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CONTENTS

President: **Prince WAN WAITHAYAKON (Thailand).**

Address by His Majesty King Saud of Saudi Arabia

1. The PRESIDENT: Once again the General Assembly has the privilege of welcoming the Head of State of a Member nation. Such a visit, I believe, is desirable because it brings into closer contact and better understanding the Member State concerned and the United Nations. As an Asian I am all the more happy to have the honour of welcoming His Majesty the King of Saudi Arabia.

2. I have a great pleasure in requesting His Majesty to address the General Assembly.

3. H.M. KING SAUD OF SAUDI ARABIA:[1] In the name of Allah, the Almighty and the All-Merciful.

4. Mr. President, and Members of the United Nations, I would like to express my gratitude to you for welcoming me here and for this opportunity to address the General Assembly. I would like to express through you my appreciation and best of wishes to the United Nations, the Organization to which humanity has linked its aspirations.

5. The Charter of the United Nations, when it was formulated approximately eleven years ago, ushered in a new era of happiness, freedom and security for all the peoples of the world. The Charter was indeed welcomed by my country, and was received with warmth and zeal. We are a pacific nation by nature and I take it that all of you are aware that the meaning of the word, Islam, is peace. Our daily salutations bear the connotation of peace. Our Islamic teachings for more than thirteen centuries have ordained that we abide and conduct ourselves in conformity with the principles of equity and equality. The Almighty has created us as nations and clans in order that we might co-operate. Upon that premise rests international co-operation, permanent peace and mutual security, and also the principles of repelling aggression and upholding the victims. We believe in human and spiritual values. We stand on moral principles, on the freedom and dignity of human beings and on co-operation among the freedom-loving peoples. It is for these reasons that it has been our constant wish that the Charter of the United Nations should constitute a covenant to regulate the relations among the respective countries, be they great or small, and that it should provide a basis for resolving all disputes among nations. It is, therefore, necessary that we should avoid conflicts, defend each other against aggression and build a prosperous and glorious future.

6. The policies of domination by force and those that arouse conflict are obsolete and indeed fruitless. They have caused a great deal of harm to humanity and have resulted frequently in a holocaust among the nations. They have rendered more difficult the task of the United Nations. These policies have been the cause of the adoption by some of methods that failed to produce any positive results. Herein lies the cause of the tension, the disturbances, the instability from which humanity now suffers. This is the chief cause of cold war. It is also the source of the race in armaments which exhausts human resources and which draws all closer to destruction and subversion. It also is the reason for all the aggression, hate and fighting in some of the regions of the world. If we turn to the provisions of the United Nations Charter and base our relations with each other on what it prescribes and endeavour to be faithful to its provisions both in letter and in spirit, we will avoid such consequences.

7. We should be guided by the fact that all the peoples of the world are entitled to their freedom and independence in the name of the principle of self-determination. This is the only way for humanity to avoid the effects of crises and the destruction of war. This would open an era of real peace and mutual understanding among the countries of the world. It would initiate an age where goodwill and co-operation would work in favour of humanity as a whole. It is fortunate for humanity that we have witnessed in this Organization, during the past few years, a new trend that has strengthened the aspirations of human beings and restored to them their confidence. We have also felt a keen desire to abide by the Articles of the Charter and to proceed on a righteous path. There is no doubt that the commendable effort made by the Secretary-General, Dag Hammarskjold, has resulted in important progress towards this lofty objective for which we are very appreciative and grateful. Our only hope is that the United Nations will strive to comply with the provisions of the Charter so as to be very faithful to the principles of justice and to respect human dignity. We should seek resolutely for the delivery of the message of the United Nations and for the preservation of security and peace among nations. The United Nations will then, we are sure, be able to retain, as a consequence, its dignity and will remain the best agency of humanity for peace and justice and its aspirations. I implore the Almighty that all of us will do our utmost for the welfare of humanity.

[1] King Saud spoke in Arabic. The English version of his statement was supplied by the delegation.

8. The PRESIDENT: On behalf of the General Assembly, I thank His Majesty for his gracious address.

The meeting was suspended at 3:20 and resumed at 3:45 p.m.

AGENDA ITEM 53

Draft Convention on the Nationality of Married Women

REPORT OF THE THIRD COMMITTEE (A/3462)

Mrs. Quan (Guatemala), Rapporteur of the Third Committee, presented the report of that Committee and then spoke as follows:

9. Mrs. QUAN (Guatemala), Rapporteur of the Third Committee [*translated from Spanish*]: The Third Committee has recommended the adoption by the General Assembly of the draft Convention on the Nationality of Married Women. If the Assembly acts in accordance with that recommendation, the convention will be on the same footing as the Convention on the Political Rights of Women, that is, it will be another human rights instrument which will represent a step towards international recognition of the status of women.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Third Committee (A/3462).

10. Mr. MONTERO (Chile) (*translated from Spanish*): I cannot conceal the emotion which comes over me as, for the first time, I mount the rostrum of this impressive body of nations which represents the guiding moral force of our world in turmoil, a world on the craggy summit of a mountain, wavering agonizingly between life and death.

11. It is paradoxical that the symbolic mountain should be the mountain of technical and scientific progress. But man, this time defying the legend of Sisyphus with boundless daring, is not letting the ominous burden fall from his trembling, hesitant hands. He is aspiring to extend his mastery to new and forbidden horizons, he is pursuing the dangerous quest for more distant and unsuspected heights, forgetting with sacrilegious presumptuousness that beyond lies mystery and that beyond that is God. May He, in His infinite mercy, sustain a world on the brink of the abyss and convert the forces of destruction and death into a beneficent movement fostering the welfare of peoples and the economic and social redemption of mankind.

12. The Chilean delegation, by my modest intervention, comes to this august rostrum to defend one of the principles underlying the most worthy task undertaken by the generation represented in the United Nations, that of persuading States to accept progressively greater obligations in the field of international law and, more particularly, in the field of human rights.

13. The draft Convention on the Nationality of Married Women transmitted by the Third Committee and now awaiting the approval of this Assembly, represents commendable progress in one of the most important spheres of international law.

14. My delegation gave its firm support to that body of provisions, conscious of the clamour of thousands of women in many parts of the world who are waiting for the United Nations to submit for international consideration a legal instrument intended to decide their status, which at present suffers owing to the absence of any just rules relating to the nationality of married women.

15. Of course, that is not the case in Chile. In our country, both learned opinion and the law have upheld the concept of the independence of women in the matter of nationality, regarding it as one of the fundamental manifestations of the dignity of the human person. This does not mean that Chile disparages the value of the principle of the unity of the family; in keeping with its tradition, deeply-rooted in history and Christian ethics, Chile has consistently supported this principle. While Chile concurs in the view that the homogeneity of the marriage is necessary for the balanced development of the members of the family group and considers that a married woman should be able to acquire the nationality of her husband if she so wishes, it also believes that a married woman should be free not to adopt her husband's nationality and, instead, to retain her nationality of origin if she so desires.

16. Chile's international commitments in the matter of the nationality of women are embodied in instruments of many years' standing. In the Convention on Nationality of Montevideo, 1933, which became law in Chile on 6 May 1935, the principal provision contains the following clause: "Neither matrimony nor its dissolution affects the nationality of the husband or wife or of the children."

17. In addition, the Chilean legislature, in deference to the desire of husband and wife for homogeneity of nationality in marriage, has enacted legislation conferring certain privileges on married persons in the matter of nationality.

18. I shall not expatiate on other provisions of our legislation which show how far it goes beyond the objectives of this draft convention; nor shall I refer to the unrestricted political rights enjoyed by Chilean women or to their enviable position in Chilean private law.

19. I should merely like to say that, in the light of the provisions of Chilean law as described by me, we might have taken the stubborn position of opposing some of the reservations made to this convention in the Third Committee, basing ourselves not only on our law and practice, but also on the fact that Chile has always objected to the territorial clause and to the unrestricted admissibility of reservations in instruments relating to human rights. Instead of obstinately clinging to these precedents, instead of thinking of our own women, who no longer have such problems, but consciously collaborating in a common endeavour to remove effectively one of the most objectionable forms of discrimination in international life, we made it our duty to contribute, by practical means, to the realization of the fundamental idea of this draft convention. Our only reservation—we shall make no other—is that relating to the compulsory jurisdiction of the International Court of Justice, this attitude being consistent with the invariable position of the Ministry of Foreign Affairs and Government of Chile.

20. Actually, there is very little dogma in the draft convention which the Third Committee is recommending to this Assembly. It is one of the most economical texts in existence, for it does not set forth a whole range of principles among which States are free to choose those they will respect. It has only two substantive articles: article 1 provides that neither marriage nor the change of nationality by the husband during marriage shall affect the nationality of the wife; article 2 provides that a married person retains his nationality

if the other spouse voluntarily acquires the nationality of another State or renounces his nationality. Either these two key articles of the convention are accepted and States must abide by them, or else they are the subject of reservations in which case the State making the reservations ceases to be a contracting party. There is really no other alternative.

