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Chairman: Mr. Omar LOUTFI (Egypt).

AGENDA ITEM 63

Draft Convention on the Nationality of Married Women (A/2944 and Corr.1, A/2943, chapter VI, section XI, paras. 704 to 707, A/C.3/L.490, A/C.3/L.491, A/C.3/L.492, A/C.3/L.493, A/C.3/L.494) (concluded)

**PROPOSALS AND AMENDMENTS RELATING TO THE
DRAFT CONVENTION (concluded)**

1. Mrs. PEÑA CORDOVA (Bolivia) said she would vote against the Australian amendment (A/C.3/L.494) to article 3, paragraph 1, of the draft Convention on the Nationality of Married Women (Economic and Social Council resolution 587 E (XX)). Her delegation considered the proposed text most ambiguous. It was hard to understand why provisions relating to a naturalization procedure affecting nationals of one and the same country should appear in a draft convention.
2. Her delegation would abstain in the vote on the joint draft resolution proposed by Cuba and the Dominican Republic (A/C.3/L.491). Signature and ratification of an international instrument depended on the will of the contracting States, and consequently it was unnecessary to indicate in advance a date on which they should take place.
3. Miss BERNARDINO (Dominican Republic) said that her delegation would be unable to vote for the Australian amendment. In keeping with her attitude in the Commission on the Status of Women, she would like the text proposed by the Commission through the Economic and Social Council (Council resolution 587 E (XX)) to stand.
4. Mr. FERNANDEZ ESCALANTE (Argentina), referring to the Bolivian representative's remarks, explained that there was a mistake in the Spanish version of the Australian amendment (A/C.3/L.494); the word *extranjera*, which should have come between the words *mujer* and *casada*, had been omitted in the provisional text.
5. Mr. AABREK (Norway) said that article 3, paragraph 1, both in the version proposed by the Commission on the Status of Women through the Economic

and Social Council (Council resolution 587 E (XX)), and in the Australian delegation's version (A/C.3/L.494), stipulated that the alien wife of a national could acquire the nationality of her husband through "specially privileged naturalization procedures". The implication was that contracting States were under an obligation to provide greater facilities for the naturalization of the alien wife of one of their nationals than for the naturalization of the alien husband of a female national. Possibly the weakness in the provision was due to the fact that the draft convention no longer related to the nationality of married persons, as it had done originally, but to the nationality of married women. The probable object of the provision was in fact to ensure that the naturalization procedure was made easier for the alien wife of a national of a particular country than for an unmarried person or for the alien wife of an alien. If that were the intention, the text should make it clear. He would not put forward an amendment to that effect, but he felt that the convention should not be interpreted as requiring States to discriminate against husbands who were aliens.

6. The Norwegian delegation suggested replacing the word "and" by "or" in the phrase "the interests of national security and public policy", both in the text proposed by the Council and in the Australian amendment. The change would hardly matter if the amendment were adopted as drafted; but if the words *inter alia* were deleted, the change would help to indicate that the limitations could be justified by considerations either of national security or of public policy: in other words, that it was not necessary that both conditions should be fulfilled before the limitations were admissible.
7. If the Australian amendment were not adopted, the suggestion would apply to the text of paragraph 1 as proposed by the Council.
8. Miss MAÑAS (Cuba) also pointed out that the word *extranjera* was absolutely vital to the Spanish text of the Australian amendment, and hoped that the final text would be rectified on that point.
9. She would have little difficulty in supporting the amendment itself, particularly as it embodied an idea that had its counterpart in article 16 of the Cuban Constitution.
10. Mr. McCLURE-SMITH (Australia) said he was sorry that the mistake in the Spanish version of the Australian amendment had given rise to misunderstanding on the part of the Bolivian delegation. He hoped the correction would be made.
11. With regard to the Norwegian representative's suggestion that the word "and" should be replaced by "or", he said it would certainly help to clarify the text, and the Australian delegation would accept the suggestion.

12. Miss AMMUNDSEN (Denmark) asked for a separate vote on the words *inter alia*.

13. Mrs. QUAN (Guatemala) said that her delegation could not vote in favour of the Australian amendment, as the words *inter alia* might serve as a pretext for denying an alien wife the possibility of acquiring the nationality of her husband.

14. The CHAIRMAN put the words *inter alia* to the vote.

It was decided, by 12 votes to 7, with 28 abstentions, to delete those words from the Australian amendment.

The amendment as thus modified was adopted by 18 votes to 1, with 31 abstentions.

15. Mr. MASSOUD-ANSARI (Iran), speaking on a point of order, asked that paragraph 2 should be put to the vote before article 3 as a whole.

