

Reference: C.N.317.2024.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

POLAND: COMMUNICATION

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

The above action was effected on 30 July 2024.

(Original: English)

“The Government of the Republic of Poland has examined the ‘Interpretative Declaration’ of the Republic of Belarus submitted on 31 July 2023 (C.N.225.2023. TREATIES-XVIII.12.b (Depositary Notification)) to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the United Nations General Assembly on 15 November 2000 (hereinafter ‘the Protocol’).

The Government of the Republic of Poland objects to the aforementioned ‘Interpretative Declaration’ insofar as it seeks to modify the treaty obligations and as such constitutes an invalid reservation devoid of any legal effects.

The ‘Interpretative Declaration’ implies that a State that has agreed to submit to the jurisdiction of the International Court of Justice under Article 20(2) of the Protocol will not be bound by such provision in relation to another State Party that has withdrawn its reservation to that provision in accordance with Article 20(4) of the Protocol ‘in situations where disputes concerning the interpretation or application of the Protocol have arisen from and/or have become the subject of peaceful settlement, inter alia through negotiations and/or arbitration, before, on, or immediately after the withdrawal of such a reservation.’

However, in accordance with article 20(4) of the Protocol, ‘Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations’. Furthermore, in accordance with Article 20(3) of the Protocol, a reservation to Article 20(2) can only be submitted ‘at the time of signature, ratification, acceptance or approval of or accession to this Protocol’.

Since the Republic of Belarus did not make a reservation to Article 20(2) at the time of its accession to the Protocol, it cannot currently modify or exclude its effects vis-à-vis a State which, pursuant to Article 20(4), has exercised its right to withdraw 'at any time' its own reservation to Article 20(2)."

6 August 2024

A handwritten signature in black ink, consisting of stylized letters 'DN' with a horizontal line underneath.