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LEAGUE OF NATIONS

FIRST REPORT

OF THE

ADVISORY AND TECHNICAL COMMITTEE FOR  
COMMUNICATIONS AND TRANSIT

ON

THE WORK OF THE ORGANISATION FOR COMMUNICATIONS AND  
TRANSIT BETWEEN THE THIRD AND THE FOURTH ASSEMBLY,  
PRESENTED TO THE COUNCIL TO BE SUBMITTED TO THE ASSEMBLY

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During the first part of the period between the Third and Fourth Assembly, with which this Report deals, the Communications and Transit Organisation has been principally occupied in preparing for the Second General Conference on Communications and Transit, which is to be held, in accordance with the decisions of the last Assembly, in the course of the present year, and has been fixed by the Council for November 15th next. Accordingly, the substance of the Committee's work on this subject has already been set forth in the reports submitted to Governments in view of the forthcoming Conference.

The Advisory and Technical Committee for Communications and Transit has also been called upon to settle a dispute between the German Government and the Governing Commission of the Saar Basin Territory, under circumstances of which the last Assembly was informed.

The following meetings have been held during this period by the Organisation for Communications and Transit :

Commission of Enquiry to investigate the difficulties which had arisen between the Governing Commission of the Saar Basin Territory and the German Government in connection with the application, in the Territory of the Saar Basin, of the Berne International Convention of October 14th, 1890. This Committee met at Luxemburg on November 23rd and 24th, 1922.

Committee of Experts instructed to draw up the General Convention on the International Regime of Railways; this Committee sat from January 17th—27th and from February 19th—24th, 1923.

Sub-Committee for hydro-electric questions, March 7th—10th, 1923.

Sub-Committee for Transport by Rail, March 19th—24th, 1923.

Plenary Committee, April 23rd—30th, 1923.

The other work already in course of preparation — the preliminaries of which have been carried out by a meeting of the special Sub-Committee to consider the question of Opium in Free Ports, held on January 10th—12th, and by the mixed Sub-Committee of the Advisory and Technical Committee for Communications and Transit and the Health Committee, which met on the same date — will be included in the Agenda of the next session of the Plenary Committee on August 29th, and will form the subject of a second report.

## A. EXECUTION OF THE DECISIONS OF PREVIOUS CONFERENCES.

### 1. *Conference on Passports, Customs Formalities and Through Tickets, held at Paris in 1920.*

The resolutions of this Conference continue to be progressively put into effect. A report on the inquiry which had previously taken place has been published and circulated to all the Members of the League. It shows certain improvements, notably as regards the abolition of visas.

### 2. *First General Conference on Communications and Transit, held at Barcelona in 1921.*

The ratification of the Barcelona Conventions continues to proceed in a normal manner, though somewhat slowly. The Secretariat has been informed that draft laws for the ratification of both the Conventions have been submitted to the Chilian and Czechoslovak Parliaments. Information has been received from Poland and Norway to the effect that they have ratified the Conventions and will deposit the instruments of ratification as early as possible. As regards the Convention on Freedom of Transit, the French and Netherlands Governments have submitted draft laws for ratification to their Parliaments. In regard to the Convention on the International Regime of Navigable Waterways, the Committee had, as stated in its Second Report to the Third Assembly, adopted the following resolution :

« The Committee, with a view to facilitating, as far as possible, the ratifications of the Convention on the Regime of Navigable Waterways of International Concern, or adhesions thereto, which were requested again by the Genoa Conference in a Resolution forwarded by the Council, and the execution of which is to be supervised by the Committee, considers that in certain cases misunderstandings may place difficulties in the way of these ratifications or adhesions, and, for these reasons, thinks it desirable that the Governments concerned, and especially the States taking part in drawing up a Navigation Act for a waterway of international concern, should, in such cases, take all suitable measures to make certain that such misunderstandings do not exist, or, if they exist, to dispel them.

« It draws the attention of Governments which may not be prepared at present to ratify or to give their adhesion to the Convention to the advisability of refraining from a definite refusal until such efforts have been made.

« It invites the Secretary-General of the League of Nations to encourage by every means in his power the conclusion of all agreements of this nature, it being clearly understood that such agreements should in no case and in no way derogate from the rights of other States which are contracting Parties to the Convention. »

In pursuance of this resolution, the Central Commission for the Rhine Navigation placed on the agenda of its last session the question of the Convention on the Regime of Navigable Waterways of International Concern. The consideration of this question will be continued at subsequent sessions of the Commission, and the Netherlands Government has informed the Secretariat that it will not take up a definite attitude towards the Convention until the results of the deliberations of the Central Commission for the Rhine Navigation have been intimated.