16. Mrs. QUAN (Guatemala) said that early in the discussion her delegation had asked an important question of principle, namely whether the object of the convention was to eliminate discrimination by reason of sex in nationality questions or simply to eliminate conflicts of law affecting a woman's nationality by reason of her marriage, its dissolution or a change in the husband's nationality during the marriage. The question was pertinent, in view of the fact that the preamble, already adopted, indicated that the purpose of the convention was to eliminate discrimination as to sex. The wording of article 2 justified that statement, which she supported, and by reason of which she had intended to submit amendments to article 3, paragraph 2, making its provisions applicable to countries whose laws made no distinction between men and women in matters of nationality.

17. She had noted, however, that there was a discrepancy between the Spanish text and the French and English texts, which spoke only of the "wife" and not of the "spouse" (which would preclude discrimination). If the texts were not revised, the delegation of Guatemala would abstain in the vote as it could not take a decision on texts without being altogether clear as to their real purport.

18. The CHAIRMAN put article 3, paragraph 2, to the vote.

Paragraph 2 was adopted by 35 votes to none, with 15 abstentions.

Article 3, as amended, was adopted by 31 to none, with 19 abstentions.

19. Mr. McCLURE-SMITH (Australia) said he had supported article 3, paragraph 1, in spite of the deletion of the words *inter alia*. The sole purpose of the words was to prevent any ambiguity, and their disappearance did not fundamentally alter the sense of the paragraph, under which Governments retained the right, as in the past, to withhold naturalization without giving any reason. The new text was thus quite compatible with Australian law.

20. Mr. PAZHAWAK (Afghanistan) said that his Government's policy had always been to support measures which would protect and promote women's rights. The reason why he had refrained from taking an active part in the debate on the draft convention was that in his view the question of the nationality of married women could not be considered apart from the general problem of nationality. Moreover, the draft under discussion was incomplete in that it left unresolved a great many of the difficulties which could arise concerning the nationality of married women.

For that reason his delegation had not voted in favour of any part of the draft convention. His delegation continued to believe that the body best qualified to deal with such questions was the International Law Commission.

21. Miss KUSUMO OETOJO (Indonesia) said her Government favoured the preparation of a convention on the nationality of married women and recognized the soundness and importance of the principles embodied in the draft prepared by the Commission on the Status of Women.

22. Indonesia was fully prepared to co-operate with the United Nations in promoting universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to sex. Neither the celebration nor the dissolution of a marriage, nor the change of nationality on the part of the husband should operate arbitrarily to deprive the wife of her nationality or of her right to change her nationality. For those reasons, she had voted in favour of the preamble, which proclaimed, as did the Indonesian Constitution, the fundamental principle of equality of the sexes.

23. She had not, however, been able to vote in favour of the three substantive articles because the Parliament of Indonesia had not yet taken a definitive position with regard to the subject; permanent legislation on nationality was still in the drafting stage. She wished, however, to stress that it was indispensable to give women some protection so as to prevent their being placed in a difficult position by the diversity of the nationality legislation of the various countries.

24. In the circumstances, she would abstain when the preamble and the first three articles of the draft were put to the vote as a whole.

25. Miss BERNARDINO (Dominican Republic) introduced the draft resolution proposed jointly by Cuba and the Dominican Republic (A/C.3/L.491) to the effect that the Convention on the Nationality of Married Women should be opened for signature and ratification at the end of the current session of the General Assembly.

26. Mrs. RÖSSEL (Sweden), supported by Mr. MASSOUD-ANSARI (Iran) and by Miss ZEELENBERG (Netherlands), pointed out that the draft convention had not yet been fully considered, for the Sixth Committee had not studied the final clauses which had been referred to it. It was therefore premature at that stage to contemplate the opening of the convention for signature by States at the end of the tenth session.

27. Mr. PAZHAWAK (Afghanistan) agreed, and suggested that the authors of the joint draft resolution should submit their text direct to the General Assembly when the latter discussed the draft convention as a whole in the plenary meeting.

28. After an exchange of views in which Mrs. RÖSSEL (Sweden), Miss MAÑAS (Cuba), Mr. MASSOUD-ANSARI (Iran), Mr. PAZHAWAK (Afghanistan), Miss BERNARDINO (Dominican Republic) and Miss ZEELENBERG (Netherlands) took part, Mr. VAKIL (Secretary of the Committee) said that, pursuant to a procedural decision taken by the Third Committee at its 665th meeting, the Sixth Committee had been requested to discuss the final clauses of the draft convention and to report to the General Assembly thereon. The report of the Third Committee might suggest that the General Assembly

should consider the reports of the Third and Sixth Committees on the draft convention concurrently.

