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Geneva, April 24th, 1930.

LEAGUE OF NATIONS

INTERNATIONAL EDUCATIONAL CINEMATOGRAPHIC  
INSTITUTE

PRELIMINARY DRAFT INTERNATIONAL CONVENTION  
FOR THE ABOLITION OF CUSTOMS BARRIERS  
AGAINST EDUCATIONAL FILMS

Preliminary Draft framed by Professor V. V. Pella, containing the Amend-  
ments introduced by the Committee of Experts in December 1929 and by  
the Permanent Executive Committee of the International Educational  
Cinematographic Institute in January 1930.

CONVENTION

[Translation.]

[LIST OF HEADS OF STATES]

Recognising that Customs duties on educational films considerably restrict the  
production and distribution of those films and that the serious disadvantages resulting  
from Customs measures have not been balanced by any financial advantages for the States  
which have adopted them ;

Noting that, although Customs tariffs make no distinction between educational and  
other films, many States have already adopted Customs measures to facilitate the  
international circulation of educational films ;

Convinced that educational films are especially potent factors in physical, intellectual  
and moral progress ;

Persuaded that educational films contribute towards the mutual understanding of  
peoples in the spirit of the League of Nations and that it is in the higher interests of  
international civilisation to intensify the exchange of the said films ;

Considering that, in order to attain this end, Customs barriers against educational  
films must be removed,

Have appointed as their Plenipotentiaries :

[LIST OF PLENIPOTENTIARIES]

Series of League of Nations Publications  
XII. A. INTELLECTUAL CO-OPERATION  
1930. XII.A. 1.

Who, having produced their full powers, found in due and good form, have agreed upon the following provisions :

## PART I.

### ARTICLE I.

The High Contracting Parties undertake to ensure, within six months of the entry into force of the present Convention, exemption from all Customs duties and all necessary charges of any kind, except statistical duties, in respect of the import, transit and export of educational films.

### ARTICLE II.

The High Contracting Parties recognise that the provisions of the present Convention apply to educational films in one or other of the following forms :

- (a) Negatives, printed and developed ;
- (b) Positives.

In the case of tone-films and talking films, the advantages of the present Convention shall apply also to the accessory records or films.

### ARTICLE III.

The advantages provided in this Convention shall be granted to educational films on production at the Customs office of the certificate issued by the International Educational Cinematographic Institute in conformity with Articles VII and VIII.

### ARTICLE IV.

For the purposes of the present Convention, the following shall be regarded as educational films of an international character :

- (a) Films intended to make the League of Nations and other international governmental organisations known ;
- (b) Films prepared for use in education of all grades ;
- (c) Films intended for professional training and guidance, and films for the scientific organisation of work ;
- (d) Films dealing with scientific or technical research ;
- (e) Films dealing with hygiene, physical training, and social preventive and welfare work.

### ARTICLE V.

The advantages of the present Convention shall further extend to films required for their own exclusive use by learned societies and by scientific institutions which have obtained this privilege from their Governments.

### ARTICLE VI.

Any request made for the purpose of ascertaining the international and educational character of a film so that it may enjoy the advantages of the present Convention shall be forwarded for consideration to the International Educational Cinematographic Institute. Such requests shall be accompanied by an opinion as to the educational character of the film regarded from the national point of view and by all information and documents in support.

The opinion provided for in the foregoing paragraph shall be issued in each country by a qualified body appointed by the respective Governments.

### ARTICLE VII.

After a favourable examination of the request provided for in Article VI, the International Educational Cinematographic Institute shall issue a certificate stating that the film is entitled to the advantages granted by the present Convention.

In the case of the films referred to in Article V, the Institute shall issue a certificate exclusively intended for the institution which desires to import the film.

ARTICLE VIII.

Should the International Educational Cinematographic Institute consider that the film is not of an international and educational character, the person claiming for the film the benefits of this Convention may apply to the Committee of Experts provided for in Article IX. If the Committee recognises the international and educational character of the film, it shall communicate its decision to the International Educational Cinematographic Institute, which shall issue the certificate referred to in Article VII.

