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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 THIRTEENTH MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 6 September 1949, at 10. a.m.

CHAIRMAN: Mr. MIKAOUI (Lebanon)  
SECRETARY: Mr. BOSTIE

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CONSIDERATION OF DRAFT PROVISIONS FOR INSERTION IN THE CONVENTION  
ON ROAD TRAFFIC (Documents W/RT/22/49, E/CONF.8/21 and E/CONF.8/41)

Article G

The Committee resumed discussion of paragraph 2 of the draft Article G submitted by the Working Group (Document W/RT/22/49).

Mr. AZKOUL (Lebanon) appealed to the representative of the United Kingdom to accept the text recommended by the Working Group, pointing out that it was similar to the text which it had been agreed to insert in the draft Convention on Freedom of Information, and which had been drafted in very modest terms precisely in order that it might meet with the approval of the representative of the United Kingdom.

Mr. BEST (United Kingdom) said that he could not agree to the adoption of the text for the reasons he had given at the previous meeting of the Committee. Although the United Kingdom Government was prepared to commit itself to taking steps towards the application of the draft Convention on Freedom of Information and conventions on matters such as human rights to the territories for the international relations of which it was responsible, it could not "undertake to take as soon as possible the necessary steps in order to extend the application" of the proposed Convention on Road Traffic to such territories, especially territories like Southern Rhodesia which were not far from being sovereign states. Although it might have been able to enter into such a commitment even fifteen years ago, it could not do so at the present moment because of the constitutional progress made since then. He urged the deletion of paragraph 2.

Mr. SCHAEFFMAN (Netherlands) said that it was immaterial to his Government whether the paragraph was retained or not.

Mr. BANERJI (India) said that he could agree either to the deletion or the retention of the paragraph. While agreeing that governments might not be able to enter into the same commitments in regard to a proposed Convention on Road Traffic as in regard to freedom of information and human rights, he did however hope that the representative of the United Kingdom Government would be able to agree to the adoption of the paragraph, slightly amended to meet his views, since

/its adoption

its adoption would help to bring about greater uniformity on the roads of the world.

Mr. AZKOUL (Lebanon) said that he could not understand why the representative of the United Kingdom was opposed to the adoption of the paragraph, since he (the representative of Lebanon) considered that the words "subject, where necessary for constitutional reasons to the consent of the Governments of such territories" met all the constitutional requirements mentioned by the representative of the United Kingdom. He might be able to agree to the deletion of the paragraph, but he hoped that it would not be deleted, because, if it were, certain states which otherwise would have acceded to the Convention might not do so. He did not doubt that if representatives of Latin American countries and of the Union of Soviet Socialist Republics had been present at the Conference, they would have strongly urged the retention of the paragraph, which represented a compromise between their views and those of countries responsible for the international relations of overseas territories.

After some discussion, Mr. BEST (United Kingdom) said that he did not want to dwell any longer on this point in the Committee, and that, in view of the arguments adduced by the representative of the Lebanon, his delegation might propose the deletion of the paragraph when it was considered at a plenary meeting.

The Committee adopted paragraph 2 of draft Article G submitted by the Working Group (Document W/RT/22/49), subject to the statements made thereon by the representative of the United Kingdom.

Mr. BEST (United Kingdom) proposed the deletion of paragraph 3 of draft Article G submitted by the Working Group, saying that it was entirely redundant. Any state which was responsible for the international relations of overseas territories and which properly carried out its responsibilities, would transmit the Convention to the authorities concerned in those territories.

Mr. HUBERT (France) expressing agreement with the representative of the United Kingdom, said that, if paragraph 2 of draft Article G were adopted, parties to the Convention would send

/copies of the

copies of the Convention to the authorities concerned in the territories for the international relations of which they were responsible, as one of the first of the steps to extend the application of the Convention to such territories, to which they were committed by that paragraph.

