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held at the Palais des Nations, Geneva,
on Friday, 3 August 1951, at 3 p.m.

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Present:

Chairman: Mr. EYSKENS

Members:

Belgium	Mr. BLONDEEL Mr. HUYBRECHTS
Canada	Mr. REISMAN
Chile	Mr. DONOSO
China	Mr. YU Mr. CHA
Czechoslovakia	Mr. KAISR
France	Mr. DEVINAT
India	Mr. KRISHNAMACHARI
Iran	Mr. KAZEMI
Mexico	Mr. GONZALEZ SOSA
Pakistan	Mr. Hadi HUSSAIN
Poland	Mr. KATZ-SUCHY Mr. BLUSZTAJN
Sweden	Mr. STERNER Mr. WESTERLIND
Union of Soviet Socialist Republics	Mr. MOROSOV
United Kingdom of Great Britain and Northern Ireland	Mr. CORLEY SMITH
United States of America	Mr. LUBIN
Uruguay	Mr. CHARLONE

Representatives of specialized agencies:

International Labour Organisation	Mr. HOWENSTINE
International Telecommunication Union	Mr. MULATIER

Representatives of non-governmental organizations:

Category A

International Federation of Agricultural Producers	Mr. CAIRNS

Category B and Register

International Federation of Newspaper Publishers (Proprietors) and Editors	Mr. BOURQUIN
International Statistical Institute	Mr. NIXON

Secretariat:

Mr. Lukac	Director, Division of Transport and Communications
Mr. Dumontet	Secretary to the Committee

REPORT OF THE TRANSPORT AND COMMUNICATIONS COMMISSION (FIFTH SESSION) (item 11 of the Council agenda) (E/1980, E/1980/Corr.1, E/AC.6/L.48, E/AC.6/L.49, E/AC.6/L.50) (continued)

Draft resolution F - Pollution of sea water (continued)

The CHAIRMAN, referring to draft resolution F (E/1980, paragraph 81) submitted by the Transport and Communications Commission for adoption by the Council, drew attention to the fact that the Committee had before it amendments thereto submitted by the Canadian (E/AC.6/L.49) and Indian (E/AC.6/L.50) delegations.

Mr. DEVINAT (France) said that the French delegation preferred the Indian amendment, which seemed simpler and more general than that submitted by the Canadian delegation.

Mr. REISMAN (Canada) said that he was prepared to withdraw his amendment in favour of that submitted by the Indian delegation. Should, however, the Indian amendment be rejected by the Committee, he would prefer his own amendment to sub-paragraph 3(b) of draft resolution F as drafted by the Transport and Communications Commission.

Mr. BLONDEEL (Belgium) thought that before any decision was taken on the amendments, it would be useful if the Secretariat could inform the Committee how many instruments of ratification had already been deposited in respect of the Convention on the Inter-Governmental Maritime Consultative Organization (IMCO). He intimated that Belgium's instrument would be deposited with the Secretary-General of the United Nations very shortly.

Mr. LUKAC (Secretariat) pointed out that in paragraph 19 of the Commission's report, which dealt with the situation in respect of the ratification of the Convention, six countries were mentioned as having ratified the Convention by the date on which the report had been issued, namely, 6 April 1951.

The Secretariat had subsequently been notified that the Governments of France and Burma had also ratified the Convention. Thus, in the light of the

Belgian representative's statement, the Belgian Government would be the ninth to have completed the process of ratification. In addition, the Norwegian Government had initiated the necessary parliamentary procedure. No information had as yet been received from other governments. The Secretariat had, however, reason to believe that once seven countries possessing over one million tons of merchant shipping each, one of the requirements necessary to enable the Convention to come into force, had become parties to it, the remainder would most probably take speedy action.

In reply to a question by Mr. DEVINAT (France), he confirmed that Norway, should it ratify the Convention, would in fact become the seventh country possessing over a million tons of merchant shipping to do so.

At its fourth session, in 1950, the Transport and Communications Commission had considered the solution envisaged in the Indian amendment. It had, however, not thought it desirable to delay alternative action unduly long, should IMCO fail to come into being in the relatively near future.

