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LEAGUE OF NATIONS

**ADVISORY AND TECHNICAL COMMITTEE  
FOR COMMUNICATIONS AND TRANSIT**

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**MINUTES  
OF THE  
FIFTEENTH SESSION**

**Held at Geneva from September 4th to 6th, 1930.**

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## ADVISORY AND TECHNICAL COMMITTEE

### FOR COMMUNICATIONS AND TRANSIT

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M. HOSTIE.  
Dr. W. TEUBERT, Ministerial Counsellor at the Prussian Ministry for National Economy.

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Mr. A. E. KIRKUS, Director of Statistics, Ministry of Transport of Great Britain.  
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M. STEUERNAGEL, Director of the Reichsbahngesellschaft.  
M. TOSTI, Engineer of the Italian State Railways.

##### *Drafting Committee:*

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M. TEUBERT.  
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## VI. Air Transport Co-operation Committee.

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M. Emile ALLARD, Director of the Belgian Technical Air Service; Professor at Brussels and Liège Universities.  
M. Tord Knusson ÅNGSTRÖM, Civil Engineer; Member of the Swedish Central Air Department.  
Colonel Janusz DE BEAURAIN, Chief of Institute of Aeronautical Studies of the Polish General Staff.  
Sir W. Sefton BRANCKER, Director of Civil Aviation at the Air Ministry of Great Britain.  
M. Emmanuel CHAUMIÉ, Director of Mercantile Aviation at the French Air Ministry.  
M. Ricardo RUIZ FERRY, Vice-President of the International Aeronautical Federation; Representative of the Press Association in the Spanish Central Air Board.  
Lieut.-Colonel C. FILIPOWICZ, Chief of the Civil Aeronautics Section of the Polish Ministry of Communications.  
M. FISCH, Geheimer Regierungsrat at the German Ministry of Communications.  
M. Louis HIRSCHAUER, Chief Engineer in the French Air Service.  
Mr. John Jay IDE, Technical Assistant in Europe of the National Advisory Committee of the United States of America.  
Colonel Arnold ISLER, Director of the Swiss Federal Air Office.  
M. Shimao IWAI, Secretary at the Japanese Ministry of Communications.  
General Atsushi KABA, Japanese Delegate on the International Commission for Air Navigation.  
M. Manlio MOLFESÉ, Chief of Civil Aviation at the Air Ministry of the Kingdom of Italy.  
M. Edmond-Louis PITTARD, Professor at Geneva University; Advocate.  
M. Tadya SONDERMAYER, Director-General of the Yugoslav Air Navigation Company "Aeropout"; Vice-President of the Yugoslav Royal Aero-Club.  
M. Emile Th. DE VEER, Director of the Netherlands Air Service.

### *Rapporteurs who may attend the Meetings in an Advisory Capacity:*

- M. Henri BOUCHÉ, Director of l'Aéronautique, Paris.  
M. Salvatore CACOPARDO, Chief of Section at the Air Ministry of the Kingdom of Italy.  
Brigadier-General P. R. C. GROVES (retired) (Great Britain).  
Dr. Hans OPPIKOFE, Professor of the Faculty of Law; Director of the Institute of Aerial Law at Königsberg.

## VII. Experts on the Question of Facilities for the Landing of Aircraft in the Neighbourhood of the Seat of the League of Nations.

- M. A. DUVAL, Head of the Airways Section of the Air Navigation Service at the Ministry of Commerce and Industry of France.  
Commander Antonio MARESCALCHI, Manager of the Aeronautical Construction Company, Ltd., Genoa.  
M. MILCH, Member of the Board of Directors of the Deutsche Lufthansa, Berlin.  
M. NIEUWENHUIS, General Manager of the Koninklijke Luchtvaart Maatschappij Works, Amsterdam.

## VIII. Advisory Committee on Wireless Technical Questions.

- General FERRIÉ, Commander-in-Chief of the Transmission Troops and Services at the French Ministry of War; Member of the Paris Academy of Sciences; President of the International Wireless Telegraph Committee (*Chairman*).  
Dr. KOOMANS, Chief Engineer of Posts and Telegraphs; Head of the Radio Laboratory at The Hague.  
Dr. P. JAEGER, Chief Counsellor at the German Ministry of Posts.  
Colonel A. G. LEE, of the General Post Office of Great Britain.  
Professor VALLAURI, of the Royal Naval Academy, Leghorn.

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M. HOSTIE.

M. KROELLER.

\* \* \*

*Experts appointed to assist the Chairman and the Secretary-General of the Committee in the  
Examination of Questions regarding Communications at Times of Emergency.*

M. Georges BONNET, former member of the French Delegations at the Postal Conferences  
and at the Conferences on Communications and Transit; Deputy; former Minister.

M. JAEGER.

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## FIRST MEETING

*Held on Thursday, September 4th, 1930, at 11 a.m.*

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*Chairman: M. HEROLD.*

Present : All the members of the Committee, with the exception of M. Hörnell (replaced by Major H. VON HEIDENSTAM, of the Department of Roads and Bridges of Sweden, His Excellency Phya Abhibal Rajamaitri (replaced by His Highness Prince VARNVAIDYA, Minister of Siam in Great Britain) and M. Enciso and M. Restrepo, who were unable to attend.

Secretariat : M. HAAS (Secretary-General of the Advisory and Technical Committee), M. ROMEIN, M. METTERNICH, M. LUKAČ and Mr. TOMBS.

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### I. COMMUNICATIONS BY THE CHAIRMAN.

The CHAIRMAN declared the fifteenth session of the Advisory and Technical Committee for Communications and Transit open.

He informed the Committee that M. Duzmans, who had been appointed Latvian Minister at Prague, had been replaced by M. Feldmans, the permanent Latvian delegate at the League of Nations. M. Hörnell, on mission in New Zealand, had been provisionally replaced by Major H. von Heidenstam, of the Department of Roads and Bridges. The Chairman welcomed all the members.

### II. PROGRAMME OF WORK.

The CHAIRMAN invited the Committee to begin by discussing Items 2, 3, 4 and 6 of the Agenda (Annex 1), Item 5 being held over for the next meeting.

### III. REPORT OF THE PERMANENT LEGAL COMMITTEE (Annex 2) (Item 2 of the Agenda).

#### 1. *Interpretation of the St. Petersburg Telegraphic Convention (Secrecy of Telegraphic Correspondence).*

The SECRETARY-GENERAL OF THE COMMITTEE announced that this question was only brought before the Committee for purposes of information, after study by the Permanent Legal Committee, the reply of which declared that the principle of the secrecy of telegraphic correspondence under the St. Petersburg Convention was intangible. This reply would have to be transmitted direct to the Council.

M. SEELIGER did not consider the conclusion reached by the Permanent Legal Committee a practical one, and he wished to emphasise this point of view.

M. DE VASCONCELLOS pointed out that cases had occurred in which the violation of the secrecy of telegraphic correspondence laid down by the St. Petersburg Telegraphic Convention had made it possible to stop the smuggling of drugs in time.

The SECRETARY-GENERAL OF THE COMMITTEE drew attention to the fact that this report was in the nature of a simple legal opinion, which the Council had asked for from the Permanent Legal Committee. The Legal Committee had confined itself to mentioning among its conclusions that the St. Petersburg Telegraphic Convention did not lend itself to an interpretation which would make it possible to violate the secrecy of telegraphic correspondence, although the Committee realised it would be desirable for the provisions of this Convention with regard to the secrecy of telegraphic correspondence to be made more elastic — for instance, at the request of the judicial authorities, and of them alone, etc. Consequently, the Committee suggested that a special Committee should study an amendment to Article 2 of the St. Petersburg Convention, in view of the International Conference to be held at Madrid in 1930.

M. Silvain DREYFUS thought it would be a good thing for the Communications and Transit Committee to give its opinion on this point. The Permanent Legal Committee had replied to the question that had been put before it, which question only bore upon the interpretation of a certain text. In spite of that, it had suggested that the strict character of the provisions of the Convention concerning the secrecy of telegraphic correspondence might be mitigated. He thought that the Communications and Transit Committee might support this recommendation.

Sir John BALDWIN saw no drawback, provided the Committee was unanimous; but, if this unanimity could not be obtained, he thought it better to leave the matter alone.



M. SCHLINGEMANN wondered if it was the duty of the Communications and Transit Committee to make such a recommendation.

M. SEELIGER pointed out that all the members of the Committee had agreed that the organisations working to put down the traffic in drugs should be helped as much as possible. There were two ways of doing this — by modifying the principle that had been adopted in the constitution of all countries (and that was what the Legal Committee had proposed to do), or by merely amending the Opium Convention in such a way that the States parties to it would engage themselves to introduce the necessary provisions into their legislation to facilitate the prosecution of smuggling of drugs. He thought it was better for the Communications and Transit Committee to leave the matter alone, so long as they had not made a careful enquiry into the practical application of an eventual modification in the St. Petersburg Convention.

The SECRETARY-GENERAL OF THE COMMITTEE thought that it was certainly better to add nothing to the Legal Committee's report. The Council had asked the Legal Committee to express its opinion, and it was for the Council to draw the necessary conclusions from the report. The Legal Committee had divided its reply into two parts — one, negative, consisted in a strict interpretation of the St. Petersburg Convention and did not permit the violation of the secrecy of telegraphic correspondence; the other, positive, consisted in the recommendation that the Telegraphic Convention should be amended in such a way that the judicial authorities, and the judicial authorities alone, should be able to have certain international telegrams communicated to them and even to communicate these telegrams further to other judicial authorities, in order to facilitate criminal prosecutions, without the secrecy of telegraphic correspondence being thereby violated. Consequently, he considered it best to leave it to the Council to take a decision.

M. GUERRERO had no new element to add to the explanation given by the Secretary-General of the Committee of the Legal Committee's point of view. He considered it was not for the Communications and Transit Committee to give an opinion on the question, since it was the Legal Committee that the Council had asked for advice. As this advice was in favour of a revision of the St. Petersburg Convention, it was useless to make any addition to it. The Council itself would draw the necessary conclusions therefrom.

M. Silvain DREYFUS said he was satisfied by the explanations given in answer to his proposal, and did no longer insist thereon.

## 2. *Codification of International Law in Matters of Communications and Transit.*

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that the study of this question was still in its infancy. The Legal Committee, which had been invited to investigate the possibility of arriving at a codification of conventions in the sphere of communications and transit by the resolution adopted by the Assembly on September 24th, 1929, had considered that proposals in this connection could already be submitted to the next Assembly. The information necessary would be immediately communicated to the Legal Committee by the Secretariat, so that the Legal Committee would be able to formulate its proposals before September 15th.

So far, their work had been confined to the publication of a collection of treaties and conventions concluded under the auspices of the League. Now, many conventions and treaties had been concluded outside the League, and it appeared that it would be useful to collect them together, at the same time pointing out the present position with regard to their ratifications. The work would begin by a choice of these conventions, and the expense that would be incurred would apparently have to be as low as possible. If the Communications and Transit Committee accepted this proposal, it would be suitable to empower the Chairman to transmit the eventual proposals of the Legal Committee to the Secretary-General in view of their communication to the Assembly.

In reply to a question of M. Seeliger, the Secretary-General of the Committee added that the aim of publication would not be to bring to light the material that was ready for codification. All that would be done would be to publish periodically, concerning the important conventions that had not been concluded under the auspices of the League, the same information as was published concerning the conventions concluded under the auspices of the League.

M. ITO acquiesced in the procedure proposed by the Secretary-General of the Committee. He drew attention, however, to a passage on page 45 of the Legal Committee's report (Annex 2) which said :

“ A comparison should be made, on the one hand, between the principles of conventions concluded on certain communications questions and those concluded in connection with other communications questions; and, on the other hand, between the principles of conventions covering the same subjects but applying to different areas or continents. ”

He asked what exactly this passage was about.

The SECRETARY-GENERAL OF THE COMMITTEE replied that the passage dealt with another question concerning work eventually to be undertaken by the Legal Committee at some future date.

The Legal Committee wanted the Secretariat to carry out a certain amount of preliminary work consisting in a choice between the conventions and a comparison of the texts, which



would allow them to see how far these conventions were founded on similar principles. That was a scientific and lengthy work, concerning which details were still lacking.

In conclusion, the Secretary-General of the Committee said that no objection had been made to the proposed publication.

M. GUERRERO thought the essential point was the publication of the conventions, whether they had been concluded under the auspices of the League or not. On the other hand, comparison between conventions on the same subjects in different countries and different continents would appear to be of considerable use, because it would make it clear whether codification could be undertaken with ease. If manifest divergencies appeared, this comparison would make it possible to search for a means of harmonising the texts. It was probable that this work would be confided to the Permanent Committee for the Codification of International Law.

Sir John BALDWIN expressed the hope that, when the Legal Committee laid down principles, it should be asked to give an example in each case in order to help them to understand the text.

M. Silvain DREYFUS asked what was the exact bearing of the recommendation made by the Legal Committee at the end of the last paragraph of Section 2 — namely, that an attempt should always be made "to draft texts as uniformly as the varied nature of the subjects dealt with permits". He would like to know, for example, to whom this recommendation was addressed.

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that the passage in question merely expressed a quite general point of view, to which the publication of the Legal Committee's report would draw sufficient attention. There was no need for the Committee to follow up the suggestion. In spite of that, he hoped it would be possible to draw the attention of the Secretary-General of the League to this passage in the report for necessary action. The aim of the Legal Committee was uniformity in the drafting of texts, and it would be a good thing for the Communications and Transit Committee to give it its support.

In reply to a question of M. Seeliger, he explained that the first duty of the Secretary-General in his turn would probably be to bring this passage in the Legal Committee's report to the attention of the various sections interested.

Sir John BALDWIN wished that, in that case, they should add the recommendation that the attempt to secure uniformity should not have a bad effect on the value of the conventional texts.

### 3. *International Definition of Periodicals.*

The CHAIRMAN announced that, as the Legal Committee had not finished its study of the question, there was no need for the Communications and Transit Committee to come to a decision on this point.

### • 4. *Request for an Opinion from the High Commissioner of the League of Nations at Danzig on Certain Questions of Railway Organisation at Danzig.*

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that this question was not on the Committee's agenda, but he thought it useful to take note of the information supplied. The opinion of the Committee for Transport by Rail, as soon as given, would be referred to the High Commissioner; but the enquiry of the Legal Committee had not yet been finished. In this connection, the Secretary-General of the Committee explained that, when the High Commissioner asked for an opinion on a question which came within the scope of a technical organisation, the Secretary-General of the League referred the question to the Chairman of the Committee interested, for transmission either to the Committee, to a sub-committee or to experts. If the question was purely legal in aspect, the legal experts were chosen by the Rapporteur of the question of Danzig to the Council. If the question was both legal and technical in aspect, the experts were chosen by common agreement by the Chairman of the Committee concerned and the Rapporteur of the question of Danzig to the Council. In the present case, the Secretary-General had considered that the question presented both legal and technical aspects, and for that reason, in agreement with the Rapporteur to the Council and the President of the Committee, it had been referred, on the one hand, to the Legal Committee, and, on the other hand, to the Administrative Section of the Committee for Transport by Rail.

In reply to a question of M. Politis, he added that in all likelihood the Chairman of the Administrative Section of the Committee for Transport by Rail was profiting by the presence in Geneva of the members of the Administrative Section to give them an account of the present position.

## IV. SMUGGLING OF ALCOHOL (Item 3 of the Agenda).

The CHAIRMAN invited the members of the Committee to refer to paragraph (b) of the section on smuggling in the report of the Economic Committee on the work of its thirty-second session (see document C.353.M.146.1930, page 6).

He read the resolution adopted by the Committee on the smuggling of alcoholic beverages.



M. SCHLINGEMANN had represented the Communications and Transit Committee at the session of the Economic Committee when this resolution had been adopted. He had noted that, both in the Sub-Committee and in the plenary meeting, care had been taken to adopt a resolution which fitted in with that already adopted by the Communications and Transit Committee. He referred to paragraphs 1 and 2. Paragraph 3 had been added on the initiative of the Economic Committee. In his opinion, it should be looked upon as a reinforcement of the measures laid down by the Communications and Transit Committee, and, consequently, he thought that the Committee might be satisfied and consider the question as settled.

*The Committee took note of the resolution adopted by the Economic Committee on the smuggling of alcoholic beverages.*

V. COMMUNICATIONS AFFECTING THE WORKING OF THE LEAGUE  
OF NATIONS IN TIMES OF EMERGENCY  
(Item 4 of the Agenda).

- (a) *Facilities to be granted to Aircraft* (see Report of the Committee on Arbitration and Security, document A.6.1930, page 33).

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that the draft resolution adopted by the Committee on Arbitration and Security was in conformity with the views of the Communications and Transit Committee, with the exception of certain details tending to give further material security to States. He consequently proposed that the Committee should confine itself to taking note of the text of the resolution adopted by the Committee on Arbitration and Security.

*This was decided.*

- (b) *Construction of an Aerodrome near the Seat of the League.*

The SECRETARY-GENERAL OF THE COMMITTEE recalled that, as a result of a decision taken by the Communications and Transit Committee at its last session, new information had been vouchsafed by the authorities of Geneva with regard to the construction of the aerodrome at Cointrin; these new proposals implied a reduction in expenditure. The experts had been consulted by letter in order to know if the new project of construction could be considered satisfactory. Replies had been received from nearly all the experts, who, in general, were in favour of the proposals. It appeared that, if they wished to economise, they would have to try another way. In conclusion, the Secretary-General of the Committee said that it would be best to convene the experts and invite them to discuss the matter with the authorities of Geneva on the spot and to present a report to the Advisory Committee for Communications and Transit in view of the 1931 Assembly. In any case, the League would be committed to considerable expense, and for that reason the Secretary-General of the Committee thought that the questions would have to be taken *seriatim*. A considerable financial effort had already been demanded of the League in order to set up a wireless station. The report of the Committee on Arbitration and Security was going to be presented to the Assembly, and the question of facilities to be granted for landing in the neighbourhood of Geneva would be dealt with, together with the question of aircraft as a whole. It would consequently have to be referred to the Assembly of 1931 or 1932.

*As this question was not ripe, the Committee decided to postpone it until a later session.*

VI. REPORT ON THE FIRST SESSION OF THE AIR TRANSPORT  
CO-OPERATION COMMITTEE (Item 6 of the Agenda).

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that, although the document submitted to the Communications and Transit Committee was extremely short (see document C.395.M.175.1930.VIII), it was nevertheless of considerable importance in that it gave an idea of the work of the Air Transport Co-operation Committee, which work might be considered to cover considerable ground. As might be discovered from the list of its members, the Air Transport Co-operation Committee was both fully representative and fully competent. The preparatory studies that had been made in view of the meeting of this Committee had been conducted with great care and had been collected in a volume which would be distributed to the members of the Communications and Transit Committee (document C.339.M.139.1930.VIII). This volume contained information deemed otherwise useful by the members of the Committee, who had declared that, had the meeting resulted only in this study, it would nevertheless have been of considerable interest.

The discussions of the Committee had been especially interesting, and certain economic and political questions concerning air navigation had been approached for the first time. So far, the discussions in this field had dealt with legal or police questions, and questions concerning Governments and matters of economy had been left on one side. Now these questions were of peculiar interest, in that air companies lived largely on Government subsidies. At the end of a fairly long discussion, the Committee had been unanimous on all points. It had not considered its task as finished, but had entrusted certain questions to a sub-committee for study and looked forward to a new meeting in the spring of 1931.



The CHAIRMAN invited the Committee to discuss the different sections of the report of the Air Transport Co-operation Committee, point by point.

1. *Relations between Civil and Military Aeronautics.*

As the Air Transport Committee had not dealt with this question, the Communications and Transit Committee had no decision to take on this subject.

2. *Unification of Public International Law on Air Navigation.*

The SECRETARY-GENERAL OF THE COMMITTEE pointed out in this connection that one of the questions submitted to the Air Transport Co-operation Committee was that of the non-participation of certain States. The Air Transport Co-operation Committee had considered it best to wait for the results of the negotiations undertaken between the States concerned before giving its opinion on this subject.

3. *Co-ordination between Organisations dealing with Air Navigation.*

This question had been reserved and would be studied in view of the next session of the Committee.

4. *Conditions for the Admission of Foreign Undertakings engaged in Regular International Transport.*

The SECRETARY-GENERAL OF THE COMMITTEE drew attention to the resolution passed by the Air Transport Co-operation Committee in this connection. This resolution was divided into two parts — the first, founded on existing international law and inviting the competent international organisations to investigate the means of giving wider liberty to regular international air transport; the second expressing the hope that Governments would turn a favourable ear to requests for authorisation to fly over their territories, and would endeavour to conclude agreements among themselves granting the most liberal treatment possible to regular international air transport.

The CHAIRMAN said that the draft resolutions, in order to be transmitted to Governments, would have to come from the Communications and Transit Committee. Consequently, he invited the Committee to draft a resolution in conformity with that adopted by the Air Transport Co-operation Committee.

M. GRÜNEBAUM pointed out that there might be some danger in accepting this recommendation. He had represented Austria at the meeting of the International Committee on Air Navigation and he thought it his duty to draw attention to the fact that a certain number of States had made their adhesion to the 1919 Air Navigation Convention subject to the condition that flights over their territories without stoppage would depend on their consent. If the Communications and Transit Committee had to support the resolution adopted by the Air Transport Co-operation Committee, it would run the risk of making adhesion for these States impossible. Now the question arose whether they should try to secure the greatest number of States to adhere to the Air Navigation Convention or not.

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that the text just submitted to the Committee had been unanimously accepted by the members of the Air Transport Co-operation Committee, and he did not think that it went quite so far as M. Grünebaum appeared to believe. As a matter of fact, this text did not in the least tend to suppress the authorisation to fly over territories without stoppage; it merely asked that greater liberty should be granted to aircraft belonging to regular air navigation lines. The representatives of official circles who had been present at the meeting of the Air Transport Co-operation Committee had agreed on the text of this resolution, and consequently it would be very difficult to change it, especially if consideration was taken of the fact that it did not mean what M. Grünebaum thought it meant.

M. GRÜNEBAUM recalled that the initiative in taking up the attitude to which he had alluded had come from Austria, supported by Italy, America, etc. Moreover, it had been pointed out that the smaller States feared that, if preliminary authorisation was not made essential before flight over their territories without stoppage, their countries would be swarming with aircraft of regular lines which would cross their territories without landing. Switzerland had also been of this way of thinking; and, as for Austria, it was one of the conditions of her adhesion to the Air Navigation Convention.

The SECRETARY-GENERAL OF THE COMMITTEE drew attention to the fact that the Austrian point of view had already been upheld at the Conference in view of the revision of the Air Navigation Convention. Austria, Italy and Germany had shared the same point of view; if the text of the resolution had meant what M. Grünebaum suggested, the German member of the Committee would certainly not have accepted it. The text in question was a compromise. It made it possible for those who had declared themselves in favour of the authorisation of transit without stoppage to consider the right of each State to accept this as a matter of fact; and for the others to hope to see, not the authorisation of transit without stoppage suppressed,



but a wider liberty granted to machines of the regular air navigation companies, and States receiving favourably requests for authorisation to fly over their territory.

M. GRÜNEBAUM declared himself satisfied by the explanations of the Secretary-General of the Committee.

The CHAIRMAN said that the Committee was agreed in principle on a draft resolution in the sense of that already adopted by the Air Transport Co-operation Committee.

##### 5. *Progress of International Co-operation in the Operation of Air Lines.*

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that this question was connected with the previous one, and thought that the Committee might adopt a recommendation in the sense of the Air Transport Co-operation Committee's resolution. The fact that the "pools" system was said to have given satisfaction showed clearly that Section IV was not likely to bring any changes in the actual organisation. The draft resolution proposed in Section V ought to be studied in conjunction with that proposed in Section VI.

