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MEETING**

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Chairman: Mr. Hermod LANNUNG (Denmark).

AGENDA ITEM 33

Draft Convention on the Nationality of Married Women (Economic and Social Council resolution 587 E (XX), A/2944, A/3059, A/C.6/L.372, A/C.6/L.373, A/3154, chap. VII, section IX, para. 541, A/3193, A/C.3/L.513, A/C.3/L.518) (*continued*)

ARTICLE 4

1. The CHAIRMAN invited the Committee to consider article 4 of the draft Convention on the Nationality of Married Women (Economic and Social Council resolution 587 E (XX), annex A).

2. Miss MAÑAS (Cuba) said that in order to avoid any confusion, she was withdrawing the draft resolution which her delegation had submitted to the Sixth Committee (A/C.6/L.372) at the tenth session of the General Assembly. The text in that draft resolution was identical with the one submitted by her delegation to the Commission on the Status of Women, which was reproduced in annex A to Economic and Social Council resolution 587 E (XX).

3. Mrs. NOVIKOVA (Byelorussian Soviet Socialist Republic) said that although her delegation gave general support to the final articles of the draft Convention, article 4 was unsatisfactory in its existing form, as it would prevent a number of States from becoming parties to the Convention. That was particularly undesirable in the case of the Convention under consideration, which was intended to protect the rights of women in all countries. International co-operation should not be restricted in any way, as it would be if the Convention was opened only to the States specified in article 4. Provided that a State concurred in the objectives of the Convention and was willing to accede to it, the fact that it was or was not a Member of the United Nations, a member of a specialized agency or a Party to the Statute of the International Court of Justice was irrelevant. The universality of an international instrument such as the draft Convention should not be impeded by any artificial barriers. Her delegation was therefore submitting an alternative text as an amendment (A/C.3/L.518).

4. Mr. MARRIOTT (Australia) opposed the Byelorussian amendment. If it was adopted, the responsibilities laid on the Secretary-General in paragraph 2

of the same article would be enormously increased; it would then rest with him to determine whether any political entity which wished to sign or accede to the Convention was a State or not. Only the General Assembly should be asked to assume such a heavy responsibility. It was for that reason that the Australian delegation had submitted its amendment (Economic and Social Council resolution 587 E (XX), annex A). He had no objection in principle to States other than the ones mentioned in article 4 of the text before the Committee becoming parties to the Convention, but it was for the General Assembly to decide on their admissibility. Such a procedure was provided for in the Australian amendment. The principle was not new; a similar provision had been included in the Convention on the Prevention and Punishment of the Crime of Genocide, in the Convention on the Political Rights of Women and in article 7 of the draft Convention on the Recognition and Enforcement of Foreign Arbitral Awards, paragraph 1 of which had the same wording as the text in the Australian amendment.

5. Mr. EUSTATHIADES (Greece) said that although he understood the Byelorussian representative's desire for universality, he could not support her amendment.

6. He supported the Australian amendment because, while widening the scope of the draft Convention, it would maintain some connexion between the United Nations and the Contracting States. That was essential, since article 9 of the text before the Committee provided for the settlement of disputes by the International Court of Justice. In addition, what seemed to be a more decisive factor was the practical effects which the adoption of article 4 of the Cuban text, incorporating the Australian amendment, would have on universality. The result would be that only a very small number of Governments would be prevented from becoming parties to the Convention, since it would be open to an overwhelming majority of States, namely, all Member States of the United Nations; all States members of a specialized agency; all States Parties to the Statute of the International Court of Justice; and all States to which an invitation had been addressed by the General Assembly. If the Byelorussian amendment were adopted, various procedural and political difficulties might arise.

7. Mr. BRENA (Uruguay) said that the drafting of article 4 was very broad, since it would admit both present and future members of United Nations bodies. The Byelorussian amendment would extend the scope of the Convention beyond the orbit of the United Nations, and was therefore unacceptable.

8. He supported the Australian amendment, as it recognized the juridical bonds linking all United Nations bodies and would preserve the unity of the United Nations by empowering the General Assembly to decide on the accession of new parties to the Conven-

she would support it, since it represented a satisfactory compromise.

38. Miss MAÑAS (Cuba) strongly supported the Australian amendment; it was an improvement on the original text, and it left the door open to all States that might wish to ratify the Convention in the future. In fact, the Australian amendment met the Byelorussian representative's requirements, for any State which supported the principles of the United Nations would presumably be invited by the General Assembly to accede to the Convention.