ARTICLE IX.

For the solution of the questions contained in the foregoing Article, the Council of the League of Nations shall appoint a Permanent Committee of Experts.

ARTICLE X.

Nothing in the present Convention shall affect the right of the High Contracting Parties to censor films in conformity with their own laws.

The High Contracting Parties may only take measures to prohibit or restrict the import, export and transit of the films if these measures are dictated by considerations of public safety.

PART II.

ARTICLE XI.

If a dispute arises between two or more High Contracting Parties regarding the interpretation or application of the provisions of the present Convention, and if this dispute cannot be settled either directly between the parties or by any other means they may employ to reach an agreement, the parties to the dispute may, if they are all agreed, submit the dispute for friendly settlement to any technical organ that may be selected either by the Council of the League of Nations or by the parties concerned.

The advisory opinion given by that organ shall not bind the parties to the dispute, unless it is accepted by each of them.

ARTICLE XII.

If it is found impossible to settle the dispute in conformity with the provisions of the foregoing Article, the High Contracting Parties agree to submit it for decision to the Permanent Court of International Justice. If the High Contracting Parties between which a dispute arises, or any of them, were not parties to the Protocol dated December 16th, 1920, relating to the Permanent Court of International Justice, this dispute shall, if they wish, and in conformity with the constitutional rules of each of them, be submitted either to the Permanent Court of International Justice or to an arbitral tribunal established in conformity with the Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, or to any other arbitral tribunal.

In regard to technical questions, the above organs may ask for an advisory opinion from the Permanent Executive Committee of the International Educational Cinematographic Institute.

ARTICLE XIII.

The present Convention, of which both the French and English texts shall be authentic, shall bear to-day's date; until . . . , it may be signed on behalf of any Member of the League of Nations or any non-Member State which was represented at the Conference that framed the present Convention or to which the Council of the League of Nations shall have communicated a copy of the said Convention.

The present Convention shall be ratified . . . . The instruments of ratification shall be forwarded to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-Member States referred to in the foregoing paragraph.

ARTICLE XIV.

On and after . . . , the present Convention may be acceded to on behalf of any Member of the League of Nations or any non-Member State referred to in Article XIII which has not signed this agreement.

The instruments of accession shall be forwarded to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-Member States which are parties to the present Convention.

ARTICLE XV.

Countries which are prepared to ratify the Convention in conformity with the second paragraph of Article XIII or to accede to it in virtue of Article XIV, but which desire authority to make reservations regarding the application of the Convention, may signify their intentions to the Secretary-General of the League of Nations. The latter shall immediately communicate these reservations to all the High Contracting Parties on whose behalf an instrument of ratification or accession has been deposited, and ask them whether they have any objections to offer. If no High Contracting Party has raised an objection within six months of the said communication, the participation in the Convention of the country making the reservation in question shall be regarded as accepted by the other High Contracting Parties, subject to the said reservation.

ARTICLE XVI.

Ratification by a High Contracting Party or its accession to the present Convention implies that the rules laid down in the Convention will be applied to the other Contracting Parties in accordance with Article XIX.

ARTICLE XVII.

In the absence of a declaration to the contrary by a High Contracting Party made at the time of signature, ratification or accession, the provisions of the present Convention shall not apply to colonies, oversea territories, protectorates and territories under suzerainty or mandate.

Nevertheless, the High Contracting Parties reserve the right to accede to the Convention in accordance with the conditions of Articles XIV and XVI on behalf of their colonies, oversea territories, protectorates and territories under suzerainty or mandate. They also reserve the right to denounce it separately in accordance with the conditions of Article XXII.

ARTICLE XVIII.

The present Convention shall not enter into force until it has been ratified or acceded to on behalf of five Members of the League of Nations or non-Member States. The date of entry into force shall be the ninetieth day following the receipt by the Secretary-General of the League of Nations of the fifth ratification or accession.

