

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

CCPR

RESERVATIONS AND DECLARATIONS

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

Upon signature:

"First, the Government of the United Kingdom declare their understanding that, by virtue of Article 103 of the Charter of the United Nations, in the event of any conflict between their obligations under Article 1 of the Covenant and their obligations under the Charter (in particular, under Articles 1, 2 and 73 thereof) their obligations under the Charter shall prevail.

Secondly, the Government of the United Kingdom declare that:

(a) In relation to Article 14 of the Covenant, they must reserve the right not to apply, or not to apply in full, the guarantee of free legal assistance contained in sub-paragraph (d) of paragraph 3 in so far as the shortage of legal practitioners and other considerations render the application of this guarantee in British Honduras, Fiji and St. Helena impossible;

(b) In relation to Article 23 of the Covenant, they must reserve the right not to apply the first sentence of paragraph 4 in so far as it concerns any inequality which may arise from the operation of the law of domicile;

(c) In relation to Article 25 of the Covenant, they must reserve the right not to apply:

(i) Sub-paragraph (b) in so far as it may require the establishment of an elected legislature in Hong Kong and the introduction of equal suffrage, as between different electoral rolls, for elections in Fiji; and

(ii) Sub-paragraph (c) in so far as it applies to jury service in the Isle of Man and to the employment of married women in the Civil Service of Northern Ireland, Fiji, and Hong Kong.

Lastly, the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented."

Upon ratification:

"Firstly the Government of the United Kingdom maintain their declaration in respect of article 1 made at the time of signature of the Covenant.

The Government of the United Kingdom reserve the right to apply to members of and persons serving with the armed forces of the Crown and to persons lawfully detained in penal establishments of whatever character such laws and procedures as they may from time to time deem to be necessary for the preservation of service and custodial discipline and their acceptance of the provisions of the Covenant is subject to such restrictions as may for these purposes from time to time be authorised by law.

Where at any time there is a lack of suitable prison facilities or where the mixing of adults and juveniles is deemed to be mutually beneficial, the Government of the United Kingdom reserve the right not to apply article 10 (2) (b) and 10 (3), so far as those provisions require juveniles who are detained to be accommodated separately from adults, and not to apply article 10 (2) (a) in Gibraltar, Montserrat and the Turks and Caicos Islands in so far as it requires segregation of accused and convicted persons.

The Government of the United Kingdom reserve the right not to apply article 11 in Jersey.

The Government of the United Kingdom reserve the right to interpret the provisions of article 12 (1) relating to the territory of a State as applying separately to each of the territories comprising the United Kingdom and its dependencies.

The Government of the United Kingdom reserve the right to continue to apply such immigration legislation governing entry into, stay in and departure from the United Kingdom as they may deem necessary from time to time and, accordingly, their acceptance of article 12 (4) and of the other provisions of the Covenant is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of the United Kingdom to enter and remain in the United Kingdom. The United Kingdom also reserves a similar right in regard to each of its dependent territories.

The Government of the United Kingdom reserve the right not to apply article 13 in Hong Kong in so far as it confers a right of review of a decision to deport an alien and a right to be represented for this purpose before the competent authority.

The Government of the United Kingdom reserve the right not to apply or not to apply in full the guarantee of free legal assistance in sub-paragraph (d) of paragraph 3 of article 14 in so far as the shortage of legal practitioners renders the application of this guarantee impossible in the British Virgin Islands, the Cayman Islands, the Falkland Islands, the Gilbert Islands, the Pitcairn Islands Group, St. Helena and Dependencies and Tuvalu.

The Government of the United Kingdom interpret article 20 consistently with the rights conferred by articles 19 and 21 of the Covenant and having legislated in matters of practical concern in the interests of public order (ordre public) reserve the right not to introduce any further legislation. The United Kingdom also reserve a similar right in regard to each of its dependent territories.

The Government of the United Kingdom reserve the right to postpone the application of paragraph 3 of article 23 in regard to a small number of customary marriages in the Solomon Islands.

The Government of the United Kingdom reserve the right to enact such nationality legislation as they may deem necessary from time to time to reserve the acquisition and possession of citizenship under such legislation to those having sufficient connection with the United Kingdom or any of its dependent territories and accordingly their acceptance of article 24 (3) and of the other provisions of the Covenant is subject to the provisions of any such legislation.