21. My country hopes that the General Assembly will approve this instrument because it believes that in questions of human rights, and of course in others too, we have gone beyond the stage of academic and theoretical discussions. The seriousness of the international situation and the supreme test to which the United Nations is being put at this time of decision make it imperative that instead of extolling principles, we should improve our methods of work on the basis of a realistic view of things so that we may be able to offer the peoples who look anxiously to us definite, positive and fruitful assistance.

22. If this Assembly persisted in offering the world nothing but pompous speeches, insincere attitudes and sterile inaction, the hopes of mankind would be cruelly disappointed and man would be faced with the prospect of hopelessness. The time has come when the legislation and judicial decisions in all countries should recognize the social realities of this era in which all human values are changing with such giddy speed. Out of the obscurantism and prejudice of the past, women have emerged in this century as a most important factor in progress in every respect. The anachronistic veil has fallen and today that withered symbol lies mouldering in oblivion. Women retain, and will probably always retain, the spiritual qualities which are the irreplaceable and everlasting ornament of their grace, and without which the most beautiful part of life would be gone; but the rights which we wish to grant them do not detract from their grace, but rather embellish it and give full expression to their dignity.

23. In conclusion, I express the hope that this stirring message from the United Nations will be received gratefully in all parts of the world by women who have been offended and humiliated. That will be the finest reward for our efforts.

24. Mrs. ELLIOT (United Kingdom): My delegation has submitted an amendment [*A/L. 218*] for the addition to this convention of a territorial application article.

25. Before I discuss the substance of the proposed article, let me first say a word about the procedure we have followed in submitting it. The article was originally submitted in the Third Committee. It is referred to in paragraph 19 of the Third Committee's report [*A/3462*]. From that paragraph it will be seen that in the Third Committee we withdrew our proposal in favour of another proposal for a territorial application article submitted by the delegations of Peru, Chile and Mexico. We did so because we thought the proposal submitted by these three delegations constituted a sincere effort to meet our point of view. Indeed in essence it did meet our point of view, and we are grateful for the understanding shown by the sponsors. Subsequently, however, we were given to understand in informal discussions that the article in the terms which we now propose would be more likely to secure the favourable votes of certain delegations which were not able in the Third Committee to support the proposal of Chile, Mexico and Peru. Our understanding is that there were two reasons for this: first, our present formulation imposes a stricter obligation on the administering Powers to endeavour to secure the consent of the governments of dependent territories to the application of the convention in those territories within a certain specified time. For that reason certain delegations might well prefer it to the alternative proposal. Secondly, our formulation as contained in the document now submitted to this Assembly is substantially identical with the one which was adopted without any opposing votes at a conference in Geneva last summer attended by fifty-one States Members of the United Nations and members of the specialized agencies. That Conference adopted the most recent convention to be adopted under United Nations auspices. It is natural, therefore, that Governments would wish on this occasion, where the circumstances are substantially the same, to adopt an attitude wholly consistent with the attitude adopted by their representatives at Geneva last summer.

26. With these preliminary remarks, I now turn to the substance of our proposal. I hope that representatives will have had the opportunity to reflect on it. I say this because we are convinced that there has been some misunderstanding about the purpose of territorial application articles of this kind. Let me briefly state again the reasons for such an article.

27. Quite simply, the purpose of such an article is to secure that the convention is not applied to any territory for whose international relations the United Kingdom is responsible until the government of that territory has been consulted and has given its consent: first, because it is our general practice to consult—and I am sure that no one will deny that that is a good one—and, secondly, because in many cases the territories concerned have been given such a large measure of self-government that it would be a plain political and constitutional impossibility for us not to consult them. These territories are being advanced towards self-government. This is in accordance with the provisions of the Charter. The Gold Coast is an example. When the case of British Togoland was discussed recently in this Assembly, the representative of India, Mr. Krishna Menon, made it perfectly clear that, in his view, the Gold Coast, together with British Togoland, was now completely ready to assume full international status. In making this clear he described in some detail the long experience which the territory had had in administering its own internal affairs. The Gold Coast—or Ghana, as it is now to be—is no isolated case, and I ask representatives, frankly and bluntly, would they seriously wish us to ride roughshod over the political rights of emergent territories such as this? For that is what we are being asked to do if we are required to accede to international instruments on their behalf without consulting them and securing their consent. We certainly have no such intention; we intend to continue to consult all our territories in such circumstances.

28. Now, this means that if one territory, and only one, is unwilling, for what may very well be excellent reasons, to have a convention applied in it, then without a territorial application clause permitting separate accession as regards other territories which are ready to apply it, we could not accede on behalf of any of our territories. I think that this argument is conclusive.

29. I have so far stated the argument in general terms, but let me now illustrate how it applies in the case of this particular convention. I shall take as an example

two territories for whose foreign relations we are at present responsible; one is a protected State and the other, a territory which has attained a very large degree of self-government. The first is the territory of Tonga, whose inhabitants are the subjects of the Queen of Tonga. The United Kingdom Government has no authority to alter the nationality law of Tonga or to decide whether a foreigner who marries a subject of the Queen of Tonga retains her foreign nationality. That is a matter of the law of Tonga, and any change in the law is a matter for the ruler. We cannot usurp the ruler's functions, and we can only accede to this convention on behalf of the territory if the ruler has been consulted and consents.

30. The second example is the territory of Southern Rhodesia, in which self-government has advanced so far that the territory, though not a sovereign State, has its own nationality and nationality law, which are quite separate from British nationality and nationality law. Surely it would be a retrograde step, a step that could not be contemplated, for the metropolitan Government to seek to bind such a territory in respect of matters affecting the territory's own nationality law without prior consultation with and consent of the territory. Surely it is wrong to refuse to recognize that it is only the Southern Rhodesian Parliament that can decide what Southern Rhodesian nationality law should be and, therefore, only the consent of the Government of that territory that can make it possible for the convention to be applied to Southern Rhodesia.

31. From this it will be seen that there is no question of our proposal operating against the principle of universal application of humanitarian conventions. On the contrary, it would, in fact, promote the widest possible application of the convention; for, without a territorial clause, we may well, as I have just said, not be able to accede on behalf of any of our territories. With it, we should be in a position to accede on behalf of the great majority—indeed, very possibly, on behalf of them all.

32. In this connexion it has sometimes been suggested that the rejection of a territorial application article fosters the principle of universality in that it makes it easier for certain opponents of the article to accede to conventions. I earnestly ask representatives to search their consciences in considering this proposition. Similar arguments were used, for example, where a territorial article was proposed for the convention on the political rights of women. The article did not gain the required majority and, as a result, none of the administering Powers has been able to accede. But the absence of such an article has apparently made it no easier for the majority of opponents of the article to accede to that convention. This is surely to make a mockery of the whole principle of universality.

33. It is sometimes argued also that the adoption of an article of this kind in some way disrciminates against the dependent territories. I have never been able to follow this argument. On the contrary, we are asking for this article now out of consideration for the peoples of those territories themselves. This article would recognize that we have no right to impose our decisions on territories which have an independent choice in this matter. Surely this is not discrimination; surely it is the opponents of this article who are really asking for discrimination when they wish this right and the early benefits of this convention to be denied to these territories.

34. That is our case. I have endeavoured to present it in the shortest possible form and without any appeal to emotion. That is not to say that we should be unconscious of or neglecting the importance of this and similar conventions which deal with personal relations. Government is not an end in itself, but a means to secure the greater happiness of its citizens.

35. These far-reaching questions of the choice of nationality which, by the nature of things, come to men but seldom, are time and again presented to women, often in forms directly affecting the immediate circumstances of their daily lives. They have been summed up in some of the most poignant words of literature in the Book of Ruth, in the Old Testament, spoken by Ruth, the Arab girl from Moab, as she threw in her lot with Naomi, and so with her husband to come: "Whither thou goest, I will go, and thy God shall be my God, and thy people shall be my people."

36. It is to save many women from being compelled to take decisions such as these that we seek for the widest possible application of the benefits of this convention. I ask representatives to reflect upon this most earnestly. I ask them to vote for our proposal.

37. We have actively promoted this new convention. We are most anxious to see our dependent territories benefit from it. If our proposal is adopted we shall be able to sign the convention, and we shall do all we can to encourage everyone to accept it. Only in this way, therefore, can the interests of the new convention, its universal application and the interests of all who may benefit from it best be promoted.

38. Mr. TOWNSEND EZCURRA (Peru) (*translated from Spanish*): The delegation of Peru feels it necessary to explain the position it took in the Third Committee in the discussion of article 6 of the Convention on the Nationality of Married Women.

