12. b) 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

ENTRY INTO FORCE: 28 January 2004, in accordance with article 22 which reads as follows: "1. This Protocol will enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member states of such organization. 2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter inot force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.".

REGISTRATION: 28 January 2004, No. 39574.

STATUS: Signatories: 112. Parties: 152.

TEXT: United Nations, *Treaty Series*, vol. 2241, p. 507; Doc. A/55/383.

Note: The Protocol was adopted by resolutionA/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations.In accordance with its article 21, the Protocol will be open for signature by all States and by regional economic integration organizations, provided that at least one Member State of such organization has signed the Protocol, from 12 to 15 December 2000 at the Palazzi di Giustizia in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

Participant	*Signature*	*Ratification, Acceptance(A), Approval(AA), Accession(a), Succession(d)*
Afghanistan		2 Feb 2017 a
Albania	12 Dec 2000	21 Aug 2002
Algeria	6 Jun 2001	9 Mar 2004
Angola		19 Sep 2014 a
Antigua and Barbuda		17 Feb 2010 a
Argentina	12 Dec 2000	19 Nov 2002
Armenia	15 Nov 2001	1 Jul 2003
Australia	21 Dec 2001	27 May 2004
Austria	12 Dec 2000	30 Nov 2007
Azerbaijan	12 Dec 2000	30 Oct 2003
Bahamas	9 Apr 2001	26 Sep 2008
Bahrain		7 Jun 2004 a
Barbados	26 Sep 2001	11 Nov 2014
Belarus	14 Dec 2000	25 Jun 2003
Belgium	12 Dec 2000	11 Aug 2004
Belize		14 Sep 2006 a
Benin	17 May 2002	30 Aug 2004
Bolivia (Plurinational State of)	12 Dec 2000	
Bosnia and Herzegovina	12 Dec 2000	24 Apr 2002
Botswana	10 Apr 2002	29 Aug 2002
Brazil	12 Dec 2000	29 Jan 2004
Bulgaria	13 Dec 2000	5 Dec 2001
Burkina Faso	15 Dec 2000	15 May 2002
Burundi	14 Dec 2000	24 May 2012
Cabo Verde	13 Dec 2000	15 Jul 2004
Cambodia	11 Nov 2001	12 Dec 2005
Cameroon	13 Dec 2000	6 Feb 2006
Canada	14 Dec 2000	13 May 2002
Central African Republic		6 Oct 2006 a
Chad		23 Sep 2022 a
Chile	8 Aug 2002	29 Nov 2004
Comoros		15 Dec 2020 a
Congo	14 Dec 2000	
Costa Rica	16 Mar 2001	7 Aug 2003
Côte d'Ivoire		8 Jun 2017 a
Croatia	12 Dec 2000	24 Jan 2003

Participant	Signature	Ratification, Acceptance(A), Approval(AA), Accession(a), Succession(d)
Cuba		20 Jun 2013 a
Cyprus	12 Dec 2000	6 Aug 2003
Czech Republic	10 Dec 2002	24 Sep 2013
Democratic Republic of the Congo		28 Oct 2005 a
Denmark[1]	12 Dec 2000	8 Dec 2006
Djibouti		20 Apr 2005 a
Dominica		17 May 2013 a
Dominican Republic	15 Dec 2000	10 Dec 2007
Ecuador	13 Dec 2000	17 Sep 2002
Egypt		1 Mar 2005 a
El Salvador	15 Aug 2002	18 Mar 2004
Equatorial Guinea	14 Dec 2000	
Estonia	20 Sep 2002	12 May 2004
Eswatini	8 Jan 2001	24 Sep 2012
Ethiopia		22 Jun 2012 a
European Union	12 Dec 2000	6 Sep 2006 AA
Fiji		19 Sep 2017 a
Finland	12 Dec 2000	7 Sep 2006 A
France	12 Dec 2000	29 Oct 2002
Gabon		10 May 2019 a
Gambia	14 Dec 2000	5 May 2003
Georgia	13 Dec 2000	5 Sep 2006
Germany	12 Dec 2000	14 Jun 2006
Ghana		21 Aug 2012 a
Greece	13 Dec 2000	11 Jan 2011
Grenada		21 May 2004 a
Guatemala		1 Apr 2004 a
Guinea		8 Jun 2005 a
Guinea-Bissau	14 Dec 2000	
Guyana		16 Apr 2008 a
Haiti	13 Dec 2000	19 Apr 2011
Honduras		18 Nov 2008 a
Hungary	14 Dec 2000	22 Dec 2006
Iceland	13 Dec 2000	
India	12 Dec 2002	5 May 2011
Indonesia	12 Dec 2000	28 Sep 2009
Iraq		9 Feb 2009 a
Ireland	13 Dec 2000	
Italy	12 Dec 2000	2 Aug 2006
Jamaica	13 Feb 2002	29 Sep 2003
Japan	9 Dec 2002	11 Jul 2017 A
Kazakhstan		31 Jul 2008 a
Kenya		5 Jan 2005 a
Kiribati		15 Sep 2005 a
Kuwait		12 May 2006 a
Kyrgyzstan	13 Dec 2000	2 Oct 2003
Lao People's Democratic Republic		26 Sep 2003 a
Latvia	10 Dec 2002	23 Apr 2003
Lebanon	26 Sep 2002	5 Oct 2005
Lesotho	14 Dec 2000	24 Sep 2004
Liberia		22 Sep 2004 a
Libya	13 Nov 2001	24 Sep 2004
Liechtenstein	14 Mar 2001	20 Feb 2008
Lithuania	25 Apr 2002	12 May 2003
Luxembourg	12 Dec 2000	24 Sep 2012
Madagascar	14 Dec 2000	15 Sep 2005
Malawi		17 Mar 2005 a
Mali	15 Dec 2000	12 Apr 2002
Malta	14 Dec 2000	24 Sep 2003
Mauritania		22 Jul 2005 a
Mauritius		24 Sep 2003 a
Mexico	13 Dec 2000	4 Mar 2003
Monaco	13 Dec 2000	5 Jun 2001
Mongolia		27 Jun 2008 a
Montenegro[2]		23 Oct 2006 d
Mozambique	15 Dec 2000	20 Sep 2006
Myanmar		30 Mar 2004 a
Namibia	13 Dec 2000	16 Aug 2002
Nauru	12 Nov 2001	12 Jul 2012
Netherlands (Kingdom of the)[3]	12 Dec 2000	27 Jul 2005 A
New Zealand[4]	14 Dec 2000	19 Jul 2002
Nicaragua		15 Feb 2006 a
Niger		18 Mar 2009 a
Nigeria	13 Dec 2000	27 Sep 2001
North Macedonia	12 Dec 2000	12 Jan 2005
Norway	13 Dec 2000	23 Sep 2003
Oman		13 May 2005 a
Palau		27 May 2019 a
Panama	13 Dec 2000	18 Aug 2004
Paraguay		23 Sep 2008 a
Peru	14 Dec 2000	23 Jan 2002
Philippines	14 Dec 2000	28 May 2002

