

UNITED NATIONS CONFERENCE ON ROAD AND MOTOR TRANSPORT

COMMITTEE I ON LEGAL AND GENERAL MATTERS
AND DOCUMENTS

SUMMARY RECORD OF THE FIRST MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 24 August 1949, at 3 p.m.

CHAIRMAN: Mr. OYEVAAR, President of the Conference

later: Mr. MIKAQUI (Lebanon)

SECRETARY: Mr. HOSTIE

Contents:

1.	ELECTION OF CHAIRMAN	Page 4
2.	CONSIDERATION OF THE SETTING UP OF A SUB-COMMITTEE ON CUSTOMS FORMALITIES	Pages 4 - 5
3.	CONSIDERATION OF DRAFT PROVISIONS FOR INSERTION IN A CONVENTION ON ROAD AND MOTOR TRANSPORT PREPARED BY THE SUB- COMMITTEE ON ROAD TRANSPORT OF THE INLAND TRANSPORT COMMITTEE OF THE ECONOMIC COMMISSION FOR EUROPE (Annex 4 of the Conference Agenda)	Pages 5 - 14

Members:

Australia	Mr. ZAPAKKE (Observer)
	Mr. HAROLD (Observer)
Austria	Mr. FUZZI-QUATRINI
	Mr. HOMOLA
Belgium	Mr. FORTHOMME
	Mr. BLONDEEL
Bulgaria	Mr. DIANKOV
Canada	Mr. IRWIN (Observer)
Czechoslovakia	Mr. DVORAK
	Mr. FEJFER
	Mr. ZACH
Denmark	Mr. BLOM-ANDERSEN
Dominican Republic	Mr. FRANCO FRANCO
Egypt	Abdel Karim SAFWAT Bey
France	Mr. RUMPLER
India	Mr. BANERJI
Israel	Mr. KAHANY
	Mr. IUDARSKY
Italy	Mr. MORGANTI
Lebanon	Mr. AZKOUL
	Mr. OUEHAB
Luxembourg	Mr. LOGELIN
Netherlands	Mr. van der POEL
	Mr. SCHAEPMAN
	Mr. VONK
Norway	Mr. RONNING
Philippine Republic	Mr. MASLOG
Sweden	Mr. de SYDOW
	Mr. HALL
Switzerland	Mr. COTTRET
Thailand	Mr. BHALIDI
Turkey	Mr. KEPENEK
Union of South Africa	Mr. BRUNE
	Mr. VILJOEN

/United Kingdom

United Kingdom

Mr. BEST
Mr. HOCKING
Mr. ASHFORD

United States of America

Mr. FOLEY Jr.
Mr. CATES Jr.
Mr. HORAN
Mr. KOUSHNAROFF
Mr. SPARROW
Mr. CONNORS
Mrs. WHITNACK

Yugoslavia

Mr. PANTELIC
Mr. KRZIC

Observers from Inter-Governmental Organizations:

International Institute for the
Unification of Private Law

Mr. PILOTTI

Observers from Non-Governmental Organizations:

International Chamber of Commerce

Mr. DEVREUX

International Transport Workers'
Federation

Mr. WESTERLAKEN

Central Bureau AIT/FIA

Mr. PERLOWSKI

Inter-American Federation of
Automobile Clubs

Mr. IRIBARNE
Mr. REGISAERT

1. ELECTION OF CHAIRMAN

Mr. ECKING (United Kingdom) nominated Mr. Mikaoui (Lebanon) as Chairman of Committee I. He believed that Mr. Mikaoui's wide experience of international conferences would be of great assistance to the Committee in accomplishing its task.

Mr. FORTHOUME (Belgium) seconded the nomination.

Mr. MIKAOUI (Lebanon) was elected Chairman by acclamation and took the Chair.

The CHAIRMAN expressed his thanks to the representatives of the United Kingdom and Belgium for the honour they had done to his country in nominating him.

2. CONSIDERATION OF THE SETTING UP OF A SUB-COMMITTEE ON CUSTOMS FORMALITIES

Mr. SCHAEPMAN (Netherlands) proposed the immediate setting up of a sub-committee of experts on customs formalities.