In answer to a question of Sir John Baldwin, the Secretary-General of the Committee thought that the question of competition between civil aeronautics would ultimately be reduced to a question of the comparative sacrifices which would be demanded from the taxpayers of the different States which wished to maintain their civil aviation.

M. SCHLINGEMANN said that he was not satisfied by the expression "unnecessary competition" which occurred in paragraph 2 of the resolution in Section V.

The SECRETARY-GENERAL OF THE COMMITTEE thought it would be better not to change the text of these resolutions, all of which were the result of compromise and had been the subject of a specially careful investigation on the part of the Air Transport Co-operation Committee. On the other hand, the question was of such importance that it should not be approached without a preliminary study of the different conditions prevailing in European air navigation at the present time. In this connection, the Air Transport Co-operation Committee had shown itself exceedingly prudent and had confined itself to keeping in view a possible improvement in the present condition of European civil aviation, which the Committee had considered deplorable. It had also pointed out that the sums expended by various Governments in subsidies for air navigation could, if they had been better allocated, have been spent in a much more fruitful way on the erection of beacons and the lighting of airways, the establishment of emergency landing-places, etc. For civil aviation to be in a position to render the services expected of it, subsidies would have to be justified by the results obtained. Consequently, it would be necessary to co-ordinate all efforts for this purpose.

Sir John BALDWIN thought that the words "unnecessary competition" did not render clearly the idea expressed by the Secretary-General of the Committee. If the Committee had to accept a resolution in the sense of that adopted by the Air Transport Co-operation Committee, it would want a more precise term to be employed, for it seemed that the essential was to increase the economic returns from the air navigation lines.

M. SEELIGER gave an example to illustrate the expression "unnecessary competition". In two adjacent countries three or four lines were sometimes established between the capitals, whereas the number of passengers would only justify the establishment of one or two lines. That was a case when agreement between States would serve to avoid overlapping.

The SECRETARY-GENERAL OF THE COMMITTEE added that the coefficient of the employment of air material by the air navigation companies was extremely low at the present moment.

In reply to a question from M. Schlingemann, the Secretary-General of the Committee explained that the Air Transport Co-operation Committee had had in mind the enlargement of the present system of agreements which was still confined to bilateral agreements. It had suggested the signature of multilateral agreements. They should not think that the words "between themselves" to which M. Schlingemann had drawn attention meant that these agreements might be directed against third parties in any way. On the other hand, these words could not be understood to refer to agreements between Governments and companies, as M. Grünebaum seemed to think.

The CHAIRMAN said that the Committee was agreed on the report of the Air Transport Co-operation Committee, subject to the reservation of an eventual change in the text concerning the expression "unnecessary competition", which would be replaced by the terms "unjustifiable competition" or "duplication" proposed during the discussion. He added that it would be left to the Secretary-General of the Committee to settle this matter of drafting.

##### 6. *Possibility of studying a Special Statute applicable to Certain International Air Connections of General Interest.*

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that this was really a political question, and he thought it would perhaps have to be referred to the Council. The Committee, basing itself on the idea that certain air connections—for example, those between continents—



were only possible with the help of Government subsidies, had thought that the actual "pools" system was insufficient and that they would have to provide for the internationalisation of these lines.

M. SEELIGER asked if the internationalised lines would have a special statute — similar to that, for example, dealing with the navigation of the Danube.

The SECRETARY-GENERAL OF THE COMMITTEE replied that he had no exact information in this connection, as the question had not yet been studied. Some people had considered that the question of the authorisation of transit without stoppage ought not to arise for lines of this kind, for a country should not be able to prevent the establishment of a line in the general interests by its refusal to authorise aircraft to fly over its territory. Provision would certainly have to be made for a special international system.

M. ITO drew attention to the fact that the text of the resolution in question adopted by the Committee particularly lacked precision. He would like to know exactly to what he was to draw the attention of his Government, all the more so since the question was of considerable interest and seemed worthy of a preliminary study.

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that certain members of the Committee had only accepted Resolution No. V in conjunction with Resolution No. VI, which left the door open for the adoption of other different forms of international organisation of the "pools" system. All the information necessary to understand the text of this resolution was to be found in the Minutes of the session, for the discussion had been conducted with considerable freedom. On the other hand, the Air Transport Co-operation Committee was considering no action for the moment, since the prevailing feeling was that, at the present time, they would have to continue with the "pools" system and try to extend the field of multilateral agreements, but that these means would quickly show themselves to be insufficient and it was important to draw the attention of Governments to this fact. The Secretary-General of the Committee added that the resolution of the Air Transport Co-operation Committee might be referred to the Council, together with a similar resolution from the Communications and Transit Committee.

The CHAIRMAN thought that, from the moment the specialists in this field had been unable to come to an agreement, it was better to wait before asking them for details.

M. Silvain DREYFUS added that the text of the resolution might be provisionally adopted, since the Minutes of the meetings contained the necessary explanations. Extracts of the Minutes might be published in support of the text of the resolutions.

Sir John BALDWIN was not a supporter of the system of accepting a resolution first and understanding it afterwards. He wondered whether, in the case of air-navigation monopolies being actually in existence on certain international lines of general interest, the recommendation expressed in Section VI would not tend to sanction such monopolies by an international statute.

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that the aim in view had been exactly the contrary.

M. DJOURITCHITCH asked if the international air connections of general interest dealt with in Section VI had been mentioned by name in the Minutes of the meetings of the Committee.

The SECRETARY-GENERAL OF THE COMMITTEE replied in the negative. The Committee had done no more than to give examples, for the question was delicate enough, since some of these connections were assured by companies which enjoyed a monopoly.

On the other hand, he thought that it would be slightly premature to ask the Committee to make a study of this matter.

M. SCHLINGEMANN proposed that the two draft resolutions should be drawn up in conjunction, since Section V was closely related to Section VI.

M. SEELIGER recalled, as the Secretary-General of the Committee had also done, that the text of the resolutions had been unanimously accepted by the members of the Air Transport Co-operation Committee after a long discussion. In such cases, these texts were often intentionally slightly obscure, and it was preferable to keep them so in order to preserve agreement. It was better for the moment to survey the whole of the matter rather than its details.

M. Silvain DREYFUS and M. DE VASCONCELLOS supported M. Seeliger's suggestion.

The CHAIRMAN said that the members of the Committee were agreed on the substance of the recommendation presented by the Air Transport Co-operation Committee. He consequently proposed that the Communications and Transit Committee should take note of this resolution, while declaring that it awaited a further communication containing certain precisions.



M. ITO pointed out that the Communications and Transit Committee was a technical body, and vague resolutions were hardly in its line. However, he would not oppose this proposal, but would merely formulate a reservation on the opportuneness of taking a resolution in the sense proposed in Section VI by the Air Transport Co-operation Committee.

The SECRETARY-GENERAL OF THE COMMITTEE begged M. Ito to reserve the right to withdraw his reservation until he had consulted the Minutes of the session of the Air Transport Co-operation Committee.

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## SECOND MEETING

*Held on Thursday, September 4th, 1930 at 4 p.m.*

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*Chairman: M. HEROLD.*

Present: All those present at the preceding meeting.

Secretariat: M. HAAS (Secretary-General of the Committee), M. ROMEIN, M. METTERNICH, M. LUKAČ, M. TOMBS.

### VII. REPORT BY THE SUB-COMMITTEE ON QUESTIONS RAISED BY THE COUNCIL IN CONNECTION WITH FREEDOM OF COMMUNICATION AND TRANSIT WHEN CONSIDERING THE RELATIONS BETWEEN POLAND AND LITHUANIA (document C.386.M.170.1930.VIII) (Item 5 of the Agenda).

In the first place, the CHAIRMAN drew the attention of the members of the Committee to the errata to the draft report previously distributed.<sup>1</sup> He asked the Rapporteur, M. de Vasconcellos, to be good enough to give some explanations in regard to the report.

M. DE VASCONCELLOS, Rapporteur, confined himself to drawing his colleagues' attention to the conclusions of the report of the Special Sub-Committee and to the method adopted in arriving at these conclusions.

He pointed out that the question was referred to the Committee by a Council resolution dated December 14th, 1928. Under the terms of this resolution the Council decided:

“ . . . to request the Advisory and Technical Committee for Communications and Transit to present a report to the Council on the practical steps which might be adopted, account being taken of the international agreements in force, in order to remedy the situation above referred to, to lessen its international repercussions. ”

M. de Vasconcellos wished to emphasise the last part of the sentence: “ to lessen its international repercussions ”, which defined the precise mandate of the Sub-Committee. The basis of the Council's action was obviously Article 23 of the Covenant, the spirit and letter of which should be respected by the two countries concerned. Thus, as Members of the League of Nations, they ought to re-establish communications with one another, but as the problem raised numerous difficulties of political character, the Sub-Committee thought it advisable to put on one side the question of negotiations between the two countries. It had confined itself to studying the international repercussions resulting from the present state of affairs, and had sought for means of removing the disadvantages in which the situation involved other States.

These international repercussions were of two kinds: technical and legal. Consequently, the Sub-Committee considered it wise to set up two Sub-Committees to deal respectively with these two series of problems. To this end it called upon persons of great competence in the technical and legal spheres and M. de Vasconcellos wished here to thank them in the name of the Sub-Committee.

M. de Vasconcellos emphasised the gravity of the international repercussions to which the Council had called attention. The present state of affairs caused certain injuries to third parties which it was desirable to lessen or to remove.

These repercussions were felt principally in regard to goods traffic. In spite of the interruption of direct communications between Poland and Lithuania, passenger and postal traffic could be carried on indirectly with relative ease. It was also fairly easy to settle the difficulties arising in regard to telegraphic traffic, whereas, on the contrary, goods traffic was seriously

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<sup>1</sup> The final text of document C.386.M.170.1930.VIII. takes these errata into account.



handicapped as a result of the various measures which the two countries had thought it necessary to take. In particular, M. de Vasconcellos cited the attitude adopted by Poland which led to the stopping of the floating of timber on the Niemen and the waterways connected with this river. In regard to rail transport, Lithuania had stopped the main traffic line between Landwarow and Kaisiardorys. This stoppage prevented the transit of goods from Germany or Russia, and even from other countries.

The Sub-Committee had therefore asked that the States concerned should resume the communications thus interrupted, with a view to putting an end to a state of affairs incompatible with the provisions of Article 23 of the Covenant of the League of Nations and the other obligations to which these States had subscribed. The Sub-Committee particularly emphasised the necessity for the resumption of the international transit in conformity with the definition of the freedom of transit given by the Barcelona Conference on Communications and Transit.

M. de Vasconcellos pointed out that the measures recommended by the Sub-Committee were easy to carry out, that they would involve very little expense, and that they would not in any way affect the point of view in the political field of the countries concerned.

He emphasised the great scrupulousness of which the Committee had given proof in the methods followed in arriving at its conclusions; it appointed sub-committees of experts composed of very competent persons; it heard the views of all interested circles; experts visited the two countries, and M. de Vasconcellos himself, as Chairman of the Sub-Committee, went to the spot. It had endeavoured to obtain as exact documentation as possible, and all the Sub-Committee's work was dominated by the greatest desire for impartiality.

M. de Vasconcellos wished to thank everyone who had helped the Sub-Committee in its work, and above all the Secretariat, whom it was no longer necessary to praise. Nevertheless, he wished once again to pay a tribute to the competence of the Secretary-General of the Committee, M. Haas, which was already well known.

These were the results of the Sub-Committee's efforts. The Committee would now have to decide whether it considered that the Sub-Committee had succeeded in its task and whether it approved the report.

The CHAIRMAN thanked M. de Vasconcellos warmly in the name of the Committee for his very clear and interesting statement. He opened the discussion on the report as a whole.

M. ITO wished to begin by paying a tribute to the very remarkable report submitted by the Sub-Committee and to congratulate the latter on the way in which it had carried out its task. At the same time, he would observe that, though the case in question referred to exclusively European problems, similar questions might arise in other continents and, consequently, it was desirable to be extremely prudent in the conclusions to be adopted. He pointed out that M. de Vasconcellos had emphasised the gravity of obstacles to goods traffic, while passenger traffic would be less important from this point of view. He would ask the Rapporteur to be good enough to give some explanations in regard to the importance of the latter, or to say whether it was on account of the existing conditions that the Sub-Committee had not thought it expedient to deal with this question.

In the second place, M. Ito referred to Section III, Chapter II of the Report (Consular and similar questions). In the opinion of the Sub-Committee, it seemed necessary in regard to the resumption of transit to consider various connected questions, more especially the setting up of consular agencies or special agencies not of a consular character. He would be glad to have some explanations on this matter and to know whether, in the Sub-Committee's view, agencies of this kind should be set up on the points of the frontier crossed by the Niemen or other waterways, or on the frontier stations or in other localities, with a view to facilitating the resumption of goods traffic.

Finally, the Rapporteur had stated that postal and telegraphic traffic was assured indirectly. Did that solution appear to the Sub-Committee to be satisfactory?

M. DE VASCONCELLOS, Rapporteur, wished to reply to M. Ito in a few words.

In regard to passenger traffic, the direct line was stopped. Transport was carried on indirectly. This involved certain delays but they were not considerable, and if the state of affairs was not perfect, it was nevertheless supportable. The Sub-Committee had not proposed the immediate resumption of direct traffic for this raised a very difficult problem in view of the attitude of the Lithuanian Government. On the other hand, questions concerning the transit of passengers were much more complex than questions concerning the transit of goods, for it was always easy, from the technical point of view, to seal wagons of goods, but the same procedure could not be applied in the transport of passengers.

In regard to consular and similar questions, M. de Vasconcellos stated that the Lithuanian Government did not for the moment wish to agree to the resumption of consular relations. For that reason, the Sub-Committee had been led to consider the setting up of special agencies not having a consular character which would carry out the formalities necessary to transit.

Postal traffic was in very nearly the same position as passenger traffic. It was carried out indirectly and there were similar delays.

The ideal would certainly be the resumption of direct communications, and the two Governments ought to resume them, but, in view of the complications and difficulties of another kind which at present existed, it did not seem possible for the moment to realise this ideal.

M. SCHLINGEMANN also wished to pay a tribute to the scope of the work done by the Sub-



Committee. He thought that the Sub-Committee had been very wise to leave on one side the question of direct transport and to confine itself to problems concerning third-party countries.

M. DE VASCONCELLOS, Rapporteur, thanked M. Ito and M. Schlingemann for the compliments they had been good enough to address to the Sub-Committee.

M. GRÜNEBAUM also congratulated the Sub-Committee on the success of its efforts. The report before the Committee seemed to him quite remarkable and he would simply draw attention to one point of detail of which, however, in view of the position he occupied, he was in a position to appreciate the importance. He would call attention to the paragraph in which it was recommended that the two States should proceed "to conclude administrative and technical agreements essential for establishing on the railway through Landwarow-Kaisiadorys, a continuous service which shall meet the requirements of international transit." This provision was based on the statements of the Legal Committee, which could not be attacked either from the legal or from the practical point of view. As the same time, in the presence of the obligation of the two parties to prepare and to conclude agreements of this kind, M. Grünebaum was afraid that this might be a method which those concerned would be able to use to prolong the matter for some years. M. Grünebaum had had to prepare similar agreements, and he could say that, for ten years, he had exercised the greatest zeal in this task and that, nevertheless, he had succeeded in establishing only three agreements with three neighbouring countries. He added that, of these three agreements, one only had been ratified — that with Switzerland, and, if that had been ratified, it was because it was identical with the agreement in force between Switzerland and the former Austro-Hungarian Monarchy. In these circumstances, he wondered whether it would not be advisable to recommend the States concerned to come to this conclusion as soon as possible, and, if it did not appear possible to draw up definitive conventions, at least to make provisional agreements.

He took this opportunity to make a general observation. The difficulties met with in concluding agreements of this kind arose from the fact that there was no model convention to which reference could be made. It followed that delegates were very suspicious of any proposal formulated by the other party. Possibly a piece of work worthy of the attention of the Committee would be drawing up of standard conventions on railway transport. In this connection, the Committee could call on the good offices either of the Secretariat or of the Committee for Transport by Rail or even resort to the services of experts. He emphasised that the situation was the same for the countries created by the dismembering of the former Austro-Hungarian Monarchy and that this situation was almost intolerable for all countries. The suggestion which he had formulated would perhaps bring some relief in this sphere.

M. DE VASCONCELLOS, Rapporteur, would confine himself to replying to those of M. Grünebaum's observations which directly concerned the report. They amounted briefly to emphasising that it was essential for the States concerned to apply the measures recommended by the Sub-Committee. M. de Vasconcellos was still sceptical of the influence which the insertion of a reference of this kind in the text would have. Either the parties concerned were animated by a spirit of goodwill and then everything would be simple; or, if the contrary were the case, there was not much to be done.

M. SEELIGER recognised that the question raised by M. Grünebaum was very serious. It was necessary to know what practical results the report would give. In his opinion, however, the Committee's task was confined, in the terms of the Council resolution, to indicating the practical steps for remedying the situation. It was for the Council to consider the carrying out of the recommendations of the Committee.

M. ITO wished to emphasise a point of detail concerning paragraph 2 of Chapter III of the report, pages 14 and 15. This paragraph laid down the legal basis of the obligations falling on Lithuania. As Lithuania was not a contracting party to the Convention on the Freedom of Transit, it was based exclusively on the Convention concerning the territory of Memel. This idea was expressed in paragraph (a) of page 14, and was strengthened in the second paragraph of page 15 in which it was stated: "the above considerations refer exclusively to transit traffic coming from or destined for Memel". Attention was thus concentrated on the Convention concerning the territory of Memel, but, at the end of the third paragraph on page 14, it was said: "so far as the traffic in question is concerned, including a certain amount of traffic coming from or destined for Memel". That formula seemed to consider this traffic, if not as negligible, at any rate as of relatively little importance. In M. Ito's opinion, it would be desirable, in order to strengthen the legal basis, to say "especially a certain amount of traffic coming from . . ."

The SECRETARY-GENERAL OF THE COMMITTEE observed that it would be difficult to use the word "especially". It would be contrary to reality, for, if the line in question was one of the means of reaching Memel, it was far from being direct. It was utilised for this purpose before the interruption of communications owing to the scarcity of railways in this district, but, in reality, it was much more suitable for transport between Libau and Königsberg. In order to settle the question and to give satisfaction to M. Ito, the word "including" could be replaced by "more especially", which would draw attention to the traffic coming from or destined for Memel.



M. GRÜNEBAUM observed that it was mentioned on page 15 that Poland had ratified the Berne Convention of October 23rd, 1924. He asked which provision of the Berne Convention applied in this case.

The SECRETARY-GENERAL OF THE COMMITTEE replied that this Convention was quoted merely in order to show that the Polish Government was prepared to facilitate traffic generally, whereas Lithuania, which alone had not ratified the Convention of Berne, had not shown the same disposition. He recognised, however, that no legal value attached to reference to this Convention.

Sir John BALDWIN drew attention to the following phrase, which occurred in the errata relating to the end of No. 1, of Chapter I: "incompatible with the engagements to which they have subscribed". He believed he remembered that reference was made in the Sub-Committee to international obligations. This formula seemed to him to be stronger and he thought it desirable to maintain the word "international". On the other hand, in paragraph (b), it would be better to say "for re-establishing . . . a continuous service", instead of "for establishing . . ."

Finally, he indicated certain improvements of form to be made in the English text.

*Sir John Baldwin's suggestions were approved.*

*The Committee approved the report of the Sub-Committee and considered that its mission was now concluded.*

*Appointment of a Member of the Committee to put Himself at the Council's Disposal when this Question is examined.*

The CHAIRMAN observed that it remained to appoint a member of the Committee who would place himself at the Council's disposal when the latter was dealing with this matter. He proposed to entrust this task to M. de Vasconcellos, who, as Chairman of the Sub-Committee, appeared to him to be indicated as the Committee's spokesman to the Council.

*M. de Vasconcellos's appointment was approved by acclamation.*

M. DE VASCONCELLOS thanked the Committee for the honourable task with which it had been good enough to entrust him. He would do his best to fulfil this mission.

#### VIII. DRAWING-UP OF STANDARD CONVENTIONS ON RAILWAY TRAFFIC.

The CHAIRMAN drew attention to M. Grünebaum's very interesting general observations in regard to the possibility of the drawing up of standard conventions on railway traffic by the Committee.

*After a short exchange of views, the Committee decided to refer this question to the Permanent Committee for Transport by Rail.*

#### IX. REPORT OF THE AIR TRANSPORT CO-OPERATION COMMITTEE (Item 6 of the Agenda) *(continued)*.

The CHAIRMAN invited the Committee to continue the examination of the report (document C.395.M.175.1930.VIII). Items 7 and 8 had still to be considered.

##### *7. Study of Certain Legal and Administrative Questions affecting the Development of International Co-operation in Air Transport.*

In the CHAIRMAN's opinion, the Committee should simply note that the problem was being studied.

*The Committee agreed.*

##### *8. Practical Improvements in the Working Conditions of Air Lines.*

The SECRETARY-GENERAL OF THE COMMITTEE drew attention to the first part of paragraph A, which read as follows :

"The Committee requests the Advisory and Technical Committee for Communications and Transit to invite its Committee on Combined Transport to consider what improvements might be obtained by the more extensive and systematic employment of combined transport, air transport already co-operating with all methods of rapid transport."

The Secretary-General of the Committee pointed out that the Committee on Combined Transport had not met for a very long time. He wondered whether the Committee as it was at present composed was qualified to carry out this enquiry. The questions involved were somewhat diverse and complex. The Committee would have to consider combined transport by rail and



air and combined transport by rail, automobile and air. The co-operation of air and water traffic did not seem to him to be of very great importance, but, on the other hand, the problem was of great importance to maritime navigation. In these circumstances, it appeared to him difficult to refer this enquiry to the Committee on Combined Transport, in view of its present composition.

In his opinion, the Committee should pass a resolution requesting its Chairman to call together several experts, when sufficient documentation was available, to study this question. The Chairman of the Committee would naturally get into touch with the Chairman of the various Committees to whom these problems might be of interest.

*The Committee agreed.*

The SECRETARY-GENERAL OF THE COMMITTEE noted that paragraphs B and C concerned very important questions but that new enquiries would be made. The Committee should, therefore, await the results and conclusions of these enquiries.

In regard to paragraph D, the Committee had asked for a report at its next session and had in view a systematic and practical study, to be undertaken periodically, of the economic development of air transport. The Committee could confine itself to taking note of the conclusions of the Air Transport Co-operation Committee.

*The Committee agreed.*

The SECRETARY-GENERAL OF THE COMMITTEE reminded the Committee that the Air Transport Co-operation Committee had been constituted partly as the result of a decision of the Preparatory Committee for the Disarmament Conference. He proposed that the report and Minutes of that Committee should be communicated to the Preparatory Committee on Disarmament.

*This suggestion was approved.*

#### X. REPORT OF THE PERMANENT COMMITTEE ON ROAD TRAFFIC ON ITS SEVENTH SESSION (Item 1 of the Agenda).

The CHAIRMAN proposed that the Committee should examine, item by item, the report of the Permanent Committee on Road Traffic (document C.394.M.174.1930.VIII).

##### 1. *Taxation of Motor Vehicles.*

The CHAIRMAN pointed out that at the end of this part of the report, the Committee proposed the convening of a European Road Transport Conference to deal with this question, on the agenda of which would also be placed the examination of a draft convention on road signalling and one on commercial motor transport, which were the object of Items 2 and 7 of the Permanent Committee's report.

If the Committee had no objection, the Chairman proposed that it should take note of the conclusions and should leave the Council to call the Conference.

