

Reference: C.N.136.2017.TREATIES-IV.9 (Depositary Notification)

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT

NEW YORK, 10 DECEMBER 1984

NORWAY: OBJECTION TO THE RESERVATION MADE BY FIJI UPON RATIFICATION ¹

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

The above action was effected on 13 March 2017.

(Original: English)

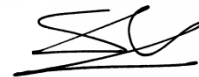
“The Government of Norway has examined the reservation made by the Government of the Republic of Fiji in relation to article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in which the Government of the Republic of Fiji declares: ‘*The Government of the Republic of Fiji does not recognize the definition of Torture as provided for in article 1 of the Convention therefore shall not be bound by these provisions. The definition of Torture in the Convention is only applicable to the extent as expressed in the Fijian Constitution.*’

By declaring itself not bound by an essential provision of the Convention and invoking general reference to the national Constitution without further description of its content, the Republic of Fiji exempts the other States Parties to the Convention from the possibility of assessing the full effects of the reservation. The Government of Norway is of the view that the reservation casts doubts as to the full commitment of the Government of the Republic of Fiji to the object and purpose of the Convention. Furthermore, such a reservation may 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 Parties are respected, as to their object and purpose, by all Parties. The Government of Norway therefore objects to the aforesaid reservation.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Norway and the Republic of Fiji. The Convention thus becomes operative between the Kingdom of Norway and the Republic of Fiji without the Republic of Fiji benefiting from the aforesaid reservation.”

20 March 2017



¹ Refer to depositary notification C.N.93.2016.TREATIES-IV.9 of 16 March 2016 (Ratification: Fiji).