Mr. FORTHOUME (Belgium) pointed out that his delegation's expert on customs formalities would not be in Geneva before August 26. If the sub-committee were not to begin work before that date, he would be prepared to support the proposal of the representative of the Netherlands.

Mr. ZACE (Czechoslovakia) stated that in view of the absence of his delegation's expert he must enter a similar reservation.

The CHAIRMAN proposed that the sub-committee be set up on the understanding that it did not begin its work until the date mentioned by the representative of Belgium.

Mr. FOLEY (United States of America) considered it desirable that any government which so wished should be represented on the sub-committee on customs formalities.

Mr. MORGANTI (Italy) said that his delegation's expert on customs formalities would not be in Geneva until August 29. Although another member of his delegation could, if necessary, attend the sub-committee's meetings, he would prefer its work not to start until that date.

Mr. ASHFORD (United Kingdom) was not sure whether, in the light of the proposal made by the United States representative, the

/setting up

setting up of a sub-committee on customs formalities was really necessary. The articles on customs formalities could be discussed by the Committee, highly technical questions and those of particular difficulty being referred in due course to a sub-committee.

Mr. RUMPLER (France) favoured the setting up of a small sub-committee on customs formalities after the Committee had decided what articles relating to customs should be included in the Convention.

Mr. SCHAEPMAN (Netherlands) agreeing with the representative of France, said that in view of the reservations entered by a number of representatives, the Committee might consider suitable terms of reference for a sub-committee on customs formalities.

The Committee decided to set up a Sub-Committee on Customs Formalities.

After some further discussion, in which Mr. van der POEL (Netherlands), Mr. MORGANTI (Italy) and the CHAIRMAN took part, the Committee decided that the Sub-Committee on Customs Formalities should begin its work on Friday, August 26, 1949.

Mr. MORGANTI (Italy) stated that, pending the arrival of the Italian experts, his Government would be represented in the Sub-Committee by an observer.

The CHAIRMAN stated that the Sub-Committee's terms of reference would be to examine Article 3 of the Economic Commission for Europe's Draft Convention, (Document E/ECE/109) and Articles IV, XIV and XVI of the Inter-American Convention. All international organizations interested in customs formalities would have an opportunity of making statements to the Sub-Committee.

Replying to Mr. ASHFORD (United Kingdom), he added that nominations for membership of the Sub-Committee should be made at the Committee's next meeting and asked delegations which intended to be represented in the Sub-Committee to notify the Secretary before the next meeting.

3. CONSIDERATION OF DRAFT PROVISIONS FOR INSERTION IN A CONVENTION ON ROAD AND MOTOR TRANSPORT PREPARED BY THE SUB-COMMITTEE ON ROAD TRANSPORT OF THE INLAND TRANSPORT COMMITTEE OF THE ECONOMIC COMMISSION FOR EUROPE. (Item 4 of the Conference Agenda) (Documents E/CONF.8/3 and E/CONF.8/26)

The CHAIRMAN proposed that the Committee discuss the question of the Annexes to the Draft Convention in the light of the statements made at the second plenary meeting of the Conference.

/Mr. ZACE (Czechoslovakia)

Mr. ZACH (Czechoslovakia) considered that in view of the absence of several heads of delegations, who were engaged in setting up Committees II and III, it would be difficult for the Committee to embark on any detailed discussions. It would therefore in his opinion be more expedient to adjourn until the following morning.

The CHAIRMAN felt that it would be undesirable for the Committee to adjourn, since it had a great deal of work to accomplish.

Mr. RUMELER (France) strongly supported the Chairman's point of view.

Mr. BANERJI (India) said that several of the smaller delegations had not had sufficient time to prepare their work for the Conference, and, moreover, that it had been his understanding that the present meeting of the Committee would be of a formal character. He would support the Czechoslovak representative's proposal.

Replying to the CHAIRMAN, Mr. ZACH (Czechoslovakia) said that he wished formally to move the adjournment of the meeting.

The Committee rejected the motion for adjournment by 6 votes to 5.

