

SUMMARY RECORD OF THE 73rd MEETING

Chairman: Mr. SOBHY (Egypt)

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AGENDA ITEM 75: DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
(continued)

COMPLETION OF THE COMMITTEE'S WORK

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The meeting was called to order at 10.40 a.m.

AGENDA ITEM 75: DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (continued) (A/C.3/34/14; A/C.3/34/L.75, L.78, L.80)

1. The CHAIRMAN announced that the text of the draft Convention on the Elimination of All Forms of Discrimination against Women (A/C.3/34/14) was now available in Arabic, and he requested the Secretary of the Committee to indicate the amendments to draft resolution A/C.3/34/L.75, which dealt with the draft Convention.
2. Mr. PAPADEMAS (Secretary of the Committee) said that the Committee had before it the Mexican amendment (A/C.3/34/L.80) to draft resolution A/C.3/34/L.75, which had been revised by its sponsors at the preceding meeting. The revision consisted in adding a third paragraph with the following text: "Requests the Secretary-General to present the text of the Convention to the World Conference of the United Nations Decade for Women, for its information."
3. Furthermore, the representative of Guinea had submitted an amendment to the new paragraph 3 of the draft resolution, which would replace the words "for its information" with the words "for appropriate consideration".
4. With regard to the administrative and financial implications of draft resolution A/C.3/34/L.75, contained in document A/C.3/34/L.78, the Budget Division would amend the figures in paragraph 11 if necessary. If the Convention was adopted, no financial implications would be submitted to the Fifth Committee before the thirty-fifth session.
5. Mrs. MCCRISON (Lesotho) thanked the representative of the Office of the Legal Counsel for providing her delegation with the necessary clarifications at the preceding meeting.
6. Mrs. LORANGER (Canada), speaking with regard to the Mexican amendments (A/C.3/34/L.80), said that Governments had already been consulted on two occasions concerning the entire text of the draft Convention during the course of its preparation over the past five years. The amendments adopted at the preceding meeting did not entail any significant substantive changes of which Governments would have to be informed, and therefore there seemed to be no need to ask them to comment again on the text of the draft Convention. Moreover, the adoption of draft resolution A/C.3/34/L.75 would not impose any commitment on Governments, since they would then have to decide whether or not to sign and ratify the Convention, and they would have the right to formulate reservations. It should be borne in mind that the text of the draft Convention was a compromise text, and it would hardly be possible to improve it further at the next session. Although far from being a perfect legal instrument, the Convention would nevertheless constitute a significant contribution to the Conference of the United Nations Decade for Women to be held in 1980. Her delegation urged the Committee to adopt the draft Convention on the Elimination of All Forms of Discrimination against Women.

7. Mrs. van den ASSUM (Netherlands) said that the sponsors of draft resolution A/C.3/34/L.75 could not accept the Mexican amendments (A/C.3/34/L.80) and therefore urged the Mexican delegation to withdraw them.
8. The fact that the majority of members had spoken in favour of adopting the text of the draft Convention at the preceding meeting would suggest that it was pointless to consult Governments for the third time on the subject. Governments had had the opportunity to study the reports of the Working Group at the thirty-second and thirty-third sessions, and the only fundamental amendment to the draft Convention at the current session was the Swedish proposal, which had been adopted by an overwhelming majority at the 72nd meeting. Therefore there was no new element to justify delaying the adoption of the Convention on the Elimination of All Forms of Discrimination against Women, especially since after the adoption of the Convention and its opening for signature, Governments would be able, in conformity with the usual practice, to study it in detail, decide whether or not to sign it and ratify it, and formulate reservations if they wished. Her delegation hoped that the Committee would adopt at the current meeting the draft resolution opening the Convention for signature by States.
9. Mr. VERKERCKE (Belgium) said that his delegation was joining the sponsors of draft resolution A/C.3/34/L.75. There was a compelling reason for adopting the Convention before the completion of the Committee's work: Governments had had ample opportunity to study the text, of which only the final clauses had been amended at the current session, and the presentation of new proposals would make adoption of the Convention more difficult at the thirty-fifth session.
10. Mrs. FLORES (Cuba) said that her delegation, a sponsor of draft resolution A/C.3/34/L.75, would vote against the Mexican amendments (A/C.3/34/L.80). The Convention on the Elimination of All Forms of Discrimination against Women, which would constitute a significant contribution to the Conference of the United Nations Decade for Women to be held in 1980, must be adopted, opened for signature and ratified as soon as possible.
11. Mrs. COYE (Jamaica) fully supported the views expressed by the Canadian and Netherlands delegations. As a sponsor of draft resolution A/C.3/34/L.75, her delegation wished to urge the Mexican delegation to withdraw its amendments.
12. Mrs. SIBAL (India) pointed out that the draft Convention contained an article which made it possible for States to formulate reservations concerning the Convention at the time they ratified it or acceded to it. India, in particular, intended to do so, and she saw no reason why other States which also had reservations to formulate could not use the same procedure. It was clear that, if the draft Convention itself was called into question, which seemed to be the intention of some delegations - in particular the Brazilian delegation, which had stated at the preceding meeting that some articles of the draft Convention were repetitive in character and that the text as a whole was poorly drafted, and the

