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UNITED NATIONS CONFERENCE ON ROAD AND MOTOR TRANSPORT  
COMMITTEE I ON LEGAL AND GENERAL MATTERS AND DOCUMENTS

## SUMMARY RECORD OF THE NINETEENTH MEETING

Held at the Palais des Nations, Geneva,  
on Saturday, 10 September 1949, at 9.30 a.m.

CHAIRMAN: Mr. MIKAÛI (Lebanon)

SECRETARY: Mr. HOSTIE

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1. CONSIDERATION OF DRAFT PROVISIONS FOR INSERTION IN A CONVENTION ON ROAD AND MOTOR TRANSPORT PREPARED BY THE ECONOMIC COMMISSION FOR EUROPE (Item 4 of the Conference Agenda) (Documents E/CONF.8/3, E/CONF.8/30 and MRT/30/49\*) (Continued)

Annex 12 (now Annex 11) (continued)

The Committee resumed discussion of Annex 11 (former Annex 12) of the ECE draft (Document E/CONF.8/3, pages 64 and 65)

Mr. HOCKING (United Kingdom) proposed that the Committee adopt the suggestion of his delegation (Document MRT/30/49\*, page 4) in so far as it related to withdrawal of a driving permit or of the right to use one. He did not expect the Committee to adopt the rest of the suggestion since the Committee had rejected the draft paragraph 6, which the United Kingdom delegation had proposed should be inserted in Article 22. But since the Committee had decided that a Contracting State might record on the driving permit issued by another Contracting State the withdrawal by it of the use of that permit the necessary space should be provided on the permit.

Mr. RUMPLER (France) said that he would vote against the adoption of the proposal, since a Contracting State should not be given the right to record anything on a driving permit issued by another Contracting State.

The proposal was rejected by 5 votes to 3 with 3 abstentions.

The Committee adopted Annex 12 (now Annex 11) (Model national driving permit) (Document E/CONF.8/3, pages 64 and 65)

Annex 13 (now Annex 12)

On the proposal of Mr. BANERJI (India),  
the Committee agreed to make to Annex 12 the same  
amendments which it decided at its previous meeting to make  
to Annex 11 on the proposal of the representative of India.

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Mr. BLOM-ANDERSEN (Denmark) proposed that pages 1 and 2 of the international driving permit should be drawn up only in the official national language or languages of the State in which the permit was issued; that contracting states should not be obliged to draw up the remainder of any international driving permit they issued in at least four languages other than the official languages of the United Nations as well as in the official languages of the United Nations, and that the words in the explanatory text on page 66 of Document E/CONF.8/3 "Nevertheless, pages 4 and 5 will be drawn up in French only" be deleted, since he believed they had been copied from an earlier draft by mistake.

On the proposal of Mr. SPARROW (United States of America), the Committee decided that the words "Issue of permit" should not appear on page 1 of the international driving permit, since they would be redundant.

Mr. RUMPLER (France) said that the work of national authorities would be made easier if the parts of the international driving permit in French were always to be found in the same place in the permit.

On the proposal of Mr. von HEMERT (Netherlands), the Committee agreed to substitute for the first seven lines of the explanatory text on page 66 of Document E/CONF.8/3 ending with the words "in French only" the following text:

"Pages 1 and 2 will be drawn up in the official national language or languages of the State in which the permit is issued.

The last page will be drawn up entirely in French.

Other pages of the International Driving Permit will be drawn up in the following languages:

- (a) language(s) prescribed by the laws of the issuing state,
- (b) the official languages of the United Nations,
- (c) in at the most six other languages, chosen at the discretion of the issuing state."

On the proposal of Mr. von HEMERT (Netherlands),  
the Committee agreed to insert the word "cover" under the words "Page 1" on page 66 of Document E/CONF.8/3, and the words "inside cover" under the words "Page 2" on page 67.

On the proposal of Mr. BLOM-ANDERSEN (Denmark),  
the Committee agreed to substitute the words "the last page" for the words "page 7" on page 67 of Document E/CONF.8/3.

