INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
NEW YORK, 16 DECEMBER 1966

NETHERLANDS: OBJECTION TO THE DECLARATION MADE BY MYANMAR 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 3 October 2018.

(Original: English)

“The Government of the Kingdom of the Netherlands has carefully examined the declaration made by the Republic of the Union of Myanmar upon ratification on 6 October 2017 of the International Covenant on Economic, Social and Cultural Rights.

The Government of the Kingdom of the Netherlands considers that the declaration made by the Republic of the Union of Myanmar in substance constitutes a reservation limiting the scope of the right of self-determination of all peoples in Article 1 of the Covenant, by applying that provision only in conformity with the Constitution of Myanmar.

The Government of the Kingdom of the Netherlands considers that such a reservation, which seeks to limit the responsibilities of the reserving State under the Covenant by invoking provisions of its domestic law, is likely to deprive the provisions of the Covenant of their effect and therefore must be regarded as incompatible with the object and purpose of the Covenant.

The Government of the Kingdom of the Netherlands recalls that according to customary international law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Kingdom of the Netherlands therefore objects to the reservation of the Republic of the Union of Myanmar to the Covenant. This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the Republic of the Union of Myanmar.”

3 October 2018

¹ Refer to depositary notification C.N.624.2017.TREATIES-IV.3 of 6 October 2017 (Ratification: Myanmar).