

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

*New York, 10 December 2008*

**ENTRY INTO FORCE:** 5 May 2013, in accordance with article 18(1).  
**REGISTRATION:** 5 May 2013, No. 14531.  
**STATUS:** Signatories: 45. Parties: 22.  
**TEXT:** Doc. /doc/source/docs/A\_63\_435-E.pdf ; 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 /doc/source/docs/A\_RES\_63\_117-Eng.pdf . 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 opening for signature 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), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Accession(a), Ratification</i>
Angola .....	24 Sep 2013		Italy .....	28 Sep 2009	20 Feb 2015
Argentina .....	24 Sep 2009	24 Oct 2011	Kazakhstan.....	23 Sep 2010	
Armenia .....	29 Sep 2009		Luxembourg.....	24 Sep 2009	3 Feb 2015
Azerbaijan.....	25 Sep 2009		Madagascar .....	25 Sep 2009	
Belgium .....	24 Sep 2009	20 May 2014	Maldives .....	21 Sep 2011	
Benin.....	24 Sep 2013		Mali.....	24 Sep 2009	
Bolivia (Plurinational State of).....	12 Feb 2010	13 Jan 2012	Mongolia.....	23 Dec 2009	1 Jul 2010
Bosnia and Herzegovina .....	12 Jul 2010	18 Jan 2012	Montenegro.....	24 Sep 2009	24 Sep 2013
Burkina Faso.....	24 Sep 2012		Netherlands .....	24 Sep 2009	
Cabo Verde .....	26 Sep 2011	23 Jun 2014	Niger .....		7 Nov 2014 a
Central African Republic .....		11 Oct 2016 a	Paraguay .....	6 Oct 2009	
Chile.....	24 Sep 2009		Portugal.....	24 Sep 2009	28 Jan 2013
Congo.....	25 Sep 2009		San Marino .....		4 Aug 2015 a
Costa Rica.....	28 Apr 2011	23 Sep 2014	Senegal.....	24 Sep 2009	
Democratic Republic of the Congo.....	23 Sep 2010		Slovakia .....	24 Sep 2009	7 Mar 2012
Ecuador .....	24 Sep 2009	11 Jun 2010	Slovenia .....	24 Sep 2009	
El Salvador .....	25 Sep 2009	20 Sep 2011	Solomon Islands .....	24 Sep 2009	
Finland .....	24 Sep 2009	31 Jan 2014	Spain .....	24 Sep 2009	23 Sep 2010
France .....	11 Dec 2012	18 Mar 2015	The former Yugoslav Republic of Macedonia.....	14 Aug 2013	
Gabon.....	24 Sep 2009	1 Apr 2014	Timor-Leste .....	28 Sep 2009	
Ghana.....	24 Sep 2009		Togo.....	25 Sep 2009	
Guatemala.....	24 Sep 2009		Ukraine .....	24 Sep 2009	
Guinea-Bissau.....	25 Sep 2009		Uruguay .....	24 Sep 2009	5 Feb 2013
Ireland.....	23 Mar 2012		Venezuela (Bolivarian Republic of) .....	4 Oct 2011	

## ***Declarations and Reservations***

***(Unless otherwise indicated, the declarations and reservations were made upon signature, accession or ratification.)***

### **ARGENTINA<sup>1</sup>**

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.)***

### **BELGIUM**

The Kingdom of Belgium recognizes the competence of the Committee on Economic, Social and Cultural Rights

- to receive, in accordance with article 10 of the Optional Protocol, notifications from a State Party that another State Party is not fulfilling its obligations, or

- to conduct, in accordance with articles 11 and 12 of the Optional Protocol, an inquiry regarding serious and systematic violations by another State Party of one of the Economic, Social and Cultural Rights described in the Covenant.

### **EL SALVADOR**

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.

With respect to article 11, the Government of the Republic of El Salvador hereby declares that it recognizes

### **PORTUGAL**

“With respect to article 10, the Portuguese Republic 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

the competence of the Committee on Economic, Social and Cultural Rights provided for under the article.

### **FINLAND**

“The Republic of Finland declares that it recognizes the competence of the committee to receive and consider inter-state communications made against it provided for in article 10 of the Protocol and the competence of the committee concerning an inquiry procedure provided for in article 11 of the Protocol.”

### **SAN MARINO**

#### *Article 10*

“With respect to article 10, the Republic of San Marino 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 Republic of San Marino hereby declares that it recognizes the competence of the Committee on Economic, Social and Cultural Rights provided for under this article.”

State Party claims that another State Party is not fulfilling its obligations under the Covenant.

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

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### ***Notes:***

<sup>1</sup> Communication by the United Kingdom of Great Britain and Northern Ireland on 25 October 2012:

“The United Kingdom Mission to the United Nations [...] recalls the Declaration made by the Argentine Republic on its ratification of the Optional Protocol to the International

Covenant on Economic, Social and Cultural Rights on 24 October 2011, and the subject of a depositary notification dated 27 October 2011 (reference C.N.702.2011.TREATIES-8).

The United Kingdom of Great Britain and Northern Ireland rejects the claims contained in the Declaration made by the Argentine Republic. In particular, the United Kingdom rejects the claim by the Argentine Republic to the territory of the Falkland Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The peaceful possession of these Islands and surrounding maritime areas by the United Kingdom cannot therefore be characterized as illegal occupation.

The United Kingdom of Great Britain and Northern Ireland has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The United Kingdom Government attaches great importance to the principle of self determination as set out in Article 1.2 of the Charter of the United Nations and Article 1 of the International Covenant on Economic, Social and Cultural Rights. That principle underlies our position on the Falkland Islands.

The United Kingdom Mission to the United Nations requests that the Secretary-General circulate copies of this Note to the States to whom the Declaration of the Argentine Republic was circulated.”