Participant	Signature		Ratification, Acceptance(A), Approval(AA), Accession(a), Succession(d)	
Poland	4 Oct	2001	26 Sep	2003
Portugal	12 Dec	2000	10 May	2004
Republic of Korea	13 Dec	2000	5 Nov	2015
Republic of Moldova	14 Dec	2000	28 Feb	2006 a
Romania	14 Dec	2000	4 Dec	2002
Russian Federation	12 Dec	2000	26 May	2004
Rwanda	14 Dec	2000	4 Oct	2006
San Marino	14 Dec	2000	20 Jul	2010
Sao Tome and Principe			12 Apr	2006 a
Saudi Arabia	10 Dec	2002	20 Jul	2007
Senegal	13 Dec	2000	27 Oct	2003
Serbia	12 Dec	2000	6 Sep	2001
Seychelles	22 Jul	2002	22 Jun	2004
Sierra Leone	27 Nov	2001	12 Aug	2014
Slovakia	15 Nov	2001	21 Sep	2004
Slovenia	15 Nov	2001	21 May	2004
South Africa	14 Dec	2000	20 Feb	2004
Spain	13 Dec	2000	1 Mar	2002
Sri Lanka	13 Dec	2000		
St. Kitts and Nevis			21 May	2004 a
St. Vincent and the Grenadines	20 Nov	2002	29 Oct	2010
Sudan			9 Oct	2018 a
Suriname			25 May	2007 a
Sweden	12 Dec	2000	6 Sep	2006
Switzerland	2 Apr	2002	27 Oct	2006
Syrian Arab Republic	13 Dec	2000	8 Apr	2009
Tajikistan			8 Jul	2002 a
Thailand	18 Dec	2001		
Timor-Leste			9 Nov	2009 a
Togo	12 Dec	2000	28 Sep	2010
Trinidad and Tobago	26 Sep	2001	6 Nov	2007
Tunisia	13 Dec	2000	14 Jul	2003
Türkiye	13 Dec	2000	25 Mar	2003
Turkmenistan			28 Mar	2005 a
Uganda	12 Dec	2000	27 Mar	2024
Ukraine[5,6]	15 Nov	2001	21 May	2004
United Kingdom of Great Britain and Northern Ireland	14 Dec	2000	9 Feb	2006
United Republic of Tanzania	13 Dec	2000	24 May	2006
United States of America	13 Dec	2000	3 Nov	2005
Uruguay	13 Dec	2000	4 Mar	2005
Uzbekistan	28 Jun	2001		
Venezuela (Bolivarian Republic of)	14 Dec	2000	19 Apr	2005
Zambia			24 Apr	2005 a

Declarations and Reservations
(Unless otherwise indicated, the declarations and reservations were made upon ratification, acceptance, approval or accession.)

AFGHANISTAN

"... the Government of the Islamic Republic of Afghanistan registers its reservation in relation to Article 18 of the said Protocol."

ALGERIA

The Government of the Algerian People's Democratic Republic does not consider itself bound by the provisions of article 20, paragraph 2, of this Protocol, which provides that any dispute between two or more States concerning the interpretation or application of the said Protocol that cannot be settled through negotiation shall, at the request of one of those States, be submitted to arbitration or referred to the International Court of Justice.

The Government of the Algerian People's Democratic Republic believes that any dispute of this kind can only be submitted to arbitration or referred to the International Court of Justice with the consent of all parties to the dispute.

Ratification of this Protocol by the Algerian People's Democratic Republic in no way signifies recognition of Israel.

Such ratification cannot be construed as leading to the establishment of any kind of relations with Israel.

AZERBAIJAN

"The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Protocol in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation."

"In accordance with paragraph 3 of Article 20 of the Protocol, the Republic of Azerbaijan declares that it does not consider itself bound by paragraph 2 of Article 20."

BAHAMAS

"In accordance with Article 20 paragraph 3, the Commonwealth of The Bahamas enters a specific reservation to the procedure established under Article 20 paragraph 2 of the Protocol on the basis that referral of a dispute concerning the application or interpretation of the

provisions of the Protocol to arbitration or to the International Court of Justice must be by consent of all the parties to the dispute."

BAHRAIN

"... the Kingdom of Bahrain does not consider itself bound by paragraph 2 of article 20 of the Protocol against the Smuggling of Migrants by Land, Sea and Air."

BELARUS[7]

"The Republic of Belarus proceeds from the assumption that the provisions of paragraphs 2 – 4 of Article 20 of the Protocol shall be interpreted in good faith as not binding for the States Parties to the Protocol with the obligations to settle disputes in the International Court of Justice with that State Party to the Protocol which withdraws its reservation on non-recognition of its jurisdiction, in situations when disputes concerning the interpretation or application of the Protocol have arisen from and/or become the subject of peaceful settlement, inter alia through negotiations and/or arbitration, before, on, or immediately after the withdrawal of such a reservation".

On 13 November 2023, the Secretary-General received a communication from the Republic of Belarus in regard to its Interpretative Declaration concerning Article 20 of the Protocol.

See C.N.473.2023.TREATIES-XVIII.12.b dated 16 November 2023 for the text of the communication.

BELGIUM

Declaration:

The French, Flemish and German-speaking Communities and the Regions of Wallonia, Flanders and Brussels-Capital are also bound by this signature.

CUBA

The Republic of Cuba declares that, in accordance with the provisions of Article 20, paragraph 3 of the Protocol, it does not consider itself bound by the provisions of paragraph 2 of that Article.

ECUADOR

With regard to the Protocol against the Smuggling of Migrants by Land, Sea and Air, the Government of Ecuador declares that migrants are the victims of illicit trafficking in persons on the part of criminal organizations whose only goal is unjust and undue enrichment at the expense of persons wishing to perform honest work abroad.

The provisions of the Protocol must be understood in conjunction with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly of the United Nations in 1990, and with current international instruments on human rights.

Exercising the powers referred to in article 20, paragraph 3, of the Protocol against the Smuggling of Migrants by Land, Sea and Air, the Government of Ecuador makes a reservation with regard to article 20, paragraph 2, relating to the settlement of disputes.

EL SALVADOR

Reservation:

The Government of the Republic of El Salvador does not consider itself bound by paragraph 2 of article 20, inasmuch as it does not recognize the compulsory jurisdiction of the International Court of Justice. With regard to article 9, paragraph 2, it hereby declares that only in the event of the revision of criminal judgements shall the State, in keeping with its domestic legislation, by law compensate the victims of judicial errors that have been duly proved. With regard to article 18, it states that the return of smuggled migrants shall take place to the extent possible and within the means of the State.

Reservation:

With regard to article 20, paragraph 3, the Government of the Republic of El Salvador does not consider itself bound by paragraph 2 of this article, inasmuch as it does not recognize the compulsory jurisdiction of the International Court of Justice.

Declarations:

With regard to article 9, paragraph 2, it hereby declares that only in the event of the revision of criminal judgements shall the State, in keeping with its domestic legislation, by law compensate the victims of judicial errors that have been duly proved.

With regard to article 18, it states that the return of smuggled migrants shall take place to the extent possible and within the means of the State.