39. As has occurred many times previously in the history of this Organization, this article gave rise to a lengthy debate between those who favour complete elimination of the territorial application clause and those who consider the clause indispensable. When the debate threatened to become unduly prolonged and many delegations suggested the possibility of working out a compromise formula, Peru, together with the delegations of Chile and Mexico, proposed an amendment which failed to be carried by a small margin of votes. Although the delegations which opposed the amendment recognized the sound motives and praiseworthy intention of our draft, they nevertheless decided to maintain their original position unchanged and our conciliatory efforts were therefore of no avail. We greatly regret this, since our amendment, far from tending to perpetuate the old colonial system, was meant to hasten its disappearance. That is one of the purposes of the Charter and consistent with the policy which has for long been steadfastly followed by Peru and the other peoples of the great Latin American family of nations.

40. Since the three-Power amendment which I have mentioned was specifically designed to secure a compromise, in the special circumstances of a discussion in the Third Committee, we deemed it inappropriate to re-introduce it here. However, the United Kingdom has presented its own amendment. After careful study of its provisions, we have decided to support that amendment, not because we believe in the virtue of the territorial application clause which will eventually disappear along with all the forms of dependency or subordination

which account for its existence, but because we consider it to be a step forward in the relations between metropolitan countries and peoples which have not yet fully achieved self-government.

41. The delegation of Peru believes that the United Kingdom amendment should be considered, not in isolation, but as a forward step or stage in the process of evolution of the territorial application clause. In its classic form, that clause has appeared in the majority of the United Nations conventions, including the Convention on the Prevention and Punishment of the Crime of Genocide which was signed and ratified by many delegations traditionally hostile to the clause.

42. Meanwhile, there has been a clear tendency to deprive the clause of its original rigidity, and a second type of convention, reflecting the evolution to which I have alluded, provides that, in the absence of a reservation by the metropolitan State, the provisions of a convention of this second type shall apply to Non-Self-Governing Territories. The language of the classic clause, as you know, was quite different: it would stipulate that the provisions of a convention were not deemed to be applicable to all dependent territories, unless the metropolitan State concerned exercised its faculty of extending them to such territories as it considered appropriate as from a date to be appointed by that State.

43. The third type of convention, which I believe to be our general objective, provides for the automatic application of its provisions to all dependent territories. There exist only two conventions of this type. On the other hand, the more recent conventions, those dealing with slavery and with the control of narcotic drugs, belong to the second type. The proposal now presented by the United Kingdom is similar in nature to the language of the conventions which I have mentioned and we therefore consider it a step forward which we should favour and support.

44. It provides that the metropolitan Powers undertake to declare in which territories the provisions of the convention will apply *ipso facto*. It further stipulates that where a domestic constitutional process is required, the State concerned undertake to complete the necessary action within one year and, after the expiry of that year, to inform the Secretary-General of the results of the action taken. We believe that any form of supervision of the metropolitan authority constitutes a limitation which is of direct benefit to the peoples of the Non-Self-Governing Territories, whose interests we must safeguard and protect through this international Organization. As long as metropolitan States and non-self-governing peoples exist, we consider it necessary to support any efforts to eliminate the unpleasant features of the colonial system and to promote self-government which is one of the fundamental purposes of the United Nations, as laid down in the Charter.

45. Consequently, and without prejudice to Peru's traditional support for the self-government of peoples, our delegation accepts the United Kingdom amendment as an interim solution leading to the future—and we hope early—elimination of the territorial application clause.

46. At the same time, my delegation wishes to make it clear that its support of the United Kingdom draft is conditional upon this principle of evolution and progress and is coupled with the hope that this and the many other humanitarian instruments of the United Nations may be ratified by the greatest possible number of countries and become applicable to ever more persons eligible for the benefit of their provisions. For the reasons I have indicated, our support in no way prejudices the more advanced positions we may take in other cases, as international law develops and the dependent peoples progress towards full enjoyment of their sovereignty.

47. Miss MAÑAS (Cuba) (*translated from Spanish*): The Cuban delegation considers this a historic date for the United Nations because we now have before us for consideration in plenary meeting this draft Convention on the Nationality of Married Women, the product of many years of hard work in the Commission on the Status of Women. We consider this to be an achievement made possible through the co-operation and goodwill of all the members of that Commission who studied with zeal, with thoroughness and with enormous interest the draft convention which my country had the honour to introduce there.

48. This instrument marks the end of an arbitrary rule under which a woman was deprived, by virtue of her marriage—itself an act of the free will—of that free will on contracting marriage, in that in many cases the effect of marriage was that she was unable to retain her nationality of origin. If the Assembly now adopts this instrument by a vast majority, if not unanimously, it will be putting an end to this discrimination against women as human beings.

49. We now have before us an amendment submitted by the United Kingdom of Great Britain and Northern Ireland for the inclusion of a new article in the draft convention.

50. What was impossible yesterday may be possible today in the United Nations. I say this, because we are daily making history and we are doing so through the goodwill and co-operation displayed by all the Member States.

51. We regard the United Kingdom amendment as both fair and logical. Its substance is already contained in a provision which has been endorsed by a great number of Members of the United Nations in the Supplementary Convention on the abolition of Slavery, the Slave-Trade and Institutions and Practices Similar to Slavery. That Convention, the product of a conference held in Geneva in the summer of 1956, was approved by 40 votes to none, with 3 abstentions. That Convention has now been ratified by thirty-four States, thirty-one of which are Members of the United Nations. I should like to read out the names of those States: Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, Cuba, Czechoslovakia, El Salvador, France, Greece, Guatemala, Haiti, Hungary, India, Iraq, Israel, Italy, Liberia, Luxembourg, Mexico, Netherlands, Norway, Pakistan, Peru, Poland, Portugal, Romania, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom and Yugoslavia.

52. Just as it supported the amendment of Chile, Mexico and Peru in the Third Committee, the delegation of Cuba will now cast its vote in favour of the amendment presented by the United Kingdom, because that amendment, as I have stated before, is both logical and fair. We are not here in the United Nations to close doors, but to open them. We consider this amendment to be a step forward and we must continue to make rapid forward progress in the field of relations between countries which are now being administered or protected and the countries responsible for the relations with them.

53. If we reject this clause, the convention cannot be as universal as it should be. We therefore appeal to all States represented here to bear these considerations in mind and to endorse by their votes the humanitarian aspect of this convention by approving the text unanimously or at least by a large majority.

54. Mrs. RÖSSEL (Sweden): As previous speakers have already said, this represents a great day in the history of the Commission on the Status of Women, a commission on which I have the honour to represent my country and of which I am at present Chairman.

55. Today, with the presentation to the General Assembly of a convention on the nationality of married women—a convention designed to eliminate one of the great sources of discrimination against women—we see the culmination of many years of work by the Commission on the Status of Women.

56. During one period of the preparatory work in this field, the aim was to try to establish a convention covering a broader area, namely, the nationality of all married persons. However, the comments received from the majority of the Governments which gave their views on a draft to that effect seemed to indicate that the time was not yet ripe for such a broad convention. This led the Commission to limit its efforts to creating a convention on the nationality of married women.

57. This convention provides that the woman shall not, upon marriage to a person of a different nationality, automatically lose her own nationality, whether she wishes to or not. This automatic loss of nationality has given rise in the past to many injustices, which have already been referred to by previous speakers. For the woman who wishes to take her husband's nationality, special privileged procedures are provided in the convention, but this choice will be exercised by the woman because it is her expressed wish, and not because the law has arbitrarily deprived her of her own nationality.

58. I have already mentioned that this matter has been the concern of the Commission on the Status of Women for many years—indeed, for several years before I, myself, became a member of the Commission. I feel, therefore, that I should take this opportunity to pay a tribute to those who initiated this reform and who have worked for so long and so hard to bring it about. In this connexion, may I mention especially Miss Uldarica Mañas, the representative of Cuba, who was the sponsor of the convention in the Commission and has carefully guided its progress since; and my predecessors as Chairman of the Commission: Mrs. Marie-Hélène Lefaucheux of France and Miss Minerva Bernardino of the Dominican Republic.

59. Like previous speakers, I should like to say that we shall give our support to the amendment presented by the United Kingdom delegation. We shall support this amendment, which refers to the territorial application of the convention, because we believe that it will be in the interests of the widest application of the convention to include the proposed new article.

60. We shall, of course, vote for the adoption of the convention as a whole and hope to see it adopted by the Assembly with the large majority which the voting in the Third Committee seemed to indicate it would obtain. We also hope that a great number of countries will demonstrate their faith in this much-needed reform by becoming parties to the convention in the near future.

