

## KIRIBATI

### CRC

#### **RESERVATIONS AND DECLARATIONS**

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

#### Reservation:

"In respect of article 24 paragraphs (b, c, d, e and f), article 26 and article 28 paragraphs (b,c and d), in accordance with article 51 paragraph 1 of the Convention.

#### Declaration:

The Republic of Kiribati considers that a child's rights as defined in the Convention, in particular the rights defined in articles 12-16 shall be exercised with respect for parental authority, in accordance with the Kiribati customs and traditions regarding the place of the child within and outside the family."

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

*(Unless otherwise indicated, the objections were made upon ratification, accession or succession)*

**Austria**, 3 March 1997

With regard to the reservations made by Brunei Darussalam, Kiribati and Saudi Arabia upon accession:

[Same objection, mutatis mutandis, as the one made with regard to Malaysia.]

*[Ed. note: as follows:*

18 June 1996

With regard to the reservations made by Malaysia upon accession:

"Under article 19 of the Vienna Convention on the Law of Treaties which is reflected in article 51 of the [Convention] a reservation, in order to be admissible under international law, has to be compatible with the object and purpose of the treaty concerned. A reservation is incompatible with object and purpose of a treaty if it intends to derogate from provisions the implementation of which is essential to fulfilling its object and purpose.

The Government of Austria has examined the reservation made by Malaysia to the [Convention]. Given the general character of these reservations a final assessment as to its admissibility under international law cannot be made without further clarification.

Until the scope of the legal effects of this reservation is sufficiently specified by Malaysia, the Republic of Austria considers these reservations as not affecting any provision the implementation of which is essential to fulfilling the object and purpose of the [Convention].

Austria, however, objects to the admissibility of the reservations in question if the application of this reservation negatively affects the compliance of Malaysia ... with its obligations under the [Convention] essential for the fulfilment of its object and purpose.

Austria could not consider the reservation made by Malaysia ... as admissible under the regime of article 51 of the [Convention] and article 19 of the Vienna Convention on the Law of Treaties unless Malaysia ... , by providing additional information or through subsequent practice to ensure [s] that the reservations are compatible with the provisions essential for the implementation of the object and purpose of the [Convention]".]

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### **The Netherlands**

With regard to the reservations made by Djibouti, Indonesia, Iran (Islamic Republic of), Pakistan and the Syrian Arab Republic upon ratification:

"The Government of the Kingdom of the Netherlands considers that such reservations, which seek to limit the responsibilities of the reserving State under the Convention by invoking general principles of national law, may raise doubts as to the commitment of these States 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 parties should be respected, as to object and purpose, by all parties. the Government of the Kingdom of the Netherlands therefore objects to these reservations.

This objection does not constitute an obstacle to the entry into force of the Convention between the Kingdom of the Netherlands and the aforementioned States."

Subsequently, the Secretary-General received, from the Government of the Netherlands, objections of the same nature as the one above with regard to reservations made by the following States on the dates indicated hereinafter:

...

- 3 March 1997: with regard to the reservations made by Liechtenstein upon ratification and Brunei Darussalam, Kiribati and Saudi Arabia upon accession;

...

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## Portugal

15 July 1992

With regard to the reservations made by Myanmar upon accession, by Bangladesh, Djibouti, Indonesia, Kuwait and Pakistan upon ratification and by Turkey upon signature:

"The Government of Portugal considers that reservations by which a State limits its responsibilities under the Convention by invoking general principles of National Law may create doubts on the commitments of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of International Law. It is in the common interest of States that treaties to which they have chosen to become parties also are respected, as to object and purpose, by all parties. The Government of Portugal therefore objects to the reservations.

This objection shall not constitute an obstacle to the entry into force of the Convention between Portugal and Myanmar.

The Government of Portugal furthermore notes that, as a matter of principle, the same objection could be made to the reservations presented by Bangladesh, Djibouti, Indonesia, Kuwait, Pakistan and Turkey."

Subsequently, the Secretary-General received, from the Government of the Portugal, objections of the same nature as the one above with regard to reservations made by the following States on the dates indicated hereinafter:

...

- 30 January 1997: with regard to reservations made by Brunei Darussalam, Kiribati and Saudi Arabia upon accession.

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## Note

On 13 August 1997, the Secretary-General received from the Government of Sweden the following communications with regard to reservations made by Brunei Darussalam, Kiribati and Singapore upon accession to the Convention:

[Same text, mutatis mutandis, as the one made with regard to Indonesia under "Objections".]

*[Ed. note: as follows:*

With regard to the reservation made by Indonesia upon ratification concerning articles 1, 14, 16, 17, 21, 22 and 29:

"A reservation by which a State party limits its responsibilities under the Convention by invoking general principles of national law may cast doubts on the commitments of the

reserving 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 parties also are respected, as to object and purpose, by all parties. The Government of Sweden therefore objects to the reservations.

This objection does not constitute an obstacle to the entry into force of the Convention between Sweden and the Republic of Indonesia."]

*(Note 23, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)*