ETHIOPIA

Ethiopia does not accept the jurisdiction of the International Court of Justice which is provided under Article 20(2) of the said Protocol.

EUROPEAN UNION

"Information on the modifications to the competences of the European Union with regard to the United Nations Convention against Transnational Organised Crime and the Protocols thereto following the Lisbon Treaty

This information concerns the modifications to the competences of the European Union ('EU' or 'Union') with regard to matters governed by the United Nations Convention against Transnational Organised Crime (UNTOC) and the Protocols thereto¹ since the entry into force of the Treaty of Lisbon².

With the entry into force of the Treaty of Lisbon, the powers of the European Union that succeeded the European Community have changed. This change creates the legal obligation to inform the depositary of the new competences and to specify the scope and extent of the EC (now EU) competences, pursuant to Article 36(3) UNTOC, Article 21(3) of the Protocol against Migrant Smuggling, and Article 16(3) of the Protocol against Trafficking in Persons. The information contained below supplements the information contained in the notification of 8 March 2010 to the Secretary-General of the United Nations, in his capacity as depositary of the UN conventions.³

Notably, the UNTOC and its Protocols are mixed competence agreements. They contain provisions that fall both within exclusive competence of the EU and within shared competence jointly together with EU Member States.

The EU acquired new competences under Title V of the Treaty of the Functioning of the European Union (Articles 82 and 83 TFEU). These new competences comprise important aspects of judicial cooperation in criminal matters (including mutual recognition of judicial decisions between EU Member States) and of police cooperation (Articles 87(2) and (3), and 89 TFEU). As regards substantive criminal law, competences under Article 83(1) TFEU extend to particularly serious crime with a cross-border dimension, including terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime. The EU has exercised its competence by legislating in most of these policy areas, but also other policy areas that are relevant to the Convention and its

Protocols, including in relation to smuggling of migrants, environmental crimes and the freezing and confiscation of assets. Furthermore, the EU has established bodies responsible for investigating, prosecuting crimes against the Union's financial interests.

The Union notes that it has also competence to counter fraud and any other illegal activities affecting the financial interests of the Union (Article 325 of the Treaty on the Functioning of the European Union, and in relation to criminal matters, Article 83(2) TFEU), including in questions relating to anti-corruption. It has exercised its competence in this area, notably with the establishment of the European Anti-Fraud Office, and the adoption of detailed rules on aspects of the fight against illegal activities affecting the financial interests of the Union.

The Union has also acquired the competence to establish the European Public Prosecutor's Office (EPPO) (Article 86 TFEU). Established with Regulation (EU) 2017/1939⁴, the EPPO is competent to investigate, prosecute and bring to judgment the perpetrators of, and accomplices to, criminal offences affecting the Union's financial interests, notably money laundering involving property derivedfrom such offences, fraud affecting the Union's financial interests, corruption that damages or is likely to damage the Union's financial interests, and misappropriation that damages such interests⁵. The EPPO is also competent for offences regarding participation in a criminal organisation as defined in Framework Decision 2008/841/JHA⁶, as implemented in national law, if the focus of the criminal activity of such a criminal organisation is to commit any of the above-mentioned offences affecting the Union's financial interests.

In the areas mentioned above, it is for the Union alone to enter into international agreements with other countries or competent international organisations if such undertakings were to affect common rules or alter their scope.

In the sphere of development cooperation, the European Union has competence to carry out activities and conduct a common policy. This includes support to partner countries in the ratification and implementation of the United Nations Convention against Transnational Organised Crime (UNTOC) and the use of provisions to combat cross-border crime in agreements with partner countries. The exercise of this competence shall not prevent Member States from exercising their competences. The Union's development cooperation policy and that of the Member States complement and reinforce each other."

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¹ As far as the Protocol on Firearms is concerned, a new Declaration of Competence is not required. The EU does not need to modify the declaration in light of the revision of Directive 921/477/EEC on control of the acquisition and possession of weapons: Directive (EU) 2017/853 of 17 May 2017 amending Directive 91/477/EEC on control of the acquisition and possession of weapons, OJ L 137/22 of 24.5.2017. The text of the current declaration is still correct, as it does not refer to specific EU legislation and thus capturing the new Directive: '[t]he European Union has exclusive competence […] as regards provisions of the agreement which may affect or alter the scope of common rules adopted by the European Union'. It has 'adopted rules as regards notably the fight against illicit manufacturing of and trafficking in firearms, regulating standards and procedures on commercial policy of the Member States concerning in particular record keeping, marking of firearms, deactivation of firearms, requirements for exports, import and transit licensing authorisation systems strengthening of controls at export point and brokering activities.'

² The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community (OJ C 306, 17.12.2007), entered into force on 1 December 2009 (https://www.europarl.europa.eu/factsheets/en/sheet/5/the-treaty-of-lisbon).

³ https://treaties.un.org/pages/historicalinfo.aspx#European Union

⁴ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), OJ L 283, 31.10.2017, p. 1-71.

⁵ The EPPO became operational on 1 June 2021, when it assumed its investigative and prosecutorial tasks, in accordance with Article 120(2) of Regulation (EU) 2017/1939.

⁶ Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime, OJ L 300, 11.11.2008, p. 42.

"Article 21 (3) of the Protocol provides that the instrument of accession of a regional economic integration organisation shall contain a declaration specifying the matters governed by the Protocol in respect of which competence has been transferred to the organisation by its Member States which are Parties to the Protocol.

The Protocol against the smuggling of migrants by land, air and sea shall apply, with regard to the competences transferred to the European Community, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, in particular Article 299 thereof and the Protocols annexed to it.

This declaration is without prejudice to the position of the United Kingdom and Ireland under the Protocol integrating the Schengen acquis into the framework of the European Union and under the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and the Treaty establishing the European Community.

This declaration is equally without prejudice to the position of Denmark under the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community.

Pursuant to Article 299, this declaration is also not applicable to the territories of the Member States in which the said Treaty does not apply and is without prejudice to such acts or positions as may be adopted under the Protocol by the Member States concerned on behalf of and in the interests of those territories. In accordance with the provision referred to above, this declaration indicates the competence that the Member States have transferred to the Community under the Treaties in matters governed by the Protocol. The scope and the exercise of such Community competence are, by their nature, subject to continuous development as the Communityfurther adopts relevant rules and regulations, and the Community will complete or amend this declaration, if necessary, in accordance with Article 21 (3) of the Protocol.

The Community points out that it has competence with regard to the crossing of external borders of the Member States, regulating standards and procedures when carrying out checks on persons at such borders and rules on visas for intended stays of no more than three months. The Community is also competent for measures on immigration policy regarding conditions of entry and residence and measures to counter illegal immigration and illegal residence, including repatriation of illegal residents. Moreover, it can take measures to ensure cooperation between the relevant departments of the

administrations of the Member States, as well as between those departments and the Commission, in the aforementioned areas. In these fields the Community has adopted rules and regulations and, where it has done so, it is hence solely for the Community to enter into external undertakings with third States or competent international organisations.

In addition, Community policy in the sphere of development cooperation complements policies pursued by Member States and includes provisions to prevent and combat smuggling of migrants."