61. Mrs. SHIPLEY (Canada): It is surely an occasion for rejoicing when a Committee of the General Assembly is able, after long and careful consideration, to submit to the Assembly for endorsement a draft convention dealing with a subject as important as the nationality of married women. All of the members of the Committee who have played a constructive role in the discussions, both this year and last year, as well as the members of the Commission on the Status of Women who prepared the draft which was the basis for our discussion, are to be congratulated. When this convention has been adopted by the General Assembly, we shall have taken a significant step forward toward the establishment, in the whole field of human rights, of common standards which may be accepted by all nations.

62. The present convention, dealing as it does with the nationality of married women, covers only a small part of the very complex subject of nationality, and regrets have been expressed in many quarters that it was not possible to attack the whole problem at once. Nevertheless, it is gratifying that it has proved possible to achieve a wide measure of agreement on one particularly troublesome aspect of nationality problems, that is, the question of the nationality of married women.

63. The Canadian delegation has no difficulty in supporting the draft convention as it stands, but there are some aspects of it which, in our view, could have been considerably improved. Our criticisms have nothing to do with the substantive provisions, but rather have to do with the fact that the convention, as now drafted, may tend to restrict the number of States which will be able to adhere to it. For instance, my delegation would have preferred for this convention a reservations clause which would have afforded greater opportunity to States to subscribe to it even if they could do so only with certain reservations. However, since the provisions of the covenant are consonant with existing citizenship legislation in Canada, we did not press this view.

64. A much more serious shortcoming of the text of the convention as it has emerged from the Third Committee is, in our opinion, the fact that it does not contain a suitable territorial application clause which would enable metropolitan States with dependent territories to accede to it.

65. For this reason, my delegation is pleased to note that the United Kingdom delegation has introduced, by way of amendment, a territorial application clause which we think should be acceptable not only to most Administering States but also to the Assembly generally. The text, which is now before us is practically identical with the text of the territorial application clause which was adopted by an overwhelming majority last year at the Conference on the Supplementary Convention on the Abolition of Slavery which was held in Geneva last summer. The Canadian delegation voted in favour of the territorial application clause which was adopted on that occasion in Geneva, and we shall accordingly vote in favour of the clause which has now been presented to the General Assembly for consideration. We shall do so not because of any direct interest in territorial application clauses as such, since the problems which clauses of this kind are intended to meet do not arise in Canada. We are, however, interested in facilitating the widest possible application of the terms of the convention, and it seems to us that it would be regrettable to adopt a position which would have the effect of preventing States with dependent territories from signing. We have been told by administering Powers that they will not be able to sign the convention if its provisions are to apply automatically to those dependent territories

which have already been granted a measure of autonomy, since that would be tantamount to withdrawing from those dependent territories some of the autonomy already granted. It is therefore clear that, in the absence of a suitable territorial application clause, a considerable number of States will be prevented from signing and, as a result, a large number of women of the world will be denied the benefits which this convention is meant to provide. In the interests of the widest possible application of this convention, I urge all delegations most earnestly to support the amendment which has been introduced by the United Kingdom delegation.

66. It gives me great pleasure to be able to support the resolution which is before us, by which the Convention on the Nationality of Married Women will be opened for signature at the close of the present session. I am equally happy to be able to announce to the General Assembly today that, after very careful consideration, the Canadian Government has now decided to accede to the Convention on the Political Rights of Women, which was adopted by the United Nations General Assembly at its seventh session. The instrument of accession will be deposited with the Secretary-General in due course.

67. Mr. OMPI (Indonesia): My delegation would like to explain its reason for abstaining in the vote on the draft resolution contained in the report of the Third Committee, by which the General Assembly would decide to open for signature and ratification the Convention on the Nationality of Married Women. Such action is in line with the position my Government took when this particular phase of the broad and intricate question of nationality was considered in the Commission on the Status of Women and in the Third Committee at the tenth and eleventh sessions of the General Assembly. My delegation attaches great importance to this problem and wholeheartedly endorses the noble motives which led to the realization of this convention, although it has been considered that the convention does not measure up to the standards of full equality set forth in the Universal Declaration of Human Rights. In this regard, I am referring to article 3 of the convention. Wherever possible, however, my delegation has always lent and will continue to lend its support to efforts for the improvement of the status of women in general.

68. At the tenth session of the General Assembly, the Indonesian delegation voted in favour of the preamble to the draft convention because, in proclaiming the fundamental principle of the equality of men and women, it was in full accord with the Indonesian Provisional Constitution. However, the Indonesian delegation had to abstain on the first three substantive articles, since permanent nationality legislation which would define the nationality status of married women was still under preparation.

69. In the deliberations in the Third Committee, during the present session of the General Assembly, concerning the remaining formal articles of the draft Convention on the Nationality of Married Women, my delegation was happy to support almost all formal articles as amended. However, my delegation was compelled to vote against the insertion of a territorial application or colonial clause, in line with the position my Government has consistently taken in regard to questions of this nature. For these same reasons, my delegation regrets that it is not in a position to support the United Kingdom amendment.

70. As to the draft convention as a whole, my delegation, although not averse to its nature and spirit, has to abstain in the vote, pending the completion of the Indonesian Nationality Law, which will contain provisions concerning the nationality status of married women in Indonesia.

71. Mrs. MIRONOVA (Union of Soviet Socialist Republics) (*translated from Russian*): The Soviet delegation deems it necessary to give the following explanation of its vote in the Third Committee on the draft Convention on the Nationality of Married Women. The Soviet delegation voted for this convention as a whole, as it considered that the convention is undoubtedly a progressive document, designed to eliminate the unequal status of women with respect to changes of nationality brought about by marriage, divorce or changes in the nationality of the husband.

72. The principles on which the convention is based are fundamentally in accordance with the United Nations Charter, which proclaims absolute equality of rights for men and women. Universal recognition of the provisions of the Convention drawn up by the Third Committee should also facilitate the implementation of those provisions of the Universal Declaration of Human Rights which reaffirmed the equality of men and women.

73. The Soviet delegation must, however, point out that certain unacceptable provisions have unfortunately been included in the convention. In particular, article 4 is contrary to the principle of broad international co-operation among States in attaining the objectives of the convention, because under this article parties to the convention may only be States Members of the United Nations, States members of the specialized agencies or Parties to the Statute of the International Court of Justice. We consider that this kind of limitation is wrong and contrary to the United Nations Charter.

74. In the opinion of the Soviet delegation, the question of the right of States to make reservations to this convention has also been dealt with incorrectly, because under article 7 a State may make reservations only to certain articles of the convention.

75. As the question of the absolute rights of States in signing, ratifying and adhering to multilateral agreements is of paramount importance and beyond the scope of this convention, the Soviet delegation deems it necessary to point out that as in the past, it maintains the view that any State, on the basis of the principle of sovereignty, has an absolute right to make any reservation it likes to a multilateral agreement.

76. Limitation of the exercise of this right can only have adverse effects on international co-operation among States, as such limitations can artificially prevent the adherence of the largest possible number of countries to any agreement.

77. Despite these shortcomings of the convention, the Soviet delegation feels that its adoption and implementation can contribute to the elimination of the unequal status of married women in matters of nationality, and thus, at the initiative of the United Nations further steps will be taken to attain the principle of equal rights for men and women.

78. We consider it necessary to explain the reasons which will guide us in our vote on the amendment proposed by the United Kingdom to supplement the draft convention by an article on a method of extending its other non-metropolitan Territories. The purpose of this application to Non-Self-Governing, Trust, colonial and

amendment is really to give metropolitan States freedom in deciding whether or not to extend the application of this convention to the above-mentioned territories.

79. The reservation in the amendment—according to which the consent of the metropolitan State is required before this convention can be applied to Non-Self-Governing, Trust, colonial or other non-metropolitan Territories—cannot change the substance of the matter. This reservation is couched in such terms that a metropolitan State that does not want to extend the application of the convention to a particular territory can make it appear that the responsibility is not its own.

80. This is not the first time that the United Kingdom delegation has submitted a proposal of this kind. The United Kingdom pressed for the adoption of this kind of procedure when the Covenant on Human Rights was being examined. It will be remembered, however, that the Third Committee and later the General Assembly rejected these attempts by an overwhelming majority and established the principle that the provisions of humanitarian conventions should extend and apply equally to the metropolitan State party to the convention and to all Non-Self-Governing, Trust or colonial Territories which that metropolitan State administers or for which it is responsible. The Soviet delegation considers that the question raised by the United Kingdom proposal is basically unjust, and contrary to the interests of the peoples of dependent countries.

81. The convention drawn up by the Third Committee is humanitarian in character and designed to provide international protection for the interests of women in matters of nationality. For that reason territories dependent on metropolitan countries cannot be excluded from the application of the convention, for that would deprive their inhabitants of the opportunity of enjoying the progressive provisions laid down in the convention. It is no accident therefore that a similar United Kingdom amendment proposed in the Third Committee was not supported. The amendments proposed in the Third Committee by the Belgian and French delegations, the purpose of which was substantially the same as that of this United Kingdom proposal, were rejected by 47 votes to 9 in that Committee.