The Government of the United Kingdom reserve the right not to apply sub-paragraph (b) of article 25 in so far as it may require the establishment of an elected Executive or Legislative Council in Hong Kong [...].

Lastly, the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented."

Note

In a communication received on 2 February 1993, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General of its decision to withdraw the reservation to sub-paragraph c) of article 25 made upon ratification. For the text of the reservation, see United Nations, Treaty Series, vol. 1007, p. 394.

[Ed. note: as follows:

The Government of the United Kingdom reserve the right not to apply sub-paragraph (b) of Article 25 in so far as it may require the establishment of an elected Executive or Legislative Council in Hong Kong and sub-paragraph (c) of Article 25 in so far as it relates to jury service in the Isle of Man.]

(Note 38, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

(Ed. note: for the text targeted by the following objections, see the Reservations and Declarations of the State which is the subject of the objection)

24 May 1991

"The Government of the United Kingdom have noted the statement formulated by the Government of the Republic of Korea on accession, under the title "Reservations". They are not however able to take a position on these purported reservations in the absence of a sufficient indication of their intended effect, in accordance with the terms of the Vienna Convention on the Law of Treaties and the practice of the Parties to the Covenant. Pending receipt of such indication, the Government of the United Kingdom reserve their rights under the Covenant in their entirety."

17 August 2005

With regard to the declarations made by Mauritania upon accession:

“The Government of the United Kingdom have examined the Declaration made by the Government of Mauritania to the International Covenant on Civil and Political Rights (done at New York on 16 December 1966) on 17 November 2004 in respect of Articles 18 and 23 (4).

The Government of the United Kingdom consider that the Government of Mauritania's declaration that:

'The Mauritanian Government, while accepting the provisions set out in article 18 concerning freedom of thought, conscience and religion, declares that their application shall be without prejudice to the Islamic Shariah...

The Mauritanian Government interprets the provisions of article 23, paragraph 4, on the rights and responsibilities of spouses as to marriage as not affecting in any way the prescriptions of the Islamic Shariah' is a reservation which seeks to limit the scope of the Covenant on a unilateral basis. The Government of the United Kingdom note that the Mauritanian reservation specifies particular provisions of the Convention Articles to which the reservation is addressed. Nevertheless this reservation does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. The Government of the United Kingdom therefore object to the aforesaid reservation made by the Government of Mauritania.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and Mauritania.”

6 September 2007

With regard to the reservation made by Maldives upon accession:

“The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents its compliments to the Secretary-General and has the honour to refer to the reservation made by the Government of the Maldives to the International Covenant on Civil and Political Rights, which reads:

‘The application of the principles set out in Article 18 [freedom of thought, conscience and religion] of the Covenant shall be without prejudice to the Constitution of the Republic of the Maldives.’

In the view of the United Kingdom a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to a constitutional provision without specifying its implications does not do so. The Government of the United Kingdom therefore object to the reservation made by the Government of the Maldives.

This objection shall not preclude the entry into force of the Covenant between the United Kingdom and the Maldives.”

28 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of the United Kingdom of Great Britain and Northern Ireland has examined the reservations made by the Government of Pakistan to the [International] Covenant [on Civil and Political Rights] on 23 June 2010, which read:

1. [The] Islamic Republic of Pakistan declares that the provisions of Articles 3, 6, 7, 18 and 19 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws.
2. The Islamic Republic of Pakistan declares that the provisions of Articles 12 shall be so applied as to be in conformity with the Provisions of the Constitution of Pakistan.
3. With respect to Article 13, the Government of the Islamic Republic of Pakistan reserves its right to apply its law relating to foreigners.
4. [The] Islamic Republic of Pakistan declares that the provisions of Articles 25 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan.
5. The Government of the Islamic Republic of Pakistan hereby declares that it does not recognize the competence of the Committee provided for in Article 40 of the Covenant.

In the view of the United Kingdom a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. Reservations which consist of a general reference to a constitutional provision, law or system of laws without specifying their contents do not do so.

In addition, the United Kingdom considers that the reporting mechanism enshrined in Article 40 is an essential procedural requirement of the Covenant, and an integral undertaking of States Parties to the Covenant.