FIJI

"Fiji reserves waiving its sovereign rights and declares that it does not consider itself bound by the provisions of paragraph 2 of article 20."

GREECE

"Article 13 of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, without prejudice to Articles 9A of the Constitution, 19(3) of the Constitution, 8(1) of the European Convention on Human Rights, 436-457 of the Code of Criminal Procedure and 352B of the Criminal Code, as added by Article Second (12) of Law 3625/2007 (Government Gazette 290A), Law 2472/1997, as amended by Articles 8 of Law 2819/2000 (Government Gazette 84A), 10 of Law 3090/2002 (Government Gazette 329A) and Eighth of Law 3625/2007, Law 3471/2006 (Government Gazette 133A) and Presidential Decree 47/2005 (Government Gazette 64A).

The Greek State makes use of Article 20(3) of the Protocol against the Smuggling of Migrants by Land, Sea and Air, and declares that it is not bound by para. 2 of this article."

INDONESIA

"..., the Government of the Republic of Indonesia conveys her declaration on the provision of Article 6 paragraph (2) subparagraph c, Article 9 paragraph (1) subparagraph a, and Article 9 paragraph (2) of the Protocol [which] will have to be implemented in strict compliance with the principles of the sovereignty and territorial integrity of a state;"

"..., the Government of the Republic of Indonesia conveys her reservation not to be bound by the provision of Article 20 (2) and takes the position that disputes relating to the interpretation and application on the Protocol which have not been settled through the channel provided for in Paragraph (1) of the said Article, may be referred to the International Court of Justice only with the concern of all Parties to the dispute;"

LAO PEOPLE'S DEMOCRATIC REPUBLIC

"In accordance with paragraph 3, Article 20 of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime, the Lao People's Democratic Republic does not consider itself bound by paragraph 2, Article 20 of the present Protocol. The Lao People's Democratic Republic declares that to refer a dispute relating to interpretation and application of the present Protocol to arbitration or the International Court of Justice, the agreement of all parties concerned in the dispute is necessary."

LITHUANIA[8]

MALAWI

"The Government of the Republic of Malawi in its efforts to curb and stamp out offences related to trafficking in persons especially women and children has embarked upon various social and legal reforms to incorporate obligations emanating from this Protocol;

Further, expressly declares its acceptance of Article 20 (2) on settlement of disputes concerning interpretation and application of this Protocol in consonant with Article 20 (3)."

MYANMAR

"The Government of the Union of Myanmar wishes to express reservation on Article 20 and does not consider itself bound by obligations to refer disputes relating to the interpretation or application of this Protocol to the International Court of Justice."

REPUBLIC OF MOLDOVA

In accordance with paragraph 3 of article 20 of the Protocol, the Republic of Moldova does not consider itself bound by provisions of the paragraph 2 of article 20 of the Protocol.

Until the full establishment of the territorial integrity of the Republic of Moldova, the provisions of the Protocol will be applied only on the territory controlled by the authorities of the Republic of Moldova.

SOUTH AFRICA

"AND WHEREAS pending a decision by the Government of the Republic of South Africa on the compulsory jurisdiction of the International Court of Justice, the Government of the Republic does not consider itself bound by the terms of Article 20 (2) of the Protocol which provides for the compulsory jurisdiction of the International Court of Justice in differences arising out of the interpretation or application of the Protocol. The Republic will adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute is required in every individual case."

SUDAN

"... the Government of the Republic of Sudan, in accordance with Article (20) Paragraph (3), does not consider itself bound by the provisions of Article (20) Paragraph (2) of the Protocol."

SYRIAN ARAB REPUBLIC

The Syrian Arab Republic expresses a reservation about the Protocol against the Smuggling of Migrants by Land, Sea and Air, article 20, paragraph 2.

… The Government of the Syrian Arab Republic is not a party to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees referred to in the Protocol against the Smuggling of Migrants by Land, Sea and Air, article [19], paragraph 1.

TUNISIA

In ratifying the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly of the United Nations on 15 November 2000, declares that it does not consider itself bound by article 20, paragraph 2, of the Protocol and affirms that disputes concerning the interpretation or application of the Protocol may be referred to the International Court of Justice only after it has given its prior consent.

UNITED STATES OF AMERICA

"(1) The United States of America criminalizes most but not all forms of attempts to commit the offenses established in accordance with Article 6, paragraph 1 of this Protocol. With respect to the

obligation under Article 6, Paragraph 2 (a), the United States of America reserves the right to criminalize attempts to commit the conduct described in Article 6, paragraph 1 (b), to the extent that under its laws such conduct relates to false or fraudulent passports and other specified identity documents, constitutes fraud or the making of a false statement, or constitutes attempted use of a false or fraudulent visa.

(2) In accordance with Article 20, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 20, paragraph 2.".

"The United States of America understands the obligation to establish the offenses in the Protocol as money laundering predicate offenses, in light of Article 6, paragraph 2 (b) of the United Nations Convention Against Transnational Organized Crime, as requiring States Parties whose money laundering legislation sets forth a list of specific predicate offenses to include in such list a comprehensive range of offenses associated with smuggling of migrants."

VENEZUELA (BOLIVARIAN REPUBLIC OF)

The Bolivarian Republic of Venezuela, in accordance with the provision of article 20 (3) of the Protocol against Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, formulates a reservation with respect to the provision established under paragraph 2 of the said article. Consequently, it does not consider itself obligated to refer to arbitration as a means of settlement of disputes, nor does it recognize the compulsory jurisdiction of the International Court of Justice.

Objections
(Unless otherwise indicated, the objections were made upon ratification, accession or succession.)

AUSTRIA

"The Government of Austria has carefully 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 seeking to exclude the application of Article 18 of the Protocol in its entirety, the reservation contravenes the purpose of the Protocol, namely to protect the rights of migrants and to promote cooperation among States Parties. It generally excludes a central issue the Protocol intends to govern.

Austria therefore considers the reservation to be incompatible with the object and purpose of the Protocol and objects to it. This objection shall not preclude the entry into force of the Protocol between Austria and the Islamic Republic of Afghanistan. The Protocol will thus become operative between the two States without the Islamic Republic of Afghanistan benefitting from the aforementioned reservation."

BELGIUM

The Kingdom of Belgium has carefully examined the reservation made by the Islamic Republic of Afghanistan upon its accession on 2 February 2017 to the Protocol against the Smuggling of migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

The Kingdom of Belgium considers the reservation to article 18 of the said Protocol as incompatible with the object and purpose of the Protocol. This reservation seeks in effect to exclude in its entirety the application of a key provision of the Protocol, namely the return of smuggled migrants.

The Kingdom of Belgium recalls that under article 19 of the Vienna Convention on the Law of Treaties, a State shall not be permitted to make a reservation incompatible with the object and purpose of a treaty.

Therefore, the Kingdom of Belgium objects to the reservation made by the Islamic Republic of Afghanistan with respect to article 18 of the Protocol against the Smuggling of migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

Belgium further specifies that this objection shall not preclude the entry into force of the Protocol between the Kingdom of Belgium and the Islamic Republic of Afghanistan. The Protocol therefore will thus become operative between the two States without the Islamic Republic of Afghanistan benefitting from its reservation.