Mr. AZKOUL (Lebanon) said that paragraph 2 applied only to contracting states, whereas in paragraph 3 it was laid down that the Secretary-General of the United Nations should communicate the Convention, not only to each contracting state responsible for the international relations of overseas territories, but also to each of the states referred to in draft Article E, paragraph 1 for transmission by it to the authorities concerned in the territories for the international relations of which it was responsible. However in view of what the representative of France had said and of the fact that the adoption of paragraph 3 would not make it obligatory for states to refer the Convention to the authorities concerned in territories for the international relations of which they were responsible, he could agree to the deletion of paragraph 3.

The Committee agreed to delete paragraph 3 of draft Article G submitted by the Working Group (Document W/RT/22/49).

The Committee adopted draft Article G submitted by the Working Group (Document W/RT/22/49), as amended, subject to the statements made thereon by the representatives of the United Kingdom and Czechoslovakia.

#### Article B

Mr. BANERJI (India) said that with the help of the representatives of France, the United Kingdom and the United States of America, to whom he was extremely grateful, he had prepared a text (Document E/CONF.8/41) which they proposed be adopted instead of draft Articles B, C and D submitted by the Secretariat (Document E/CONF.8/21). The text of Document E/CONF.8/41 was in accordance with the views he had expressed at the Ninth and Tenth Meetings of the Committee on Articles B, C and D submitted by the Secretariat.

/In view of the

In view of the likelihood that several of the annexes would be obligatory, the procedure for dealing with proposed amendments to the obligatory annexes should be the same as that for dealing with proposed amendments to the main body of the convention; often it would not be possible to make an amendment to an annex unless a small amendment was made to the part of the main body of the convention to which it related. The procedure which he and the French, United Kingdom and United States representatives advocated for amendments to the main body of the Convention and the obligatory annexes was more flexible than that suggested by the Secretariat (Document E/CONF.8/21) for amendments to the main body of the convention. They were proposing that the procedure for amendments to permissive annexes should be different to that for amendments to the main body of the convention and obligatory annexes. They intended that the blank space in paragraph 6(ii) should be filled in later with the numbers of the annexes which it was agreed should be permissive. The provisions in that paragraph relating to permissive annexes were not so strict as the corresponding provisions in the Secretariat draft.

They considered that an amendment to which at least two-thirds of the contracting states agreed should become effective on the expiration of ninety days after the date of notification of such agreement in regard to all contracting states except those which notified the Secretary-General during the ninety days that they objected to the amendment. No contracting state should be declared to be no longer a party to the convention because it objected to an amendment to the convention, unless its objection was discussed at a conference. In the first sentence of paragraph 2, which reads: "If at least (one-third) of the Contracting States or the Economic and Social Council request a Conference to consider the proposed amendment the Secretary-General shall convene such a Conference of the Contracting States", the word "one-third" had been placed in brackets because no agreement had been reached on that point by the Committee. He (Mr. Banerji) considered that the word "one-quarter" should be substituted for the word "one-third". Otherwise, it would be very awkward if exactly two-thirds of the contracting states agreed to an amendment without a conference and exactly one-third, or even slightly less, were opposed to the amendment and desired a conference to consider it.

/In all other

In all other respects the provisions in Document E/CONF.8/41 were similar to corresponding provisions in the draft submitted by the Secretariat (Document E/CONF.8/21).

Mr. SCHAEPMAN (Netherlands), thanking the representative of India for his work on the draft, said that in general he could accept it.

Mr. MORGANTI (Italy) said that he had doubts about the relation of the proposed draft to the fact that the provisions in the main body of the convention were intended to be almost fixed provisions whereas those in both the obligatory and the permissive annexes would require amendment whenever technical developments made that necessary.

Mr. GOMPERT (Switzerland) said that he hoped paragraph 5 of the text in Document E/CONF.8/41 would be amended in such a way as to avoid a situation, where, as regards important parts of the convention, some contracting states would apply the original provisions, whereas other contracting states would be bound by amended provisions.

