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MEETING OF EXPERTS ON PASSPORTS AND FRONTIER FORMALITIES

REVISED MINUTES OF THE FIFTEENTH PLENARY MEETING

Held at the Palais des Nations, Geneva, on
Wednesday, 23 April 1947, at 2.30 p.m.

Chairman : Mr. CAREW-ROBINSON (United Kingdom)

1. CUSTOMS INSPECTION OF LUGGAGE (Item II.c. of draft Agenda)

The CHAIRMAN, in declaring the meeting open, said that paragraph C (1) of document E/CONF/PASS/PC/4, had been referred to the Drafting Committee and the meeting would deal with the proposal that, in order to minimise delay at frontier stations there should be examination of baggage en route or in advance.

Mr. MANN (United States of America) said that the suggestion made by the United States delegation was that, where possible, hand luggage should be examined en route. That method was adopted on some trains en route to the United States, but had not been found practicable on board ship. He felt that the United States suggestion would do a great deal towards speeding up frontier formalities and shortening the time a passenger had to spend at frontier stations.

Mr. DAVOINE (France) said that his delegation agreed with the first part of the United States proposal. France had the same regulations as the United States regarding the examination of hand luggage of passengers in transit. He asked what the term "in advance" meant.

Mr. MANN (United States of America) explained that the term "in advance" meant that baggage checked through in advance of the passenger might be examined before his departure or arrival at his option. If a passenger wished to be present at the examination then he could be, but he should be given an option to permit his bags to be examined at his destination before his arrival, as most customs procedure now permitted. That would save time as, on his arrival, he would find that his baggage had already been examined and he would not have to wait for the customs authorities.

Replying to the CHAIRMAN, who asked whether the traveller would have to forward his luggage unlocked in order that the customs might examine it before his arrival, Mr. MANN (United States of America) said that the baggage would have to be unlocked or the keys would have to accompany it.

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Mr. MORTON (Australia) agreed with the representative of France that the first part of the United States proposal was clear and could be agreed to by all countries. Referring to the United States suggestion that it should be possible for an individual to have his luggage examined in advance of arrival in a country, Mr. Morton said that that would not be practicable in the case of the Australian Commonwealth, where it was necessary for a traveller to make a declaration in person at the time of the examination of his luggage. The hand baggage of a traveller was obviously subject to examination every time he crossed a frontier, but the main portion of his luggage should be subject to examination only when he left the country of export and when he reached his final destination. It should not be subject to any examination en route. Mr. Morton proposed that the following wording should be adopted for paragraph (b) on page 4 of document E/CONF/PASS/PC.7.:

"It is desirable to minimize delay at frontier stations or intermediate ports of call by having only hand luggage subjected to examination en route, leaving registered or checked baggage to be subject only to examination at the place of the start of the journey and final disembarkation."

Mr. DAVOINE (France) agreed with the proposal submitted by the representative of Australia.

Mr. MANN (United States of America) considered that the United States proposal regarding registered luggage might partially meet the suggestion of the Australian representative with regard to the term "in advance". He pointed out that United States customs inspectors were stationed in Canada and it was possible for baggage examination to take place before a traveller undertook the journey to the United States. If the baggage were found to contain articles in excess of the exempted entry, then those articles were shipped in bond to a customs port in the United States. That system had worked very well, and he would like to see other adjoining countries adopt the same methods.

The CHAIRMAN asked what would happen if the customs officer examining the baggage of a traveller found goods in excess of the amount allowed for free entry? He understood that if a passenger was in transit the goods would be sealed and go through in bond, but supposing a passenger wished to stay in the United States, what would happen then?

Mr. MANN (United States of America) said that he was referring to goods destined for the United States. The question of transit passengers was simple, but should an ordinary passenger bring in goods in excess of the free limit, those goods would be shipped in bond to a port of customs entry in the United States and the duty paid there.

Mr. Van der POEL (Netherlands) considered that customs formalities should be carried out at the place of residence of the traveller before he embarked on a journey.