(Mrs. Sibal, India)

French and United Kingdom delegations, which had proposed rephrasing the entire preamble so as to eliminate inter alia references to the new international economic order, neo-colonialism and foreign occupation - new difficulties would continue to arise and the adoption of the Convention would be postponed sine die. Her delegation therefore opposed the Mexican amendments and would be forced to vote against them if they were put to the vote.

13. Mrs. KEKEDO (Papua New Guinea) pointed out that the discussion of the draft Convention had been going on for five years, that postponement of its adoption would hardly advance the cause of women and that there was reason to fear that if the Convention was not adopted in 1979, it would never be adopted. Her delegation therefore joined the Romanian, Philippine and Indian delegations in appealing to the representative of Mexico to withdraw his amendments. It would vote against the amendments if they were put to the vote.

14. Mr. LÄMMERZAHN (German Democratic Republic) supported draft resolution A/C.3/34/L.75, which sought to provide the international community with an instrument that would represent a positive contribution to the struggle to eliminate discrimination against women. He therefore supported the appeal made by the representative of the Netherlands, on behalf of the sponsors of the draft resolution, to the representative of Mexico to withdraw his amendments.

15. Mr. VOICU (Romania) said that his delegation had joined the sponsors of draft resolution A/C.3/34/L.75 and urged members of the Committee to take action so that the Convention could be adopted and opened for signature at the current session.

16. The CHAIRMAN said that he intended to close the debate.

17. Mr. GONZALES de LEON (Mexico), speaking on a point of order, pointed out that he had not had the opportunity to respond to the appeals addressed to him by a number of delegations. He understood that the delegations which had participated in preparing the draft Convention wished to see the Convention adopted without delay and opened for signature. He was also aware of the urgent need to establish, through the adoption of an international instrument, conditions that could put an end to discrimination against women. However, his delegation felt that in the case of a convention which was to be ratified by States, hasty action should be avoided. At the preceding meeting he had had the impression that many delegations had had serious doubts as to the desirability of adopting a convention before States had had an opportunity to formulate their comments on the final text. His delegation, for its part, wished to submit the text to its Government and felt that other delegations should have the same opportunity. Furthermore, the draft Convention had been adopted by 104 votes at the preceding meeting. There was no reason to think that the attitude of Governments with regard to the text would be very different from that of their representatives. It was therefore strange that some delegations feared that the fact of transmitting the text of the draft Convention to Governments would inevitably lead to a proliferation of variants which would

(Mr. Gonzales de Leon, Mexico)

have to be examined at the coming session. Lastly, the representative of Canada had rightly pointed out that the fact of adopting the Convention and opening it for signature did not bind Governments; nevertheless, such action would lead one to suspect that those Governments intended to accede to the Convention.

18. The representative of India had already stated that she would support the Convention but that she already foresaw that her Government would express reservations when the time came for its ratification. His delegation believed that it would be more logical to request Governments to make their observations before ratifying the Convention. For that reason, it could not vote in favour of draft resolution A/C.3/34/L.75. Certain delegations had suggested that if the Convention was not adopted at the current session, it would never be adopted at all. His delegation really could not see why the Convention must necessarily be adopted at the current session. However, it had noted that pressures had been brought to bear to ensure that it was adopted at the current session and that those pressures came from two main groups, the countries of Western Europe and the socialist countries.

19. Mrs. SIBAL (India) asked the representative of the Office of the Legal Counsel whether the Committee's adoption of draft resolution A/C.3/34/L.75 would imply that Governments must automatically ratify or accede to the Convention.

20. Mr. SZASZ (Representative, Office of the Legal Counsel) said that no State was ever obliged to ratify or accede to a convention. On the other hand, it was obvious that the text opened for signature by States would be the one adopted by the Third Committee and not a different one.