On the proposal of Mr. SPARROW (United States of America),  
the Committee decided to insert the words "with the exception of the Contracting State in which issued" after the words "of the Contracting States" on page 67 of Document E/CONF.8/3.

Mr. SPARROW (United States of America) proposed the insertion on page 3 of the international driving permit of the words "Holder of domestic permit No..... issued by..... on....." under the words "Permanent place of residence 5 . 5 ....." (Document E/CONF.8/3, page 68)

Mr. HOCKING (United Kingdom) said that since in many cases drivers would be issued with international driving permits after they had held a national permit for some time, the validity of the national permit would probably expire some time before the validity of the international permit; consequently if the United States proposal were adopted, the information which would be inserted in the space would become out of date before the validity of the international permit expired.

Mr. von HEMERT (Netherlands) expressing agreement with the representative of the United Kingdom, said that the addition was unnecessary, since the Committee had agreed that page 67 (Document E/CONF.8/3) of the permit should be amended in the way proposed by the representative of the United States.

Mr. MORGANTI (Italy) said that he was opposed to the adoption of the amendment proposed by the United States representative

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to page 68, because he considered that the international driving permit should be considered valid without any supporting document.

Mr. SPARROW (United States of America), withdrew his proposal.

On the proposal of Mr. von HEMERT (Netherlands),  
the Committee agreed to amend page 68 of Document E/CONF.8/3 by transferring the words "page 3" to the centre of the top of the page, by adding as the title on the left-hand side the words "Last page, first part" and on the right-hand side "Last page, second part" and by altering the footnote to "Additional pages will repeat in other languages only the first part of the text of this page".

The Committee adopted Annex 13 (now Annex 12) (Document E/CONF.8/3, pages 66, 67 and 68) as amended.

#### Article 23

Mr. HOCKING (United Kingdom) proposed that in Article 23 of the ECE Draft (Document E/CONF.8/3, page 18) the words "the person in whose name a foreign vehicle involved in a serious accident is registered" be substituted for the words "owners of a foreign vehicle which has been involved in a serious accident." In the United Kingdom each vehicle was not necessarily registered in the name of its owner.

Mr. AZKOUL (Lebanon) said that he could agree to the adoption of the proposal, if the words "the owner or" were inserted before the of words "the person".

The Committee agreed to substitute the words "the owner or the person in whose name a foreign vehicle involved in a serious accident is registered" for the words "owners of a foreign vehicle which has been involved in a serious accident" in Article 23 (Document E/CONF.8/3, page 18).

The Committee unanimously adopted Article 23 (Document E/CONF.8/3, page 18) as amended.



## Article 21

The CHAIRMAN invited comments on the letter from Committee II which he had read out at the previous meeting, requesting the present Committee to give its opinion on the legal problem raised by the amendment proposed by the Yugoslav Government (Document E/CONF.8/3, page 6) to Article 21 of the ECE draft (Document E/CONF.8/3, page 17).

Mr. PANTELIC (Yugoslavia) said that his Government considered that the main international highways should be designated at the national level.

Mr. AZKOUL (Lebanon) was in favour of the adoption of the amendment.

Mr. RUMPLER (France) said that it was desirable to draw attention to the advantages to be derived from making international agreements about the designation of main international highways. It was unlikely that one body would be able to designate main international highways throughout the whole world. He suggested that the words "However on certain highways designated in regional agreements and located within the territories of states parties to such agreements, or in the absence of such agreements by each Contracting State" should be substituted for the words "However on certain designated highways" in Article 21 of the ECE Draft.

Mr. GILLENDER (United Kingdom) said that he could not agree to the insertion of the words proposed by the representative of France. They would imply that some states could designate a main international highway in another state, they would imply that by becoming parties to the convention states had agreed to a limitation of their powers, and they might lead to interference with the national sovereignty of Contracting States. He warmly approved of the work done by the ECE Working Party on Highways. But his Government could not agree to that work being linked to Annex 9 (Dimensions and weights of vehicles) of the proposed convention. Each Contracting State should be permitted to retain in full its right to designate main international highways in its territories. He would strongly deprecate any proposal that there should be inserted

/in the convention

in the convention a clause which might give even the slightest suggestion that Contracting States should permit vehicles in international traffic, conforming to the provisions in Annex 9, but not to their national regulations about maximum dimensions, to circulate on certain of their highways.