## B. SAAR RAILWAYS.

The Committee for Communications and Transit had received an application from the Governing Commission of the Saar Basin Territory for its intervention, under paragraph 22 of the Annex to Section IV of Part III of the Treaty of Versailles and under Articles 366, 376 and 386 of the Treaty, in connection with the application of the international regime of railway traffic established by the Berne Convention of October 14th, 1890, and the interpretation of the various provisions of Part XII (Ports, Waterways and Railways) of the Treaty of Versailles, in view of the fact that a dispute had arisen as to this interpretation between the Governing Commission of the Saar Basin Territory and the German Government; and that, under Article 376 of the Treaty of Versailles, such disputes should be « settled as provided by the League of Nations », and that the procedure for such settlement, involving, in the first place, an attempt at conciliation before the Advisory and Technical Committee, had been determined by an Assembly resolution dated December 9th, 1920.

The German Government had stated that, although it did not accept these provisions as applied to a dispute between it and the Governing Commission of the Saar Basin Territory, it was prepared to agree to the contemplated conciliation procedure, but solely on an advisory basis.

Under these circumstances, the Advisory and Technical Committee decided to appoint a Commission of Enquiry in accordance with the provisions made for such disputes in the rules for its organisation adopted at Barcelona. The Commission of Enquiry was composed of :

M. HEROLD (Chairman), Director of the Railways Section of the Federal Department of Posts and Railways at Berne; Chairman of the Sub-Committee for Transport by Rail of the Advisory and Technical Committee;

Mr. MARRIOTT, C.B.E., Assistant to General Manager of the London and North-Western Railway Company, assisted by:

M. ENGEL, of the Continental Department of the London and North-Western Railway Company;

M. RUUD, Commander, Chief of Division, Norwegian State Railways Administration.

The above members were appointed by the Advisory and Technical Committee for Communications and Transit.

M. VOGEL, Geheimer Oberregierungsrat und Vortragender Rat im Reichsverkehrsministerium (Ministry of Transport), assisted by:

M. VOIGT, of the Ministry for Foreign Affairs; appointed by the German Government;

M. COURTILET, Director of Railways, Posts and Telegraphs of the Saar Basin Territory, appointed by the Governing Commission of the Saar Basin Territory.

The Commission, having heard the statements of the members appointed by the German Government and the Governing Commission of the Saar Basin Territory, decided to leave out of account the legal arguments as to principle, put forward by both sides, and to endeavour to solve the difficulties from a practical and technical point of view, and by conciliation between the parties. It succeeded in securing unanimous consent to a draft Agreement between the two Governments, and this Agreement, after having received the approval of the Advisory and Technical Committee, was officially submitted to the German Government and the Government of the Saar Basin Territory, and was ratified by both.

### C. PREPARATION OF THE SECOND GENERAL CONFERENCE ON COMMUNICATIONS AND TRANSIT.

The Committee has prepared and adopted the following agenda for the Second General Conference on Communications and Transit:

1. Report on the Work of the Advisory and Technical Committee since the Barcelona Conference (Article I of the Rules of Procedure for General Conferences on Communications and Transit).

2. Report presented by the Secretary-General of the League of Nations on the measures taken in execution of the decisions of the Barcelona Conference (Article I of the Rules of Procedure).

3. Draft Convention and Statute on the International Regime of Railways.

4. Draft Convention and Statute on the International Regime of Maritime Ports.

5. Draft Convention and Statute relating to the Transmission in Transit of Electric Power.

6. Draft Convention and Statute relating to the Development of Hydraulic Power on Watercourses forming part of a Basin situated in the Territory of Several States.

7. Renewal of the Advisory and Technical Committee (Article 5 of the Rules for the Organisation of General Conferences and of the Advisory and Technical Committee).

The definite texts of the draft conventions have been drawn up under the conditions already referred to, and communicated to all Governments.