The Government of the United Kingdom therefore objects to the reservations made by the Government of Pakistan.

The United Kingdom will re-consider its position in light of any modifications or withdrawals of the reservations made by the Government of Pakistan to the Covenant.”

Note

See note 1 under "Germany" regarding Berlin (West) in the "Historical Information" section in the front matter of *[the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>. For text in Bayefsky.com, see Germany, CCPR, Reservations and Declarations, note 9].*
(Note 9, Chapter IV.4, *Multilateral Treaties Deposited with the Secretary-General*)

Note

The reservation was lodged with the Secretary-General on 4 December 2006 by Bahrain, following its accession to the Covenant on 20 September 2006.

In keeping with the depositary practice followed in similar cases, the Secretary-General proposed to receive the reservation in question for deposit in the absence of any objection on the part of any of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of 12 months from the date of the present depositary notification. In the absence of any such objection, the above reservation would be accepted in deposit upon the expiration of the above-stipulated 12 month period, that is on 28 December 2007.

In view of the below objections, the Secretary-General did not accept the reservation made by Bahrain in deposit. The Secretary-General received the following objections on the dates indicated hereinafter:

...

United Kingdom of Great Britain and Northern Ireland (27 December 2007):

“The United Kingdom objects to Bahrain’s reservations as they were made after the date of Bahrain’s accession to the Covenant.

The United Kingdom further objects to the substance of Bahrain’s first reservation, to Articles 3, 18 and 23. In the view of the United Kingdom a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to a system of law without specifying its contents does not do so.

These objections shall not preclude the entry into force of the Covenant between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Bahrain. However on account of their lateness the reservations shall have no effect as between Bahrain and the United Kingdom.”
(Note 15, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)

Note

With regard to the reservation made by the Lao People's Democratic Republic upon ratification, the Secretary-General received, from the following States, communications on the dates indicated hereinafter:

United Kingdom of Great Britain and Northern Ireland (21 October 2010):

"The United Kingdom of Great Britain and Northern Ireland has carefully examined the reservation made by the Government of the Lao People's Democratic Republic upon ratification of the International Covenant on Civil and Political rights.

The United Kingdom considers that with this reservation the application of Article 22 of the Covenant is made subject to national law in force in the Lao People's Democratic Republic. This makes it unclear to what extent the Lao People's Democratic Republic considers itself bound by the obligations under Article 22 of the Covenant.

The United Kingdom considers that a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to national law without specifying its implications does not do so.

The United Kingdom therefore objects to the reservation made by the Government of the Lao People's Democratic Republic to Article 22 of the Covenant. This objection shall not preclude the entry into force of the Covenant between the United Kingdom of Great Britain and Northern Ireland and the Lao People's Democratic Republic."

...

(Note 28, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)

DECLARATION RE: ARTICLE 41

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

"The Government of the United Kingdom declare under article 41 of this Covenant that it recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State Party, provided that such other State Party has, not less than twelve months prior to the submission by it of a communication relating to the United Kingdom made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself."

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

17 May 1976

"The Government of the United Kingdom notify other States Parties to the present Covenant, in accordance with article 4, of their intention to take and continue measures derogating from their obligations under the Covenant.

There have been in the United Kingdom in recent years campaigns of organised terrorism related to Northern Irish affairs which have manifested themselves in activities which have included murder, attempted murder, maiming, intimidation and violent civil disturbances and in bombing and fire-raising which have resulted in death, injury and widespread destruction of property. This situation constitutes a public emergency within the meaning of article 4 (1) of the Covenant. The emergency commenced prior to the ratification by United Kingdom of the Covenant and Legislation has, from time to time, been promulgated with regard to it.

The Government of the United Kingdom have found it necessary (and in some cases continue to find it necessary) to take powers, to the extent strictly required by the exigencies of the situation, for the protection of life, for the protection of property and the prevention of outbreaks of public disorder, and including the exercise of powers of arrest and detention and exclusion. In so far as any of these measures is inconsistent with the provisions of articles 9, 10 (2), 10 (3), 12 (1), 14, 17, 19 (2), 21 or 22 of the Covenant, the United Kingdom hereby derogates from its obligations under those provisions."