Mr. GOTTRETT (Switzerland) was entirely in favour of the insertion of the words proposed by the representative of France.

Mr. SCHAEPMAN (Netherlands) said that the insertion of the words proposed by the representative of France would not infringe the national sovereignty of any Contracting State, nor would it oblige any Contracting State to implement the decisions of other Contracting States. He would vote in favour of the insertion of the words because it would make the meaning of Article 21 in the ECE Draft more clear.

Mr. MORGANTI (Italy) said that the value of the provisions in Annex 9 would be less if each Contracting State were left to designate main international highways in its territories without consulting any other State.

Mr. GILLENDER (United Kingdom) said that he was certain that each Contracting State would consult other States before designating main international highways in its territories, whether the words proposed by the representative of France were inserted or not.

The SECRETARY announced that, since making the request, Committee II had adopted subject to the opinion of Committee I on the point, a new draft of Article 21.

Mr. SPARROW (United States of America) said that he could accept the new text of Article 21 as adopted by Committee II.

Mr. GILLENDER (United Kingdom) said that he was in favour of the inclusion in the Convention of the text for Article 21 adopted by Committee II. The words proposed by the representative of France could not be inserted in that text without making it incoherent. Were not the words in paragraph 1 of Annex 9 sufficient to enable the representative of France to withdraw his proposal?

After some discussion as to whether the Committee was competent to recommend amendments to the text adopted by Committee II,

the Committee agreed by 9 votes to 2 with 3 abstentions to recommend that the words proposed by the representative of France "However on certain highways designated in regional agreements and located within the territory of states parties to such agreements, or in the absence of such agreements by each Contracting State" be included in Article 21 of the Convention.

After a lengthy discussion as to whether the Committee should send a letter in reply to the letter containing the request of Committee II, either to the Chairman of Committee II or to the President of the Conference,

the Committee agreed that a letter should be sent to the President of the Conference informing him of the foregoing decision.

2. DRAFT PROVISION ON NATIONAL SECURITY FOR INSERTION IN A CONVENTION ON ROAD AND MOTOR TRANSPORT ADOPTED BY THE LEBANESE DELEGATION (Document E/CONF.8/39).

Mr. AZKOUL (Lebanon) submitted a modified version of his original amendment. He pointed out that, while it was accepted as a general principle that nothing in a Convention or in the United Nations Charter itself should prevent states from taking measures necessary for their internal security, many countries would be happier if that were explicitly stated in the present Convention; hence the Lebanese amendment. In order to meet the wishes of certain delegations the latter had been re-drafted and simplified. The phrase "either singly or with other states" on line 2 had been deleted. The phrase "public order" on line 3 had also been deleted, since the conception of public order was open to misuse by governments. The text as amended read: "Nothing in this Convention shall be construed to prevent a contracting State: from taking action consistent with the provisions of the Charter of the United Nations, which it considers necessary for its external or internal security."

Mr. RUMPLER (France), agreeing that the amendment embodied an international legal principle which could not be contested, thought that it would be sufficient if the statement were included in the

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summary record, where it would also be stated that there had been no objection to it on the part of any delegation.

Mr. de SYDOW (Sweden) supported the French proposal.

Mr. SCHAEPMAN (Netherlands) also supported the French proposal, considering such a provision to be outside the scope of a technical convention. Moreover there existed a standard text for such provisions when included in conventions. He thought the point was covered by Chapter I of the Convention which clearly laid down that any matter not dealt with in the Convention came within the jurisdiction of the individual state.

