

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



GENERAL
E/CN.2/104 /
20 December 1950
ENGLISH
ORIGINAL: FRENCH

TRANSPORT AND COMMUNICATIONS COMMISSION

Fifth session

Lake Success, New York

19 March 1951

Item 10 (c) of the provisional agenda.

BARRIERS TO THE INTERNATIONAL TRANSPORT OF GOODS

Note by the Secretary-General

I. INTRODUCTION

This item was placed on the agenda of the second session of the Commission at the request of the International Chamber of Commerce (ICC) which, at its Montreux Congress in 1947, had adopted a report on this subject containing twelve recommendations.

At its third session the Commission, on the basis of a note by the Secretary-General (E/CN.2/49), discussed its own competence and that of various international bodies to deal with the twelve recommendations. It concluded that recommendations 1 and 4, relating to the reduction of the number of documents required in the transport of goods, and the abolition of the transit manifest, were more particularly of concern to the Transport and Communications Commission while the other questions were more specifically within the competence of the International Trade Organization (ITO), except for some which were more particularly the concern of the International Civil Aviation Organization (ICAO), the Inter-Governmental Maritime Consultative Organization (IMCO), or the World Health Organization (WHO). However, the Commission recognized that all these questions were closely related and that most of them could not be studied with advantage by one of the bodies mentioned exclusively. The fact that the ITO had not yet come into existence offered a difficulty. The Commission recommended the Economic and Social Council to the Secretary-General to transmit to the Members of the United Nations the Secretariat's note and the report of the ICC, and to invite the
/Members

Members of the United Nations to transmit their views on the twelve recommendations of the ICC. The Council subsequently approved this proposal,

At its fourth session the Commission took notice of a note by the Secretary-General (E/CN.2/79 and Corr.1, and E/CN.2/79/Add.1-4) which contained the replies received from Members^{1/}. This document also contained a new resolution on "Invisible Barriers to Trade and Travel", adopted by the ICC at its Congress held at Quebec in June 1949, which suggested a scheme for removing by taking action at national as well as international levels a number of barriers including those due to documentary requirements and consular formalities.

Members of the Commission were in substantial agreement with the recommendations of the ICC contained in the Montreux resolution on barriers to the international transport of goods. The members were unable to concur in toto with the resolution of the Congress of Quebec. They were of the opinion that as all the recommendations concerned problems which had a trade aspect, international action for dealing with these problems would primarily be a matter for the International Trade Organization. Pending the assumption of its duties by this organization, it was felt that the Commission might recommend the Economic and Social Council to invite Governments to take national action consistent with the principles of the Havana Charter with a view to removing barriers to the international transport of goods. On 12 July 1950, during its eleventh session, the Economic and Social Council adopted the draft resolution proposed by the Commission, adding a final paragraph. The Council's resolution reads as follows:

"The Economic and Social Council,

Noting the statement of the Transport and Communications Commission in its resolution 4 A that direct international action with respect to the problem of barriers to the international transport of goods, such as the convening of a conference, cannot be undertaken immediately since the International Trade Organization, within whose competence the matter would primarily fall, has not started functioning,

/"Urges

^{1/} The replies received after the Commission's session were published in documents E/CN.2/79/Add.5-10.

"Urges the Members of the United Nations and all other interested Governments, bearing in mind all possible interests, to continue consideration of national measures consistent with the principles of the Charter of the International Trade Organization for the simplification of customs and related formalities constituting barriers to the international transport of goods; and

"Requests the Secretary-General to bring this resolution to the notice of the Interim Commission of the International Trade Organization."

In pursuance of the last paragraph of this resolution the Secretary-General requested the Executive Secretary of the Interim Commission of the International Trade Organization to bring the Economic and Social Council resolution to the Commission's notice, and at the same time transmitted to him the document (E/CN.2/79) dealing with this question.

During the discussion of barriers to the international transport of goods, the Commission also noted with satisfaction that annex 9 of the ICAO Convention on international civil aviation, (Chicago 1944) entitled "Standards and Recommended Practices on the Facilitation of Air Transport", had come into force as of 1 September 1949. This annex deals with barriers to the international transport not only of goods but also of passengers. The Commission considered that it would be advisable to urge Governments to take whatever action was necessary as soon as possible to apply these standards and recommended practices and to eliminate as many deviations as possible at an early date. The Commission adopted a resolution to this effect.

At its eleventh session, on 12 July 1950, the Economic and Social Council adopted the following draft resolution submitted by the Commission:

"The Economic and Social Council

"Decides to convey to the Council of the International Civil Aviation Organization its satisfaction at and approval of the initiative demonstrated by that Organization and the results so far attained in alleviating the barriers to international transport by air; and

/"Urges

"Urges all Governments to take whatever further action is necessary to apply as soon as possible wherever feasible ICAO's Standards and Recommended Practices on the Facilitation of International Air Transport; to eliminate as many deviations as possible at an early date; and with regard to those deviations which cannot be eliminated immediately to continue working together through ICAO so as to find a basis for eventual full agreement."