29. The CHAIRMAN, noting that the Cuban and Dominican representatives did not press for a vote on their draft resolution, put to the vote, as a whole, the preamble and articles 1, 2 and 3 of the draft Convention on the Nationality of Married Women (Economic and Social Council resolution 587 E (XX)).

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

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

In favour: Luxembourg, Mexico, New Zealand, Norway, Pakistan, Poland, Saudi Arabia, Sweden, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yemen, Yugoslavia, Argentina, Australia, Belgium, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Greece, Iceland, India, Iraq.

Against: Turkey, United States of America, Afghanistan.

Abstaining: Liberia, Netherlands, Peru, Philippines, Thailand, Brazil, Costa Rica, Ethiopia, Guatemala, Honduras, Indonesia, Iran, Israel.

The preamble and articles 1, 2 and 3 were adopted by 35 votes to 3, with 13 abstentions.

30. Miss BERNARDINO (Dominican Republic) said her delegation would have preferred the convention to be based on the principle of equality of rights for men and women. The Commission on the Status of Women had, however, limited the scope of the convention to the nationality of married women because Governments had indicated that they preferred a text of that nature. The Dominican delegation nevertheless hoped that the draft under consideration would constitute only a first step and that the United Nations would some day adopt a convention which was more in keeping with the Charter and with the Universal Declaration of Human Rights.

31. Mr. GALANG (Philippines) said he had abstained in the vote because of the difficulties which the text involved for the Philippines, where the indissolubility of marriage was one of the fundamental principles of the law. He had not voted against the draft because he did not want to stand in the way of its adoption.

32. Mr. VELANDO (Peru) said he would not fail to consult with his Government concerning the draft convention, which marked an important first step.

33. He would vote for the joint draft resolution (A/C.3/L.491).

34. Mr. ASIROGLU (Turkey) said he had voted against the preamble and articles 1, 2 and 3 because, as he had pointed out previously (663rd meeting), its adoption would constitute a retrograde step for Turkey.

35. Mrs. VARGAS (Costa Rica), explaining her abstention, said she appreciated the motives of the authors of the draft convention, the purpose of which

was to abolish the automatic effects of marriage on the nationality of women, while giving special facilities to a woman who desired to acquire the nationality of her husband. In fact, under the law of some countries—about twenty-five, she thought—the change in a woman's nationality was still automatic. In those countries, a woman was arbitrarily deprived of her nationality and citizenship, a circumstance conflicting with the principle of the dignity and worth of the person.

36. She would have liked the convention to be wider in scope and to apply equally to husband and wife: as it stood, the draft, by giving certain rights and privileges to women, differentiated between the two sexes and was consequently discriminatory.

37. In some countries—fifteen of those mentioned in the report on the *Nationality of Married Women* (E/CN.6/254)¹—men and women were on an equal footing in the matter of nationality. So far as those countries were concerned, the adoption of the convention would be a retrograde step. In that connexion, she pointed out that the Montevideo convention of 1933, which Costa Rica had signed and ratified, proclaimed the principle of the equality of the sexes in the matter of nationality.

38. The Costa Rican delegation had nevertheless come prepared to support the draft convention, but the discussion which had taken place that morning had caused it to change its mind. The Spanish text at least departed, not only in its form but also in substance, from the text which had been approved by the Commission on the Status of Women and by the Economic and Social Council. For those reasons she had abstained from voting.

AGENDA ITEM 28

Draft International Covenants on Human Rights (E/2573, annex I, A/C.3/L.489 and Corr.1 and 2) (continued)²

REPORT OF THE WORKING PARTY ON ARTICLE 1 (A/C.3/L.489 and Corr.1 and 2)

39. Mrs. TSALDARIS (Greece) introduced the report of the Working Party on Article 1 of the draft International Covenants on Human Rights (E/2573, annex I). The report did not relate the discussions in detail, nor did it set out the different views put forward, for the members of the Working Party had taken the unanimous decision to reserve their right to defend their several points of view in the Third Committee and in the General Assembly (A/C.3/L.489 and Corr. 1 and 2, para. 6).

40. She thanked the Chairman and the members of the Working Party, and the Secretariat, for the assistance they had given her.

41. Mr. PAZHWAK (Afghanistan) proposed that the meeting be adjourned to give the delegations time to examine the new text of article 1.

It was so agreed.

The meeting rose at 4.35 p.m.

¹ United Nations publication, Sales No.: 1955.IV.1.

² Resumed from 659th meeting.