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TRAFFIC REGULATION ON THE INTER-AMERICAN HIGHWAY

Note by the Executive-Secretary

The Executive-Secretary, in document E/CN.12/237, brought to the attention of the members of the Economic Commission for Latin America the note which he had received from the United States Ambassador to the Government of Chile containing the proposal of the United States Government that there be added to the agenda of the fourth session of the Economic Commission for Latin America an item entitled "Traffic Regulation on the Inter-American Highway", together with a draft resolution proposed by the United States Government. The Executive-Secretary in the present document brings to the attention of the members of the Economic Commission for Latin America certain additional information relating to this subject.

CONVENTION ON ROAD TRAFFIC, GENEVA, 1949

The Convention on Road Traffic, concluded at Geneva in 1949 is the most modern and comprehensive of a series of international agreements regulating international road traffic. The first of these agreements was the International Convention  
/for the Circulation  
E/CN.12/238

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for the Circulation of Automobiles, signed in Paris in 1909 and ratified by sixteen European governments. This was superseded in 1926 by the International Convention Relating to Motor Traffic, also concluded in Paris. At the same time an accompanying convention was concluded, namely The International Convention Relating to Road Traffic which contains rules of the road applicable to motor and other road users. Whereas the 1909 Convention had been entirely European the 1926 Conventions have a world-wide character. While being ratified by most European governments they were also ratified by a number of governments of countries in all parts of the world, including those of several American countries. Thus, Argentina, Brazil, Chile, Cuba, Mexico, Peru and Uruguay are parties to the 1926 Convention Relating to Motor Traffic while three countries, Chile, Cuba, and Uruguay are parties to the Convention Relating to Road Traffic.

In addition to these early agreements adopted on a world-wide basis, two conventions have been concluded among American countries. The first, the Pan American Convention on the Regulation of Automotive Traffic, was adopted in 1930 and was linked to the 1926 Convention on Motor Traffic as it required the international registration certificate and driving permit prescribed by that Convention for international traffic. It covered much the same ground as the 1926 Convention but contained some additional provisions. The 1930 Convention was ratified by five American countries. It was revised in 1943 by the Convention on the

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Regulation of Inter-American Automotive Traffic<sup>1/</sup>. The latter is a broader and more modern document than the 1926 and 1930 Conventions containing inter alia limitations on the size and load of vehicles, requirements concerning the equipment of vehicles, provisions encouraging simplified customs formalities and recognition of the carnet de passage en douane as satisfying the requirement of a customs bond for the temporary admission of vehicles. The requirement by the contracting states of an international registration document is optional, national registration being adequate by the terms of the Convention. National driving licenses, where they exist, are adequate for admission to international traffic unless a state wishes to require an international license in addition. The following countries are parties to the Convention: Argentina, Brazil, Chile, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, United States of America.

The revision of the 1926 Conventions on a world-wide basis had been begun by the League of Nations before the second world war. After the war the need was urgently felt for completing the establishment of modern regulations which would be uniform on a world-wide basis. The Economic and Social Council of the United Nations accordingly, on the recommendation of its Transport and Communications Commission, in resolution 147B(VII) of 28 August

<sup>1/</sup> A copy of the 1943 Convention on the Regulation of Inter-American Automotive Traffic is available to each delegation attending the fourth session of the Economic Commission for Latin America.

1948 instructed the Secretary-General:

"to convene a conference of governments, not later than August 1949, with the object of concluding a new world-wide Convention on Road and Motor Transport, the two world-wide Conventions of 1926, namely:

- a) International Convention relating to Road Traffic;
  - b) International Convention relating to Motor Traffic, and the subsequent Convention of 1931 on the Unification of Road Signals, being obsolete.
- The draft text of the Inland Transport Committee of the Economic Commission for Europe, resulting from a study by this Committee, and the text of the 1943 Convention on the Regulation of Inter-American Automotive Traffic, inter alia, will serve as working papers for the Conference".

The United Nations Conference on Road and Motor Transport met at Geneva from 23 August to 19 September 1949. All states members of the United Nations at the time of the Conference were invited, as well as some states not members. The governments of the following American states were represented: Brazil, Canada, Chile, Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua, and the United States of America. Also, the Inter-American Federation of Automobile Clubs sent observers.