ARTICLE XIX.

Each ratification or accession made after the entry into force of the Convention, in accordance with Article XVII, shall take effect as from the ninetieth day following the date of its receipt by the Secretary-General of the League of Nations.

ARTICLE XX.

The High Contracting Parties shall communicate to one another, through the International Educational Cinematographic Institute, within the six months following the entry into force of the present Convention in their territories, a report on the steps taken to ensure the execution of the provisions of the Convention.

ARTICLE XXI.

Each of the High Contracting Parties shall inform the International Educational Cinematographic Institute of the organ or organs authorised to give opinions in accordance with the provisions of Article VI of the present Convention, and of the learned societies and scientific institutions benefiting by the provisions of Article V.

ARTICLE XXII.

The present Convention may be denounced on behalf of any Member of the League of Nations or of any non-Member State by a written notification addressed to the Secretary-General of the League of Nations, who shall communicate its receipt to all the Members of the League and to the non-Member States which are parties to the present Convention. The denunciation shall take effect one year after the date on which it is received by the Secretary-General of the League of Nations; it shall only operate in respect of the High Party in whose name it was made.

ARTICLE XXIII.

The present Convention shall be registered by the Secretary-General of the League of Nations at the time of its entry into force.

IN FAITH WHEREOF, etc.

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## PROTOCOL

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### I. ANNEXES AND INTERPRETATIONS.

On signing the Convention of this day's date, the undersigned Plenipotentiaries declare that they accept, in regard to the various provisions of the Convention, the following annexes and interpretations :

#### ANNEXES.

1. Every request of the kind referred to in Article VI of the present Convention must be accompanied by :

(a) The opinion given by the body mentioned in the last paragraph of Article VI. This opinion must state all the grounds on which the film has been held by that body to be educational from the national point of view (limitations, cuts, etc.), together with the name of the producing firm ;

(b) A brief description of the subject and of such technical or scientific directions and sources as there may be (books, publications, scientific indications, etc.) ;

(c) A list of the titles and sub-titles of the film, accompanied if possible by a display sheet (a sheet containing the first and last photograms of each scene, with the title of the scene at the side) ;

(d) An exact statement of the length of the film, with and without titles.

2. The certificates issued by the International Educational Cinematographic Institute in accordance with Articles VII and VIII must contain a synopsis of the particulars required in Annex 1. They must give all necessary information to allow of rapid verification by the Customs authorities.

The International Educational Cinematographic Institute may issue certificates in any of the following forms :

(a) *A single certificate for one subject*, in virtue of which the national bodies referred to in the last paragraph of Article VI may issue certificates for each copy of the actual positive, reference being made to the series number and the principal features of the certificate issued by the Institute.

(b) *A general certificate* for an unspecified number of copies of one film.

(c) *A special certificate* in the cases covered by Article V.

I. *Form of Single Certificate :*

II. *Form of General Certificate :*

III. *Form of Special Certificate :*

3. The Permanent Committee of Experts referred to in Article IX shall be composed of . . . . . members.

These members shall be appointed by the Council of the League of Nations from among qualified persons of different nationalities, on the recommendation of the Governing Body of the International Educational Cinematographic Institute, after consultation with the International Committee on Intellectual Co-operation.

In the event of the resignation of a member or members of the Permanent Committee of Experts, or in the event of any other occurrence involving a vacancy, the Committee shall be completed according to the procedure specified in the preceding paragraph.

The Permanent Committee of Experts shall have its headquarters at the Secretariat of the League of Nations at Geneva. The Director of the International Educational Cinematographic Institute shall act as secretary to the Permanent Committee of Experts and shall receive the applications referred to in Article VIII.

The Permanent Committee of Experts shall give its decision within six months of the date on which the application referred to in the preceding paragraph was received.

The conditions in which the Permanent Committee of Experts is to work shall be laid down in regulations to be drawn up by that Committee at its first session, and approved by the Council of the League of Nations.