82. The Soviet delegation supports the position taken by the Third Committee on this matter as being in accordance with the principles of the United Nations Charter and previous decisions of the General Assembly adopted on similar questions, and will vote against the additional draft article proposed by the United Kingdom delegation.

83. Mr. PETRZELKA (Czechoslovakia): The Economic and Social Council as well as the Commission on the Status of Women have already continued for several years their efforts to achieve the aim solemnly proclaimed under the United Nations Charter, namely, the realization of the true equality of men and women. Despite the fact that over this period these efforts to achieve this ultimate goal have not been fully successful, some positive results concerning the setting up of equal rights for women have been attained. The draft Convention on the Nationality of Married Women which we now have before us for approval is one of those positive results.

84. In connexion with the successful termination of the work of the Third Committee on the final text of this humanitarian convention, the Czechoslovak delegation welcomed with gratification the untiring endeavours devoted to this end by the Economic and Social Council, the Commission on the Status of Women and, in the final stage, also by the Third Committee of the General Assembly and by all its individual members.

85. Nevertheless, the draft convention has several imperfections which render it less efficient. For instance, article 4 contains the restrictive provision according to which countries which are not members of the United Nations or the specialized agencies or which are not signatories of the Statute of the International Court of Justice cannot become parties to the convention. The Czechoslovak delegation is of the opinion that all international documents, especially conventions of a humanitarian character like the one we have before us on the nationality of married women, should be open for signature to all States without exception. It is only to be regretted that the proposal of the Byelorussian delegation which was intended to remove this shortcoming has been rejected in the Committee. For this reason, the Czechoslovak delegation is unable to vote in favour of the present wording of article 4 of the convention and will abstain.

86. We believe that equally unsatisfactory is the wording of article 9 of the convention, which provides for obligatory jurisdiction by the International Court of Justice in controversies which may arise between two or more States parties to the convention as to the interpretation or application of its provisions. The Czechoslovak delegation is not opposed in principle to the jurisdiction of the International Court of Justice. The solution of disputes by this Court is considered to be one of the means of the peaceful settlement of international disputes. However, in our opinion, the submission of the dispute to the International Court of Justice must of necessity be effected with the consent of both parties and not only upon the initiative of merely one party to the dispute, as is stated in the present article 9 of the convention. Therefore, my delegation will abstain from voting on article 9.

87. My delegation is also not fully satisfied with article 7 of the draft convention because it infringes upon the universally-recognized right to make reservations regarding multilateral agreements. This is the inalienable right of all sovereign States. In its international practice, the Czechoslovak Government always stands firmly for the above principles. For this reason, the Czechoslovak delegation is unable to vote in favour of article 7 of the draft convention, and will abstain from voting.

88. The draft Convention on the Nationality of Married Women is in harmony with Czechoslovak legislation and from the international standpoint is a valuable instrument which will play an important part in the sphere of human rights. The Czechoslovak delegation will therefore vote in favour of the draft convention as a whole as it has been definitively drawn up by the Third Committee.

89. This draft convention is an important step in the development of human rights. All States, including non-self-governing, trust and colonial territories should be pledged to protect the right of married women to nationality. The Czechoslovak delegation holds that all nations irrespective of their legal status have to share the benefit of this convention. We cannot therefore agree with the amendment put forward by the British delegation to insert in the convention a new article tending practically to exclude from the jurisdiction of the convention whole territories designated as non-metro-

politan territories. To subscribe to such a procedure would be in contradiction to the objectives and principles of the United Nations Charter. Article 1, paragraph 3, of the Charter expressly states that the objective of the United Nations is 'To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion'. In its practical activity, the United Nations must strive to realize fully this lofty aim.

90. In view of all these reasons, the Czechoslovak delegation cannot give its support to the United Kingdom amendment [*A/6.218*], and will vote against it.

91. Mr. MUFTI (Syria) (*translated from French*): My delegation will vote against the United Kingdom amendment for the reasons we set forth at length during the discussion of this matter in the Third Committee. These reasons are still valid and the Third Committee regarded them as sufficient grounds for rejecting two similar amendments.

92. My delegation is opposed to the insertion of a territorial application clause in the Convention on the Nationality of Married Women; such a clause would be inappropriate in an essentially humanitarian convention of the kind we are considering. The insertion, in such a convention, of the clause proposed by the United Kingdom, in the amendment which had been withdrawn and which is now being reintroduced, might be invoked later on as a precedent for other conventions relating to human rights.

93. Some delegations argue that the insertion of the clause is justified by the precedent of the Supplementary Convention on the Abolition of Slavery, the Slave-Trade and Institutions and Practices Similar to Slavery. However, the circumstances in which the latter was prepared and the subject with which it deals were radically different. Consequently, the danger I have referred to is a very real one and it constitutes, in our opinion, good grounds for the rejection of the United Kingdom amendment by the General Assembly.

94. For the reasons I have mentioned we should not be swayed by the enumeration of the countries which at Geneva approved a territorial clause for the Slavery Convention. The same point was made in the Third Committee, unsuccessfully; the argument is no more convincing now.

95. Further, the constitutional problems mentioned by the supporters of the territorial clause are not, in our opinion, a sufficient reason for including a territorial application clause in the Convention on the Nationality of Married Women.

96. Lastly, my delegation believes that it is more in line with humanitarian principles and with the principle of universality not to adopt any provision implicitly recognizing a difference, in the application of the Convention, between metropolitan States and dependent territories.

97. My delegation requests a roll-call vote on the United Kingdom amendment, which should bring out once again the position already taken by most delegations on this important question.

98. I should like to recall in this connexion that two amendments proposing the insertion of a territorial clause were rejected in the Third Committee by an overwhelming majority and that the position adopted by the various delegations on those two amendments is so specific and so well-known that the United Kingdom amendment, proposed today, cannot succeed owing to some uncertainty or confusion in the minds of representatives. If that amendment should be accepted today by some stratagem, my delegation would have serious grounds for believing that a large number of countries, including my own, which are opposed to colonialism and discriminatory measures, would not be able to sign or ratify the Convention on the Nationality of Married Women.

99. I would add that my delegation will vote in favour of the original draft resolution, which the Third Committee recommends the General Assembly to adopt. My delegation hopes that this resolution will be adopted without change.

100. My delegation is also in a position to approve the report of the Third Committee presented by the representative of Guatemala, and it takes advantage of this opportunity to pay a tribute to the Guatemalan representative's admirable work in the Committee.

101. Mr. Krishna MENON (India): The Government of India supports the draft Convention on the Nationality of Married Women as it has emerged from the Third Committee. We have held all along that there is no reason for changing the status of women upon marriage since the status of men does not change, in conformity with the Constitution and the fundamental rights embodied in it. The Constitution of India in 1955 embodied citizenship rights; and the articles of this convention are in conformity with our constitutional procedures. That does not mean that there are no parts of these articles which in our view could not bear improvement, particularly articles 4 and 9. We believe, this being a convention particularly applying to human relations, that no one in the world should be excluded from it; but to say that because someone is likely to be excluded it is better not to have a convention at all, or not to support it, does not appear to us reasonable.

102. In regard to article 9, it is the view of the Government of India that any reference to the International Court of Justice must have the consent of the parties to the dispute. It is not so stated in the article, but in view of the terms of the optional clause we do not see any particular reason to object to it as it stands. But our intention in voting for it is that there shall be no compulsory jurisdiction of the International Court of Justice.

103. We come to the United Kingdom amendment submitted by the United Kingdom representative in a very reasoned and eloquent speech. In the Third Committee, my delegation voted against what it thought was a similar proposal by Chile, Mexico and Peru. If that proposal had reappeared here we would have cast our vote in the same way. But the amendment, as anyone who peruses it will discover, meets all our objections. The Government of India signed the Convention on Slavery to which reference has been made, and indeed was responsible for the draft that emerged from the conference at Geneva. It also supported the same principles in the Economic and Social Council. But I would like to make clear the position of my Government on this amendment; because if we did not support it, it would mean that we were indirectly urging that such a degree of self-government as has been transferred to Non-Self-Governing Territories should be withheld in

this particular matter. Understanding by direct experience the system of colonial empires, we know that at certain stages in their development certain functions are transferred and that the decision really rests with the local legislature or with the people. Normally those legislatures conform to the practice in the metropolitan country by reason of the general influence of the metropolitan country; but at the same time they desire to be consulted. We have some feeling and direct experience of this because we passed through this stage ourselves. For example, when our country was not yet independent, no convention of the International Labour Office which the British Government of the day accepted was ratified on behalf of India unless it had passed through the legislature.

