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

The above action was effected on 14 June 2021.

(Translation) (Original: French)

The Kingdom of Belgium has carefully examined the reservation made by the Sultanate of Oman on 12 June 2020 to Article 33 of the International Convention for the Protection of All Persons from Enforced Disappearance, done at New York on 20 December 2006 (hereinafter “the Convention”).

The Kingdom of Belgium notes that the reservation aims to exclude any visits by the Committee on Enforced Disappearances (hereinafter “the Committee”) pursuant to Article 33. However, visits which the Committee intends to make under Article 33 of the Convention are not subject to prior recognition of the competence of the Committee by the State concerned. Under Article 33, the Committee is competent to consider allegations, based on credible information, of serious violations of the Convention by a State Party. Paragraphs 2 and 4 specify that the Committee may only implement the measures provided for in paragraph 1 if it reaches agreement with the State Party concerned. While States Parties may request the postponement or cancellation of a visit, they cannot exclude as a matter of principle any visit by the Committee under Article 33.

Committee visits of the kind provided for in Article 33 are an integral part of the system established by the Convention and an essential element of its implementation. By not recognizing the competence which Article 33 confers on the Committee, the Sultanate of Oman is unduly limiting the Committee's competence, which is inherent in the Convention.

The Kingdom of Belgium therefore considers that this reservation is contrary to the object and purpose of the Convention. The Kingdom of Belgium wishes to recall that, under the terms of Article 19 of the Vienna Convention on the Law of Treaties, a State cannot formulate a reservation that is incompatible with the object and purpose of a treaty.

1 Refer to depositary notification C.N.201.2020.TREATIES-IV.16 of 15 June 2020 (Accession: Oman)
Consequently, the Kingdom of Belgium objects to the above-mentioned reservation made by the Sultanate of Oman to the International Convention for the Protection of All Persons from Enforced Disappearance. This objection does not preclude the entry into force of the Convention as between Belgium and Oman.

***

29 June 2021