Mr. CHERRY (United Kingdom) said that the first suggestion in the United States delegation's note was contained in document E/CONF/PASS/PC/4, page 9, paragraph C(2), and the point raised by the representative of Australia was covered by paragraph (6) on page 9 of the same document. He felt that the latter paragraph would be acceptable to all if the word "normally" was inserted between the word "should" and "be" on the second line. Referring to the suggestion made by the United States delegation that travellers should have the option of having their baggage examined before they entered a country by customs officers of the country to which they were journeying, Mr. Cherry pointed out that most countries did not have customs posts in foreign countries. He felt, however, that no objection should be raised to the United States proposal for the establishment of such posts by bilateral agreement between countries having a common frontier.

Mr. MORTON (Australia) considered that the representative of the United States had over-simplified the position by dealing with a matter which concerned two contiguous countries, i.e., Canada and the United States. He pointed out that a traveller journeying, say, from Chicago to the Falkland Islands, via Mexico and certain other Latin-American countries, would be liable to baggage examination at all frontiers, unless some agreement was reached whereby the checked luggage was only examined at the point of departure and the point of final destination.

Mr. DAVOINE (France) said that a traveller entering France could have his registered baggage examined at the point of final destination, i.e. at Paris, Lyons or any other town where there were customs officials. A traveller leaving France for the United States could make the same arrangements. He suggested that the following words should be added to the proposal contained in paragraph C(b) on page 4 of document E/CONF/PASS/PC/7: "Checked luggage may be examined either at the internal customs office in the country of departure or in the country of arrival, if the traveller requires this to be done".

The CHAIRMAN said that it was agreed that accompanied luggage must be opened and was liable to examination at every frontier. It had been suggested that any examination required should, if possible, be done while the passenger and his luggage were in transit.

Mr. PERIER (France) seconded the suggestion.

Mr. MANN (United States of America) understood that there was general agreement on the first part of the United States proposal, and thought that the discussion was directed towards the clarification of the second part of the United States recommendation.

The CHAIRMAN said that if it was clear that where possible, and, subject to the proper safeguards, arrangements should be made to examine hand luggage while the passenger was in transit,

the meeting would proceed to the examination of the question of registered baggage.

Mr. PERIER (France) said there were two different points to be dealt with. The first referred to the formalities carried out in the State from which the traveller departed and in the country of destination. The second point dealt with arrangements in existence between the United States and Canada. Those arrangements necessitated a special agreement in order that examination on the departure of the traveller from Canada could be carried out both by the Canadian and United States authorities. He considered that reference to bilateral agreements between countries should be inserted in the text.

Mr. MANN (United States of America) felt that there was agreement on the first part of the United States proposal. He asked whether the meeting would accept the principal proposal, on which there had been agreement, and whether some statement could be made that countries should explore the means of examining checked baggage in advance at the passenger's option.

The CHAIRMAN asked the United States representative whether the words "in advance" meant at the point of departure, or whether they meant at the point of arrival in advance of the arrival of the passenger, or both.

Mr. MANN (United States of America) said that, to meet the discussion which had taken place, he would be quite willing to limit the suggestion that facilities should be established whereby a passenger could have his baggage examined on departure, as was the case between the United States and Canada.

The CHAIRMAN asked the members of the meeting whether they agreed that they should accept in substance the recommendation in paragraph 5, page 9 of document E/CONF/PASS/PC/4, the words "at the place of departure or, if this is not possible" being inserted after the word "preferably" and deleted from the end of the sentence.

Mr. DAVOINE (France) considered that the adoption of the paragraph mentioned would not settle the question. The customs visit should take place either on departure or on arrival. He suggested a sentence should be added to the paragraph to clarify the position.

The CHAIRMAN felt that it was not contemplated that the examination by the country of departure should take place at the point of destination inside the country of destination.

Mr. MANN (United States of America) suggested that a full stop should be placed after the word "en route" in paragraph C (b) on page 4 of document E/CONF/PASS/PC/7, and the following words inserted: "the establishment of facilities for examining". The word "and" in front of "checked" should be deleted and the words "should be encouraged" added at the end of the sentence.

