

Strasbourg, 5 March 2021

CAHDI (2021) Inf 2

COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

Reactions to reservations and declarations to international treaties previously examined by the CAHDI

60th meeting
24-25 March 2021
Videoconference KUDO

Public International Law Division
Directorate of Legal Advice and Public International Law, DLAPIL

TABLE OF CONTENTS

TABLE OF OBJECTIONS	4
APPENDICES	7
APPENDIX I - RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE	7
A. OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT (2000)	7
1. MYANMAR	7
B. PARIS AGREEMENT (2015)	8
2. RUSSIAN FEDERATION	8
C. INTERNATIONAL AGREEMENT ON OLIVE OIL AND TABLE OLIVES (2015)	8
3. GEORGIA	8
D. CONVENTION ON ROAD TRAFFIC (1968)	8
4. HONDURAS	8
E. OPTIONAL PROTOCOL OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1999)	9
5. CHILE	9
F. CONVENTION ON ROAD TRAFFIC (1949)	9
6. BRUNEI DARUSSALAM	9
APPENDIX II – RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED WITHIN THE COUNCIL OF EUROPE	11
G. FOURTH ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON EXTRADITION (2012) – CETS No. 212	11
7. AZERBAIJAN	11
H. ADDITIONAL PROTOCOL TO THE EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT ON THE RIGHT TO PARTICIPATE IN THE AFFAIRS OF A LOCAL AUTHORITY (2009) – CETS No. 207	11
8. GEORGIA	11
I. COUNCIL OF EUROPE CONVENTION ON THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE (2007) – CETS No. 201	11
9. AZERBAIJAN	11
J. CONVENTION ON MUTUAL ADMINISTRATIVE ASSISTANCE IN TAX MATTERS (1998) AS AMENDED BY THE 2010 PROTOCOL – ETS No. 127	12
10. ARMENIA	12
APPENDIX III – PARTIAL WITHDRAWALS	13
K. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1979)	13
11. MALDIVES	13

FOREWORD

Since 1998, the CAHDI operates as European Observatory of Reservations to International Treaties and regularly considers a list of reservations subject to objection.

This document presents the reactions of member and observer states of the CAHDI to reservations and declarations subject to objection, examined by the Committee at its previous meetings and for which the deadline for objection expired since the last CAHDI meeting.

Appendix I contains the text of the reservations and declarations to treaties concluded outside the Council of Europe. Appendix II contains the text of the reservations and declarations to treaties concluded within the Council of Europe. Appendix III contains the text of a partial withdrawal of a reservation. The format of the information contained in these appendices is the following:



TABLE OF OBJECTIONS

LEGEND

Sign.: Made upon signature

- State has objected
- ◆ State has made a declaration
- ◀ State has objected to the original reservation(s), in case of a (partial) withdrawal
- State considers the reservation to have been formulated belatedly

TREATIES

RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE

- A. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)
- B. Paris Agreement (2015)
- C. International Agreement on Olive Oil and Table Olives (2015)
- D. Convention on Road Traffic (1968)
- E. Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women (1999)
- F. Convention on Road Traffic (1949)

RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE

- G. Fourth Additional Protocol to the European Convention on Extradition (2012) – CETS No. 212
- H. Additional Protocol to the European Charter of Local Self-Government on the Right to Participate in the Affairs of a Local Authority (2009) – CETS No. 207
- I. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007) - CETS No. 201
- J. Convention on Mutual Administrative Assistance in Tax Matters (1998) as amended by the 2010 Protocol – ETS No. 217

PARTIAL WITHDRAWALS

- K. Convention on the Elimination of All Forms of Discrimination against Women (1979)

APPENDICES

APPENDIX I - RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED
OUTSIDE THE COUNCIL OF EUROPEA. OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE
INVOLVEMENT OF CHILDREN IN ARMED CONFLICT (2000)

1. MYANMAR

27 September 2019, 27 September 2019, 27 September 2020***Declaration****Declaration under article 3 (2)*

“With reference to Article 3 (2) of the Optional Protocol, the Government of the Republic of the Union of Myanmar declares that citizens may freely present themselves for voluntary military service provided they have attained a minimum age of 18 years, whereas citizens above 16 and under 18 years of age may voluntarily join military academies and military vocational training courses, if furnished with the proof of their age and the prior written consent of their parents or guardians.”

Interpretative declaration

“With reference to Article 4 of the Optional Protocol, the Government of the Republic of the Union of Myanmar considers that any responsibility deriving from recruitment of children under 18 years of age or their use in hostilities by non-state armed groups lies solely with such groups. In the prevention of underage military recruitment, the Government would collaborate with the ethnic armed groups which have signed the NCA (Nationwide Ceasefire Agreement). The latter shall also have a duty to apply at all times the principles governing international humanitarian law.”

Article 3

[...]

2. Each State Party shall deposit a binding declaration upon ratification of or accession to the present Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced.

