COMMENTS OF GOVERNMENTS ON THE TEXT OF THE DRAFT
CONVENTION ON NATIONALITY OF MARRIED WOMEN

(ADDENDUM)

Table of Contents

<table>
<thead>
<tr>
<th>Introduction</th>
<th>ARGENTINA</th>
<th>AUSTRALIA</th>
<th>LEBANON</th>
<th>PAKISTAN</th>
<th>SYRIA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PAGE

2
3
5
6
7
8
INTRODUCTION

Since document E/CN.6/259 was issued the Secretary-General has received communications from the Governments of Argentina, Australia, Lebanon, Pakistan and Syria containing comments on the draft Convention of the Nationality of Married Women. These comments are set forth below.
"...In this connexion, my Delegation has to inform you that there are no provisions in Argentine legislation relating expressly to the nationality of married women, there being no reference to the subject in Act No. 2393 on civil marriage, Act No. 11,357 on the civil rights of women, or Act No. 346, or the recently enacted legislation which repeals it. (No. 14,354 of 9/10/54, on nationality, citizenship and naturalization).

The question is, however, covered by the National Constitution, which lays down the principle of *jus soli* with regard to nationality (Powers of Congress - article 68, paragraph 11: the power to enact general legislation for the entire nation in respect of naturalization and citizenship, in accordance with the principle of natural nationality). Under such a system a woman cannot become a national solely by reason of her marriage.

There is also a tendency in international law to eliminate changes of nationality as a result of marriage. The evolution of ideas regarding the matrimonial regime (the "pater" of the old family organization) and the important role of women in modern society, call for the granting of equal status with men, and there is no valid reason for depriving a woman on marriage of a status which is her own and inherent in her person. A married woman should retain her nationality of origin. Neither marriage nor its dissolution should affect the nationality of the spouses. In this matter, neither legislation nor practice should make any distinction on grounds of sex.

As the draft convention is in conformity with these principles and those embodied in Argentine domestic legislation, this Delegation has no objection to it from this point of view.

The provisions of article 10 in regard to the referral to the International Court of Justice of any dispute which may arise between any two or more Contracting States concerning the interpretation or application of the Convention, however, call for comment.

As the Argentine Republic has not accepted the compulsory jurisdiction of the Court, and reserves the right, in international disputes to agree to the mode of settlement which it deems appropriate in each case, this Delegation
considers that the article should be deleted or amended so that no particular mode of settlement is compulsory for the parties to any dispute which may arise."
"... the comments of the Australian Government on this draft Convention are as follows:

Article 3 is objectionable in so far as nobody under Australian law has the right to naturalization, the grant of which in every case lies within the discretion of the responsible Minister. The proposed Convention would impart the concept of 'right' - which presumably is intended to be an enforceable right.

Section 15 (4) of the Australian Nationality and Citizenship Act defines the conditions under which the alien wife or widow of an Australian citizen may be granted a certificate of naturalization. The conditions are less restrictive than those normally applicable.

The Australian Government wishes to reserve its position on the Convention generally and also to reserve its right to submit oral comment on the text at the Ninth Session of the Commission on the Status of Women and in other organs of the United Nations."
XVIII. LEBANON

"... The Ministry of Foreign Affairs... has no special comments to make on the Convention on the Nationality of Married Women, the provisions of which it finds, as a whole, acceptable."
XIX. PAKISTAN

"... the Government of Pakistan are in general agreement with the provisions of the draft Convention on the Nationality of Married Women."
XI. SYRIA

"... The Syrian Nationality Act, article 9, paragraphs 1 and 2 provides:

ARTICLE 9:
1. A foreign woman marrying a Syrian national may acquire Syrian nationality only by virtue of a decree issued after examination of her case and on her application....
2. Notwithstanding the provisions of paragraph 1 hereof, a foreign woman of Arab origin shall become Syrian on marriage to a Syrian national.

Similarly, article 13, paragraph 1 provides that:

ARTICLE 13:
1. A Syrian woman who marries an alien shall lose her Syrian nationality if the nationality of her husband is conferred upon her by the law of his country; but otherwise she shall retain her Syrian nationality.

The articles quoted are incompatible with articles 1 and 2 of the draft Convention. They were inspired by concern to preserve the unity of the family, the head of which is considered in Syrian legislation to be the husband."