

The meeting was called to order at 3.15 p.m.

AGENDA ITEM 75: DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (A/34/60 and Corr.1 and 2, A/34/357, A/34/542; A/C.3/34/14; A/C.3/34/L.73, L.75, L.76, L.77, L.78, L.79) (continued)

1. The CHAIRMAN announced that, although the report of the Working Group (A/C.3/34/14) was not yet available in Arabic, the Arab countries had agreed that the Committee should proceed to vote on the amendments to the draft Convention so that it could complete its work by 7 December. He thanked those countries for their co-operation.
2. Mr. GONZALEZ de LEON (Mexico) said that, although his delegation had always pressed for work on the draft Convention to be speeded up, it was aware that the draft had been completed only two weeks previously and that not all the relevant documents were available in all languages so that Governments could consider the provisions of the draft in depth. The draft Convention contained various provisions for which several alternatives had been submitted, and at the Committee's previous meeting a number of delegations had begun to submit amendments.
3. If the Committee was to produce a universally acceptable text, the present draft should remain open for comments for at least a year. Some delegations had argued that it was preferable for the draft Convention to be opened for signature prior to the 1980 World Conference of the United Nations Decade for Women. His delegation, however, believed that the Conference might be able to improve on the existing draft and ensure that it was acceptable to a greater number of countries. He wished, therefore, to propose formally that the adoption of the draft Convention should be postponed to the thirty-fifth session of the General Assembly so that Governments would have time to make any comments they wished with regard to it. He was not proposing that the text should be redrafted: it constituted an extremely valuable basic document which might, however, be much improved by the procedure which he had proposed.
4. The CHAIRMAN requested the representative of Mexico to submit his proposal in writing as a draft decision of the Committee.
5. Mr. DYRLUND (Denmark) said that, while he could understand the considerations which had prompted the representative of Mexico to make his proposal, he believed that, in view of the considerable amount of work which had gone into the preparation of the draft Convention, it could be finalized at the current session. He therefore appealed to the representative of Mexico to wait and see how the draft Convention fared in the Committee before making his proposal formally.
6. Mrs. SIBAL (India) observed that the Committee still had three meetings left in which to vote on the amendments and consider the texts of the variants shown in square brackets. The issue was clearly not one of time, for delegations were aware of their Governments' positions on the outstanding problems and should in

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(Mrs. Sibal, India)

theory have no difficulty in voting on both the draft Convention and the amendments. As Chairman of the Working Group, she wished to reiterate her appeal that the Committee try to adopt the draft Convention at the current session so that it would be available in final form for the 1980 World Conference. That Conference would provide an extremely valuable opportunity to publicize the Convention, and it would be regrettable if such an opportunity was lost, thereby reducing the chances of the Convention being followed up at the national level. She therefore appealed to the representative of Mexico not to submit his proposal formally at that stage. If it became clear by 7 December that the Committee could not adopt the draft Convention, the representative of Mexico could then reiterate his proposal.

7. Mr. BYKOV (Union of Soviet Socialist Republics) observed that various United Nations organs had been working on the text of the draft Convention for several years and that the draft had already been transmitted to Governments for their views. The arguments put forward by the representative of India were very sound. There was a possibility that the Committee might finalize the draft Convention at the current session. He also wished to recall that the 1975 World Conference in Mexico had established the drafting and adoption of a convention on the elimination of discrimination against women as one of the main objectives of the Decade for Women.

8. Every effort had been made to ensure that the draft Convention was universally acceptable and, as the representative of India had pointed out, if it was available in final form in time for the 1980 World Conference, that would help to publicize it and would probably result in its being signed by a larger number of States. He therefore appealed to the representative of Mexico not to submit his proposal formally at the present stage. That would neither help to expedite the adoption of the Convention nor improve the situation in any other way.

9. Mr. KIPLAGAT (Kenya) observed that a considerable amount of work had been put into the preparation of the draft Convention over the past three years by more than 50 delegations and that the draft had been available for comments and amendments for some time. It should therefore be adopted at the current session for the reasons put forward by the representative of India. He had no doubt that the amendments could be adopted without further delay and he appealed to the representative of Mexico not to propose formally that the adoption of the draft should be postponed.

10. Mrs. LORANGER (Canada) agreed with earlier speakers that it was important not to waste time and effort by deferring a final decision on the draft Convention. The Committee should proceed with its work and see how much it could achieve before deciding whether it needed to postpone the adoption of the draft. She therefore appealed to the representative of Mexico not to submit his proposal formally at that stage.

