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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 TWENTIETH MEETING

Held at the Palais des Nations, Geneva,
on Saturday, 10 September 1949, at 3.00 p.m.

CHAIRMAN:

Mr. MIKAOUTI (Lebanon)

SECRETARY:

Mr. HOSTIE

Contents:

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)

Annex 2 page 2

Article 3 pages 2 - 3

CONSIDERATION OF DRAFT FORMAL PROVISION

Report of the Working Group on formal
articles pages 3 - 8

Article J page 8

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.8/21, E/CONF.8/26) (continued)

Annex 2

The CHAIRMAN stated that the Conference had referred to the Committee for consideration of the question whether the contents of Annex 2 should be included in Article 4 of the Convention.

Mr. FOLEY (United States of America) said that his delegation had not been able to perceive any good reason why a number of definitions had been relegated to an annex instead of being included among those already found in Article 4. It had therefore proposed that all the definitions be placed together in Article 4, and that Annex 2 be deleted.

The Committee unanimously adopted the United States delegation's proposal that Annex 2 be deleted and its contents included in Article 4 of the Convention.

Article 3

The CHAIRMAN introduced the United States delegation's proposal to add a second sentence to paragraph 1 (b) of Article 3 (Document E/CONF.8/26, page 3).

Mr. BANERJI (India) said that his country considered that, if paragraph 1(b) were adopted, it would give rise to practical difficulties, because most countries had concluded treaties with most-favoured-nation clauses. Moreover, the paragraph was to a large extent inconsistent with the Convention, and the purpose underlying it seemed to be attained by paragraph 1(a). He therefore proposed that it be deleted.

Mr. FOLEY (United States of America) agreed with the Indian representative that it was inappropriate that the Convention should have what amounted to a most-favoured-nation provision. He therefore supported the Indian proposal.

/Mr. GILLENDER

Mr. GILLENDER (United Kingdom) thought the paragraph could perhaps be better drafted, but that it provided a safeguard against discrimination by the customs authorities of any country against the nationals, goods or road vehicles of another. The intention of the paragraph was not that there should be no discrimination by a country for economic reasons, but that such discrimination should not be effected by means of measures described in paragraph 1(a). He accordingly opposed the Indian representative's proposal to delete paragraph 1(b). He suggested, however, that the text might be changed to indicate the intention precisely.

Mr. BANERJI (India) appreciated the view expressed by the United Kingdom representative; he would have no objection to the suggested alteration of the text if, in fact, a suitable form of words could be found. He did not think, however, that it could, and he therefore adhered to his proposal that the paragraph be deleted, as in its present form it conflicted, not only with many treaties between countries, but also with the Havana Charter. He suggested that an attempt should be made, when Item 5 of the Conference agenda came under discussion, to frame a resolution that would meet the point raised by the United Kingdom representative.

Mr. SCHAEPMAN (Netherlands) thought that, as the United Kingdom representative's observations would appear in the summary record, there was no necessity for further action to be taken to make the intentions behind the paragraph clear.

Mr. GILLENDER (United Kingdom) withdrew his opposition, in the light of the observations made by the Indian and Netherlands representatives.

The Committee unanimously adopted the Indian representative's proposal to delete paragraph 1(b) of Article 3.

CONSIDERATION OF DRAFT FORMAL PROVISIONS

Report of the Working Group on formal articles

Mr. VONK (Netherlands) introduced the text of the formal articles of the Convention that had been prepared by the Working Group of which he had been Chairman, (Working Paper W/RT/39/49*)

* Distributed to the Conference only.

The Committee decided to consider the texts proposed by the Working Party paragraph by paragraph

Paragraph 1.

Mr. FOLEY (United States of America) proposed that, to express fully the intention of the Working Group, the words "each of the signatory or acceding States and" be inserted before the words "all States" in the second sub-paragraph of paragraph 1.

Mr. BANERJEE (India) proposed, as a consequential amendment to that of the United States representative, that there be added the word "other" between "all" and "States".

The Committee unanimously adopted the United States representative's proposal to add the words "each of the signatory or acceding States and" before the words "all States" in the second sub-paragraph of paragraph 1.

The Committee unanimously adopted the Indian representative's proposal to add the word "other" between the words "all" and "States" in the second sub-paragraph of paragraph 1.

The Committee unanimously adopted paragraph 1, as amended.

Paragraph 2.

Mr. PERLOWSKI (AIT/FIA), while having no objection to the substance of paragraph 2, said that, if it were adopted, transitional measures would be required, for which special provision should be made in the body of the Convention.

Mr. FOLEY (United States of America) considered that administrative transitional measures should be included in the Final Act rather than in the Convention itself.

The SECRETARY was unaware of any precedent for embodying such transitional measures in a Final Act.

Mr. SCHAEPMAN (Netherlands) was not certain that transitional measures would be required. In any case, that question was not on the agenda of the Committee, and he therefore proposed that the paragraph be adopted without further discussion.

Mr. GILLENDER (United Kingdom) said that transitional arrangements, such as administrative action to carry forward the

validity of the international driving permit in force, might well be embodied in a Final Act, rather than in the Convention, as they would last for a few months only at the most. As, however, the transitional period required for the introduction of the new system of road signs and signals or of Annex 8 might last as long as ten years, such measures might be embodied in the Convention. It did not seem to him, however, that it was necessary to consider that point at present in the Committee.

