

Reference: C.N.77.2018.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

LATVIA: COMMUNICATION WITH REGARD 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 8 February 2018.

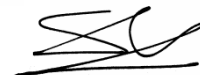
(Original: English)

“The Government of the Republic of Latvia has carefully examined the reservations made by the Islamic Republic of Afghanistan upon ratification of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime.

The Republic of Latvia considers that Article 18 of the Protocol forms the very basis of the Protocol and its main purpose, thus no derogations from those obligations can be made. The reservation made by the Islamic Republic of Afghanistan regarding Article 18 excludes the legal effect of [a] central provision of the Protocol, thus the reservation is incompatible with the object and the purpose of the Protocol and therefore inadmissible under Article 19(c) of the Vienna Convention on the Law of Treaties.

However, this objection shall not preclude the entry into force of the Protocol between the Republic of Latvia and the Islamic Republic of Afghanistan. The Protocol will thus become operative between the two States without the Islamic Republic of Afghanistan benefitting from its reservation.”

13 February 2018



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