BULGARIA

"The Republic of Bulgaria has carefully 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, adopted in New York on 15 November 2000, which states that '... the Government of the Islamic Republic of Afghanistan registers its reservation in relation to Article 18 of the said Protocol.'

The Republic of Bulgaria considers that the exclusion of the application of Article 18 of the Protocol as a whole places an obstacle to the sufficient implementation of the obligations laid down therein concerning the return of smuggled migrants, thus affecting the efficient cooperation among States Parties to the Protocol. Therefore, we consider that the aforementioned reservation to Article 18 is incompatible with the object and the purpose of the Protocol.

According to the aforesaid, the Republic of Bulgaria objects to the reservation made by the Islamic Republic of Afghanistan concerning Article 18 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

However, the Republic of Bulgaria specifies that this objection shall not preclude the entry into force of the Protocol between the Republic of Bulgaria and the Islamic Republic of Afghanistan, without the Islamic Republic of Afghanistan benefitting from its reservation."

CROATIA

"The Republic of Croatia has examined the reservation made by the Islamic Republic of Afghanistan at the time of its accession to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

The Republic of Croatia considers that the reservation made by the Islamic Republic of Afghanistan in relation to Article 18 of the said Protocol excludes one of the most important element of the said Protocol, namely the return of smuggled migrants, and thus is incompatible with the

object and purpose of the Protocol. The Republic of Croatia would like to recall that, according to Article 19(c) of the Vienna Convention no the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

The Republic of Croatia therefore 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 the Republic of Croatia and the Islamic Republic of Afghanistan. The Protocol thus becomes operative between the two States without the Islamic Republic of Afghanistan benefitting from its reservation."

CZECH REPUBLIC

The Government of the Czech Republic has examined the reservation made by the Islamic Republic of Afghanistan on February 2, 2017, 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 which the Government of the Islamic Republic of Afghanistan registered its reservation in relation to its Article 18.

The Government of the Czech Republic considers the reservation to Article 18 of the said Protocol to be incompatible with the object and purpose of the Protocol, since, in the opinion of the Government of the Czech Republic, Article 18 forms an essential element of the Protocol and the general derogation from it impairs the raison d'être of the Protocol.

According to Article 19 of the Vienna Convention on the Law of Treaties, a reservation which is incompatible with the object and purpose of a treaty is not permissible.

Therefore, the Government of the Czech Republic 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 the Czech Republic and the Islamic Republic of Afghanistan, without the Islamic Republic of Afghanistan benefitting from its reservation.

ESTONIA

"The Government of Estonia has examined the reservation made by the Islamic Republic of Afghanistan in relation to Article 18 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime.

Estonia considers the reservation incompatible with the object and purpose of the Protocol and objects to it. Article 18 forms an essential element of the Protocol and a general reservation to the article seeks to exclude the entirety of the regulation of return of smuggled migrants.

The Government of Estonia observes 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 Convention shall not be permitted. It is in the common interest of the 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.

This objection does not preclude the entry into force of the Protocol between Estonia and the Islamic Republic of Afghanistan. The Protocol is thus operative between the two States, without the Islamic Republic of Afghanistan benefitting from its reservation."

FINLAND

"The Government of Finland has carefully examined the reservation made by the Islamic Republic of Afghanistan concerning the Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime.

In view of the Government of Finland, the reservation made by the Islamic Republic of Afghanistan to Article 18 of the Protocol is incompatible with the object and purpose of the Protocol. The reservation purports to exclude in its entirety the operation of an Article regulating the return of smuggled migrants. This is a central Article of the Protocol, whose very purpose is to prevent and combat the smuggling of migrants and to promote cooperation among States Parties to that end. According to Article 19 of the Vienna Convention on the Law of Treaties and customary international law reservations incompatible with the object and purpose of the treaty shall not be permitted.

Therefore, the Government of Finland objects to the aforesaid reservation made by the Islamic Republic of Afghanistan. This objection does not preclude the entry into force of the Protocol between Finland and the Islamic Republic of Afghanistan. The Protocol is thus operative between the two States without the Islamic Republic of Afghanistan benefitting from its reservation."

GERMANY

"The Federal Republic of Germany raises an objection to the reservation of the Islamic Republic of Afghanistan in relation to Article 18 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, because it is incompatible with the object and purpose of the treaty.

The declaration is a reservation, in the sense that it is a unilateral statement by a State which purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that state (cf. Article 2 (1) (d) of the Vienna Convention on the Law of Treaties).

This reservation is not permissible under the terms of Article 19 of the Vienna Convention on the Law of Treaties because it is not provided for in the Protocol and it is incompatible with the object and purpose of the treaty (cf. Article 19 (c)). Afghanistan seeks to exclude precisely the issue that Article 18 of the Protocol is intended to govern, namely the return of smuggled migrants to a State Party's own territory."

GREECE

"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.

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."

HUNGARY

"The Government of Hungary 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 whereby the Government of the Islamic Republic of Afghanistan registered a reservation in respect to its Article 18.

The reservation of the Islamic Republic of Afghanistan, to exclude the application of Article 18 in its entirety, contravenes the very purpose of the Protocol, that is to prevent and combat the smuggling of migrants by land, sea and air and to promote cooperation among States Parties. It generally excludes a principle issue the Protocol intends to regulate.

According to Article 19 of the Vienna Convention on the Law of Treaties, a reservation which is incompatible with the object and purpose of a treaty shall not be permitted.

Hungary considers the aforementioned reservation to be incompatible with the object and purpose of the Protocol, therefore objects to it. This objection shall not preclude the entry into force of the Protocol between Hungary 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."

ITALY

"The Italian Republic has carefully examined the reservation made by the Islamic Republic of Afghanistan on February [2], 2017 to the Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against transnational organized crime.

The Italian Republic considers that the reservation to article 18 of the Protocol seeks to exclude the application of one of the main provisions of the Protocol regarding the return of smuggled migrants, whose purpose is to protect the rights of migrants and to promote cooperation among States Parties.

The Italian Republic considers that the reservation made by the Islamic Republic of Afghanistan regarding article 18 of the Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against transnational organized crime is incompatible with the object and purpose of the Protocol and therefore objects to it.

This objection shall not preclude the entry into force of the Protocol between the Islamic Republic of Afghanistan and the Italian Republic."

LITHUANIA

"The Government of the Republic of Lithuania has carefully examined the reservation made by the Islamic Republic of Afghanistan concerning the Protocol against [the] Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime.

The Government of the Republic of Lithuania considers that Afghanistan's reservation to Article 18 of the said Protocol, that intends to exclude one of the most important provision[s] of the Protocol, namely the return of smuggled migrants, is incompatible with the object and purpose of the Protocol; and therefore objects to the aforesaid reservation.

This objection shall not preclude the entry into force of the said Protocol between the Republic of Lithuania and the Islamic Republic of Afghanistan."

MEXICO

The Government of the United Mexican States has examined the reservation made 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.