The SECRETARY-GENERAL OF THE COMMITTEE thought that the Committee might suggest to the Council the convening of a Conference to consider the questions dealt with in the draft conventions to be concluded, including the fiscal questions. As the Governments would be free to constitute their delegations as they desired, they would be able to introduce elements competent to deal with both technical and fiscal questions.

*The Committee agreed.*

##### 2. *Road Signalling.*

The CHAIRMAN read the conclusions of this chapter, which was as follows :

“ The Chairman of the Committee was instructed to make all necessary arrangements, in agreement with the Chairman of the Transit Committee, for the drafting work required on the draft Convention to be submitted to the Conference. ”

The SECRETARY-GENERAL OF THE COMMITTEE observed that, in fact, the Committee was being asked to agree to the idea of a Conference with a view to the conclusion of a convention.

In regard to the drafting work referred to above, it would simply be necessary to convert into an agreed text the various measures which had already been approved and which were well known to the Committee. This work could be done in a short time, and it would be possible to communicate the text to the Governments towards the end of the month.

The Secretary-General of the Committee explained that the question of road signalling was somewhat urgent in view of the present situation. The problem was becoming more and more difficult, and Governments were often not in a position to apply the recommendations because the policing of the roads was usually in the hands of decentralised powers (provinces, departments, cantons). An international agreement would therefore seem to be the only method of settling this question satisfactorily.



3. *Communications affecting the Working of the League of Nations in Times of Emergency.*

The CHAIRMAN noted that the Committee had adopted several proposals on this matter. They would be found in its report. The Committee would have to see whether it agreed to the forwarding of these proposals to the Council. The latter would, in its turn, communicate them to the Assembly, with a view to obtaining the approval and opinion of the latter.

M. GRÜNEBAUM noted that these proposals were very judicious. At the same time, he pointed out that, at the previous meeting, the Committee considered the unification of agreements to be concluded under the auspices of the League of Nations. It seemed, however, that it was now going in the opposite direction. The questions of air and motor transport were being settled in two different ways, though there was no necessity for that. For transport by air, it had been decided that the question should be the object of discussions between the Secretary-General and the Governments. Now it was proposed to deal with motor transport by means of a recommendation through the intermediary of the Assembly. M. Grünebaum wondered whether it would not be better to adopt the same procedure in both cases.

The SECRETARY-GENERAL OF THE COMMITTEE thought that, in view of the procedure which would be followed, the Assembly would deal simultaneously with the two questions and might ask that the system to be applied to air transport should also be explained. At the same time, he emphasised the difference between the two problems. For motor transport, it was almost certain that the recommendations would be applied. Indeed, the question of security did not arise in the same way as for air transport. He pointed out, moreover, that a country was always entitled to refuse to allow aeroplanes to fly over its territory and to require them to land at the frontier, but that it was then obliged to provide a substitute aeroplane across its territory. For motor vehicles, the problem was different, since a country could send an official on board the vehicle and could impose a definite itinerary. The difference between the two methods was therefore justified by the difference in substance.

*The procedure proposed was adopted.*

4. *Establishment of First-aid Stations on Roads.*

The CHAIRMAN noted that the Committee was not required to take a decision on this question.

5. *Frontier Visas on International Traffic Documents.*

M. Silvain DREYFUS wished to ask a question on this paragraph which said: "The Committee has . . . decided . . . to request the Governments concerned . . ." He asked whether the Committee was entitled to correspond directly with the Governments.

The SECRETARY-GENERAL OF THE COMMITTEE replied that the Committee was not entitled to intervene directly and that it would be desirable to amend this defective text. The Committee could simply propose that the Advisory Committee should get into touch with the Governments.

In regard to the effect to be given to this part of the Committee's report, he proposed that the Secretariat should be requested to reply to the various Governments, thanking them for the information they had furnished and the satisfactory intentions of which they had given proof. It should also be stated that the Committee had taken note of the position and had seen the possibility of improving the present state of affairs, and that it hoped that this improvement would be introduced as soon as possible.

*After an exchange of views, the proposals of the Secretary-General of the Committee were adopted.*

6. *Triptych System.*

(a) *Replies of the Governments to the Questionnaire drawn up by the Committee of Customs Experts.*

The SECRETARY-GENERAL OF THE COMMITTEE observed that the object of the rules drawn up by the Committee was to define a business and a *de facto* domicile, because a triptych was usually refused to persons considered as being domiciled in the country for which the triptych system was requested. The definition of domicile had, however, given rise to various interpretations. For that reason, it was considered desirable to lay down uniform definitions, and the definitions proposed were, in general, more liberal than those at present adopted in certain countries.

M. Silvain DREYFUS noted that this was really a question of limiting cases of exclusion from the triptych system and of consulting Governments on this point.

*The Committee decided to communicate to the various Governments the rules drawn up by the Permanent Committee on Road Traffic.*



- (b) *Correspondence with the Finnish Government concerning an Application by the International Association of Recognised Automobile Clubs.*

The CHAIRMAN noted that the intervention of the Committee was not necessary.

- (c) *Application by the Touring Club of Germany.*

The CHAIRMAN observed that this question was similar to that contained in paragraph (a) above.

M. Silvain DREYFUS noted that the Committee was asking the Advisory Committee to make a recommendation to the Governments. The Committee should consider carefully whether it could adopt this recommendation as its own. The letter addressed by the Touring Club of Germany to the Advisory and Technical Committee (document C.394.M.174.1930.VIII, Annex 6) suggested the convening of a Conference of the Governments concerned, but, in its report, the Committee on Road Traffic had already proposed the calling of a Conference which would examine three questions. The Committee should see whether it would not perhaps be desirable to place the question raised in the letter from the Touring Club of Germany on the agenda of the proposed Conference.

M. GRÜNEBAUM saw no objection to this. In that case, however, he thought question 6 (a) might also be placed on the agenda of the Conference. It seemed to him of greater importance than the question dealt with in paragraph (c). At the same time, if the Committee on Road Traffic had not proposed this procedure, it was perhaps because it did not wish to submit the question to a Conference with a view to a settlement by means of a Convention. Indeed, in this way, possibly the uniformity attained would offer only the minimum facilities at present accorded. On the contrary, it was necessary to induce the countries with a less favourable system to follow the example of those with a more liberal system.

The SECRETARY-GENERAL OF THE COMMITTEE thought that M. Grünebaum's observation applied especially to the question dealt with in paragraph (a) and that this question could not be referred to a Conference. Indeed, the majority of countries already applied as favourable a system as that recommended by the Committee on Road Traffic. There would therefore be a risk of decreasing the facilities already granted.

In regard to the question dealt with in paragraph (c) there appeared to him to be less danger. It was necessary to reply "yes" or "no" to the following question: "Is a country prepared to give the same recognition to certificates of entry delivered by another country as to the certificates of exit granted by itself."

M. Silvain DREYFUS observed that he had confined himself to proposing that question (c) should be referred to the Conference and that his proposal was in conformity with the text of the report. He therefore agreed with the Secretary-General of the Committee.

*The Committee approved the proposal to submit question (c) to the Conference.*

#### *7. Draft Convention on the International Regulation of Commercial Motor Transport.*

M. GRÜNEBAUM wished to make several observations in his personal capacity and not as a member of the Committee on Road Traffic, for on this question he did not agree with his colleagues.

Indeed, in his opinion, the problem contained two distinct elements, on the one hand the question of the commercial transport of goods, and on the other the question of the remunerative transport of passengers. At the Hague meeting he had pointed out that a great number of States were favourable to the motor transport of persons, especially from the point of view of the encouragement of tourist traffic, without power, however, to participate in the facilities to be accorded to the motor transport of goods. These countries would be afraid to bind themselves in this matter, because they did not wish to complicate the very difficult problems raised by the competition of motor and rail traffic. This was a very delicate problem, but, at present, it only arose in the national sphere, whereas the conclusion of a convention would give it an international character.

M. GRÜNEBAUM had therefore proposed that the matter should be divided into two, with a view to extending the possible field of application of the Convention on remunerative passenger transport, but the Committee had not been able to accept this idea. It was obviously too late now to modify the bases of the draft convention. Nevertheless M. Grünebaum considered that it was his duty to draw attention to his fears.

The CHAIRMAN pointed out that the Committee on Road Traffic had anticipated that a Drafting Committee would be asked to draw up the text for the agenda of the Conference. Was it necessary to wait until this text was drawn up?

M. Silvain DREYFUS said that conferences very often altered the texts of drafts submitted to them. Therefore nothing need be feared in this respect.

*The Committee decided to take note of the conclusions of the Committee on Road Traffic.*



### 8. *Right of Way.*

M. Silvain DREYFUS pointed out that the Committee on Road Traffic had dealt in section 2 of its report with the question of road signalling, which should be the object of a convention to be drawn up by an international conference. In paragraph 8, however, the Committee had provided for a special sign which should appear in the Convention on Road Signalling.

The SECRETARY-GENERAL OF THE COMMITTEE did not know how the Committee on Road Traffic regarded the application of the rule which it had drawn up on the right of way. Perhaps it would be desirable to include the right of way sign in the Convention, with an explanation of its meaning. The other prescriptions drawn up by the Committee on Road Traffic were within the province of police regulations.

He wondered whether these measures could be the subject of an international agreement. He pointed out that the Committee had always proceeded in these matters by means of recommendations. If it entered into the realm of conventional obligations, a great many other questions would have to be considered.

At the same time, he considered that the meaning of the sign should be stated in the Convention. The Drafting Committee's attention could be drawn to this point. In regard to the right of way of vehicles coming from the right, the Committee might perhaps wait until the Committee on Road Traffic, which had adjourned the examination of other questions until a later date, had communicated its suggestions. He showed, moreover, that the problem of the right of way was settled in a very different manner in the various countries.

M. Silvain DREYFUS pointed out that the solutions often varied within a country. For example, in France, traffic on the national roads at first had priority. Then it was decided that vehicles coming from the right should have priority, then, as a result of various justified complaints, a return to the first solution had proved necessary.

M. SINIGALIA observed that the Committee on Road Traffic had not succeeded in drawing up a definition of main roads.

The CHAIRMAN thought that it would be possible to state that the question of the special sign which had been raised by the Committee on Road Traffic was an interesting point which came within the scope of questions to be settled by the Conference. The Committee could then await the other communications of the Committee on Road Traffic which would be made when the enquiries were concluded.

Sir John BALDWIN observed that this procedure would not be very logical, for the question of the sign was closely connected with the question of principle which was under discussion. If the Conference did not deal with the general question of priority, it could not be asked to settle that of the special sign.

The SECRETARY-GENERAL OF THE COMMITTEE thought that it would be possible to come to an agreement on the question of the sign and its meaning.

In regard to the other question—namely, the establishment of the priority of the traffic on the main road, that depended on a great number of other elements. In any case, it would be difficult to impose an obligation which might involve considerable expense. It would be preferable to adjourn this question and to combine it with other problems which were not yet settled, in particular, that of tramway traffic. Thus only the problem of the right of way sign would be left to the Conference.

*The Committee agreed.*

### 9. *Coming into Force of the 1926 Convention.*

The CHAIRMAN drew attention to the letter (Annex 3) which he had addressed to the Secretary-General of the Committee as Swiss Member of the Committee. He pointed out that two countries, Switzerland and Czechoslovakia, which had not yet ratified the Convention were about to do so. Switzerland, however, was not sure whether this ratification could be obtained before the end of 1930. If, however, the final date were maintained as October 24th, 1930, very regrettable consequences might result for traffic. He recognised the necessity of putting a limit to delay in ratifying. Nevertheless, he hoped that, in order to avoid the inconvenience to which he had drawn attention, the period of grace would be extended. He would be glad if it were possible to find a solution.

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that it was very difficult for a body of the League of Nations to suggest a provision contrary to the clauses of a Convention which was entering into force. He pointed out that it was decided at Paris that there should be no transitional period. It was, in fact, decided that the entry into force of the Convention should take place one year after ratification, and that the denunciation of the former Convention should be effected at the time of ratification of the new Convention, with effect one year later, so that the abrogation of the former Convention and the entry into force of the new one would take place simultaneously. In view, however, of the delays which had occurred, the situation was obviously difficult, since transport documents of the old type were not recognised in certain



countries, while others did not yet recognise documents of the new type. The problem was particularly delicate for Switzerland and Czechoslovakia, which were great centres of tourist traffic.

The French Government had made a proposal that the exact time-limit should not be fixed. This proposal had appeared to be too wide, in view of the desirability of pushing forward ratification as far as possible. The resolution suggested by the Committee on Road Traffic provided for a limit of two years after ratification. The question would thus be settled for States which were late in ratifying, but not for Switzerland and Czechoslovakia. What could be done?

Possibly a different system could be adopted. The period of two years could be decreased by fixing the moment at which it would begin to run at a later date. It was necessary for Switzerland to gain three or four months for ratification, so that the Convention would enter into force at the beginning of 1932. The Secretary-General of the Committee proposed that no distinction should be made, and suggested an inclusive period of indulgence, for instance, until May 1st, 1932.

The CHAIRMAN asked whether there was any information in regard to Czechoslovakia.

The SECRETARY-GENERAL OF THE COMMITTEE replied in the negative.

M. SEELIGER observed that the text of the Convention was imperative, and that the objection which the Secretary-General of the Committee had made at the beginning of his statement applied also to the solution he had suggested.

The SECRETARY-GENERAL OF THE COMMITTEE recognised that the procedure was not legal, but it appeared to him to be possible in practice.

Speaking as Swiss member of the Committee, the CHAIRMAN agreed with the Secretary-General.

*It was decided to draw up a draft resolution which would be submitted later to the Committee.*

#### 10. Demands of Motor Drivers.

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that the memorandum forwarded by the Committee on Road Traffic raised various questions, which could be classified in three groups: Those which were clearly within the scope of the International Labour Office; those which were incontestably within the competence of the Committee on Road Traffic; and finally, a third group, which included more complicated questions relating to professional matters and the qualifications of motor drivers.

He proposed to adjourn the question until the next session. In the meantime, the Secretariat would get into touch with the International Labour Office and would ask the latter to send a representative to the next session, when the question of the procedure to be followed would be discussed.

*It was decided to draw up a draft resolution for submission later to the Committee.*

#### 11. Resolutions adopted by the Fifth Congress of the International Chamber of Commerce, held at Amsterdam in July 1929.

The CHAIRMAN noted that it was not necessary for the Committee to take any decision.

#### 12. Level-Crossings.

The CHAIRMAN thought that, in regard to the first question—namely, the international unification of the warning sign (Annex 10 of document C.394.M.174.1930.VIII), the Committee should confine itself to noting it.

*The Committee agreed.*

The CHAIRMAN observed, on the other hand, that Annex 11 of the report, relating to the general question of level-crossings, was more complicated and required closer examination.

The draft resolution, which contained obvious truths, nevertheless appeared to him to be somewhat questionable in certain respects. It was obvious that the suppression of level-crossings was an ideal, but for the moment that ideal was unrealisable. In any case, it did not seem to him possible to begin the progressive suppression of the more dangerous level-crossings in all cases. The expense involved would often be enormous.

M. Silvain DREYFUS pointed out that, in certain flat countries in which a good deal of agricultural vehicles circulated, it was often impossible for these vehicles to climb slopes. Consequently, the establishment of lower or higher crossings might, in certain cases, cause serious inconvenience.

After an exchange of views, and on the proposal of the SECRETARY-GENERAL OF THE



COMMITTEE, the Committee decided before examining this question, to request the opinion of the Permanent Committee for Transport by Rail on the subject.

### 13. *Safety of Pedestrians.*

The CHAIRMAN noted that as the Committee on Road Traffic had instructed its Secretariat to collect documentation and to submit a systematic report at a subsequent session, the Committee had only to await the result of this work.

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## THIRD MEETING

*Held on Friday, September 5th, 1930, at 10 a.m.*

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*Chairman:* M. HEROLD.

Present : All those present at the preceding meeting.

Secretariat : M. HAAS (Secretary-General of the Committee), M. ROMEIN, M. METTERNICH, M. LUKAČ and Mr. TOMBS.

### XI. WORK RESULTING FROM THE RECOMMENDATIONS OF THE PRELIMINARY CONFERENCE WITH A VIEW TO CONCERTED ECONOMIC ACTION, HELD AT GENEVA FROM FEBRUARY 14TH TO MARCH 24TH, 1930 (document C.203.M.96.1930.II).

#### 1. *Adjustment of Economic Relations between Industrial and Agricultural Countries.*

The SECRETARY-GENERAL OF THE COMMITTEE read the following recommendation of the Conference from Chapter I of the Annex to this document (page 21, paragraph 5) :

"5. The Conference requests the Council to instruct the Organisation for Communications and Transit of the League of Nations, in collaboration with the Economic Committee, to study the question of the transport of agricultural products and of the transport tariffs to which they are subjected, with a view to arriving as soon as possible at the conclusion of practical agreements ensuring effective freedom of transit and transport facilities for agricultural products."

It would be advisable to discuss how the Transit Organisation should carry out the mission entrusted to it by the Preliminary Conference with a View to Concerted Economic Action.

In reply to a question by M. Silvain Dreyfus, the Secretary-General of the Committee explained that the texts of resolutions concerning the Transit Committee, which were contained in document C.203.M.96.1930.II, had been approved by the Council, which had referred to the Transit Organisation all the questions concerning transport. Item 5, which he had just read, seemed to be both the most clear and the most important of the recommendations of the Conference. It referred to the agricultural problem, which was somewhat acute throughout Europe and the whole world. Various agricultural countries had already drawn up a programme in that connection, and public opinion was particularly interested in the matter. Nevertheless, it seemed impossible to study the question without a preliminary enquiry on the existing transport tariffs, the desiderata of agricultural countries and the experience of the various States from the point of view of internal legislation in this matter. Consequently, it seemed difficult to proceed with rapidity, and the Secretary-General of the Committee wondered whether the Committee could not take advantage of the opportunity which would be given by the next General Transit Conference to consult the Government delegates, not with a view to taking a decision, but in order to discover the point of view of the various administrations on the international measures which it would be advisable to take. An exchange of views at the Conference would enlighten the Committee. On the other hand, the Government delegates would be responsible for the measures recommended, while it was somewhat difficult for the Committee to take up a position in the question.

Sir John BALDWIN observed that Governments were not always concerned in transport tariff matters. There were, in particular, waterways on which tariffs which entirely escaped Governmental action were imposed. Account should also be taken of competition between railways and international navigable waters.

M. SEELIGER asked whether there was not some danger in placing questions of too diverse a character on the agenda of the Fourth Conference on Transit. The question at present under discussion, for instance, was mainly one of agricultural policy. It followed that the questions examined by the Conference would require the presence of experts in very different matters if those to be examined were very diverse, and consequently the delegations would be very large.



The SECRETARY-GENERAL OF THE COMMITTEE observed that he had confined himself to making a simple suggestion. The Preliminary Conference with a View to Concerted Economic Action had forwarded to the Transit Organisation an important problem and the question was how to attack it. There need be no fear, however, that the Transit Conference would be asked to examine subjects of greater diversity than those appearing on the agenda of the preceding Conference. Perhaps it would be possible to combine the two methods: First to obtain information from the countries concerned in regard to their desiderata and the methods they recommended, and, in the same way, to obtain information on the measures already adopted in certain countries whose territory was extensive on the distribution of agricultural products in the interior of the territory itself. The United States of America might be able to give interesting information on this matter. Finally, there would be a general consultation of Governments with a view to testing their arrangements. It would seem possible to adopt a method similar to that followed in regard to air navigation, and to ask competent economists to make independent investigations. The question was actually submitted to the Conference with a View to Concerted Economic Action by certain countries of Eastern Europe who wished to see the consumption in industrial countries of their own surplus agricultural production facilitated by means of an improved international organisation of transport.

Sir John BALDWIN asked whether this referred to local transport or to all the means of transport and, in particular, whether maritime transport should be included. He asked whether it was, in fact, a question of following agricultural produce from the place of production to the place of consumption.

The SECRETARY-GENERAL OF THE COMMITTEE replied in the affirmative.

M. SINIGALIA thought that it would be of interest to know the origin of the recommendation made by the Conference with a view to Concerted Economic Action.

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that there was absolutely nothing theoretical about this recommendation. It was due to the agricultural over-production of 1929 and not only to a bad organisation of transport. Moreover, it raised a whole problem of Customs tariffs and warehousing credits, as well as of transport tariffs.

M. SINIGALIA observed that attention was drawn in the report to hindrances to the freedom of transit. He asked what facts were alleged in support of this declaration.

M. GRÜNEBAUM drew attention to the political question which might arise in connection with the examination of the problem by the General Transit Conference. It was a question in this case of the competition of American agricultural products against European agricultural products, and it would be difficult for a world conference to examine such a question.

M. DE VASCONCELLOS observed that the problem of the circulation and consumption of agricultural products was at present one of the greatest European economic problems. In particular, it was the problem of the failure of equilibrium between agricultural Europe and industrial Europe. In his opinion, it would be of great advantage to bring it before the General Transit Conference, for it was a question which was at present engaging the attention of public opinion.

M. SEELIGER regretted that, at the moment, he was unable to agree with that view. He considered that this was a problem which was of much less material concern to transport than to political economy. The Conference with a View to Concerted Economic Action found itself faced with a great difficulty and had forwarded it to the Transit Organisation. In his opinion, it would be dangerous to approach this question solely from the point of view of transit, which was not its real aspect, and he would prefer not to see it placed on the agenda of the General Transit Conference. He would suggest that a mixed committee composed of representatives of the Economic Committee and the Transit Organisation should study it, because it concerned not a transit question but an economic problem and a problem of commercial policy.

M. DE VASCONCELLOS recognised that the problem was not essentially one of transport, but transport played a very important part in it. In all countries, the cost of transport was strongly criticised, and agricultural circles brought considerable pressure to bear on Governments with a view to obtaining a modification of tariffs in favour of agricultural products.

M. SINIGALIA pointed out that, on the other hand, the recommendation of the Conference with a view to Concerted Economic Action emphasised the urgency of the problem. To refer it to the General Transit Conference would involve considerable delay.

M. DJOURITCHITCH drew attention to the wide scope of the problem at present under discussion. There was no doubt that the railway companies would already have agreed to lower their prohibitive tariffs if other reasons had not intervened. Before the question was submitted to the General Transit Conference, it would be interesting, as M. Sinigalia had observed, to obtain precise documentation on the origin of the recommendation.

M. Silvain DREYFUS noted, on reading the recommendation of the Conference with a View to Concerted Economic Action, that it apparently related to a transit and transport question,



but that the Conference was quite aware that the question also concerned agricultural and commercial policy. It was for that reason that it had emphasised that the enquiry should be carried out in collaboration with the Economic Organisation. It would, however, be advisable to avoid encroaching on the sphere of the Economic Committee, and the best method would perhaps be to divide the work between the Economic Organisation and the Transit Organisation. The first stage would then be the delimitation of the field of enquiry of the Transit Organisation.

The SECRETARY-GENERAL OF THE COMMITTEE recognised that it was essential that the enquiry should be undertaken conjointly by the Transit Organisation and the Economic Organisation, and thought that it would be fairly easy to divide it between them. The Governments would certainly not take measures concerning transport alone, for such measures would have to be accompanied by legal, economic, Customs and financial measures, and so on. A complete plan would therefore be necessary. There was nothing to prevent the Transit Organisation from studying the technical aspect of the question so far as transport was concerned and taking note of the measures to be taken eventually to facilitate the distribution of agricultural products. It might, for example, open an enquiry and draw the attention of the General Transit Conference to the problem. Personally, he did not think that the General Transit Conference could arrive at any solution, but it would be desirable to profit from the presence of the government representatives to discover their views, and to leave to them the responsibility for the measures recommended. The Committee could not lay itself open to eventual failure in its duty. Consequently he proposed that experts should be asked to carry out an enquiry on a well-defined basis. They would only be asked to indicate the measures to be taken without considering whether the Governments were or were not prepared to apply them and whether the present political situation of the world would permit of their adoption. This enquiry would be accompanied by a corresponding enquiry on Customs tariffs. No legal obstacle would be likely to arise, but it would be necessary to provide for an appropriate modification of certain regulations in order to permit of the rapid distribution of agricultural products. In that way, the General Transit Conference would be one, though not the only, instrument for investigation.

