

Reference: C.N.143.2017.TREATIES-XVIII.12.b (Depositary Notification)

PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA
AND AIR, SUPPLEMENTING THE UNITED NATIONS CONVENTION
AGAINST TRANSNATIONAL ORGANIZED CRIME
NEW YORK, 15 NOVEMBER 2000

GERMANY: OBJECTION TO THE RESERVATION MADE BY AFGHANISTAN
UPON ACCESSION ¹

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

The above action was effected on 21 March 2017.

(Original: English)

“The Federal Republic of Germany raises an objection to the reservation of the Islamic Republic of Afghanistan in relation to Article 18 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, because it is incompatible with the object and purpose of the treaty.

The declaration is a reservation, in the sense that it is a unilateral statement by a State which purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that state (cf. Article 2 (1) (d) of the Vienna Convention on the Law of Treaties).

This reservation is not permissible under the terms of Article 19 of the Vienna Convention on the Law of Treaties because it is not provided for in the Protocol and it is incompatible with the object and purpose of the treaty (cf. Article 19 (c)). Afghanistan seeks to exclude precisely the issue that Article 18 of the Protocol is intended to govern, namely the return of smuggled migrants to a State Party’s own territory.”

22 March 2017



¹ Refer to depositary notification C.N.46.2017.TREATIES-XVIII.12.b of 3 February 2017 (Accession: Afghanistan).