OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT
NEW YORK, 25 MAY 2000

ROMANIA: OBJECTION TO THE INTERPRETATIVE 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 27 September 2020.

(Original: English)


The Government of Romania considers that the aforementioned interpretative declaration constitutes in fact a reservation that seeks to limit the scope of Article 4, paragraph 2 and of Article 6, paragraph 3 of the Optional Protocol. Placing any responsibility deriving from recruitment of children under 18 years of age or their use in hostilities by non-state army solely with such groups runs counter to the obligation of the Republic of the Union of Myanmar to take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices, as well as to ensure that persons within its jurisdiction recruited or used in hostilities contrary to the Optional Protocol are demobilized or otherwise released from service.

Therefore, such a reservation contravenes the object and purpose of the Optional Protocol centered on the due diligence obligation of States Parties to take all feasible measures to protect persons under the age of 18 years from taking a direct part in hostilities and from being compulsorily recruited in their armed forces.

The Government of Romania recalls 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 a treaty shall not be permitted.

Consequently, the Government of Romania objects to the aforementioned interpretative declaration made by the Government of the Republic of the Union of Myanmar 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 Romania and the Republic of the Union of Myanmar."

***

30 September 2020