39. Mr. MUFTI (Syria) said he was unable to vote for article 4 as it stood because it was restrictive and therefore contrary to the principle of universality, which his delegation had always upheld. The draft Convention dealt with a purely humanitarian subject, and should therefore be open for signature by the largest possible number of States. Furthermore, the text was contrary to existing precedent; earlier conventions dealing with human rights included the provision that any State not a Member of the United Nations or a member of a specialized agency could be invited either by the Economic and Social Council or by the General Assembly to accede. The Australian amendment allowed the latter possibility, and he would accordingly support it. He would also vote for the Byelorussian amendment, which was even more satisfactory since it would permit all States without exception to become parties to the Convention.

40. Mrs. MIRONOVA (Union of Soviet Socialist Republics) said that while the Australian amendment represented a certain improvement on the text of article 4 as it stood, it did not permit all States to accede to the Convention, as did the Byelorussian amendment. Since she saw no reason why any barriers, however small, should be set up to prevent the universal enjoyment of the benefits of the Convention, she would vote for the Byelorussian amendment, but would abstain on the Australian amendment and on the text of article 4 as it stood.

41. Mr. AGOLLI (Albania) said that he would vote for the Byelorussian amendment, since it was in line with the humanitarian and universal character of the draft Convention. He was unable to support the Australian amendment, which did not entirely eliminate the restrictions imposed by the text as it stood.

42. The CHAIRMAN put to the vote the Byelorussian amendment (A/C.3/L.518).

At the request of the representative of Australia, a vote was taken by roll call.

Iraq, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Poland, Romania, Saudi Arabia, Sudan, Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, Hungary, India, Indonesia.

Against: Ireland, Italy, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Peru, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Costa Rica, Cuba, Denmark,

Ecuador, El Salvador, Finland, France, Greece, Guatemala.

Abstaining: Iraq, Israel, Morocco, Nepal, Pakistan, Portugal, Spain, Yemen, Ceylon, Dominican Republic, Ethiopia, Iceland, Iran.

The amendment was rejected by 31 votes to 19, with 13 abstentions.

43. The CHAIRMAN put to the vote the final phrase of the Australian amendment.

The phrase was adopted by 48 votes to 1, with 13 abstentions.

44. The CHAIRMAN put to the vote the Australian amendment as a whole.

At the request of the representative of Saudi Arabia, a vote was taken by roll call.

Venezuela, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Australia, Austria, Belgium, Brazil, Burma, Canada, Ceylon, Chile, China, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Greece, Guatemala, Iceland, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Peru, Portugal, Saudi Arabia, Spain, Sudan, Sweden, Syria, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, India, Nepal, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

The amendment as a whole was adopted by 52 votes to none, with 11 abstentions.

45. The CHAIRMAN put to the vote the text of article 4, paragraph 2, of the draft Convention (Economic and Social Council resolution 587 E (XX), annex A).

Article 4, paragraph 2, was adopted unanimously.

46. The CHAIRMAN suggested that article 4 as a whole should be taken as adopted.

It was so agreed.

47. Mr. PONCE (Ecuador) thought that article 4, paragraph 2, would have been improved by the insertion, after the word "ratified", of some such phrase as "in accordance with the legal and constitutional procedures of each State". While that idea was implicit in the text of the paragraph as it stood, the fact of giving it explicit expression might have had a favourable psychological effect on Governments, and secured an additional number of ratifications.

48. The CHAIRMAN said that the Ecuadorian representative would be free to propose an amendment to that effect when the text was considered in the plenary meeting of the General Assembly.

49. Mr. BRENA (Uruguay) said he felt the addition would be unnecessary; it was understood that every State would ratify the Convention in accordance with its legal and constitutional procedures.

50. Mr. MUFTI (Syria) supported the Ecuadorian suggestion, for clarity was always desirable in a legal

instrument. Although he had voted for the text of article 4 which had been adopted, his delegation still felt that all the final clauses should be referred to the Sixth Committee for a legal opinion; the Ecuadorian suggestion might be referred to it at the same time.

51. Mr. TSAO (China) said he had voted against the final phrase in the Australian amendment for the

reasons he had explained earlier. However, he had voted for the amendment as a whole because he felt that the final phrase would have no practical effect, and that the rest of the amendment was an improvement on the original text.

The meeting rose at 12.55 p.m.