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Chairman: Mr. Hermod LANNUNG (Denmark).

***Eighth anniversary of the Universal Declaration
of Human Rights***

1. The CHAIRMAN felt that the Third Committee, which devoted so much of its time to discussing problems connected with human rights, should consider the role which the Universal Declaration of Human Rights had played in the history of the world since its adoption eight years earlier (General Assembly resolution 217 A (III)).
2. The moral influence of the Declaration was undeniable; it had helped legislators to frame constitutions and diplomats to draft international conventions and it had been quoted by the judges of many countries in their decisions. It had marked a stage in mankind's struggle towards dignity and freedom.
3. The Declaration should be the common standard of achievement for all peoples. As representatives of Governments, the members of the Committee should ask themselves what they had done, in conformity with article 28 of the Declaration, for the establishment of a social and international order in which the rights and freedoms set forth in the Declaration would be fully realized. They should ask themselves to what extent their attitude in national or international public life conformed to the standards laid down in the Declaration.
4. By taking stock in that way they would certainly arrive at various conclusions, noting success in one place and failure in another. Although encouraging progress had been made in some countries, a retrogressive tendency was evident in others.
5. The Declaration remained what it had been at the time of its adoption, a set of standards and an ideal. It was to be hoped that, by the tenth anniversary, the position would have improved. However that might be, the Committee must not relax its efforts: on the contrary, recent events should cause it to redouble them. It must not disappoint the peoples and nations of the world, which were turning to the United Nations so that their voices might be heard.

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, A/C.3/L.525, A/C.3/L.526) (continued)

ARTICLE 7 (continued)

6. The CHAIRMAN drew the Committee's attention to the working paper prepared by the Secretariat (A/C.3/L.525), containing the text of article 7 which the Committee was to reconsider. Syria had submitted an amendment (A/C.3/L.526), consisting in the addition of a new paragraph to that text.
7. Mr. VLAHOV (Yugoslavia) recalled the reasons for which the Yugoslav delegation had proposed that no reservations should be permitted to article 3 of the draft Convention on the Nationality of Married Women. Article 3 was one of the substantive provisions of the Convention, and it would be dangerous to authorize States to make reservations on it. Nevertheless, it had been clear from the debate that some States would not be able to sign or ratify the Convention unless they were allowed to make reservations with regard to article 3. In order to meet the views of those countries and in a spirit of co-operation, the Yugoslav delegation had decided, at the preceding meeting, to withdraw the amendment it had proposed orally (703rd meeting) to the Cuban proposal (A/C.3/L.520).
8. Miss BERNARDINO (Dominican Republic) thanked the representative of Yugoslavia for his conciliatory attitude and said that the text of article 7, as amended to cover only articles 1 and 2, was quite satisfactory.
9. Mr. BAROODY (Saudi Arabia) agreed with the Yugoslav representative that States should not be allowed to make reservations with regard to the substantive articles as such reservations would deprive the Convention of any practical usefulness. At all events, no reservations should be allowed on articles 1 and 2. That was what Cuba had proposed (A/C.3/L.520); that was also the purpose of the Syrian amendment (A/C.3/L.526), which might get the Committee out of its present impasse.
10. In order to waste no time, the Committee should proceed immediately to a vote.
11. Mr. MUFTI (Syria) said that he had been in favour of re-opening the discussion on article 7 because, in his view, the text adopted by the Committee at the preceding meeting had two shortcomings: It included article 3 among the substantive provisions on which reservations could not be made, and it made the provisions relating to the acceptability and with-

drawal of reservations superfluous, as such reservations could be made only on articles of secondary importance; furthermore it gave no indication of the effect of such reservations.

12. In those circumstances, and since the Committee had agreed in principle (704th meeting) that reservations could be made, the only question which remained to be settled was the effect of such reservations.

13. With regard to the effect of the reservations, there were three possible systems. Under the first system, whenever a State party to a convention objected to a reservation made by another contracting State, the instrument of ratification of the State making the reservation was without effect. That rule had been applied in the League of Nations and, until recently, by the United Nations.