Mr. GILLENDER (United Kingdom), supporting the Lebanese amendment, pointed out that such provisions had often been included in technical conventions, notably the Chicago Convention on Air Traffic; a precedent therefore existed. To his mind, however, the danger of the Lebanese proposal was that it might be used as an excuse for non-compliance with the provisions of the Convention. He reserved his position until he had an opportunity to consider more carefully the amended proposal.

Mr. BANERJI (India) thanked the representative of the Lebanon for raising a point with which he whole-heartedly agreed. Since that particular clause had appeared in other technical conventions, he thought that it should be included in order to give the states a feeling of added security.

Mr. GILLENDER (United Kingdom) proposed that the word "necessary" in the last line be replaced by "essential" and the words "and limited to the exigencies of the situation" be added before the final phrase "which it considers necessary ...."

Mr. AZKOUL (Lebanon) was prepared to accept those amendments. With regard to the reference to a set formula for that type of provision, he pointed out that United Nations practice had always been to adopt a special text for individual conventions, in conformity with the language of the convention.

He insisted again that, since international law was not written but merely understood, the addition of the provision on national

/security was a

security was a necessity, and its omission might lead states to hesitate before signing the Convention.

Mr. RUMPLER (France), withdrew his proposal.

Mr. BANERJI (India) presented a text of the provision as agreed by the representatives of the Lebanon and of the United Kingdom. This read: "Nothing in this Convention shall be construed as preventing the contracting States from taking action compatible with the provisions of the Charter of the United Nations, and limited to the exigencies of the situation, which it considers necessary for its external or internal security".

The Committee unanimously agreed to include the above provision in the Convention on Road and Motor Transport.

3. AMENDMENT TO ANNEX 12 (Now Annex 11) PROPOSED BY THE UNITED KINGDOM DELEGATION (Document MRT/30/49\*)

The CHAIRMAN informed the meeting that Committee II, to which the United Kingdom amendment in Document MRT/30/49\* had been referred, had found the amendment unacceptable. Committee II thought that the only alternative would be to allow three-wheeled motor vehicles to be coupled with a trailer without brakes with an unladen weight not exceeding 50 per cent of the unladen weight of the drawing vehicle; if the trailer were fitted with a braking device, its unladen weight should not exceed two-thirds of the unladen weight of the drawing vehicle. The alternative had not been put to the vote, but several delegations had raised objections to it, on the grounds that even that would not meet their national requirements.

Mr. HOCKING (United Kingdom) did not press his proposal, but reserved the right to raise the question in plenary, if his delegation were unwilling to abandon it.

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4. AMENDMENT TO ANNEX 6 PROPOSED BY THE NETHERLANDS REPRESENTATIVE.

Mr. von HEMERT (Netherlands) reminded the meeting that the Netherlands amendment on distinguishing signs for motor cycles had been referred to Committee II. Since time had not permitted its discussion at that morning's meeting, the Chairman of that Committee and himself had taken the initiative of submitting the amendment to Committee I.

The 1926 Convention had laid down that the dimensions of signs for motor cycles must be 180 mm. by 120 mm. Paragraph 2 of Annex 6 allowed a minimum of 175 mm. x 115 mm. for all vehicles if the sign carried less than three letters. The Netherlands proposal was the addition of a paragraph to run: "So far as motor cycles are concerned the dimensions provided for under paragraph 2 may be reduced by one-third". That was only logical, in view of the fact that in most countries registration plates for motor cycles were smaller than for motor cars.

In reply to a question by Mr. HOCKING (United Kingdom), he said that the dimensions he had proposed were for the plate, not for the letters themselves, and that could be specified if the meeting wished.

Mr. BANERJI (India) suggested that the proposal might read "may be reduced to not less than two-thirds".

Mr. HOCKING (United Kingdom) proposed that the dimensions of the plate be 175 mm. by 115 mm. for all motor cycles, regardless of the number of letters.

Mr. von HEMERT (Netherlands) accepted the United Kingdom amendment to his proposal.

The Committee unanimously adopted the proposal that the dimensions for all motor cycle number plates be 175 mm. x 115 mm.

The meeting rose at 1.20 p.m.

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