3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 years shall maintain safeguards to ensure, as a minimum, that: *[emphasis added by the CAHDI Secretariat]*

(a) Such recruitment is genuinely voluntary;

(b) Such recruitment is carried out with the informed consent of the person's parents or legal guardians;

(c) Such persons are fully informed of the duties involved in such military service;

(d) Such persons provide reliable proof of age prior to acceptance into national military service.

[...]

Article 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.

2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.

[...]

B. PARIS AGREEMENT (2015)**2. RUSSIAN FEDERATION**

7 October 2019, 14 October 2019, 14 October 2020

Declaration

“1. The Russian Federation recognizes that, in accordance with paragraph 1 of Article 9 of the Agreement, developed country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation of climate change and adaptation to it in continuation of their existing obligations under the United Nations Framework Convention on Climate Change of 9 May 1992 (hereinafter referred to as “the Convention”). In this context, the Russian Federation notes that as a Party to the Convention the Russian Federation is not included in Annex II to the Convention.

2. The Russian Federation proceeds from the importance of conservation and enhancement of absorbing capacity of forests and other ecosystems, as well as from the necessity of the maximum possible account of this capacity including in the implementation of the Agreement’s mechanisms.

3. The Russian Federation considers unacceptable the use of the Agreement and its mechanisms as tools to create barriers to sustainable social and economic development of the Parties to the Convention.”

C. INTERNATIONAL AGREEMENT ON OLIVE OIL AND TABLE OLIVES (2015)**3. GEORGIA**

9 November 2019, 11 November 2019, 11 November 2020

Declaration

“Georgia declares that for the period of temporary occupation of parts of the territory of Georgia – the Autonomous Republic of Abkhazia and Tskhinvali Region – as a result of military aggression by the Russian Federation and until the complete restoration of the constitutional law and order and effective control by Georgia over such occupied territories, the application and implementation by Georgia of the obligations under the Agreement, as applied to the aforementioned occupied and uncontrolled territories of Georgia, is limited and is not guaranteed.”

D. CONVENTION ON ROAD TRAFFIC (1968)**4. HONDURAS**

6 February 2020, 19 February 2020, 19 February 2021

Late Reservations and Declaration (Translation) (Original: Spanish)**RESERVATIONS**

“The Republic of Honduras does not consider itself bound by the following provisions of the articles and annexes contained in the Convention on Road Traffic:

1. Chapter IV, article 41, paragraph 5, relating to the second annex 6 to the 1968 Convention on Road Traffic, which in its paragraphs 8 and 9 contains the categories DE and D1E concerning units for the carriage of persons that can be coupled to a trailer.
2. Article 30, paragraph I, relating to annex 6, paragraphs 8 and 9, on weights expressly stipulated as maximum masses.
3. Annex 1, paragraph I, relating to annex 5, chapter II, paragraph 42, concerning vehicle dimensions.
4. Chapter IV, article 41, subparagraphs (b) and (c), concerning the minimum age for obtaining a permit for the first time.”

DECLARATION

“The Republic of Honduras shall, with respect to the above-mentioned partial reservations, apply the provisions of articles 11, 12, 13, 14, 15, 28 and 35, paragraph 2, and the other applicable provisions concerning vehicle dimensions contained in the Central American Agreement on Road Traffic.”

E. OPTIONAL PROTOCOL OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1999)

5. CHILE

12 March 2020, 12 March 2020, 12 March 2021

Interpretative declarations (Translation) (Original: Spanish)

“(1) The Republic of Chile, in ratifying this Optional Protocol, reaffirms its ongoing commitment to the promotion and protection of women’s human rights and gender equality, which are objectives that are provided for in the legal system of the Republic of Chile.

(2) The Republic of Chile interprets article 5 of the Optional Protocol as meaning that any request for interim measures as referred to therein, and made with respect to the economic, social and cultural rights enshrined in the Convention, will be examined and applied, in keeping with the progressive nature of these rights.

(3) The Republic of Chile ratifies the present Optional Protocol on the understanding that the special procedure provided for in articles 8 and 9 thereof may not be used to address situations that, given their particular nature, could be the subject of an individual communication. Accordingly, this special procedure cannot be used to circumvent the requirements of article 4 for the submission of individual communications, such as the exhaustion of domestic remedies or the need for the facts giving rise to the case to fall within the temporal scope of the Optional Protocol.

(4) The Republic of Chile declares that recognition of the competence of the Committee as established under articles 8 and 9 of the Optional Protocol shall in no way infringe upon the right to life of the unborn child.”

F. CONVENTION ON ROAD TRAFFIC (1949)

6. BRUNEI DARUSSALAM

12 March 2020, 16 March 2020, 16 March 2021

Reservation

“The Government of Brunei Darussalam does not consider itself bound by Article 33 of the Convention and reserves the rights to agree to follow this or any other dispute settlement forum.”

Article 33

Any dispute between any two or more Contracting States concerning the interpretation or application of this Convention, which the Parties are unable to settle by negotiation or by another mode of settlement, may be referred by written application from any of the Contracting States concerned to the International Court of Justice for decision.

