
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

GREECE: 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 2 February 2018.

(Original: English)

“The Government of the Hellenic Republic has examined the reservation formulated 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, in relation to Article 18 of the said Protocol. Article 18 which regulates the return of smuggled migrants constitutes an essential element of the Protocol necessary to its general tenour. By seeking to exclude the application of this Article in its entirety, the reservation contravenes the purpose of the Protocol which, according to Article 2 thereof, is to prevent and combat the smuggling of migrants and to promote cooperation among States Parties to that end, while protecting the rights of smuggled migrants, and impairs its raison d’être.

The Government of the Hellenic Republic considers this reservation to be incompatible with the object and purpose of the Protocol and would like to recall that 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 the Protocol is impermissible.


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Therefore, the Government of the Hellenic Republic objects to the above reservation formulated by the Islamic Republic of Afghanistan. This objection shall not preclude, however, the entry into force of the Protocol between the Hellenic Republic and the Islamic Republic of Afghanistan. The Protocol will thus become operative between the two States without the Islamic Republic of Afghanistan benefiting from the reservation.”

2 February 2018

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