22 August 1984

Termination forthwith of derogations from articles 9, 10 (2), 10 (3), 12 (1), 14, 17, 19 (2), 21 and 22

of the Covenant.

23 December 1988

[The Government of the United Kingdom of Great Britain and Northern Ireland] have found it necessary to take or continue measures derogating in certain respects from their obligations under article 9 of the Covenant. (For the reasons of that decision, see paragraph 2 of a previous notification of 17 May 1976, which continue to apply). [*Ed. note: see above*]

Persons reasonably suspected of involvement in terrorism connected with the affairs of Northern Ireland, or of offences under the legislation and who have been detained for 48 hours may be, on the authority of the Secretary of State, further detained without charge for periods of up to five days.

Notwithstanding the judgement of 29 November 1988 by the European Court of Human Rights in the case of Brogan and Others the Government has found it necessary to continue to exercise the powers described above but to the extent strictly required by the exigencies of the situation to enable necessary enquiries and investigations properly to be completed in order to decide whether criminal proceedings should be instituted. [This notice is given] in so far as these measures may be inconsistent with article 9 (3) of the Covenant.

31 March 1989
(Dated 23 March 1989)

Replacement as from 22 March 1989, of the measures indicated in the previous notification of 23 December 1988 by section 14 of and paragraph 6 of Schedule 5 to the Prevention of Terrorism (Temporary Provisions) Act 1989, which make comparable provisions.

18 December 1989
(Dated 12 December 1989)

"The Government of the United Kingdom have [previously] found it necessary to take and continue [various measures], derogating in certain respects from obligations under Article 9 of the International Covenant on Civil and Political Rights.

On 14 November 1989 the Home Secretary announced that the Government had concluded that a satisfactory procedure for the review of detention of terrorist suspects involving the judiciary had not been identified and that the derogation notified under Article 4 of the Covenant would therefore remain in place for as long as circumstances require."

21 February 2001
(Dated 20 February 2001)

Notification to the effect that the derogation from article 9 (3) of the Covenant is terminated with effect from Monday, 26 February 2001.

The notification further states that the termination of the derogation only applies to the United Kingdom of Great Britain and Northern Ireland and that it is not yet possible to terminate the derogation in respect of the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man.

18 December 2001

"Notification of the United Kingdom's derogation from article_9 of the International Covenant on Civil and Political Rights: I have the honour to present my compliments, Excellency, and to convey the following information in order to ensure compliance with the obligations of Her Majesty's Government in the United Kingdom under Article 4_(3) of the International Covenant on Civil and Political Rights adopted by the General Assembly on 16 December 1966.

Public emergency in the United Kingdom

The terrorist attacks in New York, Washington, D.C. and Pennsylvania on 11th September 2001 resulted in several thousand deaths, including many British victims and others from 70 different countries. In its resolutions 1368 (2001) and 1373 (2001), the United Nations Security Council recognised the attacks as a threat to international peace and security.

The threat from international terrorism is a continuing one. In its resolution 1373 (2001), the Security Council, acting under Chapter VII of the United Nations Charter, required all States to take measures to prevent the commission of terrorist attacks, including by denying safe haven to those who finance, plan, support or commit terrorist attacks.

There exists a terrorist threat to the United Kingdom from persons suspected of involvement in international terrorism. In particular, there are foreign nationals present in the United Kingdom who are suspected of being concerned in the commission, preparation or instigation of acts of international terrorism, of being members of organisations or groups which are so concerned or of having links with members of such organisations or groups, and who are a threat to the national security of the United Kingdom.

As a result, a public emergency, within the meaning of Article 4(1) of the Covenant, exists in the United Kingdom.

