



Friday, 7 December 1956,
at 10.45 a.m.

New York

CONTENTS

	Page
Agenda item 33:	
Draft Convention on the Nationality of Married Women (continued)	
Article 7 (continued)	113

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.373, A/3154, chap. VII, section IX, para. 541, A/3193, A/C.3/L.519, A/C.3/L.520, A/C.3/L.524) (continued)

ARTICLE 7 (continued)

1. The CHAIRMAN called upon the Committee to vote on the Cuban amendment (A/C.3/L.520) to article 7 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 she accepted the oral amendment to her proposal put forward by Yugoslavia at the preceding meeting, to mention article 3 among those to which no reservation could be made. However, in view of the implications of the Yugoslav amendment, she asked for separate votes on the Cuban amendment (A/C.3/L.520) and the Yugoslav oral amendment.

3. The CHAIRMAN put the Cuban amendment (A/C.3/L.520) to the vote.

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

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

In favour: India, Indonesia, Iraq, Ireland, Israel, Liberia, Mexico, New Zealand, Pakistan, Romania, Sweden, Syria, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yugoslavia, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, France, Guatemala, Honduras.

Abstaining: Iran, Italy, Netherlands, Philippines, Poland, Portugal, Saudi Arabia, Spain, Sudan, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Yemen, Afghanistan, Albania, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Ethiopia, Finland, Greece, Hungary.

The amendment was adopted by 37 votes to none, with 25 abstentions.

4. The CHAIRMAN put to the vote the Yugoslav oral amendment, calling for the addition of the words

“and 3” at the end of the Cuban amendment (A/C.3/L.520).

The amendment was adopted by 10 votes to 2, with 48 abstentions.

5. The CHAIRMAN put to the vote the Syrian amendments (A/C.3/L.524).

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

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

In favour: Iraq, Ireland, Israel, Pakistan, Poland, Romania, Saudi Arabia, Sudan, Syria, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Albania, Argentina, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, Finland, Greece, Guatemala, Hungary, India, Indonesia, Iran.

Abstaining: Italy, Liberia, Mexico, Netherlands, New Zealand, Norway, Philippines, Portugal, Spain, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Afghanistan, Australia, Austria, Belgium, Canada, Chile, China, Colombia, Denmark, Dominican Republic, Ethiopia, France, Honduras.

The amendments were adopted by 37 votes to none, with 26 abstentions.

6. The CHAIRMAN put to the vote article 7 as a whole, as amended.

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

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

In favour: India, Indonesia, Iraq, Ireland, Israel, Pakistan, Sweden, Syria, Tunisia, Turkey, Yugoslavia, Bolivia, Brazil, Burma, Ceylon, Chile, Colombia, Costa Rica, Cuba, Egypt, France.

Abstaining: Hungary, Iran, Italy, Liberia, Mexico, Netherlands, New Zealand, Norway, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Finland, Greece, Guatemala, Haiti, Honduras.

Article 7 as a whole, as amended, was adopted by 21 votes to none, with 43 abstentions.

7. Mr. GÓMEZ ROBLEDO (Mexico) said that he had abstained in the vote on the article as a whole because he was not in favour of reservations in gen-

eral, and not in favour of the text of article 7, in particular. It was an unsatisfactory text, which would lead to confusion; it did not specify whether the reservations made by one Contracting State had of necessity to be accepted by the other Contracting States. A working party should be set up to study the matter and give an authoritative interpretation of the article as it stood.

8. Mr. BRENA (Uruguay) said that he had voted for the Cuban amendment, which he felt to be vital to the Convention. He had voted against the Yugoslav oral amendment because it was contrary to the constitutional principles of most of the Latin American States. The constitutions of many of those States distinguished between natural and legal citizenship. Natural citizens were persons who had been born in the country or were the children of natural citizens; that principle was inherent in the legislation and life of the peoples of Latin America. If no reservations to article 3 were permitted, the States concerned would in effect be forced to grant naturalization to persons to whom legal citizenship was granted in the normal course of events.

9. It was illogical and absurd that a minority should impose its opinion on the majority. The Cuban proposal had been adopted by a large majority, which was in accordance with normal democratic procedure, but the Yugoslav oral amendment had been carried by a minority, the majority abstaining. He had abstained in the vote on the article as a whole in order to underline the fact that that situation was unsatisfactory.

10. Mr. MUFTI (Syria) said that he had voted for the article as a whole, although he would have preferred one of the alternative texts which had been withdrawn. It would be wise to refer article 7, as adopted, to the Sixth Committee, which should be requested to consider its scope and wording and to make recommendations which would ensure that it should be in harmony with the rest of the draft Convention. He expressed the hope that the delegations which had withdrawn their proposals would submit them in the plenary Assembly.

11. Mr. PONCE (Ecuador) said that he had voted for the Cuban amendment because it recognized the inalienable right of States to make reservations when signing an international instrument. He had abstained on the Yugoslav oral amendment, as its adoption would have raised legal and constitutional difficulties for his country. He had voted for the Syrian amendments, which were in accordance with the normal reservations procedure. He regretted that the United Kingdom and Soviet amendments had been withdrawn.