14. That system had been criticized for various reasons. He quoted, in that connexion, a passage from Mr. Charles de Visscher's *Théories et réalités en droit international public* (vol. III, chap. III, section III, para. 7, pp. 320 to 323). In the case of a commutative contract, under which the contracting parties might be expected to seek to gain personal advantages from their claims on each other, reservations might destroy the internal balance of the instrument; but the position was different with regard to multilateral conventions, under which the contracting parties subscribed to purposes which were above self-interest, and, in particular, with regard to the purely humanitarian conventions concluded under the auspices of the United Nations. It would, therefore, hardly be reasonable to allow a possibly irrational or arbitrary objection to a relatively unimportant reservation to have the effect of automatically excluding the State making the reservation from the convention; the right to raise objections against a reservation might be used as a sort of veto, the effect of which would be to prevent a State from becoming party to a given convention.

15. The second system concerning the effect of reservations was that applied by the Latin American States. When a State made a reservation to which another State objected, the treaty did not come into force between the objecting State and the State which had made the reservation, but it was valid between the latter and those States which had made no objection.

16. The third system was described in the Syrian amendment (A/C.3/L.526), which combined the Soviet amendment (A/C.3/L.519) and the Cuban amendment (A/C.3/L.520). It was quite clear and called for no special comment.

17. Mr. BRENA (Uruguay) pointed out that the amendments proposed by Cuba (A/C.3/L.520) and Yugoslavia (703rd meeting), according to which reservations could not be made to articles 1, 2 and 3, and the Syrian amendment (A/C.3/L.526), which specified the effect of reservations, were not mutually exclusive. The Syrian amendment could be divided into two separate parts. He was prepared to support the first part, that is, the first two sentences; but the second part seemed dangerous, since it might incite certain States to use a reservation formulated by another State as a pretext for freeing themselves completely from the obligations laid down in the Convention where the State making the reservation was concerned. There should therefore be a separate vote on the two parts of the amendment. It would also be logical to delete the beginning of the first sentence of the amendment, which would then begin with the words

"The Convention, with the exception of those parts to which the reservation relates, shall have effect . . .".

18. Mr. GOMEZ ROBLEDÓ (Mexico) supported the Syrian amendment (A/C.3/L.526); there was no system governing the admissibility, the inadmissibility or the effect of reservations to conventions concluded under the auspices of the United Nations. That was why the General Assembly had recommended the insertion in multilateral conventions of provisions relating to those points (resolution 598 (VI)). Without a provision of that kind, the result was chaos, and any State could decide what the effect of reservations should be to suit itself and, if there were objections, no one knew whether the State making the reservation was or was not a party to the convention.

19. The second part of the Syrian amendment, relating to the acceptance of reservations, was quite as essential as the first; a State must be able to refuse any contractual obligations to a State making a reservation to which it objected. He would therefore vote for both parts of the Syrian amendment.

20. Mr. BAROODY (Saudi Arabia) proposed that, in order to facilitate and accelerate the Committee's progress, a working party should be set up. The working party, whose members would be chosen by the Chairman, might include the representatives of Cuba, Syria, Uruguay, Iran, Yugoslavia, Mexico, the United Kingdom and the USSR and a member of the Office of Legal Affairs of the Secretariat; its task would be to draft a text which would combine the existing proposals with the Syrian amendment. The Syrian representative had said at the previous meeting that the article should be referred back to the Sixth Committee; that was not necessary, as several members of the Third Committee had shown great legal knowledge. The working party might report to the Committee on 12 December; in the meantime, the Committee might consider articles 8 and 9 of the draft Convention.

21. Mr. MONTERO (Chile) observed that the Uruguayan representative and other members of the Committee were trying to achieve a constructive solution which would enable a larger number of States to accede to the Convention. He stressed that those representatives were acting in the same spirit as the Peruvian, Mexican and Chilean delegations, whose proposals (A/C.3/L.523/Rev.1 and A/C.3/L.523/Add.1 and 2) had been based not on colonialist principles, but on a disinterested wish to find an acceptable compromise.

22. Mr. CERNIK (Czechoslovakia) asked for a separate vote on the words "other than articles 1 and 2" in the Syrian amendment (A/C.3/L.526).

23. Mr. MUFTI (Syria) thought that the Committee could proceed to a vote. He was perfectly willing to have his amendment put to the vote by parts.