The Conference had before it and used as a basis for discussion

/the draft prepared

the draft prepared by the Economic Commission for Europe (ECE) and the 1943 Convention on the Regulation of Inter-American Automotive Traffic. The ECE draft had itself been based in part on the 1943 Inter-American Convention. As a result of the discussions the Convention on Road Traffic was opened for signature at Geneva on 19 September 1949.

Article 30 of the Convention stipulates that the Convention "shall terminate and replace, in relations between the Contracting States, the International Convention relative to Motor Traffic and the International Convention relative to Road Traffic signed at Paris on 24 April 1926, and the Convention on the Regulation of Inter-American Automotive Traffic opened for signature at Washington on 19 December 1943".

In accordance with the Final Act of the Conference the Secretary-General of the United Nations established an authoritative Spanish translation of the Convention and added it to the English and French texts when transmitting certified copies to all Governments invited to the Conference on Road and Motor Transport. An edition of the Convention has also been published containing the text in the three languages side by side. This published edition<sup>1/</sup> as well as the certified copies of the text of the Convention have been distributed to all the governments invited to the United Nations Conference on Road and Motor Transport. An additional copy is being made available to each of the Delegations attending

<sup>1/</sup> United Nations Publications Sales No.: 1950.VIII.2.

/the fourth

the fourth session of ECLA.

The Economic and Social Council, in its resolution 298 I(XI) drew "the attention of governments which were invited to attend the United Nations Conference on Road and Motor Transport to the desirability of ratifying the Convention on Road Traffic at an early date". The Convention has been ratified so far by three countries, namely Czechoslovakia, France, and the United States of America. It will come into force when five countries have ratified it.

Provisions of the Convention. The Convention and its annexes cover in greater or lesser detail a considerable number of the points requiring regulation in order to facilitate international road traffic, among them provisions concerning the temporary importation of vehicles, documents and technical conditions for vehicles and drivers in international traffic, rules of the road, and some general provisions concerning road signs and signals.

The Convention provides for the temporary importation of vehicles on the basis of a customs document, for example a carnet de passage en douane, issued by an international organization, thus eliminating the need for a bond or other customs guarantee. It envisages that further simplification of customs and other frontier formalities may be undertaken by international agreement.

As regards registration documents for vehicles, the Convention requires that a vehicle in international traffic must be registered in a State Party to the Convention and provides for reciprocal  
/recognition

recognition by the Contracting States of registration documents issued by the authorities in the other Contracting States, thus eliminating the international registration document required in the 1926 Convention, and carrying further the liberalization envisaged in the 1943 Inter-American Convention.

Other conditions prescribed by the Convention for motor vehicles in international traffic include the mechanical safety and equipment of the vehicles, with particularly detailed provisions respecting brakes and lights.

The conditions for drivers include a minimum age of 18 and possession of a driving permit issued after proof of competence by the authorities of a State Party to the Convention. The provisions with respect to national versus international drivers' permits follow the same lines as the 1943 Inter-American Convention.

In case of drivers coming from countries which do not issue national permits or may even require an international in addition to a national permit. The Convention, in annexes 9 and 10, contains model national and international driving permits.

The rules of the road regulate such matters as the conduct of road users, number of drivers required for vehicles, animals and convoys, traffic proceeding in the same direction, control of vehicles, meeting and overtaking, parking, precautions concerning the loading of vehicles, the showing of lights by vehicles.

The Convention also contains a few very general provisions with

/respect to

respect to road signs and signals.

Finally it should be pointed out that the Convention states explicitly in Article 5 that it

"is not to be taken as authorizing the carriage of persons for hire or reward or the carriage of goods other than the personal baggage of the occupants of the vehicle; it being understood that these matters and all other matters not provided for in this Convention remain within the competence of domestic legislation, subject to the application of other relevant international conventions or agreements".