12. Mrs. ELLIOT (United Kingdom) said that she had voted for the Cuban amendment, but had been obliged to abstain on the article as a whole because, as a result of the Yugoslav oral amendment, the only article to which reservations could effectively be made was article 9, which dealt with the settlement of disputes. It was inappropriate that article 9 should be singled out in that way; it would have been better to omit the reservations article altogether. Normally, her delegation would have voted against an article of that kind, but as the United Kingdom would be unable to sign the Convention in any case, owing to the absence of a territorial application clause, she had decided to abstain.

13. Mr. AZNAR (Spain) said that as Spain had not participated in the discussions leading to the adoption

of the first three articles, which were the substantive articles of the draft Convention, it had had no opportunity to point out that they were entirely inconsistent with Spanish legislation. The principle on which Spanish law and life was founded was that of family unity. The institution of marriage, which was the basis of family unity, was already threatened in many ways and it was not advisable, in his Government's view, to place it in greater danger by subscribing to a draft Convention which might be used to weaken it. He had therefore abstained in the voting.

14. Mrs. SHIPLEY (Canada) said her delegation believed that as many States as possible should be able to sign the Convention, and had therefore felt that the widest possible latitude should be left for reservations. However, the debate had made it clear that a provision limiting the right to make reservations would not prevent countries from acceding to the Convention. It had also become apparent that certain delegations preferred to adopt a doctrinaire and intransigent attitude, and were little interested in meeting the views of delegations which had difficulty in accepting the Convention as it stood. She had therefore abstained in the vote on article 7 and the amendments to it. Nevertheless, the article which had just been adopted would not prevent her Government from acceding to the Convention. Canada would not need to make any reservations; its domestic legislation was already fully in accordance with the principles of the convention.

15. Miss BERNARDINO (Dominican Republic) associated herself with the Uruguayan representative's objections to the decision not to permit reservations to article 3 of the Convention. She hoped that the matter would be settled more favourably in the plenary Assembly.

16. Mr. AYALA MERCADO (Bolivia) explained that he had voted in favour of the Cuban amendment because articles 1 and 2 of the Convention were in harmony with his country's constitution. However, he had abstained from voting on the Yugoslav amendment, because it might conflict with certain civil and criminal legislation recently enacted in Bolivia, and because of the distinction made in many Latin American countries between natural and legal citizenship. He associated himself with the hope expressed by the Dominican representative that the situation would be remedied in the plenary Assembly; the decision had not been reached in a strictly democratic manner. However, he had voted for article 7 as a whole because his delegation supported the basic principles of the text.

17. Mr. MASSOUD-ANSARI (Iran) said he had been obliged to abstain from voting on the article as a whole because it had become meaningless owing to the fact that in its amended form it barred reservations to the three substantive articles of the Convention. It would have been better to delete the article than to adopt a text which had no practical effect.

18. Mr. TSAO (China) said that his delegation had abstained in the vote on article 7 as a whole because the inclusion of the Yugoslav amendment might prevent the accession of many States to the Convention.

19. Mr. MESSADI (Tunisia) said that although Tunisia had been independent for only a few months, its Government had already adopted a number of legislative measures to improve the position of women, notably by abolishing polygamy and by improving the conditions of divorce for women and granting them

some political rights. A code of nationality was being adopted, and its provisions with regard to married women were similar to those of the draft Convention. Accordingly, Tunisia had voted with full knowledge of the facts, although it had not been present during the debates on the substantive articles of the Convention.

20. He had abstained from voting on the Yugoslav amendment because he thought that States should be given the opportunity to make reservations to article 3. The right to make reservations was an inalienable attribute of sovereignty. However, he had voted in favour of article 7 as a whole as a matter of general principle.

21. Mr. BRENA (Uruguay), speaking on a point of order, repeated that the Committee would find itself in an embarrassing position before the plenary Assembly if it adopted a clause barring reservations to any of the substantive articles of such an important Convention. Moreover, only ten members had supported the Yugoslav amendment, while almost fifty had abstained from voting for it. At the previous meeting, he had suggested that a sub-committee should be formed to reconcile the divergent views on the subject. In order to make that course possible, he formally

proposed the reconsideration of article 7, under rule 124 of the rules of procedure.

22. The CHAIRMAN pointed out that, under rule 124, two speakers could oppose the motion.

23. Mr. THIERRY (France) thought that the Committee had had ample time to consider its position on the various amendments, and that it had voted with full knowledge of the facts. It would be even more embarrassing for the Committee to reconsider its decision than to submit the results of the voting to the General Assembly.

24. Mr. AKBAY (Turkey) pointed out that abstentions could not be regarded as negative votes. An abstention implied that the abstaining delegation was prepared to accept the proposal in question if a majority, however small, wished it to be adopted.

The Uruguayan motion for the reconsideration of article 7 was adopted by 24 votes to 7, with 33 abstentions.

25. Mr. VLAHOV (Yugoslavia) withdrew his oral amendment to the Cuban amendment (A/C.3/L.520).

The meeting rose at 11.55 a.m.