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11. Ms. RICHTER (Argentina) agreed with other delegations that the draft Convention should be finalized at the current session. Moreover, once the Committee had adopted the draft, there would be time before its adoption in the plenary Assembly for Governments to have their views taken into account.
12. Mr. CABRIERA (Spain) endorsed the comments made by earlier speakers. Time was short and it would be best if the Committee voted as soon as possible on the amendments to the draft Convention and on the remaining passages in square brackets. The proposal by the representative of Mexico might prove extremely useful, however, if the Committee found that it could not reach over-all agreement on the draft and the various amendments. He therefore thought it might be advisable to suspend the meeting for a brief period to permit informal consultations on the Mexican proposal.
13. Mr. VOLLERS (Federal Republic of Germany) said that he supported the proposal by the representative of Mexico. The draft Convention produced by the Working Group was very sound, but several issues remained unresolved. Work had indeed been under way on the draft Convention for the past three years, but only the previous day new proposals and amendments had been put forward which could alter the actual substance of the draft. Governments must have time to submit their comments. For instance, his Government could not decide overnight what position to adopt on certain amendments which had legal implications.
14. Mrs. WARZAZI (Morocco) endorsed the proposal by the representative of Mexico.
15. Mr. OULD SID' AHMED VALL (Mauritania) said that, while he was aware of the importance which certain delegations attached to the draft Convention, he believed that if the Convention was to be effective and generally acceptable it must be given very full consideration. He therefore did not agree that it should be finalized in time for the 1980 World Conference. The Committee could, of course, discuss the amendments at the current stage, but it must ensure that their implications were considered fully before it adopted a final text. If that could be done by 7 December, well and good. If not, the draft's finalization should be postponed to the thirty-fifth session.
16. Mr. O'DONOVAN (Ireland) agreed with the representative of Spain that informal consultations on the Mexican proposal might prove useful. He therefore moved that the meeting should be suspended for a brief period in accordance with Rule 118 of the Rules of Procedure.
17. The CHAIRMAN said that, if he heard no objections, he would take it that the Committee decided to endorse the motion by the representative of Ireland.
18. It was so decided.

The meeting was suspended at 3.55 p.m. and resumed at 4.20 p.m.

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19. Mr. BOCOUM (Mali) said that the subject-matter of the draft Convention was important and complex and had legal implications, and the Committee should not take a decision on it in haste. His delegation therefore supported the Mexican proposal.
20. Mr. MAKKI (Oman) said that his delegation had been prepared to take a decision on the draft Convention but the large number of last-minute amendments, some of which were quite substantial, made it necessary for his delegation to receive instructions from his Government before it could proceed. It was important that the Convention should be acceptable to as many Member States as possible and compatible with the many cultures and religions represented. His delegation therefore supported the Mexican proposal.
21. Ms. ČOP (Yugoslavia) said that her delegation could not support the Mexican proposal. Work on the draft Convention must continue so that it could be adopted at the current session if at all possible.
22. Mr. PAPADEMAS (Secretary of the Committee) drew attention to document A/C.3/34/L.78 containing the administrative and financial implications of the report of the Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women contained in document A/C.3/34/14. If the Committee decided to adopt the draft Convention at the current session, there would be no financial implications for 1979. Expenditures would occur when the body to be formed for the purpose of considering the progress made in the implementation of the Convention was established. Document A/C.3/34/L.78 covered the three alternative proposals for that body outlined in part V of the draft Convention.
23. Mr. ERRAZURIZ (Chile) said that the draft Convention had legal implications and the proposed amendments would require careful consideration. The draft Convention and the amendments should be adopted by consensus and any measures aimed at facilitating that consensus would be useful and should not be considered a waste of time. His delegation therefore supported the Mexican proposal.
24. Mr. DABO (Guinea) said that the postponement of the adoption of the draft Convention would be unfortunate but perhaps offered the best way of dealing with the legal questions raised by the draft and the proposed amendments. The representative of Mexico had pointed out that the coming World Conference could make a contribution to the Convention. He suggested that the Committee might consider only the amendments to the draft, try to eliminate the remaining square brackets and adopt a provision stating that the draft would be revised in the light of the results of the coming World Conference.
25. Ms. de la MAZA (Dominican Republic) said that in view of the fact that amendments had reached many delegations only in the past 24 hours, it would be best to allow Governments an opportunity to consider them and refer the draft Convention and the amendments to the General Assembly for consideration by the Sixth Committee. Her delegation supported the Mexican proposal.