#### 1. *General Convention on the International Regime of Railways.*

This Convention was to have been concluded five years after the coming into force of the Peace Treaties, and the Barcelona and Genoa Conferences again pressed for its conclusion at an early date. The draft to be submitted to the next Conference will include, as a basis for discussion, a concise codification of recognised international obligations in respect of international railway traffic. The Committee's object was not only to give a definite form to the Recommendations already adopted at Barcelona, but also to make use of the numerous Conventions existing in this field, and to make a useful contribution, in accordance with the desire of the Assembly of the League, towards the putting into practice of the principle of equitable treatment of commerce laid down in the Covenant. The Committee was particularly desirous that the conclusion of the General Convention on the International Regime of Railways should in no way disturb the working of the numerous conventions existing between States or between railway administrations in respect of railway traffic. These Conventions, indeed, are the elements of which its work has been mainly composed. The General Convention, in extracting those principles, enables these same principles to be more widely extended, and will doubtless in the future facilitate the conclusion of similar special Conventions between States or railway administrations, or in special fields where they do not already exist.

#### 2. *General Convention on the International Regime of Maritime Ports.*

Provision for this Convention is also made in the Peace Treaties, and the Genoa Conference urged its conclusion at an early date.

The text submitted to the Conference does not settle the question of coasting trade and similar questions, but provides for the equal treatment of flags in maritime ports and for the application of the principle of freedom of access to such ports.

### 3. Conventions on the Development of Electric Power.

The two draft Conventions — one on the transmission in transit of electric power, and the other on the development of hydraulic power on watercourses forming part of a basin situated in the territory of several States — have been drawn up, in pursuance of a recommendation adopted by the Barcelona Conference.

The Committee had at first intended, in accordance with the precedents of the Barcelona Conference, to submit texts applicable as soon as the Convention came into force, without requiring the signature of any further instrument. A more careful study of the question, however, led the Committee to the conclusion that the problems before them differed substantially from those considered at Barcelona. The latter problems, as the Barcelona Conference itself pointed out, arose out of long-established traditions and their study was therefore helped by the experience acquired; on the other hand, the two problems of the transit and development of hydro-electric power were, in certain respects, new questions. It seemed therefore unwise to codify in advance in detail the principles which future experience should determine, as there was not at present sufficient experience to follow. For these reasons, the Committee decided to imitate the example of the Congress of Vienna, which found itself, a century ago, in a somewhat similar situation in regard to the problem of navigable waterways; it therefore refrained from inserting in the draft Conventions any detailed and self-contained code of laws, and confined itself to stating certain governing principles, the actual application of which could be dealt with subsequently by special agreements, which the States concerned would bind themselves to conclude *inter se* as the need arose. The Committee assumed that these special agreements would, for the most part, relate to specific proposals for the development of electric power, but that they might also take the form (as was desirable) of wider agreements between States wishing to settle in advance the points to be covered by any such agreement, concluded within the framework of the General Convention.

### D. OTHER ENQUIRIES AND NEW PROPOSALS.

The principal items on the agenda of the next session of the Advisory and Technical Committee will be the examination of the questions relating to opium in free ports, in pursuance of the special Sub-Committee's report; prophylactic measures against the spread of epidemic diseases along waterways, in pursuance of the report of the Mixed Committee of the Transit and Health Committees and the work of the Health Committee; the unification of regulations for tonnage measurement and of private law as regards inland navigation, following upon the work of the River Commissions; and the reform of the calendar, on which views are now being exchanged with the authorities concerned. The results of the discussion of these questions will be set forth in the second report.

At its next session, the Advisory and Technical Committee will also consider the results of the enquiry, carried out in conformity with the programme drawn up by the Committee and approved by the Third Assembly, into the application of the resolutions of the Genoa Conference.

### E. RELATIONS WITH VARIOUS INTERNATIONAL BODIES.

Apart from its investigations in its own sphere, the Communications and Transit Organisation is continuing its endeavours to maintain close touch with the various international bodies — such as the River Commissions and the International Commission for Air Navigation — which are concerned with transport questions. In accordance with the wishes of the Third Assembly, relations have been established with the International Railway Union, which was founded as a result of the Genoa Conference and which includes the various European railway administrations. The statutes of this association provide for the attendance of representatives of the Communications and Transit Organisation of the League at its periodical conferences.

The Communications and Transit Organisation was represented *ad audiendum* at the Fifth International Conference on Maritime Law, held at Brussels in October 1922, and at the Berne Conference for the revision of the Convention of 1890 on Railway Goods Traffic, held in May 1923.

The Communications and Transit Organisation was also represented, at the express request of the organisations concerned, at the recent meetings of the International Association of Navigation Congresses and the International Air Traffic Association, which were held in London at the beginning of July 1923.