

UNITED NATIONS CONFERENCE ON ROAD AND MOTOR TRANSPORT

COMMITTEE I ON LEGAL AND GENERAL MATTERS AND DOCUMENTS

SUMMARY RECORD OF THE SIXTH MEETING

Held at the Palais des Nations, Geneva,
on Monday, 29 August 1949, at 10 a.m.

CHAIRMAN: Mr. MIKACUI (Lebanon)

SECRETARY: Mr. HOOTIE

Contents:

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) (Continued)

Report of the Chairman of the Working
Group on the Title of the Convention, the
Preamble and Article 1 of the ECE Draft page 2

Article 2 pages 2 - 5

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 and E/CONF.8/26) (continued)

Report of the Chairman of the Working Group on the Title of the Convention, the Preamble and Article 1 of the ECE Draft.

Mr. RUMLER (France), Chairman of the Working Group, reported that the Working Group had:

1. decided that the title of the Convention be amended to read: "Convention on Road Traffic";
2. decided to retain Article 1, re-worded to read:
"While reserving its exclusive jurisdiction over the use of its own roads, each Contracting State, etc....."
but that further discussion would be required on the use of the word "exclusive"; and
3. discussed the following new text on Article 5: "Each Contracting State shall take practicable measures to ensure the observance in any part of its territory to which this Convention is applied of the rules of the road set out in this Chapter". A further meeting of the Working Group would be necessary to reach a final decision on that text.

Article 2

The CHAIRMAN invited discussion of Article 2 of the ECE draft (document E/CONF.8/3), in the light of the United States amendment thereto (document E/CONF.8/26, page 2).

Following a proposal by Mr. AZIOL (Lebanon) the Committee agreed not to hold a general debate on the annexes as a whole, but to consider them seriatim so that representatives could state which annexes they considered should be mandatory and which permissive.

The CHAIRMAN accordingly invited comments on Annex 1 (document E/CONF.8/3, page 20).

/Mr. BANERJI (India)

Mr. BAIERJI (India) said that his Government's instructions to the Indian delegation had been based on the assumption, itself based on Article 2 and Section 5 of the Explanatory Memorandum preceding the ECE draft (document E/CONF.8/3, pages 4 and 5), that the annexes to the Convention would be permissive. The view expressed at the Conference that all or certain of the annexes should be made compulsory, changed the situation fundamentally, and would oblige his delegation to seek new instructions. His country had not been represented at the earlier stages when the ECE draft had been elaborated, and therefore lacked a considerable amount of background information possessed by other delegations. That was why his delegation could only examine the annexes in the light of the Explanatory Memorandum drawn up by the Sub-Committee on Road Transport of the Inland Transport Committee of the Economic Commission for Europe.

If, contrary to the recommendations of that Memorandum, it was now decided to make all or some of the annexes compulsory, the Indian Government would be compelled to reconsider the whole question through its normal ministerial channels, a process which would inevitably take a considerable time. Therefore, although he would be glad to participate informally in an exchange of views on the annexes, he could not commit his Government.

The Indian Government had always considered that the Convention should be as flexible as possible, and that the number of mandatory annexes should be reduced to a minimum. The terms of Annex 1 provided support for that view. There were few cycles fitted with auxiliary engines in India where they were considered as motor cycles. If they were in future to be considered as ordinary cycles, this might considerably alter the demand for that type of cycle in India, so that the compulsory acceptance of Annex 1 would affect his Government's fiscal policy rather than its road traffic policy. If, on the other hand, other countries wished to treat cycles fitted with auxiliary engines as ordinary cycles, they should be at liberty to do so. That should not, however, prevent other countries from treating them differently. Moreover, it would be unwise to place States in the difficult position of having to accept as mandatory an annex relating to such a relatively minor aspect of the problem before it could accede to the convention as a whole.

/s/ Mr. BLOIDRELL

Mr. BLONDEEL (Belgium) suggested that representatives should announce clearly which annexes they thought should be permissive and which mandatory, and also on which annexes they reserved their position pending further instructions from their Governments. His own delegation must reserve its position on Annex 1, as the Belgian Government was on the point of communicating its views as to whether it should be obligatory or not.

Mr. HOOKING (United Kingdom) thought the annex in question unessential to the successful application of the Convention and that it should therefore definitely be permissive. There he was in complete agreement with the representative of India since in United Kingdom legislation the distinction was made between cycles which were mechanically propelled and those which were not. Were that distinction to be obliterated by the Convention, new legislation would have to be introduced. If the United Kingdom, therefore, was obliged to adhere to Annex 1, it would have to refrain from acceding to the Convention as a whole.

Mr. MORGANTI (Italy) had no objection to the annex being made compulsory, as it was in complete accord with legislation on this subject which was about to be introduced in Italy.

Mr. BUZZI-QUATRENI (Austria) could also agree that the annex should be obligatory, since Austrian legislation on the subject had been held up in order that it might be made to conform with the decisions of the Conference.

Mr. RUMPIER (France) warmly supported the Austrian representative's statement, which provides an excellent example of the way in which States should adapt their national legislation to the uniformity demanded by an international convention.

Mr. VONK (Netherlands) emphasized that as many of the annexes as possible should be made compulsory, and Annex 1 in particular, since there were millions of cycles in the Netherlands, and a precise definition was necessary to distinguish clearly between them and motor vehicles.

Mr. LUBARSKY (Israel) thought that, as one of the basic annexes of the Convention, Annex 1 should be mandatory.

/Mr. FOLEY

Mr. FOLEY (United States of America), like the Indian representative, had received instructions from his Government based on the assumption that Annex 1 would be permissive. He would therefore have to reserve his position on the question of whether it should now be made compulsory.

Mr. de SYDOW (Sweden), agreeing with the United Kingdom representative, said his country could not agree that Annex 1 should be compulsory, since in Sweden cycles fitted with auxiliary engines were considered as motor vehicles.

Mr. GOMPERT (Switzerland) said that Swiss legislation on the point in question was in process of revision, and that cycles with auxiliary engines might possibly, in the future, be considered as ordinary cycles in that country. His delegation therefore, could accept Annex 1 but must reserve its position as to whether it should be made mandatory.

Mr. FRANCO (Dominican Republic) supported the views expressed by the Indian, Swedish and United Kingdom representatives.

Abdul Karim SAFWAT Bey (Egypt), for reasons similar to those given by the Belgian representative, reserved his delegation's position as to whether Annex 1 should be compulsory.

Mr. FARAKER (Observer for the Australian Government) wished to place on record the fact that in Australia all motor-assisted vehicles were considered as motor vehicles.

Mr. DIAKOV (Bulgaria) supported the views expressed by the United Kingdom representative.

Mr. PAMELIĆ (Yugoslavia) thought Annex 1, which conformed with recently revised Yugoslav legislation, should be obligatory.

Following a proposal by Mr. GOMPERT (Switzerland), the Committee agreed, in order to save time, that the meeting should adjourn, and that representatives should prepare short statements announcing which annexes they thought should be compulsory and, which permissive, and on which annexes they must reserve their positions; brief explanatory comments could be added.

The meeting rose at 12 noon.