26. Ms. HOLZNER (Austria) said that much work had gone into preparing the draft Convention and that the ideals put forward in most of the amendments were not new but had been discussed in the Working Group and were reflected in its report. It should still be possible within the time available to finalize work on the draft Convention and the amendments if the Committee addressed itself to that task immediately. If necessary, it could take a decision afterwards on how to proceed with the text once it had been finalized. She appealed to the representative of Mexico not to press his proposal.

27. Mr. BEKELE (Ethiopia) said it was his understanding that the representative of Mexico had not called for a suspension of the discussion of the draft Convention or the amendments but had merely proposed that the adoption of the draft Convention, when it was ready, should be deferred to the thirty-fifth session.

28. Mr. GONZALEZ de LEON (Mexico) said that the Ethiopian representative's understanding was correct. The remaining time available at the current session could be used for discussing the amendments, tidying up the text and eliminating alternative versions and the square brackets. It would be useful for the Committee to try to reconcile the various versions and prepare a clear text, which should not, however, be adopted at the current session but should be deferred to the thirty-fifth session. His delegation's proposal was being circulated as a draft decision in document A/C.3/34/L.79.

29. Mr. BEKELE (Ethiopia) urged, in the light of the clarification provided by the representative of Mexico, that the Committee should take up discussion of the draft Convention and amendments immediately and no longer discuss the Mexican proposal.

30. The CHAIRMAN felt that since the Mexican proposal was the text furthest removed in substance from the draft resolution relating to the adoption of the draft convention (A/C.3/34/L.75), it should be voted on first. If the Mexican proposal was adopted, the Committee would then take up the amendments, generally tidy up the text of the draft and eliminate the square brackets, on the understanding that the resulting text, after all decisions had been taken, would still be a draft and not the final version of the Convention. It would then be submitted to Governments. If the Mexican proposal was not adopted, the Committee would proceed to take decisions on the amendments and prepare the final text of the Convention for possible adoption at the current session.

31. Ms. VAN DEN ASSUM (Netherlands) said that there were two separate matters which should not be confused. There was, on the one hand, the Mexican draft decision, applying to the procedure which the General Assembly should follow with regard to the draft Convention, and, on the other hand, there were the amendments to the text of the draft Convention. Since the Mexican proposal was not an amendment it should not be considered before the amendments. It would be correct to consider it only after all the amendments had been dealt with and just before draft resolution A/C.3/34/L.75 calling for the adoption of the draft Convention.

32. The CHAIRMAN thought that it would be difficult for the Committee to take a decision on the "final" text of the draft Convention and then refer that supposedly "final" text to Governments for comments and possible further change.

33. Mrs. Holzner stated that her delegation had not taken any text could be

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33. Mrs. MORRISON (Lesotho) felt that the Chairman's interpretation of the statement just made by the representative of the Netherlands would confuse delegations. The point was that the text should be tidied up, decisions should be taken on amendments, and the square brackets should be eliminated so that a clear text could be prepared. Once that point had been reached, the Mexican proposal could be considered.
34. Mr. AL-KUTTAB (United Arab Emirates) said that the draft Convention was an important international instrument and required thorough study. All efforts to prepare the best possible Convention should be encouraged. The point was not to draft a text for immediate adoption but to prepare a Convention that would be acceptable to a large number of Member States, which did not seem to be the case at the present stage as far as the existing text was concerned. His delegation therefore supported the Mexican proposal.
35. Mr. WANG Jiechen (China) said that the Convention would be an international instrument and should be prepared carefully, so that it would be acceptable to as many Member States as possible and enjoy comprehensive support. Many delegations had expressed the need for additional time to consider the amendments and the text, and their views should be taken into account. His delegation therefore supported the Mexican proposal.
36. Ms. FAWTHORPE (New Zealand) said that the Mexican proposal, though perhaps not unreasonable, was premature and had the unfortunate effect of distracting the Committee from discussion of the substance of the matter. She felt that most delegations were in a position to consider the amendments, the majority of which were not new. There was also the danger that, if the draft Convention were referred back to Governments, it might take a long time for it to re-emerge from the ministries concerned.
37. Mr. HOLLWAY (Australia) observed that years of work were being frustrated by a very confusing discussion and by proposals submitted at the last minute for which there seemed to be very little justification, since the Working Group, which was a working group of the whole open to participation by all delegations, had been working for a long time and its work was known to all interested delegations. It would therefore be inappropriate, even negligent, to allow any more time to be wasted. The Committee should turn to consideration of the text and the amendments immediately and make every effort to adopt the draft Convention at the current session. He agreed with the representative of the Netherlands that the Mexican proposal must not be allowed to put the cart before the horse; it was not an amendment but should be considered as an alternative to draft resolution A/C.3/34/L.75 calling for the adoption of the draft Convention. To avoid confusion the representative of Mexico should withdraw his proposal and resubmit it at a later stage when the text of the draft Convention was ready.
38. Mrs. de ROSENHOUSE (Guatemala) supported the representatives of the Netherlands and Australia and requested the representative of Mexico to withdraw or defer his proposal.