The necessary expenses entailed by the meeting of the Permanent Committee of Experts shall be defrayed by the International Educational Cinematographic Institute in accordance with Article 34 of the latter's General Regulations.

INTERPRETATIONS.

It is agreed :

- 1. That the provisions of Article I shall apply both to the final import and export and to the temporary import and export of educational films ;
- 2. That certificates issued by the International Educational Cinematographic Institute shall be regarded as certificates of the educational *nature* of the film and not of its scientific or educational *value*.
- 3. . . . .
- 4. . . . .

II. RESERVATIONS.

The High Contracting Parties which make the reservations set forth hereunder subordinate their acceptance of the Convention thereto ; their participation, subject to these reservations, is accepted by the High Contracting Parties.

- 1. . . . .
- 2. . . . .
- 3. . . . .

III. DECLARATIONS.

- By country A . . . . .
- By country B . . . . .
- By country C . . . . .

The present Protocol shall, so far as it creates obligations as between the High Contracting Parties, have the same force, validity and duration as the Convention concluded on this day's date, of which it is to be regarded as an integral part.



## FINAL ACT

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The Governments . . . . .

[*List of Governments*]

Having received the invitation forwarded to them by . . . . .  
with a view to adopting a Convention for the purpose of . . . . .

Have for this purpose appointed the following delegations :

[*List of Delegations*]

which accordingly met at . . . . .

The Council of the League of Nations appointed M. . . . . President of the Conference.

The secretarial duties were discharged by the following members of the . . . . .  
Section :  
. . . . .

As the outcome of meetings held from . . . . . to . . . . . , the following instruments were agreed to :

- I. Convention dated . . . . . , concerning . . . . .
- II. Protocol to the Convention.

The Conference also adopted the following recommendations :

I.

That the Council of the League of Nations should, as soon as possible, communicate the text of the Convention for signature or accession to all Members of the League of Nations and to those non-Member States to which the Council shall deem fit to send it.

II.

That the Governments of the countries on whose behalf the Convention has been signed should inform the Secretary-General of the League of Nations of their position as regards ratification of the Convention, should the instrument of ratification not have been deposited within two years of the date of signature.

III.

That each Government should consider the necessity of ensuring preferential treatment as regards import duties on blank film intended to be used for cultural, educational or scientific purposes.

IV.

That, in order to encourage the exhibition of recreational films whose educational character is duly recognised by the national organs of the different countries, each Government should grant fiscal and other facilities within its country to these films, even when they are shown in public picture-houses, as is already the case in Germany (Lampe Certificate).

IN FAITH WHEREOF the undersigned have appended their signatures to this Act.

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## OPTIONAL PROTOCOL

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Recognising the importance of the International Convention of to-day's date for the Abolition of Customs Barriers against Educational Films,

The High Contracting Parties to this Protocol undertake in their mutual relations to regard the provisions of Article V of the Convention as also applicable to *societies concerned with education, relief, social welfare or physical training, if these societies are composed of nationals of the country producing the film and if they have obtained from the Government of the country in which their headquarters are situated the privilege mentioned in Article V.*

The other provisions of the Convention shall also apply to the present Protocol, with the following exceptions :

1. The present Protocol may be signed in accordance with Article XIII of the Convention on behalf of any Member of the League of Nations and any non-Member State which was represented at the Conference and which has signed or may hereafter sign the Convention or to which the Council of the League of Nations shall have communicated a copy of the Convention.
2. This Protocol shall not come into force until it has been ratified or acceded to on behalf of three Members of the League of Nations or non-Member States.
3. Ratification of and accession to this Protocol shall be independent of ratification of and accession to the Convention.

IN FAITH WHEREOF the under-mentioned Plenipotentiaries have signed the present Protocol.

DONE at . . . , in a single copy, which shall form an Annex to the International Convention for the Abolition of Customs Barriers against Educational Films on . . . .