Mr. FOITV (United States of America) proposed that the Committee study the Draft Provisions to be inserted in a Convention on Road and Motor Transport (Document E/CONF.8/3, page 11), beginning with the Title, the Preamble and Articles 1 and 2. Any references that representatives might wish to make to the Annexes would fall logically into place in the course of discussion of Article 2.

Mr. BEST (United Kingdom) doubted whether that procedure would be practical. The Draft Convention contained certain formal articles relating to the signature of the Convention, its denunciation etc., which were common to all international conventions. It was possible to discuss such articles, and agree on a preliminary draft, at an early stage in the proceedings. But the form of other and more technical articles would depend on the discussions held in other Committees. Committee I, which was concerned with legal matters, would only be able to consider, and make drafting changes to, such

/articles after

articles after they had been discussed substantively by the Committees concerned.

Questions of substance were also raised in the Annexes. Although it was highly desirable that the whole Convention should be acceptable, it was clear from the statements made at the second plenary meeting that certain governments were not prepared to accept all the Annexes, for instance, Annex 9 relating to maximum dimensions and weights of vehicles. It might, however, be that the Annexes would be so re-drafted as to meet the difficulties of certain governments. Consequently it would seem that Committee I would be obliged to defer discussion of certain points until they had been dealt with in the other Committees.

The draft Convention, together with its Annexes, might be taken as a whole, the Annexes being considered as not less binding than the Convention itself. The Conference might also take another decision on that point. Pending detailed and technical discussion in the other Committees, Committee I should begin by examining the formal articles only.

Mr. BLONDELL (Belgium) agreed with the concluding remarks of the representative of the United Kingdom, but wished to point out that the Committee had before it a question of principle: it must either decide that the draft Convention together with its Annexes should be mandatory as a whole, or, pursuing the aim of world-wide applicability, it must indicate to the Committees concerned that the Annexes should be so re-drafted as to make them generally acceptable. In the latter case they would undoubtedly lose much of their significance. If, however, the Committee accepted the first alternative, then the various provisions of the Annexes should be adopted by a substantial majority, or by general agreement, and not by the simple majority which had been acceptable in the preparatory committees of the Economic Commission for Europe which had drawn up the draft provisions.

Mr. GOTTFRED (Switzerland) agreed with the representative of Belgium.

Mr. MORGANTI (Italy) wished to recall the statement on the Annexes to the draft Convention made by the Italian representative in the second plenary meeting.

/The SECRETARY

The SECRETARY said that there appeared to be some slight misunderstanding as to the Committee's terms of reference with regard to the Annexes to the draft provisions of the Convention on Road and Motor Transport, as defined by the Conference in plenary. In accordance with those terms of reference, Committee I was entrusted with the task of deciding what Annexes should form an integral part of the Convention. Certain Annexes, such as Nos. 1, 5, 6 and 7, could not be considered apart from the Convention. Other Annexes, for instance, Annex 4: "Signs and Signals", was clearly optional, since it was impossible to ensure the application of an identical system of signs and signals the world over. The Committee was not concerned with the content of the Annexes, so much as with their character. It was consequently essential that the Committee undertake the work of preliminary classification, since the article of the draft Convention relating to amendment of the Annexes could only be discussed in the light of the distinction to be established between compulsory and optional Annexes.

He would consequently advocate that the Committee adopt the proposal made by the United States representative.

Mr. BLOOM (United Kingdom) agreed with the views advanced by the Secretary, and considered that the Committee should communicate its views on the compulsory Annexes to the other Committees in order that the latter might bear in mind the necessity of reaching general agreement upon them. It would be regrettable if any country were obliged to refrain from acceding to the Convention, merely because it found difficulty in accepting one or other of the compulsory Annexes thereto.

He considered that in the light of the Secretary's comments, the Committee should adopt the procedure proposed by the United States representative.

The CHAIRMAN assumed that the Committee was prepared to adopt the procedure suggested by the United States representative, and invited representatives to comment on the Title of the proposed draft Convention.

Title.

Mr. FOLEY (United States of America) said that in the view of his Government, the title of the draft Convention should read:

/"Convention on

"Convention on International Road and Motor Traffic" (Document E/CONF.8/26). The insertion of the word "International" was essential, in that the Convention applied to international, and not to internal, traffic; the word "traffic" was preferable to "transport", since in the United States the latter term was chiefly applied to the transport of goods.