104. We believe, therefore, contrary to what has been said here, that this amendment really is a recognition—at least a halfway recognition — of self-government. Paragraph 1 makes it automatic in the case of those countries where there is no expression of opinion at all. Therefore the argument that this is an attempt to withhold benefits from those peoples does not arise; in fact, if their nationality is the same as the metropolitan country, it could not arise.

105. As regards paragraph 2 however, if it is a case of a dependent territory—and we regret the existence of such territories—we think the right of ratifying the nationality convention will be in a way a step towards the ending of its dependence. If there is a dependent territory where the right of ratification exists by constitutional practice, by convention or by the impact of public opinion, and is desired by the peoples and the legislature of the country, it would be wrong, in our opinion, for the weight of the United Nations to prevent that degree of expansion of self-government.

106. For these reasons we shall support the United Kingdom amendment wholeheartedly. Not to do so would be to work against the current of self-government, gradual as it may be, unsatisfactory as it may be so far as a great many of us are concerned. It is for these reasons that my delegation has decided to give its support to the amendment submitted by the United Kingdom [*A/L.218*].

107. Mr. GREENBAUM (United States of America): I wish to explain the vote of the United States and the position taken by my Government in the drafting of this convention.

108. When the draft Convention on the Nationality of Married Women was studied in the Commission on the Status of Women, my Government took the position that this particular phase of the broad and related question of nationality should not be isolated by the United Nations for separate consideration. We felt then, as we feel now that the nationality of married women could rightly be considered only within the framework of the whole question of nationality and statelessness, including the situation of children born to parents of different nationalities.

109. We have repeatedly urged that the whole question be referred to the International Law Commission which itself has expressed the opinion that it could not consider the nationality of married women apart from the entire subject of nationality and statelessness.

110. My delegation is not indifferent to this problem. On the contrary, United States concern is indicated by our sponsorship in 1954 of a draft resolution subsequently approved by the Economic and Social Council [*resolution 547 D(XVIII)*]. That resolution recommends that Governments take action as necessary to ensure that a woman have the same right as a man to retain her nationality on marriage to a person of different nationality, and further that an alien wife acquires the nationality of her husband only as the result of her positive request. This recommendation is in line with the principles of equality embodied in United States law.

111. The United States does not intend to be a party to this convention if the General Assembly decides to open it for signature. In view of these considerations, the United States delegation regrets that it will be unable to support the draft resolution. That is why we will abstain.

112. Mr. Chandhri AHMED (Pakistan): I wish to say a few words in order to explain the position of my delegation on this very important question. The position of my delegation on this very important draft convention is quite clear. My delegation stands for the universal application of this convention to all married women the world over. The convention under discussion is based on the provisions of article 15 of the Universal Declaration of Human Rights. It is designed to serve two very useful and important purposes. First, it will afford to married women equality with men in the exercise of the rights expressed in article 15 of the Universal Declaration of Human Rights, particularly by providing that the wife's nationality should not be conditional on that of her husband. Secondly, it will remove some of the difficulties suffered by a woman who is married to a national of another country, by ensuring more consistency in nationality laws.

113. This is the basic purpose of the convention. Its main object, therefore, is to translate into reality some of the basic and elementary rights that are afforded to women all over the world.

114. The convention is purely a humanitarian one. It is basic and fundamental to the status and dignity of married women the world over. It should be extended to them without any delay. The status of the territories of which the married women happen to be inhabitants—whether they are Non-Self-Governing, Trust, colonial or non-metropolitan—should not be permitted, in our view, to stand in the way of their enjoying the benefit of this indispensable convention.

115. I have tried to make the position of my delegation on this issue quite clear. My delegation firmly believes that the married women of non-metropolitan territories desire the benefit of this convention, simply and only because they are human beings and as human beings they have an inherent and inalienable right to it.

116. The question now is how best we can guarantee the application of this convention to those married women and how best we can put real responsibility on those States which are responsible for the international relations of non-metropolitan territories. Unless we can place the responsibility squarely and directly on some Power or State, I am afraid that we will be lacking in adequate means of guaranteeing this convention which we so much desire. Our main object is to extend this convention to married women, and in our efforts to do so we would like to hold someone directly responsible for this. We are, I want to make it quite clear, unalterably opposed to colonialism. We are perfectly sure that the days of colonialism are numbered. But until that artificial barrier is removed, we would like the mar-

ried women of those non-metropolitan territories to enjoy the benefits of this convention.

117. I am very glad to see that the delegation of the United Kingdom has introduced an amendment. It contains a change in the phraseology and a new tone as well. My delegation is in the happy position of being able to say that we will support it.

118. Mr. ANEGAY (Morocco): The delegation of Morocco did not take an active part in the discussion of this item in the Third Committee, not because of any lack of interest in this subject on our part; on the contrary, my Government is extremely interested in all United Nations work, in particular in any agreement or convention having an international bearing, and more particularly in all matters connected with the subject of human rights.

119. My delegation did not participate simply because it felt that, representing a newly admitted Member, it would do better if it just listened, at the beginning, to the more experienced representatives, with the purpose of acquiring more knowledge about the history and evolution of the debates bearing on this item and others during previous sessions of the Assembly; and this with the purpose of being in a better position later on to contribute properly and fully in the study of whatever item might be submitted to this Organization.

120. My delegation, however, voted against the inclusion of the territorial clause, within the framework of the Convention on the Nationality of Married Women. We listened with great care to the arguments of the representatives opposing the inclusion of that clause and with still greater interest to the ones emanating from the original proponents. Both sides spoke from their experience of many years in this Organization. Some even ventured to foresee what would be the result of the voting because, as we said, this is not the first time that these so-called territorial clauses have come before the Assembly, and there has been a real irreducible cleavage on this matter between various groups of delegations.

121. I would like to state my delegation's stand on this subject and in so doing my delegation will speak, not from experience it might have acquired here, but from the experience the Moroccan people as a whole have acquired in their own country.

122. When the Moroccan question was put before the Assembly for the first time during its sixth session in Paris, it was introduced as an item reading, or at least meaning: violation of human rights in Morocco by the protecting Power. This was a very important thing, an extremely serious one, because the Power which was involved, which was being accused of this violation, was no less than the one which has been known for generations as the very champion of human rights. How then could it be possible that the Moroccan people would induce friendly delegations to accuse the protecting Power, on their behalf, of such an incredible violation?

123. Was it not entitled to ask: how then could it be possible that those delegations would consent to sponsor this accusation and submit it to the General Assembly in the name of their respective Governments?

124. The answer is simply that human rights were being actually violated in Morocco in the name of the Government of the protecting Power itself. Everyone knows that the protecting Power meant here is France, which makes this violation all the more incredible to the Moroccan people themselves. For no Moroccan would have the slightest doubt as to the French people's stand with respect to upholding human rights. The knot of the question—and I am talking from our experience in Morocco—is that the pledge of the Government of an administering Power to do so and so is one thing, and its ability or capacity always to do the same thing in its respective dependent areas is another quite different thing. In the case of Morocco, liberal measures which are decided upon by the French Government and intended to be applied to Morocco were many times strongly opposed by some of the powerful French residents in Morocco, who actually controlled everything, and also by the French Government representatives themselves, who were often mere tools in the hands of the French residents; this opposition was such that it amounted to a real veto.

125. The PRESIDENT: The representative of France wishes to speak on a point of order.

126. Mr. EPINAT (France) (*translated from French*): I am really very sorry to have to intervene on behalf of my delegation in this debate which we feel should have been kept on a strictly humanitarian level.

127. We are discussing the report of the Third Committee on a convention the purpose of which, after the long and difficult labour involved in its preparation, is to improve the status of women throughout the world.

128. I do not know whether it is quite appropriate at this point to add to those humanitarian concerns purely political considerations. Furthermore, I should like to say, on behalf of my delegation, that devoted as we are to the cause under discussion, we heartily hope that everybody will understand that even as regards the territorial clause, a sincere effort must be made to be objective.

129. A perusal of the United Kingdom amendment will show that it is nothing like what it has been depicted. I would urge delegations, before the vote, to read its three paragraphs and to see how they are interrelated; they will then realize that in fact it contains no political *arrière-pensée* of the kind so often ascribed to us.

130. The PRESIDENT: The question before the Assembly, that is to say, the draft resolution and the draft convention, is essentially humanitarian, but the amendment which is also before the Assembly is of a political nature as well. I do not think it can be denied that the amendment has a political implication, and for that reason I would ask the representative of Morocco to continue. He may continue, bearing my remarks in mind.

131. Mr. ANEGAY (Morocco): I would have found it very easy to answer my dear colleague from France. However, his intervention came at the exact moment when I was going to read something which in my opinion could very well stand as the best answer that could be given to his short but very good intervention. Therefore, I shall proceed with my speech at exactly the point where I left off.

