

Reference: C.N.172.2021.TREATIES-IV.16 (Depositary Notification)

INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS  
FROM ENFORCED DISAPPEARANCE

NEW YORK, 20 DECEMBER 2006

NETHERLANDS: OBJECTION TO THE RESERVATION MADE BY OMAN TO ARTICLE 33  
OF THE CONVENTION UPON ACCESSION <sup>1</sup>

The Secretary-General of the United Nations, acting in his capacity as depositary,  
communicates the following:

The above action was effected on 9 June 2021.

(Original: English)

“The Government of the Kingdom of the Netherlands has carefully examined the reservation made by the Government of the Sultanate of Oman upon accession to the International Convention for the Protection of All Persons from Enforced Disappearance on 12 June 2020, relating to article 33 thereof.

The competence of the Committee on Enforced Disappearances under article 33 – as opposed to its competence under articles 31 and 32 – is not conditional upon general recognition by individual State Parties. A visit under article 33 requires prior consultation with the State Party concerned and notification in writing (paragraphs 1-2); moreover, upon a substantiated request by the State Party, the Committee may decide to postpone or cancel its visit (paragraph 3). Therefore, article 33 only refers to visits and the involvement of the State Party concerned on a case-by-case basis. The competence of the Committee under article 33 cannot be excluded as a matter of principle.

The Government of the Kingdom of the Netherlands considers a general exclusion of the Committee’s competence under article 33 of the Convention, as conveyed in the reservation of the Sultanate of Oman, an unduly restriction of the Committee’s competence under the Convention. Such reservation unilaterally limits the scope of the Convention, contrary to its object and purpose of preventing enforced disappearances and combatting impunity for the crime of enforced disappearance, and the competence of the Committee under article 33 to verify reliable information on serious violations of the Convention to these ends.

The Government of the Kingdom of the Netherlands recalls that, according to customary international law as codified in article 19 (c) of the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a Convention are not permissible.

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<sup>1</sup> Refer to depositary notification C.N.201.2020.TREATIES-IV.16 of 15 June 2020 (Accession: Oman).

The Government of the Kingdom of the Netherlands therefore objects to the reservation of the Sultanate of Oman relating to article 33 of the International Convention for the Protection of All Persons from Enforced Disappearance. This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and the Sultanate of Oman.”

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15 June 2021

A handwritten signature in black ink, consisting of stylized letters 'DN' with a horizontal line underneath.