24. Mr. EUSTATHIADES (Greece) thought it would have been preferable for those questions to be discussed in the Sixth Committee. Since that had not been the case, he wondered whether the establishment of a working party would really save time. The Yugoslav representative's conciliatory gesture lent a new importance to the question of the legal effects of reservations, since reservations could now be made to article 3 also. It was therefore essential to include in the Convention a clause stating what those effects would be. The Syrian amendment (A/C.3/L.526) provided for two possible consequences of reservations: that the obligations undertaken would be relative and that the

Convention would not be in effect as between certain States. Arguments had been advanced in favour of one or other of the two solutions and in favour of the two together. Members of the Committee could vote freely for the solution of their choice if the two parts of the Syrian amendment were put to the vote separately. He therefore formally proposed a vote by parts.

25. Mr. THIERRY (France) recalled his delegation's view that States should be allowed to make reservations, but not to articles 1 and 2.

26. With regard to the effect of reservations, it was normal for States whose reservations were not accepted not to become parties to the Convention. A convention represented the joint work of different States, which were therefore entitled to decide who their associates would be and to exclude those who, in their opinion, would not make the proper contribution to the joint enterprise. In other words, they should be able to oppose reservations submitted by other States and not to consider themselves bound in respect of States making reservations which were unacceptable to them.

27. The French delegation therefore could not support the Syrian amendment.

28. Miss BERNARDINO (Dominican Republic) objected to referring article 7 or any other article of the draft Convention to the Sixth Committee. She had already pointed out at an earlier meeting (697th meeting) how useless it had been to refer some articles to the Sixth Committee at the tenth session of the General Assembly. Moreover, such a step would create an unfortunate precedent for the draft International Covenants on Human Rights, the scope of which far exceeded that of the draft Convention on the Nationality of Married Women.

29. Mrs. MIRONOVA (Union of Soviet Socialist Republics) expressed her gratitude to the Syrian delegation for its efforts to complete the text of article 7 by specifying the legal effects of reservations. However, in view of the fact that the Syrian amendment excluded the possibility of reservations to articles 1 and 2 and accordingly restricted the sovereign right of States to make reservations to all the provisions of the Convention, the USSR delegation would abstain in the vote on that amendment.

30. Mr. PAZHWAQ (Afghanistan) thought the Committee should first vote on the two procedural motions before it, one to refer article 7 to the Sixth Committee and the other to establish a working party.

31. Mr. MUFTI (Syria) observed that the Committee had no formal proposal before it. He thought that delegations were now in a position to vote on the texts submitted to them.

32. Mr. BRENA (Uruguay) said that the Committee should first establish the order of voting. Although

the Yugoslav representative had withdrawn his amendment, the Committee should nevertheless decide whether or not it would retain the reference to article 3 in article 7, paragraph 1. That point once settled, it could vote on the Syrian amendment.

33. Mr. MUFTI (Syria) thought the normal procedure would be to vote first on the deletion of the words "and 3" in article 7, paragraph 1, and then to vote on the Syrian amendment. He pointed out that the purpose of his amendment was not to replace article 7, but simply to add a third paragraph to it.

34. Mr. BAROODY (Saudi Arabia) said that he had never suggested referring article 7 to the Sixth Committee. The only suggestion his delegation had made was that a working party should be established, to draw up a combined text and thus to enable the Committee to vote intelligently. Otherwise, if a vote were taken forthwith, there might be as many abstentions as there had been before, and the Committee would find itself in the same position as at the preceding meeting. He therefore formally proposed the establishment of a working party.

35. Mrs. ELLIOT (United Kingdom) supported the proposal.

36. Mr. MUFTI (Syria) was not in favour of establishing a working party, as that would merely result in losing valuable time which could be better used for the consideration of other, equally important questions. Article 7 and the amendments to it had been discussed at length; the texts were clear and delegations should be able to vote on them forthwith.

37. Mr. BRENA (Uruguay) thought it essential to set up a working party; the texts of article 7 and of the Syrian amendment should be harmonized.

38. The working party should be able to submit a concerted text to the Committee at the beginning of the following meeting.

39. The CHAIRMAN put to the vote the Saudi Arabian proposal to set up a working party.

The proposal was adopted by 43 votes to 4, with 20 abstentions.

40. The CHAIRMAN suggested that the working party should be composed of the representatives of Cuba, Syria, Uruguay, Iran, Yugoslavia, Mexico, the Dominican Republic, the United Kingdom and the Union of Soviet Socialist Republics.

It was so decided.

41. Miss BERNARDINO (Dominican Republic) and Mr. MASSOUD-ANSARI (Iran) said that to their great regret they would be unable to take part in the work of the group.

The meeting rose at 12.10 p.m.