

OMAN

CRC OPTIONAL PROTOCOL (ARMED CONFLICT)

RESERVATIONS AND DECLARATIONS

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

Reservation:

...subject to the Sultanate's reservations to the Convention on the Rights of the Child.

Declaration:

...the minimum legal age for enlistment in the Ministry of Defence and the Sultan's armed forces is eighteen years; that a birth certificate or a certificate of ascertainment of age from the competent governmental authorities constitutes the precautionary measure for ensuring compliance with that requirement; and that enlistment is optional, not compulsory.

OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

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

Finland, 15 November 2005

With regard to the reservation made by Oman upon accession:

"The Government of Finland has carefully examined the reservations made by the Government of the Sultanate of Oman to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. The Government of Finland notes that the provisions of the Optional Protocol shall, according to the Government of the Sultanate of Oman, be subject to reservations concerning Islamic and domestic law.

The Government of Finland notes that a reservation which consists of a general reference to religious or other national law without specifying its 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 reservations made by the Government of the Sultanate of Oman to the Protocol. This objection does not preclude the entry

into force of the Protocol between the Sultanate of Oman and Finland. The Protocol will thus become operative between the two states without the Sultanate of Oman benefiting from its reservations."

Germany, 17 November 2005

With regard to the reservation made by Oman upon accession:

"The Government of the Federal Republic of Germany has carefully examined the reservation made by the Government of the Sultanate of Oman to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

The reservation refers to all the provisions of the instrument that do not accord with Islamic law or the legislation in force in the Sultanate of Oman.

The Government of the Federal Republic of Germany is of the opinion that the aforesaid restrictions make it unclear to which extent the Sultanate of Oman considers itself bound by the obligations from the Optional Protocol and that this gives rise to serious doubts as to the commitment of the Sultanate of Oman to the object and purpose thereof. The Government of the Federal Republic of Germany therefore objects to the reservation made by the Sultanate of Oman to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. This objection shall not preclude the entry into force of the Optional Protocol between the Federal Republic of Germany and the Sultanate of Oman."

Hungary

With regard to the reservation made by Oman upon accession:

"The Government of the Republic of Hungary has examined the reservations made by the Sultanate of Oman on 17 September 2004 to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Government of the Republic of Hungary notes that the Sultanate of Oman does not consider itself bound by the provisions of the Optional Protocol that do not accord with the Islamic law or the legislation in force in the Sultanate, and also notes that the Sultanate of Oman intends to apply the Optional Protocol within the limits imposed by the material resources available.

The Government of the Republic of Hungary is of the view that the Sultanate of Oman has made reservations of a general nature which do not define clearly to what extent it considers itself bound by the provisions of the Optional Protocol. The Government of the Republic of Hungary notes that according to Article 19 of the Vienna Convention on the Law of Treaties reservations

that are incompatible with the object and purpose of the treaty shall not be permitted.

The Government of the Republic of Hungary therefore objects to the above-mentioned reservations. The objection shall not preclude the entry into force of the Optional Protocol between the Republic of Hungary and the Sultanate of Oman, without the sultanate of Oman benefiting from its reservations."

Norway, 2 December 2005

With regard to the reservations made by Oman upon accession:

".....Norway has examined the second and third reservations made by the Government of the Sultanate of Oman on 17 September 2004 on accession to the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict (New York, 25 May 2000) which concern Islamic and domestic law and limits imposed by the material resources available.

The Government of Norway is of the view that these general reservations raise doubts as to the full commitment of the Sultanate of Oman to the object and purpose of the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict and would like to recall that according to customary international 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 Norway therefore objects to the aforesaid reservations made by the Government of the Sultanate of Oman to the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict. This objection does not preclude the entry into force, in its entirety, of the Convention between Norway and the Sultanate of Oman, without the latter benefiting from these reservations."

Poland, 1 December 2005

With regard to the reservations made by Oman upon accession:

"The Government of the Republic of Poland [has] examined the reservation made by the Government of the Sultanate of Oman upon accession to the Optional Protocol to the Convention on the Rights of the Child as regards the participation of children in armed conflicts, which confirms that the reservations made to the Convention are currently valid. The above mentioned reservations refer in general to all the provisions of the Convention which are not in accordance with Islamic Law of the legislation of the Sultanate of Oman and stipulate that the provisions of

the Convention should be applied within the limits imposed by the materials resources available.