21. The CHAIRMAN proposed that a vote should be taken on the set of amendments proposed by Mexico. He recalled the substance of those amendments. The first was the amendment to draft resolution A/C.3/34/L.75 which had appeared as A/C.3/34/L.80, orally amended by the representative of Mexico, whose final wording read as follows:

"1. Delete operative paragraphs 1 and 2 and replace by the following text:

"1. Warmly congratulates the Working Group which prepared the Draft Convention on the Elimination of All Forms of Discrimination against Women, contained in annex I of document A/C.3/34/L.4;

"2. Decides to transmit the revised draft of the Convention annexed to this resolution to the Governments of Member States in order that they may have an opportunity to submit their final observations to the Secretariat so that the General Assembly may consider them at its thirty-fifth session and adopt the draft in 1980."

22. The second Mexican amendment concerned paragraph 3 of draft resolution A/C.3/34/L.75, a paragraph added orally by the sponsors, and consisted in replacing the words "the text of the Convention" with the words "the text of the draft Convention". The third paragraph of draft resolution A/C.3/34/L.75 would thus read as follows:

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(The Chairman)

"3. Requests the Secretary-General to present the text of the draft Convention to the World Conference of the United Nations Decade for Women for its information."

23. The Mexican amendments were rejected by 69 votes to 33, with 25 abstentions.

24. Mr. DABO (Guinea), speaking on a point of order, announced that he was withdrawing his oral amendment to the third preambular paragraph of draft resolution A/C.3/34/L.75.

25. Mr. PAPADEMAS (Secretary of the Committee) announced that the Bahamas, Belgium, Canada, Guatemala, Jamaica, Romania and Sao Tome and Principe had become sponsors of draft resolution A/C.3/34/L.75.

26. Mrs. KELESCIAN (Italy), speaking on a point of order, requested that a recorded vote should be taken on draft resolution A/C.3/34/L.75.

27. Mr. EDIS (United Kingdom), speaking on a point of order, asked that delegations should be permitted to present explanations of vote before the vote.

28. The CHAIRMAN said that voting had begun and that he hoped delegations would present their explanations after the vote. However, if they insisted, he would permit them to present explanations before the vote, but, in accordance with rule 128 of the General Assembly's rules of procedure, those explanations would be limited to one minute.

29. Mrs. WARZAZI (Morocco), speaking on a point of order, recalled that the day before, she had asked the representative of the Office of the Legal Counsel whether the Committee's vote on the draft Convention annexed to document A/C.3/34/L.75 meant that the draft Convention was a definitive text or whether the document was still at the draft stage.

30. Mr. SZASZ (Representative, Office of the Legal Counsel) replied that the final vote the preceding day had been taken after a number of votes on proposed amendments to the draft Convention and had not given the draft any specific status. On the other hand, a vote in favour of draft resolution A/C.3/34/L.75 would confer a different status on the draft Convention revised and adopted the preceding day: it would be annexed to the resolution adopted by the Third Committee and would be submitted for adoption to the General Assembly in plenary meeting. After adoption by the General Assembly, the draft Convention would become a convention opened for signature.

31. Mr. EDIS (United Kingdom), speaking in explanation of vote, said that he had serious reservations with regard to the preamble to the draft Convention and that he regretted the way in which the Committee had proceeded the preceding day in its consideration of the draft. Despite his reservations, he would vote in favour of draft resolution A/C.3/34/L.75.