Mr. BLONDEEL (Belgium) said that he shared the doubts expressed by the representative of Italy. He would deprecate any decision that the procedure for amendments to the main body of the convention should be the same as that for amendments to the annexes. Such a decision might dissuade certain states from becoming parties to the convention and would probably stultify the preparatory work done for the present Conference. Those who had participated in that work had from the outset been of the opinion that the procedure for amendments to the main body of the convention should be different to that for amendments to the annexes, because the provisions in the main body of the convention should be considered as almost fixed, whereas technical developments would make necessary amendments to the annexes from time to time. The Committee was ignoring the fact that parts of the so-called "obligatory" annexes would be worded in the form of a request. There was no need to follow different procedure for amendments to the so-called "optional annexes" and for amendments to the so-called "obligatory annexes". One form of procedure should be laid down for dealing with proposed amendments to the main body of the

convention, and another for proposed amendments to all the annexes. At least it should be laid down either that action should be taken on proposed amendments to the annexes if they were supported by one-quarter or more of the contracting states; or that an amendment to the main body of the convention could not be made unless a conference was convened to consider it and that an amendment could be made to an annex without such a conference.

The CHAIRMAN suggested that Document E/CONF.8/41 might be referred to the Working Group after the Committee had decided whether the procedure for dealing with proposed amendments to the main body of the convention should be the same as that for amendments to annexes.

Mr. DVORAK (Czechoslovakia) said that he could agree to the adoption of the principles in Document E/CONF.8/41. There was no reason why the procedure for dealing with proposed amendments to the main body of the convention should be different from that for dealing with proposed amendments to obligatory annexes. No conference should be convened to consider proposed amendments to the convention unless one-third of the contracting states requested it.

Mr. AZKOUL (Lebanon) said that before the Committee took a decision on the text proposed in Document E/CONF.8/41, it should give proper consideration to the question of the differences between the main body of the convention and the annexes. He considered that one type of procedure should be laid down for dealing with proposed amendments to the main body of the convention, another for proposed amendments to obligatory annexes, and a third type for amendments to permissive annexes.

The text of proposed amendments to any part of the Convention should be transmitted by the Secretary-General, not merely to each contracting state but to all states of which representatives had attended the present Conference, even if they had not become parties to the convention. Those states would be particularly interested in the amendments, the adoption of which might do away with one of the reasons why they had not become parties to the convention. He therefore suggested that the Working Group should consider the advisability of adding at the end of paragraph 1 some such words as: "The text of

the amendment shall also be submitted to states of which a representative attended the United Nations Conference on Road and Motor Transport for their information." It might also consider the advisability of adding to paragraph 2 some such words as: "The Secretary-General should invite to the conference the representatives of states which were represented at the United Nations Conference on Road and Motor Transport, which had expressed a desire to participate in further discussions on the convention although they had not become parties to it, and whose attitude to the convention might change if the amendment were adopted."

Mr. GOTTRET (Switzerland), Mr. PANTELIC (Yugoslavia) and Mr. MORGANTI (Italy) said that they agreed with the representative of Belgium that the procedure for dealing with proposed amendments to the main body of the convention should be different from that for dealing with proposed amendments to the annexes.

Replying to the CHAIRMAN, Mr. BLONDEEL (Belgium) said that he could agree to instructions being given the Working Group to consider the advisability of laying down three different types of procedure, one for amendments to the main body of the convention, another for amendments to the so-called "obligatory annexes" and the third for amendments to the so-called "optional annexes".

The Committee agreed by 7 votes to 6 with 1 abstention that the procedure for dealing with proposed amendments to the main body of the convention should be different to that for dealing with proposed amendments to the annexes.

On the proposal of the CHAIRMAN, who pointed out that the subjects of draft Articles D and F submitted by the Secretariat (Document E/CONF.8/21) were closely connected with that of Document E/CONF.8/41,

the Committee agreed to instruct the Working Group to submit a revised version of the draft Article B proposed by the delegations of India, France, the United Kingdom and the United States of America (Document E/CONF.8/41), taking into account the contents of draft Articles D and F submitted by the Secretariat (Document E/CONF.8/21) and the discussion thereon at its tenth and thirteenth meetings.

The meeting rose at 1.05 p.m.