132. Leading French personalities have had to admit this fact, as did Mr. Robert Schuman, former Minister for Foreign Affairs, who, once discharged of his responsibilities in the Government, wrote articles in which he stated frankly that the French Government proved many times to be powerless in front of its own nationals in Morocco and that the ministers were not always being obeyed by their own official representatives in that country.

133. As might be seen, my delegation does not doubt the sincerity and goodwill of the Governments of the administering Powers or their representatives here. Indeed, it is certain that no one here would doubt it. On the contrary, we feel great sympathy toward them because of their difficulties, constitutional and otherwise, which are involved in this matter. But we still cannot approve, for the reasons stated before, any provision in this or any other similar convention which would leave the Governments of the administering Powers the sole arbiters in a matter which should have so large an application and enforcement as one concerned with human, and particularly women's, rights deserves.

134. These are the reasons which guided my delegation and compelled it to vote against these clauses in the draft Convention on the Nationality of Married Women.

135. Mr. BRATANOV (Bulgaria) (*translated from French*): The delegation of the People's Republic of Bulgaria has already had occasion to explain its position on the draft Convention on the Nationality of Married Women when it was discussed in the Third Committee.

136. The Bulgarian delegation voted in favour of the draft convention as a whole because it considers it to be a step towards the implementation of women's rights and the achievement of full equality in the rights of spouses. It is therefore a profoundly humanitarian and progressive document.

137. In voting for the draft convention, our delegation was also guided by the fundamental principles of the legislation of the People's Republic of Bulgaria, and more particularly, by the legislation concerning nationality, which recognizes complete equality between men and women and makes no distinction between the spouses with respect to their rights.

138. During the discussion in the Third Committee, our delegation opposed the attempts to restrict the scope of the convention; it declared itself in favour of the principle of universal application, a principle which should be inherent in every humanitarian measure.

139. The United Kingdom delegation, however, now proposes in its amendment that the General Assembly should reconsider a question which the Third Committee carefully examined at several meetings and on which it has already taken decisions.

140. What does the United Kingdom delegation actually propose? First, that the convention should not apply automatically to all the territories for which the metropolitan State is responsible. Secondly, that the metropolitan State should be allowed, after the expiry of a twelve-month period, to inform the Secretary-General that it has not received the consent of a given territory to the application of the convention and that the convention therefore does not apply to that territory.

141. What were the arguments adduced by the United Kingdom in support of its proposal? Its main argument is that since certain territories enjoy a measure of self-government in some form or another, the United Kingdom, in spite of its wishes in the matter, has to cope with constitutional obstacles in applying the convention automatically because it would have to secure the consent of the competent authorities in those territories before the convention could be applied there.

142. The following fact sheds some light on the real purpose of the proposal: the United Kingdom representative in the Third Committee had cited Southern Rhodesia as an example of a territory whose prior consent is required. Southern Rhodesia enjoys a certain measure of self-government. But it may be frankly stated that in the case of Southern Rhodesia, the United Kingdom requires the consent not of the people of the Territory or their representatives, but of the settlers who are exploiting the country, because it is well known that in practice only the Whites have the right to elect the Parliament. Where then are the good intentions of this proposal?

143. Moreover, the practice of multilateral international treaties shows that the United Kingdom and other colonial Powers which in many cases, as in this case, could legally apply international treaties, including purely technical treaties, in their dependent territories, fail to do so promptly. On the contrary, they delay their application for many years. Indeed, we often have cases where the metropolitan States send in communications concerning the application in a given dependent territory of a convention signed fifteen, twenty or more years ago.

144. Our delegation would like to point out, in connexion with the United Kingdom proposal, that the metropolitan States are obliged to do their utmost as rapidly as possible to overcome constitutional obstacles so that the convention may be applied in all the territories for which they are responsible. There is no doubt that the very existence of the colonial system restricts the right of peoples and nations to self-determination, and thus leads to the violation of fundamental human rights and freedoms in all dependent territories.

145. Colonialism has been rejected by the peoples, however, and is historically on the wane. The situation in dependent territories is no longer exclusively in the hands of the metropolitan States. There is the United Nations Charter, accepted by eighty States including the metropolitan States; there is, in Article 73 of the Charter, a declaration regarding Non-Self-Governing Territories which specifies that member States assume the obligation to promote to the utmost the well-being of the inhabitants of those Territories and to that end must ensure their political, economic and social advancement and develop free political institutions. The Universal Declaration of Human Rights, based on the Charter, elaborates the Charter provisions on human rights and emphasizes particularly in connexion with those rights that "no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory . . .".

146. In the view of our delegation, the metropolitan States are bound in virtue of these international instruments not only morally, but also legally, to extend the application of this convention to all the territories for which they are responsible by signing and ratifying this convention. Thus, they will make a practical contribution to the advancement referred to in the United Nations Charter.

147. Our delegation has still another reason for opposing the United Kingdom amendment: adoption of that amendment might create a bad precedent with regard to the Universal Declaration of Human Rights.

148. In conclusion, the Bulgarian delegation wishes to assure the United Kingdom delegation that it understands that, in this particular case, the United Kingdom will have to face certain legal and technical difficulties. Nevertheless, it is convinced that the United Kingdom will be able to overcome them and as soon as possible secure the required consent to the application of this

progressive and humanitarian convention in all the territories for which it is responsible, and that it will sign and ratify the convention.

149. For those reasons, the delegation of the People's Republic of Bulgaria appeals to the United Kingdom delegation to withdraw its proposal for the insertion of a new article, and to vote with the majority of the General Assembly in favour of the draft Convention on the Nationality of Married Women, as drafted and submitted to the General Assembly by the Third Committee.

150. Mr. BRENA (Uruguay) (*translated from Spanish*): The Uruguayan delegation voted in favour of the draft convention now before us for adoption when it was discussed in the Third Committee. As the representatives of other countries have said, this marks another milestone in the history of the vindication of women's rights.

151. Since certain names have been mentioned here of women from American countries and other parts of the world who strove to establish this principle of equal rights for men and women, I consider it appropriate—if I did not do this I would be failing in my duty—to recall the name of an illustrious Uruguayan woman, Dr. Luisi, who for many years devoted her energies and her intellectual powers to that ideal.

152. This convention lays down important principles, although not all that are necessary to achieve full equality between men and women. Nevertheless, it does at least set forth some provisions that are essential to fulfil this ideal.

153. According to article 1, the wife is not compelled to adopt the husband's nationality by reason of marriage. According to article 2, she does not have to lose her nationality for the same reason, and according to article 3, she has the right to acquire it in certain circumstances through specially privileged procedures or as a matter of right. Added to those provisions, especially the first two, which put an end to a kind of ideological tyranny exercised over wives by the whims of their husbands, there are articles 7 and 9, in particular, which allow for reservations and have selected the best of three possible procedures, and the articles referring to the interpretation of the texts.

154. One procedure would be for the whole convention to be subject to reservations. Another would be that no article of the convention should be subject to reservations, and a third procedure would provide that only certain articles should be subject to reservations. Certain others would therefore remain outside the scope of reservations.

155. If we were to adopt the first procedure, namely, that reservations may be made to the whole convention, we would in fact have a convention in name only but without substance. If we were to adopt the second procedure whereby reservations could not be made to any article, we would probably not get the necessary votes for adoption of a convention of this nature. Consequently, the convention establishes the third principle, which recognizes the right to make reservations and the authority of supranational rules, and exempts the minimum number of articles from the exercise of that right, in this case, articles 1 and 2.

156. The convention then establishes a very important principle in article 9, by providing that questions of the application or interpretation of the convention shall be referred to the International Court of Justice, not with the consent of the two parties to the dispute, but at the request of any one of the parties. We fought hard for that principle of unilateral appeal because we feel that it is vital if the convention is to be effective, if it is to have the full force, and it is vital so that legal matters can be brought before the International Court of Justice not after long and difficult negotiations, but at the request of one State which may invoke its right to appear before the Court to explain its views and compel the other party to do likewise.

157. Those four or five principles are vital in the structure of the convention we are about to vote on. But a clause has been introduced here, similar to that submitted in the Third Committee and which the Committee rejected. I refer to the so-called "colonial clause".

158. My delegation deeply regrets to have to differ with the representatives of the United Kingdom on this point. We regret to differ for two reasons: first, because Uruguay and the United Kingdom have enjoyed a peaceful coexistence full of harmony and fruitful initiatives for both of us; and secondly, because, as a democrat, I shall never forget what the United Kingdom did during the last war to defend human freedom against the worst totalitarianisms in history. But that consideration is not enough for us to accept the clause.

159. We have a series of reasons for opposing it. One of the arguments advanced here in favour of that clause was the precedent established in the convention on slavery which contains a similar clause.