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32. Mr. THIAM (Senegal) said that he would abstain in the voting, since the draft Convention, which he supported, was incompatible with certain of his country's legislative provisions.
33. Miss NUÑEZ (Venezuela) said that she would abstain in the voting, since she believed that an instrument which was of such importance but whose final text had not been officially circulated could not be adopted without first being transmitted to the competent authorities of each country.
34. Mr. VOLLERS (Federal Republic of Germany) and Mrs. KELESCIAN (Italy) said that they would vote in favour of the draft resolution but expressed reservations concerning the tenth and eleventh preambular paragraphs of the draft Convention.
35. Mr. RAZZOQI (Kuwait) said that he would vote in favour of the draft resolution although he had grave reservations about article 16 of the draft Convention.
36. Mr. RODRIGO (Sri Lanka) said that he would abstain in the voting, since he agreed with the Mexican delegation that Governments must be given sufficient time to study the provisions of the draft Convention carefully.
37. Mr. BEKLE (Ethiopia), Mr. MELAMED (Israel), Mrs. HOUNGAVOU (Benin), Mr. KAMBIA (Togo), Mr. NGOMBI (Congo) and Miss NICOLAIDOU (Greece) said that they would vote in favour of the draft resolution, without prejudice, however, to the reservations which their Governments might express, with regard to the draft Convention.
38. Mr. OULD SID'AHMED VALL (Mauritania) said that he would vote in favour of the draft resolution but would have preferred to see the text of the draft Convention sent to Governments for consideration; his vote would be without prejudice to any reservations that might be formulated by his country's competent authorities. While believing that the preamble and the first three parts of the draft Convention were of great interest, he was less inclined to support the rest of the document.
39. Mrs. SEMICHI (Algeria) said that she would vote in favour of the draft resolution despite the grave reservations she had voiced the preceding day concerning articles 15 and 16 of the draft Convention.
40. Mrs. SHAHANI (Philippines) said that, as one of the sponsors, she would vote in favour of the draft resolution but that her vote would be without prejudice to the reservations which her country's competent authorities might have.
41. Mr. AL-KHULAIFI (Qatar), Mr. WAHAB (Iraq) and Mrs. MARKUS (Libyan Arab Jamahiriya) said that they would vote in favour of the draft resolution but that they had reservations concerning some provisions of the draft Convention which contravened Islamic law.
42. Mr. OBADI (Democratic Yemen) said that he fully supported the draft Convention, which was in conformity with his country's legislation in family matters, and that he would vote in favour of the draft resolution.

43. Mr. BOCOUM (Mali) said that he would abstain in the vote, but reserved the right of his Government to take an official decision in due course.
44. Mr. HASSAN (Pakistan), Mr. CHALAMILA (United Republic of Tanzania), and Mr. MAKKI (Oman) said that they would vote in favour of the draft resolution, despite reservations concerning certain articles of the draft Convention.
45. Mrs. RICHTER (Argentina) expressed serious reservations concerning former article 23 of the draft Convention, which would make it impossible for numerous States to accede to that instrument, and reiterated her reservations with regard to article 9, paragraph 2.
46. Mrs. RAHMAN (Bangladesh) said that she would vote in favour of the draft resolution, in spite of the reservations which she had with regard to article 16 of the draft Convention. That vote would in no way prejudice the position of her Government.
47. Mr. HASSA (Jordan) said that his delegation would vote for the draft resolution since most of the articles of the draft Convention had already been implemented in his country.
48. Mr. OUEDRAOGO (Upper Volta) said that he would abstain in the vote, because he had serious reservations with regard to certain provisions of the draft Convention but did not wish to prejudice the position which the competent authorities of his country would adopt.
49. Mr. ALAKWAA (Yemen) said that he would abstain in the vote, since he felt that Member States should be given time to study the draft Convention.
50. Mrs. THANH (Viet Nam), Mr. MULISA (Rwanda), Mrs. CHATER (Tunisia), Mr. DABO (Guinea), Mrs. BIKE (Gabon), Mr. AL-HUSSAMY (Syrian Arab Republic) and Mr. SUMNER (Sierra Leone) said that their delegations were in favour of draft resolution A/C.3/34/L.75, but their position did not prejudice any comments and reservations which their Governments might formulate after a detailed study of the draft Convention.
51. Mr. AL-KUTTAB (United Arab Emirates) said that his delegation was in favour of the draft Convention, but had reservations on certain articles which were contrary to provisions of Islamic law.
52. Mrs. NAKAMURA (Japan) said that her country was in favour of draft resolution A/C.3/34/L.75, while reserving its position on certain provisions of the draft Convention.
53. Mrs. FAWTHORPE (New Zealand) said that her delegation was also in favour of the draft Convention on the Elimination of All Forms of Discrimination against Women. Nevertheless, like many other delegations, it had a number of reservations to express, especially as the time available for consideration of the draft had been too short. Furthermore, her delegation wished to reserve its position with regard to the preamble of the draft.

54. Mr. SATER (Bahrain) said that his delegation was in favour of the draft Convention, although it had reservations concerning article 16.

55. Mr. HLA (Burma) said that his delegation would abstain in the vote on the draft resolution, not because it was opposed to the principle of the draft Convention, but for procedural reasons and because it did not wish to prejudge the position of its Government.