The reservation, which intends to exclude in its entirety the legal effects of article 18 of the Protocol, contravenes the object and purpose thereof. Therefore, the reservation is not permissible under article 19 of the Vienna Convention on the Law of Treaties.

This objection shall not preclude the entry into force of the Protocol between the Islamic Republic of Afghanistan and the United Mexican States. The Protocol will thus become operative between the two States without the Islamic Republic of Afghanistan benefitting from the aforementioned reservation.

NETHERLANDS (KINGDOM OF THE)

"The Government of the Kingdom of the Netherlands has carefully examined the reservation made by the Islamic Republic of Afghanistan upon accession on 2 February 2017 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 the Kingdom of the Netherlands considers that the general reservation made by the Islamic Republic of Afghanistan regarding Article 18 of the Protocol excludes the legal effect of a central provision of the Protocol, namely the return of smuggled migrants to a State Party's territory.

The Government of the Kingdom of the Netherlands considers that a reservation of this kind must be regarded as incompatible with the object and purpose of the Convention and would 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 a treaty shall not be permitted.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservation made by the Islamic Republic of Afghanistan to the Protocol.

This objection shall not preclude the entry into force of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime between the Kingdom of the Netherlands and the Islamic Republic of Afghanistan."

NORWAY

"… the Government of Norway has examined the reservation made by the Government of the Islamic Republic of Afghanistan in relation to Article 18 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

Article 18 governs a central element of the Protocol, namely return of smuggled migrants. By declaring itself not bound by this provision, the Islamic Republic of Afghanistan purports to exclude a central issue the Protocol intends to govern. This reservation is incompatible with the object and purpose of the Convention, and the reservation shall in accordance with Article 19 litra c of the Vienna Convention on the Law of Treaties not be permitted.

The Government of Norway therefore objects to the reservation by the Government of the Islamic Republic of

Afghanistan. This objection shall not preclude the entry into force of the Protocol between the Government of Norway and the Government of the Islamic Republic of Afghanistan. The Protocol is thus operative between the two States without the Islamic Republic of Afghanistan benefitting from its reservation…"

POLAND

"The Government of the Republic of Poland has examined the reservation made by Islamic Republic of Afghanistan 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 15th November 2000, done upon its [accession].

The Government of the Republic of Poland considers that the reservation made by the Islamic Republic of Afghanistan is incompatible with the object and purpose of the Protocol, and therefore - in the light of Article 19 (c) of the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969 - is unacceptable.

Article 18 of the Protocol states inter alia that Each State Party agrees to facilitate and accept, without undue or unreasonable delay, the return of a person who has been the object of conduct set forth in Article 6 (in particular migrant smuggling and enabling a person to remain in a given state by using illegal means) and who is its national or who has the right of permanent residence in its territory at the time of return.

The above provisions [constitute] a significant part of the entire regulation included in the Protocol, whose purpose is, pursuant to Article 2, 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.

At the same time, it should be noted that pursuant to paragraph 8 of said Article 18, the Protocol does not affect obligations accepted under any other applicable treaty, be it bilateral or multilateral, or any other appropriate agreement or arrangement of an operational nature, which regulates, wholly or in part, the return of persons who are the object of conduct set forth in Article 6. Thus, the reservation made by the Islamic Republic of Afghanistan should be considered pointless, given the provisions of the declaration 'Joint Way Forward on migration issues between Afghanistan and the EU', signed on 2 October 2016 in Kabul, containing arrangements for facilitating the return of their own citizens.

For the above reasons, the Government of the Republic of Poland objects the reservation made by the Islamic Republic of Afghanistan to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime."

PORTUGAL

"The Government of the Portuguese Republic 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, New York 15 November 2000.

The Government of the Portuguese Republic considers that the reservation, which seeks to exclude Article 18, is incompatible with the object and purpose of the Protocol due to the fact that said Article constitute and essential part of the Protocol, as it represents the compromise of the State in fulfilling its obligations under said Protocol and is crucial in order to regulate the return of smuggled migrants.

The Government of the Portuguese Republic recalls that according to Article 19, subparagraph c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted. The Government of the Portuguese Republic thus objects to this reservation.

This objection shall not preclude the entry into force of the Additional Protocol between the Portuguese Republic and the Islamic Republic of Afghanistan."

ROMANIA

"The Government of Romania 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, adopted in New York on November 15, 2000.

The Government of Romania is of the view that Article 18 of the Protocol is an essential part of the said treaty, which aims to protect the rights of smuggled migrants·and promote·cooperation among States Parties.

The Government of Romania considers that the reservation made by the Islamic Republic of Afghanistan to Article 18 in its entirety is incompatible with the object and purpose of the Protocol and thus it is not permissible under the provisions of Article 19 of the Vienna Convention on the Law of Treaties.

Therefore, the Government of Romania objects to the reservation formulated by the Islamic Republic of Afghanistan to the aforementioned Protocol. This objection shall not preclude the entry into force of the Protocol between Romania and the Islamic Republic of Afghanistan."

SLOVAKIA

"The Government of the Slovak Republic has carefully examined the reservation made by the Islamic Republic of Afghanistan upon its accession to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

By excluding Article 18 of the said Protocol, the reservation seeks to exclude a central issue the Protocol intends to govern, namely the protection of the rights of smuggled migrants and promotion of cooperation among States Parties. 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.

For these reasons, the Government of the Slovak Republic raises an objection to the aforementioned reservation. This objection shall not preclude the entry into force of the Protocol between the Slovak 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 its reservation."

SLOVENIA

"The Republic of Slovenia has carefully 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, adopted in New York on 15 November 2000.

The·Republic of Slovenia considers that the reservation made by the Islamic Republic of Afghanistan regarding the exclusion of the application of Article 18 of the Protocol in its entirety, is incompatible with the object and purpose of the Protocol, namely the return of

smuggled migrants to a State Party's own territory and promotion of cooperation among States Parties and is·therefore not·permissible under Article 19 (c) of the Vienna Convention on the Law of Treaties. Furthermore, the option of reservations to Article 18 of the Protocol is not provided for in the Protocol.

Therefore the Republic of Slovenia objects to the reservation made by Islamic Republic of Afghanistan to Article 18 of the aforementioned Protocol. This objection shall not preclude the entry into force of the Protocol between the Republic of Slovenia and the Islamic Republic of Afghanistan. The Protocol shall thus become operative between the two States without the Islamic Republic of Afghanistan benefitting from this reservation."

SPAIN

The Kingdom of Spain has carefully examined the reservation made by the Islamic Republic of Afghanistan in relation to article 18 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime at the time of its accession to the Protocol. The reservation made by the Islamic Republic of Afghanistan is not admissible under article 19 of the Vienna Convention on the Law of Treaties as there is no provision for such a reservation in the Protocol and because it is incompatible with the object and purpose of the Treaty (article 19(c)). The reservation is intended to exclude completely the application of an article regulating the return of smuggled migrants. The article concerned is fundamental to the Protocol, the purpose of which is to prevent and combat the smuggling of migrants as well as to promote cooperation among States parties to that end. Thus, the Protocol shall enter into force between both States without the Islamic Republic of Afghanistan being able to benefit from the reservation made.