The CHAIRMAN noted that the Committee agreed that the enquiry should be approached from the technical aspect of the problem. With reference to the method to be followed, he felt that it would be both difficult and dangerous to submit the question to the General Transit Conference without previously obtaining all the appropriate information. Consequently he asked whether it would not be advisable in the first place to collect this information, to discuss it and to decide whether the question was ripe for submission to the General Transit Conference.

M. ITO observed that the whole question was one of method, for the Transit Organisation could not refuse to undertake the enquiry asked of it. In his view, the best method would be to cause a preliminary study to be carried out by experts. The question was strictly limited in scope, although it bore a general aspect. Various countries of eastern Europe had complained of the treatment accorded to agricultural products, and had asked that the remedies for this situation should be studied. It was to avoid mentioning those countries by name that the recommendation had been expressed in general terms. It would be for the experts to go into detail, and they might be able to show that the question was not one of transport at all.

M. POLITIS was also of this opinion. A preliminary study was indispensable. It would be of interest to know the countries who had made this suggestion and to obtain information from them as to their intentions. It would then be possible to seek for remedies. It would in any case be dangerous to submit the question to the General Conference without collecting definite data.

M. DE VASCONCELLOS was also of this opinion, and urged how important was the question and how great would be the interest in submitting it to the General Conference.

Sir John BALDWIN, in order to obtain information on the present position, thought that it would be preferable to ask the General Committee or a special Committee to prepare a questionnaire for despatch to Governments describing, by means of definite facts, the present situation in regard to the production and circulation of agricultural goods and the general world position of agriculture. Information on the question was, he thought, already in existence. The replies to the questionnaire might be examined by a Committee of the Transit Organisation before their submission, in a summarised form, to the General Conference.

The SECRETARY-GENERAL OF THE COMMITTEE thought that it would be difficult to decide immediately and definitely the procedure to be followed in submitting the question to the Conference, although it was in general the duty of that Conference to examine the work carried out by the Transit Organisation and to give it general instructions. The Committee might in consequence state in its report to the Council that it reserved the right to insert on the agenda of the General Transit Conference the question submitted to it by the Conference with a View to Concerted Economic Action and to instruct its General Committee, or a special Committee, to collect information in regard to the existing situation in so far as the transport of agricultural products was concerned and on any changes which might eventually be made in that situation by Governments or by the circles concerned. A great number of Governments were already dealing with the question, and they would certainly be in a position to submit a definite



programme, especially if they were informed that this information would be the basis of the discussions of the General Transit Conference. It was only at its March session that the Committee would be able to take a definitive decision in this matter.

M. SEELIGER doubted whether, after the March session, there would remain sufficient time to finish the work—all the more so as the study to be undertaken would have to be carried out in conjunction with the Economic Organisation. In any case, he would hesitate to support a proposal that immediate action should be taken, for what was of primary importance was to define the problem, and this could only be affected by means of experts, particularly experts in economic questions. Preparatory work was therefore indispensable before the Committee could decide whether or not to insert the question on the agenda of the General Conference.

M. ITO explained that those who had taken part in the Conference with a View to Concerted Economic Action were well aware that the question had been raised by a small number of countries and he personally saw no use in forwarding a questionnaire to all countries.

M. Silvain DREYFUS emphasised the necessity of carrying out serious preparatory work before the examination of the question by the General Conference on Communications and Transit. It was necessary to avoid misunderstandings and surprises, particularly that of discovering, after the question had been referred to the Conference, that it was not essentially a transit matter. The preparatory work should therefore clearly bring out the part which the Transit Organisation should play in studying this problem.

Sir John BALDWIN did not quite agree with M. Seeliger as to the necessity of asking for immediate help from the Economic Committee. In his view it would be preferable, in so far as the preparatory work was concerned, for the Committee to confine itself to questions of communication and transit. After examining the material submitted to it, the Conference would undertake to refer the question to the Governments, who would entrust its study to their economic experts. He was not in favour, for the moment, of summoning a mixed committee, and thought that, at the March session, there would be time to consider placing the matter on the agenda of the Transit Conference.

M. DE VASCONCELLOS said that the problem was not only European in scope.

The CHAIRMAN noted that members were agreed in thinking that it was impossible to decide forthwith whether the problem was, or was not, within the scope of the General Transit Conference. The Committee intended therefore to reserve the possibility of placing this question on the agenda of the General Conference should that prove necessary later on.

He also noted that members were unanimous in regard to the undertaking of a preliminary study. Opinions varied somewhat as to the method to be followed. He had suggested that a Mixed Committee should meet. The majority, however, was in favour of calling upon a Committee of the Transit Organisation to study those aspects of the problem which strictly concerned the field of communications and transit. There remained the question as to which Governments would receive the questionnaire, and how long a period of time should be allowed for the receipt of replies.

The SECRETARY-GENERAL OF THE COMMITTEE thought that it was important to define a preliminary point. What was the object of the preliminary enquiry? He thought that it would be difficult to ask Governments to give a general picture of the present situation, for such a proposal was far too vague in character. It would therefore be preferable to ask them to explain (1) the points in regard to which the position seemed to them to leave something to be desired, in so far as the transport of agricultural products was concerned, and (2) whether they had any suggestions to submit for remedying this unfortunate situation.

To what Governments should the questionnaire be sent? He thought that it would be preferable to send it to all, for every Government was interested in the problem, either directly or indirectly. The Committee would be able to realise, from a study of the replies, whether the problem should be made the object of an investigation on the part of the General Transit Conference or on the part of a more limited conference. It was impossible to say at the present juncture whether the question were purely European or not.

Sir John BALDWIN thought that it would be possible at the outset to limit the field of the enquiry and in particular to draw a distinction between different aspects: the European and American and the Asiatic aspects, for example. The problems then appeared in quite a different light. In any case, he thought it impossible to limit the problem to Europe. The Committee should also be careful not to go too far in the opposite direction—that was to say, the considerable extension of the field of enquiry.

M. SINIGALIA observed that, if the questionnaire sent to Governments was of a general nature, the replies received could be classified into two categories, those from countries whose interests lay in finding a quick market for their agricultural produce, and who would point out the obstacles in the way of finding such a market (too high tariffs, difficult transport, etc.) and the others who belonged to the category of industrial countries, who would say exactly the opposite. Instead of a questionnaire of a general kind, therefore, he was in favour of one very precise in form.



The SECRETARY-GENERAL OF THE COMMITTEE felt quite sure that it would be possible to group most of the replies from Governments within the categories mentioned by M. Sinigalia, but it would at any rate be of advantage that the problem had been defined. Later on, the Transit Organisation would have only to explain the measures which might be adopted to remedy the situation, and it would be for the Governments themselves to decide whether they were ready to adopt them.

In his view, there was not a sufficiently clear dividing line between agricultural and industrial countries, for some of the industrial countries thought that the remedy for the present industrial chaos lay in an increase in the consumption capacity of agricultural countries. Close co-operation between industrial and agricultural countries as a remedy for the present situation might therefore be contemplated.

M. SEELIGER wondered whether it would not be possible to abandon the idea of sending a questionnaire to Governments and merely to forward a questionnaire to experts. That would do away with one stage in the consultation. Why should it not be possible to cause the question to be studied by experts and then submitted directly to the Conference which was composed of Government delegates?

M. SCHLINGEMANN asked whether it would not be possible, in order to obtain more definite replies, to draw a distinction in the questionnaire between matters relating to imports, exports and transit.

He also shared Dr. Seeliger's view that it would be preferable to leave it to experts to discover the essential points of the problem.

The SECRETARY-GENERAL OF THE COMMITTEE was fully in favour of consulting experts; he thought, indeed, that the time factor must also be taken into account. The question had been stated to be of a somewhat urgent nature and he thought that the consultation of Governments might hasten the solution. The information furnished by the Governments consulted would not be without use for the experts. The agricultural countries had already held conferences on the matter and the question had certainly been studied in detail during those conferences.

The CHAIRMAN noted that the majority of the members were agreed that it would be useful to forward a questionnaire to Governments on the lines suggested by the Secretary-General of the Committee. They would be asked to point out the facilities which should be granted to communication and transit connected with agricultural products. The Governments which had taken part in the Conference with a View to Concerted Economic Action would be asked to furnish information, as well as other Governments interested, particularly of the United States of America and those of South America.

M. GUERRERO said that it was impossible to disregard the extra-European countries. The consultation of Governments should therefore be limited to the countries which had taken part in the Conference with a View to Concerted Economic Action, or else the questionnaire should be sent to all Governments.

M. Silvain DREYFUS agreed.

M. SEELIGER suggested that the experts should first be consulted; that a questionnaire should, at the same time, be sent to Governments, and that the Committee should be asked at its March session to decide whether the question should be placed on the agenda of the General Conference. He asked further in what manner it would be possible to give effect to the view of the Council, which was that the study of the question should be carried out in conjunction with the Economic Organisation.

The SECRETARY-GENERAL OF THE COMMITTEE thought that the best means would be to ask the Chairman of the Committee to get into touch with the Chairman of the Economic Committee. It was in the interests of the Transit Organisation to be kept informed of anything undertaken in this field by the Economic Committee.

M. GUERRERO asked what means would be placed at the disposal of the experts for the conduct of their enquiry. They would start their work before the replies of the Governments had been received.

The SECRETARY-GENERAL OF THE COMMITTEE replied that the experts would be left quite free to procure information from any available source. The difficulty lay rather in regard to the choice of the experts.

*The date by which replies from Governments would have to be received was fixed at February 1st, 1931.*

## 2. Rationalisation.

The SECRETARY-GENERAL OF THE COMMITTEE read the following resolution adopted by the Preliminary Conference with a View to Concerted Economic Action (document C.203. M.96.1930.II, page 24) :



"The Conference considers it desirable that the collaboration between the Economic Organisation and the International Institute of Scientific Management should be continued. It thinks it expedient also to remind the Communications and Transit Organisation that rationalisation questions which may arise in connection with transport should not be lost sight of."

He proposed that the question should be submitted to the next session of the Committee, the General Committee being asked to submit a preliminary report defining the problem and stating what the Transit Organisation had already effected in this field. It would be limited to a mere statement and it would not be possible to draw from it any conclusions as to the extent of the maturity of these questions.

M. Silvain DREYFUS thought that the Committee should take note of the work of the Conference with a View to Concerted Economic Action.

The CHAIRMAN asked the Secretariat to prepare a report on the lines suggested by the Secretary-General of the Committee.

### 3. *Extension of International Agreements concerning Transport.*

The SECRETARY-GENERAL OF THE COMMITTEE read the following resolution adopted by the Conference with a View to Concerted Economic Action (document C.203.M.96.1930.II, page 24) :

"The Conference attaches the highest importance to the ratification of the existing international agreements relating to transport by as large a number of States as possible.

"It hopes that the work now being done with a view to the drafting of an international agreement on commercial motor traffic will be brought to a successful issue as rapidly as possible.

"The Conference considers that it would be well to examine the possibility of drafting an international agreement on inland navigation on national waterways, based on the principles enumerated in the Additional Protocol to the Barcelona Convention of 1921.

"The Conference is also of opinion that it would be useful if the railway administrations of the various countries were asked by their Governments to consider the possibility of adopting identical principles as regards freedom of communications as the basis of their international agreements relating to transport."

He thought that, in so far as the third paragraph was concerned, the Committee might ask the views of the Permanent Committee on Inland Navigation, but without fixing any date for the reception of a reply.

The CHAIRMAN noted that members of the Committee were agreed to submit the question to the Permanent Committee on Inland Navigation.

The SECRETARY-GENERAL OF THE COMMITTEE was under the impression that the proposal contained in the fourth paragraph had been made by the Italian delegation. It had met with no opposition. It might be made the object of an examination by the Permanent Committee for Transport by Rail, and M. Sinigalia might be asked to furnish a report and ask the Italian delegation to say exactly what had been its intention. In view of the fact that the proposal had given rise to no discussion, the Minutes of the Conference threw no light on the matter.

M. SINIGALIA agreed with this proposal.

The CHAIRMAN noted that the Committee had agreed to submit this question to the Permanent Committee for Transport by Rail.

### 4. *Adjustment of Railway Tariffs.*

The SECRETARY-GENERAL OF THE COMMITTEE read the following resolution adopted by the Preliminary Conference with a View to Concerted Economic Action (document C.203.M.96.1930.II, page 24) :

"The Conference, considering that certain transport tariffs on imported goods and certain internal tariffs which discriminate against foreign goods may constitute a form of indirect protection, and considering, moreover, that certain special export tariffs may be regarded as equivalent to indirect export bounties, recommends that these questions be considered by the Communications and Transit Organisation jointly with the Economic Organisation of the League."

He thought that the study of this question could be adjourned to the next session. A preliminary report would be drawn up in connection with the position of the work of the Economic Committee in this matter. If no reform was made in regard to Customs, it would be useless to look for it in regard to railway tariffs. The Secretariat should, in the meantime,



obtain information as to the manner in which the question of indirect protectionism had been dealt with by the Economic Committee.

M. DJOURITCHITCH pointed out that the question of the distribution of agricultural produce would also arise in this connection.

The CHAIRMAN announced that the members of the Committee were agreed that this question should be inscribed on the agenda of the next session and that a report should be drawn up by the Secretariat.

M. GRÜNEBAUM asked that the report should take into consideration the clauses which existed in this connection in various commercial treaties, particularly in the Austrian commercial treaties.

## XII. RESULT OF THE FIRST CONFERENCE FOR THE PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW: TERRITORIAL SEA (Item 9 of the Agenda).

The SECRETARY-GENERAL OF THE COMMITTEE reminded the Committee that the Conference for the Codification of International Law, which met at The Hague in the spring of 1930, had examined the problem of territorial waters. The Commission of Territorial Waters had drawn up the text of a convention for the regulation of the system of territorial waters, but they had been unable to arrive at an agreement as to the limits of these waters. For that reason, no text of the Convention had been submitted by this Commission. Certain points in the resolutions adopted by the Commission of Territorial Waters were of interest to the Transit Organisation. They were as follows :

“ The Conference recommends that the Convention on the International Regime of Maritime Ports, signed at Geneva on December 9th, 1923, should be supplemented by the adoption of provisions regulating the scope of the judicial powers of States with regard to vessels in their inland waters. ”

and also :

“ . . . . .

“ (b) The Council postpones until a later session its decision concerning the final measures to be taken concerning paragraphs 3 and 4 of the resolution, but (1) decides that the Secretary-General shall transmit the communication contained in paragraph (a) above to the various Governments and inform them that the Council will be pleased to receive and examine any opinion they may wish to express concerning the measures provided by the aforementioned paragraphs 3 and 4, and (2) invites the Communications and Transit Organisation of the League of Nations to follow, generally speaking, the development of the problem of the codification of international law concerning territorial sea, in the hope of submitting the Council proposals on this subject when it may see the possibility to do so.

“ (4) The Council refers the recommendation formulated by the Conference concerning interior waters to the examination of the Communications and Transit Organisations. ”  
[Provisional translation.]

The SECRETARY-GENERAL OF THE COMMITTEE wondered, if the small amount of time that had passed since the meeting of the Conference for the Codification of International Law was taken into account, whether these questions might not be held over for the next session of the Committee. No one indeed awaited an immediate resumption of the negotiations concerning territorial seas. The question was consequently of no urgency.

M. DE VASCONCELLOS supported this proposal. The question of territorial waters had remained in suspense at the Conference at The Hague. Portugal had declared itself especially satisfied by the results obtained, for it seemed that the discussions that took place at this conference had made it clear how fantastic was the theory of the three-mile limit.

M. GUERRERO also supported the proposal of the Secretary-General of the Committee. The negotiations which had taken place at the Commission of Territorial Sea at The Hague had shown that the question was not yet sufficiently ripe for codification. A draft convention on the system of territorial sea had been drawn up, but difficulties had arisen when they came to fix the bounds of territorial sea. They had tried to get over this difficulty by adopting the principle of a contiguous zone, but they had been unable to arrive at an agreement, and the study of the question would be followed up by the legal experts of the Committee of Codification and by the Transit Organisation. The question was of no urgency, for there was no intention to call the meeting of a new conference on this subject for the next two or three years.

The CHAIRMAN said that the members of the Committee were agreed that the question should be postponed until a later session of the Committee, the Secretariat being charged to provide a report.



## XIII. AGENDA AND DATE OF THE NEXT GENERAL CONFERENCE (Item 7 of the Agenda).

The SECRETARY-GENERAL OF THE COMMITTEE reminded the members of the Committee that the agenda of the next conference would, in the first place, contain certain fundamental items, including the examination of the work carried out by the Transit Organisation, the renewal of the Transit Committee and, finally, any questions that the Committee might deem good to add. The Committee had already asked for the inclusion of the examination of the texts drawn up with a view to carrying out the proposal of the Hungarian delegation concerning grave occurrences of a general character affecting routes of communication<sup>1</sup>. On the other hand, during the discussion at the present meeting, the Committee had reserved the possibility of inscribing on the agenda of the Conference the action to be taken as a result of the resolutions of the Conference with a view to Concerted Economic Action, in particular so far as transport of agricultural produce was concerned.

The agenda also contained the question of the reform of the calendar, the preparatory work for which had been carried out. National Committees had been formed in various countries and were in process of formation in others. At the present moment, national committees existed or were in the course of formation in the following countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, France, Germany, Great Britain, Guatemala, Hungary, Italy, the Netherlands, Nicaragua, Panama, Peru, Poland, Salvador, Sweden, Switzerland, the United States of America and Uruguay. The National Committee of the United States of America had finished its work and produced a report which might be consulted with benefit.

M. DJOURITCHITCH pointed out that Yugoslavia also had a national committee in the course of formation.

The SECRETARY-GENERAL OF THE COMMITTEE added that there was no doubt that national committees would be established within reasonable time in a certain number of other countries, such as the Baltic countries, Spain, etc. In his opinion, the Conference would have been prepared for with as much care as possible in the different countries.

It was much to be hoped that the Conference would be in possession of more precise texts than the reports of the national committees alone. The most convenient date for the receipt of the reports seemed to be March 1st, 1931. The procedure to be followed when the reports were received should also be determined. It had been thought that it might be a good thing for the general conference to be preceded by a preliminary discussion of this question of the calendar. However, Governments could not be asked to send delegates to a preliminary conference—*i.e.*, to pay these delegates' travelling expenses twice each year. They would consequently have to do away with the idea of a preliminary conference held several months before the general conference. A special organisation of the conference might, however, be set up to study the question of the calendar. The work of the general conference might begin by the investigation of the reform of the calendar. In the aim of facilitating the work of this conference, a preparatory committee of experts might meet some months before the general conference presided over by the Chairman of the Transit Committee and including people chosen from among those who were interested in the question, and more especially those who had taken part in the work of the national committees. The ideal would be for all the chairmen of the national committees to meet if possible. This preparatory committee would be ordered to draw up a text to be submitted to the conference, on the basis of the reports of the various national committees. This procedure would also have the advantage of arousing the interest of public opinion.

The reform of the calendar ought to bear on two points: The stabilisation of certain holidays and the simplification of the Gregorian calendar. Now, in this connection, arose the question of the relationship of the conference to the religious authorities. It would be a good thing to make it clear that the Conference did not bear the religious aspect of the reform of the calendar in mind, but that complete liberty to consider this reform would be left to the religious authorities, who, moreover, would be allowed to follow the debates by means of observers. It would therefore be convenient to make it clear that the Conference was dealing with an economic and civil question; for that reason the text of the resolution adopted in this connection by the Committee should be especially clear, and should draw attention to the independence of the standpoint they were going to take up and to avoid all friction with religious authorities.

Sir John BALDWIN thought it was really in the Preparatory Committee that it would be necessary to keep the religious aspect of the question at a distance. It was impossible to dictate to the representatives of the Governments who sat on the Conference what attitude they should adopt.

M. SINIGALIA thought that, as the reform of the calendar would entail the stabilisation of certain holidays, it would be difficult to do without the opinion of the religious authorities.

The SECRETARY-GENERAL OF THE COMMITTEE replied that the religious authorities would be called upon to give their approval in the end, but the point of view that the Conference

<sup>1</sup> See document C.331.M.134.1930.VIII, page 147.



would take up would be that of the utility of a reform of the calendar from the civil and economic point of view. Moreover, the Vatican had been invited to be represented by an observer. As a matter of fact, the final decision would be left in the hands of the religious authorities and the Holy See had let it be understood that it did not consider reform as impossible so long as it was for the general good, and approved by an Œcumenical Council. It would be for the Conference to show the utility of the reform. It was certain that no dogma was implicated; it was merely a question of traditions which could not be altered without serious reason. The stabilisation of religious holidays would therefore in all probability arouse no opposition. It would not be altogether the same thing for the simplification of the calendar.

M. SEELIGER drew attention to a formal point. The work of the Conference would be partly carried out in Sub-Committees. By deciding on the preliminary meeting of a Sub-Committee, they were apparently prejudicing the rights of the Conference to apportion its work as it wished.

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that they had merely said that the Conference would begin its work a little earlier in order to deal with the question of the calendar. The two Conferences could be entirely separated by making one follow immediately after the other.

The CHAIRMAN said that the members of the Committee acquiesced in the inclusion of the questions mentioned by the Secretary-General of the Committee in the agenda of the Conference and in the procedure he had suggested. He said that, on the other hand, the Committee was agreed that a Committee of Experts should meet a few months before the date fixed for the Conference in order to examine the Government replies. It was quite understood that the religious aspects of the problem should be left out of the work of the Conference.

The SECRETARY-GENERAL OF THE COMMITTEE pointed out that naturally this decision would not prevent speakers from expounding a religious point of view, but the Conference would not be called upon to take any decision in this connection.

M. SEELIGER pointed out that certain Governments could not express an opinion apart from the religious aspect. He thought it would be better to submit the Committee's decision to them in another form.

M. DJOURITCHITCH proposed the following formula :

“ Governments are invited to make the religious and civil aspects of the reform appear separately. ”

In this way, every Government would preserve its liberty.

The SECRETARY-GENERAL OF THE COMMITTEE mentioned that the religious authorities would certainly raise the question of the competency of Governments in this connection. For that reason, it would be a good thing to invite Governments to concentrate all their attention on the strictly economic and civil aspect of the problem to the exclusion of its religious aspects. The resolution taken by the Committee on this point would therefore have to be drawn up with great care.

M. GRÜNEBAUM asked what result could be expected from this Conference. Would there be a convention, a recommendation or a statement ?

The SECRETARY-GENERAL OF THE COMMITTEE replied that that was a question which directly interested the Conference, but the Conference would seem to be unable to do anything definite, since the last word was left to the religious authorities. He added that in his opinion, the Preparatory Committee should be authorised to listen to all opinions on this question.

The CHAIRMAN said that *the Committee agreed to fix the date of the Conference for the beginning of the second fortnight of October 1931.*

#### XIV. MISCELLANEOUS QUESTIONS (Item 10 of the Agenda).

- (a) *Ninth International Congress of the International Legal Committee on Aviation, Budapest, 1930.*

On the proposal of its Secretary-General, *the Committee decided to be represented at the Congress of Budapest by a member of the Secretariat who would only play the part of an observer.*

- (b) *Ports and Navigation Exhibition, Kiel, 1931.*

The SECRETARY-GENERAL OF THE COMMITTEE recalled the Transit Organisation's success at the Exhibition of Poznan. They had been invited to present the same objects at the Exhibition of Kiel. If the Committee accepted the invitation, it would be sufficient to bring certain tables up to date before they were shown again.