APPENDIX II – RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED WITHIN THE COUNCIL OF EUROPE

G. FOURTH ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON EXTRADITION (2012) – CETS No. 212

7. AZERBAIJAN

15 October 2019, 18 October 2019, 18 October 2020

Declarations

“1. The Republic of Azerbaijan declares that the provisions of the Protocol shall not be applied by the Republic of Azerbaijan to the Republic of Armenia.

2. The Republic of Azerbaijan declares that it does not guarantee the implementation of the provisions of the Protocol in its territories occupied by the Republic of Armenia (the Nagorno-Karabakh region of the Republic of Azerbaijan and its seven districts surrounding that region), until the liberation of these territories from the occupation and the complete elimination of the consequences of that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is [enclosed](#)).

3. The Republic of Azerbaijan declares that it reserves the right to amend or revoke at any time the provisions of paragraph 1 and paragraph 2 of the present Declaration, and other Parties shall be notified in writing of any such amendments or revocations. of any such amendments or revocation.”

H. ADDITIONAL PROTOCOL TO THE EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT ON THE RIGHT TO PARTICIPATE IN THE AFFAIRS OF A LOCAL AUTHORITY (2009) – CETS No. 207

8. GEORGIA

27 November 2019, 29 November 2019, 29 November 2020

Declaration

“Georgia declares that for the period of temporary occupation of a part of the territory of Georgia – the Autonomous Republic of Abkhazia and Tskhinvali region as a result of military aggression by the Russian Federation and until the complete restoration of the constitutional law and order and effective control by Georgia over such occupied territories, the application and implementation by Georgia of the obligations under the Protocol, as applied to the aforementioned occupied and uncontrolled territory of Georgia, is limited and is not guaranteed.”

I. COUNCIL OF EUROPE CONVENTION ON THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE (2007) – CETS No. 201

9. AZERBAIJAN

19 December 2019, 20 December 2019, 20 December 2020

Declarations

“1. The Republic of Azerbaijan declares that the provisions of the Convention shall not be applied by the Republic of Azerbaijan in respect of the Republic of Armenia.

2. The Republic of Azerbaijan declares that it does not guarantee the implementation of the provisions of the Convention in its territories occupied by the Republic of Armenia (the Nagorno-Karabakh region of the Republic of Azerbaijan and its seven districts surrounding that region), until the liberation of these territories from the occupation and complete elimination of the consequences of that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is [enclosed](#)).

3. The Republic of Azerbaijan declares that it reserves the right to amend or revoke at any time the provisions of paragraphs 1 and 2 of the present Declaration, and other Parties shall be notified in writing of any such amendments or revocations.”

**J. CONVENTION ON MUTUAL ADMINISTRATIVE ASSISTANCE IN TAX MATTERS (1998)
AS AMENDED BY THE 2010 PROTOCOL – ETS No. 127**

10. ARMENIA

6 February 2020, 7 February 2020, 7 February 2021

Declaration

“The Declaration of the Republic of Azerbaijan contained in the instrument of ratification deposited on 3 June 2004, includes unsubstantiated and baseless allegations against the Republic of Armenia and distorts the essence of the Nagorno-Karabakh conflict which was triggered and sustained by the use of force by Azerbaijan against peaceful demands of the people of Nagorno-Karabakh (Republic of Artsakh) for human rights and self-determination.”

APPENDIX III – PARTIAL WITHDRAWALS

K. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1979)

11. MALDIVES

24 February 2020, 25 February 2020

Partial withdrawal of reservations to Article 16

“The Government of the Republic of Maldives expresses its desire to withdraw its reservations on Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Clause 1, sections (b), (e), (g) and (h) and Clause 2 without prejudice to Islam, which is the basis of all laws in the Maldives as stipulated in the Constitution of the Republic of Maldives. The aforementioned reservations on sections (b), (e), (g) and (h) of Clause 1 and Clause 2 [of Article 16] of CEDAW had become obsolete through the enactment of laws [and] regulations governing marriage and family relations. [*emphasis added by the CAHDI Secretariat*]

This [...] stipulates the declaration by the Government of the Republic of Maldives to withdraw its reservations on sections (b), (e), (g) and (h) of Clause 1 and Clause 2 of Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women. The reservations have been lifted in compliance with all domestic legal and legislative procedures.”

“The remaining reservations of Maldives to Article 16 of the Convention concern sections (a), (c), (d) and (f) of paragraph 1.”

The original reservations of Maldives to Article 16 read as follows:

“2. The Government of the Republic of Maldives reserves its right to apply Article 16 of the Convention concerning the equality of men and women in all matters relating to marriage and family relations without prejudice to the provisions of the Islamic Sharia, which govern all marital and family relations of the 100 percent Muslim population of the Maldives.”

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;***
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;***
- (c) The same rights and responsibilities during marriage and at its dissolution;***
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;***
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;***
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these Concepts exist in national legislation; in all cases the interests of the children shall be paramount;***
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;***
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.***