SWEDEN

"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.

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 Republicof Afghanistan benefitting from its reservation."

Notifications made under article 8 (6)
(Unless otherwise indicated, the declarations and reservations were made upon ratification, acceptance, approval or accession.)

ARMENIA

"… updated data of the national competent authority designated under the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

Name of Authority: Police of the Republic of Armenia
Full postal address: str. Nalbandyan 130
Yerevan 0025

Name of service to be contacted: General Department on Combat against Organized Crime

Name of person to be contacted: Mr. Armen Petrosyan

Title: Police Major, Head of Division on Combat against Illegal Migration
Telephone: +374 10 523 749
Fax: +374 10 564 772
Email: armpet777@mail.ru

Office Hours: 09:00 to 18:00
Lunch breaks: from 13:00 to 14:00
GMT: +4

Languages: Russian

Acceptance of requests through INTERPOL: Yes

Formats and channels accepted: Any, for police purposes only

Specific procedure in urgent cases: Depends on the case."

AUSTRIA

Notification under article 8 (6):
"FEDERAL MINISTRY OF INTERIOR–Criminal Intelligence Service
Central Service for Combating Illegal Immigration/Human Trafficking
BUNDESMINISTERIUM FÜR INNERES–Bundeskriminalamt
Zentralstelle Bekämpfung Schlepperkriminalität/Menschenhandel
Josef Holaubek Platz 1
A-1090 Vienna, Austria
Tel.: +43-1-24836-85383
Fax: +43-1-24836-85394
E-Mail: BMI-II-BK-3-6@bmi.gv.at."
7 February 2008
"FEDERAL MINISTRY OF TRANSPORT, INNOVATION AND TECHNOLOGY
Supreme Navigation Authority, Dept. IV/W1
BUNDESMINISTERIUM FÜR VERKEHR, INNOVATION UND TECHNOLOGIE
Oberste Schifffahrtsbehörde, Abt. IV/W1
Radetzkystrasse 2

A-1030 Vienna, Austria
Tel.: +43-1-71162-5900
Fax: +43-1-71162-5999
E-Mail: w1@bmvit.gv.at"

AZERBAIJAN

"In accordance with paragraph 6 of Article 8 of the Protocol, the Republic of Azerbaijan declares that the Ministry of Transport is designated as an authority to receive and respond to requests for assistance, for conformation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures."

BELGIUM

In accordance with article 8, paragraph 6 of the supplementary Protocol, the Federal Department of the Interior, rue de Louvain 3, 1000 Brussels (for the coastline, the Maritime coordination and rescue centre) has been designated as the authority.

CZECH REPUBLIC

"Without prejudice to Article 18 of the United Nations Convention against Transnational Organized Crime and the notification of the Czech Republic made in accordance with Article 18, paragraph 13 thereof, the Czech Republic notifies, in accordance with Article 8, paragraph 6 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, the Police Presidium of the Czech Republic, International Police Cooperation Division as the authority responsible for receiving requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures and to respond thereto.

Contact details:
Police Presidium of the Czech Republic
International Police Cooperation Division
P.O. BOX 62/MPS
Strojnickà 27
170 89 Praha 7
Czech Republic
Telephone number : +420 974 834 380
Fax number: +420 974 834 716, +420 974 834 718
Email address: interpol@mvcr.cz
24-hour service
Working languages in order of preference: Czech, English, French"

DENMARK

"Authorization granted by a Danish authority pursuant to Article 8 denotes only that Denmark will abstain from pleading infringement of Danish sovereignty in connection with the requesting State's boarding of a vessel. Danish authorities cannot authorize another state to take legal action on behalf of the Kingdom of Denmark."

FINLAND

"In Finland the authorities responsible for suppressing the use of vessels for smuggling of migrants by sea are the Border Guard and the National Bureau of Investigation. The authority responsible for responding to a request concerning confirmation of registry or the right of a vessel to fly the flag is the Finnish Maritime Administration."

GERMANY

Germany designates the
Bundesamt für Seeschiffahrt und Hydrographie
[Federal Maritime and Hydrographic Agency]
Bernhard-Nocht-Str. 78
D-20359 Hamburg
Tel. :+49 (0) 40-31900
Fax: +49 (0) 40-31905000
as the responsible authority under Article 8, paragraph 6 of the Protocol.

GUATEMALA

In accordance with article 8, paragraph 6 of the Protocol, the Government of the Republic of Guatemala has designated the judiciary and the Public Prosecutor's Office as the central authorities for the receipt of requests for mutual legal assistance, with the power either to execute them or to transmit them to the competent authorities for execution.

In addition to the central authorities referred to above, the Government of the Republic of Guatemala has designated the Ministry of Defence, through the Navy, as the authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly the Guatemalan flag and for authorization to take appropriate measures.

IRAQ

" ... pursuant to article 8 (6) of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime, the Iraqi authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures is the Iraqi Ministry of Transportation in cooperation with the competent Iraqi security authorities."

… in order to carry out [the] Republic of Iraq commitments under the Convention, the relevant Iraqi authorities have designated the Ministry of the Interior of Iraq as the central authority with responsibility and power to receive requests for mutual legal assistance and to take action in accordance with articles 16 and 17 of the Convention and Article 8 of the Protocol against the Smuggling of Migrants by Land, Sea and Air.

ITALY

"…..the Italian Ministry of Infrastructures and Transportations has designated the "Comando Generale del Corpo delle Capitanerie di Porto" (Port Authority Headquarters) as the competent authority to receive and respond to requests for assistance, confirmation of registry or the right of a vessel to fly its flag, and authorization to take appropriate measures."

Furthermore, on 17 March 2009, the Permanent Mission of Italy to the United Nations informed the Secretary-General of the following:

"... a correction has been made to the English translation of the "Comando Generale del Corpo delle Capitanerie di Porto" from "Port Authority Headquarters" to "Italian Coast Guard Headquarters"as the competent authority to receive and respond to requests for assistance, confirmation of registry or the right of a vessel to fly its flag, and authorization to take appropriate measures."

LATVIA

"In accordance with article 8, paragraph 6 of the Protocol against Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, the Republic of Latvia designates the following national authorities to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures:"

"Ministry of Interior

Address:

Cierkurkalna 1st line 1, K-2
Riga, LV-1026
Latvia
Phone: +371 67219263
Fax: +371 67829686
E-mail: *kanceleja@iem.gov.lv*
Website: *http://www.iem.gov.lv*

LIECHTENSTEIN

National Police
Crime Investigation Division
Gewerbeweg 4
P.O. Box 684
9490 Vaduz
Principality of Liechtenstein
Phone: +423 236 79 79 (24 hours)
Fax: +423 236 79 70
E-Mail: kripo@landespolizei.li, ipk.lp@llv.li
Languages: German, English
Office hours: 08:30 - 16:30
GMT: +1
Request by Interpol: yes

MALAWI

"The Competent Authority charged with the responsibility of coordinating and the rendering of mutual legal assistance is:
The Principal Secretary
Ministry of Home Affairs and Internal Security
Private Bag 331, Lilongwe 3. MALAWI
Fax: 265 1 789509 Tel: 265 1 789 177
The Official Language of communication is English."