*The Committee decided to participate in the Kiel Exhibition.*



- (c) *Letter from the Director of the International Labour Office with regard to the Simplification of the Passport Formalities required of Migrants.*

The SECRETARY-GENERAL OF THE COMMITTEE read the letter of the Director of the International Labour Office (Annex 4) and proposed that the Committee should insert the question raised on its agenda for the next session, and asked for a report on the matter from the Secretariat and the International Labour Office, in order to be quite certain what was expected for it.

M. AMADOR pointed out that the creation of a passport and visas were two quite different things and depended on completely different authorities. For a passport the production of a record of convictions, a health certificate, etc., were necessary; these belonged to the sphere of the police of the country of origin; whereas the visa depended on the consular authorities of the country of destination.

*The Committee approved the procedure proposed by the Secretary-General of the Committee.*

- (d) *Letter from the Director of the International Labour Office forwarding the Text of a Resolution adopted by the International Labour Conference at its Thirteenth Session relative to the Abolition of Passport Obligations for Officers and Seamen.*

The SECRETARY-GENERAL OF THE COMMITTEE read the letter of the Director of the International Labour Office (Annex 5).

Sir John BALDWIN gave an outline of the position in the United Kingdom for officers and crews of foreign vessels. No passport was demanded from them for a stay in the port at which their vessel had put in. When they left their boat, their service certificate was accepted as an identity card in all cases when this certificate was considered by the national authority of the sailor as sufficient for his return to his country. That was the case with Germans, Belgians and Estonians; and in that case no passport was asked for from sailors in the port of disembarkation.

The CHAIRMAN suggested that the Secretariat should be asked to make an enquiry on this question and noted that *the Committee agreed to defer it to the Committee of Ports and Sea Navigation.*

The SECRETARY-GENERAL OF THE COMMITTEE pointed out the analogy between sea navigation and interior navigation. He proposed that the enquiry should be entrusted to the Committee for Ports and Maritime Navigation and be carried out with the help of M. Politis as Chairman of the former Passports Sub-Committee.

M. POLITIS declared himself willing to accept this mission.

*The proposal was adopted.*

- (e) *Participation of the Permanent Committee for Transport by Rail of the Communications and Transit Organisation in the International Association of Railways Congress.*

The SECRETARY-GENERAL OF THE COMMITTEE mentioned that this question might be considered as settled since the Permanent Committee for Transport by Rail was invited to participate in the work of the International Association of Railways Congress.

The CHAIRMAN expressed the satisfaction of the members of the Committee in seeing this question settled.

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#### FOURTH MEETING

*Held on Saturday, September 6th, 1930, at 10 a.m.*

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*Chairman : M. HEROLD.*

*Present : All those present at the preceding meeting.*

*Secretariat : M. HAAS (Secretary-General of the Committee), M. ROMEIN, M. METTERNICH, M. LUKAČ, Mr. TOMBS.*

XV. ADOPTION OF THE RESOLUTIONS

1. *Communications of Importance to the League in Times of Emergency: Motor Transport.*  
(Draft Report to the Council).

*The draft report to the Council was adopted (see Annex 6, I).*

2. *Convening of a European Conference on Road Traffic (Draft Report to the Council).*

*The draft report to the Council was adopted (see Annex 6, II).*

3. *Convocation and Agenda of the Fourth General Conference on Communications and Transit*  
(Draft Report to the Council).

*The draft report to the Council was adopted (see Annex 6, III).*

4. *Ninth Congress of the International Legal Committee on Aviation, Budapest, 1930.*

*The draft resolution was adopted (see Annex 6, IV).*

5. *Ports and Navigation Exhibition, Kiel, 1931.*

*The draft resolution was adopted (see Annex 6, V).*

6. *Passport and Visa Formalities required of Migrants.*

*The draft resolution was adopted (see Annex 6, VI).*

7. *Abolition of Passport Obligations for Officers and Seamen.*

*The draft resolution was adopted (see Annex 6, VII).*

8. *Participation of the Permanent Committee for Transport by Rail in the International Association of Railway Congresses.*

*The draft resolution was adopted (see Annex 6, VIII).*

9. *Demands of Motor Drivers.*

*The draft resolution was adopted (see Annex 6, IX).*

10. *Transport of Agricultural Products.*

*The draft resolution was adopted (see Annex 6, X).*

11. *Rationalisation.*

*The draft resolution was adopted (see Annex 6, XI).*

12. *Extension of International Agreements Relating to Transport.*

*The draft resolution was adopted (see Annex 6, XII).*

13. *Adjustment of Railway Tariffs.*

*The draft resolution was adopted (see Annex 6, XIII).*

14. *Codification of International Law.*

*The draft resolution was adopted (see Annex 6, XIV).*

15. *Uniformity in the Framing of Texts of Conventions.*

*The draft resolution was adopted (see Annex 6, XV).*

16. *Smuggling of Alcohol.*

*The draft resolution was adopted (see Annex 6, XVI).*

17. *Frontier Visas on Road Traffic Documents.*

*The draft resolution was adopted (see Annex 6, XVII).*



18. *Triptych System.*

*The draft resolution was adopted (see Annex 6, XVIII).*

19. *Construction of an aerodrome near the Seat of the League of Nations.*

*The draft resolution was adopted (see Annex 6, XIX).*

20. *Conditions for the Admission of Foreign Undertakings engaged in Regular International Transport by Air.*

*The draft resolution was adopted (see Annex 6, XX).*

21. *Progress of International Co-operation in the Operation of Air Lines.*

*The draft resolution was adopted (see Annex 6, XXI).*

22. *Possibility of Studying a Special Regime Applicable to Certain International Air Connections of General Interest.*

*The draft resolution was adopted (see Annex 6, XXII).*

23. *Practical Improvements in the Working Conditions of Air Lines: Extensive and Systematic Employment of Combined Transport.*

*The draft resolution was adopted (see Annex 6, XXIII).*

24. *Level Crossings.*

*The draft resolution was adopted (see Annex 6, XXIV).*

25. *Questions raised by the Council in connection with the Freedom of Communications and Transit when considering the Relations between Poland and Lithuania: Report of the Committee.*

*The Committee adopted the report (see Annex 6, XXV).*

26. *Coming into Force of the 1926 Convention on Motor Traffic.*

*The draft resolution was adopted (see Annex 6, XXVI).*

XVI. ESTABLISHMENT OF A WIRELESS STATION FOR THE USE OF THE LEAGUE OF NATIONS :  
COMMUNICATION BY M. DE VASCONCELLOS.

The CHAIRMAN pointed out that, in the absence of M. Hörnell, Chairman of the Permanent Committee on Electrical Questions, he had requested M. de Vasconcellos, Vice-Chairman of that Committee, to follow the work of the Advisory Committee for Wireless Technical Questions in regard to the establishment of a wireless station for the use of the League of Nations. He would ask M. de Vasconcellos to be good enough to inform the Committee of the work of that Committee.

M. DE VASCONCELLOS pointed out that, as a result of the resolution of the tenth Assembly, in which the Secretary-General was requested to take the necessary measures for the establishment of a wireless station, the Committee met at Geneva from February 25th to 27th in order to settle the details for the specification. The Committee met again at Geneva from August 27th to September 4th to examine the tenders received.

After examining these very closely, the Committee unanimously decided to divide the order for the various requirements between four undertakings which had submitted proposals. Those four undertakings were : The Marconi Company, the Compagnie Générale de T.S.F., the Compagnie Telefunken and the Bell Telephone Company.

After detailed discussions, the Committee cleared up various technical and economic questions. The Committee's proposals would be forwarded to the Secretary-General, who would bring them to the knowledge of the Assembly. The definitive and complete report of the Committee on all these questions would shortly be communicated to the Members of the Advisory Committee (see Annex 7).

*The Committee took note of M. de Vasconcellos's communication.*

XVII. REPORT OF THE CHAIRMAN ON THE MISSIONS CARRIED OUT BY HIM  
SINCE THE LAST SESSION OF THE COMMITTEE.

The SECRETARY-GENERAL OF THE COMMITTEE informed the Committee of the various decisions which the Chairman had been called upon to take since the last session of the Advisory Committee.

1. *Appointment of the Members of the Air Transport Co-operation Committee.*

The CHAIRMAN had had to appoint the members of the Air Transport Co-operation Committee, whose report the Advisory Committee had examined.

2. *Representation of the Committee at the next Road Congress.*

It had been understood that, if M. Enciso was unable to attend the next meeting of the Road Congress, which would be held at Washington in October 1930, the Chairman would appoint another representative of the Advisory Committee. M. Enciso having informed him that he would be unable to go to Washington, the CHAIRMAN had asked Colonel Hiam, as assistant to the Chairman of the Committee for Transport by Rail, to be good enough to undertake this mission. Colonel Hiam had agreed.

3. *Smuggling of Alcohol.*

The CHAIRMAN had requested M. Schlingemann to represent the Advisory Committee at the Economic Committee during the discussion of this question.

4. *Preparation of the Conference on Road Traffic.*

The CHAIRMAN had appointed the members of the Drafting Committee to draw up the draft conventions which would serve as a basis for the work of this Conference, in accordance with the proposals of the Chairman of the Committee on Road Traffic.

5. *Reform of the Calendar.*

The CHAIRMAN had had to appoint the Chairman of a semi-official Committee of Enquiry in Great Britain. He had asked Lord Burnham to be good enough to undertake this office. Lord Burnham had agreed. In agreement with the latter, the Chairman had also appointed the other members of this Committee.

6. *Requests from the High Commissioner of the League of Nations at Danzig.*

In accordance with the resolution of the Council in 1925, the Chairman of the Advisory Committee had been requested to draw up the procedure to be followed in the examination of requests from the High Commissioner of the League of Nations at Danzig. In agreement with the Rapporteur to the Council, the CHAIRMAN had entrusted the examination of legal questions to the Legal Committee and the examination of technical questions to the Administrative Section of the Permanent Committee for Transport by Rail.

XVIII. REPORT OF THE MEMEL HARBOUR BOARD FOR 1929.

Sir John BALDWIN asked whether the report of the Memel Harbour Board for 1929 had been received.

The SECRETARY-GENERAL OF THE COMMITTEE replied in the affirmative. He pointed out, however, that this report had been received by the Secretariat in Lithuanian only. He thought that the customary examination of the report might take place at the Committee's Session in March 1931.

*The Committee took note of these various communications.*

XIX. CLOSE OF THE SESSION.

The CHAIRMAN noted that the Committee had reached the end of its work. He thanked his colleagues warmly for facilitating his work and also the Secretariat which had shown its customary ability.

He declared closed the fifteenth session of the Advisory and Technical Committee for Communications and Transit.

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## Section I. — Preparatory Documents.

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### ANNEX 1.

[C.C.T./460 and C.C.T./460(a).]

### AGENDA.

1. Report of the Permanent Committee on Road Traffic on its seventh session.
  2. Report of the Permanent Legal Committee.
  3. Smuggling of alcohol.
  4. Communications affecting the working of the League of Nations in times of emergency :
    - (a) Facilities to be granted to aircraft;
    - (b) Construction of an aerodrome near the seat of the League.
  5. Report by the Sub-Committee on questions raised by the Council in connection with freedom of communications and transit when considering the relations between Poland and Lithuania.
  6. Report on the first session of the Air Transport Co-operation Committee.
  7. Agenda and date of the next General Conference on Communications and Transit.
  8. Work resulting from the recommendations of the preliminary Conference with a View to a Concerted Economic Action.
  9. Result of the first Conference for the Progressive Codification of International Law : Territorial Waters.
  10. Miscellaneous questions :
    - (a) Ninth International Congress of the International Legal Committee on Aviation, Budapest, 1930.
    - (b) Ports and Navigation Exhibition, Kiel, 1931.
    - (c) Letter from the Director of the International Labour Office with regard to the simplification of the passport formalities required of migrants.
    - (d) Letter from the Director of the International Labour Office forwarding the text of a resolution adopted by the International Labour Conference at its thirteenth session relative to the abolition of passport obligations for officers and seamen.
    - (e) Participation of the Permanent Committee for Transport by Rail of the Communications and Transit Organisation in the International Association of Railways Congress.
  11. Report by the Chairman on the missions carried out by him since the last session of the Committee.
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### ANNEX 2.

[C.C.T./C.J./20.]

## REPORT OF THE PERMANENT LEGAL COMMITTEE ON ITS SIXTH SESSION, HELD IN PARIS FROM JUNE 10TH TO 14TH, 1930.

The Permanent Legal Committee met in Paris from June 10th to 14th, 1930. There were present :

- His Excellency Dr. F. J. URRUTIA, Envoy Extraordinary and Minister Plenipotentiary of Colombia in Switzerland (*Chairman*) ;
- His Excellency Dr. J. G. GUERRERO, former Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of Salvador in France (*Vice-Chairman*) ;
- M. A. BAGGE, Conseiller référendaire at the Swedish High Court of Justice ;
- His Excellency M. C. DUZMANS, Minister Plenipotentiary, permanent Latvian delegate accredited to the League of Nations ;
- Jonkheer W. J. M. VAN EYSINGA, Professor at the University of Leyden ;
- M. J. HOSTIE, Secretary-General of the Central Commission for Rhine Navigation, former Legal Adviser at the Belgian Department of Marine ;



- M. G. KÆNIGS, Head of Section at the German Ministry for Communications;  
M. René MAYER, Maître des requêtes honoraires au Conseil d'Etat de France, Professor at the Ecole libre des Sciences politiques, Paris;  
M. M. PILOTTI, former Counsellor at the Court of Cassation, Rome, First President of the Court of Appeal;  
M. B. WINIARSKI, Professor at the Faculty of Law at the University of Posen.

Mr. W. E. Beckett and Dr. Scié-Ton-Fa, members of the Committee, were unable to attend.

On the invitation of the Chairman of the Advisory and Technical Committee for Communications and Transit, and in pursuance of Articles 13, paragraph 5, of the Statute for the Organisation for Communications and Transit and 4 and 7 of the Rules of Procedure of the Advisory and Technical Committee, the following also attended the discussions on the questions referred to in (4) of this report;

Dr. G. CRUSEN, President of the Supreme Court of the Free City of Danzig, temporary member of the Committee.

M. J. RAEER, Director of the International Bureau of the Telegraphic Union was present, *ad audiendum*, at the discussions on the question dealt with in (1) of this report.

The Committee arrived at the following conclusions on the different points on its agenda :

#### I. INTERPRETATION OF THE ST. PETERSBURG TELEGRAPHIC CONVENTION (SECRECY OF TELEGRAPHIC CORRESPONDENCE).

In accordance with the League Council's resolution of January 15th, 1930 (see Appendix 1), the Permanent Legal Committee of the Communications and Transit Organisation examined the question whether the St. Petersburg Convention of 1875 and the Washington Radiotelegraph Convention of 1927 could be so interpreted as to enable the Governments parties to these Conventions to comply with Resolution IV of the Advisory Committee on the Traffic in Opium and other Dangerous Drugs—1928 report (see Appendix 2).

After hearing M. Raeber, the Director of the International Bureau of the Telegraphic Union, who submitted a memorandum on the secrecy of telegraphic correspondence (see Appendix 3), the Committee reached the conclusion<sup>1</sup> that neither the St. Petersburg Convention with its International Service Regulations which are of equal validity with the Convention itself, nor the 1927 Radiotelegraph Convention, admit of the above interpretation. In the Committee's opinion, Article 2 of the St. Petersburg Convention formally engages the contracting States to ensure absolute secrecy for international telegrams; again, Article 74 of the Service Regulations (Revision of Brussels, 1928) emphasises the peremptory nature of Article 2 of the Convention by authorising the production of the originals or copies of telegrams only to the sender or the addressee, subject moreover to special guarantees. The fact that the domestic legislation of some countries, parties to the St. Petersburg Convention, authorises in certain cases the furnishing of telegrams to the legal authorities appeared to the Committee to be quite legitimate in respect of the very large number of telegrams sent to inland addresses and therefore not coming under the St. Petersburg Convention. The Permanent Legal Committee considers that, in view of such formal provisions, the fact that, in other articles of the St. Petersburg Convention, the requirements of public order and decency allow of the right of everybody under Article 1 to correspond by means of the international telegraphs being restricted, does not justify this conception being extended to Article 2; it also considers that the arguments to the contrary which can be drawn from the facts, highly important in themselves, set out in Section A of the International Bureau of the Telegraphic Union's memorandum are equally incapable of invalidating the formal provisions of the St. Petersburg Convention and its Service Regulations.

As regards the Washington Radiotelegraph Convention of 1927, referred to in Section B of the memorandum, the Permanent Legal Committee could only adopt the same point of view as expressed above in the case of the St. Petersburg Convention.

If the Permanent Legal Committee may add a general observation, it would be that it thoroughly concurs in the view which is at the root of Resolution IV of the Advisory Committee on the Traffic in Opium and other Dangerous Drugs of 1928: it thinks that international co-operation, the development of which is one of the cardinal principles of the Covenant of the League, is no longer compatible with the entire secrecy of international telegraphic correspondence. The judicial authorities of the contracting States should, in certain circumstances to be determined, be able to obtain originals or copies of international telegrams which are in another contracting State, including, amongst others, cases of criminal proceedings for traffic in narcotics. The Permanent Legal Committee wondered whether the Diplomatic

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<sup>1</sup> Two members stated that they were unable to agree with this conclusion.



Conference to be held at Madrid for the revision of the St. Petersburg Convention could not moderate the peremptory nature of Article 2 in such a way as to declare telegraph administration bound to comply with requests by judicial authorities to furnish originals or copies of international telegrams in cases to be specified either by the law of the country or by international conventions. The permanent Legal Committee believes that, if the League Council were to draft an amendment to this effect to Article 2 of the St. Petersburg Convention, and if a certain number of Members of the League proposed such an amendment when the Diplomatic Telegraphic Conference was being organised, it would probably be adopted by the latter.

The Permanent Legal Committee is under the impression that the Wireless Telegraphy Union will be meeting at Madrid at the same time as the Telegraphic Union and could therefore also deal with the question.

## 2. CODIFICATION OF INTERNATIONAL LAW IN MATTERS OF COMMUNICATIONS AND TRANSIT.

The Permanent Legal Committee noted the resolution adopted by the Assembly on September 24th, 1929, regarding the codification of successive conventions on certain subjects (Appendix 4), and also the resolution adopted on this question by the Advisory and Technical Committee on Communications and Transit at its fourteenth session (Appendix 5).

The Committee notes that, in the sphere of communications and transit, the work of codifying international law made steady progress, subject by subject—even prior to the foundation of the League of Nations—by the framing of conventions on particular questions, and that the League's Communications and Transit Organisation has steadily developed this work.

The Legal Committee consider that it should first comply with the Assembly's wish to determine what precisely are the texts in force of important conventions and the States which are parties thereto, and thinks that an initial result could unquestionably be achieved, easily and without much expense for the League, in this way:

The League of Nations might publish, as a supplement to the annual publication on the progress of the ratifications of and accessions to Conventions concluded under League auspices, a similar survey of multilateral conventions in force not concluded under League auspices. The Secretary-General of the Committee is asked to make the necessary supplementary investigations on this point, together with the other Secretariat services concerned.

The Legal Committee thinks that proposals to this effect could be put before the next Assembly. It requests the Secretary-General of the Committee to submit proposals to it before September 15th, 1930, and instructs the Chairman and those members who will be at Geneva at that time to examine these on its behalf and report immediately thereon to the Chairman of the Advisory and Technical Committee, asking him to forward such report forthwith to the Council for transmission to the Assembly.

The Secretary-General of the Committee is also asked to see whether it would be possible, and at the present moment desirable, to publish the texts of treaties, conventions or agreements in force regarding communications and transit, or classified indexes to such treaties, conventions or agreements, including any provisions inserted in bilateral conventions regarding communications and transit. Particular consideration should be given to the question whether the League of Nations could publish unregistered conventions as a supplement to the *Treaty Series*. The Secretary-General of the Committee is asked to examine, together with the other Secretariat services concerned, how the conventions for publication could be selected, and how the authentic texts could be obtained, and to report on the subject at an early session of the Legal Committee.

The Legal Committee further resolved to endorse the views expressed by the Advisory and Technical Committee as to the value of a survey of the principles of important conventions concluded in the various departments of communications, but is not of opinion that the question could at present be discussed in committee.

It requests the Secretary-General of the Committee, in co-operation with experts who might be nominated for this purpose by the Chairman of the Legal Committee, to make a comparative study of the principles of the most important conventions concluded in the various departments of communications. This survey should comprise both multilateral conventions in force as well as bilateral conventions of special interest, more particularly commercial treaties, so far as they contain provisions on communications.

A comparison should be made, on the one hand, between the principles of conventions concluded on certain communications questions and those concluded in connection with other communications questions, and on the other hand, between the principles of conventions covering the same subjects but applying to different areas or continents.

A preliminary report on this subject will be submitted to a forthcoming session of the Legal Committee, it being understood that, pending submission of their report, the Secretary-General of the Committee and the experts will be entirely free as to the method to be followed.

The Committee takes the opportunity of emphasising the desirability, when drawing up conventions concluded under League auspices, including those framed by the International Labour Office, of always trying to draft texts as uniformly as the varied nature of the subjects dealt with permits.



### 3. INTERNATIONAL DEFINITION OF PERIODICALS.

The Permanent Legal Committee next took up the question of finding an international definition of periodicals, in accordance with the wish expressed by the European Conference on the Transport of Newspapers and Periodicals held at Geneva in November 1929 (Appendix 6).

To achieve the object referred to in Section VII of the Final Act of that Conference, the Committee thought that, while abstaining from a general and theoretical definition of the term "periodical", it might perhaps be sufficient to determine the kinds of periodicals which seem to require a special system as regards transport and the Customs and fiscal formalities applicable.

The Committee decided to propose, as a basis for discussion, that periodicals, in the sense of Section VII of the aforesaid Final Act, should be deemed to be printed publications issued regularly and at least once weekly, excluding printed commercial matter such as catalogues, prospectuses, price-lists, etc. (This printed commercial matter is also excluded from the postal tariff reductions provided for in the Universal Postal Convention of London, dated June 28th, 1929.) The Committee believes that it would be desirable to apply as far as possible to this category of periodicals the same system as provided for newspapers by the Final Act of the Geneva Conference of November 1929. It was understood that Associations of editors and of newspaper distributors and also the International Railway Union would be asked for their opinion whether the above limitation would be considered satisfactory. The Committee recognised that, in view of the different requirements of the various kinds of periodicals as regards transport, Customs and fiscal treatment, a twofold definition of the term "periodical" might be considered, making allowance for these differences.

The Committee decided to revert to the question at a later meeting in the light of the replies received from the bodies consulted.

### 4. REQUEST FOR AN OPINION FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG ON CERTAIN QUESTIONS OF RAILWAY ORGANISATION AT DANZIG.

The High Commissioner of the League of Nations at Danzig sent the following two letters to the Secretary-General of the League :

A.

" Danzig, March 29th, 1930.