The Secretary-General communicated the two Economic and Social Council resolutions reproduced above to Governments.

He also communicated to the Secretary-General of ICAO the text of the Council's resolution relating to the action taken by ICAO.

The Egyptian Government, in acknowledging receipt of the Secretary-General's communication, added that "the provisions of Annex 9 of the International Civil Aviation Treaty, with the exception of a few minor reservations submitted by the Departments of Customs, Passports and Quarantines, are already in force since 1 March 1940. These reservations have been duly communicated to the International Civil Aviation Organization at Montreal. It may be useful to indicate that the Department of Civil Aviation, with the collaboration of the aforementioned Departments, is rendering every possible assistance to facilitate the air transportation of passengers, goods and mail."

Any other similar comments by Governments received by the Secretariat before the opening of the Commission's session will be communicated to the Commission in an addendum to this document.

II. WORK OF THE UNITED NATIONS, SPECIALIZED AGENCIES AND NON-GOVERNMENTAL ORGANIZATIONS SINCE THE LAST SESSION OF THE COMMISSION

Economic Commission for Europe (ECE)

On 15 March 1950 the Sub-Committee on Rail Transport of the Inland Transport Committee of ECE adopted a resolution^{1/} contemplating the calling of "two meetings of Government representatives, assisted by qualified experts to study the question of simplifying frontier formalities, one of the meetings to deal with passenger problems and the other, with goods problems".

/In this

^{1/} Document E/ECE/TRANS/214

In this resolution the Sub-Committee also instructed the Executive Secretary to "complete his documentation" and noted the studies being conducted by the International Union of Railways.

At the sixth session of the Inland Transport Committee (Geneva, 19-22 September 1950) it was agreed^{1/} that the question of Customs formalities in respect of perishable foodstuffs would be referred to the Group of Experts on Frontier Formalities.

The first meeting to deal with the simplification of frontier formalities with respect to goods is to open in Geneva on 8 January 1951.

World Health Organisation (WHO)

WHO has continued to work on the drafting of the International Sanitary Regulations, with annexes dealing with the sanitary control of the pilgrim traffic and the sanitary standards for ships and aircraft engaged in that traffic. The Expert Committee on International Epidemiology and Quarantine of WHO continued to study this question at its third session held at Geneva from 9 to 18 October 1950. The Regulations are to be submitted for adoption to the fourth session of the WHO Assembly which is scheduled to open at Geneva on 7 May 1951. It is planned that the Regulations will come into force one year after their adoption by the Assembly.

The Commission will recall that, so far as passenger traffic is concerned, it is the object of WHO to ensure "the maximum security against international transmission of diseases with the minimum interference with world traffic."

International Civil Aviation Organization (ICAO)

At its fourth session (Montreal, May-June 1950) the ICAO Assembly adopted a resolution on "Implementation of Annex 9 -- 'Standards and Recommended Practices for the Facilitation of International Air Transport'" to the Convention on International Civil Aviation (Chicago, 1944). This resolution reads as follows:

"The Assembly

".....

"Noting that as of 1 March 1950 there existed a substantial number of deviations with respect to these Standards and Recommended Practices;

/"1. Requests

"1. Requests Contracting States concerned, in the true interests of international aviation, to endeavour to remove these deviations as rapidly as practicable and to implement Annex 9 to the utmost of their ability;

"2. Urges Contracting States to take all steps necessary to bring to the attention of the interested departments of their Governments the importance of making national laws and practices conform to the provisions set forth in Annex 9, having in mind particularly the two aspects of the Standards, first, those requiring States not to impose more than certain maximum requirements in the way of paper work, restrictions upon the freedom of movement, and the like; and second, those requiring States to provide certain minimum facilities, e.g. for passengers and freight;

"3. Draws the attention of all Contracting States, as a means of achieving this end, (a) to the successful results attained by a number of Contracting States through the creation of Facilitation Committees for the purpose of co-ordinating efforts to implement Annex 9; and (b) to the desirability of taking all possible advantage of favourable circumstances prevailing within certain regions or along specific routes in order to improve and further existing methods of facilitation; ..."

International Chamber of Commerce (ICC)

At its 45th session (Paris, 9 October 1950), the Executive Committee of the ICC adopted a resolution on the "Suppression of Barriers to International Air Transport", the text of which was transmitted to the Secretary-General of the United Nations for communication to the Transport and Communications Commission (E/CN.2/NGO/4, dated 12 December 1950 which has already been circulated to the members of the Commission). In this resolution the ICC protests against the multiplicity of administrative formalities which are preventing air transport from benefiting fully from technical advances. It recommends that Annex 9 to the Convention on International Civil Aviation should be implemented by all countries at the earliest practicable date.