The CHAIRMAN noted that the Canadian amendment had been withdrawn, and accordingly put to the vote the Indian amendment (E/AC.6/L.50), corrected to read as follows:

"(1) in paragraph 3(a) to replace the words 'if it has started functioning by the middle of the year 1952' by the words 'when it starts functioning',
(2) to delete paragraph 3(b)."

The Indian amendment to draft resolution F was adopted by 11 votes to 1 with 3 abstentions.

Mr. CORLEY SMITH (United Kingdom), explaining his vote against the Indian amendment, said that although the United Kingdom delegation had been prepared to support the Canadian amendment, it had not found it possible to go so far as the Indian delegation proposed.

Draft resolution F, as amended, was adopted by 11 votes to none, with 3 abstentions.

Draft resolution G - Application of certain non-governmental organizations for consultative status.

The CHAIRMAN said that, as the Council Committee on Non-Governmental Organizations was dealing with the subject matter of draft resolution G, there was no need for the Economic Committee to discuss it. He therefore suggested that draft resolution G be deleted.

It was so agreed.

Draft resolution H - Discrimination in transport insurance.

The CHAIRMAN pointed out that in consequence of the decision just taken, draft resolution H, on discrimination in transport insurance, would become draft resolution G.

Mr. KRISHNAMACHARI (India) said that the Indian representative on the Transport and Communications Commission had expressed the Indian Government's view that circumstances might make it necessary for it to impose some restrictions in connexion with insurance contracted in other countries. With that reservation, he would support the draft resolution.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that at the fifth session of the Transport and Communications Commission the Soviet Union delegation had objected to the adoption of any resolution which in effect advocated changes in national regulations governing transport insurance, on the ground that any such action would involve interference in the domestic affairs of States. The interference entailed by the implementation of draft resolution H, which was based on a proposal submitted by the United States delegation, would be inimical to the interests of certain States, especially to those of the under-developed countries. The Soviet Union delegation would accordingly vote against draft resolution H.

Mr. Hadi HUSSAIN (Pakistan), replying to the representative of the Soviet Union on behalf of the under-developed countries, said that there existed

in Pakistan no system of discrimination in transport insurance for the benefit of Pakistani nationals. His delegation was therefore in full sympathy with the principle laid down in the draft resolution, for which it would vote.

Draft resolution H (henceforth resolution G) was adopted by 11 votes to 3.

Draft resolution D - Customs formalities for international road transport and touring (resumed from the preceding meeting)

The CHAIRMAN invited the Committee to revert to its discussion of draft resolution D on customs formalities for international road transport and touring, to which there were two United Kingdom amendments. He invited comments on the first of those amendments (E/AC.6/L.48).

Mr. Hadi HUSSAIN (Pakistan) reiterated his contention, stated at the preceding meeting, that to adopt the United Kingdom amendment would create an undesirable precedent.

He stressed the fact that the documentation referred to in paragraph (1) of the draft resolution had been prepared by international bodies and thoroughly studied by the Transport and Communications Commission, whereas the United Kingdom draft World-wide Convention on Tourism had not been considered by the Commission. Nor would the present Committee have the opportunity of studying it in detail, although, if the United Kingdom amendment were adopted, that would imply that the draft world-wide Convention had, in principle, received the Committee's preliminary approval.

He was also opposed to the adoption of the United Kingdom draft Convention on the ground that other governments had not had a similar opportunity of presenting their views on the subject.

He was sure that the United Kingdom representative would appreciate those considerations, and he therefore appealed to him to withdraw his first amendment (E/AC.6/L.48).

Mr. BLONDEEL (Belgium) did not share the Pakistani representative's

misgivings. He considered that the draft World-wide Convention put forward by the United Kingdom Government could quite properly be transmitted to the other governments concerned without that implying that the Economic Committee regarded it favourably.

On the other hand, he recalled that, as he had already pointed out at the preceding meeting, the Draft International Customs Convention on Touring, which had been concluded under the auspices of the Economic Commission for Europe (ECE), had already been put into effect provisionally by certain governments. It would be necessary for the Secretariat to take that fact into account when transmitting the documentation in question to the governments concerned.