" Availing myself of the power granted to the High Commissioner under Article III of the Council Resolution of June 11th, 1925, on rules of procedure to be followed in case of differences between the Free City of Danzig and Poland, I have the honour to submit to you the request to kindly take the necessary steps in order to obtain a legal and, as may be necessary, a technical advisory opinion, on the following points which have arisen during the examination of the requests submitted to me by the Senate of Danzig on November 18th, 1929, and December 2nd, 1929, respectively :

" I. *Danzig Request of November 18th, 1929:*

" (a) It is clear from the High Commissioner's decision of December 12th, 1922, which has been confirmed by the Council resolution of March 13th, 1925, based on the conclusions reached by the Committee of Jurists in their report of February 25th, 1925, that: 'Poland has no right to establish on Danzig territory a railway direction which deals with the management of railways, other than those situated within the territory of the Free City, except by agreement with the Free City of Danzig'.

" The quoted decision expresses in other words, that, in establishing a railway direction on Danzig territory, this direction must deal only with the management of railways situated within the Danzig territory, except by agreement with the Free City.

" The question is now to ascertain if, in interpretation of the treaties, agreements, decisions and resolutions in force, it follows that Poland is obliged to maintain on Danzig territory such a railway direction.

" (b) The ownership, control, administration and exploitation of the Danzig railways, as specified in the High Commissioner's decision of August 15th, 1921, belong to Poland.

" Nevertheless some provisions concerning the use of language, the currency, the filling of vacancies and the maintenance of certain rights for the Danzig officials, employees and workmen employed on the railways have come into force subsequent to Article 22 of the Paris Treaty of November 9th, 1920, relating to the railways on Danzig territory.

" The question is to ascertain if, in interpretation of the existing treaties, conventions, decisions and resolutions it is consistent with the rights attributed to Poland as well as with the above-mentioned provisions concerning the railways situated on Danzig territory (with special reference also to the oath by Danzig employees as formulated under Article 10



of the Polish-Danzig 'Beamtenabkommen' of October 22nd, 1921), that these railways be not attributed as a separate unit to the ownership, control, administration and exploitation of Poland, but may be completely absorbed into the Polish railway administration in such a manner as to lose thereby the character of a separate unit of the Polish railway administration.

"(c) Is it, from a technical and administrative point of view, possible to establish, always under Polish administration and control, as determined by the treaties, agreements, resolutions and decisions in force, a separate railway direction, or section dealing separately with the small railway net (about 160 kilometres) situated on Danzig territory?

" II. *Danzig Request of December 2nd, 1929:*

"It is clearly stated in the existing treaties, conventions, decisions and resolutions that ownership, control, administration and exploitation of the Danzig railways as specified by the High Commissioner's decision of August 15th, 1921, belong to Poland.

"The question is now to ascertain whether it is consistent with the above treaties, conventions, decisions and resolutions that Poland be obliged to recognise the Danzig Senate as being the *Aufsichtsbehörde*, in the sense expressed by the Danzig appeal of December 12th, 1929.

"I beg to enclose a complete list of the documents exchanged by both parties in the above-mentioned disputes, the documents being forwarded under separate cover. As soon as the experts will be appointed, I will supply copies of treaties, agreements, or any other act referred to by the parties or which may be useful for the accomplishment of their task.

"I am forwarding copies of this request to both parties for their information.

"(Signed) M. GRAVINA."

B.

"Danzig, May 12th, 1930.

"Referring to my letter of March 29th, 1930, I have the honour hereby to submit to you the request to kindly take the necessary steps in order to obtain a legal and, as may be necessary, a technical, advisory opinion on the following points which have arisen during the examination of the request submitted to me by the Senate of Danzig on November 21st, 1929:

"(A) I have been asked by the Senate of the Free City to decide that:

"I. (1) Danzig citizens who are employed on the working staff of the Danzig Railways may not be removed from their posts by dismissal, notice of discharge or transfer to other posts unless the exigencies of the railway service so require, on grounds to be recognised as justifiable.

"(2) The question whether the exigencies of the railway service can be recognised as justifying the removal of a Danzig citizen from a post on the working staff of the Danzig railways is to be determined by the official of the Danzig Government appointed under paragraph 9, VI, of the decision of August 15th, 1921, and may form the subject of a difference between the Free City and Poland within the meaning of Article 39 of the Paris Treaty of November 9th, 1920.

"(3) Danzig citizens employed on the 'working staff' of the Danzig railways may not be transferred to a place outside Danzig territory.

"II. The Polish Railway Administration is required to revoke the following measures which are inconsistent with the foregoing decisions . . . (The indication of these measures is omitted.)

"(B) (a) The first question is to ascertain if it is consistent with the treaties, agreements, decisions and resolutions in force, that the official appointed by the Danzig Government under paragraph 9, VI, of the decision of August 15th, 1921, is entitled to obtain previous information from the Polish Railway Administration on measures taken by the same relating to removal from their posts, by dismissal, notice of discharge and transfer to other posts, of Danzig citizens who are employed on the working staff of the Danzig Railways.

"(b) Another question is to ascertain if, in interpretation of the treaties, conventions, decisions and resolutions in force, the Polish Railway Administration is obliged to submit (for examination), to the official appointed by the Danzig Government under paragraph 9, VI, of the decision of August 15th, 1921, the acts which have provoked the measures taken by the Railway Administration with regard



to removal from their posts by dismissal, notice of discharge and transfer to other posts, of Danzig citizens employed on the working staff of the Railways.

“(c) A last question is to ascertain, with reference to treaties, agreements, decisions and resolutions in force, what part of the ‘personnel’ employed on the Polish Railway Administration is to be considered as ‘working staff’ (*Betriebspersonal*) as opposed to the high officials concerned with the general control and administration of the whole railway system.

“I beg to enclose a complete list of the documents exchanged by both parties in the above-mentioned disputes. As soon as the experts will be appointed, I will supply copies of treaties, agreements, or any other act referred to by the parties or which may be useful for the accomplishment of their task.

“I am forwarding copies of this request to both parties for their information.

“(Signed) M. GRAVINA.”

The requests from the High Commissioner were submitted by the Secretary-General of the League to the Chairman of the Advisory and Technical Committee, who decided, in accordance with the Council Resolution of June 11th, 1925, and in agreement with the Rapporteur on Danzig questions to the Council, to ask the Permanent Legal Committee to consider the questions referred to in these letters; the opinion given by the Permanent Legal Committee was to be forwarded to the High Commissioner through the Secretary-General. The Administrative Section of the Permanent Committee for Transport by Rail was, moreover, requested to hold a meeting at the same time as the Legal Committee.

The Legal Committee and the Administrative Section of the Permanent Committee for Transport by Rail were unable to complete their examination of the question and the report can only be submitted after the forthcoming session of the Legal Committee, which will be held at Geneva in September next.

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### Appendix 1.

#### RESOLUTION OF THE COUNCIL OF THE LEAGUE OF NATIONS, DATED JANUARY 15TH, 1930.

The Advisory Committee on Traffic in Opium and other Dangerous Drugs laid before the Council, at its session in March 1929, the legal difficulties which, according to the communications received from the Governments, prevented the execution of a resolution, adopted at the Committee's eleventh session. This resolution urged that the Governments of countries where seizures have been effected should be able to obtain facsimiles of telegrams sent in connection with smuggling transactions (Resolution IV of the report submitted to the Council by the Advisory Committee on the Traffic in Opium and other Dangerous Drugs on the work of its eleventh session, document C.328.M.88.1928.XI, page 344).

In particular, the question was raised whether the International Telegraphic Convention of St. Petersburg, which guarantees telegraphic secrecy, did not prohibit such exchanges. The Committee requested the Council to ask the Governments to study the question and inform it of the results of their investigations.

The Council accepted the proposal of its Rapporteur, the Canadian representative, “to refer the problem to the Legal Adviser of the Secretariat for study, with a view to its examination, if this should prove necessary, at a subsequent session of the Council by a Committee of Jurists or otherwise”.

In pursuance of the Council's decision, the Secretary-General instructed the Legal Adviser of the Secretariat to undertake the necessary enquiry, and the Council is now in possession of the Legal Adviser's reply (document C.20.1930.XI).

It appears from this reply that the Legal Adviser considers that the administrations concerned may act in accordance with the Advisory Committee's resolution, basing their action more particularly upon what appears to be a quite defensible interpretation of Article 7 of the Telegraphic Convention, providing that “the High Contracting Parties reserve to themselves the right to stop the transmission of any private telegram which appears dangerous to the security of the State or which is contrary to the laws of the country, to public order or to decency”. He cannot, however, guarantee that this interpretation would be accepted by all the States. Accordingly, he makes the following suggestion :

“Perhaps, in order to prevent any difficulty, it would be desirable to propose the revision of the telegraphic conventions which establish the rule of the secrecy of telegraphic correspondence, and to bring them into accord with the opium Conventions which relate to the suppression of the illicit traffic.”

The question which the Council has now to settle, therefore, is whether immediate action should be taken in accordance with the above proposal or whether, before even considering such a procedure, it would not be preferable, as the Rapporteur to the Council suggested, to



submit the question, with the Legal Adviser's views, to a Committee of Jurists nominated by the Council.

As the question stands at present, the second solution seems simpler and more expedient for the following reasons:

As I have pointed out, the Legal Adviser is inclined to take the view, as regards the merits of the question, that the two International Telegraphic Conventions—the St. Petersburg Convention of 1875 and the International Radio-telegraphic Convention of Washington of November 25th, 1927—give the Governments sufficient powers to execute the Advisory Committee's resolution, more particularly in view of Article 7, which provides for reasonable exceptions, where the public interest so demands, to the rule as to the secrecy of telegraphic correspondence.

In the second place, it should be pointed out that these views appear to be shared by the majority of the Governments represented on the Advisory Committee.

In these circumstances, if a Committee of Jurists decided in favour of the same view and thereby lent it all the weight of its authority, it is possible that the hesitation felt by certain Governments would be removed. All the Governments might, as the result, find themselves able to take the necessary steps to issue regulations which would enable them to execute the Advisory Committee's resolution without there being perhaps any need to contemplate a revision of the International Telegraphic Conventions.

As regards the nomination of the Committee, I should like to point out to my colleagues that the Legal Committee of the Communications and Transit Organisation has been set up specially to examine questions of the interpretation of conventions relating to communications, and that organisations outside the League of Nations, such as river commissions, have already applied to it for opinions. The natural course would therefore seem to be that the Council should apply to that Committee rather than appoint a special Committee of Jurists.

*I have, accordingly, the honour to propose that the Council instruct the Legal Committee of the Communications and Transit Organisation to submit a report to the Council on the question, taking into consideration the views expressed by the Legal Adviser.*

*The conclusions of the report were adopted.*

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## Appendix 2.

### RESOLUTION No. IV, ADOPTED BY THE ADVISORY COMMITTEE ON TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS AT ITS ELEVENTH SESSION, HELD AT GENEVA FROM APRIL 12TH TO 27TH, 1928.

The Committee had had its attention called to the difficulties experienced by the authorities in their investigations as to the persons responsible for the smuggling of a large quantity of drugs which were recently seized in New York through their inability to obtain from the Government of the exporting country photographic or other facsimiles of certain cables sent from that country to the United States and the names of the persons sending them. In view of the extreme importance of obtaining all possible information as to the persons who organise the illicit traffic, and who, for this purpose, abuse the facilities afforded by the telegraphic and other means of communication, the Committee would urge that every Government should, in such cases, on the application of a responsible Government and on being satisfied that the information is necessary for the investigations by the responsible authorities in the country of seizure, furnish facsimiles of the telegrams sent in connection with a smuggling transaction and the names of and other particulars relating to the persons sending them, and, if the power to do so does not exist at present, should, if possible, obtain such power.

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## Appendix 3.

### NOTE ON TELEGRAPHIC SECRECY, SUBMITTED BY THE INTERNATIONAL BUREAU OF THE TELEGRAPHIC UNION.

#### A. TELEGRAMS.

The St. Petersburg International Telegraphic Convention of 1875, which is still in force to-day, originated in the International Telegraphic Convention of Paris, 1865, which, in its turn, was based on a scheme framed by the French General Direction of Telegraphs.



According to documents published by the International Bureau, the provisions regarding telegraphic secrecy gave rise to the following discussions at international telegraphic conferences.

*At the Paris Conference of 1865*, the Danish delegation asked that Government telegrams should be communicated to the Government of the agents sending them, as it thought such supervision necessary to strengthen the provision inserted in the article dealing with Government telegrams and those sent by consular agents.

The Spanish delegation expressed the view that a Government may not refuse to communicate to the ambassador of a foreign Power telegrams exchanged by the subjects of that Power where this is required in the interests of security.

As, however, the French delegation pointed out that such questions could not appropriately appear in an international Convention and that it was impossible to exaggerate the value of maintaining inviolate the principle of telegraphic secrecy, the Danish and Spanish delegations withdrew their proposals.

The Conference finally adopted the following texts :

*" Article 5 of the Convention.*—They (the High Contracting Parties) undertake to adopt all measures necessary to ensure the secrecy of correspondence and its safe dispatch. "

*" Article 21 of the Convention.*—The originals and copies of telegrams, the signal ribbons or similar evidence are preserved in the office archives for at least one year, counting from their date, with all precautions necessary to ensure secrecy . . . "

*" Article 22 of the Convention.*—Originals and copies of telegrams may be shown only to the sender or addressee after verification of their identity . . . "

*At the Vienna Conference of 1868*, the Spanish Government proposed to add the following words to Article 22 :

[*Translation.*]

" Telegrams required for the elucidation of criminal cases, which are asked for by courts of law, may be produced to their representatives for examination or for copying. In lawsuits and actions senders and addressees only shall be entitled, in the ordinary way, to have copies issued to them. "

This amendment was withdrawn after explanations had been given by the Belgian and French delegations to the effect that Article 22 would not prevent the special laws of each country or considerations of public order and decency authorising the communications of telegrams.

*The Conference of St. Petersburg, 1875*, transferred Articles 21 and 22 to the Service Regulations annexed to the Convention.

*At the London Conference of 1879*, the Belgian delegation made the following remark regarding the furnishing of copies of telegrams :

" This delegation would emphasise the distinction between the furnishing of copies by telegraph offices and their production before courts of law. The former question is decided by the International Service Regulations and the national law cannot add to or modify these provisions. With the latter, the Conference is not concerned. "

*At the Conference held in London in 1903*, the British Administration proposed to add the following provisions to the Regulations :

" Originals or copies may, however, in the country of origin or destination, be produced before a court which, under the laws of the country, has authority to order such production. "

In support of this proposal, the British Administration stated :

" It is understood that the order to produce a telegram before a court of law entitled to give such an order constitutes a release from the obligations to preserve secrecy, and it appears advisable that this should be expressly stated. "

In the Regulations Committee, the Hungarian delegation pointed out that, if the Regulations mentioned the court of law, they should also mention the other authorities to which originals or copies might be produced under the laws of the country. It would, accordingly, be preferable not to change the existing text.

The Turkish delegation endorsed this view.

The Belgian delegation was of opinion that the right of the judiciary, for example, of the examining magistrate, was too well established for it to be worth referring to in the Regulations.

*The British delegation explained that it had made this proposal with a view to bringing the Regulations into harmony with practice, as the existing text appeared to be against the originals or copies being produced to a judicial authority. In view of the explanations given, the delegation withdrew its proposal, subject to a note being made in the Minutes that the Committee admitted the right of administrations to comply with the requests of the judicial authorities.*



At the sixth plenary meeting it was agreed that mention should be made in the Minutes of the right of administrations to comply with the requests of the judicial authorities.

The texts now in force are the following :

*" Convention of St. Petersburg, 1875, Article 2.—*They (the High Contracting Parties) undertake to adopt all measures necessary to ensure the secrecy of correspondence and its safe dispatch. *"*

*" Service Regulations (Revision of Brussels, 1928), Article 73.—*The originals of telegrams and the documents relating to them, which are retained by Administrations, are preserved until the relative accounts are settled, and, in any case, for at least ten months counted from the month after that in which the telegram was handed in, with all precautions to ensure secrecy . . . *"*

*" Service Regulations (Revision of Brussels, 1928), Article 74, paragraph 1 (1).—*Originals or copies of telegrams may be shown only to the sender or the addressee, after verification of their identity, or to the authorised representative of one of them . . . *"*

(The remainder of the article has nothing to do with the question of secrecy.)

Furthermore, Article 8 of the St. Petersburg Convention reads as follows :

*" Each Government also reserves to itself the right to suspend the international telegraph service for an indefinite time, if it considers it necessary, either generally or only on certain lines and for certain kinds of correspondence, subject to the obligation to notify the suspension immediately to the other Contracting Governments. "*

The Service Regulations annexed to the Convention hardly modify these provisions.

The existing provisions are by no means new; they are found almost word for word in the first international agreements on telegraphy, for example, in the Convention signed on June 30th, 1858, by Belgium, France and Prussia, and in the Convention signed at Berne on September 1st of the same year by Belgium, France, the Netherlands, Sardinia and Switzerland.

That is why the documents of the various telegraphic conferences contain no discussion of the provisions and no explanation of the reasons for them. These reasons, however, are self-evident and their justification is obvious: to safeguard States in time of war or internal troubles.

During the world war of 1914-1918, in particular, the Administrations of the Union applied these provisions.

When hostilities began, the belligerent States, with a view to being able to control telegraphic correspondence, totally forbade the use of secret language, and most of the neutral States enacted similar measures.

Furthermore, both belligerents and neutrals restricted the use of plain language to certain specific languages most in use; several prohibited commercial marks and trade abbreviations; they rejected telegrams containing no text or only a single word, telegrams, the sense of which was not clear to the clerks, unsigned telegrams and registered or abbreviated addresses or signatures, etc.

The provisions of the article clearly have nothing to do with the question of the secrecy of telegrams.

## B. RADIOTELEGRAMS.

The question of the secrecy of radiotelegraphic correspondence had already been discussed at the International Radiotelegraphic Conference held at Berlin in October 1906.

This Conference, convened by the German Government as the result of a preliminary Conference on wireless telegraphy (1903), examined a draft "International Convention for Wireless Telegraphy", submitted by that Government. Under Article 21 of this draft, the provisions of Article 2 of the St. Petersburg International Telegraph Convention of July 10th/22nd, 1875, were to apply to international wireless telegraphy (*Text of Article 2*: "They (the High Contracting Parties) undertake to adopt all measures necessary to ensure the secrecy of correspondence and its safe dispatch.") The Netherlands delegation having withdrawn its proposal for the insertion of a special article in the Radiotelegraphic Convention, less imperative in tenor than Article 2 of the Telegraphic Convention, the Conference adopted Article 21 of the German draft, which became Article 17 of the final text of the Convention, reading :

*" The provisions of Articles 1, 2, 3, 5, 6, 7, 8, 11, 12 and 17 of the St. Petersburg International Telegraphic Convention of July 10th/22nd, 1875, shall be applicable to international wireless telegraphy. "*

Article VI of the Service Regulations prescribed that the certificate to be held by the operator on board a vessel should also state that the Government of the country to which the vessel belonged had placed the operator under the obligation of observing the secrecy of correspondence, and further (Article XXXIV) that the originals of radiotelegrams and the documents relating to them, retained by administrations or private enterprises, should be





preserved for 12 months "with all precautions necessary to ensure secrecy". On the proposal of the Chairman of the Regulations Committee, the Minutes of the fourth meeting of that Committee provided, as regards telegraphic secrecy, that military operators would be subject to the same obligations in so far as public correspondence was concerned.

*The International Radiotelegraphic Conference of London (1912)* did not make any modification in the text of Article 17 of the Convention. Nor, in Article X, was any change made in the provision contained in the old Article VI of the Service Regulations, concerning the maintenance of secrecy of correspondence by operators on board a vessel, nor in Article XXXIV, which became Article XL, concerning the precautions to be taken from the point of view of secrecy during the period of preservation of records (this period was extended to 15 months instead of 12).

*At the Washington Radiotelegraphic Conference (1927)*, several proposals were submitted for ensuring the secrecy of radiotelegraphic correspondence (Switzerland, Radio Companies, United States of America, Germany, Italy, Norway, Latvia, Austria, France, Netherlands, Great Britain). The International Legal Congress of Wireless Telegraphy and the International Air Traffic Association also made recommendations on the question. All these proposals and recommendations either implied redrafting or a transfer of the provisions of the Convention or of the Regulation contained in the "Washington Scheme" (1920), revised in accordance with the conclusions of the Technical Committee for International Radiocommunications (Paris, 1921); none of them contemplated their removal. An interesting proposal, submitted by the United States of America, was for inserting in the General Regulations a new and very detailed Article 12ter (Proposal No. 579). Under the terms of the proposal, the Contracting Parties would have agreed that ;

*"No person responsible for the operation of a radioelectric station or service, or having knowledge of or being engaged or concerned in the reception of a radiocommunication, shall divulge or publish the contents, substance, sense, purpose, or significance of such radiocommunication or the fact that such a communication exists or has been transmitted or received except through the authorised organs of transmission or reception, to any person other than the addressee, his deputy or authorised representative, a telephone, telegraph, cable or radio station used or authorised to deliver such radiocommunication, the officials, auditors or distributors in control of the various central offices through which the radiocommunication may pass, the master of a vessel under whose authority the person in question works, or in order to comply with the request of a competent court of justice or an application from another legal authority. They further agree that no person not authorised by the sender may intercept a radiocommunication and divulge to others or publish the contents, sense, purpose or significance of the intercepted communication or the fact that such a communication exists or was transmitted or received, and that no unauthorised person may receive a radiocommunication or be present at the reception thereof and make use of such communication or of the information it contains for his own personal profit or that of unauthorised third parties. They further agree that no person who has received an intercepted wireless message or been informed of the contents, substance, sense, purpose, or significance thereof or of passages therein or of the fact that such a message exists and was transmitted or received, and knowing that the information was received in this manner, may divulge or publish the contents, substance, sense, purpose or significance of such message or of parts thereof, or make use of this communication or of the information therein contained for his own personal profit or that of unauthorised third parties. They further agree that these restrictions shall not be applicable to the divulgence, publication or utilisation of the contents of any wireless message broadcast unaddressed or addressed to and intended for the general public or regarding vessels in distress. Notwithstanding the foregoing, the High Contracting Parties admit that broadcast emissions may not be retransmitted or repeated without the approval of the Administration or Company responsible for the emission."*

The Washington Conference, moreover, had before it a proposal from the United States Government to discuss the provisions of the *International Convention on Safety of Life at Sea of January 20th, 1914*, so far as they dealt with radiotelegraphy. Article 34 of this Convention provides that the "Contracting Parties undertake to take steps to ensure that the certificated watchers observe the secrecy of correspondence". The same Government had emphasised how valuable it would be also to discuss the questions regarding the wireless stations required for *air navigation* and the conditions with which they must comply. Germany then proposed that the certificates of wireless operators for air navigation should show that the bearer had been sworn to telegraphic secrecy. An exception to the rule requiring the observance of secrecy had been provided in the proposal of the United States of America for the reception, divulgence, publication and utilisation "of the contents of any wireless message broadcast unaddressed or addressed to, and intended for, the general public, or concerning vessels in distress", though "broadcast messages should not be retransmitted or repeated without the approval of the Administration or the operating Company responsible for the broadcast". Similarly, the United States of America proposed to admit that "all stations may pick up and make use of weather forecasts, storm warnings and meteorological observations,



whether specially addressed to a meteorological service or not” and that “no restriction is imposed on the exchange of information about weather conditions effected on request between mobile stations”.

Without debating the question at length (or so, at least, the documents suggest), the Washington Conference adopted the following texts :

“ 1. *Convention* :

“ *Article 5: Secrecy of Correspondence; False or Deceptive Signals.*—The contracting Governments undertake to adopt or to propose to their respective legislators the measures necessary to prevent :

“ (a) The unauthorised transmission and reception, by means of radioelectric installations, of correspondence of a private nature;

“ (b) The divulgence of the contents, or merely of the existence, of correspondence illicitly intercepted by means of radioelectric installations;

“ (c) The unauthorised publication or use of correspondence received by means of radioelectric installations.”