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39. Mr. DESKER (Singapore) said that the Committee should move on to consideration of the text of the draft Convention and decide later what to do with that text.

40. Mr. THIAM (Senegal) said that in the light of the discussion in the Committee it was unreasonable to expect that the Committee could examine and adopt the draft Convention at the current session. There was the problem, referred to by several delegations, that the text would be in conflict with existing legislation under the various social and legal systems represented in the United Nations. Many conventions had been adopted but there had been less success in having them ratified and generally implemented. He therefore supported the Mexican proposal.

41. The CHAIRMAN said he would suspend the meeting to consult with a representative of the Legal Office as to how to proceed with regard to the various proposals before the Committee.

The meeting was suspended from 5.15 p.m. to 5.25 p.m.

42. Mr. GONZALEZ de LEON (Mexico) expressed regret that his procedural proposal appeared to have been misunderstood as an amendment. However, he felt that the problem could be solved by moving an amendment to document A/C.3/34/L.75 under which operative paragraphs 1 and 2 would be replaced by the following two operative paragraphs conceived along the lines of the draft decision in document A/C.3/34/L.79:

"1. Warmly congratulates the Working Group which prepared the Draft Convention on the Elimination of Discrimination against Women, contained in document A/C.3/34/L.79:

"2. Decides to transmit the draft to the Governments of Member States in order that they may have an opportunity to submit their final observations to the Secretariat so that the General Assembly may consider them in the Sixth Committee at its thirty-fifth session and adopt the draft in 1980."

If that would solve the problem, his delegation would be prepared to submit the proposed amendment formally, provided the draft Convention would not thereby cease to be a draft.

43. The CHAIRMAN said that the representative of the Legal Office had confirmed that the text would retain its status as a draft.

44. Mr. GONZALEZ de LEON (Mexico) said that in that case he would submit the text he had just read out as an amendment to the draft resolution in document A/C.3/34/L.75 and withdraw the draft decision in document A/C.3/34/L.79.

45. The CHAIRMAN suggested that, under rule 106 of the rules of procedure, the debate on the subject should be closed and the Committee should proceed to consideration of the amendments and of the passages in square brackets.

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46. It was so decided.
47. Mrs. SIBAL (India) said she wished to add the words "and foreign occupation" to her subamendment to the eleventh preambular paragraph in order to make it more acceptable to the Algerian representative.
48. Mrs. SEMICHI (Algeria) indicated her acceptance of that change.
49. Mr. EDIS (United Kingdom) expressed the view that it would have been better to have a non-political preamble to the draft Convention. However, he was prepared to withdraw his amendment in document A/C.3/34/L.76 on the understanding that that would not preclude separate votes on the preambular paragraphs once the question of square brackets and subamendments had been cleared up and provided that, if the draft Convention was referred to Governments, as had been proposed by Mexico, the records of the debate, including the proposal in document A/C.3/34/L.76, would also be transmitted to Governments.
50. Mr. WANG Jiechen (China) said that his amendment to the tenth preambular paragraph contained in document A/C.3/34/L.77 had used the words "foreign aggression, interference, domination and occupation". However, he was prepared to accept the Syrian subamendment so that the text would read "aggression, foreign occupation and domination, interference in the internal affairs of States".
51. Mr. O'DONOVAN (Ireland), speaking on a point of order, proposed that the voting should be postponed until the evening meeting.

The meeting rose at 6 p.m.