Mr. MORTON (Australia) said that he thought the United States proposal was a good one but it was limited by the fact that in many countries common customs services did not exist, nor were they likely to be established in the future.

Mr. DAVOINE (France) explained that should the Conference not be willing to accept the French suggestion on this matter, the French delegation on its part would be prepared to accept the United States proposal provided that the words "in advance" were deleted and the words "point of arrival or departure" were substituted.

The CHAIRMAN suggested that it might now be possible to leave the final wording to the Drafting Committee.

Mr. MANN (United States of America) considered that the United States proposal might be agreed to, and he was, therefore, willing to substitute the words "at the point of departure or arrival" for "in advance". On this basis he wished to move the adoption of the amended United States proposal.

As there was no opposition to the proposal made by the representative of the United States, the CHAIRMAN said that the Drafting Committee would be instructed accordingly.

The point which was now before the meeting was paragraph (4) of document E/CONF/PASS/PC/4, concerning the question of written declarations regarding baggage.

Mr. CHERRY (United Kingdom) said that the position in the United Kingdom was that normally no written declarations were required for hand luggage. However, it was important in customs practice that the power to require written declarations should be maintained. He was, therefore, unable to agree with the paragraph as it stood.

Mr. MANN (United States of America) agreed with the opinion expressed by the representative of the United Kingdom, adding that the Government of his country did not feel that in opposing this proposal they were thereby opposing the facilitation of travel. Mr. Mann mentioned that, by through transit of registered luggage and examination prior to departure, more profitable ends could be achieved.

Mr. DAVOINE (France) said that the French Government had no regulations permitting it to demand written declarations but, as had been pointed out by the representatives of the United Kingdom and of the United States, there were some cases when it was necessary for the traveller to draw up a written declaration himself. This was sometimes much easier and facilitated customs examination.

Mr. Van der POEL (Netherlands) felt that it was very easy to forget items in a written declaration and hence preferred to have verbal declarations. In view of this, he supported the paragraph under discussion.

Mr. MORTON (Australia) pointed out that if the customs laws of certain countries required that written declarations be made, it was rather difficult to recommend at this meeting an entirely different view.

It was also true to say that where it was necessary to take action against an individual who had evaded the customs laws, it was surely much better to make the charge on a written declaration rather than on a verbal statement.

Decision: Paragraph (4) of document E/CONF/PASS/PC/4 was not adopted.

The CHAIRMAN said that the items now to be discussed were paragraph (3) of document E/CONF/PASS/PC/4 and paragraph (C) on page 4 of document E/CONF/PASS/PC/7. Both proposals related to the same subject.

Mr. MANN (United States of America) in moving the adoption of his proposal explained that in common with other countries, the customs laws of the United States were extremely complicated and it would be impossible to give all the tariffs by means of posters. The experiment had been tried, and had proved most satisfactory, of giving passengers basic information regarding customs procedure, in the form of a pamphlet. He felt that this basic information system might have a wider appeal.

The United States proposal was supported by Mr. CHERRY (United Kingdom).

Mr. Van der POEL (Netherlands) drew attention to the fact that no shortage of paper existed in the United States. On the part of the Netherlands it was difficult to see how sufficient paper could be procured. He also cited an instance of an explanatory tariff pamphlet distributed to passengers at sea being discarded and wasted.

Mr. PERIER (France) felt that the meeting should not attempt to impose on the various governments the expense which would be entailed in the preparation of such a pamphlet. He wished, therefore, to add a phrase to the United States proposal saying that travellers would be informed of the customs treatment by the governments concerned, or by tourist agencies, and by rail and shipping companies. This formula would not put the onus on the respective governments.

In this connexion Mr. MANN (United States of America) said that the United States proposal began: "It is desirable". It could thus hardly be described as a strong recommendation.

Mr. PERIER (France) expressed a preference for adding the words he had previously suggested, particularly as by the inclusion of these words the recommendation to governments was broadened to include tourist agencies and similar organizations.

The representative of France did not think that the United States proposal had in any way been weakened by the additional words, rather it now appealed to tourist agencies who might very well be interested.