“ 2. *General Regulations* :

“ *Article 2: Licence.*—§ 2. The holder of a licence must undertake to preserve the secrecy of correspondence, both telegraphic and telephonic. Moreover, the licence must provide that the interception of radioelectric correspondence other than that which the station is authorised to receive is forbidden, and that, where such correspondence is involuntarily received, it must not be reproduced in writing, communicated to others or used for another purpose whatsoever.”

“ *Article 7: Operators' Certificates.*—§ 7. Each Administration takes the measures necessary for putting operators under the obligation to preserve the secrecy of correspondence and for preventing, to the greatest possible extent, the fraudulent use of certificates.”

“ *Article 8: Authority of the Master.*—§ 2. The master or the person responsible, and all persons who are in a position to have knowledge of the text or merely of the existence of the radiotelegrams, or of any information whatever obtained by means of the radioelectric service, are placed under the obligation of observing and ensuring the secrecy of correspondence.”

No reference was made in the Radiotelegraphic Convention and General Regulations to the International Telegraphic Convention and to the Service Regulations annexed thereto. On the other hand, under Article 7 of the Additional Regulations (adopted as the result of a request made by the United States of America, due to the special conditions of operation and the nature of the systems existing in that country), “the provisions of the International Telegraph Convention and of the Service Regulations annexed thereto are applicable to radiotelegrams, in so far as the provisions of the International Radiotelegraph Convention and the Regulations annexed thereto are not contrary to them”. This is the case with Articles 73 and 74 of the Service Regulations (Revision of Brussels, 1928) regarding the preservation of records (“with all precautions necessary to ensure secrecy”) and to the production of originals, furnishing copies or photographs of telegrams.

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## Appendix 4.

### CODIFICATION OF INTERNATIONAL LAW IN MATTERS OF COMMUNICATIONS AND TRANSIT.

RESOLUTION ADOPTED BY THE ASSEMBLY OF THE LEAGUE OF NATIONS, ON SEPTEMBER 24TH, 1929.

The Assembly,

Having examined with the greatest interest the report of the Committee of Three Jurists :

Takes note of the Systematic Survey of the Subjects of International Law drawn up by the Jurists with a view to a general codification;

Observes that the report of the Committee upon the publication in the form of a code of the Conventions which are open to States in general shows that such a publication could not at present be achieved in a satisfactory manner;

Is of opinion, in particular, that it would be necessary first to proceed to codify the various successive Conventions which deal with certain particular subjects so as to determine what precisely are the texts in force and the States which are parties thereto;

Requests the Council to call the attention of the technical organisations of the League to the possibility that it might be desirable to make an effort in this direction, with the assistance of the Secretariat and in collaboration, where desirable, with the international bureaux, with a view having the results of their work eventually brought into force by appropriate international conferences.

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## Appendix 5.

### CODIFICATION OF INTERNATIONAL LAW IN MATTERS OF COMMUNICATIONS AND TRANSIT.

RESOLUTION ADOPTED BY THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS  
AND TRANSIT AT ITS FOURTEENTH SESSION HELD AT GENEVA FROM MARCH 10TH TO 15TH, 1930.

The Committee,

Has had before it the Council resolution of January 13th, 1930, and

Has noted, in accordance with this resolution, the Assembly's resolution of September 24th, 1929, on the codification of certain kinds of conventions.

It instructs the Permanent Legal Committee to examine this question.

The Permanent Legal Committee is asked to study the principles of important Conventions regarding transit generally, inland navigation, maritime navigation and communications, transport by rail, road transport, air transport, and postal and telegraphic communications (including telephonic and wireless) in order to indicate to the Committee the points on which codification seems possible and desirable.

## Appendix 6.

### INTERNATIONAL DEFINITION OF THE TERM "PERIODICAL".

#### I. DECISION TAKEN BY THE EUROPEAN CONFERENCE ON THE TRANSPORT OF NEWSPAPERS AND PERIODICALS, HELD AT GENEVA FROM NOVEMBER 25TH TO 29TH, 1929.

Although considering the question of the transport of newspapers as being more important and more urgent than that of the transport of periodicals, the Conference is nevertheless of opinion that measures resembling as closely as possible those contemplated above should be adopted in regard to periodicals. In order to facilitate consideration of this question by the International Railway Union and by the Administrations concerned, the Advisory and Technical Committee for Communications and Transit is requested to examine and propose, after securing all suitable assistance, an international definition of the term "periodical".

#### II. RESOLUTION ADOPTED BY THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT AT ITS FOURTEENTH SESSION, HELD AT GENEVA FROM MARCH 10TH TO 15TH, 1930.

The Committee notes the results secured by the European Conference on the Transport of Newspapers and Periodicals and the resolution on that subject adopted by the Council at its session in January 1930, and decides :

.....

(c) To instruct the Permanent Legal Committee to study, with the assistance of representatives of this particular trade, the international definition of periodicals, which was raised in Chapter VII of the Final Act of the Conference. The Secretariat is instructed to collect the information required.

## ANNEX 3.

[C.C.T. /459.]

### LETTER FROM DR. HEROLD, TO THE SECRETARY-GENERAL OF THE COMMITTEE CONCERNING THE COMING INTO FORCE OF THE 1926 CONVENTION.

[Translation.]

Zurich, June 25th, 1930.

As Swiss member of the Advisory and Technical Committee for Communications and Transit, I have the honour to draw your attention to the following facts :

The Permanent Committee on Road Traffic, at its session of May 23rd to 31st, 1930, adopted the following resolution :

" The Committee found that, owing to the difference between the dates of the coming into force of the 1926 Convention in the various countries which had ratified it, international



motor traffic was likely to be seriously hindered, certain countries only issuing and recognising certificates or permits provided for in the 1909 Convention, and others those provided for in the 1926 Convention. In these circumstances, the Committee thought it desirable to make the following recommendations :

“ (a) To the Governments of countries in which the 1926 Convention is in force, that they should recognise, during a period of two years from October 24th, 1930, the international road certificate issued by the countries, which have ratified that Convention, even though it may not yet be in force in the latter countries.

“ (b) To the Governments of countries which have ratified the 1926 Convention without it having been put into force in their territory, that they should recognise, as from October 24th, 1930, the new permits and certificates provided by the 1926 Convention and issued by the countries in whose territory that Convention is in force.

“ The Committee is confident that, within this period of two years, those few States which are parties to the 1909 Convention and have not yet ratified the 1926 Convention will be in a position to take the necessary steps to secure the coming into force of the 1926 Convention in their territory by the end of that period at the latest. ”

This resolution will take effect after submission by our Committee to the Council of the League, and after its approval by the latter body.

It would appear that this resolution does not completely meet the position caused by the regrettable delay in the ratification of the 1926 Convention concerning motor traffic. According to the text quoted above, States which have not yet ratified the Convention of October 24th, 1930, cannot insist on the international road certificate issued by them being recognised by States in whose territory the 1926 Convention is in force. It is true that States have only to ratify within a short period, and in any case before October 24th, 1930, in order to avoid these consequences. This may not, however, be possible in all cases. In Switzerland, it is quite likely that, notwithstanding the good will of the Federal Council, ratification by Parliament will not take place in September, as had been hoped, but only in December 1930. In this event, the application, as it stands, of the resolution passed by the Permanent Committee on Road Traffic would entail unsatisfactory results as far as Switzerland is concerned, incompatible with the interests of motor traffic. It is probable that other States are in the same position.

In order to prevent this, it would, in my opinion, be expedient to revert to a French proposal to the effect that States which have not been able to ratify the 1926 Convention before October 24th, 1930, should be assured that the certificates issued by them in conformity with the 1909 Convention would continue to receive recognition from States in whose territory the new Convention was in force. It would, of course, be understood that this provision was not to be used to cause further unjustifiable delay in the ratification of the new Convention. Accordingly, the time-limit of two years laid down in the Permanent Committee's resolution would be maintained and the provisional regime would terminate, under all circumstances, on October 24th, 1932.

I would suggest that the Advisory Committee should be informed of this question at its September session as it is a matter of great urgency.

(Signed) Robert HEROLD.

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#### ANNEX 4.

[C.C.T. /463.]

### LETTER TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS FROM THE DIRECTOR OF THE INTERNATIONAL LABOUR OFFICE REGARDING A SIMPLIFICATION OF THE PASSPORT FORMALITIES WITH WHICH MIGRANTS HAVE TO COMPLY.

Geneva, August 25th, 1930.

On the proposal of its Committee on Migration, the Governing Body of the International Labour Office has decided to make an enquiry into the measures which might be adopted for facilitating removals of migrants and their families. The Committee on Migration had explained that, in its proposal, it had especially in view a simplification of the visas of passports and other documents required of migrants. M. Yoshisaka, delegate of the Japanese Government on the Governing Body of the Labour Office, recalled, moreover, that several international conferences had already made recommendations on a simplification of the formalities with which migrants have to comply. He drew attention, in particular, to the recommendation adopted by the Inter-



national Conference on Emigration and Immigration at its first session, held at Rome in May 1924 (Section III, Recommendation No. 6) and to the recommendation adopted by the same Conference at its second session, held at Havana in April 1928. In the latter recommendation, the desire was expressed that the various certificates required of migrants for the issue of a passport or for the grant of the consular visa should be included in a single document and should be free of charge. M. Yoshisaka pointed out to the Governing Body that several immigration countries have set up a very complicated procedure, under which emigrants are sometimes obliged to obtain as many as six different documents and certificates, for each of which a large fee is charged, before they can secure the visa of their country of destination.

In deciding to investigate the measures which might facilitate removals of migrants and their families, the Governing Body was of opinion, as the Committee on Migration had been, that the problem of simplification of the visas and other documents required of migrants should be settled by the Services of the League of Nations concerned, to whom the Labour Office should apply. I have the honour, therefore, to draw your attention to this question. I am aware that it was among the questions examined by the International Conference on Passports, which met under the auspices of the League in 1926. I am also aware of the agreement concluded in 1929 concerning transit cards for emigrants from European to overseas countries. Since, however, there still remain many difficulties, to which the Committee on Migration and in particular the representative of the Japanese Government referred, I should be obliged if you would be good enough to inform me whether the question of simplification of the passports and visas could not be again placed on the agenda of the Committee on Communications and Transit.

If so, the International Labour Office would be fully prepared to co-operate in the preparatory work for this enquiry with the Section of the Secretariat concerned.

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(Signed) Albert THOMAS.

## ANNEX 5.

[C. C. T. /461.]

### LETTER TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS FROM THE DIRECTOR OF THE INTERNATIONAL LABOUR OFFICE RELATING TO THE ABOLITION OF PASSPORT OBLIGATIONS FOR OFFICERS AND SEAMEN.

Geneva, April 22nd, 1930.

In accordance with the decision taken by the Governing Body of the International Labour Office at its session in February, I have the honour to bring to your notice the following resolution, adopted by the International Labour Conference (thirteenth session, Geneva, October 1929) :

“ The Conference requests the Governing Body of the International Labour Office to instruct the Office to enter into communication with the Transit Organisation of the League of Nations in order to urge the desirability of exempting officers and seamen possessing identity papers with their photographs attached, duly issued by their national authorities—*e.g.*, seamen's discharge books, from the requirement of presenting ordinary passports on disembarking in foreign countries. ”

The purpose of this resolution is to secure the simplification of the formalities which may be prescribed for the disembarkation of seamen; its primary object is to make it easier for workers of this class to take a rest ashore and to save them passport expenses. What is required, in my opinion, is, as far as possible, the general and official recognition of the practice—which is already fairly widespread and has, I may say, already been the subject of agreements between certain States—of allowing foreign officers and seamen to disembark on mere presentation of their papers as sailors.

I should be very grateful if you would consider the possibility of measures being taken on these lines and if you would inform me, in a general way, what action the Transit Organisation could take in order to comply with the recommendation of the International Labour Conference.

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(Signed) Albert THOMAS.



## Section II. — Results.

### ANNEX 6.

Official No : C.539.M.220.1930.VIII.

#### RESOLUTIONS ADOPTED BY THE COMMITTEE AT ITS FIFTEENTH SESSION

##### I. COMMUNICATIONS AFFECTING THE WORKING OF THE LEAGUE OF NATIONS IN TIMES OF EMERGENCY : MOTOR TRANSPORT.

*(Report to the Council.)*

The Advisory and Technical Committee, following on the report which it addressed to the Council and which was examined by the Committee of the Council at its meeting held at Geneva from December 1st to 4th, 1926, had studied various measures to facilitate communications by rail and telegraphic and wireless communications of importance to the League of Nations in times of emergency. These measures were approved by the Council and the Assembly.

Apart from the special work which has been done since in connection with the question of establishing a League of Nations wireless station, the Committee recently transmitted to the Committee on Arbitration and Security, at the Assembly's request, the result of the studies undertaken in connection with air communications of importance to the working of the League of Nations in times of emergency.

The Advisory and Technical Committee was of opinion that special measures should also be recommended in regard to motor transport.

The Advisory and Technical Committee, on the proposal of the Permanent Committee on Road Traffic, recommends in this connection the following measures :

1. Motor vehicles effecting transport of importance to the League of Nations in times of emergency, that is to say, used to convey agents or correspondence of the League or delegations of the League or their correspondence, shall bear a distinctive identification mark—either a plate marked "S.d.N." or a flag. The driver and the persons conveyed must be in possession of official documents indicating their status and mission and signed by, or on behalf of, the Secretary-General of the League or by, or on behalf of, a Minister for Foreign Affairs. The driver shall also be provided with a document indicating the destination of the vehicle and the proposed route.

2. The Secretary-General of the League shall inform by telegram the Government of the country to be traversed of the place where the frontier is to be crossed and the place of destination, and will endeavour to indicate the time when the frontier will be crossed and the names of the driver and the persons conveyed.

3. The Governments shall be requested to afford all possible facilities for the circulation of these vehicles by, as far as possible, placing at their disposal an official representative of the country with power to facilitate the journey, the final choice of the route to lie with the authorities of the country traversed.

4. Should the motor vehicle find difficulty in continuing its journey as the result of an accident or an incident on the road, or should the journey by car begin after the persons concerned have entered the country by some other means of transport, the Governments shall be requested to place at the disposal of the missionary a suitable vehicle and the necessary drivers, this vehicle to be regarded, from the time it is placed at the disposal of such a mission, as effecting transport of importance to the League of Nations.

5. The above-mentioned vehicles must be provided with the regular road-traffic certificates, etc. Governments shall, nevertheless, be requested to allow them free passage even in the absence of Customs documents.

The Advisory and Technical Committee considers it desirable that the Assembly should be enabled immediately to give an opinion on the above views. If the Assembly approves the proposals framed by the Committee, all details relating to application can be fixed in the course of negotiations between the Secretary-General and the Governments concerned; such negotiations are contemplated for the application of the measures under consideration in the matter of air navigation.

##### II. CONVOCATION OF A EUROPEAN CONFERENCE ON ROAD TRAFFIC.

*(Report to the Council.)*

In view of recent developments in commercial motor traffic in Europe, the Advisory and Technical Committee has, for some years, had under consideration the framing of an international



agreement on commercial motor transport. There is no general agreement of this nature at present in existence. The Assembly has, on various occasions, shown its interest in this question, and the Preliminary Conference with a View to Concerted Economic Action, held at Geneva from February 17th to March 24th, 1930, expressed the hope "that the work now being done with a view to the drafting of an international agreement on commercial motor traffic will be brought to a successful issue as rapidly as possible".

The Advisory and Technical Committee has now completed the necessary preparatory work. The draft Convention which it has drawn up, and which only requires final revision, will be ready for transmission to the Governments in October 1930. The Advisory and Technical Committee therefore proposes that the Council should convene a European Conference and include the following question in the agenda of that Conference :

"Conclusion of a Convention on the international regulation of commercial motor transport."

The draft prepared by the Advisory and Technical Committee will be transmitted to the Governments as a basis for the discussions of the Conference.

Further, the Advisory and Technical Committee addressed to the Governments a certain number of recommendations for the unification of road signalling. Although most of the Governments concerned viewed these recommendations favourably, the Committee realised that, more particularly in view of the powers of the local authorities in the various countries, the object sought could not be attained except by the conclusion of an international agreement on this subject. The text of a draft agreement on this question, which is being finally revised and which embodies the recommendations already made, will be ready for transmission to the Governments in October 1930. The Committee accordingly proposes that the Council should include the following question in the agenda of the above-mentioned European Conference :

"Conclusion of an international agreement on the unification of road signalling".

In view of the urgent need for the regulation of road signalling—since any delay increases the difficulty of removing present divergencies in the systems employed—the Advisory and Technical Committee considers that, to enable Governments which are now considering the unification of signalling in their respective countries to take the necessary decisions as rapidly as possible, the European Conference on Road Traffic should meet towards the end of the first quarter of 1931.

As a result of requests put forward by tourists' organisations, the Committee has noted that certain measures of agreement between Customs authorities would facilitate the application of the triptych system which already offers great advantages to international tourists. Cases may indeed occur in which a triptych has been lost or has not received a final or provisional exit visa through no fault of the owner of the car.

The Committee thinks that, in such cases, acceptance by the Customs authorities concerned of a certificate issued by the Customs authority of the country where the vehicle was registered or the country where the triptych was issued would be of great advantage to the owner of the car, who would thus be relieved of the necessity of producing a consular certificate. This system is already applied in certain countries. In the circumstances, the Committee thought that it would be advisable, at the Conference contemplated, for Governments to consider the possibility of an arrangement between their respective Customs authorities with a view to realising this object. Accordingly, it proposes that the following question should be included in the agenda of the Conference :

"Agreement between Customs authorities to facilitate the cancellation of undischarged or lost triptychs."

The Council is aware that the Advisory and Technical Committee, represented by its Permanent Committee on Road Traffic, and the Fiscal Committee of the League of Nations, have jointly considered the question of the taxation of foreign motor vehicles. As a result of this work it has been possible to frame a draft Convention, the text of which has just been communicated to the Council.

In view of the proposals put forward above as to the convening of a European Conference on Road Traffic, the Advisory and Technical Committee suggests that the Council should include the following question in the agenda of that Conference :

"Conclusion of a Convention on the taxation of foreign motor vehicles."

In view of the diversity of the subjects on the agenda, it is obvious that the Statute for the organisation of conferences on Communications and Transit must be so interpreted as to allow Governments which so desire the fullest liberty to send different delegations according to the questions submitted for consideration to the Conference.

### III. CONVOCATION AND AGENDA OF THE FOURTH GENERAL CONFERENCE ON COMMUNICATIONS AND TRANSIT

*(Report to the Council.)*

The Third General Conference on Communications and Transit met from August 23rd to September 2nd, 1927. Ordinary General Conferences are held every four years, except for



special reasons. They shall be convened by the Council. They shall be held at the seat of the League, unless the Council, for special and exceptional reasons, shall decide otherwise. The Fourth General Conference on Communications and Transit should therefore meet in 1931.

The agenda of the Conference includes, *ipso facto*, under Articles 8 of the Statute :

- (1) The examination of a report on the work of the Advisory and Technical Committee for Communications and Transit since the last General Conference;
- (2) The examination of a report presented by the Secretary-General of the League on the measures taken in the execution of the decisions of the previous Conferences;
- (3) The renewal of the membership of the Advisory and Technical Committee.

The report mentioned in (1), which will cover the various reports presented to the Council for communication to the Assembly since the last General Conference, will be transmitted to the Secretary-General of the League by the Chairman of the Advisory and Technical Committee, at latest on May 1st, 1931. The Secretary-General of the League is requested to be good enough to draw up the report mentioned in (2) by that date.

The Advisory and Technical Committee, in conformity with Article 8 of the Statute, has decided to include in the agenda of the Conference the question of the steps to be taken in case of grave occurrences of general character affecting routes of communication. This question was raised at the Third General Conference on Communications and Transit. The said Conference recommended that the Advisory and Technical Committee should make an exhaustive study of the measures which might be taken to safeguard international transit as far as possible, in the event of grave occurrences of a general character affecting routes of communication, by preparing in advance a plan for the utilisation of auxiliary routes to be substituted temporarily for the routes over which transit might have become impossible. The Advisory and Technical Committee, at its fourteenth session, adopted the following resolution :

“ The Committee :

“ Considers that the question of the steps to be taken in case of grave occurrences of a general character affecting routes of communication would be better dealt with in the form of a recommendation than in the text of a convention.

“ It nevertheless resolves to forward to the Fourth General Conference the annexed draft recommendation and draft Additional Protocol (see document C.331.M.134.1930.VIII, pages 147 and 148) to the Convention on the International Regime of Railways, which have been framed to carry out the resolution of the Third General Conference. ”

The Advisory and Technical Committee therefore decided to include the following question in the agenda of the Conference :

“ Steps to be taken in case of grave occurrences of a general character affecting routes of communication. ”

Further, the Assembly, at its tenth session, adopted the report and the resolution which follows (see Annex 26 of document C.331.M.134.1930.VIII).

Since the tenth session of the Assembly, the study of questions relating to the reform of the calendar has been further continued. National committees or unofficial committees of enquiry, consisting of persons representative of the various circles concerned, have been constituted in the majority of countries. Within the next few months such committees will undoubtedly exist in practically every country.

The Council will remember that questions relating to calendar reform were the subject of a report by a Special Committee set up by the Advisory and Technical Committee for Communications and Transit. This Special Committee had carried out specific enquiries concerning the fixing of what are at present movable feasts. As regards, however, the more general question of the possibility of establishing a perpetual calendar so as to admit of more exact comparison between years and between the different periods of any one year, the Special Committee was of opinion that, before there could be any international examination of the question, it was necessary to institute a more complete study among representatives of the circles concerned within the individual countries. It was for this reason that these committees were created.

In view of the progress of the work, the Advisory and Technical Committee decided to ask the committees in the various countries to forward their reports at latest by March 1st, 1931. These reports could be taken as a basis of discussion for the Conference, which will also have before it the report submitted by the former Special Committee appointed by the Advisory and Technical Committee for Communications and Transit. The Committee judged it desirable, however, that the Conference should have before it a comprehensive report which would summarise the conclusions of this enquiry, define the questions which the Conference should proceed to discuss, and place before the latter, as regards both its procedure and the actual subjects submitted for discussion, any suggestions that might facilitate its work.

It also seemed advisable that this comprehensive report should be submitted to Governments some time before the Conference. The Committee decided, for these reasons, to convene in May or June 1931 a preparatory committee composed of persons appointed by the Advisory and Technical Committee to frame this report, after having noted the reports of the national committees and heard the representatives of any organisations that might wish to supply it with information.



Accordingly, the Advisory and Technical Committee, in response to the Assembly's invitation, decided to include in the agenda of the Fourth General Conference the following question :

“ Examination of the expediency, from an economic and social standpoint :

“ (a) Of fixing movable feasts;

“ (b) Of simplifying the Gregorian calendar. ”

In the Committee's view, the Conference would be called upon to place on record, in a Protocol, the opinions of the Government representatives on the question before the Conference and such measures as the Conference might contemplate with a view to giving effect to its decisions.

The Committee would add that, according to the principle to which it has consistently adhered, questions of an essentially religious character which may arise out of the discussion of matters relating to the calendar should be left entirely to the decision of the religious authorities concerned. The Conference would be called upon simply to co-ordinate and sanction the views of the various lay circles concerned by placing on record the opinion of Governments from a purely economic and social standpoint. In order that the religious authorities may be the better informed in regard to the proceedings of the Conference, it would be well if they could be invited to appoint observers to attend, should they so desire. Obviously, however, if the religious authorities' subsequent liberty of action is thus formally reserved, there is every possibility that an enquiry, carried out purely from an economic and social standpoint, might be undertaken independently and without reference, either direct or indirect, to religious preoccupations or points of view.

