

# ARGENTINA

## CCPR

### **RESERVATIONS AND DECLARATIONS**

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

Understanding:

The Argentine Government states that the application of the second part of article 15 of the International Covenant on Civil and Political Rights shall be subject to the principle laid down in article 18 of the Argentine National Constitution.

### **OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS**

*(Ed. Note: for objections, see Note under Territorial Application, below)*

### **DECLARATION RE: ARTICLE 41**

*(Unless otherwise indicated, the declarations were made upon ratification, accession or succession)*

The instrument contains a declaration under article 41 of the Covenant by which the Government of Argentina recognizes the competence of the Human Rights Committee established by virtue of the International Covenant on Civil and Political Rights.

### **DEROGATIONS: NOTIFICATIONS UNDER ARTICLE 4 (3) OF THE COVENANT**

7 June 1989

(Dated 7 June 1989)

Proclamation of the state of siege throughout the national territory for a period of 30 days in response to events [attacks and looting of retail shops, vandalism, use of firearms] whose seriousness jeopardizes the effective enjoyment of human rights and fundamental freedoms by the entire community. (Derogation from articles 9 and 21.)

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12 July 1989

(Dated 11 July 1989)

Termination of the state of siege as from 27 June 1989 throughout the national territory.

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26 December 2001  
(Dated 21 December 2001)

By decree No. 1678/2001 of 19 December 2001, proclamation of a State of siege for 30 days in the territory of Argentina.

By decree No. 1689/2001 of 21 December 2001, suspension of the State of seige declared by Decree No. 1678/2001.

(Dated 23 December 2001)

By Decrees Nos. 16, 18 and 20/2001 of 21 December 2001, declaration of a 10-day siege in the provinces of Buenos Aires, Entre Rios and San Juan.

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4 January 2002  
(Dated 4 January 2002)

Cessation, as from 31 December 2001, of martial law that had been imposed in the provinces of Buenos Aires, Entre Rios and San Juan.

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4 January 2002

(Dated 4 January 2002)

Cessation, as from 31 December 2001, of martial law that had been imposed in the provinces of Buenos Aires, Entre Rios and San Juan.

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21 January 2002  
(Dated 18 January 2002)

Communication concerning the state of siege declared by Decree No. 1678/2001 and the lifting of the state of siege by Decree No. 1689/2001; and the state of siege declared by Decrees Nos. 16/2002, 18/2001 and 20/2001 and the cessation of the state of siege. [For the text of the communication, see depositary notification C.N.179.2002.TREATIES-3 of 27 February 2002.]

## **TERRITORIAL APPLICATION**

## Note

On 3 October 1983, the Secretary-General received from the Government of Argentina the following declaration in respect of the territorial application of the Covenant to the Falkland Islands:

[The Government of Argentina makes a] formal objection to the [declaration] of territorial extension issued by the United Kingdom with regard to the Malvinas Islands (and dependencies), which that country is illegally occupying and refers to as the "Falkland Islands".

The Argentine Republic rejects and considers null and void the [said declaration] of territorial extension.

With reference to the above-mentioned objection the Secretary-General received on 28 February 1985 from the Government of the United Kingdom of Great Britain and Northern Ireland, the following declaration:

"The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to their right, by notification to the Depositary under the relevant provisions of the above-mentioned Convention, to extend the application of the Convention in question to the Falkland Islands or to the Falkland Islands Dependencies, as the case may be.

For this reason alone, the Government of the United Kingdom are unable to regard the Argentine [communication] under reference as having any legal effect."

With reference to the above-mentioned declaration by the Government of the United Kingdom of Great Britain and Northern Ireland, the Secretary-General received from the Government of Argentina the following declaration made upon ratification:

The Argentine Republic rejects the extension, notified to the Secretary-General of the United Nations on 20 May 1976 by the United Kingdom of Great Britain and Northern Ireland, of the application of the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly of the United Nations on 16 December 1966, to the Malvinas, South Georgia and South Sandwich Islands, and reaffirms its sovereign rights to those archipelagos, which form an integral part of its national territory.

The General Assembly of the United Nations had adopted resolutions 2065 (XX), 3160 (XXVIII), 31-49, 37-9, 38-12, 39-6 and 40-21 in which it recognizes the existence of a sovereignty dispute regarding the question of the Falkland Islands (Malvinas) and urges the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to pursue negotiations in order to find as soon as possible a peaceful and definitive solution to the dispute, through the good offices of the Secretary-General of the United Nations, who shall inform the General Assembly of the progress made."

With reference to the above-mentioned declaration by the Government of Argentina, the Secretary-General received, on 13 January 1988, from the Government of the United Kingdom of Great Britain and Northern Ireland the following communication:

"The Government of the United Kingdom of Great Britain and Northern Ireland rejects the statements made by the Argentine Republic, regarding the Falkland Islands and South Georgia and the South Sandwich Islands, when ratifying [the said Covenants and acceding to the said Protocol].

The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt as to British sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands and its consequent right to extend treaties to those territories."

Subsequently, on 5 October 2000, the Secretary-General received from the Government of Argentina the following communication:

[The Argentine Republic] wishes to refer to the report submitted by the United Kingdom of Great Britain and Northern Ireland to the Human Rights Committee concerning its overseas territories (CCPR-C-UKOT-99-5).

In that connection, the Argentine Republic wishes to recall that by its note of 3 October 1983 it rejected the extension of the application of the International Covenant on Civil and Political Rights to the Malvinas Islands, which was effected by the United Kingdom of Great Britain and Northern Ireland on 20 May 1976.

The Government of Argentina rejects the designation of the Malvinas Islands as Overseas Dependent Territories of the United Kingdom or any other similar designation.

Consequently, the Argentine Republic does not recognize the section concerning the Malvinas Islands contained in the report which the United Kingdom has submitted to the Human Rights Committee (CCPR-C-UKOT-99-5) or any other document or instrument having a similar tenor that may derive from this alleged territorial extension.

The United Nations General Assembly 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 it recognizes that a dispute exists concerning sovereignty over the Malvinas Islands and urges the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to continue negotiations with a view to resolving the dispute peacefully and definitively as soon as possible, assisted by the good offices of the Secretary-General of the United Nations, who is to report to the General Assembly on the progress made.

The Argentine Republic reaffirms its rights of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime spaces, which are an integral part of its national territory.

Further, on 20 December 2000, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland, the following communication:

"The Government of the United Kingdom of Great Britain and Northern Ireland rejects as unfounded the claims made by the Argentine Republic in its communication to the depositary of 5 [October] 2000. The Government of the United Kingdom recalls that in its declaration received by the depositary on 13 January 1988 it rejected the objection by the Argentine Republic to the extension by the United Kingdom of the International Covenant on Civil and Political Rights to the Falkland Islands and over South Georgia and the South Sandwich Islands and its consequential rights to apply the Convention with respect to those Territories."

*(Note 44, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)*