

lessness, and that it could not confine itself to drafting the text of a convention embodying principles which it had not itself studied and approved.

At its ninth session in March 1955, the Commission on the Status of Women decided to recommend the adoption of a preamble and three substantive articles which took into account the comments of those member states under whose laws no alien has an absolute right to acquire their nationality. This text, together with eight procedural articles (i.e. final clauses) and proposed amendments thereto, were considered by ECOSOC at its twentieth session. The Council subsequently recommended<sup>1</sup> to the General Assembly that an international Convention on the Nationality of Married Women be adopted, and submitted for the Assembly's consideration the preamble and substantive articles proposed by the Commission on the Status of Women, and also the draft procedural articles proposed by the Cuban Delegation.

The debate at the tenth session of the General Assembly was for the most part concerned with the scope and substance of the preamble and the substantive Articles 1, 2 and 3 of the draft Convention. A majority of the Third (Social, Humanitarian and Cultural) Committee was satisfied with the text proposed by the Commission on the Status of Women, but some delegations which supported the underlying principle of the Convention had reservations concerning the proposed texts. The only basic opposition to the draft Convention came from the United States, Turkey and Afghanistan. The United States' view was that the nationality of married women should not be singled out from the general context of national laws but should be referred to the International Law Commission for study in connection with the problem of nationality and statelessness as a whole. United States criticism of the draft Convention itself was that it did not provide for the full equality of rights proclaimed in the Universal Declaration of Human Rights and the United Nations Charter. In rebuttal of the United States arguments, many delegations pointed out that the International Law Commission had decided that it could not comply immediately with ECOSOC's request to draft a Convention on this subject and that in view of its heavy agenda the Commission was unlikely to deal in the near future with the general subject of nationality. These delegations contended that the problem of the nationality of married women was sufficiently urgent to justify making it the subject of a special convention without further delay. The simplicity of the text of the draft Convention, its basis in Article 15 of the Universal Declaration of Human Rights, and the long and thorough study given to it by the Commission on the Status of Women, were cited in its favour. It was also pointed out that ECOSOC had circulated two successive texts to governments for comments and that these comments had been carefully considered by the Commission on the Status of Women before recommending the present text for adoption.

While some delegations regretted the limited scope of the convention, which passes over problems arising from mixed marriages (e.g. nationality of children, conflicts of law on divorce and inheritance), other delegations expressed the view that the draft Convention would not prejudice the solution of these related problems by the International Law Commission or other United Nations bodies. The United Kingdom Delegation claimed that the Convention would serve two useful purposes: it would afford married women the right expressed in Article 15 of the Universal Declaration of Human Rights by providing that the wife's nationality should not be conditional on that of her husband; and it would remove some of the difficulties experienced by a woman married to a national of another country by ensuring more consistency in nationality laws.

<sup>1</sup>ECOSOC resolution 587 E (XX).