Mr. KRISHNAMACHARI (India) could not support the Pakistani representative's arguments. He agreed with the Belgian representative that it would be quite proper to add the United Kingdom draft World-wide Convention on Tourism to the list of documents mentioned in paragraph (1) of draft resolution D.

In view of the fact that those documents were being submitted to governments only for consideration, and that governments would in no way be committing themselves finally on the draft conventions concerned, it would be undesirable for the Economic Committee to rule out any suggestions emanating from any government or from any other competent body.

He believed the United Kingdom amendment to be a most helpful one, and would support it.

Mr. LUBIN (United States of America) said that, although he fully appreciated the purposes behind the United Kingdom amendment, he agreed with the Pakistani representative that it was important that the correct procedure should be followed.

He would welcome information from the representative of the Secretary-General as to whether any precedent existed for the addition to a report of a new, unilateral proposal by a government, once the report had been approved by the subsidiary body of the Council in question.

He believed that a satisfactory compromise might be achieved by including the text of the first United Kingdom amendment (E/AC.6/L.48) and the Appendix thereto in the record of the discussion which had taken place in the Committee and circulating that record to Member Governments.

Mr. LUKAC (Secretariat) said that there was no exact precedent for the position which had arisen in respect of the United Kingdom amendment. It should, however, be noted that draft resolution D did, in fact, in sub-paragraph (2)(c), invite governments to propose any modifications they considered desirable to the draft International Customs Convention on Touring. It was clear, therefore, that comments from governments might take the form of new draft conventions. However, whether or not such comments should be included in the documentation to be circulated at the present stage was a matter for decision by the Council.

With regard to the Belgian representative's statement, he said that although the Draft International Customs Convention on Touring had indeed been put into effect provisionally by certain governments, it was stipulated in the Convention that it should be superseded by any world-wide convention on the subject which might be adopted at any future time.

Mr. DEVINAT (France) remarked that, while the method of transmission to governments contemplated in the United Kingdom amendment did not appear to be entirely correct, the proposed draft World-Wide Convention on Tourism would seem, at first sight, to deserve consideration. There could be no question, therefore, of preventing its transmission to Governments. However, in his opinion, the Council should take no part in it; the United Kingdom Government could very well ask the Secretary-General of the United Nations to transmit its draft Convention to all States Members of the United Nations.

Mr. CORLEY SMITH (United Kingdom) emphasized the fact that at no time had the United Kingdom delegation asked the Committee to endorse the draft convention contained in Appendix 1 to its amendment. The United Kingdom Government had prepared the draft convention with the aim of providing a constructive and helpful text for consideration by other Member Governments.

He appreciated the objections raised by the representatives of Pakistan, the United States of America and France, based on the undesirability of including a text prepared by an individual government in a list of documents prepared by international bodies. In order to meet that difficulty, he suggested that paragraph (1) of draft resolution D should remain as it stood, but be re-numbered (1)(a), and that an additional sub-paragraph, (1) (b), be included, reading as follows:

"To circulate likewise to the above governments the draft Convention put forward by the United Kingdom Government."

The United Kingdom delegation did not wish to press the procedural issue. It was willing to agree to any procedure which would make it possible for its draft convention to be circulated together with the documents mentioned in order that their respective merits might be weighed at one and the same time.

Mr. YU (China) supported the previous speakers who had contended that the inclusion of the United Kingdom draft Convention in draft resolution D would be procedurally incorrect. He thought it would be preferable for the United Kingdom Government to transmit the draft World-wide Convention by the other means at its disposal, rather than through the Economic and Social Council.

He would, however, be prepared to support the United States suggestion that the draft World-wide Convention should be incorporated in the record of the meeting.

Mr. REISMAN (Canada) believed that it would considerably expedite consideration by governments of the relevant documentation if the United Kingdom draft Convention could be circulated together with the documents already mentioned in paragraph (1) of draft resolution D. He did not think that to do so would in any way confer special status on it, or imply that the Committee had endorsed its contents.

He was therefore prepared to support the United Kingdom amendment, particularly in the revised form just suggested by the United Kingdom representative.

