

Reference: C.N.318.2024.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

AUSTRIA: COMMUNICATION¹

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

The above action was effected on 31 July 2024.

(Original: English)

“Ref. No. New-York-ÖV/RECHT/0104/2024

The Permanent Mission of Austria to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honor to make an objection and opposition to a reservation made by the State of Belarus in relation to the Protocol against the Smuggling of Migrants by Land[,] Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

The Government of Austria has carefully examined the declaration made by the State of Belarus on 31 July 2023 regarding Article 20 (2) - (4) of the Protocol against the Smuggling of Migrants by Land[,] Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (hereinafter ‘Protocol’).

Austria considers the declaration to amount to a reservation, because it aims to exclude the application of Article 20 (2) of the Protocol to State Parties that have withdrawn their reservation pursuant to Article 20 (4) of the Protocol to all disputes that arose ‘before, on, or immediately after the withdrawal of such a reservation.’ Hence, Belarus intends to modify the legal effects of Article 20 (4) of the Protocol, which provides that a State Party that has made a reservation in accordance with Article 20 (3) may at any time withdraw that reservation, without any temporal limitations of the disputes concerned. According to Article 20 (3) of the Protocol, only reservations to Article 20 (2) of the Protocol are permitted. Austria therefore considers the reservation impermissible and objects to it.

¹ Refer to depositary notification C.N.225.2023.TREATIES-XVIII.12.b of 31 July 2023 (Interpretative Declaration: Belarus).

Furthermore, in accordance with Article 20 (3) of the Protocol, States are only allowed to make reservations when signing the Protocol or when depositing its instrument of ratification or accession thereto. The Republic of Belarus deposited its instrument of accession to the Protocol already on 25 June 2003, without making the abovementioned reservation. Austria therefore considers the reservation to be formulated late and opposes it.

The Permanent Mission of Austria avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

New York, 31 July 2024”

6 August 2024

A handwritten signature in black ink, consisting of the letters 'DN' with a horizontal line underneath and a vertical line extending upwards from the 'N'.