Mr. PERLOWSKI (AIT/FIA) drew attention to the fact that the Draft Convention was based on the International Convention relative to Road Traffic and the International Convention relative to Motor Traffic, both signed in 1926, as well as on the Convention concerning the Unification of Road Signals, signed in 1931, the two latter of which contained provisions relating to national traffic. Similarly, provisions of a national character had been included in the draft Convention now before the Committee. He would therefore submit that its correct title should be "The International Convention on Road and Motor Traffic".

Mr. HOCKING (United Kingdom) supported the representative of the AIT/FIA, but considered that reference to motor traffic might well be omitted from the title.

Mr. FOLEY (United States of America) held that the term "International Convention" was tautological, a convention being by its nature an international instrument. He was unable consequently to accept the amendment proposed by the representative of the AIT/FIA, and would draw attention to the reference to "international road traffic" in Article 1 of the Draft Convention.

Mr. BEST (United Kingdom) pointed out that Chapter II of the Draft Convention related to national as well as to international traffic.

He appreciated the pertinence of the argument of the United States representative as to the use of the term "International Convention", but must recall that a precedent for the inclusion of those words in the title had been created by the two 1926 Conventions.

Mr. SCHAEPMAN (Netherlands) opposed the United States amendment to the title of the Draft Convention.

/Mr. LUBAROFF

Mr. LUBARSKY (Israel), agreeing with the United States representative, considered that the purpose of Chapter II of the Draft Convention was not to regulate internal traffic, but to relate it to international requirements.

Mr. BUZZI-QUATRINI (Austria) proposed the adoption of the title: "Convention on Road Traffic", which was both short and clear.

Mr. BLONDEEL (Belgium) supported the proposal of the representative of Austria because, first, the international character of the convention would be made clear by the signatures appended thereto, and, secondly, the distinction between internal and international traffic was drawn in the text of the Convention.

Mr. BEST (United Kingdom) agreed with the proposal of the Austrian representative.

Mr. FOLEY (United States of America) did not object to the proposal of the Austrian representative, but insisted on the necessity of making it clear that the Convention would apply only to international traffic. It was on that basis, and that basis alone, that the United States Government was participating in the Conference. In the United States of America, internal traffic was regulated by the varying legislation of the forty-eight States. Were the United States amendment to the title rejected, the word "international" should at least be retained in the Preamble and in Article 1.

The SECRETARY suggested that the difficulty might be overcome by relegating the provisions of Chapter II to an Annex, which would be optional.

Mr. RUMPLER (France) said that in drafting Chapter II the preparatory committees had consistently kept in mind the difficulties of federal states, and had consequently included therein only such rules as were uniformly and unanimously applied in the majority of countries.

Mr. AZKOUL (Lebanon) considered it essential that the word "international" be retained in the title of the proposed Convention the fundamental purpose of which was to regulate international traffic.

The Committee adopted by 9 votes to 7 the United States proposal (Document E/CONF.8/26, page 2) that the title of the Convention should be "Convention on International Road and Motor Traffic".

Mr. SCHAEPMAN (Netherlands) said the Committee had taken a formal decision on a point which could not be decided by a vote. He hoped that the vote just taken would be considered as merely a preliminary vote.

Mr. RUMPLER (France) considered the remarks of the representative of the Netherlands wise. He was certain that, after reflection, certain representatives would wish they had voted differently on the title. The Committee should work as quickly as was feasible, but should not proceed too quickly.

The CHAIRMAN ruled that the vote on the title of the draft convention was in order.

Preamble.

The Committee adopted, without comment, the preamble of the Draft Convention.

Article 1

Mr. BEST (United Kingdom) pointed out that, if the Draft Convention were adopted without amendment, each party thereto, by undertaking to apply the provisions of Article 1 and Chapter II, would be assuming an obligation to ensure, for example, that no driver, cyclist or pedestrian would obstruct or endanger traffic in its territories to which the Convention might be applicable. A distinction should be drawn between such provisions in Chapter II and III, and the provisions in Chapter IV and V. Parties to the convention could undertake to permit drivers of vehicles fulfilling the conditions laid down in Chapters IV and V to circulate in their territories, but they could not be certain that either domestic traffic or international traffic would never obstruct or endanger traffic in their territories, even though they passed laws and punished drivers who committed such offences. He therefore proposed the adoption of the alternative text for Article 1 submitted by the United Kingdom Government (Document E/CONF.8/23, Annex 1).