Mr. KIRKWOOD (Canada) suggested that the word "traveller" be substituted for the word "tourist" in the United States proposal.

The CHAIRMAN pointed out to the representative of France that the United States proposal did not contain anything to suggest that any action was obligatory on governments.

Mr. PERIER (France) said that to avoid further discussion, and in a spirit of conciliation, he would like to let the matter rest, providing that his views on the subject appeared in the records.

Decision: The United States proposal (paragraph C of document E/CONF/PASS/PC/7,) subject to drafting changes, was approved.

The CHAIRMAN suggested that the meeting should now consider paragraph (6), page 9 of document E/CONF/PASS/PC/4, together with paragraph 2, page 4 of document E/CONF/PASS/PC/7.

Mr. MANN (United States of America) in putting forward his Government's proposal said that it was not only shorter than paragraph (6) but was also wider in scope. In addition, it did not limit the method of transport.

Mr. PETERS (Australia) felt that the United States proposal was the better of the two providing it was amended to read "registered luggage whilst in transit".

This proposal was seconded by the representative of the United Kingdom and accepted by the representative of the United States.

Mr. Van der POEL (Netherlands) felt that it was important to include a limiting word such as "normally" in the proposal, as there might be cases when examination was necessary.

In reply to the above point, the representative of the UNITED KINGDOM said that, as he understood the United States proposal, the power of examination would remain, but in general would not be exercised.

The representative of the UNITED STATES OF AMERICA concurred with this interpretation.

Mr. DAVOINE (France) wished to add the following words to the United States proposal: "... whatever means of transportation may have been used by the traveller".

The CHAIRMAN outlined the United States proposal, as amended, to the meeting.

Decision: The United States proposal (paragraph 2, page 4 of document E/CONF/PASS/PC/7), as amended by the representatives of Australia and France, was adopted.

2. PUBLIC HEALTH INSPECTION (Item II D of the draft agenda)

Mr. BORREY (France) supported the proposal on the subject made by the United States but thought that paragraphs (1) and (2) on page 9 of document E/CONF/PASS/PC/4, were not clear enough. In substitution for those paragraphs he put forward a proposal on this subject made by the PICAQ Conference of Health Experts meeting in 1946. He felt that it would be better if the meeting were to adopt the PICAQ wording.

This proposal was supported by Mr. TAIT (United States of America).

Mr. VILLA MICHEL (Mexico) pointed out that the words "germ invectors" in the proposal should read as "germ carriers".

Decision: The French proposal, based on the PICAQ recommendations, was adopted subject to any minor drafting changes.

3. LETTER FROM THE DIRECTOR-GENERAL OF UNESCO (Document E/CONF/PASS/PC/2 Add.5)

The CHAIRMAN drew the attention of the meeting to a letter from the Director-General of UNESCO dated 19 April. Owing to the fact that this letter had been received at such a late stage in the deliberations, he felt that it would not do justice to the important items which the letter contained to comment on them at this period.

He asked for the opinions of representatives on this suggestion.

Mr. PERIER (France) supported the suggestion made by the Chairman.

Decision: The proposal made by the Chairman was approved

4. PROPOSED RECOMMENDATION TO ECONOMIC AND SOCIAL COUNCIL

The CHAIRMAN said that he believed the discussions which had taken place in the conference during the last ten days would be fruitful of results. He therefore suggested that a proposal should be made to the Economic and Social Council of the United Nations expressing the desirability of holding another meeting of experts, after the conclusion of the proposed world conference on passports and frontier formalities, to

review the matters which had been under discussion at this meeting and to see what progress had been made. In addition, the proposed future meeting of experts might put forward new suggestions in the light of a changed situation.

Mr. JEFFES (United Kingdom) wished to support the proposal made by the Chairman and add to it the hope that at the proposed future meeting an even larger number of countries would be represented.

Mr. PERIER (France) also expressed his support for the proposal.

Decision: The proposal by the Chairman to make a recommendation to the Economic and Social Council was adopted.

The meeting rose at 4.47 p.m.