The Anti-terrorism, Crime and Security Act 2001

As a result of the public emergency, provision is made in the Anti-terrorism, Crime and Security Act 2001, inter alia, for an extended power to arrest and detain a foreign national which will apply where it is intended to remove or deport the person from the United Kingdom but where removal or deportation is not for the time being possible, with the consequence that the detention would be unlawful under existing domestic law powers. The extended power to arrest and detain will apply where the Secretary of State issues a certificate indicating his belief that the person's presence in the United Kingdom is a risk to national security and that he suspects the person of being an international terrorist. That certificate will be subject to an appeal to the Special Immigration Appeals Commission ('SIA'), established under the Special Immigration Appeals Commission Act 1997, which will have power to cancel it if it considers that the certificate should not have been issued. There will be an appeal on a point of law from a ruling by SIAC. In addition, the certificate will be reviewed by SIAC at regular intervals. SIAC will also be able to grant bail, where appropriate, subject to conditions. It will be open to a detainee to end his detention at any time by agreeing to leave the United Kingdom.

The extended power of arrest and detention in the Anti-terrorism, Crime and Security Act 2001 is a measure which is strictly required by the exigencies of the situation. It is a temporary provision which comes into force for an initial period of 15 months and then expires unless renewed by Parliament. Thereafter, it is subject to annual renewal by Parliament. If, at any time, in the Government's assessment, the public emergency no longer exists or the extended power is no longer strictly required by the exigencies of the situation, then the Secretary of State will, by Order, repeal the provision.

Domestic law powers of detention (other than under the Anti-terrorism, Crime and Security Act 2001)

The Government has powers under the Immigration Act 1971 ('the 1971 Act') to remove or deport persons on the ground that their presence in the United Kingdom is not conducive to the public good on national security grounds. Persons can also be arrested and detained under Schedules 2 and 3 to the 1971 Act pending their removal or deportation. The courts in the United Kingdom have ruled that this power of detention can only be exercised during the period necessary, in all the circumstances of the particular case, to effect removal and that, if it becomes clear that removal is not going to be possible within a reasonable time, detention will be unlawful (*Rv Governor of Durham Prison, ex parte Singh* [1984] All ER 983).

Article 9 of the Covenant

In some cases, where the intention remains to remove or deport a person on national security grounds, continued detention may not be consistent with Article 9 of the Covenant. This may be the case, for example, if the person has established that removal to their own country might result in treatment contrary to Article 7 of the Covenant. In such circumstances, irrespective of the gravity of the threat to national security posed by the person concerned, it is well established that the

international obligations of the United Kingdom prevent removal or deportation to a place where there is a real risk that the person will suffer treatment contrary to that article. If no alternative destination is immediately available then removal or deportation may not, for the time being, be possible even though the ultimate intention remains to remove or deport the person once satisfactory arrangements can be made. In addition, it may not be possible to prosecute the person for a criminal offence given the strict rules on the admissibility of evidence in the criminal justice system of the United Kingdom and the high standard of proof required.

Derogation under Article 4 of the Covenant

The Government has considered whether the exercise of the extended power to detain contained in the Anti-terrorism, Crime and Security Act 2001 may be inconsistent with the obligations under Article 9 of the Covenant. To the extent that the exercise of the extended power may be inconsistent with the United Kingdom's obligations under Article 9, the Government has decided to avail itself of the right of derogation conferred by Article 4(1) of the Covenant and will continue to do so until further notice.

Please accept, Excellency, the assurances of my highest consideration."

15 March 2005
(Dated 15 March 2005)

"The provisions referred to in the 18 December 2001 notification, namely the extended power of arrest and detention in the Anti-terrorism, Crime and Security Act 2001, ceased to operate on 14 March 2005. Accordingly, the notification is withdrawn as from that date, and the Government of the United Kingdom confirm that the relevant provisions of the Covenant will again be executed as from then."

TERRITORIAL APPLICATION

<u>Participant:</u>	<u>Date of receipt of notification:</u>	<u>Territories</u>
United Kingdom	27899	The Bailiwick of Guernesey, the Bailiwick of Jersey, the Isle of Man, Belize, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands and Dependencies, Gibraltar, the Gilbert Islands, Hong Kong, Montserrat, the Pitcairn Group, St. Helena and Dependencies, the Solomon Islands, the Turks and

Caicos Islands and Tuvalu

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 Depository 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)

Note

With regard to the application of the Covenant to Hong Kong, the Secretary-General received communications concerning the status of Hong Kong from the United Kingdom and China (see note 2 under "United Kingdom of Great Britain and Northern Ireland" and note 2 under "China" in the "Historical Information" section in the front matter of *[the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>]*).