NETHERLANDS (KINGDOM OF THE)

"The central authority of the Kingdom of the Netherlands, for the Kingdom in Europe is:
Ministry of Justice
Department of International Legal Assistance in Criminal Matters
P.O. Box 20301
2500, EH The Hague
The Netherlands"

PANAMA

..... in accordance with article 8 (6), the Republic of Panama has designated the Maritime Authority of Panama as the authority to receive and respond to requests for assistance and for confirmation of registry or of the right of a vessel to fly its flag.

PERU

Notification under article 8 (6):
Authority:
Javier Moscoso Flores
Director General of the *Dirección General de Capitanías y Guardacostas, Peru*
Email: jorge.moscoso@dicapi.mil.pe.

REPUBLIC OF MOLDOVA

In accordance with paragraph 6 of article 8 of the Protocol, the Ministry of Transportation and Communication is designated as a central authority responsible for receiving the requests of legal assistance referred to in this article.

ROMANIA

"In accordance with Article 8 paragraph 6 of the supplementing Protocol against the Smuggling of Migrants by Land, Sea and Air, the Romanian central authority designated to receive the requests for assistance is the Ministry of Public Works, Transports and Housing (Blvd. Dinicu Golescu nr. 38, sector 1 Bucuresti, tel. 223 29 81/fax,223 0272)."

SERBIA

"The Permanent Mission of the Republic of Serbia to the OSCE and other International Organizations in Vienna ... has the honour to notify of the Serbian competent authority for the implementation of the Article 8 (Measures Against Smuggling of Migrants by Sea) of the Protocol ...
The requests shall be addressed to:
Name of Authority: Ministry of Infrastructure of the Republic of Serbia
Ministry of Infrastructure,
Full postal address: 22-26 Nemanjina Street, 11000 Belgrade, Republic of Serbia
Name of Service to be contacted: Department for Water Traffic and Navigation Safety
Name of Person to be contacted: Mr. Veljko Kovacevic, Department for Water Traffic and Navigation Safety
Telephone: +381 11 202 90 10
Fax: +381 11 202 00 01
E-mail: vkpomorstvo@mi.gov.rs
Office hours: from 08:30 to 16:30
Time zone: GMT 1
Languages English."

SOUTH AFRICA

"AND WHEREAS the Secretary-General is hereby notified, in accordance with Article 8 (6) of the Protocol, that the Director-General of the Department of Transport has been designated as the authority to receive and respond to requests for assistance in terms of the Protocol."

ST. VINCENT AND THE GRENADINES

"Pursuant to article 8(6), the Government of Saint Vincent and the Grenadines would like to notify the Secretary-General of the following:
Designation of Authority:
Mr. Keith Miller
Commissioner of Police

Point of Contact for the Designation of the Authority
Attention: Commissioner of Police
c/o Coast Guard Base
Calliaqua
P.O.Box 3020
Kingstown
Saint Vincent and the Grenadines
Tel: +1784 457 4578/4554
Fax: +1784 457 4586
Email: sygcoguard@vincysurf.com"

SWEDEN

"Pursuant to Article 8 (6) of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, Sweden designates the Ministry of Justice, as central authority to receive and respond to requests for assistance referred to in this article.
Furthermore, the Swedish Coast Guard is a designated authority to respond to requests of the right of a vessel to fly a Swedish flag. Such requests should be addressed to:
NCC (National Contact Centre) Sweden at Coast Guard HQ
P.O.Box 536
S-371 23 KARLSKRONA
Sweden
Phone: + 46 455 35 35 35 (24 hours)

Fax: + 46 455 812 75 (24 hours)
E-mail:ncc.sweden@coastguard.se (24 hours)."

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

"The United Kingdom has the honour to designate the Director of Detection at Her Majesty's Revenue and Customs as the authority for the purposes of paragraph 6 of article 8 of the above-mentioned Protocol. Communications should be addressed as follows:

Director of Detection
Her Majesty's Revenue and Customs
Customs House
20 Lower Thames Street
London EC3R 6EE
Tel No: +44 (0) 870 785 3841 (office hours)
+44 (0) 870 785 3600 (24 hours)
Fax No: +44 (0) 870 240 3738 (24 hours)
(Office house 08:00 - 18:00 GMT:0:language English)

* Please note that requests in languages other than English must be accompanied by a translation in English. Please provide a name; telephone number; fax number; status and requesting authority. Please also provide details of the name of port; registry type; description of vessel; vessel port; last port of call; intended destination; persons on board; nationality (ies); details of reasons for suspicion and intended action."

UNITED REPUBLIC OF TANZANIA

".....the notification of the designation of the necessary authority or authorities to receive and respond to request for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures under article 8 (6) of the Protocol:

Ministry of Foreign Affairs and International Cooperation P.O. Box 9000
Dar es Salaam, Tanzania.

UNITED STATES OF AMERICA

"Pursuant to Article 8, paragraph 6 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, I request that you notify the other States concerned with the Protocol that the Operations Center, U.S. Department of State, is designated as the United States authority to receive and respond to requests made under the above-referenced provision of the Protocol."

Notes:

[1] With a territorial exclusion in respect of the Faroe Islands and Greenland.

[2] See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

[3] For the Kingdom in Europe.

Further, on 18 January 2007, the Kingom of the Netherlands informed the Secretary-General that the Protocol would apply to Aruba with the following :

In accordance with article 8, paragraph 6, of the Convention the central authority of Aruba is:

The Procurator-General of Aruba

Havenstraat 2,

Oranjestad

Aruba

Tel: (297) 582 1415

Fax: (297) 583 8891

om.aruba@setarnet.aw

Following a modification of the internal constitutional relations within the Kingdom of the Netherlands (see note 2 under “Netherlands” in Historical Information), effective 10 October 2010, the Protocol applies to the Caribbean part of the Netherlands (Bonaire, Sint Eustatius and Saba).

[4] With the following territorial exclusion:

".....consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory....."

[5] On 20 October 2015, the Government of Ukraine made a communication. The text can be found here: C.N.603.2015.TREATIES-XVIII.12.b of 20 October 2015.

[6] On 4 March 2022, the Government of Ukraine made a communication. The text can be found here: C.N.69.2022.TREATIES-XVIII.12.b of 8 March 2022.

[7] On 7 September 2023, the Secretary-General received a communication from the Republic of Lithuania relating to the interpretative declation of the Republic of Belarus.

See C.N.374.2023.TREATIES-XVIII.12.b dated 22 September 2023 for the text of the communication.

[8] On 12 May 2023, the Government of Lithuania informed the Secretary-General of its decision to withdraw the following reservation made upon ratification:

"And whereas, it is provided in paragraph 3 of Article 20 of the Protocol, the Republic of Lithuania would like to declare that it does not consider itself bound by paragraph 2 of Article 20, which provides that any State Party may refer any dispute concerning the interpretation or application of the said Protocol to the International Court of Justice."