In order to enable the representatives of the various circles concerned in this highly complex question to express their opinions freely and fully, the Committee trusts that the Government delegates to the Conference will be accompanied by experts belonging to such circles and suggests that the Conference should, immediately on assembling, convene a special Committee to deal exclusively with this particular problem. The Conference would not proceed to discuss the other points on its agenda until a week after it opens.

The Committee is of opinion that, in view of the above-mentioned preparatory work which is still deemed necessary, it would not be possible to convene the Conference before the last quarter of 1931. It proposes that the Council should convene the Conference at the beginning of the second fortnight in October 1931.

The Advisory and Technical Committee may decide at its next session in March-April 1931, if necessary, to include in the agenda submitted to the Conference for approval certain other questions which may appear in the agenda of the Organisation for Communications and Transit as the result of decisions of the Council or Assembly.

#### IV. NINTH CONGRESS OF THE INTERNATIONAL LEGAL COMMITTEE ON AVIATION, BUDAPEST, 1930.

The Advisory and Technical Committee decides to accept the Hungarian Government's invitation, and requests the Chairman to take the necessary measures to ensure that the Advisory and Technical Committee for Communications and Transit shall be represented at the Ninth Congress of the International Legal Committee on Aviation by a member of the Secretariat.

#### V. PORTS AND NAVIGATION EXHIBITION, KIEL, 1931.

The Advisory and Technical Committee decides to accept the invitation to take part in the Ports and Navigation Exhibition, to be held at Kiel in 1931. The Secretary-General of the Committee is requested to ensure participation in this Exhibition to which the material used for the Posen Exhibition might be sent, after being brought up to date.

#### VI. PASSPORT AND VISA FORMALITIES REQUIRED OF MIGRANTS

The Advisory and Technical Committee takes note of a letter from the Director of the International Labour Office with regard to the simplification of the passport and visa formalities required of migrants, and instructs the Secretariat to request detailed explanations from the International Labour Office as to the wishes of the Governing Body, and particularly as to the difficulties mentioned by the Japanese member of the Governing Body, and to report on this subject at the next session of the Committee.

#### VII. ABOLITION OF PASSPORT OBLIGATIONS FOR OFFICERS AND SEAMEN.

The Advisory and Technical Committee takes note of a letter from the Director of the International Labour Office forwarding the text of a resolution adopted by the International Labour Conference at its thirteenth session, relative to the abolition of passport obligations for officers and seamen, and instructs the Secretariat to prepare under the direction of the Chairman of the Permanent Committee for Ports and Maritime Navigation and the Chairman of the former Sub-Committee on Passports a report showing (1) the present situation in the various maritime countries, and (2), for purposes of information, what measures have been



adopted by the riparian States on certain navigable international waterways with regard to crews employed in inland navigation. This report will be submitted to the Committee at an early session.

#### VIII. PARTICIPATION OF THE PERMANENT COMMITTEE FOR TRANSPORT BY RAIL IN THE INTERNATIONAL ASSOCIATION OF RAILWAYS CONGRESS.

As a result of the resolution adopted at its last session concerning the representation of the Communications and Transit Organisation in the International Association of Railway Congresses, the Advisory and Technical Committee notes with satisfaction the decision by which the Permanent Committee for Transport by Rail of the Communications and Transit Organisation has been admitted to the Association.

#### IX. DEMANDS OF MOTOR DRIVERS.

The Advisory and Technical Committee :

Having noted the programme of demands of motor drivers, transmitted by the Secretary of the International Transport Workers Federation,

Decides to postpone to its next session the detailed consideration of that document; and  
Instructs the Secretariat to get into touch meanwhile with the International Labour Office in order to ascertain the views of that Office on the said programme.

#### X. TRANSPORT OF AGRICULTURAL PRODUCTS.

The Advisory and Technical Committee, having considered, in virtue of the Council resolution dated May 12th, 1930, the following request, given in the Annex to the Protocol regarding the Programme of Future Negotiations, drawn up by the Preliminary Conference with a View to Concerted Economic Action, held at Geneva from February 17th to March 24th, 1930—namely :

“ The Conference requests the Council to instruct the Organisation for Communications and Transit of the League of Nations, in collaboration with the Economic and Financial Organisation, to study the question of the transport of agricultural products and of the transport tariffs to which they are subjected with a view to arriving as soon as possible at the conclusion of practical agreements ensuring effective freedom of transit and transport facilities for agricultural products; ”

requests the Chairman :

(1) To appoint three experts who shall be instructed to submit, with the co-operation of the Secretariat, a preliminary report on this question to the next session of the Committee; it will be the duty of the experts to secure such documentary material as they may deem necessary;

(2) To invite the Governments to transmit to the Secretariat, before February 1st next, all available information as to the disadvantages imposed on the transport of agricultural products by the present situation, and also as to the measures they would recommend with a view to remedying that situation; the Chairman of the Committee will endeavour, if need be with the aid of the above-mentioned experts, to make clear in his request to the Governments the nature of the information to be collected.

The Committee will, at its next session, decide whether or not it seems advisable to include in the agenda of the Fourth General Conference on Communications and Transit, with a view to general discussion, the consideration of the problems concerning the transport of agricultural products raised by the Geneva Conference held in February and March, 1930.

#### XI. RATIONALISATION.

The Advisory and Technical Committee, having considered the following request given in the Annex to the Protocol regarding the Programme of Future Negotiations, drawn up by the Preliminary Conference with a View to Concerted Economic Action, held at Geneva from February 17th to March 24th, 1930 :

“ The Conference thinks it expedient also to remind the Communications and Transit Organisation that rationalisation questions which may arise in connection with transport should not be lost sight of; ”

instructs the Secretariat to submit to it at an early session a report showing what rationalisation questions have already been dealt with by the Communications and Transit Organisation and also what other rationalisation questions might arise.

#### XII. EXTENSION OF INTERNATIONAL AGREEMENTS RELATING TO TRANSPORT.

The Advisory and Technical Committee decides to refer to the Permanent Committee for Inland Navigation the request of the Preliminary Conference with a View to Concerted



Economic Action, held at Geneva in February and March 1930, that consideration should be given to the possibility of framing an international agreement on inland navigation on national waterways, based on the principles enumerated in the Additional Protocol to the Barcelona Convention of 1921.

The Committee decides to refer to the Permanent Committee for Transport by Rail the request of the said Conference that the railway administrations of the various countries should be asked by their Governments to consider the possibility of adopting identical principles as regards freedom of communications as the basis of their international agreements relating to transport.

### XIII. ADJUSTMENT OF RAILWAY TARIFFS.

The Advisory and Technical Committee has had referred to it the following request to be found in the Annex to the Protocol regarding Future Negotiations, framed by the Preliminary Conference with a View to Concerted Economic Action held at Geneva in February and March 1930 :

“ The Conference considering that certain transport tariffs on imported goods and certain internal tariffs which discriminate against foreign goods may constitute a form of indirect protection, and considering, moreover, that certain special export tariffs may be regarded as equivalent to indirect export bounties, recommends that these questions be considered by the Communications and Transit Organisation jointly with the Economic Organisation of the League; ”

and decides to adjourn the examination of this question to its next session. It requests the Secretariat to present to it a preliminary report for that session. This report should contain more particularly full information as to the procedure followed by the League of Nations Economic Committee for the examination of questions relating to indirect protection and the progress of the Economic Organisation's work in the matter.

### XIV. CODIFICATION OF INTERNATIONAL LAW.

The Chairman of the Committee is authorised to transmit to the Secretary-General of the League any proposals of the Permanent Legal Committee relating to the periodical publication of the progress of ratifications and accessions concerning the multilateral Conventions in force on the subject of communications and transit not concluded under the auspices of the League.

### XV. UNIFORMITY IN THE FRAMING OF TEXTS OF CONVENTIONS.

The Advisory and Technical Committee desires, for purposes of information and action, to direct the attention of the Secretary-General of the League to the following observation which was submitted to it by the Permanent Legal Committee during the latter's examination of the problem of the codification of international law in matters of communications :

“ The Committee takes the opportunity of emphasising the desirability, when drawing up Conventions concluded under League auspices, including those framed by the International Labour Organisation, of always trying to draft texts as uniformly as the varied nature of the subjects dealt with permits. ”

### XVI. SMUGGLING OF ALCOHOL.

The Advisory and Technical Committee :

Noting that the recommendations made to the Council by the Economic Committee, in so far as they are connected with communications, are in conformity with the opinion submitted by the Advisory and Technical Committee;

Duly notes the said recommendations.

### XVII. FRONTIER VISAS ON ROAD TRAFFIC DOCUMENTS.

The Advisory and Technical Committee :

Having noted the replies of the Governments to a questionnaire concerning frontier visa formalities for documents used in motor traffic;

Is glad to find that the facilities asked for in the interests of international traffic are at present accorded in a large number of countries, and also that the Governments seem disposed, in all cases where traffic is sufficiently important, to organise frontier services to meet the requirements of this traffic;

Decides to bring this resolution to the knowledge of the Governments concerned and to request them as soon as possible to accord those facilities which, in their replies to the above-mentioned questionnaire, they have stated their willingness to grant.



### XVIII. TRIPTYCH SYSTEM.

The Advisory and Technical Committee, on the proposal of the Permanent Committee on Road Traffic, has framed the following rules concerning the triptych system and decides to bring them to the notice of the Governments concerned and to ask the latter to say whether they are prepared to apply them :

The benefit of the triptych system may be withheld from owners or holders of vehicles who are legally domiciled in the country into which the vehicle has been temporarily taken or who possess a business or *de facto* domicile there.

The following are regarded as having a business domicile in the country into which the vehicle has been taken : persons actually employed continuously in a commercial or industrial business in that country as directors, assistant directors, managers, etc., but not persons who are merely members of boards of directors and whose services are required only at fairly long intervals.

A person temporarily residing in a country for a holiday or for the purpose of study, medical treatment, etc., is not regarded as having a *de facto* domicile, even if he owns or rents a house or flat.

The Committee considers that no other case of exclusion should be provided for, though, in its opinion, it might be possible to admit—as an exceptional measure, and more particularly in the case of countries which do not refuse the benefits of the triptych system to persons who have a business or *de facto* domicile in their territory—a rule whereby the period during which the car might remain in the country would be limited to six months (whether consecutive or not) each year or else during the period of validity of the triptych.

### XIX. CONSTRUCTION OF AN AERODROME NEAR THE SEAT OF THE LEAGUE OF NATIONS.

The Advisory and Technical Committee :

Having heard the verbal explanation given by the Secretary-General of the Committee concerning new proposals for the adaptation of the Cointrin Aerodrome, framed by the competent Swiss authorities ;

Requests the Chairman duly to convene a further meeting of the Committee of Experts which had been already called upon to give an opinion on this question, in order that the report of the said Committee of Experts may be submitted to the 1931 Assembly.

### XX. CONDITIONS FOR THE ADMISSION OF FOREIGN UNDERTAKINGS ENGAGED IN REGULAR INTERNATIONAL TRANSPORT BY AIR.

The Advisory and Technical Committee noted that, in the present state of public international law on air navigation, taking into account the most recent proposals for modifying existing Conventions, the operation of regular lines is subject as a rule to the authorisation of the States whose territory is flown over, without any distinction being made in this connection between local traffic (*cabotage*), transport effected with loading or discharging in the territory in question, transit with landing for supplies, or even transit without stoppage. No distinction is made between air transport involving land flights and air transport merely involving flights over the open sea and territorial waters and the utilisation of hydro-aerodromes.

The Committee, on the proposal of the Air Transport Co-operation Committee, accordingly adopted the following resolution :

“ The Committee considers it desirable :

“ (1) That the Governments should request the competent international organisations to find the means of affording greater freedom than is at present enjoyed by regular international air transport ;

“ (2) That henceforth :

“ (a) The Governments should examine in the most liberal spirit requests for authorisation to fly over their territories submitted to them for the purpose of regular transport by air ;

“ (b) The Governments should endeavour to conclude among themselves agreements granting the most favourable treatment possible to regular international air transport.

“ The Committee further considers it desirable that air navigation undertakings carrying on services in territories other than the national territory should maintain relations of cordial co-operation with the national air organisations of the countries flown over with a view to ensuring the greatest possible efficiency of the international service. ”

### XXI. PROGRESS OF INTERNATIONAL CO-OPERATION IN THE OPERATION OF AIR LINES.

The Advisory and Technical Committee, on the proposal of the Air Transport Co-operation Committee, adopted the following resolution :



“ Considering that the existing ‘ pools ’ system of co-operation between international aviation undertakings has developed satisfactorily;

“ The Committee :

“(1) Considers that the present state of legislation, and of economic and political conditions under which civil aeronautics are developing, makes it difficult to reach a more fully developed measure of co-operation;

“(2) Recommends the Governments and companies to extend and improve the present system by means of bilateral or multilateral agreements aimed to avoid unnecessary competition, increase the economic efficiency of the international air service and develop among the different undertakings a spirit of friendliness which will prepare the ground for closer co-operation.”

## XXII. POSSIBILITY OF STUDYING A SPECIAL REGIME APPLICABLE TO CERTAIN INTERNATIONAL AIR CONNECTIONS OF GENERAL INTEREST.

The Advisory and Technical Committee, on the proposal of the Air Transport Co-operation Committee, adopted the following resolution :

“ Considering that, in the future, certain international air connections will be of general importance and that steps will have to be taken to ensure their existence and permanence, the Committee recommends that the Council of the League of Nations should draw the attention of Governments to the special importance which these connections will assume and which might justify the study of a special regime.”

## XXIII. PRACTICAL IMPROVEMENTS IN THE WORKING CONDITIONS OF AIR LINES.

### *Extensive and Systematic Employment of Combined Transport.*

The Advisory and Technical Committee :

Having noted the request contained in the report of the Air Transport Co-operation Committee to consider what improvements might be obtained in the working of air lines by the more systematic and extensive employment of combined transport;

Requests its Chairman to entrust the study of this question to a special committee of experts to be constituted as may be determined by him in agreement with the Chairman of the different Committees concerned.

## XXIV. LEVEL-CROSSINGS.

The Committee :

Having noted the resolution adopted by the Permanent Committee on Road Traffic at its last session regarding the expediency of the gradual abolition of level-crossings;

Decides, before examining the said resolution, to request the opinion of the Permanent Committee for Transport by Rail on the subject.

## XXV. QUESTIONS RAISED BY THE COUNCIL IN CONNECTION WITH FREEDOM OF COMMUNICATIONS AND TRANSIT WHEN CONSIDERING THE RELATIONS BETWEEN POLAND AND LITHUANIA.

The Commission adopted the report published in document C.386.M.170.1930.VIII and decided upon its transmission to the Council.

## XXVI. COMING INTO FORCE OF THE 1926 CONVENTION ON MOTOR TRAFFIC.

The Advisory and Technical Committee found that, owing to the difference between the dates of the coming into force of the 1926 Convention in the various countries which had ratified it or which were about to do so, international motor traffic was likely to be seriously hindered, certain countries only issuing and recognising certificates or permits provided for in the 1909 Convention and others those provided for in the 1926 Convention. In these circumstances, the Committee thought it desirable to make the following recommendations :

(a) To the Governments of countries in which the 1926 Convention is in force, that they should recognise during a period terminating at the latest on March 1st, 1932, the international road certificate issued by the countries which, up to that date, are still bound by the 1909 Convention;

(b) To the Governments of countries in which the 1926 Convention has not come into force that they should recognise as from October 24th, 1930—the date of the entry into force of the said Convention—the new permits and certificates provided by the 1926 Convention and issued by the countries in whose territory that Convention is in force.



The Committee is confident that, within this period, those few States which are parties to the 1909 Convention and have not yet ratified the 1926 Convention will be in a position to take the necessary steps to secure the coming into force of the 1926 Convention in their territory by the end of that period at the latest.

If all the States parties to the 1909 Convention have ratified the 1926 Convention before March 1st, 1931, the transitional period proposed above will naturally terminate one year after the date of the last ratification.

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## ANNEX 7.

[C.C.T./T.R./3.]

### REPORT OF THE ADVISORY COMMITTEE ON WIRELESS TECHNICAL QUESTIONS ON THE LEAGUE WIRELESS STATION.

#### PURCHASE OF THE EQUIPMENT.

##### I. LETTER FROM THE RAPPOREUR OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT TO THE SECRETARY-GENERAL OF THE LEAGUE.

Geneva, September 12th, 1930.

As Rapporteur to the Advisory and Technical Committee for Communications and Transit for questions relating to the establishment of a League of Nations wireless station, I have studied the report submitted by the Advisory Committee for Wireless Technical Questions and the letter in which the Director of the Société Radio-Suisse states that the Radio-Suisse fully approves the proposals submitted by that Committee regarding the purchase of equipment for the station.

On behalf of the Communications and Transit Committee I beg to submit the following observations :

The Advisory and Technical Committee is gratified to note that a unanimous agreement has been reached by the Advisory Committee for Wireless Technical Questions, which had a particularly difficult task before it. This Committee succeeded in a very short time in drawing up precise specifications for the station to enable it to render the most reliable service to the League in times of emergency and also to facilitate in normal times the relations between the League and Member-States and to provide a satisfactory and profitable commercial service; in addition, the Committee was able to obtain very rapidly offers from the most important companies and to select the most satisfactory offer. The time allowed for executing the decision taken by the tenth Assembly has thus been reduced to a minimum and the station will come into operation towards the end of next year.

As pointed out by the Committee in its report, the conditions imposed upon contractors in the specification drawn up by the Advisory Committee for Wireless Technical Questions were particularly severe. For this reason, prices are slightly higher than those indicated in certain tenders received last year and which were communicated to the Assembly for its information. The capital expenditure on the station amounts to 2,280,434 francs, of which only 70 per cent is to be paid during 1931. The severity of these technical conditions is, however, a guarantee for the League that the station will render the best possible service, and, in particular, it will ensure the desired development of the commercial service, which is of special importance from the point of view of the financial return from the station. The complete approval of the Radio-Suisse, which is particularly competent as regards the commercial aspects of the question, should be noted with the greatest satisfaction.

In these circumstances, I have no hesitation in recommending on behalf of the Advisory and Technical Committee the acceptance of the proposal submitted by the Advisory Committee for Wireless Technical Questions and approved by the Radio-Suisse.

(Signed) A. DE VASCONCELLOS.

##### 2. REPORT OF THE ADVISORY COMMITTEE ON WIRELESS TECHNICAL QUESTIONS.

As a result of the resolution of the tenth Assembly, instructing the Secretary-General to take the necessary steps for the provision, as early as possible, of a radiotelegraphic station, comprising in any case a post with worldwide range, so far as this may be technically possible, in conformity with the proposals submitted to the Assembly by the Communications and Transit Committee, the Technical Advisory Committee on Wireless met at Geneva from February 25th to 27th, 1930, to make a detailed examination of, and decide on, the conditions of the specifications. Having regard to the very rapid progress of wireless telegraphy and to



the special character of the projected station, the Committee felt compelled to increase the minimum equipment required and to lay down stricter and more comprehensive conditions for the specifications than those contained in the report of January 28th, 1928, without, at the same time, going beyond what was directly necessary. The specifications were published on May 24th and 25th (document R.N.I.), August 19th being fixed as the final date for submitting tenders. As a result, four undertakings made tenders for the post :

- (A) The Bell Telephone Company, Paris-London;
- (B) La Compagnie générale de T.S.F., Paris, jointly with
- (C) The Telefunken Gesellschaft, Berlin;
- (D) The Marconi Company, London, in collaboration with :

N.V. Philips Radio, Eindhoven,  
The Società Italiana Marconi, Rome,  
The Telmar Talleres Electromecánicos C.E., Madrid,  
The Polskie Zakłady Marconi, S.A., Warsaw, and  
The Svenska Radio Aktiebolaget, Stockholm.

The Committee held a second meeting at Geneva from August 27th to September 4th to examine the tenders received. After a close study of the documents and an exchange of views, the Committee unanimously arrived at the following conclusions :

(1) That, although all the offers conformed to the conditions laid down in the specifications and the ultimate aggregate cost was approximately the same (Marconi's—2,517,812 francs; Bell Telephone—2,569,000 francs; Compagnie générale de T.S.F. and Telefunken—2,639,970 francs), the technical units differed materially both as regards their technical value and the price;

(2) That, in order to secure the most homogeneous and the most economic result from the technical standpoint, the various units of the station should be allotted among the four enterprises in the following manner :

*Marconi's*.—A complete set comprising a transmitting aerial directed towards South America and the Far East, a transmitter for the wave-length band from 14 to 100 metres and its power supply system : cost, 709,785 francs.

*Compagnie générale de T.S.F.*—A transmitter for the wave-length band from 14 to 40 metres, with power supply system : cost, 578,910 francs.

*Telefunken Gesellschaft*.—A transmitting aerial directed towards North America and Australia, comprising the receiving station with aerials, but not the high-speed receiver for short waves, and the power supply system for the transmitting station : Cost, 728,106 francs.

*Bell Telephone Company*.—All telegraph and telephone plant required for the duplex radio-telegraphic service and a high speed receiver for short waves : cost, 263,609 francs; giving a total cost of 2,280,464 francs.

(3) That such a solution would have the advantage :

(a) Of maintaining contact with the chief European wireless telegraphy centres and laboratories and ensuring their collaboration in all technical questions;

(b) Of securing considerable facilities in future for coping with official and unofficial traffic to the various parts of the world.

The Committee then proceeded to settle technical and financial questions with the contractors, who undertake to co-operate closely with one another so as to ensure the homogeneity of the whole installation, and declares that it is able to accept the offers for the various units submitted by the contractors during its session, provided that all the conditions of the specifications are strictly observed and that the price is obligatory. Delivery dates (inclusive of assembling, adjustment and starting up) are as follows :

	Months
Marconi's . . . . .	15
Compagnie générale de T.S.F. . . . .	13
Telefunken Gesellschaft. . . . .	12
Bell Telephone Co. . . . .	11

after the signature of the contract.

The representatives of the Société Radio-Suisse state that they agree to the order being divided and undertake to co-operate closely with the various firms as regards the necessary buildings, foundations and work with a view to completing as soon as possible the assembling, adjustment and starting of the station.

On the basis of the above delivery dates, the station will probably not be completed and set in operation till the end of next year.

Geneva, September 4th, 1930.

(Signed) FERRIÉ,  
Chairman.



3. LETTER FROM THE COMPANY RADIO-SUISSE TO THE CHIEF OF THE SECTION FOR  
COMMUNICATIONS AND TRANSIT OF THE LEAGUE OF NATIONS.

Berne, September 10th, 1930.

I have to thank you for your letter of September 8th, 1930, and the document annexed thereto containing the Opinion of the Technical Committee on Wireless of the League of Nations on the acquisition of equipment for the wireless station of the League.

On the basis of the provisions of Article 2, paragraph 1, of the Agreement concluded between the Secretary-General of the League of Nations and the Radio-Suisse concerning the establishment and operation of the "Radio-Nations" station by the Radio-Suisse, I have the honour to inform you that the Radio-Suisse entirely agrees to the proposals submitted by the Technical Committee on Wireless, in the preparation of which two representatives of our company participated. The proposed station, which will embody the latest technical improvements will answer the requirements formulated in the resolution of the tenth Assembly of the League of Nations—*i.e.*, that it should have a world-wide range as far as is technically possible.

The Radio-Suisse, which, in virtue of the aforesaid Agreement, is to provide the necessary buildings and land at its own expense, will take the most suitable measures in co-operation with the competent technical organs of the League and of the contracting firms to construct the Radio-Nations station and bring it into operation as soon as possible.

(Signed) Dr. F. ROTHEN.

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