[Ed. note: Note 2 under China is as follows:

China

Note 2

By a notification on 20 June 1997, the Government of China informed the Secretary-General of the status of Hong Kong in relation to treaties deposited with the Secretary-General. The notification, in pertinent part, reads as follows:

"In accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, signed on 19 December 1984 (hereinafter referred to as the Joint Declaration), the People's Republic of China will resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997. Hong Kong will, with effect from that date, become a Special Administrative Region of the People's Republic of China. [For the full text of the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, 19 December 1984, see United Nation Treaty Series volume No. 1399, p. 61,

(registration number I-23391)].

It is provided in Section 1 of Annex I to the Joint Declaration, "Elaboration by the Government of the People's Republic of China of its Basic Policies Regarding Hong Kong" and in Articles 12, 13 and 14 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, which was adopted on 4 April 1990 by the National People's Congress of the People's Republic of China (hereinafter referred to as the Basic Law), that the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibility of the Central People's Government of the People's Republic of China. Furthermore, it is provided both in Section XI of Annex I to the Joint Declaration and Article 153 of the Basic Law that international agreements to which the People's Republic of China is not a party but which are implemented in Hong Kong may continue to be implemented in the Hong Kong Administrative Region.

In this connection, on behalf of the Government of the People's Republic of China, I would like to inform Your Excellency as follows:

I. The treaties listed in Annex I to this Note [herein under], to which the People's Republic of China is a party, will be applied to the Hong Kong Special Administrative Region with effect from 1 July 1997 as they:

(i) are applied to Hong Kong before 1 July 1997; or (ii) fall within the category of foreign affairs or defence or, owing to their nature and provisions, must apply to the entire territory of a State; or

(iii) are not applied to Hong Kong before 1 July 1997 but with respect to which it has been decided to apply them to Hong Kong with effect from that date (denoted by an asterisk in Annex I). II. The treaties listed in Annex II to this Note [herein under], to which the People's Republic of China is not yet a party and which apply to Hong Kong before 1 July 1997, will continue to apply to the Hong Kong Special Administrative Region with effect from 1 July 1997.

The provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong shall remain in force beginning from 1 July 1997.

III. The Government of the People's Republic of China has already carried out separately the formalities required for the application of the treaties listed in the aforesaid Annexes, including all the related amendments, protocols, reservations and declarations, to the Hong Kong Special Administrative Region with effect from 1 July 1997.

IV. With respect to any other treaty not listed in the Annexes to this Note, to which the People's Republic of China is or will become a party, in the event that it is decided to apply

such treaty to the Hong Kong Special Administrative Region, the Government of the People's Republic of China will carry out separately the formalities for such application. For the avoidance of doubt, no separate formalities will need to be carried out by the Government of the People's Republic of China with respect to treaties which fall within in the category of foreign affairs or defence or which, owing to their nature and provisions, must apply to the entire territory of a State."

The treaties listed in Annexes I and II, referred to in the notification, are reproduced below.

Information regarding reservations and/or declarations made by China with respect to the application of treaties to the Hong Kong Special Administrative Region can be found in the footnotes to the treaties concerned as published herein. Footnote indicators are placed against China's entry in the status list of those treaties.

Moreover, with regard to treaty actions undertaken by China after 1 July 1997, the Chinese Government confirmed that the territorial scope of each treaty action would be specified. As such, declarations concerning the territorial scope of the relevant treaties with regard to the Hong Kong Special Administrative Region can be found in the footnotes to the treaties concerned as published herein. Footnote indicators are placed against China's entry in the status list of those treaties.

Annex I

(The treaties are listed in the order that they published in these volumes.)

...

Human Rights:

- Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948;*
- International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966;*
- Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979;*
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984;*
- Convention on the Rights of the Child, 20 November 1989.*

...]

[Ed. note: Note 2 under United Kingdom of Great Britain and Northern Ireland is as follows:

United Kingdom of Great Britain and Northern Ireland

Note 2

[On 10 June 1997, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General of the following:

"In accordance with the Joint Declaration of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People's Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of [Conventions] to Hong Kong."

See also note 2 under "China" [Ed. note: reproduced immediately above].

Upon resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the Covenant will also apply to the Hong Kong Special Administrative Region.
(Note 6, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)