160. We always remember that saying of Pascal that comparisons are odious, and comparison certainly is in this instance, because in trying to establish a principle of opposition to slavery which is the practice that most perverts and dishonours human nature, it is logical to accept a colonial clause. The essential thing is that the human person should not be hurt, weakened and trodden down by slavery. But I see no good reason for dwelling on that precedent.

161. The nature of the subject matter of the convention on slavery made some such clause appropriate because the essential thing was to safeguard the rights of the human person; that reason does not apply in this convention.

162. I said something in the Third Committee which I should like to repeat: this clause seems to have been grafted onto this convention without any essential connexion with the subject matter, and in such a way that it cannot be known what scope it will have in practice.

163. If the United Kingdom, as its representatives once told us in the Third Committee, sometimes cannot impose certain rules which it considers good and proper on the countries for which it is responsible, how then are all of us who sign the convention going to impose the colonial clause, which is tantamount to saying to those people or States: "You have no will of your own: your will is exercised through the metropolitan country"?

164. Naturally, I know that that is a fact, and that it is true throughout the world. But we cannot admit it, first because it is contrary to our legal concepts; secondly, because we are proceeding on the basis of a very different principle, that of self-determination of peoples; and thirdly, because if we adopt the convention as it stands, without the colonial clause, we shall not be forcing the United Kingdom to make any concession; the United Kingdom, on the other hand, is compelling us to make one. Our positions are diametrically opposed.

165. If they accept the convention, they do not renounce the principle underlying the colonial clause merely because it is not included in the convention: but if we incorporate that clause, we are by that token renouncing a principle which we consider essential in our institutional and democratic life.

166. In the Third Committee, my delegation recalled that when we became independent a little over 130 years ago, we were also nothing. We had no schools: we had no universities: we had no political personages, and we had no great military leaders. We had only two things: a few leaders inspired by the desire for freedom and a number of aspirations to which they gave reality in their lives and in their actions and tried to introduce as part of the lives of a free people. Apart from that, we had nothing. Nevertheless, we wanted all peoples who had as much, that is, a few civil or military leaders and a few aspirations, to fight for their freedom, because we could not conceive of universality—that is, I know, a much-used expression here—on the basis of subordination. The only universality which we can accept is the universality achieved through freedom.

167. Finally, we sympathize with the views of those delegations which tried to throw a rope, so to speak, to the United Kingdom delegation to help it out of this difficult situation. We cannot accompany them because we feel that it is difficult to compromise in this matter. I should say that it is a matter where there can be no compromise. Whoever is against colonialism cannot vote for a colonial clause however mildly it may be worded or however elaborate it may be. On the other hand, whoever accepts the principle of colonialism naturally can vote for it with a clear conscience. But Uruguay, which has come out consistently against all forms of imperialism, all forms in the belief that its stand as a small State against imperialism is a kind of inverse assertion of its own right to freedom and independence, could not vote in favour of this clause. We are not saying that by rejecting this clause, we are fighting any kind of imperialism: we are against all kinds of imperialism, whether it is political imperialism practised against another State, economic imperialism which makes itself felt through economic pressure, the imperialism of spheres of influence, the imperialism of vital interests, or that other imperialism which is sometimes exercised through an imposed friendship in the name of certain political, sociological and economic beliefs and which becomes finally the sacrifice of man's most sacred possession, his dignity.

168. Consequently, at a time when this colonial clause is being placed before us and when the hope of liberation is rising in all peoples, and when we have seen that hope fulfilled in so many nations which enjoyed our sympathy and which have recently become members of this Assembly; at a time when the bells of freedom are ringing joyfully throughout the world, we cannot say: "Wait: your hour has not yet come, for others will decide for you". That is the reason why we cannot vote in favour of the amendment proposed by the United Kingdom delegation.

169. Sir Percy SPENDER (Australia): I should like briefly to explain my delegation's vote on the draft resolution and amendment before the Assembly.

170. Our views upon the substantive convention with which the draft resolution deals have already been expressed in the Third Committee; I do not desire to repeat them here. We support the draft convention. Our reservations, however, have been in relation to what is called the territorial application clause. We believe that there should be a territorial application clause. Our reservations are in relation to the form which such a clause should take.

171. We have before us the text of an amendment submitted by the United Kingdom. I am bound to say that we are by no means satisfied with the amendment since we would have preferred a less self-executing text which would clearly have taken into account the fact that any territory, whatever its constitution or nationality status, might not be appropriate for the automatic application of the convention. But, since we believe that the draft convention would be incomplete without some territorial application clause, after the most careful consideration we have come to the conclusion that we should give support to the text proposed by the United Kingdom, on the clear understanding—and only on the understanding—that it should not become a standard or pattern for the future.

172. If it should be rejected, we shall feel obliged, notwithstanding our support for the substantive provisions of this convention and our willingness to extend them to our own non-metropolitan territories, to abstain on the adoption of the text of the draft convention as a whole. But our abstention in these circumstances will be without prejudice to the position which the Australian Government may wish to adopt in respect of the matter of the signature of the draft convention, should it be adopted.

173. Mrs. AFNAN (Iraq): My delegation has supported the substantive articles of the convention, for they are in keeping with our national legislation. Marriage in my country does not automatically affect the nationality of an alien wife, and the alien wife of an Iraqi may, at her request, acquire the nationality of her husband.

174. My delegation regrets the very limited scope of this convention and agrees with the representative of the United States, who would have liked to see the subject treated in a broader context. My delegation will vote against the inclusion of the territorial application clause in this convention. The inclusion of such a clause would constitute, in our view, an automatic reservation clause in favour of the metropolitan States. While the convention would apply automatically to a whole territory under the jurisdiction of a signatory State, in the case of a signatory State which has under its jurisdiction Non-Self-Governing, Trust, colonial or other metropolitan Territories, the convention would then automatically apply only to the metropolitan territory.

175. My delegation appreciates the various constitutional or legislative difficulties of the United Kingdom Government. We believe that the ratification of a convention requires in every country some special measure of constitutional procedures. The application of a convention of this nature may require in many countries the previous enactment of national legislation to bring existing laws into line with the provisions of the convention. It is our sincere belief that the problems and difficulties of metropolitan States are not, in essence, different from the difficulties and problems facing every other State.

176. We are particularly happy to hear that the United Kingdom Government must, in a great many instances, consult with local Governments before it can adhere in their name to a convention of this nature. I believe that

the United Kingdom Government does, in other instances, adhere to commitments in their name without consultation.

177. Reference has been made again and again to a convention which has no relation to this convention, but my delegation hopes that the amendment of the United Kingdom delegation will fail to be adopted in the Assembly, as it has failed in the Committee, for we must guard against establishing another precedent in which the same delegation may have recourse to future conventions on human rights.

178. The PRESIDENT: The Assembly will now proceed to the vote.

179. In accordance with rule 92 of the rules of procedure I shall put to the vote first the United Kingdom amendment [*A/L.218*]. A roll-call vote has been requested.

A vote was taken by roll-call.

Israel, having been drawn by lot by the President, was called upon to vote first.

In favour: Israel, Italy, Japan, Lebanon, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Portugal, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, Australia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, El Salvador, Finland, France, Honduras, India, Ireland.

Against: Libya, Morocco, Poland, Romania, Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Albania, Argentina, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Ecuador, Egypt, Ethiopia, Greece, Indonesia, Iran, Iraq.

Abstaining: Liberia, Luxembourg, Mexico, Nepal, Panama, Philippines, Spain, Thailand, United States of America, Venezuela, Austria, Belgium, Brazil, Cambodia, Guatemala, Haiti.

The amendment was adopted by 31 votes to 26, with 16 abstentions.

180. The PRESIDENT: I shall now put to the vote the draft resolution contained in the report of the Third Committee [*A/3462, para. 54*], as amended. A roll-call vote has been requested.

A vote was taken by roll-call.

The Dominican Republic, having been drawn by lot by the President, was called upon to vote first.

In favour: Dominican Republic, El Salvador, Ethiopia, Finland, Greece, Guatemala, Haiti, Honduras, India, Ireland, Israel, Japan, Lebanon, Mexico, Nepal, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Poland, Romania, Sweden, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yugoslavia, Albania, Argentina, Australia, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark.

Against: Egypt, Syria.

Abstaining: Ecuador, France, Indonesia, Iran, Iraq, Italy, Liberia, Libya, Luxembourg, Morocco, Netherlands, Peru, Philippines, Portugal, Spain, Thailand, Turkey, United States of America, Yemen, Afghanistan, Austria, Belgium, Cambodia, Costa Rica.

The draft resolution, as amended, was adopted by 47 votes to 2, with 24 abstentions.

The meeting rose at 6.20 p.m.

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