to national law without specifying its contents does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the

obligations of the Convention. The Government of the United Kingdom therefore object to the reservation made by the Government of Qatar.

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

*(Note 22, Chapter IV.9, Multilateral Treaties Deposited with the Secretary-General)*