Mr. KRISHNAMACHARI (India) said that, in order to facilitate a practical solution, he would support the suggestion made by the United States representative, and appealed to the United Kingdom representative to agree to the procedure outlined in that suggestion.

Mr. DONOSO (Chile) also supported the United States suggestion. He was not prepared to accept the United Kingdom amendment, even in its modified form, since he did not believe that to mention the United Kingdom draft Convention in a separate paragraph would necessarily convey that it did not enjoy the same status as the documents mentioned in paragraph (1) of draft resolution D.

Mr. Hadi HUSSAIN (Pakistan) maintained that any mention of the United Kingdom draft convention, even if only in the record of the meeting, would be highly irregular.

In view of the fact that the Council had not studied the implications of the United Kingdom proposal, he could not commit his Government to endorsement of it. Moreover, in his opinion, the United Kingdom Government had anticipated the implementation of sub-paragraph (2)(c) of draft resolution D by presenting its proposals at the present stage.

He renewed his appeal to the United Kingdom representative to withdraw his amendment, and to circulate his Government's proposals independently.

Mr. CORLEY SMITH (United Kingdom), replying to the representative of Pakistan, said that the Council had the undoubted right to adopt any amendment it saw fit to a draft resolution submitted to it by a subsidiary body. However, the United Kingdom delegation was concerned solely with the practical results that could be achieved by communicating its Government's views on that question; the United Kingdom Government had expended much effort in drawing up the draft World-wide Convention, which it believed to be a most useful paper. It was therefore prepared to agree to any reasonable proposal which would ensure that its draft Convention would be given thorough consideration at the same time as the other relevant documentation; but it was clear that it would be difficult to make certain of that if the draft were transmitted through normal diplomatic channels.

Mr. REISMAN (Canada) commended the work done by the United Kingdom Government in drawing up the draft convention, which he was sure was widely appreciated. As a compromise, he suggested that the United Kingdom proposal be incorporated in draft resolution D, together with any draft text any other government might wish to submit.

Mr. DEVINAT (France) supported the Canadian proposal. He thought, however, that its intention might be realized even more simply by adding at the end of paragraph (1) of draft resolution D the words: "as well as any draft convention proposed by a government".

Mr. CORLEY SMITH (United Kingdom) said that he could agree to the Canadian proposal either in its original form, or as amended by the French representative. If either were adopted, a consequential amendment would be required to paragraph 2 of draft resolution D.

Mr. REISMAN (Canada) accepted the French representative's suggestion.

Mr. LUBIN (United States of America) was unable to support the Canadian proposal as amended by the French representative, since there was a distinct difference between a draft convention which had been discussed in an international body and one put forward by an individual government.

Mr. Hadi HUSSAIN (Pakistan) said that the United Kingdom proposal might be an excellent one, but the way in which it had been submitted was incorrect. The only solution seemed to be that proposed by the United States representative, namely, to incorporate the United Kingdom amendment in the record of the proceedings, so that it could be circulated to governments in the normal way.

Mr. YU (China) supported the United States proposal, adding that the United Kingdom Government could transmit its proposals to other governments either through the good offices of the Secretary-General or through normal diplomatic channels.

Mr. CORLEY SMITH (United Kingdom) regretted that the Committee should have spent so much time in discussing the procedural aspects of the United Kingdom amendment. The best solution would seem to be for him to withdraw it, and to request his Government to forward its proposals to the Secretary-General for circulation to other Member Governments for their comments. If that were done, could the Director of the Transport and Communications Division assure him that in transmitting the United Kingdom proposals reference would be made to the other relevant documents mentioned in draft resolution D?

Mr. LUKAC (Secretariat) thought that the United Kingdom Government, in forwarding its proposals to the Secretary-General for circulation to other Member Governments, would obviously itself refer to the matter at present under discussion by the Committee. The Secretary-General would then be in a position, in transmitting the United Kingdom proposals to Member Governments, to refer to his own communication to them forwarding the Council's decision on the matter, as embodied in draft resolution D.

Mr. CORLEY SMITH (United Kingdom) accordingly withdrew his first amendment to draft resolution D.

The CHAIRMAN stated that, as the United Kingdom amendment to paragraph (1) of draft resolution D had been withdrawn, the other proposals on the same point put forward during the discussion would also be dropped.