56. Mr. KHALIFA (Sudan) said that his delegation would vote in favour of draft resolution A/C.3/34/L.75, just as it had voted in favour of the draft Convention itself the preceding day. Nevertheless, he wished to express reservations on certain articles which were contrary to provisions of Sudanese law.

57. Mr. BYKOV (Union of Soviet Socialist Republics) said that his delegation was in favour of draft resolution A/C.3/34/L.75, and recalled that his country had been responsible for initiating proceedings in that area. He expressed the hope that the draft Convention would be adopted during the United Nations Decade for Women.

58. At the request of the representatives of France and Italy, a recorded vote was taken by roll-call on draft resolution A/C.3/34/L.75.

In favour: Afghanistan, Algeria, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mauritania, Mongolia, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Sierra Leone, Singapore, Spain, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Viet Nam, Yugoslavia, Zaire, Zambia.

Against: Mexico.

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Abstaining: Brazil, Burma, China, Dominican Republic, Malawi, Mali, Morocco, Saudi Arabia, Senegal, Sri Lanka, Upper Volta, Venezuela, Yemen.

59. Draft resolution A/C.3/34/L.75, as orally revised, was adopted by 112 votes to 1, with 13 abstentions.

60. Mrs. BOCOU (Ivory Coast) said that, if her delegation had voted the preceding day, it would have voted in favour of the draft Convention, whose provisions were in accordance with the legislation of the Ivory Coast. Her delegation had voted in favour of draft resolution A/C.3/34/L.75, but its vote was without prejudice to any comments or reservations which her Government might express at a later date.

61. Mrs. HORBAL (United States of America) said that her delegation supported the basic principles of the draft Convention. For that reason it had voted in favour of draft resolution A/C.3/34/L.75, although it believed that elements unrelated to the contents of the Convention itself should not be introduced into the preamble thereto. The adoption of the Convention at the thirty-fourth session of the General Assembly would be an important step towards improving the status of women.

62. Mr. FAURIS (France) recalled that his country had always actively participated in the preparation of the draft Convention. Although his delegation had expressed reservations the preceding day, it had decided to withdraw its amendment in order to facilitate the adoption of the draft Convention. His delegation had voted in favour of draft resolution A/C.3/34/L.75; its action was without prejudice to any comments the French Government might make at a later date and the position to be adopted by the French Parliament with regard to the text of the Convention.

63. Mr. DYRLUND (Denmark) said that the adoption of the Convention constituted significant progress in the field of international legislation concerning women, especially since the Convention would be opened for signature, ratification and accession before the World Conference of the United Nations Decade for Women, to be held in Copenhagen. His affirmative vote did not prejudge any reservations or comments which his Government might express after a detailed examination of the Convention.

64. Mrs. ANDRADE (Guinea-Bissau), Mr. HALFHUID (Suriname) and Mr. SIMELANE (Swaziland) said that the votes cast by their delegations in favour of draft resolution A/C.3/34/L.75 did not prejudge any reservations or comments which their Governments might express at a later date.

65. Mrs. MAIKARFI (Niger) said that her delegation had voted in favour of the draft resolution, although it had reservations with regard to some paragraphs of the Convention. Had she been present the preceding day, she would also have voted in favour of the draft Convention.

66. Mrs. GUELMAN (Uruguay) said that her country had one of the most advanced systems of law in the world as far as equality between men and women was concerned, and that her delegation had, therefore, voted in favour of the draft Convention. Her delegation had not, however, participated in the vote on draft resolution A/C.3/34/L.75, because it wished to submit the text to its Government before deciding on the question of opening the Convention for signature.

67. Mrs. VARGAS (Costa Rica) said that her delegation was in favour of the amendment proposed by Mexico in document A/C.3/34/L.80, but it, nevertheless, had voted for draft resolution A/C.3/34/L.75.

68. Mr. EDIS (United Kingdom) said that his delegation would explain its vote in plenary meeting, since there was too little time to give the detailed explanation which such an important legal question required.

COMPLETION OF THE COMMITTEE'S WORK

69. The CHAIRMAN said that, in presiding over the discussions of the Committee, he had had to choose between two options: either to attempt to reconcile the conflicting desires of all delegations, which would have slowed down and complicated the work of the Committee; or to conduct the discussions with firmness in all cases, so that the Committee could finish its work within the required time. In the interest of the Committee itself, he had decided to opt for the latter course, at the risk of displeasing certain delegations.

70. He declared that the Committee had completed its work for the thirty-fourth session.

The meeting rose at 1 p.m.