The Government of the Republic of Poland considers that reservations do not specify the extent to which the Sultanate of Oman has accepted the obligations of the Convention are contrary to the object and purpose of the Protocol, i.e., to guarantee better protection of the rights of the child set forth in the Convention. The Government of the Republic of Poland would like to note that pursuant to article 19 of the Vienna Convention on the Law of Treaties, any reservations contrary to the scope and purpose of the treaty are unacceptable.

The Government of Poland therefore objects to the aforesaid reservation made by the Government of the Sultanate of Oman to the Optional Protocol.

However, this objection shall not preclude the entry into force of the Optional Protocol between the Republic of Poland and the Sultanate of Oman."

Spain, 2 December 2005

With regard to the reservations made by Oman upon accession:

The Government of the Kingdom of Spain has examined the reservations made by the Sultanate of Oman on 17 September 2004 upon its accession to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict of 25 May 2004.

The Government of the Kingdom of Spain notes that the Optional Protocol is subject to the reservations made by the Sultanate of Oman to the Convention on the Rights of the Child. The reservations to the Convention include a general reservation to all those provisions of the Convention that do not accord with Islamic Law or the legislation in force in the Oman and a reservation to the effect that the provisions of the Convention should be applied within the limits imposed by the material resources available.

The Government of the Kingdom of Spain considers that the above mentioned reservations which subordinate all the provisions of the Optional Protocol to Islamic Law or the legislation in force in Oman, to which a reference of general nature is made, without either specifying its content or the limits imposed by the material resources available, do not permit to clearly determine the extent to which Oman has accepted the obligations derived from the Optional Protocol, and thereby such reservations raise doubts as to the Sultanate of Oman's commitment to the object and purpose of the Optional Protocol.

The Government of the Kingdom of Spain considers that the reservations made by the Sultanate of Oman to the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict are incompatible with the object and the purpose of the Optional Protocol.

The Government of the Kingdom of Spain recalls that in accordance with customary international law as codified in the Vienna Convention on the Law of Treaties, reservations which are incompatible with the object and the purpose of a treaty are not permitted.

Consequently, the Government of the Kingdom of Spain objects to the reservations made by the Sultanate of Oman to the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict.

This objection shall not preclude the entry into force of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict of 25 May 2000 between the Kingdom of Spain and the Sultanate of Oman.

Sweden, 5 October 2005

With regard to the reservation made by Oman upon accession:

"The Government of Sweden has examined the Oman reservation to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

The Government of Sweden notes that the Optional Protocol is made subject to the reservation formulated by the Government of Oman concerning the Convention of Rights of the Child. The reservation to the Convention contains a general reservation to all the provisions of the Convention that do not accord with Islamic law or the legislation in force in Oman. It also contains a general limitation of the application of the Convention, which stipulates that the provisions of the Convention should be applied within the limits imposed by the material resources available.

The Government of Sweden is of the view that the reservations which do not clearly specify the extent of Oman's derogation from the provisions in question raises serious doubts as to the commitment of Oman to the object and purpose of the Optional Protocol. The Government of Sweden wishes to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted.

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, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of Oman to the Optional Protocol to the Convention of the Rights of the Child in Armed Conflicts and considers the reservation null and void. This objection shall not preclude

the entry into force of the Optional Protocol between Oman and Sweden. The Optional Protocol enters into force in its entirety between Oman and Sweden, without Oman benefiting from its reservation."

United Kingdom of Great Britain and Northern Ireland, 17 August 2005

With regard to the reservation made by Oman upon accession:

"The Government of the United Kingdom have examined the second and third reservations made by the Government of the Sultanate of Oman to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (New York, 25 May 2000) on 17 September 2004 in respect of Islamic and domestic law and of limits imposed by the material resources available.

The Government of the United Kingdom consider that Oman's reservations do 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 aforesaid reservations made by the Government of Oman.

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