He requested the United Kingdom representative to clarify the second amendment he had proposed to draft resolution D, relating to clause 2 (a) (i).

Mr. CORLEY SMITH (United Kingdom) explained that the United Kingdom Government considered that it would be possible eventually to draw up a convention covering both private and commercial vehicles. It would be better, therefore, to request the views of governments on the temporary importation not only of tourist vehicles, but also of commercial vehicles. He therefore proposed that the word "private" be deleted from clause 2(a)(i).

Mr. DEVINAT (France) stated that if the United Kingdom amendment were adopted, the word "véhicules" should be substituted for the term "voitures de tourisme" in the French text.

Mr. DONOSO (Chile) pointed out that a draft convention relating to customs formalities for tourism was under consideration; the expression "voitures de tourisme" should therefore not be construed too narrowly. Thus, for example, it should be possible to include in that category a commercial light van which was being used by the owner for touring. He therefore proposed the wording for clause 2(a)(i): "for the temporary importation for purposes of tourism of vehicles and their equipment."

Mr. KRISHNAMACHARI (India) agreed that the Chilean proposal would not exclude commercial vehicles, since it was possible for a commercial vehicle to be used for touring purposes. The Committee should not labour the point, however, since all that was required at the present stage was to obtain the views of governments. The definition of terms could be left until the convention itself came to be discussed. It might be better, therefore, to leave the text of clause 2(a)(i) as it stood.

Mr. Hadi HUSSAIN (Pakistan) thought the text might be improved if the word "private" were deleted, and the words "used at the time for touring purposes" inserted after the word "vehicles".

Mr. CORLEY SMITH (United Kingdom) emphasized the fact that his amendment was not one of drafting, but one of substance. Draft resolution D, in his Government's view, should be broadened to cover both private and commercial vehicles. He wished to know whether the Committee was in favour of that substantive proposal.

Mr. LUBIN (United States of America) said the draft resolution was specifically concerned with customs formalities for international road transport and touring, so that any mention of commercial transport would go beyond its scope. He would support the Chilean proposal that some such phrase as "vehicles

used for touring purposes" be used.

Mr. DONOSO (Chile) supported the observations of the United States representative. It was important not to depart from the intention of the draft resolution, which related exclusively to customs formalities for tourism.

Mr. REISMAN (Canada) pointed out that the General Agreement on Tariffs and Trade covered much of the substantive change which the United Kingdom delegation was seeking to introduce into draft resolution D. It would seem better, therefore, not to mention commercial vehicles.

Mr. YU (China) supported the views expressed by the United States, Chilean and Pakistani representatives, on the ground that it would be misleading if the draft resolution were broadened in the way suggested by the United Kingdom representative.

Mr. CORLEY SMITH (United Kingdom) said that he would withdraw his second amendment, as it seemed to command insufficient support.

The CHAIRMAN said that in that case the other proposals relating to the point would also be dropped.

Mr. CORLEY SMITH (United Kingdom) asked the Director of the Transport and Communications Division to clarify the meaning of the words in sub-paragraph 2(c) "as amended in accordance with proposals of the World Touring and Automobile Organization and the International Union of Official Travel Organizations .....".

Mr. LUKAC (Secretariat) replied that there were in fact two separate texts, one drawn up by the Economic Commission for Europe and already provisionally put in force, the second including amendments to that text submitted by the organizations mentioned in sub-paragraph 2 (c). It was therefore, perhaps, misleading to speak of the draft Convention "as amended" by those bodies, since the two texts were separate.

Mr. BLUSZTAJN (Poland) remarked that, in the light of the explanations just given by the representative of the Secretariat, it was actually incorrect to state in sub-paragraph 2 (c) that the draft convention had been "amended in accordance with proposals of the World Touring and Automobile Organization .....".

The CHAIRMAN agreed, and suggested that the words "as amended in accordance with" should be replaced by the words "and of the".

It was so agreed.

Draft resolution D, as amended, was adopted by 12 votes to 3.

Draft resolution A

Draft resolution A was adopted by 12 votes to none, with 3 abstentions.

The meeting rose at 5.30 p.m.