

SPAIN

CRC OPTIONAL PROTOCOL (ARMED CONFLICT)

RESERVATIONS AND DECLARATIONS

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

Declaration:

For the purposes of the provisions of article 3 of the Protocol, Spain declares that the minimum age for voluntary recruitment into its armed forces is 18 years.

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)

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.