OTHER ASPECTS OF REGULATION OF INTERNATIONAL ROAD TRAFFIC  
UNDER CONSIDERATION AT THE WORLD-WIDE LEVEL

In concluding the Convention on Road Traffic the 1949 United Nations Conference on Road and Motor Transport recognized that some additional points remain to be covered by international agreement at the world-wide level. The Conference in its Final Act drew attention to certain particular points on which further action should be taken and at the same time recommended to the Economic and Social Council that the Council's Transport and Communications Commission review periodically developments concerning international road transport, and on the basis of these reviews advise the Economic and Social Council on what further international action is desirable and whether by a conference or otherwise. The Economic and Social Council, in resolution

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272(X), approved this recommendation and the Transport and Communications Commission has acted in accordance with this mandate.

The question of international action at the world-wide level is now under active consideration with respect to several additional problems, particularly those indicated below.

Road signs and signals. The 1949 Conference found that it was not possible at that time to reach agreement on a world-wide uniform system of road signs and signals which would be acceptable to all the countries concerned, as there were in use in the world two major systems of road signs, the so-called "European" and "American" systems, whose harmonization would be required before such agreement could be reached. The Conference therefore did three things. It included in the Convention on Road Traffic the general provisions with respect to road signs and signals on which agreement could be reached. In the second place it opened for **signature** the Protocol on Road Signs and Signals which supersedes the 1931 Convention on Road Signals and thereby contains a modernized version of the European system. In the third place, the Conference recommended that the Economic and Social Council entrust its Transport and Communications Commission with the task of reviewing the matter with the assistance of such experts as might be needed, and of advising the Council on the further steps which should be taken to reach world-wide agreement on a uniform system of road signs and signals. The Council approved

/this recommendation,

this recommendation, and a group of six experts from the following regions of the world is now studying the problem of devising a uniform system acceptable on a world-wide basis: Africa, Asia and the Far East, Europe, the Middle East, North America, and South America. The group has held one session at United Nations headquarters and is holding its second session in Geneva in August-September 1951. It made a Progress Report to the fifth session of the Transport and Communications Commission held in March 1951 (document E/CN.2/94; E/CN.2/CONF.1/3).

Customs Formalities. As indicated above, the Convention on Road Traffic envisaged further international agreement on the simplification of customs and other frontier formalities. The 1949 Conference requested the Secretary-General to bring to the attention of states the fact that an agreement adopted by some European governments for the provisional application of three draft international customs conventions, prepared under the auspices of Economic Commission for Europe (ECE), on touring, on commercial road vehicles, and on transport of goods by road was open to signature by all states invited to the 1949 United Nations Conference. The Secretary-General did so but up to the present time only European governments have acceded to this agreement.

The Transport and Communications Commission at its fifth session in March 1951 having considered the problem of customs formalities for international road transport and touring came to the conclusion that as regards commercial road vehicles and the

/transport of goods

transport of goods by road the problem should be dealt with on a regional basis but that the problems of customs formalities for the temporary importation of private motor vehicles and their equipment and for the personal effects of tourists travelling by any means of transport are problems of a world-wide scope. It accordingly recommended (document E/CN.2/117) that the Economic and Social Council request the Secretary-General to seek the views of the governments which were invited to the 1949 United Nations Conference concerning the desirability of considering the conclusion on a world-wide level of conventions on these subjects and the suitability, perhaps with modifications, as a basis of discussion of the Draft International Customs Convention on Touring prepared under the auspices of the Economic Commission for Europe.

The ECE Draft International Customs Convention on Touring is based on the International Convention on Touring signed by a number of European countries in 1937, which was however never put into force. Similar draft provisions concerning a system of control for the temporary importation of vehicles were prepared jointly by the second Inter-American Travel Congress and the Fourth Pan-American Highway Congress in 1941.

The recommendation of the Transport and Communications Commission will be considered by the Council at its thirteenth session in August-September 1951.

Driver licensing. While the Convention on Road Traffic provides for recognition by contracting states of valid

/driving permits

driving permits issued after proof of competence to drive, it does not define this proof of competence or deal with the problem of unification of conditions to be fulfilled by drivers. The Transport and Communications Commission, at its fifth session recommended to the Economic and Social Council that the Secretary-General appoint a small committee of qualified experts to consider and advise the Commission at its sixth session on the desirability and the degree of possibility of establishing uniform minimum regulations for the licensing of drivers of the various categories of motor vehicles; to prepare draft regulations; and to advise the Commission as to whether such draft regulations should be referred to the various countries for consideration in connexion with their domestic laws and regulations, or considered as an annex to the Convention on Road Traffic as applicable to international traffic only, or both. The Commission's recommendation will be considered by the Council at its thirteenth session.

