

### 3. a) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

*New York, 10 December 2008*

**NOT YET IN FORCE:**

in accordance with article 18 which reads as follows: "1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession. 2. For each State ratifying or acceding to the present Protocol, after the deposit of the tenth instrument of ratification or accession, the Protocol shall enter into force three months after the date of the deposit of its instrument of ratification or accession..

**STATUS:**

Signatories: 40. Parties: 8.

**TEXT:**

Doc.A/63/435; C.N.869.2009.TREATIES-34 of 11 December 2009 (Rectification of the original of the Protocol (French authentic text) and transmission of the Procès-verbal).

*Note:* The above Optional Protocol was adopted on 10 December 2008 during the sixty-third session of the General Assembly by resolution A/RES/63/117. In accordance with article 17, the Optional Protocol shall be open for signature by any State that has signed, ratified or acceded to the International Covenant on Economic, Social and Cultural Rights. The signing ceremony was held on 24 September 2009 during the 2009 Treaty Event at the United Nations Headquarters in New York.

| <i>Participant</i>                       | <i>Signature</i> | <i>Accession(a),<br/>Ratification</i> | <i>Participant</i>                         | <i>Signature</i> | <i>Accession(a),<br/>Ratification</i> |
|--|------------------|---------------------------------------|--|------------------|---------------------------------------|
| Argentina.....                           | 24 Sep 2009      | 24 Oct 2011                           | Kazakhstan.....                            | 23 Sep 2010      |                                       |
| Armenia.....                             | 29 Sep 2009      |                                       | Luxembourg.....                            | 24 Sep 2009      |                                       |
| Azerbaijan.....                          | 25 Sep 2009      |                                       | Madagascar.....                            | 25 Sep 2009      |                                       |
| Belgium.....                             | 24 Sep 2009      |                                       | Maldives.....                              | 21 Sep 2011      |                                       |
| Bolivia (Plurinational<br>State of)..... | 12 Feb 2010      | 13 Jan 2012                           | Mali.....                                  | 24 Sep 2009      |                                       |
| Bosnia and<br>Herzegovina.....           | 12 Jul 2010      | 18 Jan 2012                           | Mongolia.....                              | 23 Dec 2009      | 1 Jul 2010                            |
| Cape Verde.....                          | 26 Sep 2011      |                                       | Montenegro.....                            | 24 Sep 2009      |                                       |
| Chile.....                               | 24 Sep 2009      |                                       | Netherlands.....                           | 24 Sep 2009      |                                       |
| Congo.....                               | 25 Sep 2009      |                                       | Paraguay.....                              | 6 Oct 2009       |                                       |
| Costa Rica.....                          | 28 Apr 2011      |                                       | Portugal.....                              | 24 Sep 2009      |                                       |
| Democratic Republic of<br>the Congo..... | 23 Sep 2010      |                                       | Senegal.....                               | 24 Sep 2009      |                                       |
| Ecuador.....                             | 24 Sep 2009      | 11 Jun 2010                           | Slovakia.....                              | 24 Sep 2009      | 7 Mar 2012                            |
| El Salvador.....                         | 25 Sep 2009      | 20 Sep 2011                           | Slovenia.....                              | 24 Sep 2009      |                                       |
| Finland.....                             | 24 Sep 2009      |                                       | Solomon Islands.....                       | 24 Sep 2009      |                                       |
| Gabon.....                               | 24 Sep 2009      |                                       | Spain.....                                 | 24 Sep 2009      | 23 Sep 2010                           |
| Ghana.....                               | 24 Sep 2009      |                                       | Timor-Leste.....                           | 28 Sep 2009      |                                       |
| Guatemala.....                           | 24 Sep 2009      |                                       | Togo.....                                  | 25 Sep 2009      |                                       |
| Guinea-Bissau.....                       | 25 Sep 2009      |                                       | Ukraine.....                               | 24 Sep 2009      |                                       |
| Ireland.....                             | 23 Mar 2012      |                                       | Uruguay.....                               | 24 Sep 2009      |                                       |
| Italy.....                               | 28 Sep 2009      |                                       | Venezuela (Bolivarian<br>Republic of)..... | 4 Oct 2011       |                                       |

**ARGENTINA**

*Declaration:*

On the occasion of its ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Argentine Government recalls that on 3 October 1983 the Argentine Republic rejected the extension of the application of the International Covenant on Economic, Social and Cultural

Rights to the Malvinas Islands, South Georgia Islands and South Sandwich Islands.

The Argentine Government recalls that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas are an integral part of the Argentine national territory and, being illegally occupied by the United Kingdom of Great Britain and Northern Ireland, are the subject of a sovereignty dispute between the two countries which is recognized by the United Nations and other international organizations.

In this connection, the General Assembly of the United Nations has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which the sovereignty dispute referred to as the "Question of the Malvinas Islands" is recognized and the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland are urged to resume negotiations in order to find as soon as possible a peaceful and lasting solution to the dispute. Concurrently, the Special Committee on Decolonization of the United Nations has repeatedly affirmed this view.

Also, the General Assembly of the Organization of American States adopted, on 24 June 2010, a new pronouncement, in similar terms, on the question.

In ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Argentine Republic does so on the understanding that the system of communications provided for under that instrument does not apply to the right of peoples to self-determination in any context related to sovereignty disputes.

***Declarations made under articles 10 and 11  
(Unless otherwise indicated, the declarations were made  
upon ratification or accession.)***

**EL SALVADOR**

*Article 10*

With respect to article 10, the Government of the Republic of El Salvador hereby declares that it recognizes the competence of the Committee on Economic, Social and Cultural Rights to receive and consider communications to the effect that a State party claims that

another State party is not fulfilling its obligations under the Covenant.

*Article 11*

With respect to article 11, the Government of the Republic of El Salvador hereby declares that it recognizes the competence of the Committee on Economic, Social and Cultural Rights provided for under the article.