The CHAIRMAN called the attention of the Committee to the proposal in the report of the Working Group (Working Paper W/RT/39/49*) that the text be adopted without the insertion of a clause in the Convention requiring Contracting States to denounce previous Conventions. In those circumstances, he proposed that the text be adopted without further discussion.

The Committee unanimously adopted paragraph 2.

Mr. VONK (Netherlands) called the attention of the Committee to the observation in the report of the Working Group that if the texts relating to signs and signals were embodied in a separate Protocol, that Protocol should include a clause providing for the denunciation on the 1931 Convention; if, however, they were to be embodied in the Convention itself, the clause for the denunciation of the 1931 Convention should be included in the body of the actual Convention. He considered that that question should be brought to the notice of the President of the Conference.

The Committee agreed to bring to the attention of the President of the Conference the observations of the Working Group in the last subparagraph of paragraph 1 of its report (Working Paper W/RT/39/49*).

Paragraph 3.

The CHAIRMAN, replying to the representative of the AIT/FIA, said that denunciation of optional annexes would take effect at once.

The Committee unanimously adopted paragraph 3.

* Circulated to the Conference only.

Paragraph 4.

Mr. de SYDOW (Sweden), commenting on sub-paragraph 1 of paragraph 4, said that his delegation was not satisfied by the procedure proposed in it for amendment, as there were practical difficulties in obtaining a two-thirds majority in favour of any amendment, so that if the amendment were of importance it might be desirable that there should be a conference. He therefore proposed that the sub-paragraph be amended to enable the Secretary-General to transmit the text of any proposed amendment to each Contracting State, with the request that such State reply accepting or rejecting the amendment; if it accepted, it should also say whether, if the amendment were rejected by a majority, it considered the matter of sufficient importance to warrant the convening of a Conference.

Mr. AZKOUL (Lebanon) did not think that there was any point in holding a conference to consider an amendment which had already been rejected by a majority. He therefore opposed the Swedish representative's proposal.

Mr. SCHAEPMAN (Netherlands) said that the Swedish representative had re-opened a question on which there had been lengthy discussions in the Working Group. The text before the Committee represented a compromise attained after much effort, and he considered that to re-open the discussion would be a waste of time. He proposed, therefore that the text be adopted without amendment.

Mr. de SYDOW (Sweden) pointed out that he, among others, reserved his position with respect to that sub-paragraph during the discussions in the Working Party. As there was no support for his proposal, however, he withdrew it.

The Committee adopted sub-paragraph 1 of paragraph 4.

Mr. GILLENDER (United Kingdom) pointed out that the procedure outlined in sub-paragraph 2 appeared to be unnecessarily complicated. Also, as the provisions of some annexes were in certain cases more important than the individual articles of the Convention, there seemed no good reason why they should receive different treatment. He therefore proposed that the same procedure be used for the amendment of the annexes as for the amendment of the text of the Convention.

/Mr. SCHAEPMAN

Mr. SCHAEPMAN (Netherlands) pointed out that the matter was purely legal, and had been discussed at considerable length in the Working Group. He proposed therefore that the text be adopted without amendment, on the ground that it represented the best possible compromise.

After some discussion, in which the general opinion was that, although not entirely satisfactory, the procedure laid down in sub-paragraph 2 was the most satisfactory that could be devised,

the Committee adopted sub-paragraph 2 of paragraph 4 without amendment, by 7 votes to 0, with 7 abstentions.

Mr. AZKOUL (Lebanon) explained that he had abstained from voting because, although his delegation agreed on the principle of distinguishing between the procedure for the amendment of the text of the Convention and that for the amendment of an annex, it did not agree that the proportion of Contracting States required for the convening of a conference for the latter should be greater than that required for the former.

The Committee unanimously adopted sub-paragraphs 3, 4, 5 and 6 of paragraph 4.

Paragraphs 5 and 6.

The Committee unanimously adopted paragraphs 5 and 6.

Mr. BLOM-ANDERSEN (Denmark) said that, as a consequence of the procedures laid down in the texts proposed by the Working Party, it might well be difficult in a few years time to know which annexes were in force and which not. He therefore suggested that the Secretary-General should inform the Contracting States of the position at regular intervals.

Mr. VONK (Netherlands) supported the Danish representative's proposal.

Mr. FOLEY (United States of America) said that the general Article J setting forth the action to be taken by the Secretary-General would perhaps cover the Danish representative's proposal. He therefore suggested that it be withdrawn.

/Mr. BLOM-ANDERSEN

Mr. BLOM-ANDERSEN (Denmark) accordingly withdrew his proposal, and agreed to submit it as a draft resolution at a plenary meeting.

Article J.

The CHAIRMAN pointed out that paragraph 1 of Article J had not been considered by the Committee. He proposed that it be referred to the Working Group, rather than to the main Drafting Committee, as had been suggested by Mr. FOLEY (United States of America); it was undesirable that the Drafting Committee should deal with any question of substance.

Mr. VONK (Netherlands) proposed that, as in fact Article J appeared to require only formal changes, it be referred to the Secretariat, and only if a question of substance arose to the Working Group.

The Committee adopted the Netherlands representative's proposal to refer the drafting of paragraph 1 of Article J to the Secretariat.

The meeting rose at 5 p.m.