/PROBLEMS REQUIRING

## PROBLEMS REQUIRING ACTION AT THE REGIONAL LEVEL

There are a number of other points on which inter-governmental action may be required on the regional, rather than the world-wide, level, at least in the first instance. A number of these problems are being dealt with in Europe by the ECE and such regional developments have been reviewed by the Transport and Communications Commission in accordance with its mandate from the Economic and Social Council. Such problems include the following.

Regional Agreements Supplementing the 1949 Convention on Road Traffic. The Convention gives maximum weights and dimensions of vehicles in international traffic which should apply on certain roads designated by states parties to regional agreements or, in the absence of such agreements, by a contracting state. The Convention also provides that contracting states may conclude regional agreements increasing the permissible maximum weights beyond those listed in the Convention. Agreements supplementing on a regional basis the provisions of the Convention with respect to weights and dimensions of vehicles have in fact been concluded under the auspices of the ECE among European countries.

Civil Liability and Compulsory Insurance. Before the second world war the problems of civil liability of motorists for damage caused to third parties and of compulsory insurance for motorists were under study on an international basis by the League of Nations in collaboration with the International Institute for the

/Unification

Unification of Private Law in Rome. Since the war the problem has been studied on the European regional level by the ECE Inland Transport Committee. The Committee has decided in view of the great differences in national systems of liability in Europe to leave aside for the time being the question of international unification of legislation on this subject. As regards insurance the Committee has prepared an international scheme for the recognition by the country visited of insurance policies issued to visiting motorists outside that country, with a uniform insurance document to facilitate this arrangement. This scheme has not come into effect up to now, as a new proposal is under consideration for a still more liberal recognition of foreign insurance policies.

From the information available it seems that compulsory insurance of motorists is not in general use in American countries. The question of insurance was discussed at the Third Inter-American Travel Congress which adopted a resolution recommending that automobile and touring associations take up with the insurance companies of the various countries the matter of making policies valid for automobiles touring outside the local area of jurisdiction of the companies and that the latter sign agreements extending this benefit reciprocally and at a reasonable cost.

Commercial Road Transport. The international transport of

passengers

passengers and goods by road presents a complex of special problems, including the authorization of such traffic by the governments of the countries concerned, customs, fiscal charges, road transport contract. Since the possibilities of international circulation of commercial vehicles are limited by the nature of the vehicle to a group of contiguous countries, the solution of these problems appears to be a regional matter for the group of countries concerned. The principal efforts to deal with such problems on a regional basis have until now been made in Europe. A conference of European countries held under the auspices of the League of Nations in 1931 attempted unsuccessfully to conclude a Convention on Commercial Road Traffic which would have covered questions of transit, customs, and taxation. Since the second world war these problems have been taken up separately with more success by the Inland Transport Committee of the ECE.

As regards the authorization of services, multilateral temporary agreements among a number of European countries have been concluded under the auspices of the ECE, lifting some restrictions on the freedom of the road. In the meantime the ECE is studying the establishment of a more permanent regime for international commercial road transport in Europe.

As regards customs formalities the ECE, as indicated above, has prepared draft international customs conventions on commercial road vehicles and on the transport of goods by road

/and these

and these conventions are being provisionally applied among a number of countries. They provide for the facilitation of commercial road traffic through the recognition of international customs documents and the sealing of goods vehicles in transit.

The ECE has also been studying the problem of fiscal charges levied on commercial road vehicles in international traffic. As the problem is complex the Inland Transport Committee has Recommended that Governments conclude Bilateral agreements on the subject until a general agreement could be concluded. The question of such a general agreement is under examination.

The ECE Inland Transport Committee, in collaboration with a committee representing the International Chamber of Commerce, the International Road Union, and the International Institute for the Unification of Private Law, is also drafting a standard road transport contract and waybill.

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