/Mr. FOLEY

Mr. FOLEY (United States of America) said that the draft Article 1 in Document E/CONF.8/3 expressed in much simpler language what the representative of the United Kingdom had just proposed. There was no need to insert in the opening article of the Convention, detailed provisions laid down in subsequent articles.

Mr. BANERJI (India) said that it would be useful to administrators responsible for applying the provisions of the Convention if its wording made clear what commitments governments had assumed in becoming party to it. He would vote for the adoption of the United Kingdom text for Article 1, but proposed that it be amended by the insertion of the words "while reserving the exclusive right to regulate the use of its own roads", which appeared in the draft Article 1 in Document E/CONF.8/3, in order that governments might take appropriate measures in case of floods, famine etc.

Mr. BEST (United Kingdom) accepted the amendment proposed by the representative of India.

Mr. MORGANTI (Italy) considered the draft Article 1 in Document E/CONF.8/3 satisfactory. Judging by the French version of the text, he could not accept the wording of the opening lines of the United Kingdom version.

Mr. AZKOUL (Lebanon) was not yet familiar with all the texts referred to the Committee, but feared that the adoption at the present meeting of the words in the United Kingdom text "subject always to the right of any Contracting State to exclude the application of any Annex or Part thereof as provided for in Article 26" would pre-judge any decision which the Committee might subsequently take as to which parts of the Convention should be mandatory, and which parts permissive.

The opening lines of the United Kingdom text might be interpreted as meaning that Contracting States should make all the roads in their territories to which the convention might be applicable, fit for use by international traffic. It might therefore be advisable to add some such words as "the state of which permits their use by international traffic" after the word "roads" in the third line. He wished to point out that his remarks, like those of the Italian representative, were based on the French version of the United Kingdom text.

/Mr. PANTELIC

Mr. PANTELIC (Yugoslavia) agreed with the misgivings of the representative of Lebanon as to the possible misinterpretation of Article 1 as it stood in Document E/CONF.8/3. He therefore wished to propose the insertion in that Article of the words "certain routes indicated by each Contracting State shall be used by international traffic".

Mr. RUMPLER (France) strongly opposed the amendment proposed by the representative of Yugoslavia. How would a driver in a country foreign to him be able to know which roads should be used by international traffic? The adoption of the amendment would lead to chaotic conditions, for in each Contracting State there would be one set of rules for roads serving international traffic, and a second set for other roads; international traffic would thus be subject to discrimination, which should not be permitted.

Mr. BEST (United Kingdom) said that his views on the Yugoslav amendment were similar to those of the representative of France. Under the Convention, international traffic should be subject to the traffic laws of the country in which it was proceeding.

It appeared from the remarks of the representatives of Lebanon and Italy that there were discrepancies between the English and French versions of the United Kingdom version of Article 1; it would be advisable to defer any decision thereon until the next day, in order that the Secretariat might correct any such discrepancy.

The words "Article 26" in that text related to the Draft Article 26 in Document E/CONF.8/25, Annex 2.

Mr. RUMPLER (France) said that the United Kingdom draft of Article 1 might be interpreted as meaning that in each Contracting State there should be two sets of rules, one for international traffic and another for domestic traffic. If the third paragraph of that draft were adopted, some such words as "and the Annexes relating to those Chapters" should be added.

The SECRETARY said that although he had studied French and English versions of the United Kingdom draft of Article 1 for some time, he was not able to suggest a more satisfactory French version thereof than that already before the Committee.

/The CHAIRMAN

The CHAIRMAN said that the Committee might find it advisable to set up a drafting sub-committee, after there had been an opportunity of consulting the President of the Conference as to whether the drafting committee suggested at the second plenary meeting would in fact be set up, and as to its functions.

The meeting rose at 6.20 p.m.
