

Withdrawal of article 34(6) declaration

Applicability of the Vienna Convention on the Law of Treaties to withdrawal of declaration

While the declaration emanates from the Protocol, it a unilateral act and not *per se* a treaty and therefore not subject to the provisions of the Vienna Convention on the Law of Treaties (VCLT) (*Ingabire Victorie Umuhoza v Republic of Rwanda*, Ruling on Jurisdiction, 5 September 2016, para 54).

Conditions of withdrawal Even though states may withdraw their declarations, this right is not absolute especially where the declaration creates legal rights for third parties the enjoyment of which requires legal certainty (*Umuhoza*, para 60). States should therefore give a minimum of 1 year prior notice to avoid the abrupt suspension of rights emanating from the declaration (*Umuhoza*, paras 62-66).