

Reference: C.N.627.2017.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

FINLAND: OBJECTION TO THE RESERVATION MADE BY AFGHANISTAN 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 10 October 2017.

(Original: English)

“The Government of Finland has carefully examined the reservation made by the Islamic Republic of Afghanistan concerning the Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime.

In view of the Government of Finland, the reservation made by the Islamic Republic of Afghanistan to Article 18 of the Protocol is incompatible with the object and purpose of the Protocol. The reservation purports to exclude in its entirety the operation of an Article regulating the return of smuggled migrants. This is a central Article of the Protocol, whose very purpose is to prevent and combat the smuggling of migrants and to promote cooperation among States Parties to that end. According to Article 19 of the Vienna Convention on the Law of Treaties and customary international law reservations incompatible with the object and purpose of the treaty shall not be permitted.

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

Therefore, the Government of Finland objects to the aforesaid reservation made by the Islamic Republic of Afghanistan. This objection does not preclude the entry into force of the Protocol between Finland and the Islamic Republic of Afghanistan. The Protocol is thus operative between the two States without the Islamic Republic of Afghanistan benefitting from its reservation.”

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11 October 2017

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

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