

Reference: C.N.42.2018.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

SWEDEN: 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 19 January 2018.

(Original: English)

“The Government of Sweden has examined the reservation made by the Islamic Republic of Afghanistan upon accession to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, by which the Islamic Republic of Afghanistan excludes the application of Article 18 of the Protocol in its entirety.

The Government of Sweden recalls that the purpose of the Protocol is to prevent and combat the smuggling of migrants, as well as to promote cooperation among States Parties to that end, while protecting the rights of smuggled migrants. The reservation by the Islamic Republic of Afghanistan concerns a provision central to this purpose and must therefore be regarded as incompatible with the object and purpose of the treaty.

According to customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

---

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

For this reason, the Government of Sweden objects to the aforementioned reservation made by the Islamic Republic of Afghanistan. This objection shall not preclude the entry into force of the Protocol between Sweden and the Islamic Republic of Afghanistan. The Protocol enters into force in its entirety between the Islamic Republic of Afghanistan and Sweden, without the Islamic Republic of Afghanistan benefitting from its reservation.”

19 January 2018

A handwritten signature in black ink, consisting of several fluid, overlapping strokes, positioned below the date.

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are issued in electronic format only. Depositary notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection at <<https://treaties.un.org>>, under "Depositary Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at <[https://treaties.un.org/Pages/Login.aspx?lang=\\_en](https://treaties.un.org/Pages/Login.aspx?lang=_en)>.